

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2020 KW 0239

VERSUS

STANLEY LINDSEY

APR 28 2020

In Re: Stanley Lindsey, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge, No.
3050854.

BEFORE: WHIPPLE, C.J., GUIDRY AND BURRIS,¹ JJ.

WRIT DENIED. Relator's application was not timely filed in the district court, and relator fails to carry his burden to show that an exception applies. See La. Code Crim. P. art. 930.8(A). If an application for postconviction relief is untimely, 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, relator has not advanced a convincing claim of actual innocence. See **State v. Pierre**, 2013-0873 (La. 10/15/13), 125 So.3d 403; **State v. Conway**, 2001-2808 (La. 4/12/02), 816 So.2d 290. Finally, relator is not entitled to DNA testing in this case. See La. Code Crim. P. art. 926.1(B)(1). Accordingly, the district court did not err by denying relator's application for postconviction relief. See La. Code Crim. P. art. 928.

VGW
JMG
WJB

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT

¹ Judge William J. Burris, retired, serving *pro tempore* by special appointment of the Louisiana Supreme Court.