

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-478

STATE OF LOUISIANA

versus

KEITH BARROW

IN RE KEITH BARROW

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE STEPHEN D. ENRIGHT, JR., DIVISION "N", No. 01-6237

TRUE COPY

October 14, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Marc E. Johnson

WRIT DENIED

Relator, Keith Barrow, seeks supervisory review of the trial court's ruling denying his June 1, 2026 "Application for Nunc Pro Tunc Review of Extraordinary Writ Pursuant to Louisiana Code of Criminal Procedure Articles 614, 643, and 920."

According to the writ application, relator initially pled not guilty at his arraignment. On February 20, 2002, counsel for relator changed his plea to not guilty by reason of insanity, which the trial court accepted. On January 8, 2003, defendant pled guilty to five counts of armed robbery and one count of conspiracy to commit armed robbery. The next day the trial court adjudicated him as a multiple felony offender and sentenced relator to 50 years imprisonment at hard labor on each robbery charge, and 49 years on the conspiracy charge. Relator did not file an appeal.

On March 27, 2003, counsel for relator submitted a Motion to Allow Physicians to Evaluate and/or Test Defendant, which the trial court granted.

Relator was evaluated and tested, but he claims the trial court did not hold a contradictory hearing on the issue, even though the trial court is required to determine the defendant's mental capacity to proceed.

Relator states that once the issue is raised, no further steps in the prosecution, except the institution of the prosecution, shall be taken until the defendant is found to have the mental capacity to proceed. La. C.Cr.P. arts. 641—643. *State v. Nomey*, 613 So.2d 157, 161 (La. 1993). Relator argues that the record must reflect that the trial court determined whether reasonable grounds exist to doubt the defendant's capacity to proceed, but here, the trial court failed to observe procedures to protect his right not to be tried while incompetent.

Relator's writ application is time-barred and successive. As the trial court stated, relator's application is in fact an application for post-conviction relief (APCR). The nature of a pleading is determined by its substance and not its caption. *State v. Lachney*, 23-79 (La. App. 5 Cir. 10/31/23), 374 So.3d 1010, 1015 n.6. No APCR may be considered if it is filed more than two years after the judgment of conviction and sentence has become final, unless one of the narrow exceptions applies, such as previously unknown or undiscoverable evidence, or an appellate court's change in the interpretation of constitutional law. *See* La. C.Cr.P. art. 930.8(A); La. C.Cr.P. art. 926.2. We find no such exception applies here. Relator's writ application is therefore time-barred under La. C.Cr.P. art. 930.8(A).

Relator's writ application is also successive and repetitive under La. C.Cr.P. art. 930.4. Relator previously raised the issue of the voluntariness of his guilty plea in this Court. In *State ex rel. Keith Barrow v. State*, 08-WR-1022 (La. App. 5 Cir. 10/18/08) (unpublished writ disposition), we noted that the trial court reviewed relator's *Boykin* colloquy and denied relief. This Court further determined that relator's writ application was time-barred, and that he had failed to meet his burden of proving his "conclusory allegations challenging the voluntariness of his guilty plea." *Keith Barrow v. State*, 08-WR-1022 (La. App. 5 Cir. 5/5/10) (unpublished writ disposition).¹ *See also State v. Barrow*, 08-KH-362 (La. App. 5 Cir. 4/22/08) (unpublished writ

¹ In 08-WR-1022, this Court stated: "As an initial matter, relator's application was untimely. LSA-C.Cr.P. art. 930.2; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189. In any event, standing alone, relator's conclusory allegations challenging the voluntariness of his guilty plea failed to carry his post-conviction burden of proof in light of his failure to include his guilty plea transcript. LSA-C.Cr.P. art. 930.2. Accordingly, this claim fails. Based on our current analysis, we conclude there was no error in this Court's previous ruling on relator's first writ application."

disposition);² *Barrow v. State*, 12-KH-730, (La. App. 5 Cir. 10/24/12) (unpublished writ disposition).³
The writ is denied.

Gretna, Louisiana, this 14th day of October, 2026.

SMC
FHW
MEJ

² In 08-KH-362, this Court denied the writ, stating:

The Relator's Motion to Correct Illegal Sentence is untimely under the Uniform Rules of the Appellate Court, Rule 4-3, as it was not filed within 30 days of the ruling at issue. Nevertheless, we also point out that a Motion to Correct an Illegal Sentence is not the correct vehicle for raising this claim. Although an illegal sentence may be corrected at any time, the Relator does not point to an illegal term in his sentence. *See, State v. Parker*, 98-0256 (La. 5/8/98), 711 So.2d 694, 695. An application for postconviction relief is the proper vehicle for asserting these types of claim. *Id.* In this case, however, the prescriptive period of two years for applying for post-conviction relief has expired. *See: Parker*, 98-0256, 711 So.2d at 695.

The Louisiana Supreme Court denied defendant's writ taken from this ruling, citing "La. C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189; *State v. Parker*, 98-256 (La. 5/8/98), 711 So.2d 694; La. C.Cr.P. art. 930.3; *State ex rel. Melinie v. State*, 93-1380 (La. 1/12/96), 665 So.2d 1172." *See State ex rel. Barrow v. State*, 08-1605 (La. 4/17/09), 6 So.3d 785.

³ In 12-KH-730, this Court again denied the writ, stating:

In this writ application, relator seeks review of the district court's denial of his "Motion for Nunc Pro Tunc." The writ application before us contains an unstamped copy of his "Motion for Nunc Pro Tunc," a case review, an order and transcripts of several relevant proceedings, and the ruling at issue. More importantly, the writ application before us does not contain any specification of error or legal argument regarding the district court's denial of his "Motion for Nunc Pro Tunc" on procedural grounds.

U.R.C.A. 4-5(C)(5) requires that the submitted application include the assignments or specifications of errors and a memorandum in support of the application. See by analogy, *State v. Marie*, 07-397 (La. App. 5 Cir. 11/27/07), 973 So.2d 780, 781 (restating an assigned error in brief without argument or citation of authority does not constitute briefing). Because relator did not specifically argue how the district court erred in denying his application, there is nothing for this Court to review. U.R.C.A. 2-12.4 ("court may consider as abandoned any specification which has not been briefed"); U.R.C.A. 4.5(C)(5). This writ application is hereby denied.

The Louisiana Supreme Court denied defendant's writ taken from this ruling, citing "La. C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189." *See State ex rel. Barrow v. State*, 12-2692 (La. 6/21/13), 118 So.3d 404.

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
GRETN, 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 **10/14/2026** 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-478

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Stephen D. Enright, Jr. (DISTRICT JUDGE)
Matthew R. Clauss (Respondent)

MAILED

Keith Barrow #126449 (Relator)
Rayburn Correctional Center
27268 Highway 21
Angie, LA 70426