STATE OF LOUISIANA

VERSUS

EDDIE J. ARMANT

NO. 24-KH-515 FIFTH CIRCUIT COURT OF APPEAL

STATE OF LOUISIANA

A TRUE COPY OF DOCUMENTS AS SAME APPEARS IN OUR RECORDS

Linda Wiseman First Deputy, Clerk of Court November 14, 2024

Linda Wiseman First Deputy Clerk

IN RE EDDIE J. ARMANT

**APPLYING FOR** SUPERVISORY WRIT FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT, PARISH OF ST JAMES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JASON VERDIGETS, DIVISION "A", NUMBER 2584

Panel composed of Judges Jude G. Gravois, Marc E. Johnson, and Scott U. Schlegel

## WRIT OF MANDAMUS GRANTED IN PART; DENIED IN PART

Relator, Eddie J. Armant, filed a petition for writ of mandamus asking this Court to order the trial court to "sign the order" included with his "Notice of Intent to Appeal Under Uniform Rules, Courts of Appeal Rules 4-2 and 4-3" ("Notice of Intent"). Relator indicates that he filed the Notice of Intent because he intends to seek review of the trial court's denial of his "Second or Subsequent Uniform Application for Postconviction Relief." Relator also asks for the appointment of a Louisiana Supreme Court justice to sit on the panel conducting the review, "due to the unusual and bias (sic) actions of the 23<sup>rd</sup> Judicial District Court."

According to the online record, relator's APCR was filed on November 15, 2022. The trial court denied the APCR as repetitive pursuant to La. C.Cr.P. art. 930.4 on November 22<sup>nd</sup>, but it did not fill in the year of its decision in the space provided on the APCR form. Therefore, we cannot determine if the trial court ruled on the APCR in 2022 or 2023. In addition, the order denying the APCR in the online record contains a notation, "Received From Judge 2/5/24," and further indicates that notice of the ruling was sent "Via Regular Mail" on February 8, 2024.

Relator contends that after he received the ruling, he submitted a request on February 29, 2024, to the business office at Hunt Correctional Center to withdraw funds and mail his Notice of Intent to the 23<sup>rd</sup> Judicial District Court Clerk of Court.<sup>1</sup> Relator provides a receipt indicating that the correctional center processed

<sup>&</sup>lt;sup>1</sup> The actual date of filing for pleadings filed by inmates is the date the pleading is delivered to the prison authorities. *State v. Nevers-Hawkins*, 18-352, p. 2 (La. App. 5 Cir. 8/30/18), 2018 WL 4171728.

relator's request on March 4, 2024. The online record does not contain a copy of relator's Notice of Intent.<sup>2</sup> Therefore, we are unable to determine whether the trial court ever set a return date on relator's Notice of Intent.<sup>3</sup>

Based on the receipt provided by relator indicating that the Notice of Intent was mailed to the 23<sup>rd</sup> Judicial District Court Clerk of Court, we grant relator's request for mandamus relief in part, transfer relator's Notice of Intent to the trial court for consideration, and instruct the trial court to rule on relator's Notice of Intent by setting a 30-day return date for relator to file an application for supervisory review with this Court. We deny relator's writ of mandamus to the extent he requests the appointment of a Louisiana Supreme Court justice.

Gretna, Louisiana, this 14th day of November, 2024.

SUS JGG MEJ

<sup>&</sup>lt;sup>2</sup> A copy of the Notice of Intent and mailing receipt provided with the writ application are attached to this ruling to assist with the identification of the document.

<sup>&</sup>lt;sup>3</sup> We recognize that relator's Notice of Intent is somewhat confusing as it contains language indicating his intent to seek supervisory review, but the proposed order does not include language asking for a return date to file a writ application. Instead, the proposed order contains language asking the trial court to grant an appeal, to appoint the appellate project to represent relator, and to set a return date for the lodging of the record with this Court. There is no right of appeal from a judgment denying an application for post-conviction relief; the proper procedure for this claim is by application for supervisory writ. *State v. Johnson*, 98-650 (La. App. 5 Cir. 2/10/99), 729 So.2d 55, 56. But *pro se* filings are subject to less stringent standards than formal pleadings filed by lawyers. *Benoit v. Guerin*, 22-547 (La. App. 5 Cir. 1/18/23), 357 So.3d 434, 441, *writ denied*, 23-250 (La. 6/7/23), 361 So.3d 966, *citing State ex rel. Egana v. State*, 00-2351 (La. 9/22/00), 771 So.2d 638. A *pro se* petitioner is not to be denied access to the courts for review of his case on the merits by the overzealous application of form and pleading requirements or hyper-technical interpretations of court rules. *Id*.

EXH.Bit Alo: a\* aba3 JUDICIAL COURT ) Ate ( LOUISIANA PARish OF ST. JAMES VeR5U5 STAte OF LOUISIANA EDDie J. ABMANT Docket NO: 2584 DOC: NO. 150261 (.) 67 FiheD. CLERK OF COURT KDer () Notice OF INTENTION TO Appen UNDER "UN'FORM Rubes, Court of Appen AND Buhes 4-3, B. LSA/See LA. C. ER.P. & LA. U.R.C. Buhes 4-2 AND 4-3 CONSDUCTING THE FOREGOING MOTION & It IS HEREBY ORDERED THAT DEFENDANT MOTON FOR Appeal BE HEREBY DRANTED. At IS HEREBY ORDERED (FURTHER) THAT THE LOUISIANA AppelLANT ROGECT BE AppioNTED TO REPRESENT DEFENDANT Page TH THIS MATTER It J5 FUBTHER ORDERED THAT THE CLERK OF LOURT , RepARE THE RECORD AND (A)FOR FORWARD SUCH TO THE LOUISIANA F.F. M 5TA CIRCUIT COUNT , DAYS OF THE DAte OF THIS OF Appeals Within ORDER. 1\* 1\* Facts THIS Appeal Relates TO THE JUDgement OF Petition Post-CONVICTION AppliCATION, Received FROM 23PD ID.C. JUDge ON 2/5/2024 DENIAL UNDER LA.C.C.P. ART. 930. 4 X See EXH, Bit 1 2 24 OR SUBSEQUENT AppliCATION, SEE PAGE (5 OF 5) See PAGE (1) ALSO FILED FOR RECORD ON 11/15/2022 WITH SAID 332 J.D.C. Docket NO: 3584 . See EXHIBIT 2 Envelope DateD D 2/8/2024 However ReceiVED By DEFENDENT NOT UNTIL 2/16/2024 By Rison Mail Selgent. 24 Fact's THE JUDGE ERRED BY DENYING DEFENDANTS AppLICATION UN LA. C.C.R.P. ART 930.4 WITHOUT ANY WRITTEN REASON IN S.

