

**24th Judicial District Court
Parish of Jefferson - State of Louisiana**

State of Louisiana

versus

GLENN BRUMFIELD

DOB: 04/22/1965

Judge: Michael P. Mentz

ADA: ADA Not Present

Case Number: 03-2741
Division: F
Complaint: G1189200
Date: 04/30/2024
Court Reporter: Not done in open court

Per Curiam Minute Entry as Ordered by the Supreme Court of Louisiana Re: Case number 23-KH-1707

The Defendant, GLENN A. BRUMFIELD, did not appear before the bar of the Court this day.

Attorney not present this day.

Defendant is presently incarcerated in Angola.

Relator has now fully litigated his application for post-conviction relief in state court. Relator's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, this Denial is Final. Relator has exhausted his right to state collateral review. Relator is barred from filing a second or successive application except under the narrow circumstances provided in La. C.Cr.P. art 930.4 and within the limitations period as set out in La.C.Cr.P. art. 930.8.

This 30th day of April 2024, Gretna, La.

/s/Erica Dufrene

Erica Dufrene, Deputy Clerk

Exhibit (MD)

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
E. Dufrene
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, LA.

Entry:

Miscellaneous

OCT 16 2023

SERVICE / RETURN

11/16

Exhibit #M

TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

NO. 00-5362
03-2741

DIVISION "T"

STATE OF LOUISIANA

VERSUS

GLENN BRUMFIELD

FILED: 10/10/2023

Erica Dufrene
DEPUTY CLERK

ORDER

This matter comes before the court on the petitioner/defendant's MOTION TO SET ASIDE JURY VERDICT, STAMPED AS FILED SEPTEMBER 29, 2023.

In case number 00-5362, on July 24, 2003, the petitioner/defendant was found guilty of second degree murder. On October 1, 2003, the court sentenced him to life imprisonment. The Fifth Circuit Court of Appeal affirmed the conviction and sentence on direct appeal. *State v. Brumfield*, 04-552 (La.App. 5 Cir. 10/26/04), 887 So.2d 554. In consolidated case number 03-2741, the petitioner was convicted after trial by jury of attempted second degree murder, for which he was sentenced on October 1, 2003.

Subsequently, the petitioner has had extensive review of his convictions and sentences in state and federal court. He titles the instant pleading a "Motion to Set Aside Jury Verdict." In this motion, he argues that prosecution was not timely instituted.

Although this pleading is captioned as a motion to set aside the jury verdict on a plea of prescription, it is in fact an application for post-conviction relief. The characterization of a pleading is not controlling. *State v. Chapman*, 699 So.2d 504 (La.App. 4 Cir. 9/3/97). An application for post-conviction relief is defined as "a petition filed by a person in custody after sentence following conviction for the commission of an offense seeking to have the conviction and sentence set aside." La. C.Cr.P. art. 924. This application is governed by the law of post-conviction relief.

Post-conviction law expressly provides that no application for post-conviction relief shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final unless certain narrow exceptions are proven. These time limits on post-conviction filings are jurisdictional. *State v. Brown*, 16-141 (La.App. 5 Cir. 9/22/16).

The court finds that this application for post-conviction relief is untimely and procedurally deficient under La. C.Cr.P. art. 930.8 and art. 930.4. No exceptions to the time bar are established or even alleged in this application. Furthermore, the court also finds that the petitioner fails to meet his heavy burden of proof under La. C.Cr.P. art. 930.2.

Accordingly,

IT IS ORDERED BY THE COURT that the defendant's motion be and is hereby DENIED.

Gretna, Louisiana, this 10th day of October, 2023

Michael O'Leary
JUDGE

PLEASE SERVE: ISS CIC 10-10-23 ed

PRISONER: Glenn Brumfield, DOC # 473624, Louisiana State Prison, Cypress-3 Dorm, Angola, LA 70712



GLENN BRUMFIELD

NO. 23-KH-530

VERSUS

FIFTH CIRCUIT

STATE OF LOUISIANA

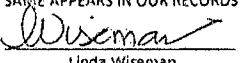
COURT OF APPEAL

Exhibit (2)

STATE OF LOUISIANA

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

December 08, 2023


Linda Wiseman
First Deputy Clerk

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IN RE GLENN BRUMFIELD

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT,
PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE MICHAEL P.
MENTZ, DIVISION "F", NUMBER 00-5362, 03-2741

Panel composed of Judges Marc E. Johnson,
Robert A. Chaisson, and John J. Molaison, Jr.

