

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KH-256

STATE OF LOUISIANA

versus

EDGAR M. HIDALGO

IN RE EDGAR M. HIDALGO
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
FRANK A. BRINDISI, DIVISION "E", No. 20-5193

TRUE COPY

August 04, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
John J. Molaison, Jr., and Scott U. Schlegel

WRIT DENIED

The relator/defendant, Edgar Hidalgo, seeks review of the trial court's April 15, 2026 order denying his Application for Post-Conviction Relief (APCR). We deny relief for the following reasons.

FACTS AND PROCEDURAL HISTORY

The defendant formerly dated the victim's mother. Several years after the abuse occurred, the victim, A.M., disclosed it to Margaret Haydel, a school counselor. At trial, Ms. Haydel testified that she routinely screened students' mental health at the beginning of each school year. *State v. Hidalgo*, 23-375 (La. App. 5 Cir. 5/8/24), 389 So.3d 231, 233. When she interviewed A.M. in September 2020, she found him depressed and suicidal. *Id.* A.M. disclosed the

abuse and expressed distress because his mother—whom he had never told about the abuse—maintained a social media friendship with the defendant and considered him a good person. *Id.* This caused A.M. significant anxiety, and he began cutting himself. *Id.*

Based on Ms. Haydel’s recommendation, A.M. went to Children’s Hospital. *Hidalgo*, 389 So.3d at 235. Chelsea Moore, a social worker at the hospital, interviewed A.M., who told her he had “intrusive thoughts of being penetrated penis to anus on multiple occasion [sic] by former boyfriend of mom’s.” *Id.* Ms. Moore witnessed A.M. telling his mother about the abuse. *Id.* Ms. Moore reported the abuse to police, who interviewed, then arrested the defendant. *Id.*

S.G., A.M.’s mother, testified that she dated the defendant in 2011 and broke up with him in 2012. *Hidalgo*, 389 So.3d at 236. The defendant sometimes stayed overnight at S.G.’s home, where she lived with her children. *Id.* When S.G. was not home, the defendant spent time with her children. *Id.* S.G. stayed in contact with the defendant after the breakup.

A.M. testified that the abuse occurred when he was about six or seven years old. *Id.* A.M. provided detailed testimony, explaining that the abuse began when he climbed into bed with the defendant—while his mother was at work—after asking to play on the defendant’s phone. *Id.* A.M. described three separate instances of anal penetration by the defendant. *Id.*

A.M. testified that when he was about eleven years old, he saw the defendant at a party. *Hidalgo*, 389 So.3d at 238. At that time, A.M. attended a sex education class at school that covered sexually transmitted diseases, protections, and the distinction between legal and illegal acts. A.M. then recognized that the defendant had sexually abused him. *Id.* A.M. told his older sister about the abuse, and they agreed not to tell anyone else. *Id.* A.M. told two of his friends about the abuse. A few years later, A.M. encountered the defendant while with his mother.

Id. His mother brought the defendant over and had A.M. shake his hand and say “hi.” *Id.* A.M. became angry at his mother, even though she did not know about the abuse. *Id.* A.M. also testified about disclosing the abuse to Ms. Haydel, Ms. Moore, and his mother. *Id.*

Following a jury trial, the jury found the defendant guilty of aggravated rape of a juvenile under the age of thirteen, and the court sentenced him to life imprisonment. On May 8, 2024, this Court affirmed the defendant’s conviction and sentence. *Hidalgo*, 389 So.3d at 246. The defendant did not file a writ application with the Louisiana Supreme Court.

The defendant filed his APCR in the district court on April 3, 2025, claiming insufficient evidence to support the conviction and ineffective assistance of counsel. The defendant also raised a *Brady*¹ violation, arguing that the State failed to disclose that the victim and his family were undocumented immigrants who received citizenship assistance based on their participation in the defendant’s trial. In this writ application, the defendant re-urges his Brady violation and ineffective assistance of counsel claims.²

BRADY VIOLATIONS

In *Brady*, 373 U.S. at 87, 83 S.Ct. at 1197, the United States Supreme Court held that when the State suppresses evidence favorable to the accused after receiving a request for such evidence, it violates the defendant’s due process rights if the evidence is material to either guilt or punishment, regardless of the prosecutors’ good or bad faith.

