

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KH-00050

VS.

DEMARIUS MONTREAL RUCKS

IN RE: Demarius Montreal Rucks - Applicant Defendant; Applying For Supervisory Writ, Parish of Ouachita, 4th Judicial District Court Number(s) 16-F-1448, Court of Appeal, Second Circuit, Number(s) 53,300-KH;

October 06, 2020

Writ application denied. See per curiam.

SJC

BJJ

JLW

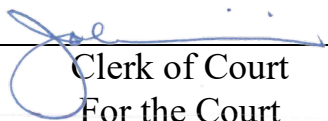
JDH

JTG

WJC

JHB

Supreme Court of Louisiana
October 06, 2020



Clerk of Court
For the Court

10/06/20

SUPREME COURT OF LOUISIANA

No. 20-KH-0050

STATE OF LOUISIANA

v.

DEMARIUS MONTREAL RUCKS

**ON SUPERVISORY WRITS TO THE FOURTH
JUDICIAL DISTRICT COURT, PARISH OF OUACHITA**

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.