

**SUPREME COURT OF LOUISIANA**

**No. 15-KH-1899**

**STATE EX REL. CARROLL HAMILTON**

**v.**

**STATE OF LOUISIANA**

**ON SUPERVISORY WRITS TO THE FIFTEENTH  
JUDICIAL DISTRICT COURT, PARISH OF LAFAYETTE**

**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. The application is also repetitive. 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 at least three 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

15<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

DOCKET #96485, DIV. G

CARROLL HAMILTON

LAFAYETTE PARISH, LOUISIANA

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**ORDER**

On April 20, 2015, petitioner filed a "Uniform Application for Post Conviction Relief." On May 14, 2003, petitioner was convicted of First Degree Robbery in violation of of L.a. R.S. 14:64.1 and was sentenced to twenty-five (25) years at hard labor.

Petitioner previously filed a petition for post conviction relief in which the Honorable Judge Conque denied on October 5, 2009. No application for post-conviction relief shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final under La. C.Cr.P. art. 930.8. La. C.Cr.P. art. 930.4 (D) states "A successive application may be dismissed if it fails to raise a new or different claim." Also, under La. C.Cr.P. art. 930.4 (E), "A successive application may be dismissed if it raises a new or different claim that was inexcusably omitted from a prior application." As prior Applications for Post Conviction Relief have been filed by petitioner and he raises no new claims and repeats previous claims in this current Application for Post Conviction Relief, both of which are grounds for dismissal, the Application for Post Conviction Relief filed on April 20, 2015, may be dismissed.

It Is **HEREBY ORDERED** that Petitioner's "Uniform Application for Post Conviction Relief" is **DENIED AND DISMISSED**.

**THUS DONE AND SIGNED** on this the 18 day of May, 2015, in Vermilion Parish, Abbeville, Louisiana.

Laurie A. Hulin, District Judge  
Fifteenth Judicial District

ENTERED  
MAY 28 2015  
LAFAYETTE PARISH  
SHERIFF'S OFFICE

FILED THIS 20  
DAY OF May, 2015  
C. Bernard  
Deputy Clerk of Court

*Citation*