STATE OF LOUISIANA

VERSUS

EDILBERTO REYES

NO. 24-KA-516

FIFTH CIRCUIT

COURT OF APPEAL

STATE OF LOUISIANA

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 21-5021, DIVISION "J"
HONORABLE STEPHEN C. GREFER, JUDGE PRESIDING

July 30, 2025

E. ADRIAN ADAMS
JUDGE

Panel composed of Judges Susan M. Chehardy,
Stephen J. Windhorst, and E. Adrian Adams, Pro Tempore

AFFIRMED

EAA
SMC
SJW

COUNSEL FOR PLAINTIFF/APPELLEE,
STATE OF LOUISIANA

Honorable Paul D. Connick, Jr.
Monique D. Nolan
Thomas J. Butler
Eric Cusimano
Brooke A. Harris

COUNSEL FOR DEFENDANT/APPELLANT,
EDILBERTO REYES

Bertha M. Hillman

ADAMS, PRO TEMPORE, J.

The defendant, Edilberto Reyes, appeals as excessive the sentences imposed for his conviction on one count of attempted indecent behavior with a juvenile, three counts of indecent behavior with a juvenile, and one count of sexual battery. For the reasons that follow, we affirm defendant's convictions and sentences.

Statement of the Case

On August 27, 2021, the Jefferson Parish District Attorney filed a bill of information charging defendant, Edilberto Reyes, with indecent behavior with a juvenile under thirteen (DOB 2/19/08) in violation of La. R.S. 14:81 (count one), indecent behavior with a juvenile under thirteen (DOB 5/31/07) in violation of La. R.S. 14:81 (count two), indecent behavior with a juvenile (DOB 6/5/06) in violation of La. R.S. 14:81 (count three), indecent behavior with a juvenile (DOB 8/13/04) in violation of La. R.S. 14:81 (count four), indecent behavior with a juvenile (DOB 3/21/05) in violation of La. R.S. 14:81 (count five), and sexual battery of I.E. in violation of La. R.S. 14:43.1 (count six). Defendant was arraigned and entered a plea *in absentia* on September 23, 2021. On April 8, 2024, the State dismissed count one.

On April 12, 2024, the jury found defendant guilty of the lesser responsive verdict of attempted indecent behavior with a juvenile under thirteen as to count two, and guilty as charged on counts three through six. On May 29, 2024, defendant filed a motion for new trial, which the trial court denied the same day, and counsel for the defense waived sentencing delays. The trial court sentenced defendant to seven years imprisonment at hard labor without benefit of probation, parole, or suspension of sentence for count two and for count six, and to five years

imprisonment at hard labor for each of counts three, four, and five. The trial court ordered the sentences to run consecutively.[1]

On July 3, 2024, defendant filed a motion to reconsider sentence and a motion for appeal. On August 14, 2024, the trial court denied the motion to reconsider sentence, explaining that the motion was untimely. On August 15, 2024, the trial court granted defendant's motion for appeal.

At the July 3, 2024 hearing, the State argued that defendant's motion to reconsider sentence was not filed timely pursuant to La. C.Cr.P. art. 881.1. The trial court agreed, stating that under La. C.Cr.P. art. 881.1 (A), it was denying the motion, as defendant did not file it within thirty days of sentencing, and the court had not set a longer period for filing. Defense counsel asked the court to consider the motion and extend the 30-day period by an additional 24 hours, emphasizing that the delay was not defendant's fault. The trial judge indicated that he lacked authority to extend the deadlines, but he would "sign and set an appeal" and further explained that he could not "set an appeal prior to disposing of the motion to reconsider sentence." The judge signed and granted the written motion for appeal on August 15, 2024.

At the outset, we must address defendant's untimely filed motion to appeal. La. C.Cr.P. art. 914 provides that a motion for an appeal in a criminal matter must be made no later than "[t]hirty days after the rendition of the judgment or ruling from which the appeal is taken" or "[t]hirty days from the ruling on a motion to reconsider sentence filed pursuant to Article 881.1, should such a motion be filed." La. C.Cr.P. art. 881.1 states: "In felony cases, within thirty days following the imposition of sentence or within such longer period as the trial court may set at

[1] Defendant was also ordered to comply with the sex-offender registration statute and was given written notification. The court additionally recommended drug treatment and any self-help programs suitable to the Department of Corrections during his incarceration.

sentence, the state or the defendant may make or file a motion to reconsider sentence."

If a defendant fails to move for an appeal within this time, the conviction and sentence become final, and the defendant loses the right to obtain an appeal by simply filing a motion for appeal in the trial court. *State v. Williams*, 16-32 (La. App. 5 Cir. 8/24/16), 199 So.3d 1205, 1209; *State v. Williams*, 12-687 (La. App. 5 Cir. 5/16/13), 119 So.3d 228, 237, *writ denied*, 13-1335 (La. 12/2/13), 126 So.3d 500.[2] Nevertheless, to avoid useless delay, this Court has considered out-of-time appeals in the interest of judicial economy. *See, e.g.*, *State v. Gilbert*, 23-121 (La. App. 5 Cir. 11/8/23), 377 So.3d 378, 384 (agreeing to consider the defendant's untimely appeal to avoid further useless delay); *State v. Jones*, 15-157 (La. App. 5 Cir. 9/23/15), 176 So.3d 713, 716 (agreeing to address the merits of the defendant's appeal in the interest of judicial economy). *See also State v. S.J.I.*, 06-2649 (La. 6/22/07), 959 So.2d 483 (reversing the appellate court's judgment dismissing the defendant's untimely appeal, finding the dismissal would only prolong the delay without serving any useful purpose).

Here, because defendant filed a motion for appeal within two years of the convictions and sentences becoming final under La. C.Cr.P. art. 930.8, we consider defendant's otherwise untimely appeal in the interest of judicial economy and to avoid useless delay. *Gilbert, supra*.

Facts

On October 19, 2019, patrol deputies responded to a call at Kings Grant playground involving allegations of inappropriate touching by an adult, who was identified as defendant, Edilberto Reyes.[3] The deputies encountered angry parents

[2] To obtain reinstatement of his right to appeal, a defendant must file an application for post-conviction relief seeking an out-of-time appeal within two years from the date the defendant's conviction and sentence become final. *State v. Counterman*, 475 So.2d 336 (La. 1985); *Williams*, 199 So.3d at 1209; La. C.Cr.P. art. 930.8.

