

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KD-00829

VS.

MARCUS DONTE REED

IN RE: Marcus Reed - Applicant Defendant; Applying For Supervisory Writ, Parish of Caddo, 1st Judicial District Court Number(s) 289870;

February 12, 2026

Writ application granted. See per curiam.

PDG

JLW

JDH

JBM

JMG

CRC

AHP

Supreme Court of Louisiana

February 12, 2026

Katie Marianovic

Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KD-00829

STATE OF LOUISIANA

VS.

MARCUS DONTE REED

On Supervisory Writ to the 1st Judicial District Court, Parish of Caddo

PER CURIAM:

In early 2017, defendant's 2013 capital conviction and sentence became final. *State v. Reed*, 2014-1980 (La. 9/7/16), 200 So.3d 291, 298, 338, *cert. denied*, 580 U.S. 1166, *reh'g denied*, 581 U.S. 931 (2017). On July 7, 2017, defendant timely filed his initial pro se shell application for post-conviction relief, alleging claims of *Brady* violations, ineffective assistance of counsel, and other unspecified constitutional violations. The defendant and the state then jointly moved to clarify that no decision would be made on defendant's post-conviction relief application until he had an opportunity to supplement his application, and the trial court granted the motion on November 17, 2017. The trial court subsequently set a December 31, 2019 filing deadline for defendant's counseled supplement, but the trial court vacated the deadline prior to that date.

On April 7, 2025, defendant filed a counseled supplement to his pro se application for post-conviction relief. Applying the post-conviction relief code articles in effect at that time, we now analyze the timeliness of that supplement, as well as any prejudice caused to the state by defendant's 8-year delay in filing it. *See La. C.Cr.P. art. 930.8(D)* (providing that "[a]ny attempt or request by a petitioner to supplement or amend the application shall be subject to all of the limitations and restrictions as set forth in this Article").

First, any claims proposed to be added by a supplemental filing cannot be considered if filed more than two years from the judgment of conviction and sentence becoming final unless the applicant proves an exception authorizing the delay. *See La. C.Cr.P. art. 930.8(A)*. One such exception applies here, since “[t]he person asserting the claim has been sentenced to death.” La. C.Cr.P. art. 930.8(A)(4). Moreover, in this case, there is good cause for the delay given the trial court’s orders granting the defendant an opportunity to supplement his application and vacating its December 31, 2019 deadline for doing so. Therefore, the supplement was timely filed.

Second, while an applicant bears the burden of proving he is entitled to post-conviction relief, *see La. C.Cr.P. art. 930.2*, the state bears the burden of proving its procedural objection under La. C.Cr.P. art. 930.8(B). Under this Article, the state must show that, due to “events not under the control of the state which have transpired since the date of original conviction,” it has been “materially prejudiced” in its “ability to respond to, negate, or rebut the allegations” contained in the application for post-conviction relief. La. C.Cr.P. art. 930.8(B). At the hearing below on this objection, the state argued that the 8-year delay itself was the relevant event not under its control and that it suffered either *per se* prejudice due to the delay or actual prejudice because one of defendant’s trial attorneys may have become unavailable during the delay. The trial court agreed and, citing its inherent authority to dismiss an action to ensure the integrity of the judicial process, granted the state’s motion to dismiss the application for post-conviction relief.

We find that treating the passage of time as the prejudice-causing event is not consistent with the language or the purpose of La. C.Cr.P. art. 930.8. Since the Article explicitly refers to events “which have transpired,” it distinguishes between the passage of time and those events themselves. Moreover, as recently explained by Chief Justice Weimer, the passage of time is not *per se* prejudicial in this

context. *See State v. Roy*, 2025-0759, pp. 2-3 (La. 2/3/26), ___ So.3d ___, 2026 WL 289583, at *1-2 (Weimer, C.J., concurring). Thus, to support a determination of prejudicial harm under Article 930.8(B), the state must show both that discrete events occurred (*e.g.*, a particular witness died) and that such events were indeed materially prejudicial to the state. In this case, we find no such showing was made.

We therefore grant defendant's writ application, reverse the trial court's ruling granting the state's motion to dismiss the application for post-conviction relief, and remand this matter to the trial court for further proceedings consistent with this per curiam. The state's motion to consolidate is denied.

REVERSED AND REMANDED.