Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KA-529

STATE OF LOUISIANA

versus

BUNNAK LANDON AKA HANNAH LANDON AKA BUNNAK LIM

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 23-2009, DIVISION "I"
HONORABLE NANCY A. MILLER, JUDGE PRESIDING

November 10, 2026

TIMOTHY S. MARCEL

JUDGE

Panel composed of Judges Marc E. Johnson,
John J. Molaison, Jr., and Timothy S. Marcel

AFFIRMED; REMANDED WITH INSTRUCTIONS

TSM
MEJ
JJM

TRUE COPY



MORGAN NAQUIN
DEPUTY CLERK

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MARCEL, J.

Defendant, Bunnak Landon, also known as Hannah Landon and Bunnak Lim, appeals her convictions and sentences for first degree murder and two counts of obstruction of justice. For the reasons that follow, we affirm defendant's convictions and sentences on all counts and remand the matter for correction of an error patent.

PROCEDURAL HISTORY

On August 17, 2023, a Jefferson Parish Grand Jury indicted defendant with the first degree murder of a known juvenile in violation of La. R.S. 14:30 (count one); obstruction of justice by removing the victim's body from the crime scene in violation of La. R.S. 14:130.1 (count two); and obstruction of justice by removing a cell phone from the crime scene in violation of La. R.S. 14:130.1 (count three). Defendant was arraigned on August 18, 2023, and pled not guilty to all counts.

Following competency proceedings, and after this Court denied defendant's writ application challenging the trial court's competency ruling, defendant withdrew her not guilty plea on January 6, 2025, and pled not guilty and not guilty by reasons of insanity to all counts.

Trial began on April 28, 2025. On May 1, 2025, the jury found defendant guilty as charged on all counts. On May 6, 2025, the trial court sentenced defendant to life imprisonment at hard labor without the benefit of parole, probation or suspension of sentence on count one; and to forty years at hard labor on counts two and three, with all sentences to run consecutively. That same day, defendant filed a motion for reconsideration of sentence and a motion for appeal. On May 12, 2025, the trial court denied the motion for reconsideration of sentence and granted the appeal. This appeal followed.

FACTS AND TRIAL EVIDENCE

At trial, the State presented evidence that, on the night of April 25, 2023, defendant beat and strangled six-year-old Bella Fontenelle, the daughter of defendant's live-in boyfriend, Michael Fontenelle. Defendant placed the child in a bucket, pulled the bucket by wagon to the home of the child's mother, Jennifer Zeledon, left the bucket on the lawn, and departed. The child was later found deceased in the bucket. The State further presented evidence that defendant obstructed justice by removing the child's body from the scene and by burying her own cell phone. The defense conceded that the defendant killed the child but asserted that she was not guilty on all counts by reason of insanity.

Background

Bella and her older sister, A.F.,[1] were the two daughters of Michael Fontenelle and Ms. Zeledon, who ended their relationship in 2019 and shared a fifty-fifty custody arrangement of the girls. Mr. Fontenelle began dating the defendant in late 2019, and the defendant later moved into his home, helped care for the children, and was supported financially by him. Ms. Zeledon testified that the girls, particularly Bella, increasingly reported that defendant was "mean," including that she pulled Bella's hair too hard.

Bella's teachers at St. Matthew the Apostle School corroborated her distress. Amy Frazier, Bella's pre-K4 teacher during the 2021-2022 school year, testified that Bella was a sweet, well-liked student who, over the course of the year, began showing signs of anxiety and stress –twirling her hair into knots and crying out of fear she would get in trouble at home – and reported she experienced panic attacks on days her father was to pick her up. Bella told Ms. Frazier that defendant hurt

[1] We refer to the deceased victim by her full name because the statutory protection for a juvenile victim's identity does not apply where the crime resulted in the victim's death. La. R.S. 46:1844(W)(1)(a). We refer to her surviving minor sister by her initials to protect her identity. *See State v. Barnett,* 18-254 (La. App. 5 Cir. 4/3/19), 267 So.3d 209, 214 n.2.

her feelings, including by not allowing her the stuffed animals, snack choices, and conversations with her sister that A.F. was permitted. Kaitlin May, Bella's kindergarten teacher during the 2022-2023 school year and her teacher at the time of her death, testified that Bella was a very sweet child who was sad and cried every day at school because she wanted to be with her mother, and who did not do well academically or emotionally that year. Neither teacher observed signs of physical abuse.

