

**STATE OF LOUISIANA
COURT OF APPEAL
FIRST CIRCUIT**

**DOCKET NUMBER
2025 KA 0437**

STATE OF LOUISIANA

VERSUS

LAKENDALL T. BROWN

SEP 02 2026

Judgment Rendered: _____

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**ON APPEAL FROM THE
22ND JUDICIAL DISTRICT COURT, DIVISION H
WASHINGTON PARISH, STATE OF LOUISIANA
DOCKET NUMBER 23-CR7-151383**

HONORABLE ALAN A. ZAUNBRECHER, JUDGE PRESIDING

*** * * * ***

**Kevin V. Boshea
Metairie, Louisiana**

**Attorney for Defendant-Appellant
LaKendall Travon Brown**

**J. Collin Sims
District Attorney
Butch Wilson
Assistant District Attorney
Covington, Louisiana
and
Jason Cuccia
Franklinton, Louisiana
Assistant District Attorney**

**Attorneys for Appellee
State of Louisiana**

BEFORE: McCLENDON, C.J., GREENE, and STROMBERG, JJ.

McClendon, C.J. concurs and assigns reasons.

GREENE, J.

A grand jury indicted the defendant, LaKendall T. Brown¹, with second degree murder (count one), in violation of La. R.S. 14:30.1; obstruction of justice by tampering with evidence (count two), in violation of La. R.S. 14:130.1(A)(1) and (B)(1); and carrying a firearm or dangerous weapon on school property and its use in the commission of a crime of violence (count three), in violation of La. R.S. 14:95.2(A) and (D)(2). The defendant pled not guilty and the matter proceeded to a jury trial. The jury found him guilty of the responsive verdict of manslaughter, in violation of La. R.S. 14:31, on count one and guilty as charged on counts two and three. The defendant filed a motion for new trial and a motion for post-verdict judgment of acquittal, both of which the trial court denied.

The trial court sentenced the defendant to thirty years imprisonment at hard labor without the benefit of parole or suspension of sentence on count one²; twenty years imprisonment at hard labor on count two, to run concurrent with count one; and five years imprisonment at hard labor on count three, to run consecutive to counts one and two. The trial court also imposed a \$50,000 fine on count two. The defendant filed a motion to reconsider sentence in open court, which the trial court later denied.

The defendant now appeals, arguing his convictions were contrary to law and evidence, and the trial court erred in denying his motions for new trial, post-verdict judgment of acquittal, and to reconsider sentence. After review, we affirm the defendant's convictions; affirm the sentence on count one, as amended; affirm in part and vacate in part the sentence on count two; affirm the sentence on count three; and remand to the trial court for a hearing in compliance with La. C.Cr.P. art. 875.1.

FACTS

On October 14, 2022, the Bogalusa Police Department (BPD) responded to a shooting at the Bogalusa High School (BHS) homecoming football game. When BPD officers arrived at the alleyway where the shooting had just occurred, they encountered Jerome Wilson,

¹ The record reflects a discrepancy in the spelling of the defendant's name. We spell the defendant's name as it is spelled in the indictment.

² There is a discrepancy between the minutes and the transcript as to the sentence on count one. The minutes indicate the trial court restricted the defendant's probation and suspension of sentence; however, the sentencing transcript indicates the trial court restricted his parole and suspension of sentence. We address this discrepancy in the patent error section.

who was holding a young child. Officers told Mr. Wilson to take cover - he responded that everything was okay and "It's over now." BPD Detective Casey Hidalgo found Jerry Smith (hereinafter, J.S.) lying on the ground at the far end of the alleyway with a gun directly beside him.³ J.S. was transported to a local hospital where he was pronounced dead. Officers canvassed the alleyway and found three sets of shell casings, leading them to conclude that three guns were used in the shooting - two sets of shell casings were found on opposite sides of the alleyway and a third set was found on the far end of the alleyway near where J.S. was found. Officers also reviewed video footage from cameras mounted on the BHS fieldhouse and identified several individuals who were in the alleyway at the time of the shooting. Those individuals included Mr. Wilson, his child, Sharde Laurent (the mother of the child), Jordan Smith, and the defendant.

Days after the shooting, the defendant voluntarily turned himself in to police after learning there was a warrant for his arrest. Several months later, BPD officers executed a search warrant for an unrelated crime at Jordan Smith's residence and recovered a disassembled 9mm Glock handgun. That handgun was sent to the crime lab for testing and it ballistically matched one set of shell casings recovered from the alleyway where J.S. was shot. At the time of the defendant's trial, Mr. Smith was still considered a suspect in the case, but officers had not yet sought an arrest warrant for him. An arrest warrant was also issued for Mr. Wilson, but the record does not show the status of that warrant.

ASSIGNMENTS OF ERROR ONE, TWO, AND THREE

In these combined assignments of error, the defendant challenges the sufficiency of the evidence.⁴ He argues he did not kill J.S., and the evidence did not eliminate the likelihood that either Mr. Wilson or Mr. Smith killed J.S. He also argues a rational trier of

³ Three persons referenced in this opinion have the surname "Smith." To avoid confusion, we reference Jerry Smith, the victim, as J.S.

