

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 1811

VERSUS

JEFFERY G. CHITTENDEN

FEB 27 2014

In Re: Jeffery G. Chittenden, applying for supervisory writs,
22nd Judicial District Court, Parish of St. Tammany,
No. 458245.


BEFORE: KUHN, HIGGINBOTHAM AND THERIOT, JJ.

WRIT DENIED. In an application for postconviction relief the petitioner shall have the burden of proving that relief should be granted. La. Code Crim. P. art. 930.2. There is no indication that the district court applied any procedural bar to the application for postconviction relief. Therefore, the district court did not err in denying the request for rehearing or reconsideration. Moreover, the holding in **Martinez v. Ryan**, ___ U.S. ___, 132 S.Ct. 1309, 182 L.Ed.2d 272 (2012) appears to affect federal habeas corpus proceedings for defendants alleging ineffective assistance of counsel, but it does not create any right enforceable in state criminal postconviction proceedings.

TMH
MRT

Kuhn, J., concurs.

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DEPUTY CLERK OF COURT
FOR THE COURT