

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KP-00457

VS.

KERMIT PARKER

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of East Baton Rouge, 19th Judicial District Court Number(s) 05-91-0571,
Court of Appeal, First Circuit, Number(s) 2024 KW 0101;

November 15, 2024

Writ application granted in part. See per curiam.

SJC

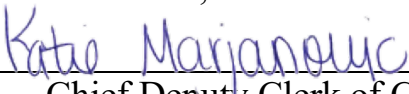
JLW

JDH

PDG

Knoll, J., dissents and assigns reasons.
Crain, J., dissents for reasons assigned by Justice Knoll.
McCallum, J., dissents for reasons assigned by Justice Knoll.

Supreme Court of Louisiana
November 15, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-KP-0457

STATE OF LOUISIANA

VS.

KERMIT PARKER

On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge

PER CURIAM:

Writ granted in part; otherwise denied. Applicant failed to present evidence that is both new and sufficiently corroborated in accordance with La.C.Cr.P. art. 926.2(B)(2), (B)(1)(a). Therefore, applicant’s claim of factual innocence was properly dismissed initially, *see* La.C.Cr.P. arts. 929, 930, and we grant the State’s application here in part to vacate that portion of the district court’s ruling that directed the State to file an answer to the applicant’s claim of factual innocence. In addition, we note that applicant conflates the materiality standard of *Brady* with the statutory requisites for establishing entitlement to relief under La.C.Cr.P. art. 926.2.

The application is otherwise denied, and the matter is remanded for further proceedings on applicant’s claim involving alleged violations of *Brady v. Maryland*, 373 U.S. 83, 87, 83 S.Ct. 1194, 1196, 10 L.Ed.2d 215 (1963). Before ruling on the *Brady* claims and before determining whether an evidentiary hearing will be required, the district court is instructed to first consider and rule upon any procedural objections. *See generally* La.C.Cr.P. art. 930(C).

REVERSED AND REMANDED