⁴ In these assignments of error, the defendant argues the verdict of manslaughter is contrary to the law and the evidence, and the trial court erred in denying his motion for new trial, as well as his motion for post-verdict judgment of acquittal, both of which were premised upon the insufficiency of evidence. A challenge to the sufficiency of the evidence is properly raised by a motion for post-verdict judgment of acquittal, not a motion for new trial. *See* La. C.Cr.P. art. 821. A motion for new trial presents only the issue of the weight of the evidence and is examined under the so-called thirteenth juror standard, under which the trial judge reweighs the evidence. *State v. Francis*, 2019-1392 (La. App. 1 Cir. 12/17/20), 318 So.3d 862, 867, n.6. Appellate courts may review the grant or denial of a motion for new trial only for errors of law. *See* La. C.Cr.P. art. 858. Accordingly, the only issue reviewable in the defendant's first three assignments of error is the constitutional issue of the sufficiency of the evidence, which he raised in his motion for post-verdict judgment of acquittal. *See State v. Anthony*, 2023-0117 (La. App. 1 Cir. 11/3/23), 378 So.3d 766, 770, n.3, *writ denied*, 2024-00027 (La. 5/21/24), 385 So.3d 242; *Francis*, 318 So.3d at 867, n.6.

fact would have concluded the shooters were Mr. Wilson and Mr. Smith.⁵ Further, he challenges the credibility of the State's only eyewitness, Ms. Laurent, who testified that she saw the defendant with a gun in the alleyway after the shooting. Specifically, the defendant argues the jury was irrational in accepting Ms. Laurent's testimony.

A conviction based on insufficient evidence cannot stand, as it violates due process. *See* U.S. Const. amend. XIV, La. Const. art. I, §2. The standard of review for sufficiency of the evidence to support a conviction is whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the State proved the essential elements of the crime and the defendant's identity as the perpetrator of the crime beyond a reasonable doubt. *See* La. C.Cr.P. art. 821(B); *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S.Ct. 2781, 2789, 61 L.Ed.2d 560 (1979); *State v. Coleman*, 2021-0870 (La. App. 1 Cir. 4/8/22), 342 So.3d 7, 11, *writ denied*, 2022-00759 (La. 11/21/23), 373 So.3d 460.

When a conviction is based on both direct and circumstantial evidence, the reviewing court must resolve any conflict in the direct evidence by viewing that evidence in the light most favorable to the prosecution. When the direct evidence is thus viewed, the facts established by the direct evidence and the facts reasonably inferred from the circumstantial evidence must be sufficient for a rational juror to conclude beyond a reasonable doubt that the defendant was guilty of every essential element of the crime. *State v. Currie*, 2020-0467 (La. App. 1 Cir. 2/22/21), 321 So.3d 978, 982.

When analyzing circumstantial evidence, La. R.S. 15:438 provides that the factfinder must be satisfied the overall evidence excludes every reasonable hypothesis of innocence. When a case involves circumstantial evidence and the jury reasonably rejects the hypothesis of innocence presented by the defense, that hypothesis falls, and the defendant is guilty unless there is another hypothesis which raises a reasonable doubt. *State v. Fair*, 2024-0759 (La. App. 1 Cir. 7/11/25), 417 So.3d 1166, 1174, *writ denied*, 2025-00933 (La. 1/21/26), 424 So.3d 1092, *cert. denied*, ____ S.Ct. ____, 2026 WL 1855066 (2026).

Importantly, the due process standard set forth in *Jackson* does not require the reviewing court to determine whether it believes the witnesses or whether it believes the

⁵ At trial, the defendant advanced a dual theory defense challenging his identification and asserting that he acted in self-defense. The jury was instructed on self-defense and the aggressor doctrine. The defendant abandoned the self-defense theory on appeal.

evidence establishes guilt beyond a reasonable doubt. *State v. Stewart*, 2025-01032 (La. 6/29/26), ___ So.3d ___, ___, 2026 WL 1861893, *3. Rather, the reviewing court must accord much discretion to the fact finder in its determinations of the evidence and witness credibility; the reviewing court may impinge on this discretion only to the extent necessary to guarantee the fundamental protection of due process of law. *See Id.* The *Jackson* standard does not permit a reviewing court to substitute its appreciation of the facts for that of the trier of fact, to assess witness credibility, or to reweigh the evidence. *Id.* We now review the evidence presented at trial.

Det. Hidalgo was working security detail for the BHS football game on the night of the shooting. At trial, Det. Hidalgo testified that she was standing in the BHS football stadium near the fieldhouse when she heard multiple gunshots coming from the alleyway. She initially heard two shots and then heard several more shots being fired from what she thought was more than one gun. The shooting lasted about ten seconds.⁶ During the gunfire, Det. Hidalgo looked under a fence abutting the alleyway and saw the legs and feet of a person wearing light-colored jeans and bright white sneakers in the alleyway. After the shooting, that person ran up the alleyway toward Avenue B. Det. Hidalgo and two other officers proceeded into the alleyway to investigate the shooting. They encountered a man holding a young child and told him to take cover. The man, later identified as Mr. Wilson, responded, "It's okay. It's over now."

Det. Hidalgo then continued to the far end of the alleyway and found J.S. lying on the ground. She turned him over to administer CPR and noticed a gun, later identified as a Ruger 57 pistol, directly beside him.⁷ After J.S. was transported to the hospital, Det. Hidalgo recovered two shell casings near where his body was found. It was later determined that those shell casings came from the Ruger 57 pistol.

When she returned up the alleyway, Det. Hidalgo discovered and collected two separate clusters of 9mm shell casings. She found one cluster of nine shell casings between

⁶ During Det. Hidalgo's testimony, the State played a TikTok video for the jury which was apparently filmed by a spectator at the football game. The barrage of gunfire, which occurred while the football game was being played, can be heard on the video. Det. Hidalgo confirmed that the video accurately reflected the shots as she heard them.

⁷ The State introduced the Ruger 57 pistol at trial as State's exhibit 40.

two vehicles near the fence where she had seen the person wearing light-colored jeans and bright white sneakers. She found a second cluster of eight shell casings across the alleyway from there and next to a gate behind an AT&T building. As she was testifying, Det. Hidalgo marked an aerial photograph of the scene with marks showing where she was initially standing before the shooting, where she found J.S. in the alleyway, and the two alleyway areas from where she collected the spent shell casings. The State introduced the aerial photograph into evidence. Det. Hidalgo also testified J.S. was a suspect in two unrelated shootings, one of which occurred in Bogalusa days before the instant shooting.