[3] Defendant was born July 30, 1986. Thus, he was 33 years old in October 2019.

as well as Maria Gallardo, who is defendant's wife and the coach of an adolescent girls' cheerleading team. After determining the case fell under the jurisdiction of the Jefferson Parish Sheriff's Office (JPSO) Personal Violence Unit, Detective Kevin Tillman and his squad took over the investigation.

Detective Tillman relayed that I.E.,[4] one of the victims interviewed, disclosed that while visiting Mrs. Gallardo's residence, defendant asked her to go for a ride on a four-wheeler. While I.E. was driving, defendant inappropriately touched her over her clothing on her vagina and breasts, which made her feel extremely uncomfortable. I.E. did not disclose the incident to her mother until the following morning.[5] Detective Tillman showed I.E. a photo of defendant, and she confirmed knowing him as "Eddie." Following this disclosure, an arrest warrant was issued for defendant for the sexual battery of I.E.

As the investigation continued, Detective Tillman directed Detective Christian Dabdoub to accompany the girls to the Children's Hospital emergency room. Detective Tillman explained that not all of the girls at the party were touched, taken to the hospital, referred to the Audrey Hepburn Center, or later seen at the Children's Advocacy Center (CAC).[6] The allegations of the additional four victims provided further grounds for arresting defendant.

The detective learned from Mrs. Gallardo that the girls may have consumed alcohol, including Jell-O shots, without her knowledge because she had gone to

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[4] To observe the principle of protecting minor crime victims and victims of sex offenses under La. R.S. 46:1844 (W), we identify the victims by their initials only. *See State v. E.J.M., III*, 12-774, 12-732 (La. App. 5 Cir. 5/23/13), 119 So.3d 648, 652 n.1. Two of the victims are sisters and share the same initials. Accordingly, D.L. refers to the older sibling and D.L.2 refers to the younger sibling. In addition, out of an abundance of caution, initials will be used for M.G., defendant's stepdaughter, who made sex-offense allegations but later recanted those accusations. We use the full names of witnesses who testified at trial but who were not directly involved in the offenses at issue.

[5] JPSO Detective Evan Keller interviewed I.E. on October 21, 2019, and identified photos of I.E.'s injuries. The photos showed redness on her inner left thigh and bruising on her outer thigh.

[6] Aubrey Ziegler, who worked with the Gretna Police Department as a forensic interviewer to the Jefferson Children's Advocacy Center, conducted interviews of D.L., D.L.2, K.B., and C.F.

bed. The detectives obtained a search warrant for defendant's residence on Suwannee Drive based on the girls' disclosures that during a team-building sleepover, the coach allowed them to have alcohol. Deputies found Jell-O shots in a refrigerator, a large quantity of alcohol, and a four-wheeler during the search. Detective Tillman confirmed that a video was collected from one victim's phone and reviewed during the investigation.[7] Defendant was not apprehended until approximately one year later.

All five girls—D.L.2 (count two), K.B. (count three), C.F. (count four), D.L. (count five), and I.E. (count six)—were present at the October 2019 sleepover hosted by Mrs. Gallardo and are the victims of the charged offenses.

I.E. testified that in October 2019, she worked as a cheerleading coach for the junior team. Her sister, K.B., was also on the team. I.E. attended a coaches' party at Mrs. Gallardo's house the night before the girls' sleepover. She recalled that defendant was present and that she consumed tequila and Jell-O shots. The next night, during the girls' sleepover, I.E. stated that she rode a four-wheeler with defendant and his niece. She testified that everything felt fine at first, but then defendant's hands were on the outside of her thighs. She described feeling "a little uncomfortable." She felt his hands shift toward the top of her thighs and start pressing down. As they continued riding the four-wheeler, she felt his hands move to the middle of her thighs, and one hand went over her "vagina area over her clothes." She confirmed that his hands moved from the top to the inside of her thighs, describing the touch as "light," not "hard." I.E. also said she had bruises on her thighs. She denied that defendant said anything to her while they were on the four-wheeler. She stated that she freaked out, ran the four-wheeler into a pothole,

[7] Detective Dabdoub was informed by C.F.'s family about a video from the night of the incident. On October 21, 2019, he obtained C.F.'s consent to extract the video, which was admitted as evidence at trial. C.F. also identified defendant in a still frame from the video, which was admitted into evidence.

and they nearly crashed into a ditch. Afterward, she told defendant to take them home because his niece was crying, having been scared by the near crash. She said she felt "disgusted" when defendant did that to her.

When they reached the house, I.E. went inside, changed, and left without telling anyone why. She later returned with her boyfriend to check on everyone, staying about twenty minutes. I.E. denied that anyone was drinking and confirmed that her boyfriend also rode the four-wheeler that night. She did not think what happened to her would happen to anyone else. She denied that defendant had ever touched her like that before or had given her any reason to feel unsafe. I.E. stated that she left and went home. She stated that she "partially" told her boyfriend what happened, though she did not think he understood.

D.L. testified that she rode the four-wheeler with defendant and C.F., with D.L. in the front, defendant in the middle, and C.F. in the back. She stated: "there was a lot of touching" and that he was "trying to get underneath me to get me to sit on his lap," as well as "a lot of gripping and grabbing." She recounted defendant touching her inner thighs, the sides of her thighs, and her buttocks area with his hands. D.L. said she tried not to think the worst and assumed defendant was just making sure they did not fall off. After her second ride, she began to feel uncomfortable and did not fully realize what had happened until then. According to D.L., defendant tried to get her to put her lips close to his, especially when she was riding in the back. She said defendant kept trying to place her mouth on his and sought any contact he could. D.L. said C.F. had driven the four-wheeler before her and observed "a lot of the same things," explaining that defendant went for whatever he could "touch or whatever he can grab[.]"

Afterward, defendant drove them back to the residence, and others continued riding the four-wheeler. D.L. stated that Mrs. Gallardo first offered her Jell-O shots and she accepted them. Defendant continued giving her shots throughout the

night. She described being close to "blackout drunk." D.L. testified that during the second four-wheeler ride, she had only consumed one Jell-O shot. D.L., K.B., and defendant rode together. D.L. saw that defendant did anything he could to touch K.B. while she was in front, and did the same to her while she was in the back. D.L. stated that when defendant was in the middle, he reached back and grabbed her thighs and buttocks. She said that one time he got closer to her inner thigh and around her private area. D.L. added that defendant did not "get more into the upper areas" until she was in the front. D.L. explained that defendant tried to kiss her and put his tongue in her mouth while she was on the back of the four-wheeler.

