

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 0755

VERSUS

DAVID ROBINS

SEP 17 2018

In Re: David Robins, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 07-84-0422.

BEFORE: PETTIGREW, WELCH, AND CHUTZ, JJ.

WRIT DENIED. Relator's application for postconviction relief, filed on January 20, 2017, is untimely on its face, and the holding in **Coleman v. Goodwin**, 833 F.3d 537, 543 (5th Cir. 2016), which is similar to the holding in **Martinez v. Ryan**, 566 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d 272 (2012), is inapplicable to this case. See **State v. Deloch**, 2013-1975 (La. 5/16/14), 140 So.3d 1167. If an application for postconviction relief is untimely under Article 930.8, it should not be considered on the merits. See **State v. LeBlanc**, 2006-0169 (La. 9/15/06), 937 So.2d 844 (per curiam). Therefore, the district court did not abuse its discretion by denying the successive and untimely application for postconviction relief without holding an evidentiary hearing. See La. Code Crim. P. arts. 930.4(D) & 930.8(A).

WRC
JTP
JEW

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