

SUPREME COURT OF LOUISIANA

No. 15-KH-1728

STATE EX REL. FARRELL M. ROCHELLE

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE FORTY-SECOND
JUDICIAL DISTRICT COURT, PARISH OF DESOTO**

PER CURIAM:

Denied. Relator's claim regarding the amended indictment is without merit. See State v. Davis, 385 So.2d 193 (La. 1980). Relator further 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). We attach hereto and make 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 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.

RECEIVED AND FILED
DESOTO PARISH, LA

STATE OF LOUISIANA

NUMBER 10-020316

VERSUS

2015 JUN 18 A 10: 53

42ND JUDICIAL DISTRICT COURT

FARRELL M. ROCHELLE

DESOTO PARISH, LOUISIANA

RULING ON POST-CONVICITON RELIEF APPLICATION

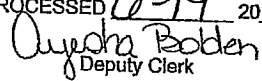
This Court, having reviewed the Application for Post- Conviction Relief, the Opposition to Application for Post-Conviction, the record in this matter, and the law, hereby denies the Application for Post-Conviction Relief.

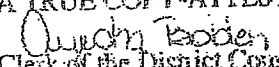
The State of Louisiana, through its duly authorized prosecutors, has the authority to amend the indictment to charge a lesser offense.

Further, the claim that counsel was ineffective for failing to move to quash the amended indictment is without merit.

THIS done the 17th day of June, 2015.


DISTRICT JUDGE

PROCESSED 6-19 2015

Deputy Clerk

A TRUE COPY ATTEST

Clerk of the District Court
DeSoto Parish, Louisiana