

Judgment rendered May 20, 2020.
Application for rehearing may be filed
within the delay allowed by Art. 922,
La. C. Cr. P.

No. 53,505-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

TYEISHA L. CROSKEY

Appellant

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Appealed from the
Sixth Judicial District Court for the
Parish of Madison, Louisiana
Trial Court No. 179,924

Honorable Michael E. Lancaster, Judge

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LOUISIANA APPELLATE PROJECT
By: Holli Herrle-Castillo

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Before WILLIAMS, COX, and McCALLUM, JJ.

COX, J.

This appeal arises from the Sixth Judicial District Court, Madison Parish, Louisiana. The defendant, Tyeisha Croskey, pled guilty to manslaughter and was sentenced to 25 years' imprisonment at hard labor, with credit for time served. A motion to reconsider sentence was denied. Croskey now appeals, arguing her sentence is excessive. For the following reason, we affirm Croskey's conviction and sentence.

FACTS

On November 1, 2016, the Tallulah Police Department received a call in reference to someone being stabbed at an apartment in Tallulah. After arriving, officers learned that Yameka Barnett had been stabbed in her left eye. Laura Lucas testified as a witness. She stated that Barnett and Croskey had gotten into an altercation. Lucas stated that Barnett advised her that Croskey made allegations that Lucas had been mistreating children. Lucas confronted Croskey. After the confrontation, Croskey followed Lucas to Barnett's home. Croskey and Barnett began arguing, and Lucas heard Barnett scream. Lucas then saw Barnett had been stabbed in the eye. Barnett was taken to the hospital for treatment, but later died from her injuries.

On November 3, 2016, Croskey, who was 18 years old at the time of the offense, turned herself in to the Tallulah Police Department and was charged with attempted second-degree murder. She was indicted for second-degree murder after Barnett died.

Croskey pled guilty to manslaughter. The district court ordered a presentence investigation report. Croskey did not participate in the presentence investigation. On July 24, 2019, Croskey was sentenced to 25

years' imprisonment at hard labor, with credit for time served. At the beginning of the sentencing hearing, Croskey made a statement apologizing for what she did and urging that she acted in self-defense. The district court orally expressed its reasons for sentencing, which it later reduced to written reasons for sentencing. The district court stated:

1. Croskey's actions were premeditated, or at least sufficient time had passed for her anger to have settled.
2. Croskey showed some remorse for her actions. But, she repeatedly diminished the gravity of her actions by claiming self-defense. The court noted that for every crime she committed, she always seemed to put forward an excuse, lacking the ability to truly take responsibility for her actions.
3. Croskey has been arrested on two other occasions for serious offenses; once as a principal to first-degree murder in a drive by shooting and once in Mississippi for domestic abuse from shooting her boyfriend in the groin.
4. Croskey never completed high school or held a job so she lacked true service to the economy as she relied on her deceased father's money to live.
5. After reviewing the victim impact statements of Mechelle Lewis, Yameka Barrett's mother, it was clear that Croskey's action would have a lasting impact on her.

On August 8, 2019, Croskey filed a motion to reconsider sentence, which was subsequently denied. This appeal followed.

DISCUSSION

Croskey argues that a 25-year sentence is excessive for an 18-year-old, first-felony offender and the district court failed to consider mitigating factors. Croskey contends that until that day, she had no criminal convictions. She argues the sentence is factually unjustified, she is not the most egregious of offenders, and the district court failed to consider her social history. Croskey disagrees with the district court's conclusion that her actions were premeditated and sufficient time had passed for her anger to

dissipate before the stabbing. She points out that she showed remorse for her actions. Croskey also states that she took responsibility for her crime as shown by her waiver of extradition after being arrested in Vicksburg, Mississippi on other charges and by pleading guilty “to what she arguably should have been charged with in the first place.”

Croskey also claims that the district court should not have relied on her previous arrests. She contends that the first incident was an arrest for a drive by shooting for which she was merely an innocent passenger. The second was a domestic abuse battery wherein she shot her boyfriend in the groin. Croskey argues that she is not quick to resort to violence but “quick to resort to self-defense.”

Croskey argues that in sentencing, the district court relied on the fact that she had been supporting herself with money she received on behalf of her father’s death. Instead, it should have been a mitigating factor because she lost her father at a young age. Finally, Croskey points out that there is no evidence that she intended Barnett’s death by stabbing her in the eye. She notes that this is not the same as stabbing one in the chest or slitting one’s throat. Therefore, Croskey believes it is evident that she did not intend for, or expect, death to occur from her actions.

The state emphasizes that Croskey refused to cooperate and provide a statement for her presentence investigation report. The state points out that the two charges of principal to first degree murder, stemming from the drive by shooting, were dismissed via this plea agreement. It argues the violence herein was not an isolated incident and states that Croskey failed to initially appear for sentencing in this case because she was incarcerated in

Mississippi for shooting her boyfriend in the groin. The state argues Croskey is prone to violence and the sentence is justified in this case.

