

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KA-153

STATE OF LOUISIANA

VERSUS

TYRONE EUGENE CONSTANT

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 20-2899, DIVISION "D"
HONORABLE JACQUELINE F. MALONEY, JUDGE PRESIDING

December 15, 2025

MARC E. JOHNSON
JUDGE

Panel composed of Judges Marc E. Johnson,
Stephen J. Windhorst, and John J. Molaison, Jr.

AFFIRMED

MEJ
SJW
JJM

TRUE COPY



LINDA TRAN
DEPUTY CLERK

COUNSEL FOR DEFENDANT/APPELLANT,
TYRONE EUGENE CONSTANT

Gwendolyn K. Brown

COUNSEL FOR PLAINTIFF/APPELLEE,
STATE OF LOUISIANA

Honorable Paul D. Connick, Jr.

Thomas J. Butler

Matthew R. Clauss

JOHNSON, J.

Defendant/Appellant, Tyrone Eugene Constant, appeals his 50-year sentence for attempted second degree murder rendered in the 24th Judicial District Court, Division “D”. For the following reasons, we affirm Defendant’s conviction and sentence.

FACTS AND PROCEDURAL HISTORY

On September 16, 2020, the Jefferson Parish District Attorney filed a bill of information charging Defendant with attempted second degree murder, in violation of La. R.S. 14:30.1 and La. R.S. 14:27. Defendant was arraigned on December 4, 2020, and pleaded not guilty. On March 22, 2021, defense counsel filed a motion to appoint sanity commission that was granted on the same date. On July 28, 2021, a competency hearing was held, and the trial court found Defendant competent to proceed. On July 15, 2022, defense counsel filed a “Motion to Enter a Dual Plea of Not Guilty by Reason of Insanity and Not Guilty with Proposed Order to Appoint Sanity Commission.” On that same date, the trial court appointed a sanity commission to determine competency at the time of the offense and ordered the doctors to report their findings to the trial court on July 18, 2022.¹

On March 27, 2023, the trial judge told Defendant that if he pleaded guilty that day, he would be sentenced to 20 years at hard labor with the benefit of parole. Defendant rejected that offer. Afterward, defense counsel said he had previously made a dual plea but was not able to gather the evidence required by the Louisiana Code of Criminal Procedure. As such, defense counsel said he was withdrawing the not guilty by reason of insanity plea and entering a plea of not guilty.

Afterward, on that same date, Defendant’s first trial began; however, the trial court stopped the proceedings, found Defendant not competent to proceed,

¹ The record does not reflect that the doctors reported their findings on July 18, 2022; however, the trial judge commented at a later hearing that Defendant had refused to see the doctors multiple times.

ordered the trial be continued without date, released the potential jurors, and ordered Defendant to be transferred to East Louisiana Mental Health Services (“ELMHS”) for a sanity evaluation. The trial court signed an Order for Pre-Trial Commitment on March 29, 2023. On April 12, 2023, the trial court signed another Order for Pre-Trial Commitment. In a letter to the trial court dated January 10, 2024, ELMHS stated that Defendant was competent to proceed and attached its report. On March 6, 2024, defense counsel filed a motion to appoint sanity commission that was granted on that same date. On April 24, 2024, a competency hearing was held, and the trial court found Defendant competent to proceed.

On February 4, 2025, the case proceeded to trial. At trial, Detective Landon Punch of the Jefferson Parish Sheriff’s Office (“JPSO”) testified that on May 23, 2020, at approximately 9:00 p.m., he and JPSO Deputy Julio Alvarado responded to a 9-1-1 call made from Brothers Food Mart, after which they were directed to a disturbance next door at Little Caesars, a pizza restaurant, on Gretna Boulevard in Harvey. He further testified that when they arrived, they went to the back office of Little Caesars where they saw the victim, later identified as Jazmyn Fradieu, covered in blood from her waist to her head, lying on the floor. He also observed blood on the floor, the door, the door frame, and the wall.

Detective Punch testified that he approached the victim, who appeared to be deceased. He further testified that, upon noticing she was alive, he asked her who had done this to her and where the individual went. She replied, “Tyrone,” and that he had gone out the back door. Detective Punch stated he received a description of the suspect, after which he broadcast over the radio that the suspect was a Black male wearing a black Army uniform-style jacket and a black hat, armed with an ax.

