

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-KH-01803

VS.

WILLIE E. WILLIAMS & FRED CARTER, JR.

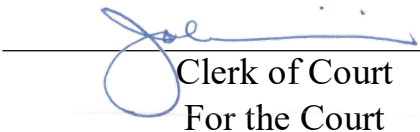
IN RE: Fred Carter, Jr. - Applicant Defendant; Willie Williams - Applicant Defendant; Applying For Supervisory Writ, Parish of Jefferson, 24th Judicial District Court Number(s) 78-1986;

July 31, 2020

Writ application denied. See per curiam.

WJC
BJJ
JLW
JDH
SJC
JTG
JHB

Supreme Court of Louisiana
July 31, 2020



Clerk of Court
For the Court

07/31/20

SUPREME COURT OF LOUISIANA

No. 19-KH-1803

STATE OF LOUISIANA

v.

WILLIE E. WILLIAMS AND FRED CARTER, JR.

**ON SUPERVISORY WRITS TO THE TWENTIETH
JUDICIAL DISTRICT COURT, PARISH OF WEST FELICIANA**

PER CURIAM:

Denied. The application was not timely filed in the district court, and applicants fail to carry their burden to show that an exception applies. La.C.Cr.P. art. 930.8; *see State ex rel. Glover v. State*, 93-2330, pp. 9-11 (La. 9/5/95), 660 So.2d 1189, 1195-96 (distinguishing habeas corpus from post-conviction relief and endorsing La.C.Cr.P. art. 351 and its cmt. (c), which states that “habeas corpus is not the proper procedural device for petitioners who may file applications for post conviction relief;” rather, it “deals with pre-conviction complaints concerning custody.”).

Applicants have now fully litigated their 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. Applicants’ claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter,

unless they can show that one of the narrow exceptions authorizing the filing of a successive application applies, applicants have exhausted their right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.