

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-KH-00076

VS.

DEMARIUS MONTREAL RUCKS

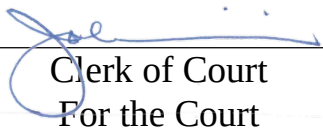
IN RE: Demarius Montreal Rucks - Applicant Defendant; Applying For Supervisory Writ, Parish of Ouachita, 4th Judicial District Court Number(s) 16-F-1448, Court of Appeal, Second Circuit, Number(s) 52,523-KH;

August 14, 2020

Writ application denied. See per curiam.

JDH
BJJ
JLW
SJC
JTG
WJC
JHB

Supreme Court of Louisiana
August 14, 2020



Clerk of Court
For the Court

08/14/20

SUPREME COURT OF LOUISIANA

No. 19-KH-0076

STATE OF LOUISIANA

v.

DEMARIUS MONTREAL RUCKS

**ON SUPERVISORY WRITS TO THE FOURTH
JUDICIAL DISTRICT COURT, PARISH OF OUACHITA**

PER CURIAM:

Denied. Applicant fails to show that he was denied the effective assistance of counsel during plea negotiations under the standard of *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). As to his remaining claims, applicant fails to satisfy his post-conviction burden of proof. La.C.Cr.P. art. 930.2.

Applicant has now fully litigated his application for post-conviction relief in state court. Similar to federal habeas relief, *see* 28 U.S.C. § 2244, Louisiana post-conviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La.C.Cr.P. art. 930.4 and within the limitations period as set out in La.C.Cr.P. art. 930.8. Notably, the legislature in 2013 La. Acts 251 amended that article to make the procedural bars against successive filings mandatory. Applicant's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, applicant has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.