

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KH-00666

VS.

ELIJAH SMITH, III

IN RE: Elijah Smith, III - Applicant Defendant; Applying For Supervisory Writ,
Parish of East Baton Rouge, 19th Judicial District Court Number(s) 06-12-1213, 1st
Circuit Court of Appeal, Number(s) 2020 KW 0155;

January 26, 2021

Writ application denied. See per curiam.

JTG

JLW

JDH

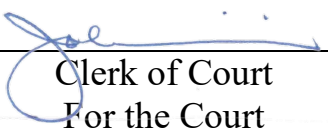
SJC

WJC

JBM

PDG

Supreme Court of Louisiana
January 26, 2021



Clerk of Court
For the Court

01/26/2021

SUPREME COURT OF LOUISIANA

No. 20-KH-0666

ELIJAH SMITH, III

v.

DARREL VANNOY, WARDEN

**ON SUPERVISORY WRITS TO THE NINETEENTH
JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE**

PER CURIAM:

Denied. 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 amminute entry consistent with this per curiam.