Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KA-420

STATE OF LOUISIANA

versus

MAURICE HONOR, JR.

ON APPEAL THE TWENTY-THIRD JUDICIAL DISTRICT COURT
PARISH OF ST. JAMES, STATE OF LOUISIANA
NO. 89,38, DIVISION "B"
HONORABLE CODY M. MARTIN, JUDGE PRESIDING

May 27, 2026

FREDERICKA HOMBERG WICKER

JUDGE

Panel composed of Judges Fredericka Homberg Wicker,
Marc E. Johnson, and Stephen J. Windhorst

AFFIRMED; REMANDED WITH INSTRUCTIONS

FHW
MEJ
SJW

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MORGAN NAQUIN
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COUNSEL FOR PLAINTIFF/APPELLEE,
STATE OF LOUISIANA

Ricky L. Babin
Lindsey D. Manda
Donald D. Candell

COUNSEL FOR DEFENDANT/APPELLANT,
MAURICE HONOR

Holli A. Herrle-Castillo
Remy V. Starns

WICKER, J.

Defendant, Maurice Honor, Jr., appeals his convictions for first degree murder, attempted first degree murder, and attempted armed robbery. For the following reasons, we affirm his convictions and remand with instructions.

PROCEDURAL HISTORY

On September 9, 2022, a St. James Parish Grand Jury indicted Defendant on charges of first degree murder,[1] attempted first degree murder,[2] and attempted armed robbery.[3] Defendant pled not guilty at his October 4, 2022 arraignment. The case proceeded to trial on April 9, 2025, where both parties presented testimony and evidence. The State called nine witnesses, and the defense called one and recalled two of the State's witnesses. The State introduced twenty-one exhibits, and the defense introduced five. All exhibits were admitted into evidence.

On April 11, 2025, a unanimous jury found Defendant guilty on all counts. Defendant thereafter filed a motion for judgment of acquittal and for new trial, which the trial court denied on June 3, 2025. The same day, the trial court sentenced Defendant to life imprisonment on count one, fifty years on count two, and thirty years on count three, all without benefit of parole, probation, or suspension of sentence. Defendant's motion for appeal was granted on June 24, 2025. This appeal timely followed.

ASSIGNMENTS OF ERROR

Defendant assigns two errors in this appeal. First, he challenges the sufficiency of the evidence to support his convictions, specifically as to the State's proof, or rather lack thereof, of his identity as the perpetrator of the crimes. Second, he asserts the trial court erred in admitting into evidence Defendant's recorded jail

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[1] *See* La. R.S. 14:30.

[2] *See* La. R.S. 14:30; La. R.S. 14:27.

[3] *See* La. R.S. 14:64; La. R.S. 14:27.

calls, which he argues were unduly prejudicial and not timely disclosed by the State. Below, we begin with a review of the facts established at Defendant's trial. We then address each assignment of error raised by Defendant in turn.

FACTS ESTABLISHED AT TRIAL

At the trial of this matter, seven fact witnesses provided testimony. Among those witnesses, Jordan Keller provided a firsthand account of the events leading up to the shooting. He testified that on November 4, 2021, at about 11:00 p.m., he drove his cousin, David Harris, to Collins Street in Vacherie so that Mr. Harris could sell marijuana to Kyran Thomas. Mr. Keller was driving a blue Dodge Challenger. He explained that, during the transaction, Mr. Harris was seated in the front passenger seat of his car and Mr. Thomas approached the passenger side of the car to speak with Mr. Harris. Mr. Keller testified that, as they were speaking, a person unknown to Mr. Keller approached the car, pointed a gun inside, and demanded their belongings. He said he then immediately put the vehicle in reverse in an attempt to escape, but as he did, the shooter fired multiple shots toward the front of the car. He recalled hearing a bullet strike the car, followed by Mr. Harris stating that he had been shot in the arm. Shortly thereafter, another bullet struck Mr. Harris in the neck. Mr. Harris later died from his gunshot wounds.

