

**SUPREME COURT OF LOUISIANA**

**No. 16-KH-2244**

**STATE EX REL. TEVEST A. VANCE**

**v.**

**STATE OF LOUISIANA**

**ON SUPERVISORY WRITS TO THE CRIMINAL  
DISTRICT COURT, PARISH OF ORLEANS**

**PER CURIAM:**

Denied. Relator fails to show he was denied the effective assistance of counsel during plea negotiations under the standard of *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984), or that he entered his guilty plea involuntarily. We attach hereto and make a part hereof the district court's written reasons denying relief.

Relator has now fully litigated an 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

CRIMINAL DISTRICT COURT

VERSUS

PARISH OF ORLEANS

TEVEST VANCE

NO. 522-454 SECTION "I"

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JUDGMENT

This matter comes before the court on an application for post-conviction relief filed by the defendant. On October 15, 2015, the defendant pled guilty to vehicular homicide and to being a second felony offender. Thereafter, Mr. Vance was sentenced to 25 years of imprisonment at hard labor under the provisions of La. 15:529.1. This plea was the result of a plea bargain negotiated by the prosecution, the defendant and defense counsel.

Applicant's contention is that defense counsel was ineffective, thereby violating his Sixth Amendment rights. An ineffective assistance claim is assessed by the two prong test established in Strickland v Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed 2d 674 (1984). First, the defendant must show that counsel's performance was deficient, i.e. that he made mistakes so serious that he was not functioning as the counsel guaranteed to a defendant by the Sixth Amendment. Secondly, one must show that the deficiency prejudiced him. This showing can only be made if the defendant can show that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. At 693, 104 S. Ct. 2068.

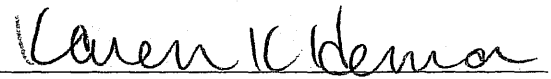
The specifics of Mr. Vance's complaint about counsel's performance is that he coerced him into pleading guilty and that he did not conduct a sufficient investigation into the facts surrounding the case. These allegations are flatly contradicted by Mr. Vance's sworn testimony in the guilty plea colloquy with the court. When asked by the court if he was satisfied with the performance of counsel, Vance unequivocally answered yes. When asked if he had been coerced into pleading guilty, without hesitation Vance replied no. He likewise candidly admitted that he was factually guilty of the charge facing him. Mr. Vance's current claim of coercion is not credible.

To say that Mr. Vance was familiar with the process of pleading guilty would be

an understatement. Beginning in 1998, he pled guilty to possession of cocaine, followed by guilty pleas to possession of cocaine and possession of marijuana in 1999, possession of heroin and obstruction of justice in 2003, attempted possession of heroin in 2006, theft in 2007, possession of marijuana in 2008, distribution of marijuana in 2009 and distribution of cocaine in 2011. This court will not credit his present claim that he was duped or forced into pleading guilty by the attorney in the present matter. Indeed, with the vehicular homicide being his eighth felony conviction, it would seem that counsel performed a miracle obtaining the plea agreement that he did.

For these reasons, the application does not make out a case of ineffective assistance of counsel. Accordingly, this application is DENIED.

New Orleans, LA, this 20<sup>th</sup> day of September 2016.

  
JUDGE