



## Clarence Gibson Versus 24th Judicial District Criminal Court

2024 | Cited 0 times | Louisiana Court of Appeal | November 14, 2024

CLARENCE GIBSON NO. 24-KH-527

VERSUS FIFTH CIRCUIT

24TH JUDICIAL DISTRICT CRIMINAL COURT COURT OF APPEAL

STATE OF LOUISIANA

November 14, 2024

Linda Wiseman First Deputy Clerk

IN RE CLARENCE 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

Panel composed of Judges Fredericka Homberg Wicker, Marc E. Johnson, and Scott U. Schlegel

WRIT DENIED

In this pro se writ application, relator, Clarence Gibson, seeks review of the trial court's March 27, 2009 ruling denying his Motion for New Trial and for Post-Verdict Judgment of Acquittal ("Motion for New Trial"). For the following reasons, we deny this writ application.

Relator was charged with aggravated rape of a known juvenile in violation of La. R.S. 14:42. In 2009, after a jury trial, he was convicted of the lesser included offense of sexual battery, in violation of La. R.S. 14:43.1, and sentenced



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to 25 years of imprisonment at hard labor. Relator's conviction and sentence were reviewed and upheld by this Court and the Louisiana Supreme Court. State v. Gibson, 09-486 (La. App. 5 Cir. 3/9/10), 38 So.3d 373 , writ denied, 10-802 (La. 11/5/10), 50 So.3d 814 .

On November 6, 2024, relator filed this writ application, entitled "Direct Appeal for Judgment of Conviction," stating he was denied a fair trial. However, 24-KH-527

relator does not set forth any argument as to why his trial was not fair; rather he simply states, "Claim: Right to a Fair Trail [sic] 6th Amendment." Relator attached a copy of his Motion for New Trial, which was denied by the trial court in March 2009, to his writ application.

After review, we find that relator's writ application is deficient because he has failed to include a notice of intent to file this writ application, an order from the trial court setting a return date, and a copy of the trial court's ruling, in violation of U.R.C.A., Rules, 4-2, 4-3, 4-5(C). Further, this writ application is untimely, as it was not filed within the time delays set forth in U.R.C.A., Rule 4-3.

To the extent relator contends this writ application is an appeal of the trial court's March 2009 judgment denying his Motion for New Trial, we find relator is not entitled to appeal this ruling. Not only would an appeal be untimely pursuant to La. C.Cr.P. art. 914, but also the Louisiana Constitution does not provide for a second direct appeal. State v. Howard, 53,104 (La. App. 2 Cir. 1/15/20), 289



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So.3d 1176 , 1179, writ denied, 20-400 (La. 6/22/20), 297 So.3d 722 . Relator's

conviction and sentence were affirmed on appeal in 2010. See Gibson, supra.

Once an appellate court renders judgment and that judgment becomes final, the criminal defendant no longer has a right to appeal. Howard, 289 So.3d at 1179.

For these reasons, we deny relator's writ application.

Gretna, Louisiana, this 14th day of November, 2024.

FHW MEJ SUS

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SUSAN M. CHEHARDY CURTIS B. PURSELL

CHIEF JUDGE CLERK OF COURT

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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 11/14/2024 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:

24-KH-527 E-NOTIFIED 24th Judicial District Court (Clerk) R. Christopher Cox, III (DISTRICT JUDGE) Thomas J. Butler (Respondent)

MAILED Clarence Gibson #366576 (Relator) Dixon Correctional Institute Post Office Box 788 Jackson, LA 70748

