

Fifth Circuit Court of Appeal State of Louisiana

No. 25-KH-551

STATE OF LOUISIANA
VERSUS
ELGIGANTE WILLIAMS

IN RE ELGIGANTE WILLIAMS
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
LEE V. FAULKNER, JR., DIVISION "P", NUMBER 18-927

TRUE COPY

January 15, 2026



SUSAN BUCHHOLZ
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Jude G. Gravois

WRIT DENIED

Relator, Elgigante Williams, appearing *pro se*, seeks supervisory review of the denial by the 24th Judicial District Court, of his *Motion to Correct Illegal Sentence*. Relator alleges in the application that: (1) he filed a Motion to Correct Illegal Sentence; (2) he is not attacking his conviction, only his sentence; (3) he sent “all of [his] Evidence and Proof to the court with the Motion to Correct Illegal Sentence that was Denied;” (4) [he is] asking the Court of Appeals for a supervisory writ; (5) he is asking for the court to get the “Proof [he] sent with the Motion;” and (6) he is asking the court to set an evidentiary hearing and to vacate his sentence. Relator states that based on the Affidavit from Robert Jefferson, his sentence is illegal.

Attached to Relator’s application is an Order, entered by the district court on October 25, 2025, denying Relator’s *Notice of Appeal, Stamped as Filed October 24, 2025*, on the grounds that the denial of a *Motion to Correct Illegal Sentence* is not appealable under La. C.Cr.P. art. 912. The district court instructed that “petitioner’s proper remedy is to seek a remedial writ from the Louisiana Fifth Circuit of Appeal, following the procedure set forth in the Uniform Rules of Court.”

The only other document or pleading attached to Relator’s application is the district court’s order denying Relator’s *Motion to Correct Illegal Sentence*, entered on October 28, 2025. Therein, the district court recites that on April 1, 2019, Relator pled guilty to armed robbery (La. R.S. 14:64) and being a convicted felon in possession of a firearm (La. R.S. 14:95.1). He was sentenced to twenty years imprisonment at hard labor on the armed robbery count and ten years on the firearm count, with the sentences to run concurrently. Additionally, pursuant to La. R.S. 14:64.3(A) (armed robbery with the use of a firearm), the district court sentenced Relator to five years, to run consecutively to his twenty-year sentence for armed robbery and concurrently with his ten-year sentence for being a convicted felon in possession of a firearm. The district court also ordered the sentencing to run concurrently with cases numbers 17-2876 and 18-1569.¹

The district court’s order further states that Relator was granted an appeal on April 26, 2019, and the Louisiana Appellate Project was appointed to represent him. The appeal was lodged on August 9, 2019, and on October 30, 2019, this Court granted Relator’s motion to dismiss the appeal. The district court pointed out that Relator had filed five applications for post-conviction relief (“APCRs”), the

¹ La. R.S. 14:64.3(A) provides a mandatory sentence enhancement of an additional five years at hard labor without benefit of parole, probation, or suspension of sentence, for a conviction of armed robbery where the dangerous weapon used in the commission of the crime is a firearm. The statute provides that the additional five years is to run consecutively to the sentence imposed under La. R.S. 14:64.

most recent of which was denied on September 8, 2025. Soon after the denial of his most recent APCR, Relator filed his *Motion to Correct Illegal Sentence*.

Although the district court acknowledged that, under La. C.Cr.P. art. 882, such a motion may be filed at any time, the court found that “the petitioner does not point to a claimed illegal term in his sentence. Rather he contests the predicates and argues that the State failed to comply with the statutes pertaining to multiple offender adjudications.” The court points out that no multiple offender bill was filed in this case.” The district court observed that, in Relator’s hand-written brief in support of his motion, “he claims that he has new evidence, and contests the facts and charge(s) in this case.”

Based on the foregoing, the district court held:

A defendant may only raise claims relating to the legality of the sentence itself under the applicable sentencing statutes in a motion to correct an illegal sentence. *State v. Taylor*, 12-66 (La. App. 5 Cir. 2/14/22), (unpublished), citing *State v. Gedric*, 99-1213 (La. App. 1 Cir. 6/3/99), 741 So.2d 849, 851-52, *writ denied*, 99-1830 (La. 11/5/99), 751 So.2d 239, citing *State v. Parker*, 98-256 (La. 5/8/98), 711 So.2d 694, 695. When a defendant fails to point to a claimed illegal term in his sentence, he does not raise a claim cognizable in a motion to correct an illegal sentence. *Parker, supra*.

The court finds no illegality in the terms of petitioner’s sentencing, as the imposed sentences are within the statutory parameters provided. Petitioner’s sentence has long been final. The motion will be denied.

The district court’s statement of the applicable law is correct; however, since Relator did not attach his *Motion to Correct Illegal Sentence* to his application and did not attach his alleged evidence to his application, we are unable to ascertain if the district court’s decision is correct or not. We also observe that Relator filed a “Notice of Appeal” in the district court, not a notice of intention to seek supervisory writs. The “Notice of Appeal” was denied by the district court. In the denial, the district court informed Relator of the proper procedure for seeking review of the denial of his *Motion to Correct Illegal Sentence*, *i.e.*, to file a notice of intent to take a supervisory writ in accordance with the Uniform Rules of the

Courts of Appeal. Relator did not do as instructed. Thus, Relator has not attached the notice of intent filed with the district court regarding his intent to file this *writ application* and requesting a return date, or an order from the district court setting a return date for Relator to file this writ application. Relator also failed to attach the pertinent court minutes and as already stated above, failed to attach his *Motion to Correct Illegal Sentence*, and any evidence in support of the motion. *See* Uniform Rules of the Courts of Appeal, 4-2, 4-3, and 4-5.

We also take cognizance of the district court’s observation that Relator has filed five APCRs – the last of which was filed on June 5, 2025 – all of which have been denied. La. C.Cr.P. art. 930.4 prohibits the filing of successive and repetitive APCRs. Further, La. C.Cr.P. art. 930.8 provides that no APCR “shall be considered if it is filed **more than two years after the judgment of conviction and sentence has become final . . .**” unless one of the exceptions set out in that article applies. (Emphasis added). Relator’s convictions and sentences became final in 2019, and the two-year limitations period expired several years ago. Neither the district court, nor this Court, in the exercise of its supervisory review, may entertain time-barred APLCs.

On the showing made, we cannot grant Relator the requested relief. Accordingly, the writ application is denied.

Gretna, Louisiana, this 15th day of January, 2026.

FHW
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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CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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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 **01/15/2026** 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

25-KH-551

E-NOTIFIED

24th Judicial District Court (Clerk)
Hon. Lee V. Faulkner, Jr. (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Elgigante Williams #534235 (Relator)
West Baton Rouge Detention Center
1150 Northwest Drive
Port Allen, LA 70767