BPD Detective Justin Blackwell also participated in the investigation of the shooting. At trial, Det. Blackwell reviewed several segments from video footage recovered from the BHS fieldhouse cameras as those videos were published to the jury. He explained the video showed what happened at one end of the alleyway (near Avenue B) before and after the shooting, but there was no footage of the actual shooting, which occurred further down the alleyway. According to Det. Blackwell, the first video showed a close-up view of several individuals walking down a sidewalk prior to the shooting: J.S. walking alone; and then, minutes later, a group consisting of Ms. Laurent carrying her child; followed by Mr. Wilson and Mr. Smith walking side by side; and then the defendant and an unidentified male walking side by side. We note that, in this video, the defendant is wearing light-colored jeans and is the only person in the group wearing solid white sneakers.

Another video shows a remote view of the alleyway after the shooting. The video shows Mr. Wilson carrying his child, running up the alleyway, and then stopping at its intersection with Avenue B; the defendant and Mr. Smith running in that same direction, on opposite sides of the alleyway; the three men apparently conversing; the defendant approaching and then ducking down between two vehicles, standing again, and walking away down Avenue B; Mr. Smith turning the same way as the defendant on Avenue B and leaving the area; Ms. Laurent walking up the alleyway to meet Mr. Wilson and their child; and police officers approaching, who speak to the couple and then continue down the alleyway to where J.S. was found. Minutes later, another video shows several unidentified males approaching and one of them ducking down between the same vehicles where defendant had ducked down. However, Det. Blackwell admitted that he had no physical

evidence establishing “what was placed under the truck” and that no gun was ever found connecting the defendant to the shooting.

Det. Blackwell also testified that both Mr. Wilson and Mr. Smith were interviewed about the shooting; however, their accounts were both inconsistent with the physical evidence and the video footage. Det. Blackwell confirmed that a relative of Mr. Wilson was injured in a Bogalusa shooting that occurred days earlier and J.S. was a suspect in that shooting.

Sharde Laurent, a State witness, testified at trial that she attended the BHS football game with Mr. Wilson and their two-year-old child. She stated that she parked her car and, before getting out, she saw Mr. Wilson put a gun in the car’s glove compartment. According to Ms. Laurent, she and the child separated from Mr. Wilson once inside the stadium and they did not meet up again until after the game. Then, as the couple and their child left the stadium, Mr. Wilson began talking to friends, including the defendant. After about ten to fifteen minutes, Mr. Wilson, the defendant, and another man Ms. Laurent did not know (presumably, Jordan Smith) walked with her and the child toward her car, and, at some point, Mr. Wilson picked up the child. As the group walked down the alleyway, Ms. Laurent saw “a guy pop out” from behind a car and point a gun in their direction. Ms. Laurent testified that she then hid behind a car while Mr. Wilson ran up the alleyway with their child. She then heard several gunshots. Immediately after the shooting, Ms. Laurent testified that she saw the defendant with a gun in his hand, though she did not know if he fired it. Ms. Laurent did not see what the defendant did with that gun and did not see him duck down between vehicles. She also did not see what happened to the other man with their group (presumably Jordan Smith). She indicated that her attention was focused on her child.

Ms. Laurent also testified that, after the shooting, police officers met with her three times, but she did not give a statement until the third time. The first time, she was with Mr. Wilson when the police interviewed him, and she admitted that she did not correct certain false statements he made to the officers. She met with police again the next day but gave no statement. According to Ms. Laurent, at the third meeting (five days after the shooting), an officer indicated he would take safety measures for her if she was forthcoming and that she then felt comfortable enough to talk to him about the shooting. It was then

that she claimed she told the officer what she told the jury -- that she saw the "guy pop out" from behind a car pointing a gun (later identified as J.S.) and that, after the shooting, she also saw the defendant with a gun, but that she did not see either J.S. or the defendant actually shoot a gun. On re-direct examination, Ms. Laurent admitted that she actually had told the officer that she saw both J.S. and the defendant fire the guns. She did not know who fired the first shot or the last shot.

On cross examination, Ms. Laurent testified she did not know what kind of gun Mr. Wilson had with him in her car, but that it "looked something like" the gun defense counsel was showing her, the Ruger 57 pistol found near J.S.'s body.⁸ Ms. Laurent stated she had no relationship with the defendant and did not know how Mr. Wilson knew him. Ms. Laurent did not notice whether the defendant or the other person walking with them (presumably Jordan Smith) had a gun when the group was walking down the alleyway before the shooting. Further, Ms. Laurent testified she did not know whether the defendant brought the gun with him or if he picked it up off the ground later. Ms. Laurent maintained that, after the shooting, she saw the defendant running with a gun. She also clarified that she only saw two guns.

Stanley Nathaniel testified as a defense witness at trial and stated that he attended the BHS football game on the night of the shooting. He left the game early and encountered the defendant outside the stadium. Mr. Nathaniel testified that the defendant greeted him and the two talked as they headed toward Mr. Nathaniel's vehicle. When asked about the defendant's demeanor, Mr. Nathaniel stated he seemed "normal and cheerful." After the two parted, Mr. Nathaniel heard no noise that caught his attention before he got to his car, while he was inside his parked car, or as he drove off in his car. On cross examination, Mr. Nathaniel was asked whether he noticed anything suggesting the defendant had a gun and he stated, "I mean, we hugged, and I didn't feel anything or see anything, no." Mr. Nathaniel later clarified that he could not definitively say whether the defendant had a gun that night.

Latania Magee, J.S.'s mother, testified that her son was sixteen years old when he died. Ms. Magee did not know J.S. was a suspect in two unrelated shootings. According to

⁸ In his brief, the defendant represents that defense counsel showed Ms. Laurent a Glock handgun.

