

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA
COURT OF APPEAL
FIRST CIRCUIT

2018 CA 0112

ALVIN BRATTON

VERSUS

LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS

Judgment rendered SEP 24 2018

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On Appeal from the
Nineteenth Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
No. C654423, Sec. 22

The Honorable Timothy Kelley, Judge Presiding

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BEFORE: McDONALD, CRAIN AND HOLDRIDGE, JJ.

HOLDRIDGE, J.

Alvin Bratton, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (Department), appeals a judgment dismissing his petition for judicial review. We affirm.

In 1995, petitioner was indicted for second degree murder by a grand jury in the Parish of Caddo, State of Louisiana. He was tried by a jury and was found guilty of second degree murder. The criminal case minutes of the First Judicial District Court, Parish of Caddo, state that on July 14, 1998, petitioner was sentenced to be confined at hard labor for life and committed to the Department, said sentence to be served without the benefit of probation, parole, or suspension of sentence.

On July 25, 2016, petitioner wrote a letter to the warden requesting his immediate release, urging that he had been illegally detained since his arrival in the Department's custody in 1998. Specifically, petitioner charged that the Department was not in possession of the proper documentation to legally detain him. Petitioner initiated this administrative grievance on July 27, 2016. In his request for an administrative remedy procedure (ARP), petitioner asserted that because the Department did not have any commitment papers or a "commitment packet" in its possession, his custody was illegal, and he demanded his immediate release. Petitioner's request for an ARP was denied at the first step. The Department referenced petitioner's July 14, 1998 sentence and advised petitioner that his sentence and conviction were both confirmed with the District Attorney's Office in Caddo Parish and constituted a valid and legal commitment to the Department. Petitioner was furnished with a copy of his indictment for second degree murder and the July 14, 1998 minutes of the First JDC sentencing him to the custody of the Department.

Dissatisfied with the Step One response, petitioner proceeded to Step Two, where he complained that the indictment was not certified, the Department did not have a commitment packet, and both the trial judge and the District Attorney did not “sign off” on a commitment paper. Without these documents, petitioner insisted, his custody was illegal. The Department found that petitioner’s request had been adequately addressed at the first step and denied his request for relief.

On January 12, 2017, petitioner filed this request for judicial review of his ARP in the Nineteenth Judicial District Court for the Parish of East Baton Rouge. Petitioner insisted that he was not challenging his sentence and conviction as being illegal; rather, he was challenging his commitment to the Department as being illegal because there was no commitment order signed by a judge to turn him over to the Department’s custody. Again, he asserted that his commitment could not be legal without a valid commitment paper or a commitment packet and he could not be held in the Department’s custody in the absence of a sufficient “warrant order.” Petitioner demanded that he be released from the Department or transferred back to Caddo Parish. He also asked that the records officer be fired from the Department, alleging that she lied about a commitment packet being attached to her letter to him.

The Department filed an answer acknowledging that petitioner exhausted his administrative remedies and denying the allegations of the petition for judicial review. In response, petitioner filed a motion to strike the Department’s answer, framing his request for judicial review as one challenging the Department’s action in detaining him illegally without sufficient authority. He asserted that there was insufficient proof to hold him, pointing to the absence of a “stamped” commitment paper and the Department’s failure to provide him with a certified indictment. He

also insisted that he had produced sufficient evidence to have a hearing on the matter.

The matter was referred to a Commissioner for review. The Department submitted copies of the documents relied on for petitioner's incarceration, and with no objection from petitioner, the Commissioner admitted the following documents into evidence: (1) the amended criminal bill (charge) of second degree murder dated July 6, 1998; and (2) an extract of the First JDC's July 14, 1998 minutes, signed by the Deputy Clerk for the First JDC to be a true extract of the judgment signed by Judge Scott J. Crichton, showing that jury found petitioner guilty of murder and that the court thereupon imposed the mandatory sentence of life imprisonment with the Department.

The Commissioner ruled that a review of the records demonstrate that petitioner is not entitled to any judicial relief. The Commissioner observed that petitioner's alleged absence of a commitment paper after almost 20 years did not override the actual minutes of the sentencing court, which show that the court sentenced petitioner to life imprisonment at hard labor with the Department. The Commissioner noted that the Department provided proof of petitioner's commitment to the Department while petitioner offered no evidence to the contrary. Further, the Commissioner concluded that petitioner's complaint is actually a post-conviction complaint filed in the guise of a prison grievance and that his complaints are not properly part of an ARP. Thus, the Commissioner recommended that the court affirm the Department's decision and dismiss this claim with prejudice. Following its de novo review of the record, the trial court dismissed the appeal with prejudice at petitioner's costs, adopting the reasons stated in the Commissioner's report as its own.

After a thorough review of the record, we agree with the conclusions stated in the Commissioner's report and adopted as the trial court's reasons. Accordingly, the trial court's judgment is affirmed. This memorandum opinion is issued in accordance with Uniform Rules—Courts of Appeal, Rule 2-16.1B. Costs of this appeal are assessed to petitioner, Alvin Bratton.

AFFIRMED.