D.L. said they drove the four-wheeler to a different field in the back. She began driving in circles, and she and K.B. communicated that they were ready to go home. She described defendant becoming "more touchy," with his hands ending up under her bra and in her pants. D.L. said she commented, "I'm cold," and defendant responded: "Oh, we can go home, and I'm going to warm you up[.]" She elaborated that he touched her "boob area" and did not go into her pants until they were back in the woods and she was driving back. While driving in the woods, D.L. was in front, defendant was in the middle, and K.B. was on the back when defendant started rubbing her "clit area" and tried to put his "hand in there and stuff." D.L. told him to stop, and when defendant asked what she said, she stayed quiet because she did not want to put them in more danger. D.L. explained that she got on the four-wheeler a second time because she did not want a younger girl or her sister to get on. D.L. testified that while she was driving, defendant tried to scoot under her to get her to "bounce on top of his area as hard as he can."

D.L. stated that when she returned from the second ride, everyone knew what was going on. D.L. explained that K.B. came up to her after a ride and asked: "Is he touching y'all?" D.L. recalled that at one point, defendant laid in bed with

them while they were drunk, resting on C.F.'s lap. She recalled he kissed C.F.'s arm and leg, kissed D.L.'s arm, and put his fingers in D.L.'s mouth. Mrs. Gallardo was in her room sleeping but came upstairs once, though D.L. could not remember why because she was very drunk. D.L. denied reaching out to an adult or parent, explaining she was scared. She indicated that they took the shots out of fear that defendant would hurt them if they did not.[8]

D.L.2, who is D.L.'s younger sister, testified that she went on two four-wheeler rides, but nothing happened on the first. D.L.2 said that on the second ride, defendant touched her inappropriately while she was driving, placing one hand over her tights, over her vagina. She explained that it happened more than once, and his hand remained there the entire time. She also said that at one point, he tried to put his hand under her shirt, but she removed it. She specified that defendant's hand reached just below her breast. When she removed it, defendant said: "Oh, I was just cold." She stated that she felt uncomfortable and took his hand out.

D.L.2 said they were trying to get home because they had practice at 9:00 a.m. While driving in a wooded area near a ditch, she testified that defendant still had his hand over her vagina. She nearly hit a tree, which caused him to remove his hand. A second time, D.L.2 almost ran into the ditch because she was distracted and uncomfortable. She said she was still in the front when defendant took control of the handles and drove them back. D.L.2 stated that when she tried

[8] D.L. testified that she went to the emergency room, was evaluated at the Audrey Hepburn Care Center, and gave a statement to Ms. Ziegler. D.L.'s CAC interview was largely consistent with her trial testimony and was played for the jury. Additionally, D.L. apparently used gestures to show where defendant touched her, including placing her hands over her crotch area and chest. She told Mrs. Ziegler that during the second four-wheeler ride, defendant "tried to act like he was fingering" her over her clothes and remained around her "clit area." She also stated that he kissed her near the mouth, tried to lick her cheek, and grabbed her by the hair while doing so. D.L. added that defendant forced her and C.F. to take Jell-O shots by grabbing them, pushing them down the stairs, tilting their heads back, and making them consume the shots multiple times. She said that K.B. told her defendant had put his tongue in her mouth and tried to get her to suck on his fingers.

to scoot away, defendant pulled her hips closer to him, though this happened only once. She did not believe his actions were accidental. She denied that the two other girls on the four-wheeler saw defendant touch her. Later, D.L.2 recalled seeing defendant assisting C.F. down the stairs with his hand on her "boob." She testified it was clear that the girls were intoxicated. She testified that once she and the younger girls went to sleep, defendant did not enter their room, though he opened the door and stared at them, which she described as "kind of weird."[9]

C.F. indicated that she rode the four-wheeler with D.L. and defendant. According to C.F., when D.L. drove the four-wheeler, defendant tried to pick her up and place her on his lap, even though there was more than enough room for her to sit. She explained that whenever she tried to scoot closer to D.L., defendant would pull her back and try to keep her very close to him. He made sure his hand was "right in between [her] thighs and right at the button of [her] pants." C.F. stated that each time she moved his hand, he would put it back and try to keep it between the button of her pants and her skin.[10] At first, C.F. thought the touching might have been accidental, but after the second and third time, she knew it was intentional. C.F. said she felt confused and tried not to think the worst, but the experience made her uncomfortable. While she was driving, D.L. expressed that she wanted to go back, and C.F. drove them straight back to the residence.

After returning from the four-wheeler ride, C.F., D.L., and K.B. talked in a bedroom about whether defendant had touched them. C.F. recalled saying: "I mean, kind of… now that I think of it," after hearing that he did something similar to the others. K.B. told C.F. that defendant put his hand in her pants and she "felt

[9] D.L.2 stated she was taken to Children's Hospital, then to the Audrey Hepburn Care Center, and she gave a recorded interview with Ms. Ziegler. D.L.2.'s CAC interview was largely consistent with her trial testimony. In addition, it appears she gestured to indicate that defendant's hand was over her crotch area and later gestured that his hand was over her chest.

[10] C.F. demonstrated for the jury how defendant would put his hands "right here," lift her up, and place her on his lap. Using gestures, she showed how defendant placed his hands inside her jeans, trying to get between the buttons and rest them inside her pants.

his finger." After that, they tried to avoid him. C.F. confirmed they were drinking that night and said that defendant repeatedly encouraged them to take more Jell-O shots, telling them: "It's okay, just have another one." She became intoxicated by the end of the night and said this happened after Mrs. Gallardo and the younger children had gone to bed.

C.F. said defendant stayed up all night and kept coming into the upstairs bedroom. He repeatedly tried to get them to go downstairs for more shots and did not want to leave the room, returning each time they said they were trying to sleep. C.F. recounted that at one point, defendant was lying on the bed with them, resting his head and shoulder on her lap, playing on her phone, and refusing to leave after being told multiple times they were trying to sleep. Defendant took her phone to talk to Siri, watch videos, and make videos. C.F. stated that she, D.L., and Kaileigh Martinez were on the bed, and defendant was lying between her and D.L., holding C.F. He had a soccer ball and kept putting it under her shirt, saying "look at the baby." Each time she removed the ball, he would shove it back in. Eventually, C.F. threw the ball across the room to get him to stop.[11]

C.F. testified that defendant went downstairs and returned with a glass of wine, which he tried to get the girls to try. He continued leaving and coming back to see what they were doing and tried to get them to go downstairs for a Jell-O shot. She stated that defendant grabbed her by the ponytail, causing her to fall on the stairs, and he was right behind her. While they were in the room, defendant whispered: "Do you smoke?" When she said no, he replied: "Oh, okay, me either. But if you want to, we can go to the woods, in the woods." He also mentioned a cabin he had in the woods and said he wanted to take them there. Although they

