Fifth Circuit Court of Appeal
State of Louisiana

No. 25-KA-504

STATE OF LOUISIANA

versus

LEON MARTIN VENTRESS, JR.

ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 22-1941, DIVISION "A"
HONORABLE RAYMOND S. STEIB, JR., JUDGE PRESIDING

November 10, 2026

JOHN J. MOLAISON, JR.

JUDGE

Panel composed of Judges Marc E. Johnson,
John J. Molaison, Jr., and Scott U. Schlegel

CONVICTIONS AND SENTENCES AFFIRMED; REMANDED

JJM
MEJ
SUS

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MOLAISON, J.

In this criminal appeal, the defendant seeks review of his convictions and sentences for sexual offenses against three minor victims. For the reasons that follow, we affirm the defendant's convictions and sentences, and remand for the correction of an error patent.

PROCEDURAL HISTORY

On May 5, 2022, the Jefferson Parish District Attorney's Office filed a true bill of information against defendant, Leon Ventress, alleging: Count 1) aggravated rape of a juvenile, A.N., between April 27, 2007, and April 27, 2009, in violation of La. R.S. 14:42; Count 2) sexual battery of a known juvenile, A.N., between April 27, 2007, and April 27, 2009, in violation of La. R.S. 14:43.1; Count 3) committing a lewd and lascivious act upon, or in the presence of a known juvenile, K.R., between May 1, 2016, and August 31, 2016, in violation of La. R.S. 14:81; Count 4) committing a lewd and lascivious act upon, or in the presence of a known juvenile, L.G., between May 1, 2016, and August 31, 2016, in violation of La. R.S. 14:81; Count 5) aggravated or first degree rape upon a known juvenile, L.V., between March 6, 2015, and June 12, 2017, in violation of La. R.S. 14:42; Count 6) sexual battery of a juvenile, L.V., between March 6, 2015, and June 12, 2017, in violation of La. R.S. 14:43.1; and Count 7) committing a lewd and lascivious act upon, or in the presence of, a known juvenile, L.V., between March 6, 2015, and June 12, 2017, in violation of La. R.S. 14:81.

The defendant pled not guilty to all charges on May 6, 2022. The defendant's jury trial began on December 12, 2023. At the conclusion of trial, the jury rendered the following verdicts: not guilty on Counts 1 and 2; guilty as charged on Counts 3 and 4; guilty to a lesser charge on Count 5; and guilty as charged on Counts 6 and 7.

On January 10, 2024, after victim impact statements were heard, the trial court sentenced defendant[1] to twenty-five years imprisonment at hard labor with the first two years to be served without benefit of parole, probation, or suspension of sentence for each of counts three, four, five, and seven. The trial court sentenced defendant to fifty years imprisonment at hard labor with the first twenty-five years to be served without benefit of parole, probation, or suspension of sentence for count six. The court ordered counts five, six, and seven be served concurrently with each other. The court ordered that the sentence on count three be served consecutive to the sentences in counts five, six, and seven. The court ordered that the sentence on count four be served consecutive to the sentences in counts three, five, six, and seven. The trial court gave the defendant credit for time served pursuant to C.Cr.P. 880 from the date of initial arrest until the date of sentencing for each day the defendant actually served. On that same date, the defendant made an oral motion for appeal and an oral motion for reconsideration of sentence. The trial court denied the defendant's written motion for reconsideration on June 26, 2024.

On April 29, 2025, the defendant filed an application for post-conviction relief seeking an out-of-time appeal, which the trial court granted on May 1, 2025. This timely appeal followed.

ASSIGNMENTS OF ERROR

Sufficiency of the evidence

In his first assignment of error, the defendant asserts that the State presented insufficient evidence to support the jury's verdicts.

When the issues on appeal relate to both the sufficiency of evidence and one or more trial errors, the Louisiana Supreme Court has instructed that a reviewing court should first determine the sufficiency of the evidence. *State v. Hearold*, 603

[1] Discrepancies surrounding the defendant's sentencing are discussed in our error patent review.

