

SUPREME COURT OF LOUISIANA

No. 16-KH-1895

STATE EX REL. TALANDIS COTTON

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE TWENTY-THIRD
JUDICIAL DISTRICT COURT, PARISH OF ASCENSION**

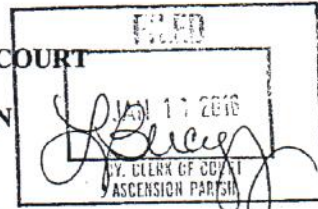
PER CURIAM:

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’s claim regarding the sufficiency of the evidence is repetitive. La.C.Cr.P. art. 930.4. 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.

TWENTY-THIRD JUDICIAL DISTRICT COURT
FOR THE PARISH OF ASCENSION
STATE OF LOUISIANA



NO. 29,400

DIVISION "B"

STATE OF LOUISIANA
VERSUS
TALANDIS COTTON

FILED: _____ CLERK OF COURT

The Court having reviewed the defendant's application for post-conviction relief filed November 12, 2015, in the captioned matter, along with supporting documents in the record, including the ruling by the First Circuit Court of Appeal affirming the conviction and sentence in the captioned matter;

In **Claim One** the defendant argues the statute creating the offense for which the defendant was convicted and sentence is unconstitutional. The Court finds no merit in defendant's claim one.

IT IS ORDERED that **Claim One** of the defendant's Application for Post-Conviction Relief in the captioned matter is hereby **DENIED** in accordance with La. C.Cr.P. Art. 929.

In **Claim Two** the defendant argues his conviction was obtained in violation of the U.S. Constitution, Sixth Amendment, and Louisiana Article 1§13, denied effective assistance of counsel during pre-trial, trial, and violation of U.S. Constitution, Sixth Amendment, and Louisiana Article 1§9, denied right to a fast and speedy trial, **Claim Three** that his conviction was obtained in violation of the U.S. Constitution, Sixth Amendment, and Louisiana Article 1§13, denied effective assistance of counsel during pre-trial and trial, and **Claim Five** that defendant's conviction was obtained in violation of the U.S. Constitution, Sixth Amendment, and Louisiana Article 1§13, denied effective assistance of counsel during pre-trial and trial proceedings. The Court finds no merit in Claim Two, Claim Three and Claim Five that defense counsel and trial counsel were ineffective under Strickland depriving him of due process. The defendant in his assertion of facts in both Claims Two, Three and Five failed to show that counsel made errors so serious that he was not functioning as the "counsel" guaranteed by the

Sixth Amendment and that he was prejudiced by counsel's inadequate performance, in addition to failing to meet the two-prong test for evaluating claims of ineffective assistance of counsel as cited in *Strickland*, 466 U.S. at 697. The Court notes that in addition to Seth Dornier, Don Williams, and Phyllis Southall, the defendant's defense team also consisted of Alan Robert, the 23rd Judicial District Public Defender Director and Susan Jones, 23rd Judicial District Public Defender Litigation Supervisor who participated in pre-trial, trial, and post-trial proceedings.

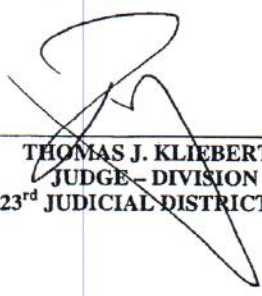
IT IS ORDERED that **Claims Two, Three and Five** of the defendant's Application for Post-Conviction Relief in the captioned matter is hereby **DENIED** in accordance with La. C.Cr.P. Art. 929 and 930.4 A.

The defendant in **Claim Four** asserts that his conviction was obtained in violation of the U.S. Constitution, Sixth Amendment, and Louisiana Article 1§13, in violation of his due process right and protection against prosecutorial misconduct. The Court's review of this claim finds no evidence of prosecutorial misconduct.

IT IS ORDERED that **Claim Four** of the defendant's Application for Post-Conviction Relief in the captioned matter is hereby **DENIED** in accordance with La. C.Cr.P. Art. 929.

The Court particularly notes the claims of the defendant's post-conviction relief of November 12, 2015, were similarly raised in the defendant's appeal to the First Circuit Court of Appeal. Defendant's sentence and conviction in the captioned matter was affirmed and the Court additionally notes the review for errors patent by the First Circuit Court of Appeal in accordance with La. C.Cr.P. Art 920 of the defendant's appeal taken in this matter.

JUDGMENT READ, RENDERED and SIGNED in Convent, Louisiana, on this 8th day of January 2016.



THOMAS J. KLIEBERT, JR.
JUDGE - DIVISION "B"
23rd JUDICIAL DISTRICT COURT

PLEASE SERVE:

Talandis Cotton, Defendant

All Counsel of Record

**23rd Judicial District Attorney
for the Parish of Ascension**

A TRUE COPY

Deputy Clerk & Recorder
ASCENSION PARISH 1/13/16