

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-KH-01606

VS.

KEVIN O'BRIEN ALLEN

IN RE: Kevin O'Brien Allen - Applicant Defendant; Applying For Supervisory Writ,
Parish of Bossier, 26th Judicial District Court Number(s) 199,853, Court of Appeal,
Second Circuit, Number(s) 53,132-KH;

June 22, 2020

Writ application granted. See per curiam.

JDH
BJJ
JLW
SJC
JTG
JHB

Crain, J., would deny.



06/22/20

SUPREME COURT OF LOUISIANA

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STATE OF LOUISIANA

v.

KEVIN O'BRIEN ALLEN

**ON SUPERVISORY WRITS TO THE SECOND CIRCUIT,
COURT OF APPEAL, PARISH OF BOSSIER**

PER CURIAM:

Writ granted. The matter is remanded, and the district court is ordered to fulfill petitioner's document request and allow for supplementation of the application for post-conviction relief after petitioner's receipt of those documents. *See State ex rel. Bernard v. Cr.D.C.*, 94-2247, p. 1 (La. 4/28/95), 653 So.2d 1174, 1175 (finding a "particularized need" for the production of documents where an application for post-conviction relief sets forth specific claims of constitutional errors requiring the requested documents for support). Thereafter, the district court shall determine whether the claims of prosecutorial misconduct and ineffective assistance of counsel can be resolved summarily or require an evidentiary hearing. *See* La.C.Cr.P. art. 929(A) ("If the court determines that the factual and legal issues can be resolved based upon the application and answer, and supporting documents, including relevant transcripts, depositions, and other reliable documents submitted by either party or available to the court, the court may grant or deny relief without further proceedings."); La.C.Cr.P. art. 930(A) ("An evidentiary hearing for the taking of testimony or other evidence shall be ordered

whenever there are questions of fact which cannot properly be resolved pursuant to Articles 928 and 929.”).

REMANDED