

SUPREME COURT OF LOUISIANA

No. 15-KH-1731

STATE EX REL. ROY JACKSON

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE TWELFTH
JUDICIAL DISTRICT COURT, PARISH OF AVOYELLES**

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 relator's application.

Relator has now fully litigated at least five 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 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.

Exhibit # 419

STATE OF LOUISIANA

12TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF AVOYELLES

ROY JACKSON

STATE OF LOUISIANA

REASONS FOR RULING

On March 24, 2015, defendant Roy Jackson filed an Application for Post-Conviction Relief for Vacating Guilty Plea, and Sentence Based on Attorney Fraud and Incompetence and Evidentiary Hearing Requested. Defendant argues that he was denied his constitutional rights and had it not been for attorney fraud and incompetence, he would have not accepted the Alford Plea, and would have continued with the trial and would have been proven innocent with the undisclosed, exculpatory evidence by defense counsel or would have been acquitted.

On April 6, 2015, defendant Roy Jackson filed a Petition for Application Post-Conviction Relief Based on Violation of Constitutional Rights. Defendant argues that he was denied his constitutional rights and had it not been for trial judge error petitioner would not have accepted an Alford Plea but would have continued with a trial as requested and would have been proven innocent or been acquitted.

Pursuant to Louisiana Code of Criminal Procedure Article 930.4 (D): A successive application shall be dismissed if it fails to raise a new or different claim. The defendant has filed multiple motions regarding the same claims. Because these Post-Conviction Relief Motions are repetitive and this Court has already reviewed and denied such requests, these claims are denied.

Additionally and in the alternative, defendant's Application for Post-Conviction Relief is untimely. No application for post-conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final under the provisions of Article 914 or 922. La. Code Crim. Proc. Ann. art. 930.8. The defendant's Applications for Post-Conviction Relief are untimely as it was filed more than two years after defendant's judgment and sentence have become final. Furthermore the defendant has not provided any information or evidence that would allow his post-conviction to be heard under the exceptions that run outside of the two year time period.

Furthermore, on March 19, 2015, the Third Circuit Court of Appeals denied defendants Writ. The Third Circuit Court of Appeals ruled, "Relator filed an application for post-conviction relief in the trial court on September 22, 2014, seeking to vacate his guilty plea based on constitutional violations resulting from erroneous advice from counsel. The trial court denied Relator's application as repetitive pursuant to La. Code Crim. P. art. 930.4 (D). Relator sought review by this court by supervisory writ. Relator's application is untimely and Relator failed to

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BY: *Johnnie Johns*
Deputy Clerk of Court

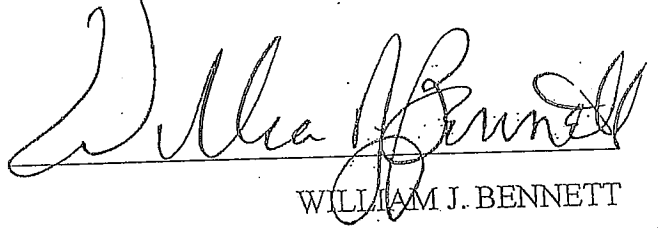
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TO: *SK*

Roy Jackson,
Charles Riddle III,

prove an exception to the time limitation." Thus, defendant's arguments have already been addressed and denied.

IT IS ORDERED that Roy Jackson's March 24, 2015, Post-Conviction Application and April 6, 2015 Post-Conviction Application are DENIED.

Marksville, Louisiana, on this 9 day of APRIL, 2015.



WILLIAM J. BENNETT
12TH JUDICIAL DISTRICT COURT, JUDGE
DIVISION B

This certifies that the foregoing
is a true copy of the original signed
and filed this 9th day of April
Stephen Johns
Dy. Clerk 12th Judicial District Court

10/10/2016 "See News Release 053 for any Concurrences and/or Dissents."