

APPENDIX B

Rulings from the Louisiana Supreme Court

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KH-01084

VS.

DAVID WAYNE POYDRAS

IN RE: David Wayne Poydras - Applicant Defendant; Applying For Supervisory Writ, Parish of Lafayette, 15th Judicial District Court Number(s) 52685, Court of Appeal, Third Circuit, Number(s) KH 22-00499;

December 19, 2023

Writ application denied.

WJC
JLW
JDH
SJC
JTG
JBM
PDG

Supreme Court of Louisiana
December 19, 2023

Katie Marganovic
Chief Deputy Clerk of Court
For the Court

APPENDIX

A

Ruling from the Louisiana Third Circuit
Court of Appeal, Also, Exhibit 3(A)
in Appendix C.

Exhibit
3(A)

Third Circuit Ruling

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT

NO: KH 22-00499

**Judgment rendered and mailed to all
parties or counsel of record on July 21,
2023.**

STATE OF LOUISIANA
VERSUS
DAVID WAYNE POYDRAS

FILED: 08/02/22

On application of David Wayne Poydras for Writ of Review in No. 52685 on the docket of the Fifteenth Judicial District Court, Parish of Lafayette, Hon. Kristian Dennis Earles.

Pro se

Counsel for:
David Wayne Poydras

Donald Dale Landry

Counsel for:
State of Louisiana

Lake Charles, Louisiana, on July 21, 2023.

WRIT DENIED: Relator filed a writ application with this court seeking supervisory review of the trial court's June 13, 2022, dismissal of his application for post-conviction relief filed in April 2022. Relator's April 2022 application for post-conviction relief was untimely filed. Applications for post-conviction relief are bound by the prescriptive period set forth in La.Code Crim.P. art. 930.8. Relator's judgment of conviction and sentence became final in 1987. La.Code Crim.P. arts. 814, 922; *State v. Poydras*, 514 So.2d 516 (La.App. 3 Cir. 1987). The post-conviction relief articles were enacted by 1990 La.Acts No. 1023, §1 and became effective October 1, 1990. Thereafter, Relator had until October 1, 1991, to seek post-conviction relief. Relator filed his petition with the trial court in April 2022, which was beyond Relator's time for seeking post-conviction relief. Therefore, Relator's April 2022 application for post-conviction relief was not timely filed with the trial court. Moreover, Relator failed to establish an applicable exception to the time limitation. See La.Code Crim.P. arts. 926.2, 926.3, 930.8, 930.10. Accordingly, Relator's writ application is denied.

SJG
SJG

CGF
CGF

GJO
GJO