

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-32

STATE OF LOUISIANA

versus

RANDY NICHOLAS

IN RE RANDY NICHOLAS

APPLYING FOR SUPERVISORY WRIT TO THE TWENTY-THIRD JUDICIAL DISTRICT COURT,
PARISH OF ST JAMES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE JASON
VERDIGETS, DIVISION "A", NUMBER 8851

TRUE COPY

February 24, 2026



SUSAN BUCHHOLZ
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Stephen J. Windhorst, and Timothy S. Marcel

WRIT DENIED

Relator, Randy Nicholas, seeks review of the trial court's August 2, 2025 judgment, dismissing his application for post-conviction relief based on the failure to comply with the requirements of La. C.Cr.P. art. 926 B.

The party, or counsel of record, intending to apply to the Court of Appeal for a writ shall give notice to the opposing parties or the opposing counsel of record, and the judge whose ruling is at issue, by requesting a return date to be set by the judge within the time period provided for in Rule 4-3. La. Unif. R. Ct. App., Rule 4-2. When the trial court judge orders a ruling to be reduced to writing in a criminal case, the return date shall not exceed 30 days from the date the ruling is signed. La. Unif. R. Ct. App., Rule 4-3.

The trial court rendered judgment on August 2, 2025. On September 17, 2025, relator's notice of intent, dated September 2, 2025,¹ was stamped as filed in the trial court. Relator's writ application does not contain documentation of a return date, because he asserts he never received a return date order from the trial court. The official record, however, indicates that on September 19, 2025, the trial court set a return date for October 24, 2025. Relator filed his writ application, signed and dated January 12, 2026, three months later on January 22, 2026.

Because relator filed his writ application three months past the return date and over four months past the 30-day requirement stated in the La. Uniform Rules for the Courts of Appeal, Rule 4-3, we find relator's writ application untimely. We therefore deny this writ application.

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

SJW
SMC
TSM

¹ For the purpose of determining timeliness, the actual date of filing for pleadings filed by inmates is the date the pleading is delivered to the prison authorities. Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101 L.Ed.2d 245 (1988); State ex rel. Johnson v. Whitley, 92-2689 (La. 1/6/95), 648 So.2d 909; Shelton v. Louisiana Department of Corrections, 96-348 (La. App. 1 Cir. 2/14/97), 691 So.2d 159.

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

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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 **02/24/2026** 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-32

E-NOTIFIED

23rd Judicial District Court (Clerk)
Honorable Jason Verdigets (DISTRICT JUDGE)
No Attorney(s) were ENOTIFIED

MAILED

Randy Nicholas #786228 (Relator)
Dixon Correctional Institute
Post Office Box 788
Jackson, LA 70748

Honorable Ricky L. Babin (Respondent)
District Attorney
Twenty-Third Judicial District
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