

SUPREME COURT OF LOUISIANA

No. 15-KH-0793

STATE EX REL. ALEX P. PAPILLION

v.

STATE OF LOUISIANA

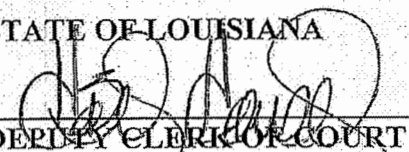
**ON SUPERVISORY WRITS TO THE FOURTEENTH
JUDICIAL DISTRICT COURT, PARISH OF CALCASIEU**

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). In addition, relator fails to show the state withheld material exculpatory evidence in violation of Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963). 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 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.

STATE OF LOUISIANA : 14TH JUDICIAL DISTRICT COURT
 VS. NO. 3987-07, 18566-10 : PARISH OF CALCASIEU
 ALEX PAPILLION : STATE OF LOUISIANA
 FILED: AUG 11 2014 : 
 DEPUTY CLERK OF COURT

ORDER

Petitioner, ALEX PAPILLION, filed an Application for Post Conviction Relief in the above captioned matter. Petitioner's counsel, Cate Bartholomew, subsequently filed a Supplemental Application for Post-Conviction Relief.

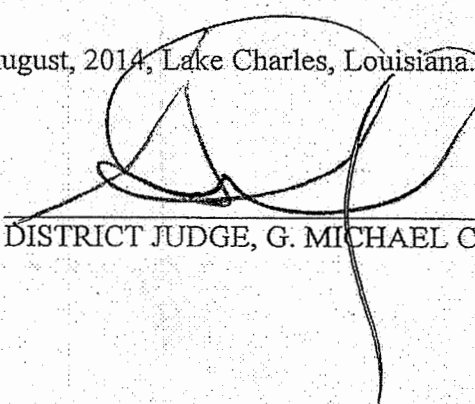
Petitioner's Supplemental Application for Post-Conviction Relief was denied on January 7th, 2014, and was subsequently appealed to the Court of Appeals, Third Circuit. Finding that the prior judgment failed to address the merits of the Supplemental Application, the Third Circuit remanded for consideration of the merits.

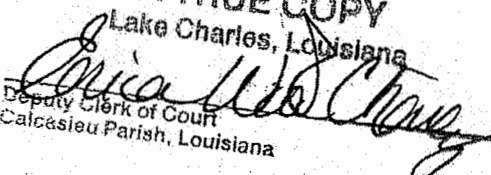
Pursuant to the Court of Appeals' Order, this Court ordered that the Calcasieu Parish District Attorney's Office submit procedural objections and/or merit answers prior to August 9th, 2014. That response was timely filed and received.

The Court hereby adopts the answer put forward by the District Attorney's Office as its reasons for denying Petitioner's Supplemental Application for Post-Conviction Relief. Additionally, the Court notes Petitioner's trial counsel, Mr. Todd Clemons, is a highly-qualified criminal defense attorney, and it is not this Court's practice to get involved in dictating trial strategy to the attorneys appearing before it. Finally, as to Petitioner's claim of a *Brady* violation, that claim is denied until Petitioner can provide actual evidence the claim exists, other than his own unsupported belief that it exists.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Supplemental Application for Post Conviction Relief is **DENIED**.

Done and signed this 8th day of August, 2014, Lake Charles, Louisiana.


 DISTRICT JUDGE, G. MICHAEL CANADAY

8-21-14
 A TRUE COPY
 Lake Charles, Louisiana

 Deputy Clerk of Court
 Calcasieu Parish, Louisiana