

Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KA-230

STATE OF LOUISIANA

versus

ANTHONY MORGAN AKA "BLACK" AKA "A-LOCK" AKA "ANT"

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 22-1864, DIVISION "C"
HONORABLE JUNE B. DARENSBURG, JUDGE PRESIDING

December 15, 2025

JOHN J. MOLAISON, JR.
JUDGE

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

AFFIRMED

JJM
MEJ
SJW

TRUE COPY



LINDA TRAN
DEPUTY CLERK

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MOLAISON, J.

The defendant/appellant, Anthony Morgan, appeals his conviction of second-degree murder, claiming the State failed to prove beyond a reasonable doubt that he did not act in self-defense. For the reasons explained below, we affirm the defendant's conviction.

PROCEDURAL HISTORY

A jury convicted the defendant of the second-degree murder of Aaron Lee, as well as several counts of being a felon in possession of a firearm and obstruction of justice. The trial judge denied his motions for a new trial, acquittal, and reconsideration of his sentence. Morgan filed a timely appeal, challenging only his murder conviction.

FACTS

At trial, Sergeant David Mitchell of the Harahan Police Department testified that he heard numerous gunshots fired by a rifle, with pauses between clusters, during the early morning hours of April 25, 2022. He alerted the Jefferson Parish Sheriff's Office and walked to the intersection of Airline Drive and Turnbull. The jury listened to the audio from his Ring doorbell.

Detective Christopher Bodet of the Jefferson Parish Sheriff's Office (JPSO) responded to the shooting. He parked behind a white Dodge Charger and saw another officer remove a shotgun from the vehicle. Detective Bodet observed a Black male, later identified as Aaron Lee, with a gunshot wound to his head, sitting in the driver's seat. The jury viewed the recording from Detective Bodet's body camera.

Detective Bodet saw an unoccupied silver Infiniti sedan with the driver's door open near the victim's vehicle at the intersection of Airline and North Turnbull. A black cell phone and a hat were lying on the ground outside the

driver's door of the Infiniti. A Smith & Wesson handgun was in plain view in the cup holder of the Infiniti.

Officers recovered two large groups of shell casings: one behind the Infiniti, and one near the intersection of South Turnbull and Robertson Street, a block from Airline Drive. They found thirty-four spent cartridge casings from a .223 Remington Colt rifle and thirteen from a Palmetto State Armory rifle.

Detective Dominick Henry obtained video surveillance from nearby businesses that showed the Infiniti driving east toward Turnbull, where the shooting occurred. The videos depicted one individual holding a rifle without attachments running toward the intersection, then running back with a gun. The footage also showed a second individual holding a rifle with a mounted scope, and later depicted the first individual walking back. Police later found a Colt rifle with a scope across the passenger seat of a black Honda Accord on Robertson Street.

After viewing the surveillance video, Detective Darvelle Carter testified that the defendant, in the Infiniti, had the Colt rifle. Another individual ran up Robertson Street toward the Infiniti, carrying the Palmetto rifle, and the two switched rifles when the Colt ran out of bullets. Ballistics testing confirmed that both rifles were fired at the scene. There was no evidence suggesting the shotgun from the victim's car was fired that night.

Detective Carter spoke to the victim's family at the hospital. Rekita Woods, who was romantically involved with both the defendant and the victim, said the defendant, who lived at 3811 Robertson Street, shot at Mr. Lee the day before the homicide. Detective Carter connected the Infiniti to the defendant.

Ms. Woods helped officers identify Brittany Schoeppner, who spoke to a deputy immediately after the shooting. Ms. Schoeppner had been in a romantic relationship with the defendant; she talked to the defendant immediately after the

shooting, as confirmed by reviewing her phone records. Ms. Schoeppner obtained the Palmetto rifle from Joseph Freeman and later sold it to Justin Ziegler.

