

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-KH-68

STATE OF LOUISIANA

versus

DELCOME EVANS

IN RE DELCOME EVANS

APPLYING FOR SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT,
PARISH OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
J. STERLING SNOWDY, DIVISION "C", No. 15,144

TRUE COPY

March 24, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Jude G. Gravois

WRIT GRANTED WITH INSTRUCTIONS

Relator, Delcome Evans, has filed this writ application seeking mandamus relief to have this Court order the 40th Judicial District Court to inform him of whether his Application for Post-Conviction Relief Pursuant to *Article 930.8(A)(1)* (“APCR”) has been filed in that court, and if so, to order the district court to rule on the APCR.

Relator states that on May 8, 2025, he delivered his APCR to the authorities at Rayburn Correctional Center where he is serving a fifty-five year sentence on his conviction for forcible rape of a juvenile, a violation of La. R.S. 14:42.1, after being adjudicated a second felony offender (La. R.S. 15:529.1). Relator has attached to his writ application as Exhibit B, Department of Safety and Corrections Services Offender Funds Withdrawal Request, which shows that, on May 8, 2025, Relator paid \$10.05 to mail his APCR to the 40th Judicial District Court, 2393 Highway 18, P.O. Box 280, Edgard, Louisiana 70049, pursuant to the prisoner mailbox rule. *State ex rel. Johnson v. Whitley*, 92-2689 (La. 1/6/95), 648 So.2d 900. The address to which the APCR was mailed is the correct address of the 40th Judicial District Court.

Attached as Exhibit C to Relator's writ application is a letter, dated September 8, 2025, directed to the Clerk of the 40th Judicial District Court, requesting to know whether his APCR had, in fact, been filed, and if so, the status of the APCR (the "Status Request"). Relator represents that he has received no response to his Status Request.

In light of the foregoing, Relator's writ application is granted and the Clerk of the 40th Judicial District Court is ordered to respond to Relator's Status Request within five days of this order, and to provide this Court with a copy of such response. Additionally, if it is found that the district court has not yet ruled on Relator's APCR, the presiding district court judge is ordered to consider and rule upon Relator's APCR within ten days of this order, and to provide relator and this Court with a copy of such ruling.

Gretna, Louisiana, this 24th day of March, 2026.

FHW
SMC
JGG

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



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

CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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

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 **03/24/2026** 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-68

E-NOTIFIED

40th District Court (Clerk)
Honorable J. Sterling Snowdy (DISTRICT JUDGE)
Bridget A. Dinvaut (Respondent)

MAILED

Delcome Evans #429893 (Relator)
Rayburn Correctional Center
27268 Highway 21
Angie, LA 70426