

LOUISIANA COURT OF APPEAL, SECOND CIRCUIT

State of Louisiana v. Eric Dominic Nabors

No. 56,787-KA · No. No. 56,787-KA · Decided April 8, 2026

SUMMARY

The Louisiana Second Circuit Court of Appeal reversed the trial court’s order granting Eric Dominic Nabors post-conviction relief and a new trial. The court held that Nabors knowingly waived his constitutional right to testify and failed to overcome the presumption of waiver with sufficient corroborating evidence.

CASE DETAILS

COURT	Louisiana Court of Appeal, Second Circuit
WRITING FOR THE COURT	Marcotte, J.; Cox, J.; Robinson, J.
JURISDICTION	Louisiana Court of Appeal, Second Circuit
DECIDED	April 8, 2026
DOCKET	No. 56,787-KA
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed the trial court's order granting Eric Nabors post-conviction relief and ordering a new trial based on an alleged denial of his right to testify.
STANDARD OF REVIEW	The opinion reviews whether the trial court erred in granting post-conviction relief; it emphasizes that reversal is warranted where the ruling departs from the law and evidence.
PRECEDENTIAL VALUE	published
PARTIES	State of Louisiana v. Eric Dominic Nabors

TOPICS

- post-conviction relief
- right to counsel
- criminal procedure
- appellate procedure
- constitutional law

PRACTICE AREAS

- criminal law
- post-conviction relief
- criminal procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether Nabors rebutted the presumption that a defendant who does not testify knowingly and voluntarily waived the constitutional right to testify.
2. Whether the evidence established that trial counsel caused Nabors to forgo his right to testify so as to warrant post-conviction relief and a new trial.

HOLDINGS

1. When a criminal defendant does not take the stand, the law presumes that the defendant knowingly and voluntarily waived the right to testify, absent extraordinary circumstances alerting the trial court to a conflict between attorney and client.
2. Nabors did not rebut the presumption of waiver because he presented only uncorroborated, self-serving testimony and conclusory allegations, without supporting affidavits, documentation, or credible record evidence showing that counsel legally forbade him from testifying or compelled him to remain silent.
3. The trial court erred in granting post-conviction relief and ordering a new trial because the evidence did not establish that Nabors was denied his right to testify.

KEY QUOTATIONS

““mere conclusory allegations are insufficient to rebut a presumption arising from a defendant’s silence at trial that he waived his right to testify”” (at 9)

“For the reasons expressed, the trial court’s ruling granting Mr. Nabors’ application for post-conviction relief is reversed.” (at 10)

FACTUAL BACKGROUND

Nabors was convicted by a unanimous jury of second-degree murder arising from the death of a two-year-old child who was in his sole care and sustained fatal, non-self-inflicted injuries. At trial, Nabors did not testify, and his counsel stated that the defense would present no evidence after consulting with him. In post-conviction proceedings, Nabors claimed that counsel had prevented him from testifying, while both trial attorneys testified that he had not objected to the decision not to testify and that the ultimate decision belonged to him.

PROCEDURAL HISTORY

Nabors was convicted of second-degree murder, and the conviction was reinstated by the Louisiana Court of Appeal after the trial court reduced it to negligent homicide. After further proceedings, he was sentenced to life imprisonment without benefits, and his sentence was affirmed on appeal. He later sought post-conviction relief on five claims. The trial court denied four claims, denied the jury-waiver claim, but granted relief and ordered a new trial on the right-to-testify claim. The State obtained supervisory review, and the matter proceeded as a suspensive appeal.

DISPOSITION

reversed

CASES CITED

- State v. Nabors, 52,163 (La. App. 2 Cir. 7/19/18), 251 So. 3d 1214
- State v. Nabors, 19-0567 (La. 5/28/19), 274 So. 3d 560
- State v. Nabors, 53,357 (La. App. 2 Cir. 4/22/20), 295 So. 3d 974
- State v. Dauzart, 99-3471 (La. 10/30/00), 769 So. 2d 1206
- State v. Hampton, 00-0522 (La. 3/22/02), 818 So. 2d 720
- State v. Rumley, 14-1077 (La. App. 4 Cir. 12/16/15), 183 So. 3d 640
- Passos-Paternina v. United States, 12 F. Supp. 2d 231 (D.P.R. 1998)
- State v. James, 05-2512, p. 1 (La. 9/29/06), 938 So. 2d 691

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