

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-KP-01569

VS.

JOSEPH MCKINNEY

IN RE: Joseph McKinney - Applicant Defendant; Applying For Supervisory Writ,
Parish of Ascension, 23rd Judicial District Court Number(s) 32975, Court of Appeal,
First Circuit, Number(s) 2019 KW 0931;

May 26, 2020

Writ application denied. See per curiam.

JTG

BJJ

JLW

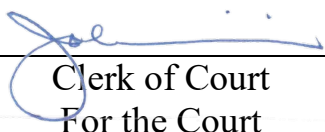
JDH

SJC

WJC

JHB

Supreme Court of Louisiana
May 26, 2020


Clerk of Court
For the Court

05/26/20

SUPREME COURT OF LOUISIANA

No. 19-KP-1569

STATE OF LOUISIANA

v.

JOSEPH McKINNEY

**ON SUPERVISORY WRITS TO THE TWENTY-THIRD
JUDICIAL DISTRICT COURT, PARISH OF ASCENSION**

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).

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.