

**SUPREME COURT OF LOUISIANA**

**No. 15-KH-2198**

**STATE EX REL. DONALD LOSTON**

**v.**

**STATE OF LOUISIANA**

**ON SUPERVISORY WRITS TO THE SEVENTEENTH  
JUDICIAL DISTRICT COURT, PARISH OF LAFOURCHE**

**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). As to the remaining claims, relator fails to satisfy his post-conviction burden of proof. La.C.Cr.P. art. 930.2. 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  
PARISH OF LAFOURCHE  
17TH JUDICIAL DISTRICT COURT

NUMBER 516525

DIVISION "E"

STATE OF LOUISIANA

VERSUS

DONALD LOSTON

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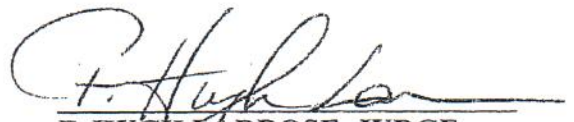
**ORDER**

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After considering the foregoing **PETITION FOR POST CONVICTION RELIEF** filed by the Defendant, Donald Loston, **ANSWER TO APPLICATION FOR POST CONVICTION RELIEF** filed by the State of Louisiana, **TRAVERSE TO THE STATE'S ANSWER** filed by the Defendant, Donald Loston, and a thorough review of the record, the Court finds that there are no issues of fact or law upon which relief may be granted; Accordingly,

**IT IS HEREBY ORDERED** that the post conviction relief prayed for by the defendant, Donald Loston is **DENIED**.

Thibodaux, Louisiana, this 22<sup>nd</sup> day of July, 2015.

  
F. HUGH LARROSE, JUDGE  
17<sup>TH</sup> Judicial District Court  
Division "E"