

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

No. 56,992-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA Appellee

versus

DERRICK DEONE MORRIS Appellant

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Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 405,929

Honorable Christopher T. Victory, Judge

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Before STEPHENS, THOMPSON, and MARCOTTE, JJ.

THOMPSON, J.

“... [H]e ain’t gonna come in there and smother me with a pillow,” was the reason given by a hospitalized shooting victim for why he provided false information about who shot him – to buy safety and time to heal. His fear remained palpable when he was released from the hospital days later and, rather than returning home, hid away in a hotel room. Shortly thereafter, the victim acknowledged to law enforcement he had always known the identity of the shooter and identified the defendant, Derrick Morris, someone he had known for many years. Morris was subsequently charged with attempted second degree murder, and following a jury trial, was convicted by a unanimous jury of the responsive verdict of attempted manslaughter. After being adjudicated a second felony habitual offender, Morris was sentenced to the maximum sentence of 40 years at hard labor, without benefit or probation, parole, or suspension of sentence. Morris now appeals his conviction and sentence. For reasons fully detailed below, we affirm the conviction and amend the sentence to delete the portion restricting the benefit of parole, and in all other respects affirm the sentence as amended.

FACTS AND PROCEDURAL HISTORY

On April 19, 2024, the Shreveport Police Department responded to multiple calls reporting a shooting on the 100 block of Ute Trail in Shreveport. Officer Ashley Heflin, a patrol officer with SPD, testified at trial that she responded to the scene at the Northwood II Apartment Complex, but that there were no eyewitnesses to the shooting. While on scene she observed a black male covered in blood lying on the ground by a dumpster. Officer Heflin testified that the victim, who was later identified

as Willis, was not breathing, had no pulse, and was unconscious. Officer Helfin testified that while she was rendering aid to Willis, she observed two gunshot wounds, one in each of Willis' thighs. Officer Heflin and a first responder from Shreveport Fire Department who had arrived on scene applied tourniquets to Willis' legs, which allowed him to regain consciousness. Officer Heflin explained that Willis was agitated when he regained consciousness, and his mental state was altered; he was unable to provide a statement to the first responders at the scene. Willis was transferred to Ochsner LSU Hospital where he received life-saving emergency surgery. Officer Heflin's body camera footage captured the response to the scene and was introduced into evidence and played for the jury at trial.

Approximately one week after the shooting, and after intentionally naming other innocent or random parties while hospitalized, Willis finally did identify the defendant, Derrick Deone Morris, as his shooter to the police. SPD issued an arrest warrant for Morris, who was ultimately arrested in December 2024. On February 26, 2025, Morris was charged with one count of attempted second degree murder. A jury trial was held on September 22-23, 2025. The following facts were established at trial:

Sergeant Donald Belanger, Jr., a detective with the robbery/homicide unit of SPD, investigated the scene of the shooting. Sgt. Belanger testified that Willis had already been transported to the hospital by the time he arrived on the scene. Sgt. Belanger observed a blood trail from a white Chevrolet Impala that belonged to Willis, then 10-15 feet away in a grassy area, and then back to the vehicle, leading him to believe Willis stumbled a few feet away from the vehicle and then came back and collapsed. No shell

casings were recovered at the crime scene, indicating the shooting was either committed with a revolver or the shooter picked up the shell casings.

Sgt. Belanger testified that three days after the shooting, he went to the hospital to attempt to interview Willis, but that Willis was still too sedated to speak or remember clearly. As part of his investigation, Sgt. Belanger testified that he also spoke with two potential witnesses from the apartment complex. Both individuals stated they were inside their apartments when they heard gunshots but did not see the shooting take place. Sgt. Belanger testified that Willis was the only source of eyewitness evidence he was able to obtain from his investigation regarding the shooter's identity.

