Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KA-573

STATE OF LOUISIANA

versus

EVAN BRADFORD

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 22-4798, DIVISION "F"
HONORABLE MICHAEL P. MENTZ, JUDGE PRESIDING

November 04, 2026

JUDE G. GRAVOIS

JUDGE

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Jude G. Gravois

REVERSED AND REMANDED

JGG
SMC
FHW

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GRAVOIS, J.

The State of Louisiana appeals the trial court's judgment which granted a motion to quash the bill of information filed by defendant, Evan Bradford. For the reasons that follow, we reverse the trial court's judgment which granted the motion to quash and remand the matter to the trial court for further proceedings.

FACTS AND PROCEDURAL HISTORY

On September 28, 2022, the Jefferson Parish District Attorney filed a bill of information alleging that defendant, Evan Bradford, on or about July 18, 2022, violated La. R.S. 14:91.2(A)(1), in that he was present in, on, or within 1,000 feet of school property while having been previously convicted on May 22, 2015 of six counts of pornography involving juveniles in violation of La. R.S. 14:81.1[1] in Division "F" in case number 522-906 in Orleans Parish Criminal District Court.

Defendant pled not guilty at his arraignment on November 21, 2022.

At the time of the offense, La. R.S. 14:91.2(A)(1) provided:

> A. The following acts when committed by a person convicted of a sex offense as defined in R.S. 15:541[2] when the victim is *under the age of thirteen years* shall constitute the crime of unlawful residence or presence of a sex offender:
>
> (1) The physical presence of the offender in, on, or within one thousand feet of the school property of any public or private elementary or secondary school or the physical presence in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of eighteen years are present on the school property or in a school vehicle.
>
> (Emphasis added.)

[1] La. R.S. 14:81.1 is now entitled "Child sexual abuse materials."

[2] Applicable to this case, under La. R.S. 15:541(24)(a), pornography involving juveniles (La. R.S. 14:81.1) is a sex offense.

On December 14, 2022, defendant filed a motion to quash the bill of information arguing that La. R.S. 14:91.2 did not apply to him because he pled guilty to pornography involving juveniles *under the age of seventeen* and not to the "under thirteen" provision of pornography involving juveniles. He asserted that La. R.S. 14:91.2 only applied to those persons *convicted* of an offense involving a victim under the age of thirteen. Further, defendant provided that he was told by the officer at the sex offender registry in Orleans Parish that he was allowed to be in a park because he had not been convicted of a crime involving a victim under the age of thirteen.

On April 14, 2023, the State filed an opposition to the motion to quash, arguing that the facts of defendant's prior conviction in Orleans Parish bear out that the juveniles in the pornography that defendant possessed were under the age of thirteen, and therefore, La. R.S. 14:91.2 was applicable to him. The State asserted that the purpose behind La. R.S. 14:91.2, which was added to Louisiana law in Act 40 of 2006, was the same as other similar laws, namely, to protect children and vulnerable individuals from sexual predators.

On May 1, 2023, the trial court granted the motion to quash after a hearing. The State appealed the trial court's ruling. On March 21, 2024, this Court vacated the trial court's judgment and remanded the matter to the trial court to reopen the hearing on defendant's motion to quash to allow the parties the opportunity to introduce evidence in support of, or in opposition to, the motion. *See State v. Bradford*, 23-381 (La. App. 5 Cir. 3/21/24), 384 So.3d 1106, 1111.

On April 14, 2025, on remand, an evidentiary hearing on the motion to quash was held. Testimony was received from Agent Ashley Borel of the Louisiana Department of Justice Cyber Crime Unit and Detective Reuben Henry of the New Orleans Police Department. Five exhibits were admitted at the hearing—a certified conviction packet from Orleans Parish, case number 522-906 (State's Exhibit 1); sex offender records from the Department of Safety and Corrections (State's Exhibit 2); an application for a search warrant (State's Exhibit

3); an interview memorandum (State's Exhibit 4); and a summary memorandum (State's Exhibit 5).

