STATE OF LOUISIANA

VERSUS

EDDIE J. ARMANT

NO. 24-KH-515

FIFTH CIRCUIT

COURT OF APPEAL

STATE OF LOUISIANA

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 23rd 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 22nd, 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 23rd Judicial District Court Clerk of Court.[1] Relator provides a receipt indicating that the correctional center processed

[1] 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.[2] Therefore, we are unable to determine whether the trial court ever set a return date on relator's Notice of Intent.[3]

Based on the receipt provided by relator indicating that the Notice of Intent was mailed to the 23rd 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

[2] 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.

[3] 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*.

EXHIBIT
NO: 2*
2023

STATE OF LOUISIANA
VERSUS
EDDIE J. ARMANT
DOC: NO. [redacted] 150261
FILED: _____
(-)

23RD JUDICIAL COURT
PARISH OF ST. JAMES
STATE OF LOUISIANA
DOCKET NO: 2584
(-)
CLERK OF COURT

ORDER

(-) NOTICE OF INTENTION TO APPEAL UNDER (-) UNIFORM RULES, COURT OF APPEAL RULES (-) 4-2 AND RULES 4-3, & LSA/SEE LA. C.CR.P. & LA.U.R.C.A. RULES 4-2 AND 4-3

CONSIDERING THE FOREGOING MOTION.
IT IS HEREBY ORDERED THAT DEFENDANT MOTION FOR APPEAL BE HEREBY GRANTED.
IT IS HEREBY ORDERED (FURTHER) THAT THE LOUISIANA APPELLANT PROJECT BE APPOINTED TO REPRESENT DEFENDANT IN THIS MATTER.
IT IS FURTHER ORDERED THAT THE CLERK OF COURT FOR _____, PREPARE THE RECORD AND FORWARD SUCH TO THE LOUISIANA FIFTH 5TH CIRCUIT COURT OF APPEALS WITHIN _____, DAYS OF THE DATE OF THIS ORDER.

1 page (A)

1* Facts
THIS APPEAL RELATES TO THE JUDGEMENT OF PETITION POST-CONVICTION APPLICATION, RECEIVED FROM 23RD J.D.C. JUDGE ON 2/5/2024 DENIAL UNDER LA.C.CR.P. ART. 930.4 [X] SEE EXHIBIT 1* 2ND OR SUBSEQUENT APPLICATION, SEE PAGE (5 OF 5) SEE PAGE (1) ALSO FILED FOR RECORD ON 11/15/2022 WITH SAID 23RD J.D.C. DOCKET NO: 2584. SEE EXHIBIT 2* ENVELOPE DATED [redacted] 2/8/2024 HOWEVER RECEIVED BY DEFENDANT NOT UNTIL 2/16/2024 BY PRISON MAIL SERGEANT.

2* Fact's
THE JUDGE ERRED BY DENYING DEFENDANTS APPLICATION UNDER LA. C.CR.P. ART. 930.4 WITHOUT ANY WRITTEN REASON IN S.

3* LAWS

DEFENDANT FILED HIS POST CONVICTION RELIEF UNDER A NEWLY ENACTED LAW (2021 LA. SESS. LAW SERV. ACT 104 (S.B. 186 WEST) (1) ACT NO. 104, S.B. NO. 186) 2ND POST CONVICTION RELIEF WHICH AMENDED ARTICLES 930.8 AND ART. 930.4 WHICH CLEARLY STATES: SEE AMENDED ACT UNDER ART. 1 << LA. C.C.P. ART. 926.2 >> [FACTUAL INNOCENCE]

(A) A PETITIONER FIRST CLAIM OF FACTUAL INNOCENCE PURSUANT TO THIS ARTICLE THAT WOULD OTHERWISE WOULD BE BARRED FROM REVIEW ON THE MERITS BY THE TIME LIMITATIONS PROVIDED IN ART. 930.8 OR (2) PROCEDURAL OBJECTIONS PROVIDED IN ARTICLE 930.4, SHALL NOT BE BARRED IF THE CLAIM IS CONTAINED IN AN APPLICATION FOR POST CONVICTION RELIEF FILED ON OR BEFORE DECEMBER 31 ST 2022.

