

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 1575

VERSUS

ROBERT WHITAKER

DEC 20 2013


In Re: Robert Whitaker, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 03-84-0252.

BEFORE: PARRO, GUIDRY AND DRAKE, 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. Moreover, the documents attached to this writ do not support application of the facts-not-known exception to the article 930.8 time limit. Furthermore, in **Lafleur v. Cooper**, ___ U.S. ___, 132 S.Ct. 1376, 182 L.Ed.2d 398 (2012), the Supreme Court did not announce a new rule of constitutional law. See **In re King**, 697 F.3d 1189 (5th Cir. 2012) (per curiam). 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.

JMG
EGD
RHP

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DEPUTY CLERK OF COURT
FOR THE COURT