

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-KP-02090

VS.

BYRON RILEY

IN RE: Byron Riley - Applicant Plaintiff; Applying For Supervisory Writ, Parish of East Baton Rouge, 19th Judicial District Court Number(s) 06-96-0704, Court of Appeal, First Circuit, Number(s) 2019 KW 1372;

December 22, 2020

Writ application denied. See per curiam.

WJC

JLW

JDH

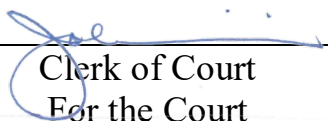
SJC

JTG

JBM

Johnson, C.J., would grant and assigns reasons.

Supreme Court of Louisiana
December 22, 2020


Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 19-KP-2090

STATE OF LOUISIANA

v.

BYRON RILEY

**ON SUPERVISORY WRITS TO THE NINETEENTH
JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE**

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.

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.