Bella's parents sought counseling for her separation anxiety in December 2022, and she was treated by Dr. Rachel Knight, a post-doctoral fellow with the Brennan Behavior Group. Dr. Knight testified that on January 5, 2023, Bella raised concerns about her father's girlfriend but did not want her father told, fearing he would be angry or would not believe her, and that she continued to voice her dislike of defendant in later sessions. At an April 4, 2023 session, Bella indicated through her drawings that she was happy at her mother's house and sad at her father's house, and that the defendant made her sad and nervous. Dr. Knight noted no apparent abuse.

A joint counseling session was conducted on April 24, 2023 for Bella to tell her father that the defendant was mean to her. Bella first wanted to discuss why her parents were not together, then told her father that defendant was "hard on her sometimes," and shut down when asked for examples. Dr. Knight described the session as ending in an unusually tense and uncomfortable manner, and a note in her records reflected that it ended with an "uneasy feeling." After the session, Mr. Fontenelle told defendant that he would reassess their relationship if he heard any further complaints from Bella.

The Day of the Offense

Testimony and cell phone records established defendant's activities on April 25, 2023. During the day, before the children came home from school, defendant

gardened and rode her bike. Mr. Fontenelle testified that he came home at lunch that day planning to have sex with defendant before returning to work. When he arrived, he was angered by finding defendant had used the girls' wagon for yard work, and left home without being intimate with defendant. Mr. Fontenelle later texted her, "I better not hear any complaints from anyone when I return, understood?"

At trial, Jefferson Parish Sheriff's Office (JPSO) Sergeant Anthony Buttone, the lead investigator, presented a PowerPoint compiled from text messages, videos, call records, and video surveillance gathered in the investigation. The underlying phone data was extracted by Detective Dustin Ducote of the JPSO digital forensics unit, an accepted expert in mobile device forensics. The evidence showed that beginning at approximately 5:02 p.m., defendant accessed an article on nola.com regarding an arrest warrant for UFC fighter Nate Diaz that mentioned his attorney, criminal defense attorney Walter Becker, and over the next several minutes she repeatedly searched Safari for Mr. Becker –at 5:03, 5:04:18, 5:04:29 p.m., and again after each exchange of text messages with Mr. Fontenelle.

In those exchanges, after Mr. Fontenelle's warning text at 5:04 p.m., saying "I better not hear any complaints from anyone when I return, understood?", defendant replied at 5:05:06 p.m., "There shouldn't be any reason, Babe." Mr. Fontenelle texted, "In the morning, either," defendant again replied, "There shouldn't be any reason, Babe." Mr. Fontenelle responded at 5:06:04 p.m., "Correct, there shouldn't be."

At 5:11 p.m., defendant called her friend, Susan Diamond, and spoke for thirty-six minutes, and at 5:47:46 p.m. she called Ms. Diamond again for five minutes. Ms. Diamond testified that defendant was extremely depressed and unhappy about her living situation and sought assurance from her that she would care for defendant's youngest son. Defendant declined Ms. Diamond's offer of a

bus ticket to come stay with her, and said she was "at peace with her decision." At 5:53 p.m., defendant also called her sister Bunnary Saunders, for approximately two minutes, and at 6:05 p.m. she used her phone to perform a search and clicked on Justia Lawyers.

Mr. Fontenelle's mother, Barbara Fontenelle, testified that at her son's request, she had picked up the girls from school around 3:30 p.m., took them to McDonald's, the Harahan library, and then to Kenner City Hall to drop off a hamburger to Mr. Fontenelle. There, they took a photograph and ultimately arrived at Mr. Fontenelle's residence at approximately 6:30 p.m. After arriving that evening, the girls were bathed by defendant. Ms. Fontenelle, who sometimes stayed the night, left between 7:35 and 7:40 p.m. because of a morning appointment. She kissed the girls goodbye in their beds and left without speaking to the defendant, who was texting on her phone. On cross-examination, Ms. Fontenelle testified that the girls never told her the defendant abused them, that she never saw abuse, and that although she believed the defendant was strict, she did not believe the children were in danger.

At 7:03 p.m., defendant texted Mr. Fontenelle that his mother would not leave and was making things difficult. A 7:20 p.m. video on defendant's phone showed Bella crying for her grandmother while defendant placed a towel under the child's bedroom door, and a 7:29 p.m. note on defendant's phone referred to Bella as a "green-eyed monster." At 7:30 p.m. and again at 7:33 p.m., defendant resumed searching for Mr. Becker and searched for trial preparation and other legal services. Bella's grandmother left at approximately 7:34 p.m., with Bella still alive, and between 7:45 p.m. and 7:49 p.m., defendant sent affectionate messages to her friends, Rachel and Chrissy, and then deleted them. Defendant called her sister again at 7:50 p.m.

