Fifth Circuit Court of Appeal
State of Louisiana

No. 26-KA-26

STATE OF LOUISIANA

versus

RALIN AMERICO-PACA

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 22-5055, DIVISION "L"
HONORABLE DONALD A. ROWAN, JR., JUDGE PRESIDING

November 04, 2026

TIMOTHY S. MARCEL

JUDGE

Panel composed of Judges Stephen J. Windhorst,
John J. Molaison, Jr., and Timothy S. Marcel

AFFIRMED

TSM
SJW
JJM

TRUE COPY

MORGAN NAQUIN
DEPUTY CLERK

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RALIN AMERICO-PACA

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STATE OF LOUISIANA

Honorable Paul D. Connick, Jr.
Thomas J. Butler
Juliet L. Clark

MARCEL, J.

Defendant, Ralin Americo-Paca, appeals his convictions and sentences for two counts of aggravated kidnapping and one count of aggravated burglary. For the reasons that follow, we affirm defendant's convictions and sentences.

PROCEDURAL HISTORY

On October 13, 2022, a Jefferson Parish Grand Jury indicted defendant, Ralin Americo-Paca, for the aggravated kidnapping of a known juvenile, J.M., in violation of La. R.S. 14:44 (count one), the aggravated kidnapping of Hector Matute-Diaz (hereinafter referred to as Mr. Matute) in violation of La. R.S. 14:44 (count two), and the aggravated burglary of Mr. Matute's dwelling in violation of La. R.S. 14:60 (count three). The grand jury also charged co-defendants Michelle Mayorga, Nilson Fredrich-Ruiz, and Eduardo Nunez-Ponce with the same counts and, additionally, with conspiracy to commit aggravated burglary.

Defendant was arraigned and pled not guilty on December 7, 2022. Following a competency hearing on February 15, 2023, he was found competent to proceed and legally sane at the time of the offense. Defendant's case was severed from those of his co-defendants, and he was tried alone.

Defendant's first trial commenced on December 10, 2024, and ended on December 12, 2024, in a mistrial after the jury could not reach a unanimous verdict. After several continuances, trial was set for

August 18, 2025.[1] On motion of defense counsel filed August 12, 2025, the trial was continued to August 25, 2025. Defense counsel filed a written motion to continue the August 25th trial date, which was denied by the trial court on August 18, 2025.

Defendant's second trial commenced on August 25, 2025, and on August 27, 2025, the jury found defendant guilty as charged on all three counts. The trial court denied defendant's motion for new trial on September 4, 2025. That same day, following waiver of sentencing delays, the trial court sentenced defendant to life imprisonment at hard labor with parole eligibility after twenty-five years, on each of counts one and two, and to thirty years' imprisonment at hard labor on count three, all sentences to be served consecutively. Defendant timely moved for appeal, which the trial court granted.

FACTS

The charges in this matter arose from a home invasion and kidnapping in the early morning hours of July 2, 2022, at Mr. Matute's apartment on Hessmer Avenue in Jefferson Parish. Mr. Matute lived in a downstairs apartment with his son, J.M., and his nephew, Josue. On the night of July 1, 2022, Mr. Matute and J.M. watched a movie in the upstairs apartment of Mr. Matute's girlfriend. Mr. Matute then returned to his downstairs apartment and went to bed, while J.M. remained upstairs before returning around midnight. Mr. Matute testified that he awoke to voices and saw three masked men in his bedroom doorway. The largest of the men, whom he later identified as

[1] After the mistrial, trial was reset to January 21, 2025. On January 15, 2025, the State and defense counsel filed a Joint Motion to Continue. On January 21, 2025, a pretrial conference was ordered continued to February 19, 2025, because the court was closed due to weather. On February 19, 2025, trial was set for August 18, 2025.

