

CHRISTOPHER NICOLAIS

NO. 24-K-503

VERSUS

FIFTH CIRCUIT

DONALD FORET

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

October 29, 2024

Linda Wiseman  
First Deputy Clerk

IN RE CHRISTOPHER NICOLAIS

---

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 23-1545, 23-2968, 24-1064

---

Panel composed of Judges Fredericka Homberg Wicker,  
Jude G. Gravois, and Timothy S. Marcel

## WRIT DENIED

In this writ application, relator, Christopher Nicolais, filed a petition for writ of mandamus, asserting that the 24th Judicial District Court has failed to rule on the following *pro se* motions filed on or about October 11, 2024: “Writ of Habeas Corpus”; “Writ of Certiorari”; “Motion for Release Special Condition”; “Motion for Speedy Trial”; “Motion for Substitute Counsel”; “Motion to Suppress”; “Motion for Video Discovery Sessions, Div. ‘M’ Fridays”; “Motion to Visit the JPCC Law Library (Special Request)”; and “Motion to Quash.” Relator also claims the trial court has failed to respond to his request for the following documents: bill of indictment; court rulings on denied motions; decisions based on rulings; and pertinent court minutes.

According to relator’s official record, a status hearing was scheduled for October 24, 2024 on relator’s writs of habeas corpus and certiorari, motion for video discovery sessions, and motion to visit the JPCC law library. At the October 24, 2024 hearing, the trial court, on its own motion, recused itself and ordered the Clerk of Court to reallocate relator’s cases in case numbers 23-1545 and 24-1064 to another division of the court. The cases have been reallocated to Division “C.”

Considering that relator’s cases were only recently reallocated to a new division of the trial court, and that this Court does not generally entertain a writ of mandamus without affording the trial court a reasonable opportunity within which to either rule or set a contradictory hearing on pending matters, we find that relator’s writ of mandamus is premature. Accordingly, this writ application is

denied. This denial does not preclude relator from re-urging another writ of mandamus if the trial court fails to rule or if a contradictory hearing has not been held by the trial court to address any properly filed *pro se* motions within a reasonable period of time.

Gretna, Louisiana, this 29th day of October, 2024.

**JGG**  
**FHW**  
**TSM**

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. WISEMAN  
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 **10/29/2024** 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-503**

**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