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SUPREME COURT OF LOUISIANA

No. 16-KH-0542

STATE EX REL. BERTRAM BAKER

V.

STATE OF LOUISIANA

ON SUPERVISORY WRITS TO THE THIRTY-SECOND JUDICIAL DISTRICT COURT, PARISH OF TERREBONNE

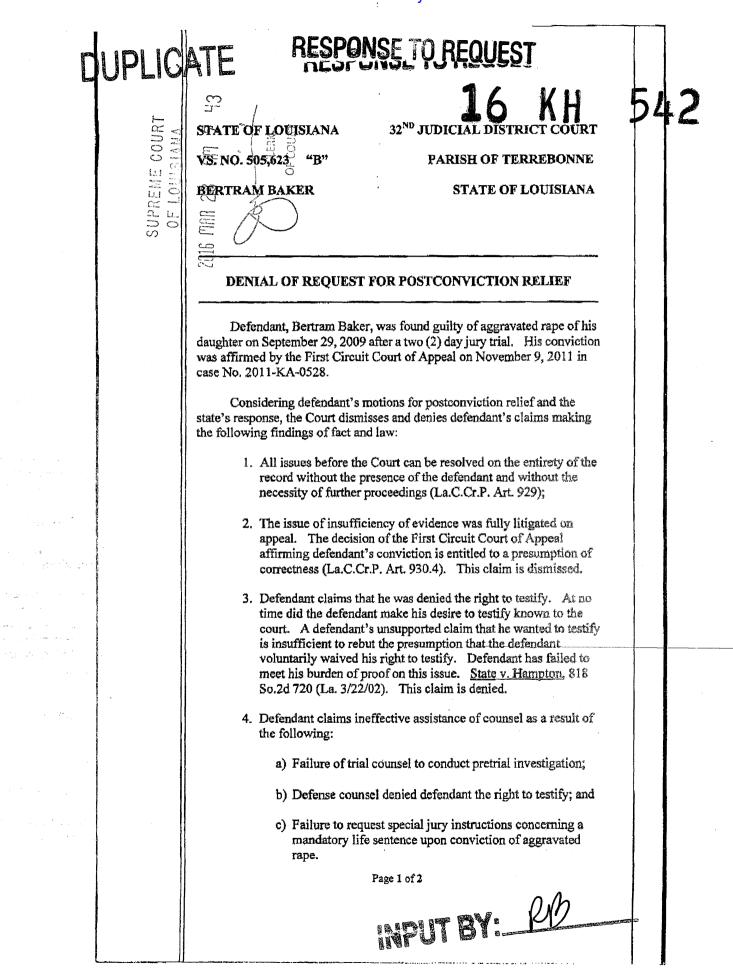
PER CURIAM:

Denied. The claim of insufficient evidence is repetitive. La.C.Cr.P. art. 930.4. In addition, 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 relief.

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 that article to make the procedural bars against successive filings mandatory. Relator'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, relator has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.

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In addition to the reasons given in paragraph three (3), the above claims are denied. Defendant has failed to state any facts which support the above claims. He has not shown how he was prejudiced or how the outcome of the trial would have changed.

These claims do not meet the requirements of <u>Strickland v.</u> <u>Washington</u> 466U.S. 668, 104 S.Ct. 2025 (1984) and are denied.

Further, there were no objections at trial to the above claims. These are also claims of trial error which cannot be raised on postconviction application (<u>State v. Parker</u> 711 So. 2d 694 (La. 5/8/98)). These claims are dismissed.

5. Defendant's claim that he is entitled to free copies of the record is denied. La.C.Cr.P. Art. 930.3 sets forth the exclusive grounds for granting postconviction relief. This request is not listed as grounds for postconviction relief. Also, the request for records should be instituted in a civil proceeding pursuant to the Public Records Law (State ex rel. McKnight v. State, 742 So.2d. 894 (La. App. 1st Cir. 12/3/98)).

Considering the above, defendant's motions/claims for postconviction relief are denied and dismissed.

ORDER RENDERED AND SIGNED this 27th day of March, 2015, at Houma, Louisiana.

JOHN & WALKER JUDGE - 32ND JUDICIAL DISTRICT DIVISION "B"

PLEASE SERVE:

Mr. Bertram Baker - DOC #530843 General Delivery Louisiana State Penitentiary Angola, LA 70712

Terrebonne Parish District Attorney's Office

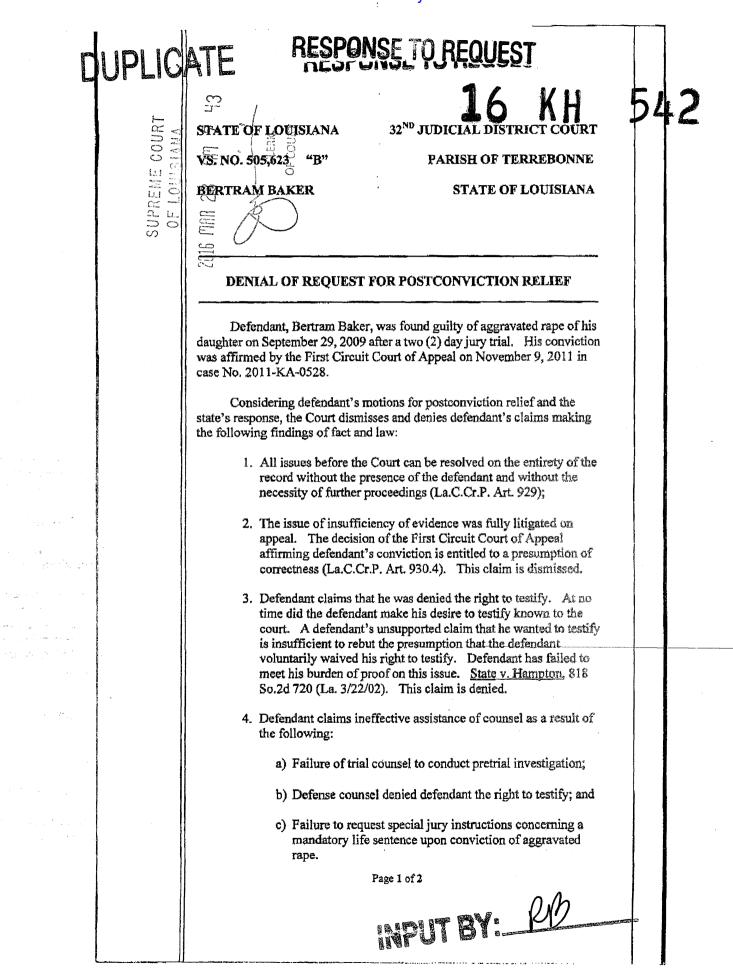
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