

# Fifth Circuit Court of Appeal State of Louisiana

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No. 26-KH-173

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STATE OF LOUISIANA

*versus*

CLARENCE O. GIBSON

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**IN RE CLARENCE O. GIBSON**  
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT  
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE  
R. CHRISTOPHER COX, III, DIVISION "B", No. 07-6779

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TRUE COPY

July 07, 2026



LINDA TRAN  
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,  
Marc E. Johnson, and Scott U. Schlegel

## WRIT DENIED

Relator, Clarence O. Gibson, *pro se*, seeks supervisory review of the March 16, 2026 ruling of the 24th Judicial District Court denying his Motion for Reconsideration of Sentence. We deny the writ application as untimely, as failing to comply with the rules of this Court, and as a successive, repetitive, time-barred application for post-conviction relief.<sup>1</sup>

Following a jury trial, Relator was convicted of sexual battery of a child under the age of fifteen, when he was over the age of seventeen, in violation of La. R.S. 14:43.1. On April 3, 2009, he was sentenced to twenty-five years imprisonment at hard labor, without benefits of probation, parole or suspension of sentence. Relator's conviction and sentence were reviewed and upheld on direct appeal, and his writ application to the Louisiana Supreme Court was denied. *State v. Gibson*, 09-486 (La. App. 5 Cir. 3/9/10), 38 So.3d 373, writ denied, 10-802 (La. 11/5/10), 50 So.3d 814.

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<sup>1</sup> We have this day also entered a disposition in No. 26-KH-198, a writ application filed by Relator seeking review of the judgment of the district court denying a separate Motion to Correct Illegal Sentence, rendered on March 30, 2026. We denied Relator's application in that case for the same reasons stated herein.

Relator filed an application for post-conviction relief (“APCR”) on May 2, 2011, which was denied. Relator did not apply to this Court for supervisory writs from the denial of his APCR. Some ten years later, on April 12, 2021, Relator filed a second APCR, which was denied by the district court on April 15, 2021. This Court and the Louisiana Supreme Court denied Relator’s applications for supervisory writs from the denial of his second APCR. *See State ex rel. Gibson v. Hooper*, 21-369 (La. App. 5 Cir. 6/28/21); *State ex rel. Gibson v. Hooper*, 21-1031 (La. 1/25/23), 354 So.3d 11. Prior to and since the denial of his second APCR, Relator has filed numerous successive, repetitive, time-barred APCR, numerous motions in the district court, writs in this Court, and the Louisiana Supreme Court, and has made numerous filings in the federal courts, challenging his conviction and/or his sentence, or seeking modification of his sentence.

Currently before us is a motion filed by Relator seeking reconsideration of his sentence (the “Reconsideration Motion”). In this Court, Relator does not ask that his sentence be reconsidered or provide any grounds for reconsideration of his sentence. Instead, he claims that he was not competent to stand trial at the time of his direct appeal to this Court in 2010. He claims that once he got to Elayn Hunt Correctional Center following his conviction and sentence, he was diagnosed with a mental disorder. He does not assert that he was incompetent at the time of his jury trial and sentencing.<sup>2</sup> Relator filed his Reconsideration Motion in the district court on March 10, 2026, and the district court denied the Motion on March 16, 2026. The district court’s order is attached to Relator’s writ application. Therein, the district court stated:

This matter has a long procedural history. The defendant was convicted after trial by jury of the responsive verdict of sexual battery. He was sentenced on April 3, 2009, to a twenty-five year term of imprisonment. On direct appeal . . .the Fifth Circuit Court of Appeal upheld the conviction and sentence. Applications for post-conviction relief were denied on June 15, 2011, April 15, 2021, and August 23, 2022.[<sup>3</sup>] Many other legal challenges have followed, and this Court has denied several motions to correct illegal sentence.

Upon review of the defendant’s motion, the Court finds that the defendant fails to provide any legal argument to support judicial relief. He has received extensive judicial review on both appeal and collateral review. The defendant’s conviction and sentence are final.

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<sup>2</sup> Relator has not attached anything to his writ application demonstrating that this issue was raised in the district court and the district court did not address this claim in its ruling. Even had the issue been raised, however, there is no legal requirement that a defendant be competent during his direct appeal, which is conducted through counsel, based on the record developed in the trial court. *See Dugar v. Whitley*, 615 So.2d 1334 (La. 1993) (per curiam).

<sup>3</sup> This is not a complete listing of the APCR, filed by Relator and denied.

Accordingly, **IT IS ORDERED** that the defendant's motion be, and the same hereby is **DENIED**.

Relator did not file a notice of intent to seek supervisory writs in the district court, as required by Uniform Rules – Louisiana Courts of Appeal (“Uniform Rule(s)”), Rule 4-2. As a result, there is no order from the district court setting a return date as required by Uniform Rule 4-3, which also provides that, in criminal cases the return date “shall not exceed 30 days from the date of the ruling at issue.” Relator’s writ application was postmarked April 24, 2026, which is more than thirty days after the district court’s ruling.<sup>4</sup> The filing is therefore untimely. Additionally, Relator failed to comply with Uniform Rule 4-5 in that his application does not include any of the documents required in Rule 4-5(C)(1)-(11) to be included in writ applications to this Court, other than the district court’s ruling. The application also does not comply with Uniform Rule 4-5(A)’s verification and service requirements.

Further, Relator’s Reconsideration Motion is in substance an APCR and is subject to the prescriptive period set forth in La. C.Cr.P. art. 930.8(A). That section provides that an APCR must be filed within two years of the date the conviction and sentence became final. As we have stated, Relator’s conviction and sentence became final in 2010 when the Louisiana Supreme Court denied writs from our judgment in Relator’s direct appeal. Relator has not shown that an exception provided in La. C.Cr.P. art. 930.4 or art. 930.8 permits him to file this successive APCR outside the mandatory two-year limitations period. Accordingly, Relator’s Motion is time-barred.

The facts in *State v. Rogers*, 24-54 (La. 4/30/24), 383 So.3d 921, are similar to those present here in that the relator in that case, Glenn Rogers, had filed numerous successive and repetitive APCRs, which were denied by the district court and this Court. There, the Louisiana Supreme Court stated:

***Applicant has now fully litigated his application 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.***

383 So.3d at 922 (Emphasis added).

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<sup>4</sup> For purposes of determining timeliness of an inmate filing, the filing date is deemed to be the date the pleading is delivered to the prison authorities. *Houston v. Lack*, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988); *State v. Nevers-Hawkins*, 18-352, 2018 WL 4171728 at \*2 (La. App. 5 Cir. 8/30/18) (unpub’d); *Shelton v. Louisiana Department of Corrections*, 96-348 (La. App. 1 Cir. 2/14/97), 691 So.2d 159.

We here echo the words of the Louisiana Supreme Court and find that Relator has exhausted his right to state collateral review.

For the reasons stated above, Relator's writ application is denied. This denial is final.

Gretna, Louisiana, this 7th day of July, 2026.

**FHW**  
**MEJ**  
**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



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CURTIS B. PURSELL  
CLERK OF COURT

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CHIEF DEPUTY CLERK

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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 **07/07/2026** 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-173**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
R. Christopher Cox, III (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)

**MAILED**

Clarence O. Gibson #366576 (Relator)  
Dixon Correctional Institute  
Post Office Box 788  
Jackson, LA 70748