

APPENDICES

APPENDIX A: Decision of the State Trial Court Ruling on PCR Application

APPENDIX B: Decision of the Louisiana First Circuit Court of Appeals, re: PCR

APPENDIX C: Decision of the Louisiana Supreme Court, re: PCR

STEPHEN KRELL
V.
JASON KENT, WARDEN
DIXON CORRECTIONAL CENTER
FILED: August 10, 2016

NO. 614505 DIVISION "A"
22nd JUDICIAL DISTRICT COURT
PARISH OF ST TAMMANY
STATE OF LOUISIANA
DEPUTY CLERK: Christie Gilleo

ORDER DISMISSING APPLICATION FOR POST-CONVICTION RELIEF

After trial by jury in St Tammany parish, the defendant, Stephen Krell, was found guilty as charged of attempted first degree murder of Stephanie Stein (Count 1), and of the responsive charge of aggravated battery of Don Stein, (Count 2) violations of La. R.S. 14:27 and 14:30, respectively. He was sentenced to forty five years at hard labor with the La. Department of Corrections without benefit of probation, parole, or suspension of sentence, on Count 1. For Count 2, he was sentenced to ten years DOC at hard labor, with the first year of the sentence to be served without benefit of probation, parole, or suspension of sentence. The sentences were ordered to run consecutively.

He appealed his conviction, and on July 30, 2014., the First Circuit Court of Appeals for the State of Louisiana affirmed the convictions and amended the aggravated battery sentence by deleting the parole restriction. (State vs. Krell 2013 KA 1926.) On May 11, 2016, defendant filed his application for Post Conviction Relief stating four claims of ineffective assistance of counsel. Claim 1 alleges failure to conduct an effective voir dire. Claim 2 alleges ineffectiveness for failure to file a motion in limine regarding evidence and four suicide notes written by Mr. Krell two weeks prior to his trip down to Louisiana where he shot Stephanie Stein and her father, Don Stein. Claim 3 alleges failure to object at critical stages of the trial. Claim 4 alleges failure to persist in exploring the victim's medical history. After considering the application by petitioner, and the entire record of this matter,

IT IS ORDERED that the Application for Post Conviction Relief shall be denied for failing to state a claim pursuant to C. Cr. P. Art. 930.4, for the following reasons.

A

Petitioner has alleged ineffective assistance of counsel as grounds for post conviction relief in the four remaining claims . Under Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L .Ed. 2d 674 (1984), defendant must show that his counsel's performance was deficient, and that the deficiency was such that it deprived the defendant of a fair trial. A review of the record does not support any of these allegations. No further proof is offered, nor any further facts to make a showing that his appeal would in any way be successful. Petitioner has not met his burden of proof, and thus all remaining claims are dismissed.

IT IS FURTHER ORDERED that the Clerk of Court of the Parish of St. Tammany give notice of this Order to the District Attorney for the Parish of St. Tammany, to the Petitioner's custodian, and the Petitioner by mail.

Covington, Louisiana, this 8 Day of August, 2016


RAYMOND S. CHILDRESS
JUDGE, DIVISION "A"

A TRUE COPY

D.Y. CLERK 22nd JUD. DIST. COURT
ST. TAMMANY PARISH, LA

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2016 KW 1319

VERSUS

STEPHEN KRELL

DEC 01 2016

In Re: Stephen Krell, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
533,162.

BEFORE: HIGGINBOTHAM, THERIOT AND CHUTZ, JJ.

WRIT DENIED.

TMH
MRT
WRC

COURT OF APPEAL, FIRST CIRCUIT

Brind Red
DEPUTY CLERK OF COURT
FOR THE COURT

B

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

NO. 2017-KP-0013

vs.

STEPHEN KRELL

IN RE: Stephen Krell; - Defendant; Applying For Supervisory and/or Remedial Writs, Parish of St. Tammany, 22nd Judicial District Court Div. A, No. 533,162; to the Court of Appeal, First Circuit, No. 2016 KW 1319;

January 8, 2019

Denied. See per curiam.

JDH

BJJ

JLW

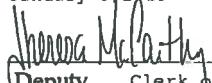
GGG

MRC

SJC

JTG

Supreme Court of Louisiana
January 8, 2019



Deputy Clerk of Court
For the Court

C

SUPREME COURT OF LOUISIANA

No. 17-KP-0013

STATE OF LOUISIANA

v.

STEPHEN KRELL

JAN 08 2019

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



PER CURIAM:

Denied. Relator fails to show that 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 La.C.Cr.P. art. 930.4 to make the procedural bars against successive filings mandatory. Relator's claims have now been fully litigated in state collateral proceedings 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.