

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KA-509

STATE OF LOUISIANA

versus

THOMAS L. SMITH

ON APPEAL THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 23-1073, DIVISION "M"
HONORABLE SHAYNA BEEVERS MORVANT, JUDGE PRESIDING

August 26, 2026

MARC E. JOHNSON
JUDGE

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Marc E. Johnson

CONVICTIONS AND SENTENCES AFFIRMED;
REMANDED WITH INSTRUCTIONS

MEJ
SMC
JGG



COUNSEL FOR DEFENDANT/APPELLANT,
THOMAS L. SMITH

Remy V. Starns

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COUNSEL FOR PLAINTIFF/APPELLEE,
STATE OF LOUISIANA

Honorable Paul D. Connick, Jr.

Thomas J. Butler

Juliet L. Clark

JOHNSON, J.

Defendant, Thomas L. Smith, appeals his convictions for sexual battery upon a juvenile and indecent behavior with a juvenile rendered in the 24th Judicial District Court, Division “M”. For the following reasons, we affirm Defendant’s convictions and sentences. We remand the matter for correction of the sentencing minute entry.

FACTS AND PROCEDURAL HISTORY

On April 19, 2023, the Jefferson Parish District Attorney filed a bill of information charging Defendant with sexual battery upon a juvenile under 13 years of age, in violation of La. R.S. 14:43.1 (count one), and indecent behavior with a juvenile under 13 years of age, in violation of La. R.S. 14:81 (count two).

Defendant was arraigned and entered a plea of not guilty on April 21, 2023.

The case proceeded to trial on June 10, 2025. At trial, Jefferson Parish Sheriff’s Office (“JPSO”) Detective Jarren Abron testified that he responded to West Jefferson Hospital on May 10, 2022, for a reported sexual battery of S.M. He and another detective spoke to S.M., and her mother, Mrs. M.¹ S.M. was later taken to the Children’s Advocacy Center (“CAC”), where Detective Abron monitored the interview from another room. A sexual assault screening and rape kit² were conducted on S.M., and her clothes were collected. A forensic interview of S.M. was conducted at the Audrey Hepburn Care Center by a doctor. Based on the interviews, detectives developed Defendant as the suspect, and he was later arrested. Detective Abron testified that he was not aware of any other sexual abuse

¹ In the interest of protecting crime victims who are minors, as well as victims of sexual offenses, as set forth in La. R.S. 46:1844(W)(1)(a), formally La. R.S. 46:1844(W)(3), only the victim’s initials, “S.M.” will be used. *See State v. R.W.B.*, 12-453 (La. 12/4/12), 105 So.3d 54. *See also* Uniform Rules of Court - Courts of Appeal, Rule 5-2. *Compare State v. E.J.M., III*, 12-774, 12-732 (La. App. 5 Cir. 5/23/13), 119 So.3d 648, 652 n.1, where this Court stated it has adopted a policy “that this Court’s published work will use only initials to identify the victim and any defendant or witness whose name can lead to the victim’s identity (*i.e.*, parent, sibling, or relative with the same last name as the victim).”

² The presence of male DNA was detected; however, it was later determined that the sample was too small to compare it to Defendant’s DNA reference swab.

claims from S.M. or her mother.

Mrs. M., S.M.'s mother, testified that Defendant was S.M.'s stepfather and the biological father of two of her other children. Mrs. M. testified that in May 2022, she was living in Marrero, Louisiana, with her three children and her husband, K.L. Defendant stayed at her house part time. She explained that he watched the children and brought them to school. Mrs. M. testified that she and Defendant had a domestic incident that occurred in 2021, and she had a protective order against him; however, it was in the process of being dropped. Mrs. M. acknowledged that the protective order remained effective through February 23, 2025. She explained that Defendant's sister's address was listed on the protective order, and that her children were there during March, April, and May 2022.

