

Fifth Circuit Court of Appeal
State of Louisiana

No. 24-KA-631

STATE OF LOUISIANA

versus

JALEN HARVEY

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 21-1401, DIVISION "G"
HONORABLE E. ADRIAN ADAMS, JUDGE PRESIDING

December 23, 2025

STEPHEN J. WINDHORST
JUDGE

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Stephen J. Windhorst

CONVICTION AND SENTENCE AFFIRMED

SJW
SMC
JGG

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WINDHORST, J.

Defendant, Jalen Harvey, only appeals his conviction and sentence for first degree murder. For the following reasons, we affirm.

PROCEDURAL HISTORY

On July 1, 2021, a Jefferson Parish Grand Jury indicted defendant, Jalen Harvey, with the first degree murder of Joseph Vindel in violation of La. R.S. 14:30 (count one), obstruction of justice in violation of La. R.S. 14:130.1 (count two), and monetary instrument abuse in violation of La. R.S. 14:72.2 (count three). Defendant was arraigned and pled not guilty.

On September 1, 2022, a twelve-person jury found defendant guilty as charged on all counts. On October 6, 2022, the trial court sentenced defendant to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence on count one; twenty years imprisonment at hard labor on count two; and ten years imprisonment at hard labor on count three. The sentences were ordered to run “concurrent with each and with any other sentence the Defendant may be serving.” This appeal followed.

TRIAL EVIDENCE

Former Officer Erick Prinz of the New Orleans Police Department (“NOPD”) testified that on March 7, 2021, approximately 8:45 P.M., he arrived at 3732 Napoleon Avenue in response to a report of a missing person, and spoke with Katie Kreuz. Ms. Kreuz stated that her boyfriend, Joseph Vindel, was missing and she last saw him that morning at 10:00 A.M. Ms. Kreuz showed him a conversation, which revealed that Mr. Vindel planned to meet someone to sell his dirt bike. Officer Prinz forwarded it to NOPD Detective Timothy Jones, who was assigned to the case, and then issued a missing-person bulletin.

Ms. Kreuz testified that Mr. Vindel was her boyfriend and they lived together off of Napoleon Avenue, in Orleans Parish. She stated that she last saw Mr. Vindel

at their house on March 7, 2021, at 10:00 A.M., when he said he was going to sell his dirt bike. Ms. Kreuz explained that they normally communicated every hour. She testified that she became concerned when she stopped hearing from him, and knew something was wrong. She contacted his best friends and parents, and eventually called 9-1-1 in Orleans Parish. After the NOPD officers arrived, Ms. Kreuz testified that she showed them Mr. Vindel's cell phone text messages, which were synced to his laptop.¹ She also provided the officers² with a conversation from OfferUp, a public trading website, wherein Mr. Vindel was communicating with "Michael" about selling his dirt bike.³ Ms. Kreuz testified that she learned something had happened to Mr. Vindel the following day. She acknowledged that Mr. Vindel owned a handgun, which he often carried, but she did not know what kind or whether he had a concealed carry permit.

¹ The text message exchange between Mr. Vindel and phone number 504-***-4978 ("4978" number) was admitted into evidence and read to the jury. Ms. Kreuz testified that the grey messages were sent from the 4978 number, while the green messages were sent by Mr. Vindel. The following reflects the content: The 4978 number sent the message "Can on Hand," followed by a photograph of money and the address "2303 Manhattan Blvd." Mr. Vindel responded, "Spread out the hundos. Looks right but let me 28." The 4978 number replied, "You come now. Stop playing." Mr. Vindel replied, "Ight I'm on my way. No funny business or I'll turn right around when I get there. 2850 is the price or I'll turn around when I get there. I'll be there in 30 minutes." The 4978 number replied, "Ok." Mr. Vindel followed with, "OMW. 18 mins. Here. What building. Come on where you at. Bout to leave." The 4978 number said, "Don't see you anyway," and Mr. Vindel replied, "I'm Here. I'm at the Arby's. Where u?????" The 4978 number asked, "Car?" and Mr. Vindel replied, "Black Lexus with the dirt bike attached to it. Where. U at. You've got 2 minutes to locate yourself or I'm out." The 4978 number said, "2316 Old Compton Road," and Mr. Vindel said, "Come outside. I'm hrrr. Wtf dude. I'm gone. Are you at 2313 Manhattan? Or 2303." The 4978 number said, "Come back." Mr. Vindel asked, "What is your address?" and the 4978 number replied, "In the apartments 2201." Mr. Vindel replied, "Where tf is that. Be outside when I pass or I'm leaving." The 4978 number said, "Where you were," and Mr. Vindel said, "I'm in the apartment 2201. Where r I. Dude answer the phone." The 504-***-4978 number replied, "Coming bro. Speaker is broken," and Mr. Vindel s, "I'm at the front gate at 2201 apartments. Let's go I got places to be. Where you at. Dude I'm leaving in 2 minutes." The 4978 number responded, "Come over to the other side I'm towards the corner you are facing the right way tho. By the dumpster." Mr. Vindel said, "If your not by the dumpster when I come back around in immediately leaving." The 4978 number replied, "I'm here bro." Mr. Vindel said, "You're not here. Where the f*ck are you." The 4978 number answered, "Coming," and Mr. Vindel sent, "??????"

² Mr. Vindel's text messages and OfferUp conversation were also subsequently provided to the Jefferson Parish Sheriff's Office ("JPSO"). Patricia Muller, Mr. Vindel's mother, testified that she received a call from her son's father on the evening of March 7, 2021, and became concerned when her son had not returned home or responded to calls. She called 9-1-1, in Jefferson Parish, and reported her son missing. The next morning, around 6:30 A.M., she was informed that her son's vehicle and body had been located. Ms. Muller confirmed he was right-handed and often carried a handgun for protection due to his work in real estate.

³ The OfferUp conversation from "Michael" to Mr. Vindel stated the following: "Hi, is this still available?" to which Mr. Vindel replied, "Yes." Michael then stated, "I'm interested but I don't have a trailer to pick it up. Can you deliver it?" Mr. Vindel said, "Yes for full price and \$50. So let me know I'll get on the road now." Michael replied, "When can you meet?" and Mr. Vindel said, "You let me know if I have to drive it to you." Michael said, "Yes. Can you meet now," to which Mr. Vindel replied, "Where are you located and show me proof of funds and I'll leave in a minute." Michael answered, "On the westbank. I'm Harvey." Mr. Vindel said, "Text me a picture," and Michael sent, "2313 Manhattan Blvd," and Mr. Vindel stated, "Word. Text me the proof of funds and I'll get in the car." Michael sent, "You Come now? stop playing" and Mr. Vindel sent, "I'm here. Where you."

Detective Jones testified that he was assigned to this missing person case and he went to Ms. Kreuz's residence on the evening of March 7, 2021. Upon speaking with Ms. Kreuz, he learned that Mr. Vindel had posted an advertisement to sell his dirt bike on a website, and that Mr. Vindel found a potential buyer with whom he was communicating. Detective Jones testified that he learned that Mr. Vindel had an Apple iPhone that synced with his laptop. Ms. Kreuz provided him with Mr. Vindel's text messages, which showed that Mr. Vindel had agreed to meet the buyer on the Westbank. Detective Jones pointed out that Mr. Vindel had neither sent nor received any further messages after, which signified to him that the meeting had taken place. He stated that he then prepared a BOLO alert for Mr. Vindel and his vehicle and drove to the Westbank to canvas the areas provided in the messages.

