

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2019-KP-01743

VS.

KASHIE FERNANDEZ

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 480-784, Court of
Appeal, Fourth Circuit, Number(s) 2019-K-0742;

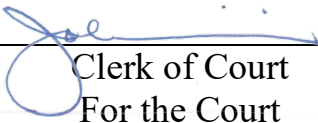
June 03, 2020

Writ application granted in part. See per curiam.

SJC
JLW
JDH
JTG
WJC
JHB

Johnson, C.J., would deny.
Hughes, J., additionally concurs and assigns reasons.

Supreme Court of Louisiana
June 03, 2020



Clerk of Court
For the Court

06/03/20

SUPREME COURT OF LOUISIANA

No. 19-KP-1743

STATE OF LOUISIANA

v.

KASHIE FERNANDEZ

**ON SUPERVISORY WRITS TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

PER CURIAM:

Writ granted in part; case remanded. Defendant has raised a claim which falls under La.C.Cr.P. art. 930.8(A)(1), which provides an exception to the two-year time limit for filing applications for post-conviction relief. However, the district court is ordered to hold a hearing to determine whether the state has been prejudiced in its “ability to respond to, negate, or rebut the allegations of the petition . . . by events not under the control of the state which have transpired since the date of [defendant’s] original conviction” *See* La.C.Cr.P. art. 930.8(B). If the state shows that defendant’s delay has prejudiced it, the court shall dismiss the application; if the state does not make such a showing, the court must proceed to an adjudication on the merits of defendant’s claims. In all other respects, the application is denied.