

The Supreme Court of the State of Louisiana

STATE OF

No.2021-KH-00024

LOUISIANA VS.

ALLEN ANDERSON

IN RE: Allen Anderson - Applicant Defendant; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 233-762;

April 20, 2021

Writ application denied. See per curiam.

JDH

JLW

SJC

JTG

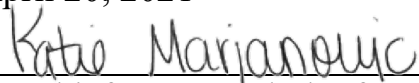
WJC

JBM

PDG

Supreme Court of Louisiana

April 20, 2021



Chief Deputy Clerk of Court
For the Court

04/20/21

SUPREME COURT OF LOUISIANA

No. 21-KH-0024

STATE OF LOUISIANA

v.

ALLEN ANDERSON

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

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 several 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.