

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KH-00647

VS.

KEVIN LEE DARBONNE

IN RE: KEVIN LEE DARBONNE - Appellant Defendant; Kevin Lee Darbonne - Applicant Defendant; Applying For Supervisory Writ, Parish of Evangeline, 13th Judicial District Court Number(s) 59411-FB, Court of Appeal, Third Circuit, Number(s) KH 21-00693;

September 27, 2022

Writ application denied. See per curiam.

JLW
JDH
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
September 27, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 22-KH-0647

STATE OF LOUISIANA

v.

KEVIN LEE DARBONNE

**ON SUPERVISORY WRITS TO THE THIRTEENTH
JUDICIAL DISTRICT COURT, PARISH OF EVANGELINE**

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.

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 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.