At approximately 9:22 p.m., surveillance video showed defendant leaving the residence with scissors, pulling the wagon and bucket to Ms. Zeledon's home at 61 Sedgefield, placing the bucket on the front lawn, and returning home with the wagon by 9:38 p.m. Defendant left Mr. Fontenelle's residence again at 9:47 p.m. and called her sister, and her phone's last recorded location, at 9:52 p.m., was the corner of Matson Street and O'K Avenue.

Sometime thereafter, defendant went to the Harahan Police Department, where she remained in the lobby for approximately three and a half to four hours and asked an officer to call her family out of state. She gave her name as Hannah "land on," stuttered, would not say where she lived, and gave officers the impression that she was protecting an abuser in a domestic situation. In the early morning hours of April 26, EMS transported defendant to East Jefferson General Hospital (EJGH). Ashley Whittington, a paramedic for EJGH testified that she responded to the call for service at the police department. When she arrived, she found the defendant sitting in a chair with a flat affect and appearing stressed. It was Ms. Whittington's idea to take the defendant to the emergency room. There, the emergency room physician, Dr. Andre Mouledoux, noted an "altered mental status," diagnosed "acute psychosis," and signed a Physician's Emergency Certificate (PEC); a coroner's psychiatrist, Dr. Eric West, later signed a Coroner's Emergency Certificate (CEC). Dr. Mouledoux testified that had he known defendant was wanted for murder, he would have "very highly" considered malingering.

Meanwhile, on the morning of April 26, 2023, Mr. Fontenelle discovered that defendant and Bella were missing and reported it to police. Officers searched the neighborhood and pinged defendant's phone. Ms. Zeledon's mother observed a blood-streaked bucket on the lawn; Ms. Zeledon attempted to open it before officers intervened; and a deputy opened the bucket and found Bella's body inside.

Dr. Dana Troxclair, an expert in forensic pathology, testified that she performed an autopsy on Bella. She testified that the cause of death was asphyxia due to strangulation and blunt force injuries to the head and that the manner of death was homicide. She observed fingernail marks on Bella's neck indicating the child tried to remove her assailant's hand from her neck, and froth on the child's mouth and nose and inside the body indicating the child may have been unconscious but still breathing when she was placed in the bucket.

Sitara Shirwani, an expert in the field of forensic DNA analysis, testified that the DNA profile from blood obtained from an exterior wall by a door at the Fontenelle residence and from the bucket handle provided very strong support for the conclusion that defendant was the source, the profile being at least 100 billion times more likely to be observed if the blood came from the defendant than from an unknown contributor.

Acting on information defendant relayed through her sister, investigators recovered defendant's cell phone in a Ziploc bag, buried beneath a Y-shaped tree at Matson Street and O'K Avenue. Mr. Fontenelle, initially considered a person of interest because he had custody of the children the night before, was cleared based on his cell-phone records, workplace access records, and surveillance video, which showed he arrived home after defendant had already transported Bella's body. Defendant was arrested at the hospital, and an injury to her right pinky finger was photographed.

Additional evidence presented at trial included the testimony of Bella's sister, A.F., and her maternal grandmother, Gladys Zeledon, who testified that Bella reported that the defendant was mean to her; the grandmother recounted that Bella said that the defendant hit her and did not love her, and that the defendant did not treat A.F. that way. The State also presented the testimony of defendant's sister, Bunnary Saunders. Ms. Saunders described the family's difficult background and

testified that she believed that the defendant was suicidal, and related that the defendant had reported Mr. Fontenelle was abusive toward her. Investigating officers also testified and described the crime scene, including suspected blood found throughout Mr. Fontenelle's residence and along the exterior of the house leading toward the side gate, the wagon recovered from the shed at the residence, and the chlorine bucket, which was traced to pool supplies that Mr. Fontenelle had purchased. Surveillance video from East Jefferson General Hospital showed the defendant arriving in the same clothing seen in the video of her pulling the wagon.

Expert Testimony on Sanity

Dr. Sarah DeLand, a board-certified forensic psychiatrist called by the defense, and accepted by the trial court as an expert in the field of forensic psychiatry, testified that she first interviewed defendant on April 29, 2023, and that she interviewed her a total of thirteen times. Her primary diagnosis was post-traumatic stress disorder with dissociative features, and she opined that defendant experienced a psychotic episode on the evening of the offense. Dr. DeLand testified, however, that she could not determine whether defendant was able to distinguish right from wrong at the time of the offense, and she could not state with any degree of medical certainty that defendant did not know her conduct was wrong.

