

Judgment rendered August 26, 2026.  
Application for rehearing may be filed  
within the delay allowed by Art. 922,  
La. C. Cr. P.

No. 56,974-KA

COURT OF APPEAL  
SECOND CIRCUIT  
STATE OF LOUISIANA

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STATE OF LOUISIANA Appellee

versus

LATRON THOMAS JONES Appellant

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Appealed from the  
Fourth Judicial District Court for the  
Parish of Ouachita, Louisiana  
Trial Court No. 2021-CR-6394

Honorable Clarence Wendell Manning, Judge

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Before THOMPSON, ROBINSON, and ELLENDER, JJ.

## **ELLENDER, J.**

Latron Jones appeals his conviction of second degree murder and attempted second degree murder arising from a shooting in Monroe. Jones admitted firing a handgun that killed one person and injured another, and contests only the sufficiency of the evidence to prove his specific intent. We affirm.

### **TRIAL EVIDENCE**

Myron Kelley, the shooting victim who survived, was the primary witness at trial. He was an acquaintance of the defendant, Jones, and a longtime friend of Fransqwur Harris, the shooting victim who died. Kelley testified that, to celebrate Christmas 2021, Jones had rented a party bus to drive a group of friends around Monroe. The friends, including Kelley and Harris, went to Jones's house, on Vernon Street in West Monroe, and boarded the bus late Christmas eve; they rode around for several hours, drinking, listening to music, and, according to Kelley, doing some drugs (cocaine and ecstasy). Kelley recalled they made a stop at the American Legion Hall and then got back to Jones's house around 2:00 am. The other revelers were ready to go home, but Jones, Harris, and Kelley wanted to continue partying, so they got into Harris's girlfriend's car, a black Dodge Charger. Up to this point, according to Kelley, Jones was managing his liquor, acting fine, and able to walk around the moving bus and talk to other partyers normally.

When they got in the Charger, Harris was driving, Kelley was in the front passenger seat, and Jones was in the back, behind the driver. They rode to a club called Ray's, on Burg Jones Lane in Monroe. The place was

crowded, as it was the only one still open that late, and Harris took a while to find a parking space. Once they parked, Jones hopped out and went into the club, while Harris and Kelley sat out in the car, continuing to drink but, Kelley maintained, not doing any more drugs. After about 30 or 40 minutes, Harris and Kelley, sitting in the Charger, noticed a big crowd forming, as if huddling around two guys spoiling for a fight. Harris and Kelley got out of the car, looking for Jones, and found him “trying to fight” somebody. (Kelley called the other guy “Damion,” but his relation to Jones was never disclosed.) Harris tried to pull Jones away, telling him, “C’mon, let’s go. It ain’t worth it. I’m taking you home.” With encouragement from the crowd, Harris and Kelley got Jones away, out to the car, put him back in the back seat, and then drove away.

Jones, however, was not ready to let things go. He had escalating words with Harris, eventually telling him, “If you act like Damion, I’ll kill you.” Harris pulled off the road and into the parking lot of Liberty Village Apartments, on Deloach Street in Monroe. It turned out that Harris had tucked a handgun between the driver’s seat and the center console of the Charger. He grabbed the gun, got out of the car, opened the rear passenger door, tossed the gun into Jones’s lap, and told him, “If you’re gonna kill me, kill me.” Jones picked up the gun and tossed it to Kelley, who was sitting in the front passenger seat. Harris then ran around to the front passenger door, opened it, grabbed the gun out of Kelley’s lap, circled back to Jones’s open door, and tossed the gun back into Jones’s lap, saying, “If you’re gonna kill me, kill me, b\*tch.”

At this point, Jones grabbed the gun, jumped of the car, shouted, “Oh yeah!” and started firing. Kelley recalled hearing five or six shots and

seeing Harris lying on the pavement. Then Jones turned the gun on Kelley, who screamed, “Didn’t nobody do nothing to you!” Still, Jones aimed and started firing, pursuing Kelley around several parked cars. Kelley took cover behind a garbage can and was not hit. Jones then retreated to the Dodge Charger, tossed the gun inside, and drove off.

On cross-examination, Kelley admitted he and Harris each stood 5’11” and weighed close to 200 lbs., while Jones was much smaller, only about 4’11”.

