

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KA-348

STATE OF LOUISIANA

versus

CAMERON G. HOWARD

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 18-312, DIVISION "M"
HONORABLE SHAYNA BEEVERS MORVANT, JUDGE PRESIDING

April 15, 2026

JUDE G. GRAVOIS
JUDGE

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

HABITUAL OFFENDER ADJUDICATION AND ENHANCED
SENTENCE VACATED; REMANDED

JGG
SMC
MEJ

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Honorable Paul D. Connick, Jr.

Thomas J. Butler

Andrea F. Long

David B. Wheeler

GRAVOIS, J.

Defendant, Cameron G. Howard, challenges his habitual offender adjudication and enhanced sentence. For the reasons that follow, we vacate defendant's habitual offender adjudication and enhanced sentence, reinstate defendant's prior sentence from April 2, 2025, and remand the matter to the trial court for further proceedings.

PROCEDURAL HISTORY

On January 23, 2018, the Jefferson Parish District Attorney filed a bill of information charging defendant, Cameron G. Howard, with bank fraud in violation of La. R.S. 14:71.1. The bill of information alleges that defendant committed bank fraud "on or between June 8, 2017 and June 9th [2017]." At his arraignment on January 15, 2019, defendant pled not guilty.

On May 29, 2019, defendant withdrew his prior not guilty plea and pled guilty to bank fraud. The court sentenced defendant to ten years imprisonment at hard labor "pursuant to Louisiana Revised Statute 13:5401"¹ and ordered defendant to "successfully complete the Offender Rehabilitation Work Force Development Program also known as Reentry Court at Angola prison." The judge imposed \$451.50 in court costs.²

On July 28, 2021, the court granted defendant's petition to re-enter society. The judge suspended the remainder of the sentence and placed defendant on five years of active probation.

On March 19, 2025, a motion for hearing to revoke probation was filed. On April 2, 2025, defendant stipulated to the grounds of the probation revocation, and the judge ordered him to serve ten years imprisonment at hard labor. The day before, the State filed a habitual offender bill of information wherein it alleged that defendant previously pled guilty on December 6, 2017 to possession of

¹ La. R.S. 13:5401 authorizes the creation of re-entry courts and provides for the implementation of the workforce development sentencing program in the re-entry courts. It also addresses eligibility requirements for participation.

² Defendant pled guilty at the same time in two other district court case numbers, 19-1550 and 19-1027.

methamphetamine in violation of La. R.S. 40:967(C) and was sentenced to credit for time served.

Defense counsel filed a motion to quash the habitual offender bill on May 12, 2025, alleging double jeopardy grounds. At a hearing on May 14, 2025, the judge denied the motion to quash. The judge then adjudicated defendant a second-felony offender on his conviction for bank fraud. The judge vacated the “prior sentence from April 2, 2025” and sentenced defendant to seventeen years imprisonment at hard labor. The sentence was to run “concurrent with any and all other sentences.” On that same day, defendant filed a motion to reconsider, which was denied.

On May 19, 2025, defendant filed a motion for appeal, which was granted on May 23, 2025.

On appeal, defendant challenges the trial court’s denial of his motion to quash the habitual offender bill of information. Specifically, defendant argues that his motion to quash the habitual offender bill should have been granted because it subjected him to a double enhancement and because it was filed six years after he pled guilty.

FACTS

Defendant’s conviction was the result of a guilty plea; thus, the facts underlying the crime of conviction are not fully developed in the record. The bill of information alleged that on or between June 8 and 9, 2017, defendant violated La. R.S. 14:71.1 “in that he did obtain, or attempt to obtain, monies, funds, credits, assets, securities, or other property owned by or under the custody of a financial institution, to wit: Chase Bank, by means of false or fraudulent pretenses, practices, transactions, representations or promises.” This crime is commonly referred to as “bank fraud.”

LAW AND ANALYSIS

To begin, in *State v. Dewhirst*, 23-30 (La. App. 5 Cir. 8/30/23), 370 So.3d 1229, 1232, this Court considered its appellate jurisdiction over cases involving probation revocations, stating:

Louisiana jurisprudence generally holds that a judgment revoking probation is not appealable but is subject to an appellate court's supervisory jurisdiction. *State ex rel. Clavelle v. State*, 02-1244 (La. 12/12/03), 861 So.2d 186, 187; *State v. Lewis*, 17-663 (La. App. 5 Cir. 4/11/18), 244 So.3d 845, 848; *State v. Hoskins*, 09-476 (La. App. 5 Cir. 4/27/10), 40 So.3d 199, 201). This Court's jurisprudence, however, distinguishes review of the probation revocation itself versus review of the sentence imposed pursuant to the probation revocation. *See Hoskins*, 40 So.3d at 201-02, (finding that because the defendant challenged the sentence imposed pursuant to the probation revocation, and not the merits of the revocation, this Court's appellate jurisdiction attached); *see also State v. Edwards*, 08-1527 (La. App. 3 Cir. 3/4/09), 11 So.3d 1 ("While La. C.Cr.P. art. 812(C)(1) provides that a defendant may appeal a final judgment imposing sentence, Defendant questions the merits of the probation revocation, not the sentence imposed."). Thus, while a probation revocation is only reviewable under supervisory jurisdiction, a sentence imposed pursuant to that probation revocation is reviewable on appeal.

