

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KH-00555

VS.

BRIAN RAINS

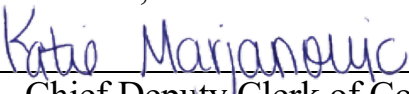
IN RE: Brian Rains - Applicant Defendant; Applying For Supervisory Writ, Parish of Sabine, 11th Judicial District Court Number(s) 18-CR-077574, Court of Appeal, Third Circuit, Number(s) KH 23-00102;

October 17, 2023

Writ application denied. See per curiam.

WJC
JLW
JDH
SJC
JTG
JBM
PDG

Supreme Court of Louisiana
October 17, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KH-00555

STATE OF LOUISIANA

VS.

BRIAN RAINS

On Supervisory Writ to the 11th Judicial District Court, Parish of Sabine

PER CURIAM:

Denied. By pleading guilty unconditionally, applicant waived all non-jurisdictional defects in the proceedings leading to his conviction. *State v. Crosby*, 338 So.2d 584, 586 (La. 1976). Applicant fails to satisfy his post-conviction burden of proof of showing the plea was unknowingly or unintelligently made. 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.