¹ *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963) (State’s suppression of evidence favorable to the accused after it receives a request for such evidence violates a defendant’s due process rights where the evidence is material to either guilt or punishment, without regard to the good or bad faith of the prosecutors).

² In this writ application, the defendant does not re-urge his claim of insufficient evidence. Regardless, as the district court found, because this Court had reviewed and rejected this claim on appeal, *see Hidalgo*, 389 So.3d at 241-45, this claim is precluded from post-conviction review under La. C.Cr.P. art. 930.4(A).

The defendant claims that the State withheld exculpatory evidence about the victim's immigration status and the ICE attachment against the victim's mother at the time of trial. The defendant asserts that A.M. and S.G. received a "U non-Immigrant Visa"³ two months after the trial. The defendant argues that this immigration status and the availability of this special visa for victims of crime gave A.M. and S.G. a motive to fabricate the crime.

The State disclosed the victim's mother's ICE attachment to both the trial court and the defense, and the trial court ruled this information irrelevant. The defendant's claim that the State withheld information about A.M.'s and his mother's immigration status therefore lacks merit.

The trial testimony shows that A.M. did not want his mother to know about the sexual abuse and did not intend to report the abuse to police. Both A.M. and his mother, S.G., first learned about U-visas from Ryan Durand, A.M.'s mental health therapist, after police received the report of sexual abuse. Only after a subsequent consultation with an immigration attorney did A.M. and his mother learn that a U-visa could potentially provide immigration relief for both of them. Because A.M. and S.G. did not know about U-visas when police first received the report of abuse, the defendant's argument that A.M. falsely accused him of sexual abuse to secure an immigration benefit is untenable. A defense argument about a potential motive that did not exist when the rapes were reported to police would not have influenced the jury.

³ In *State v. Galan*, 18-1481 (La. App. 1 Cir. 5/14/19), 277 So.3d 365, 368, writ denied, 19-1027 (La. 1/22/20), 291 So.3d 1042, the Court explained:

Pursuant to the Victims of Trafficking and Violence Protection Act of 2000, a "U-visa" can be granted to victims of certain crimes who assist United States law enforcement officials in investigating or prosecuting those crimes. See 8 U.S.C.A. § 1101(a)(15)(U); *Ordonez Orosco v. Napolitano*, 598 F.3d 222, 224 (5th Cir.), cert. denied, 562 U.S. 863, 131 S.Ct. 389, 178 L.Ed.2d 87 (2010). The "U-visa" is a nonimmigrant visa classification that provides legal status to petitioners and qualifying family members to apply for work authorization and remain in the United States. See 8 U.S.C.A. § 1101(a)(15)(U).

To prove a *Brady* violation, the defendant must establish a reasonable possibility that disclosing the evidence would have changed the outcome. The defendant has not shown that A.M. and S.G. faced an imminent threat of adverse immigration consequences. Nor has he established that A.M. or S.G. knew about the ICE attachment for S.G., which the State itself discovered only immediately before S.G. testified at trial. No *quid pro quo* agreement existed between the State and A.M. in exchange for A.M.'s testimony. Reporting sexual abuse and cooperating with the resulting investigation and prosecution—even when a prosecuting agency certifies an I-918, Supplement B form (required to request a U-visa)—does not guarantee a U-visa for a victim or a qualifying family member. Here, the evidence indicates that the victim did not know about the U-visa's availability until after he disclosed the abuse. At trial, A.M. gave detailed descriptions of the abuse. The evidence shows he suffered serious mental health consequences as a result of the abuse and the continued relationship between his mother and the defendant.

