

SUPREME COURT OF LOUISIANA

No. 15-KH-1727

STATE EX REL. CARL ARNAUD

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE EIGHTEENTH
JUDICIAL DISTRICT COURT, PARISH OF IBERVILLE**

PER CURIAM:

Denied. Relator fails to show he received ineffective assistance of counsel under the standard of Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Relator's remaining claims are repetitive and/or unsupported. La.C.Cr.P. art. 930.2; La.C.Cr.P. art. 930.4. We attach hereto and make a part hereof the District Court's written reasons denying relator's application.

Relator has now fully litigated his 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 La.C.Cr.P. art. 930.4 to make the procedural bars against successive filings mandatory. Relator's claims have now been fully litigated in state collateral proceedings 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.

STATE OF LOUISIANA

VERSUS

CARL ARNAUD

R E C E I V E D

MAY 26 2015

Legal Programs Department
NUMBER 948-06C DIVISION "D"

STATE OF LOUISIANA

18TH JUDICIAL DISTRICT RECEIVED

PARISH OF IBERVILLE MAY 26 2015

W.F.P.S.O.

RULING ON POST CONVICTION RELIEF

The court has attempted to have two hearing on the defendant's issues with the defendant not being transported. An examination of the record reflects sufficient information to rule on each issue presented:

Issues Presented by defendant in Post Conviction Relief

1. Whether Mr. Arnaud was denied his constitutionally guaranteed right to effective assistance of counsel under the Sixth Amendment to the United States Constitution, and Article I, Section 16 of the Louisiana Constitution, when he failed to object to the State's expert witness testimony "That the bullet fragments found in the victim were in the manner of a homicide," indirectly passing his opinion that Mr. Arnaud murdered the victim, thereby usurping the role of the jury?

The term "homicide" only defines that the victim died at the hand of another it does not, which is in the expertise of the state's expert Pathologist to testify to. It does not reflect on the specific elements necessary to prove the crime of Second Degree Murder. This issue is without merit and is DENIED.

2. Whether Mr. Arnaud was denied his constitutionally guaranteed right to effective assistance of appellate counsel under both the Sixth Amendment to the United States Constitution, and Article I, Section 16 of the Louisiana State Constitution, when he failed to designate as an Assignment of Error a "Sequestration violation" that was committed by a State witness and properly preserved for review by Appellate Court, when defense counsel objected to the Court's ruling that error was harmless?

The witness' violation of the sequestration order was limited and was addressed by the court after both sides argument. Her testimony did not significantly affect the verdict as there was sufficient other evidence for conviction as noted by the Court of Appeal. This issue is without merit and is DENIED.

3. Whether Mr. Arnaud was denied his constitutional right to Due Process of Law under both the U.S. Const., and Article I, Section 2, of the Louisiana Constitution of 1974, which the State knowingly solicited perjured testimony from Dr. Suarez regarding his creditable as a Forensic Pathology?

4. Whether Mr. Arnaud was denied his constitutionally guaranteed right to effective assistance counsel under both the Sixth and Fourteenth Amendments to the United States Constitution and Article I, Section 13 of the Louisiana Constitution of 1974, wherein defense counsel stipulated that Dr. Suarez was an expert in Forensic Pathology: thereby resulting in Dr. Suarez testifying to matters that are outside expertise?

SERVE

CARL ARNAUD, DEFENDANT PRO SE
DOC #363954
MPWY/WALNUT-3
LOUISIANA STATE PENITENTIARY
ANGOLA, LA 70712

Dr. Suarez's qualifications well qualified him as a Pathologist and had been so qualified numerous times in the past. His testimony would have been allowed under any qualification as a "Pathologist", "Forensic Pathologist" or "Anatomic Pathologist". For this reason issues 3 and 4 are without merit and are DENIED.

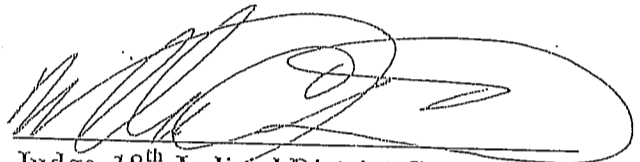
Defendant further moved to amend his motion, claiming collusion between the District Attorney's office and the Public Defender's office in not challenging the selection of Grand Juries for violation of the National Voters Registration act of 1993.

Defendants motion for leave and attached documents make no specific claims or evidence to substantiate this allegation or how it would have affected the selection of a Grand Jury in Iberville Parish where population and voter registration is at approximately 50% white and African American. Defendant's motion to supplement is therefore DENIED.

For the reasons above,

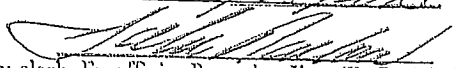
IT IS ORDERED ADJUDGED AND DECREED that the defendant's post-conviction relief herein is DENIED.

Plaquemine, Louisiana, this 20 day of May 2015.


Judge, 18th Judicial District Court.

FILED
2015 MAY 20 2 23
CLERK-EX OFFICIAL
IBERVILLE LOUISIANA

A TRUE COPY
DATE May 20 2015


Deputy clerk, Ex-officio, Recorder, Iberville Parish, Louisiana