

SUPREME COURT OF LOUISIANA

No. 2008-CC-1292

JAMES SKIPPER

Versus

HONORABLE JUDGE LEO BOOTHE, et al.

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
THIRD CIRCUIT, PARISH OF CONCORDIA**

JOHNSON, Justice, would consider the writ application on the merits:

In my mind, Louisiana should adopt the "mailbox rule," in criminal and civil cases, finding that a document is considered "filed" when it is delivered to prison officials. *Tatum v. Lynn*, 93-1559 (La. App. 1st Cir. 5/20/94), 637 So.2d 796. The U.S. Supreme Court, in *Houston v. Lack*, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988), concluded that a document is timely when the inmate has deposited the document with prison authorities. The U.S. Supreme Court reasoned that the inmate had used the only means available to him to ensure the timely filing of his petition, namely delivery to the prison authorities. There was nothing further he could do to protect his rights.