

OPINION

The Court has for its consideration Petitioner's **Motion For Evidentiary Hearing and Appointment of Counsel on Application for Post-Conviction Relief**, filed on August 11, 2020. For the foregoing reasons, the Petitioner's motion is **DENIED**.

On or about September 26, 2011 the Petitioner, having previously found guilty of Second Degree Murder on September 1, 2011, came before the court for sentencing. Whereupon the Petitioner was sentenced to pay court costs through inmate banking and in addition to life imprisonment at hard labor and committed to the Louisiana Department of Corrections subject to the conditions provided by law. The court ordered said sentence served without benefit of probation, parole, or suspension of sentence with credit for time served. Petitioner's conviction and sentence were affirmed on appeal. Petitioner filed his first application for post-conviction relief on June 16, 2014 but it was denied by the court. Petitioner filed his second application for post-conviction relief on May 16, 2019 but it was denied. Petitioner filed his third application for post-conviction relief on August 11, 2020

With regard to the Petitioner's Application for Post-Conviction Relief" filed on August, 11, 2020 Petitioner's application is untimely. Under Louisiana Code of Criminal Procedure article 930.8, "no application for post-conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two (2) years after the judgment of conviction and sentence has become final", unless certain circumstances exist. None of the considered circumstances exist in the case at bar. Petitioner's conviction became final on September 26, 2011 and filed this petition on August 11, 2020. More than two years have elapsed since petitioner's conviction and sentence became final and thus his application is denied.

Additionally, in accordance with La. La. C. Cr. P. Art. 930.4, (B) where an application for post-conviction relief alleges a claim of which the Petitioner had knowledge and inexcusably failed to raise in the proceedings leading to conviction, the court may deny relief. Petitioner also violated La. C. Cr. P. Art. 930.4(C) by inexcusably failing to pursue this same claim on appeal. Further, this claim violated La. C. Cr. P. Art 930.4(E) because Petitioner inexcusably omitted it from his

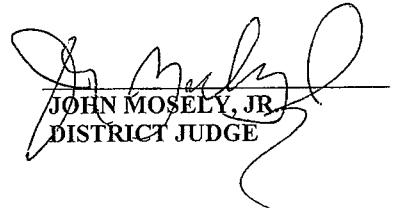
first application for post-conviction relief, and therefore his application is denied.

For the foregoing reasons Petitioner's **Application for Post-Conviction Relief**, filed

August 11, 2020 is **DENIED**.

The Clerk of Court is directed to provide Petitioner, his custodian and the District Attorney with a copy of this opinion.

OPINION RENDERED, READ AND SIGNED, this 30 day of September 2020.

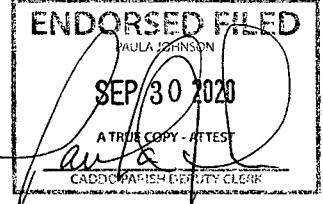


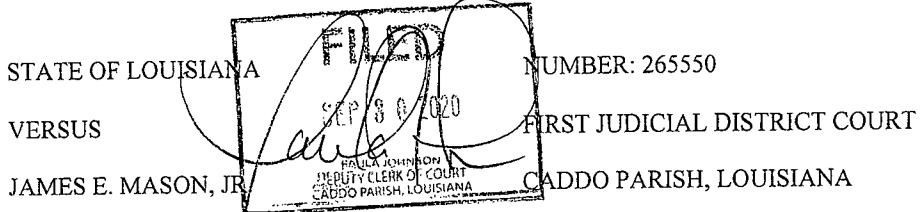
JOHN MOSELY, JR.
DISTRICT JUDGE

SERVICE INFORMATION

James E. Mason, Jr. #589589
Louisiana State Penitentiary
Angola, La 70712

Caddo Parish District Attorney's Office





OPINION

The Court has for its consideration Petitioner's **Petition for Writ of Habeas Corpus AD Testificandum on Post-Conviction Relief**, filed on August 11, 2020. For the foregoing reasons, the Petitioner's motion is **DENIED**.