Mrs. M. explained that when Defendant stayed at her house, he slept on the sofa or in her son's or S.M.'s bed. She stated that when she saw Defendant in S.M.'s bed, she told him he could sleep on the sofa or in her son's bed. She explained Defendant would get up or get mad and want to leave in the middle of the night. She stated that this occurred approximately three times. Mrs. M. stated that on May 10, 2022, her son and S.M. stayed home from school, and after she returned from dropping off her other daughter, S.M. disclosed sexual abuse by Defendant. She testified that S.M. reported that Defendant tried to pin her down and "put his penis in her hole." Defendant also told S.M. that it would not hurt. S.M. informed her that the abuse started at Defendant's sister's house. Mrs. M. testified that before the disclosure, she noticed S.M. was very nervous and that Defendant acted odd when she arrived home, and he was watching the children. Mrs. M. testified that when she asked S.M. why she was acting odd or if anything was wrong, S.M. said everything was fine. Mrs. M. knew that S.M. had previously reported being a sexual abuse victim.

Mrs. M. testified that when S.M. was five years old, she told her that her

great-grandfather had sexually abused her. Mrs. M. stated that around the same time, she reported another incident of sexual abuse committed by S.M.'s uncle. Police were called regarding both incidents and reports were made; however, no arrests occurred.

JPSO Detective Kristen Blevins testified that she was involved in an investigation involving S.M. regarding inappropriate messages from her uncle. The messages were sent *via* Instagram between March 28, 2025 and April 4, 2025. Detective Blevins obtained evidence of messages between two accounts, which were associated with S.M. and her uncle. Messages were sent to S.M. from her uncle asking her for photos so he could sketch her and requesting that she wear something tight. An arrest warrant was obtained for the uncle; however, he was not arrested.

Detective Blevins testified that during this investigation, S.M. made another allegation against her uncle, accusing him of raping her when she was approximately five years old. Detective Blevins stated that this allegation did not result in an arrest. Detective Blevins was also involved in an investigation regarding the allegation made by S.M. against her great-grandfather, whom she accused of fondling her and exposing himself to her. She investigated this case, but it did not lead to an arrest. Detective Blevins explained that, in her time working in the Special Victims Unit, it was not uncommon to encounter a child victim who was so young at the time of the abuse that there was not enough evidence to make an arrest.

S.M. testified that her birth date was July 30, 2009. She stated that she lived with her grandmother and previously with her mother, younger siblings, and stepfather, Defendant, whom she had known since she was five years old. According to S.M., on May 10, 2022, she and her brother stayed home from school because they did not feel well. Defendant was at her house to babysit her and her

brother. After her mother left, she went back to sleep and woke up to Defendant “grinding” against her. She told him to stop, he stopped, and then did it again. She went to her parents’ room to sleep there. Defendant came in, apologized, and told her to go back to her room. She complied, laid down, and Defendant started to do the same thing to her. She tried to get up, but Defendant held her down. They started wrestling, and Defendant attempted to force her shorts off. Defendant then got off the bed and took off his pants and underwear. S.M. testified that Defendant was wearing black pants, green and blue boxers, and a T-shirt with a teddy bear and money on it. Defendant attempted to force himself onto her bed, but he heard a noise from her brother’s side of the room that prompted him to leave. S.M. explained that she and her brother slept in the kitchen and living room area of the house. Her brother’s bed was near the back door, and her bed was in the living room. After Defendant left, she went back to sleep. When her mother came home, S.M. told her what had happened. She was scared that Defendant would do something worse to her. After making the disclosure to her mother, they went to the hospital, and she met with a nurse and the police.

