

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KP-00945

VS.

KENNETH WAYNE WHITMORE

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of East Baton Rouge, 19th Judicial District Court Number(s) 05-75-8865,
Court of Appeal, First Circuit, Number(s) 2023 KW 0427;

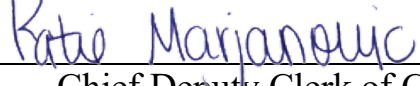
May 07, 2024

Writ application granted. See per curiam.

SJC
JLW
JDH
JTG
WJC
JBM
PDG

Crichton, J., additionally concurs and assigns reasons.

Supreme Court of Louisiana
May 07, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 23-KP-0945

STATE OF LOUISIANA

v.

KENNETH WAYNE WHITMORE

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

PER CURIAM:

Writ granted. Applicant has failed to make a *prima facie* showing of ineffective assistance of counsel at sentencing, and the district court erred in ordering the state to respond to the application for post-conviction relief on the merits. *See State v. Harris*, 18-1012 (La. 7/9/20), 340 So.3d 845; *State v. Marcus Harris*, 2021-01641, p. 1 (La. 1/19/22); 331 So.3d 321, 322 (Crichton, J., concurring).