In reaching her findings, Dr. DeLand reviewed the police reports, photographs, statements to law enforcement, medical records, and e-mails, among other things, and she spoke to defendant's sisters, mother, and ex-husband. She obtained defendant's background information, pointing out that defendant was born in Cambodia, spent the first five years in a Khmer Rouge death camp, escaped to Thailand, and later came to the United States. Defendant described her father as an alcoholic and a gambler who was physically abusive. Defendant's

family confirmed that defendant was severely injured in a car accident when she was sixteen years old.

Dr. DeLand testified that there were plenty of reasons for defendant to have some symptoms of mental health problems. Her primary diagnosis was post-traumatic stress disorder with dissociative features. Dr. DeLand stated that defendant had problems with her memory and appeared to be depressed. She asserted that defendant had narcissistic personality traits as she had a need to be admired and liked. She further testified that defendant had histrionic traits as she exaggerated and was dramatic at times.

Dr. DeLand stated that defendant consistently stated that she did not remember exactly what happened. She said that defendant acknowledged herself in the video pulling the wagon but did not have any recollection of doing so. When asked why she would have done that, defendant told Dr. Deland that "no mother should have to wonder what happened to her child or no mother should miss her child or something along those lines; that it was somehow better for somebody to know what happened to their child than to not know." Dr. DeLand provided that defendant's relationship with Mr. Fontenelle was not healthy and that there appeared to be a gradual taking away of defendant's independence.

Dr. DeLand did not see any intellectual or cognitive impairment except for defendant's memory. She provided that defendant went to high school and college, and she had multiple jobs, including being a real estate agent and an exotic dancer. Defendant's sisters and ex-husband told Dr. DeLand that defendant constantly had trouble with her memory. She stated that people with post-traumatic stress disorder often had difficulty maintaining personal relationships. Dr. DeLand did not see any signs of psychosis in the texts leading up to Bella being killed. Dr. DeLand could not tell the jury with any degree of medical certainty that defendant did not know what she did was wrong.

The State called Dr. Gina Mire in rebuttal. She is a board-certified forensic psychologist, and the trial court accepted her as an expert in the field of forensic psychology. Dr. Mire explained that the State retained her to evaluate defendant's mental status at the time of the offense. She met with defendant on January 16, 2025, and issued her report on April 14, 2025. Dr. Mire opined that defendant's mental condition did not preclude her from distinguishing right from wrong and that she understood the consequences of her actions. To reach her opinion, she interviewed numerous people, including defendant, her family members, Ms. Diamond, Mr. Fontenelle, Ms. Fontenelle, and Ms. Zeledon. She also reviewed defendant's medical records, Bella's medical and psychological records, videos, police reports, cell phone records, and legal documents. Her conclusion is also based on defendant's methodical and calculated conduct before, during, and after the offense, noting that defendant preserved and arranged evidence, engaged in routine activities, made and deleted communications, and made decisions that furthered her own interests throughout.

Dr. Mire made three diagnoses: malingering —intentionally producing or exaggerating symptoms for secondary gain, which she assessed more thoroughly than Dr. DeLand had; major depressive disorder, based on defendant's account of lifelong depressive episodes; and other specified personality disorder with criteria for three disorders — histrionic, borderline, and narcissistic.

The histrionic traits were theatricality, drama, rapidly shifting and exaggerated emotion, and a tendency to treat relationships as more intimate than they were. The borderline diagnosis — a severe disorder rooted in trauma and a faulty sense of identity — rested on defendant's frantic efforts to avoid abandonment by Mr. Fontenelle, her emotional instability, sensitivity to rejection, impulsivity, and use of dissociation to cope.

Dr. Mire testified that defendant's relationship with Mr. Fontenelle was very important to her, pointing out that she moved in with him, gave up her children and her car, had no access to personal funds, and had to take care of his children. Dr. Mire believed that defendant thought that if she lost the relationship with Mr. Fontenelle, she would lose everything. Dr. Mire recalled that the night before Bella's murder, Mr. Fontenelle told her he might reassess his relationship with her due to Bella's complaints. Dr. Mire viewed the video taken on the morning of the murder that showed defendant doing a lot of difficult gardening work using the wagon. She stated that Mr. Fontenelle came home for lunch that day and fussed at her about her using the wagon. Both told Dr. Mire that defendant was very upset when he was not affectionate with her before he left.

