

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-407

STATE OF LOUISIANA

versus

RODRICK BARNES

IN RE RODRICK BARNES

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE STEPHEN C. GREFER, DIVISION "J", No. 21-3200

TRUE COPY

September 23, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Jude G. Gravois, and Stephen J. Windhorst

WRIT DENIED

Relator, Roderick Barnes, seeks to invoke our supervisory jurisdiction to review the July 10, 2024 judgment of the 24th Judicial District Court, denying his Application for Post-Conviction Relief ("APCR"). For the reasons stated below, the writ is denied.

Relator's filing in this Court consists only of his *Memorandum of Law in Support of Post-Conviction Relief Under Act 10, New Law in the Interest of Justice*, with attachments thereto, and the judgment of the district court. Although it was stamped as filed in this Court on August 31, 2026, the pleading was postmarked August 24, 2026. Pleadings filed by *pro se* prisoners are deemed filed when they are turned over to prison authorities to be mailed. *Houston v. Lack*, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988). There is no indication on either the document or in any attachment thereto specifying when Relator placed the document with prison authorities for mailing.

Additionally, Relator did not provide us with any evidence that he filed a Notice of Intention to seek supervisory review in the trial court as required by the Uniform Rules of the Louisiana Courts of Appeal ("Uniform Rules"), Rule 4-2. Nor did he provide us with any documentation of the return date for the writ

application as mandated by Uniform Rule 4-3, which states that the application for writs “**shall** contain documentation of the return date . . . any application that does not contain this documentation may not be considered by the appellate court.” (Emphasis added). Uniform Rule 4-3 also provides that in criminal cases, the return date “shall not exceed 30 days from the date the ruling is signed.” Here, the ruling was signed on July 10, 2024. Thirty days from that date is August 9, 2024. Thus, it appears that Relator’s writ application is untimely.

The application also fails to comply with Uniform Rule 4-5. It does not contain a copy of the indictment or bill of information; a copy of the State’s opposition filed in the district court; a copy of the pertinent court minutes; or the notice of intent and return date order. *See* Uniform Rule 4-5(8)-(11).

Even if we were to consider Relator’s application despite these deficiencies, we would deny it on the merits. Relator raised three claims of error. First, he claims that his trial counsel was ineffective for: (1) failing to interview eyewitnesses witnesses who were present at the scene; (2) failing to object or file a motion for a mistrial following the polling of the jury; and (3) pursuing a claim of self-defense, a strategy which Relator did not authorize and expressly informed his counsel not to pursue. Second, Relator asserts prosecutorial misconduct as a basis for overturning his conviction and sentence. Finally, Relator contends that his sentence was improperly enhanced and that, as a result, it is excessive and illegal. The district court found that all of these claims lack merit.

We agree with the district court that, as to his claims of ineffective assistance of counsel, Relator failed to meet his burden of proving that: (1) the performance of his counsel fell below an objective standard of reasonableness under prevailing professional norms, and (2) counsel’s inadequate performance prejudiced him to the extent that the trial was rendered unfair and the verdict suspect. *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); *State v. Washington*, 491 So.2d 1337 (La. 1986); *State v. Legrand*, 02-1462 (La. 12/3/03), 864 So.2d 89. We also agree with the district court that Relator did not state a colorable claim that his conviction was obtained through prosecutorial misconduct. On these points, we adopt all of the reasons stated by the district court in its well-reasoned opinion. Relator’s claim that his sentence was improperly enhanced was raised and denied in his direct appeal to this Court. *State v. Barnes*, 24-303 (La. App. 5 Cir. 5/28/25), 415 So.3d 519, 530, *writ denied*, 25-839 (La. 11/19/25), 420 So.3d 1183. As a result, this claim, as found by the district court, is jurisdictionally barred from review in an APCR under La. C.Cr.P. art. 930.4(A).

Accordingly, for all of the reasons stated herein, we deny Relator’s writ application.

Gretna, Louisiana, this 23rd day of September, 2026.

FHW
JGG
SJW

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
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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 **09/23/2026** 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". The signature is written in a cursive style.

CURTIS B. PURSELL
CLERK OF COURT

26-KH-407

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Stephen C. Grefer (DISTRICT JUDGE)
Darren A. Allemand (Respondent)

MAILED

Rodrick Barnes #591881 (Relator)
Raymond Laborde Correctional Center
1630 Prison Road
Cottonport, LA 71327