

Fifth Circuit Court of Appeal State of Louisiana

No. 25-KH-543

STATE OF LOUISIANA
VERSUS
EDDIE J. RICHARDS

IN RE EDDIE J. RICHARDS
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
DONALD L. FORET, DIVISION "H", NUMBER 21-1474

TRUE COPY

February 10, 2026



SUSAN BUCHHOLZ
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Stephen J. Windhorst

WRIT DENIED

In his *pro se* application for supervisory writ, Relator-Defendant Eddie J. Richards seeks review of the trial court's denial of his Emergency Petition for a Writ of Habeas Corpus. For the following reasons, we deny Relator's writ application.

BACKGROUND

The crimes in this matter occurred on October 8, 2020. The trial court proceedings for these offenses were initially conducted under case number 21-1474, but after the State *nolle prossed* the charges and then filed a new bill of information against Relator, the matter proceeded under case number 22-5631.

On April 24, 2023, in case number 22-5631, a jury found Relator guilty of possession of a firearm while in possession of fentanyl; possession with intent to distribute heroin; possession of a stolen firearm; and possession with intent to

distribute methamphetamine weighing less than twenty-eight grams.¹ On May 11, 2023, the trial court sentenced Relator to ten years imprisonment at hard labor on counts one, two, and four; and to five years imprisonment at hard labor on count three, to be served concurrently.

On his appeal before this Court, Relator assigned errors in both counselled and *pro se* briefs, alleging claims related to his right to a speedy trial, double jeopardy, sufficiency of the evidence at trial, prosecutorial misconduct, perjured testimony, ineffective assistance of counsel, and the incomplete nature of the appellate record. This Court affirmed Relator's convictions and sentences on November 20, 2024,² and the Louisiana Supreme Court denied his writ applications on April 1, 2025.³

On March 17, 2025, in case number 21-1474, Relator filed an Emergency Petition for a Writ of Habeas Corpus in the trial court challenging the validity of his convictions in case number 22-5631 on the basis that the convictions rested on perjured testimony relating to the State's partial return of seized property. In support, Relator attached three documents to his petition: (1) a minute entry showing the trial court's denial of Relator's motion seeking the return of seized property in case number 21-1474 on November 16, 2022; (2) a consent agreement between the State and Relator regarding property seized from Relator in case number 22-5631—*i.e.*, \$8,419 in cash and a Mercedes and Acura—dated February 29, 2024;⁴ and (3) a check for \$3,918 from the Jefferson Parish District Attorney to Relator dated

¹ See La. R.S. 14:95(E), 40:966(A), 14:69.1, and 40:967(A).

² See *State v. Richards*, 23-448 (La. App. 5 Cir. 11/20/24), 411 So.3d 739, *reh 'g denied* (12/6/24).

³ See *State v. Richards*, 25-28 (La. 4/1/25), 404 So.3d 652 and *State v. Richards*, 24-1547 (La. 4/1/25), 404 So.3d 656.

⁴ In the consent agreement, the State and Relator stipulated that Relator would forfeit half the cash (\$4,209.50) and the Acura, and the State would return to Relator the other half of the cash (\$4,209.50) and the Mercedes.

September 5, 2024. On March 21, 2025, the trial court denied Relator's habeas corpus petition, finding:

The defendant is not entitled to relief because he is not incarcerated in connection with this case number. Even if the court considered the matter under the case wherein the defendant is convicted, 22-5631, he would not be entitled to relief.

Louisiana law contains habeas corpus statutes, namely LSA-C.Cr.P. art. 351 et seq., but this remedy is limited to confinement for an instituted or anticipated criminal proceeding. "Essentially, habeas corpus deals with *preconviction* complaints concerning custody." Official Revision Comment (c), LSA-C.Cr.P. art. 351. "Custody" for this purpose means only confinement from an instituted or anticipated criminal proceeding." LSA-C.Cr.P. art. 351. Because the defendant is convicted and sentenced, the state's legal remedy of habeas corpus will not apply.

The record reflects that the March 21, 2025 ruling was received by prison authorities on April 9, 2025.⁵ On September 25, 2025, Relator filed a notice of intent seeking review of the trial court's March 21, 2025 ruling in case number 21-1474. The record does not indicate that the trial court ruled on Relator's notice of intent in case number 21-1474; however, the record does indicate that the trial court ordered an extended return date of November 14, 2025 in case number 22-5631.⁶

ANALYSIS

On November 7, 2025, Relator filed (postmarked) this writ application seeking supervisory review of the trial court's ruling denying his Emergency Petition for a Writ of Habeas Corpus. The application identifies the trial court case number as 21-1474, yet Relator challenges the convictions rendered in case number 22-5631. Relator challenges his convictions on the basis that the convictions rested on perjured testimony relating to the State's partial return of seized property.

