

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

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No. 26-KH-51

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STATE OF LOUISIANA

*versus*

GLENN ROGERS

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**IN RE GLENN ROGERS**

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE SHAYNA BEEVERS MORVANT, DIVISION "M", No. 16-6689

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**TRUE COPY**

March 25, 2026



LINDA TRAN  
DEPUTY CLERK

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

**WRIT DENIED**

Relator, Glenn Rogers, seeks to invoke our supervisory review of the 24th Judicial District Court's December 12, 2025 order denying his sixth application for postconviction relief (APCR).

As an initial matter, we observe that Relator has failed to comply with the following Uniform Rules – Louisiana Courts of Appeal: Rule 4-2, by failing to file a notice of his intention to apply for supervisory writs and failing to give notice of such intention to the State; Rule 4-3, by failing to obtain documentation of the return date; Rule 4-5(A), by failing to attach a proper certificate of service to his writ application, showing that a copy of his writ application was delivered to the district court judge and the State; Rule 4-5(C)(8), by failing to attach each pleading on which the district court's order was founded; Rule 4-5(C)(10), by failing to attach a copy of the pertinent court minutes; and Rule 4-5(C)(11), by failing to attach a notice of intent and the return date order.

Further, we agree with the district court that Relator's APCR is successive under La. C.Cr.P. art. 930.4(E) and untimely under La. C.Cr.P. art. 930.8(A). Contrary to Relator's assertion in his writ application, nothing in Acts 2024, 2nd Ex. Sess. No. 10 renders the time limitation set forth in Article 930.8(A)

inapplicable to his APCR.<sup>1</sup> Relator has not met his burden of showing that he is entitled to any of the exceptions set forth in Article 930.8(A), and particularly, Article 930.8(A)(1).

Relator has not alleged any facts in the APCR that were not known to him or his prior attorney at the time of his guilty plea, as required by Article 930.8(A)(1). Relator raises only an issue of law – that his guilty pleas were rendered involuntary due to the failure of the State to re-present his case to the grand jury before amending count one of the indictment from second degree murder to the lesser included charge of manslaughter – one of the charges to which he pled guilty. Relator claims that the failure to re-present the case to the grand jury violated La. C.Cr.P. art. 872 and the Fifth Amendment to the U.S. Constitution. Even if Relator’s APCR were not successive and untimely, we would find that this claim lacks merit.

A defendant, with the consent of the district attorney, may plead guilty to a lesser offense that is included in the offense charged in the indictment. La.Code Crim.P. art. 558. The lesser included offense must be of the same generic class and must not require proof of an element which is not found in the major crime charged. Official Revision Comment to La.Code Crim.P. art. 558; *State v. Green*, 263 La. 837, 269 So.2d 460 (La.1972). In such instances amendment of the indictment or the filing of a new information charging the lesser included offense is not required.

*State v. Angelle*, 13-508 (La. App. 3 Cir. 11/6/13), 124 So. 3d 1247, 1253, writ denied, 13-2845 (La. 5/23/14), 140 So. 3d 724, and writ denied sub nom., *State ex rel. Angelle v. State*, 13-2892 (La. 8/25/14), 147 So. 3d 693, quoting *State v. Price*, 461 So.2d 503, 505 (La. App. 3 Cir.1984), abrogated on other grounds by *State v. Jackson*, 04–2863 (La.11/29/05), 916 So.2d 1015.

In *Angelle*, as here, the State noted at the guilty plea proceeding that the charge of second-degree murder had been amended down to manslaughter, which is a lesser included offense. See La.Code Crim.P. art. 814. This amendment was not required to be resubmitted to the grand jury.

Relator was last before us on December 19, 2023, when we denied his fifth APCR as untimely, successive, and repetitive. *State v. Rogers*, 23-KH-576 (La. App. 5 Cir. 12/19/23) (unpublished writ disposition).<sup>2</sup> Relator applied for writs to the Louisiana Supreme Court from our decision. In its memorandum opinion denying Relator’s writ application, the Supreme Court found Relator’s fifth APCR to have been untimely. It also found that Relator did not meet his burden of showing that an exception provided in La. C.Cr.P. art. 930.8 applied. The Supreme Court then 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

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<sup>1</sup> Act 10 of 2024 makes the provisions of Articles 930.4 and 930.9 jurisdictional and non-waivable.

<sup>2</sup> In our opinion, we set out the entire history of Relator’s APCR filings up to that point.

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.* The district court is ordered to record a minute entry consistent with this per curiam.

*State v. Rogers*, 24-54 (La. 4/30/24), 383 So. 3d 921, 922. (Emphasis added).

We echo the Louisiana Supreme Court's admonition 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 25th day of March, 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

SUSAN S. BUCHHOLZ  
CHIEF DEPUTY CLERK

LINDA M. TRAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
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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 **03/25/2026** 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-51**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable Shayna Beevers Morvant (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)

**MAILED**

Glenn Rogers #724841 (Relator)  
Raymond Laborde Correctional Center  
1630 Prison Road  
Cottonport, LA 71327