

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

No. 26-K-196

GREGORY SEARLS JR.

versus

DONALD A. ROWAN, JR. JUDGE

IN RE GREGORY SEARLS JR.
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
DONALD A. ROWAN, JR., DIVISION "L", No. 21-4858

TRUE COPY

May 20, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Stephen J. Windhorst, and John J. Molaison, Jr.

WRIT NOT CONSIDERED

Gregory Searls, Jr., the relator/defendant, filed this *pro se* writ application seeking a writ of mandamus to compel the district court to rule on his Motion to Quash.

In *Searls v. Rowan*, 23-339 (La. App. 5 Cir. 7/31/23) (unpublished writ disposition), this Court noted that on November 9, 2022, the trial court held a competency hearing and issued an order for pre-trial commitment, finding that the relator “presently lacks the mental capacity to understand the proceedings against him or to assist in his defense.”

La. C.Cr.P. art. 642 provides the following:

...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.

La. C.Cr.P. art. 642 mandates a stay in prosecution, and no further steps may occur in the relator's criminal prosecution until the relator is found to have the mental capacity to proceed. *See State v. Perkins*, 00-9 (La. App. 5 Cir. 5/17/00), 759 So.2d 334, 337, *writ denied*, 00-1826 (La. 4/26/02), 813 So.2d 1098. Additionally, pursuant to La. C.Cr.P. art. 648(A) all proceedings shall be suspended in light of the trial court's finding that relator was incompetent to proceed.

Because the trial court has not found the relator competent to stand trial since our last disposition, we will not consider this writ application at this time, out of an abundance of caution. *See Adams v. Sullivan*, 20-425 (La. App. 5 Cir. 1/12/21) (unpublished writ disposition). If the relator is presently deemed competent, he may refile his application with supplementation of his status from the district court record.

Gretna, Louisiana, this 20th day of May, 2026.

JJM
FHW

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WINDHORST, J., CONCURS WITH REASONS

I agree with the majority's disposition that relator is not entitled to mandamus relief at this time. A review of the official record shows that on November 9, 2022, the trial court found that relator was not competent to stand trial and he was remanded to the Eastern Louisiana Mental Health System (ELMHS). The February 11, 2026 minute entry indicates that relator's competency hearing was reset for June 3, 2026. The minute entry further states that the reason for the continuance was "for [relator] to continue competency restoration in ELHMS [*sic*]."

Accordingly, because a competency hearing is pending and there can be no further steps in the criminal prosecution of relator until the issue of his competency has been resolved, I would deny relator's writ application.

SJW

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
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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 **05/20/2026** 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-K-196

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Donald A. Rowan, Jr. (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Gregory Searls Jr. #1000161039 (Relator)
Jefferson Parish Correctional Center
P. O. Box 388
Gretna, LA 70054