Ms. Woods testified that Mr. Lee had been her on-and-off boyfriend since 2019 and that they were attempting to reconcile at the time of the murder. She had known the defendant for two months and was in a sexual relationship with him. Shortly before Mr. Lee was killed, the defendant asked her to meet in Shrewsbury and gave her a phone number to text when Mr. Lee came to her hotel, saying he would go there to kill Mr. Lee. Ms. Woods told Mr. Lee and his mother about the defendant's intentions. She said the defendant drove a silver car and carried a large firearm.

Travis Tanner lived near the site of the shooting and heard the gunshots. While walking to the store after the gunshots stopped, he encountered two men who told him they had been in an altercation. They asked him to retrieve their vehicle, but he refused. When Mr. Tanner arrived at the intersection, he realized that a shootout had occurred. He went back to the store and told the two men the police were everywhere. One man asked if a white car remained at the scene, and he replied affirmatively. Mr. Tanner identified one of the men as the defendant in a photographic lineup and knew him as "Black."

Joseph Freeman testified that the defendant called him from jail¹ and told him "[t]o go and get that thing for him," which he understood as a request to retrieve the defendant's gun. Mr. Freeman retrieved the gun from the attic of the defendant's home on Robertson Street and, following the defendant's instructions, gave it to Ms. Schoeppner. Mr. Freeman confirmed that the defendant's nickname was "Black."

Brittany Schoeppner testified that she had dated the defendant for a few months. She heard gunshots while at a gas station down the street from the

¹A recording of the phone call was played for the jury.

shooting, called the police, and then went to the scene. The defendant called her from jail² and asked her to give money to Mr. Freeman for retrieving the gun. She identified the Facebook messages between her and Mr. Ziegler, and testified that she sold the gun to Mr. Ziegler. Ms. Schoeppner believed the victim had been stalking the defendant before the shooting.

Mr. Ziegler admitted he purchased the Palmetto rifle from Ms. Schoeppner. Police officers picked him up while he was carrying the weapon and brought him in for questioning.

Mallory Montano testified that she worked as an escort and met the defendant for 30 to 45 minutes on April 24, 2022; he returned a couple of days later, claiming he had lost his phone. On April 24, 2022, at 10:41 p.m., she received a text from the defendant, indicating he was coming over. He did not show up; she sent him a text on April 25, 2022, at 1:35 a.m., but he still never arrived. She positively identified the defendant, whom she knew as “Black,” in a photographic lineup.

April Solomon, a DNA analyst for the JPSO, tested a Smith & Wesson 9 mm pistol, a hat, and a Colt rifle in this case. She found the defendant’s DNA on the gun and the hat. She could not link the defendant’s DNA to the Colt rifle found in the Honda.

Linda Tran, a firearms examiner formerly with the JPSO, testified that she could not determine when the shotgun recovered from the victim’s car was fired. After testing, she confirmed the thirty-four .223 Remington cartridge cases were from the Colt rifle, and thirteen were from the Palmetto State Armory rifle.

Dr. Timothy Scanlan, formerly employed with the JPSO, an expert in the fields of crime scene reconstruction and firearm and toolmark examination, opined that two individuals fired two rifles toward the driver’s side of the victim’s vehicle.

²A recording of this phone call was played for the jury.

He found no evidence that a shotgun was fired at the scene. Dr. Scanlan testified that the victim did not appear to be standing when he received the gunshot wound to his head. He explained that he recreated the incident, pointing out that a person could not have seen very well into the victim's car at the time of the shooting.

Dr. Dana Troxclair, an expert forensic pathologist, testified that the victim received four gunshot wounds caused by projectiles that went through an intermediate target before striking him. The wound to the left frontal region of the head was fatal.

The defendant testified that Ms. Woods told him Mr. Lee wanted to kill him because Mr. Lee believed that the defendant killed Leroy Benn, a close friend of Mr. Lee's family. He said that Mr. Lee drove through his neighborhood every night, but admitted that Mr. Lee had friends there. The defendant stated that Ms. Woods wanted his help to kill Mr. Lee for beating her but he refused.

