

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 0788

VERSUS

LESLIE YOUNG

SEP 17 2018

In Re: Leslie Young, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 02-87-0665.


BEFORE: PETTIGREW, WELCH, AND CHUTZ, JJ.

WRIT DENIED. The holdings in **Martinez v. Ryan**, 566 U.S. 1, 132 S.Ct. 1309, 182 L.Ed.2d 272 (2012) and **Trevino v. Thaler**, 569 U.S. 413, 133 S.Ct. 1911, 185 L.Ed.2d 1044 (2013), are inapplicable to this case and do not serve as an exception to the time limitation. See **State v. Deloch**, 2013-1975 (La. 5/16/14), 140 So.3d 1167; La. Code Crim. P. art. 930.8(A). 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*). Furthermore, the issue presented for review was previously addressed by this court in the opinion on relator's appeal. See **State v. Young**, 576 So.2d 1048, 1061-62 (La. App. 1st Cir.), writ denied, 584 So.2d 679 (La. 1991); La. Code Crim. P. arts. 930.4(A) & (D).

Relator has now fully litigated seven applications for postconviction relief in state court. Similar to federal habeas relief, see 28 U.S.C. § 2244, Louisiana postconviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La. Code Crim. P. art. 930.4 and within the limitations period as set out in La. Code Crim. P. art. 930.8. Notably, the Legislature in 2013 La. Acts No. 251 amended La. Code Crim. P. art. 930.4 to make the procedural bars against successive filings mandatory. Relator's claims have now been fully litigated in state collateral proceedings in accord with La. Code Crim. P. art. 930.6, and this denial is final. Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, relator has exhausted his right to state collateral review.

WRC
JTP
JEW

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