Detective Jones also testified that he contacted Trooper Jack Uhle, with the Louisiana State Police, to assist in researching the last phone number (4978) that contacted Mr. Vindel. Trooper Uhle informed him that the 4978 number was connected to a "Pinger app account,"⁴ and subsequently provided him with the name "Jalen Harvey," along with a physical address at 2101 Manhattan Boulevard, which was an apartment complex.

Detective Jones testified he went to the address and located apartment 106, which was associated with defendant, stating that the front door was located in a breezeway. He walked to the end of the breezeway, looked around the corner, and saw a Honda dirt bike on the patio behind the apartment, partially covered by a bedsheet. Detective Jones explained that since the apartment was in Jefferson Parish, he contacted the JPSO, and once the JPSO deputies arrived, he knocked on

⁴ Trooper Jack Uhle testified that he searched Mr. Vindel's information and various licenses plate readers but was unable to find a location for him. He stated that the 4978 number was a voice over IP number registered to Bandwidth.com, which had licensed it to a secondary voice over IP provider, Pinger. After submitting exigent requests to both companies, he obtained account information associated with the 4978 number, including the e-mail address "jalenharvey773@gmail.com," the username "jalenharvey773," and an iPhone, which matched the 4978 number. He also ran this information through law enforcement databases and identified a Louisiana identification card issued to Jalen Harvey, with an address at 2101 Manhattan Boulevard, Building I, stating he could not remember the apartment number.

defendant's apartment door, which defendant answered. Defendant was detained and brought to a JPSO vehicle and the apartment was secured.⁵ Detective Jones testified that a search was conducted of any area where a human body could be.

Detective Jones recounted that defendant was read his Miranda⁶ rights at the scene, chose to speak with them at that time, and made a statement. Defendant stated that he met Mr. Vindel at the front entrance of his apartment complex with the intent to purchase a dirt bike. Defendant explained that he provided Mr. Vindel with the money, Mr. Vindel pulled out a firearm and pointed it in his direction, and that he shot Mr. Vindel in self-defense. He further explained that he panicked after the shooting, moved Mr. Vindel's body to the back seat floorboard of Mr. Vindel's vehicle, and drove the vehicle back to Orleans Parish, where he parked it somewhere near the NOPD's Sixth District. Defendant said the location of the vehicle was closer to Louisiana Avenue and the river but did not provide a street name. Defendant admitted that he took Mr. Vindel's firearm and placed it and the firearm he used during the shooting in a bag in his bedroom closet. Defendant also admitted that he placed the clothes he wore during the shooting into a trash bag, and he pointed out to the officers the dumpster near his apartment that he disposed of the bag.

Detective Jones further testified that defendant did not tell him that the money given to Mr. Vindel was "fake money," nor did defendant inform him that when he disposed of Mr. Vindel's body, he covered it in gasoline. Defendant was taken to the JPSO detective bureau for formal questioning. Detective Jones explained that he did not conduct the search or continue the investigation once he realized the shooting occurred in Jefferson Parish because he was an NOPD officer. Detective Jones stated he did contact the 2nd and 6th Districts in Orleans Parish and asked

⁵ He stated that other individuals were located in the apartment and they were kept the living room area.

⁶ Miranda v. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966).

them to canvass the area near Louisiana Avenue and the river in an effort to locate Mr. Vindel's vehicle and body.

JPSO Sergeant Donald Clogher, with the Homicide Section, testified that he responded to the apartment complex after being informed that defendant gave a statement admitting that he shot Mr. Vindel and dumped his body. A search warrant was obtained and executed at defendant's apartment. During the search, an Apple iPhone was seized, which was given to the Digital Forensic Unit. Sergeant Clogher testified that a dirt bike was located on the patio, seized, and that the vehicle identification number confirmed that it belonged to Mr. Vindel. He stated that two guns were also found inside a backpack in the bedroom closet. One firearm was a Taurus .380, which defendant had identified as the gun he used to shoot Mr. Vindel, and it did not have any live rounds. He stated that the other firearm, a Springfield Armory 9mm belonged to Mr. Vindel, and it was fully loaded. Sergeant Clogher testified that he also located the clothing defendant admitted he wore when he shot Mr. Vindel and placed in a dumpster at his apartment complex.

Sergeant Clogher testified that during the initial search, officers observed, but did not seize, a stack of \$100 bills labeled "Not U.S. currency," or something to that effect, indicating it was prop "movie money," on a shelving unit in the bedroom. Sergeant Clogher explained that the money became relevant after similar "movie money" was found during the search of Mr. Vindel's vehicle. He elaborated that a bloody torn corner of counterfeit money resembling the bills at the apartment was recovered from the vehicle. He stated that they went back to the apartment and retrieved the stack of \$100 bills previously disregarded. Sergeant Clogher testified that in total, they seized 177 fraudulent \$100 bills.

Sergeant Clogher stated he arranged for defendant's transport to the detective bureau and remained at the scene to coordinate the search for the victim's body. He explained that even with the assistance of a K-9 unit, they were not able to locate the

original crime scene, nor were they able to locate all of the casings. They located the window from Mr. Vindel's vehicle about a block away, and it appeared that defendant kicked or pushed it out, before continuing to Orleans Parish.

JPSO Detective Steven Keller testified that he canvassed the Lower Garden District of New Orleans, looking for Mr. Vindel's body and his vehicle. Around 5:30 A.M., he was directed to a residential building located at 2316 Coliseum Street, an address Detective Zeagler obtained from defendant. Upon arrival, he observed a narrow driveway which led to a larger gravel parking lot. As he approached the lot, he saw a parked Lexus vehicle with a metal grated bike rack attached to the rear, which he recognized as Mr. Vindel's vehicle based on the license plate. He looked through the rear passenger window and observed a large amount of blood on the back seat and the body of a white male lying on the rear floorboard. Detective Keller testified that there was a significant amount of dried blood throughout the vehicle and it was obvious that Mr. Vindel was deceased. NOPD and EMS were called to the scene, and EMS confirmed that Mr. Vindel was deceased. Detective Keller testified that Mr. Vindel sustained a gunshot wound to the front of his face, one to the right side of his mouth, and another above the right ear. Additional wounds included one at the base of the right side of his neck and one to the upper right shoulder.

Dr. Ellen Connor, a forensic pathologist, conducted Mr. Vindel's autopsy and determined the cause of death to be multiple gunshot wounds, with the manner of death classified as homicide. She documented six gunshot wounds: one to the back right of the head exiting the front, one to the face with no exit wound (fired from within three feet), one to the base of the skull exiting toward the right, two to the right shoulder (one penetrating only the skin), and one to the left hand traveling front to back and upward. She confirmed that the only frontal wound was the one to the face, and the rest were located on the right side and back of the body. Dr. Connor

opined that the injuries were consistent with the victim being seated and turning away from an assailant at the passenger-side window, and that the upward trajectory of the skull wound was consistent with the victim ducking or cowering. She also observed that the victim's skin was peeling on his back, shoulders, arms, and face, consistent with chemical burns and noted a volatile chemical odor during the autopsy.