Ms. Magee, J.S. had been living in a state-run group home for approximately four or five months. About one month before the shooting, J.S. ran away from the group home and she had not seen him since.

Dr. Michael B. Defatta, accepted as an expert in forensic pathology, testified regarding the autopsy performed on J.S.⁹ Dr. Defatta testified that J.S. suffered three gunshot wounds. The first shot grazed his left upper back and then entered his left arm, where it lodged. A second shot entered the left side of J.S.'s back, hitting the lower portion of his left lung and the top portion of his heart before impacting his sternum. The second shot was fatal. A third shot entered J.S.'s left thigh and the bullet lodged in muscle tissue. Dr. Defatta confirmed the trajectory of the bullets was from left to right and the bullets were fired from a distance, as "there [was] no stippling, no soot, [or] searing [on J.S.'s body]." The projectiles recovered from J.S.'s body were sent to the crime lab for testing.

BPD Sergeant Tyler Lindsey also testified at trial. He stated that, in May 2023 (about seven months after the instant shooting), BPD arrested Mr. Smith for an unrelated attempted shooting. During that investigation, BPD executed a search warrant at Mr. Smith's residence, where they recovered a disassembled Glock handgun.¹⁰ The gun was sent to the crime lab for testing.

St. Tammany Parish Deputy Sheriff Jene' Rauch, accepted as an expert in firearms and toolmarker examination, testified that her main duties were to test-fire weapons submitted to the lab to make sure they were operable and to examine casings to determine if they were fired from a particular weapon. Dep. Rauch analyzed the nineteen shell casings recovered from the scene, two guns submitted to the lab, and the three projectiles recovered from J.S.'s body. She ultimately concluded that two of the casings were fired from the gun collected from where J.S. was found, the Ruger 57 pistol; the cluster of eight 9mm shell casings recovered in the alleyway near the AT&T building were fired from the newer model Glock handgun recovered from Mr. Smith's residence; and the cluster of nine 9mm casings found near the alleyway fence (where Det. Hidalgo had seen the person wearing light-colored jeans and bright white sneakers) were all fired from another newer model Glock

⁹ Dr. Christopher Tape, a forensic pathologist, actually performed the autopsy. No objections were made to Dr. Defatta testifying in lieu of Dr. Tape.

¹⁰ The State introduced the Glock handgun at trial as State exhibit 43.

handgun. There was no gun to match the cluster of nine casings, but Dep. Rauch was certain they were fired from the same gun. Finally, she testified the projectiles recovered from J.S.'s body were all of the same class, were consistent with newer model Glocks, and were all fired from the same gun, but she could not determine from which gun they were fired. Det. Rauch opined that, if she had a third gun to compare, she might have been able to make that determination.

Rosalyn Smith, called at trial as a defense witness, testified that she was a close friend of the defendant's mother. Ms. Smith saw the defendant at the football game on two separate occasions; he was wearing a black sweater and dark blue jeans, but she could not recall if he had on "bright white tennis shoes." She testified she hugged the defendant and did not feel a gun or anything unusual on him. Ms. Smith claimed she knew the defendant did not have a gun and that Mr. Smith did, though she admitted she was not present during the shooting and did not see either of the men with a gun.

Manslaughter Conviction

The grand jury indicted the defendant with second degree murder (count one); however, the jury convicted him of the responsive verdict of manslaughter. Manslaughter is a legislatively approved responsive verdict to a charge of second degree murder. *See* La. C.Cr.P. art. 814(A)(3).

Manslaughter is defined as a homicide which would be murder under either La. R.S. 14:30 (first degree murder) or La. R.S. 14:30.1 (second degree murder), but the offense is committed in sudden passion or heat of blood immediately caused by provocation sufficient to deprive an average person of his self-control and cool reflection. La. R.S. 14:31(A)(1). Alternatively, manslaughter can also be pertinently defined as a homicide committed without any intent to cause death or great bodily harm, when the offender is engaged in the perpetration or attempted perpetration of any felony not enumerated in La. R.S. 14:30 or 14:30.1. La. R.S. 14:31(A)(2)(a). This second type of manslaughter is known as felony manslaughter. *See State v. Goodley*, 2001-0077 (La. 6/21/02), 820 So.2d 478, 483; *State v. Myers*, 1999-1849 (La. 4/11/00), 760 So.2d 310, 315.

The trial court instructed the jury of both manslaughter definitions, setting forth the requisite elements as follows:

[I]n order to convict the defendant of manslaughter, you must find:

One, that the defendant killed [J.S.]; and

Two, that the defendant had a specific intent to kill or inflict great bodily harm;
and

Three, that the killing was committed in sudden heat – in sudden passion or heat of blood immediately caused by provocation sufficient to deprive an average person of his self-control and cool reflection.

Or that the defendant killed [J.S.] whether or not he had an intent to kill and that the killing --

Two, that the killing took place while the defendant was engaged in the commission or attempted commission of ... illegal use of a weapon or aggravated assault.

Illegal use of a weapon is the intentional or criminally negligent discharging of any firearm, where it is foreseeable that it may result in death or great bodily harm to a human being. La. R.S. 14:94(A). Illegal use of a weapon is a felony and will support a conviction for felony manslaughter under La. R.S. 14:31(A)(2)(a). *See State v. Brown*, 513 So.2d 425, 428 (La. App. 2 Cir. 1987), *writ denied*, 516 So.2d 367 (La. 1988).