Dr. Mire testified that defendant also met some of the criteria of narcissistic personality disorder, a condition where the person considers himself or herself the most important person in his or her mind. She stated that defendant had a grandiose sense of self-importance, exaggerated her achievements, and was preoccupied with fantasies. Dr. Mire pointed out that defendant relished the idea that only she could make Mr. Fontenelle's life happy and meet all his needs, believing that they were going to get married and have a perfect life because of her. Defendant told Dr. Mire of how people in her past wanted her to have the best of things and did everything to make her life better because she required and deserved that.

Dr. Mire also thought that defendant lacked empathy, being unwilling or unable to recognize or identify with the feelings and needs of others, especially people she did not deem important. She stated that defendant did not appear to empathize with Bella's needs and demonized her for having needs, even though she was just a child. She also stated that defendant had arrogant, haughty behaviors and attitudes, pointing out that she had disdain for her fellow detainees

at the Jefferson Parish Correctional Center and thought she was smarter and prettier than others. Dr. Mire did not think defendant had post-traumatic stress disorder because she did not have heightened struggle response, severe anxiety, or avoidance.

Dr. Mire concluded that defendant was sane at the time of the offense and knew right from wrong at the time based on the events that transpired and that she enacted over the course of the evening. Defendant was functioning well on April 25, 2023. That day she was home gardening and riding her bike several hours before the children came home and texted Mr. Fontenelle about his nutrition and the girls' sports. Her conduct afterward was methodical and calculated. She sealed her phone in a Ziploc bag and buried it, took videos of the children, kept their evening routine, made calls, and withheld information to keep others safe. She reached out to Ms. Diamond for support, looked through old photos, sent goodbye texts, and turned off her phone. Defendant sent Mr. Fontenelle texts that everything was fine because she knew he was stressed. Dr. Mire asserted that defendant made decisions, throughout that entire period of time, which served her own interests.

Dr. Mire testified that defendant's behavior on the video at the Harahan Police Department did not appear bizarre — she was organized, not distressed, and was safe from Mr. Fontenelle. Although defendant was PEC'd and CEC'd, Dr. Mire noted that she received no antipsychotic medication despite doctors saying she was psychotic. Dr. Mire recalled that defendant reported the whole evening to her up to the homicide, then said she found Bella outside. Dr. Mire disagreed with Dr. DeLand that defendant had PTSD and psychosis.

Other Relevant Testimony

The State also presented the testimony of Zelda Welch, who had been housed with the defendant twice at the Jefferson Parish Correctional Center while

serving an eight-year sentence for financial crimes. Ms. Welch voluntarily came forward after her own sentencing and testified that she was not offered anything in exchange for her information. She testified that the defendant coached her on obtaining an early release, telling her to write a letter stating that she had anxiety and "to tell them what they wanted to hear." She also testified that the defendant drafted such a letter and discarded it after Ms. Welch copied it. She further testified that the defendant complained that Mr. Fontenelle spent too much time with Bella and that Bella was keeping him connected to the child's mother. In Ms. Welch's opinion, the defendant was "playing the game of insanity" to avoid conviction.

ASSIGNMENTS OF ERROR

Defendant asserts two assignments of error: (1) that she proved by the preponderance of the evidence that she was insane at the time of the offenses; and (2) that the State failed to present sufficient evidence to support the two counts of obstruction of justice. Because both assignments concern sufficiency of the evidence, we address them together.

LAW AND DISCUSSION

Standard of Review

In Louisiana, the law presumes a criminal defendant is sane. La. R.S. 15:432; *State v. Kestle*, 24-192 (La. App. 5 Cir. 3/5/25), 411 So.3d 30, 38, *writ denied*, 25-431 (La. 6/3/25), 410 So.3d 785. To rebut this presumption and avoid criminal responsibility, the defendant bears the burden of proving the affirmative defense of insanity by a preponderance of the evidence. La. C.Cr.P. art. 652; *Kestle*, 411 So.3d at 38. That burden is not met by proving the mere existence of a mental disease or defect; the defendant must show that she suffered from a mental

disease or defect that prevented her from distinguishing between right and wrong at the time of the conduct. La. R.S. 14:14; *Kestle*, 411 So.3d at 38.