Dr. Timothy Scanlan, an expert in blood stain pattern analysis, crime scene investigation, and crime scene reconstruction, testified that he visited the crime scene and prepared a report.⁷ As to whether Mr. Vindel had a gun in his left hand when his hand was shot, Dr. Scanlan opined that based on the entrance and exit wounds, the angle of fire would make it "hard to do this," and a gun would obstruct that path. He explained that it could not have happened without striking the gun, and there was no damage to the firearm consistent with a bullet strike, which he demonstrated to the jury. He testified the injury was consistent with Mr. Vindel turning away from the gunfire with an exposed hand. He also stated it was possible the bullet traveled through Mr. Vindel's head and re-entered the hand.

Dr. Scanlan also testified that stippling on Mr. Vindel's face indicated that the gun was fired from a distance no greater than three feet from the target. He pointed out that only one fired cartridge casing was found in the vehicle despite multiple gunshot wounds, which was consistent with the possibility of shots having been fired from outside the vehicle or the removal of casings afterward to alter the scene. He said that the shooter's arm could have been inside the vehicle, causing the casing's presence. He said a strike mark in the driver's side door was the lowest point of projectile damage in the vehicle, and the window had been shot out. Dr. Scanlan testified that Mr. Vindel sustained concentrated wounds to his face, head and

⁷ Dr. Scanlan testified that when he visited the crime scene, he did so as part of his duties with the JPSO and that he was retained by the State as an expert after he left the JPSO.

shoulder, and he opined the injuries were consistent with being shot from the vehicle's passenger side. Dr. Scanlan confirmed that the only frontal wound was to Mr. Vindel's face, and the other five wounds were consistent with him turning away. He said the wound to the base of Mr. Vindel's skull was consistent with him putting his head down. He also testified that there was a strong smell of gasoline at the scene and that some blood appeared diluted.

Dr. Scanlan summarized that the injuries, blood evidence, and firearm findings were consistent with Mr. Vindel being shot multiple times while in the front driver's seat, with him turning away during the shooting. He said the gunshot wound to Mr. Vindel's left hand and lack of damage to the Springfield Pistol were not consistent with Mr. Vindel holding a firearm at the time he received the injury. He also found the movement of the decedent and alteration of the crime scene was consistent with efforts to conceal the incident.⁸ Dr. Scanlan acknowledged on cross-examination that it was possible Mr. Vindel had a gun in his hand before the first shot was fired and dropped it.

Special Agent Clinton Crowson, an expert with the U.S. Secret Service, analyzed a total of 177, \$100 bills recovered from defendant's apartment and the bloody fragment of currency found in Mr. Vindel's vehicle. Special Agent Crowson testified that the bills included two or three variations, some with foreign writing, altered coloring, or "[p]lay money" markings in place of serial numbers, the currency felt like standard copy paper, lacked proper security features, and failed inspection

⁸ Dr. Scanlan testified that he observed a significant amount of blood on the front and back of the center console but noted that some blood was missing from the top surface, indicating it had been wiped. He stated that this was consistent with "arterial spurt," meaning Mr. Vindel's heart was still pumping at the time of bleeding. He explained that blood had pooled and flowed on the back seat, with transfer patterns and multidirectional blood flow from Mr. Vindel's face, suggesting his head moved while bleeding. The rear seat had been tilted back over Mr. Vindel and showed heavy blood transfer, consistent with someone with bloody hands repositioning the seat. A large transfer pattern also suggested Mr. Vindel was stationary while bleeding. Dr. Scanlan stated that on the passenger side, there was less blood, which was consistent with the shooting occurring in the front seat. A spurt pattern extended into the back seat, and a smear indicated either Mr. Vindel or another individual had slid or been dragged. Dr. Scanlan explained that blood spurting from the front to the back seat indicated the heart was still pumping as Mr. Vindel was being moved. He also stated that the fired casing found in the vehicle had blood on and around it. The blood saturation and pooling in the back seat matched the location of Mr. Vindel's wounds and where his body was found.

under a black light. Special Agent Crowson concluded that all of the currency was counterfeit.

JPSO Detective Zeagler testified that defendant was transported to the investigation bureau for a formal interview, where he was advised of his Miranda rights, and he gave a recorded statement, which was admitted into evidence and played for the jury.

In his recorded statement, defendant contended that he wanted to buy a 2012 Honda “CRF150r” dirt bike he saw listed for a “couple of grand” on OfferUp. He said his username on OfferUp was “Michael,” stating he was using a friend’s account. He messaged the seller, Joseph, on Saturday and was told that the bike was still available for \$2800. He acknowledged that he changed the meet-up location multiple times. He first sent Mr. Vindel to an Arby’s near his apartment because he was going to walk, then he sent him to another address but his phone “autocorrected,” and then he told him to meet at 2201 Manhattan, his apartment complex. When Detective Zeagler asked to see the text messages, defendant stated that he deleted the communication thread with Mr. Vindel when he arrived. He then voluntarily provided his cell phone’s passcode to the police.

Defendant explained that he met Mr. Vindel at the front entrance of his apartment complex, near the dumpster. He brought the \$2800 for the bike and admitted that he also brought his Taurus .380 gun with him, alleging it was for protection because he did not know Mr. Vindel. He recalled that Mr. Vindel, who he described as a white male with a beard and wearing sunglasses, arrived in a black Lexus vehicle with the dirt bike attached to a rack. Defendant said he approached the vehicle’s passenger side and the window was rolled down. He greeted Mr. Vindel, Mr. Vindel asked for the cash, and he handed the money to Mr. Vindel. Defendant said that Mr. Vindel handed him the car keys and said he was going to count the cash. Defendant stated he did not know why Mr. Vindel handed him the

keys and wondered if “it was a set up kind of thing.” When asked if maybe Mr. Vindel gave him the keys to make him feel comfortable about handing over the cash and to assure defendant that he was not going to drive off, defendant replied, “I don’t know.” He then said that Mr. Vindel had the money in his hand but he did not count it. Instead, defendant claimed that Mr. Vindel reached for the gun he had.

Defendant further explained that initially, Mr. Vindel’s gun was between his legs. Then after Mr. Vindel handed him the keys, instead of counting the money, Mr. Vindel grabbed the gun and pointed it his way. When specifically asked if Mr. Vindel pointed the gun at him, defendant replied that he pointed the gun “my way,” and further stated “I don’t know his intentions.” Defendant then claimed that “the barrel was towards [him],” and that Mr. Vindel had his finger on the trigger. He asserted Mr. Vindel “could have pulled the trigger and shot [him].” Defendant admitted that Mr. Vindel did not say anything when he pointed the gun.

Defendant elaborated that Mr. Vindel had the money in his right hand and the gun in his left hand. He claimed that he did not “do too well with people and guns around [him],” and he reacted instinctively by reaching for his gun in his sweatshirt pocket, and firing into the window until his gun was empty. He asserted he was acting in self-defense. He said he does not usually meet random people to buy things, this was his first time using OfferUp, and therefore, he brought his gun. He claimed that his Taurus .380 had a six-round capacity, but he only had five bullets in it. Defendant said that he feared for his life, this was the first time something like that had happened to him, and “kind of stuck [his] hand in” the window and fired. Defendant claimed that when he started shooting, the gun dropped out of Mr. Vindel’s hand. He said that it happened so fast that Mr. Vindel “did not have time to” shoot back, nor was he expecting it.

Defendant claimed that he did not call 9-1-1 because he thought no one would believe it was self-defense. He later stated that he did not know if Mr. Vindel was

still alive or not after the shooting, but he did not think about calling an ambulance because he was scared. He stated there was nothing more he could explain and that if it had been the other way around, he believed Mr. Vindel would have done the same thing. He said, “Gun was pointed at you, I’m gonna start shooting.”