The State bears the burden of proving the elements of the offense, along with the burden of proving the defendant's identity as the perpetrator. *State v. Howard*, 2023-1060 (La. App. 1 Cir. 6/3/24), 392 So.3d 365, 371, *writ denied*, 2024-00812 (La. 2/19/25), 400 So.3d 923. When, as in this case, the key issue is the defendant's identity as the perpetrator of the crime, rather than whether the crime was committed, the State is required to negate any reasonable probability of misidentification to carry its burden of proof. *State v. Johnson*, 99-2114 (La. App. 1 Cir. 12/18/00), 800 So.2d 886, 888, *writ denied*, 2001-0197 (La. 12/7/01), 802 So.2d 641. Positive identification by even one witness may be sufficient to support a conviction. *State v. Jones*, 2018-0085 (La. App. 1 Cir. 11/5/18), 2018 WL 5785450, *2, *writ denied*, 2018-1993 (La. 4/22/19), 268 So.3d 294.

Under Louisiana law, a defendant whose involvement in a murder is demonstrated by the evidence can be convicted of manslaughter, regardless of whether he directly committed the act, as all persons involved in the commission of a crime are treated as principals. *See Stewart*, ___ So.3d at ___; 2026 WL 1861893 at *5. Louisiana Revised Statutes 14:24 provides that "[a]ll persons concerned in the commission of a crime, whether present or absent, and whether they directly commit the act constituting the offense, aid

and abet in its commission, or directly or indirectly counsel or procure another to commit the crime, are principals.”

The trier of fact is free to accept or reject, in whole or in part, any witness’s testimony. Moreover, when there is conflicting testimony about factual matters, the resolution of which depends upon a determination of witness credibility, the matter is one of the weight of the evidence, not its sufficiency. Further, the fact that the record contains evidence that conflicts with the testimony accepted by the trier of fact does not render the accepted evidence insufficient. *State v. Quinn*, 479 So.2d 592, 596 (La. App. 1 Cir. 1985). An appellate court is constitutionally precluded from acting as a “thirteenth juror” in assessing what weight to give evidence in criminal cases. *See State v. Mitchell*, 1999-3342 (La. 10/17/00), 772 So.2d 78, 83. As such, the trier of fact’s determination of the weight given to evidence is not subject to appellate review, and we will not reweigh the evidence to overturn a trier of fact’s determination of guilt. *State v. Taylor*, 97-2261 (La. App. 1 Cir. 9/25/98), 721 So.2d 929, 932.

Based on the record, and viewing the evidence in the light most favorable to the State, we conclude there was sufficient evidence from which the jury found the defendant was guilty of felony manslaughter beyond a reasonable doubt. The defendant does not dispute that he was in the alleyway at the time of the shooting. As shots were being fired, Det. Hidalgo saw a person wearing light-colored jeans and bright white sneakers in the alleyway. When the gunfire stopped, Det. Hidalgo saw that person run up the alleyway toward Avenue B. She later found spent shell casings near the fence where she saw the person wearing light-colored jeans and bright white sneakers. Further, Ms. Laurent testified that, immediately after the shooting, she saw the defendant running with a gun in his hand in the alleyway. Although Ms. Laurent may have had credibility issues as a witness, and although no gun was ever found connecting the defendant to the shooting, the jury was fully informed of Ms. Laurent’s apparent lack of credibility and that she was the only eyewitness who saw the defendant with a gun. As the trier of fact, the jury was free to accept her testimony as true, assess its weight, and find it to be sufficient factual proof that the defendant possessed and shot a gun. *See Jones*, 2018 WL 5785450 at *6. In this case,

the weight given to Ms. Laurent's testimony is not subject to appellate review. *See Mitchell*, 772 So.2d at 83; *Taylor*, 721 So.2d at 932.

Additionally, the post-shooting video evidence supports Det. Hidalgo's testimony and Ms. Laurent's testimony – that is, the video shows the defendant, wearing light-colored jeans and white sneakers, running up the alleyway, and then ducking between two vehicles, as though hiding something, and then leaving the scene. In fact, during jury deliberations, the jury asked to watch the post-shooting video twice. Although one video shows four persons leaving the alleyway (Mr. Wilson, Mr. Smith, the defendant, and Ms. Laurent) after the shooting, the jury carefully considered and clearly rejected the defendant's hypothesis of innocence, to wit: that Mr. Wilson and Mr. Smith were the shooters.

In felony manslaughter, the *mens rea* of the underlying felony provides the malice necessary to transform an unintended homicide into a murder. *See State v. Johnson*, 2015-0513 (La. App. 1 Cir. 12/23/15), 185 So.3d 822, 827, *writ denied*, 2016-0174 (La. 2/3/17), 215 So.3d 688. Thus, under La. R.S. 14:31(A)(2)(a), specific intent to kill or inflict great bodily harm is not an essential element of felony manslaughter. *See Id.* The testimony and video evidence provide sufficient evidence from which the jury could have reasonably found that the defendant illegally discharged a gun, where it was foreseeable that such would result in death or great bodily harm to a human being. *See* La. R.S. 14:94(A). Thus, because a homicide was committed when the defendant was engaged in the perpetration of the illegal use of a weapon, a felony, we find the evidence presented by the State was sufficient to support a conviction of felony manslaughter.

Obstruction of Justice Conviction

With respect to the obstruction of justice conviction, the defendant argues the State failed to prove he possessed a gun or that he removed a gun from the crime scene.

Louisiana Revised Statutes 14:130.1, as it read at the time of the offense,¹¹ pertinently provided:

A. The crime of obstruction of justice is any of the following when committed with the knowledge that such act has, reasonably may, or will affect an actual or potential present, past, or future criminal proceeding as described, in this Section:

¹¹ We use the version of the statute in effect at the time of the commission of the offense. *See State v. Sugasti*, 2001-3407 (La. 6/21/02), 820 So.2d 518, 520-21.

(1) Tampering with evidence with the specific intent of distorting the results of any criminal investigation or proceeding which may reasonably prove relevant to a criminal investigation or proceeding. Tampering with evidence shall include the intentional alteration, movement, removal, or addition of any object or substance either:

(a) At the location of any incident which the perpetrator knows or has good reason to believe will be the subject of any investigation by state, local, or United States law enforcement officers; or

(b) At the location of storage, transfer, or place of review of any such evidence.

