

TWENTY FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 02-4386

DIVISION "N"

STATE OF LOUISIANA

VERSUS

DUSTIN DRESSNER

FILED: Jan 12, 2018

Nikesh Bhatia  
DEPUTY CLERK

ORDER

This matter comes before the court on the Petitioner's

- FIRST SUPPLEMENTAL AND AMENDED PETITION FOR POST-CONVICTION RELIEF AND MOTION FOR EVIDENTIARY HEARING, STAMPED AS FILED JUNE 16, 2014, and SECOND SUPPLEMENTAL, STAMPED AS FILED NOVEMBER 21, 2014,
- STATE'S MEMORANDUM IN OPPOSITION TO APPLICATION FOR POST-CONVICTION RELIEF AND PROCEDURAL OBJECTIONS, STAMPED AS FILED DECEMBER 29, 2015,
- PETITIONER'S RESPONSE TO PROCEDURAL OBJECTIONS, STAMPED AS FILED MARCH 30, 2016,
- PETITIONER'S REPLY TO RESPONDENT'S ANSWER ON THE MERITS OF POST-CONVICTION CLAIMS, STAMPED AS FILED JANUARY 5, 2018.

This is a capital case.

On May 23, 2004, Petitioner was found guilty of LSA-R.S. 14:30, relative to first degree murder. On May 24, 2004, the jury returned a verdict of death. On November 18, 2004, the court sentenced Petitioner to death. His conviction was affirmed on appeal.<sup>1</sup>

Petitioner, through counsel, filed an application for post-conviction relief alleging the following claims:

Ineffective assistance of counsel claims:

- Claim #1 - In guilt phase relative to evidence of victim's illegal activities.
- Claim #2 - In penalty phase for failure to investigate and challenge admission of petitioner's prior conviction for simple robbery from Orleans Parish.
- Claim #3 - In respect to petitioner's confession.
- Claim #4 - Failing to research the law, file a motion in limine, correct erroneous presentation of the co-defendant's guilty plea, and ensure that the jury did not misunderstand the admissible use of the co-defendant's plea and appellate counsel was ineffective for failing to raise issue on direct appeal.
- Claim #5 - Failing to object and/or represent the court from instructing the jury that flight is evidence of guilt and appellate counsel was ineffective for failing to raise inappropriateness on direct appeal.
- Claim #10 - Cumulative effect of countless errors by trial and appellate counsel throughout trial and on direct appeal mandates findings of ineffective assistance of counsel and the need for a new trial.
- Claim #11 - Trial counsel was ineffective in penalty phase and appellate counsel was ineffective for failure to raise penalty phase issues on direct appeal.
- Claim #12 - Failure in guilt and penalty phases relative to evidence of victims' illegal activities.

<sup>1</sup>State v. Dressner, 2008-1366 (La. 7/6/10), 45 So.3d 127, rehearing denied, 9/3/10; cert denied, Dressner v. Louisiana, NO. 10-752 (U.S. La.3/7/11), 131 S.Ct.1605

Appendix B

- Claim #13 - Trial counsel's failure to plead petitioner "not guilty" and "not guilty by reason of insanity."
- Claim #14 - Trial counsel's failure to argue death penalty is a disproportionate punishment due to petitioner's youth, mental impairments, and immaturity level, and appellate counsel's failure to raise on direct appeal.
- Claim #15 - Trial and appellate counsel's failure to protect petitioner's due process rights against trial court's abuse of the jurors.

Remaining Claims:

- Claim #6 - Juror in sentencing deliberations improperly relied upon false definition of life sentence.
- Claim #7 - Louisiana's lethal injection protocol violates Eighth Amendment and human rights.
- Claim #8 - Death sentence violates international human rights law.
- Claim #9 - Clemency process
- Claim #16 - Louisiana's death penalty scheme is unconstitutional for failing to meet the requirements of *Furman* and its progeny

This court originally denied petitioner's supplemental applications for post-conviction relief on October 16, 2017. However, on November 8, 2017, the court set aside its order denying post-conviction relief. On November 16, 2017, the court denied claims #3, 7, 8, 9, 10, 15, and 16, finding the claims procedurally barred from review, and ordered that petitioner may file a reply on the merits to the State's *Memorandum in Opposition*. Petitioner has filed a response to the merits of the claims. The court notes that claims #3, 7, 8, 9, 10, 15, and 16 have been denied by this court and will not be re-addressed at this time.