[11] C.F. said it was very awkward having defendant lie on her lap. Using D.L.'s phone, C.F. took a video of defendant talking to Siri on her phone. She later showed the video to police.

told him no, he kept trying to get them back on the four-wheeler. C.F. explained they knew what had happened and did not want to go again.[12]

K.B. testified that she is I.E.'s younger sister and went on the four-wheeler twice. The first time, she rode with Kaileigh and defendant. She explained that while she was driving, defendant touched her—grabbing her thigh and touching her vagina over her clothing. She did not see defendant touch Kaileigh. While Kaileigh was driving, defendant repeatedly grabbed K.B.'s thighs. She initially thought it might have been accidental, but it happened multiple times and felt deliberate. She told Kaileigh she wanted to go home, and they returned to the residence.

K.B. testified that she later went on a second ride with D.L. and defendant because she did not want D.L. to go alone. She said D.L. did not know what had happened to her. K.B. confirmed that she saw defendant touch D.L.'s thigh while D.L. was driving but did not observe anything else. K.B. recounted that while she was driving during the second ride, defendant tried to kiss her on the lips. She told him to stop. He also touched her thigh and attempted to put his hand in her shirt, but she pushed it away. K.B. later stated she was touched on her vagina and thighs and that defendant also tried to go up her shirt. Afterward, D.L. gave her a look, and K.B. suggested they go home.

When they returned to the residence, K.B. asked D.L. if she had been touched, and they realized others had had similar experiences. K.B. confirmed that several girls were intoxicated from Jell-O shots brought by defendant, though she did not drink any. K.B. recalled helping C.F. and D.L., who were falling down the stairs, likely due to being drunk. K.B. testified that defendant came upstairs

[12] C.F. was later taken to the hospital and the Audrey Hepburn Care Center, where she gave a recorded interview. C.F.'s CAC interview was generally consistent with her trial testimony, including her account of defendant's behavior on the four-wheeler, his repeated attempts to give the girls alcohol, and his conduct in the bedroom that night.

uninvited and got on the bed with them. He laid his head on C.F.'s thigh, and K.B. saw him lick her thigh once. She did not see him attempt to put his fingers in anyone's mouth. K.B. confirmed that C.F. recorded a video of the incident where defendant had his face in her lap and recalled him covering his face. She did not know if he had been drinking. She stated they went to bed around 2:00 or 3:00 a.m., and defendant returned to the room about three or four times. K.B. testified that D.L. became sick and was put in the bathroom, where she fell in the tub. Mrs. Gallardo woke up once and scolded them for being loud.[13]

Kaileigh Martinez testified that defendant gave her tequila Jell-O shots while Mrs. Gallardo was asleep. She later saw him give shots to other girls as well, sometimes holding the shot up to their mouths or using his finger to make them take it. While riding the four-wheeler, defendant touched K.B. inappropriately. She recalled K.B. grabbed her from behind and said she wanted to go back to the house. K.B. seemed nervous and afraid. When Kaileigh asked what was wrong, K.B. eventually said that defendant had touched her inappropriately and demonstrated how he grabbed her thighs. Later, Kaileigh saw defendant lying on C.F.'s thigh, lifting her shirt, and repeatedly placing a soccer ball under it while saying: "Oh, look at the baby; oh, she's pregnant." She said he did this four or five times, and confirmed that C.F. appeared intoxicated.

Kaileigh stated that the next morning, Mrs. Gallardo confronted her about the missing Jell-O shots and told defendant he should not have stayed up with the girls. At cheer practice, Kaileigh's mother, Shannon Pieropan,[14] confronted her

[13] K.B.'s CAC interview with Mrs. Ziegler was generally consistent with her trial testimony regarding the events at the October 2019 sleepover. Additionally, K.B. told Mrs. Ziegler that defendant placed multiple Jell-O shots in her pockets and that she pretended to be intoxicated because she felt scared and pressured. She recalled seeing defendant lick and kiss the thighs of C.F. and D.L. and put his finger in D.L.'s mouth. She also said she grabbed defendant's wrist to push him away and later observed a bruise on her own thigh from where he had grabbed her. K.B. explained that she was afraid defendant might hit or hurt her.

[14] Mrs. Pieropan, Kaileigh's mother and a cheer coach at Kings Grant playground, testified that she had attended a coaches' party at Mrs. Gallardo's home the Friday before the sleepover,

about drinking, prompting Kaileigh to speak with her coaches. D.L. was then asked what had happened. D.L. responded: "Are you referring to the touching?" D.L. explained that the adults began to find out what happened, and she did not remember whom she told. D.L.2. stated that at the practice, parents learned about the drinking, and they confirmed they had been inappropriately touched. C.F. shared her own experience, but Mrs. Gallardo did not believe them and blamed C.F., saying it happened only because she was there that year. I.E. recalled Mrs. Gallardo telling her that the girls had been rowdy, drank alcohol, and something was wrong. I.E. recalled crying when she learned that it had happened to the younger girls, including her sister. I.E. called her mother, Roxanne Vandevender,[15] and told her that defendant had touched her, and something likely happened to K.B. Her mother arrived with a baseball bat. K.B.'s testimony regarding the disclosure during cheer practice was consistent with the others.

Dr. Judith Dodd, a forensic nurse practitioner at the Audrey Hepburn Care Center, was accepted at trial as an expert in child abuse pediatrics. She confirmed that she evaluated four patients related to the allegations and identified the medical records of D.L., D.L.2, C.F., and K.B., which were admitted into evidence. Dr. Dodd explained that the Children's Hospital emergency room referred all four girls to her.

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where defendant and Jell-O shots were present. After the girls' sleepover, Mrs. Pieropan learned from her son that Kaileigh had been drinking, which Kaileigh confirmed. Ms. Pieropan also saw a video showing her daughter visibly intoxicated. After speaking with D.L.'s mother, Ms. Pieropan joined her in asking D.L. what had happened. D.L. responded: "Oh, you mean when he tried to slip his hand down my pants on the four-wheeler?" D.L. told them everything that happened. Mrs. Pieropan and others contacted parents, canceled practice, and later accompanied the girls to the hospital. She testified that she had known the girls for years and saw nothing in their behavior that led her to believe they were lying.