Agent Borel testified that she was employed by the Louisiana Department of Justice Cyber Crime Unit and was involved in the investigation and subsequent arrest of defendant. She testified that she received a cyber tip and suspected contraband from the National Center for Missing and Exploited Children ("NCMEC").[3] She viewed the suspected contraband, and it appeared to be child pornography.

Agent Borel traced the IP address to 4770 Demontluzin Street in New Orleans, and her partner prepared an application for a search warrant.[4] A search warrant for that address was obtained and items of evidentiary value were seized. Agent Borel later interviewed defendant, who was advised of, understood, and waived his rights and admitted to saving and viewing child pornography since he was twelve years old. Defendant said he was using an app called "KICK" to pretend that he was a female to receive photographs of nude, underage boys. Defendant indicated that child pornography could be found on his cellular device, which she viewed.

Agent Borel explained that she was able to determine that defendant possessed prepubescent child pornography. She believed the children in the images were eleven to twelve years old. She confirmed that the children were "definitively" under the age of thirteen. Agent Borel asserted that after interviewing defendant, she completed an interview memorandum, and once her investigation was concluded, the processes of her investigation were put into a summary memorandum. Defendant was arrested and charged with La. R.S. 14:81.1, pornography involving juveniles. She did not believe defendant had a criminal record at the time.

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[3] Agent Borel explained that the NCMEC was a clearing house for electronic and internet service providers that report child sexual abuse material.

[4] The application for the search warrant provided that Agent Borel viewed the suspected child pornography and the video showed a prepubescent female approximately eleven or twelve years old masturbating.

Detective Henry testified that he worked for the New Orleans Police Department in many capacities, including in the "Special Victims Division, Sex Offender registration." He conducted defendant's initial registration and was currently monitoring defendant. He pointed out that defendant was previously convicted of violations of La. R.S. 14:81.1, involving children under the age of seventeen. Detective Henry asserted that La. R.S. 14:91.2 applied when the victim was under the age of thirteen, which had to be set forth in court documents and in the bill of information. He said that he would have explained to defendant that if the court documents did not state that the victim was under the age of thirteen, then there would be no restrictions on where defendant could live and visit.

Detective Henry testified that he read defendant the law but did not recall if he specifically told him that he could not go to a park. Detective Henry asserted that he reads the documents verbatim to every new individual whom he supervises. He testified that from what he read on defendant's court documents, his victim was under the age of seventeen. Therefore, Detective Henry would not have advised defendant that he could not be within 1,000 feet of a school, park, or playground. However, he stated that he would have had defendant sign and date the sex offender registration form indicating that he accepted the information contained within it.

The certified conviction packet from Orleans Parish reflects that on May 22, 2015, defendant pled guilty to one count of possession with intent to distribute pornography in violation of La. R.S. 14:81.1(E)(2) and five counts of pornography involving juveniles in violation of La. R.S. 14:81.1(A)(1).[5] He was sentenced to five years at hard labor without the benefit of parole, probation, or suspension of sentence on

[5] The State alleged in the bill of information that defendant had previous convictions of six counts of pornography involving juveniles in violation of La. R.S. 14:81.1. The records reflect that although it is correct that defendant pled guilty to six counts of pornography involving juveniles in violation of La. R.S. 14:81.1, he specifically pled guilty under different parts of the same statute—one count of a violation of La. R.S. 14:81.1(E)(2) and five counts of a violation of La. R.S. 14:81.1(A)(1).

each count to run concurrently. Defendant was advised that he must register as a sex offender pursuant to La. R.S. 15:542.

