

STATE EX REL. RON YOUNGBLOOD

NO. 25-KH-214

VERSUS

FIFTH CIRCUIT

STATE OF LOUISIANA

COURT OF APPEAL

STATE OF LOUISIANA



November 07, 2025

Linda Tran
First Deputy Clerk

IN RE RON YOUNGBLOOD

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT, PARISH OF ST JAMES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JOHN H. SMITH, DIVISION "C", NUMBER 72,64

Panel composed of Judges Fredericka Homberg Wicker,
Marc E. Johnson, and John J. Molaison, Jr.

WRIT DENIED

Relator, Ron Youngblood seeks review of the trial court's March 11, 2025 judgment, with reasons issued thereafter on March 13, 2025, denying his First Application for Post-Conviction Relief. For the reasons stated below, Relator's writ application is denied.

Relator raises two issues in his writ application.¹ First, Relator argues that the trial court "violated [his] Double Jeopardy protections by ordering a new trial on all counts and thereafter reinstating the vacated conviction." Second, Relator argues that he received "ineffective assistance of counsel after his trial attorney stipulated to [his] predicate conviction after the close of the State's case."

Procedural History

In our December 29, 2023 writ disposition in *State v. Youngblood*, 23-543 (La. App. 5 Cir. 12/29/23), in which we denied Relator's complaint of the trial court's September 25, 2023 Judgment denying his "Motion to Quash for Untimely Prosecution," and "Motion to Quash - Double Jeopardy and Collateral Estoppel," we thoroughly discoursed on this case's convoluted history to that point and reiterate it here:

¹ Relator originally filed his first Application for Post-Conviction Relief at the trial court on August 23, 2022. In his original application Relator raised three claims: (1) ineffective assistance of counsel at trial and on direct appeal; (2) the failure of the state to disclose favorable material evidence in violation of *Brady/Kyles*; and (3) a violation of his due process rights as Relator was subjected to double jeopardy.

On August 11, 2015, a grand jury returned an indictment charging relator with two counts of attempted first degree murder, in violation of La. R.S. 14:27 and La. R.S. 14:30 (counts one and two), and one count of possession of a firearm by a convicted felon, in violation of La. R.S. 14:95.1 (count three). On September 29, 2017, a jury found relator guilty as charged on counts one and three and not guilty on count two. The jury concurrence on count one was eleven to one, while count three was unanimous. On January 22, 2018, the trial court sentenced relator to 50 years imprisonment at hard labor on count one and 20 years imprisonment at hard labor on count three, both without benefit of parole, probation, or suspension of sentence, to run consecutive to each other.

On May 22, 2019, this Court affirmed relator's convictions and sentences. *State v. Youngblood*, 18-445 (La. App. 5 Cir. 5/22/19), 274 So.3d 716. On June 27, 2019, relator filed a writ application with the Louisiana Supreme Court.

While relator's writ application was pending in the Louisiana Supreme Court, on December 5, 2019, relator filed a *pro se* "Motion to Invoke New Rule of Constitutional Law" with the trial court. In this motion, relator argued that he was entitled to a new trial on count one as a result of the amendment to La. Const. Art. 1, § 17, requiring unanimous verdicts in all cases requiring confinement necessarily at hard labor, which became effective on December 12, 2018. Although the amendment provided it would apply only to those offenses committed on or after January 1, 2019, relator argued that he was entitled to retroactive application of the new law because his case was still on direct review. On March 4, 2020, the trial court denied relator's motion, finding that because relator's offense occurred before January 1, 2019, the unanimous jury rule was inapplicable to his case.

While relator's writ application on direct review was still pending in the Louisiana Supreme Court, on April 20, 2020, the United States Supreme Court handed down its decision in *Ramos v. Louisiana*, 590 U.S. --, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020), finding that the Sixth Amendment right to a jury trial—as incorporated against the states by the Fourteenth Amendment—requires a unanimous verdict to convict a defendant of a serious offense. On June 3, 2020, the Louisiana Supreme Court granted relator's writ application and remanded to this Court for a new error patent review in light of *Ramos, supra*. *State v. Youngblood*, 19-1160 (La. 6/3/20), 296 So.3d 1022.

