

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KH-01480

VS.

AQUENDIUS D. LANDRY

IN RE: Aquendus D. Landry - Applicant Defendant; Applying For Supervisory Writ, Parish of Assumption, 23rd Judicial District Court Number(s) 06-182, 1st Circuit Court of Appeal, Number(s) 2020 KW 0811;

March 02, 2021

Writ application denied. See per curiam.

JDH

JLW

SJC

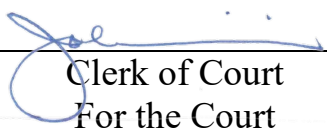
JTG

WJC

JBM

PDG

Supreme Court of Louisiana
March 02, 2021



Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 20-KH-1480

STATE OF LOUISIANA

v.

AQUENDIUS D. LANDRY

**ON SUPERVISORY WRITS TO THE TWENTY-THIRD
JUDICIAL DISTRICT COURT, PARISH OF ASCENSION**

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 two applications 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.