

SUPREME COURT OF LOUISIANA

No. 15-KH-0792

STATE EX REL. MICHAEL SHANNON

v.

STATE OF LOUISIANA

**On Supervisory Writ from the
Criminal District Court, Parish of Orleans**

Writ granted; case remanded. The district court's ruling summarily dismissing relator's post-conviction application is vacated and the district court is directed to conduct an evidentiary hearing at which relator will be afforded the opportunity to present his claim of ineffective assistance of counsel with supporting evidence. Although only relator's pro se claims were raised in the district court (because relator filed his application before pro bono post-conviction counsel enrolled), and "[t]he general rule is that appellate courts will not consider issues raised for the first time," Segura v. Frank, 93-1271 (La. 1/14/94), 630 So.2d 714, 725, the interests of judicial economy and justice warrant the consideration of both relator's pro se and counselled allegations at an evidentiary hearing. See, e.g., State v. Duncan, 08-2244, (La. 1/22/10), 26 So.3d 148 (granting writs to remand the petitioner's post-conviction claims, including a claim not previously presented to the district court, for an evidentiary hearing). Following the hearing, the district court is ordered to determine whether trial counsel rendered ineffective assistance under the standard set out in Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).