The sex offender registration documents reflect that defendant was discharged from prison on May 21, 2020. Defendant signed and dated the sex offender registration forms on April 16, 2020. Defendant was advised of the sex registration requirements, including the following:

> If you are convicted of an offense as described in La. R.S. 15:541 when the victim is under the age of 13 or you are deemed a sexually violent predator, your presence may not be in, on or within 1000 feet of any school or motor vehicle or other means of conveyance owned, leased or contracted by such school to transport students. You may not be in, on or within 1,000 feet of any public park, recreational facility or child care facility as defined in La. R.S. 46:1403 or public library unless access is granted to the library through a regulated access plan. …

On September 4, 2025, another hearing was held on the motion to quash, during which a transcript of defendant's May 22, 2015 guilty plea from case number 522-906 from Orleans Parish was admitted as State's Exhibit A. The transcript of the May 22, 2015 guilty plea confirms the information found in the certified conviction packet. During the factual basis, the prosecutor said that the search of defendant's computer and phone showed images of children under the age of seventeen that were deemed to be child pornography.

After considering the evidence, the trial court granted the motion to quash without providing reasons. On that same date, the State filed a motion for appeal that was granted on September 5, 2025. This appeal followed.

On appeal, the State argues that the trial court erred by granting defendant's motion to quash the bill of information charging defendant with unlawful presence of a sex offender in violation of La. R.S. 14:91.2(A)(1).

LAW AND ANALYSIS

A motion to quash is essentially a mechanism by which to raise pretrial pleas of defense, *i.e.*, those matters which do not go to the merits of the charge. La. C.Cr.P. arts. 531–534; *State v. Lewis*, 10-1022 (La. App. 5 Cir. 9/27/11), 75 So.3d 495, 500. In considering a motion to quash, a court must accept as true the facts contained in the bill of information and determine as a matter of law and from the face of the pleadings, whether a crime has been charged. *Id*. A ruling on a defendant's motion to quash the bill of information is a discretionary ruling and should not be disturbed absent an abuse of discretion. *State v. Boudreaux*, 13-394 (La. App. 5 Cir. 12/12/13), 131 So.3d 342, 345, *writ denied*, 14-115 (La. 6/20/14), 141 So.3d 807.

The starting point for the interpretation of any statute is the language of the statute itself. *State v. Alexander*, 22-12 (La. App. 5 Cir. 6/21/23), 367 So.3d 867, 878, *writ denied*, 23-1017 (La. 11/8/23), 373 So.3d 46. The paramount consideration in statutory construction is ascertainment of the legislative intent and the reason or reasons which prompted the legislature to enact the law. *Id.* When a law is clear and unambiguous and its application does not lead to absurd consequences, the law shall be applied as written with no further interpretation made in search of the legislature's intent. *Id.* (citing La. C.C. art. 9). Where the language of the law is susceptible to different meanings, it must be interpreted as having the meaning that best conforms to the purpose of the law. *Id.* (citing La. C.C. art. 10). When the words of a law are ambiguous, their meaning must be sought by examining the context in which they occur and the text of the law as a whole. *Id.* (citing La. C.C. art. 12). It is well established that criminal statutes are subject to strict construction under the rule of lenity. Criminal statutes are therefore given narrow interpretation and any ambiguity in the provisions of a statute is resolved in favor of the accused. *State v. Ruffins*, 24-1512 (La. 6/27/25), 420 So.3d 3, 8.

In *State v. Dawson*, 25-411 (La. App. 4 Cir. 5/26/26), 2026 WL 1469377, a case very similar to the instant one, on December 11, 2013, the defendant was charged with sexual battery and aggravated incest.

The bill of information provided that the victim was twelve years old at the time of the offense. The defendant subsequently pled guilty to sexual battery and two counts of aggravated incest. The parties agreed that the bill would be amended to reflect that the victim was under the age of fourteen. Later, the State alleged that the defendant's electronic monitoring system showed he was within 1,000 feet of Pratt Park Playground and Holy Cross School. As such, on November 22, 2024, the State filed a bill of information charging the defendant with a violation of La. R.S. 14:91.2, unlawful presence of a sex offender. The defendant filed a motion to quash, contending that the use of his plea agreement as a predicate offense in the November 2024 bill of information was improper because the State could not prove that the victim was under the age of thirteen. The State opposed the motion, contending that the age of the victim in the predicate offense would be established at trial. The trial court granted the defendant's motion to quash, finding that because the December 2013 bill was amended to reflect that the victim was under fourteen, his guilty plea could not constitute a conviction of a sex offense where the victim was under the age of thirteen. *Id.* at *1-2.