Tauris Willis, the victim of the shooting, testified that around 7:00 p.m. on the day of the shooting, after leaving work, he had just arrived back at the apartment complex and was still seated in the driver's seat of his vehicle with the door open. He testified he had consumed one alcoholic beverage between leaving work and arriving home. Willis saw defendant, Derrick Deone Morris, running around the side of his vehicle. Morris tapped the side of Willis' car with his handgun. Morris then pulled down a rag that was covering his face, looked Willis directly in the eyes, and said, "I told you I was going to get you." Willis testified he recognized Morris' face, voice, and stature because the men had known each other since they were ten years old. Willis also used to work with Morris at Lincoln Memorial Cemetery; Morris had stopped working there one year prior. Morris was aware that employees at the cemetery were paid on Fridays (the day of the shooting was a Friday). When approached by Morris, Willis removed his wallet from his pocket and threw it out of the vehicle, because

he believed Morris only wanted money from him. After throwing his wallet, Willis tried to exit the vehicle to run away. Willis testified he remembers nothing else from the time he threw his wallet on the ground until he woke up in the hospital.

Willis testified that about a week before the shooting, Morris came to his apartment and asked for money. Willis did not want to give Morris money and was angry about the request, because he had helped Morris get the job at the cemetery that Morris ultimately quit. Willis asked Morris to leave, and Morris responded, "I'm going to get you." There had also been a prior disagreement regarding a woman both men had been seeing at the same time. Willis testified he was no longer concerned about that woman or any prior disagreement.

Willis testified that he remembered Sgt. Belanger speaking to him in the hospital, and stated that despite his misdirection to others, he always knew the identity of the person who shot him, but he did not want to reveal the shooter's identity while he was still hospitalized. Willis testified, "I didn't want Morris to be alerted that I knew that he shot me ... I didn't tell [the detective] that Derrick shot me, because I knew I was in the hospital, and I couldn't walk. I wasn't fixing to let him know that I knew who got me until I could get myself stable where I could at least try to defend myself." Willis testified that he sustained one gunshot wound to each thigh, as well as a graze wound to his head.

Willis acknowledged that while hospitalized he had intentionally told Nathan Johnson, a friend who came to visit him, the names of two other individuals that he believed shot him to cause a diversion. Willis testified he did not want Morris to be aware that he knew the truth about the shooting.

Willis believed Morris intended to kill him, because he revealed his face to him before shooting him, and shot at his head. Willis believed Morris would come to the hospital and finish the job, stating, “I had IV’s and stuff hooked up to me, he ain’t gonna come in there and smother me with a pillow.”

Willis advised that when he was released, he went to a hotel room instead of his apartment because he was afraid of Morris. From the hotel, once he was able to walk again, Willis told Sgt. Belanger that he had in fact been shot by a friend, Derrick Morris. Sgt. Belanger presented Willis with a single photo of Morris, rather than a six-photo line-up since the shooter was known to the victim, and Willis identified him as the shooter.

The friend who visited Willis in the hospital, Nathan Johnson, was called to testify at trial for the defense. Johnson testified that he has known both Willis and Morris for approximately 30 years. He testified that he heard from a neighbor that Willis had been shot, and he also saw the shooting on the news. Johnson went alone to visit Willis in the hospital the next day. He testified that Willis seemed to understand him, recognized him, and spoke to him during his visit. Johnson testified that he asked Willis who shot him, and that Willis responded: “He said Baby D and Dayro shot him.” Johnson testified he was certain those were the names Willis told him during his visit to the hospital. Johnson testified that he was not aware that Morris was a suspect in the shooting at the time of his hospital visit.

Johnson testified that he did not know Dayro or Baby D, because he moved away from the Cherokee Park neighborhood in 2003 and never returned.

Exercising his constitutional right, Morris elected not to testify at his trial.

