

SUPREME COURT OF LOUISIANA

No. 19-KH-0034

STATE OF LOUISIANA

v.

TERRY SMITH

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

PER CURIAM:

Denied. Applicant fails to show he is factually innocent under the standard of *State v. Conway*, 01-2808 (La. 4/12/02), 816 So.2d 290.

Applicant 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. Applicant's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless h can show that one of the narrow exceptions authorizing the filing of a successive application applies, applicant has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.