Ineffective Assistance of Counsel

It is clear that the petitioner has a Sixth Amendment right to effective legal counsel. Under the well-known standard set out in *Strickland v. Washington*,<sup>2</sup> and *State v. Washington*,<sup>3</sup> a conviction must be reversed if the defendant proves (1) that counsel's performance fell below an objective standard of reasonableness under prevailing professional norms, and (2) counsel's inadequate performance prejudiced defendant to the extent that the trial was rendered unfair and the verdict suspect.<sup>4</sup>

To be successful in arguing a claim of ineffective assistance of counsel, a post-conviction petitioner must prove deficient performance to the point that counsel is not functioning as counsel within the meaning of the Sixth Amendment. A petitioner must also prove actual prejudice to the point that the results of the trial cannot be trusted. It is absolutely essential that both prongs of the *Strickland* test must be established before relief will be granted by a reviewing court.

Furthermore, there is a strong presumption that counsel's performance is within the wide range of effective representation. Effective counsel, however, does not mean errorless counsel and the reviewing court does not judge counsel's performance with the distorting benefits of hindsight, but rather determines whether counsel was reasonably likely to render effective assistance.<sup>5</sup>

In reviewing claims of ineffective assistance of counsel on direct appeal, the Supreme Court of the United States has expressly observed that appellate counsel "need not advance every argument, regardless of merit, urged by the defendant."<sup>6</sup> The Court gives great deference to professional appellate strategy and applauds counsel for "winnowing out weaker arguments on appeal and focusing on one central issue if possible, and at most a few key issues."<sup>7</sup> This is true even where the weaker arguments have merit.<sup>8</sup>

<sup>2</sup> 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)

<sup>3</sup> 491 So.2d 1337 (La.1986)

<sup>4</sup> *State v. Legrand*, 2002-1462 (La.12/3/03), 864 So.2d 89.

<sup>5</sup> *State v. Soler*, 93-1042 (La.App. 5 Cir. 4/26/94), 636 So.2d 1069, 1075.

<sup>6</sup> *Evitts v. Lucey*, 469 U.S. 387, 394 (1985).

<sup>7</sup> *Jones v. Barnes*, 463 U.S. 745 (1983).

<sup>8</sup> *Id.* at 751-2.

When the claim of ineffective assistance of appellate counsel is based on failure to raise the issue on appeal, the prejudice prong of the *Strickland* test requires the petitioner to establish that the appellate court would have granted relief, had the issue been raised.<sup>9</sup>

Mindful of controlling federal and state jurisprudence, this court now turns to the specific claims of ineffective assistance made in the instant application and argued in the petitioner's applications.

#### Claims #1 and #12

In claims #1 and #12, petitioner claims that counsel was ineffective in the guilt and penalty phases relative to evidence of the victims' illegal activities. Petitioner claims that counsel failed to impeach the surviving victim, Ms. Fasullo, as to her drug use. Petitioner argues that Ms. Fasullo admitted in engaging in illegal activity, but was never prosecuted for her illegal behavior, as well as other witnesses who admitted to past drug use with the victims. Petitioner submits that by failing to ensure that the jurors have all the information needed to make a reliable finding in the guilt phase, trial counsel rendered ineffective assistance.<sup>10</sup>

Petitioner also claims that trial counsel's performance was deficient in the penalty phase for failure to inform the jury of all of the circumstances of the case and propensities of the victims, specifically regarding victims' sexual misconduct, which included prior conduct with defendant's girlfriend, occurring some two months prior to the murder. Petitioner argues that this information should have been brought forth in the penalty phase of trial. The admissibility was thoroughly litigated in the trial and appellate courts, and though this evidence was held inadmissible for the guilt phase, Petitioner points out that the Louisiana Supreme Court held, "if defendant is found guilty of first degree murder, the issue of admissibility of the evidence at the penalty phase of the proceeding may be re-urged."<sup>11</sup> Petitioner argues that this evidence would have provided reasonable doubt as to specific intent, and that trial counsel should have pursued the evidence in penalty phase. Petitioner adds that the defendant's girlfriend, Ilis Gilbert, should have fully testified to the details.

