

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2020-KP-00811

VS.

RYAN MICHAEL POURCIAU

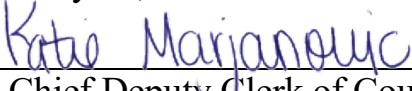
IN RE: Ryan Michael Pourciau - Applicant Defendant; Applying For Supervisory Writ, Parish of Tangipahoa, 21st Judicial District Court Number(s) 1301894, 1st Circuit Court of Appeal, Number(s) 2019 KW 1237;

February 24, 2023

Writ application denied. See per curiam.

JLW
JDH
SJC
WJC
JBM

Genovese, J., would grant in part for the reasons assigned in State v. Reddick, 2021-01893 (La. 10/21/22) 351 So.3d. 273.
Griffin, J., would grant. See State v. Reddick, 2021-01893 (La. 10/21/22) 351 So.3d. 273. (Griffin, J. dissenting).

Supreme Court of Louisiana
February 24, 2023


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA**No. 20-KP-0811****STATE OF LOUISIANA****v.****RYAN MICHAEL POURCIAU****ON SUPERVISORY WRITS TO THE TWENTY-FIRST
JUDICIAL DISTRICT COURT, PARISH OF TANGIPAHOA****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 also 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's excessive sentence claim is not cognizable on collateral review. La.C.Cr.P. art. 930.3; *State ex rel. Melinie v. State*, 93-1380 (La. 1/12/96), 665 So.2d 1172. As to his remaining claims, applicant fails to satisfy his post-conviction burden of proof. La.C.Cr.P. art. 930.2. *See also State v. Reddick*, 2021-01893 (La. 10/21/22), 351 So.3d 273.

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.