

# Fifth Circuit Court of Appeal State of Louisiana

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No. 26-KH-81

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MOZINE JOHNSON  
VERSUS  
STATE OF LOUISIANA

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IN RE MOZINE JOHNSON  
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT  
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE  
JUNE B. DARENSBURG, DIVISION "C", NUMBER 05-2244

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TRUE COPY

March 06, 2026



SUSAN BUCHHOLZ  
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,  
Jude G. Gravois, and Scott U. Schlegel

## WRIT DENIED

In this pro se writ application, defendant-relator, Mazine Johnson, seeks supervisory review of the trial court's ruling denying his February 3, 2026 Motion to Correct an Illegal Multiple Bill Sentence.

On June 11, 2007, a twelve-person jury convicted relator on two counts of armed robbery with a firearm, in violation of La. R.S. 14:64.3.<sup>1</sup> On July 12, 2007, the trial court sentenced relator to twenty-five years at hard labor for each armed robbery with a firearm count, to run concurrently, with the "first fifteen years to be served without benefit of parole, probation, or suspension of sentence."

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<sup>1</sup> On April 8, 2005, the State charged relator with four counts of armed robbery while armed with a dangerous weapon, in violation of La. R.S. 14:64. On May 8, 2007, the State filed a second bill of information alleging four counts of armed robbery when the dangerous weapon was a firearm, in violation of La. R.S. 14:64.3. The State obtained convictions on Count 3 and Count 4. Counts 1 and 2 were subsequently nolle prosequied.

On August 21, 2007, the State filed a habitual offender bill of information alleging that relator was a second felony offender. On April 10, 2008, after a contradictory hearing, the trial court determined the State had sufficiently proven that relator was a second felony offender. The court vacated his original sentence and imposed an enhanced sentence of forty-nine-and-a-half years at hard labor on one of the two counts upon which relator was convicted.

In response to relator's original appeal, this Court affirmed relator's convictions but remanded for resentencing based on indeterminate sentences. *State v. Johnson*, 08-1156 (La. App. 5 Cir. 4/28/09), 9 So.3d 1084, 1094-95, writ denied, 09-1394 (La. 2/26/10), 28 So.3d 268. On September 4, 2009, the trial court re-sentenced relator to twenty years each on count 3 and count 4, to run concurrently, and an additional five years each on counts 3 and 4 in accordance with the La. R.S. 14:64.3 enhancement statute, to run consecutively with the twenty-year sentences. The trial court then vacated the sentence as to Count 3 and, due to his multiple offender status, again sentenced relator to forty-nine years and six months imprisonment at hard labor, to run concurrently with the sentence in Count 4. Relator did not appeal these sentences.<sup>2</sup>

Since that time, relator has filed numerous post-conviction challenges to the sentences imposed, which have been considered and denied. For example, on August 15, 2016, this Court upheld the denial of relator's motion to vacate sentence, stating that the filing was repetitive and that relator's right to collateral review had been exhausted. *Johnson v. State of Louisiana*, 16-452 (La. App. 5 Cir. 8/15/16) (unpublished writ disposition). In his most recent "Motion to Correct an Illegal Multiple Bill Sentence," relator argues the State incorrectly used La. R.S. 14:64.3 to prove him to be a second time offender, but that La. R.S. 14:64.3 is an

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<sup>2</sup> See April 30, 2010 Order in Case No. 05-2244, 24<sup>th</sup> Judicial District Court.

additional penalty statute requiring the imposition of an additional five-year sentence for the use of a firearm during the commission of an armed robbery.

On February 5, 2026, the trial court denied relief, finding that relator's sentence and challenge to his habitual offender status had been reviewed many times and was repetitive. Relator is now seeking supervisory review of this ruling.

We find no merit to relator's writ application. First, relator's application is procedurally deficient because he did not include a notice of intent to seek supervisory writs or an order setting a return date, in violation of the Uniform Rules—Courts of Appeal, Rules 4-2, 4-3, and 4-5(C)(11). Second, relator's motion to correct an illegal multiple bill sentence is successive and duplicative under La. C.Cr.P. art. 930.4, given relator's extensive history of seeking post-conviction review of his sentences. Third, relator filed his application well past the two-year period for seeking post-conviction relief pursuant to La. C.Cr.P. art. 930.8, and relator has failed to enunciate any reason why an exception to the two-year limitation should apply. Fourth, relator's argument that La. R.S. 14:64.3 was used as an enhancement *for his multiple bill sentencing* is incorrect. The attachment to relator's writ application shows that the State's multiple offender allegations stemmed from relator's 1973 felony conviction in Orleans Parish Criminal District Court for a violation of La. R.S. 14:64, for which relator was sentenced to 99 years at hard labor.

Finding no error in the trial court's February 5, 2026 Order denying relator's motion to correct an illegal multiple bill sentence, the writ is denied.

Gretna, Louisiana, this 6th day of March, 2026.

SMC  
JGG  
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

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 **03/06/2026** 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-81**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable June B. Darensburg (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)

**MAILED**

Mozine Johnson #76622 (Relator)  
Rayburn Correctional Center  
27268 Highway 21  
Angie, LA 70426