When a defendant enters a dual plea, the trier of fact first determines whether the State proved the essential elements of the charged offense beyond a reasonable doubt and then determines whether the defendant was incapable of distinguishing between right and wrong at the time of the offense. *Kestle*, 411 So.3d at 38. All evidence, expert and lay testimony, along with other evidence of a defendant's conduct and actions before and after the crime, may be considered in determining whether the defendant has met the burden of proof. The weight of the evidence is a question of fact that rests solely with the trier of fact, who may accept or reject, in whole or in part, the testimony of any witness. Where rational triers of fact could disagree as to the interpretation of the evidence, the interpretation of the evidence most favorable to the prosecution may be adopted. *Id*.

In reviewing the sufficiency of the evidence on an insanity defense, this Court, applying the standard of *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979), must determine whether any rational fact-finder, viewing the evidence in a light most favorable to the prosecution, could conclude that the defendant failed to prove insanity by a preponderance of the evidence. *Kestle*, 411 So.3d at 39. Where the evidence on insanity conflicts, the reviewing court accords great weight to the jury's resolution of that conflict, provided the jury was properly instructed and no evidence was prejudicially admitted or excluded, and will not overturn the jury's decision unless no rational juror could have found that the defendant failed to prove her insanity at the time of the offense. *Kestle*, 411 So.3d at 39.

First Degree Murder

Because defendant entered a dual plea, we first consider whether the State proved the essential elements of the charged offense beyond a reasonable doubt. As relevant here, La. R.S. 14:30 (A)(5) defines first degree murder, in pertinent part, as the killing of a human being when the offender has the specific intent to kill or to inflict great bodily harm upon a victim who is under the age of twelve. Specific intent to kill or inflict great bodily harm may be inferred from the extent and severity of the victim's injuries. *State v. Halford*, 20-585 (La. App. 1 Cir. 6/4/21), 327 So.3d 1004, 1010, *writ denied*, 21-866 (La. 11/3/21), 326 So.3d 884.

The defense did not dispute, at trial or on appeal, that defendant killed Bella. The record established that the defendant was caring for the six-year-old child on April 25, 2023. Surveillance video showed defendant walking outside with scissors, pulling a wagon carrying a bucket, placing the bucket on Ms. Zeledon's front lawn, and returning home. Bella's body was found inside the bucket, and DNA testing established defendant's blood was on the bucket. Dr. Troxclair testified that the cause of death was asphyxia due to strangulation and blunt force injuries to the head, that fingernail marks on the victim's neck indicated the child was trying to remove her assailant's hand, and that the child may have been alive when placed in the bucket. Viewing this evidence in the light most favorable to the prosecution, a rational trier of fact could have found that the essential elements of first degree murder were proven.

Obstruction of Justice

At the time of the offenses, La. R.S. 14:130.1 provided in pertinent part:

> A. The crime of obstruction of justice is any of the following when committed with the knowledge that such act has, reasonably may, or will affect an actual or potential present, past, or future criminal proceeding as described in this Section:
>
> (1) Tampering with evidence with the specific intent of distorting the results of any criminal investigation or proceeding which may reasonably prove relevant to a criminal investigation or proceeding. Tampering with evidence shall include the intentional alteration,

movement, removal, or addition of any object or substance either:

> (a) At the location of any incident which the perpetrator knows or has good reason to believe will be the subject of any investigation by state, local, or United States law enforcement officers; or
>
> (b) At the location of storage, transfer, or place of review of any such evidence.

Obstruction is a specific intent crime. *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.[2] Specific criminal intent is the state of mind that exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act. La. R.S. 14:10(1). To support a conviction, the State must prove that the act of tampering with evidence was done with "the specific intent of distorting the results of any criminal investigation or proceeding which may reasonably prove relevant to a criminal investigation or proceeding." La. R.S. 14:130.1(A)(1); *Lopez*, 398 So.3d at 181. The knowledge requirement is satisfied if the perpetrator merely knows that an act "reasonably may" affect a criminal proceeding; the statute does not require that the proceeding actually be affected. *Lopez,* 398 So.3d at 181. Specific intent need not be proven as a fact but may be inferred from the circumstances of the transaction and the actions of the defendant. *Id*.

The State alleged that defendant obstructed justice in a murder investigation by intentionally removing the victim's body (count two) and a cell phone (count three) from the crime scene knowing that they would be the subject of a law

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[2] In *State v. Newton,* 25-9 (La. App. 5 Cir. 12/23/25), 428 So.3d 1050, this Court distinguished *Lopez* and reversed an obstruction conviction, holding that the State must prove more than the mere removal of evidence from a crime scene; it must prove that the removal was done with the specific intent to distort the results of a criminal investigation. However, *Newton* does not undermine *Lopez;* it reaffirms that specific intent, while inferable from the circumstances, must be established by evidence beyond the act of removal itself. That requirement is satisfied here by the defendant's methodical conduct surrounding the offense.

enforcement investigation and that her acts reasonably may affect an actual or potential criminal proceeding.