James Butler, a resident of Liberty Village Apartments, testified he was asleep on Christmas morning until awakened by the “commotion” of six shots fired. He looked outside and saw a guy lying on the ground, another guy getting chased, and then he heard six more shots. He also saw the Dodge Charger in the parking lot. After things quieted down, he went out to check on the victim. He also noticed one of the cars parked in the lot had a window shot out.

Detective Sharona Daniel, of the Monroe Police Department, was on duty that morning and got a call to the scene. En route, she heard over police radio that a black Dodge Charger was involved; coincidentally, she spotted a black Dodge Charger parked on the west side of the Comfort Suites hotel on Martin Luther King Drive; however, she proceeded to Liberty Village Apts. At the scene, the area was already cordoned off and the victim taken to St. Francis Medical Center, where he was later declared dead.

Det. Daniel testified the black Dodge Charger parked at Comfort Suites was traced to a Ms. Credit, who was Harris’s girlfriend; inside the car were two cell phones, belonging to Kelley and to Harris. With this

information, Det. Daniel obtained an arrest warrant for Jones, who turned himself in on December 28.

After being advised of and waiving his rights, Jones gave a statement, which was videotaped and offered in evidence at trial. In the statement, Jones said nothing about going to Ray's or getting into an argument there; he said he "struggled" for the gun with Kelley and fired only two shots; and he had not been drinking anything that night. He also said he disposed of the gun by pitching it in a field across from Comfort Suites, but Det. Daniel testified it was never recovered.

Det. Daniel confirmed that Harris was larger than Jones and that, according to Jones, Harris *gave him the gun* – Jones did not ask for it.

Jones also referred to a Facebook Live video showing the festivities on the party bus; this was offered in evidence. According to Det. Daniel, Jones did not appear to be impaired: he was standing and walking, focusing on the camera.

The state's other witness was Dr. Frank Peretti, the expert forensic pathologist who did the autopsy on Harris. He found four gunshot wounds, all "distant" (fired from over two feet away): one, through the mid-chest, was fatal; two were to the right side of the chest; one was to the right arm. Dr. Peretti also found Harris's body tested positive for alcohol, caffeine, cocaine, methamphetamine, and a heart medication (although Dr. Peretti detected no heart condition).

After a long colloquy about the dangers of waiving the Fifth, Jones testified in his own defense, saying he needed to "clear up the story." He admitted shooting Harris and gave an account of the evening that was consistent with Kelley's through about the time when they returned to his

house on Vernon Street. However, he maintained he was “real tipsy,” even “drunk,” and then they went to Ray’s, where he drank for another hour or two. He also admitted he “might have” taken ecstasy. He was certain Harris and Kelley did not come into the club to get him out, and he did not “really remember” getting into the altercation outside. He then admitted he gave a “different story” to police, and ascribed this to “allegations.” His actual memory, he maintained, was “bits and pieces”: he did not remember Kelley tossing the gun in his lap (Kelley’s testimony was that *Harris* tossed the gun in his lap) and did not remember shooting Harris. He admitted that he and Harris often threatened to fight each other, but they never did.

Finally, Jones admitted he had been convicted of illegal use of a weapon in 2017. On cross-examination, he admitted that, nowhere in his statement to Det. Daniel, did he say he shot Harris because he was drunk; however, he insisted that earlier statement was just “repeating rumors.”

### **ACTION OF THE TRIAL COURT**

A grand jury indicted Jones for (1) second degree murder of Harris, (2) attempted second degree murder of Kelley, (3) illegal possession of a firearm by a felon, (4) theft of a motor vehicle, and four counts of aggravated criminal damage to property. Prior to trial, the state dismissed the theft charge and two of the criminal damage charges. The matter proceeded to jury trial in July 2025. The witnesses testified as outlined above.

After slightly under two hours’ deliberation, the jury found Jones guilty as charged of second degree murder of Harris, attempted second degree murder of Kelley, and illegal possession of a firearm by a felon. It acquitted him on the property charges.

At a sentencing hearing in September 2025, the court sentenced Jones to life, 50 years, and 20 years for his three convictions, all at hard labor and to be served concurrently. Jones appealed, raising one assignment of error.