Detective Punch explained that he retrieved towels and used them to apply pressure to the victim’s forehead. He also explained that he put a tourniquet on

each of her arms because she was bleeding profusely and had severe lacerations. Detective Punch recalled seeing the victim's bones in both of her arms and her skull. He testified that EMS was immediately called due to the victim's life-threatening injuries. Detective Punch stated that he and Deputy Alvarado walked out the back door and found a hat, a cell phone, and some of the victim's hair lying on the ground. He asserted that he later reviewed surveillance video from Little Caesars, which he said showed the suspect jumping over the front counter and slashing the victim with a machete.²

Ms. Fradieu, who was 25 years old at the time of trial, testified that she was formerly employed at Little Caesars approximately five years prior. She stated that she worked at Little Caesars for a year and a half, starting off as a regular worker, after which she was promoted to management. Ms. Fradieu recalled that Defendant would come into Little Caesars and that she conversed with him less than ten times. She denied ever giving Defendant free food or paying for his food.

Ms. Fradieu testified that on May 23, 2020, at approximately 9:00 p.m., Defendant walked into the restaurant and said he had to turn in a job application that he had completed. She said she told him she would take the application and give it to the general manager. Ms. Fradieu stated that Defendant then reached into his bag and pulled out a machete, after which she and her co-worker, Shirley McCall, ran toward the back door. She asserted that Ms. McCall ran to the left and that she ran to the right, explaining that she ran in the opposite direction because she did not want him to get both of them.

Ms. Fradieu pointed out that she had nowhere to run because the opening on the other side of the fence was locked. She stated that Defendant caught up to her and attacked her with the machete. She testified that she screamed for help and then heard a voice, which she thought was God, asking her to get down on the

² The video surveillance of the front counter of Little Caesars was played for the jury.

ground. Ms. Fradieu further testified that she laid down and “played dead,” so he would stop attacking her. She recalled that Defendant hit her mostly on her head, face, arms, and back. She stated that she tried to use her arms to cover her head to protect herself. Ms. Fradieu provided that she laid there awhile to make sure Defendant was gone, after which she got up, went into the office, and tried to push the emergency button. She further provided that when the police arrived, she told them she wanted to call her mother. Ms. Fradieu asserted that she gave the police the name “Tyrone” while she was in the hospital.³

Ms. Fradieu testified that the police later showed her a six-person photographic lineup, and she positively identified Defendant, whom she knew as “Tyrone,” as the perpetrator. At trial, she identified a photograph of Defendant, whom she insisted was the person who attacked her.⁴ Ms. Fradieu stated that she saw Defendant’s face while she was talking to him at the counter prior to the attack.

Ms. Fradieu testified that the machete attack caused her to sustain numerous injuries. She further testified that she was in the hospital for two days, had approximately 15 surgeries, and had physical therapy for approximately three years. She identified photographs of those injuries and showed her scars to the jury. She further testified that she had scars on her left arm, her right arm, her right shoulder, her left ear, her neck, behind her ear, the back of her head, and her right hand, pointing out that her right ring finger was broken. Ms. Fradieu provided that

³ She later testified she gave his full name to the police at the hospital. Defense counsel then presented the statement she gave to the police, and she indicated she only gave them Defendant’s first name.

⁴ Ms. Fradieu identified herself standing behind the front counter in video surveillance from Little Caesars. She also identified Defendant in the video, indicating he was wearing a poncho and carrying a bag. Ms. Fradieu further identified herself in video surveillance taken from behind the counter showing her and Ms. McCall running away from the counter. She identified herself and Ms. McCall in video surveillance showing the back area where they prepared the food. Additionally, Ms. Fradieu identified herself in video surveillance coming back inside after the attack. These videos showed Defendant pulling out the machete, jumping over the counter, and chasing Ms. Fradieu and Ms. McCall. One video showed Ms. Fradieu coming back inside after the attack, sitting in a chair, pushing a button, collapsing onto the floor, and writhing on the floor, after which officers are seen in the hallway.

she probably had over 100 staples, over 100 stitches, and two fractured arms. She also testified that she attended ongoing psychotherapy counseling. Ms. Fradieu stated she does not really enjoy leaving the house anymore. She denied ever having an argument with Defendant.

Ms. McCall testified that she and Ms. Fradieu worked together at Little Caesars for approximately three years and that she left in 2020. She further testified that she knew Tyrone, as he came into Little Caesars multiple times, talked to Ms. Fradieu and another female employee, and received free pizza from her co-workers because he said he was hungry and had no money. He recalled Ms. Fradieu giving him free pizza on one occasion. Ms. McCall testified she never really talked to him or gave him food. She provided that the last time he came in was on May 23, 2020, the night of the incident.

