

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

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No. 25-K-473

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STATE OF LOUISIANA

*versus*

SEAN E. HOPKINS

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**IN RE SEAN E. HOPKINS**  
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", No. 24-5647

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**TRUE COPY**

March 04, 2026



LINDA TRAN  
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,  
Scott U. Schlegel, and Timothy S. Marcel

**WRIT DENIED**

In his *pro se* application for supervisory writ, Relator Sean E. Hopkins seeks review of the trial court's denial of his Motion to Enforce La. C.Cr.P. art. 230.2, arguing that the Jefferson Parish Sheriff's Office failed to timely prepare the statutorily required affidavit of probable cause supporting his warrantless arrest or to timely submit a properly executed affidavit to a magistrate for a timely determination of whether probable cause existed for his arrest. For the following reasons, we deny the writ application.

**FACTUAL AND PROCEDURAL BACKGROUND**

On October 2, 2024, Jefferson Parish Sheriff's Office narcotics deputies arrested Relator for possession with the intent to distribute methamphetamines,

fentanyl, and heroin, in violation of La. R.S. 40:966 and 967(A); possession of a firearm in the presence of controlled dangerous substances, in violation of La. R.S. 14:95(E); and felon in possession of a firearm in violation of La. R.S. 14:95.1. On that same date JPSO narcotics Detective Billiott executed an arrest report and probable cause affidavit, and timely submitted it to a 24th JDC magistrate judge. One day later, on October 3, 2024, the magistrate judge found probable cause for the arrest. On November 8, 2024, the State filed a bill of information charging Relator with felon in possession of a firearm in violation of La. R.S. 14.95.1 (count one); illegal carrying of weapons in violation of La. R.S. 14:95(E) (count two); possession with intent to distribute heroin in violation of La. R.S. 40:966(A) (count four);<sup>1</sup> and possession with intent to distribute fentanyl with an aggregate weight of less than twenty-eight grams in violation of La. R.S. 40:967(A) (count five).

On June 5, 2025, Relator filed in the 24th JDC a *pro se* Motion to Enforce La. C.Cr.P. art. 230.2. He claimed therein that authorities did not prepare a “proper” arrest warrant and probable cause affidavit within forty-eight hours of his arrest. As a result, he asked to be immediately released on his own recognizance. On July 24, 2025, Relator filed a supplemental brief in the trial court claiming he was not appointed counsel within seventy-two hours as required by La. C.Cr.P. art. 230.1. The trial court set a hearing for August 27, 2025, later continued to September 10, 2025. On September 10, 2025, the trial court denied the motion.

On September 22, 2025, Relator filed a notice of intent to seek supervisory writs. Thereafter, he filed the instant writ application on October 9, 2025, within thirty days of the September 10, 2025 ruling. Relator attached to his writ application an unstamped copy of the notice of intent but did not include a copy of the trial

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<sup>1</sup> Count three in the bill of information referred to persons other than Relator.

court's order setting a return date.<sup>2</sup> The record does not show that the trial court set a return date. On October 27, 2025, Relator supplemented his writ application with a copy of the arrest report and probable cause affidavit admitted into evidence during the September 10, 2025 trial court hearing.

On December 12, 2025, the State filed an amended bill of information amending count two to possession of methamphetamines (2–28 grams) in violation of La. R.S. 40:967(C) and count five to possession of fentanyl (2–28 grams) in violation of La. R.S. 40:967(C). The amended bill maintained count one but count four was *nolle prossed*. The record shows that Relator entered into a plea agreement on December 15, 2025. He pled guilty to counts one, two (as amended), and five (as amended). Thereafter, on the same day, the trial court sentenced Relator on all counts.

## ANALYSIS

In his writ application, Relator re-urges his claim of an untimely probable cause determination along with his claim that he did not receive the timely appointment of counsel.

### **Compliance with Uniform Rules**

As an initial matter, we review Relator's application for compliance with the Uniform Rules for Louisiana's Courts of Appeal. Relator failed to include certain documents with his writ application as required by the Uniform Rules, including the supplemental brief filed in support of his motion to enforce,<sup>3</sup> the ruling at issue,<sup>4</sup> the hearing minute entry,<sup>5</sup> and the return date order.<sup>6</sup> A review of the record reveals that

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<sup>2</sup> As required by Uniform Rules – Courts of Appeal, Rule 4-3. For further discussion, see the subsection entitled “Compliance with Uniform Rules” under the Analysis section.

<sup>3</sup> See Uniform Rules – Court of Appeal, Rule 4-5(C)(8).