### **DISCUSSION**

By his sole assignment of error, Jones urges the state was required to prove beyond a reasonable doubt that he specifically intended to kill Kelley and specifically intended to kill or cause great bodily harm to Harris; however, he did not possess the requisite specific intent where the evidence showed he was intoxicated and that he was provoked. He cites the defense of intoxication, La. R.S. 14:15, whereby if the defendant proves he was intoxicated at the time of the offense, the state must negate that defense by proof beyond a reasonable doubt. *State v. Hall*, 43,920 (La. App. 2 Cir. 2/26/09), 4 So. 3d 295, *writ denied*, 09-0691 (La. 12/11/09), 23 So. 3d 911. He submits the evidence was “uncontroverted” that he was heavily intoxicated on drugs and alcohol at the time, such that specific intent was vitiated. He cites his own testimony that he was “real tipsy” and could recall only “bits and pieces” of what happened, as well as Kelley’s testimony that all three men had been drinking and using drugs for hours, as confirmed by Harris’s autopsy. He argues his testimony was “corroborated” by the state’s evidence, and he simply could not form the requisite specific intent for second degree murder or attempted second degree murder.

He then cites the law of manslaughter, particularly the element of “sudden passion or heat of blood,” La. R.S. 14:31 (A)(1). *State v. Kennell*, 54,577 (La. App. 2 Cir. 6/29/22), 342 So. 3d 437. He contends Kelley’s testimony was “uncontroverted” that he provoked Jones: while Jones threatened to beat him up, Harris escalated the situation beyond any

reasonable means by pulling the vehicle over and throwing the weapon into Jones's lap, not once but twice. He submits he actually tried to defuse the situation by tossing the gun back to Kelley, but Harris wrested it from Kelley's possession and again tossed it to Jones. Given Harris's intoxication and large stature, any reasonable person would have felt sufficiently provoked to lose his self-control and cool reflection. This evidence, he submits, will support only a verdict of manslaughter.

The standard of appellate review for a sufficiency of the evidence claim is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 99 S. Ct. 2781 (1979); *State v. Stockstill*, 19-01235 (La. 10/1/20), 341 So. 3d 502. This standard, now legislatively embodied in La. C. Cr. P. art. 821, does not provide the appellate court with a vehicle to substitute its own appreciation of the evidence for that of the factfinder. *State v. Bourgeois*, 20-00883 (La. 5/13/21), 320 So. 3d 1047; *State v. Dotie*, 43,819 (La. App. 2 Cir. 1/14/09), 1 So. 3d 833, *writ denied*, 09-0310 (La. 11/6/09), 21 So. 3d 297.

The trier of fact makes credibility determinations and may, within the bounds of rationality, accept or reject the testimony of any witness, in whole or in part. *State v. Brown*, 18-01999 (La. 9/30/12), 330 So. 3d 199; *State v. Morehead*, 55,825 (La. App. 2 Cir. 10/23/24), 400 So. 3d 302, *writ denied*, 24-01434 (La. 2/19/25), 400 So. 3d 932. The appellate court does not assess credibility or reweigh evidence. *State v. Kelly*, 15-0484 (La. 6/29/16), 295 So. 3d 449; *State v. Morehead, supra*. A reviewing court accords great deference to the trier of fact's decision to accept or reject the testimony of a



witness in whole or in part. *State v. Robinson*, 02-1869 (La. 4/14/04), 874 So. 2d 66; *State v. Morehead*, *supra*.

Second degree murder is the killing of a human being when the offender has a specific intent to kill or to inflict great bodily harm. La. R.S. 14:30.1 (A)(1). Attempted second degree murder is when any person who, having a specific intent to kill, does or omits an act for the purpose of and tending directly toward killing the victim. La. R.S. 14:27, 14:30.1.

Attempted second degree murder requires specific intent to kill. *State v. Bishop*, 01-2548 (La. 1/14/03), 835 So. 2d 434; *State v. Riley*, 56,131 (La. App. 2 Cir. 2/26/25), 408 So. 3d 1032, *writ denied*, 25-00383 (La. 5/20/25), 409 So. 3d 221.