So.2d 731, 734 (La. 1992). If the appellate court determines that the evidence was insufficient, then the defendant is entitled to an acquittal, and no further inquiry as to trial errors is necessary. *Id.*

Under *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979), we view all of the evidence in the light most favorable to the prosecution and ask whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. *State v. Clifton*, 17-538 (La. App. 5 Cir. 5/23/18), 248 So.3d 691, 702. Applying that test requires deference to the jury's rational credibility determinations, evidence weighing, and inferences; we do not reweigh evidence or redetermine guilt. *Id*. Accordingly, "in the absence of internal contradiction or irreconcilable conflicts with physical evidence, the testimony of one witness, if believed by the trier of fact, is sufficient to support a conviction." *State v. Dixon*, 07-915 (La. App. 5 Cir. 3/11/08), 982 So.2d 146, 153, *writ denied sub nom. State ex rel. Dixon v. State*, 08-987 (La. 1/30/09), 999 So.2d 745. This Court has specifically held that "[i]n sex offense cases, the testimony of the victim alone can be sufficient to establish the elements of a sexual offense, even when the State does not introduce medical, scientific, or physical evidence to prove the commission of the offense." *State v. Chinchilla*, 20-60 (La. App. 5 Cir. 12/23/20), 307 So.3d 1189, 1195, *writ denied*, 21-00274 (La. 4/27/21), 314 So.3d 838, *cert. denied*, -- U.S. --, 142 S.Ct. 296, 211 L.Ed.2d 138 (2021).

The initial allegations and investigation of the defendant

A.N. testified at trial that in May 2017, when she was 18 years old, she was sleeping face down on her aunt's living room couch in Algiers, when the defendant, Leon Ventress, pulled off her cover, straddled her, rubbed her vagina and buttocks over clothes, tried to get her to hang up the phone, and offered to pay her for sex. When she was approximately 8 to 12 years old, in Jefferson Parish at her grandfather's house in the Woodmere area, he tried to penetrate her by sliding

her underwear aside and pressing his penis against her; she refused, and he stopped without penetration. A.N. testified that when she was approximately 8 to 12 years old, the defendant removed her clothes while she was in a chair and licked her vagina in her grandfather's dining room in Jefferson Parish. When she was approximately 8 to 12 years old, in a red Dodge Ram parked in the back of Woodmere in Jefferson Parish, the defendant licked her vagina after offering her money for sexual acts. A.N. identified the defendant in court as the person who abused her and affirmed she has never recanted the allegations against the defendant.

D.J. testified at trial that in May 2017 in New Orleans, her friend, A.N., told her that when she was between ages 8 and 13, a "man" abused her by touching her vagina and performing oral sex when she was younger. A.N. also told D.J. that when she was 17 years old, in Algiers the man pulled the cover from her, put his hand between her legs while on the sofa, and she resisted while on the phone; later he offered her money for sex. D.J. relayed that A.N. said that one time at her grandfather's house in Jefferson Parish, the man tried to touch her vagina, but the grandfather walked in, so he moved away.

Sergeant Claudia Bruce of the New Orleans Police Department testified that A.N. reported that during her 18th birthday weekend in Algiers, while sleeping on a couch at her aunt's home, the defendant came over to her, touched her over her clothes, tried to get her to hang up the phone, and offered to pay her for sex. A.N. told Sergeant Bruce that in Jefferson Parish, before age 13, the defendant performed oral sex on her in a vehicle parked in the back of the Woodmere neighborhood and in the dining room at her grandfather's house. Sergeant Bruce also stated that the defendant's daughter, L.V., disclosed multiple incidents that occurred when she was under age 13—three to four times at her house in Algiers and once at her grandfather's house in Jefferson Parish, including when the

defendant put his penis on her buttocks and his mouth on her vagina. Sergeant Bruce confirmed she obtained an arrest warrant based on L.V.'s disclosures and forwarded the Jefferson Parish incidents to the Jefferson Parish Sheriff's Office for follow-up.

Jefferson Parish Sheriff's Office Detective Kerstin Henderson confirmed A.N.'s Jefferson Parish disclosures supported warrants for attempted aggravated rape, sexual battery, and oral sexual battery based on attempted penetration, rubbing his penis on her, and oral contact on her vagina occurring circa 2007 to 2008 at the Glenmere area of Woodmere. For L.V., Henderson described incidents at Glenmere in Jefferson Parish, at least one incident where he pulled down her shorts and underwear, shined a flashlight on her genitals before work, and separate incidents of placing his penis on her buttocks and putting his mouth on her vagina, with additional incidents in Algiers.

The defendant's age

The defendant's age is an element common to all the charged offenses. At trial in December 2023, the defendant testified on cross-examination that his current age was 37. Based on this evidence, the jury could infer that the defendant was over 17 throughout the charged windows of 2007–2009 and 2015–2017.

