

SUPREME COURT OF LOUISIANA

No. 16-KH-1008

STATE EX REL. LAWRENCE WILLIAMS

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

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 at least two applications 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 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.

JUDGMENT

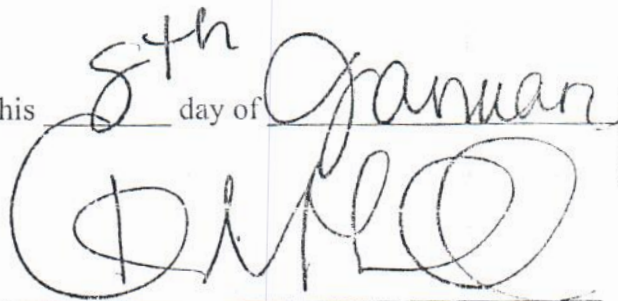
Defendant, Lawrence Williams, hereinafter referred to as Petitioner, has filed with this Court a second Application for Post-Conviction Relief.

In 2008, Petitioner was charged with four counts of Armed Robbery with a Firearm in violation of La.R.S. 14:64.3 and one count of Possession of a Firearm by a Felon in violation of La.R.S. 14:95.1. On April 29, 2009, Petitioner was found guilty as charged by jury to four counts of Armed Robbery. On September 25, 2009, the State of Louisiana entered a nolle prosequi as to Petitioner's possession of a firearm by a felon. Petitioner was sentenced on each count to twenty-five (25) years, hard labor in the custody of the Department of Correction, concurrent with all counts and without benefit of parole, probation, or suspension of sentence.

In Petitioner's application, he requests that this Court consider his application for post-conviction relief. The Court has considered and reviewed the petitioner's application and finds it to be untimely. La.C.Cr.P. art. 930.8 provides that an application for post-conviction relief will not be considered if it is filed more than two years after the judgment of conviction and sentence have become final under the provisions of La.C.Cr.P. art. 914 or 922, unless it falls within certain exceptions to the time limitation for filing. Thus, under La.C.Cr.P. art. 930.8, Petitioner's application is time-barred because it was filed in 2015, several years after the finality of his conviction and sentence, and Petitioner fails to prove that any of the exceptions apply.

For the forgoing reasons, the Petitioner's second Application for Post-Conviction Relief is hereby **DENIED**.

New Orleans, Louisiana, this 5th day of January, 2016.



Keva M. Landrum-Johnson
District Court Judge
Section E