Petitioner claims that trial counsel was deficient in failing to impeach the surviving victim regarding her not being charged for the admitted illegal drug use and drugs found on the scene. Petitioner fails to prove prejudice. As the State points out, evidence of general drug use was presented to the jury. It is unreasonable to assume that impeachment of Ms. Fasullo would have affected her perceived truthfulness as to her testimony regarding the events that occurred. As the Supreme Court stated, "...the singular source of bias, if any, against the defendant was the fact he stabbed her husband to death and tried with all his might to kill her the same way..."<sup>12</sup> Considering the magnitude of evidence of guilt presented at trial, the court finds no merit to this claim.

Petitioner claims that trial counsel was deficient in the penalty phase for failing to present testimony regarding sexual misconduct. The Supreme Court, in addressing this issue, ruled, "defendant failed to carry his burden of proof that such evidence was even relevant much less mitigating."<sup>13</sup> Petitioner's claim regarding the mention of victims' sexual misconduct in the penalty phase is speculative and conclusory. Petitioner fails to prove any deficiency in counsel's performance, or any prejudice resulting.

#### Claim #2

Petitioner claims that counsel was ineffective for failing to investigate and challenge the admission of defendant's conviction from Orleans Parish in the penalty phase. Petitioner claims that had counsel investigated this conviction, they would have discovered tainted evidence that should not have been admitted. This evidence includes the fact that petitioner and his co-defendant were both represented by the same attorney, with no waiver of conflict, which petitioner claims on its own constitutes a conflict of interest. Thus, petitioner claims the conviction and facts surrounding would not have been admissible at the penalty phase.

<sup>9</sup> *United States v. Phillips*, 210 F.3d 345, 350 (5 Cir. 2000).

<sup>10</sup> *Petitioner's First Supplemental and Amended Petition for Post-Conviction Relief and Motion for Evidentiary Hearing*, p. 32.

<sup>11</sup> *State v. Dressner*, 2004-KD-1199 (La. 5/21/04), 874 So.2d 845.

<sup>12</sup> *State v. Dressner*, 45 So.3d 127, 137-139.

<sup>13</sup> *State v. Dressner*, 45 So.3d 127, 137-139.

The court finds no merit. The record reflects that defense counsel challenged the admission of this evidence in a written *Motion to Exclude Victim's Testimony of Other Crimes in Penalty Phase*, and the court conducted a *Jackson* hearing on said motion.<sup>14</sup> Hence, trial counsel challenged the admission of this evidence.

Furthermore, petitioner does not prove that any actual conflict existed which adversely affected his counsel's performance.<sup>15</sup> Conflict is not presumed. Thus, the court finds this claim conclusory.

As the State surmises, petitioner fails to prove that an actual conflict even existed. Regardless, the facts of an alleged offense need not to have resulted in a conviction for them to be admissible in the penalty phase of the trial.<sup>16</sup> The Louisiana Supreme Court has noted, "It is well-settled the State is entitled to introduce evidence of capital defendant's unrelated convictions and *unadjudicated crimes* at the penalty phase as reflective of his character and propensities." (emphasis added.)<sup>17</sup> As the facts surrounding this conviction are admissible in the penalty phase, the court finds no deficiency in counsel's performance, and no prejudice resulting.

#### Claim #4

Petitioner claims that trial counsel was ineffective regarding co-defendant Troy Arnaud's guilty plea, and appellate counsel was ineffective in failing to raise the issue on direct appeal. Petitioner argues that trial counsel should have filed a motion in limine to prevent the jury from learning of the substance of the guilty plea, in failing to correct the State's misinformation in opening statements that Arnaud pleaded guilty to accessory after the fact to "first degree murder" when in fact he pled to accessory after the fact to "second degree murder", and for failing to correct the testimony as to the same information. Petitioner also argues that counsel was ineffective for failing to file a motion in limine to prevent the State from informing the jury of the crime to which he pled, and/or to ensure that the jury be properly instructed as to the testimony.

Petitioner is incorrect in his assertion that Troy Arnaud pled guilty to accessory after the fact to second degree murder. As the State points out in its response, the record in case # 02-4387, *State v. Troy Arnaud*, reflects that the bill of indictment was amended on November 5, 2003, to 14:25/30, accessory after the fact to first degree murder. Furthermore, the transcripts of the guilty plea reflect that the Troy Arnaud pled guilty to accessory after the fact to first degree murder. The court notes that the minute entry/commitment in this case is incorrect.<sup>18</sup> Since there exists a discrepancy between the minutes and the transcripts, the transcript must prevail.<sup>19</sup> Thus, court finds no merit to petitioner's claim that counsel was ineffective in failing to correct the State misinforming the jury of the co-defendant's conviction.

