

APPENDIX A



Office Of The Clerk
Court of Appeal, First Circuit
State of Louisiana
www.la-fcca.org

Rodd Naquin
Clerk of Court

Post Office Box 4408
Baton Rouge, LA
70821-4408
(225) 382-3000

Notice of Judgment and Disposition

January 14, 2021

Docket Number: 2020 - KW - 1067

State Of Louisiana
versus
William D. Lauga

TO: William D. Lauga
Louisiana State Penitentiary
Camo C- Bear 2 #23
Angola, La 70712

Warren LeDoux Montgomery
701 N. Columbia Street
Covington, LA 70433
wmontgomery@22da.com

Hon. Scott Gardner
701 N. Columbia, Room 311
Covington, LA 70433

In accordance with Local Rule 6 of the Court of Appeal, First Circuit, I hereby certify that this notice of judgment and disposition and the attached disposition were transmitted this date to the trial judge or equivalent, all counsel of record, and all parties not represented by counsel.


RODD NAQUIN
CLERK OF COURT

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2020 KW 1067

VERSUS

WILLIAM D. LAUGA

JANUARY 14, 2021

In Re: William D. Lauga, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
476106.

BEFORE: McDONALD, HOLDRIDGE, AND PENZATO, JJ.

WRIT DENIED.

JMM
GH
AHP

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT

APPENDIX B

STATE OF LOUISIANA

NUMBER: 476106

VERSUS

DIVISION "G"

22ND JUDICIAL DISTRICT COURT

WILLIAM DAVID LAUGA

STATE OF LOUISIANA

FILED:

Oct 6, 2020

DEPUTY CLERK

ORDER

This matter comes before the court on a fourth Application for Post Conviction Relief (the "Application") filed by William David Lauga ("Lauga" "Defendant" or "Applicant") pro se, on or about September 28, 2020. Defendant was convicted of armed robbery April 28, 2010 after a jury trial. He was sentenced to serve 65 years at hard labor without benefit of probation, parole, or suspension of sentence.¹ The First Circuit Court of Appeal affirmed the conviction and sentence and the Louisiana Supreme Court refused to grant writs on August 30, 2013. That is, Defendant's conviction became final more than seven years ago and this Application is time barred under La C. Cr. P. Art 930.8.

This is Defendant's fourth Application. In seventeen pages of memorandum raising five questions of law/arguments, supported by an inch and a half of copies of portions of the trial court record in State v. Maxie, 13 CR 072522, 11th Judicial District Court, Sabine Parish, Defendant essentially argues a single new claim, that the Louisiana's 10-2 jury verdict statutes, in effect when he was tried, La. Const. Ann.

¹ Upon review, the First Circuit Court of Appeal affirmed Defendant's conviction but remanded for resentencing due to the fact that the record did not reflect that sentencing delays had been waived. After remand, the court imposed the same sentence.

art. I, § 17 and the companion procedural article, C.Cr.P. Art. 782, are unconstitutional and therefore, he is entitled to a new trial. While another inmate might have a basis for urging this claim, Lauga does not. He was convicted by a unanimous verdict. (Tr. 515).

CCrP Art 930.8 provides that no application for post conviction relief shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final. Therefore, this Application, filed more than seven years after Lauga's conviction and sentence became final, is time barred. A Post Conviction Applicant bears the burden of establishing his claims. La. C.Cr.P. Art 930.2. This court finds that Defendant has failed in that regard. Therefore, the Application is dismissed.

THUS ORDERED, ADJUDGED AND DECREED, at Covington, Louisiana

this 30 day of September, 2020.


JUDGE SCOTT GARDNER

PLEASE SERVE:
St. Tammany Parish
District Attorney

PETITIONER,
William D. Lauga
DOC # 568149
Louisiana State Penitentiary
MPEY/Spruce 3, # 3
Angola, La 70712

Warden,
Louisiana State Penitentiary
Angola, La 70712

A TRUE COPY

DY. CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA
Lauren Pacaccio, Deputy Clerk

APPENDIX C

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-KH-00373

VS.

WILLIAM D. LAUGA

IN RE: William D. Lauga - Applicant Defendant; Applying For Supervisory Writ,
Parish of St. Tammany, 22nd Judicial District Court Number(s) 476106, Court of
Appeal, First Circuit, Number(s) 2020 KW 1067;

May 25, 2021

Writ application denied. See per curiam.

JLW

JDH

SJC

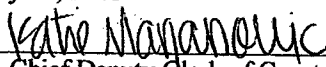
JTG

JBM

PDG

Crain, J., recused.

Supreme Court of Louisiana
May 25, 2021



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 21-KH-0373

STATE OF LOUISIANA

v.

WILLIAM D. LAUGA

**ON SUPERVISORY WRITS TO THE TWENTY-SECOND
JUDICIAL DISTRICT COURT, PARISH OF ST. TAMMANY**

JW
PER CURIAM:

Denied. The application was not timely filed in the district court, and applicant fails to carry his burden to show that an exception applies. La.C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189.

Applicant has now fully litigated his application for post-conviction relief in state court. Similar to federal habeas relief, *see* 28 U.S.C. § 2244, Louisiana post-conviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La.C.Cr.P. art. 930.4 and within the limitations period as set out in La.C.Cr.P. art. 930.8. Notably, the Legislature in 2013 La. Acts 251 amended that article to make the procedural bars against successive filings mandatory. Applicant's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, applicant has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.