

SUPREME COURT OF LOUISIANA

No. 18-KP-0085

STATE OF LOUISIANA

FEB 18 2019

v.

TAM LE

ON SUPERVISORY WRITS TO THE TWENTY-SECOND  
JUDICIAL DISTRICT COURT, PARISH OF ST. TAMMANY

*SC* 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).

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.

*Hughes, J., would grant and assigns reasons.*

SUPREME COURT OF LOUISIANA

No. 2018-KP-85


STATE OF LOUISIANA

VS.

FEB 18 2019

TAM LE

ON SUPERVISORY WRITS TO THE 22nd JUDICIAL DISTRICT COURT  
OF THE PARISH OF ST. TAMMANY

 Hughes, J., dissents and would grant the writ.

In this case a police officer with twenty-two years experience testified before the jury that the victims were telling "one-hundred percent the truth," and a school counselor was accepted as an expert and testified that from her "professional perspective" that she saw nothing "inconsistent" with sexual child abuse. It cannot be said that the jury's verdict was surely attributable to these errors, and they are therefore not harmless.

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

NO. 2018-KP-0085

VS.

TAM LE

-----  
IN RE: Tam Le; - Defendant; Applying For Supervisory and/or Remedial  
Writs, Parish of St. Tammany, 22nd Judicial District Court Div. F,  
No. 506845; to the Court of Appeal, ~~First~~ Circuit, No. 2017 KW 1354;  
-----

February 18, 2019

Denied. See per curiam.

SJC

BJJ

JLW

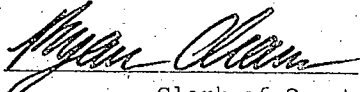
GGG

MRC

JTG

HUGHES, J., would grant and assigns reasons.

Supreme Court of Louisiana  
February 18, 2019

  
\_\_\_\_\_  
Deputy Clerk of Court  
For the Court

**Additional material  
from this filing is  
available in the  
Clerk's Office.**