

**Fifth Circuit Court of Appeal  
State of Louisiana**

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No. 26-KH-268

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STATE OF LOUISIANA

*versus*

GARY L. WORKMAN

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IN RE GARY L. WORKMAN  
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT  
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE  
SHAYNA BEEVERS MORVANT, DIVISION "M", NUMBER 12-2204

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TRUE COPY

July 06, 2026



MORGAN NAQUIN  
DEPUTY CLERK

Panel composed of Judges Stephen J. Windhorst,  
Michael P. Mentz, Pro Tempore, and Timothy S. Marcel

**WRIT DENIED**

Relator, Gary L. Workman, seeks this Court's supervisory review of the district court's denial of relator's April 16, 2026 motion to correct illegal sentence.

We deny the writ application for the following reasons.

On February 27, 2014, a jury found relator guilty of attempted aggravated rape upon a twelve-year-old child (count one), distribution of pornography of a juvenile under the age of thirteen (counts two, three, and four), and pornography involving juveniles under the age of thirteen (count five). On March 10, 2014, the trial court sentenced relator to fifteen years at hard labor on count one; ten years of imprisonment at hard labor as to each of counts two, three, and four; and five years of imprisonment at hard labor on count five. The trial court also ordered the

sentences on counts one, two, three, and four to run consecutively with each other and concurrently with the sentence imposed on count five. The trial court further ordered the sentences on all counts to be served without benefit of probation, parole, or suspension of sentence.

On April 15, 2015, this Court affirmed relator's convictions and sentences. *State v. Workman*, 14-559 (La. App. 5 Cir. 4/15/15), 170 So.3d 279. On March 24, 2016, the Louisiana Supreme Court denied relator's writ application. *State v. Workman*, 15-909 (La. 3/24/16), 190 So.3d 1189.

Relator's Motion to Correct an Illegal Sentence was filed with the district court on April 16, 2026. In it, relator argued that the trial judge failed to adhere to the sentencing guidelines by improperly considering an uncharged offense in imposing consecutive terms.<sup>1</sup> On May 4, 2026, the district court denied relief, first finding that "[r]egardless of the caption of the pleading, [relator] again seeks post-conviction relief." In doing so, the district court pointed out that relator failed to point to an illegal term of his sentence. The district court further found that relator failed to provide any exception to La. C.Cr.P. art. 930.8's post-conviction time-bar for his "delayed and successive filing."

On May 27, 2026, relator filed his notice of intent with the district court. On June 12, 2026, the district court set the return date for July 13, 2026, finding good cause for an extension based on relator's status as a *pro se* incarcerated inmate.

On June 15, 2026, relator's writ application requesting review was stamped as filed with this Court. In it, relator re-urges his claim of an illegal sentence. Although relator now argues that the district court should have treated his filing as a Motion to Correct an Illegal Sentence and not an application for post-conviction

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<sup>1</sup> Although relator does not describe the uncharged offense, according to this Court's previous ruling, the uncharged offense was a "prior unsuccessful attempt to commit the crime of aggravated rape on a previous occasion with another child." *Workman*, 170 So.3d at 295.

relief, relator's filing below did not point to a claimed illegal term in his sentence. Instead, he complained that the trial court failed to comply with the sentencing guidelines. Therefore, relator did not raise a claim cognizable in a motion to correct an illegal sentence. *See* La. C.Cr.P. art. 882(A), which provides, "An illegal sentence may be corrected at any time by the court that imposed the sentence or by an appellate court on review." Accordingly, the "at any time" language of La. C.Cr.P. art. 882 does not apply to relator's filing, and we consider the filing to be an application for post-conviction relief.

Given that relator's claim is a successive application for post-conviction relief, his claim is untimely pursuant to La. C.Cr.P. art. 930.8(A), which provides in pertinent part: "No application for post-conviction relief including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final." Furthermore, none of La. C.Cr.P. art. 930.8(A)'s exceptions appear applicable to his claim. Accordingly, the writ is denied.

Gretna, Louisiana, this 6th day of July, 2026.

**MPM**  
**SJW**  
**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  
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FIRST DEPUTY CLERK

MELISSA C. LEDET  
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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 **07/06/2026** 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:

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-KH-268**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable Shayna Beevers Morvant (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)

**MAILED**

Gary L. Workman #622062 (Relator)  
Dixon Correctional Institute  
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Jackson, LA 70748