

**SUPREME COURT OF LOUISIANA**

**No. 19-KP-1008**

**STATE OF LOUISIANA**

**v.**

**KERNELL MONETTE**

**ON SUPERVISORY WRITS TO THE CRIMINAL  
DISTRICT COURT, PARISH OF ORLEANS**

**PER CURIAM:**

Writ granted. The district court and lower appellate court's rulings regarding the state's procedural objections are vacated, and the application for post-conviction relief is hereby denied. The application was not timely filed in the district court, and Mr. Monette 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.

Mr. Monette has now fully litigated his second 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. His 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, he has exhausted his right to state

collateral review. The district court is ordered to record a minute entry consistent with this per curiam.