

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KH-00875

VS.

JARVIS MCKINLEY FLEMING

IN RE: Jarvis Fleming - Applicant Defendant; Applying For Supervisory Writ, Parish of East Baton Rouge, 19th Judicial District Court Number(s) 04-11-0835, First Circuit Court of Appeal, Number(s) 2019 KW 1691;

November 04, 2020

Writ application denied. See per curiam.

JLW

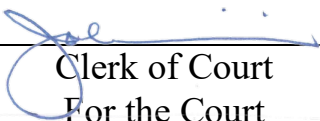
SJC

JTG

WJC

JHB

Supreme Court of Louisiana
November 04, 2020



Clerk of Court
For the Court

11/04/20

SUPREME COURT OF LOUISIANA

No. 20-KH-0875

STATE OF LOUISIANA

v.

JARVIS McKINLEY FLEMING

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

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.