

STATE OF LOUISIANA  
VERSUS  
ALEXANDER SHEPARD

NO. 25-KH-84  
FIFTH CIRCUIT  
COURT OF APPEAL  
STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL  
A TRUE COPY OF DOCUMENTS AS  
SAME APPEARS IN OUR RECORDS

  
Linda Wiseman  
First Deputy, Clerk of Court

April 01, 2025

Linda Wiseman  
First Deputy Clerk

**IN RE ALEXANDER SHEPARD**

---

**APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE ELLEN SHIRER KOVACH, DIVISION "K", NUMBER 01-1236**

---

Panel composed of Judges Susan M. Chehardy,  
Jude G. Gravois, and John J. Molaison, Jr.

**WRIT DENIED**

Relator, Alexander Shepard, seeks this Court's supervisory review of an October 23, 2024 trial court ruling which purportedly denied his Motion to Correct Illegal Sentence.<sup>1</sup> In his writ application, relator alleges that he filed a Motion to Correct Illegal Sentence with the district court on October 18, 2024. In his writ application, relator claims that the leniency provisions of La. R.S. 15:308(B) applied retroactively to his case, thereby entitling him to resentencing.<sup>2</sup>

---

<sup>1</sup> By way of background, on April 30, 2002, relator was found guilty by a judge of attempted armed robbery and armed robbery. He was sentenced to thirty years imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence on each count, to run concurrently. On July 17, 2002, the trial court found relator to be a third-felony offender, vacated the sentence on the armed robbery count, and resentenced relator to life imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence. On June 19, 2003, this Court affirmed relator's convictions and sentences. *State v. Shepard*, 03-268 (La. App. 5 Cir. 6/19/03), 850 So.2d 819. On May 14, 2004, the Louisiana Supreme Court denied relator's writ application. *State v. Shepard*, 03-2168 (La. 5/14/04), 872 So.2d 509.

<sup>2</sup> In 2001, the Louisiana Legislature, through Act 403, amended the habitual offender laws to provide for more lenient penalty provisions; however, the amendments were given prospective application. In 2006, the Louisiana Legislature enacted La. R.S. 15:308, which provided that the more lenient penalty provisions enacted by Act 403 applied retroactively to those defendants who committed, were convicted of, or were sentenced for certain enumerated

Upon review, on the showing made, we conclude that relator's writ application is untimely, contains numerous deficiencies, and makes arguments apparently previously found to be without merit by this Court.

First, relator's writ application is untimely. His writ application was filed in this Court on February 26, 2025, more than thirty days from the October 23, 2024 ruling from which he apparently seeks review. *See* Uniform Rules–Courts of Appeal, Rule 4-3, which provides in criminal cases that “the return date shall not exceed 30 days from the date of the ruling at issue.” Concerning his tardiness in filing his writ application, relator explains that on December 2, 2024, he “mistakenly mailed” his writ application to the U.S. Fifth Circuit Court of Appeals in New Orleans, instead of this Court. Relator includes a copy of his Offender Request For Legal/Indigent Mail dated December 2, 2024. He apparently was served with a copy of the district court's October 23, 2024 ruling on November 6, 2024. Relator alleges he learned of his error after February 12, 2025, when he received a letter from the U.S. Fifth Circuit Court of Appeals informing him that his case had been closed since 2010. Relator now requests that this Court “grant” him an opportunity to file an “out-of-time” writ application seeking review of the district court's October 23, 2024 ruling. *See* Uniform Rules–Courts of Appeal, Rule 4-3.<sup>3</sup>

---

offenses before June 15, 2001, if such application ameliorated the defendant's circumstances. One of the enumerated offenses was La. R.S. 15:529.1(A)(1)(b)(ii), which concerned enhanced life sentences for third-felony offenders. In *State ex rel. Esteen v. State*, 16-949 (La. 1/30/18), 239 So.3d 233, the Louisiana Supreme Court explained that a defendant's remedy for obtaining the ameliorative provisions enacted by Act 403 and made retroactive for certain offenses in La. R.S. 15:308 was through a motion to correct an illegal sentence filed in the district court.

