

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

No. 55,882-KW

STATE OF LOUISIANA

VERSUS

JACOBY LADARIUS JOHNSON

FILED: 04/09/24

RECEIVED: EMAIL 04/08/24

On application of Jacoby Ladarius Johnson for SUPERVISORY WRIT in No. 79,479 on the docket of the Third Judicial District, Parish of LINCOLN, Judge Chet D. Traylor, *ad hoc*.

PLAISANCE LAW, LLC

Mark David Plaisance

Marcus Plaisance

and

LINCOLN PARISH PUBLIC DEFENDER

Ricky Lane Candler

Judith Layne Hampton-Kozik

and

STATE PUBLIC DEFENDER

Remy V. Starns

Counsel for:

Jacoby Ladarius Johnson

Counsel for:

State of Louisiana

John Fitzgerald Belton

Lewis Allen Jones

Before THOMPSON, MARCOTTE, and ELLENDER, JJ.

**WRIT GRANTED AND MADE PEREMPTORY.**

The applicant, Jacoby Ladarius Johnson, seeks supervisory review of the trial court's January 30, 2024, ruling finding him competent to stand trial at this time. Johnson challenges this ruling and argues that the trial court erred in relying on the testimony of a licensed practical nurse with no formal training in psychology or psychiatry and who performed no mental status evaluations on his person over the opinions of the two doctors appointed to his sanity commission, who jointly agreed that Johnson was not currently competent to stand trial.

On November 13, 2023, Johnson allegedly attacked several people at the Louisiana Tech University Student Center. One person was killed, and three people were injured. Johnson was indicted by a grand jury in Lincoln Parish for one count of second-degree murder and three counts of attempted second-degree murder. A sanity commission was jointly requested by the State and by defense counsel, and two doctors

were appointed to evaluate Johnson's ability to understand the proceedings against him and to determine if Johnson was able to assist counsel.

At the sanity hearing, testimony was taken from the two doctors who were both considered experts (and were accepted as such) in their respective fields of forensic psychology and psychiatry and had been engaged in their respective practices for more than 25 years. Both doctors opined that while they did believe that Johnson understood the basic nature of the proceedings against him, due to the possibility that Johnson suffered from an ongoing psychotic disorder in the form of auditory hallucinations, they did not believe that he was currently competent to stand trial as that ongoing psychotic disorder, if unrelated to drug usage, could affect his ability to effectively assist counsel. Both doctors indicated that further evaluation would be necessary to determine if Johnson truly suffered from auditory hallucinations and recommended Johnson's placement in the forensic unit at Eastern Louisiana Mental Health System in Jackson, Louisiana, for further evaluation and treatment if necessary. Both doctors were of the view that if Johnson suffered from auditory hallucinations, he could be restored to competency with treatment and proceed to trial.

The only evidence offered in contravention of the opinions rendered by the two doctors was testimony from a licensed practical nurse employed by the Lincoln Parish Detention Center who has no formal training in psychology or psychiatry. The nurse performed no formal mental health evaluations on Johnson beyond a basic medical intake immediately following Johnson's booking into the jail after his arrest and had seen Johnson in solitary confinement for a few days following his initial booking and occasionally once he was placed with the general population. The nurse had at no time observed any signs that Johnson suffered from auditory hallucinations or heard Johnson voice any homicidal or suicidal ideations, though she did state that Johnson was placed on suicide watch following an incident wherein Johnson became very upset that he could not participate in what would have been his commencement ceremony at Louisiana Tech on December 18, 2023, due to his confinement.

Following the conclusion of the sanity hearing, the trial court stated that the responsibility and authority to determine competency rested with the presiding judge. The trial court further concluded that neither doctor had rendered an opinion as to Johnson's competency, that both agreed that Johnson understood the nature of the charges against him, and that the trial court believed the nurse employed by the jail to be credible. Thus, the trial court found that Johnson's ability to understand the charges against him indicated he could assist counsel in his own defense and found Johnson competent and able to stand trial. A written judgment reflecting the same was issued on January 30, 2024.

The due process clause of the Fourteenth Amendment protects an individual's right to not proceed to trial while legally incompetent. *State v. Bryant*, 52,743 (La. App. 2 Cir. 6/26/19), 277 So. 3d 874, writ denied, 19-01320 (La. 10/8/19), 280 So. 3d 171. Mental incapacity to proceed exists when, as a result of mental disease or defect, a defendant presently lacks the capacity to understand the proceedings against him or assist in his defense. La. C. Cr. P. art. 641; *State v. Bennett*, 345 So. 2d 1129 (La. 1977). A reviewing court owes the trial court's determinations as to the defendant's competency great weight, and the trial court's ruling thereon will not be disturbed on appeal absent an abuse of discretion. *Bryant, supra*; *State v. Taylor*, 49,467 (La. App. 2 Cir. 1/14/15), 161 So. 3d 963. However, where the medical testimony of mental incapacity greatly

preponderates, the trial judge's refusal to accept it is subject to reversal on appeal if no sound reasons are shown for its rejection. *State v. Flores*, 315 So. 2d 772 (La. 1975). *See also, State v. Rogers*, 419 So. 2d 840 (La. 1982).

In this case, both doctors appointed to the sanity commission stated under oath that they believed Johnson was not competent to stand trial due to the possibility that he suffered from a psychotic condition unrelated to drug use, specifically that he suffered from auditory hallucinations involving homicidal and suicidal ideations. These opinions were based on Johnson's reported behavior prior to and following the alleged offenses. The only evidence offered in contravention was the testimony of a licensed practical nurse employed by the Lincoln Parish Detention Center, who admitted that her only training pertaining to psychotic patients was in the nature of on-the-job experience during her tenure of employment with "the home health." No explanation for disregarding the testimony of the acknowledged experts, two doctors appointed to the sanity commission, was given by the trial court beyond its assertion that the two doctors did not render an opinion as to the defendant's competency. However, this Court notes that written and testimonial evidence exists that both doctors testified under oath that they believed Johnson to be currently incompetent.

Federal and state laws zealously protect a defendant's right not to proceed to trial while legally incompetent. When this Court considers the medical evidence presented to the trial court, we are constrained to find that the trial court abused its discretion in refusing to accept the consensus of the doctors appointed to the sanity commission. However, we specifically note that the doctors' testimony indicates that any uncertainty regarding Johnson's competency (whether he is malingering or needs treatment to achieve competency) can be clarified by placement in a forensic facility. We urge this placement and final determination of competency to be accomplished with all expediency so that Johnson may properly return to the trial court to stand trial when declared competent to do so. For the above reasons, this writ is granted and made peremptory. The trial court's ruling declaring Johnson competent to stand trial is reversed, and the matter is remanded to the trial court for further proceedings.

Shreveport, Louisiana, this 2 day of May, 2024.

JRT Com DJE

FILED: May 2, 2024

Stacy Palmer  
DEPUTY CLERK