

ALLEN ROBERTSON, JR. : NUMBER 1-91-611, SECTION III
VERSUS : 19TH JUDICIAL DISTRICT COURT
BURL CAIN, WARDEN : PARISH OF EAST BATON ROUGE
BURL CAIN, WARDEN : STATE OF LOUISIANA

ORDER

HAVING CONSIDERED defendant's Amended Application for Post Conviction Relief filed July 17, 2007, in the above numbered and entitled cause;

IT IS ORDERED that the Application be DENIED (done in open court on February 14, 2008) for the reasons stated below.

CLAIM #1

Re: Mental Retardation

DENIED. Record supports the conclusion that Petitioner is NOT mentally retarded.

CLAIM #2

Re: Ineffective Counsel-sequestration order

DENIED. Previously litigated on appeal and procedurally barred under La. C.Cr.P. Art. 930.4.

CLAIM #3

Re: Ineffective Counsel-voir dire-racially unbiased

DENIED. Failure to meet Strickland.

CLAIM #4

Re: Ineffective Counsel-Substance Abuse & Conviction Records

DENIED. Failure to meet Strickland.

CLAIM #5

Re: Ineffective Counsel-Mitigation Witnesses

DENIED. Failure to meet Strickland.

CLAIM #6

Re: Ineffective Counsel-Suppression of Taped Statement

DENIED. Previously litigated on appeal and procedurally barred

under La. C.Cr.P. Art. 930.4.

CLAIM #7

Re: Ineffective Counsel-Conceding Guilt

DENIED. Failure to meet Strickland.

CLAIM #8

Re: Ineffective Counsel-Individual voir dire/mistrial

DENIED. Failure to meet Strickland.

CLAIM #9

Re: Ineffective Counsel-Witness/Dr. Blanche

DENIED. Failure to meet Strickland.

CLAIM #10

Re: Ineffective Counsel-Prisoner Orange

DENIED. Failure to meet Strickland.

CLAIM #11

Re: Ineffective Counsel-Improper Closing Argument

DENIED. Failure to meet Strickland.

CLAIM #12

Re: Ineffective Counsel-Rehabilitate Juror Lewis

DENIED. Previously litigated on appeal and procedurally barred under La. C.Cr.P. Art. 930.4

CLAIM #13

Re: Ineffective Counsel-Intoxication/Mitigating Circumstance

DENIED. Previously litigated on appeal and procedurally barred under La. C.Cr.P. Art. 930.4

CLAIM #14

Re: Ineffective Counsel-Special Jury Instructions

DENIED. Previously litigated on appeal and procedurally barred under La. C.Cr.P. Art. 930.4

CLAIM #15

Re: Ineffective Counsel-Cumulative Errors

DENIED. Lacks merit.

CLAIM #16

Re: Juror Misconduct/Extra-Judicial Materials

DENIED. Procedurally barred.

CLAIM #17

Re: Juror Misconduct-Racist Juror-Robin

DENIED. Procedurally barred.

CLAIM #18

Re: Juror Misconduct-Robin's Views on Death Penalty

DENIED. Procedurally barred under La. C.E. Art. 606

CLAIM #19

Re: Brady Violation-Composition of Grand Jury

DENIED. Lacks merit.

Re: Ineffective Counsel-Motion to Quash/Grand Jury

DENIED. Lacks merit.

Re: Due Process Violation-Grand Jury

DENIED. Procedurally barred.

CLAIM #20

Re: Batson Violation/Ineffective Counsel

DENIED. Previously litigated on appeal & procedurally barred.

La. C.Cr. P. Arts. 930.3 & 930.4(B) & (C)

CLAIM #21

Re: Equal Protection/Eighth Amendment Violation

DENIED as procedurally barred and not reviewable at the post conviction level. La. C.Cr.P. Art. 930.3

CLAIM #22

Re: Equal Protection/Due Process Violation-Unanimity Verdicts
DENIED. Equal Protection and Due Process Claims lack merit. La.
C.Cr.P.art. 782 & La. Const. Art. 1, sec 17.

CLAIM #23

Re: Execution/Lethal Injection Cruel and Unusual Punishment
Free Speech Violation
DENIED as procedurally barred and not reviewable at the post
conviction level. La. C.Cr.P. Arts. 930.3 & 930.4(B) & (C)

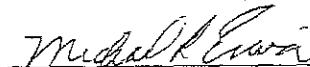
CLAIM #24

Re: Due Process Violation-Clemency
DENIED as barred under La. C.Cr.P. Arts. 926 & 930.2 and lacks
merit.

CLAIM #25

Re: Conviction & Death Sentence Violate International Law
DENIED as procedurally barred and not reviewable at the post
conviction level. La. C.Cr.P. Arts. 930.3 & 930.4(B) & (C)

BATON ROUGE, LOUISIANA, THIS 31st DAY OF MARCH, 2008.

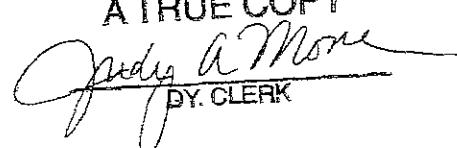

HONORABLE MICHAEL R. ERWIN
JUDGE, 19TH JUDICIAL DISTRICT COURT

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A TRUE COPY


Judy A. More
BY CLERK