⁵ On September 8, 2025, this Court denied Relator's Writ of Mandamus as moot upon finding that the trial court had already ruled on Relator's habeas corpus petition on March 21, 2025. *See Richards v. 24th Jud. Dist. Ct.*, 25-382 (La. App. 5 Cir. 9/8/25), 2025 WL 2591420, at *1.

⁶ In granting the extended return date, the trial court found that Relator's notice of intent was timely filed under the mailbox rule given that he did not receive a copy of its March 21, 2025 ruling denying his habeas corpus petition until September 18, 2025.

As an initial matter, we review Relator's application for compliance with the Uniform Rules for Louisiana's Courts of Appeal. Relator failed to include certain information and documentation with his writ application as required by the Uniform Rules. The application identifies the trial court case number as 21-1474, yet Relator challenges the convictions rendered in case number 22-5631. He neither specifies the date of the ruling at issue, nor does he attach a copy of the ruling at issue,⁷ the pertinent court minutes,⁸ or the habeas corpus petition filed in the trial court.⁹ Consequently, it is unclear which trial court ruling is at issue; and, although the record permits some inference as to the ruling at issue, we are nevertheless without any documentation of the return date.¹⁰

This Court has denied writ applications with similar defects because they provided nothing for the Court to review. For example, in *Tori Jones v. 24th Judicial District Court*, this Court denied the relator's writ application on the showing made, stating:

Relator has failed to provide this Court with a copy of the ruling complained of, a copy of the pertinent court minutes, a copy of a notice of intent filed with the trial court regarding his intent to file this writ application and requesting a return date, and an order from the trial court setting a return date for relator to file this writ application. *See* Uniform Rules—Courts of Appeal, Rules 4-2, 4-3, and 4-5. Upon review, relator has provided nothing for this Court to review. On the showing made, this Court is unable to grant the requested relief.

23-KH-436 (La. App. 5 Cir. 9/20/23) (unpublished). Here, as in *Jones*, Relator has provided nothing for this Court to review. On the showing made, Relator is not entitled to the relief requested because he is not incarcerated in connection with the case number of the proceeding for which he seeks review (21-1474). However, as

⁷ *See* Uniform Rules – Courts of Appeal, Rule 4-5(C)(6).

⁸ *See* Uniform Rules – Courts of Appeal, Rule 4-5(C)(10).

⁹ *See* Uniform Rules – Courts of Appeal, Rule 4-5(C)(8).

¹⁰ *See* Uniform Rules – Courts of Appeal, Rule 4-3 and 4-5(C)(11).

explained by the trial court, even if we considered the matter under the case wherein Relator is convicted (22-5631), he is still not entitled to habeas corpus relief.

Louisiana statutory law distinguishes post-conviction relief from habeas corpus relief. *State v. Harris*, 18-1012 (La. 7/9/20), 340 So.3d 845, 852–53. La. C.Cr.P. art. 351 provides:

Habeas corpus is a writ commanding a person who has another in his custody to produce him before the court and to state the authority for the custody.

“Custody” as used in this Title means detention or confinement as a result of or incidental to an instituted or anticipated criminal proceeding.

The provisions of this Title are not available to persons entitled to file an application for post conviction relief under Title XXXI-A.

Comment (c) to Article 351 further provides that “[h]abeas corpus is not the proper procedural device for petitioners who may file applications for post conviction relief . . . habeas corpus deals with preconviction complaints concerning custody.”

La. C.Cr.P. art. 351 cmt. (c). Habeas corpus is not available to contest the validity of the conviction or to have the sentence set aside. Rather, such claims are considered requests for post-conviction relief. An application for post-conviction relief is a petition filed by a person in custody after sentence following conviction for the commission of an offense seeking to have the conviction and sentence set aside. La. C.Cr.P. art. 924(1). An attack on a conviction or sentence by means of post-conviction relief must be timely filed pursuant to La. C.Cr.P. art. 930.8. *See State v. Greenup*, 23-220 (La. App. 5 Cir. 5/30/23), 2023 WL 3704967, at *4, *writ denied*, 23-913 (La. 2/27/24), 379 So.3d 666, and *writ denied*, 23-878 (La. 2/27/24), 379 So.3d 667.