In further explaining his actions after the shooting, defendant stated that he panicked, jumped into the vehicle, and drove off because he was scared. Defendant claimed that he entered the vehicle through the passenger door, Mr. Vindel was still in the driver’s seat, and he sat on the center console where the gear shift was located, and had his foot on the gas pedal. He said he drove to the little parking lot at the bank, stopped, and moved Mr. Vindel’s body to the back seat. He did not get out of the vehicle to move Mr. Vindel’s body, clarifying that he pulled Mr. Vindel through the gap between the two front seats. He said it took a couple of seconds to move him. Defendant said he was still rushing, panicking, and his mind was racing. He stated that Mr. Vindel’s driver’s window was initially up and had shattered and that he knocked the window out so he could see and drove across the river using the Crescent City Connection. He said he exited at Carrollton Avenue, and circled the area because he was familiar with it, stating that he initially intended to leave the vehicle nearby. He stated that he drove around Hollygrove for a while but decided not to leave the car there, and that he ultimately ended up on Coliseum Street in the Garden District. He then moved toward the area near Walmart and Tchoupitoulas, turning onto side streets, but he ended up parking Mr. Vindel’s vehicle in a parking lot behind a big white apartment building. He said he was driving around for about an hour. Defendant again stated that he was panicking and did not know what to do. He stated that he only used his phone to check the time, which showed that it was around 12:00 or 1:00 P.M. He added that he did not know why he did not call 9-1-1, but then stated that he thought they would think it was “murder off the top.”

Defendant also stated in the interview that after he parked, he removed the dirt bike from the back of Mr. Vindel's vehicle and drove back to his apartment. When asked if he took anything else when he left, defendant admitted that he also took Mr. Vindel's gun with him, and he took Mr. Vindel's wallet, phone, and the \$2800, and threw them out. He clarified that he took the gun after the shooting when he first got in the vehicle because he did not know if Mr. Vindel was alive or not. Despite not knowing whether Mr. Vindel was alive or not, he claimed again that he did not call an ambulance because he was scared.

At one point, defendant stated that he later threw Mr. Vindel's wallet, phone and the money into a canal on Tullis and another time he said that he threw the wallet and phone out of the window into a canal near Carrolton Avenue before crossing the bridge. He said he threw Mr. Vindel's items away because he did not want anything to lead back to him, explicitly stating that he thought the text messages would lead back to him. Defendant further explained that he took the gun in a panic, claiming he removed it from Mr. Vindel's hands, and that the officers had it. He later said that the \$2800 in cash was also thrown away in the canal. Defendant estimated that the incident occurred between 10:00 A.M. and 12:00 P.M.

Defendant confirmed in the interview that he drove the dirt bike home and placed it under the staircase. He said that he then changed his clothes, placing the clothes he was previously wearing in a white garbage bag, and threw the bag in the dumpster on the right side. He could not explain why he threw his clothes away. Defendant stated that he then moved the dirt bike to the side patio and covered it with a sheet so "no one would see it" or "steal it." Defendant confirmed that he had not worked in a while and was receiving unemployment.

At trial, defendant confirmed that he found a dirt bike for sale on OfferUp, and contacted the seller, who stated that it was still available. Defendant testified that when he contacted the seller, he "thought" he had the money to pay for the bike;

however, after checking later, “it wasn’t all there.” Defendant further confirmed that he made the arrangements to meet Mr. Vindel and that he sent Mr. Vindel to two different addresses, before sending him the address to his apartment complex. He asserted that the second address he sent 2316 Old Compton Road, was an accident because “his phone picks up other locations and autocorrects.” However, when further questioned about whether he sent Mr. Vindel his physical address, defendant admitted that he actually met Mr. Vindel across the apartment complex from where he resides, stating that it was more open to the public.

Defendant further acknowledged that when he agreed to meet Mr. Vindel at his apartment complex, he knew he did not have enough money to pay him. He testified that he only had around \$1,000 but “there was some counterfeit money that [he] had, so [he] planned to use some of it.” He explained that the counterfeit money was “props” or “play money” from a money themed party for his girlfriend. Defendant admitted that he intended on deceiving Mr. Vindel and trying to buy the dirt bike with the fake money. He figured he could pay using half with real money and half with counterfeit, hoping to “fool” Mr. Vindel. Defendant stated, “I was just really thinking that he would take the money and give me the dirt bike.” He further admitted to bringing a loaded gun to the transaction. Despite admitting to using counterfeit money and bringing a loaded gun to meet Mr. Vindel, defendant denied that he intended to rob and kill him. He claimed that he did not have any plans to use his weapon or harm anyone that day and stated again that his gun was for protection, which he ended up using to defend himself.

Defendant further testified that after Mr. Vindel arrived, he walked up to the passenger side window of the vehicle, which Mr. Vindel rolled down, he confirmed he was the buyer, and then Mr. Vindel demanded the money. Defendant said that he handed over the money, and Mr. Vindel said he was going to count it. Defendant claimed that Mr. Vindel, using his left hand, handed him the keys to his vehicle

stating “Here, hold the keys” without saying anything else. He did not know what Mr. Vindel was thinking or what was going on, explaining “[m]aybe he was making me comfortable or maybe I felt like he was about to try a set-up.” Defendant further explained that Mr. Vindel was holding the money in his right hand. He said that after Mr. Vindel dropped the keys in his hand, instead of counting the money, Mr. Vindel grabbed the gun with his left hand and pointed it at him.

Prior to Mr. Vindel reaching for the gun, defendant admitted that he had noticed there was a gun in between his legs and that there was a holster in the cup holder. Defendant also admitted that he had a gun in his sweatshirt pocket, explaining that he “always” carries one for protection. Defendant testified several times that he only had five bullets in his gun and he did not have a bullet “racked” or in the chamber. Later in his testimony, defendant explicitly admitted that there “was already a bullet in the chamber. It was racked from way before.”

Defendant testified that after Mr. Vindel pointed the gun at him, he grabbed his own gun “out of fear” and “opened fire moving out of the way.” When questioned about whether he thought Mr. Vindel’s gun was loaded, defendant replied “I wasn’t really sure if it was loaded, no, but just looking at the gun, when he pulled it on me, I feared for my life.” He then claimed that he did not know where the bullets hit Mr. Vindel because he had turned his head to avoid being shot while at the same time, he stuck his arm in the window and started shooting. He said at the time he shot Mr. Vindel he was scared. Defendant was also asked if Mr. Vindel had his finger on the trigger when he pointed the gun at him and defendant replied “I’m not 100 percent sure. I was scared when he pointed the gun at me.”

When questioned as to whether he noticed if Mr. Vindel dropped his gun during the shooting, defendant replied, “I wasn’t looking into the vehicle.” However, defendant subsequently stated that Mr. Vindel dropped his gun when he was shooting through the window. Defendant then stated that he retrieved Mr.

