May 29, 2025

409 So.3d 755 (Mem)
Supreme Court of Louisiana.

Vincent SMITH
v.
Tim HOOPER, Warden Louisiana State Penitentiary

No.
2024
-
KH
-
01107
|

Applying For Supervisory Writ, Parish of Jefferson, 24th Judicial District Court Number(s) 94-6830, Court of Appeal, Fifth Circuit, Number(s) 24-KH-347.

Opinion

***1** Writ application denied - Applicant has previously exhausted his right to state collateral review and fails to show any exception permits his successive filing. See State ex rel. Smith v. State, 2017-1851 (La. 12/15/17), 231 So.3d 608.

All Citations

409 So.3d 755 (Mem), 2024-01107 (La. 5/29/25)

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No._____

IN THE

SUPREME COURT OF THE UNITED STATES

VINCENT SMITH
Petitioner

vs.

TIMOTHY HOOPER, WARDEN
Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT, STATE OF LOUISIANA

INDEX OF APPENDICES

VINCENT SMITH, #96122
PRO SE PETITIONER
MAIN PRISON WEST-WALNUT-3
LOUISIANA STATE PENITENTIARY
ANGOLA, LOUISIANA 70712

APPENDIX-A

OPINION OF THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, JUNE 24, 2024

W/F

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SERVICE RETURN

TWENTY FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

NO. 94-6830

DIVISION "I"

STATE OF LOUISIANA

VERSUS

VINCENT SMITH

7-2-24

FILED: June 24, 2024

DEPUTY CLERK

ORDER

This matter comes before the court on the petitioner/defendant's **APPLICATION FOR POST-CONVICTION RELIEF, STAMPED AS FILED JUNE 14, 2024.**

On May 25, 1995, the petitioner/defendant was convicted after trial by jury of the second degree murder of his girlfriend. His conviction and life sentence were upheld on direct appeal in *State v. Smith*, 95-734 (La.App. 5 Cir. 1/30/96), 668 So.2d 1260, *writ denied*, 98-KH-1406 (La. 10/16/98), 726 So.2d 899. In addition, more than twenty applications for post-conviction relief have been denied by the district court. Writ denials from the Fifth Circuit Court of Appeal and the Supreme Court of Louisiana have followed.

The petitioner now files a document entitled "Application for Post Conviction Relief." He does not file the required form or provide certain mandatory information. In his brief, he contends that changes in statute in 2006 warrant relief.

The court will not address the merits of his claim because this application for post-conviction relief remains untimely. Under the clear language of LSA-C.Cr.P. art. 930.8, the petitioner had two years (previously three) from the date his conviction and sentence became final to file an application for post-conviction relief, unless he proved an exception to the time limitations of LSA-C.Cr.P. art. 930.8(A). Petitioner does not claim any valid exceptions, and fails to provide any adequate proof to properly establish any enumerated exceptions for delayed filing in this case. An additional basis for denial of post-conviction relief is the bar to repetitive and successive applications contained in LSA-C.Cr.P. art. 930.4.

The court finds that this application, the petitioner's twentieth, for post-conviction relief is barred from further judicial review as repetitive, untimely, and successive.

Accordingly,

IT IS ORDERED BY THE COURT that this application for post-conviction relief be and is hereby **DENIED**.

Gretna, Louisiana this 24th day of June, 2024

JUDGE

PLEASE SERVE:

DEFENDANT: Vincent Smith, DOC # 96122, La. State Prison, Camp-D Fal., Angola, LA 70712

WARDEN: La. State Prison, Camp-D Fal., Angola, LA 70712

DISTRICT ATTORNEY: Paul Connick, Thomas J. Butler, 200 Derbigny St., Gretna, LA 70053

ISSUED: 06/24/2024 13:13:52

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APPENDIX-B
OPINION OF THE FIFTH CIRCUIT COURT OF APPEAL, AUGUST 6, 2024

VINCENT SMITH

VERSUS

TIM HOOPER, WARDEN
LOUISIANA STATE PENITENTIARY

NO. 24-KH-347

FIFTH CIRCUIT

COURT OF APPEAL

STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORDS
Linda Wiseman
Linda Wiseman
First Deputy, Clerk of Court

August 06, 2024

Linda Wiseman
First Deputy Clerk

IN RE VINCENT SMITH

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE NANCY A. MILLER, DIVISION "I", NUMBER 94-6830

Panel composed of Judges Marc E. Johnson,
Scott U. Schlegel, and Timothy S. Marcel

WRIT DENIED

Relator, Vincent Smith, seeks supervisory review of the trial court's June 24, 2024 order denying his application for post-conviction relief (APCR). He contends that the trial court erred by denying his APCR because he is entitled to relief based on a 2006 amendment to the law governing justifiable homicide.[1]

Relator's conviction for second degree murder became final in 1998. *State v. Smith*, 95-734 (La. App. 5 Cir. 1/30/96), 668 So.2d 1260, 1269, *writ denied*, 98-1406 (La. 10/16/98), 726 So.2d 899. First, we find that relator failed to comply with Uniform Rules – Courts of Appeal Rule 4-5 as he failed to provide a copy of the APCR filed with the trial court, as well as the notice of intent and return date order required by Rules 4-2 and 4-3. In addition, relator filed his APCR well outside of the prescriptive period set forth in La. C.Cr.P. art. 930.8, and failed to

[1] The trial court observed in its ruling that this is relator's twentieth APCR.