<sup>4</sup> See Uniform Rules – Court of Appeal, Rule 4-5(C)(6).

<sup>5</sup> See Uniform Rules – Court of Appeal, Rule 4-5(C)(10).

<sup>6</sup> See Uniform Rules – Court of Appeal, Rule 4-3 and 4-5(C)(11).

an arrest report and probable cause affidavit was filed into the record at the hearing on Relator's motion, but Relator did not include that exhibit with his writ application. He did, however, include it in his writ application supplement. Although Relator failed to include a copy of the return date, he filed his writ application within thirty days of the September 10, 2025 ruling. We therefore find that the application is timely. Despite other deficiencies under the Uniform Rules, we exercise our supervisory authority to review the application.

**Probable Cause Determination, La. C.Cr.P. art. 230.2**

Relator's first claim is that he did not receive a proper probable cause determination within forty-eight hours of his arrest as required by La. C.Cr.P. art. 230.2. Article 230.2 sets forth the procedure for probable cause determinations when an individual is arrested without a warrant, as follows:

A. A law enforcement officer effecting the arrest of a person without a warrant shall promptly complete an affidavit of probable cause supporting the arrest of the person and submit it to a magistrate. Persons continued or remaining in custody pursuant to an arrest made without a warrant shall be entitled to a determination of probable cause within forty-eight hours of arrest. The probable cause determination shall be made by a magistrate and shall not be an adversary proceeding. The determination may be made without the presence of the Defendant and may be made upon affidavits or other written evidence, which may be transmitted to the magistrate by means of facsimile transmission or other electronic means. A magistrate's determination of probable cause hereunder shall not act as a waiver of a person's right to a preliminary examination pursuant to Article 292.

B. (1) If a probable cause determination is not timely made in accordance with the provisions of Paragraph A of this Article, the arrested person shall be released on his own recognizance.

La. C.Cr.P. art. 230.2(A)–(B)(1). Relator argues he did not receive a proper probable cause determination because of alleged defects in the arrest report and probable cause affidavit, including that the “detective was not sworn or subscribed” by the notary and the affidavit “was not physically nor electronically signed by the magistrate judge.”

The arrest report and probable cause affidavit show that law enforcement

arrested Relator on October 2, 2024 and that the magistrate judge found probable cause for the arrest on October 3, 2024. The copy of the arrest report and probable cause affidavit that Relator attached to his writ supplement is unstamped and lacks the magistrate's signature and the notary's stamp and signature. The record reveals, however, that the copy filed into the record at the hearing and the copy mailed to Relator are stamped and show the magistrate's signature and the notary's stamp and signature. As a result, the magistrate judge made the statutorily required probable cause determination within forty-eight hours of Relator's arrest. Therefore, this claim is without merit.

**Appointment of Counsel, La. C.Cr.P. art 230.1**

Relator's second claim is that he was not brought before a judge for the appointment of counsel within seventy-two hours of arrest as required by La. C.Cr.P. art. 230.1. Article 230.1 mandates that an arrestee be brought before a judge within seventy-two hours of arrest for the appointment of counsel and the review or setting of bond. *State v. Wallace*, 392 So.2d 410, 413 (La. 1980). A person who is not brought before a judge within seventy-two hours of arrest, is not only statutorily entitled to obtain release, but also has a claim for civil damages resulting from violation of the article's mandate. *Id.* at 413.

Relator asserts that he was without counsel from the time of his arrest on October 2, 2024, until his arraignment on November 12, 2024. Relator provides no documentation supporting his claim; however, a review of the record shows that, on December 15, 2025, Relator pled guilty to all charges, as amended in the amended bill of information, and that the trial court sentenced Relator accordingly on the same date. An alleged violation of La. C.Cr.P. art. 230.1 is moot after conviction and sentence. *State v. Stipe*, 14-476 (La. App. 5 Cir. 2/11/15), 167 So.3d 942, 954 (citing *State v. Franklin*, 43,173 (La. App. 2 Cir. 9/17/08), 996 So.2d 387, 400, writ denied, 08-2371 (La. 5/22/09), 9 So.3d 138; and *State v. Durio*, 371 So.2d 1158 (La. 1979)).

Therefore, this claim is without merit.

**CONCLUSION**

Accordingly, we deny Relator's writ application.

Gretna, Louisiana, this 4th day of March, 2026.

**FHW  
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  
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  
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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 **03/04/2026** 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

**25-K-473**

**E-NOTIFIED**

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

**MAILED**

Sean E. Hopkins #1000204542 (Relator)  
Jefferson Parish Correctional Center  
P. O. Box 388  
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