

12/16/2016 "See News Release 076 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 15-KH-1876

STATE EX REL. LEONARD COLLINS

v.

STATE OF LOUISIANA

ON SUPERVISORY WRITS TO THE

CRIMINAL DISTRICT COURT, PARISH OF ORELANS

PER CURIAM:

Denied. Relator does not identify an illegal term in his sentence, and therefore, his filing is properly construed as an application for post-conviction relief. *See State v. Parker*, 98-0256 (La. 5/8/98), 711 So.2d 694. As such, it is subject to the time limitation set forth in La.C.Cr.P. art. 930.8. Relator's application was not timely filed in the district court, and he 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 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.

STATE OF LOUISIANA

CRIMINAL DISTRICT COURT

VERSUS

PARISH OF ORLEANS

LEONARD COLLINS

CASE NO.: 230-888 & 230-889“F”

JUDGMENT

The defendant, Leonard Collins, hereinafter referred to as Petitioner, has filed with this Court a *Motion to Correct an Illegal Sentence* on or about September 10, 2015. It is the ruling of this Court that Petitioner's motion is hereby denied.

Petitioner requests that this Court reconsider his life sentence to allow for parole eligibility; however, due to the nature of the charges—two counts of Aggravated Rape—this Court will not reconsider your sentence at this time. In addition, Petitioner alleged in his *Motion to Reconsider Sentence* similar arguments which were previously denied by this court. Petitioner was also previously denied his *Application for Post-Conviction Relief and Brief in Support of Habeas Corpus Relief* by this Court.

THEREFORE, IT IS THE JUDGMENT OF THIS COURT that

New Orleans, Louisiana, this the 14th day of September 2015.



JUDGE ROBIN D. PITTMAN
Criminal District Court
Section "F"