(1)

* ERROR NO. 1 *

THE TRIAL JUDGE ERRONEOUSLY DENIED MY POST-CONVICTION APPLICATION UNDER (2) LA C.C.P. ART. 930.4, I FILED MY PETITION TIMELY ON 11/15/2022, (45) DAYS PRIOR TO THE 12/31/2022 DEAD-LINE. EVIDENCE "PATTON ERROR" REVIEW, SEE PAGE (1 OF 5) FIRST PAGE STATES STAMPED BY CLERK OF COURT'S OFFICE DATED (A.) NOVEMBER 15TH, 2022, DIV. (D)

2 page

(B) SEE ALSO AS EVIDENSE (MAIL SLIPS-WITHDRAWL FORMS ADRESSED AND DATED TO 23RD J.D.C. CLERK OF COURT'S OFFICE DATED 11/12/2022 (EXHIBIT'S 3 AND 4) AND TO 23RD J.D.C. DISTRICT ATTY OFFICE (EXHIBIT'S 1 AND 2) UNDER ART 930.10

(B)

FACT'S

THE TRIAL JUDGE RULEING WAS IN ERROR AGAIN, SEE EXHIBIT 5* MAIL SLIP DATED 9/6/2023, DEFENDANT TIMELY FILED A (3) ART. 122 MOTION FOR CHANGE OF VENUE. IT HAS NOT BEEN RULED ON AND FILED (60) DAYS PRIOR TO THE ERRONEOUS RULEING,

(1) SO THEREFORE THE TRIAL COURT RULEING WAS PREMATURE AND UNTIMELY AND SHOULD BE NULL, VOID AND MOOT. HE HAD NO AUTHORITY TO DO WHAT HE DID, ANOTHER JUDGE WAS BY LAW SUPPOSED TO RULE ON THE APPLICATION.

ERROR NO. 2*

THE TRIAL JUDGE ALSO ERRED BY NOT RULEING ON THE SEPERATE MOTION DEFENDANT FILED IN THE COURT AND THE DISTRICT ATTORNEYS OFFICE ON 11/15/2022, MOTION UNDER 930.16, (A) CONSIDERING THESE CONSTITUTIONAL ERROR MY 14TH AMENDMENT WAS VIOLATED.

IT IS FURTHER ORDER THAT THE ENTIRE RECORDS BE FORWARDED TO THE LOUISIANA FIFTH CIRCUIT COURT OF APPEAL'S SUCH AS BUT NOT LIMITED TO (1) POST-CONVICTION APPLICATION (2) BRIEF IN SUPPORT OF APPLICATION PAGES (1-35) (3) ART. 930.2 MOTION PAGES (1-22) AND OTHER DOCUMENTATION ALL THAT WERE SENT IN SUPPORT OF DEFENDANT PETITION

IT IS FURTHER ORDERED THAT ALL TRANSCRIPT'S IN THE POSSESSION OF THE COURT BE ALSO SENT TO THE LA 5TH CIR (1) PRE-TRIAL (2) SANITY HEARING (3) GUILTY PLEA DENIAL (4) WAIVER OF JURY TRIAL TRANSCRIPT, (5) TRIAL TRANS-CRIPTS (6) P.S.I. REPORT AND (7) SENTENSING TRANSCRIPT (8) ALL MOTIONS FILED

3* (1) PRE-TRIAL (2) POST-SENTENSING,

IT IS FURTHER ORDERED THAT THE CLERK OF COURT FOR _____, PREPARE ALL THE

(C) RECORDS AND FORWARD SUCH TO THE LOUISIANA FIFTH CIR-CUITE COURT OF APPEAL'S WITHIN _____, DAYS OF THE DATE OF THIS ORDER.

