

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KH-00224

VS.

TOBY ANTOINE

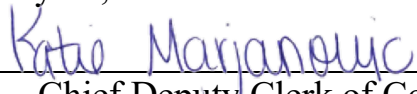
IN RE: Toby Antoine - Applicant Defendant; Applying For Supervisory Writ, Parish of Allen, 33rd Judicial District Court Number(s) CR-03-7424, Court of Appeal, Third Circuit, Number(s) KH 24-00345;

May 29, 2025

Writ application denied. See per curiam.

JMG
JLW
JDH
WJC
JBM
PDG
CRC

Supreme Court of Louisiana
May 29, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 25-KH-0224

STATE OF LOUISIANA

v.

TOBY ANTOINE

**ON SUPERVISORY WRITS TO THE THIRTY-THIRD
JUDICIAL DISTRICT COURT, PARISH OF ALLEN**

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 several 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.