

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2019 KW 0560

VERSUS

CHRISTOPHER EASON

**JUL 11 2019**

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In Re: Christopher Eason, applying for supervisory writs,  
21st Judicial District Court, Parish of Tangipahoa,  
No. 1-402849.

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**BEFORE: WELCH, CHUTZ, AND PENZATO, JJ.**

**WRIT DENIED.** The delay to file an appeal expired in May 2018. Therefore, the district court's decision to grant relator an out-of-time appeal was proper. See La. Code Crim. P. art. 914(B); **State v. Counterman**, 475 So.2d 336, 339 (La. 1985). The district court has no authority to resentence relator because the district court no longer has jurisdiction in this matter. See La. Code Crim. P. art. 916. Furthermore, relator's concerns about the state and federal time limitations are meritless. An out-of-time appeal restarts the time limit for applying for postconviction relief, see **State ex rel. Campbell v. Whitley**, 93-0677 (La. 10/27/95), 661 So.2d 1367, and applicants seeking habeas relief under 28 U.S.C. § 2254 are required to exhaust all claims in state court prior to requesting federal collateral relief. The exhaustion requirement is satisfied when the substance of the federal habeas claim has been fairly presented to the highest state court. **Mercadel v. Cain**, 179 F.3d 271, 275 (5th Cir. 1999) (*per curiam*).

**JEW**  
**WRC**  
**AHP**

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DEPUTY CLERK OF COURT  
FOR THE COURT