

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KP-00455

VS.

FRANK KANG

IN RE: Frank Kang - Applicant Defendant; Applying For Supervisory Writ, Parish of Jefferson, 24th Judicial District Court Number(s) 00-1409, Court of Appeal, Fifth Circuit, Number(s) 2019-KH-227;

March 02, 2021

Writ application denied. See per curiam.

JBM

JLW

JDH

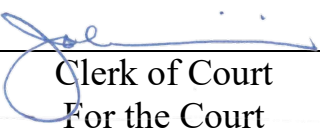
SJC

JTG

WJC

PDG

Supreme Court of Louisiana
March 02, 2021



Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

NO. 2020-KP-00455

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**ON SUPERVIOISRY WRIT TO THE TWENTY-FOURTH
JUDIDICAL DISTRICT COURT, PARISH OF JEFFERSON**

PER CURIAM:

Denied. The application was not timely filed in the district court, applicant fails to carry his burden to show that an exception applies, and shows no lower court error. La.C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189.

Applicant has now fully litigated his application 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 second or 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.