

**SUPREME COURT OF LOUISIANA**

**No. 2018-KP-1475**

**STATE OF LOUISIANA**

**VERSUS**

**BRITTANY TYSON**

**ON SUPERVISORY WRITS TO THE 26TH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF WEBSTER**

**CRICHTON, J.**, would deny and assigns reasons.

I would deny the defendant's writ application. Following inculpatory statements to law enforcement officers coupled with a demonstration of how she shook her infant son (to death), Relator Brittany Tyson was charged with First Degree Murder. She pled guilty to a reduced charge of manslaughter; in doing so, she waived all non-jurisdictional defects. See *State v McKinney*, 406 So.2d 160 (La. 1981). She did not seek direct review and later filed an untimely application for post-conviction relief which alleges non-DNA claims of actual innocence and ineffective assistance of counsel. I would deny both on untimeliness grounds and alternatively on the merits under the rationale set forth in *State v Pierre*, 13-0873 (La. 10/15/13), 125 So.3d 403 and *State v Conway*, 01-2808 (La. 4/12/02), 816 So.2d 290.