Ms. McCall testified that she and Ms. Fradieu were working at Little Caesars that night and that they were the only two employees there. She further testified that Defendant came into the restaurant with a black sack on his shoulder, wearing a jacket, a hat, and “a little thing” over his face, but she could still see his eyes. She also recalled that he just stood there looking around and then suddenly asked if they were hiring. Ms. McCall asserted that when he started talking, Ms. Fradieu said, “That’s Tyrone.” She said that Ms. Fradieu asked her if they were hiring and that she replied he would have to come back the next day when the manager was there.

Ms. McCall testified that as they were talking, she saw Defendant take his hand and put it in the bag that was across his shoulder like he was feeling for something. She stated that when his hand came out of the bag, he had a machete or a butcher knife in it, after which he jumped up on the counter. Ms. McCall asserted that she and Ms. Fradieu took off running. She stated that she ran out the back door toward Brothers Food Mart where the lights were and thought that Ms.

Fradieu was going to follow her. Ms. McCall pointed out that Ms. Fradieu ran to the dark wooded area instead.

Ms. McCall testified that it was raining very hard and that when she turned around she fell, and when she tried to get up, she slipped again. She explained that she tore ligaments in her knee, dislocated joints in her elbow, and later had to have surgery on her arm. She further explained that she looked back and saw Defendant going toward Ms. Fradieu and then cutting and hitting her with the machete. She recalled hearing Ms. Fradieu screaming “help” several times. Ms. McCall testified that she ran to Brothers to get help and that someone called the police. She further testified that when the police arrived, they all went back to the restaurant. Ms. McCall asserted that when the police opened the back door, she saw Ms. Fradieu on the floor between the back door and the office. Ms. McCall maintained that there was blood everywhere, that “you could actually see her meat, like her ear was hanging,” and that the victim had cuts under her chin. She indicated the injuries Ms. Fradieu sustained were “horrible.”

Ms. McCall explained that she told a former Little Caesar’s employee that the suspect was Defendant, a person to whom they used to give free pizza. She further explained that individual remembered Defendant, said his last name was “Constant,” and advised that Defendant had gotten a job at Papa John’s Pizza, where the individual was employed. Ms. McCall provided that the individual gave her Defendant’s full name and address, which she then gave to the police.

Ms. McCall testified that she knew it was Tyrone because he had come into the restaurant before multiple times; was “kind of short;” looked “kind of scary;” and had “evil,” “sneaky,” and “tiny,” eyes. She also recognized him from his voice, which she had heard many times. Ms. McCall further testified that two days later, on May 25, 2020, the police showed her a photographic lineup, and she

positively identified Defendant as the perpetrator. She was one hundred percent sure he was the man who attacked Ms. Fradieu with the machete.

JPSO Detective Raymond Funck, the lead detective, testified that in the early stages of the investigation, they received an anonymous tip about someone named “Tyrone Klein.” However, Detective Funck pointed out that when a photographic lineup with his picture in it was presented to the victim, she was not able to positively identify him as her attacker. Detective Funck provided that a couple of hours later, they received a call from Ms. McCall who provided them with Defendant’s name, “Tyrone Constant,” and an address. He stated that they presented six-person photographic lineups to Ms. McCall and Ms. Fradieu, and they both positively identified Defendant as the individual who attacked Ms. Fradieu.

Detective Funck provided that they subsequently obtained an arrest warrant for Defendant and a search warrant for his residence, after which they went to 4224 Lac Couture. He explained that when they arrived, Defendant’s uncle and his uncle’s son told them that Defendant no longer lived there, was homeless, and was known to carry a machete in a black backpack on his person at all times. Detective Funck asserted that they sent a wanted bulletin to local police in an effort to locate and arrest Defendant.

JPSO Deputy Jarren Abron testified that on May 27, 2020, he received the wanted bulletin for Defendant. He further testified that as he was driving southbound on Manhattan Boulevard, he observed a Black male, matching the description in the bulletin, walking northbound toward the Circle K gas station. He stated that he made a U-turn, went to the gas station, approached Defendant, and placed him under arrest. Deputy Abron asserted that he transported Defendant to the detective bureau and then to the Jefferson Parish Correctional Center, where Defendant was booked with regard to the incident at Little Caesars.