The defendant's testimony

The defendant testified at trial that from approximately April 27, 2007, to April 27, 2009, he lived in Baton Rouge in an apartment until he lost his job at Ace Porta Potty, after which he moved his wife, LaTisha, to her parents' house in Harvey[2] and moved himself to his Aunt Diane's home in Baker. The defendant

[2] Le'Moyne Reine testified at trial and confirmed his long-term residence on Glenmere Drive in Harvey, in which there was a pool, where the defendant lived at times and had a red Dodge dually truck. His grandchildren stayed there for extended periods since approximately age eight. Bedrooms were upstairs, and family members, including the defendant and LaTisha, stayed in rooms across the hall from children, with no restrictions on the defendant's access in the home. Mr. Reine affirmed that none of his four grandchildren ever recanted their allegations of sexual abuse by the defendant.

stated he did not live in Harvey during that period but visited, generally on alternating weekends or when his work schedule permitted, and sometimes stayed at the house or in a hotel with LaTisha. He indicated he was working with his father during that time driving dump trucks. The defendant denied any sexual misconduct toward the minor victims. The defendant also described a 2015 incident in Lake Charles in which he said he retrieved a phone from L.V., found her watching pornography, returned the phone to LaTisha, and the two then had a sex education conversation with L.V.

Regarding events after the May 2017 disclosure, he stated that LaTisha told him what she had heard on the day she returned with her father in a Camry; he denied the allegations to her, characterizing such conduct as "sick." He testified that LaTisha later returned in a Tahoe and that they continued to live together until his arrest on June 19, 2017.

K.R.: Count 3

The defendant was convicted of committing a lewd and lascivious act upon, or in the presence of a known juvenile, K.R.,[3] in violation of La. R.S. 14:81. To convict a defendant of indecent behavior with a juvenile under that statute, the State must prove: (1) an age difference of greater than two years between the accused and the victim, who was not yet seventeen; (2) the accused committed a lewd or lascivious act upon the person or in the presence of a child; and (3) the accused intended to arouse or gratify either his own or the victim's sexual desires. *State v. Battaglia*, 03-692 (La. App. 5 Cir. 11/25/03), 861 So.2d 704, 708, *writ denied sub nom. State ex rel. Battaglia v. State*, 04-1701 (La. 4/29/05), 901 So.2d 1058. In *State v. Jones*, 10-762 (La. 9/7/11), 74 So.3d 197, 204, the supreme court noted that it had earlier defined "lewd and lascivious" in the context of La. R.S. 14:81(A) as an act which is "lustful, obscene, indecent, tending to deprave the

[3] The record shows that K.R. is the defendant's niece by marriage.

morals in respect to sexual relations, and relating to sexual impurity or incontinence carried on in a wanton manner." Additionally, the statute's definition of a lewd and lascivious act includes the physical touching of the victim in an indecent manner. *State v. Lane*, 20-181 (La. App. 5 Cir. 1/27/21), 310 So.3d 794, 805 (citations omitted.)

At trial, the State established through K.R.'s testimony that she was 12 years old in the summer of 2016, when she stayed at her grandfather's house on Glenmere in Jefferson Parish. K.R. said that she sometimes slept downstairs during that time on a mattress in the dining room due to crowding upstairs. One night in the dining room, she awoke as her pants and underwear were being slid down, saw the defendant behind her, and heard him laugh before he left. This happened after everyone was asleep. K.R. also stated the defendant came downstairs in the middle of the night when she was alone, sat by her on the couch, picked her up, forcefully pulled her into his lap, held her buttocks, and at times jammed his thumb into her crotch area. She clarified the defendant would pick her up for hugs, lift her by her buttocks while she faced him, and that his fingers went up near her private area, causing her pain. She identified the defendant in court as the person who did these things to her. In May 2017, when asked by their mother in Texas, K.R. and L.G. disclosed that the defendant had touched them inappropriately during the prior summer in Harvey, and K.R. had earlier told two Texas classmates details.