S.M. recalled earlier instances of abuse from Defendant that occurred at his sister’s house. She stated that she and Defendant were playfighting when he started tickling her inner thighs. She explained that this happened numerous times. On another occasion, Defendant came to visit and watch S.M. and her siblings, while her mother went to work. It was near midnight, and her siblings were in another area of their room separated by a “privacy” door. She was in the kitchen playing the Xbox, and Defendant told her to bend over. She tried to ignore him, but he insisted, and she complied. She testified that she bent down, and Defendant pulled her pants and underwear down and put his mouth in her “area.” She explained that his tongue touched her private parts and “butt.” S.M. testified that Defendant said he was trying to make sure no boy was “trying anything” with her,

and he would protect her. S.M. pulled her pants up and tried to distance herself from him and continued to play the game. S.M. testified that at Defendant's sister's house and her house, Defendant would sleep in the same bed as her, and he would ask her to sleep with her "backside facing his front side."

S.M. testified that at the age of five, during a sleepover at her grandmother's house, her uncle led her to the living room and forced her to undress and "grind" on top of him. She testified that she told her family, but they did not believe her. She stated that she recalled the police being called, and her mother picking her up. S.M. testified that her uncle recently spoke to her sexually on the phone and FaceTimed her, asking her to take off her clothes and send him photos. She told someone, and the police became involved.

S.M. testified that before Defendant sexually abused her, one of Defendant's male relatives took her to the bathroom at night and forced her to "grind" on him with no clothes on. She testified that she did not disclose this to anyone until "way later" when she told a school counselor. S.M. explained that she never disclosed this information to the police. On another occasion, another male relative of Defendant tried to lure her into the bathroom. She testified that her mother intervened, and that male relative was reprimanded. She did not recall reporting this to the police.

S.M. testified that she did not recall any abuse from her great-grandfather when she was approximately six years old. She explained that she recalled seeing the CAC video of herself regarding the investigation, but she could not recall making an allegation against him. S.M. testified that she was never forced to make an allegation against anyone, and she was "very sure" that Defendant committed sexual abuse upon her.

Aubrey S. Ziegler, who was previously employed as a forensic interviewer with the CAC, conducted the forensic interview of S.M. on May 17, 2022. The

redacted videotape of the statement was played for the jury, and S.M. gave details of sexual abuse by Defendant. S.M.'s testimony at trial corroborated disclosures from her interview. She added that the abuse occurred both at her house and Defendant's mother's house, which she referred to as his house. In the CAC video, when detailing the incident when Defendant forced her to bend over in front of him, she stated that he had his hands on her "butt."

Dr. Judith Dodd, an expert in the field of child abuse pediatrics, performed a medical exam on S.M. and took her statement on October 6, 2022. Dr. Dodd testified that when speaking to S.M., it appeared that she was concerned with the perception of her disclosures. Dr. Dodd read the summary of her report of S.M.'s statement, which corroborated her testimony at trial. S.M. additionally disclosed to Dr. Dodd that Defendant threatened to kill her and her family. She stated that after Defendant was released from jail, he tried to choke her, but her mother came between them. In her disclosure to Dr. Dodd, S.M. stated that on one occasion when Defendant tried to make her bend over in front of him, she refused. She stated that when Defendant asked her to change in front of him, she also refused. During her statement to Dr. Dodd, S.M. also disclosed that one of Defendant's male relatives touched her and got on top of her with his clothes off. She stated that she told Defendant's family, but they did not believe her.

Dr. Dodd testified that there is not a uniform demeanor in which children who have been sexually abused present. She explained that it is very common for a child who experienced repeated sexual abuse to have difficulty recalling details of the abuse, and their recollection could depend on the age when trauma occurred. Dr. Dodd stated that if the trauma occurred over time, it is often difficult for the child to recount specific incidents. Dr. Dodd stated that being a sexual abuse victim could make a child more vulnerable to recurrence. She explained this is especially true if the child did not receive any trauma counseling. Dr. Dodd stated

that it was very common for child sexual abuse victims to delay reporting abuse for years or decades and explained that the closer the perpetrator was to the child, like a family member, the longer it would take for the child to disclose the abuse.

Dr. Dodd testified that S.M. refused the physical examination portion of the evaluation. She stated that it was very rare to uncover physical signs of sexual abuse during physical exams when there was a delayed disclosure. Dr. Dodd testified that the history provided by S.M. was consistent with child sexual abuse.