Vindel's gun from "between his legs under his hand." Defendant expressed that he panicked, jumped in the vehicle with Mr. Vindel, and drove off. He testified that he did not call 9-1-1 because he was scared the police would not believe him. Defendant confirmed that after driving off, he stopped at a parking lot of a nearby bank, and moved Mr. Vindel's body between the two front seats to the back seat. After driving around for about an hour, defendant testified that he ultimately left Mr. Vindel's vehicle and his body in New Orleans. Defendant admitted that he threw out Mr. Vindel's cell phone and wallet and confirmed that he took the dirt bike and used it to return home. He stated that he stored the dirt bike at his apartment with the intention of getting "rid of it" after it got dark outside. However, he conceded that when the police arrived, it was dark outside and he still had the dirt bike.

Defendant testified that he gave a statement to the police after the incident but admitted he "changed a couple of things," claiming he was nervous, cold, and tired when they initially questioned him. He also admitted that he poured gasoline all over Mr. Vindel with the intention of destroying any evidence that may lead to him, "like bleach to clean off the DNA."

At trial, while defendant's recorded video statement was played to the jury, Detective Zeagler testified regarding the contents of the statement and the subsequent investigation. He explained that when defendant said, "I handed him the cash and then he picked up the gun and put it right here," he did not indicate that Mr. Vindel pointed the gun at him. Detective Zeagler contended that defendant was only saying Mr. Vindel repositioned or moved the gun onto his lap. He also confirmed that defendant's story changed regarding Mr. Vindel's actions with that gun. Detective Zeagler testified that during the interview, he shared the information he was receiving from defendant with the other detectives working on the case, who were canvassing the general areas based on defendant's descriptions. He informed them that defendant admitted taking Mr. Vindel's wallet and phone and throwing

them into a canal. Defendant later said he also threw away the money used in the transaction. He testified that searches were conducted at the Donner Canal (“Tullis” Canal) on the Westbank and the Palmetto Street Canal off Carrollton Avenue, both mentioned by defendant in his statement; however, none of the items were recovered.

Detective Zeagler testified that in his statement, defendant described where he moved Mr. Vindel’s body, broke the driver’s side window, and discarded his clothing. He relayed this information to the other officers, who subsequently found broken glass from the vehicle’s window in a parking lot near defendant’s apartment and located defendant’s clothing in the dumpster, which was submitted for DNA testing. Additionally, Mr. Vindel’s remains were recovered at the location defendant described. Detective Zeagler said he obtained a search warrant for defendant’s OfferUp records. Although defendant informed him that he deleted the message thread with Mr. Vindel, he provided his cell phone’s passcode. Detective Zeagler stated that defendant also told him that the OfferUp account was one he had borrowed from a friend. However, Detective Zeagler testified that he ultimately determined that this was not true based on the records received from OfferUp, which showed that defendant set up the account with his email address and labeled the first name on the account as “Michael,” not Jalen. He also stated that defendant gave Mr. Vindel three different meeting locations for the dirt bike sale, with the final location being situated on the opposite side of defendant’s apartment complex.

Detective Zeagler identified the Taurus firearm seized from defendant’s home as the weapon defendant admitted using to shoot and kill Mr. Vindel. He stated that the Taurus firearm was ballistically matched to the casing found beneath Mr. Vindel’s body in the car. Detective Zeagler testified that Mr. Vindel had six wounds, confirming that at an undisturbed scene, he would expect to find six casings. However, he stated that they only found the one casing in the car, despite looking

for the original crime scene multiple occasions. Detective Zeagler also confirmed that there was no ballistic evidence that Mr. Vindel's gun had been fired and that defendant stated, "[H]e didn't have a chance."⁹ He testified that defendant admitted he brought a loaded firearm in the pocket of his sweatshirt to the meeting with Mr. Vindel. Detective Zeagler testified that over the course of the interview, defendant gave multiple versions of Mr. Vindel's actions: the gun was between Mr. Vindel's legs and he repositioned it, then the gun was on his lap, and eventually he said that Mr. Vindel picked the gun up and pointed it at him.

Detective Zeagler testified that Mr. Vindel was right-handed but sustained an entrance wound to his left hand, including a bullet wound to the front of his finger. Defendant claimed that Mr. Vindel was holding a gun in his left hand and pointed it at him with his finger on the trigger and that he was able to draw and fire his own gun before Mr. Vindel responded. Detective Zeagler stated that the injuries to Mr. Vindel's hand could not have occurred in the way defendant described. He clarified that while he could not definitively say it was impossible, any such posture would be highly unlikely. He also confirmed that there was no bullet in the chamber of Mr. Vindel's gun. Detective Zeagler also testified that defendant did not admit to using fake money during the transaction. He stated that defendant used fake money and he never had the actual cash to purchase the dirt bike, asserting that the fake money was used as bait to lure Mr. Vindel. He further testified that the night before the shooting of Mr. Vindel, defendant had searched online for ways to increase his gun's capacity beyond the six rounds it already held, and that defendant had deleted his searches off his phone, prior to the extraction of the information. Detective Zeagler

⁹ Alexis Rivera, an expert in firearm and tool mark examination, testified that she received two firearms, one fired cartridge casing, and three projectiles for analysis. She determined that the single RP .380 Auto casing and all three jacketed projectiles had been fired from the Taurus .380 pistol. She also examined thirteen 9mm cartridges associated with the Springfield Armory pistol and confirmed that all thirteen matched the full magazine capacity, with no evidence of firing.

testified that this search by defendant undermined his claim that he carried the weapon solely for personal defense.¹⁰

Detective Zeagler testified that most of the gunshot wounds Mr. Vindel received were to the back of his body and that he did not observe any injuries to defendant. Additionally, he stated that defendant repeatedly confirmed that he did not call 9-1-1 after the shooting. Detective Zeagler testified that Mr. Vindel's body and clothing, as well as the backseat of the car, smelled of gasoline. Crime lab analysis confirmed the presence of gasoline on Mr. Vindel's clothing, and defendant did not explain why.¹¹ Detective Zeagler testified that he obtained an arrest warrant for defendant and identified him in court. He stated that he also asked defendant about his employment history to ascertain where he got the \$2800 to purchase the dirt bike, and defendant said he had not worked in eight or nine months. Detective Zeagler confirmed that at no point in the interview did defendant express any remorse for what he did to Mr. Vindel.

SUFFICIENCY of EVIDENCE

In his sole assignment of error, defendant contends the evidence was insufficient to convict him of first degree murder.¹² Specifically, defendant claims

¹⁰ JPSO Detective Dustin Ducote, an expert in digital forensic analysis, testified that he created a digital analysis report in this case. He conducted an extraction from an iPhone associated with the Apple ID "Jalenharvey773@icloud.com." On March 6, 2021, the day before the incident, the phone showed searches between 9:13 and 9:18 A.M. for various "fifteen" and "ten round" Taurus .380 magazines with finger rest extensions, including a "Pro Mag Taurus 380 ten round blue steel magazine," all conducted on the Gun Mag Warehouse site. Detective Ducote noted that four deleted calls were made to 504-***-4809, the victim's number. He detailed the phone's geolocation history for March 7, 2021. At 1:12 A.M., the phone was in the block of Manhattan Blvd., near defendant's apartment. Defendant used the OfferUp app to arrange the motorcycle sale at 2313 Manhattan and sent the location to the victim. After 11:00 A.M., the phone traveled to the Westbank Expressway, then to the Pontchartrain Expressway at 11:25 A.M., and reached Hollygrove at 11:44 A.M., where it remained until 12:55 P.M. At 12:55 P.M., the phone was tracked to Coliseum and Jackson Avenue, where the victim's body was later found, and stayed there until 12:59 P.M., before crossing back over the bridge. Detective Ducote noted the phone passed the Tullis Canal, where defendant later said he discarded the victim's phone, and returned to the 2300 block of Manhattan Blvd. by 4:10 P.M. At 2:25 P.M., the phone also accessed Nola.com to search for the latest crime reports.

