

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KP-01340

VS.

MICHAEL D. NELSON

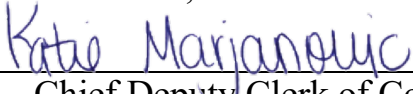
IN RE: Michael D. Nelson - Applicant Defendant; Applying For Supervisory Writ,
Parish of Tangipahoa, 21st Judicial District Court Number(s) 1602884, Court of
Appeal, First Circuit, Number(s) 2022 KW 0546;

November 08, 2022

Writ application denied. See per curiam.

PDG
JLW
JDH
SJC
JTG
WJC
JBM

Supreme Court of Louisiana
November 08, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 22-KP-1340

STATE OF LOUISIANA

v.

MICHAEL D. NELSON

**ON SUPERVISORY WRITS TO THE TWENTY-FIRST
JUDICIAL DISTRICT COURT, PARISH OF TANGIPAHOA**

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.