

SUPREME COURT OF LOUISIANA

State ex rel. Smoot v. State

225 So. 3d 463 (La. 2017) · Decided September 15, 2017

SUMMARY

The Louisiana Supreme Court denied supervisory relief to a state prisoner claiming ineffective assistance of counsel. The court held that the petitioner failed to satisfy the Strickland standard regarding counsel’s alleged failure to challenge searches and hearsay identification testimony, and explained that the denial was final subject to the narrow exceptions governing successive post-conviction applications.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	September 15, 2017
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Relator sought supervisory review of the denial of his application for state post-conviction relief alleging ineffective assistance of counsel.
STANDARD OF REVIEW	Ineffective-assistance claims are evaluated under Strickland v. Washington, requiring proof of deficient performance and resulting prejudice. In post-conviction proceedings, the petitioner bears the burden of proving entitlement to relief.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court per curiam decision
PARTIES	State ex rel. Smoot v. State

TOPICS

- post-conviction relief
- ineffective assistance
- successive petitions
- suppression of evidence
- hearsay

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- constitutional law
- evidence

QUESTIONS PRESENTED

1. Whether trial counsel was ineffective for failing to file motions to suppress evidence obtained from Smoot's residence and vehicle.

2. Whether trial counsel was ineffective for failing to object to identification testimony as hearsay.
3. Whether Smoot was entitled to state post-conviction relief after failing to establish either deficient performance or prejudice under *Strickland v. Washington*.
4. Whether Smoot could pursue further state collateral review after fully litigating his application, absent a statutory exception for a successive application.

HOLDINGS

1. Smoot failed to establish ineffective assistance because the proposed suppression motions lacked merit and he did not show deficient performance or prejudice.
2. Smoot failed to establish ineffective assistance because the identification testimony was admissible and counsel had no meritorious hearsay objection.
3. After Smoot fully litigated his state post-conviction application, the denial was final and he exhausted his right to state collateral review unless he could establish a narrow statutory exception authorizing a successive application.

FACTUAL BACKGROUND

Smoot was convicted of second-degree murder after evidence was obtained from his residence and vehicle and identification testimony was presented at trial. In post-conviction proceedings, he claimed trial counsel was ineffective for failing to file motions to suppress searches of his residence and vehicle and for failing to object to hearsay identification testimony. The reviewing courts concluded that the challenged suppression motions and hearsay objection would have been meritless and that Smoot failed to prove prejudice.

PROCEDURAL HISTORY

Smoot was convicted of second-degree murder and sentenced to life imprisonment. His conviction was affirmed on appeal, and the Louisiana Supreme Court denied writs. The Twenty-Fourth Judicial District Court denied his application for post-conviction relief without further proceedings, and the Louisiana Supreme Court denied supervisory relief, finding that he failed to establish ineffective assistance of counsel and had fully litigated his state post-conviction claims.

DISPOSITION

writ_denied

REMAND INSTRUCTIONS

The district court was ordered to record a minute entry consistent with the per curiam opinion.

CASES CITED

- *Strickland v. Washington*, 466 U.S. 668 (1984)
- *State v. Washington*, 491 So. 2d 1337 (La. 1986)

- State v. Legrand, 2002-1462 (La. 12/3/03), 864 So. 2d 129
- State v. Soler, 93-1042 (La. App. 5 Cir. 4/26/94), 636 So. 2d 1069
- Ortiz-Sandoval v. Clarke, 323 F.3d 1165 (9th Cir. 2003)
- Kimmelman v. Morrison, 477 U.S. 365 (1986)
- Northrop v. Trimble, 265 F.3d 372 (6th Cir. 2001)
- State v. Chisolm, 12-2278 (La. 10/22/12), 99 So. 3d 48
- State v. Long, 2003-KK-2592 (La. 9/9/04), 884 So. 2d 1176
- State v. Smith, 02-1842 (La. 9/20/02), 827 So. 2d 1122
- State v. Carter, 10-973 (La. App. 5 Cir. 8/30/11), 75 So. 3d 1
- State v. Washington, 11-716 (La. App. 5 Cir. 3/13/12), 90 So. 3d 1157
- State v. Smoot, 13-KA-453 (La. App. 5 Cir. 1/15/14), 134 So. 3d 1

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