We find that a rational jury could have found that the evidence was sufficient to support defendant's conviction under La. R.S. 14:81. The acts of the defendant, as described in K.R.'s testimony, which included the defendant's removal of her clothing while she was asleep, and repeatedly grabbing her buttocks and touching her groin area, clearly meet the definition of lewd and lascivious acts. The location and manner of the touching, occurring at night and directed to

K.R.'s buttocks and groin, support the jury's finding of the defendant's specific intent to arouse or gratify his sexual desires. Under *Jackson's* deference to the jury's credibility determinations, we do not reweigh K.R.'s testimony.

L.G.: Count 4

In Count 4, the defendant was convicted of committing a lewd and lascivious act upon, or in the presence of L.G.,[4] in violation of La. R.S. 14:81. The defendant does not dispute that L.G. was under the age of 17[5] and more than two years younger than the defendant at the time of the alleged offense. However, L.G. testified at trial that she is K.R.'s younger sister. As noted above, K.R. was 12 years old at the time of the alleged offenses in 2016.

According to L.G.'s testimony, during the summer of 2016 at her grandfather Le'Moyne "Nunu" Reine's house on Glenmere Drive in Harvey, at night/early morning while she was sleeping upstairs in the children's bedroom, the defendant opened the door, approached her bed, pulled the covers/comforter off, and stood watching her on multiple occasions. She described the first incident as occurring at night/early morning when the defendant entered the upstairs children's bedroom, opened the door, came to her bed, pulled the covers/comforter off, and stood watching her as she slept. She testified to a second similar incident in the same upstairs children's bedroom during that summer, again at night/early morning while she was sleeping, where the defendant opened the door, approached her bed, pulled the covers/comforter off, and stood watching her. For the third incident, L.G. testified that after opening the door, the defendant approached her bed, pulled the covers/comforter off, and the defendant additionally put his hand on her

[4] The record shows that L.G. is the defendant's niece by marriage.

[5] L.G. did not give her exact birthdate or age on the stand. However, the summer-2016 timing at her grandfather's and her younger-sibling status to K.R. (who was 12 then), established she was under seventeen during summer 2016. As will be discussed in the sentencing assignment of error, the same record supports the under-thirteen finding relevant to La. R.S. 14:81(H)(2).

buttocks, then mumbled something about having dropped his pillow. The defendant left the room when L.G. reacted.

We find that a rational jury could have found that the evidence was sufficient to support defendant's conviction under La. R.S. 14:81. L.G.'s testimony established that she was under the age of 13 in the summer of 2016 when she stayed at her grandfather's house in Harvey. On one occasion, in the middle of the night, the defendant removed L.G.'s bed covers and placed his hand on her buttocks. The defendant's nighttime cover removal, combined with physical touching, clearly meets the definition of a lewd and lascivious act. Under *Jackson's* deference to the jury's credibility determinations, we do not reweigh L.G.'s testimony.

L.V.: Counts 5, 6, and 7

L.V. testified that when she was about five or six years old in Texas, the defendant, her father, would come into her room while she was asleep during late night or early morning hours, approximately between 1:00 a.m. and 3:00 a.m. She stated he would walk in, and she would wake up as he caressed her and rubbed his fingers on her. She explained she did not tell anyone at that time. L.V. testified she was "five or six" when the touching in Texas occurred. She described the time as "[p]robably late, early in the morning, 1:00 a.m., 3:00 a.m." At that time L.V. did not tell anyone about the Texas incidents because she "didn't think it was real."

L.V. further testified that when she was about nine to ten years old and living in Jefferson Parish at a residence on Glenmere, the defendant entered her bedroom in the early morning hours, around 4:00 a.m., before he went to work. She stated the defendant got into bed behind her, spooned her, and tried to persuade her to touch him, while he touched her. He then pulled off L.V.'s shorts and underwear and rubbed his penis on her buttocks and vagina. She testified the

defendant asked her if she liked it, and he attempted to penetrate her from behind, but could not due to her size. Instead, the defendant ground against her until he ejaculated and then wiped her with a little dress. She stated that during the act only she and the defendant were in the house, and her mother returned hours later; she did not disclose the incident to her mother at that time because she was too scared.

L.V. also addressed frequency more broadly, indicating to a forensic interviewer that the abuse occurred three to four times in addition to specific incidents she had previously described on video and explained that at around age ten she told only what she was comfortable discussing and did not then include oral sex details.

