

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KH-01134

VS.

BENJAMIN LEE REED

IN RE: Benjamin Lee Reed - Applicant Defendant; Applying For Supervisory Writ, Parish of Bossier, 26th Judicial District Court Number(s) 222,254A, Court of Appeal, Second Circuit, Number(s) 54,760-KH;

December 06, 2022

Writ application denied. See per curiam.

JTG
JLW
SJC
WJC
JBM

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

Supreme Court of Louisiana
December 06, 2022

Katio Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 22-KH-1134

STATE OF LOUISIANA

v.

BENJAMIN LEE REED

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

PER CURIAM:

Denied. Applicant fails to show that he was denied the effective assistance of counsel during plea negotiations 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 claims, 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.