

SUPREME COURT OF LOUISIANA

No. 16-KH-1583

STATE EX REL. EMMETT MESSICK

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

PER CURIAM:

Writ granted. The district court's ruling is reversed and the actual innocence claim is remanded for an evidentiary hearing at which relator will have an opportunity to carry his burden of proof. *See State v. Pierre*, 13-0873, pp. 9-10 (La. 10/15/13), 125 So.3d 403, 409 (new evidence of innocence must be so compelling that no reasonable juror could have voted to convict with knowledge thereof); *State v. Conway*, 01-2808, p. 1 (La. 4/12/02), 816 So.2d 290, 291 (assuming post-conviction claims of actual innocence not based on DNA evidence are cognizable, they must be supported by new, material, noncumulative and conclusive evidence which meets an extraordinarily high standard, and which undermin[e]s the prosecution's entire case.).