

Judgment rendered February 27, 2014

NO: 49,166-KH

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

* * * * *

STATE OF LOUISIANA

Respondent

versus

RICKEY LYNN MCBROOM

Applicant

* * * * *

On Application for Supervisory Writ from the
Third Judicial District Court for the
Parish of Union, Louisiana
Trial Court No. 31,881

Honorable R. Wayne Smith, Judge

* * * * *

RICKEY WAYNE MCBROOM

Pro Se

ROBERT W. LEVY
District Attorney

Counsel for State
of Louisiana

* * * * *

Before MOORE, PITMAN and GARRETT, JJ.

Trevino, supra, does not expand the application of *Martinez* beyond federal habeas courts to Louisiana state courts. While *Martinez* arose under Arizona law which did not allow a defendant to raise an ineffective assistance claim on direct appeal, *Trevino* arose under Texas law which permitted such a claim to be raised on direct appeal. However, because the *Trevino* court found that the Texas procedural framework made it highly unlikely that a defendant would have a meaningful opportunity to raise an ineffective assistance claim on direct appeal, the court applied the exception recognized in *Martinez*. Thus, *Trevino* expanded the application of the *Martinez* exception in federal habeas courts, but it did not create an exception under Louisiana law that would excuse the untimeliness of McBroom's post-conviction relief application filed in a Louisiana state court. Accordingly, the instant application is untimely and is hereby denied.

THIS WRIT ORDER IS DESIGNATED FOR PUBLICATION.

Shreveport, Louisiana, this 27th day of February, 2014.

JGJ DMN FB

FILED: February 27, 2014

Karenfree Mcfee
CLERK