defendant, jumped onto his bed and pinned him with his knee. During the ensuing struggle, Mr. Matute pulled at the intruder's mask before defendant struck his head with a gun. The men bound and blindfolded Mr. Matute, moved him to the floor, and demanded to know where his money was. Upon discovering J.M. in another room, the intruders brought him to his father, and both were repeatedly beaten as the men demanded money. Mr. Matute testified that the men punched him, whipped him with a gun and with an electric cable, and struck him with a crowbar. A female later entered the apartment and threatened to cut off Mr. Matute's finger, ear, or penis. At some point, the female intruder brought Mr. Matute his checkbook, untied his hands, took off his blindfold and forced him to sign checks at gunpoint. He observed a tattoo on the female intruder's wrist while signing the checks. After he signed the checks, the intruders tied him back up and blindfolded him with duct tape.

As sunrise approached, the intruders decided they would take J.M. for ransom. Before leaving, they warned Mr. Matute not to contact the police, threatening that his son would be returned in pieces and that they could harm his family in Honduras. The intruders then left the apartment with J.M. as well as Mr. Matute's Capital One debit card and jewelry. Shortly afterwards, one of the male intruders returned and reiterated their demand to Mr. Matute: "We're taking him [J.M.] with us, and we want those $80,000 by noon." The male intruder threatened that something would happen to J.M. if the police were called and informed Mr. Matute that someone would be outside to make sure he did not leave his apartment.

Mr. Matute testified that once he heard the individual leave, he freed himself from a chair and went outside to search for J.M. but did not see him. Mr. Matute then returned to his apartment and heard the alarm go off on his phone. He retrieved his phone from inside the toilet, cleaned it up and called his girlfriend. He recalled being confused and scared. After his girlfriend arrived at his apartment, Mr. Matute called 9-1-1.

Sergeant Keith Dowling, with the homicide division of the Jefferson Parish Sheriff's Office (JPSO), arrived at the scene and observed red marks on Mr. Matute's torso and his bleeding finger. When walking in the apartment, he observed that it was in "total disarray." Photographs were taken, potential prints were collected, and multiple items were collected as evidence, including duct tape, a knife, six water bottles, a crowbar, and an electric cord. Additionally, Sergeant Dowling testified, it appeared that Mr. Matute's Toyota 4Runner had been rummaged through.

JPSO Lieutenant Donald Meunier participated in the kidnapping investigation. He testified that attempts to locate J.M.'s phone were unsuccessful and an exigent request was made to T-Mobile for information about the mobile phone's location. Capital One was also contacted regarding Mr. Matute's stolen debit card. Lieutenant Meunier learned of an attempted use of the debit card a few minutes before 7:00 a.m. at a Capital One ATM on Bullard Avenue in New Orleans East.

According to lead investigator Detective Harold Wischan, the surveillance footage obtained from the bank depicted a gray Nissan

Altima drive up to the ATM at 6:54 a.m. on July 2, 2022. The driver was captured as being a male with a "sculpted hairline" with long hair "wrapped into a ball on top of his head," wearing an earring in his left ear, and missing part of his eyebrow. Investigators discovered the vehicle was registered to defendant's father, Americo Paca, who lived at 3005 Pakenham Drive in Chalmette. Officers located the Nissan Altima at the Chalmette residence and secured a search warrant for the home but decided to hold off on executing it because they were uncertain as to whether J.M. was inside.

Meanwhile, officers learned of the noon ransom deadline from Mr. Matute. They prepared him to stall the kidnappers so that investigators could attempt to locate J.M. Afterwards, approximately fifteen calls from a Spanish-speaking caller came in from J.M.'s phone. As the calls came in, a translator whispered to Lieutenant Meunier and other officers what was being said. The calls concerned the ransom demand, a meeting location, and threats to Mr. Matute and J.M. Officers monitored J.M.'s phone coordinates through T-Mobile towers.