On September 23, 2025, at the conclusion of the two-day jury trial, a unanimous jury found Morris guilty of the responsive verdict of attempted

manslaughter.¹ On October 20, 2025, the State filed a second felony habitual offender bill of information based on Morris' prior conviction for possession of Schedule II CDS from September 2023. After a hearing on November 12, 2025, Morris was adjudicated a second felony habitual offender and was sentenced to the maximum sentence of 40 years² at hard labor without benefit of probation, parole, or suspension of sentence. A motion to reconsider sentence was denied. Morris now appeals his conviction and sentence, asserting three assignments of error.

DISCUSSION

Assignment of Error No. 1: Defendant-Appellant was denied his right to the effective assistance of counsel guaranteed by the Sixth and Fourteenth Amendments to the United States Constitution because trial counsel (a) failed to investigate substantial third-party-perpetrator evidence identifying two other named individuals as the shooters, despite counsel's pretrial knowledge of that evidence, and (b) failed to move to suppress the unduly suggestive single-photo identification procedure conducted six days after the shooting by a victim who at the time of the identification was full of morphine.

Morris argues he received ineffective assistance of counsel because trial counsel failed to properly investigate two other named individuals who were identified as possible shooters and failed to move to suppress the identification of Morris with a single photo. Morris argues that his conviction rests entirely on the identification of a morphine-medicated

¹ La. R.S. 14:27; La. R.S. 14:31.

² The sentence for manslaughter, provided in La. R.S. 14:31(B), is imprisonment at hard labor for not more than 40 years. The statute that defines attempt, La. R.S. 14:27, provides that a defendant's imprisonment shall not exceed one-half of the longest term of imprisonment prescribed for the offense so attempted. As such, the maximum sentence for attempted manslaughter is imprisonment for 20 years.

The habitual offender statute provides that second felony offenders face a sentence of at least one-third of the longest possible sentence for the primary offense, up to twice the longest possible sentence. Therefore, Morris' enhanced sentencing range for his conviction of attempted manslaughter as a second felony offender is 6.5-40 years.

victim who had already identified two different men as his shooters. Morris also asserts there was no physical evidence linking him to the crime.

Morris argues that trial counsel did not conduct an investigation into the two men previously named as what was later described as a diversion tactic before naming him as the shooter to the police. Morris also argues that trial counsel failed to challenge the suggestive single-photo identification procedure the police used to identify him. Morris contends counsel's failure to move to suppress a single-photo identification, a procedure the Sgt. Belanger acknowledged departs from the 6-person lineup standard, was objectively unreasonable. Morris argues he was prejudiced and there was a reasonable likelihood of a different outcome had the single photo been challenged. Morris' arguments on this theory are confounded by the victim identifying him at trial.

Claims of ineffective assistance of counsel are more properly raised in an application for post-conviction relief in the trial court because this provides the opportunity for a full evidentiary hearing under La. C. Cr. P. art. 930. *State v. McGee*, 18-1052 (La. 2/25/19), 264 So. 3d 445; *State v. Ward*, 53,969, (La. App. 2 Cir. 6/30/21), 324 So. 3d 231. When the record is sufficient, allegations of ineffective assistance of trial counsel may be resolved on direct appeal in the interest of judicial economy. *Id.*; *State v. Galloway*, 54,704 (La. App. 2 Cir. 2/1/23), 354 So. 3d 919, 924, *writ denied*, 23-00366 (La. 5/31/23), 361 So. 3d 467.

Under the standard for ineffective assistance of counsel set out in *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984), adopted by the Louisiana Supreme Court in *State v. Washington*, 491 So. 2d 1337 (La. 1986), a reviewing court must reverse a conviction if the

defendant establishes that counsel's performance fell below an objective standard of reasonableness under prevailing professional norms, and counsel's inadequate performance prejudiced the defendant to the extent that the trial was rendered unfair and the verdict suspect. *State v. Ball*, 19-01674 (La. 11/24/20), 305 So. 3d 90; *State v. McGee*, *supra*.