Even assuming *arguendo* that the defendant could establish a disclosure deficiency given the specific facts and circumstances of this case, he has not demonstrated any resulting prejudice. No reasonable probability exists that the absence of or incomplete disclosure of immigration-related information would have altered the trial's outcome. The defendant has therefore failed to meet his burden of proving a *Brady* violation.

NAPUE VIOLATION

The defendant contends that the State permitted its expert, Nurse Troy, to testify falsely, violating *Napue v. Illinois*, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959). He argues that during the State's direct examination, Nurse Troy testified that no "secondary motives" existed in the victim's case, even though the victim had requested U-Visa certification from the State.

The defendant did not raise this claim before the trial court in his APCR.

This claim is therefore not properly before this Court. *See* Uniform Rules - Courts of Appeal, Rule 1-3.⁴

INEFFECTIVE ASSISTANCE OF COUNSEL

The Sixth Amendment to the United States Constitution and Article I, § 13 of the Louisiana Constitution entitle a defendant to effective assistance of counsel. *State v. Casimer*, 12-678 (La. App. 5 Cir. 3/13/13), 113 So.3d 1129, 1141. To prove ineffective assistance of counsel, a defendant must satisfy the two-prong test set forth in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). *Casimer*, 113 So.3d at 1141. Under the *Strickland* test, the defendant must show: (1) that counsel's performance was deficient, that is, that the performance fell below an objective standard of reasonableness under prevailing professional norms; and (2) that the deficient performance prejudiced the defense. *Id.* An error is prejudicial if it was so serious that it deprived the defendant of a fair trial or "a trial whose result is reliable." *Id.* (quotations omitted). To prove prejudice, the defendant must demonstrate that, but for counsel's unprofessional conduct, the trial's outcome would have been different. *Id.* (citing *Strickland v. Washington*).

In his APCR, the defendant claimed that trial counsel performed ineffectively by failing to investigate the immigration status of the victim and his family. In this writ application, the defendant contends that counsel provided ineffective assistance by failing to investigate the "immigration incentives."⁵

⁴ Uniform Rules – Courts of Appeal, Rule 1-3 provides:

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), or as otherwise provided by law. The Courts of Appeal shall review issues that were submitted to the trial court and that are contained in specifications or assignments of error, unless the interest of justice requires otherwise.

⁵ The defendant does not argue all of the ineffective assistance of counsel claims in this writ application that were raised in his APCR.

However, the defendant provides no evidence of counsel's failure to investigate, nor does he identify what steps counsel should have taken.

The defendant complains that counsel never cross-examined Nurse Troy about secondary gains and motivations. Choosing which questions to ask on cross-examination falls well within the ambit of trial strategy. *See State v. Brooks*, 94-2438 (La. 10/16/95), 661 So.2d 1333, 1337. Here, counsel chose to challenge Nurse Troy's credibility by eliciting testimony that she had never examined the victim or reviewed any reports related to his statements of abuse.

In an application for post-conviction relief, the defendant bears the burden of proving entitlement to relief. La. C.Cr.P. art. 930.2. The defendant's ineffective assistance of counsel claims rest on conclusory and vague allegations. The defendant has therefore not shown entitlement to relief.

FAILURE TO HOLD A HEARING

The district court may summarily dispose of an APCR if it can resolve the factual and legal issues based on the application, answer, and supporting documents—including relevant transcripts, depositions, and other reliable documents that either party submitted or that the court has available. La. C.Cr.P. art. 929(A). Here, the district court acted within its discretion in resolving the APCR without a hearing because the APCR and opposition contained sufficient documentation to decide the issues.

CONCLUSION

For the foregoing reasons, we deny this writ application.

Gretna, Louisiana, this 4th day of August, 2026.

**JJM
FWW
SUS**

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
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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 **08/04/2026** 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-KH-256

E-NOTIFIED

24th Judicial District Court (Clerk)	
Honorable Frank A. Brindisi (DISTRICT JUDGE)	
Thomas J. Butler (Respondent)	Honorable Paul D. Connick, Jr. (Respondent)
	Andrea F. Long (Respondent)

MAILED

Edgar M. Hidalgo #776894 (Relator)

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