

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-KH-01597

VS.

DERRICK TRIEVENO MITCHELL

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IN RE: Derrick Trieveno Mitchell - Applicant Defendant; Applying For Supervisory Writ, Parish of Lincoln, 3rd Judicial District Court Number(s) 44,360, Court of Appeal, Second Circuit, Number(s) 53,180-KH;

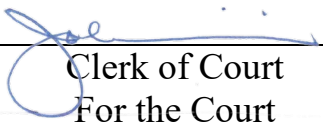
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July 17, 2020

Writ application denied. See per curiam.

JLW  
JDH  
SJC  
JTG  
WJC  
JHB

Supreme Court of Louisiana  
July 17, 2020

  
Clerk of Court  
For the Court

07/17/20

**SUPREME COURT OF LOUISIANA**

**No. 19-KH-1597**

**STATE OF LOUISIANA**

**v.**

**DERRICK TRIEVENO MITCHELL**

**ON SUPERVISORY WRITS TO THE THIRD  
JUDICIAL DISTRICT COURT, PARISH OF LINOLN**

**PER CURIAM:**

Denied. The application was not timely filed in the district court, and applicant 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. The application is also repetitive. La.C.Cr.P. art. 930.4.

Applicant 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. Applicant'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, applicant has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.

\*Crain, Justice, recused