Detective Funck testified that he learned Defendant had a storage unit that he visited on May 23, 2020, at 7:57 p.m., approximately one hour prior to the incident. He further testified that he obtained video surveillance from the storage facility. Detective Funck identified Defendant on the video as wearing dark clothing with “a bulge in his back,” a clear poncho-styled raincoat, and what appeared to be black pants. He stated that the individual in the video from the storage facility left with a black bag, looked like the same individual seen on the surveillance video at Little Caesars, and was wearing the same clothing as the individual on the video from Little Caesars. Detective Funck explained that he did not submit items to the crime lab for fingerprint testing or DNA analysis because the victim and the witness both knew the suspect and were able to identify him.

Vansamron Glass testified that she was a shift manager at Papa Johns and had been for the past five years. She further testified that prior to Papa Johns, she worked at Little Caesars. Ms. Glass provided that she knew Ms. Fradieu and Ms. McCall from working with them at Little Caesars for two or three years. She explained that she also knew Defendant because he frequently came into Little Caesars. She stated that they used to give Defendant free pizza and drinks to help him out. Ms. Glass provided that she and Ms. Fradieu gave him free food and that Ms. Fradieu actually bought food for Defendant more than once.

Ms. Glass testified that she saw Defendant again when he started working at Papa Johns, and she worked with him on a couple of shifts. She further testified that at some point, Defendant stopped working at Papa Johns but came back on two occasions. Ms. Glass asserted that she was not working on the first occasion, but she was working the night shift on the second one. She explained that Defendant came in and asked for the manager, but they told him she was not there. She recalled he kept asking, and she kept telling him the manager was not there.

Ms. Glass testified she asked him to leave numerous times, but he did not want to, and he pulled out a knife. Ms. Glass stated he did not point the knife at anyone and did not try to go behind the counter. She told him to leave, or she would call the police. Ms. Glass provided that a co-worker then called the police. She recalled that they had to get three male drivers to push Defendant out of the store. She said that Defendant then stood outside in the parking lot waving the knife around, cursing them out, “gyrating,” and “going crazy.” Ms. Glass testified that when the police arrived, Defendant had already ridden his bicycle up the street. She thought the police needed to be called because she did not know if Defendant was going to come back and try something.

At the conclusion of the trial, on February 5, 2025, the jury found Defendant guilty as charged. Defense counsel filed a “Motion for Post-Verdict Judgment of Acquittal and a Motion for New Trial” on February 20, 2025. On February 21, 2025, the trial court denied defense counsel’s post-trial motions, after which he waived sentencing delays. The trial court then sentenced Defendant to 50 years imprisonment in the Department of Corrections without benefit of parole, probation, or suspension of sentence to run consecutively to any other sentence he may have been serving. On February 25, 2025, defense counsel filed a motion for appeal that was granted on February 27, 2025. The instant appeal followed.

LAW AND ANALYSIS

On appeal, Defendant’s sole assignment of error alleges that the trial court erred in imposing an excessive sentence. Defendant argues that the trial court erred by imposing the maximum term of imprisonment. He further argues that although the crime was horrific, it was also sufficiently “bizarre” that it, coupled with the remaining record evidence that illuminates his mental health issues, makes clear that his level of culpability was severely diminished at best. Defendant contends that the trial court’s decision to punish only the conduct with no

consideration of the culpability of the offense was in error and resulted in the imposition of an excessive sentence.

Defendant explains that he was convicted of attempting to murder “a friend,” who had only showed him kindness, for no reason whatsoever, illustrating that his ability to distinguish right from wrong was impaired. He asserts that sufficiency of the evidence was not raised given that he refused to cooperate with mental health experts, thus depriving his attorney of the opportunity to pursue this defense. However, Defendant argues that these facts illuminate his position that his culpability was diminished. Defendant points out that throughout the trial, he displayed behavior that made it clear that he was suffering from mental illness. He states that he disrupted every proceeding, and his statements and behavior were so bizarre that it compelled the conclusion he was incapable of assisting counsel. Defendant maintains that, given that the sanity commission physicians found him competent to proceed, his counsel did not challenge the trial court’s ruling on competency on appeal. He argues that the trial court should have given these factors consideration in sentencing.

