

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-305

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", NUMBER 07-6779

TRUE COPY

August 21, 2026



SUSAN BUCHHOLZ
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 a pardon. 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 May 11, 2026, relator filed a pleading captioned as a “Motion to be Pardoned” with the district court. On May 15, 2026, the district court denied relator’s motion, finding that relator’s “request to this Court is misplaced, and by law, this Court does not have jurisdiction to grant or deny pardons.”

Relator’s application presents numerous deficiencies. Relator apparently did not file a notice of intent with the district court as required by Uniform Rules – Courts of Appeal, Rule 4-2.3. Additionally, there is no documentation of a return date with relator’s writ application as required by Uniform Rules – Courts of Appeal, Rule 4-3. Also, relator’s application is untimely: on July 7, 2026, relator’s writ application, signed and dated June 27, 2026, was stamped as filed with this Court more than thirty days from the district court’s May 15, 2026 ruling from which he seeks review. *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.” 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). Nevertheless, we will substantively analyze relator’s claim.

In the instant application, although relator includes a copy of the district court’s May 15, 2026 ruling denying his Motion to be Pardoned, he does not appear to re-urge (or mention) any claim related to a request for a pardon. Instead, relator requests that this Court “reverse the ruling [in his] Direct Appeal,” on grounds that he never authorized the filing of an appeal in his case.

Analysis

Relator’s instant application appears to rest on a claim that was not raised in his Motion to be Pardoned filed with the district court nor does the district court’s May 15, 2026 ruling make any mention of this claim. Uniform Rules – Courts of Appeal, Rule 1-3, provides as follows:

The scope of review in all cases within the appellate and supervisory jurisdiction of the Courts of Appeal shall be provided by LSA-Const. Art. 5, §10(B), and as otherwise provided by law. The Courts of Appeal will review only issues which were submitted to the trial court and which are contained in specifications and assignments of error, unless the interest of justice clearly requires otherwise.

On the showing made, under Rule 1-3, this writ application presents a claim that was not presented in his motion and thus could not be reviewed by the district court in its May 15, 2026 ruling. Thus, under Rule 1-3, we find relator's writ application is procedurally barred from review by this Court, and it is denied.

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

MPM
SJW
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 **08/21/2026** 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:

A handwritten signature in blue ink that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

26-KH-305

E-NOTIFIED

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

MAILED

Clarence O. Gibson #366576 (Relator)
Dixon Correctional Institute
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Jackson, LA 70748