

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-460

STATE OF LOUISIANA

versus

HURSEN PATIN

IN RE HURSEN PATIN
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE R.
CHRISTOPHER COX, III, DIVISION "B", No. 91-281

TRUE COPY

October 15, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Stephen J. Windhorst, and John J. Molaison, Jr.

WRIT DENIED

The relator, Hursen Patin, seeks review of the July 10, 2026 judgment that denied his “Motion to Correct Illegal Sentence and Alternative Motion for Post-Conviction Relief.” We deny relief for the following reasons.

On June 27, 1991, a jury found the relator guilty of armed robbery and attempted armed robbery. On October 23, 1991, the trial court sentenced the relator to seventy-five years at hard labor on count one and to a consecutive twenty years at hard labor on count two, each without benefit of parole, probation, or suspension of sentence. This Court affirmed the relator’s convictions and sentences. *State v. Patin*, 601 So.2d 393 (La. App. 5 Cir. 1992). The relator did not seek review in the Louisiana Supreme Court.

The relator filed his Motion to Correct Illegal Sentence and Alternative Motion for Post-Conviction Relief with the district court on July 1, 2026, challenging his competency to stand trial based on “newly discovered evidence” of his mental health and medical records, relying on the “facts not known” exception of La. C.Cr.P. art. 930.8(A)(1).¹ The relator also raised claims of ineffective assistance of counsel, unreliable sentencing information, and cumulative error based on his newly discovered evidence. On July 10, 2026, the district court denied relief.

This writ application does not contain documentation of a return date as required by Uniform Rules – Courts of Appeal, Rules 4-2 and 4-3. In addition, the relator filed this writ application on September 29, 2026, more than thirty days after the district court’s July 10, 2026 ruling from which he seeks review. Thus, the relator’s writ application is deficient and untimely. Moreover, the relator has not shown that he is entitled to relief.

Although La. C.Cr.P. art. 882(A) states, “An illegal sentence may be corrected at any time by the court that imposed the sentence or by an appellate court on review,” the relator does not point to a claimed illegal term in his sentence. Thus, he did not raise a claim cognizable in a motion to correct an illegal sentence. Instead, he raised claims of trial error that he may raise only in a timely application for post-conviction relief (APCR). Accordingly, the “at any time” language of La. C.Cr.P. art. 882 does not apply to the relator’s filing. The prescriptive period of La. C.Cr.P. art. 930.8 applies instead.

These claims are untimely under La. C.Cr.P. art. 930.8(A), which provides in pertinent part: “No application for post-conviction relief, including applications

¹ La. C.Cr.P. art. 930.8(A)(1) allows a defendant to file an APCR more than two years after his conviction and sentence have become final where “[t]he application alleges, and the petitioner proves or the state admits, that the facts upon which the claim is predicated were not known to the petitioner or his prior attorneys.”

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, the “facts not known” exception of La. C.Cr.P. art. 930.8(A)(1) does not apply because the relator previously submitted the same mental health and medical records in two prior APCRs in which he also challenged his competency to stand trial. *See State v. Patin*, 24-KH-305 (La. App. 5 Cir. 7/25/24) (JJ. Calogero, Pro Tempore, Windhorst, Molaison), *writ denied*, 24-1073 (La. 3/18/25), 402 So.3d 1212; *State ex rel. Patin v. State*, 08-KH-328 (La. App. 5 Cir. 5/19/08) (JJ. Chehardy, Daley, Guidry), *writ denied*, 08-1431 (La. 3/27/09), 5 So.3d 136.

For the preceding reasons, we deny this writ application because it is untimely under La. C.Cr.P. art. 930.8 and repetitive and successive under La. C.Cr.P. art. 930.4(E).

Gretna, Louisiana, this 15th day of October, 2026.

JJM
FHW
SJW

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
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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 **10/15/2026** 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:

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

CURTIS B. PURSELL
CLERK OF COURT

26-KH-460

E-NOTIFIED

24th Judicial District Court (Clerk)
R. Christopher Cox, III (DISTRICT JUDGE)
Matthew R. Clauss (Respondent)

MAILED

Hursen Patin #265731 (Relator)
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