

SUPREME COURT OF LOUISIANA

No. 16-KH-1418

STATE EX REL. TYRONE TYRELL JOHNSON

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE SECOND
JUDICIAL DISTRICT COURT, PARISH OF BIENVILLE**

PER CURIAM:

Denied. Relator fails to show that he is entitled to an out-of-time appeal pursuant to *State v. Counterman*, 475 So.2d 336(La. 1985); *Cf.* La.C.Cr.P. art. 930.2. In addition, he fails to show that 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).

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 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.