The Victim's Body

The evidence presented at trial establishes that the defendant possessed the requisite specific intent to distort the results of a criminal investigation. Surveillance video showed defendant placing the bucket containing the victim in a wagon, pulling the wagon down the street, stopping at the victim's mother's house, placing the bucket on the front lawn, and leaving. DNA testing established that defendant's blood was on the bucket. Although defendant told Dr. DeLand that she did not recall transporting the child, a rational trier of fact could have found that defendant tampered with the evidence with the specific intent to distort the results of a criminal investigation when she placed the child in a bucket after beating and strangling her, put the bucket in a wagon, and deposited it on the victim's mother's front lawn. The obstruction statute defines tampering to include the intentional "alteration, movement, removal, or addition of any object or substance" at the location of an incident the perpetrator knows will be the subject of an investigation. La. R.S. 14:130.1(A)(1). As this Court has recognized, "nothing beyond 'movement' is required by the statute if accompanied by the requisite intent and knowledge." *Lopez*, 398 So.3d at 182. By transporting the child's body – along with the blood stained bucket and wagon – away from the residence where the strangulation occurred and the physical evidence of the crime was located, defendant moved evidence from the scene of the offense. A rational trier of fact could find that she did so with the specific intent to distort the results of the investigation. Her conduct that evening was methodical and calculated: in addition to moving the child's body, she buried her cell phone in a Ziploc bag beneath a tree (a deliberate act of concealment), presented herself at the Harahan Police Department under a false name, and conveyed the impression that she may

have been involved in a domestic-violence situation. The fact that the body was ultimately discovered does not negate the defendant's intent. The offense requires only that the act be done with the intent to distort an investigation the act "reasonably may" affect; "the statute does not require the criminal proceeding to actually be affected." *Lopez,* 398 So.3d at 181.[3] Here, the purposeful nature of the defendant's actions, when considered together, reflects a conscious effort to distort the results of any resulting criminal investigation.

In light of the events that evening, and viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could have found that the elements of obstruction of justice (specific intent and requisite knowledge) were proven as to the victim's body. Accordingly, we affirm the conviction and sentence on this count.

The Cell Phone

The evidence is likewise sufficient to support defendant's conviction of obstruction of justice by removing her cell phone from the crime scene. Defendant's sister, Ms. Saunders, testified that on April 25, 2023, defendant called her three times, but Ms. Saunders could not talk. Ms. Saunders returned the call later that evening, and defendant –crying and upset – told her to contact defendant's former attorney, Christian Bonin, and let him know she was going to bury a phone at a construction site under a Y-shaped tree because it held evidence against Mr. Fontenelle. Ms. Saunders then emailed Mr. Bonin the next morning at 9:53 a.m. relaying that message.

The phone was recovered, wrapped in a Ziploc bag, buried by the root of a Y-shaped tree at the corner of Matson Street and O'K Avenue in Harahan. The

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[3] *Cf. State v. Quinn*, 19-647 (La. 9/9/20), 340 So.3d 829; *State v. McKnight*, 98-1790 (La. App. 1 Cir. 6/25/99), 739 So.2d 343, *writ denied*, 99-2226 (La. 2/25/00), 755 So.2d 247 (affirming obstruction convictions where the defendants moved or disposed of victims' bodies to conceal their crimes). Although those defendants acted to conceal evidence, and here the body was left in the open on the victim's mother's lawn, the statute requires only the intentional movement of evidence with the requisite intent and knowledge; concealment is not an element.

phone contained incriminating evidence regarding April 25, 2023, including internet searches for attorneys, deleted good-bye texts, videos of the victim crying for her grandmother, footage of defendant placing a towel under the victim's door, and the note referring to the victim as a "green-eyed monster." On these facts, defendant's deliberate burial of the phone reflects the specific intent to distort the results of a criminal investigation.

Viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could have found that the elements of obstruction of justice were proven with respect to the cell phone. *See State v. Simmons*, 24-722 (La. App. 4 Cir. 11/21/25), 424 So.3d 1187 (where deactivating a cell phone immediately after a murder and disposing of it in a river was sufficient to support an obstruction of justice conviction). Accordingly, we affirm the conviction and sentence on this count.

