

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KP-00068

VS.

TERRANCE JAMES

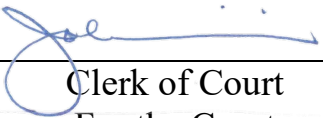
IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of Orleans Criminal, Criminal District Court Number(s) 416-136, Court of Appeal, Fourth Circuit, Number(s) 2019-K-0715;

April 27, 2020

Writ application granted. See per curiam.

SJC
JLW
JDH
JTG
WJC
JHB

Supreme Court of Louisiana
April 27, 2020



Clerk of Court
For the Court

04/27/20

SUPREME COURT OF LOUISIANA

No. 20-KP-0068

STATE OF LOUISIANA

v.

TERRANCE JAMES

**ON SUPERVISORY WRITS TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

PER CURIAM:

Writ granted; conviction reinstated. Respondent’s application for post-conviction relief was untimely. La.C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189. The decision in *Seals v. McBee*, 898 F.3d 587 (5th Cir. 2018) is persuasive authority but is not binding on state courts. See *State v. Penns*, 99-2916 (La. 12/20/99), 758 So.2d 776, 777–78. As such, that decision did not constitute a final ruling of an appellate court “applicable to [respondent’s] case,” as required by the time limitations exception set forth at La.C.Cr.P. art. 930.8(A)(2). The court of appeal’s ruling is reversed, the district court’s denial of respondent’s application for post-conviction relief as untimely is reinstated.