

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-KH-01985

VS.

MARLON CARTER

IN RE: Marlon Carter - Applicant Defendant; Applying For Supervisory Writ, Parish of East Baton Rouge, 19th Judicial District Court Number(s) 04-15-0006, Court of Appeal, First Circuit, Number(s) 2021 KW 0955;

January 11, 2023

Writ application denied. See per curiam.

SJC
JLW
JDH
JTG
WJC
JBM

Griffin, J., would grant. See State v. Reddick 2021-01893 (La. 10/21/22) ___So.3d.___. (Griffin, J. dissenting).

Supreme Court of Louisiana
January 11, 2023

Katio Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 21-KH-1985

STATE OF LOUISIANA

v.

MARLON CARTER

**ON SUPERVISORY WRITS TO THE NINETEENTH
JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE**

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 claim, 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.