

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-375

TREYVON WILEY

versus

STATE OF LOUISIANA

IN RE TREYVON WILEY
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
RAYMOND S. STEIB, JR., DIVISION "A", No. 07--6151

TRUE COPY

October 22, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Marc E. Johnson

WRIT DENIED

Relator, Trevon Wiley, seeks review of the trial court's July 10, 2026 denial of several pleadings he filed challenging the constitutionality of La. Const. Art. I, § 17 and La. C.Cr.P. art. 782 (as applied to crimes committed before 2019). As legal support for his claim of discriminatory intent in the grand jury statute, Relator relied on an October 11, 2018 ruling by Judge Stephen Beasley in *State v. Melvin Cartez Maxie*, 11th Judicial District Court, No. 13-CR-72522 (La. 11th Jud. Dist., Oct. 11, 2018), declaring Louisiana Constitution Article I, § 17 and La. C.Cr.P. art. 782 (which at the time allowed convictions based on non-unanimous jury verdicts)

unconstitutional.¹ In its denial, the trial court noted that Relator has had extensive judicial review following his convictions, and nothing new had been presented in what it considered to be a repetitive application for post-conviction relief.

In *State v. Mercadel*, 03-3015 (La. 5/25/04), 874 So.2d 829, 834, the Louisiana Supreme Court discussed the “general principles of constitutional law regarding legal standing to challenge the constitutionality of code articles and statutes,”² by stating:

Although this court generally possesses the power and authority to decide the constitutionality of the provisions challenged in defendant’s motions to quash his indictment, it is required to decide a constitutional issue only “if the procedural posture of the case and the relief sought by the appellant demand that [it] do so.” *Ring v. State, DOTD*, 2002-1367, pp. 6-7, 835 So.2d 423, 428. Further, a court should avoid constitutional questions whenever the case can be disposed of on non-constitutional grounds. *Id.* at 4, 835 So.2d at 427. One of the threshold non-constitutional issues that must be decided by a court before it may consider a constitutional challenge to a legal provision is whether the person challenging the provision has standing. *Id.* at 9, 835 So.2d at 429. *See also Church Point Wholesale Beverage Co., Inc. v. Tarver*, 614 So.2d 697 (La.1993). In order to have standing to challenge the constitutionality of a legal provision, the person bringing the challenge must have rights in controversy. *Id.* at 7, 835 So.2d at 428. More specifically, “[a] person can challenge the constitutionality of a statute only if the statute seriously affects his or her rights.” *Latour v. State*, 2000-1176, p. 560 (La.App.1/29/01), 778 so.2d 557, 560, citing *Louisiana Paddlewheels v. Louisiana Riverboat Gaming Commission*, 94-2015 (La.11/30/94), 646 So.2d 885.

After review, we find that the trial court did not err in its ruling. Although Relator maintains that he does not seek to set aside his conviction, his stated ground in support of his standing to challenge the grand jury statute, La. C.Cr.P. art. 930.3(5) (“The statute creating the offense for which he was convicted and sentenced is

¹ Relator also cites the following cases: (1) *Alexander v. Louisiana*, 405 U.S. 625, 92 S.Ct. 1221, 31 L.Ed.2d 536 (1972), in which the United States Supreme Court reversed a Black defendant’s rape conviction, holding that he had established an un rebutted *prima facie* case of unconstitutional racial discrimination in the selection of the grand jury that indicted him, in violation of the Equal Protection Clause of the Fourteenth Amendment; and (2) *Pierre v. Louisiana*, 306 U.S. 354, 358, 59 S.Ct. 536, 83 L.Ed. 757 (1939), in which the United States Supreme Court held that the systematic exclusion of Black citizens from grand jury service because of their race violates the Equal Protection Clause of the Fourteenth Amendment, and that such an exclusion requires the resulting indictment to be quashed and the conviction reversed. In *Pierre*, the defendant made a *prima facie* showing of racial exclusion, un rebutted by the State, to establish discrimination.

² In *Mercadel*, the supreme court found that an indicted defendant lacked standing to challenge the constitutionality of several enactments relative to grand jury proceedings in Orleans Parish because he failed to show that their application had a serious effect on his rights.

unconstitutional.”), would subject him to La. C.Cr.P. art. 930.8’s time-bar. As such, for standing purposes, he is challenging the validity of his conviction on grounds of the alleged unconstitutionality of the statute used to indict him. Thus, for all practical purposes, in light of the procedural posture of Relator’s case, the relief he seeks is in the nature of post-conviction relief as set out in La. C.Cr.P. art. 924. Consequently, given that Relator’s convictions and sentences became final in 2012, *see State ex rel. Wiley v. State*, 11-1263 (La. 3/30/12), 85 So.3d 106, we find that his instant claim challenging La. C.Cr.P. art. 383 is untimely. (See *Dunn v. State*, No. 24-547 (La. App. 5 Cir. 1/29/25), 2025 WL 327367, *reh’g denied* (La. App. 5 Cir. 2/24/25), *writ not considered*, 25-346 (La. 9/10/25), 415 So.3d 1269, in which this Court found that the relator’s claim challenging the grand jury concurrence laws on similar grounds as the instant application was untimely pursuant to La. C.Cr.P. art. 930.8.).

Accordingly, the writ application is denied.

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

MEJ
SMC
JGG

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 **10/22/2026** 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 that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

26-KH-375

E-NOTIFIED

24th Judicial District Court (Clerk)
Hon. Raymond S. Steib, Jr. (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Treyvon Wiley #557602 (Relator)
Louisiana State Penitentiary
Angola, LA 70712