

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KP-00453

VS.

KENNETH MARTIN

IN RE: Kenneth Martin - Applicant Defendant; Applying For Supervisory Writ,
Parish of Orleans Criminal, Orleans Criminal District Court Number(s) 502-361,
Court of Appeal, Fourth Circuit, Number(s) 2020-K-0089;

January 20, 2021

Writ application denied. See per curiam.

PDG

JLW

JDH

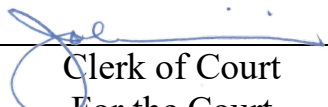
SJC

JTG

WJC

JBM

Supreme Court of Louisiana
January 20, 2021



Clerk of Court
For the Court

01/20/21

SUPREME COURT OF LOUISIANA

No. 20-KP-0453

STATE OF LOUISIANA

v.

KENNETH MARTIN

**ON SUPERVISORY WRITS TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

PER CURIAM:

Denied. Applicant fails to show that the state withheld material exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963). Applicant also 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.