The trial court instructed the jurors they could find the defendant guilty of obstruction of justice by tampering with evidence if they found:

One, the defendant knew or had good reason to believe that his act may affect an actual, potential present, past, or future criminal proceeding; and

Two, that the defendant tampered with evidence by hiding a firearm under a truck near Bogalusa High School, or removing a firearm from the premises; and

Three, that the defendant had the specific intent to distort the results of an actual, potential, present, past, or future criminal proceeding or investigation; and

Four, that the evidence was reasonably likely to be relevant to an actual, potential present, past, or future criminal investigation or proceeding.

In *State v. Jones*, 2007-1052 (La. 6/3/08), 983 So.2d 95, 101, the Louisiana Supreme Court set forth four elements the State must prove to establish obstruction of justice. First, the obstruction must be committed with the knowledge that the act has, reasonably may, or will affect an actual or potential present, past, or future criminal proceeding. La. R.S. 14:130.1(A). Second, the perpetrator must tamper with evidence with the specific intent of distorting the results of any criminal investigation or proceeding that may prove relevant to such. La. R.S. 14:130.1(A)(1). Third, the tampering must be by the intentional alteration, movement, removal, or addition of any object or substance. *Id.* at 102. Finally, the tampering must be done at the location of any incident which the perpetrator knows or has good reason to believe will be the subject of any investigation by law enforcement officers. *Id.* at 102. Nothing beyond "movement" is required by the statute if accompanied by the requisite intent and knowledge. *Id.* at 102. Specific criminal intent is that state of mind that exists when the circumstances indicate the offender actively desired the prescribed criminal consequences to follow his act or failure to act. La. R.S. 14:10.

As discussed, the evidence was sufficient to establish that the defendant possessed a gun and shot at J.S. After the shooting, the video footage depicted the defendant running up the alleyway, apparently conversing with Mr. Wilson and Mr. Smith, then approaching and ducking down between two vehicles, standing again, and walking away down Avenue B. Minutes later, another individual was seen walking between the same two vehicles and ducking down in the same spot as the defendant, before walking away.

Hiding or disposing of a gun after a shooting, even if the gun is never recovered, can be sufficient to support a conviction of obstruction of justice. *See State v. Loggins*, 23-519 (La. App. 5 Cir. 10/30/24), 397 So.3d 1265, 1283. Based on our review, the evidence supports a finding that the defendant possessed a gun; tampered with evidence by intentionally “moving” the gun to a hidden location under a vehicle with knowledge that the location would be the subject of a shooting investigation; and that he did so knowing his act might affect a future investigation of the shooting and with the specific intent to distort that future investigation. *See Jones*, 983 So.2d at 102; *Loggins*, 397 So.3d at 1283.

Based on the evidence presented, the jury was satisfied that the State met its burden of proving that the defendant obstructed justice by hiding the gun he had just used to shoot at J.S. Applying the appropriate standard for evaluating the sufficiency of the evidence on the obstruction of justice conviction, we cannot say the jury erred in finding the defendant guilty beyond a reasonable doubt.

Carrying a Firearm or Dangerous Weapon on School Property Conviction

Louisiana Revised Statutes 14:95.2(A) pertinently states:

Carrying a firearm, or dangerous weapon as defined in R.S. 14:2, by a student or nonstudent on school property, at a school sponsored function, or in a firearm-free zone is unlawful and shall be defined as possession of any firearm or dangerous weapon, on one’s person, at any time while on a school campus, . . . or at any school sponsored function ... including ... athletic competitions[.]

For purposes of La. R.S. 14:95.2, “campus” means all facilities and property within the boundary of the school property, and “school” includes a high school. *See La. R.S. 14:95.2(B)(1), (3)*. Here, witness testimony establishes the defendant possessed a gun. When the defendant possessed the gun, he was at an athletic competition on a high school campus. Again, based on the evidence presented, the jury was satisfied that the State met its burden of proof as to the carrying a firearm charge. Applying the appropriate standard

for evaluating the sufficiency of the evidence, we cannot say the jury erred in finding the defendant guilty beyond a reasonable doubt.

In sum, viewing the evidence in the light most favorable to the prosecution, we find, based on the record, a rational trier of fact could have found that the State proved beyond a reasonable doubt the defendant's identity, as well as all of the elements of manslaughter, obstruction of justice by tampering with evidence, and carrying a firearm on school property. Accordingly, these combined assignments of error are meritless.

ASSIGNMENT OF ERROR FOUR

In assignment of error number four, the defendant argues the trial court erred in denying his motion to reconsider sentence.

The Eighth Amendment to the United States Constitution and Article I, §20 of the Louisiana Constitution prohibit the imposition of excessive punishment. Although a sentence falls within statutory limits, it may violate a defendant's constitutional right against excessive punishment and is subject to appellate review. *State v. Sepulvado*, 367 So.2d 762, 767 (La. 1979). A sentence is considered excessive if it is grossly disproportionate to the severity of the crime or constitutes nothing more than a needless imposition of pain and suffering. A sentence is grossly disproportionate if, when the crime and punishment are considered in light of the harm to society, it is so disproportionate that it shocks one's sense of justice. *State v. Livous*, 2018-0016 (La. App. 1 Cir. 9/24/18), 259 So.3d 1036, 1044, *writ denied*, 2018-1788 (La. 4/15/19), 267 So.3d 1130. The trial court is given wide discretion in the imposition of sentences within statutory limits, and an appellate court should not set aside the sentence imposed unless the trial court manifestly abused its discretion. *State v. Fruge*, 2014-1172 (La. 10/14/15), 179 So.3d 579, 584.