[15] Mrs. Vandevender said that her daughters, I.E. and K.B., were involved with Kings Grant playground cheerleading. Mrs. Vandevender allowed K.B. to attend a sleepover at Mrs. Gallardo's home but had never met defendant and did not know he would be present. She said that on October 20, 2019, I.E. called her, crying hysterically and saying: "He touched me." Mrs. Vandevender immediately headed to Kings Grant playground carrying a bat. She found I.E., who said Mrs. Gallardo's husband had touched them.

According to Dr. Dodd, D.L. reported that defendant tried to get his hands as high up her legs as possible and put his hand under her shirt, touching her bare skin and squeezing her breast. D.L. also told Dr. Dodd that defendant said something to her aggressively, kissed her on the cheek, and tried to grab her hand, and that she responded by saying: "Don't be stupid." Dr. Dodd testified that D.L. disclosed additional details, including that defendant provided Jell-O shots, came upstairs, and stayed there, and that C.F. had recorded a video. Dr. Dodd confirmed that D.L.'s disclosures were consistent with her CAC interview. D.L. reported that defendant touched her thighs, rubbed her private area, and "finger[ed] her clitoris." Dr. Dodd opined that these statements were consistent with child sexual abuse.

D.L. also told Dr. Dodd that she confided in K.B. about what happened, and K.B. responded that defendant had tried to put his tongue in her mouth. D.L. added that defendant placed his hand on her stomach under her shirt and squeezed her breast over her bra. She said they thought they were going to be raped, but believed the younger girls were not being touched.

Dr. Dodd then discussed her examination of D.L.2. Dr. Dodd testified that D.L.2 disclosed that while she was driving a vehicle, defendant sat behind her and placed his hands on her private area, over her clothing. The second time she rode the four-wheeler, defendant again placed his hands on her private area and pressed a little. Dr. Dodd added that D.L.2 asked him to put his hands somewhere else, and he responded: "Oh, oh, sorry." She confirmed that she diagnosed D.L.2 with child sexual abuse.

Dr. Dodd evaluated C.F., who reported inappropriate touching, alcohol use, and memory gaps about the incident. C.F. was unsure if the touching was accidental, which Dr. Dodd said is common in sexual abuse cases, particularly during the grooming process when contact may seem incidental. She confirmed that she diagnosed C.F. with child sexual abuse by history, based on C.F.'s report

that defendant touched her thigh with his hand and face and lifted her shirt to place a ball under it. Additionally, another individual reported to Dr. Dodd that defendant kissed and licked C.F.'s thigh. C.F. further reported that defendant grabbed her thighs, hips, and lower back on top of her clothes, and he also placed his hands underneath her sweatshirt, over her shirt, and over her lower stomach. C.F. reported that she tried to move his hands, but he tried to ease them back to where they were previously located.

Dr. Dodd then discussed the examination of K.B. She diagnosed K.B. with a "concern of child sexual abuse," explaining that this term is used when abuse is suspected but not confirmed. She explained that K.B. did not disclose any touching of her chest or genitals under or over her clothes. K.B. reported that defendant touched her right thigh. Dr. Dodd stated that the information provided did not meet the criteria for diagnosing child sexual abuse, though she noted that defendant touched K.B. near her private areas. Dr. Dodd testified that, to her recollection, no one else reported that the touching of K.B. progressed beyond grabbing her hips or surrounding areas. K.B. also told her that she and D.L. communicated with each other while on the four-wheeler that defendant was touching them both. K.B. also reported that she saw defendant kissing and licking C.F.'s thigh.

Dr. Dodd explained that providing alcohol to children was relevant because those who consumed it reported memory gaps. She stated that alcohol lowers inhibitions and could make it easier to access and violate a child who is inebriated. She testified that placing one's head on a child's lap or putting a soccer ball under a young teen girl's shirt could be signs of grooming. Lifting a girl's shirt, which covers her breasts, was described as crossing a boundary and inappropriate behavior for an adult. Dr. Dodd confirmed that D.L. (14), D.L.2 (12), C.F. (15), and K.B. (14) made age-appropriate disclosures. The defense introduced and

played for the jury Dr. Dodd's audio-recorded interviews with C.F., K.B., D.L.2, and D.L., the contents of which were largely consistent with the girls' testimony at trial.

After the State rested, Jasmin Williamson, eighteen at the time of trial, testified that defendant was her uncle and Mrs. Gallardo was her aunt. She confirmed attending a sleepover at their residence in October 2019 when she was around thirteen or fourteen years old and part of the senior cheer team. Jasmin testified that she rode the four-wheeler and consumed Jell-O shots at the party. She recalled the girls drinking and vaping in the room while trying to lock the door to keep the adults out. Jasmin said she saw the girls get drunk but denied getting drunk herself. She confirmed that Kaileigh, K.B., D.L., and C.F. were in the room at the time and denied seeing defendant in the room. Jasmin denied seeing defendant touch anyone inappropriately or hearing anyone mention inappropriate touching that night. She also denied seeing defendant pull anyone's hair or kiss or lick anyone's thighs.

Jasmin recalled Mrs. Gallardo coming upstairs to tell everyone to quiet down, with defendant present at the time. Jasmin denied that defendant slept upstairs. The next morning, she said Mrs. Gallardo and the younger girls were still at the residence. Jasmin testified that Mrs. Gallardo confronted her about stealing alcohol after finding half of the Jell-O shots missing. Jasmin admitted to lying about it to avoid trouble.

Jasmin was in the room briefly when accusations about defendant touching the girls began, but she did not recall who made the accusations or the specifics. She denied seeing defendant kiss any of the girls or hearing them say they were kissed by him. She recounted going to Kings Grant playground for cheer practice, where a coach asked about accusations of defendant touching the girls. She said she backed off as others began yelling, the police were called, and a woman with a

bat arrived. At Children's Hospital, she was offered a rape kit but declined, explaining that she had not been touched. Jasmin remembered that later, all the girls except M.G. went into a room to talk and laugh, making negative comments about Mrs. Gallardo, defendant, and M.G. Jasmin confirmed that during a recorded interview at Children's Hospital, she said things that were not true, going along with the other girls' story. Jasmin explained that she lied because she was scared of getting into trouble.[16]

The jury then heard from M.G., whose mother, Mrs. Gallardo, was the cheerleading coach. M.G. said that during a sleepover at their house, her stepfather, the defendant, took her and the other girls for four-wheeler rides after her mother went to sleep. M.G. denied having Jell-O shots that night, though she acknowledged some girls did. She also denied telling any of the girls that defendant previously had touched her, either that night or the next day, asserting that if any of the girls said she made such statements, they were lying. She recalled going to Kings Grant playground, where someone discovered the children were drinking alcohol, the police were called, and they went to Children's Hospital.