Insanity

Having found that the State proved the elements of first degree murder and both counts of obstruction of justice, our discussion turns to whether defendant proved by a preponderance of the evidence that she suffered from a mental disease or defect that prevented her from distinguishing right and wrong at the time she committed the offenses. La. R.S. 14:14; *Kestle*, 411 So.3d at 38.

The jury heard conflicting expert testimony. Dr. DeLand testified that, although defendant suffered from mental disorders, she could not determine whether defendant could distinguish right from wrong at the time of the offenses, noting that defendant said she could not remember what happened. Dr. Mire, the State's expert, by contrast, testified that defendant knew right from wrong at the time of the offenses, based on defendant's methodical and calculated conduct throughout the day and evening. Dr. Mire also diagnosed defendant with

malingering — the intentional production or exaggeration of symptoms for secondary gain.

The record supports Dr. Mire's assessment. On April 24, 2023, Bella disclosed to her father, Mr. Fontenelle, at Dr. Knight's office that defendant was mean to her, and Mr. Fontenelle then warned defendant that he would reassess their relationship if he heard any further complaints from Bella. The next day, defendant gardened and rode her bike; Mr. Fontenelle came home for lunch, argued with her about the wagon, and left. He texted her to repeat his warning. Defendant then searched for attorneys, sent and deleted goodbye messages, told Ms. Diamond that she was at peace with her decision, and asked Ms. Diamond to care for her youngest son.

Defendant carried out routine activities with the children and recorded videos of them. After Mr. Fontenelle's mother left, defendant beat and strangled Bella, placed her in a bucket, deposited her on her mother's front lawn, and returned home with the wagon. At approximately 9:47 p.m., defendant left Mr. Fontenelle's residence, buried her phone in a Ziploc bag nearby, called her sister about the phone, and went to the Harahan Police Department. Dr. Mire further testified that defendant met the diagnostic criteria for narcissistic, borderline, and histrionic personality disorders, that defendant feared abandonment by Mr. Fontenelle, and that she showed no empathy for Bella.

Ms. Welch's testimony, set out above, further corroborated Dr. Mire's malingering assessment and supplied evidence from which the jury could infer a motive consistent with deliberate, goal-directed conduct.

Given the conflicting expert testimony and defendant's methodical and calculated conduct before, during, and after the murder, a rational trier of fact could have found that defendant failed to prove that she suffered from a mental disease or defect that prevented her from distinguishing right from wrong at the

time she committed the offenses. Affording great weight to the jury's resolution of the conflicting evidence, we cannot say that no rational juror could have so found.

We therefore find that the evidence was sufficient to support defendant's convictions of first degree murder and obstruction of justice as to both the victim's body and the cell phone, and we also find that defendant failed to prove a mental disease or defect that prevented her from distinguishing right from wrong at the time of the offenses.

Accordingly, defendant's assignments of error lack merit.

ERRORS PATENT

Pursuant to La. C.Cr.P. art. 920, we have reviewed the record for errors patent. *See State v. Oliveaux*, 312 So.2d 337 (La. 1975); and *State v. Weiland*, 556 So.2d 175 (La. App. 5 Cir. 1990). Our review reveals one error.

The sentencing minute entry does not reflect that defendant's first degree murder conviction is a crime of violence. Under La. C.Cr.P. art. 890.3(C), first and second degree murder shall always be designated by the court in the minutes as a crime of violence. Accordingly, we remand the matter and order the trial court to correct the sentencing minute entry to designate defendant's first degree murder conviction as a crime of violence. *See State v. Little*, 24-82 (La. App. 5 Cir. 10/30/24), 398 So.3d 846, 858.

DECREE

For the foregoing reasons, defendant's convictions and sentences for first degree murder and both counts of obstruction of justice by removing the victim's body from the scene and removing the cell phone from the scene are affirmed. The matter is remanded for correction of the sentencing minute entry to designate defendant's first degree murder conviction as a crime of violence.

AFFIRMED; REMANDED WITH INSTRUCTIONS

SUSAN M. CHEHARDY
CHIEF JUDGE

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STEPHEN J. WINDHORST
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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 10, 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-529

E-NOTIFIED
24TH JUDICIAL DISTRICT COURT (CLERK)
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HOLLI A. HERRLE-CASTILLO (APPELLANT)
THOMAS J. BUTLER (APPELLEE)
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REMY V. STARNS (APPELLANT)
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MAILED
NO ATTORNEYS WERE MAILED