¹¹ Marcelle Folse, a forensic chemistry supervisor at the JPSO crime lab, an expert in the field of fire debris analysis, testified that she examined a white towel, a pair of white socks, white and grey sweatpants, black boxer briefs, a black shirt, and a green hooded sweatshirt collected from the crime scene. After testing the samples, Ms. Folse concluded that gasoline was identified in specimens 22 and the composite of 25. She also detected the odor of gasoline while she was packaging the evidence.

¹² Although sufficiency of evidence was not assigned as error by defendant on appeal for the counts of obstruction of justice and monetary instrument abuse, we have considered sufficiency of the evidence pursuant to *State v. Raymo*, 419 So.2d 858, 861 (La. 1982). See also *State v. Russell*, 448 So.2d 798 (La. App. 2 Cir. 1984), writ denied, 450 So.2d 956 (La. 1984). Defendant was charged with and convicted of

that the State failed to prove beyond a reasonable doubt that he did not act in self-defense, or that this homicide was committed during the commission of an armed robbery. Defendant argues that the evidence showed he acted in self-defense after Mr. Vindel pointed a gun at him and the State presented no evidence to contradict his claim that he feared physical harm. He also asserts that the State's contention that the killing occurred during an armed robbery is not supported by the evidence. Defendant maintains he intended to purchase the dirt bike, partially using counterfeit money, and did not plan to rob Mr. Vindel. He argues that while the use of fake currency may suggest intent to defraud, it does not establish intent to commit armed robbery. Defendant also argues that his possession of a firearm does not prove an intent to rob, particularly since Mr. Vindel was also armed. He maintains that the State failed to prove the elements of first degree murder beyond a reasonable doubt. Defendant further requests that this court reduce the conviction to second degree murder under La. R.S. 14:30.1, if the evidence supports that charge, and remand for resentencing.

The constitutional standard for sufficiency of the evidence is whether, upon viewing the evidence in a light most favorable to the prosecution, any rational trier of fact could find that the State proved all of the essential elements of the crime beyond a reasonable doubt. Jackson v. Virginia, 443 U.S. 307, 318-19, 99 S.Ct. 2781, 2789, 61 L.Ed.2d 560 (1979); State v. Chinchilla, 20-60 (La. App. 5 Cir. 12/23/20), 307 So.3d 1189, 1195, writ denied, 21-274 (La. 4/27/21), 314 So.3d 838,

obstruction of justice in violation of La. R.S. 14:130.1 (count two). In the indictment, the State alleged that defendant committed the offense by tampering with evidence "by removing from the scene of the shooting incident and/or disposing of Joseph Vindel's body, cellular telephone, wallet, handgun, keys, 2012 Lexus SUV, motor bike and/or handgun." He was also charged with and convicted of monetary instrument abuse in violation of La. R.S. 14:72.2 (count three). The indictment specified that the offense was committed by possessing and/or transferring one or more counterfeit monetary instruments with the intent to deceive Mr. Vindel. As to count two, the State presented evidence to show that after the shooting, defendant fled the scene in Mr. Vindel's vehicle, transported Mr. Vindel's body to New Orleans, and concealed various items. Defendant admitted to discarding his clothing in a dumpster, hiding Mr. Vindel's firearm in a closet, placing the dirt bike on his patio and covering it with a sheet, and tossing Mr. Vindel's wallet, cell phone, and the counterfeit money from the transaction into the canal. Defendant also told police where some of these items were located. As to count three, defendant admitted to using counterfeit "play money" during the transaction and stated that he intended to purchase the dirt bike with at least some of it when he arranged to meet Mr. Vindel. See La. R.S. 14:130.1 and La. R.S. 14:72.2. Thus, upon review, we find the evidence was sufficient to support defendant's convictions of obstruction of justice and monetary instrument abuse.

cert. denied, — U.S. —, 142 S.Ct. 296, 211 L.Ed.2d 138 (2021). Under the Jackson standard, a review of the record for sufficiency of the evidence does not require the reviewing court to determine whether the evidence at trial established guilt beyond a reasonable doubt, but whether, upon review of the whole record, any rational trier of fact would have found guilt beyond a reasonable doubt. State v. Ordonez, 16-619 (La. App. 5 Cir. 3/15/17), 215 So.3d 473, 477. The directive that the evidence be viewed in the light most favorable to the prosecution requires the reviewing court to defer to the actual trier of fact's rational credibility calls, evidence weighing, and inference drawing. State v. Aguilar, 23-34 (La. App. 5 Cir. 11/15/23), 376 So.3d 1105, 1108. This deference to the fact finder does not permit a reviewing court to decide whether it believes a witness or whether the conviction is contrary to the weight of the evidence. State v. McKinney, 20-19 (La. App. 5 Cir. 11/04/20), 304 So.3d 1097, 1102. As a result, under the Jackson standard, a review of the record for sufficiency of the evidence does not require the reviewing court to determine whether the evidence at the trial established guilt beyond a reasonable doubt, but whether, upon review of the whole record, any rational trier of fact would have found guilt beyond a reasonable doubt. Id. at 1103.

Thus, in reviewing the sufficiency of the evidence, an appellate court must determine if the evidence, whether direct or circumstantial, or a mixture of both, viewed in the light most favorable to the prosecution, was sufficient to convince a rational trier of fact that all of the elements of the crime have been proven beyond a reasonable doubt. Jackson, 443 U.S. at 319; State v. Lane, 20-181 (La. App. 5 Cir. 01/27/21), 310 So.3d 794, 804.

Evidence may be either direct or circumstantial. Circumstantial evidence consists of proof of collateral facts and circumstances from which the existence of the main fact can be inferred according to reason and common experience. State v. Gatson, 21-156 (La. App. 5 Cir. 12/29/21), 334 So.3d 1021, 1034. When

circumstantial evidence is used to prove the commission of an offense, La. R.S. 15:438 provides that “assuming every fact to be proved that the evidence tends to prove, in order to convict, it must exclude every reasonable hypothesis of innocence.” State v. Woods, 23-41 (La. App. 5 Cir. 11/15/23), 376 So.3d 1144, 1155, writ denied, 23-1615 (La. 05/29/04), 385 So.3d 700. This is not a separate test from the Jackson standard, but rather, provides a helpful basis for determining the existence of reasonable doubt. All evidence, both direct and circumstantial, must be sufficient to support the conclusion that the defendant is guilty beyond a reasonable doubt. Id.

In making this determination, a reviewing court will not re-evaluate the credibility of witnesses or re-weigh the evidence. Woods, 376 So.3d at 1157. Indeed, the resolution of conflicting testimony rests solely with the trier of fact, who may accept or reject, in whole or in part, the testimony of any witness. State v. Lavigne, 22-282 (La. App. 5 Cir. 05/24/23), 365 So.3d 919, 940, writ not considered, 23-1119 (La. 10/10/23), 370 So.3d 1086. Thus, in the absence of internal contradiction or irreconcilable conflicts with physical evidence, the testimony of one witness, if believed by the trier of fact, is sufficient to support a conviction. State v. Sly, 23-60 (La. App. 5 Cir. 11/02/23), 376 So.3d 1047, 1072, writ denied, 23-1588 (La. 04/23/24), 383 So.3d 608.

