

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-KH-01824

VS.

AARON KITZLER

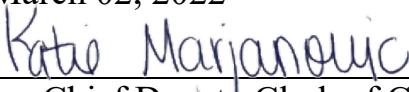
IN RE: Aaron Kitzler - Applicant Defendant; Applying For Supervisory Writ, Parish of Washington, 22nd Judicial District Court Number(s) 13-CR8-122103, Court of Appeal, First Circuit, Number(s) 2021 KW 0780;

March 02, 2022

Writ application denied. See per curiam.

JB
JLW
SJC
JTG
WJC

Hughes, J., would grant and order evidentiary hearing.
Griffin, J., would grant.

Supreme Court of Louisiana
March 02, 2022


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 21-KH-1824

STATE OF LOUISIANA

v.

AARON KITZLER

**ON SUPERVISORY WRITS TO THE TWENTY-SECOND
JUDICIAL DISTRICT COURT, PARISH OF WASHINGTON**

 **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). As to his remaining claims, he fails to meet his post- conviction burden of proof and/or the claims are repetitive. La.C.Cr.P. arts. 930.2, 930.4.

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.