

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KP-00045

VS.

JON WRAY BAUMBERGER

IN RE: Jon Wray Baumberger - Applicant Defendant; Applying For Supervisory Writ, Parish of Calcasieu, 14th Judicial District Court Number(s) 2519-VC-11, Court of Appeal, Third Circuit, Number(s) KW 20-00151;

September 26, 2023

Writ application denied. See per curiam.

JLW

JDH

SJC

JBM

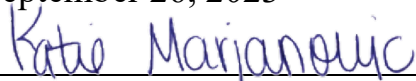
Genovese, J., would grant in part for the reasons assigned in State v. Reddick, 2021-01893 (La. 10/21/22) 351 So.3d. 273.

Crain, J., concurs.

Griffin, J., would grant. See State v. Reddick, 2021-01893 (La. 10/21/22) 351 So.3d. 273. (Griffin, J. dissenting).

Supreme Court of Louisiana

September 26, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

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VS.

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On Supervisory Writ to the 14th Judicial District Court, Parish of Calcasieu

PER CURIAM:

Denied. Applicant fails to show that the district court erred in resolving his claim without conducting an evidentiary hearing and failed to carry his burden of proof to his claim of ineffective assistance of counsel. *See* La.C.Cr.P. art. 929(A) and 930.2; *State ex rel. Tassin v. Whitley*, 602 So.2d 721, 722 (La. 1992); *see also Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). Additionally, *Ramos v. Louisiana*, 590 U.S. —, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020), does not apply retroactively to final convictions on state collateral review. *State v. Reddick*, 2021-01893 (La. 10/21/22), 351 So.3d 273.

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.