Jones does not dispute firing the shots that killed Harris and sent Kelley running for his life. Instead, he asserts intoxication prevented him from forming the requisite specific intent. Where the circumstances indicate that “an intoxicated or drugged condition has precluded the presence of a specific criminal intent or of special knowledge required in a particular crime,” this fact constitutes a defense to a prosecution for that crime. La. R.S. 14:15 (2). Voluntary intoxication will not excuse a crime, but is a defense to a specific intent offense if the circumstances demonstrate that the intoxication precluded the formation of specific intent. *State v. Mickelson*, 12-2539 (La. 9/3/14), 149 So. 3d 178; *State v. Mingo*, 51,647 (La. App. 2 Cir. 9/27/17), 244 So. 3d 629, *writ denied*, 17-1894 (La. 6/1/18), 243 So. 3d 1064. Whether voluntary intoxication in a particular case is sufficient to preclude specific intent is a question to be resolved by the trier of fact. *State v. Mickelson*, *supra*; *State v. Mingo*, *supra*.

On close review, we find the evidence was sufficient to prove, beyond a reasonable doubt, Jones's specific intent to commit these crimes. The main evidence of intoxication was Jones's trial testimony that he was "real tipsy," even "drunk," he "might have" taken ecstasy, and he did not "really remember" some of the events of the evening, only "bits and pieces." The problem is that, in his statement to Det. Daniels just days after the incident, he never claimed to be intoxicated or at all impaired; he mostly lodged attacks against his victims. In short, the jury could reasonably discredit Jones's self-serving testimony. He correctly shows the homicide victim, Harris, had controlled dangerous substances in his body, but this has no bearing on Jones's level of impairment. He also cites Kelley's testimony that everybody on the bus was doing drugs, but Kelley was clear that Jones remained in good control of his faculties, an observation verified by the Facebook Live video. Critically, after fatally shooting Harris, Jones tried shooting at Kelley and forced him to hide behind a garbage container, then jumped in the Dodge Charger and drove off, ditched the car some distance away, and managed to walk back to his house, in West Monroe. None of this conduct is consistent with a state of intoxication that would negate the formation of specific intent. This argument lacks merit.

Manslaughter is a homicide that would be first degree or second degree murder but the offense is committed in sudden passion or heat of blood immediately caused by provocation sufficient to deprive an average person of his self-control and cool reflection. La. R.S. 14:31 (A)(1). Provocation does not reduce a homicide to manslaughter if the jury finds that the offender's blood had actually cooled, or an average person's blood would have cooled, at the time the offense was committed. *Id.* A defendant

who claims provocation as a means of reducing murder to manslaughter bears the burden of proving these elements by a preponderance of the evidence. *State v. Legrand*, 02-1462 (La. 12/3/03), 864 So. 2d 89, *cert. denied*, 544 U.S. 947, 125 S. Ct. 1692 (2005); *State v. Franklin*, 56,616 (La. App. 2 Cir. 12/17/25), 425 So. 3d 1246. Provocation and time for cooling off are questions for the jury and are determined under the standard of the average or ordinary person, one with ordinary self-control. *State v. Reed*, 14-1980 (La. 9/7/16), 200 So. 3d 291, *writ denied*, 580 U.S. 1166, 137 S. Ct. 787 (2017); *State v. Taylor*, 56,618 (La. App. 2 Cir. 12/23/25), 427 So. 3d 393.

Apparently, most of Christmas eve and early Christmas morning went smoothly: Jones and his other partygoers rode around for several hours on the bus, drinking and doing some drugs together, apparently having a good time and enjoying each other's company. After the bus ride ended, Jones and his victims continued the night of partying by going to Ray's together. The situation changed when Jones nearly got into a fight with somebody at Ray's, where the victims separated him from the trouble and tried to carry him safely home. A rational juror could have found that Jones's response to being rescued from a potentially dangerous situation was not reasonable or ordinary. When Harris stopped the car at the apartment complex, he exhibited some level of provocation by tossing the loaded handgun in Jones's lap, not once but twice, and taunting him. However, given that Harris and Kelley were trying to save him from a fight, and Jones's admission that the men often threatened each other but never came to blows, the jury could find that Jones's reaction this time was beyond what a reasonable person in his situation would take. In short, the record proves

beyond a reasonable doubt that Jones did not act in sudden passion or heat of blood sufficient to reduce the homicide to manslaughter. This argument lacks merit. The assigned error does not provide any basis to reverse or reduce Jones's verdict.

### **CONCLUSION**

For the reasons expressed, the conviction and sentences of Latron Jones are affirmed.

**AFFIRMED.**