THUS DONE AND SIGNED AND RENDERED THIS _____, DAY OF _____, 20____ AT _____.

X _____

DISTRICT COURT JUDGE

IT IS ALSO ORDERED THAT A RETURN DATE OF _____, 20____. BE SET NOT TO EXCEED) OR (1) BE SET IN THIS MATTER NOT TO EXCEED _____, DAY'S FOR THIS (2) NOTICE OF IN-TENT, TO FILE A WRIT APPLICATION. UNDER UNIFORM RULES COURT OF APPEALES, LA U.R.C.A. (2) RULE 4-2 AND RULE 4-3

For The Purpose Of This (a) Notice Of Intent, To File A Writ Of The 2/5/2024 Denial Of Defendant's Post Conviction Application. See page (5 of 5) last page of Application Stating [Received From Judge 2/5/24] See Also Envelope Dated Mailed On 2/8/2024, From (a) Shan M. LeBlanc / St. James Parish Clerk Of Court, However Defendant Never Received It From Institution mail Sergent until 2/16/2024

(4) In The Interest Of Justic And Biasness It Is
A→ Request That A (a) Louisiana Supreme Court Judge Pro-Tempore. Be Appionted To Participate In The Decission By Appointment Of The Louisiana Supreme Court As A (1) Judge Pro Tempore.

Defendant Proved He Was Timely And Properly Under Art. 930.8 And 930.4 It Was Filed 11/15/2022 (745) Days Prior To The 12/31/2022 Deadline.

4* See (a) State Of Louisiana Vs. Arris B. Moore. 3rd Circuit Court Of Appeal No. KH-21-00391 And 14th J.D.C., Parish Of Calcasieu, No. 8345-2007

(D) X _____
District Court Judge

Signed This _____, Day Of _____, 20____

3* Legal mail

EXH. B, + (1) A
NO. 5* 2024

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
CORRECTIONS SERVICES
OFFENDER FUNDS WITHDRAWAL REQUEST

CODE	DRAWING ACCOUNT
73	Offender club
74	Outside purchase Family member Educational courses Outside bank savings acct # Newspaper ad for clemency / pardon. Other (1) Notice OF Intent To Appeal Denial OF 2nd post-conviction
79	Court Cost - Civil action number UNDER Rule 4-2 AND 4-3
94	Savings Bond

1* Please mail 1st class certified Express mail

Denial Received 2/5/24

CODE	SAVINGS ACCOUNT
94	Savings Bond
79	Court Cost - Civil action number
82	Educational courses

RECEIVED FEB 29 2024 BUSINESS OFFICE HUNT CORRECTIONAL CENTER ST GABRIEL, LA 70776

4.40 - mail fee
2.11 - postage
6.51

CODE	TRANSFERS - No check will be produced
68T	Transfer from drawing account to savings.

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.

DOC NUMBER	NAME: LAST NAME, FIRST NAME, INITIAL
150261	ARMANT, EDDie J.

LIVING QUARTERS	DATE OF REQUEST MO. DAY YEAR	TOTAL AMOUNT
FOX-1-B	2 29 24	$6.51

DOLLARS

WRITTEN AMOUNT

DEBT RECOVERY PROCESSED MAR 04 2024

PAYEE:

VENDOR NO. | OFFENDER MUST ATTACH A STAMPED, ADDRESSED ENVELOPE FOR ALL OUTSIDE MAIL

NAME 23rd J.D.C. Clerk of Court / St. James Parish

ADDRESS P.O. Box 63

CITY Convent | STATE LA | ZIP 70723

OFFENDER SIGNATURE: x Eddie J. Armant

REQUEST DENIED. REASON:

RECEIVED FEB 29 2024 LEGAL MAIL

RIGHT THUMB PRINT

VERIFIED BY: Ariel Anderson

TITLE: Mail Room Director

APPROVED BY:

TITLE:

MAIL Crew

DOC Form PF-30 | 10-A | OB Form Revised 08-2003

FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

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 **11/14/2024** 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

24-KH-515

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