At the conclusion of the presentation of evidence, on June 12, 2025, the 12-person jury returned a verdict of guilty as charged on both counts. Defendant filed a motion for new trial and a motion for post-verdict judgment of acquittal on June 27, 2025. On June 30, 2025, the trial judge denied both motions. Sentencing delays were waived, and the trial judge sentenced Defendant to 35 years imprisonment in the “Department of Corrections,” with the first 25 years to be served without benefit of parole, probation, or suspension of sentence as to count one. As to count two, the trial judge sentenced Defendant to seven years imprisonment “consecutive” with the first two years to be served without benefit of parole, probation, or suspension of sentence. On July 1, 2025, Defendant filed a motion for appeal, which was granted on July 2, 2025. The instant appeal followed.

LAW AND ANALYSIS

On appeal, Defendant’s sole assignment of error alleges that the State’s evidence was insufficient to uphold his convictions. Defendant argues that the convictions were based solely on S.M.’s uncorroborated allegations. He contends that there was no medical, scientific, or physical evidence, and S.M.’s statements were inconsistent and “implausible.” Defendant avers that the evidence established a motive for S.M. to fabricate the abuse. Defendant argues that inconsistencies between S.M.’s testimony and what she reported to Dr. Dodd is

proof that she lied, and it shed doubt on her credibility. He also avers that she had different reasons for her delayed disclosure. He argues that S.M. failed to disclose the allegations of prior abuse to Detective Abron and that the number of sexual assaults and attempted sexual assaults were “highly implausible.” He argues that S.M.’s own statements provide enough contradictions, and Mrs. M.’s forgiveness of the domestic abuse against her gave S.M. a motive to fabricate the stories.

The State responds that it proved the essential elements of both convictions beyond a reasonable doubt. The State argues that Dr. Dodd testified that delayed disclosure was normal in child sexual abuse cases and that it was common for an abused child to have difficulty recalling details of abuse. It also avers that S.M. was able to clearly distinguish the instances of abuse perpetrated by Defendant from earlier incidents of abuse involving other persons. It also argues that the jury heard S.M.’s CAC interview, her statement to Dr. Dodd, and her trial testimony. The State avers that it was the jury’s decision to believe the victim’s account of the events as rational and, viewed in the light most favorable to the prosecution, the State proved the essential elements of the offenses beyond a reasonable doubt.

The question of sufficiency of the evidence is properly raised in the trial court by a motion for post-verdict judgment of acquittal pursuant to La. C.Cr.P. art. 821. *State v. Raines*, 24-177 (La. App. 5 Cir. 12/18/24), 410 So.3d 337, 345. As discussed, in the instant matter, Defendant filed a motion for new trial and a motion for post-verdict judgment of acquittal. In both motions, Defendant argued that the verdicts were contrary to the law and evidence. Both motions were denied.

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 v. Virginia*, 443 U.S. 307, 319, 99 S.Ct. 2781, 61

L.Ed.2d 560 (1979).

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. 5/29/04), 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.*

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. 11/4/20), 304 So.3d 1097, 1102. When addressing the sufficiency of the evidence, consideration must be given to the entirety of the evidence, including inadmissible evidence which was erroneously admitted, to determine whether the evidence is sufficient to support the conviction. *State v. Tate*, 22-570 (La. App. 5 Cir. 6/21/23), 368 So.3d 236, 245.

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. 5/24/23), 365 So.3d 919, 940. 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. 11/2/23), 376 So.3d 1047, 1072, *writ denied*, 23-1588 (La. 4/23/24), 383 So.3d 608. In sex offense cases, the testimony of the victim alone can be sufficient to establish the elements of a sexual offense, even when the State does not introduce medical, scientific, or physical evidence to prove the commission of the offense. *State v. Raye*, 17-136 (La. App. 5 Cir. 10/25/17), 230 So.3d 659, 666, *writ denied*, 17-1966 (La. 6/15/18), 257 So.3d 674.

