

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KP-00009

VS.

EARL RAY JOHNSON, JR.

IN RE: Earl Ray Johnson, Jr. - Applicant Defendant; Applying For Supervisory Writ, Parish of Livingston, 21st Judicial District Court Number(s) 13-029535, Court of Appeal, First Circuit, Number(s) 2021 KW 1062;

March 02, 2022

Writ application denied. See per curiam.

SJC
JLW
JDH
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
March 02, 2022

Katie Marjanovic
Chief Deputy Clerk of Court
For the Court

03/02/2022

SUPREME COURT OF LOUISIANA

No. 22-KP-0009

STATE OF LOUISIANA

v.

EARL RAY JOHNSON, JR.

**ON SUPERVISORY WRITS TO THE TWENTY-FIRST
JUDICIAL DISTRICT COURT, PARISH OF LIVINGSTON**

PER CURIAM:

Denied. Applicant does not identify an illegal term in his sentence, and therefore, his filing is properly construed as an application for post-conviction relief. *See State v. Parker*, 98-0256 (La. 5/8/98), 711 So.2d 694. As such, it is subject to the time limitation set forth in La.C.Cr.P. art. 930.8. 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.