Mr. Keller further testified that he drove away from the scene before stopping along River Road and calling the police. Although he explained the events of the shooting to the police, he stated that he could not identify the shooter. He also testified that he was shown a photographic lineup of potential suspects but remained unable to make an identification. Mr. Keller indicated that he did not see Mr. Thomas with a weapon and that Mr. Thomas appeared surprised during the shooting. However, he acknowledged that he initially suggested to the police that Mr. Thomas may have been acting as part of a setup or a decoy.

Kyran Thomas also testified to what he observed during the shooting. He told the jury that he was there because he intended to buy marijuana from Mr. Harris. Although the area was dark, Mr. Thomas stated that he recognized the shooter as Defendant, whom he had known for several years. According to Mr. Thomas, Defendant approached from behind the blue Dodge Challenger and fired into it using a black .22-caliber rifle without a stock. He testified that he was able to see the weapon despite the darkness. Mr. Thomas further testified that he fled the scene out of fear and did not immediately speak with police. He acknowledged that he was initially reluctant to identify anyone, including his own cousin Thayland Batiste, and that some of his prior statements were inconsistent due to fear. Mr. Thomas later identified Defendant in a photographic lineup and referred to him by the nickname "Turtle."

In addition to eyewitness accounts, law enforcement testimony provided context into the shooting investigation. Detective Cody Hoormann testified that he responded to the shooting scene in Vacherie, where, upon arrival, he observed a blue Dodge Challenger on the roadside with Mr. Harris deceased in the passenger seat. He described that the car had multiple bullet holes in the windshield, front bumper, and front passenger fender. Detective Hoormann collected and photographed the spent .22-caliber cartridge casings from the scene. During a second interview with Mr. Keller, Mr. Keller told Detective Hoormann that Mr. Harris had been meeting with Mr. Thomas on the night of the shooting. Detective Hoormann thereafter interviewed Mr. Thomas, who identified the shooter by the nickname "Turtle." Through colleagues, he learned that Defendant was known by that nickname. Mr. Thomas subsequently identified Defendant as the shooter in a photographic lineup. Detective Hoormann further testified that Mr. Thomas described the weapon used by Defendant as an AR-like rifle without a stock. Based on Mr. Thomas's identification and description, law enforcement obtained arrest and search warrants,

and initiated surveillance of the residences associated with Defendant. Detective Hoormann also testified that he received a tip suggesting that Thayland Batiste might have been involved, but Mr. Batiste was later cleared after providing a verified alibi. Thayland Batiste testified at trial that Mr. Thomas is both his cousin and next-door neighbor. He stated that he was questioned by police approximately one week after the shooting but did not recall ever discussing the incident with Mr. Thomas. Mr. Batiste testified that he was out-of-state, in Mississippi, on the night of the shooting.

Detective Joseph Spadoni testified regarding surveillance he conducted. Although assigned to the Narcotics Division, he assisted in the investigation alongside Detective Keelan Francis. He stated that they were conducting surveillance in anticipation of executing search warrants for Defendant's residence and associated locations. While determining where to establish surveillance, the detectives observed five men, including Defendant, enter one of the target residences at the end of the street. They also observed the men moving between the residence and two vehicles parked outside. Detective Spadoni subsequently received confirmation that the search and arrest warrants had been executed. At approximately the same time, he observed the two vehicles leaving the residence. The detectives stopped one of the vehicles, which was driven by MaKaven Brown. After being advised of his *Miranda* rights, Mr. Brown consented to a search of the vehicle. Officers recovered marijuana from the center console and later discovered a .22-caliber rifle beneath the backseat, along with nine .22-caliber cartridges and a magazine. At that time, Mr. Brown initially told police he had found the firearm in the grass.

MaKaven Brown also testified at trial regarding the events of the days following the shooting. He testified that he was at home on the night of the shooting, but that he went to Defendant's house the following day to play video games with friends. While there, he observed Defendant retrieve a gun from a shed, after which

Defendant threatened him into taking the weapon to hide it. At trial, Mr. Brown acknowledged that, after being stopped by police and after the rifle was recovered from his vehicle, he initially lied by stating that he had found the gun in the grass because he feared Defendant. After consulting with an attorney, he provided the police with a written statement indicating that Defendant had given him the weapon. During his testimony, Mr. Brown maintained that he was not involved in the shooting or the attempted robbery.