Louisiana Code Criminal Procedure article 894.1 sets forth factors the trial court must consider before imposing a sentence. The trial court need not recite the entire checklist of La. C.Cr.P. art. 894.1, but the record must reflect that it adequately considered the criteria. *State v. Scott*, 2017-0209 (La. App. 1 Cir. 9/15/17), 228 So.3d 207, 211, *writ denied*, 2017-1743 (La. 8/31/18), 251 So.3d 410. The articulation of the factual basis for a sentence is the goal of La. C.Cr.P. art. 894.1, not rigid or mechanical compliance with its provisions. *Id.* The trial court should review the defendant's personal history, his prior criminal record, the

seriousness of the offense, the likelihood that he will commit another crime, and his potential for rehabilitation through correctional services other than confinement. *Id.* On appellate review of a sentence, the relevant question is whether the trial court abused its broad sentencing discretion, not whether another sentence might have been more appropriate. *Scott*, 228 So.3d at 211.

On count one, the defendant faced imprisonment at hard labor for not more than forty years. La. R.S. 14:31(B). On count two, the defendant faced a fine not more than \$100,000, imprisonment for not more than forty years at hard labor, or both. La. R.S. 14:130.1(B)(1).¹² On count three, the defendant faced a fine not more than \$2,000, imprisonment for not less than one year nor more than five years with or without hard labor, or both. La. R.S. 14:95.2(D)(2). Further, La. R.S. 14:95.2(D)(2) provides any sentence imposed pursuant to a violation of a crime of violence shall be served consecutively.

On appeal, the defendant argues his criminal history does not place him in the “worst possible offender” category and that he was barely above the legal age when he was prosecuted.

In imposing the sentence, the trial court noted, “[the defendant’s] actions show a callous disregard for human life.” Further, the trial court found the defendant’s actions “created a grave risk to human life[,] even beyond this victim, [J.S.]” *See* La. C.Cr.P. art. 894.1(B)(5). Lastly, the trial court noted that the defendant’s actions involved “the deliberate indiscriminate use of a deadly weapon.” *See* La. C.Cr.P. art. 894.1(B)(10).

After reviewing the record, we reject the defendant’s argument that the sentences imposed are unconstitutionally excessive. The transcript of the defendant’s sentencing indicates that the trial court adequately considered the sentencing guidelines. Despite the defendant’s young age and this being his first offense, that first offense was a homicide and involved three felonies. We find the trial court’s reasoning is more than sufficient to support his sentences. The sentences imposed do not shock this Court’s sense of justice; thus, we find no abuse of the trial court’s discretion in imposing the sentences, nor are the sentences

¹² The applicable sentencing range for obstruction of justice is determined by the type of investigation and/or offense charged. *See State v. Benoit*, 2022-310 (La. App. 3 Cir. 11/30/22), 355 So.3d 68, 88-90, *writ denied*, 2023-00010 (La. 9/26/23), 370 So.3d 470. Further, we use the version of the statute in effect at the time of the commission of the offense. *See State v. Sugasti*, 2001-3407 (La. 6/21/02), 820 So.2d 518, 520-21.

grossly disproportionate to the seriousness of the offenses committed. Therefore, we find the trial court did not manifestly abuse its wide discretion in sentencing the defendant.

Accordingly, this assignment of error is meritless.

PATENT ERROR

Pursuant to La. C.Cr.P. art. 920(2), this Court routinely conducts a review of all appeals for error discoverable by mere inspection of the pleadings and proceedings and without inspection of the evidence. *State v. Anthony*, 2023-0117 (La. App. 1 Cir. 11/3/23), 378 So.3d 766, 775, *writ denied*, 2024-00027 (La. 5/21/24), 385 So.3d 242. After review of the record, we have found two¹³ patent errors.

First, we note the sentencing transcript reveals the trial court imposed a restriction on parole for the defendant's conviction of manslaughter. The penalty provision of the manslaughter statute does not authorize such a restriction on defendant's parole eligibility. La. R.S. 14:31(B). Thus, the inclusion of the parole restriction renders this sentence illegal. Pursuant to La. C.Cr.P. art. 882(A), which provides that an appellate court may correct an illegal sentence at any time on review, we amend the sentence to delete the parole restriction. *See State v. Lee*, 2024-0468 (La. App. 1 Cir. 7/11/25), 2025 WL 1913565, *12.

Next, on count two, obstruction of justice by tampering with evidence, the trial court imposed a fine of \$50,000. Prior to imposing the fine, however, the trial court did not conduct a hearing pursuant to La. C.Cr.P. art. 875.1, which deals with the trial court's imposition of fines, fees, and restitution as part of sentencing. Louisiana Code of Criminal Procedure article 875.1, effective August 1, 2022, pertinently states:

- A. The purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss or costs incurred in connection with a criminal prosecution, to defray the cost of

¹³ After sentencing, the trial court advised the defendant that under La. C.Cr.P. art. 930.8(A), in pertinent part, he had "two years from the date [his] sentence becomes final" to file an application for post-conviction relief. (R720) As written, Article 930.8(A) provides that "[n]o application for post conviction relief ... 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[.]" According to La. C.Cr.P. art. 930.8(D), the trial court shall "inform the defendant of the prescriptive period for post-conviction relief either verbally or in writing." Here, the trial court's language did not track the language of Article 930.8(A) verbatim, as the trial court did not inform the defendant that he must file any application for post-conviction relief within two years after "the *judgment of conviction and sentence*" become final. (Emphasis added). We nevertheless find that the trial court's instruction satisfied the requirements of Article La. C.Cr.P. art. 930.8(D) as the defendant's sentence could not become final until there was a final judgment of conviction. Thus, we do not find that the trial court's advice constituted patent error. Even if we did, which we do not, the trial court's advice has no bearing on the sentence and would not constitute grounds to reverse the sentence or remand for resentencing. *See State v. McCarty*, 2024-1155 (La. App. 1 Cir. 12/2/25), 2025 WL 3635498, *6, n.8, ___ So.3d ___, ___, n.8, *writ denied*, 2025-01576 (La. 5/27/26), 432 So.3d 184; *State v. Vongchanh*, 2024-0369 (La. App 1 Cir. 12/27/24), 404 So.3d 76, 82.

