

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-KH-98

STATE OF LOUISIANA

versus

WILLIE BROWN

IN RE WILLIE BROWN
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. 16,11

TRUE COPY

April 16, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Jude G. Gravois,
Marc E. Johnson, and Scott U. Schlegel

WRIT DENIED

Relator, Willie Brown, seeks this Court's supervisory review of the trial court's denial of his motion to correct an illegal sentence, rendered on January 6, 2026. On the showing made, we deny the writ application.

By way of background, on April 3, 2019, pursuant to a plea agreement, relator pled guilty to attempted armed robbery, violations of La. R.S. 14:27, 14:64, and 14:64.3. He was sentenced to seventeen years imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence. Relator did not appeal.

On December 12, 2025, relator filed his Motion to Correct an Illegal Sentence with the district court. In it, relator asserted that his guilty plea form reflected the wrong criminal statute, *i.e.*, La. R.S. 14:54, which was repealed in

2008, instead of the statute for armed robbery, La. R.S. 14:64. On January 6, 2026, the district court denied relief.¹ In his current writ application, relator argues that his “constitutionally invalid” guilty plea form containing a repealed statute rendered his “entire plea unknowing and unintelligently made.”

La. C.Cr.P. art. 882(A) states: “An illegal sentence may be corrected at any time by the court that imposed the sentence or by an appellate court on review.” Because relator’s filing below did not point to a claimed illegal term in his sentence, but rather challenged the voluntariness of his guilty plea, he did not raise a claim cognizable in a motion to correct an illegal sentence. Accordingly, the “at any time” language of La. C.Cr.P. art. 882 does not apply to relator’s filing.

To the extent that relator is seeking post-conviction relief,² his claim is untimely pursuant to La. C.Cr.P. art. 930.8(A), which provides in pertinent part: “No application for post-conviction relief 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” *See Carlin v. Cain*, 97-2390 (La. 3/13/98), 706 So.2d 968 (appellate courts may raise the time-bar of La. C.Cr.P. art. 930.8 *sua sponte*). Relator pled guilty and was sentenced on April 3, 2019 and did not file a motion for an appeal. Thus, his conviction and sentence became final in 2019.³

Moreover, relator’s claim is repetitive, as relator previously raised the same grounds in a “motion to correct an illegal plea of guilty,” filed in the district court on June 16, 2025, which the trial court also denied as repetitive. Relator sought review of the district court’s January 16, 2025 ruling with this Court. *State v. Brown*, 25-419, 2025 WL 2654930 (La. App. 5 Cir. 9/16/25).

¹ Relator failed to include a copy of the January 6, 2026 ruling by the district court that forms the basis for his request for review as required by Uniform Rules–Courts of Appeal, Rule 4-5(C)(6). According to relator, he misplaced his copy of the district court’s January 6, 2026 ruling. The ruling in question is contained in relator’s official record.

² Courts should “look through the caption of the pleadings in order to ascertain their substance and to do substantial justice.” *See State v. Moses*, 05-787 (La. App. 5 Cir. 5/9/06), 932 So.2d 701, 706, *writ denied*, 06-2171 (La. 4/5/07), 954 So.2d 140.

³ If a defendant fails to move for an appeal within the thirty-day period set forth in La. C.Cr.P. art. 914, as here, the conviction and sentence become final. *See State v. Williams*, 16-32 (La. App. 5 Cir. 8/24/16), 199 So.3d 1205, 1209.

This Court denied relator's writ application on the basis that it was untimely filed with this Court.

Accordingly, relator is not entitled to the relief he seeks. This writ application is denied.

Gretna, Louisiana, this 16th day of April, 2026.

JGG
MEJ
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
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

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
(504) 376-1498 FAX

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 **04/16/2026** 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:

CURTIS B. PURSELL
CLERK OF COURT

26-KH-98

E-NOTIFIED

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

MAILED

Willie Brown #744121 (Relator)
Dixon Correctional Institute
Post Office Box 788
Jackson, LA 70748