Finally, Detective Brett Forsythe testified about recorded jail calls made by Defendant while awaiting trial. The State offered six recorded jail calls, which were admitted into evidence and played for the jury over the objections of the defense.[4] According to Detective Forsythe, Defendant's statements across the calls referenced trial preparation, a blue vehicle, violence, and possible gang affiliation, while generally avoiding specific details. In one call, Defendant alluded to an upcoming trial and witness interviews, with Defendant mentioning uncertainty about what a person had said. Defendant also cautioned against discussing certain matters over the phone and instructed another person to communicate by text message. In another call, Defendant mentioned editing a picture and referred to a blue vehicle, consistent with the victim's vehicle in this case. Detective Forsythe acknowledged that portions of the recordings were difficult to discern and testified that none of the calls contained a direct confession to the shooting.

In addition to the seven fact witnesses, three expert witnesses also provided testimony addressing the cause of death, ballistics evidence, and DNA. Dr. Dana Troxclair, an expert in forensic pathology, performed the autopsy on Mr. Harris and determined that he died from multiple gunshot wounds, including a fatal wound at the base of the neck. She testified that she recovered two projectiles from his body

[4] Defendant's second assignment of error concerns the trial court's admission of the recorded jail calls, which we discuss in further detail below.

and submitted them to law enforcement for further examination. Turning to firearms evidence, Cheryl Swearingen, a forensic firearms expert, examined two .22-caliber cartridge casings collected from the crime scene and the rifle found in Mr. Brown's car. She testified that, after test-firing the rifle, she compared the casings and determined that both had been fired from that weapon. She also testified that she examined the bullets recovered from Mr. Harris's body and concluded that, although they were too damaged to permit a definitive match, they were consistent with being .22-caliber projectiles. Finally, Stacy Williams, an expert in forensic DNA analysis, compared DNA samples obtained from the rifle, cartridge, and magazine with reference samples from Defendant and Mr. Brown. She testified that the tests revealed DNA profiles from both Defendant and Mr. Brown on the evidence, as well as DNA profiles from two unidentified individuals. She also testified that DNA analysis cannot determine when or how DNA was deposited, whether through direct contact or secondary transfer, and that individuals vary in how much DNA they shed.

Considering all the testimony and physical evidence, the jury found Defendant guilty of the first degree murder of David Harris, the attempted first degree murder of Jordan Keller, and attempted armed robbery.

LAW AND ANALYSIS

On appeal, Defendant challenges both the sufficiency of the evidence and certain evidentiary rulings. Where both claims are raised on appeal, the reviewing court must first assess sufficiency under the standard set forth in *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979), considering the entirety of the evidence, whether admissible or not. *See State v. Beebe*, 25-388, 2026 WL 1157432, at *2 (La. App. 5 Cir. 4/29/26) (citing *State v. Hearold*, 603 So.2d 731, 734 (La. 1992); *State v. Mouton*, 22-444 (La. App. 5 Cir. 12/29/22), 358 So.3d 106, 113). Sufficiency of the evidence is reviewed first because, under *Hudson v. Louisiana*, 450 U.S. 40, 101 S.Ct. 970, 67 L.Ed.2d 30 (1981), an accused is entitled to an

acquittal if, viewing the evidence in the light most favorable to the prosecution as required by *Jackson v. Virginia*, no rational trier of fact could find all essential elements proved beyond a reasonable doubt. If the evidence is insufficient, an acquittal is warranted, rendering any discussion of trial-error issues moot. *Hearold*, 603 So.2d at 734.

Conversely, when all the evidence, both admissible and inadmissible, is sufficient to support the conviction, the accused is not entitled to an acquittal, and the reviewing court must then consider any alleged trial errors to determine whether a new trial is warranted. *Hearold*, 603 So.2d at 734. If the reviewing court determines there has been trial error and that the error was non-harmless, the remedy is a new trial, not acquittal, even if the admissible evidence alone was insufficient to support the conviction. *Hearold*, 603 So.2d at 734. Accordingly, we first assess whether the evidence was sufficient to support Defendant's convictions.

