

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KH-00951

VS.

GERALD NEAL BABINEAUX

IN RE: Gerald Neal Babineaux - Applicant Defendant; Applying For Supervisory Writ, Parish of St. Landry, 27th Judicial District Court Number(s) 98-K-0219, Court of Appeal, Third Circuit, Number(s) KH 22-00803;

November 21, 2023

Writ application denied. See per curiam.

JDH
JLW
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
November 21, 2023



Chief Deputy Clerk of Court
For the Court

11/21/2023

SUPREME COURT OF LOUISIANA

No. 23-KH-0951

STATE OF LOUISIANA

v.

GERALD NEAL BABINEAUX

**ON SUPERVISORY WRITS TO THE TWENTY-SEVENTH
JUDICIAL DISTRICT COURT, PARISH OF ST. LANDRY**

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 multiple applications 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.