An excessive sentence claim is reviewed by examining whether the trial court adequately considered the guidelines established in La. C. Cr. P. art. 894.1, and whether the sentence is constitutionally excessive. *State v. Vanhorn*, 52,583 (La. App. 2 Cir. 4/10/19), 268 So. 3d 357, writ denied, 2019-00745 (La. 11/19/19), 282 So. 3d 1065; *State v. Wing*, 51,857 (La. App. 2 Cir. 2/28/18), 246 So. 3d 711.

First, the record must show that the trial court took cognizance of the criteria set forth in La. C. Cr. P. art. 894.1. The articulation of the factual basis for a sentence is the goal of La. C. Cr. P. art. 894.1, not rigid or mechanical compliance with its provisions. The trial court is not required to list every aggravating or mitigating circumstance so long as the record reflects that it adequately considered the guidelines of the article. *State v. Smith*, 433 So. 2d 688 (La. 1983); *State v. Turner*, 51,888 (La. App. 2 Cir. 2/28/18), 246 So. 3d 695; *State v. Brown*, 51,352 (La. App. 2 Cir. 5/2/17), 223 So. 3d 88, *reh'g denied* (June 15, 2017). The important elements which should be considered are the defendant's personal history (age, family ties, marital status, health, and employment record), prior criminal record, seriousness of offense, and the likelihood of rehabilitation. *State v. Jones*, 398 So. 2d 1049 (La. 1981); *Turner, supra*; *Brown, supra*; *State v. Ates*, 43,327 (La. App. 2 Cir. 8/13/08), 989 So. 2d 259, writ denied, 08-2341 (La. 5/15/09), 8 So. 3d 581. There is no requirement that specific matters be given any particular weight at sentencing. *Turner, supra*.

Second, the court must determine whether the sentence is constitutionally excessive. *Brown, supra*. Constitutional review turns upon

whether the sentence is illegal, grossly disproportionate to the severity of the offences, or shocking the sense of justice. A sentence violates La. Const. art. I, § 20 if it is grossly out of proportion to the seriousness of the offense or nothing more than the purposeless infliction of pain and suffering. A sentence is grossly disproportionate if, when the crime and punishment are viewed in light of the harm to society, it shocks the sense of justice. *State v. Baker*, 51,933 (La. App. 2 Cir. 4/11/18), 247 So. 3d 990, *writ denied*, 2018-0858 (La. 12/3/18), 257 So. 3d 195, and *writ denied*, 2018-0833 (La. 12/3/18), 257 So. 3d 196; *State v. Scott*, 50,920 (La. App. 2 Cir. 11/16/16), 209 So. 3d 248, *writ denied*, 17-0353 (La. 11/13/17), 229 So. 3d 478.

The trial court has wide discretion in the imposition of sentences within the statutory limits, and sentences should not be set aside as excessive in the absence of manifest abuse of discretion. 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 in sentencing. *Baker, supra; Brown, supra.*

The offense of manslaughter is punishable by imprisonment at hard labor for not more than 40 years. La. R.S. 14:31.

Considering the facts of this case, the district court considered mitigating factors, and the sentence neither shocks the sense of justice nor is it grossly disproportionate to the severity of the offense.

First, in its written reasons and at sentencing, the district court mentioned various factors it considered when sentencing Croskey. Although it did not provide Croskey with an exhaustive list, it did consider important factors when sentencing Croskey. The district court was within its discretion in finding that Croskey's action could be considered premeditated.

According to the witness, Croskey engaged in a verbal altercation with Lucas, which concluded with Lucas withdrawing from the fight and leaving. Croskey, armed with a sharp object, then followed Lucas to Barnett's home and a second altercation ensued during which Croskey stabbed Barnett in the eye. Croskey had an opportunity to end the altercation when Lucas left the verbal confrontation. Instead, Croskey armed herself and pursued the argument in Barnett's home. Further, stabbing someone in the eye can foreseeably lead to death, despite Croskey's argument. The district court was within its discretion to determine that Croskey failed to show adequate remorse in her statement. Croskey's attempts to minimize her actions indicate that she does not fully understand the weight of her actions.

Furthermore, the district court was justified in finding that her other arrests weighed in favor of the sentence imposed. As the district court stated, she was a willing passenger in a vehicle involved in a drive-by-shooting and had been incarcerated for domestic battery for shooting her boyfriend in the groin. The record indicates that Croskey has shown an escalating propensity for violence resulting in the egregious stabbing of the victim in the eye. Further, Croskey was not compliant during the court proceedings. She failed to cooperate with the presentence investigation and missed court appearances because of the domestic battery arrest.

Finally, the district court properly considered Croskey's social history. Croskey did not finish high school, nor did she hold a job since dropping out. Croskey relied on funds from a personal injury settlement to retain an attorney and make bond in this case. Therefore, the district court complied with La. C. Cr. P. art. 894.1 and considered the necessary aggravating and mitigating factors.

Second, the sentence was not excessive. Croskey received a 25-year sentence for manslaughter. Although this is slightly above mid-range for such an offense, it is not grossly out of proportion with the seriousness of the offense. Therefore, this assignment of error is without merit.

CONCLUSION

For the foregoing reasons, Tyeisha Croskey's conviction and sentence are affirmed.

AFFIRMED.