Assignment No. 1—Sufficiency of the Evidence

Defendant asserts the evidence was insufficient to support his convictions for first degree murder, attempted first degree murder, and attempted armed robbery, specifically arguing that the State failed to prove he was the perpetrator of the offenses. He argues that he was identified as the shooter only by Mr. Thomas, whose statements he claims were inconsistent and untruthful, and that Mr. Brown's testimony was implausible and contradicted by other evidence. He further argues that the rifle contained four DNA profiles, suggesting any DNA linked to him could have resulted from DNA transfer. The State responds that Mr. Thomas identified Defendant as the shooter and that Mr. Keller corroborated Mr. Thomas's testimony of events. The State further responds that the evidence established that Defendant threatened Mr. Brown to take the rifle (*i.e.,* the murder weapon), which expert

testimony showed had Defendant's DNA on it. The State concludes that it presented unrebutted testimony establishing all essential elements of the offenses.

The constitutional standard for sufficiency of the evidence is whether, upon viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could find that the State proved all the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979); *see also State v. Lirette*, 25-572, 2026 WL 850577, at *3 (La. App. 5 Cir. 3/27/26), --So.3d--- (citing *State v. Magee*, 24-435 (La. App. 5 Cir. 7/16/25), 420 So.3d 158, 173). Inherent to proving the elements of an offense is proving the identity of the defendant as the perpetrator. *State v. Salvant*, 24-205 (La. App. 5 Cir. 3/19/25), 411 So.3d 74, 89, *writ denied*, 25-485 (La. 9/16/25), 416 So.3d 473. The State must negate any reasonable probability of misidentification. *Id*.

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. *Lirette*, 2026 WL 850577, at *3. *Id.* When circumstantial evidence is used to prove the commission of an offense, La. R.S. 15:438 mandates 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." This is not a separate test from the standard set forth in *Jackson*, but rather provides a helpful basis for determining the existence of reasonable doubt in cases involving circumstantial evidence. *Lirette*, 2026 WL 850577, at *3. Ultimately, all evidence, both direct and circumstantial, must be sufficient to support the conclusion that the defendant is guilty beyond a reasonable doubt. *Magee*, 420 So.3d at 173 (citing to *State v. Wooten*, 99-181 (La. App. 5 Cir. 6/1/99), 738 So.2d 672, 675, *writ denied*, 99-2057 (La. 1/14/00), 753 So.2d 208).

The reviewing court must defer to the trier of fact's rational credibility calls, evidence weighing, and inference drawing and may not overturn a verdict on the

basis of an exculpatory hypothesis of innocence presented to, and rationally rejected by, the jury. *State v. Monterroso*, 22-390 (La. App. 5 Cir. 4/26/23), 361 So.3d 1177, 1189, *writ denied*, 23-745 (La. 11/21/23), 373 So.3d 447. Indeed, 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. Thus, in the absence of internal contradiction or irreconcilable conflict with physical evidence, the testimony of a single witness, if believed by the trier of fact, is sufficient to support a conviction. *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.

In the present case, Defendant was convicted of first degree murder, attempted first degree murder, and attempted armed robbery. First degree murder is defined, in pertinent part, as the killing of a human being when the offender has specific intent to kill or to inflict great bodily harm and is engaged in the attempted perpetration of an armed robbery or when the offender has a specific intent to kill or to inflict great bodily harm upon more than one person. La. R.S. 14:30. Any person who, having a specific intent to commit a crime, does or omits an act for the purpose of and tending directly toward the accomplishing of his object, is guilty of an attempt to commit the offense intended, and it shall be immaterial whether, under the circumstances, he would have actually accomplished his purpose. La. R.S. 14:27(A).