The State responds that Defendant fails to carry his burden of demonstrating that the sentence imposed constitutes a manifest abuse of discretion. It further responds that the crime in the instant case was horrific and merely the latest and most serious in a series of similar incidents involving Defendant. The State asserts that Defendant’s in-court disruptions were simply a continuation of the same pattern of behavior. It states that because every mental health professional who has ever evaluated Defendant has unanimously concluded he does not suffer from any significant mental illness, Defendant is fully responsible for his actions before, during, and after this vicious and unprovoked crime. Additionally, the State maintains that this Court has upheld 50-year sentences in numerous similar or even less serious cases. As such, the State argues that the nature of the offense, the

nature and background of Defendant, and the sentences imposed for similar crimes by this Court and other courts all support the sentence imposed by the trial court.

At the sentencing hearing on February 21, 2025, Delisse George, Ms. Fradieu's mother, gave a victim impact statement. Ms. George stated that her daughter had a dream of becoming a special effects makeup artist but could no longer do that because her hands did not work the way they did before the attack. She recalled getting a call from the emergency room about her daughter and how she had been bludgeoned repeatedly with a machete. Ms. George said that the aftermath has been even worse. She explained that the attack has left her daughter broken, insecure, scarred, and scared to live outside her home. She further explained that Defendant had shattered her daughter's peace and dreams, pointing out her daughter no longer looked forward to her future.

Ms. George stated that Ms. Fradieu had been subjected to 16 major surgeries, over 200 doctor appointments, over 300 physical and occupational therapy sessions, plus radiation treatment and countless hours of seeing a psychotherapist and a trauma therapist. She further provided that, for the past five years, her daughter has taken anxiety and mood stabilizing medications, but she still feared for her life. Ms. George admitted that she was also taking anxiety medication and that she was now a full-time caregiver for her daughter because she could not do anything for herself. She asserted she still feared that Defendant, whom she referred to as an "animal" and a "monster," would come back to finish what he started. Ms. George asked the trial judge to sentence him to the maximum number of years.

Afterward, Ms. Marlow, the victim's aunt, read the victim's impact statement.⁵ The victim, through Ms. Marlow, stated that her life had been forever changed by this senseless violence. She explained that before the attack, she

⁵ The transcript does not provide Ms. Marlow's first name.

worked hard, made sacrifices, and dreamed of a life filled with creativity, art, and purpose. The victim said that in one horrific moment, all of that was stolen from her. She stated that since the attack, she has not lived a normal life. She further stated that for five years, she has lived in constant terror and was unable to do simple things that once brought her joy. The victim provided that Defendant stole everything from her and that she now struggled to function. She said that anxiety controlled her every move, and she could not enjoy life the way she did before. She explained the physical wounds have healed, but the emotional scars never would.

Following the victim impact statements, the trial judge sentenced Defendant to 50 years in the Department of Corrections without benefit of parole, probation, or suspension of sentence to run consecutively to any other sentence Defendant might be serving. She found that any lesser sentence would deprecate the seriousness of the offense.

After sentencing, defense counsel did not object to the sentence, and he did not file a motion to reconsider sentence. This Court has consistently held that a defendant's failure to make or file a motion to reconsider sentence limits the defendant to a review of the sentence for unconstitutional excessiveness only. La. C.Cr.P. art. 881.1(E). *See also State v. Bartholomew*, 18-670 (La. App. 5 Cir. 10/23/19), 282 So.3d 374, 384-85. As such, Defendant is limited to a bare review of his sentence for constitutional excessiveness.

The Eighth Amendment to the United States Constitution and Article I, § 20 of the Louisiana Constitution prohibit the imposition of excessive punishment. A sentence is considered excessive, even when it is within the applicable statutory range, if it is grossly disproportionate to the offense or imposes needless and purposeless pain and suffering. *State v. Melgar*, 19-540 (La. App. 5 Cir. 4/30/20), 296 So.3d 1107, 1114. In reviewing a sentence for excessiveness, the appellate

court must consider the punishment and the crime in light of the harm to society and gauge whether the penalty is so disproportionate as to shock the court's sense of justice. *State v. Diaz*, 20-381 (La. App. 5 Cir. 11/17/21), 331 So.3d 500, 519, *writ denied*, 21-1967 (La. 4/5/22), 335 So.3d 836. A trial judge is afforded wide discretion in determining sentences, and an appellate court will not set aside a sentence for excessiveness if the record supports the sentence imposed. La. C.Cr.P. art. 881.4(D); *Melgar*, 296 So.3d at 1114.