On July 30, 2020, relator filed a motion to appeal the trial court's ruling denying his Motion to Invoke New Rule of Constitutional Law, in which he sought a new trial on count one. On August 14, 2020, the trial court construed relator's motion for appeal as a notice of intent to seek writs and set a return date.

Thereafter, on September 14, 2020, the trial court issued a ruling, captioned as a “Motion for New Trial,” vacating its August 14, 2020 order construing relator’s motion for appeal as a notice of intent to seek writs, because the Supreme Court had already remanded relator’s appeal to this Court on June 3, 2020, to consider the same issue raised in relator’s motion for appeal, *i.e.* whether relator was entitled to a new trial pursuant to *Ramos*, *supra*. Neither the trial court’s “Motion for New Trial” dated September 14, 2020, nor the “Judgment” dated September 14, 2020, provides that either of relator’s convictions was vacated. However, while relator’s case was still pending in this Court pursuant to the Supreme Court’s remand, the trial court held a hearing on October 26, 2020, to set a new trial date. At the hearing, in response to relator’s question as to what charges he faced at trial, the trial court indicated that relator would go to trial on all three counts again, stating, “It’s a whole new trial. You’re starting from scratch, all over.”

On December 9, 2020, this Court found that, pursuant to *Ramos*, relator was entitled to a new trial on count one for the attempted first degree murder, because the verdict was not unanimous, and relator’s case was still on direct review. *See State v. Youngblood*, 18-445 (La. App. 5 Cir. 12/9/20), 308 So.3d 417, 419. This Court vacated relator’s conviction and sentence for count one and remanded to the trial court for further proceedings. This Court further found no corrective action was required pursuant to *Ramos* with regard to the jury’s verdicts for counts two and three, because they were unanimous. As such, this Court affirmed relator’s conviction and sentence on count three. *Id.* at 419. On May 25, 2021, the Louisiana Supreme Court denied relator’s writ application. *State v. Youngblood*, 21-203 (La. 5/25/21), 316 So.3d 2.

On July 16, 2021, relator filed a motion to recuse the trial judge, which was allotted to another judge for hearing and ultimately denied on February 22, 2022. On May 23, 2022, the trial court set a date for final motions to be heard on July 25, 2022, and for trial to commence on January 24, 2023. On July 25, 2022, the minute entry indicates that the trial court set a “Trial Status/Guilty Plea Cutoff” for December 21, 2022. However, on December 21, 2022, the trial court ordered the trial ‘continued without date’ because of “concern of the equipment in the Big Courtroom” and continued the guilty plea cutoff date to January 23, 2023. On January 23, 2023, the trial court, after discussion with the State and defense, set a trial date for July 24, 2023.

On July 19, 2023, relator filed a “Motion to Quash for Untimely Prosecution,” arguing that he was not brought to trial within the time limitations of La. C.Cr.P. art. 578. He also filed a “Motion to Quash - Double Jeopardy and Collateral Estoppel,” arguing that the trial court’s “*ex parte* withdrawal/vacation” of his guilty verdicts on September 14, 2020 improperly converted relator’s notice of intent into a motion for a new trial despite relator not

seeking such a remedy. As such, relator argued that the trial court's action "effectively and conclusively invalidated" all of the verdicts. Thus, in relator's view, a second trial on a vacated verdict would expose him to double jeopardy. Relator further argued as part of his double jeopardy argument that the principle of collateral estoppel prevented the State from introducing any evidence from his first trial in light of his acquittal on count two as the State relied on the same evidence and the same jury instructions with respect to both counts of attempted first degree murder.

On September 25, 2023, the trial court held a hearing on relator's motions to quash. At the hearing, relator first argued that the trial court was without authority to convert his notice of intent into a motion for a new trial but by doing so and setting aside relator's guilty verdicts, double jeopardy attached. The trial court denied the motion to quash on double jeopardy grounds, stating that this Court's December 9, 2020 decision granting relator a new trial, vacating defendant's conviction and sentence as to count one, and remanding to the trial court for further proceedings was a procedural dismissal on a basis unrelated to defendant's actual guilt or innocence. Therefore, double jeopardy under La. C.Cr.P. art. 591 did not apply.

