

STATE OF LOUISIANA

NO. 25-KH-80

VERSUS

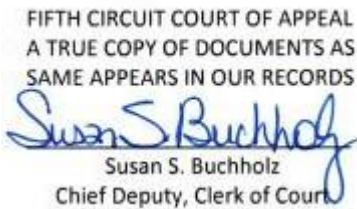
FIFTH CIRCUIT

ERIC RICHARDSON

COURT OF APPEAL

STATE OF LOUISIANA

April 02, 2025



Susan Buchholz
Chief Deputy Clerk

IN RE ERIC RICHARDSON

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JUNE B. DARENSBURG, DIVISION "C", NUMBER 16-6969

Panel composed of Judges Susan M. Chehardy,
John J. Molaison, Jr., and Scott U. Schlegel

WRIT DENIED

In his *pro se* writ application, relator, Eric Richardson, seeks review of the trial court's December 9, 2024 Order denying relator's December 4, 2024 "Motion to Correct Illegal Sentence Based on Lack of Subject Matter Jurisdiction of an Illegal Habitual Offender Sentence." In his motion, relator challenges his habitual offender sentence on grounds that a bill of information "can only be used to charge a crime."

We first note that relator has failed to include any notice of intent or evidence of a return date set by the trial court as required by Uniform Rules-Courts of Appeal, Rules 4-2 and 4-3. We also note that relator's application does not include a copy of his application filed with the district court as required by Uniform Rules-Courts of Appeal, Rule 4-5(C)(8). However, in the interest of justice and judicial efficiency, we consider relator's *pro se* filing.

Although La. C.Cr.P. art. 882(A) states that an illegal sentence may be corrected at any time, a defendant must point to an illegal term in his sentence to raise a claim cognizable in a motion to correct an illegal sentence. *State v. Parker*, 98-256 (La. 5/8/98), 711 So.2d 694, 695. Only those claims relating to the legality of the sentence itself under the applicable sentencing statutes may be raised in a motion to correct an illegal sentence. *State v. Gedric*, 99-1213 (La. App. 1 Cir. 6/3/99), 741 So.2d 849, 851-852, writ denied, 99-1830 (La. 11/5/99), 751 So.2d 239. Here, relator does not point to an illegal term in his sentence but challenges his habitual offender sentence on grounds that a bill of information “can only be used to charge a crime,” and that the trial court had no subject matter jurisdiction over his habitual offender proceeding. Thus, relator’s claim is not cognizable in a motion to correct an illegal sentence.

The Court will consider relator’s application as an application for post-conviction relief (APCR). As such, relator’s claim is untimely under La. C.Cr.P. art. 930.8(A), which provides in pertinent part: “No application for post conviction relief including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final.”

Relator’s conviction and sentence became final in 2020. *See State v. Richardson*, 19-1722 (La. 7/2/20), 297 So.3d 764. Relator has filed a number of legal challenges to his habitual offender sentence, which this Court has previously reviewed and rejected. *See State v. Richardson*, 22-KH-606 (La. App. 5 Cir. 2/6/23) (unpublished writ disposition) (Providing extensive review of the procedural history of relator’s multiple offender adjudication); *Richardson v. 24th Judicial District Court Parish of Jefferson*, 24-KH-529 (La. App. 5 Cir 11/18/24) 2024 WL 4820774.

Accordingly, we agree with the trial court that this APCR is untimely, successive, and repetitive. The writ application is denied.

Gretna, Louisiana, this 2nd day of April, 2025.

SUS
SMC
JJM

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. WISEMAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **04/02/2025** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

25-KH-80

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable June B. Darensburg (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Eric Richardson #125418 (Relator)
Louisiana State Police Barracks
2112 Sgt. Alfred Street
Slidell, LA 70458