

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-KH-00079

VS.

BRETT WAYNE BURNLEY

IN RE: Brett Wayne Burnley - Applicant Defendant; Applying For Supervisory Writ, Parish of Caddo, 1st Judicial District Court Number(s) 336,879, Court of Appeal, Second Circuit, Number(s) 53,815-KH;

May 04, 2021

Writ application denied. See per curiam.

JLW

JDH

SJC

JTG

WJC

JBM

PDG

Supreme Court of Louisiana

May 04, 2021



Chief Deputy Clerk of Court
For the Court

05/04/21

SUPREME COURT OF LOUISIANA

No. 21-KH-0079

STATE OF LOUISIANA

v.

BRETT WAYNE BURNLEY

**ON SUPERVISORY WRITS TO THE FIRST
JUDICIAL DISTRICT COURT, PARISH OF CADDO**

PER CURIAM:

Denied. Applicant is not entitled to an out-of-time appeal. *See State v. Counterman*, 475 So.2d 336 (La. 1985). By pleading guilty unconditionally, he waived all non-jurisdictional defects in the proceedings leading to his conviction, *State v. Crosby*, 338 So.2d 584, 586 (La. 1976), and applicant cannot appeal or seek review of a sentence imposed in conformity with a plea agreement. La.C.Cr.P. art. 881.2(A)(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.