

Fifth Circuit Court of Appeal State of Louisiana

No. 26-K-503

STATE OF LOUISIANA

versus

NOLAN D. MCGRUDER

IN RE NOLAN D. MCGRUDER
APPLYING FOR SUPERVISORY WRIT FROM THE FIRST PARISH COURT, PARISH OF
JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE REBECCA M. OLIVIER,
DIVISION "A", No. F2281114

TRUE COPY

October 26, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Marc E. Johnson,
John J. Molaison, Jr., and Timothy S. Marcel

WRIT DENIED

The relator's writ application, filed after the return date of October 19, 2026, is untimely. The application shows neither an extension of the return date nor any basis to find the relator free from fault for the delay. Under Uniform Rules – Courts of Appeal, Rule 4-3, this Court may decline to consider an application filed under these circumstances.

Even if the application were timely filed, we could not reach the merits of the relator's claims at this time. The State filed a motion to appoint a sanity commission for the relator, which the trial court granted on September 3, 2026.

La. C.Cr.P. art. 642 provides, in part:

When the question of the defendant's mental incapacity to proceed is raised, there shall be no further steps in the criminal prosecution,

except the institution of prosecution, until the defendant is found to have the mental capacity to proceed.

This Court has previously applied La. C.Cr.P. art. 642 to deny relief while a sanity commission review is pending. See *State v. Weber*, 24-534 (La. App. 5 Cir. 11/15/24) (unpublished disposition) (denying a pro se relator's writ "at this time" where a sanity commission had been appointed and a competency hearing was set); see also *State v. Nicholas*, 587 So.2d 16 (La. App. 3 Cir. 1991) (once a sanity commission is appointed, all proceedings in the prosecution should be stayed pending the determination of the defendant's capacity to proceed); *State v. Harris*, 406 So.2d 128, 134 (La. 1981) (Art. 642 mandates that no further steps in the criminal prosecution be taken until the defendant is found to have the capacity to proceed).

For the foregoing reasons, we deny this writ application at this time.

Gretna, Louisiana, this 26th day of October, 2026.

JJM
MEJ
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



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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 **10/26/2026** 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-K-503

E-NOTIFIED

First Parish Court (Clerk)
Honorable Rebecca M. Olivier (DISTRICT JUDGE)
Matthew R. Clauss (Respondent)

MAILED

Nolan D. McGruder (Relator)
In Proper Person
3050 Washington Street
Kenner, LA 70065