

STATE OF LOUISIANA

NO. 23-KH-542

VERSUS

FIFTH CIRCUIT

CORNELIUS ELLIS, SR.

COURT OF APPEAL

STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORDS



Linda Wiseman
First Deputy, Clerk of Court

December 01, 2023

Linda Wiseman
First Deputy Clerk

IN RE CORNELIUS ELLIS, SR.

**APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JOSEPH A. MARINO,
III, DIVISION "D", NUMBER 17-7016**

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and John J. Molaison, Jr.

WRIT GRANTED IN PART; JUDGMENT VACATED; REMANDED

The relator, Cornelius Ellis, seeks review of the trial court's October 11, 2023 judgment that denied his "Motion To Correct An Illegal Sentence." After the relator had filed the instant writ application, the trial court granted the relator's counseled motion for appeal on November 29, 2023. A copy of the order is attached. Based upon the current procedural posture, we find that the relator's Motion to Correct an Illegal Sentence was prematurely filed. The relator may now raise the issue of an illegal sentence on direct appeal.

Accordingly, the judgment of October 11, 2023 is vacated. We remand the matter to the district court with instructions to correct the relator's name on the order granting the appeal.

Gretna, Louisiana, this 1st day of December, 2023.

**JJM
SMC
JGG**

24th JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA

NO. 17-07016

DIVISION " D "

STATE OF LOUISIANA

VERSUS

CORNELIUS ELLIS

FILED: _____

DEPUTY CLERK

ORDER

Considering the foregoing Motion,

IT IS HEREBY ORDERED, that an Appeal is granted, returnable to the Fifth Circuit Court of Appeal, State of Louisiana on or before the 12TH day of FEBRUARY, 2024.

IT IS FURTHER ORDERED, that the Clerk of this Court, lodge, in the Fifth Circuit Court of Appeal, the entire record of these proceedings, including, but not limited to all Pre-Trial, Trial, and Post Trial proceedings and testimony in connection therewith.

IT IS FURTHER ORDERED that the Assignment of Errors be filed herein within 30 days after the Attorney for the defendant receives the transcript of these proceedings, but not later than 5 days prior to the return set.

IT IS FURTHER ORDERED that the trial counsel, Jerome Matthews, be allowed to withdraw from these proceedings.

IT IS FURTHER ORDERED, that the Louisiana Appellate Project is appointed to represent Timmy Doucet for the purposes of this Appeal. The Clerk is directed to notify the Louisiana Appellate Project of this appointment.

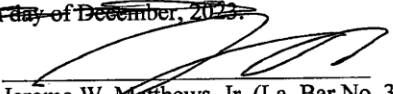
Gretna, Louisiana, this 29TH day of NOVEMBER, 2023



JUDGE,

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document has been served upon the prosecution by placing same in the United States mail, properly addressed and postage prepaid, or by hand delivery in open court, on this 5th day of December, 2023.



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SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
ROBERT A. CHAISSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL

JUDGES



FIFTH CIRCUIT
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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. WISEMAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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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 **12/01/2023** 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

23-KH-542

E-NOTIFIED

24th Judicial District Court (Clerk)
Hon. Joseph A. Marino, III (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Cornelius Ellis, Sr. #347116 (Relator)
Raymond Laborde Correctional Center
1630 Prison Road
Cottonport, LA 71327