

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

STATE OF LOUISIANA

NO. 2020 KW 0472

VERSUS

WALTER D. FAIRLEY

**SEPTEMBER 3, 2020**

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In Re: State of Louisiana, applying for supervisory writs,  
22nd Judicial District Court, Parish of St. Tammany,  
No. 543,474.

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**BEFORE: McDONALD, THERIOT, AND CHUTZ, JJ.**

**WRIT GRANTED.** Respondent relies upon the decision in **State v. Horn**, 2016-0559 (La. 9/7/18), 251 So.3d 1069, to establish the timeliness of his application for postconviction relief, which was filed on or about July 30, 2019. In **Horn**, the Louisiana Supreme Court expressly relied upon the holding in **McCoy v. Louisiana**, 584 U.S. \_\_\_, 138 S.Ct. 1500, 200 L.Ed.2d 821 (2018), in finding merit in the defendant's claim that his Sixth Amendment rights were violated when his attorneys conceded his guilt over his explicit objection. See **Horn**, 251 So.3d at 1076. Thus, the final ruling of an appellate court "establishing" a theretofore unknown interpretation of constitutional law was rendered by United States Supreme Court in **McCoy** on May 14, 2018. Therefore, the district court erred by finding that respondent met his burden of proving an exception to the mandatory time limitation set forth in La. Code Crim. P. art. 930.8, as respondent failed to file his application for postconviction relief within one year of the **McCoy** decision. Accordingly, the writ application is granted, the district court's decision to overrule the State's procedural objections is reversed, and this matter is remanded for the district court to enter an order sustaining those objections.

**JMM**  
**MRT**  
**WRC**

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DEPUTY CLERK OF COURT  
FOR THE COURT