Here, Relator was convicted and sentenced in 2023; thus, his request for habeas corpus relief is not the proper procedural device to challenge his conviction, which is properly asserted through a timely filed application for post-conviction

relief. *See State v. Williams*, 24-525 (La. App. 5 Cir. 11/8/24), 2024 WL 4719654, at *1–2 (denying the relator’s supervisory writ application requesting habeas corpus relief since he had already been convicted and sentenced). Accordingly, we find no error in the judgment of the trial court denying Relator’s Emergency Petition for a Writ of Habeas Corpus.

Furthermore, we call attention to the fact that this Court has already denied Relator relief related to the claim he asserts for a second time in his habeas petition. On May 8, 2025, Relator filed an application for post-conviction relief with the trial court raising claims of ineffective assistance of counsel and perjured testimony. The trial court denied Relator’s APCR on June 9, 2025. Relator then filed an application for supervisory writ before this Court challenging his conviction based, in part, on the claim that his conviction rested on perjured testimony as it relates to the State’s consent to return seized property, in violation of *Napue v. Illinois*, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959). On November 26, 2025, this Court denied Relator’s writ application, specifically ruling as follows regarding the perjured testimony claim:

As to his claim regarding perjured testimony, Relator maintains that his conviction rested on perjured testimony in violation of *Napue v. Illinois*, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959). To support his claim, Relator relies on a copy of a consent agreement between himself and the State regarding property seized from him related to his case, *i.e.*, \$8419.00 in cash and a Mercedes and Acura. In the consent agreement, dated February 29, 2024, the parties stipulated that Relator would forfeit half the money and one car, *i.e.*, \$4209.50 and the Acura, but that the State would return to him the other half of the money and the other car, *i.e.*, \$4209.50 and the Mercedes. In Relator’s view, the subsequent return of his property shows that his arrest was unlawful, and, as a result, it was improper for the State to allow the police officers to testify otherwise at trial.

In *Napue*, the Supreme Court held that where a prosecutor allows a state witness to give false testimony without correction, a reviewing court must reverse the conviction if the witness’s testimony reasonably could have affected the jury’s verdict, even if the testimony goes only to the credibility of the witness. *Id.* at 269, 79 S.Ct. 1173. To prove a *Napue* claim, the defendant must show that the prosecutor acted in collusion with the witness to facilitate false testimony. *State v. Broadway*, 96-

2659 (La. 10/19/99), 753 So.2d 801, 814, *cert. denied*, 529 U.S. 1056, 120 S.Ct. 1562, 146 L.Ed.2d 466 (2000). Fundamental fairness, *i.e.*, due process, is offended “when the State, although not soliciting false evidence, allows it to go uncorrected when it appears.” *Napue*, 360 U.S. at 269, 79 S.Ct. 1173.

Here, Relator does not reproduce any of the allegedly perjured testimony but instead claims that the State knew it would return his seized property to him and that the police officers “lied at trial.” The consent agreement executed by Relator approximately ten months after his trial states that there was “probable cause to forfeit the property seized for forfeiture.” Therefore, Relator fails to meet his post-conviction burden of proof under La. C.Cr.P. art. 930.2 that a *Napue* violation occurred.

See State v. Richards, 25-383 (La. App. 5 Cir. 11/26/25), 2025 WL 3296469, at *6 (internal footnotes omitted), *reh’g denied* (1/8/26). Therefore, even if Relator filed a second application for post-conviction relief on the same issue he raises in his habeas corpus petition, he would still not be entitled to the relief he seeks.¹¹

CONCLUSION

For the foregoing reasons, we deny Relator’s writ application.

Gretna, Louisiana, this 10th day of February, 2026.

FHW
SMC
SJW

¹¹ See La. C.Cr.P. art. 930.4(E) (“A successive application shall be dismissed if it fails to raise a new or different claim.”); *State v. Wilson*, 21-131 (La. 3/16/21), 312 So.3d 1088, 1088–89 (*per curiam*) (holding that the defendant had fully litigated his application for post-conviction relief in state court such that any successive post-conviction application would be procedurally barred absent an exception under La. C.Cr.P. arts. 930.4 and 930.8).

SUSAN M. CHEHARDY

CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNNA, 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 02/10/2026 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

25-KH-543

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Donald L. Foret (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Eddie Richards #87240 (Relator)
Rayburn Correctional Center
27268 Highway 21
Angie, LA 70426