

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-420

STATE OF LOUISIANA

versus

CODY CHERAMIE

IN RE CODY CHERAMIE
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. 20-3890, 21-1991, 22-721

TRUE COPY

September 30, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Scott U. Schlegel, and Timothy S. Marcel

WRIT DENIED

Relator, Cody Cheramie, seeks review of the district court's December 9, 2025 Order denying his application for post-conviction relief (APCR). For the reasons stated below, we deny relator's writ application.

On May 3, 2023, relator pled guilty and was sentenced as follows in several cases pending in the 24th Judicial District Court: 1) Case No. 22-721 – Relator pled guilty to communicating of false information of planned arson in violation of La. R.S. 14:54.1 and was sentenced to 15 years; 2) Case No. 21-1991 - Relator pled guilty to attempted second degree murder in violation of La. R.S. 14:27 and 14:30.1 (count one) and obstruction of justice in violation of La. R.S. 14:130.1 (count two). He was sentenced to 25 years without the benefit of parole, probation,

or suspension of sentence on count one and 20 years on count two; and 3) Case No. 20-3890 - Relator pled guilty to felony carnal knowledge of a juvenile in violation of La. R.S. 14:80 and was sentenced to 5 years. The district court ordered all of relator's sentences to run concurrently with each other, and the State agreed not to file a multiple offender bill of information against relator.

Over two years later on November 26, 2025, relator filed an APCR alleging that his guilty plea convictions are invalid because they were obtained in violation of his constitutional rights. Specifically, relator argued that the district court violated La. C.Cr.P. art. 642, because it allowed his counsel to withdraw a pending motion to determine his competency, instead of holding a contradictory hearing on the motion prior to accepting his guilty pleas. On December 9, 2025, the district court issued an order denying relator's APCR as untimely under the strict requirements mandated under La. C.Cr.P. art. 930.8.

On September 4, 2026, relator filed a writ application with this Court seeking review of the district court's December 9, 2025 Order. Relator failed to provide a copy of a notice of intent to file a writ application and order setting a return date within 30 days of the ruling as required by Uniform Rules—Courts of Appeal, Rules 4-2 and 4-3. Accordingly, relator's writ application filed with this Court is deficient and untimely.¹

Further, even if relator filed a timely writ application, we agree with the district court that on the showing made, consideration of relator's APCR is barred by the jurisdictional time limitations set forth in La. C.Cr.P. art. 930.8. This provision states in pertinent part that, "[n]o application for post-conviction relief,

¹ Rule 4-3 provides that 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." Relator contends that he filed his writ application late "due to being on lockdown on a tier where [he is] not allowed to have any of [his] mail, legal mail, legal documents or any other writing materials or any access to a law library or inmate counsel." Relator did not provide any documents evidencing these allegations. He also contends that he filed an "appeal" with this Court on February 21, 2026, which this Court did not receive. Regardless, the filing would have also been untimely.

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,” unless an enumerated exception applies. Relator recognizes in his writ application that he filed his APCR in an untimely manner but argues that the exception set forth in La. C.Cr.P. art. 930.8(A)(1) applies.² Relator contends that being on lockdown or on suicide watch limited his mental abilities, as well as access to mail, legal documents, and the law library. He contends these limitations prevented him from timely filing his APCR. Again, relator provides no support for these allegations.

Regardless, a defendant’s late realization that an error may have occurred at trial or with respect to a guilty plea does not qualify as discovery of a new fact for purposes of Article 930.8(A)(1)’s exception. *See State v. Parker*, 98-256 (La. 5/8/98), 711 So.2d 694, 695. And La. C.Cr.P. art. 930.8(F) provides that “[a]ll of the limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.” Thus, this Court does not have jurisdiction to consider an untimely APCR when the relator fails to carry his burden to show that an exception to the time bar applies.

Accordingly, relator’s writ application is denied.

Gretna, Louisiana, this 30th day of September, 2026.

SUS
SMC
TSM

² La. C.Cr.P. art. 930.8(A)(1) provides in pertinent part that a court can consider an APCR filed two years after the judgment of conviction and sentence has become final if the “application alleges, and the petitioner proves or the state admits, that the facts upon which the claim is predicated were not known to the petitioner or his prior attorneys” at the time of the conviction and sentencing.

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. TRAN
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 **09/30/2026** 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, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

26-KH-420

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Michael P. Mentz (DISTRICT JUDGE)
Darren A. Allemand (Respondent)

MAILED

Cody Cheramie #725956 (Relator)
Raymond Laborde Correctional Center
1630 Prison Road
Cottonport, LA 71327