

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

No. 26-KH-136

STATE OF LOUISIANA

versus

SHANNON ALEXANDER

IN RE SHANNON ALEXANDER
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. 96-1508

TRUE COPY

May 07, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Jude G. Gravois,
Marc E. Johnson, and Timothy S. Marcel

WRIT DENIED

Relator, Shannon Alexander, seeks review of the district court's February 25, 2026 ruling which denied his Motion to Correct an Illegal Sentence. For the following reasons, we deny this writ application.

By way of background, on January 22, 1997, relator was found guilty by a jury of two counts of armed robbery (counts three and six), and one count of first degree robbery (count five). On January 31, 1997, the trial court sentenced relator to ninety-nine years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence each on counts three and six to be served concurrently, and forty years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence as to count five, to run consecutive to the armed robbery sentences.

On February 7, 1997, the trial court found relator to be a second-felony offender, vacated the original sentence on count six, and sentenced him to one hundred ninety-eight years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

The enhanced sentence was also ordered to run concurrently with the other armed robbery sentence and consecutive to the sentence for first degree robbery. This Court affirmed relator's convictions and sentences on November 25, 1997. *State v. Alexander*, 97-453 (La. App. 5 Cir. 11/25/97), 704 So.2d 996, writ denied, 99-963 (La. 9/17/99) 747 So.2d 1096.

On February 20, 2026, relator filed a Motion to Correct an Illegal Sentence, challenging his sentence as illegal under La. R.S. 15:529.1(A)(1)(a). Relator avers this statute should be interpreted to cap his sentence at twice the longest term of his predicate felony conviction for possession of stolen things valued over \$500 in violation of La. R.S. 14:69 which carried a ten-year maximum sentence.¹ Thus, in relator's interpretation, he could have only received a maximum sentence of twenty years based on his first conviction for felony theft. The district court denied relief on February 25, 2026, finding no illegality in the sentences because the terms imposed are clearly within statutory parameters established by law and further characterized the pleading as successive and repetitive.

In this writ application, relator claims the district court erred in denying his motion to correct an illegal sentence.² Under La. C.Cr.P. 882(A), "An illegal sentence may be corrected at any time by the court that imposed the sentence or by an appellate court on review." A defendant may only raise claims relating to the legality of the sentence itself under the applicable sentencing statutes in a motion to correct an illegal sentence. *State v. Gedric*, 99-1213 (La. App. 1 Cir. 6/3/99), 741 So.2d 849, 851–52, writ denied sub nom., *State ex rel. Gedric v. State*, 99-1830 (La. 11/5/99), 751 So.2d 239; and *State v. Parker*, 98-256 (La. 5/8/98), 711 So.2d 694, writ denied, 12-532 (La. 8/22/12). When a defendant fails to point to a claimed illegal term in his sentence, he does not raise a claim cognizable in a motion to correct an illegal sentence but a claim of trial error, which is properly cognizable in an application for post-conviction relief – if at all. *Parker, supra*.

Here, the essence of relator's claim challenges the interpretation of the second-offender sentencing provision set forth in the habitual

¹ Under the version in effect at the time of the offense, La. R.S. 15:529.1(A)(1)(a), provided:

If the second felony is such that upon a first conviction the offender would be punishable by imprisonment for any term less than his natural life, then the sentence to imprisonment shall be for a determinate term not less than one-half the longest term and not more than twice the longest term prescribed for a first conviction[.]

² We note that relator's application is deficient in that he did not file a notice of intent with the district court as required by Uniform Rules-Courts of Appeal, Rule 4-2. However, relator has filed his *pro se* writ application in this Court within thirty days of the trial court's ruling in accordance with Rule 4-3. Thus, in the interest of justice and judicial economy, we consider the application.

offender statute. Specifically, relator contends the enhanced sentence he received under La. R.S. 15:529.1(A)(1)(a) should have been based on the predicate offense penalty, not the subsequent felony for which he was convicted. This is not a claim of an illegal sentence. Because relator fails to identify an illegal term in his sentence, he has failed to raise a claim cognizable in a motion to correct an illegal sentence.³ Thus, we find no error in the district court's denial of the relator's motion to correct an illegal sentence.

Moreover, to the extent we construe the substance of relator's motion as an application for post-conviction relief, we find it untimely pursuant to La. C.Cr.P. art. 930.8(A) which provides that an application for post-conviction relief must be filed within two years of the judgment of conviction and sentences becoming final.⁴

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

Gretna, Louisiana, this 7th day of May, 2026.

TSM
JGG
MEJ

³ Even assuming *arguendo*, the claim were cognizable under La. C.Cr.P. art. 882(A), it fails on the merits because, contrary to relator's analysis, 'first conviction' refers to the underlying offense of armed robbery, which carries 10-99 years without benefits; thus, the second-offender sentencing range is 49.5-198 years, and the imposed 198-years sentence is within that range.

⁴ Relator's convictions and sentences became final in 1999. *State v. Alexander*, 99-963 (La. 9/17/99), 747 So.2d 1096.

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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SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
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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 **05/07/2026** 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-136

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Stephen D. Enright, Jr. (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Shannon Alexander #298078 (Relator)
Louisiana State Penitentiary
Angola, LA 70712