The defendant testified that on the night of the incident, he was driving to meet a prostitute, pulled up to the red light at Turnbull and Airline Drive, and saw Mr. Lee. He put his car in park and opened the door. He heard several "pops," which he believed came from Mr. Lee shooting at him. The defendant grabbed the assault rifle and shot back numerous times. He fell on the ground, thinking he had been shot. He claimed that he stayed low near his car, but that Mr. Lee stood by his car with a gun and that the two of them exchanged gunfire. The defendant explained that he shot Mr. Lee, who then opened his door and fell into his car. The defendant said he did not return to his own car as he feared being approached from behind, so he ran toward Robertson Street. He noted that "Tyvon" emerged from the other direction and started shooting toward Mr. Lee's car.

The defendant admitted that on the morning of April 24, 2022, one day before the fatal shooting, he shot at Mr. Lee because he felt his life was in danger. He always kept the Smith and Wesson pistol and the Colt rifle in his car, and had

purchased the Palmetto rifle. The defendant identified himself in the video surveillance with the Colt rifle, then with the Palmetto rifle, and confirmed that he and “Tyvon” switched guns during the shooting. He said the Honda was his car, but he let “Tyvon” use it.

The defendant claimed the surveillance videos had been edited and all State witnesses lied. He alleged Mr. Lee had a handgun with an extended magazine. The defendant admitted that he lied to Detective Carter about being at the scene. After the murder, he ran away with the Colt rifle, leaving it in the Honda, and instructed Mr. Freeman to retrieve the Palmetto rifle.

LAW AND DISCUSSION

In his sole assignment of error, the defendant challenges only his murder conviction, arguing that the evidence was insufficient because the State did not prove beyond a reasonable doubt that he did not act in self-defense. He claims he fired after hearing what he believed to be gunshots and seeing the victim standing with a shotgun. He contends the State failed to present evidence disproving his reasonable belief that he faced imminent harm and acted in self-defense.

The State responds that the evidence, including testimony, surveillance footage, and crime scene analysis, allowed any rational fact-finder, viewing the evidence in the light most favorable to the prosecution, to find that the State proved beyond a reasonable doubt that the defendant committed second-degree murder and the homicide was not justifiable. The State argues that the evidence established that the defendant did not reasonably believe that he faced imminent danger of death or great bodily harm or that deadly force was necessary.

In reviewing the sufficiency of the evidence, an appellate court must determine if the evidence, whether direct or circumstantial or a mixture of both, viewed in the light most favorable to the prosecution, was sufficient to convince a

rational trier of fact that the state proved all of the elements of a crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979). Under the *Jackson* standard, a sufficiency-of-the-evidence review does not require the court to ask whether it believes the evidence at trial established guilt beyond a reasonable doubt. *State v. Jones*, 08-20 (La. App. 5 Cir. 4/15/08), 985 So.2d 234, 240. Instead, the reviewing court must consider the whole record and determine whether any rational trier of fact would have found guilt beyond a reasonable doubt. *Id.*

The directive that the evidence be viewed in the light most favorable to the prosecution requires the reviewing court to defer to the actual trier of fact's rational credibility calls, evidence weighing, and inference drawing. *State v. Aguilar*, 23-34 (La. App. 5 Cir. 11/15/23), 376 So.3d 1105, 1108. The resolution of conflicting testimony rests solely with the trier of fact, who may accept or reject, in whole or in part, the testimony of any witness. *State v. Lavigne*, 22-282 (La. App. 5 Cir. 5/24/23), 365 So.3d 919, 940. It is not the function of the appellate court to assess credibility or reweigh the evidence. *State v. Sly*, 23-60 (La. App. 5 Cir. 11/2/23), 376 So.3d 1047, 1072, *writ denied*, 23-1588 (La. 4/23/24), 383 So.3d 608.

