

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KH-01177

VS.

SAMUEL RICARDO JOHNSON

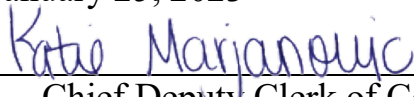
IN RE: Samuel Ricardo Johnson - Applicant Defendant; Applying For Supervisory Writ, Parish of Ouachita, 4th Judicial District Court Number(s) 09-F12242, Court of Appeal, Second Circuit, Number(s) 54,769-KH;

January 25, 2023

Writ application denied. See per curiam.

JDH
JLW
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
January 25, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 22-KH-1177

STATE OF LOUISIANA

v.

SAMUEL RICARDO JOHNSON

**ON SUPERVISORY WRITS TO THE FOURTH
JUDICIAL DISTRICT COURT, PARISH OF OUACHITA**

PER CURIAM:

Denied. Construing applicant's pleading as a *bona fide* motion for new trial, in accordance with its caption, it is untimely and the district court did not err in dismissing it. *See* La.C.Cr.P. art. 851(B)(3); La.C.Cr.P. art. 853(B). In the alternative, construing the pleading as an application for post-conviction relief, *see* La.C.Cr.P. art. 924(1) ("An 'application for post conviction relief' means a petition filed by a person in custody after sentence following conviction for the commission of an offense seeking to have the conviction and sentence set aside."), it 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.