On or about September 26, 2011 the Petitioner, having previously found guilty of Second Degree Murder on September 1, 2011, came before the court for sentencing. Whereupon the Petitioner was sentenced to pay court costs through inmate banking and in addition to life imprisonment at hard labor and committed to the Louisiana Department of Corrections subject to the conditions provided by law. The court ordered said sentence served without benefit of probation, parole, or suspension of sentence with credit for time served. Petitioner's conviction and sentence were affirmed on appeal. Petitioner filed his first application for post-conviction relief on June 16, 2014 but it was denied by the court. Petitioner filed his second application for post-conviction relief on May 16, 2019 but it was denied. Petitioner filed his third application for post-conviction relief on August 11, 2020

With regard to the Petitioner's Application for Post-Conviction Relief" filed on August, 11, 2020 Petitioner's application is untimely. Under Louisiana Code of Criminal Procedure article 930.8, "no application for post-conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two (2) years after the judgment of conviction and sentence has become final", unless certain circumstances exist. None of the considered circumstances exist in the case at bar. Petitioner's conviction became final on September 26. 2011 and filed this petition on August 11, 2020. More than two years have elapsed since petitioner's conviction and sentence became final and thus his application is denied.

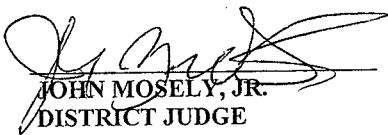
Additionally, in accordance with La. La. C. Cr. P. Art. 930.4, (B) where an application for post-conviction relief alleges a claim of which the Petitioner had knowledge and inexcusably failed to raise in the proceedings leading to conviction, the court may deny relief. Petitioner also violated La. C. Cr. P. Art. 930.4(C) by inexcusably failing to pursue this same claim on appeal. Further, this claim violated La. C. Cr. P. Art 930.4(E) because Petitioner inexcusably omitted it from his

first application for post-conviction relief, and therefore his application is denied.

For the foregoing reasons Petitioner's **Application for Post-Conviction Relief**, filed August 11, 2020 is **DENIED**.

The Clerk of Court is directed to provide Petitioner, his custodian and the District Attorney with a copy of this opinion.

OPINION RENDERED, READ AND SIGNED, this 30 day of September 2020.

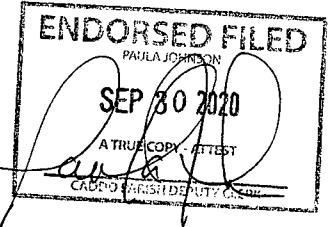


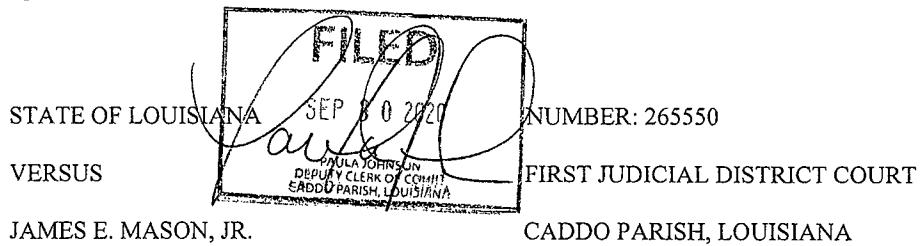
JOHN MOSELEY, JR.
DISTRICT JUDGE

SERVICE INFORMATION

James E. Mason, Jr. #589589
Louisiana State Penitentiary
Angola, La 70712

Caddo Parish District Attorney's Office





NUMBER: 265550

FIRST JUDICIAL DISTRICT COURT

CADDOW PARISH, LOUISIANA

OPINION

The Court has for its consideration Petitioner's **Motion to Compel Answer on Application for Post-Conviction Relief**, filed on August 11, 2020. For the foregoing reasons, the Petitioner's motion is **DENIED**.

On or about September 26, 2011 the Petitioner, having previously found guilty of Second Degree Murder on September 1, 2011, came before the court for sentencing. Whereupon the Petitioner was sentenced to pay court costs through inmate banking and in addition to life imprisonment at hard labor and committed to the Louisiana Department of Corrections subject to the conditions provided by law. The court ordered said sentence served without benefit of probation, parole, or suspension of sentence with credit for time served. Petitioner's conviction and sentence were affirmed on appeal. Petitioner filed his first application for post-conviction relief on June 16, 2014 but it was denied by the court. Petitioner filed his second application for post-conviction relief on May 16, 2019 but it was denied. Petitioner filed his third application for post-conviction relief on August 11, 2020

With regard to the Petitioner's Application for Post-Conviction Relief" filed on August, 11, 2020 Petitioner's application is untimely. Under Louisiana Code of Criminal Procedure article 930.8, "no application for post-conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two (2) years after the judgment of conviction and sentence has become final", unless certain circumstances exist. None of the considered circumstances exist in the case at bar. Petitioner's conviction became final on September 26. 2011 and filed this petition on August 11, 2020. More than two years have elapsed since petitioner's conviction and sentence became final and thus his application is denied.