The issue on appeal is whether the trial court abused its discretion, not whether another sentence might have been more appropriate. In reviewing a trial court's sentencing discretion, the reviewing 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. *Diaz*, 331 So.3d at 520. However, there is no requirement that specific matters be given any particular weight at sentencing. *State v. Corea-Calero*, 22-117 (La. App. 5 Cir. 12/28/22), 355 So.3d 697, 701-02. Generally maximum sentences are reserved for cases involving the most serious violations of the offense charged and the worst type of offender. *Id.*

When determining the sentence to be imposed, a trial judge is not limited to considering only a defendant's prior convictions but may properly review all prior criminal activity. *State v. Arceneaux*, 19-472 (La. App. 5 Cir. 1/29/20), 290 So.3d 313, 316, *writ denied*, 20-324 (La. 5/14/20), 296 So.3d 608. The sentencing court may rely on sources of information usually excluded from the courtroom at the trial of guilt or innocence, *e.g.*, hearsay and arrests, as well as conviction records. *Id.* These matters may be considered even in the absence of proof the defendant committed the other offenses. *Id.*

In *State v. Darnell*, 51,499 (La. App. 2 Cir. 8/9/17), 243 So.3d 1162, 1167-68, *writ denied*, 17-1526 (La. 5/25/18), 242 So.3d 1231, the resentencing judge

indicated her consideration of the testimony presented at the resentencing hearing, which included evidence of the defendant's mental condition and physical abuse by his father. The trial court sentenced the defendant to lesser sentences on both convictions. Thus, the appellate court found that even though the trial court did not specify mental illness as a mitigating factor in sentencing the defendant, the record clearly showed that his condition was taken into account by the sentencing judge. It stated that the weight to be given to the defendant's mental health condition was within the discretion of the trial court. In view of the permanent and adverse effects suffered by the victim, the appellate court concluded that any determination that the mitigating effect of the defendant's mental issues was outweighed by the aggravating circumstances was supported by the record.

In *Darnell*, the appellate court pointed out that the defendant was never formally diagnosed with a mental illness, distinguishing him from the defendants in *State v. Legendre*, 522 So.2d 1249 (La. App. 4th Cir. 1988), *writ denied*, 523 So.2d 1321 (La. 1988) (A five-year maximum sentence for second degree battery was vacated on grounds that the trial court should have considered the defendant's long history of mental illness, diagnosis of paranoid schizophrenia, and resistance to taking medications as mitigating sentencing factors.); and *State v. Lafleur*, 16-467 (La. App. 3 Cir. 01/04/17), 209 So.3d 927, *writ denied*, 17-808 (La. 1/29/18), 235 So.3d 1104 (An abuse of the trial court's "considerable discretion" in sentencing the defendant to the maximum sentence was found, particularly considering the strong evidence of the defendant's mental illness that included a history of psychiatric hospitalizations, diagnosis of schizophrenia, paranoia, and noncompliance with medication.).

In the instant case, Defendant was convicted of attempted second degree murder, in violation of La. R.S. 14:27 and La. R.S. 14:30.1. As such, he was facing a sentencing range of 10 to 50 years at hard labor without benefit of parole,

probation, or suspension of sentence. The trial court sentenced him to the maximum sentence of 50 years imprisonment in the Department of Corrections. The sentence imposed was within the parameters of the sentencing range.

As to the nature of the crime, Defendant pulled a machete out of his backpack, jumped over the counter at Little Caesars, and chased the two employees, Ms. Fradieu and Ms. McCall. Once he caught up with Ms. Fradieu, he brutally and repeatedly slashed her with a machete in her head, neck, back, and arms, causing life-threatening injuries. Ms. Fradieu testified that she laid down on the ground and “played dead,” so Defendant would stop attacking her. Detective Punch provided that when he approached the victim, he thought she was deceased. He recalled seeing the victim’s bones in both of her arms and her skull. Ms. Fradieu testified that she probably had over 100 staples, over 100 stitches, two fractured arms, and numerous scars. She explained that she was still in counseling and had not lived a normal life since the attack.

