

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-433

STATE OF LOUISIANA

versus

WILLIS JOHN LUCAS

IN RE WILLIS JOHN LUCAS
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-THIRD JUDICIAL DISTRICT
COURT, PARISH OF ST JAMES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
JOHN H. SMITH, DIVISION "C", No. 31,91

TRUE COPY

October 07, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Scott U. Schlegel, and Timothy S. Marcel

WRIT DENIED

Defendant-relator, Willis John Lucas, seeks review of the district court's order denying his application for post-conviction relief (APCR). For the reasons stated below, we deny relator's writ application.

Facts and Procedural History

On March 30, 2000, a St. James Parish Grand Jury indicted relator on one count of forcible rape in violation of La. R.S. 14:42.1; one count of attempted aggravated rape in violation of La. R.S. 14:27 and La. R.S. 14:42; and two counts of aggravated burglary in violation of La. R.S. 14:60.

On September 18, 2000, relator pled guilty to the amended charges of one count of forcible rape in violation of La. R.S. 14:42.1 and one count of aggravated

burglary in violation of La. R.S. 14:60. On the same date, pursuant to a plea bargain, the trial court sentenced him to 40 years imprisonment at hard labor without benefit of probation, parole, or suspension of sentence on the rape count, and 20 years imprisonment at hard labor on the burglary count. The trial court ordered the sentences to run consecutively. Relator did not file a motion for appeal.

Relator filed the APCR with the district court on July 22, 2026. Relator relies on the “facts not known” exception of La. C.Cr.P. art. 930.8(A)(1) and asserts the following claims: (1) ineffective assistance of counsel; (2) involuntary guilty plea; (3) involuntary statement obtained in violation of *Edwards v. Arizona*¹; (4) insufficient factual basis for the forcible rape conviction; (5) materially inconsistent identification evidence for the aggravated burglary conviction; and (6) *Brady*² violations. As support for his claims, relator submitted documents recently obtained from his case file, including copies of statements from the victims, relator, and a suspected co-participant, along with investigative reports and a DNA analysis report. On July 28, 2026, the district court denied relator’s APCR without issuing any written reasons.

On August 19, 2026, relator filed a notice of intent with the district court. On August 21, 2026, the district court set a return date of September 11, 2026. Relator filed his writ application on September 11, 2026.

Analysis

La. C.Cr.P. art. 930.8 provides that an APCR must be filed within two years of the date that the judgment of conviction and sentence becomes final, unless certain exceptions are met. Relator was sentenced on September 18, 2000, and he

¹ *Edwards v. Arizona*, 451 U.S. 477, 101 S.Ct. 1880, 68 L.Ed.2d 378 (1981).

² *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963).

did not appeal. When a defendant fails to file a timely motion for appeal, his conviction and sentence are final. *State v. Brown*, 16-141 (La. App. 5 Cir. 9/22/16), 202 So.3d 585, 587-88. Consequently, relator's convictions and sentences became final over 20 years ago, and his APCR, filed with the district court on July 22, 2026, is untimely, unless an exception enunciated in Article 930.8 applies.

Relator relies on the "facts not known" exception of La. C.Cr.P. art. 930.8(A)(1), which provides in pertinent part:

The application alleges, and the petitioner proves or the state admits, that the facts upon which the claim is predicated were not known to the petitioner or his prior attorneys. Further, the petitioner shall prove that he exercised diligence in attempting to discover any post conviction claims that may exist. "Diligence" for the purposes of this Article is a subjective inquiry that shall take into account the circumstances of the petitioner. Those circumstances shall include but are not limited to the educational background of the petitioner, the petitioner's access to formally trained inmate counsel, the financial resources of the petitioner, the age of the petitioner, the mental abilities of the petitioner, or whether the interests of justice will be served by the consideration of new evidence. New facts discovered pursuant to this exception shall be submitted to the court within two years of discovery.

Relator claims that he only recently obtained the documents from his case file after his brother began reviewing materials from his case in 2025. According to the August 22, 2026 affidavit submitted by relator's brother, his brother took on the role of relator's "lay advocate" because their family was unable to afford post-conviction counsel.

This argument is unavailing. The inability to secure retained counsel does not satisfy the diligence requirement of La. C.Cr.P. art. 930.8(A)(1). *See State v. Obney*, 99-592 (La. App. 3 Cir. 8/11/99), 746 So.2d 24, 27 (per curiam), *writ denied*, 1999-2667 (La. 5/5/00), 760 So.2d 1190 ("We have consistently rejected the notion that an applicant's incarceration or lack of legal counsel are valid excuses for failing to comply with the article 930.8 time limits."). Indeed, a post-

conviction applicant is not entitled to an attorney to file his petition unless so ordered by the trial court. La. C.Cr.P. art. 930.7.

La. C.Cr.P. art. 930.2 provides that “[t]he petitioner in an application for post-conviction relief shall have the burden of proving that relief should be granted.” Relator made no showing that the statements and investigative reports from his case file were not disclosed to the defense before he pled guilty, and thus the items do not qualify as newly discovered evidence within the meaning of La. C.Cr.P. art. 930.8(A)(1). In fact, the DNA report was turned over to the defense by the State on August 8, 2000 in a Notice of Intent to Use Certificate of Analysis.³ This was over one month prior to relator’s guilty plea on September 18, 2000.

Relator alternatively argues that the State violated *Brady* in that it suppressed documents and evidence that were favorable to him. However, the bare allegation of non-disclosure, standing alone, does not meet his post-conviction burden of proof under La. C.Cr.P. art. 930.2.

Further, although relator concedes that the DNA testing itself was not newly discovered, he contends that “its significance and the questions it raises ... could not reasonably have been evaluated from what petitioner or his family previously possessed.” However, a defendant’s late realization that an error may have occurred at trial or with respect to a guilty plea does not qualify as discovery of a new fact for purposes of Article 930.8(A)(1)’s exception. *See State v. Parker*, 98-256 (La. 5/8/98), 711 So.2d 694, 695. And La. C.Cr.P. art. 930.8(F) provides that “[a]ll of the limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.” Thus, this Court does

³ The DNA report stated that relator was not excluded as the sperm cell donor, and that the suspected co-participant was excluded as a DNA donor. Thus, relator is hard-pressed to show how the DNA results would have bolstered his claims of insufficient factual basis.

not have jurisdiction to consider an untimely APCR when the relator fails to carry his burden to show that an exception to the time bar applies.

Even if relator's APCR were timely filed, relator has still failed to meet his burden of proof. When a defendant pleads guilty, he normally waives all non-jurisdictional defects in the proceedings leading up to the guilty plea, and the review of such defects either by appeal or through post-conviction relief is precluded. *State v. Turner*, 09-1079 (La. App. 5 Cir. 7/27/10), 47 So.3d 455, 459. The minutes of the guilty plea and the plea form do not indicate that any pretrial rulings were preserved for appellate review pursuant to *State v. Crosby*, 338 So.2d 584 (La. 1976). Thus, relator's claims challenging the State's factual basis or the involuntariness of his statements to the police would not be viable even if raised timely.

Accordingly, relator's application for post-conviction relief is denied.

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

SUS
SMC
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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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 **10/07/2026** 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-433

E-NOTIFIED

23rd Judicial District Court (Clerk)
Honorable John H. Smith (DISTRICT JUDGE)
No Attorney(s) were ENOTIFIED

MAILED

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