

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KD-00505

VS.

DARRELL DEWAYNE DRAUGHN

IN RE: Darrell Draughn - Applicant Defendant; Applying For Supervisory Writ,
Parish of Caddo, 1st Judicial District Court Number(s) 212107;

April 28, 2025

Writ application granted. See per curiam.

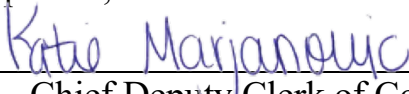
JMG

JLW

PDG

Weimer, C.J., additionally concurs and assigns reasons.
Hughes, J., concurs and assigns reasons.
Crain, J., dissents and assigns reasons.
McCallum, J., dissents.
Guidry, J., additionally concurs and assigns reasons.
Cole, J., dissents for the reasons assigned by Justice Crain.

Supreme Court of Louisiana
April 28, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KD-00505

STATE OF LOUISIANA

VS.

DARRELL DEWAYNE DRAUGHN

On Supervisory Writ to the 1st Judicial District Court, Parish of Caddo

PER CURIAM

Writ granted. In 2003, applicant/defendant was convicted of the April 10, 2000 first degree murder of Loretta White, in violation of R.S. 14:30(A)(1). The trial court sentenced him to death in accordance with the jury verdict. The conviction and death sentence were affirmed on appeal. *State v. Draughn*, 2005-1825 (La. 1/17/07), 950 So.2d 583, *cert. denied*, 552 U.S. 1012, 128 S.Ct. 537, 169 L.Ed.2d 377 (2007). In 2007, applicant/defendant filed a *pro se* application for post-conviction relief. While collateral review was not yet complete, the district court signed a warrant of execution setting the execution date for May 28, 2025. We ordered the warrant be recalled and instructed the district court to “to establish a briefing schedule, subject to amendment only for good cause, so that defendant may file a counseled supplement to his *pro se* post-conviction application.” *State v. Draughn*, 25-00424 (La. 4/11/25), ___ So.3d ___ (available at 2025 WL 1095719).

On remand, the district court set the deadline for the filing of the counseled supplement to be May 16, 2025, and gave the state 28 days from then to file its opposition. Applicant/defendant seeks review of that ruling, contending, *inter alia*, that it will be impossible to conduct an investigation and complete the supplemental post-conviction application within the time afforded. We agree.

After careful review, we find that the district court abused its discretion in requiring applicant to file a counseled supplement to the *pro se* application in a capital case within just 29 days and mere weeks after current counsel enrolled in the case. Death penalty litigation has and continues to be an ever-evolving and complex part of our system of justice. For many reasons, this matter has lingered without resolution and at too high a cost. While it should be litigated and resolved expeditiously, we note that 29 days is less than the time that would be afforded to apply for discretionary appellate review of a misdemeanor conviction.

Time and time again the United States Supreme Court has reminded us “death is different” because that sentence, once imposed, cannot be rectified. *See e.g. Woodson v. N. Carolina*, 428 U.S. 280, 305, 96 S.Ct. 2978, 2991, 49 L.Ed.2d 944 (1976). This Court has acknowledged there is a “heightened need for reliability in the determination that a death sentence is the appropriate punishment in a specific case.” *State v. Coleman*, 14-0402 p. 79-80, (La. 02/26/16), 188 So.3d 174. It is incumbent on our system of justice to ensure the imposition of the sentence is properly applied, not in haste, but also without delay for the sake of delay. Prudence dictates that proceedings must be expedited in a logical manner which ensures the rights of both the State and the defendant are properly protected and not lost in an effort to quickly resolve the matter.

Under the circumstances here, we find that a briefing deadline of 180 days for applicant/defendant to file his counseled post-conviction application is necessary to satisfy the goals enumerated above. *Cf., e.g., State ex rel. Wearry v. State*, 08-2673 (La. 6/26/08), 12 So.3d 968. We vacate the trial court’s briefing schedule order and remand with instructions for the trial court to set a new briefing schedule consistent with the views expressed herein.

REVERSED AND REMANDED.