

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-482

STATE OF LOUISIANA

versus

DALE BROWN

IN RE DALE BROWN
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
FRANK A. BRINDISI, DIVISION "E", No. 14-373

TRUE COPY

October 22, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Jude G. Gravois,
Scott U. Schlegel, and Timothy S. Marcel

WRIT DENIED

Relator, Dale Brown, seeks this Court's supervisory review of the trial court's September 10, 2026 ruling which denied his motion to correct illegal sentence. For the following reasons, we find no error in the trial court's ruling and deny the writ application.

On August 26, 2014, relator was found guilty by a jury of armed robbery (count one) and aggravated flight from an officer (count two). On September 2, 2014, the trial court sentenced relator to seventy-five years imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence on count one, and two years imprisonment at hard labor on count two. Relator's convictions and sentences were affirmed by this Court on September 15, 2015. *State v. Brown*, 15-96 (La. App. 5 Cir. 9/15/15), 173 So.3d 1262. On October 10, 2016, the Louisiana Supreme Court denied relator's writ application. *State v. Brown*, 15-1872 (La. 10/10/16), 207 So.3d 403.

On September 2, 2026, relator filed a Motion to Correct an Illegal Sentence with the district court. In it, relator argued that the United States Supreme Court's decision in *Ramos v. Louisiana*, 590 U.S. 83, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020), which held that a defendant who is tried for a serious crime has a right to a unanimous jury verdict, should have been applied retroactively to his case. As part of his argument, relator claimed that *State v. Reddick*, 21-1893 (La. 10/21/22), 351 So.3d 273, 283, in which the Louisiana Supreme Court held that "the new rule of criminal procedure announced in *Ramos* that requires unanimity in jury verdicts is not retroactive on state collateral review in Louisiana," was in violation of the Thirteenth Amendment.

The district court denied the motion, finding the pleading successive and repetitive, as relator had previously raised a similar claim in a prior motion to correct illegal sentence, which was subsequently denied by this Court and the Louisiana Supreme Court. *See State v. Brown*, 23-KH-254 (La. App. 5 Cir. 5/16/23), writ denied, 23-876 (La. 11/15/23), 373 So.3d 72. Further, the district court found that relator failed to show illegality in his sentence, as the term of the sentence imposed was clearly within the statutory parameters established by law.

Upon review, on the showing made, we find no error in the trial court's ruling which found relator's application repetitive and successive, as relator has raised this issue previously, as noted above. Further, if considered an application for post-conviction relief, relator's application is untimely pursuant to La. C.Cr.P. art. 930.8(A), which provides in pertinent part: "No application for post-conviction relief including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence have become final." Additionally, none of the exceptions in La. C.Cr.P. art. 930.8(A) are applicable to relator's claim.

Accordingly, the writ application is denied.

Gretna, Louisiana, this 22nd day of October, 2026.

JGG
SUS
TSM

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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CURTIS B. PURSELL
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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 **10/22/2026** 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-482

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Frank A. Brindisi (DISTRICT JUDGE)
Matthew R. Clauss (Respondent)

MAILED

Dale Brown #418906 (Relator)
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Cottonport, LA 71327