The kidnappers designated a meeting location at Bayou Sauvage Wildlife Preserve. Officers texted the kidnappers a photograph of $15,000 in departmental funds fanned across the seat of Mr. Matute's vehicle, staging the photograph as though he were driving to the drop. When J.M.'s phone was pinged to the Bayou Sauvage area, officers converged there and located a white Chevrolet Traverse carrying multiple Hispanic males and one Hispanic female. When they attempted a stop, the vehicle fled, leading to a multi-jurisdictional

pursuit at speeds of 70 to 100 miles per hour. During the pursuit, the occupants discarded what officers believed were guns.

The chase ended on the Causeway bridge, where officers apprehended the defendant, identified as the driver, along with J.M. and the three co-defendants. J.M. told officers that the occupants of the Traverse were the same people who had kidnapped him and that the defendant was the driver.

Detective Wischan testified that after the pursuit ended, officers searched defendant's residence. Defendant's father was present during the search, and he informed officers that he had taken out some items from his gray Nissan Altima and put them in the trash. Officers recovered one pair of gloves and two other gloves from the trash as evidence for DNA testing. A roll of duct tape and a bank card bearing defendant's name were also recovered from inside the Nissan Altima.

Forensic evidence corroborated the victims' accounts. Dr. Marcela Zozaya, an expert in forensic DNA analysis, performed DNA analysis and authored a report of her findings. She had reference DNA samples from J.M. and Mr. Matute, as well as from defendants, Michelle Mayorga, Nilson Frederich-Ruiz, and Eduardo Nunez-Ponce and compared those reference samples with the evidence collected, including six water bottles, an orange ski mask, swabs from the interior of the Nissan Altima, a kitchen knife, and two gloves. She testified that the DNA consistent with the defendant was recovered from a water bottle, from the interior door handles of the Nissan Altima and from a black glove. The profile from that glove further indicated very strong support

that Mr. Matute was a contributor, and was consistent with the defendant wearing the glove during extensive contact with Mr. Matute.

Dona Quintanilla, an expert in the field of latent print processing and comparison, processed fingerprints collected and authored three reports with her findings. She testified that she attempted to process latent prints from Mr. Matute's car, pieces of duct tape, and a cigar box found on the car's bumper but was only able to identify Josue's latent prints on the cigar box.

ASSIGNMENT OF ERROR

In his sole assignment of error, defendant contends that the trial court erred in denying his motion to continue trial. Defendant argues that the State's production of a 431-page DNA document ten days before trial gave his counsel insufficient time to review the material or have it reviewed by a defense expert, and that this prejudiced him and resulted in his conviction. He contends that the trial court should have granted the continuance, as it had done for the State on prior occasions, and that its failure to do so was an abuse of discretion warranting reversal.

DISCUSSION

The record reflects that on August 14, 2025, approximately ten days before the August 25, 2025 trial date, the State e-mailed defense counsel its Notice of Intent to Call Expert Witness as to Dr. Marcela Zozaya, together with her curriculum vitae, and later that day, tendered a 431-page document from the Jefferson Parish Sheriff's Office Regional DNA Laboratory. Defense counsel filed a motion to continue on August 15, 2025, asserting that he needed additional time to review

the material, to ascertain whether to file a motion to exclude the evidence in its entirety, and to consider whether to retain his own expert or otherwise challenge some or all of the State's evidence. The trial court denied the motion on August 18, 2025. The 431-page document was never offered into evidence at trial.

Defense counsel again raised the denial in a motion for new trial, which the trial court denied stating the following, specifically as to the bench notes and the motion to continue:

> Okay. All right. As it applies to the withholding exculpatory evidence without just cause, the bench notes and everything contained in the bench note is what is used to write the report. So those particular notes are nothing more than – it's an avenue in which they write the report. Once the report is written, the bench notes are useless because all the information in the bench notes are confined to that report which you received in February. Anything that you wish to do after that was up to you. It wasn't -- the State wasn't bound to do anything because those bench notes normally are destroyed because there's no use of them.
>
> *****
>
> Failure to grant a continuance, I didn't find it to be a basis for the continuance because the report had been in your possession since February. I did not consider the bench notes to be new evidence because all the evidence contained in the bench notes were contained in the report, so the Court denied that.

