

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1644

VERSUS

JOHN ROGERS

FEB 02 2015

In Re: John Rogers, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 10-98-0878.

BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.

WRIT DENIED. *Martinez v. Ryan*, __ U.S. __, 132 S.Ct. 1309, 132 L.Ed.2d 272 (2012) and *Trevino v. Thaler*, __ U.S. __, 133 S.Ct. 1911, 185 L.Ed.2d 1044 (2013), announced rules permitting federal courts conducting habeas corpus review of final state court convictions to consider the merits of a claim otherwise procedurally defaulted. These decisions do not create any right enforceable in state criminal postconviction proceedings. **State v. Deloch**, 2013-1975 (La. 5/16/14), 140 So.3d 1167. Accordingly, the trial court did not err in denying relator's application for postconviction relief as untimely in accordance with La. Code Crim. P. art. 930.8.

**VGW
PMc
TMH**

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT