

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

No. 57,010-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA Appellee

versus

VINCENT L. JACKSON Appellant

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Appealed from the
Forty-Second Judicial District Court for the
Parish of DeSoto, Louisiana
Trial Court No. 24CR35197

Honorable Amy Burford McCartney, Judge

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Before PITMAN, THOMPSON, and STONE, JJ.

THOMPSON, J., concurs with written reasons.

PITMAN, C. J.

Defendant Vincent L. Jackson was found guilty of manslaughter, a violation of La. R.S. 14:31, and was sentenced to 40 years at hard labor. He appeals his sentence as unconstitutionally excessive. For the following reasons, his conviction and sentence are affirmed.

FACTS

On November 21, 2024, a grand jury indicted Defendant for the October 5, 2024 second degree murder of Demonquerius Colbert in DeSoto Parish, a violation of La. R.S. 14:30.1. A jury trial was held in July 2025 and a unanimous jury found him guilty of the responsive verdict of manslaughter, a violation of La. R.S. 14:31. A motion for new trial was filed and denied. On November 13, 2025, Defendant, a first felony offender with no criminal history, was sentenced to the maximum penalty of 40 years at hard labor with credit for time served. He filed a motion to reconsider sentence which was denied. This appeal followed.

At trial, the following evidence was adduced.

This crime occurred in the early morning hours of October 5, 2024, in the Mansfield Housing Authority in DeSoto Parish. There are many culs de sac in the neighborhood, which the residents refer to as “holes” and where many of them gather to socialize. Tamyia Peterson dated Defendant in high school and had a years-long relationship with him; however, about three to four months prior to the shooting, she broke up with him and started dating the victim, Colbert. She testified that Defendant knew she was dating Colbert. She and her friends were in the “second hole” of the Housing Authority on the evening of October 4, 2024, when Defendant showed up and an altercation between them occurred. Defendant choked and slapped

her until her friend, Lajordinay Ross, stopped him by hitting him with a bottle. Peterson and her friends went to another friend's house where they drank and smoked. Colbert came to pick her up and drove to the "first hole," where they hung out with friends.

Peterson testified that she had exited Colbert's car and was standing in front of it while he stayed in the driver's seat. She saw Defendant approach the driver's side door where he and Colbert had words. She stated that Colbert was trying to "avoid the situation," but she heard two gunshots and saw Defendant with a gun. She identified Defendant in court as the shooter.

There were other eyewitnesses to the shooting, including Cameron Jones, who testified that at the "second hole," he witnessed Defendant choke Peterson and saw Ross defend her. He saw Defendant at that hole with a gun. He testified that he later saw Peterson and Colbert parked outside of a house (at the "first hole") and that Colbert was in the driver's seat and Peterson was outside the vehicle on the passenger's side. He stated that he saw Defendant walk up to Colbert, ask him if he was having sex with his girl and then shoot him. Jones testified that he heard two shots. He positively identified Defendant in court.

Ross testified that the choking incident of Peterson by Defendant had occurred and confirmed that Peterson was talking to Colbert from outside the passenger's side of Colbert's car while he was seated in the vehicle and that she heard gunshots. She stated Colbert did not have time to react when Defendant approached him in his car, and he did not reach for a gun. She identified Defendant as the shooter in court.

Defendant was arrested shortly thereafter, and an unloaded 9 mm semi-automatic Ruger was removed from him at the sheriff's office.

The DeSoto Parish Sheriff's Office ("DPSO") obtained footage of the shooting from the Housing Authority security cameras, and Defendant was identified in the videos carrying a handgun. The DPSO recovered two shell casings near the driver's side tires of Colbert's vehicle. An intact projectile was found lodged in the driver's seat. Ballistic tests were performed by the crime lab, and it was determined that they came from Defendant's handgun.

The victim's autopsy revealed that he had been shot three times, twice in the face and once by a bullet that went through his back and lodged in the seat of the car.

A unanimous jury found Defendant guilty of the responsive verdict of manslaughter. The trial court ordered a presentence investigation ("PSI") report. Sentencing took place in November 2025.

At sentencing, the trial court noted that the PSI report revealed that Defendant was 20 years old at the time of the offense, that he was raised by his mother and that he had five sisters and one brother on his father's side of the family and two brothers on his mother's side. He was not married but was the father of one child, a daughter. He graduated from Mansfield High School in 2022 and enrolled in and completed a one-year HVAC program at Remington College. His work history included the maintenance department at Northwestern University, and he also worked at Walmart, McDonald's, Dollar Tree, Port-A-Cool and Tyson. He never enlisted in the military. Defendant's medical history included asthma and a heart defect, for which he underwent surgery in 2021. He had a history of substance abuse, including marijuana, alcohol and ecstasy, and was under the influence of alcohol and ecstasy when the crime was committed. The court noted that he was a first-time felony offender.

The trial court noted that the crime of manslaughter, La. R.S. 14:31, carries a penalty of imprisonment at hard labor of not more than 40 years and that the PSI report and probation/parole officer recommended that Defendant receive the maximum sentence. It stated it had considered the information presented during trial, the PSI report, the victim impact statements, Defendant's own statements and the sentencing guidelines of La. C. Cr. P. art. 894.1. The trial court pointed out that the PSI report stated Defendant had expressed that he wished he had not gone out that night; however, he did not express remorse about the victim's death and insisted it was a case of self-defense.

After considering all the above and, specifically, La. C. Cr. P. art. 894.1(A), the trial court determined that a lesser sentence than the maximum would deprecate the seriousness of his crime. Further, regarding La. C. Cr. P. art. 894.1(B), the court accorded weight to the fact that Defendant used actual violence in the commission of the offense, that he used a dangerous weapon, that he knowingly created a risk of death or great bodily harm to more than one person since there were multiple people in very close proximity to the car and that the shooting resulted in significant economic loss to the victim's family, including his children.

The trial court also stated its opinion that all the evidence in the case showed that the act constituted second degree murder; but after hours of deliberation, the jury returned the verdict of manslaughter. It stated that as a result, Defendant had already received a significant reduction in the possible sentencing range from life for second degree murder to no more than 40 years. For that reason, the trial court sentenced him to the maximum time of imprisonment of 40 years at hard labor with credit for time served.

Defendant filed a motion to reconsider sentence, which was denied.

Defendant now appeals.

DISCUSSION

Defendant appeals his sentence only and contends that the trial court imposed a constitutionally excessive sentence, without any consideration of mitigating factors, in derogation of La. C. Cr. P. art. 894.1 and without particularizing the sentence to him. He argues that the trial court failed to weigh mitigating factors, such as his youthful age of 21 years at the time of sentencing and that he was a first-time offender, a high school graduate and the father of a three-year-old daughter. He asserts that he has worked and contributed to society and was under the influence of drugs and alcohol during the commission of the offense. He contends the trial court substituted its judgment for that of the jury, which found him guilty of the less serious crime of manslaughter, and sentenced him to the maximum sentence usually reserved for the worst criminal.

Defendant further argues that even when a sentence is within the statutory limits, it can still be constitutionally excessive under the particular circumstances of the case. If it makes no measurable contribution to acceptable goals of punishment, is nothing more than a purposeless imposition of pain and suffering and is grossly out of proportion to the severity of the crime, it is considered excessive.

The state argues that the sentence imposed was not constitutionally excessive, that the trial court properly considered and articulated all factors under La. C. Cr. P. art. 894.1 and that the sentence imposed was specifically tailored to Defendant. It contends that the sentence imposed does not shock the sense of justice, and a person who assaults his ex-girlfriend before killing

a defenseless person qualifies as someone in the worst-of-the-worst category. For these reasons, it asserts that the trial court's sentence was not an abuse of discretion.

An appellate court utilizes a two-pronged test in reviewing a sentence for excessiveness. *State v. Parker*, 54,190 (La. App. 2 Cir. 3/9/22), 335 So. 3d 519. First, the record must show that the trial court took cognizance of the criteria set forth in La. C. Cr. P. art. 894.1. *Id.* The court shall state for the record the considerations taken into account and the factual basis therefor in imposing sentence. La. C. Cr. P. art. 894.1(C); *Parker, supra*. The trial judge is not required to list every aggravating or mitigating circumstance so long as the record reflects that he adequately considered the guidelines of the article. *State v. Smith*, 433 So. 2d 688 (La. 1983); *State v. Dungan*, 54,031 (La. App. 2 Cir. 9/22/21), 327 So. 3d 634, *writ denied*, 21-01679 (La. 1/26/22), 332 So. 3d 82.

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. *State v. Parker, supra*. Where the record clearly shows an adequate factual basis for the sentence imposed, remand is unnecessary even where there has not been full compliance with La. C. Cr. P. art. 894.1. *State v. Lanclos*, 419 So. 2d 475 (La. 1982); *State v. Parker, supra*. The important elements which should be considered are the defendant's personal history (age, family ties, marital status, health, employment record), prior criminal record, seriousness of the offense, and the likelihood of rehabilitation. *State v. Jones*, 398 So. 2d 1049 (La. 1981); *State v. Parker, supra*. The trial court is not required to assign any particular weight to any specific matters at sentencing. *Id.*

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. Dorthey*, 623 So. 2d 1276 (La. 1993); *State v. Bonanno*, 384 So. 2d 355 (La. 1980). A sentence is considered grossly disproportionate if, when the crime and punishment are viewed in light of the harm done to society, it shocks the sense of justice. *State v. Weaver*, 01-0467 (La. 1/15/02), 805 So. 2d 166; *State v. Meadows*, 51,843 (La. App. 2 Cir. 1/10/18), 246 So. 3d 639, *writ denied*, 18-0259 (La. 10/29/18), 254 So. 3d 1208.

The trial court has wide discretion to impose a sentence within the statutory limits, and the sentence imposed will not be set aside as excessive absent a manifest abuse of that discretion. *State v. Williams*, 03-3514 (La. 12/13/04), 893 So. 2d 7; *State v. Parker, supra*. 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. *State v. Allen*, 49,642 (La. App. 2 Cir. 2/26/15), 162 So. 3d 519, *writ denied*, 15-0608 (La. 1/25/16), 184 So. 3d 1289. 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. Parker, supra*.

In considering the nature of the offense, both the trial court and the reviewing court may assess whether the crime for which defendant has been convicted adequately describes his conduct when the conviction is for a lesser included responsive offense to the crime charged. *State v. White*, 48,788 (La. App. 2 Cir. 2/26/14), 136 So. 3d 280, *writ denied*, 14-0603 (La. 10/24/14), 151 So. 3d 599. The fact that the evidence might have supported

a verdict of second degree murder is an appropriate sentencing consideration in cases in which the defendant has been convicted of the lesser offense of manslaughter. *Id.* As a general rule, maximum or near-maximum sentences are reserved for the worst offenders and the worst offenses. *State v. Hays*, 56,782 (La. App. 2 Cir. 2/25/26), 430 So. 3d 1277.

La. R.S. 14:31(B) provides, in part, that whoever commits manslaughter shall be imprisoned at hard labor for not more than 40 years. In the case at bar, the trial court noted its opinion that despite the jury finding Defendant guilty of manslaughter, it considered the elements of the more serious crime of second degree murder to have been proven and opined that Defendant had already received a significant reduction in the possible sentencing range from life for second degree murder to no more than 40 years for manslaughter. The trial court has great discretion in imposing the maximum sentence possible for the offense if the defendant is deemed to be the worst of the worst. In regard to this Defendant's sentence, we do not find an abuse of discretion that would result in remand for review of an excessive sentence.

The record shows that the trial court took cognizance of the criteria set forth in La. C. Cr. P. art. 894.1 and stated for the record its considerations and the factual basis for imposing sentence, including all facts present in the PSI report and aggravating and mitigating circumstances. It determined that a lesser sentence than the maximum would deprecate the seriousness of his crime. It accorded weight to the fact that Defendant used actual violence in the commission of the offense, that he used a dangerous weapon, that he knowingly created a risk of death or great bodily harm to more than one person since there were multiple people in very close proximity to the car

and that the shooting resulted in significant economic loss to the victim's family. It also noted that Defendant did not express remorse. For these reasons, the trial court imposed the maximum sentence allowed by statute, and we find this sentence is not an abuse of discretion or constitutionally excessive. The assignment of error is without merit.

CONCLUSION

For the foregoing reasons, we affirm the conviction and sentence of Defendant Vincent L. Jackson.

AFFIRMED.

THOMPSON, J., concurs.

I concur fully in affirming the maximum sentence imposed on this first-time felony offender. The record supports the trial court's determination under La. C.Cr.P. art. 894.1, and nothing in this record suggests the sentence is disproportionate for the offense for which the defendant was convicted. An unprovoked offender tried to kill an unarmed victim, shooting him three times, twice in the face and once through his back. I write separately, however, to address concerns which may arise from comments made during sentencing that warrant caution for future proceedings. In imposing its sentence, the trial judge remarked:

It is the Court's opinion, based upon the review of all the evidence in the case, that this act constituted second-degree murder. Notwithstanding the Court's evaluation of the evidence, after hours of deliberation, the jury returned a verdict finding Mr. Jackson guilty of manslaughter. As a result, **Mr. Jackson has received a significant reduction in the possible sentencing range.** Considering all of these things, it is the sentence of the Court, Mr. Jackson, that you shall be imprisoned at hard labor for forty years. (emphasis added)

Such comments, while understandable as an expression of a judge's personal assessment of the evidence, can interject uncertainty when included in a sentencing colloquy for a manslaughter conviction. A defendant receiving the maximum sentence may disagree he received any reduction in the applicable sentence range. The jury is the finder of fact, and it returned a verdict of manslaughter. That verdict is controlling. The public deserves confidence that a sentencing court does not sit as a thirteenth juror empowered to punish a defendant for a greater offense the court believes should have been found. The sentencing hearing is not a collateral attack on the jury's verdict, and any suggestion otherwise invites reversal on grounds that the sentence

may have been based on considerations outside the crime for which a defendant was convicted. In this instance, however, the record before us reflects a seasoned and respected judge addressing the underlying facts and each of the La. C.Cr.P. 894.1 sentencing factors on the record, which independently supports the maximum term under the applicable statutory factors. A maximum sentence will appropriately be reviewed, particularly for a first time felony offender, with close scrutiny of every element contributing to the decision-making process of the judge. I suggest a better practice is for sentencing remarks to be more closely confined to the article La. C.Cr.P. 894.1 factors, so as not to violate due process, and thus avoid any impression a sentence was enhanced for a crime for which the defendant was not convicted. Doing so undergirds public confidence in the jury system by avoiding any suggestion that a defendant's actual sentence may turn not on the facts found by twelve citizens, but on a single judge's contrary view of the evidence. Fortunately, a review of the entire record confirms the trial court once again crafted a thoughtful and considered sentence, tailored to the tragic facts in this matter, regardless of its comments on the jury's verdict as compared to its own personal conclusions. For the reasons noted above, avoiding unnecessary complications for such serious matters is preferable.

For these reasons, while I agree the sentence must stand, caution is appropriate against a breadth of sentencing colloquies on opinions outside the facts, the crime for which the defendant has been convicted, and the governing statutory factors.