In *Dawson*, on appeal, the Fourth Circuit stated that its case presented a *res nova* issue regarding the statutory interpretation of La. R.S. 14:91.2(A)(1). The court further stated, "We do not find that La. R.S. 14:91.2(A)(1) is ambiguous and the application of La. R.S. 14:91.2(A)(1) to the current matter rests on whether the stated age, 'under the age of thirteen years,' applies to Defendant's predicate offense." It found that although the defendant pled guilty to a sex offense crime against a "juvenile under the age of [fourteen]," this did not negate the evidence presented by the State to support a finding that the juvenile victim in the predicate offense was twelve years old at the time of the offense. Further, the court found that the use of the language "juvenile under the age of [fourteen]" in the amended December 11, 2013 bill of information, did not foreclose the possibility that the victim in the predicate offense was also under the age of thirteen at the time of the offense. It asserted that the age of the victim in the predicate offense used by the State was a necessary element under La. R.S. 14:91.2, of

which the State bore the burden of proving the defendant violated. *Id.* at *3.

In *Dawson*, the Fourth Circuit found that a review of the record revealed that the officer attested in the arrest warrant for the defendant's violation of La. R.S. 14:91.2 that the victim in the predicate offense was twelve years old. It stated that a motion to quash was not the proper procedural vehicle to challenge the State's evidence. The court also said that finding that the State did not meet its burden regarding a necessary element of La. R.S. 14:91.2(A)(1) through a motion to quash would yield an inequitable consequence because the age of the victim in the predicate offense was well documented in the record and fell within the age range set forth in La. R.S. 14:91.2(A)(1). As such, the court found that the State validly charged the defendant under La. R.S. 14:91.2(A)(1) and that the trial court erred in granting the motion to quash. The court concluded that the State had submitted sufficient proof of the existence of the predicate offense and prior guilty plea. Therefore, the court reversed the trial court's ruling which granted the motion to quash and remanded the matter for further proceedings. *Id.* at *3-4.

In the instant case, we conclude that the trial court abused its discretion by granting defendant's motion to quash the bill of information. La. R.S. 14:91.2 prohibits certain acts "when committed by a person convicted of a sex offense as defined in R.S. 15:541 when the victim is under the age of thirteen years." In *Dawson*, the Fourth Circuit concluded that La. R.S. 14:91.2 was clear and not ambiguous and the language in the statute "under the age of thirteen years" applied to the defendant's predicate offense, even though the defendant pled guilty to a sex offense against a juvenile under the age of fourteen years. Similarly, in the instant case, we conclude that La. R.S. 14:91.2 is clear and not ambiguous and the language "under the age of thirteen years" in that statute applies to defendant's predicate offenses, even though defendant pled guilty to pornography involving juveniles under the age of seventeen years.

Additionally, in *Dawson*, the Fourth Circuit concluded that use of the language "under the age of fourteen years" in the defendant's predicate offense did not foreclose the possibility that the victim in the predicate offense was also under the age of thirteen. Similarly, in the instant case, we conclude that use of the language "under the age of seventeen years" in the defendant's predicate offenses does not foreclose the possibility that the victim in the predicate offenses was also under the age of thirteen. We also conclude, as the *Dawson* court did, that the age of the victim in the predicate offenses used by the State is a necessary element under La. R.S. 14:91.2, of which the State bears the burden of proving at trial. Further, a motion to quash is not the proper procedural vehicle to challenge the State's evidence. *See Dawson*.

Accordingly, we conclude in the present case that the trial court abused its discretion in granting the motion to quash.[6]

CONCLUSION AND DECREE

For the foregoing reasons, the judgment of the trial court granting the motion to quash is reversed and the matter is remanded to the trial court for further proceedings.

REVERSED AND REMANDED

[6] 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. 5 Cir. 1990). After reviewing the record, we find no error requiring corrective action.

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 **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

25-KA-573

E-NOTIFIED
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