As to the motion in limine, the court finds no merit to this claim. The co-defendant's conviction was clearly admissible, as he pled guilty to a lesser charge, reducing his sentencing exposure from life imprisonment to 5 years, in exchange for his testimony. The charge reduction clearly goes to the witness's credibility. Trial counsel attacked the witness's credibility with this information, which clearly was part of trial counsel's strategy.

The Supreme Court has emphatically directed that, "in evaluating the performance of counsel, strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable; and strategic choices made after less than complete

<sup>14</sup> See court record, minute entry of May 24, 2004.

<sup>15</sup> See LSA-Cr.P. art. 517.

A defendant who challenges his conviction on the basis he was deprived of his constitutional right to conflict-free representation because the trial court failed to advise him of his right to separate or conflict-free representation bears the burden of showing an actual conflict existed which adversely affected his counsel's performance. *State v. Roberts*, App. 5 Cir.2003, 864 So.2d 860, 03-933 (La.App. 5 Cir. 12/30/03)

<sup>16</sup> See State's response, p. 32.

<sup>17</sup> *State v. Garcia*, 09-1578 (La. 11/16/12), 108 So.3d ; *State v. Comeaux*, 93-2729, p. 6 (La.7/1/97), 699 So.2d 16, 20, cert. denied, 522 U.S. 1150, 118 S.Ct. 1169, 140 L.Ed.2d 179 (1998).

<sup>18</sup> This error was brought to the attention to the Court and Clerk of Court and was remedied with a nunc pro tunc minute entry on August 2, 2017.

<sup>19</sup> *State v. Lynch*, 441 So. 2d 732, 734 (La. 1983)

investigation are reasonable precisely to the extent that reasonable professional judgments support the limitations on investigation."<sup>20</sup>

Petitioner fails to prove any deficiency in counsel's performance, or any prejudice resulting. Likewise, the court finds no deficiency in appellate counsel's actions, as this issue was not preserved for appeal, and petitioner has not proven that appealing this issue would have affected the outcome.

#### Claim #5

Petitioner claims that trial counsel was ineffective for failing to object or prevent the court from instructing the jury that flight is evidence of guilt, and appellate counsel was ineffective for failing to raise this issue on appeal.

Petitioner argues that upon the police approaching him at his home the day after the incident, he did not attempt to elude capture and was immediately arrested without incident. Petitioner further adds that he did not attempt to conceal his identity, did not flee the jurisdiction, and did not run from the police as they approached. Petitioner submits that identity was not an issue in this case.

The court finds no merit to this claim. At trial, the jury heard testimony from the surviving victim, Ms. Fasullo, that her attackers fled when they stated that the police were coming.<sup>21</sup> The petitioner did not remain on the scene of the crime. Trial counsel did not object, as the flight instruction was appropriate. Thus, the court finds no deficiency in trial or appellate counsel's performance.

#### Claim # 11

Petitioner claims that trial counsel was ineffective in the penalty phase of petitioner's trial, and appellate counsel was ineffective for failure to raise penalty phase issues on direct appeal.

Petitioner argues that trial counsel failed to properly prepare mental health experts who testified at the penalty phase, failure to investigate petitioner's need for neuropsychological testing, failure to present a personalized, comprehensive, understandable and accurate picture of petitioner's background, mental infirmities, and circumstances to the jury. Petitioner claims that had trial counsel developed this information, the jury would have learned that petitioner suffers from organic brain damage.<sup>22</sup>

Petitioner relies solely on the psychological testing that was performed while petitioner has been incarcerated in Louisiana State Penitentiary.<sup>23</sup> Petitioner fails to provide any actual medical records verifying brain injuries. As the State points out in its response, no diagnostic imaging of petitioner's brain has been performed.<sup>24</sup> The court agrees with the State's position in that the evidence presented of organic/traumatic brain damage is insufficient, unreliable, and speculative. The court also considers petitioner actions in committing the offenses for which he was convicted, and his calculated actions immediately following the crimes, which are counteractive to the allegations and assumptions presented in this claim.