With respect to relator's claim of an untimely prosecution, the trial court denied relator's motion to quash, finding that the delays and continuances had been "a result of the defendant, defendant's motions, or Court continuances that were outside of the Court's control."

Meanwhile, on August 20, 2022, Relator filed the counselled First Uniform Application for Post-Conviction Relief (the "Application") which is the subject of the current writ. The State did not file an Answer to the writ until October 8, 2024. Petitioner then filed a "Traverse of the State's Answer to Of Petitioner's Application for Post-Conviction Relief" on October 26, 2024. The State filed a Supplemental Answer on January 8, 2025. The matter was heard by the trial court on February 24, 2025, after which the trial court took the matter under advisement. On March 11, 2025, the trial court entered its judgment denying Relator's Application. Written reasons were filed two days later, on March 13, 2025.

With this writ application, this matter comes before us for the fourth time, and for the second time on Relator's claims that he has been subjected to double jeopardy as a result of actions taken by the trial court while the case was still pending on appeal. See *State v. Youngblood*, 18-445 (La. App. 5 Cir. 5/22/19), 274 So. 3d 716; *State v. Youngblood*, 19-1160 (La. App. 5 Cir. 6/3/20), 296 So. 3d 1022; *State v. Youngblood*, 18-445 (La. App. 5 Cir. 12/9/20), 308 So. 3d 417, 419; *State v. Youngblood*, 21-203 (La. 5/25/21), 316 So. 3d 2; *State v. Youngblood*, 23-543 (La. App. 5 Cir. 12/29/23) ("*Youngblood III*"), writ denied, *State v. Youngblood*, 24-128 (La. 4/9/24).

Double Jeopardy

Relator for a second time claims that he has been subjected to double jeopardy as a result of actions taken by the trial court while the case was still

pending on appeal. As stated above, on December 29, 2023, in *Youngblood III*, we considered the issue of whether Relator was being subjected to double jeopardy in conjunction with his retrial as to Count 1, and held that he was not. Therein, we thoroughly explicated upon Relator's double jeopardy claim previously raised in this case and found it had no merit. We will not repeat ourselves here.

Furthermore, successive claims raising the same issue are not cognizable on post-conviction relief. La. C.Cr.P. art. 930.4(D); *State v. Wilson*, 23-762 (La. App. 4 Cir. 12/14/23), 380 So. 3d 642. Relator's current double jeopardy claim, therefore, has no merit.

Ineffective Assistance of Counsel

Relator argues that his counsel was ineffective when counsel stipulated at trial, for purposes of Count 3, that Relator had been previously convicted of an enumerated felony and that the statutory cleansing period had not elapsed since Relator was released from probation. He also claims ineffective assistance of counsel for counsel's failure to object to the trial court's jury instruction regarding the stipulation.

Criminal defendants are entitled to effective assistance of counsel pursuant to the Sixth Amendment to the U.S. Constitution and Article 1, § 13 of the Louisiana Constitution. To prove ineffective assistance of counsel, a defendant must demonstrate that: (1) counsel's performance was deficient, that is, that the performance fell below an objective standard of reasonableness under prevailing professional norms; and (2) that the deficient performance prejudiced the defense. *Strickland v. Washington*, 466 U.S. 668 (1984); *State v. Dabney*, 05-53 (La. App. 5 Cir. 6/28/05), 908 So.2d 60, 63. An error is considered prejudicial if it was so serious as to deprive the defendant of a fair trial, or "a trial whose result is reliable." *State v. Casimer*, 12-678 (La. App. 5 Cir. 3/13/13), 113 So. 3d 1129, 1141; *Strickland v. Washington*, 466 U.S. at 687; *State v. Serio*, 94-131 (La. App. 5 Cir. 6/30/94), 641 So.2d 604, 607, writ denied, 94-2025 (La.12/16/94), 648 So.2d 388.

