

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KH-01574

VS.

ANTHONY THOMAS DIFALCO

IN RE: Anthony Thomas Difalco - Applicant Defendant; Applying For Supervisory Writ, Parish of St. Tammany, 22nd Judicial District Court Number(s) 605037, Court of Appeal, First Circuit, Number(s) 2023 KW 0850;

April 03, 2024

Writ application denied. See per curiam.

JB
ML
JLW
JDH
SJC
JTG
WJC
PDG

Supreme Court of Louisiana
April 03, 2024

Katja Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 23-KH-1574

STATE OF LOUISIANA

v.

ANTHONY THOMAS DiFALCO

**ON SUPERVISORY WRITS TO THE TWENTY-SECOND
JUDICIAL DISTRICT COURT, PARISH OF ST. TAMMANY**

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). In addition, applicant fails to meet the requirements to assert a claim of factual innocence under La.C.Cr.P. art. 926.2.

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.