<sup>3</sup> Uniform Rules–Courts of Appeal, Rule 4-3 provides:

Upon proper showing, the trial court or the Court of Appeal may extend the time for filing the application upon the filing of a motion for an extension of the return date by the applicant, filed within the original or an extended return date period. An application not filed in the Court of Appeal within the time so fixed or extended shall not be considered, in the absence of a showing that the delay in filing was not due to the applicant's fault.

Further, relator did not file a notice of intent with the district court as required by Uniform Rules–Courts of Appeal, Rule 4-2.<sup>4</sup> Also, there is no documentation in relator’s writ application of a return date as required by Uniform Rules–Courts of Appeal, Rule 4-3. Relator’s writ application also does not include a copy of his Motion to Correct Illegal Sentence, as required by Uniform Rules–Court of Appeal, Rule 4-5(C)(8).<sup>5</sup> Finally, relator’s writ application also does not include a copy of the district court’s October 23, 2024 ruling in compliance with Uniform Rules–Courts of Appeal, Rule 4-5(C)(6) which requires a “copy of the judgment, order, or ruling complained of (if by written judgment, order, or ruling).”

In any event, a review of relator’s past filings in this Court shows that relator has previously sought the same or similar relief from the district court and this Court. While La. C.Cr.P. art. 882(A) states, “[a]n illegal sentence may be corrected at any time by the court that imposed the sentence or by an appellate court on review,” relator’s illegal sentence claim is repetitive, as relator adds nothing new to an underlying argument previously deemed meritless by this Court. *See State v. Shepard*, 19-KH-167 (La. App. 5 Cir. 4/25/19), *writ denied*, 19-866 (La. 1/14/20), 291 So.3d 687, in which this Court found:

In his motion to correct illegal sentence and in his writ application, relator argues that he is entitled to amelioration of his sentence pursuant to the amendments to La. R.S. 15:529.1 enacted by the legislature in 2001 La. Acts, No. 403, the holding of *State ex rel. Esteen v. State*, 16-949 (La. 1/30/18), 239 So.3d 233, and La. R.S. 15:308(B). However, our review reveals that based on the instant

---

<sup>4</sup> Uniform Rules–Courts of Appeal, Rule 4-2 provides:

The party, or counsel of record, intending to apply to the Court of Appeal for a writ shall give to the opposing parties or the opposing counsel of record, notice of such intention. The party, simultaneously, shall give notice to the judge whose ruling is at issue, by requesting a return date to be set by the judge within the time period provided for in Rule 4-3.

<sup>5</sup> Uniform Rules–Court of Appeal, Rule 4-5(C)(8), states that “the submission shall contain these items ... a copy of each pleading on which the judgment, order, or ruling was founded, including the petition(s) in civil cases and the indictment or the bill of information in criminal cases;”

offense, armed robbery, and his predicate offenses noted above [simple robbery, purse snatching, and simple burglary], relator was subject to a life sentence under both the provisions of La. R.S. 15:529.1 at the time the underlying offense was committed and also under La. R.S. 15:529.1 as amended by 2001 La. Acts, No. 403. Thus, the holding of *Esteen* and the 2001 amendments to La. R.S. 15:529.1 do not support any ameliorative changes to relator's multiple offender sentence.

*See also State v. Shepard*, 06-KH-885 (La. App. 5 Cir. 11/28/06), *writ denied sub nom. State ex rel. Shepard v. State*, 07-33 (La. 10/12/07), 965 So.2d 390, in which this Court found no error in the district court's ruling denying his Motion to Correct an Illegal Sentence/Motion Requesting Retroactive Application of La. R.S. 15:308.

For the foregoing reasons, on the showing made, this writ application is denied.

Gretna, Louisiana, this 1st day of April, 2025.

**JGG**  
**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



FIFTH CIRCUIT  
101 DERBIGNY STREET (70053)  
POST OFFICE BOX 489  
GRETNA, LOUISIANA 70054  
[www.fifthcircuit.org](http://www.fifthcircuit.org)

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

(504) 376-1400  
(504) 376-1498 FAX

**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 **04/01/2025** 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-84**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable Ellen Shirer Kovach (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)

**MAILED**

Alexander Shepard #131255 (Relator)  
Louisiana State Penitentiary  
Angola, LA 70712