

SUPREME COURT OF LOUISIANA

No. 16-KH-1086

STATE EX REL. JERRY VAUGHN CLIFTON

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE THIRTIETH
JUDICIAL DISTRICT COURT, PARISH OF VERNON**

PER CURIAM:

Denied. Relator fails to show any error in the district court's ruling. 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 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.

2015 NOV -2 P 3:54
Manda Ege
CLERK OF COURT

DOCKET NUMBER 80,351

STATE OF LOUISIANA
VERSUS
JERRY VAUGHN CLIFTON

30TH JUDICIAL DISTRICT COURT
PARISH OF VERNON
STATE OF LOUISIANA

RULING ON MOTION FOR THE PRODUCTION OF
MATERIAL POLYGRAPH EVIDENCE AND EXPERT TESTIMONY

This matter is before the court on a motion filed by Jerry Vaughn Clifton on October 12, 2015, entitled "Motion for Production of Material Polygraph Evidence and Writs of Habeas Corpus ad Testification". The relevant history of this case is as follows:

On March 21, 2014 Mr. Clifton was found guilty by a jury of two counts of aggravated incest. On May 13, 2014, he was sentenced to 61 months at hard labor on each count, to run consecutively. Mr. Clifton appealed his conviction and sentence to the Third Circuit Court of Appeal, and on May 27, 2015, they were affirmed. Thereafter, the defendant filed a motion to dismiss the application, and the Supreme Court dismissed it on September 24, 2015.

Mr. Clifton argues that some of the evidence presented against him was false, and states in his filing that "Due to counsel never advising or consulting with Mr. Clifton, he had a right to a professional expert polygraphist of exculpatory polygraph evidence to have refuted the false accusations of the alleged victims made against him before the court, ... A professional expert polygraphist of the Vernon Parish Sheriff's Office, Law Enforcement Agency will be placed before the court with the professional expert polygraphists and testimony of Mr. Clifton before the court, are his own professional expert polygraphist". It appears from this that he is seeking polygraph results held by the Vernon Parish Sheriff's Office.

However, in the order attached to his motion, he seeks to have the court direct the Vernon Parish Sheriff's Office to conduct a polygraph test of Mr. Clifton. Either way, polygraph

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results, if they exist, are not discoverable, nor is there a legal ground for the court to order polygraph examination of Mr. Clifton, as polygraph results are not admissible into evidence.

Mr. Clifton further requests an order assigning him counsel, but there is no need for defense counsel herein.

Accordingly, the motion is without merit, and is denied.



ERIC R. HARRINGTON
Pro Tempore, Judge
30th Judicial District Court
Division "C"

NOTICE TO:

Jerry Vaughn Clifton #622349
Allen Correctional Center
3751 Lauderdale Woodyard Road
Kinder, Louisiana 70648

Terry Lambright
Assistant District Attorney
210 South 3rd Street
Leesville, Louisiana 71446

I HEREBY CERTIFY THAT THE ABOVE AND
FOREGOING IS A TRUE AND CORRECT COPY
OF THE ORIGINAL.


BY: CLERK OF COURT, VERNON PARISH, L