

STATE OF LOUISIANA  
COURT OF APPEAL, SECOND CIRCUIT  
430 Fannin Street  
Shreveport, LA 71101  
(318) 227-3700

No. 55,875-KH

STATE OF LOUISIANA

VERSUS

PRENTICE ROBINSON

FILED: 04/03/24

RECEIVED: PM 03/19/24

On application of Prentice Robinson for POST CONVICTION RELIEF in No. 92,161 on the docket of the First Judicial District, Parish of CADDO, Judge Donald Edgar Hathaway, Jr.

Pro se

Counsel for:  
Prentice Robinson

James Edward Stewart, Sr.

Counsel for:  
State of Louisiana

Before PITMAN, MARCOTTE, and ELLENDER, JJ.

**WRIT GRANTED AND MADE PEREMPTORY.**

The applicant, Prentice Robinson, seeks supervisory review of the trial court's February 6, 2024, denial of his "Motion to Declare Revised Statute 15:574.4(K) Unconstitutional."

In this matter, we find that the trial court erroneously denied Robinson's motion on grounds that the Louisiana Attorney General had not been served. In his writ application to this Court, Robinson has provided evidence of sufficient proof of service to the attorney general of the state. *State v. McMahan*, 54,740 (La. App. 2 Cir. 9/21/22), 349 So. 3d 654, writ denied, 22-01585 (La. 1/25/23), 354 So. 3d 4, and cert. denied, 143 S. Ct. 2505, 216 L. Ed. 2d 460 (2023). See also, *State in Int. of A.N.*, 18-01571 (La. 10/22/19), 286 So. 3d 969.

Accordingly, the writ is granted and the trial court’s February 6, 2024, ruling denying the motion is reversed. This matter is remanded with instructions for the trial court to consider the merits of Robinson’s motion.

Shreveport, Louisiana, this 30 day of April, 2024.

Con JJO

DJE Ellender J., “I concur in the results. Without reaching the question of whether service on the Attorney General is even required in this case, *See State in the Int. of A.N.*, 18-01571 (La. 10/22/19), 286 So. 3d 969, the record before us is unclear whether the trial court had the benefit of the complete proof of service attached to the writ application submitted to this court. While the motion to the trial court contained a certificate of service signed by Robinson, it is unclear whether the ‘green card’ signed by a representative of the Attorney General’s office on January 18, 2024 evidencing their receipt of Robinson’s Motion, which signed green card was presented to this court, was also submitted to the trial court. Consequently, the trial court may not have erroneously denied Robinson’s motion as it may not have had sufficient proof of service before it. I would submit that only a signed certificate by a self-represented litigant is insufficient proof of service. In any event, since sufficient proof of service has now been provided, judicial efficiency would be served by the trial court now considering the merits of Robinson’s motion. Consequently, I concur in the results.”

FILED: April 30, 2024

Hayden  
DEPUTY CLERK