

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KH-00192

VS.

KELVIN DEMARCUS BROWN, II

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IN RE: Kelvin Demarcus Brown, II - Applicant Defendant; Applying For  
Supervisory Writ, Parish of Caddo, 1st Judicial District Court Number(s) 328487,  
Court of Appeal, Second Circuit, Number(s) 55020KH;  
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February 14, 2024

Writ application denied. See per curiam.

JTG  
JLW  
SJC  
WJC  
PDG

Hughes, J., would grant to order an evidentiary hearing.  
McCallum, J., recused.

Supreme Court of Louisiana  
February 14, 2024

Katja Marjanovic  
Chief Deputy Clerk of Court  
For the Court

**SUPREME COURT OF LOUISIANA**

**No. 23-KH-0192**

**STATE OF LOUISIANA**

**v.**

**KELVIN DEMARCUS BROWN, II**

**ON SUPERVISORY WRITS TO THE FIRST  
JUDICIAL DISTRICT COURT, PARISH OF CADDO**

**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 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.