

The Supreme Court of the State of Louisiana

**MATTHEW FLUGENCE**

No.2021-KH-00467

**VS.**

**DARRYL VANNOY, WARDEN LOUISIANA  
STATE PENITENTIARY**

-----  
IN RE: Matthew Flugence - Applicant Plaintiff; Applying For Supervisory Writ,  
Parish of Jefferson, 24th Judicial District Court Number(s) 13-3692, Court of  
Appeal, Fifth Circuit, Number(s) 20-KH-390;  
-----

**June 08, 2021**

Writ application denied. See per curiam.

JTG

JLW

JDH

SJC

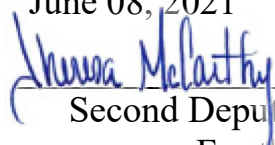
WJC

JBM

PDG

Supreme Court of Louisiana

June 08, 2021



\_\_\_\_\_  
Second Deputy Clerk of Court  
For the Court

**SUPREME COURT OF LOUISIANA**

**No. 21-KH-0467**

**MATTHEW FLUGENCE**

**v.**

**DARRELL VANNOY, WARDEN, LOUISIANA STATE PENITENTIARY**

**ON SUPERVISORY WRITS TO THE TWENTY-FOURTH  
JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON**

**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; State ex rel. Glover v. State, 93-2330 (La. 9/5/95), 660 So.2d 1189. The application is also repetitive. La.C.Cr.P. art. 930.4.

Applicant has now fully litigated two 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 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.