

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-164

STATE OF LOUISIANA

VERSUS

DARREN ROBINSON

IN RE DARREN ROBINSON

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE STEPHEN D. ENRIGHT, JR., DIVISION "N", NUMBER 09-4314

TRUE COPY

May 27, 2026



SUSAN BUCHHOLZ
DEPUTY CLERK

Panel composed of Judges Marc E. Johnson,
Stephen J. Windhorst, and Timothy S. Marcel

WRIT DENIED

Relator, Darren Robinson, seeks review of the trial court's February 4, 2026 denial of his supplemental application for post-conviction relief ("APCR"). In the supplemental APCR,¹ Relator asserted that he had newly discovered evidence in support of his claim challenging the validity of his predicate convictions used to enhance his sentence as a habitual offender.² The trial court denied relief, stating:

¹ By way of background, on October 9, 2025, Relator filed an APCR with the trial court in which he challenged the validity of the predicate convictions used to enhance his sentence as a habitual offender. On October 16, 2025, the trial court denied the APCR as untimely, citing 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." On January 30, 2026, this Court denied Relator's application as deficient. *See State v. Robinson*, No. 26-KH-22 (La. App. 5 Cir. 1/30/26), 2026 WL 252632.

² *See, State v. Robinson*, 11-12 (La. App. 5 Cir. 12/29/11), 87 So.3d 881, writ denied, 12-279 (La. 6/15/12), 90 So.3d 1059 for the underlying facts.

The court finds that petitioner does not provide or meet any of the exceptions for filing an untimely application, as provided under La. C.Cr.P. art. 930.8(A). Furthermore, as a supplemental application, the court finds his application procedurally barred pursuant to La. C.Cr.P. art. 930.8(E).

The petitioner's Supplement to his APCR is untimely and thus is procedurally barred from review at this time. The court will not review the merits of petitioner's claims, as this APCR is procedurally barred from review. On the showing made, this APCR will be denied.

La. C.Cr.P. art. 930.8(A) provides in pertinent part: "No application for postconviction 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."

In the instant case, Relator's convictions and sentences have long been final.³ Thus, as the trial court found, Relator's claim challenging the validity of the predicate offenses used to enhance his sentence is untimely. However, in seeking post-conviction relief, Relator relies on the "facts not known" exception of La. C.Cr.P. art. 930.8(A)(1), which applies when the following requirement is met:

The 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. Further, the petitioner shall prove that he exercised diligence in attempting to discover any post conviction claims that may exist. "Diligence" for the purposes of this Article is a subjective inquiry that shall take into account the circumstances of the petitioner. Those circumstances shall include but are not limited to the educational background of the petitioner, the petitioner's access to formally trained inmate counsel, the financial resources of the petitioner, the age of the petitioner, the mental abilities of the petitioner, or whether the interests of justice will be served by the consideration of new evidence. New facts discovered pursuant to this exception shall be submitted to the court within two years of discovery.

According to Relator, recently discovered evidence confirms that no record exists of the Orleans Parish predicate offense used to enhance his habitual offender sentence. Specifically, Relator submitted a response from the 24th Judicial District Court's Clerk's Office dated November 4, 2025, stating that his request for exhibits

³ See *State v. Robinson*, 12-279 (La. 6/15/12), 90 So.3d 1059.

from his Orleans Parish 2002 conviction “are not maintained by the clerk of court’s office and/or are not part of the court record[.]” However, Relator does not provide any explanation for his delay in requesting the documentation. In any event, the instant application contains some of the very documentation Relator claims does not exist from his Orleans Parish 2002 conviction, *i.e.*, his 2002 guilty plea form and minute entry. Furthermore, the transcript from Relator’s habitual offender hearing indicates that the State introduced into evidence the following documents from Relator’s Orleans Parish 2002 conviction: “a *Boykin*, waiver of rights, and a minute commitment,” along with a certified copy of fingerprints from that case. Under these circumstances, Relator fails to make a showing of unknown facts under La. C.Cr.P. art. 930.8(A)(1), which would exempt his time-barred claim.

Therefore, we find that the trial court did not err in denying Relator’s supplemental APCR. Accordingly, the writ application is denied.

Gretna, Louisiana, this 27th day of May, 2026.

MEJ
SJW
TSM

SUSAN M. CHEARDY
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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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 **05/27/2026** 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-164

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Stephen D. Enright, Jr. (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Darren Robinson #112763 (Relator)
Rayburn Correctional Center
27268 Highway 21
Angie, LA 70426