

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

No. 26-KH-115

STATE OF LOUISIANA

versus

JAGON ELDRIDGE

IN RE JAGON ELDRIDGE

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", No. 18-3462

TRUE COPY

April 16, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Jude G. Gravois,
Stephen J. Windhorst, and John J. Molaison, Jr.

WRIT DENIED

Relator, Jagon Eldridge, seeks this Court's supervisory review of the trial court's February 3, 2026 ruling which denied his application for post-conviction relief ("APCR"). For the following reasons, we find no error in the ruling, and thus deny the writ application.

By way of background, on November 9, 2022, relator was found guilty by a jury of eight counts of pornography involving juveniles under the age of thirteen. Relator was sentenced to twenty-five years imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence on each of the eight counts, to run concurrently. Relator's convictions and sentences were affirmed by this Court. *State v. Eldridge*, 23-149 (La. App. 5 Cir. 12/20/23), 378 So.3d 861, writ denied, 24-45 (La. 9/17/24), 392 So.3d 631, and 24-126 (La. 9/17/24), 392 So.3d 632.

In his APCR filed on August 28, 2025, relator claimed that his trial counsel was ineffective for failing to file a motion for “post-judgment verdict of acquittal” based on insufficiency of the evidence.¹ Relator also claimed that appellate counsel rendered ineffective assistance by failing to assign as error a claim of vindictive sentencing based on the trial judge’s imposition of a harsher sentence after relator decided to exercise his right to trial.²

On February 3, 2026, the district court denied relief, first finding that relator’s claim regarding counsel’s failure to file a motion for a post-verdict judgment of acquittal was procedurally barred pursuant to La. C.Cr.P. art. 930.4(A) because relator challenged the sufficiency of the State’s evidence on appeal. The district court also found that his vindictive sentencing claim “as it pertains to excessive sentencing [was] procedurally barred pursuant to La. C.Cr.P. art. 930.4(A) and 930.4(H).”³

In this writ application, relator re-urges his claims of ineffective assistance of trial and appellate counsel. Under the Sixth Amendment to the United States Constitution and Article I, § 13 of the Louisiana Constitution, a defendant is entitled to effective assistance of counsel. *State v. Casimer*, 12-678 (La. App. 5 Cir. 3/13/13), 113 So.3d 1129, 1141. To prove ineffective assistance of counsel, a defendant must satisfy the two-prong test set forth in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). *Casimer*, 113 So.3d at 1141. Under the *Strickland* test, the defendant must show: (1) that counsel’s performance fell below an objective standard of reasonableness under prevailing professional norms; and (2) that the deficient performance prejudiced the defense. *Id.* 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.” *Id.* (quotations omitted). To prove prejudice, the defendant must demonstrate that, but for

¹ It appears that relator is referring to a motion for a post-verdict judgment of acquittal under La. C.Cr.P. art. 821.

² Relator did not include a copy of the State’s response in the instant application as required by Rule 4-5(C)(9) of the Uniform Rules of Louisiana Courts of Appeal which specifies that the writ application “shall” contain “a copy of any opposition and any attachments thereto filed by a party in the trial court.” Nor did relator include a copy of his answer to the State’s response in the instant application.

³ The current version of La. C.Cr.P. art. 930.4(H), which also went into effect on August 1, 2025, states: “All of the limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.” The current version of La. C.Cr.P. art. 930.4(H) replaces the former provision under La. C.Cr.P. art. 930.4(E).

counsel's unprofessional conduct, the outcome of the trial would have been different. *Id.* (citing *Strickland v. Washington*).

According to relator, trial counsel rendered ineffective assistance by failing to challenge the State's introduction of other crimes evidence in a motion for a new trial. Specifically, relator argues the "verdict was erroneously obtained through the presentation of other crimes evidence when the evidence for the crime(s) charged could not be produced at trial." Thus, in relator's view, the district court erroneously found that his ineffectiveness claim rested on a challenge to the sufficiency of the State's evidence, instead of the improper admission of other crimes evidence.