In a claim of ineffective assistance of counsel, the defendant must show that counsel's performance was deficient, committing errors so serious that he or she was not functioning as the "counsel" guaranteed by the Sixth Amendment and evaluated from counsel's perspective at the time of the occurrence. *Strickland v. Washington*, *supra*; *State v. Paben*, 43,415 (La. App. 2 Cir. 8/13/08), 990 So. 2d 123.

The jury clearly found Willis' testimony regarding his identification of Morris as the shooter credible. Although Willis named two other people to a hospital visitor, his testimony was that he did so as a diversion. The record shows that trial counsel cross-examined Willis at length about identifying two different individuals to Johnson, his hospital visitor, as the perpetrators. However, Willis only ever told police one version of events – that Morris, his childhood friend, was the shooter, and testified accordingly at trial, identifying Morris before the jury.

Regarding the single-photo identification method, the record shows that Willis was out of the hospital, in a hotel room, and was no longer heavily sedated when he identified Morris as his shooter. Sgt. Belanger testified that Willis only identified Morris as his shooter during his investigation and did not name any other individuals. The SPD case report states that Willis was shown a photograph of Morris at the hotel, *after* he identified Morris to police as his shooter. This was not a situation where

police were attempting to identify an unnamed suspect. Rather, Willis had already named Morris as the shooter. The suggestive nature of a single photo lineup does not automatically preclude admissibility unless the process is found to be untrustworthy under the totality of the circumstances. *See State v. Daniels*, 56,701 (La. App. 2 Cir. 12/17/25), 425 So. 3d 1276.

We find these claims to be without merit on the limited record before us. We recognize that Morris' claims of ineffective assistance of counsel could be more appropriately raised in an application for postconviction relief in the trial court, where a full evidentiary hearing can be conducted, if necessary, and Morris can present any desired evidence to support his allegations. This assignment of error is without merit.

Assignment of Error No. 2: The sentence is illegal because the trial court, per court minutes, imposed a forty-year sentence “without benefit or probation, parole, or suspension of sentence,” The restriction on parole eligibility is not authorized by La. R.S. 14:27, La. R.S. 14:31, or La. R.S. 14:529.1(G) for the offense of attempted manslaughter.

Morris asserts that the trial court imposed his sentence “without benefit of probation, parole, or suspension of sentence,” but neither the attempted manslaughter statutes, nor the habitual offender enhancement statute, authorizes the restriction on parole. This assignment of error has merit. The State concedes this error and confirms Morris should be allowed parole eligibility.

The restrictions on parole eligibility imposed on multiple offender sentences under La. R.S. 15:529.1 are those called for in the reference statute. *State v. Young*, 56,958 (La. App. 2 Cir. 7/15/26), --- So. 3d ---; *State v. Gaines*, 52,536 (La. App. 2 Cir. 2/27/19), 266 So. 3d 948, writ denied, 19-00773 (La. 9/17/19), 279 So. 3d 379. The underlying statutes in the present case do not restrict parole. *See* R.S. 14:27 and La. R.S. 14:31. Therefore,

the trial court should not have imposed Morris' enhanced sentence with a parole restriction.

When a sentencing error involves the imposition of restrictions beyond what the legislature has authorized in the sentencing statute, the Louisiana Supreme Court has ruled that the appellate courts should not rely on La. R.S. 15:301.1(A) to correct the error as a matter of law but should correct the sentence on its own authority under La. C. Cr. P. art. 882 to correct an illegal sentence at any time. *State v. Young, supra*. We accordingly amend Morris' enhanced sentence to delete the restriction on parole. We also order the First Judicial District Court Clerk of Court to transmit notice of the amended sentence to the appropriate authorities in accordance with La. C. Cr. P. art. 892(B)(2) and to the Department of Corrections' legal department.

Assignment of Error No. 3: The trial court imposed a constitutionally excessive sentence under Article I, Section 20 of the Louisiana Constitution by imposing the absolute statutory maximum under the habitual-offender enhancement on a compromise responsive verdict, by relying on arrests that did not result in convictions, and by failing to adequately consider mitigating circumstances.

