

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-249

STATE OF LOUISIANA

versus

SHYHEEM LOVE

IN RE SHYHEEM LOVE

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE MICHAEL P. MENTZ, DIVISION "F", No. 22-1207

TRUE COPY

August 19, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
John J. Molaison, Jr., and Scott U. Schlegel

WRIT DENIED

Relator-Defendant Shyheem Love seeks review of the trial court's denial of his Application for Post-Conviction Relief (APCR) and Omnibus Motion to Stay Disposition of APCR/Motion for Production of Documents. For the reasons that follow, we deny the writ application.

PROCEDURAL HISTORY

On October 3, 2023, a jury convicted Relator of attempted second degree murder (count one); simple criminal damage to property causing more than \$1,000 but less than \$50,000 in damage (count two); possession of a firearm by a convicted felon (count three); and attempted obstruction of justice (count four). The trial court

imposed concurrent sentences of forty-five years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence on count one; two years imprisonment at hard labor on count two; twenty years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence on count three; and ten years imprisonment at hard labor on count four.

On January 29, 2024, the State filed a multiple offender bill alleging Relator was a third-felony offender on count one. The same day, the trial court adjudicated Relator a third-felony offender, vacated the original sentence on count one, and resentenced him to forty-five-years imprisonment at hard labor without benefit of probation or suspension of sentence, to run concurrently with the sentences on counts two, three, and four.

This Court affirmed Relator's convictions and sentences on October 30, 2024. *State v. Love*, 24-73 (La. App. 5 Cir. 10/30/24), 398 So.3d 858. On February 28, 2025, the Louisiana Supreme Court refused Relator's writ application as untimely. *State v. Love*, 24-1542 (La. 2/28/25), 402 So.3d 485.

On February 3, 2026, Relator filed an APCR and Omnibus Motion to Stay Disposition of APCR/Motion for Production of Documents. In the APCR, he alleged ineffective assistance of counsel and a violation of *Batson v. Kentucky*, 476 U.S. 79, 106 S.Ct. 1712, 90 L.Ed.2d 69 (1986) based on the State's exclusion of Black jurors. In the omnibus motion, Relator requested that the trial court defer ruling on his APCR so he could file a supplemental memorandum and supporting documentation before the expiration of the two-year filing deadline. He also requested a free copy of the complete trial record, including transcripts of voir dire, opening and closing statements, jury instructions, and sentencing.

On February 11, 2026, the trial court denied Relator's APCR and Omnibus Motion to Stay Disposition of APCR/Motion for Production of Documents. This timely writ application followed.

LAW AND ANALYSIS

In his writ application, Relator argues that the trial court erred by issuing a “premature, merit-based denial” of his APCR. In its rulings denying Relator’s APCR and omnibus motion, the trial court explained that Relator’s requests were “fully intertwined” and that “although the court will issue orders for both pleadings, reference will be made to the procedural posture of the case and the entirety of requests in both orders.”

As to the APCR, the trial court denied relief on the showing made, relying on *State v. Patton*, 25-152 (La. App. 5 Cir. 8/13/25), 422 So.3d 794, *writ denied*, 25-1186 (La. 2/12/26), 425 So.3d 1208. In *Patton*, this Court upheld the trial court’s denial of post-conviction relief and the relator’s request for the free production of numerous transcripts, after finding all of the relator’s claims asserted in his shell application were conclusory and that he further failed to provide any factual bases in support of the claims with reasonable particularity. *Id.* at 798. In this case, relying on *Patton*, the trial court also found that Relator “provide[d] no explanation or elaboration of his ineffectiveness of counsel claims,” and, as for his *Batson* claim, the trial court found that the voir dire minute entries showed no objections made by counsel. Accordingly, the trial court concluded that Relator failed to satisfy his burden under La. C.Cr.P. art. 930.2.¹

As to the Omnibus Motion to Stay Disposition of APCR/Motion for Production of Documents, the trial court also denied the relief requested by Relator. The trial court pointed out that a federal district court had previously ordered a “trial transcript be sent”² to Relator. As a result, the trial court found that “there [was] no reason to grant a motion for production of documents or to stay proceedings for

¹ La. C.Cr.P. art. 930.2 states, “The petitioner in an application for post-conviction relief shall have the burden of proving that relief should be granted.”

² See *Love v. Dauzat*, No. 25-1335, 2025 WL 3088627, at *5 (E.D. La. Sept. 19, 2025), *report and recommendation adopted*, No. 25-1335, 2025 WL 3080071 (E.D. La. Nov. 4, 2025).

receipt of a trial transcript which had already been provided to” Relator. The trial court further found no legal basis for providing Relator a free copy of the voir dire transcript given that no objections had been made during voir dire, and no basis for a free copy of the sentencing transcript given that Relator had not raised any sentencing-related claims. Finding “no judicial need to delay the ruling on the pleadings,” the trial court denied Relator’s request for a stay.

In his writ application, Relator argues that the trial court erred by issuing a “premature, merit-based denial” of his APCR. Generally, an incarcerated indigent must demonstrate a particularized need before receiving court documents free of charge. *State ex rel. Simmons v. State*, 93-275 (La. 12/16/94), 647 So.2d 1094, 1095 (per curiam). The Louisiana Supreme Court has explained that an indigent inmate cannot establish a particularized need absent a properly filed APCR setting forth specific constitutional claims for which the requested documents are necessary. *State ex rel. Bernard v. Crim. Dist. Ct. Sec. J.*, 94-2247 (La. 4/28/95), 653 So.2d 1174.

This Court recently addressed the interplay between an APCR and a request for free court documents in *Rojas v. Vannoy*, 25-538, 2025 WL 3541419, at *1 (La. App. 5 Cir. 12/10/25), *writ denied*, 26-28 (La. 6/16/26), 432 So.3d 758. There, as here, the relator argued that his post-conviction claims were included solely to support his request for a free copy of the trial record so that he could later file a complete APCR. This Court explained that “[t]he mere filing of an APCR, however, does not *per se* satisfy the required ‘particularized need[.]’” *Id.* at *2 (quoting *Patton*, 422 So.3d at 797). This Court further stated: “We begin our review with an analysis of relator’s post-conviction claims to determine whether the district court erred by finding that relator failed to set forth specific claims of constitutional errors which required the requested documentation for support.” *Id.* After reviewing the relator’s claims, this Court concluded that he did not demonstrate a particularized

need for the requested trial record, finding that his “request for a free copy of the entire trial record resembles more of a quest to find potential post-conviction claims based solely on speculative assertions rather than factual specificity.” *Id.* at *4.

Here, as in *Rojas*, the trial court reviewed Relator’s APCR claims and found that he failed to satisfy his burden of proof under La. C.Cr.P. art. 930.2. Based on that determination, the trial court found that Relator failed to demonstrate a particularized need for the requested documents and denied his Motion for Production of Documents. Given the intertwined nature of Relator’s APCR and his omnibus request for stay/document production, we find no error in the trial court’s rulings. Accordingly, we deny the writ application.

Gretna, Louisiana, this 19th day of August, 2026.

FHW
JJM
SUS

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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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 **08/19/2026** 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:

A handwritten signature in blue ink that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

26-KH-249

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Michael P. Mentz (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Shyheem Love #628482 (Relator)
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Kinder, LA 70648