To support a conviction for armed robbery, the State must prove beyond a reasonable doubt that Defendant took something of value from the person of another by use of force or intimidation while armed with a dangerous weapon. La. R.S. 14:64. A dangerous weapon "includes any . . . instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm." La. R.S. 14:2. A gun used in connection with a robbery is, as a matter of law, a

dangerous weapon. *State v. Williams*, 12-687 (La. App. 5 Cir. 5/16/13), 119 So.3d 228, 233, *writ denied*, 13-1335 (La. 12/2/13), 126 So.3d 500. Furthermore, the act of pointing a gun at a victim is sufficient to prove the required element of force or intimidation for purposes of armed robbery. *Id*. Lying in wait with a dangerous weapon with the intent to commit a crime is sufficient to constitute an attempt to commit the offense intended. *Id*.

On appeal, Defendant does not challenge the sufficiency of the evidence as to the offenses' essential elements but instead argues the State failed to prove his identity as the perpetrator.[5] Positive identification by only one witness is sufficient to support a conviction. *State v. Howard*, 24-145 (La. App. 5 Cir. 12/18/24), 409 So.3d 915, 932, *writ denied*, 25-96 (La. 4/8/25), 405 So.3d 566. Mr. Thomas testified that Defendant, whom he had known for a long time, was the shooter, and answered affirmatively when asked if he was "100% certain" of that identification. He also identified Defendant in a photograph as "Turtle," a nickname confirmed by law enforcement to refer to Defendant and also independently confirmed by Mr. Brown.

Although Defendant challenges Mr. Thomas's credibility based on alleged inconsistencies and omissions, other evidence corroborates the identification of Defendant as the shooter. For instance, Detective Hoormann testified that Mr. Keller's statement was consistent with the physical evidence and that Mr. Thomas's account aligned with Mr. Keller's. Additionally, Mr. Brown was observed leaving a residence associated with Defendant, where Defendant was

[5] Nevertheless, the evidence established that Defendant intended to take something of value from Mr. Harris and Mr. Keller through force or intimidation while he was armed with a rifle (attempted armed robbery). Further, as to the charge of attempted first degree murder, Defendant fired that rifle at Mr. Keller, supporting a finding that he attempted to kill Mr. Keller while he had the specific intent to kill or inflict great bodily harm on Mr. Harris and Mr. Keller. Further, the evidence established that Defendant killed Mr. Harris while he had the specific intent to kill or inflict great bodily harm on Mr. Harris and Mr. Keller (first degree murder). Therefore, it appears the State presented sufficient evidence of the elements of each offense.

present, and was stopped by Detective Spadoni with a .22-caliber rifle without a stock in his car. Mr. Brown testified that Defendant threatened him to take the rifle. The rifle matched Mr. Thomas's description of the weapon used and, according to expert testimony, fired the cartridge cases collected at the scene of the shooting and contained DNA from four people, including Defendant. Further, the jury heard testimony regarding Mr. Thomas's inconsistent statements and, weighing all the evidence, chose to credit Mr. Thomas's testimony. *See Lavigne*, 365 So.3d at 940 (holding that 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); *see also State v. Lafrance*, 24-392 (La. App. 5 Cir. 4/2/25), 413 So.3d 1205, 1219 (holding that the sufficiency of the evidence standard requires deference to the fact-finder's credibility calls, evidence weighing, and inference drawing, and does not permit reweighing or substituting the court's judgment for that of the jury), *writ denied*, 25-544 (La. 10/14/25), 419 So.3d 354.

Considering this evidence—particularly the DNA linking Defendant to the weapon, the consistency between the physical evidence and the accounts of Mr. Keller and Mr. Thomas, and the positive identifications of Defendant as the shooter by Mr. Thomas and Mr. Brown—we find that the State negated any reasonable probability of misidentification and proved Defendant's identity beyond a reasonable doubt. Accordingly, we find that a rational trier of fact could have found that the evidence was sufficient under the *Jackson* standard to support Defendant's convictions of first degree murder, attempted first degree murder, and attempted armed robbery.

This assignment of error is without merit.

