

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KA-349

STATE OF LOUISIANA

versus

CAMERON G HOWARD

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 19-1027, 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

APPEAL DISMISSED

JGG
SMC
MEJ

TRUE COPY



MORGAN NAQUIN
DEPUTY CLERK

COUNSEL FOR DEFENDANT/APPELLANT,
CAMERON HOWARD

Jane L. Beebe

COUNSEL FOR PLAINTIFF/APPELLEE,
STATE OF LOUISIANA

Honorable Paul D. Connick, Jr.

Thomas J. Butler

Andrea F. Long

David B. Wheeler

GRAVOIS, J.

Appointed appellant counsel for defendant, Cameron G. Howard, has filed a motion to withdraw and a brief pursuant to *Anders v. California*,¹ stating that a thorough review of the appellate record failed to reveal any non-frivolous issues for appeal. For the reasons that follow, we dismiss this appeal.

PROCEDURAL HISTORY

On March 18, 2019, the Jefferson Parish District Attorney filed a bill of information charging defendant, Cameron G. Howard, with possession of a firearm by a convicted felon in violation of La. R.S. 14:95.1. At his arraignment on March 20, 2019, defendant pled not guilty.

On May 29, 2019, defendant withdrew his prior plea and pled guilty as charged. The court sentenced defendant to ten years imprisonment at hard labor without the benefit of probation, parole, or suspension of sentence and “to the custody of the Department of Public Safety and Corrections participating in the Offender Rehabilitation Work Force Development Program pursuant to Louisiana Revised Statute 13:5401.”² The judge further imposed a fine of \$1,000.³

On July 28, 2021, the court granted defendant’s petition to be placed on intensive supervision following completion of the re-entry program, suspended the “remaining portion” of the sentence, and placed defendant on five years of active probation. On March 19, 2025, a motion for a hearing to revoke defendant’s probation was filed. On April 2, 2025, defendant stipulated to the grounds of the probation revocation. The judge ordered defendant to serve ten years

¹ *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).

² 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.

³ Defendant pled guilty at the same time in two other district court case numbers, 19-1550 and 18-312.

imprisonment at hard labor without the benefit of probation, parole, or suspension of sentence.

On May 19, 2025, defendant filed a motion for appeal, which was granted on May 22, 2025.

FACTS

Because defendant's conviction for La. R.S. 14:95.1 was the result of a guilty plea, the facts underlying the crime of conviction are not fully developed. Nevertheless, the bill of information provided that defendant violated La. R.S. 14:95.1 in that he possessed "a firearm, to wit: a Glock 9 millimeter handgun SN: BGPK983 having been previously convicted of the crimes of Possession Of Methamphetamine, in violation of 40:967.C and Possession of Tramadol, in violation of 40:967.C, on December 6, 2017 under case number 16-6183" in Division L of the 24th Judicial District Court, Parish of Jefferson.

At the guilty plea proceeding, the State provided the following factual basis, "[T]he State would prove beyond a reasonable doubt that on January 11th, 2019, in the Parish of Jefferson, the defendant committed a crime of possessing a firearm after having been convicted of a felony."

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, to the extent defendant is appealing his probation revocation, that ruling is not subject to this Court's appellate jurisdiction.

Regarding his sentence, on April 2, 2025 the judge revoked probation and ordered defendant to serve a ten-year sentence, as was originally imposed on May 29, 2019 and later suspended. La. R.S. 13:5401(7)(d) sets forth a judge's options after a defendant in the re-entry program violates probation and states in part:

If the defendant violates any condition of his reentry probation, the court may *revoke the probation and order the defendant to serve the sentence previously imposed and suspended*, or the court may revoke the probation and order the defendant to be committed to the custody of the Department of Public Safety and Corrections and be required to serve a sentence of not more than twelve months without diminution of sentence in the intensive incarceration program pursuant to R.S. 15:574.4.4, or the court may impose a sentence of not more than ninety days without diminution of sentence or credit for time served prior to the revocation for any technical violation, or the court may impose any sanction provided by Code of Criminal Procedure Article 900, and extend probation and order that the defendant continue treatment for an additional period, or both.

