

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KP-01615

VS.

PHILIP ANTHONY

IN RE: Philip Anthony - Applicant Defendant; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 387-535;

November 07, 2022

Writ application transferred to the Court of Appeal - see Order.

JDH

JLW

SJC

JTG

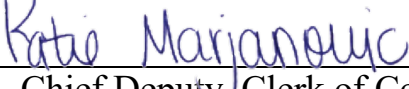
WJC

JBM

PDG

Supreme Court of Louisiana

November 07, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2022-KP-01615

STATE OF LOUISIANA

VS.

PHILIP ANTHONY

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

ORDER

The motion of Philip Anthony to exceed the page limits specified in La. S.Ct. Rule X § 4(3) in the attached writ application is denied. The application is transferred to the court of appeal for consideration. Any motion with regard to that application should be directed to the court of appeal.

While this Court has direct appellate jurisdiction over capital appeals, La. Const. Art. V § 5(D), no similar provision in the constitution gives this Court sole jurisdiction to review capital post-conviction cases. In addition, La. C.Cr.P. art. 930.6(A) provides that “[t]he petitioner may invoke the supervisory jurisdiction of the court of appeal if the trial court dismisses the application or otherwise denies relief on an application for post conviction relief” and furthermore La. Const. Art. X § 10(A) gives the court of appeal “supervisory jurisdiction over cases which arise within its circuit.”

Nonetheless, this Court has permitted capital post-conviction litigants, in their discretion, to bypass the intermediate appellate courts and file directly for review in accordance with La. S.Ct. Rule 10 § 5(b), which allows direct filing under “extraordinary circumstances.” Here, however, extraordinary circumstances are no

longer present now that the district court has vacated the sentence of death and resentenced the applicant to life imprisonment at hard labor without parole eligibility.

New Orleans, Louisiana, this _____ day of November, 2022.

FOR THE COURT,

JUSTICE, LOUISIANA SUPREME COURT