

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-408

SHANE LANDRY

versus

DARELL VANNOY

IN RE SHANE LANDRY
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
DONALD A. ROWAN, JR., DIVISION "L", No. 23-2039

TRUE COPY

September 23, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Marc E. Johnson,
John J. Molaison, Jr., and Scott U. Schlegel

WRIT DENIED

The relator, Shane Landry, seeks review of the July 29, 2026 ruling that denied his Application for Post-Conviction Relief. For the following reasons, we deny relief.

On November 12, 2024, the relator pled guilty to felony carnal knowledge of a juvenile in violation of La. R.S. 14:80. In the negotiated plea agreement, the trial judge sentenced the relator to five years imprisonment at hard labor, suspended the sentence, and placed him on three years of active probation.

On July 6, 2025, the relator's probation officer filed a motion to revoke the relator's probation alleging that the relator had failed: (1) to refrain from criminal

conduct by using marijuana; (2) to pay his supervision fees; and (3) to have a residence approved by the Department of Corrections.

At the revocation hearing, Officer Steven Everly testified that the relator failed to refrain from criminal conduct when he “ingested” marijuana on April 25, 2025, without first receiving approval from the district court for a medical marijuana prescription. The relator’s landlord evicted him from his approved residence because he repeatedly allowed his brother to stay at his apartment in violation of his lease agreement. Pursuant to the eviction notice, Officer Everly explained that the relator no longer had an approved residence as required by his “sex offender contract.” The relator had also failed to pay his supervision fees. The State then submitted its case, requesting that the district court revoke the relator’s probation based on testimony establishing three separate probation violations.

The relator called Steve Schulkens, who testified that he mentored the relator as part of the Big Brothers program. Mr. Schulkens testified that the relator was arrested on June 13, 2025, but the eviction notice listed June 16, 2025, as the eviction date. He also testified that the relator had several housing options available.

The relator testified that he was unaware of any issues with his living arrangements, explaining that he and the landlord were trying to come to an arrangement that would allow his brother to stay at the apartment for additional rent. The relator testified that his landlord, while on the phone with his probation officer, informed him that the landlord was evicting him for allowing his brother to stay at the apartment in violation of his lease agreement. On cross-examination, the relator admitted that he signed a contract setting out the conditions of his probation, which included a monthly supervision fee and prohibition against using “illegal narcotics.”

Following the testimony, the State argued that the relator's failure to comply with the residence requirement was not the sole violation, pointing out that the relator had also violated his probation by using marijuana and failing to pay his supervision fees. In response, the relator urged the district court to find him "in contempt" and allow him the opportunity to find "an approved residence" in lieu of a revocation. The trial judge found relator violated the conditions of his probation, ordered the relator's probation revoked, and sentenced him to five years imprisonment at hard labor.

On May 6, 2026, the relator filed an APCR challenging his probation revocation and claiming ineffective assistance of counsel. On July 29, 2026, the district court denied relief, finding that the relator had violated the conditions of his probation, that the court therefore had not abused its discretion, and that the relator had failed to prove ineffective assistance of counsel.

After the trial court denied his motion for reconsideration, the relator filed this writ application, arguing the trial court abused its discretion by revoking his probation based on an "improper eviction notice."

"[W]hen the court places a defendant on probation, it shall require the defendant to refrain from criminal conduct." La. C.Cr.P. art. 895(A). This general condition of probation is mandatory. *State v. Johnson*, 93-1021 (La. App. 5 Cir. 5/11/94), 638 So.2d 273, 274. Proving a defendant's failure to refrain from criminal conduct at a probation revocation hearing requires either a showing of a conviction or a showing of the actual commission of a crime through the defendant's underlying conduct. *State v. Rexford*, 95-152 (La. App. 5 Cir. 6/28/95), 658 So.2d 27, 29. A trial court has wide discretion in deciding whether to revoke a defendant's probation. *Id.* An appellate court should not reverse that decision absent an abuse of that discretion. *Id.*

There is no dispute that the relator admitted to using marijuana on April 25, 2025. On the motion to revoke, Officer Everly reported, “On 6/10/2025, the subject was again located at his primary residence, where it was discovered he had failed to refrain from using marijuana.” Next, although the relator’s inability to pay fees, on its own, does not constitute grounds for revoking his probation under La. C.Cr.P. art. 894.4, this violation served here as an additional ground for revoking his probation. The relator further maintains that these “technical violations” should have resulted in “a 90-day sentence” under La. C.Cr.P. art. 900(A)(6)(b). However, that provision specifically excludes defendants like the relator, whom the court placed on probation for “a sex offense as defined by R.S. 15:541.”

Louisiana courts have interpreted La. C.Cr.P. art. 900 to vest a trial judge with wide discretion when a probationer violates a condition of probation, and they have held that the legislature intended punishment for probation violations to be tailored to the facts of the case, the seriousness of the misdeed, and the needs of the probationer. *State ex rel. Robertson v. Maggio*, 341 So.2d 366, 370 (La. 1976). Louisiana courts have upheld revocation where the probationer was not motivated toward rehabilitation. *See State ex rel. Dunkley v. Alford*, 450 So.2d 414, 415 (La. App. 4 Cir. 1984), in which the Fourth Circuit found that the trial court did not abuse its discretion in revoking the defendant’s probation based on its finding that the defendant, by his prior actions, clearly indicated that he did not possess a strong desire to rehabilitate himself. Here, in reviewing the revocation of the relator’s probation, the trial judge pointed out, “Notably, the court summarized the evidence as proving that the petitioner did not listen to the orders of the court of (sic) probation officer and that probation was a privilege and not a right.” Considering the testimony presented at the revocation hearing, we find that the trial

judge did not abuse his discretion in determining that the relator violated his probation by failing to refrain from criminal conduct and pay his supervision fees.

The relator also contends that counsel rendered ineffective assistance at the revocation hearing by failing to urge the arguments relator now relies on in his APCR. The claim of ineffective assistance of counsel is also without merit.

“When the substantive issue that an attorney has not raised has no merit, then the claim the attorney was ineffective for failing to raise the issue also has no merit.”

State v. Williams, 613 So.2d 252, 256-57 (La. App. 1 Cir. 1992).

For the preceding reasons, we deny this writ application.

Gretna, Louisiana, this 23rd day of September, 2026.

JJM
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

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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 **09/23/2026** 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, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

26-KH-408

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Donald A. Rowan, Jr. (DISTRICT JUDGE)
Darren A. Allemand (Respondent)

MAILED

Shane Landry #793392 (Relator)
Louisiana State Penitentiary
Angola, LA 70712