

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KH-00349

VS.

JOSHUA RAY ALLEN ARMSTRONG

IN RE: Joshua Ray Allen Armstrong - Applicant Defendant; Applying For Supervisory Writ, Parish of Morehouse, 4th Judicial District Court Number(s) 16-982F, Court of Appeal, Second Circuit, Number(s) 53,499-KH;

September 29, 2020

Writ application denied. See per curiam.

JHB

BJJ

JLW

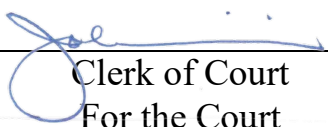
JDH

SJC

JTG

WJC

Supreme Court of Louisiana
September 29, 2020



Clerk of Court
For the Court

09/29/20

SUPREME COURT OF LOUISIANA

No. 20-KH-0349

STATE OF LOUISIANA

v.

JOSHUA RAY ALLEN ARMSTRONG

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

PER CURIAM:

Denied. Applicant fails to show that he is entitled to an out-of-time appeal pursuant to *State v. Counterman*, 475 So.2d 336, 339 (La. 1985). *Cf.* La.C.Cr.P. art. 930.2.

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 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.

*Retired Judge James Boddie, Jr., appointed Justice *pro tempore*, sitting for the vacancy in Louisiana Supreme Court District 4.