Counts 5 and 7

The defendant was charged in Count 5 with aggravated or first degree rape upon a known juvenile, L.V., in violation of La. R.S. 14:42. The jury returned a responsive verdict of guilty of indecent behavior with a juvenile with the victim under the age of 13, which is permissible under La. C.Cr.P. art. 814. As with Counts 3, 4, and 7, the sentencing provision applicable is La. R.S. 14:81(H)(2). In Count 7, the defendant was charged with committing a lewd and lascivious act upon, or in the presence of, a known juvenile, L.V., between March 6, 2015, and June 12, 2017, in violation of La. R.S. 14:81.

As stated previously, the elements of that offense are: (1) an age difference of greater than two years between the accused and the victim, who was not yet seventeen; (2) the accused committed a lewd or lascivious act upon the person or in the presence of a child; and (3) the accused intended to arouse or gratify either his own or the victim's sexual desires.

It is well settled that an accused who commits separate and distinct offenses during the same criminal episode or transaction may be prosecuted and convicted

for each offense without violating the prohibition against double jeopardy. *State v. Ford*, 24-197 (La. App. 5 Cir. 2/26/25), 406 So.3d 652, 678, *writ denied*, 25-356 (La. 5/20/25), 409 So.3d 216, *citing State v. Stevens*, 18-344 (La. App. 5 Cir. 12/5/18), 260 So.3d 776, 783. In this case, L.V. described several separate acts in her testimony that can be considered lewd or lascivious.

Based on the evidence presented of L.V. and the victims' respective ages, as well as L.V.'s testimony that the defendant committed the separate acts of touching her, asking her to touch him, pulling off her shorts and underwear, and asking sexual questions about whether she "liked it," we find that sufficient evidence supported the defendant's convictions on Counts 5 and 7. Under *Jackson's* deference to the jury's credibility determinations, we do not reweigh L.V.'s testimony.

Count 6

In Count 6, the defendant was charged with the sexual battery of a juvenile, L.V., between March 6, 2015, and June 12, 2017, in violation of La. R.S. 14:43.1. That statute provides, in relevant part:

> A. Sexual battery is the intentional touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when any of the following occur:
>
> > (1) The offender acts without the consent of the victim.
> > (2) The victim has not yet attained fifteen years of age and is at least three years younger than the offender.

Accordingly, to support a conviction of sexual battery in this case, the State was required to prove the following beyond a reasonable doubt: (1) between March 6, 2015, and June 12, 2017, L.V. was under fifteen years old at the time of the offense; (2) L.V. was at least three years younger than the defendant; and (3) the

defendant touched L.V.'s genitals, directly or through clothing, using any instrumentality or any part of his body.

In this case, L.V. testified that when she was 10 years old, the defendant, who was over three years older than the victim, rubbed his penis on her buttocks and vagina then ejaculated. Because each element of the offense was proven, we find that a rational jury could have found that the evidence was sufficient to support defendant's conviction for sexual battery of L.V. under La. R.S. 14:43.1.

Excessive sentencing

In his second assignment of error, the defendant argues that the trial court violated his Eighth Amendment right against cruel and unusual punishment when it ran his sentences consecutively.

The record shows that following his sentencing on January 10, 2024, defense counsel did not immediately object to the sentences imposed but instead orally noted his intent to file an appeal. The defendant also notified the court of his intent to file a written motion for reconsideration of sentence. On February 5, 2024, defendant's counsel filed the motion for reconsideration based on three arguments: 1) constitutional excessiveness; 2) the sentences all should be run concurrently; and 3) the ends of justice would be served by reconsidering sentence. Counsel briefed none of the arguments. Because the defendant failed to state the specific grounds or legal basis for a reduction in his sentence within his motion, he is precluded from raising those issues on appeal. Accordingly, the defendant is limited to a bare review of his sentences for unconstitutionally excessive length. *See State v. Hernandez-Zuniga*, 11-378 (La. App. 5 Cir. 12/13/11), 81 So.3d 129, 134, *writ denied*, 12-28 (La. 4/20/12), 85 So.3d 1268.

