

STATE OF LOUISIANA

NO. 24-K-408

VERSUS


FIFTH CIRCUIT

CHRISTOPHER NICOLAIS

COURT OF APPEAL

STATE OF LOUISIANA

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

  
Linda Wiseman  
First Deputy, Clerk of Court

September 05, 2024

Linda Wiseman  
First Deputy Clerk

**IN RE CHRISTOPHER NICOLAIS**

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**APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE DONALD L. FORET, DIVISION "H", NUMBER 24-1064**

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Panel composed of Judges Susan M. Chehardy,  
Marc E. Johnson, and Stephen J. Windhorst

**WRIT DENIED**

In this *pro se* writ application, relator, Christopher Nicolais, allegedly seeks mandamus relief. For the following reasons, we deny the writ application.

As an initial matter, we note that relator's writ application fails to include the trial court ruling complained of, any pleading upon which a ruling was based, the pertinent court minutes, the indictment of bill of information, or a notice of intent and return date order, as required by the Uniform Rules—Courts of Appeal, Rule 4–5(C).

Nonetheless, after reviewing relator's writ application, while relator broadly styles his writ application as seeking mandamus relief, we find that relator does not request that the district court be ordered to perform any act regarding a pending matter. It appears that relator actually seeks review of the trial court's July 30, 2024 denial of his *pro se* motions for (1) change of venue and for recusal of the Assistant District Attorney, Michael Morales; (2) discovery of exculpatory

evidence; and (3) substitution of counsel, however, no ruling denying these motions is attached for this Court's review. It further appears that relator seeks review of a "motion to release on special condition" that was re-urged at the hearing by relator's court-appointed counsel. Lastly, relator sets forth a "request for 'denial of special jury instruction,'" but does not show that such a request was ever made in the district court, or ruled upon.

As to relator's request for review of the district court's July 30, 2024 denial of his *pro se* motions for change of venue, to recuse the Assistant District Attorney, and for discovery of exculpatory evidence, on the showing made, we find no reason to disturb the district court's ruling. As to relator's request for review of the trial court's ruling denying his *pro se* motion for substitution of counsel and his motion to release on special condition, the record reflects that on August 22, 2024, relator filed a supplemental motion to release on special condition and to recall his court-appointed counsel, which motion is currently set for hearing on Wednesday, September 11, 2024. Consequently, we find that relator's application is premature and not ripe for this Court's supervisory review. Regarding relator's request to deny a potential jury instruction relator is not entitled to the relief he seeks.

For the foregoing reasons, relator's writ application is denied.

Gretna, Louisiana, this 5th day of September, 2024.

**SMC**  
**MEJ**  
**SJW**

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

SUSAN S. BUCHHOLZ  
CHIEF DEPUTY CLERK

LINDA M. WISEMAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

(504) 376-1400  
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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 **09/05/2024** 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

**24-K-408**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable Donald L. Foret (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)

**MAILED**

Christopher Nicolais #1002231115 (Relator)  
Jefferson Parish Correctional Center  
P. O. Box 388  
Gretna, LA 70054