

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-352

CLARENCE O. GIBSON

versus

STATE OF LOUISIANA

IN RE CLARENCE O. GIBSON
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
R. CHRISTOPHER COX, III, DIVISION "B", No. 07-6779

TRUE COPY

September 02, 2026



LINDA TRAN
DEPUTY CLERK

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

WRIT DENIED

In this application for post-conviction relief, relator Clarence O. Gibson seeks review of this Court for a number of filings. For the following reasons, this application is denied.

Procedural Background

On February 2, 2009, relator was found guilty by a jury of sexual battery. On April 3, 2009, the trial court sentenced relator to twenty-five years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. Relator's conviction and sentence were affirmed by this Court on March 9, 2010. *State v. Gibson*, 09-486 (La. App. 5 Cir. 3/9/10), 38 So.3d 373. On November 5, 2010, the Louisiana Supreme Court denied relator's writ application. *State v. Gibson*, 10-802

(La. 11/5/10), 50 So.3d 814. On March 17, 2026, relator apparently filed a pleading captioned as a Motion: Reapproach District Court Newly Discovered and Motion to Correct Illegal Sentence. On March 18, 2026, relator filed a Supplement Motion Reconsideration For Sentencing. On March 30, 2026, the district court denied relator's Motions Stamped as Filed on March 17, March 18, and March 28, 2026, finding that relator "fail[ed] to provide any legal argument to support any further judicial review. His conviction and sentence are final, and he has received extensive judicial review on both appeal and collateral review." In addition, on April 7, 2026, relator filed a motion, captioned as Supplement Subsequent Direct Appeal, in which he claimed that he was mentally incompetent at the time of his appeal. On April 21, 2026, the district court denied the motion, stating: "The defendant fails to state a claim entitling him to relief. The defendant has had extensive judicial review in the years following conviction. His sentence is final and no relief is warranted." Relator apparently did not file a notice of intent with the district court as required by Uniform Rules – Courts of Appeal, Rule 4-2. Additionally, because there is no documentation of a return date with relator's writ application as required by Uniform Rules – Courts of Appeal, Rule 4-3, we are not required to consider this writ. We will nevertheless examine relator's claim.

On July 31, 2026, relator's writ application was stamped as filed with this Court, more than thirty days from the district court's March 30, 2026 and April 21, 2026 rulings from which he seeks review. Thus, we find relator's application is untimely. *See* Uniform Rules – Courts of Appeal, Rule 4-3, which provides in criminal cases that "the return date shall not exceed 30 days from the date of the ruling at issue."

Discussion

From the outset, as discussed above, relator's application is deficient. First, relator did not include any documentation of a notice of intent or return date nor is

there a notice of intent that was filed with respect to either ruling from which he appears to seek review. Relator also failed to include a “copy of each pleading on which the judgment, order or ruling was founded” as required by Uniform Rules – Court of Appeal, Rule 4-5(C)(8). Furthermore, relator has not submitted a brief containing “a concise statement of the case” or any other documentation, such as pertinent court minutes, as required by Uniform Rules – Courts of Appeal, Rule 4-5(C). Given the absence of required documentation in the instant application and the scant argument provided by relator, we deny the instant application as this Court did with respect to a similarly deficient application filed by relator. *See State v. Gibson*, 24-KH-415 (La. App. 5 Cir. 9/24/24) (JJ. Wicker, Chehardy, Gravois), *writ denied*, 24-1229 (La. 12/11/24), 396 So.3d 961.

In conclusion, for the reasons discussed herein, this writ application is denied. The application is also untimely pursuant to Rule 4-3.

Gretna, Louisiana, this 2nd day of September, 2026.

MPM
SJW

Fifth Circuit Court of Appeal
State of Louisiana

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versus

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MARCEL, J., CONCURS WITHOUT REASONS

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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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 **09/02/2026** 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-352

E-NOTIFIED

24th Judicial District Court (Clerk)
R. Christopher Cox, III (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Clarence O. Gibson #366576 (Relator)
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