

SUPREME COURT OF LOUISIANA

No. 16-KH-0284

STATE EX REL. TERRY GLEN HILL

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE FIRST
JUDICIAL DISTRICT COURT, PARISH OF CADDO**

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 relief.

Relator has now fully litigated two 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.

CC sent to ass parmes

FILED

STATE OF LOUISIANA

NUMBER: 244,356 – SECTION 1

VERSUS

APR 09 2015

FIRST JUDICIAL DISTRICT COURT

TERRY GLEN HILL

B. WASHINGTON
DEPUTY CLERK OF COURT

CADDO PARISH, LOUISIANA

OPINION

On June 6, 2006, Petitioner was convicted by a jury of Second Degree Murder. Subsequently, on July 27, 2006, he was sentenced to life imprisonment at hard labor and committed to the Louisiana Department of Corrections, subject to the conditions provided by law. The Court ordered the sentence to be served without the benefit of probation, parole, or suspension of sentence. The costs were to be paid through the Inmate Banking System, and the Petitioner be given credit for time served. The Petitioner's conviction and sentence were affirmed on appeal. *State v. Hill*, 42,025 (La.App, 2 Cir. 5/9/07); 956 So.2d 758, cert. denied, 970 So2d 529.

Presently before the Court is Petitioner's Uniform Application for Post-Conviction Relief filed January 14, 2015. For the following reasons, Petitioner's motion is **DENIED**.

According to La. C.Cr.P. Art. 930.8, "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 (2) years after the judgment of conviction and sentence has become final", unless certain circumstances exist. None of the considered circumstances exist in the case at bar. In the present case, Petitioner's sentence and conviction became final on July 27, 2006. The current Application was not filed until January 14, 2015, approximately nine (9) years later. Due to Petitioner failing to set forth any of the circumstances that would exempt him from the two (2) year time limitation pursuant to Art. 930.8, his Application for Post-Conviction Relief is **DENIED**.

Further, Petitioner's motion is repetitive, having previously filed an application for post-conviction relief on January 6, 2009. Accordingly, the Petitioner's Application for Post-Conviction Relief is **DENIED**.

The Clerk of Court is directed to provide Petitioner, his custodian and the District Attorney with a copy of this opinion.

Signed this 20 day of April, 2015, in Shreveport, Caddo Parish, Louisiana.

ENDORSED FILED
B. WASHINGTON, Deputy Clerk

APR 09 2015

A TRUE COPY - Attest

DEPUTY CLERK

Honorable Katherine Clark Dorroh
District Judge
First Judicial District Court