Evidence may be either direct or circumstantial. Circumstantial evidence consists of proof of collateral facts and circumstances from which the existence of the main fact can be inferred according to reason and common experience. *State v. Gatson*, 21-156 (La. App. 5 Cir. 12/29/21), 334 So.3d 1021, 1034. When circumstantial evidence is used to prove the commission of an offense, La. R.S. 15:438 provides that "assuming every fact to be proved that the evidence tends to prove, in order to convict, it must exclude every reasonable hypothesis of innocence." *State v. Woods*, 23-41 (La. App. 5 Cir. 11/15/23), 376 So.3d 1144, 1155, *writ denied*, 23-1615 (La. 5/29/24), 385 So.3d 700. This is not a separate test from the *Jackson* standard, but instead provides a helpful basis for determining

whether reasonable doubt exists. All evidence, both direct and circumstantial, must be sufficient to support the conclusion that the defendant is guilty beyond a reasonable doubt. *Id.*

The defendant was convicted of second-degree murder in violation of La. R.S. 14:30.1, which is defined as the killing of a human being when the offender has the specific intent to kill or to inflict great bodily harm.³ Specific criminal intent is “that state of mind which exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act or failure to act.” La. R.S. 14:10(1). Specific intent need not be proven as a fact, but may be inferred from the circumstances surrounding the offense and the defendant’s conduct. *State v. Lopez*, 23-335 (La. App. 5 Cir. 8/21/24), 398 So.3d 167, 181, *writ denied*, 24-1187 (La. 1/14/25), 398 So.3d 650. Specific intent to kill may be inferred from a defendant’s act of pointing a gun and firing at a person, as well as the extent and severity of the victim’s injuries. *State v. Bannister*, 11-602 (La. App. 5 Cir. 2/14/12), 88 So.3d 628, 634, *writ denied*, 12-628 (La. 6/15/12), 90 So.3d 1060. Whether a defendant possessed the requisite intent in a criminal case is a question for the trier of fact, and the Jackson standard guides a review of the correctness of this determination. *State v. Spears*, 05-964 (La. 4/4/06), 929 So.2d 1219, 1224.

When the defendant claims self-defense, as in this case, the State has the burden to prove beyond a reasonable doubt that the defendant did not act in self-defense. *State v. Patterson*, 10-415 (La. App. 5 Cir. 1/11/11), 63 So.3d 140, 148, *writ denied*, 11-338 (La. 6/17/11), 63 So.3d 1037. The fact that an offender’s conduct is justifiable, although otherwise criminal, constitutes a defense to prosecution for any crime based on that conduct. La. R.S. 14:18; *Sly*, 376 So.3d at

³ The trial judge instructed the jury that in order to convict the defendant of second-degree murder, it had to find that he killed the victim with the specific intent to kill or inflict great bodily harm.

1073. A homicide is justifiable “[w]hen committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from that danger.” La. R.S. 14:20(A)(1).

It is well established that the aggressor or the person who brings on a difficulty cannot claim the right of self-defense unless he withdraws from the conflict in good faith and in such a manner that his adversary knows or should know that he desires to withdraw and discontinue the conflict. *See* La. R.S. 14:21; *State v. Leach*, 22-194 (La. App. 5 Cir. 12/28/22), 356 So.3d 531, 544. In addition, while there is no unqualified duty to retreat, the possibility of escape from an altercation is a recognized factor in determining whether the defendant had a reasonable belief that deadly force was necessary to avoid the danger. *State v. Martin*, 20-141 (La. App. 5 Cir. 4/28/21), 347 So.3d 1061, 1068, *writ denied*, 21-803 (La. 10/1/21), 324 So.3d 1054.

Factors to consider in determining whether a defendant had a reasonable belief that the killing was necessary include the excitement and confusion of the situation, the possibility of using force or violence short of killing, and the defendant’s knowledge of the assailant’s bad character. *Lavigne*, 365 So.3d at 941. The jury is the ultimate fact-finder in determining whether the State negated self-defense beyond a reasonable doubt. *Sly*, 376 So.3d at 1074.

