Fifth Circuit Court of Appeal
State of Louisiana

No. 26-KH-475

STATE OF LOUISIANA

versus

PATRICK WADE

IN RE PATRICK WADE
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE DONALD A. ROWAN, JR., DIVISION "L", No. 09-3473

TRUE COPY
LINDA TRAN
DEPUTY CLERK

November 23, 2026

Panel composed of Judges Fredericka Homberg Wicker, Jude G. Gravois, and Stephen J. Windhorst

WRIT DENIED

Defendant Patrick Wade seeks review of the trial court's denial of his Application for Post-Conviction Relief (APCR). For the reasons that follow, we deny the writ application.

PROCEDURAL BACKGROUND

On May 12, 2010, a jury found Defendant guilty of armed robbery in violation of La. R.S. 14:64. On June 17, 2010, the trial court sentenced Defendant to ninety-nine years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. Thereafter, the State filed a multiple offender bill of information alleging that Defendant

was a fourth-felony offender. On August 9, 2010, the trial court found Defendant to be a fourth-felony offender, vacated his original sentence, and resentenced him to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. This Court affirmed Defendant's conviction and sentence on August 20, 2011. *State v. Wade*, 10-997 (La. App. 5 Cir. 8/30/11), 77 So.3d 275. Defendant did not file a writ application with the Louisiana Supreme Court.

On June 22, 2026, Defendant filed an application for post-conviction relief (APCR) with the trial court on the basis that the bill of information was defective. On July 14, 2026, the trial court denied relief, stating, in pertinent part, as follows:

> The court finds that the petitioner does not provide or meet any of the very limited exceptions for filing an untimely application. For this reason, the court finds this application to be untimely pursuant to La. C.Cr.P. art. 930.8. Furthermore, the court finds this PCR to be denied as successive and repetitive as prohibited by La. C.Cr.P. art. 930.4. Such review is jurisdictionally barred.
>
> The court will not review the merits of the petitioner's claims, as this application is procedurally barred from review. On the showing made, this APCR will be denied.

Defendant filed a notice of intent with the trial court on September 1, 2026. In it, Defendant also sought an extension of the return date due to a delay in serving Defendant with a copy of the court's APCR ruling. On September 9, 2026, the trial court found Defendant's notice of intent was timely filed because he was served with the July 14, 2026 ruling on August 4, 2026. The trial court then set an extended return date for October 6, 2026. Defendant's timely writ application followed.

DISCUSSION

In his writ application, Defendant re-urges the defective bill of information claim raised in his APCR. La. C.Cr.P. art. 930.8(A) 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 has become final." Here, Defendant's conviction and sentence became final in 2011. *See State v. Wade*, 10-997 (La. App. 5 Cir. 8/30/11), 77 So.3d 275. Accordingly, we find, as the trial court did, that Defendant's claim is time-barred.

Furthermore, we find that none of the exceptions to La. C.Cr.P. art. 930.8(A) are applicable to Defendant's defective bill of information claim. Although Defendant maintains his claim may be raised at any time on "jurisdictional" grounds, the time for testing the sufficiency of an indictment or bill of information is before trial by way of a motion to quash or an application for a bill of particulars. *State v. Parker*, 10-1038 (La. App. 5 Cir. 6/14/11), 71 So.3d 383, 392. A court should reject a post-verdict attack on the sufficiency of an indictment unless the indictment failed to give fair notice of the offense charged or failed to set forth any identifiable offense. *Id.* Defendant did not file a motion to quash in this matter. Additionally, while Defendant now complains that the original bill of information stated that he "violated R.S. 14:64 in that he did rob Christina Delatorre while leading the victim to reasonably believe that he was armed with a firearm," the record reveals that on October 26, 2009, the State amended the bill of information to reflect that Defendant "violated R.S. 14:64 in that he did rob Christina Delatorre

while armed with a dangerous weapon." On the same date, Defendant was re-arraigned and pled not guilty to the amended bill of information. Accordingly, the claimed deficiency was corrected in the amended bill of information. Therefore, Defendant's claim that the bill of information was defective is without merit.

CONCLUSION

For the foregoing reasons, we deny the writ application.

Gretna, Louisiana, this 23rd day of November, 2026.

FHW
JGG
SJW

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, 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 **11/23/2026** 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

CURTIS B. PURSELL
CLERK OF COURT

26-KH-475

E-NOTIFIED
24th Judicial District Court (Clerk)
Honorable Donald A. Rowan, Jr. (DISTRICT JUDGE)
Matthew R. Clauss (Respondent)

MAILED
Patrick Wade #366120 (Relator)
Louisiana State Penitentiary
Angola, LA 70712