Assignment No. 2: Admission of Recorded Jail Calls

Defendant contends the trial court erred in admitting recorded jail calls, arguing they were prejudicial and untimely disclosed. The State responds that it

provided proper notice to the defense of its intent to use the calls and that the calls are relevant. The record reflects that, on September 21, 2022, the State filed a letter indicating it provided its file to the defense, advising that certain materials—such as physical evidence, photographs, and audio or video recordings—were not included in the file but they were maintained by law enforcement, and granting the defense full access to inspect them. On March 20, 2024, Defendant filed a motion for discovery requesting notice of any of his statements, whether written or recorded, that the State intended to use at trial. On April 8, 2025, the State filed a notice of intent to use Defendant's jail calls made between November 4, 2021 and April 11, 2025.

During Detective Forsythe's testimony on the second day of trial, the State offered the recorded jail calls into evidence. Defense counsel objected to the last three recordings on the basis that they had been received less than a week before trial. The record reflects that the State provided open-file discovery and disclosed the jail calls shortly after receiving them. The trial court found the calls relevant but expressed concern regarding timeliness. The trial court recessed proceedings to allow defense counsel to review the recordings. After the recess, the judge cited to *State v. Bradstreet*, 16-80 (La. App. 5 Cir. 6/30/16), 196 So.3d 876, *writ denied*, 16-1567 (La. 6/5/17), 220 So.3d 752, and *State v. Coleman*, 21-870 (La. App. 1 Cir. 4/8/22), 342 So.3d 7, *writ denied*, 22-759 (La. 11/21/23), 373 So.3d 460, as addressing the production of recorded jail calls like those the State sought to introduce, and ultimately found no resulting unfair prejudice.

At trial, Defendant objected only to the timing of the disclosure. To preserve appellate review, a party must make a contemporaneous objection and state the grounds for that objection. La. C.Cr.P. art. 841; *State v. Richards*, 23-448 (La. App. 5 Cir. 11/20/24), 411 So.3d 739, 776, *writ granted in part*, 24-1355 (La. 12/11/24), 396 So.3d 945, and *writs denied*, 25-28 (La. 4/1/25), 404 So.3d 652, and 24-1547

(La. 4/1/25), 404 So.3d 656. This rule ensures the trial court is alerted to an alleged error and allows for the opportunity to make the proper ruling and correct any claimed prejudice to the defendant, procedural irregularity, or evidentiary mistake. *Richards*, 411 So.3d at 776. Here, Defendant's objection pertained only to the timing of the disclosure. The trial court likewise emphasized it was addressing only the timeliness of disclosure, not admissibility. Accordingly, Defendant is limited on appeal to the issue of whether his convictions should be vacated because the calls should have been excluded due to their alleged late disclosure.

Under La. C.Cr.P. art. 716(D), the State is required, upon motion, to disclose written or recorded statements of witnesses it intends to call in its case in chief at trial, but such disclosure need not occur until immediately prior to opening statements at trial. La. C.Cr.P. art. 768 provides that, unless the defendant has been granted pretrial discovery, the State must advise the defendant of any confession or inculpatory statement it intends to introduce into evidence at trial prior to the beginning of the State's opening statement. If the State fails to do so, the confession or inculpatory statement shall not be admissible. La. C.Cr.P. art. 768. Furthermore, La. C.Cr.P. art. 729.3 imposes a continuing duty of timely disclosure of evidence, and, when a party fails to comply, the trial court has broad discretion to impose remedies, including permitting discovery, granting a continuance, or excluding evidence. La. C.Cr.P. art. 729.5; *State v. Eldridge*, 23-149 (La. App. 5 Cir. 12/20/23), 378 So.3d 861, 876, *writs denied*, 24-45 (La. 9/17/24), 392 So.3d 631, and 24-126 (La. 9/17/24), 392 So.3d 632. Discovery rules aim to prevent unfair surprise and allow adequate trial preparation. *State v. Harris*, 00-3459 (La. 2/26/02), 812 So.2d 612, 617; *State v. Leonard*, 23-103 (La. App. 5 Cir. 11/8/23), 377 So.3d 369, 376. However, a discovery violation does not warrant reversal of a conviction, absent a showing of prejudice, *i.e.,* that the violation contributed to the verdict. *State v. Diaz*,

20-381 (La. App. 5 Cir. 11/17/21), 331 So.3d 500, 530, *writ denied*, 21-1967 (La. 4/5/22), 335 So.3d 836.