La. R.S. 14:30(1) defines first-degree murder, in pertinent part, as the killing of a human being “[w]hen the offender has specific intent to kill or to inflict great bodily harm and is engaged in the perpetration or attempted perpetration of...armed robbery[.]” State v. Little, 24-82 (La. App. 5 Cir. 10/30/24), 398 So.3d 846, 853 (citing to State v. Lehmann, 23-386 (La. App. 4 Cir. 02/05/24), 385 So.3d 268, 280).¹³ Thus, to convict defendant of first degree murder, the State must have

¹³ In this case, the jury received instructions which reflected that defendant was charged with committing first degree murder when he was engaged in the perpetration or attempted perpetration of armed robbery.

established the following essential elements beyond a reasonable doubt: (1) the defendant had the required specific intent to kill or inflict great bodily harm (2) while he was engaged in the perpetration or attempted perpetration of an armed robbery. See State v. Higgins, 03-1980 (La. 04/01/05), 898 So.2d 1219, 1227, cert. denied, 546 U.S. 883, 126 S.Ct. 182, 163 L.Ed.2d 187 (2005); State v. Bright, 98-398 (La. 04/11/00), 776 So.2d 1134, 1141.

Specific criminal intent is defined as “that state of mind which exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act or failure to act.” La. R.S. 14:10(1). Because it is a state of mind, specific intent need not be proven as a fact but may be inferred from the circumstances and the defendant’s actions. State v. Mickelson, 12-2539 (La. 09/03/14), 149 So.3d 178, 182. Specific intent can be inferred from the intentional use of a deadly weapon, such as a knife or a gun, from the circumstances and the defendant’s actions, and the extent and severity of the victim’s injuries. State v. Chester, 19-363 (La. App. 5 Cir. 02/03/21), 314 So.3d 914, 942, writ denied, 21-350 (La. 06/08/21), 317 So.3d 321; State v. Patterson, 10-415 (La. App. 5 Cir 01/11/11), 63 So.3d 140, 148, writ denied, 11-338 (La 06/17/11), 63 So.3d 1037.

Here, defendant admitted in his statements to police and in testimony at trial that he shot Mr. Vindel multiple times. He acknowledged reaching into the passenger-side window of Mr. Vindel’s vehicle and opening fire. The State presented forensic evidence that Mr. Vindel sustained multiple gunshot wounds to the hand, head, and neck and that these injuries were the cause of his death. Testimony showed that all shots struck Mr. Vindel and that defendant was close enough to fire into the vehicle through the open window. Based on defendant’s admissions, the use of a deadly weapon, the location of the wounds, and the proximity between defendant and Mr. Vindel at the time of the shooting, the jury

could have reasonably concluded that a homicide occurred and that defendant had the specific intent to kill or inflict great bodily harm.

Defendant's initial argument appears to be that the State failed to prove that he was engaged in the perpetration or attempted perpetration of an armed robbery. Armed robbery is the taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, while armed with a dangerous weapon. La. R.S. 14:64. To support a conviction for armed robbery, the State must prove that there was (1) a taking, (2) of anything of value, (3) from the person of or in the immediate control of another, (4) by use of force or intimidation, (5) while armed with a dangerous weapon. State v. Collins, 04-1443 (La. App. 5 Cir. 07/26/05), 910 So.2d 454, 457-458. A gun used in connection with a robbery is, as a matter of law, a dangerous weapon. State v. Williams, 12-687 (La. App. 5 Cir. 05/16/13), 119 So.3d 228, 233, writ denied, 13-1335 (La. 12/02/13), 126 So.3d 500. The act of pointing a gun at a victim is sufficient to prove the required element of force or intimidation for purposes of armed robbery. Id.

An attempted armed robbery is sufficient to support the capital offense charged if the State can prove that the defendant had the specific intent to commit armed robbery and committed or omitted an act for the purpose of and tending directly toward the accomplishment of that goal. La. R.S. 14:27. Mere preparation to commit a crime shall not be sufficient to constitute an attempt, but lying in wait with a dangerous weapon with the intent to commit a crime, or searching for the intended victim with a dangerous weapon with the intent to commit a crime, shall be sufficient to constitute an attempt to commit the offense intended. La. R.S. 14:27 B(1).

Here, the State presented a theory that defendant lured Mr. Vindel to the apartment complex under false pretenses with the intent to rob him. The State's

evidence admitted at trial showed that defendant arranged the meeting with Mr. Vindel using a friend's OfferUp account and communicated under a false name with an internet-based phone number. Defendant arrived at the location armed. The State also introduced defendant's recorded statement to police, in which he admitted to shooting Mr. Vindel multiple times and said he had not worked in some time. Defendant told detectives that he had real money with him during the exchange and claimed he threw the money away after the incident.

At trial, defendant denied planning to rob or kill Mr. Vindel. He testified that he brought both real and counterfeit money to meet Mr. Vindel, claiming his intention was only to "rip him off," not to use force or take anything violently. Defendant claimed that Mr. Vindel pulled a gun on him and that he fired in self-defense. Detective Zeagler testified that based on his investigation, he believed defendant never had any real money at all. The jury was presented with defendant's statements to the police and his trial testimony and the inconsistencies between them. Under the circumstances of the case and considering the record, a rational trier of fact could have found that defendant lured Mr. Vindel to the location under false pretenses for the purpose of and with the intent to rob him.

Further "Louisiana jurisprudence does not distinguish between the armed robbery which occurs before the killing of the victim and the robbery of the victim whom the defendant has already killed." State v. Goodley, 01-77 (La. 06/21/02), 820 So.2d 478, 484. A killing which takes place after commission of a felony is committed during the "perpetration" of the felony when the underlying felony and the homicide form part of one continuous transaction which occurred without a significant break in the chain of events. State v. Brooks, 09-2323 (La. 10/19/10), 48 So.3d 219, 223.

In the present case, the State presented evidence that defendant had Mr. Vindel come to his apartment complex under false pretenses, fatally shot him, and took his

property in a continuous transaction. After abandoning Mr. Vindel's body and vehicle in Orleans Parish, defendant removed the dirt bike from Mr. Vindel's vehicle and brought it back to his apartment, where it was later found by police, partially concealed beneath a bedsheet on the patio. Although defendant claimed he intended to get rid of the dirt bike later that night, the jury could have considered that he had not done so by the time officers arrived, directly contradicting his explanation. Defendant also admitted to taking Mr. Vindel's phone and wallet, which he disposed of in a manner to avoid detection. While he denied planning to rob Mr. Vindel by force, he admitted to using counterfeit money during the transaction and arriving at the meeting with a loaded firearm. Thus, the jury could reasonably infer from these facts that defendant intended to take the dirt bike and that the killing facilitated the taking of the dirt bike and other items. See Goodley, 820 So.2d at 484; State v. Stevens, 11-175 (La. App. 3 Cir. 10/05/11), 74 So.3d 803, 805-07, writ denied, 11-2496 (La. 03/30/12), 85 So.3d 115; State v. Ramsdell, 09-1510 (La. App. 3 Cir. 10/06/10), 47 So.3d 78. Considering the foregoing, we find that the evidence supports a finding that the killing occurred during the perpetration or attempted perpetration of an armed robbery.