M.G. identified her statement given at Children's Hospital on October 20, 2019, confirming that she was twelve at the time. M.G. recalled making statements such as: "Once there, he touched me" and "[h]e touched me, placed his hand over my hip over my clothing, and tried to slide it down into my private," but

[16] The CAC interview of Jasmin was admitted into evidence and excerpts were played for the jury. Jasmin confirmed that in her interview, she said: "My uncle was touching us inappropriately," but testified at trial that she did not remember saying this. She admitted going along with the other girls' stories but clarified she was unsure about specific details. She denied seeing defendant put his finger in D.L.'s mouth or lifting C.F.'s shirt. Jasmin explained that defendant only lifted C.F.'s shirt to stuff a ball underneath, and that this happened only once, not multiple times as she initially claimed. She also admitted lying about defendant giving them all the Jell-O shots, stating she had taken some herself. Jasmin confirmed that she had said defendant offered more Jell-O shots and used guilt to get them on the four-wheeler, but she testified at trial that this was a lie. When confronted with excerpts about defendant's abuse of M.G., Jasmin denied remembering her statements about M.G.'s past abuse.

denied their truth. She stated at trial that she was confused and unsure what to believe, as she knew the other girls were saying similar things. M.G. did not remember making the statement, "I pushed him away and I heard that he did the same to other girls while in [sic] the four-wheeler," and testified that she did not know if she made that statement. However, she confirmed saying: "This is not the first time he touched me," but clarified that it was not true in a sexual context, as defendant hit and punished her but did not touch her sexually. M.G. confirmed that she remembered making the statement: "It happened over the last three years and at least five times, always when my mom was not around." However, she denied its truth, explaining that she started to believe it after having a dream as a child when she was around nine or ten. M.G. denied saying: "Every time I pushed him away, and every time he told me not to talk about it." She denied that defendant ever inappropriately touched her.[17]

Discussion

Defendant asserts a single assignment of error on appeal: that the imposition of consecutive sentences is constitutionally excessive, because the cumulative effect of the sentences is disproportionate to the offense and inflicts unnecessary suffering. Defendant argues that all five counts arise from a single course of interrelated conduct involving multiple victims, and he contends the trial court failed to give adequate weight to mitigating factors. Defendant emphasizes that he is a first-time felony offender with no criminal history, poses no unusual public safety risk, and did not use a weapon. He argues that the offenses, though serious, were not the most egregious, and most of the aggravating factors in La. C.Cr.P. art.

[17] Dr. Dodd identified a referral assessment from the emergency room regarding M.G., thirteen years old at the time, who reported attending a sleepover at her home. The referral named defendant as the alleged perpetrator and indicated a report of sexual assault. Although a follow-up was scheduled at the Audrey Hepburn Care Center for November 4, 2019, M.G. did not attend, and Dr. Dodd did not personally evaluate her. The State ultimately dropped Count 1, which was related to the allegations of purported abuse of M.G.

894.1 do not apply. While acknowledging that the sentences are within the statutory range, defendant maintains they are nonetheless excessive and indicative of the broader issues contributing to Louisiana's prison system growth.

The State responds that defendant's motion to reconsider sentence was properly denied as untimely by the trial court, and that defendant failed to contemporaneously object to the sentences, thereby failing to preserve the issue. As a result, the State contends appellate review is limited to constitutional excessiveness only. It claims defendant has not shown that his sentences are constitutionally excessive or that the trial court abused its discretion in ordering them to run consecutively. Considering the offense, the defendant's background, and comparable sentences, the State urges this Court to consider the trial court's stated reasons and the facts of the case to affirm the sentences imposed.

The record reflects that at the sentencing hearing, on May 29, 2024, the State read a victim impact statement from D.L.2, who expressed a sense of relief when the case finally concluded, realizing only then how deeply it had affected her. She recalled feeling the need to scrub her skin to remove the memory of defendant's touch and struggling emotionally in the aftermath. She explained that the experience made her fearful of riding four-wheelers, and hearing the other girls' stories during trial was both emotional and disturbing. Now older, she understands the seriousness of what happened and finds it horrifying that a grown man wanted to touch, groom, and scare young girls. She asked that defendant receive the maximum sentence and remain behind bars.

Before sentencing, the trial court stated that a jury found defendant guilty of multiple counts of indecent behavior with a juvenile, one count of attempted indecent behavior with a juvenile, and one count of sexual battery. The court confirmed that it had considered the relevant provisions of La. C.Cr.P. art. 894.1 in

determining whether incarceration was appropriate, and that both aggravating and mitigating factors under 894.1 had been taken into account.

The trial court then sentenced defendant to seven years imprisonment at hard labor without benefit of probation, parole, or suspension of sentence for each of counts two and six, and to five years imprisonment at hard labor for each of counts three, four, and five. The trial court ordered each of those sentences to run consecutively, stating that each victim was victimized independently of one another, and acknowledging that although the law does not require the court to enunciate reasons for imposing consecutive sentences with separate victims, the fact that each victim suffered independently justified the consecutive sentences.

At the August 14, 2024 hearing on defendant's motion to reconsider sentence, defense counsel acknowledged that the imposed sentences fell within the applicable sentencing ranges for the five counts but argued that the decision to run them consecutively, resulting in a term of 29 years, was harsh and excessive. The State responded that the motion was not timely filed under La. C.Cr.P. art. 881.1. The trial court agreed with the State and denied the motion to reconsider sentence as untimely.

La. C.Cr.P. art. 881(B) provides that a motion for reconsideration of sentence "shall be oral at the time of sentence or shall be in writing thereafter and shall set forth the specific ground on which the motion is based." La. C.Cr.P. art. 881.1(E) provides: "failure to make or file a motion to reconsider sentence or to include a specific ground upon which a motion to reconsider sentence may be based, including a claim of excessiveness, shall preclude the state or the defendant from raising an objection to the sentence or from urging any ground not raised in the motion on appeal or review."

Because the motion to reconsider sentence was not filed timely, and because no specific arguments in favor of reconsideration were timely raised, defendant is

limited to a bare review for constitutional excessiveness. *See State v. Barnes*, 23-208 (La. App. 5 Cir. 12/27/23), 379 So.3d 196, 203, *writ denied*, 24-136 (La. 9/24/24), 392 So.3d 1141, *and writ not considered*, 24-225 (La. 9/24/24), 392 So.3d 894 (finding that the defendant was limited to a bare review for constitutional excessiveness because his pro se motion to reconsider sentences was untimely, and because no specific arguments in favor of reconsideration were timely raised below).