Louisiana courts have upheld the admission of jail calls disclosed shortly before trial where the State acted promptly upon discovery and the defendant failed to show prejudice. For instance, in *State v. Carter*, the defendant argued prejudice from the State's disclosure during *voir dire* of a recorded telephone call between him and a police officer; the State claimed it had only just received the recording. 10-614 (La. 1/24/12), 84 So.3d 499, 524, *cert. denied*, 568 U.S. 823 (2012). The Louisiana Supreme Court found no prejudice, finding that the call contained no information unknown to the defense and merely reflected the defendant's repeated denials, which were consistent with other testimony. *Id.* at 524. Accordingly, the recording did not constitute a surprise. *Id.* Similarly, in *State v. Leonard*, this Court found the State substantially complied with La. C.Cr.P. arts. 716(C) and 729.3 by disclosing a recorded statement five days before trial, promptly upon discovery, and in good faith. 377 So.3d at 377. The Court also found the defendant neither requested a continuance nor showed prejudice, as he had made the statement, was not surprised by its substance, and it was corroborated at trial. *Id.* Accordingly, this Court concluded the defendant failed to show that the statement's admission contributed to the verdict. *Id.*[6]

Courts likewise reject late-disclosure challenges where the evidence's probative value outweighs any claimed prejudice. *See Coleman*, 342 So.3d at 14–15 (concluding that the calls were highly probative of identity, possession of the weapon, and guilty knowledge, and that their probative value was not substantially

[6] *See additionally*, *Bradstreet*, 196 So.3d at 887–89 (finding disclosure sufficient under La. C.Cr.P. art. 729.3, particularly where continuance allowed preparation); *State v. Martin*, 17-1100 (La. App. 1 Cir. 2/27/18), 243 So.3d 56, 63–65 (finding no abuse of discretion in allowing calls introduced by State made less than a week before trial, including one made the day before trial, where the State disclosed them to the defense as soon as it received them), *writ denied*, 18-568 (La. 3/6/19), 266 So.3d 901

outweighed by any unfair prejudice); *State v. Francis*, 00-2800 (La. App. 1 Cir. 9/28/01), 809 So.2d 1029, 1033 (finding that, although discovery responses were deficient, reversal was unwarranted because the defendant failed to demonstrate prejudice, particularly given his prior awareness of the written statement and the strength of the evidence against him).

Here, the record reflects that the State received the jail calls on March 31, 2025 and disclosed them on April 8, 2025, the day before trial. Upon Defendant's objection, the trial court recessed to allow the defense time to review the approximately fifty-five minutes of recordings, thereby mitigating any potential prejudice. Defendant had at least two days to review the calls, had previously received other jail calls, and did not request a continuance beyond the time afforded by the trial court. Because Defendant made the calls—and each call was preceded by a recording notice—their contents were not a surprise. *See Carter*, 84 So.3d at 524; *Leonard*, 377 So.3d at 377. Defendant has also failed to demonstrate prejudice. The calls were difficult to understand and did not amount to clear confessions, and Defendant has not shown that their admission contributed to the verdict. *See Leonard*, 377 So.3d at 376. Even if the disclosure was untimely, Defendant has not established prejudice sufficient to warrant reversal. Accordingly, we find no abuse of discretion in the trial court's ruling.

This assignment of error is without merit.

Errors Patent Review

We reviewed the record for errors patent pursuant 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); and found the following matters.

1. Failure to Designate Crime of Violence

The sentencing minute entry does not reflect that the trial court designated Defendant's conviction for first degree murder as a crime of violence as required by

La. C.Cr.P. art. 890.3(C), which provides that first degree murder "shall always be designated by the court in the minutes as a crime of violence." Accordingly, we remand this matter to the trial court with instructions to correct the sentencing minute entry to reflect that Defendant's conviction for first degree murder is a crime of violence. *See State v. Little*, 24-82 (La. App. 5 Cir. 10/30/24), 398 So.3d 846, 858; *State v. Le*, 22-468 (La. App. 5 Cir. 8/9/23), 370 So.3d 162, *writ denied*, 23-1230 (La. 2/6/24), 378 So.3d 752.