A motion for a continuance must be made in writing, allege the specific grounds upon which it is based, and be filed at least seven days prior to trial. La. C.Cr.P. art. 707. At any time upon written motion and after contradictory hearing, the court may grant a continuance but only upon a showing that the motion is in the interest of justice. *Id*.

La. C.Cr.P. art. 712 states, "A motion for continuance, if timely filed, may be granted, in the discretion of the court, in any case if there is good ground therefor." Whether to grant or refuse a motion for a

continuance rests within the sound discretion of the trial judge, and a reviewing court will not disturb such a determination absent a clear abuse of discretion. *State v. Chest*, 24-199 (La. App. 5 Cir. 2/26/25), 406 So.3d 684, 697, *writ denied*, 25-387 (La. 5/20/25), 409 So.3d 222. Generally, a conviction will not be reversed even on a showing of an improper denial of a motion for a continuance absent a showing of specific prejudice. *Id.*

Recently, in *State v. Pichoff*, 25-211 (La. App. 5 Cir. 12/18/25), 428 So.3d 932, 948, this Court was confronted with a materially similar claim to the one presented here. In *Pichoff,* the defendant argued that the trial court abused its discretion in denying a continuance after the State produced notes concerning its witnesses on the eve of trial, contending that the late disclosure was *Brady*[2] material that he lacked time to investigate. We held the claim was not preserved, because the notes were never proffered or attached to the defendant's motions and the record did not reflect that counsel stated the specific grounds for the alleged prejudice below. Specifically, we stated:

> In order to preserve the right to seek appellate review of an alleged trial court error, the party claiming the error must state an objection contemporaneously with the occurrence of the alleged error, as well as the grounds for that objection. Defendant is limited on appeal to matters to which an objection was made, but also to the grounds for his objection articulated at trial. *State v. James*, 24-508 (La. App. 5 Cir. 7/30/25), 417 So.3d 103, 111; *State v. Faciane*, 17-224 (La. App. 5 Cir. 11/15/17), 233 So.3d 195, 211, *writ denied*, 17-2069 (La. 10/8/18), 253 So.3d 797.

Id. at 950.

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[2] *Brady v. Maryland*, 373 U.S. 83, 87, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963).

Nonetheless, reaching the merits, we found no abuse of discretion because the defendant had sufficient opportunity to review the notes before the witnesses testified, his counsel thoroughly cross-examined those witnesses, and defendant offered only generalized conclusory claims of prejudice.

Similarly, in this matter, we look to whether defendant articulated in the trial court the specific grounds for the prejudice he now asserts. Here, in his written motion to continue, defense counsel argued only in general terms that he needed more time to review the 431-page document, to decide whether to move to exclude the evidence, and to consider retaining an expert. At no point did counsel state, with specificity, exactly why or how the timing of the tender would impair the defense or what concrete prejudice would result from proceeding to trial as scheduled.

In any event, the 431-page document is not contained in the record, as it was neither attached to the motion to continue nor to the motion for new trial, nor admitted or proffered at trial, making it difficult to discern how defendant was prejudiced by the material. Furthermore, the record suggests that the document consisted of bench notes by Dr. Zozaya, which she used to author her DNA report, a report which, as the trial judge noted in his reasons for denying the motion for new trial, had been in defense counsel's possession since February 2025, several months before the second trial. On this record, defendant has not demonstrated the specific prejudice necessary to disturb the trial court's discretionary ruling. Accordingly, the trial court did not abuse

its discretion in denying the motion to continue, and this assignment of error is without merit.

ERRORS PATENT

The record was reviewed for errors patent in accordance with 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). The review reveals no errors patent.

DECREE

For the foregoing reasons, defendant's convictions and sentences as to counts one, two, and three are affirmed.

AFFIRMED

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
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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 **NOVEMBER 4, 2026** 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

26-KA-26

E-NOTIFIED
24TH JUDICIAL DISTRICT COURT (CLERK)
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