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MAY - 8 2015 *JS*

UNITED STATES DISTRICT COURT

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

WESTERN DISTRICT OF LOUISIANA

CHARLES GRACE
LA. DOC #349508

CIVIL ACTION NO. 6:14-cv-0080

VS.

SECTION P

JUDGE HAIK

WARDEN LOUISIANA STATE
PENITENTIARY

MAGISTRATE JUDGE HILL

J U D G M E N T

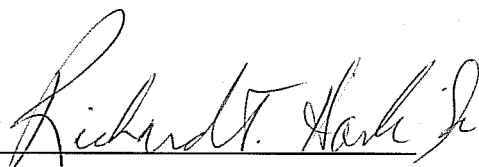
For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record including the objections filed by petitioner, and having determined that the findings and recommendation are correct under the applicable law;

IT IS ORDERED that Claims 2, 3, 4, 5, and 6 of the instant petition for federal *habeas corpus* relief (that the admission of statements of deceased co-conspirator Tony Thomas was in violation of petitioner's Sixth Amendment right to confront his accusers; that petitioner's Sixth Amendment right to Compulsory Process was denied when the trial court denied petitioner's request to allow six alibi witnesses to testify because of a discovery violation (late disclosure); the State knowingly presented the alleged perjured testimony of Detective Chatuese Richard; ineffective assistance of appellate counsel because appellate counsel failed to raise a claim of ineffective assistance of trial counsel for (a) failing to comply with discovery rules regarding alibi witness disclosure and (b)

failing to request a cautionary charge concerning accomplice testimony; and ineffective assistance of counsel because counsel (a) failed to investigate or interview alibi witnesses, (b) failed to provide the State with the names of alibi witnesses in response to discovery, (c) failed to file a Motion to Quash or object to the conspiracy to commit armed robbery charges when petition had also been charged with armed robbery based on double jeopardy grounds, and (d) failed to request a cautionary charge concerning accomplice testimony) are **DENIED AND DISMISSED WITH PREJUDICE** because these claims are procedurally defaulted.

IT IS FURTHER ORDERED the Claim 1 of the instant petition (that there was insufficient evidence to support petitioner's convictions) shall remain pending for further proceedings.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 8th
day of May, 2015.


RICHARD T. HAIK, SR.
UNITED STATES DISTRICT JUDGE