

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

No. 26-KH-109

ERIC WILLIAMS

versus

STATE OF LOUISIANA

IN RE ERIC WILLIAMS

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE FRANK A. BRINDISI, DIVISION "E", NUMBER 02-3223

TRUE COPY

April 15, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Jude G. Gravois, and Scott U. Schlegel

WRIT DENIED

Relator, Eric Williams, seeks this Court's supervisory review of the trial court's November 10, 2025 ruling which denied his application for post-conviction relief ("APCR") and/or request for an out-of-time appeal. For the reasons that follow, we deny this writ application.

On January 15, 2004, relator was found guilty by a jury of armed robbery (count one), aggravated battery (count two), and possession of a firearm while in possession of marijuana (count three). On February 3, 2004, the trial court sentenced relator to eighty-five years imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence on count one; ten years imprisonment at hard labor on count two; and ten years imprisonment at hard labor on count three; with all of the sentences to run consecutively. On April 26, 2005, this Court affirmed relator's convictions, but remanded the matter for a

ruling on relator's motion to reconsider sentence. *State v. Williams*, 04-1309 (La. App. 5 Cir. 4/26/05), 902 So.2d 485, *writs denied*, 05-1640 (La. 2/3/06), 922 So.2d 1173 and 05-1640 (La. 2/3/06), 924 So.2d 144. On January 13, 2009, this Court found that relator's eighty-five-year sentence for armed robbery was disproportionate to the crime, vacated the sentence, and remanded the matter for resentencing. This Court also affirmed relator's sentences for aggravated battery and illegal carrying of weapons. *State v. Williams*, 08-556 (La. App. 5 Cir. 1/13/09), 8 So.3d 3, *writ denied*, 09-330 (La. 11/6/09), 21 So.3d 298. Pursuant to this Court's remand, on January 14, 2010, the trial court sentenced relator to fifty years imprisonment at hard labor without the benefit of parole, probation, or suspension of sentence.

On October 30, 2025, relator filed his APCR and/or request for an out-of-time appeal with the trial court. In it, relator requested an out-of-time appeal, claiming that due to trial counsel's ineffectiveness, he was unable to seek direct review of the State's failure to arraign him on the amended bill of information.¹ On November 10, 2025, the trial court denied relief, finding relator's APCR and request for another appeal were untimely.

Upon review, we find no error in the trial court's denial of relator's APCR and request for an out-of-time appeal. To begin, in *State v. Counterman*, 475 So.2d 336, 339 (La. 1985), the Louisiana Supreme Court held that an APCR filed in the trial court is the appropriate procedural vehicle for a defendant who has failed to appeal to seek reinstatement of his right to appeal. However, in the present matter, relator has already received two appeals. Furthermore, we find defendant's post-conviction claim, that trial counsel's failure to object when the State did not arraign him on the amended bill of information precluded appellate review of his claim, is untimely under La. C.Cr.P. art. 930.8. Article 930.8(A) 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" Here, relator's convictions and sentences have long since been final, and relator has not shown he meets any of the exceptions for filing an untimely

¹ It is noted that relator's writ application does not include a copy of his APCR and/or request for an out-of-time appeal, as required by Uniform Rules—Court of Appeal, Rule 4-5(C)(8).

application under Article 930.8. As such, relator presents no grounds for relief.
This writ application is accordingly denied.

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

JGG
FHW
SUS

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



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

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 **04/15/2026** 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:

CURTIS B. PURSELL
CLERK OF COURT

26-KH-109

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Frank A. Brindisi (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Eric Williams #478201 (Relator)
Rayburn Correctional Center
27268 Highway 21
Angie, LA 70426