

SUPREME COURT OF LOUISIANA

No. 15-KH-2154

STATE EX REL. CARL A. DUPERON

v.

STATE OF LOUISIANA

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

PER CURIAM:

Denied. Relator fails to show he received ineffective assistance of counsel under the standard of *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). We attach hereto and make a part hereof the District Court's written reasons denying relator's application.

Relator 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 La.C.Cr.P. art. 930.4 to make the procedural bars against successive filings mandatory. Relator's claims have now been fully litigated in state collateral proceedings 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, relator has exhausted his right to state collateral review. The District Court is ordered to record a minute entry consistent with this per curiam.

STATE OF LOUISIANA

NO. 509240"J"

VERSUS

22ND JUDICIAL DISTRICT COURT

PARISH OF ST. TAMMANY

CARL ANTHONY DUPERON

STATE OF LOUISIANA

FILED: *Aug. 14, 2013*

[Signature]
DEPUTY CLERK

REASONS FOR JUDGMENT

On July 9, 2013, petitioner Carl Duperon filed an application for Post Conviction Relief. On July 12, 2013, the Court ordered the State to file an answer or procedural objections thereto. On July 25, 2013, the State filed its answer. After considering the application for Post Conviction Relief, the State's answer, and the applicable law, the Court now renders the following reasons for judgment denying petitioner Carl Duperon's Application for Post Conviction Relief.

Defendant Duperon was found guilty of aggravated arson after a jury trial. He was later sentenced to twenty years as a third felony offender. His conviction and sentence were affirmed by the First Circuit Court of Appeal on December 21, 2012. In his application, petitioner Duperon raises three claims of relief: ineffective assistance of counsel and that the clerk failed to forward transcripts to appellate counsel.

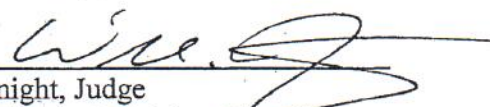
First, petitioner states that his trial counsel failed to challenge evidence and witness testimony at trial and that counsel failed to investigate evidence which would have supported petitioner's case. However, petitioner Duperon fails to identify with specificity what these challenges and/or investigations would have revealed and how the outcome of the trial would have been different. Petitioner can not support a claim of ineffective assistance of counsel by merely relying on conclusory allegations. The Court finds that petitioner Duperon has failed to carry his burden of proving that his counsel was ineffective, and the Court dismisses this claim asserted by petitioner Duperon in its entirety.

Petitioner Duperon next claims that his appellate counsel was ineffective because she did not

Petitioner Duperon's third claim is that the clerk of court failed to send him a copy of the court transcripts. This is simply not an appropriate basis for post conviction relief. The Court denies this claim in its entirety.

Accordingly, the Court denies petitioner Carl Duperon's Application for Post Conviction Relief in its entirety.

Covington, Louisiana, this 4th day of August, 2013.



William J. Knight, Judge
22nd Judicial District, Division "J"

A TRUE COPY

BY CLERK 22nd Jud. Dist. Court
ST. TAMMANY PARISH, LA