Trial counsel had two mental health experts, Dr. Wiley and Dr. Vyas, testify on petitioner's behalf. They relayed to the jury petitioner's bipolar and ADHD history. The jury learned of petitioner's intelligence, drug abuse as possible self-medication, of petitioner as a "blue" baby and possible effects of anoxia, family history and genetic components, and the treatments he has received in the penalty phase of trial. Trial counsel presented thorough mitigating evidence as to petitioner's mentality.

The court finds no deficiency in trial counsel's actions in the penalty phase. Furthermore, petitioner fails to prove any prejudice. Likewise, petitioner fails to prove any deficiency in appellate counsel's performance.

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<sup>20</sup> *Strickland*, 466 U.S. at 690-691, 104 S.Ct. 2052, 80 L.Ed.2d 674.

<sup>21</sup> R. Pp. 3176-3177.

<sup>22</sup> See Petitioner's 2<sup>nd</sup> supplemental petition, p. 1-2

<sup>23</sup> The court is concerned that these exams occurred after petitioner was imprisoned for 10+ years, most of this time being on death row.

<sup>24</sup> State's response, p. 42

#### Claim #13

Petitioner claims that trial counsel was ineffective for failing to plead petitioner "not guilty" and "not guilty by reason of insanity." For a verdict of "not guilty" and "not guilty by reason of insanity", the defense must prove that at the time of the offense, the offender could not distinguish between right and wrong. This plea does not pertain to diminished capacity. The Louisiana Supreme Court explains:

Louisiana, unlike some other states, does not expressly provide for a verdict in criminal cases of "guilty but mentally ill." Cf. Del.Code Ann., tit. 11, § 401(b) (1995); Ind.Code Ann. § 35-36-2-5 (Michie 1991).

A Louisiana jury considering an accused's dual plea of not guilty and not guilty by reason of insanity must nevertheless first determine whether the state has proved the essential elements of the charged offense beyond a reasonable doubt before it may proceed to a determination of whether he was incapable of distinguishing between right and wrong at the time of the offense and therefore exempt from criminal responsibility for his acts. See *State v. Marmillion*, 339 So.2d 788, 796 (La.1976) ("Once the state has met its traditional burden of proof ... to establish beyond a reasonable doubt all necessary elements of the offense .... [and] shown that defendant has committed a crime, the defendant should bear the burden of establishing his defense of insanity in order to escape punishment."); 1 *Louisiana Judges' Criminal Bench Book*, p. 56 (Louisiana Judicial College 1993) (pattern jury instruction requires jurors to determine first "whether the defendant committed the offense charged [or an offense responsive thereto]."); see also *Foucha v. Louisiana*, 504 U.S. 71, 103-04, 112 S.Ct. 1780, 1797-98, 118 L.Ed.2d 437 (1992)(Thomas, J., dissenting) ("Insanity, in other words, is an affirmative defense [in Louisiana] that does not negate the State's proof, but merely 'exempt[s the defendant] from criminal responsibility.'") (quoting *Marmillion*, 339 So.2d at 797).<sup>25</sup>

The court finds no merit to this claim, as the facts of this case do not conform to a "not guilty by reason of insanity" plea. Petitioner fled the scene of the crime. He washed his bloody clothes. He was cleaning his car. Furthermore, petitioner presents nothing to indicate that petitioner did not know the difference between right and wrong at the time of the offense. As trial counsel was keenly aware, the mere existence of mental deficiencies and/or mental health problems/diagnoses is insufficient to maintain a plea of not guilty by reason of insanity. The court finds no deficiency in trial counsel's performance, and no prejudice resulting.

#### Claim #14

Petitioner claims that trial counsel was ineffective in failing to argue that the death penalty is a disproportionate punishment due to petitioner's youth, mental impairments, and immaturity level, and that appellate counsel was ineffective for failing to raise the issue on direct appeal. Petitioner maintains that trial counsel should have argued that "because the standards of the Eighth Amendment jurisprudence were continuing to evolve, the execution of a significantly mentally impaired youngster, who was slightly over the age of 18 at the time of the crime and who continues to suffer from immaturity of youth, violates the ... United States and ...Louisiana Constitution."<sup>26</sup>

As the State points out, federal jurisprudence has addressed capital punishment of the mentally retarded<sup>27</sup> and has evolved in forbidding capital punishment for youth,<sup>28</sup> neither of which pertain to the petitioner in this case.<sup>29</sup> There simply is no constitutional violation that

<sup>25</sup> *State v. Branch*, 1999-1484 (La. 3/17/00), 759 So. 2d 31, 32

<sup>26</sup> Petitioner's 2<sup>nd</sup> Supplemental Petition, p. 137.