There is a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance and that the challenged action might be considered to be sound trial strategy. *State v. Starks*, 20-429 (La. App. 5 Cir. 11/3/21), 330 So.3d 1192, 1198; *Strickland*, 466 U.S. at 689; *State v. Dabney*, 05-53 (La. App. 5 Cir. 6/28/05), 908 So.2d 60. A court must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct. *State v. Thomas*, 17-649 (La. 6/26/19), 284 So.3d 622, 625. The *Strickland* test of ineffective assistance affords a "highly deferential" standard of review to the actions of counsel to eliminate, as far as possible, "the distorting effects of hindsight, to reconstruct the circumstances of counsel's conduct, and to evaluate the conduct from counsel's perspective at the time." *Strickland*, 466 U.S. at 689. A court therefore "does not sit to second-guess strategic and tactical choices made by trial counsel." *State v. Myles*, 389 So.2d 12, 39 (La. 1979); *Thomas*, 284 So.3d at 625.

Relator failed to attach the trial transcript to either this writ application or to the application for post-conviction relief filed in the trial court. Therefore, in our analysis, we have relied upon the trial court's reasons for judgment issued on March 13, 2025 to glean the facts:

The record shows that on September 28, 2017, during the jury selection process, counsel requested to stipulate to the prior conviction, without divulging the specifics of the underlying offense, to spare the inflammatory effect of his prior 1992 conviction of attempted manslaughter.

At such time, the assistant district attorney refused to stipulate and stated that a stipulation required specificity. However, after the State rested, a stipulation was entered regarding Petitioner's prior conviction, after the State had difficulty with the availability of the witness to establish the predicate conviction. Counsel for Petitioner objected to the late entry of the stipulation and the Court ruled in the defense's favor. The jury instructions did not include the specifics of the underlying offense. Thereafter, in recitation of the closing instructions to the jury, the Court stated:

The State and Ron Youngblood have reached a stipulation on March 5, 1992, Ron Youngblood was convicted of a felony enumerated in La. R.S. 14:2(B). The State and Ron Youngblood have further stipulated that the 10 year cleansing period as provided in La. R.S. 14:95.1(C) has not passed since the date of Ron Youngblood's parole on December 7, 2012. You should not infer that Ron Youngblood has a criminal disposition, and has therefore committed the crimes charged, from the fact that he has a prior felony conviction.

Relator asserts that this stipulation excused the State of its burden of proof as to the ten-year cleansing period. The stipulation, however, precluded the State from specifically referencing the crime of conviction, which was attempted manslaughter and did not reference any details of the prior offense of conviction.

In denying Relator's application for post-conviction relief on the issue of ineffective assistance of counsel, the trial court stated:

Counsel's decision to stipulate regarding the prior conviction, especially given the specifics of the offense, falls within the ambit of trial strategy chosen by Mr. Youngblood's counsel. Stipulations are often entered into by counsel in the interest of judicial economy and trial strategy. It is clear that counsel did not want to inflame the jury with Mr. Youngblood's prior conviction and vigorously argued the issue, resulting in a ruling in Mr. Youngblood's favor. Mr. Youngblood has failed to show that his counsels' (sic) actions fell outside the wide range of reasonable professional assistance. . . Moreover, Mr. Youngblood has failed to show that the trial was rendered unfair, and the verdict suspect due to these stipulations. (Footnote omitted).

On the showing made, we agree with the district court that Relator has failed to meet his burden of proving ineffective assistance of counsel and/or that the trial was unfair, or the verdict rendered was suspect.

Accordingly, for the reasons stated above, Relator's writ application is denied.

Gretna, Louisiana, this 7th day of November, 2025.

FHW
MEJ
JJM

SUSAN M. CHEHARDY
CHIEF JUDGE

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



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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 **11/07/2025** 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". The signature is written in a cursive style.

CURTIS B. PURSELL
CLERK OF COURT

25-KH-214

E-NOTIFIED

23rd Judicial District Court (Clerk)
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Justin C. Harrell (Relator)

MAILED

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