

SUPREME COURT OF LOUISIANA

No. 16-KH-0910

STATE EX REL. CARL ANDERSON

v.

STATE OF LOUISIANA

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

PER CURIAM:

Denied. Relator fails to show entitlement to DNA testing. La.C.Cr.P. art. 926.1. We attach hereto and make a part hereof the district court's written reasons denying relief.

Relator has now fully litigated his application 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 claim has 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 **FILED** NUMBER: ⁷50,398; SECTION 4

VERSUS OCT 26 2015 FIRST JUDICIAL DISTRICT COURT

CARL ANDERSON : CADDO PARISH, LOUISIANA

CADDO PARISH DEPUTY CLERK

RULING

On August 22, 2007, Petitioner, **CARL ANDERSON**, pled guilty of two counts of armed robbery and one count of forcible rape. The Court informed Petitioner of his constitutional rights as per *Boykin vs. Alabama*. Whereupon, the Court sentenced petitioner as to each count to be confined at hard labor for a period of forty (40) years and committed to the Louisiana Department of Corrections, subject to the conditions provided by law. The Court ordered each sentence to be served without benefit of probation, parole, or suspension of sentence. The Court ordered Petitioner to pay costs through the inmate banking system, each sentence to be served concurrently with each other, with credit given for time served. The Court informed the Petitioner of his right to post-conviction relief proceedings.

The subject of this ruling is Petitioner's "Uniform Application for Post-Conviction Relief" filed June 19, 2015 and "Traverse to Application for Post-Conviction Relief", filed October 6, 2015. In his Application and Traverse, Petitioner argues that a DNA test on the victim and her apartment, would have established Petitioner's innocence. Although the Application is file stamped June 19, 2015, this Court did not receive the Application for review until October 9, 2015.

Petitioner's current application is untimely. To be considered, an application for post-conviction relief must be filed within two years of the conviction. *La. C. Cr. P. Art. 930.8*. The conviction in this case has been final since 2007 and Petitioner has not satisfied an exception to the two-year time limitation for seeking post-conviction relief. Additionally, Petitioner pled guilty. At the time of his guilty of plea, Petitioner was informed that by pleading guilty he waived his right to further argue his guilt or innocence

and he also waived his right to appeal the merits of the State's case against him. Therefore, Petitioner is barred from raising the claim that he is innocent.

For the foregoing reasons, Petitioner's "Uniform Application for Post-Conviction Relief" filed June 19, 2015 and "Traverse to Application for Post-Conviction Relief", filed October 6, 2015, are both **DENIED**.

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

RENDERED, READ AND SIGNED this 23rd day of October,

2015, in Shreveport, Caddo Parish, Louisiana.


RAMONA L. EMANUEL
DISTRICT JUDGE

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