

SUPREME COURT OF LOUISIANA

State ex rel. Massey v. State

201 So. 3d 243 (La. 2016) · Decided September 16, 2016

SUMMARY

The Louisiana Supreme Court denied Brian Massey’s application for post-conviction relief, concluding that he failed to establish ineffective assistance of counsel under *Strickland v. Washington* and that his remaining claims were repetitive or unsupported. The court also explained that the denial was final and that any successive application would be subject to Louisiana’s statutory limitations and procedural bars.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	September 16, 2016
DISPOSITION	denied
PROCEDURAL POSTURE	Relator sought review of the denial of his application for state post-conviction relief. The Louisiana Supreme Court denied relief and made the district court's written reasons part of its per curiam disposition.
STANDARD OF REVIEW	A post-conviction applicant bears the burden of proof under La. Code Crim. Proc. art. 930.2. Ineffective-assistance claims are governed by the two-prong <i>Strickland</i> standard, requiring proof of deficient performance and resulting prejudice.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court per curiam opinion; precedential.
PARTIES	Brian Massey v. State of Louisiana

TOPICS

state post-conviction relief ineffective assistance successive petitions criminal procedure
appellate procedure

PRACTICE AREAS

criminal procedure post-conviction relief ineffective assistance of counsel appellate procedure

QUESTIONS PRESENTED

1. Whether Massey demonstrated ineffective assistance of counsel under the Strickland standard.
2. Whether Massey's remaining post-conviction claims were procedurally barred, repetitive, or unsupported.
3. Whether Louisiana post-conviction procedure permits a second or successive application only under the narrow exceptions and limitations established by the Louisiana Code of Criminal Procedure.

HOLDINGS

1. Massey failed to establish either deficient performance or prejudice under Strickland v. Washington; therefore, he was not entitled to post-conviction relief on his ineffective-assistance claims.
2. The remaining claims were properly denied because they were repetitive, procedurally barred, or unsupported.
3. After full litigation of an application for state post-conviction relief, a relator exhausts the right to state collateral review unless a narrow statutory exception authorizes a successive application.

KEY QUOTATIONS

“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.” (244)

FACTUAL BACKGROUND

Massey was convicted after a judge trial on possession of a firearm by a convicted felon and after a jury trial on second-degree murder. The prosecution's principal eyewitness, Courtney Washington, testified concerning the murder, and the State introduced recorded outgoing telephone calls made by Massey while incarcerated. In post-conviction proceedings, Massey alleged discriminatory jury selection, insufficient evidence, prosecutorial use of false testimony, and seven instances of ineffective assistance of counsel.

PROCEDURAL HISTORY

Massey was convicted in the Twenty-Fourth Judicial District Court of second-degree murder and possession of a firearm by a convicted felon and received concurrent sentences of life imprisonment and fifteen years at hard labor. The Louisiana Fifth Circuit affirmed the convictions, and the Louisiana Supreme Court denied writs. Massey then filed an application for post-conviction relief raising Batson, sufficiency-of-the-evidence, prosecutorial-misconduct, and ineffective-assistance claims. The district court denied the application, and the Louisiana Supreme Court denied the relator's request, concluding that the ineffective-assistance claim failed under Strickland and that the remaining claims were repetitive or unsupported.

DISPOSITION

denied

REMAND INSTRUCTIONS

The district court was ordered to record a minute entry consistent with the Louisiana Supreme Court's per curiam denial.

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 89
- State v. Soler, 93-1042 (La. App. 5 Cir. 4/26/94), 636 So. 2d 1069
- State ex rel. Roper v. Cain, 9902173 (La. App. 1st Cir. 10/26/99), 763 So. 2d 1, writ denied, 00-0975 (La. 11/17/00), 773 So. 2d 733
- State v. (Eric) Massey, 11-0347 (La. App. 5 Cir. 3/27/12), 91 So. 3d 453
- State v. Massey, 11-0358 (La. App. 5 Cir. 3/27/12), 97 So. 3d 13
- Jackson v. Virginia, 443 U.S. 307 (1979)
- Napue v. Illinois, 360 U.S. 264 (1959)
- State v. Pendleton, 96-367 (La. App. 5th Cir. 5/28/97), 696 So. 2d 144, writ denied, 97-1714 (La. 12/19/97), 706 So. 2d 450
- State v. B..., La. App. 4 Cir. 1986
- State v. Favors, 09-1034 (La. App. 5 Cir. 6/29/10), 43 So. 2d 253