Defendant was convicted of sexual battery upon a juvenile, in violation of La. R.S. 14:43.1 (count one), and indecent behavior with a juvenile, in violation of La. R.S. 14:81 (count two).

La. R.S. 14:43.1 provides in pertinent part:³

A. Sexual battery is the intentional touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when any of the following occur:

(2) The victim has not yet attained fifteen years of age and is at least three years younger than the offender.

³ “It is well settled that a defendant is to be tried under the statute in effect at the time of the commission of the crime.” *State v. Weaver*, 01-467 (La. 1/15/02), 805 So.2d 166, 170; *State v. Do*, 16-439 (La. App. 5 Cir. 12/14/16), 208 So.3d 1048, 1051 n.4, *writ denied*, 17-354 (La. 11/13/17), 229 So.3d 924.

At the time the offense was committed, La. R.S. 14:81 provided in pertinent part:

A. Indecent behavior with juveniles is the commission of any of the following acts with the intention of arousing or gratifying the sexual desires of either person:

(1) Any lewd or lascivious act upon the person or in the presence of any child under the age of seventeen, where there is an age difference of greater than two years between the two persons. Lack of knowledge of the child's age shall not be a defense... .

Here, Defendant does not argue that a particular element of either offense was not met but calls into question the credibility of S.M.'s allegations against him, while pointing to inconsistencies in S.M.'s disclosures.

In *State v. Gaddis*, 07-395 (La. App. 5 Cir. 11/13/07), 973 So.2d 21, 28, *writ denied sub nom. State ex rel. Gaddis v. State*, 08-156 (La. 10/10/08), 993 So.2d 1277, this Court stated that although there were some inconsistencies between the victim's CAC interview and his testimony at trial, the jury's decision to believe the victim's account of events over the defendant's testimony was rational. This Court cited its previous decision in *State v. Simmons*, 03-20 (La. App. 5 Cir. 4/29/03), 845 So.2d 1249, 1258, where it stated the discrepancies in the child victim's statement were not necessarily indicative of untruthfulness or incompetence. In *Simmons*, this Court stated that the memory lapse and alleged inconsistencies may have resulted from "the child's tender age- 5-years-old on the date of the incident the traumatic nature of the experience; exposure to unfamiliar surroundings; or the method of interrogation[.]" *Gaddis*, 973 So.2d at 27 n.14.

In the instant matter, Defendant questions the truthfulness of S.M.'s allegations, arguing that they are "implausible" and points to inconsistencies in her disclosures. However, we find that the jury found S.M.'s testimony credible, despite inconsistencies in her recollection of events. Dr. Dodd testified that it was common for a child sexual abuse victim who had experienced repeated trauma to

have difficulty recalling details. She explained that the recollection of the abuse could depend on the age that the trauma occurred. According to S.M.'s testimony, she was sexually abused by multiple individuals, starting at the age of five. Dr. Dodd also testified that when she spoke to S.M., it appeared that she was concerned with the perception of the details of her disclosure. Except for her recollection of whether she complied with Defendant's request to bend over and his actions after, we find that S.M.'s disclosures were mostly consistent. The jury weighed the evidence and made a credibility determination in relying on the victim's testimony. The jury heard S.M.'s testimony, in which she described detailed instances of abuse by not only Defendant but other individuals. The jury also watched S.M.'s CAC interview and the summary of her disclosures made to Dr. Dodd, and despite any inconsistencies in her disclosures, the jury still found Defendant guilty of both charges.

Defendant also argues that there was no medical, scientific, or physical evidence of S.M.'s abuse. However, in sex offense cases, the testimony of the victim alone can be sufficient to establish the elements of a sexual offense, even when the State does not introduce medical, scientific, or physical evidence to prove the commission of the offense. *Raye*, 230 So.3d at 666. Furthermore, in the instant matter, evidence provided that the presence of male DNA was detected from the rape kit sample of the victim; however, the sample was too small to compare it to Defendant's DNA. Yet, the jury found Defendant guilty, despite the lack of DNA evidence.