The Eighth Amendment to the United States Constitution prohibits cruel and unusual punishment. Article I, § 20 of the Louisiana Constitution also prohibits cruel and unusual punishment but further explicitly prohibits excessive

punishment. *State v. Diaz*, 20-381 (La. App. 5 Cir. 11/17/21), 331 So.3d 500, 519, *writ denied*, 21-1967 (La. 4/5/22), 335 So.3d 836. A sentence is considered excessive, even when it is within the applicable statutory range, "if it makes no measurable contribution to acceptable goals of punishment and is nothing more than the purposeless imposition of pain and suffering and is grossly out of proportion to the severity of the crime." *State v. Dixon*, 17-422 (La. App. 5 Cir. 3/14/18), 241 So.3d 514, 523, *writ denied*, 18-542 (La. 2/11/19), 263 So.3d 415. When reviewing a sentence for excessiveness, the appellate court must consider both the punishment and the crime in light of the harm to society and determine whether the penalty is disproportionate, thereby shocking the court's sense of justice. *State v. Ramirez*, 22-92 (La. App. 5 Cir. 11/2/22), 353 So.3d 902, 908; *Diaz*, 331 So.3d at 519. A trial judge is in the best position to consider the aggravating and mitigating circumstances of a particular case, and therefore, is given broad discretion when imposing a sentence. *Diaz*, 331 So.3d at 519-20. The issue on appeal is whether the trial court abused its discretion, not whether another sentence might have been more appropriate. *Id*. at 520. The review of sentences under La. Const. art. 1, § 20 does not provide an appellate court with a vehicle for substituting its judgment for that of a trial judge as to what punishment is most appropriate in a given case. *State v. Corea-Calero*, 22-117 (La. App. 5 Cir. 12/28/22), 355 So.3d 697, 701.

Although the trial court gave the defendant the maximum sentence for each count, all sentences fell within the statutory range. Generally, maximum sentences are reserved for cases involving the most serious violations of the offense charged and the worst type of offender. *State v. Quebedeaux*, 424 So.2d 1009, 1014 (La. 1982). Yet, the trial judge is afforded wide discretion in determining a sentence, and the court of appeal will not set aside a sentence for excessiveness if the record supports the sentence imposed. La. C.Cr.P. art. 881.4(D); *State v. Uloho*, 04-55

(La. App. 5 Cir. 5/26/04), 875 So.2d 918, 933, *writs denied*, 04-1640 (La. 11/19/04), 888 So.2d 192 and 08-2370 (La. 1/30/09), 999 So.2d 753 (citations omitted). Here, the record shows that the defendant assaulted and abused multiple underage victims, committed repeated nighttime intrusions, attempted penetration, ejaculated, and took advantage of the victims' familial relationships to him. Based on the foregoing, we find no abuse of the trial court's sentencing discretion.

We next consider the consecutive nature of the defendant's sentences. In determining whether sentences are excessive, this Court should consider, among other factors, whether the convictions arise out of a single course of criminal conduct. *State v. Woods*, 18-413 (La. App. 5 Cir. 12/19/18), 262 So.3d 455, 461. Before denying the defendant's motion to reconsider sentences, the trial court shared its reasons for the sentences imposed:

> THE COURT:
>
> The Court sentenced Mr. Ventress to 25 years on the minor "KR" to run consecutive with the sentence of 25 years on the minor "LG". To do anything less than that would be to depreciate the fact that there was a second victim in this case and, therefore, the Count [sic] finds that running the sentences consecutive there's a reason for that and that the testimony of the victims impacted the, the Court in the sense that the way it affected their lives and it was someone that they trusted.
>
> Then on the victim "LV", the relationship between the victim and the defendant was of concern to the Court and the Court in that case sentenced Mr. Ventress to 25 years of each of the Indecent Behavior charges and 50 years on the Sexual Battery on a Known Juvenile.
>
> The sentence of 50 years on the known juvenile could have been up to 99 years and the Court ran all three of those sentences concurrent[ly].
>
> The Court finds that the sentences are not excessive in light of the facts of the case and the verdicts of the Jury.

The record supports the trial court's conclusion that the sentences do not arise out of a single course of conduct, as testimony reflected they occurred from 2015 to 2017 against three separate victims. Furthermore, as pointed out by the State, jurisprudence has held "[w]hen the convictions stem from separate incidents

involving different victims and occur over a lengthy period of time, the resulting consecutive penalties will not be found to be an abuse of that discretion." *State v. Robinson*, 11-66 (La. App. 4 Cir. 12/7/11), 81 So.3d 90, 98, *writ denied*, 12-88 (La. 4/20/12), 85 So.3d 1270.

Given the multiple underage victims, repeated acts, and the familial trust context, we do not find that the trial court erred in imposing consecutive sentences. We also cannot say that the defendant's aggregate sentence shocks our sense of justice. This assignment lacks merit.