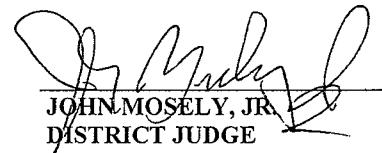
Additionally, in accordance with La. La. C. Cr. P. Art. 930.4, (B) where an application for post-conviction relief alleges a claim of which the Petitioner had knowledge and inexcusably failed to raise in the proceedings leading to conviction, the court may deny relief. Petitioner also violated La. C. Cr. P. Art. 930.4(C) by inexcusably failing to pursue this same claim on appeal. Further, this claim violated La. C. Cr. P. Art 930.4(E) because Petitioner inexcusably omitted it from his

first application for post-conviction relief, and therefore his application is denied.

For the foregoing reasons Petitioner's **Application for Post-Conviction Relief**, filed August 11, 2020 is **DENIED**.

The Clerk of Court is directed to provide Petitioner, his custodian and the District Attorney with a copy of this opinion.

OPINION RENDERED, READ AND SIGNED, this 30th day of September 2020.

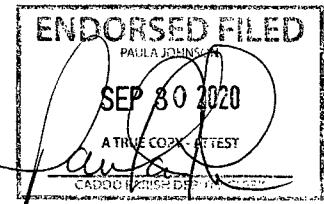


JOHN MOSELEY, JR.
DISTRICT JUDGE

SERVICE INFORMATION

James E. Mason, Jr. #589589
Louisiana State Penitentiary
Angola, La 70712

Caddo Parish District Attorney's Office



STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700

No. 53,875-KH

STATE OF LOUISIANA

VERSUS

JAMES EDWARD MASON, JR.

FILED: 11/23/20

RECEIVED: PM 10/27/20

On application of James Edward Mason, Jr., for POST CONVICTION RELIEF in No. 265,550 on the docket of the First Judicial District, Parish of CADDO, Judge John D. Mosely, Jr.

Pro se

Counsel for:
James Edward Mason, Jr.

James E. Stewart, Sr.

Counsel for:
State of Louisiana

Before STEPHENS, THOMPSON, and BLEICH (*Pro Tempore*), JJ.

WRIT DENIED.

Applicant, James Edward Mason, Jr., seeks review of the trial court's September 30, 2020, denial of his application for post-conviction relief. On the showing made, this writ is denied. La. C. Cr. P. art. 930.2; *Ramos v. Louisiana*, 140 S. Ct. 1390, 206 L. Ed. 2d 583 (2020); *State v. Gipson*, 19-01815 (La. 6/3/20), 296 So. 3d 1051.

Shreveport, Louisiana, this 9th day of December, 2020.

/s/ JMS

/s/ JRT

/s/ EJB

FILED: December 9, 2020

Robin L. Jones
CLERK

SECOND CIRCUIT COURT OF APPEAL
STATE OF LOUISIANA

Endorsed Filed December 9, 2020
Robin L. Jones
ROBIN N. JONES, CLERK OF COURT
A TRUE COPY - Attest

WESTLAW**State v. Mason**

Supreme Court of Louisiana. March 23, 2021 --- So.3d ---- 2021 WL 1113712 (Mem) 2021-00189 (La. 3/23/21) (Appro)

2021 WL 1113712

Supreme Court of Louisiana.

STATE of Louisiana

v.

James Edward MASON, Jr.

No. 2021-KH-00189

03/23/2021

Applying For Supervisory Writ, Parish of Caddo, 1st Judicial District Court Number(s) 265,550, Court of Appeal, Second Circuit, Number(s) 53,875-KH.

Opinion***1** Writ application denied.

Weimer, C.J., would grant and assigns reasons.

Griffin, J., would grant for the reasons assigned by Chief Justice Weimer.

Crichton, J., recused.

***1 WEIMER, C.J.**, would grant to address the retroactivity of **Ramos v. Louisiana**, — U.S. —, 140 S.Ct. 1390, 206 L.Ed. 2d 583 (2020).**All Citations**

--- So.3d ----, 2021 WL 1113712 (Mem), 2021-00189 (La. 3/23/21)

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