

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KP-01213

VS.

TRESSIE LUCINDA NEWBERRY

IN RE: Tressie Newberry - Applicant Defendant; Applying For Supervisory Writ,
Parish of East Baton Rouge, 19th Judicial District Court Number(s) 09-13-0206,
Court of Appeal, First Circuit, Number(s) 2022 KW 0333;

January 24, 2024

Writ application denied. See per curiam.

WJC
JLW
SJC
JTG
JBM

Hughes, J., would grant and docket.
Griffin, J., would grant and docket.

Supreme Court of Louisiana
January 24, 2024

Katio Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 22-KP-1213

STATE OF LOUISIANA

v.

TRESSIE LUCINDA NEWBERRY

**ON SUPERVISORY WRITS TO THE NINETEENTH
JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE**

PER CURIAM:

Denied. Applicant fails to show that she was denied the effective 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.