2. Failure to Observe 24-Hour Delay

The record reveals the trial court failed to observe the twenty-four-hour delay mandated by La. C.Cr.P. art. 873, which requires a twenty-four-hour delay between the denial of a motion for new trial and sentencing, unless the defendant waives the delay or pleads guilty, in which case sentencing may occur immediately. When a defendant challenges a non-mandatory sentence, failure to observe the La. C.Cr.P. art. 873 delay is not harmless error. *State v. Perez-Espinosa*, 23-353 (La. App. 5 Cir. 5/22/24), 389 So.3d 284, 294, *writs denied*, 24-431 (La. 10/15/24), 394 So.3d 812, and 24-811 (La. 10/15/24), 394 So.3d 818. However, reversal is not required absent a showing of prejudice. *State v. Chest*, 24-199 (La. App. 5 Cir. 2/26/25), 406 So.3d 684, 701, *writ denied*, 25-387 (La. 5/20/25), 409 So.3d 222. Where the defendant does not challenge the sentence, the error is harmless absent prejudice. *Perez-Espinosa*, 389 So.3d at 294. Here, Defendant filed a Motion for Judgment of Acquittal on April 29, 2025 and a Motion for New Trial on May 6, 2025. The trial court ruled on both motions on June 3, 2025, and imposed Defendant's sentences the same day. Although Defendant did not waive the delay, he neither challenges his sentences nor shows prejudice. Therefore, the error is harmless.

3. Failure to Designate Sentences As Concurrent or Consecutive

A discrepancy exists between the sentencing transcript and the minute entry and the commitment order regarding whether Defendant's sentences are to run

concurrently or consecutively. The sentencing minute entry and commitment order reflect that Defendant's sentences shall run concurrently with each other, but the transcript does not reflect that the trial court mentioned the concurrent or consecutive nature of the sentences. Generally, the transcript prevails, *State v. Lynch*, 441 So.2d 732, 734 (La. 1983), but here, the sentences are presumed to run concurrently under La. C.Cr.P. art. 883, which provides, in part, that "[i]f the defendant is convicted of two or more offenses based on the same act or transaction, or constituting parts of a common scheme or plan, the terms of imprisonment shall be served concurrently unless the court expressly directs that some or all be served consecutively." In the instant case, Defendant's three offenses were based on the same act or transaction or constituted parts of a common scheme or plan, and therefore the sentences should be served concurrently unless the court expressly stated otherwise, which it did not do here. *See State v. Robinson*, 22-310 (La. App. 5 Cir. 4/12/23), 361 So.3d 1107, 1122–23 (concluding that the defendant's offenses arose from the same act or transaction such that the presumption of concurrent sentences under La. C.Cr.P. art. 883 applied). The minute entry and commitment order reflect concurrent sentences, which aligns with the statutory presumption. Accordingly, no corrective action is required.

CONCLUSION

For the foregoing reasons, we affirm Defendant's convictions and remand this matter for correction of the errors patent as set forth above.

AFFIRMED; REMANDED WITH INSTRUCTIONS

FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

(504) 376-1400
(504) 376-1498 FAX

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 **MAY 27, 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-420

E-NOTIFIED
23RD JUDICIAL DISTRICT COURT (CLERK)
HONORABLE CODY M. MARTIN (DISTRICT JUDGE)
DONALD D. CANDELL (APPELLEE)
LINDSEY D. MANDA (APPELLEE)
CHAD M. IKERD (APPELLANT)
REMY V. STARNS (APPELLANT)
HOLLI A. HERRLE-CASTILLO (APPELLANT)
ADAM J. KOENIG (APPELLEE)
HONORABLE RICKY L. BABIN (APPELLEE)

MAILED