

NO. 2026-K-0719
COURT OF APPEAL, FOURTH CIRCUIT
STATE OF LOUISIANA
STATE OF LOUISIANA
VERSUS
JOHN BROOKS

IN RE: JOHN BROOKS

APPLYING FOR: SUPERVISORY WRIT

DIRECTED TO: HONORABLE LEON T. ROCHE
 CRIMINAL DISTRICT COURT ORLEANS PARISH
 SECTION “T”, 318-415

WRIT GRANTED IN PART; DENIED IN PART

On October 2, 2026, this Court received the above-captioned, *pro se* writ application from Relator, John Brooks (“Mr. Brooks”).¹ Therein, Mr. Brooks seeks supervisory review of the district court’s August 17, 2026 judgment, which denied his most recent application for post-conviction relief (“Application for PCR”)² as untimely per La. C.Cr.P. art. 930.8.³ Within Mr. Brooks’ Application for PCR, he contended “[t]here is [a]rticulable doubt based on [evolving] DNA testing that will prove [his] innocence” and asked the district court to order such testing.

¹ Mr. Brooks has filed multiple post-conviction pleadings since his convictions for multiple counts of murder nearly forty years ago.

² The writ application reveals Mr. Brooks originally filed his Application for PCR on November 2, 2023, and sought to supplement it on or around August 3, 2026.

³ Louisiana Code of Criminal Procedure Article 930.8(A) provides that “[n]o application for post conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final under the provisions of Article 914 or 922, unless” certain circumstances are present.

Louisiana Code of Criminal Procedure Article 926.1 is titled “Application for DNA testing.” It provides, in pertinent part:

Prior to August 31, 2030, a person convicted of a felony may file an application under the provisions of this Article for post-conviction relief requesting DNA testing of an unknown sample secured in relation to the offense for which the person was convicted. On or after August 31, 2030, a petitioner may request DNA testing under the rules for filing an application for post-conviction relief as provided in Article 930.4 or 930.8.

La. C.Cr.P. art. 926.1(A)(1).

Considering the foregoing Article, we find the district court erred in summarily dismissing Mr. Brooks’ request for DNA testing as procedurally barred for untimeliness. Accordingly, we grant Mr. Brooks’ writ application for the limited purpose of ordering the district court to rule specifically on whether Mr. Brooks has made a sufficient showing under La. C.Cr.P. art. 926.1(B)⁴ to merit testing of the material. In all other respects, Mr. Brooks’ writ application is denied.

⁴ Louisiana Code of Criminal Procedure Article 926.1(B) provides:

An application filed under the provisions of this Article shall comply with the provisions of [La. C.Cr.P. art.] 926 and shall allege all of the following:

(1) A factual explanation of why there is an articulable doubt, based on competent evidence whether or not introduced at trial, as to the guilt of the petitioner in that DNA testing will resolve the doubt and establish the innocence of the petitioner.

(2) The factual circumstances establishing the timeliness of the application.

(3) The identification of the particular evidence for which DNA testing is sought.

(4) That the applicant is factually innocent of the crime for which he was convicted, in the form of an affidavit signed by the petitioner under penalty of perjury.

New Orleans, Louisiana, this 23rd day of October, 2026.

DNA

JUDGE DALE N. ATKINS

PAB

JUDGE PAULA A. BROWN

TGC

JUDGE TIFFANY GAUTIER CHASE