Accordingly, considering the law and the evidence admitted at trial, we find that a rational trier of fact, viewing the evidence in a light most favorable to the prosecution, could have found beyond a reasonable doubt that the evidence was sufficient under the standard set forth in *Jackson* to support Defendant's convictions.

Errors Patent Review

The record was reviewed for errors patent according to La. C.Cr.P. art. 920; *State v. Oliveaux*, 312 So.2d 337 (La. 1975); and *State v. Weiland*, 556 So.2d 175 (La. App. 5th Cir. 1990). Here, there is an issue with the designation of indecent behavior with a juvenile (count two) as a crime of violence. After sentencing Defendant on count two, the trial judge stated, “Court does mark count two as a crime of violence based on the age of the victim.” The sentencing minute entry also provides that count two was designated as a crime of violence.

Generally, La. R.S. 14:2(B) defines a crime of violence as follows:

In this Code, “crime of violence” means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon.

Furthermore, La. R.S. 14:2(B) provides a list of included offenses and attempts to commit those offenses that are crimes of violence. Indecent behavior with a juvenile is not included in the list of offenses. Louisiana courts have confirmed, however, that the list of enumerated offenses in La. R.S. 14:2(B), is illustrative and not exhaustive. *State v. Hudson*, 25-337 (La. App. 5 Cir. 2/25/26), 432 So.3d 191,204, citing *State v. Oliphant*, 12-1176 (La. 3/19/13), 113 So.3d 165, 170; *Washington v. State*, 19-1792 (La. 1/27/21), 315 So.3d 198, 200. Thus, unlisted offenses may be designated as crimes of violence under the general definition of the term provided by the statute. *Id.*, citing *State v. Day*, 24-503 (La. App. 1 Cir. 5/23/25), 417 So.3d 781, 787-88, *writ denied*, 25-742 (La. 12/16/25), 422 So.3d 782.

The trial judge designated the conviction as a crime of violence based on the age of the victim, who was 12 years old at the time the offense was committed. However, no basis—other than S.M.’s age—regarding the designation of indecent

behavior with a juvenile as a crime of violence was provided by the trial judge. We find that, because the offense does not fit the statutory definition of a crime of violence, the designation as such is erroneous. Accordingly, we remand the matter to the trial court for correction of the sentencing minute entry. *See Washington v. State*, 19-360 (La. App. 5 Cir. 10/9/19), 2019 WL 5076249, *writ granted*, 19-1792 (La. 1/28/20), 286 So.3d 431, *and aff'd*, 19-1792 (La. 1/27/21), 315 So.3d 198, where this Court found that the designation in the sentencing minute entry for the defendant's conviction for racketeering as a crime of violence was erroneous and remanded the matter to the trial court for correction of the sentencing minute entry; and *State v. Harrell*, 18-63 (La. App. 5 Cir. 10/17/18), 258 So.3d 1007, 1014, where this Court found that the designation of possession of a firearm by a convicted felon as a crime of violence was erroneous and remanded the matter to the trial court for correction of the sentencing minute entry.

DECREE

For the foregoing reasons, we affirm Defendant's convictions and sentences. We remand the matter to the trial court for correction of the sentencing minute entry consistent with this opinion.

CONVICTIONS AND SENTENCES AFFIRMED;
REMANDED WITH INSTRUCTIONS

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
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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
AUGUST 26, 2026 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

25-KA-509

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)
HONORABLE SHAYNA BEEVERS MORVANT (DISTRICT JUDGE)
HOLLI A. HERRLE-CASTILLO (APPELLANT) MICHAEL A. MITCHELL (APPELLANT)
JULIET L. CLARK (APPELLEE) THOMAS J. BUTLER (APPELLEE)
REMY V. STARNS (APPELLANT)

HONORABLE PAUL D. CONNICK, JR.
(APPELLEE)

MAILED

NO ATTORNEYS WERE MAILED