The district court found that this claim was procedurally barred pursuant to La. C.Cr.P. art. 930.4(A) because relator challenged the sufficiency of the State's evidence on appeal. On direct appellate review, this Court found that the State's evidence "showed that defendant knowingly possessed the child pornography." *Eldridge*, 378 So.3d at 872.

Thus, relator does not meet his post-conviction burden of proof in showing that counsel was ineffective for failing to file a motion for a post-verdict judgment of acquittal. *See* La. C.Cr.P. art. 930.2.⁴ In any event, as a general matter, the filing of motions is squarely within the ambit of trial strategy. *State v. Pendelton*, 96-367 (La. App. 5 Cir. 5/28/97), 696 So.2d 144, 156, *writ denied*, 97-1714 (La. 12/19/97), 706 So.2d 450.

Furthermore, to the extent that relator now argues that this claim was actually based on counsel's failure to raise the issue of the improper admission of other crimes evidence in a new trial motion, La. C.Cr.P. art. 930.4(A)'s procedural default still applies to his underlying claim. Accordingly, relator's re-purposing of the claim as one of ineffective assistance of counsel is also without merit. *See State v. Francois*, 13-616 (La. App. 5 Cir. 1/31/14), 134 So.3d 42, 59, *writ denied*, 14-431 (La. 9/26/14), 149 So.3d 261 ("When the substantive issue that an attorney has not raised is without merit, then the claim that the attorney was ineffective for failing to raise the issue also has no merit.").

⁴ La. C.Cr.P. art. 930.2 states: "The petitioner in an application for post-conviction relief shall have the burden of proving that relief should be granted."

Next, relator argues that appellate counsel was ineffective for failing to assign as error a claim of vindictive sentencing based on the trial judge's imposition of a harsher sentence after relator decided to exercise his right to trial. According to relator, the trial judge "made an *ex parte* offer to Mr. Eldridge where, if he would plead guilty before trial, he would impose a sentence of ten years but, after hearing all the evidence he might impose a harsher sentence."

In *State ex rel. Cockerham v. Butler*, 515 So.2d 1134, 1138 (La. App. 5 Cir. 1987), this Court found that the Supreme Court in *Evitts v. Lucey*, 469 U.S. 387, 105 S.Ct. 830, 83 L.Ed.2d 821 (1985), by implication, adopted the *Strickland* standard as a measure in determining effectiveness of appellate counsel when it concluded that the right to counsel on appeal is the right to effective assistance of counsel. Under this standard, when assignments of error, which the defendant alleged should have been argued on appeal, were found to be without merit, the result of his appeal would not have been different had counsel argued the assignments. Thus, the relator had not made the requisite showing to support his claim of ineffective assistance of appellate counsel. *Cockerham*, 515 So.2d at 1138.

Here, as the district court pointed out, the alleged excessiveness of relator's sentence was raised on appeal. This Court pointed out that under La. R.S. 14:81.1 E(1)(a) as it read at the time the offenses were committed, defendant was subject to the increased sentencing range under La. R.S. 14:81.1 E(5)(a) of ten to forty years at hard labor to be served without the benefit of parole, probation, or suspension of sentence. While the specific issue of vindictive sentencing was not raised on appeal, relator argued in his oral motion to reconsider sentence that the trial judge imposed a harsher sentence to punish relator for electing to stand trial. The trial judge denied the motion.

Relator has now re-purposed the same argument rejected by the trial judge when he denied relator's oral motion to reconsider sentence. Against that backdrop, relator fails to show prejudice under the second prong of *Strickland* by appellate counsel's failure to specifically challenge his mid-range sentence as vindictive on appeal, particularly when relator could have received sentences of 40 years on each count for his convictions. *See Francois*, 134 So.3d at 59 ("When the substantive issue that an attorney has not raised is without merit, then the claim that the attorney was ineffective for failing to raise the issue also has no merit.").

As such, relator's claims of ineffective trial and appellate counsel are without merit.

Thus, for the foregoing reasons, relator's writ application is hereby denied.

Gretna, Louisiana, this 16th day of April, 2026.

JGG
SJW
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
TIMOTHY S. MARCEL

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 **04/16/2026** 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-115

E-NOTIFIED

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

MAILED

Jagon Eldridge #774587 (Relator)
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