

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-KH-01637

VS.

ARTY MARCEL

IN RE: Arty Marcel - Applicant Defendant; Applying For Supervisory Writ, Parish of Terrebonne, 32nd Judicial District Court Number(s) 686293, Court of Appeal, First Circuit, Number(s) 2019 KW 0495;

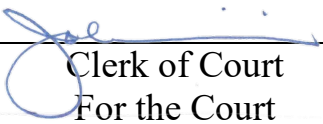
July 24, 2020

Writ application denied. See per curiam.

BJJ
JDH
SJC
JTG
WJC
JHB

Weimer, J., recused.

Supreme Court of Louisiana
July 24, 2020


Clerk of Court
For the Court

07/24/20

SUPREME COURT OF LOUISIANA

No. 19-KH-1637

STATE OF LOUISIANA

v.

ARTY MARCEL

**ON SUPERVISORY WRITS TO THE THIRTY-SECOND
JUDICIAL DISTRICT COURT, PARISH OF TERREBONNE**

PER CURIAM:

Denied. Applicant fails to show that he received ineffective assistance of counsel 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.