In this case, the evidence was sufficient to convince a rational trier of fact that the State proved all of the elements of second-degree murder beyond a reasonable doubt. The defendant testified that he stopped his Infiniti near Airline Drive and Turnbull, saw Mr. Lee’s Dodge Charger at the intersection, exited his vehicle, and shot at Mr. Lee numerous times with his Colt rifle. The defendant said that an individual named “Tyvon” came up from the other direction and started shooting toward Mr. Lee’s car with a Palmetto rifle that the defendant

admitted he owned. The defendant admitted that he and “Tyvon” switched guns during the shooting. Dr. Troxclair, the expert pathologist, testified that the victim sustained four gunshot wounds, one of which was a fatal wound to his head. The trier of fact may infer specific intent to kill from a defendant’s act of pointing a gun and firing at a person, as well as the extent and severity of the victim’s injuries. *Bannister*, 88 So.3d at 634.

Officers recovered the Colt rifle from the defendant’s Honda vehicle, which was parked near the scene. In a jailhouse call, the defendant directed Mr. Freeman to retrieve the Palmetto rifle from his (defendant’s) attic, after which Mr. Freeman gave it to Ms. Schoeppner, who sold it to Mr. Ziegler. Investigators recovered forty-seven casings: thirty-four were fired from the Colt rifle and thirteen were fired from the Palmetto rifle.

Ms. Woods testified that, shortly before the killing, the defendant asked her to have Mr. Lee go to a specific location so he could kill Mr. Lee. The defendant admitted that he shot at Mr. Lee the day before the homicide. Although the defendant initially denied being at the scene, his car was there. At trial, the defendant admitted that he fled the scene on foot following the shooting. The trier of fact may infer guilt from evidence of flight, concealment, and attempts to avoid arrest. *State v. Davis*, 18-485 (La. App. 5 Cir. 4/10/19), 269 So.3d 1123, 1132, *writ denied*, 19-716 (La. 11/12/19), 282 So.3d 229.

The defendant claimed that he shot Mr. Lee in self-defense, testifying that when he pulled up to the light at Turnbull and Airline Drive, he saw Mr. Lee and assumed Mr. Lee was shooting at him. He then grabbed his rifle and returned fire, along with “Tyvon.” The defendant alleged that Mr. Lee stood outside his car with a gun and that they exchanged fire. The defendant realized that he shot Mr. Lee when Mr. Lee opened his door and collapsed.

Detective Bodet testified that when he arrived at the scene, he saw another deputy remove a shotgun from the victim's car. However, no evidence showed that anyone fired the shotgun at the scene. The evidence indicated that the victim was not standing when he suffered the fatal head wound; the bullets penetrated an intermediate target before striking him.

The jury heard the witnesses' testimony, found the State's witnesses credible, and rejected the defendant's claim of self-defense. The resolution of conflicting testimony rests solely with the trier of fact, who may accept or reject, in whole or in part, the testimony of any witness. *Lavigne*, 365 So.3d at 940.

Viewing the evidence in the light most favorable to the prosecution, we find that a rational juror could have found that the defendant did not reasonably believe that he faced imminent danger of losing his life or receiving great bodily harm, or that the killing was necessary to save himself. Thus, the State presented sufficient evidence under the *Jackson* standard for the jury to find beyond a reasonable doubt that the defendant did not kill Mr. Lee in self-defense and that the defendant committed second-degree murder.

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). We found no errors that require corrective action.

CONCLUSION

For the preceding reasons, we affirm the defendant's conviction of second-degree murder.

AFFIRMED

SUSAN M. CHEHARDY
CHIEF JUDGE

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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:

CURTIS B. PURSELL
CLERK OF COURT

25-KA-230

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)		
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