

LOUISIANA COURT OF APPEAL, FOURTH CIRCUIT

State of Louisiana v. Kendall Gordon

No. 2024-KA-0244 · No. 2024-KA-0244 · Decided January 9, 2026

SUMMARY

In this dissent, Judge Herman would affirm the trial court's denial of Kendall Gordon's petition for compensation for wrongful conviction under La. R.S. 15:572.8. The dissent concludes that the DNA evidence did not exclude Gordon, credibility concerns surrounded a witness's recantation, and the trial court was not manifestly erroneous in finding that Gordon failed to establish factual innocence by clear and convincing evidence.

CASE DETAILS

COURT	Louisiana Court of Appeal, Fourth Circuit
WRITING FOR THE COURT	Karen K. Herman; Roland L. Belsome; Sandra Cabrina Jenkins
JURISDICTION	Louisiana Court of Appeal, Fourth Circuit
DECIDED	January 9, 2026
DOCKET	2024-KA-0244
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dissent from the majority's reversal of the trial court's denial of Gordon's petition for compensation for wrongful conviction under La. R.S. 15:572.8.
STANDARD OF REVIEW	Manifest error, with great weight afforded to the trial court's factual findings. The appellate court's role is to determine whether the trial court's judgment was reasonable based on the record as a whole, not whether the appellate court would have reached the same conclusion.
PRECEDENTIAL VALUE	Published dissenting opinion; no independent binding precedential holding
PARTIES	State of Louisiana v. Kendall Gordon

TOPICS

[post-conviction relief](#)[standard of review](#)[burden of proof](#)[appellate procedure](#)[remedies](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court manifestly erred in denying Gordon compensation under La. R.S. 15:572.8 after finding that he had not proved factual innocence by clear and convincing evidence.
2. Whether the record supported the trial court's credibility assessment of Darceleen Commodore's recantation.
3. Whether the absence of reasons for judgment required reversal of the trial court's denial of wrongful-conviction compensation.

HOLDINGS

1. Judge Herman would hold that the trial court did not manifestly err in finding that Gordon failed to establish factual innocence by clear and convincing evidence and would affirm the denial of compensation.
2. Judge Herman would hold that the trial court was not unreasonable in finding credibility issues concerning Commodore's recantation, particularly in light of evidence that she faced threats from the street.
3. Judge Herman would hold that La. R.S. 15:572.8 does not require the trial court to provide reasons for judgment on an application for wrongful-conviction compensation.

KEY QUOTATIONS

“In reviewing an application for compensation for wrongful conviction pursuant to La. R.S. 15:572.8, an appellate court “must afford great weight to the findings of the trier of fact and apply the manifest error standard.””

“In reviewing for manifest error, the appellate court’s role “is not to decide whether [it] would have reached the same conclusion, but rather to determine whether the trial court’s judgment was reasonable based on the record as a whole.””

“Therefore, to meet this burden of proof, Gordon had to show that it was “highly probable or much more probable than not” that he did not commit the crime for which he was convicted nor any other crimes based upon the same set of facts.”

FACTUAL BACKGROUND

Gordon sought wrongful-conviction compensation after his conviction was set aside. DNA testing did not outright exclude Gordon as a contributor to DNA recovered from a firearm, cartridges, clothing, and a plastic glove. The principal identification witness, Darceleen Commodore, initially identified Gordon as one of the perpetrators but later recanted, and the record contained evidence of possible threats from the street concerning her identification.

PROCEDURAL HISTORY

Gordon petitioned the trial court for compensation for wrongful conviction. After receiving testimony and evidence, including DNA evidence and testimony concerning a witness's recantation, the trial court denied compensation. The majority reversed on remand, while Judge Herman would have affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- State v. Ruano, 2019-0709, p. 4 (La. App. 4 Cir. 3/4/19), 294 So. 3d 44, 46
- State v. Ford, 50,525, p. 5 (La. App. 2 Cir. 5/18/16), 193 So. 3d 1242, 1244
- Ballard v. State, 2024-0606, p. 19 (La. App. 4 Cir. 3/14/25), 414 So. 3d 800, 810
- State v. Walter, 2024-0420, p. 11 (La. App. 4 Cir. 4/29/25), 414 So. 3d 1009, 1016-17
- Jones v. State, 2022-01455, p. 6 (La. 5/5/23), 362 So. 3d 341, 345
- In re Williams, 2007-1380, p. 5 (La. App. 1 Cir. 2/20/08), 984 So. 2d 789, 793