

The Supreme Court of the State of Louisiana

ERNEST PAYNE

No. 2021-KP-01120

VS.

STATE OF LOUISIANA

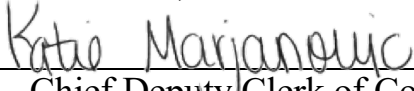
IN RE: Ernest Payne - Applicant Plaintiff; Applying For Supervisory Writ, Parish of Jefferson, 24th Judicial District Court Number(s) 13-1904, Court of Appeal, Fifth Circuit, Number(s) 21-KH-121;

December 21, 2021

Writ application denied. See per curiam.

JLW
JDH
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
December 21, 2021



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2021-KP-01120

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VS.

STATE OF LOUISIANA

On Supervisory Writ to the 24th Judicial District Court, Parish of Jefferson

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.