

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KH-00621

VS.

ALCUS SMITH

IN RE: Alcus Smith - Applicant Defendant; Applying For Supervisory Writ, Parish of Jefferson, 24th Judicial District Court Number(s) 15-1144, Court of Appeal, Fifth Circuit, Number(s) 20-KH-00036;

September 29, 2020

Writ application denied. See per curiam.

JDH

JLW

SJC

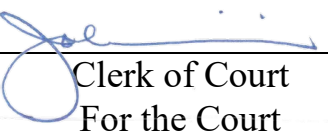
JTG

WJC

JHB

Johnson, C.J., would grant and assigns reasons.

Supreme Court of Louisiana
September 29, 2020



Clerk of Court
For the Court

09/29/20

SUPREME COURT OF LOUISIANA

No. 20-KH-0621

ALCUS SMITH

v.

DARREL VANNOY, WARDEN

**ON SUPERVISORY WRITS TO THE TWENTY-FOURTH
JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON**

PER CURIAM:

Denied. Applicant fails to show that he was denied the effective 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 claim, 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.