

STATE OF LOUISIANA

NO. 25-KH-291

VERSUS

FIFTH CIRCUIT

CHRISTIAN J. ROUSSELLE

COURT OF APPEAL

STATE OF LOUISIANA



July 03, 2025

Linda Tran
First Deputy Clerk

IN RE CHRISTIAN J. ROUSSELLE

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE SHAYNA BEEVERS MORVANT, DIVISION "M", NUMBER 21-6561

Panel composed of Judges Susan M. Chehardy,
Stephen J. Windhorst, and E. Adrian Adams, Pro Tempore

WRIT DENIED

Defendant, Christian J. Rousselle, seeks expedited supervisory review of the trial court's ruling revoking his probation after he was arrested for driving while intoxicated. Defendant is scheduled to be sentenced on July 9, 2025. For the reasons that follow, we deny defendant's writ application.

On December 7, 2021, the State of Louisiana filed a bill of information against defendant charging him with possession with intent to distribute a controlled dangerous substance in violation of La. R.S. 40:966 A (less than 28 grams). On June 23, 2022, the defendant withdrew his "not guilty" plea and tendered a plea of guilty. The defendant was given a deferred adjudication under La. C.Cr.P. art. 893,¹ meaning he is subject to the jurisdiction of the drug division probation program. *See* La. R.S. 13:5304.

¹ La. C.Cr.P. art. 893 F(1) provides, in pertinent part: "... when it appears that the best interest of the public and of the defendant will be served, the court, after the conviction of a defendant

On November 23, 2023, the police arrested defendant in St. Charles Parish for DWI. According to the writ application, those charges remain pending. On November 29, 2023, the trial court sanctioned defendant for this arrest. On September 4, 2024, the State filed a motion and order for hearing to revoke probation on the basis that defendant had violated the terms of his probation in failing to refrain from criminal conduct, given his arrest in St. Charles Parish for operating a vehicle while intoxicated.

At the June 25, 2025 hearing on the State’s rule to revoke probation, the trial court heard testimony from defendant’s supervising probation officer, who testified regarding the contents of the police report from defendant’s November 2023 arrest. At the conclusion of the hearing, the trial court revoked defendant’s probation. Defendant seeks review of that ruling, noting that sentencing is set for July 9, 2025.

Defendant acknowledges that a trial court has wide discretion in revoking probation but argues the trial court abused that discretion here. First, defendant appeared in court as part of his probationary requirements on November 29, 2023, six days after his arrest in St. Charles Parish, at which time the court sanctioned defendant, for his arrest and for not informing his probation officer, ordering 20 days in parish prison without diminution of sentence. At that time, the court also added another condition of probation—to enroll and successfully complete intensive outpatient treatment.

According to defendant, by granting the State’s rule to revoke probation, the trial court has sanctioned defendant twice for the same violation. The Fifth

considered suitable for a drug or specialty court program pursuant to Article 904, the court may suspend, in whole or in part, the imposition or execution of the sentence” when certain conditions are met. La. C.Cr.P. art. 893 F(4) states, in pertinent part: “When suspension of sentence is allowed pursuant to this Paragraph, the defendant may be placed on probation under the supervision of the division of probation and parole, or under the supervision of a probation office, agency, or officer designated by the court. ...”

Amendment and La. Const. Art. I, § 15, provide that no person shall be placed in jeopardy twice for the same offense. Defendant claims that the trial court violated these constitutional protections by both sanctioning defendant (in 2023) and revoked his probation at the June 25, 2025 hearing.

Furthermore, defendant argues the trial court permitted the revocation of probation without proof of a conviction for the underlying offense. Defendant acknowledges in his writ application that a defendant subject to the revocation of probation is not entitled to “a full panoply of rights due defendants in criminal prosecutions,” but he argues a defendant is entitled to certain minimal procedural protections, citing *Morrissey v. Brewer*, 408 U.S. 471, 92 S.Ct. 2593, 33 L.Ed.2d 484 (1971). Defendant states that the only evidence offered at the revocation hearing was the probationary officer’s testimony, which the officer read from the police report. Defendant states that “[n]o other evidence was submitted to the court to corroborate the testimony of the probation officer or to substantiate the criminal activity of the defendant.” He argues that the probation officer merely reviewed the police report of the DWI arrest; the probation officer did not testify from personal knowledge. Further, the bill of information charging defendant with a third offense DWI is still pending. Defendant argues the probation officer’s testimony cannot support the revocation of probation without evidence to prove the underlying criminal conduct, citing *State v. Dabney*, 594 So.2d 581 (La. App. 5th Cir. 1992).²

Discussion

² In *Dabney*, the trial court revoked the defendant’s probation after his probation officer testified that defendant had been arrested numerous times. Although most of the charges were dismissed or refused by the time of defendant’s revocation hearing, the two remaining charges had been accepted for prosecution and were set for trial but had not been tried. This Court set aside the probation revocation on the basis that the defendant’s due process rights had been violated, because the State had offered no evidence to show that defendant committed the two offenses with which he had been charged.

A trial court has vast discretion in revoking a defendant's probation, and such a decision will not be reversed absent an abuse of discretion. La. C.Cr.P. art. 900; *State v. Clark*, 600 So. 2d 785 (5th Cir. 1992); *State v. Jackson*, 16-803 (La. App. 4 Cir. 2/23/17), 212 So.3d 1177, 1178.

As a result of defendant's guilty plea in 2022, defendant was placed on active probation for five years. Conditions of defendant's probation included completion of Jefferson Parish's Swift and Certain Program and that he "remain drug and alcohol free, stay out of bars and away from illicit drugs and substance abuse users [sic]." Article 900 A states that if a court "decides that a defendant has violated, or was about to violate, a condition of his probation, [the court] may: ... (5) Order that the probation be revoked."

When the State sought to revoke defendant's probation, it noted that the district attorney billed defendant for the charge of DWI, third felony. At the June 25, 2025 revocation hearing, defendant's probation supervisor, Officer Candice Marocco, testified regarding the district attorney's charges. The trial court further stated that it had given defendant

ample time to resolve the charges in St. Charles Parish. He has failed to do so. Court does note it is not just the pending charge, but of course, Mr. Rousselle was found in a bar room, not supposed to be in bars at all, not supposed to have alcohol in the program, failed to report the arrest, all of which has been pending for quite a while[.]

First, we find *Dabney* distinguishable on its facts. Unlike the defendant in *Dabney*, defendant here is subject to specific provisions and special conditions of probation established through the Jefferson Parish Swift and Certain Program, having agreed to participate in the program when he pled guilty in 2022. *See* La. C.Cr.P. art. 893. *See also* La. R.S. 13:5301, *et seq.*

In *State v. Dorest*, 01-581 (La. 01/10/02), 805 So.2d 132, the Louisiana Supreme Court granted the State's writ application and reinstated the trial court's

ruling revoking probation, finding the circumstances justified the trial court's exercise of its discretion to revoke probation when, upon finding a condition of probation had been violated, proof of conviction was not necessary.

Here, at the conclusion of the revocation hearing, the trial court determined defendant had violated several conditions of his probation. In light of the circumstances here, we cannot say the trial court abused its discretion in finding defendant violated the provisions of his probation or in ordering revocation.

Second, we find no merit to defendant's double jeopardy argument, as the trial court's sanction in 2023—ordering defendant to serve 20 days of home incarceration for a technical violation of his parole—does not amount to being tried twice for the same offense.

For these reasons, defendant's writ application is denied.

Gretna, Louisiana, this 3rd day of July, 2025.

EAA
SMC
SJW

JUDGES



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