

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-KH-01566

VS.

JAMES KOON

IN RE: James Koon - Applicant Defendant; Applying For Supervisory Writ, Parish of Ouachita, 4th Judicial District Court Number(s) 96-F-0458, Court of Appeal, Second Circuit, Number(s) 53155KH;

August 14, 2020

Writ application denied. See per curiam.

JLW

BJJ

JDH

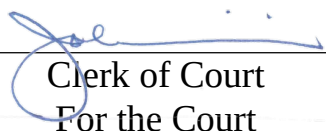
SJC

JTG

WJC

JHB

Supreme Court of Louisiana
August 14, 2020


Clerk of Court
For the Court

08/14/20

SUPREME COURT OF LOUISIANA

No. 19-KH-1566

STATE OF LOUISIANA

v.

JAMES KOON

**ON SUPERVISORY WRITS TO THE FOURTH
JUDICIAL DISTRICT COURT, PARISH OF OUACHITA**

PER CURIAM:

Denied. The application was not timely filed in the district court, and applicant fails to carry his burden to show that an exception applies. La.C.Cr.P. art. 930.8; *see State ex rel. Glover v. State*, 93-2330, pp. 9-11 (La. 9/5/95), 660 So.2d 1189, 1195-96 (distinguishing habeas corpus from post-conviction relief and endorsing La.C.Cr.P. art. 351 and its cmt. (c), which states that “habeas corpus is not the proper procedural device for petitioners who may file applications for post conviction relief;” rather, it “deals with pre-conviction complaints concerning custody.”).

Applicant has now fully litigated several applications 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 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 that article to make the procedural bars against successive filings mandatory. Applicant’s claims have now been fully litigated 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, applicant has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.