The Eighth Amendment to the U.S. Constitution and Article I, § 20 of the Louisiana Constitution prohibit the imposition of excessive punishment. *State v. Haynes*, 23-494 (La. App. 5 Cir. 7/31/24), 392 So.3d 1160, 1164. A sentence is considered excessive, even when it is within the applicable statutory range, if it makes no measurable contribution to acceptable goals of punishment and is nothing more than the purposeful imposition of pain and suffering and is grossly out of proportion to the severity of the crime. *Id*. A sentence is grossly disproportionate if it shocks the sense of justice when the crime and punishment are considered in light of the harm done to society. *Id*.

In reviewing a trial court's sentencing discretion, three factors are considered: 1) the nature of the crime; 2) the nature and background of the offender; and 3) the sentence imposed for similar crimes by the same court and other courts. *State v. Fuentes*, 23-502 (La. App. 5 Cir. 7/31/24), 392 So.3d 1167, 1173. However, there is no requirement that specific matters be given any particular weight at sentencing. *Id*. "A trial court should consider the defendant's personal history such as age, family ties, marital status, health, employment record, as well as his prior criminal record, seriousness of offense and the likelihood of rehabilitation in determining an appropriate sentence." *State v. Adams*, 23-427 (La. App. 5 Cir. 4/24/24), 386 So.3d 676, 686.

The trial court is granted great discretion in imposing a sentence, and sentences will not be set aside as excessive absent clear abuse of that broad discretion. *State v. Mejia*, 23-161 (La. App. 5 Cir. 11/29/23), 377 So.3d 860, 888, *writ denied*, 23-1722 (La. 5/29/24), 385 So.3d 705. While a comparison of sentences imposed for similar crimes may provide insight, sentences must be individualized to the particular offender and to the particular offense committed. *State v. Ducksworth*, 17-35 (La. App. 5 Cir. 12/13/17), 234 So.3d 225, 237. Additionally, it is within the purview of the trial court to particularize the sentence because the trial court "remains in the best position to assess the aggravating and mitigating circumstances presented by each case." *State v. Amaya-Rodriguez*, 19-91 (La. App. 5 Cir. 11/13/19), 284 So.3d 654, 664.

On appeal, the relevant question is whether the trial court abused its broad sentencing discretion, not whether another sentence might have been more appropriate. *State v. McMillan*, 23-317 (La. App. 5 Cir. 12/27/23), 379 So.3d 788, 802, *writ denied*, 24-131 (La. 9/4/24), 391 So.3d 1057. The sentence imposed should not be set aside as excessive in the absence of a manifest abuse of discretion. *State v. Hankton*, 20-388 (La. App. 5 Cir. 7/3/21), 325 So.3d 616, 623, *writ denied*, 21-1128 (La. 12/7/21), 328 So.3d 425.

When reviewing a trial court's sentencing discretion, a court should consider the nature of the crime, the nature and background of the offender, and the sentence imposed for similar crimes by the same court and other courts. *State v. Tracy*, 02-227 (La. App. 5 Cir. 10/29/02), 831 So.2d 503, 515-16. With regard to the first two factors, the nature of the crime and the nature and criminal background of the offender, the record establishes that defendant inappropriately touched multiple victims during a sleepover hosted by his spouse, a cheerleading coach. Several of the victims testified that defendant touched their thighs, breasts, and vaginal areas over and, in some cases, under their clothing while they were

riding a four-wheeler. Several girls described feeling afraid or uncomfortable during the four-wheeler rides. Others explained that they took a second four-wheeler ride only to prevent younger girls from being alone with defendant.

The victims testified that defendant brought them Jell-O shots and pressured them to keep drinking, sometimes using physical force or manipulation. Additional touching occurred later that night while the girls were in bed or intoxicated; defendant kissed and licked some of the girls, laid on one girl's thighs, and placed a ball under her shirt. Dr. Dodd, an expert in child abuse pediatrics, testified that the medical records from the Audrey Hepburn Care Center reflected disclosures consistent with child sexual abuse by several of the victims.

Multiple victims testified that defendant returned to the upstairs bedroom several times after Mrs. Gallardo had gone to sleep in an effort to coerce them to continue drinking or to go back outside in the woods. Some of the girls described trying to avoid defendant by locking doors and pretending to sleep when he returned to the bedroom.

Although the record does not reflect that defendant has a prior criminal history, the impact of defendant's actions on the victims was significant. D.L.2 described in her victim impact statement how the abuse affected her emotionally and physically. She recalled scrubbing her skin to remove the memory of defendant's touch, breaking down in school, and developing a lasting fear of riding four-wheelers. She expressed relief at the case's resolution and explained that hearing the other girls' stories at trial was deeply disturbing. Defendant exploited a position of trust as the spouse of the cheerleading coach in order to access his victims. Moreover, the trial court concluded that each victim suffered independently and therefore consecutive sentences were justified.

The third factor requires consideration of sentences imposed for similar crimes by this Court and other courts. Here, with regard to count two, defendant

was charged with indecent behavior with a juvenile under thirteen, but he was convicted of the lesser offense of attempted indecent behavior with a juvenile under thirteen. At the time of the offense, La. R.S. 14:81(H)(2) stated that whoever commits the crime of indecent behavior with juveniles on a victim under the age of thirteen when the offender is seventeen years of age or older shall be punished by imprisonment at hard labor for not less than two nor more than 25 years. It further stated that at least two years of the sentence shall be served without the benefit of parole, probation, or suspension of sentence. *See* La. R.S. 14:81(H)(2). La. R.S. 14:27(D)(3) states in part: "he shall be fined or imprisoned or both, in the same manner as for the offense attempted; such fine or imprisonment shall not exceed one-half of the largest fine, or one-half of the longest term of imprisonment prescribed for the offense so attempted, or both." As such, whoever commits the crime of attempted indecent behavior with a juvenile under thirteen shall be imprisoned at hard labor for not more than twelve-and-a-half years, with at least two years of the sentence without benefit of parole, probation, or suspension of sentence.

The trial court sentenced defendant to seven years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence—well below the statutory maximum of twelve and a half years. The sentence falls within the sentencing limits prescribed by law.

