

STATE OF LOUISIANA

NO. 25-KH-418

VERSUS

FIFTH CIRCUIT

JAMES FRANCIS

COURT OF APPEAL

STATE OF LOUISIANA



September 18, 2025

Linda Tran
First Deputy Clerk

IN RE JAMES FRANCIS

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE FRANK A. BRINDISI, DIVISION "E", NUMBER 94-1507

Panel composed of Judges Jude G. Gravois,
Scott U. Schlegel, and Timothy S. Marcel

WRIT DENIED

Relator, James Francis, seeks this Court's supervisory review of the trial court's July 31, 2025 ruling which denied his "Motion to Correct Illegal Sentence." Therein, the trial court found that relator's motion, which may be filed at any time pursuant to La. C.Cr.P. art. 882, did not point to a claimed illegal term in his sentence, but rather constituted a challenge to his habitual offender adjudication, which is not cognizable in a motion to correct an illegal sentence. The court denied relator's motion for this reason, and also found relator's motion to be successive, noting that relator's habitual offender adjudication was affirmed on appeal.

By way of background, on August 24, 1994, relator was convicted of armed robbery, and was ultimately sentenced to 150 years imprisonment at hard labor as a second-felony offender, which conviction, adjudication, and sentence were affirmed on appeal. *See State v. Francis*, 95-429 (La. App. 5 Cir. 10/31/95), 662 So.2d 1049 (unpublished opinion), and *State v. Francis*, 96-554 (La. App. 5 Cir. 11/14/96), 684 So.2d 91 (unpublished opinion). The Louisiana Supreme Court denied writs on May 9, 1997. *See State v. Francis*, 97-51 (La. 5/9/97) 693 So.2d 766.

In his writ application, relator does not argue how the trial court erred in its ruling, but merely reiterates the arguments made in his Motion to Correct Illegal Sentence. Relator has previously filed motions to correct illegal sentence, arguing errors in his habitual offender bill proceedings, which have been denied. *See State v. Francis*, 10-1083 (La. App. 5 Cir. 9/26/11) (unpublished writ disposition); *State ex rel. Francis v. Cain*, 14-226 (La. App. 5 Cir. 4/3/14) (unpublished writ

disposition); and *Francis v. State*, 16-544 (La. App. 5 Cir. 9/29/16) (unpublished writ disposition).

Upon review, we find no error in the trial court's ruling. We agree with the trial court's finding that relator's Motion to Correct Illegal Sentence does not assert a claim cognizable in a motion to correct an illegal sentence. Because relator's filing below did not point to a claimed illegal term in his sentence, he did not raise a claim cognizable in a motion to correct an illegal sentence. Instead, he raised a claim of trial error properly cognizable in an application for post-conviction relief, if at all. Accordingly, the "at any time" language of La. C.Cr.P. art. 882 does not apply to relator's filing and the two-year prescriptive period of La. C.Cr.P. art. 930.8 applies instead. *See, State v. Parker*, 98-256 (La. 5/8/98), 711 So.2d 694. Further, if we consider relator's motion to be an application for post-conviction relief, we find that it does not assert a claim that would fall outside of the time limitations provided in La. C.Cr.P. art. 930.8. We also find relator's claim to be repetitive and successive under La. C.Cr.P. art. 930.4.

Accordingly, this writ application is denied.

Gretna, Louisiana, this 18th day of September, 2025.

JGG
SUS
TSM

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

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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 **09/18/2025** 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:

A handwritten signature in blue ink, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

25-KH-418

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Frank A. Brindisi (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

James Francis #298047 (Relator)
Louisiana State Penitentiary
Angola, LA 70712