

The Supreme Court of the State of Louisiana

ELTON THOMAS

No. 2022-KP-00795

VS.

KIRT D. GUERIN, WARDEN

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of Jefferson, 24th Judicial District Court Number(s) 01-1657, 01-1922, Court
of Appeal, Fifth Circuit, Number(s) 22-KH-83;

October 18, 2022

Writ application granted. See per curiam.

JB
JLW
JDH
SJC
WJC

Genovese, J., concurs in the result.
Griffin, J., would grant and remand for an evidentiary hearing.

Supreme Court of Louisiana
October 18, 2022


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 22-KP-0795

ELTON THOMAS

v.

KIRT D. GUERIN, WARDEN

**ON SUPERVISORY WRITS TO THE TWENTY-FOURTH
JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON**

PER CURIAM:

Writ granted. The court of appeal’s ruling is reversed, and the habitual offender adjudication and enhanced sentence is reinstated. Respondent failed to carry his post-conviction burden of proving entitlement to relief, or otherwise establish a *prima facie* case sufficient to merit remand for evidentiary hearing on his ineffective assistance of counsel at sentencing claim. *See* La.C.Cr.P. art. 930.2; *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); *cf. State v. Robinson*, 19-1330 (La. 11/24/20), 304 So.3d 846.