In *State v. J.M.*, 14-579 (La. App. 5 Cir. 2/11/15), 189 So.3d 1079, the defendant was convicted of attempted indecent behavior with a juvenile under thirteen. In that case, over the course of a month, the defendant touched the victim's breast with one hand while placing his other hand in his pants multiple times. This Court determined that the ten-year sentence imposed was not grossly disproportionate or constitutionally excessive. *Id*. at 1089, 1095. Here, the victim, D.L.2, testified that while she was driving the four-wheeler, defendant placed his

hand on her vagina over her clothes and later attempted to put his hand under her shirt, touching just below her breast. She said that she felt uncomfortable, and when she attempted to move away from him, defendant pulled her closer to him.

Although the conduct in *State v. J.M.,* 189 So.3d 1079, involved more frequent incidents occurring over a longer period of time, defendant's conduct toward D.L.2, given the nature of the touching and her age, was grave. In light of the harm D.L.2 described and the surrounding circumstances of the offense, including abuse of other victims during the same time frame, we cannot say defendant's seven-year sentence for this count is grossly disproportionate or constitutionally excessive.

As to D.L., C.F., and K.B., defendant was charged with and convicted on counts three, four and five for indecent behavior with a juvenile. La. R.S. 14:81(H)(1) provides: "Whoever commits the crime of indecent behavior with juveniles shall be fined not more than five thousand dollars, or imprisoned with or without hard labor for not more than seven years, or both, provided that the defendant shall not be eligible to have his conviction set aside or his prosecution dismissed in accordance with the provisions of Code of Criminal Procedure Article 893." Here, defendant received a five-year sentence at hard labor on each of these three felony convictions, and the trial court did not impose a fine. The sentences fall within the statutory range and are not excessive.

In *State v. Perilloux,* 21-448 (La. App. 5 Cir. 12/20/23), 378 So.3d 280, *writ denied*, 24-104 (La. 9/4/24), 391 So.3d 1055, this Court held the trial court did not abuse its discretion in sentencing the defendant to four-and-a-half years at hard labor on each of the three counts of indecent behavior with a juvenile. This Court stated that the defendant exploited his position of trust to gain access to, and touch, the victims inappropriately. The evidence in *Perilloux* showed that the defendant engaged in a pattern of grooming that started with the exchange of text messages,

the giving of gifts or compliments, and eventually the performance of back massages in which the defendant progressed to touching the victim's breasts. *Id*. at 319-20.

In *State v. A.D.L.*, 10-1218 (La. App. 3 Cir. 5/11/11), 64 So.3d 448, the Court found that a sentence of five years at hard labor for indecent behavior with a juvenile was not excessive. That court determined that the defendant was sentenced to a little more than one-half of the potential maximum term for the offense (at that time); that he was the nine-year-old victim's grandfather and thus in a position of authority over her; that he put his hand in his granddaughter's panties and fondled her genitals; and four other victims, who were also family members, testified that the defendant had fondled their genitals when they were children. Simply stated, Louisiana's courts have imposed comparable sentences for similar offenses involving inappropriate touching and abuse of trust. We cannot say the five-year sentence at hard labor imposed for each conviction for indecent behavior with a juvenile is constitutionally excessive.

Lastly, as to count six, defendant was charged with and convicted of sexual battery of I.E. At the time of the offense, La. R.S. 14:43.1(C) provided: "Whoever commits the crime of sexual battery shall be punished by imprisonment, with or without hard labor, without benefit of parole, probation, or suspension of sentence, for not more than ten years." The trial court sentenced defendant to seven years imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. Therefore, the seven-year sentence falls within the statutory range.

Courts have upheld similar sentences for defendants convicted of sexual battery. For example, in *State v. Kelson*, 23-274 (La. App. 5 Cir. 12/27/23), 379 So.3d 779, 786, this Court found the trial court did not abuse its discretion in imposing an eight-year sentence for one count of sexual battery. In *Kelson*, the victim testified that the defendant, her uncle, held a sleepover in his room and

sexually abused her. The victim expressed in her victim impact statement that the defendant took advantage of her trust in him. This Court took into consideration the victim's young age and vulnerable state.

Finally, we cannot say the trial court abused its vast discretion when ordering the sentences to run consecutively. In *State v. Badeaux*, 01-406 (La. App. 5 Cir. 9/25/01), 798 So.2d 234, *writ denied*, 01-2956 (La. 10/14/02) 827 So.2d 414, this Court sentenced the defendant to ten years at hard labor for his conviction of sexual battery and seven years at hard labor for his conviction of indecent behavior with a juvenile, with the sentences to run consecutively. This Court found that the sentences were not excessive, noting that the defendant had established a relationship of trust with the victim by giving her candy and abusing the relationship by molesting her. This Court stated that while maximum sentences generally are reserved for cases involving the most serious violations of the charged offense, maximum or near maximum terms of imprisonment may not be excessive when the defendant has exploited a position of trust to commit sexual battery or indecent behavior with a juvenile. *Id.* at 239. *See also State v. Parker*, 42,311 (La. App. 2 Cir. 8/15/07), 963 So.2d 497, 511 (finding that three consecutive sentences of seven years each, with two years suspended, imposed for three counts of indecent behavior with juveniles, for a total of 15 years imprisonment, were not excessive); *State v. Craft*, 49,730 (La. App. 2 Cir. 2/26/15), 162 So.3d 539, 544, *writ denied*, 15-544 (La. 1/25/16), 184 So.3d 1288 (finding no constitutional excessiveness for consecutive sentences of 20 years at hard labor, with 10 years of each sentence to be served without benefits, for two counts of indecent behavior with a juvenile by a grandfather of eight and nine-year-old girls).

In light of the applicable jurisprudence, we find the consecutive sentences imposed are not constitutionally excessive. The offenses involved five victims —

D.L., D.L.2, K.B., C.F., and I.E. — and defendant exploited a position of trust to access and inappropriately touch them during a cheerleading sleepover. Defendant used alcohol and the guise of an innocent group activity—riding four-wheelers—to isolate and inappropriately touch the victims during their overnight stay.

The trial court heard the testimony, reviewed the evidence, considered the relevant sentencing guidelines, and imposed sentences that fall within the statutory ranges for their respective offenses. The court did not abuse its discretion in ordering the sentences to run consecutively. As such, defendant's single assignment of error has no merit.

Error Patent Discussion

We reviewed the record 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. 5 Cir. 1990). Our review reveals no errors patent that require corrective action.

DECREE

For the foregoing reasons, defendant's convictions and sentences are affirmed.

AFFIRMED

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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 **JULY 30, 2025** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

Curtis B. Pursell

CURTIS B. PURSELL
CLERK OF COURT

24-KA-516

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