

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KH-00907

VS.

HENRY TAYLOR

IN RE: Henry L. Taylor - Applicant Defendant; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 279-726;

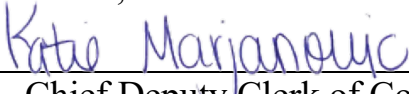
March 18, 2025

Writ application granted. See per curiam.

JLW
JDH
PDG
JMG

Crain, J., concurs and assigns reasons.
McCallum, J., dissents.
Cole, J., concurs and assigns reasons.

Supreme Court of Louisiana
March 18, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-KH-00907

STATE OF LOUISIANA

VS.

HENRY TAYLOR

On Supervisory Writ to the Criminal District Court, Parish of Orleans

PER CURIAM:

Writ granted. In 1981, an Orleans Parish jury found applicant guilty of one count of aggravated rape. The court sentenced him to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. This Court affirmed. *State v. Taylor*, 410 So.2d 224 (La. 1982). In April 2024, applicant filed an application for post-conviction relief into the district court arguing his conviction was obtained in violation of the Constitution, namely that the reasonable doubt standard applied in his original case was flawed due to the erroneous *Cage*¹ jury instructions.

Applicant has adequately demonstrated that his application for post-conviction relief overcomes the post-conviction procedural bars, as the state filed a written notice into the district court on May 24, 2024, waiving the procedural bars which may limit his application pursuant to La.C.Cr.P. arts. 930.4(G) (eff. until 8/1/24) and 930.8(D) (eff. until 8/1/24). The waiver was express, in writing, and filed by the state into the district court record, as required by those provisions.

While the legislature has since added a provision to those articles making the procedural bars mandatory, *see* La.C.Cr.P. arts. 930.4(G) & 930.8(E), at the time applicant filed his post-conviction application and the state filed its waiver, the

¹ *See Cage v. Louisiana*, 498 U.S. 39, 111 S.Ct. 328, 112 L.Ed.2d 339 (1990).

district court was free to consider the application on the merits. As we have previously observed, if a defendant seeks post-conviction relief based on the finding of a legal defect pursuant to La.C.Cr.P. art. 930.3, a district attorney is not required to oppose the application. “For example, if a defendant claims his conviction was obtained in violation of the constitution, pursuant to La.C.Cr.P. art. 930.3(1), because he was denied effective assistance of counsel or because the state withheld favorable evidence in violation of *Brady* [...], the district attorney may choose not to raise procedural objections even when they apply.” *State v. Lee*, 22-1827, p. 10 (La. 9/1/23), 370 So.3d 408, 416.

As the state has affirmatively waived procedural objections to the application, which is alleged to be based on a ground for relief found in La.C.Cr.P. art. 930.3, there is no barrier to the district court considering the application on the merits. The matter is remanded to the district court for further consideration of the merits of the claim, any required evidentiary hearing, or any hearing required by La. Const. art. 1, §25 (“a victim of crime shall have the right to reasonable notice and to be present and heard during all critical stages of preconviction and postconviction proceedings”) or other applicable law if necessary.

REVERSED AND REMANDED.