

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KH-00698

VS.

DAVID BATTISTE

IN RE: David Battiste - Applicant Defendant; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 532-845, Court of
Appeal, Fourth Circuit, Number(s) 2022-K-0136;

January 11, 2023

Writ application denied. See per curiam.

WJC
JLW
JDH
SJC
JTG
JBM
PDG

Supreme Court of Louisiana
January 11, 2023

Katie Marjanovic
Chief Deputy Clerk of Court
For the Court

January 11, 2023

SUPREME COURT OF LOUISIANA

No. 22-KH-0698

STATE OF LOUISIANA

v.

DAVID BATTISTE

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

PER CURIAM:

Denied. Applicant fails to show that he is entitled to an out-of-time appeal pursuant to *State v. Counterman*, 475 So.2d 336, 339 (La. 1985).

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.