

STATE OF LOUISIANA

NO. 25-KH-307

VERSUS

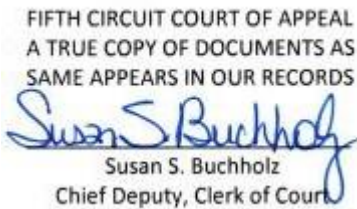
FIFTH CIRCUIT

BRANDON BARNES

COURT OF APPEAL

STATE OF LOUISIANA

August 29, 2025



Susan Buchholz
Chief Deputy Clerk

IN RE BRANDON BARNES

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE LEE V. FAULKNER,
JR., DIVISION "P", NUMBER 12-4458

Panel composed of Judges Susan M. Chehardy,
Stephen J. Windhorst, and E. Adrian Adams, Pro Tempore

WRIT DENIED

Defendant/relator, Brandon Barnes, seeks supervisory review of the trial court's May 23, 2025 judgment denying his motion to correct illegal sentence. Upon considering relator's motion, the trial court found that defendant failed to point to any illegal term in his sentence, and that defendant's sentence was within statutory parameters.

A defendant may file a motion to correct an illegal sentence at any time. La. C.Cr.P. art. 882. However, relator has not pointed to an illegal term in his sentence. Instead, he argues that the trial court failed to inform him of the minimum sentence for each charge. This argument is not cognizable in a motion to correct an illegal sentence; it is more properly addressed in an application for post-conviction relief (APCR).

We recognize that courts should "look through the caption of the pleadings in order to ascertain their substance and to do substantial justice." State v. Moses, 05-

787 (La. App. 5 Cir. 5/9/06), 932 So.2d 701, 706, writ denied, 06-2171 (La. 4/5/07), 954 So.2d 140. But even construing relator's motion as an application for post-conviction relief, it would be time-barred because an APCR must be filed within two years of the judgment of conviction and sentence becoming final under La. C.Cr.P. art. 930.8 A. Relator's convictions and sentences became final in 2017, and he filed this motion in 2025. In addition, none of the exceptions enumerated in La. C.Cr.P. art. 930.8 A(1), (2), (3), and/or (4) apply to relator's case because his claim does not rest on newly discovered evidence or an unknown interpretation of constitutional law; his application was filed after October 1, 2001; and he was not sentenced to death. See Carlin v. Cain, 97-2390 (La. 3/13/98), 706 So.2d 968 (appellate courts may raise the time bar of La. C.Cr.P. art. 930.8 *sua sponte*).

Accordingly, we find no error in the trial court's denial of relator's motion and deny this writ application.

Gretna, Louisiana, this 29th day of August, 2025.

SJW
SMC
EAA

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

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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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 **08/29/2025** 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 that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

25-KH-307

E-NOTIFIED

24th Judicial District Court (Clerk)
Hon. Lee V. Faulkner, Jr. (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Brandon Barnes #569821 (Relator)
Rayburn Correctional Center
27268 Highway 21
Angie, LA 70426