court operations, and to provide services to offenders and victims. These financial obligations should not create a barrier to the offender's successful rehabilitation and reentry into society. Financial obligations in excess of what an offender can reasonably pay undermine the primary purpose of the justice system which is to deter criminal behavior and encourage compliance with the law. Financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven. Creating a payment plan for the offender that is based upon the ability to pay, results in financial obligations that the offender is able to comply with and often results in more money collected. Offenders who are consistent in their payments and in good faith try to fulfill their financial obligations should be rewarded for their efforts.

- B. For purposes of this Article, "financial obligations" shall include any fine, fee, cost, restitution, or other monetary obligation authorized by this Code or by the Louisiana Revised Statutes of 1950 and imposed upon the defendant as part of a criminal sentence, incarceration, or as a condition of the defendant's release on probation or parole.
- C. (1) Notwithstanding any provision of law to the contrary, prior to ordering the imposition or enforcement of any financial obligations as defined by this Article, the court shall conduct a hearing to determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

...

(2) The defendant or the court may waive the judicial determination of a substantial financial hardship required by the provisions of this Paragraph. If the court waives the hearing on its own motion, the court shall provide reasons, entered upon the record, for its determination that the defendant is capable of paying the fines, fees, and penalties imposed without causing a substantial financial hardship.

...

- G. The provisions of this Article shall apply only to defendants convicted of offenses classified as felonies under the applicable law.

...

The record reflects that the trial court did not conduct a hearing to determine whether the \$50,000 fine would cause substantial financial hardship to the defendant or his dependents, nor did it waive judicial determination of such. Further, the defendant did not explicitly or implicitly waive his right to a hearing. We note the defendant failed to raise noncompliance with La. C.Cr.P. art. 875.1 in the trial court. However, based on the purpose of La. C.Cr.P. art. 875.1, as set out in subsection (A), we find the defendant need not object on the basis the trial court failed to comply with La. C.Cr.P. art. 875.1, nor need he include such a claim in a motion to reconsider sentence to preserve the matter for review. *State v. Trantham*, 2024-0203 (La. App. 1 Cir. 12/27/24), 404 So.3d 975, 981-82; *State v. Tucker*, 2022-735 (La. App. 3 Cir. 5/31/23), 368 So.3d 187, 201. Since the trial court failed to comply with La. C.Cr.P. art. 875.1, we vacate the \$50,000 fine imposed on count two and

remand to the trial court for a hearing in compliance with La. C.Cr.P. art. 875.1 and resentencing as to the fine. *See Trantham*, 404 So.3d at 982; *State v. McKnight*, 2023-0886 (La. App. 1 Cir. 7/24/24), 395 So.3d 897, 906, *writ denied*, 2024-01069 (La. 12/11/24), 396 So.3d 969.

CONCLUSION

For the foregoing reasons, we affirm the defendant's convictions, amend the defendant's sentence on count one and affirm as amended; affirm the sentence on count two in part; vacate the \$50,000 fine; and affirm the sentence on count three. We remand this case to the trial court for compliance with La. C.Cr.P. art. 875.1 and resentencing as to the fine imposed on count two.

CONVICTIONS AFFIRMED; SENTENCE ON COUNT ONE AMENDED AND AFFIRMED AS AMENDED; SENTENCE ON COUNT TWO AFFIRMED IN PART AND VACATED IN PART; SENTENCE ON COUNT THREE AFFIRMED; REMANDED FOR A HEARING IN COMPLIANCE WITH LOUISIANA CODE OF CRIMINAL PROCEDURE ARTICLE 875.1 AND RESENTENCING AS TO THE FINE IMPOSED ON COUNT TWO.

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2025 KA 0437

STATE OF LOUISIANA

VERSUS

LAKENDALL T. BROWN

PMc 15
12/29

McClendon, C.J., concurring.

In cases resting on circumstantial evidence, the evidence must consist of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience. **State v. Stewart**, 2025-01032 (La. 6/29/26), ___ So.3d ___, ___, 2026 WL 1861893, *3. Moreover, under general principles of accessorial liability, all parties to a crime are guilty for deviations from the common plan that are the foreseeable consequences of carrying out the plan. **State v. Smith**, 98–2078 (La. 10/29/99), 748 So.2d 1139, 1143 (per curiam). When a murder occurs during the perpetration or attempted perpetration of an unenumerated felony or intentional misdemeanor directly affecting the person (such as illegal discharge or aggravated assault), one need not possess specific intent to kill or inflict great bodily harm, nor be the person who physically killed the victim, in order to be a principal to felony manslaughter. The jury in this case was presented with sufficient evidence that the defendant illegally discharged a gun where it was foreseeable that such could result in death or great bodily harm to a human being.

More specifically, an officer testified that she heard gunfire coming from an area behind a fence where an individual wearing light colored jeans and bright white sneakers was standing. Further, ejected cartridge casings were later found on the ground near where the individual wearing light colored jeans and white sneakers had been standing. Video surveillance showed several individuals walking down a sidewalk prior to the shooting and defendant was the only individual wearing light colored jeans and bright white sneakers. Additionally, there was a video of defendant appearing to place an object under a vehicle

after the shooting and a witness also testified that she saw the defendant with a gun after the shooting.

Viewing the evidence in the light most favorable to the prosecution, there was sufficient evidence to support defendant's convictions. Accordingly, I concur with the result reached by the majority.