

The Supreme Court of the State of Louisiana

CREIGHTON WUNEBERGER

No.2021-KH-00220

VS.

**STATE OF LOUISIANA, WARDEN LOUISIANA
STATE PRISON**

IN RE: Creighton Wuneberger - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Jefferson, 24th Judicial District Court Number(s) 01-5491, Court of
Appeal, Fifth Circuit, Number(s) 20-KH-384;

April 13, 2021

Writ application denied. See per curiam.

SJC

JLW

JDH

JTG

WJC

JBM

PDG

Supreme Court of Louisiana

April 13, 2021



Chief Deputy Clerk of Court
For the Court

04/13/21

SUPREME COURT OF LOUISIANA

No. 21-KH-0220

STATE OF LOUISIANA

v.

CREIGHTON WUNEBERGER

**ON SUPERVISORY WRITS TO THE TWENTY-FOURTH
JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON**

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; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189.

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 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.