

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 1428

VERSUS

DAVID MITCHELL

OCT 08 2013

In Re: David Mitchell, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 02-89-0002.

BEFORE: WHIPPLE, C.J., WELCH AND CRAIN, JJ.

WRIT DENIED. The holding in **Martinez v. Ryan**, ___ U.S. ___, 132 S.Ct. 1309, 182 L.Ed.2d 272 (2012) appears to affect federal habeas corpus proceedings for defendants alleging ineffective assistance of counsel, but it does not create any right enforceable in state criminal postconviction proceedings. Accordingly, the trial court did not err in denying relator's application for postconviction relief as untimely under La. Code Crim. P. art. 930.8.

**VGW
JEW
WJC**

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DEPUTY CLERK OF COURT
FOR THE COURT