

STATE OF LOUISIANA

* PARISH OF UNION *

THIRD DISTRICT COURT
Filed in Clerk's Office

STATE OF LOUISIANA

FILED: _____

Versus No. 44, 184

Division B

NOV 22 2013

Mmet Frazer, D.Y.

3rd District Court
Union Parish, Louisiana

DORIAN MORRIS

DEPUTY CLERK OF COURT

ORDER

Before the Court is application for post conviction relief filed by petitioner raising three claims. Petitioner's first claim is that the plea entered was under duress and undue influence. Petitioner's second claim is that he received ineffective assistance of counsel. Petitioner's final claim is that his plea was not knowing and voluntary.

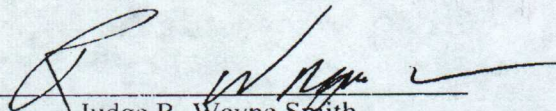
Claim one is procedurally barred pursuant to *La. C. Cr. P.* Art 930.4 (C). Petitioner is generally entitled to state the reasons for his failure to timely raise certain claims pursuant to *La. C. Cr. P.* art 930.4(F). This is usually inquired of petitioner initially when the Uniform Application for Post Conviction Relief Form is properly used. This was not done here. In order to give the petitioner the opportunity to address this issue, IT IS ORDERED, that petitioner file written reasons for his failure to raise this claim on appeal within 15 days of his being notified of this Order.

Claim two involves ineffective assistance of counsel which are more appropriately addressed via Post Conviction Relief. IT IS ORDERED, pursuant to *La C. Cr. P.* art 927(A), that the State of Louisiana file any procedural or substantive objections and/or answers to applicant's petition for post conviction relief within 30 days from the date hereof addressing this claim.

Claim three is also procedurally barred pursuant to *La. C. Cr. P.* Art 930.4 (C). Petitioner will likewise be given the petitioner the opportunity to address this issue, therefore IT IS ORDERED, that petitioner file written reasons for his failure to raise this claim on appeal within 15 days of his being notified of this Ruling.

The Clerk of Court is directed to notify the District Attorney, petitioner, petitioner's current counsel, petitioner's counsel of record, and his custodian by certified copy hereof. The Clerk of Court is also directed to provide a copy of the applicant's petition, if not previously furnished, to the District Attorney and petitioner's counsel of record.

THUS DONE and SIGNED this 21st day of November, 2013, in chambers at Ruston, Lincoln Parish, Louisiana.



Judge R. Wayne Smith
Third Judicial District Court