

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-463

STATE OF LOUISIANA

versus

BYRON GREEN

IN RE BYRON GREEN

APPLYING FOR SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT,
PARISH OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
NGHANA LEWIS, DIVISION "B", No. 2019-CR-82(1)

TRUE COPY

October 29, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Scott U. Schlegel

WRIT DENIED

Relator, Byron Green, on August 4, 2021, pursuant to a plea agreement, pled guilty in the 40th Judicial District Court to amended charges of two counts of armed robbery and one count of simple robbery. On the same date, the trial court sentenced him to twenty-five years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence on each count of armed robbery, and twelve years imprisonment at hard labor on the burglary count. The trial court also ordered all of the sentences to run concurrently with each other. Relator did not file a motion for appeal.

On May 3, 2024, relator filed his first application for post-conviction relief (APCR) with the district court in which he claimed that the trial court erred by denying his motion to suppress his statement. On October 22, 2024, the district court denied relief, citing La. C.Cr.P. art. 881.2(A)(2), which states that a “defendant cannot appeal or seek review of a sentence imposed in conformity with

a plea agreement which was set forth in the record at the time of the plea.” In doing so, the district court pointed out that relator “knowingly and voluntarily entered into an agreement with the State” and completed an unconditional waiver of rights form.

According to relator, he thereafter filed a notice of intent with the district court to seek review in this court on November 10, 2024. The 40th Judicial District Court’s database indicates that on January 10, 2025, the district court set a return date for February 14, 2025.

On October 7, 2026, relator’s writ application was stamped as filed with this Court, more than thirty days from the district court’s October 22, 2024 ruling, and well after the February 14, 2025 return date set by the district court. Thus, we deny the relator’s writ application, finding the application untimely under Uniform Rule 4-3, because the application was not filed within thirty days of the district court’s ruling, or prior to or on the return date of February 14, 2025 set by the district court.

Accordingly, this writ application is denied.

Gretna, Louisiana, this 29th day of October, 2026.

SMC
FHW
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



FIFTH CIRCUIT
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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

(504) 376-1400
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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 **10/29/2026** 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-463

E-NOTIFIED

40th District Court (Clerk)
Honorable Nghana Lewis (DISTRICT JUDGE)
Bridget A. Dinvaut (Respondent)

MAILED

Byron Green #401491 (Relator)
Claiborne Parish Detention Center
1415 Highway 520
Homer, LA 71040