

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-KH-00572

VS.

TIMOTHY DESHUN KELLY

IN RE: Timothy Deshun Kelly - Applicant Defendant; Applying For Supervisory Writ, Parish of Caddo, 1st Judicial District Court Number(s) 337,487, Court of Appeal, Second Circuit, Number(s) 53,982-KH;

September 27, 2021

Writ application denied. See per curiam.

JTG

JLW

JDH

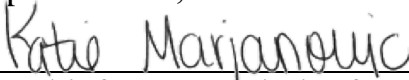
WJC

Griffin, J., would grant would grant to consider the retroactivity of Ramos v. Louisiana, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020) under Louisiana law. See Edwards v. Vannoy, 141 S.Ct. 1547, 1559 n. 6 (2021).

Crichton, J., recused.

McCallum, J., recused.

Supreme Court of Louisiana
September 27, 2021



Chief Deputy Clerk of Court
For the Court

09/27/21

SUPREME COURT OF LOUISIANA

No. 2021-KH-00572

STATE OF LOUISIANA

v.

TIMOTHY DESHUN KELLY

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

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.