

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-KP-01086

VS.

BRITTANY TYSON

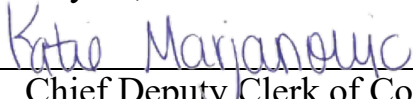
IN RE: Brittany Tyson - Applicant Defendant; Applying For Supervisory Writ,
Parish of Webster, 26th Judicial District Court Number(s) 87,847 c/w 87, 848, Court
of Appeal, Second Circuit, Number(s) 53,724-KW C/W 53,725-KW;

January 26, 2022

Writ application denied. See per curiam.

SJC
JTG
WJC
JBM

Weimer, C.J., concurs in part and dissents in part and assigns reasons.
Hughes, J., would grant and docket.
Griffin, J., would grant and docket and assigns reasons.

Supreme Court of Louisiana
January 26, 2022


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 21-KP-1086

STATE OF LOUISIANA

v.

BRITTANY TYSON

**ON SUPERVISORY WRITS TO THE TWENTY-SIXTH
JUDICIAL DISTRICT COURT, PARISH OF WEBSTER**

PER CURIAM:

Denied. Applicant fails to show that she is actually innocent pursuant to the standards provided in *State v. Conway*, 01-2808 (La. 4/12/02), 816 So.2d 290, and *State v. Pierre*, 13-0873, (La. 10/15/13), 125 So.3d 403. Applicant also fails to show she 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 has now fully litigated her 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 she can show that one of the narrow exceptions authorizing the filing of a successive application applies, applicant has exhausted her right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.