

SUPREME COURT OF LOUISIANA

No. 16-KH-0829

STATE EX REL. ISAAC JONES

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE TWENTY-FOURTH
JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON**

PER CURIAM:

Denied. The application was not timely filed in the district court, and relator fails to carry his burden to show that an exception applies. La.C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189. We attach hereto and make a part hereof the district court's written reasons denying relief.

Relator has now fully litigated his third application for post-conviction relief in state court. Similar to federal habeas relief, *see* 28 U.S.C. § 2244, Louisiana post-conviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La.C.Cr.P. art. 930.4 and within the limitations period as set out in La.C.Cr.P. art. 930.8. Notably, the Legislature in 2013 La. Acts 251 amended that article to make the procedural bars against successive filings mandatory. Relator's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, relator has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.

PARISH OF JEFFERSON
STATE OF LOUISIANA

NO. 07-4622

DIVISION "F"

STATE OF LOUISIANA

VERSUS

ISAAC JONES

AUG 20 2015

FILED: 8/17/15


DEPUTY CLERK

ORDER

This matter comes before the court on the petitioner's APPLICATION FOR POST-CONVICTION RELIEF, STAMPED AS FILED JUNE 11, 2015.

Petitioner seeks post-conviction relief to challenge his 2008 convictions for gun and drug charges.

Petitioner has challenged his convictions previously. His direct appeal was denied in *State v. Jones*, 09-688 (La.App. 5 Cir. 2/9/10), 33 So.2d 306. A previous application for post-conviction relief was denied as untimely with the ruling upheld by higher courts. *State v. Jones*, 13-KH-571, (La. 5 Cir. 8/1/13), writ denied, 13-KH-2113 (La. 4/17/14). Federal habeas corpus relief has also been sought, without success.

In this application, the petitioner asserts newly discovered evidence excuses him from procedural defaults. He particularly argues that on July 11, 2013, he received the search warrant and affidavit in support. He argues that the search warrant was signed three days after the search occurred.

No application for post-conviction relief may be considered if it is filed more than two years after the judgment of conviction and sentence have become final (unless one of four very restricted exceptions apply). LSA-C.Cr.P. art. 930.8 (A). Defendant does not meet any of the exceptions for filing an untimely application.

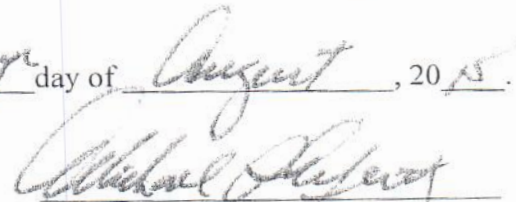
Upon review, the court finds the petitioner or his attorney had received or had prior knowledge of the date of the search warrant. It is significant that the warrant and affidavit in support were introduced at trial. The petitioner's failure to raise the issue prior to trial precludes him from now raising the issue, under LSA-C.Cr.P. art. 930.8(B).

The court finds none of the exceptions to the time bar of LSA-C.Cr.P. art. 930.8 to be present. The court also finds this application is successive and thus barred by application of LSA-C.Cr.P. art. 930.4 (E).

Accordingly,

IT IS ORDERED BY THE COURT that the application for post-conviction relief is hereby **DENIED**.

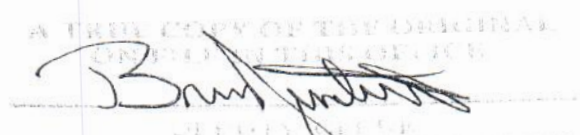
Gretna, Louisiana this 17th day of August, 2015.


JUDGE

PLEASE SERVE:

Petitioner: Isaac Jones, DOC # 386457, Rayburn Correctional Center, 27268 Hwy. 21, Angie, LA 70426

Jefferson Parish District Attorney: Paul Connick, Terry Boudreux, Anne M. Wallis, 200 Derbigny St., Gretna, LA 70053

A TRUE COPY OF THE ORIGINAL

DATE RECORDED AND INDEXED
AUG 20 2015