Additionally, defendant does not deny that he shot and killed Mr. Vindel but contends his actions were justified because they were committed in self-defense.¹⁴

When a defendant in a homicide prosecution claims self-defense, the burden is on the State to prove beyond a reasonable doubt that the defendant did not act in self-defense. State v. Tate, 22-570 (La. App. 5 Cir. 06/21/23), 368 So.3d 236, 245. A homicide is justifiable "[w]hen committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from that danger." La. R.S.

¹⁴ The jury was instructed as to self-defense and the aggressor doctrine.

14:20 A(1). The fact that an offender's conduct is justifiable, although otherwise criminal, constitutes a defense to prosecution for any crime based on that conduct. La. R.S. 14:18; Tate, 368 So.3d at 245.

The person who is the aggressor or who brings on a difficulty cannot claim self-defense unless he withdraws from the conflict in good faith and in such a manner that his adversary knows or should know his desire is to withdraw and discontinue the conflict. La. R.S. 14:21. In addition, while there is no unqualified duty to retreat, the possibility of escape from an altercation is a recognized factor in determining whether the defendant had a reasonable belief that deadly force was necessary to avoid the danger. Tate, 368 So.3d at 245.

Factors to consider in determining whether a defendant had a reasonable belief that the killing was necessary include the excitement and confusion of the situation, the possibility of using force or violence short of killing, and the defendant's knowledge of the assailant's bad character. Lavigne, 365 So.3d at 941. The determination of a defendant's culpability rests on a two-fold test: 1) whether, given the facts presented, the defendant could reasonably have believed his life to be in imminent danger; and 2) whether deadly force was necessary to prevent the danger. Id.

Applying these legal principles to the evidence established in this case, we find that a rational trier of fact could have found beyond a reasonable doubt that defendant did not act in self-defense. The evidence presented at trial established that defendant initiated contact with Mr. Vindel to purchase a dirt bike, despite knowing he did not have enough real money to purchase it. He communicated with Mr. Vindel throughout the day and directed him to multiple meetup locations before settling on a lot near defendant's apartment complex. Defendant was armed with a handgun when he met Mr. Vindel, who remained seated in his vehicle with the dirt bike secured on a rack attached to the back of the vehicle. According to defendant's

own statement, Mr. Vindel handed him the keys to the vehicle while still seated inside the vehicle, and said he was going to count the money as defendant stood near the passenger side. Defendant claimed that Mr. Vindel then pointed a gun at him, without saying anything else, and did not count the money, prompting him to fire in self-defense.

Forensic evidence, however, presented by the State at trial undermines defendant's claim of self-defense. Dr. Scanlan testified that Mr. Vindel sustained a gunshot wound through the ring finger of his left hand, which was inconsistent with his left hand gripping a firearm at the time he was shot. Although defendant claimed the victim was pointing a gun at him during the encounter, the injury to the finger suggested Mr. Vindel's left hand was open or otherwise exposed during the shooting. Dr. Scanlan also explained that Mr. Vindel was shot in the face and then appeared to have turned away, sustaining additional wounds to the back of the head, shoulder, and hand. He further testified that Mr. Vindel was likely still alive when defendant moved him to the back seat of the vehicle. Detective Zeagler also testified that defendant gave conflicting accounts about whether Mr. Vindel was armed and how the gun was involved in the shooting.

Moreover, defendant's conduct following the shooting appears to further undermine his justifiable homicide claim. Defendant admitted that after the shooting, he did not contact law enforcement or call 9-1-1, and he did not say that he rendered aid. Instead, the evidence established that defendant fled the scene in Mr. Vindel's vehicle. Defendant said that he did not know if Mr. Vindel was alive or not after the shooting, yet he admitted to driving Mr. Vindel's body to New Orleans, and abandoning Mr. Vindel's vehicle and body. Defendant also admitted that he (1) poured gasoline over Mr. Vindel's body with the intention of destroying any evidence that may lead to him, "like bleach to clean off the DNA"; (2) discarded Mr. Vindel's iPhone, wallet and the counterfeit money used in the transaction, to

avoid anything to lead back to him; (2) took Mr. Vindel's gun and hid it in a bag in a closet inside his apartment; (3) changed his bloodstained clothing, put them in a trash bag, and placed the bag in a dumpster near his apartment; and (4) took the dirt bike and concealed it on the patio of his apartment with a bedsheet. Thus, defendant's actions after the shooting could have been viewed by the trier of fact as inconsistent with an allegation of justifiable homicide. See State v. Leach, 22-194 (La. App. 5 Cir. 12/28/22), 356 So.3d 531, 543. A defendant's flight and attempt to avoid apprehension are circumstances from which a trier of fact may infer a guilty conscience. State v. Lopez, 23-335 (La. App. 5 Cir. 08/21/24), 398 So.3d 167, 179, writ denied, 24-1187 (La. 01/14/25), 398 So.3d 650.

The jury heard all of the evidence and was instructed as to self-defense. Having weighed the evidence, and properly applied the jury instructions to its findings of fact deduced from that evidence, the jury could have reasonably rejected defendant's claim that he acted in self-defense. The jury is the ultimate fact finder in determining whether the State negated self-defense beyond a reasonable doubt. Sly, 376 So.3d at 1075. Therefore, we find that the State proved beyond a reasonable doubt that the killing was not justified as defendant did not have reasonable belief that he was in imminent danger of losing his life or receiving great bodily harm.¹⁵ Consequently, under the Jackson standard a rational trier of fact could have found that the evidence was sufficient to support the conviction of first degree murder.

ERRORS PATENT

The record was reviewed for errors patent according to the mandates of La. C.Cr.P. art. 920; State v. Oliveaux, 312 So.2d 337 (La. 1975); and State v. Weiland,

¹⁵ See also State v. Favorite, 03-425 (La. App. 5 Cir. 11/25/03), 862 So.2d 208, 214, writ denied, 03-3529 (La. 04/23/04), 870 So.2d 298, where this court recognized that the jury could have concluded the victim was the initial aggressor, but the defendant became the aggressor, and his claim of self-defense was not supported by the facts of the case, including the findings that at least some of the bullets entered the victim from behind.

556 So.2d 175 (La. App. 5 Cir. 1990). Our review shows no errors patent that require correction action.

DECREE

Accordingly, for the reasons stated above, defendant's conviction and sentence for first degree murder are affirmed.

CONVICTION AND SENTENCE AFFIRMED

SUSAN M. CHEHARDY
CHIEF JUDGE

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JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
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NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **DECEMBER 23, 2025** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

24-KA-631

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)		
HONORABLE E. ADRIAN ADAMS (DISTRICT JUDGE)		
DARREN A. ALLEMAND (APPELLEE)	THOMAS J. BUTLER (APPELLEE)	CHRISTOPHER A. ABERLE (APPELLANT)

MAILED

JALEN HARVEY #772776 (APPELLANT)	HONORABLE PAUL D. CONNICK, JR.
ELAYN HUNT CORRECTIONAL CENTER	(APPELLEE)
6925 HIGHWAY 74	DISTRICT ATTORNEY
ST. GABRIEL, LA 70776	LINDSAY L. TRUHE (APPELLEE)
	DISTRICT ATTORNEY
	ZACHARY L. GRATE (APPELLEE)
	ASSISTANT DISTRICT ATTORNEYS
	TWENTY-FOURTH JUDICIAL DISTRICT
	200 DERBIGNY STREET
	GRETNA, LA 70053