

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-474

STATE OF LOUISIANA

versus

EDWAR LOPEZ

IN RE EDWAR LOPEZ
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. 19-5544

TRUE COPY

October 26, 2026



LINDA TRAN
DEPUTY CLERK

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

WRIT DENIED

Relator, Edwar Lopez, seeks review of the district court's June 22, 2026 Order denying his application for post-conviction relief (APCR). For the reasons explained below, we deny relator's writ application.

On December 14, 2022, a jury found relator guilty of second degree murder (count one) and obstruction of justice (count two). On January 19, 2023, the district court sentenced him to life imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence as to count one, and to forty years imprisonment at hard labor as to count two, with the sentences to run consecutively. On August 21, 2024, this Court affirmed relator's convictions and sentences but vacated the portion of relator's sentence that imposed court costs,

finer, and fees. *State v. Lopez*, 23-335 (La. App. 5 Cir. 8/21/24), 398 So.3d 167.

On January 14, 2025, the Louisiana Supreme Court denied relator's writ application. *State v. Lopez*, 24-1187 (La. 1/14/25), 398 So.3d 650.

On January 13, 2026, relator filed his APCR with the district court. In it, relator made the following claims: (1) Spanish-to-English translation by the trial interpreters was inaccurate; (2) ineffective assistance of counsel; (3-5) insufficient evidence of second degree murder; (6) the State provided undisclosed incentives to its witnesses; and (7) insufficient evidence of obstruction of justice. On February 3, 2026, the district court denied relator's claim regarding the trial interpreters (claim one) and the sufficiency of the evidence claims with respect to second degree murder and obstruction of justice (claims three-five and seven) pursuant to La. C.Cr.P. art. 930.4(A), which provides: "Any claim for relief which was fully litigated in an appeal from the proceedings leading to the judgment of conviction and sentence shall not be considered." In addition, the district court found that because relator's claim of undisclosed incentives (claim six) was not raised in the trial court or on appeal, the claim was now barred by La. C.Cr.P. art. 930.4(B) and (C).¹

The district court found that relator's claim two, alleging ineffective assistance of counsel, was subject to post-conviction review and ordered the State to file a response. On June 5, 2026, the State filed its response, arguing that relator's conclusory allegations failed to show that counsel rendered ineffective assistance by failing to object to the trial interpreters' translations. On June 22, 2026, the district court denied relief pursuant to La. C.Cr.P. art. 930.2,² stating,

¹ At the time relator filed his APCR, La. C.Cr.P. art. 930.4(B) provided: "If the application alleges a claim of which the petitioner had knowledge and inexcusably failed to raise in the proceedings leading to conviction, the court shall deny relief." La. C.Cr.P. art. 930.4(C) provided: "If the application alleges a claim which the petitioner raised in the trial court and inexcusably failed to pursue on appeal, the court shall deny relief."

² 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. The state has no burden of proof in a post conviction relief proceeding."

[I]n reviewing the complaints, the court finds that there is a lack of specificity of defective translation and that the claim is entirely conclusory in complaining of trial counsel's actions. The claims are unsupported by an affidavit from any of the interpreters or counsel. It is also a fatal defect that the petitioner fails to show that the results of the proceeding would have been different absent changes in translation.

First, we agree that relator's claims challenging the trial interpreters' competency and the sufficiency of the State's evidence with respect to his convictions for second degree murder and obstruction of justice were litigated on appeal and are now precluded from post-conviction review under La. C.Cr.P. art. 930.4(A). Further, with respect to the State's witnesses, Yeyson "JP" Ponce and Didier Flores-Barahona, relator makes no showing as to why he did not raise the claim of undisclosed incentives at trial or on appeal, nor does he describe with any specificity what these witnesses allegedly received for their testimony. *See* La. C.Cr.P. art. 930.4(B) and (C). Relator also concedes that both witnesses were questioned about their pending immigration cases at trial. Thus, even if we considered relator's claim on the merits, he would not meet his post-conviction burden of proof under La. C.Cr.P. art. 930.2.

Finally, relator contends that the trial court erred by denying his claims that his trial counsel rendered ineffective assistance by failing to object and/or request a continuance, replacement, or mistrial based on the trial interpreters' inaccurate translations.³

Under the Sixth Amendment to the United States Constitution and Article I, § 13 of the Louisiana Constitution, a defendant is entitled to effective assistance of counsel. *State v. Casimer*, 12-678 (La. App. 5 Cir. 3/13/13), 113 So.3d 1129, 1141. To prove ineffective assistance of counsel, a defendant must satisfy the two-prong test set forth in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80

³ On appeal, this Court found that the issue of the trial interpreters' inaccurate translations was not preserved for review based on the absence of an objection by counsel. *See Lopez*, 398 So.3d at 184-85.

L.Ed.2d 674 (1984). *Casimer*, 113 So.3d at 1141. Under the *Strickland* test, the defendant must show: (1) that counsel’s performance was deficient, that is, that the performance fell below an objective standard of reasonableness under prevailing professional norms; and (2) that the deficient performance prejudiced the defense. *Id.* An error is considered prejudicial if it was so serious as to deprive the defendant of a fair trial, or “a trial whose result is reliable.” *Id.* To prove prejudice, the defendant must demonstrate that, but for counsel’s unprofessional conduct, the outcome of the trial would have been different. *Id.*

In support of his ineffective assistance claim, relator argues that his counsel should have objected because the “court-provided interpreter was frequently unable to translate the testimony of witnesses.” To support his argument, relator points to a bench conference where his counsel stated that the interpreter “apparently [] was not translating verbatim.” In response, the trial court suggested replacing the interpreter about whom the complaint was made with another one of the interpreters who had interpreted testimony through various parts of the trial, to which counsel agreed. As such, the record indicates that counsel took corrective action after concerns were raised about this particular interpreter’s translation. Furthermore, relator does not cite any specific error and resulting prejudice stemming from the interpreters’ translations. *See* La. C.Cr.P. art. 930.2. Thus, the district court did not err by finding that relator could not meet his burden to prove the prejudice prong of the *Strickland* analysis — that is, that the outcome of the trial would have been different.

Accordingly, we deny relator’s writ application.

Gretna, Louisiana, this 26th day of October, 2026.

SUS
SMC
TSM

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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FIRST DEPUTY CLERK

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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 **10/26/2026** 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-474

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Michael P. Mentz (DISTRICT JUDGE)
Matthew R. Clauss (Respondent)

MAILED

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