

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2021-KH-00725

VS.

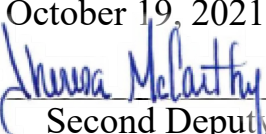
RUSTY J. LEBOEUF

IN RE: Rusty J. Leboeuf - Applicant Defendant; Applying For Supervisory Writ,
Parish of Lafourche, 17th Judicial District Court Number(s) C-567443, Court of
Appeal, First Circuit, Number(s) 2020 KW 1354;

October 19, 2021

Writ application denied. See per curiam.

JLW
JDH
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
October 19, 2021


Second Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 21-KH-0725

STATE OF LOUISIANA

v.

RUSTY J. LeBOEUF

**ON SUPERVISORY WRITS TO THE SEVENTEENTH
JUDICIAL DISTRICT COURT, PARISH OF LAFOURCHE**

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. The application is also repetitive. La.C.Cr.P. art. 930.4(B).

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.