

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-KH-01758

VS.

ENOCH JAMES

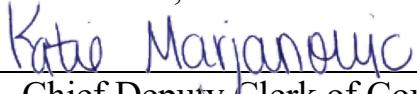
IN RE: Enoch James - Applicant Defendant; Applying For Supervisory Writ, Parish of Orleans Criminal, Criminal District Court Number(s) 541-109, Court of Appeal, Fourth Circuit, Number(s) 2021-K-0391;

November 08, 2023

Writ application denied. See per curiam.

JLW
JDH
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
November 08, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 21-KH-1758

STATE OF LOUISIANA

v.

ENOCH JAMES

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

PER CURIAM:

Denied. By pleading guilty unconditionally, applicant waived all non-jurisdictional defects in the proceedings leading to his conviction. *State v. Crosby*, 338 So.2d 584, 586 (La. 1976). Applicant fails to satisfy his post-conviction burden of proof of showing the plea was unknowingly or unintelligently made. La.C.Cr.P. art. 930.2. 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). As to his excessive sentence claim, it 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.

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.