

Fifth Circuit Court of Appeal State of Louisiana

No. 26-K-299

CELIUS GRAY

versus

STATE OF LOUISIANA

IN RE CELIUS GRAY

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. 20-5560

TRUE COPY

July 21, 2026



MORGAN NAQUIN
DEPUTY CLERK

Panel composed of Judges Stephen J. Windhorst,
Timothy S. Marcel, and Michael P. Mentz, Pro Tempore

WRIT DENIED

Relator/defendant, Celius Gray, filed a Writ of Prohibition requesting that this Court order the trial court to conduct a competency hearing pursuant to La. C.Cr.P. art. 648(A)(2)(d).

The record shows that on November 13, 2024, the trial court found relator incompetent to proceed and ordered him remanded to the Eastern Louisiana Mental Health System. The record also shows that a competency hearing previously scheduled for June 3, 2026, was continued at defense counsel's request to August 12, 2026. (Defendant is currently incarcerated in the Jefferson Parish Correctional Center.)

A defendant's mental incapacity to proceed may be raised at any time by the defense, the district attorney, or the court. La. C.Cr.P. art. 642. Once raised, no further steps in the criminal prosecution, except the institution of prosecution, until the defendant is found to have the mental capacity to proceed. *Id.* Under La. C.Cr.P. art. 648(A), all proceedings shall be suspended if the trial court finds that the defendant is incompetent to proceed.

For context, under La. C.Cr.P. art. 648(A), once a court finds a defendant lacks mental capacity to proceed, criminal proceedings are suspended, and the defendant is remanded to outpatient care, jail-based treatment, or inpatient treatment at the Feliciana Forensic Facility (also known as the Eastern Louisiana Mental Health System). La. C.Cr.P. art. 648(A)(2)(d) establishes a mandatory procedural safeguard for defendants who have been committed to the Feliciana Forensic Facility but remain held in a parish jail for 180 days following a court's determination that they lack the mental capacity to proceed. Specifically, the provision requires the court to order a status conference with both defense counsel and the district attorney present and authorizes the court, upon good cause shown, to order a contradictory hearing to assess whether a change in the defendant's condition or circumstances warrants modification of the prior commitment order.

Recently, in *Gray v. State*, 2026 WL 1298791 (La. App. 5 Cir. May 12, 2026), relator sought similar relief. After reviewing the record, we denied his application, stating:

Upon review, on the showing made, it does not appear that relator has first sought relief in the trial court. Accordingly, there is nothing for this Court to review. In any event, examination of relator's official record indicates that a competency hearing was set in this case for May 6, 2026, but has been continued to June 3, 2026.

Id. at *2.

Upon examination of the record in light of the current filing, it does not appear that relator has first sought relief in the trial court. In addition, because a hearing is currently scheduled for August 12, 2026, there is nothing for this Court to compel; relator's request is moot.

On the showing made, the writ application is denied.

Gretna, Louisiana, this 21st day of July, 2026.

TSM
SJW
MPM

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 **07/21/2026** 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-299

E-NOTIFIED

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

MAILED

Celius Gray #1000677028 (Relator)
Jefferson Parish Correctional Center
P. O. Box 388
Gretna, LA 70054