The testimony at trial indicated that the attack was unprovoked and that Ms. Fradieu had actually been kind to Defendant in the past, giving him free pizza, according to Ms. McCall and Ms. Glass. Right before the attack, Ms. Fradieu was trying to assist Defendant in applying for a job at Little Caesars. Ms. George, her mother, testified that the machete attack had left her daughter broken, insecure, and scared to live outside her home. Ms. George provided that her daughter had been subjected to 16 major surgeries, over 200 doctor appointments, over 300 physical and occupational therapy sessions, plus radiation treatment and countless hours of seeing a psychotherapist and a trauma therapist.

Regarding the nature and the background of Defendant, the record reflects that he had a history of committing other crimes or bad acts. The machete attack in the instant case occurred on May 23, 2020. On September 27, 2024, the State filed a notice of intent to introduce other crimes or bad acts evidence, namely, an

incident from September 12, 2019, where the JPSO was dispatched to Manhattan Boulevard and learned Defendant had been doing clean-up work on a renovation site when he struck the victim several times with a large plastic snow shovel, causing injury to the back of his head. The police report attached to the notice reflected that Defendant was arrested for aggravated battery. A hearing was held on November 14, 2024, where the trial judge said she had reviewed the memo and the notice of intent and deemed that the September 12, 2019 incident was admissible at trial. In its brief, the State pointed out this incident was not admitted at trial because the victim could not testify. In any event, the trial judge was aware of this incident at sentencing.

On January 31, 2025, the State filed another notice of intent to introduce other crimes or bad acts evidence, namely, that detectives in the instant case received a tip that Defendant had been terminated from Papa John's due to an incident where he threatened employees with a knife. The State also sought to introduce evidence of an incident on March 13, 2020, where Defendant went to Papa John's to pick up his final paycheck, after which he engaged in a verbal altercation with the manager. The State explained that during the incident, Defendant grabbed a \$100 bill from the manager's desk and ran out the store. It provided that on numerous occasions thereafter, Defendant returned to the business and caused disturbances.

On February 3, 2025, a hearing was held, and the trial judge ruled the incidents described in the second notice of intent would be admissible at trial. Ms. Glass testified at trial that Defendant stopped working at Papa John's but later came by the restaurant on one occasion and repeatedly asked for the manager. She further testified that she told Defendant the manager was not there and asked him to leave several times. She said Defendant refused to do so and pulled out a knife. Ms. Glass explained that a co-worker called the police, and three male employees

forced Defendant out of the establishment, after which Defendant stood outside in the parking lot waving the knife.

With respect to Defendant's mental health, defense counsel indicates on appeal that the trial judge abused her discretion by imposing the maximum sentence without considering Defendant's mental health issues. Defense counsel asserts that Defendant's mental health issues diminished his culpability. Counsel points to the bizarre nature of the offense in that Defendant slashed the victim with a machete, even though she had not provoked him and had actually been kind to him. He also points to Defendant's disruptive conduct during his trial, which caused him to be removed from the courtroom.

The record reflects that on July 28, 2021, a competency hearing was held, and the trial court found Defendant competent to proceed. On March 27, 2023, at Defendant's first trial, the trial court stopped the proceedings, found Defendant not competent to proceed, and ordered Defendant to be transferred to ELMHS for a sanity evaluation. The trial court signed orders for pre-trial commitment on March 29, 2023, and on April 12, 2023. In a letter to the trial court dated January 10, 2024, ELMHS stated that Defendant had been admitted to ELMHS on November 8, 2023, was evaluated and treated, and in their opinion, Defendant had the mental capacity to proceed. On March 6, 2024, defense counsel filed another motion to appoint sanity commission that was granted on that same date. On April 24, 2024, a competency hearing was held, and the trial court found Defendant competent to proceed. Although the doctors' reports regarding competency were admitted as exhibits at the different hearings, the instant appellate record is limited to only one report. That report was the one attached to the January 10, 2024 letter to the trial court from ELMHS. The report indicated that Defendant was competent to proceed to trial. It provided that Defendant did not have any signs or symptoms of mania, psychosis, or depression. It further indicated that Defendant was always

polite and cooperative throughout his hospitalization and was never a behavioral problem. The report stated there was no information to suggest Defendant suffered from active symptoms of a severe mental illness. It further provided that Defendant would most likely stay calm if he went to trial, as he had been calm and appropriate throughout his hospital stay.

Based on the foregoing, Defendant was not formerly diagnosed with a mental illness, unlike the defendant in *Legendre*, who had a long history of mental illness and diagnosis of paranoid schizophrenia, and the defendant in *Lafleur*, where there was strong evidence of mental illness. Although Defendant in the instant case committed a horrific machete attack without provocation, and he engaged in repetitive disruptive conduct during his trial before he was removed, there was no diagnosis presented to attribute those actions to a mental illness.

