

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-348

BOBBIE STEVENSON

versus

STATE OF LOUISIANA

IN RE BOBBIE STEVENSON
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
RAYMOND S. STEIB, JR., DIVISION "A", No. 00-6104

TRUE COPY

August 31, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Marc E. Johnson

WRIT DENIED

Relator, Bobbie Stevenson, seeks review of the 24th Judicial District Court's July 7, 2026 judgment denying his Motion to Correct Illegal Sentence. In 2002, Relator was convicted of sexual battery of a juvenile, which occurred in 1999, in violation of La. R.S. 14:43.1. *State v. Stevenson*, 05-52, p. 2 (La. App. 5 Cir. 6/28/05), 908 So.2d 48, *writ denied*, 05-2592 (La. 6/2/06), 929 So.2d 1247. On February 19, 2002, the trial court sentenced Relator to ten years imprisonment at hard labor, and the State filed a multiple offender bill of information alleging that Relator was a fourth-felony offender. After a hearing in April 2003, the trial court adjudicated Relator to be a fourth-felony offender, vacated his original

sentence, and sentenced him to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Relator's writ application does not include a copy of his Motion to Correct Illegal Sentence filed with the district court as required by Uniform Rules – Court of Appeal, Rule 4-5(C)(8)¹. However, a copy of the motion filed in the district court is available in the district court record. Relator's motion challenged his status as a fourth-felony offender based on his claim that the number of predicate offenses was insufficient under the habitual offender law. He also asserted that the State failed to file a multiple offender bill before the hearing. On July 7, 2026, the district court denied relief, stating: "The defendant is adjudicated as a habitual offender and sentenced under the law in effect at the time of offense. There is no illegality and nothing in his sentences requires correction."

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." Relator's predicate offenses were aggravated burglary in violation of La. R.S. 14:60, unauthorized entry of an inhabited dwelling in violation of La. R.S. 14:62.3, and simple burglary in violation of La. R.S. 14:62. Both Relator's underlying offense, sexual battery, and his predicate offense of aggravated burglary are listed as crimes of violence. La. R.S. 14:2. The allowable maximum sentence for simple burglary² in

¹ A review of the district court record also reveals Relator did not file a notice of intent with the district court as required by Uniform Rules – Courts of Appeal, Rule 4-2.4.

² Acts 2001, No. 241 amended La. R.S. 14:62 as follows:

Simple burglary is the unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, <<+or any cemetery,+>> with the intent to commit a felony or any theft therein, other than as set forth in <<-Section 60->> <<+R.S. 14:60+>>. Whoever commits the crime of simple burglary shall be fined not more than two thousand dollars, imprisoned with or without hard labor for not more than twelve years, or both.

1999 when Relator committed the instant crime was “imprisonment . . . for *not more than twelve years*”. (Emphasis added). Relator argues that the simple burglary charge cannot be used as a predicate offense, and he did not have the requisite number of prior qualifying felonies under the Habitual Offender Law to be adjudicated a fourth felony offender. However, when the instant offense was committed, La. R.S. 15:529.1(A)(1)(c)(ii) provided:

(ii) If the fourth or subsequent felony ***or any of the prior felonies is a felony defined as a crime of violence under R.S. 14:2(13) or*** as a violation of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for more than five years ***or*** any other crime punishable by imprisonment for more than twelve years, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

Stevenson, 05-52, 908 So.2d at 55. (Emphasis added).

In *Stevenson*, we noted that Relator was incorrectly sentenced at trial under the 2001 amended version of La. R.S. 15:529.1, but the mandatory minimum sentence for a defendant where two of the four felonies committed are defined as crimes of violence was also life imprisonment without benefits under the 1999 version of the Habitual Offender Law. *Id.* at 55-56. Thus, here, the fact that the maximum possible sentence for simple burglary is not more than twelve years imprisonment is of no consequence; the simple burglary charge is a valid predicate offense, and Relator received a legal sentence as an adjudicated fourth felony offender who committed at least one crime of violence. Therefore, he has failed to raise a cognizable claim under La. C.C.P. art.

882 in his motion. Further, the district court record shows that the original multiple bill was filed on February 19, 2002 and the corrected multiple bill³ was filed on April 22, 2003, just before the multiple bill hearing, which had been continued several times in the interim. *See also Stevenson*, 05-52, 908 So.2d at 50.

Accordingly, the writ is denied.

Gretna, Louisiana, this 31st day of August, 2026.

MEJ
SMC
JGG

³ A review of the corrected bill shows that a charge without a conviction listed was removed, a different assistant district attorney was prosecutor, and captions were added to the convictions, previously referred to by statute number only.

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 **08/31/2026** 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-348

E-NOTIFIED

24th Judicial District Court (Clerk)
Hon. Raymond S. Steib, Jr. (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Bobbie Stevenson #120379 (Relator)
Louisiana State Penitentiary
Angola, LA 70712