

The Supreme Court of the State of Louisiana

PAUL POUPART

No.2021-KH-00210

VS.

STATE OF LOUISIANA, ET AL.

IN RE: Paul M. Poupart - Applicant Plaintiff; Applying For Supervisory Writ, Parish of Jefferson, 24th Judicial District Court Number(s) 09-4796, Court of Appeal, Fifth Circuit, Number(s) 20-KH-360;

March 23, 2021

Writ application denied.

JLW

SJC

JTG

WJC

JBM

PDG

Hughes, J., would grant.

PAUL POUPART

NO. 20-KH-360

VERSUS

FIFTH CIRCUIT

STATE OF LOUISIANA, ET AL

COURT OF APPEAL

STATE OF LOUISIANA

November 16, 2020

Susan Buchholz
First Deputy Clerk

IN RE PAUL POUPART

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
CORNELIUS E. REGAN, DIVISION "B", NUMBER 09-4796

Panel composed of Judges Fredericka Homberg Wicker,
Marc E. Johnson, and Robert A. Chaisson

WRIT DENIED

Relator, Paul Poupert, seeks review of the district court's denial of his fifth application for post-conviction relief. For the reasons that follow, we find no error in the district court's ruling.

On October 13, 2009, relator was charged by bill of information with public intimidation, in violation of La. R.S. 14:122. On January 12, 2011, a jury found defendant guilty as charged. Relator was adjudicated a fourth felony offender on April 29, 2011, and was thereafter sentenced, pursuant to the provisions of La. R.S. 15:529.1, to twenty years imprisonment at hard labor without benefit of probation or suspension of sentence. On February 28, 2012, this Court affirmed relator's conviction and sentence, and on October 8, 2012, the Louisiana Supreme Court denied relator's writ application challenging this Court's February 28, 2012 decision. *See State v. Poupert*, 11-710 (La. App. 5 Cir. 2/28/12), 88 So.3d 1132, writ denied, 12-705 (La. 10/8/12), 98 So.3d 867.

In August of 2020, relator filed his fifth application for post-conviction relief and a supplemental memorandum in support of his application. On August 19, 2020, the district court denied relator's application for post-conviction relief as untimely and also found that his claims were procedurally barred as successive and repetitive. On September 2, 2020, the district court likewise denied relator's supplement to his application, stating that "collateral review has been exhausted and further review is precluded."

According to La. C.Cr.P. art. 930.8(A), "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 years after the judgment of conviction and sentence has become final under the provisions of Article 914 or 922," unless an enumerated exception applies. We have reviewed the claims raised by relator in his application for post-conviction relief and supplement and find that relator has failed to establish any exception to the two-year mandatory time limit. Therefore, we find no error in the district court's determination that relator's application for post-conviction relief is untimely.

We further agree with the district court's determination that relator's claims are procedurally barred pursuant to La. C.Cr.P. art. 930.4 as successive and/or repetitive. As noted by the Louisiana Supreme Court, relator has exhausted his right to state collateral review and fails to show that any exception permits his successive filing. See *State ex rel. Poupart v. State*, 17-1237 (La. 9/15/17), 224 So.3d 960, and *Poupart v. State*, 20-364 (La. 6/3/20), 296 So.3d 1067.

Accordingly, we deny relator's writ application.

Gretna, Louisiana, this 16th day of November, 2020.

RAC
FHW
MEJ

Serve

TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

NO. 09-4796

DIVISION "B"

STATE OF LOUISIANA

VERSUS

PAUL POUPART

FILED: September 21, 2020

[Signature]
DEPUTY CLERK

ORDER

This matter comes before the court on the petitioner's NOTICE OF INTENT TO TAKE WRITS, MOTION FOR FIXING TIME AND EXTENSION OF TIME FOR FILING WRITS, STAMPED AS FILED SEPTEMBER 16, 2020.

The defendant seeks writs from this court's denial of his fifth application for post-conviction relief on August 19, 2020.

Uniform Rules of the Courts of Appeal Rule No. 4-3 provides that a writ return date must be within 30 days of the ruling sought to be reviewed. The court finds good cause to consider petitioner's notice as timely.

Rule No. 4-3 provides that the court shall set a reasonable return date and that the court may extend the time for filing the application upon a proper showing. The defendant requests an extended return date which the court will grant.

Accordingly,

IT IS ORDERED BY THE COURT that the defendant's writ application is returnable to the Fifth Circuit Court of Appeal on or before October 12, 2020.

Gretna, Louisiana, this 21st day of September 2020.

[Signature]
JUDGE

PLEASE SERVE:

PRISONER: Paul Poupert, #357073, Hunt Corr. Center, P.O. Box 174, St. Gabriel, LA 70776

RECEIVED

OCT 01 2020

WARDEN'S OFFICE
HUNT CORRECTIONAL CENTER
ST. GABRIEL, LA 70776

