

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KP-01509

VS.

TABARI BUTLER

IN RE: Tabari Butler - Applicant Defendant; Applying For Supervisory Writ, Parish of Orleans Criminal, Criminal District Court Number(s) 511-381, Court of Appeal, Fourth Circuit, Number(s) 2023-K-0623;

May 29, 2024

Writ application denied. See per curiam.

PDG
JLW
SJC
JTG
WJC
JBM

Hughes, J., would grant.

Supreme Court of Louisiana
May 29, 2024

Katie Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 23-KP-1509

STATE OF LOUISIANA

v.

TABARI BUTLER

**ON SUPERVISORY WRITS TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

PER CURIAM:

Denied. Applicant fails to show that a conflict of interest adversely affected his attorney’s performance. *See State v. Wille*, 595 So.2d 1149, 1153 (La. 1992) (citing *Cuyler v. Sullivan*, 446 U.S. 335, 348, 100 S.Ct. 1708, 1718, 64 L.Ed.2d 333 (1980)).

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.