

**SUPREME COURT OF LOUISIANA**

**No. 15-KH-1442**

**STATE EX REL. ROBERT GRAHAM**

**v.**

**STATE OF LOUISIANA**

**ON SUPERVISORY WRITS TO THE SIXTH  
JUDICIAL DISTRICT COURT, PARISH OF EAST CARROLL**

**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. In addition, relator's application is 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 more than thirteen 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.

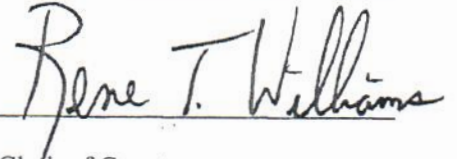
IN THE SIXTH JUDICIAL DISTRICT COURT IN AND FOR THE  
PARISH OF EAST CARROLL - STATE OF LOUISIANA

DOCKET NO. 22,984

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STATE OF LOUISIANA  
VERSUS  
ROBERT GRAHAM

FILED: JUL 10 2015



Clerk of Court  
CHIEF DEPUTY

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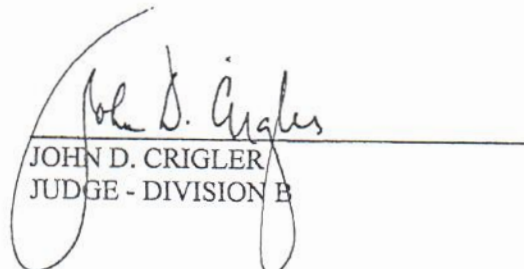
ORDER

Considering the "Motion for a Determination of "Cause" Under the New Martinez Rule" dated June 30, 2015 and received by the undersigned on July 6, 2015, and upon finding:

1. The petitioner has failed to allege any specific facts or to set forth a rational argument in his motion for which relief may be granted based on a Martinez violation for "cause", see Martinez v. Ryan, 132 S.Ct. 1309, No. 10-1001, 3/20/12;
2. The other allegations of the application, although unclear at best, do not allege a specific violation of the Constitutions of the United States or the State of Louisiana or any other ground upon which relief may be granted, see C.Cr.P. art. 930.3;
3. The petitioner has filed at least twenty (21) previous applications for post conviction relief and the instant petition raises no new claims, or if this application is found to raise new claims, these claims were inexcusably omitted from previous applications, see C.Cr.P. art 930.4; and
4. The application is not timely, see C.Cr.P. art. 930.8 and State ex rel Glover v. State, 93-2330 (La. 9/5/95), 660 So. 2d 1189.


THEREFORE, IT IS ORDERED that the "Motion for a Determination of "Cause" Under the New Martinez Rule" prepared by Robert Graham, dated June 30, 2015 is denied and dismissed.

THUS DONE AND SIGNED in Chambers in St. Joseph, Louisiana this 8<sup>th</sup> day of July, 2015.

  
JOHN D. CRIGLER  
JUDGE - DIVISION B

Madam Clerk, please serve a copy of this order to:

East Carroll Parish District Attorney's Office, Mr. Burl Cain, Warden, Louisiana State Penitentiary, and Robert Graham, DOC #99451, Camp C, Louisiana State Penitentiary, Angola, Louisiana, 70712.

A TRUE COPY, ATTEST:  
  
CHIEF DEPUTY CLERK OF COURT,  
PARISH OF EAST CARROLL,  
STATE OF LOUISIANA