(Emphasis added.)

Additionally, La. C.Cr.P. art. 900(A)(5) states that if a defendant violated probation and probation is revoked, “*the defendant shall serve the sentence suspended*, with or without credit for the time served on probation at the discretion of the court.” (Emphasis added.) The mandatory language of this article (“shall”) clearly requires that the

defendant serve the suspended sentence which was originally imposed. *State v. Martin*, 04-1188 (La. App. 3 Cir. 3/16/05), 898 So.2d 624, 628.

Upon review, we find this Court lacks jurisdiction to review defendant's 2019 sentence. The imposition of a sentence has the effect of finality on a proceeding as evident from the long-standing jurisprudence that a conviction cannot be appealed as a final judgment until a sentence has been imposed. *Lambert v. Stinson*, 23-608 (La. App. 5 Cir. 1/26/24), 381 So.3d 181, 184. La. C.Cr.P. art. 871(A) defines a "sentence" as "the penalty imposed by the court on a defendant upon a plea of guilty, upon a verdict of guilty, or upon a judgment of guilt." La. C.Cr.P. art. 893(A)(3) also expressly provides that a suspended sentence "shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal."

The delays for moving for an appeal of criminal convictions and sentences are found in La. C.Cr.P. art. 914, which provides that a motion for an appeal in a criminal matter must be made no later than "[t]hirty days after the rendition of the judgment or ruling from which the appeal is taken," or "[t]hirty days from the ruling on a motion to reconsider sentence filed pursuant to Article 881.1, should such a motion be filed." When a defendant fails to file a timely motion for an appeal, his conviction and sentence are final. *State v. Clark*, 18-519 (La. App. 5 Cir. 12/27/18), 263 So.3d 957, 959. Defendant did not file a motion to reconsider in the present case.

The appropriate procedural remedy for a defendant seeking to exercise the right to appeal after the conviction and sentence become final is a timely-filed application for post-conviction relief ("APCR") seeking an out-of-time appeal. *Lambert*, 381 So.3d at 184. La. C.Cr.P. art. 930.8 provides that APCRs, including requests for out-of-time appeals, must be filed within two years from the date that a defendant's conviction and sentence become final, unless certain specific exceptions apply. Defendant did not file an APCR.

In *Lambert*, the defendant pled guilty and was sentenced on May 20, 2019. At that time, the trial court "suspend[ed] imposition of all those sentences" and placed the defendant on probation. She did not

appeal at that time. On October 20, 2022, the court revoked the defendant's probation and sentenced her to the original sentences. The defendant filed an APCR on November 13, 2023, wherein she challenged the revocation and requested an out-of-time appeal of her sentence. The court granted the request for an out-of-time appeal. *Id.* at 183. This Court determined that the trial court erred in granting the request for an out-of-time appeal. The request was not timely filed within two years after her appeal delays expired on or about thirty days from May 20, 2019, the date of her guilty pleas and sentencing, and no exceptions applied. *Id.*⁴

In the present case, we find that because defendant did not appeal within two years after the appeal delays expired on or about thirty days from May 29, 2019,⁵ the date of his guilty plea and sentencing, this appeal is untimely, and there is nothing for this court to review.

CONCLUSION AND DECREE

For the foregoing reasons, defendant's appeal is dismissed.

APPEAL DISMISSED

⁴ We recognize that in the present case, unlike in *Lambert*, defendant participated in the Offender Rehabilitation and Workforce Development Program, pursuant to La. R.S. 13:5401.

⁵ That sentence was later suspended on July 28, 2021.

SUSAN M. CHEHARDY
CHIEF JUDGE

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JUDE G. GRAVOIS
MARC E. JOHNSON
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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-349

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE SHAYNA BEEVERS MORVANT (DISTRICT JUDGE)

JANE L. BEEBE (APPELLANT)

HONORABLE PAUL D. CONNICK, JR.
(APPELLEE)

ANDREA F. LONG (APPELLEE)

THOMAS J. BUTLER (APPELLEE)

DAVID B. WHEELER (APPELLEE)

MAILED

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