<sup>27</sup> *Atkins v. Virginia*, 536 U.S. 304 (2002), the United State held that the death penalty is an excessive punishment for mentally retarded.

<sup>28</sup> *Roper v. Simmons*, 543 U.S. 551, 578 (2005), United State Supreme Court forbid death penalty for offenders under 18 years of age at the time of the offense.

<sup>29</sup> As the State points out, the Supreme Court has also addressed excessiveness and cruel and unusual punishment in life sentences for juvenile offenders in *Graham v. Florida*, 130 S.Ct. 2011 (2010), and *Miller v. Alabama*, 132 S.Ct. 2455 (2012).

counsel could have made regarding this claim. The court finds no deficiency in trial counsel's performance, and no merit to this claim. Likewise, as there is nothing in the court record preserved for review on appeal, the court finds no ineffective assistance of appellate counsel.

#### Remaining Claims

##### Claim #6

Petitioner claims that he was denied rights in that at least one member of the jury based her sentencing decision of on the outdated version of the law that a life sentence only lasted 10 years. Petitioner maintains that the death sentence in this case is constitutionally flawed due to this mistaken reliance which affected the jury's unanimous vote to condemn petitioner to death.

A jury is presumed to follow its instructions.<sup>30</sup> Petitioner concedes that the trial court properly instructed the jury as to life sentences – at least 10 times – of life imprisonment without benefit of probation, parole, or suspension of sentence.<sup>31</sup> Therefore, it is presumed that the jury in this case followed the instructions as given by the court.

Petitioner bases this claim solely on the post-conviction interview and affidavit executed by said juror.<sup>32</sup> However, under Louisiana Code of Evidence article 606, such an affidavit is not admissible. The article states:

**B. Inquiry into validity of verdict or indictment.** Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon his or any other juror's mind or emotions as influencing him to assent to or dissent from the verdict or indictment or concerning his mental processes in connection therewith, except that a juror may testify on the question whether any outside influence was improperly brought to bear upon any juror, and, in criminal cases only, whether extraneous prejudicial information was improperly brought to the jury's attention. Nor may his affidavit or evidence of any statement by him concerning a matter about which he would be precluded from testifying be received for these purposes.<sup>33</sup>

Thus, the affidavit of said juror is inadmissible in post-conviction proceedings. The court finds no merit to this claim.

#### CONCLUSION

The petitioner in an application for post-conviction relief shall have the burden of proving that relief should be granted.<sup>34</sup> Petitioner clearly fails to meet this burden. If the court determines that the factual and legal issues can be resolved based upon the application and answer, and supporting documents, the court may grant or deny relief without further proceedings.<sup>35</sup> On the showing made, petitioner is not entitled to relief sought.

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<sup>30</sup> *Evans v. Michigan*, 568 U.S. 313, 328, 133 S. Ct. 1069, 1080, 185 L. Ed. 2d 124 (2013).

*State v. Newton*, 137 So 69 (La. 1931); "We ordinarily presume that jurors 'follow the instructions they are given.'" *United States v. Stanford*, 823 F.3d 814, 834 (5th Cir.), *cert. denied*, 137 S. Ct. 453, 196 L. Ed. 2d 330 (2016).

<sup>31</sup> Petitioner's 1<sup>st</sup> Supplemental Petition, p. 90, citing R. 3997-4012.

<sup>32</sup> Petitioner's exhibit #41, affidavit from juror Gail Diket.

<sup>33</sup> L.C.E. art. 606(B).

<sup>34</sup> LSA-Cr.P. art. 930.2

<sup>35</sup> LSA-Cr.P. art. 929

IT IS ORDERED BY THE COURT that claims # 1, 2, 4, 5, 6, 11, 12, 13, and 14 in petitioner's supplemental applications for post-conviction relief and the same are hereby DENIED.

Gretna, Louisiana this 12 day of January 2018

8  
JUDGE

STEPHEN D. ENRIGHT, JR.

**PLEASE SERVE:**

Petitioner: Dustin Dressner, DOC # 443706, Louisiana State Penitentiary, Angola, LA 70712

Capital Post Conviction Project of Louisiana, Gary Clements, 1340 Poydras St., Ste. 1700, New Orleans, LA 70112

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A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE  
Richard  
DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
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