ERROR PATENT REVIEW

We reviewed the record for errors patent according to La. C.Cr.P. art. 920; *State v. Oliveaux*, 312 So.2d 337 (La. 1975); and *State v. Weiland*, 556 So.2d 175 (La. App. 5 Cir. 1990).

First, we note that there are discrepancies between the sentencing transcript, the sentencing minute entry, and the Uniform Commitment Order ("UCO") regarding the concurrent and consecutive nature of defendant's sentences. The sentencing transcript shows that the trial judge ordered the sentences for counts five, six, and seven to be served "concurrent with each other." The judge ordered the sentence on count three to be served "consecutive to the sentences imposed on Counts 5, 6, and 7." The judge further ordered the sentence on count four to be served "consecutive to Counts 5, 6, 7, and 3."

The sentencing minute entry provides the following:

> The Defendant is sentenced to
> 25 years hard labor on counts 3, 4 consecutively.
> 25 years hard labor on counts 5, 7 concurrently.
> 50 years hard labor on count 6 concurrently.

The sentencing minute entry also provides, "The Court ordered that the above sentence as to Count 3 and 4, are to run consecutive with each other and concurrent with Counts 5, 6 and 7."

On the UCO, the box labeled "Concurrent with:" provides, "Counts 5, 6 and 7 run concurrently with each other and counts 3 and 4." The box labeled "Consecutive to:" provides, "Count 3 and 4, are to run consecutive with each other."

These entries in the sentencing minute entry and UCO appear to contradict the sentencing transcript that provides the sentences on counts five, six, and seven were to be served concurrently with each other and that the sentence on count three was to be served consecutive to the sentences in counts five, six, and seven, and the sentence on count four was ordered to be served consecutive to the sentences in counts three, five, six, and seven. The transcript prevails.[6]

Accordingly, we remand the matter to the district court and order it to correct the sentencing minute entry and the UCO to accurately reflect the correct concurrent and consecutive nature of the sentences in conformity with the sentencing transcript. We also instruct the Clerk of Court for the 24th Judicial District Court to transmit the corrected UCO to the appropriate authorities in accordance with La. C.Cr.P. art. 892(B)(2) and to the Department of Corrections' legal department.[7]

Next, we observe that the sentencing minute entry fails to designate the defendant's conviction on count six (sexual battery) as a crime of violence. La. C.Cr.P. art. 890.3(C) designates that certain crimes "shall always be designated by the court in the minute as crimes of violence," including "(8) sexual battery." Therefore, the defendant's conviction for sexual battery must be designated as a crime of violence in the sentencing minute entry. Accordingly, we remand the

[6] *State v. Lynch*, 441 So.2d 732, 734 (La. 1983).
[7] *See State v. Tenner*, 24-51 (La. App. 5 Cir. 10/16/24), 398 So.3d 761, 766-67.

matter for correction of the sentencing minute entry to designate count six as a crime of violence.[8]

Finally, we note that the trial court gave an incomplete advisal on post-conviction relief. The sentencing transcript reflects that the judge informed the defendant that he had "two years post-conviction relief after all of these sentences become final." The minute entry reflects that defendant was informed he had "two (2) years after judgment of conviction and sentence has become final to seek postconviction relief." The transcript prevails.[9]

An advisal that fails to inform a defendant that the prescriptive period runs from the time his conviction and sentence become final is incomplete. If a trial court fails to advise, or gives an incomplete advisal, as required by La. C.Cr.P. art. 930.8, the appellate court may correct this error by informing the defendant of the applicable prescriptive period for post-conviction relief by means of its opinion. Accordingly, we advise the defendant that the prescriptive period for filing an application for post-conviction relief runs from the time his conviction and sentence become final.

DECREE

For the foregoing reasons, we affirm the defendant's convictions and sentences. We remand for correction of the errors patent identified in this opinion.

CONVICTIONS AND SENTENCES AFFIRMED; REMANDED

[8] *See State v. Le*, 22-468 (La. App. 5 Cir. 8/9/23), 370 So.3d 162, 177, *writ denied*, 23-1230 (La. 2/6/24), 378 So.3d 752.
[9] *State v. Lynch*, 441 So.2d at 734.

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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-504

E-NOTIFIED
24TH JUDICIAL DISTRICT COURT (CLERK)
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JAMES A. WILLIAMS (APPELLANT)
DARREN A. ALLEMAND (APPELLEE)
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MAILED
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