

# Fifth Circuit Court of Appeal State of Louisiana

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No. 26-KH-25

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DERMAINE NORMAN

*versus*

STATE OF LOUISIANA

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IN RE DERMAINE NORMAN

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. 12-337

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TRUE COPY

February 09, 2026



LINDA TRAN  
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,  
Scott U. Schlegel, and Timothy S. Marcel

## WRIT DENIED

Relator, Dermaine Norman, seeks review of the district court's November 14, 2025, order denying his application for post-conviction relief (APCR) as untimely under La. C.Cr.P. art. 930.8. For the following reasons, we deny relator's writ application.

As an initial matter, we find relator's application deficient in that he failed to provide documentation of a return date with his writ application as required by Uniform Rules – Courts of Appeal, Rule 4-3; nevertheless, in the interests of justice and judicial economy, we will consider the instant writ application.

### *Procedural Background*

On October 12, 2016, a jury found relator guilty of conspiracy to commit second degree murder; he was adjudicated a third-felony offender and sentenced to thirty-three years imprisonment at hard labor. This Court affirmed his conviction and sentence on

December 18, 2019. *State v. Norman*, 18-723 (La. App. 5 Cir. 12/18/19), 287 So.3d 778. On July 2, 2020, the Louisiana Supreme Court granted relator's writ application and remanded the matter to the trial court to ascertain whether the verdict was unanimous. *State v. Norman*, 20-109 (La. 7/2/20), 297 So.3d 738. On October 27, 2020, the trial court confirmed that the verdict was unanimous in a *per curium* to the Louisiana Supreme Court. On February 17, 2021, the Louisiana Supreme Court denied relator's writ application. *State v. Norman*, 20-109 (La. 2/17/21), 310 So.3d 1149.

### *District Court Ruling and Claims*

On November 12, 2025, relator filed his APCR with the district court raising claims of a non-unanimous jury verdict, ineffective assistance of counsel, and vindictive prosecution. On November 14, 2025, the district court denied relief "in accordance with La. C.Cr.P. art. 930.8."

### *Timeliness Under La. C.Cr.P. art. 930.8*

In the instant writ application, relator argues that the district court erred in dismissing his APCR as untimely. He argues his APCR is timely because his conviction purportedly became final on December 19, 2023, when the Louisiana Supreme Court denied writs in *State v. Norman*, 22-1524 (La. 12/19/23), 374 So.3d 981, and no rehearing was sought. Based on this, he claims that his APCR filed on November 12, 2025, was within the two-year limitation period set by La.C.Cr.P. art. 930.8. On review, we find relator's reliance on this later disposition date is misplaced. The record shows that the December 2023 writ disposition followed this Court's post-conviction ruling on relator's request for an out-of-time appeal. At that time, relator's conviction and sentence had already been final since February 2021, when the Louisiana Supreme Court denied writs in *State v. Norman*, 20-109 (La. 2/17/21), 310 So. 3d 1149. *See* La. C.Cr.P. art. 922.

La. C.Cr.P. art. 930.8(A) provides in pertinent part: "No application for post conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final." Under La. C.Cr.P. art. 930.8, the prescriptive period does not initially begin to run until the judgment of conviction and sentence has become final, and relator's November 12, 2025, APCR-filed nearly four years after February 17, 2021- exceeds the two-year limitation period. We further find that relator does not identify any statutory exception under La. C.Cr.P. art. 930.8 to this time bar, and the record suggests none. And finally, relator's non-unanimous jury verdict claim is unfounded because the record confirms the verdict was unanimous and relator fails to provide any legal support to the contrary.

Accordingly, we find no error in the district court's determination that relator's APCR is untimely under La.C.Cr.P. art. 930.8. The writ application is denied.

Gretna, Louisiana, this 9th day of February, 2026.

**TSM**  
**FHW**  
**SUS**

SUSAN M. CHEHARDY

CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISON, 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  
DIRECTOR OF CENTRAL STAFF

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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 02/09/2026 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:

A handwritten signature in blue ink that reads "Curtis B. Pursell".

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-KH-25**

### **E-NOTIFIED**

40th District Court (Clerk)

Honorable J. Sterling Snowdy (DISTRICT JUDGE)

Bridget A. Dinvaut (Respondent)

### **MAILED**

Dermaine Norman #413225 (Relator)

Rayburn Correctional Center

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