WRIT DENIED

Relator, Glenn Brumfield, seeks review of the trial court's October 10, 2023 denial of his motion to set aside jury verdict. In his motion, Relator argued that the prosecutions of the second degree murder and attempted second degree murder charges, both of which he was ultimately convicted of in 2003, were untimely instituted against him. He also argued that he was deprived of due process and equal protection rights. In its denial, the trial court considered Relator's motion as an application for post-conviction relief ("APCR") and found the APCR to be untimely and procedurally deficient under La. C.Cr.P. arts. 930.4 and 930.8. The court further found that Relator failed to meet his heavy burden of proof under La. C.Cr.P. art. 930.2.

After review, we find that the trial court properly considered Relator's motion as an APCR. Furthermore, on the showing made, we find that Relator fails to meet his post-conviction burden of proof and fails establish any grounds for relief. In

Exhibit (2)

regard to the institution of prosecution of relator's second degree murder charge, under La. C.Cr.P. art. 571, there is no time limitation upon the institution of prosecution for any crime for which the punishment may be life imprisonment. In regard to the institution of Relator's attempted second degree murder charge in 2003 for the 2000 attempted second degree murder offense, Relator was prosecuted well within the time period provided by La. C.Cr.P. art. 572(A)(1). To the extent that Relator makes conclusory allegations challenging the validity of the grand jury indictment and the composition of the grand jury as part of his claim raised under La. C.Cr.P. art. 577, we find that these claims are not exempt from La. C.Cr.P. art. 930.8's time-bar. Finally, Relator's reliance on *State v. Cordero*, 08-1717 (La. 10/3/08), 993 So.2d 203, *reh 'g denied*, (La. 10/31/08), is misplaced given that direct appeals were not subject to review under *Cordero*.

Accordingly, the writ application is denied.

Gretna, Louisiana, this 8th day of December, 2023.

MEJ
RAC
JJM

Exhibit (Q)

SUSAN M. CHEHARDY
CHIEF JUDGE

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

JUDGES



W Q
Exhibit

CURTIS B. PURSELL
CLERK OF COURT
SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

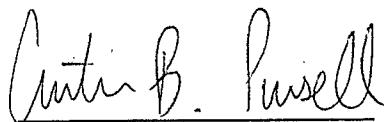
LINDA M. WISEMAN
FIRST DEPUTY CLERK
MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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

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

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 12/08/2023 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-530

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Michael P. Mentz (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Glenn Brumfield #473624 (Relator)
Louisiana State Penitentiary
Angola, LA 70712

Exhibit (Q)

SUPREME COURT OF LOUISIANA

April 30, 2024

No. 23-KH-1707

Exhibit (K)

GLENN BRUMFIELD

v.

STATE OF LOUISIANA

SJC

ON SUPERVISORY WRITS TO THE TWENTY-FOURTH
JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON

PER CURIAM:

Denied. The application was not timely filed in the district court, and applicant fails to carry his burden to show that an exception applies. La.C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189.

Applicant has now fully litigated several applications for post-conviction relief in state court. Similar to federal habeas relief, *see* 28 U.S.C. § 2244, Louisiana post-conviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La.C.Cr.P. art. 930.4 and within the limitations period as set out in La.C.Cr.P. art. 930.8. Notably, the legislature in 2013 La. Acts 251 amended that article to make the procedural bars against successive filings mandatory. Applicant's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, applicant has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam:

Exhibit (K)

The Supreme Court of the State of Louisiana

GLENN BRUMFIELD

No. 2023-KH-01707

VS.

STATE OF LOUISIANA

IN RE: Glenn Brumfield - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Jefferson, 24th Judicial District Court Number(s) 00-5362, 03-2741, Court
of Appeal, Fifth Circuit, Number(s) 23-KH-530;

April 30, 2024

Writ application denied - See per curiam.

SJC

JLW

JDH

JTG

WJC

JBM

PDG

Supreme Court of Louisiana
April 30, 2024

Katie Marjanovic
Chief Deputy Clerk of Court
For the Court

**Additional material
from this filing is
available in the
Clerk's Office.**