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	<u>Ц</u> * (Д)	De FenDan 930.8 A PRioR To J See State OF Agrean Cancasieu	The 12/31/ OF Lowisin NO.KH- NO.B3 X	Юода ДеадLine ана <u>V.5. ARRis (</u> - 21-00391 A 45-2007	2. 3. <u>moore</u> ND <u>14<sup>m</sup> J</u>	<u>3r<sup>D</sup>Cir</u> D.C., PBB	cuit C
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	<u>4</u> *	De Fey Day 930.8 A BRIOR TO T See STATE OF Appeal Calcasieu Signed T	THE 12/31/ OF LOUISIN NO. KH- NO. B3 X Disi THIS	6022 Deadline <u>ана VS. ARRis (</u> -21-00391 A 45-2007 TRict Court , Day OF	3. <u>moore</u> . ND <u>14<sup>III</sup>J</u> TU Dg e	<u>3r<sup>D</sup>Cir</u> D.C., PBB	cuit C
		De Fey Day 930.8 A BRIOR TO T See STATE OF Appeal Calcasieu Signed T	THE 12/31/ OF LOUISIN NO. KH- NO. B3 X Disi THIS	6022 Deadline <u>ана VS. ARRis (</u> -21-00391 A 45-2007 TRict Court , Day OF	3. <u>moore</u> . ND <u>14<sup>III</sup>J</u> TU Dg e	<u>3r<sup>D</sup>Cir</u> D.C., PBB	cuit Ca
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Thegah mail	EXH, B, t ()
DEPARTMENT OF PUBLI CORRECT	SAFETY AND CORRECTIONS ND: 5 2024
OFFENDER FUNDS	WITHDRAWAL REQUEST
CODE DRAWING ACCOUNT	DOC NUMBER NAME: LAST NAME, FIRST NAME, INITIAL
73 Offender club	150261 ARMANT. EDDie J.
There mail 1ST	LIVING QUARTERS DATE OF REQUEST TOTAL AMOUNT
74 Outside purchase Family member Educational courses	Fox-1-B 2 29 24 SC.5
Educational courses MAIL	DOLLARS
Outside bank savings acct #	WRITTEN AMOUNT
Other ("Notice OF JHichT To Appeal 3	PRB
DeniAL OF 240 post- CONVICTION	VENGR NO. OFFENDER MUST ATTACH A STAMPED, ADDRESSED
79 Court Cost - Civil action number UNDER Ruhe	VENDAR NO. OFFENDER MUST ATTACH A STAMPED, ADDRESSED ENVELOPE FOR ALL OUTSIDE MAIL
4-2 AAD 4-3	HAME OF THE CHARLE OF THE PARISO
94 Savings Bond	ADDRESS Q. D.C. LAERK OF LOURT 19T. JANES
DENIAL RECEIVED 2/5/24	ADDRESS P.D. BOX 63
UEN AL RECEIVED 2/2/017	CITY STATE ZIP
CODE SAVINGS ACCOUNT	GONVENT LA 70723
94 Savings Bood	OFFENDER SIGNATURE: X DODE 7 Combat
94 Savings Bond RECEIVED	REQUEST DENIED. REASON:
79 Court Cost ; Civil action number 2021	RECEIVED
82 Educational courses BUSINESS OFFICE HUNT CORRECT CORRECT OF A CONTRACENTER	RIGHT THUMB PRINT VERIFIED BY: Aniel Aniestin
CODE TRANSFERS - No check will be produced	TITLE: Mask, LEGALMAIL
68T Transfer from drawing account to savings.	APPROVED BY:
Note: Print name and address in the payee section to the right. Attach necessary documents including a stamped, self-addressed envelope for all outside mail.	TITLE:

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



FIFTH CIRCUIT 101 DERBIGNY STREET (70053) POST OFFICE BOX 489 GRETNA, LOUISIANA 70054 www.fifthcircuit.org CURTIS B. PURSELL CLERK OF COURT

SUSAN S. BUCHHOLZ CHIEF DEPUTY CLERK

LINDA M. WISEMAN FIRST DEPUTY CLERK

MELISSA C. LEDET DIRECTOR OF CENTRAL STAFF

(504) 376-1400 (504) 376-1498 FAX

## NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

24-KH-515

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 <u>11/14/2024</u> 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

## **E-NOTIFIED**

23rd Judicial District Court (Clerk) Hon. Jason Verdigets (DISTRICT JUDGE) No Attorney(s) were ENOTIFIED

## MAILED

Eddie J. Armant #150261 (Relator) Elayn Hunt Correctional Center 6925 Highway 74 St. Gabriel, LA 70776 Honorable Ricky L. Babin (Respondent) District Attorney Post Office Box 66 Convent, LA 70737