

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KP-00161

VS.

JOSEPH W. MILLER

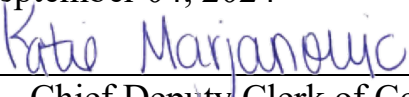
IN RE: Joseph W. Miller - Applicant Defendant; Applying For Supervisory Writ,
Parish of Red River, 39th Judicial District Court Number(s) 133814, Court of
Appeal, Second Circuit, Number(s) 55,657-KW;

September 04, 2024

Writ application denied. See per curiam.

SJC
JLW
JDH
JTK
WJC
JBM
PDG

Supreme Court of Louisiana
September 04, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 24-KP-0161

STATE OF LOUISIANA

v.

JOSEPH W. MILLER

**ON SUPERVISORY WRITS TO THE THIRTY-NINTH
JUDICIAL DISTRICT COURT, PARISH OF RED RIVER**

PER CURIAM:

Denied. Applicant's conviction and sentence became final in 2020, and he does not provide a copy of the application for post-conviction relief filed in the district court. He fails to offer proof that his application was timely filed in the district court or that an exception to the time limitation 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.