With respect to the maximum sentence imposed, this Court and other courts have upheld 50-year sentences for similarly situated defendants.

In *State v. Richard*, 12-310 (La. App. 5 Cir. 4/24/13), 115 So.3d 86, 88, *writ denied*, 13-1220 (La. 12/2/13), 126 So.3d 497, the defendant attacked the victim with a knife. This Court upheld the 50-year sentence for his conviction of attempted second degree murder and the consecutive thirty-year sentence for his aggravated burglary conviction. In that case, the victim was putting her groceries away when she noticed that her kitchen knife was not in the kitchen. She later went to bed but was awakened by the defendant, whom she recognized; he jumped on her back and began trying to stab her with her kitchen knife. The victim jumped up, and the knife was dislodged from his hand. The defendant threw the victim to the floor, punched her in the head, tried to strangle her with a cord, and eventually ran from the room. The victim had a bloody nose and cuts on her chin and lips. This Court found that the trial court did not abuse its discretion in sentencing, pointing out that the defendant violently attacked the victim after

breaking into her home, the defendant had an extensive criminal history, and similar sentences had been upheld for similar crimes.

In *State v. Zaldivas*, 02-690 (La. App. 5 Cir. 12/30/02), 836 So.2d 577, 579-80, *writ denied*, 03-705 (La. 10/17/03), 855 So.2d 757, the victim reported that the defendant, his former roommate, broke the window to his apartment, produced a knife, and slashed his throat. The doctor indicated that the victim came close to being killed. The defendant was convicted of attempted second degree murder and sentenced to 50 years. This Court found that the sentence was not constitutionally excessive, pointing to the trial court's concerns as to the brutality of the attack and the defendant's lack of remorse.

In *State v. Harris*, 52,541 (La. App. 2 Cir. 2/27/19), 266 So.3d 953, 959, *writ denied*, 19-611 (La. 9/17/19), 279 So.3d 380, the defendant brutally attacked the victim, his former girlfriend, by punching her in the face numerous times, choking her, and repeatedly hitting her head against the floor. The victim sustained severe injuries, had to be intubated, airlifted to another hospital, and was treated in the ICU for more than a week. The defendant was convicted of attempted second degree murder and received a 50-year sentence. The second circuit upheld the sentence given the severe and prolonged beating that the defendant inflicted upon the victim, as well as the defendant's history of committing violent crimes.

In *State v. Moore*, 20-162 (La. App. 3 Cir. 11/12/20), 305 So.3d 966, the defendant repeatedly stabbed the mother of his child without provocation. He was convicted of attempted second degree murder and sentenced to 50 years. On appeal, the defendant argued his sentence was excessive, asserting, among other things, that the trial court did not consider his mental health issues a mitigating factor that diminished his capacity. The defendant's mental health issues included multiple hospitalizations in the five years leading up to the stabbing, with

symptoms for his admissions including paranoia and insomnia. Nonetheless, the third circuit pointed out there were numerous aggravating factors present, including the use of a deadly weapon, the violent nature of stabbing the victim multiple times in the presence of the victim's children, and the victim's long-term health complications arising from the collapsed lung suffered during the stabbing. As such, the third circuit upheld the 50-year sentence.

In light of the foregoing, we find that the trial court did not abuse its discretion by imposing the maximum 50-year sentence. Defendant brutally slashed the victim with a machete without provocation causing life-threatening and life-long injuries. Had the victim died, he would be facing a mandatory life sentence for murder. Defendant had a history of prior criminal activity, namely, hitting a co-worker on the head with a shovel and threatening his co-workers with a knife. Also, as was set forth above, this Court and other courts have upheld 50-year sentences for similarly situated defendants.

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). The review does not reveal any errors patent requiring corrective action.

DECREE

For the foregoing reasons, Defendant's conviction for attempted second degree murder and 50-year sentence are affirmed.

AFFIRMED

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 **DECEMBER 15, 2025** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

A handwritten signature in blue ink, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

25-KA-153

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)
HONORABLE JACQUELINE F. MALONEY (DISTRICT JUDGE)
CHRISTOPHER A. ABERLE (APPELLANT) MATTHEW R. CLAUSS (APPELLEE)

THOMAS J. BUTLER (APPELLEE)

MAILED

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