

**STATE OF LOUISIANA  
COURT OF APPEAL, SECOND CIRCUIT  
430 Fannin Street  
Shreveport, LA 71101  
(318) 227-3700**

No. 55,536-KW

STATE OF LOUISIANA

VERSUS

DAVID ALLEN ALDRIDGE

FILED: 09/08/23

RECEIVED: BY HAND 09/08/23

On application of David Allen Aldridge for SUPERVISORY WRIT in No. 390,257 on the docket of the First Judicial District, Parish of CADDO, Judge Erin Leigh Waddell Garrett.

CADDO PARISH PUBLIC DEFENDER'S OFFICE  
Charles Evan McMichael

Counsel for:  
David Allen Aldridge

James Edward Stewart, Sr.  
Erica N. Jefferson

Counsel for:  
State of Louisiana

Before PITMAN, THOMPSON, and HUNTER, JJ.

**WRIT GRANTED; CONVICTION AND SENTENCE AFFIRMED.**

The defendant, David Aldridge, seeks review of his misdemeanor conviction and sentence for driving while intoxicated (DWI), first offense, in violation of La. R.S. 14:98(A). Aldridge raises six assignments of error, including claims of insufficiency of the evidence to convict him and excessive sentence.

We find the evidence sufficient to support Aldridge's conviction. The trial court accepted the testimony of Corporal Faris concerning field sobriety tests and circumstantial evidence of prescription drugs and a non-prescription container of Suboxone, and the body camera video footage showing that Aldridge was clearly impaired while attempting to operate a motor vehicle. The trial court is afforded much discretion in making credibility determinations and it is not the province of the reviewing court to assess the credibility of witnesses or reweigh evidence. When viewed in the light most favorable to the State, we find that sufficient evidence exists to establish Aldridge's conviction for operating a vehicle while intoxicated, first offense. *Jackson v. Virginia*, 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979).

We also find that on the record before us a sufficient factual basis exists for the sentence imposed which is not unconstitutionally excessive. We find that the trial court considered the applicable factors under La. C. Cr. P. 894.1. The facts of the record show that Aldridge was asked to leave the Flying J for disruptive behavior. He went to his vehicle, started the engine and attempted to back out of his parking spot when he passed out. Police officers arrived to find him unconscious in the driver’s seat with the motor still running. After repeated attempts, he was finally awakened. When he got out of the vehicle he was completely disoriented, confused, erratic, and unaware of his surroundings.

The sentence imposed by the trial court fell within the sentencing range set by the legislature for the crime of operating a motor vehicle while intoxicated. Considering the facts established in this matter, we cannot say that the \$300.00 fine and maximum six months jail sentence is shocking to the sense of justice or a purposeless and needless imposition of pain and suffering. La. Const. art. I, § 20; *State v. Dorthey*, 623 So. 2d 1276 (La. 1993).

Aldridge’s other assignments of error are without merit.

Accordingly, the writ is granted and Aldridge’s conviction and sentence are affirmed.

Shreveport, Louisiana, this 9 day of November, 2023.

MLH                      JJO                      JRT

FILED: November 9, 2023

Shandra Jaylor  
DEPUTY CLERK