Morris argues that the trial court erred by imposing an unconstitutionally harsh and excessive sentence of 40 years without benefit probation or suspension of sentence. Morris also argues the trial court failed to address the compromise nature of the jury verdict as a mitigating factor. Morris argues that the jury's verdict undermines the trial court's determination that Morris committed the worst offense of attempted homicide, because it rejected attempted second degree murder and returned a responsive verdict of attempted manslaughter.

An appellate court utilizes a two-pronged test in reviewing a sentence for excessiveness. First, the record must show that the trial court complied with La. C. Cr. P. art. 894.1. *State v. Smith*, 433 So. 2d 688 (La. 1983). The trial judge need not articulate every aggravating and mitigating circumstance outlined in La. C. Cr. P. art. 894.1, but the record must reflect that he adequately considered these guidelines in particularizing the sentence to the defendant. *Id.* The important elements the trial court should consider are the defendant's personal history, prior criminal record, the seriousness of the offense, and the likelihood of rehabilitation. *State v. Jones*, 398 So. 2d 1049 (La. 1981). There is no requirement that specific matters be given any particular weight at sentencing. *State v. DeBerry*, 50,501 (La. App. 2 Cir. 4/13/16), 194 So. 3d 657, *writ denied*, 16-0959 (La. 5/1/17), 219 So. 3d 332.

Second, the court must determine whether the sentence is constitutionally excessive. 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 a purposeless and needless infliction of pain and suffering. *State v. Smith*, 01-2574 (La. 1/14/03), 839 So. 2d 1, *citing State v. Bonanno*, 384 So. 2d 355 (La. 1980). This analysis extends to sentences imposed pursuant to the habitual offender statute, La. R.S. 15:529.1. *State v. Dorthey*, 623 So. 2d 1276 (La. 1993).

The trial court has wide discretion in the imposition of sentences within statutory limits, and the sentence imposed should not be set aside as excessive in the absence of a manifest abuse of discretion. *State v. Abercumbia*, 412 So. 2d 1027 (La. 1982). On review, an appellate court does not determine whether another sentence may have been more

appropriate, but whether the trial court abused its discretion. *State v. Williams*, 03-3514 (La. 12/13/04), 893 So. 2d 7.

We find the trial court properly considered the factors set forth in La. C. Cr. P. art. 894.1 when sentencing Morris for his conviction of attempted manslaughter. The trial court specifically noted Morris' conduct manifested deliberate cruelty to the victim, actual violence was used in the commission of the offense, and the offense resulted in significant injuries to the victim and economic hardship to his family. Also, a dangerous weapon – a firearm – was used in the commission of the offense. Morris shot an unarmed victim three times, once in the head, and left him for dead. The trial court noted that it found no mitigating factors applied to Morris.

Further, Morris' sentence of 40 years is within the sentencing range of 6.5-40 years provided by the habitual offender statute. Morris' maximum sentence is supported by the record, which shows he had an extensive criminal history, including four prior felony convictions and a ten-year period of incarceration. The trial court stated that Morris' criminal history indicated "that he has not understood the seriousness of his crimes and has no reason to believe he will in the future." Morris' repeated criminal behavior indicates the need for a more prolonged period of incarceration. Morris' behavior during the commission of the offense justifies his maximum sentence, which is reserved for the most egregious and blameworthy offenders. The State correctly notes that Willis' survival of the shooting was not due to any mercy or mistake by Morris, but due to the speed and skill of local first responders and medical professionals who treated him. Accordingly, we find the trial court did not abuse its discretion

when it imposed the 40-year sentence under these specific facts and circumstances.

CONCLUSION

For the foregoing reasons, we amend Derrick Deone Morris' enhanced sentence to delete the restriction on parole, and in all other regards affirm his conviction and sentence as amended.

AFFIRMED AS AMENDED.