In the instant case, defendant is not challenging his probation revocation. Instead, in his only assignment of error, he challenges his habitual offender bill filing and adjudication.

Defendant argues on appeal that the trial court erred in denying his motion to quash the habitual offender bill of information on double jeopardy grounds. However, on errors patent review, we find that the habitual offender bill contains a defect that requires the habitual offender adjudication and enhanced sentence to be vacated, thus rendering the assignment of error moot.

The habitual offender bill of information sets forth that defendant was charged in the predicate case on October 5, 2016 with possession of methamphetamine in violation of La. R.S. 40:967(C). The underlying offense for bank fraud occurred on June 8-9, 2017. According to the habitual offender bill, defendant pled guilty to the predicate offense (possession of methamphetamine) on December 6, 2017 and was sentenced that same day.³ Thus, *the underlying offense*

³ The December 6, 2017 minute entry, entered into evidence, reflects that defendant pled guilty to possession of methamphetamine in violation of La. R.S. 40:967(C) and possession of tramadol in violation of La. R.S. 40:969(C). It further

(bank fraud) occurred in June 2017 before *the predicate conviction* in December 2017.

In *State v. London*, 09-398 (La. App. 5 Cir. 11/24/09), 28 So.3d 1150, the defendant stipulated to a habitual offender bill that alleged his predicate conviction was obtained after the commission of the underlying offense. Specifically, the defendant's underlying offense was committed on March 12, 2001, and he was convicted on September 26, 2007. The defendant then stipulated to a habitual offender bill, which alleged he had been convicted of the predicate offense on November 29, 2001. *Id.* at 1152. Because the predicate conviction occurred after the commission of the underlying offense but prior to the conviction on the underlying offense, this Court found the defendant's stipulation to be a patent error, vacated the stipulation, and remanded for the defendant to be resentenced as a first felony offender. *Id.* at 1153.

In *State v. Heine*, 13-972 (La. App. 5 Cir. 4/23/14), 140 So.3d 278, this Court found that the defendant stipulated to a habitual offender bill in which the State alleged that the defendant committed the underlying offenses before he was convicted of the predicate offense. This Court relied on the plain language of La. R.S. 15:529.1(1)(A)(1), which states: "Any person who, **after** having been convicted within this state of a felony ..., **thereafter** commits any **subsequent** felony within this state, upon conviction of said felony, shall be punished as follows [.]"⁴ (Emphasis as found in *Heine*.) This Court concluded that the defendant's adjudication as a second-felony offender was improper. This Court vacated the defendant's habitual offender adjudication and enhanced sentences and remanded the matter to the trial court for further proceedings. *Id.* at 280-81.

In the present case, the habitual offender bill alleges that the underlying offense (bank fraud) occurred before the predicate

reflects that defendant was sentenced that day to time already served and the sentence was to run concurrently with district court case number 16-6184.

⁴ While other parts of La. R.S. 15:529.1 have been amended, this language has not.

conviction (possession of methamphetamine), which is improper. As such, we vacate defendant's habitual offender adjudication and enhanced sentence, reinstate defendant's prior sentence from April 2, 2025 (ten years imprisonment at hard labor),⁵ and remand the matter to the trial court for further proceedings.

CONCLUSION AND DECREE

For the foregoing reasons, defendant's habitual offender adjudication and enhanced sentence are vacated, defendant's prior sentence from April 2, 2025 (ten years imprisonment at hard labor) is reinstated, and the matter is remanded to the trial court for further proceedings.

HABITUAL OFFENDER ADJUDICATION AND ENHANCED SENTENCE VACATED; REMANDED

⁵ We further note that double jeopardy principles are inapplicable to sentence enhancement proceedings. *See Heine*, 140 So.3d at 281. Therefore, the State may retry defendant as a habitual offender if it is able to cure the noted defect. *Id.* *See also State v. Balse*, 96-443 (La. App. 5 Cir. 11/14/96), 694 So.2d 351, 354.

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **APRIL 15, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

25-KA-348

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE SHAYNA BEEVERS MORVANT (DISTRICT JUDGE)

JANE L. BEEBE (APPELLANT)

ANDREA F. LONG (APPELLEE)

DAVID B. WHEELER (APPELLEE)

HONORABLE PAUL D. CONNICK, JR.
(APPELLEE)

THOMAS J. BUTLER (APPELLEE)

MAILED