

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KH-00886

VS.

WALTER EDWARD JOHNSON, JR.

IN RE: Walter Edward Johnson, Jr. - Applicant Defendant; Applying For Supervisory Writ, Parish of West Feliciana, 19th Judicial District Court Number(s) 20-WCR-137, 1st Circuit Court of Appeal, Number(s) 2020-KW-0280;

December 08, 2020

Writ application denied. See per curiam.

JBM

BJJ

JDH

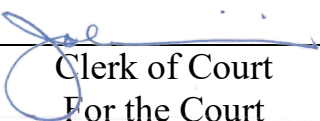
SJC

JTG

WJC

Weimer, J., recused.

Supreme Court of Louisiana
December 08, 2020



Clerk of Court
For the Court

12/08/20

SUPREME COURT OF LOUISIANA

No. 20-KH-0886

STATE OF LOUISIANA

v.

WALTER EDWARD JOHNSON, JR.

**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; *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.”).

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

*Retired Judge James H. Boddie, Jr., heard this case as Justice pro tempore, sitting in the vacant seat for District 4 of the Supreme Court. He is now appearing as an ad hoc for Justice Jay B. McCallum.

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.