

SUPREME COURT OF LOUISIANA

No. 08-KH-1717

STATE OF LOUISIANA

v.

SANDRA CORDERO

PER CURIAM:

Petitioner complains in her application that the internal operating procedures of the Fifth Circuit Court of Appeal effectively deprived her of supervisory review of a district court judgment denying her post-conviction relief in 2001 and resulted in an order from the court of appeal which did not conform to the requirements of La.Const. art. V, § 8(B). Cordero v. Jones, Warden, 01-1085 (La. 9/20/02) (Dufresne, Cannella, Edwards, JJ.; Dufresne, J., for the court), writ denied, 01-3017 (La. 9/20/02), 825 So.2d 1167. The application asks for various forms of relief, including merits review of her claims originally presented in her 2001 application.

This Court has received several hundred applications raising similar claims and asking for similar relief filed by petitioners whose pro se applications were denied by the Fifth Circuit from February 8, 1994 to May 21, 2007. (See 08-KH-1718 through 08-KH-1726; 08-KH-1729 through 08-KH-1730; 08-KH-1732 through 08-KH-1734; 08-KH-1736 through 08-KH-1743; 08-KH-1748 through 08-KH-1755; 08-KH-1757 through 08-KH-1766; 08-KH-1770 through 08-KH-1802; 08-KH-1804 through 08-KH-1813; 08-KH-1816 through 08-KH

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Weimer, J. dissents and assigns reasons.

1818; 08-KH -1821 through 08-KH-1823; 08-KH-1825 through 08-KH-1844; 08-KH-1846; 08-KH-1848 through 08-KH-1854; 08-KH-1856 through 08-KH-1862; 08-KH-1866 through 08-KH-1878; 08-KH-1880; 08-KH-1882 through 08-KH-1884; 08-KH-1886 through 08-KH-1889; 08-KH-1891 through 08-KH-1892; 08-KH-1904 through 08-KH-1910; 08-KH-1913 through 08-KH-1925; 08-KH-1930 through 08-KH-1938; 08-KH-1941 through 08-KH-1946; 08-KH-1948; 08-KH-1952 through 08-KH-1954; 08-KH-2002; 08-KH-2004 through 08-KH-2009; 08-KH-2015 through 08-KH-2017; 08-KH 2028 through 08-KH-2033; 08-KH-2043; 08-KH-2047 through 08-KH-2054; 08-KH-2056; 08-KH-2061; 08-KH-2063 through 08-KH-2065; 08-KH-2067 through 08-KH-2069; 08-KH 2071 through 08-KH-2074; 08-KH 2083; 08-KH-2087 through 08-KH-2089; 08-KH-2091 through 08-KH-2093; 08-KH-2110 through 08-KH-2112; 08-KH 2116; 08-KH-2120 through 08-KH-2121; 08-KH-2206; 08-KH-2216 through 08-KH-2219; 08-KH-2221 through 08-KH-2222; 08-KH-2234 through 08-KH-2239; 08-KH-2241; 08-KH-2269 through 08-KH-2270; 08-KH-2272 through 08-KH-2277; 08-KH-2280 through 08-KH-2286; 08-KH-2298; 08-KH-2300; 08-KH-2305 through 08-KH-2308; 08-KH-2322 through 08-KH-2324; 08-KH-2326 through 08-KH-2328; 08-KH-2332 through 08-KH-2333; 08-KH-2360 through 08-KH-2361; 08-KH-2369; 08-KH-2372 through 08-KH-2381; and 08-KH-2384.)

We have also received from the Fifth Circuit Court of Appeal an en banc resolution unanimously adopted by that court on September 9, 2008, recommending that this Court transfer all of these applications to the court of appeal for random allotment to a panel of three judges drawn from five judges on that court, Chehardy, McManus, Wicker, Guidry, JJ., and Jasmine, Pro Tem. The en banc resolution also sets out internal procedures designed to promote completely independent review by the randomly-selected panels.

Therefore, in accordance with the Resolution of the Fifth Circuit Court of Appeal en banc, the application of Sandra

Cordero is herewith transferred to the Fifth Circuit Court of Appeal for consideration according to the procedures outlined in the Fifth Circuit Court of Appeal's en banc resolution of September 9, 2008. These three-judge panels are to be insulated from all persons, other than the panel judges and their respective personal staffs. This Court also determines that the applications presently filed and pending in this Court by petitioners, raising similar claims and enumerated hereinabove should also be handled in accordance with the procedures outlined in this Order and the Fifth Circuit Court of Appeal's en banc resolution of September 9, 2008. Further, this Court also determines under its supervisory authority that the applications presently filed and pending in the Fifth Circuit Court of Appeal by those petitioners who raise similar claims should also be handled in accordance with the procedures outlined in this Order and the Fifth Circuit Court of Appeal's en banc resolution of September 9, 2008.

A copy of the Fifth Circuit Court of Appeal's en banc resolution of September 9, 2008 and a list of the similar applications to be transferred by this Court shortly to the Fifth Circuit Court of Appeal in separate actions are appended to this Order.