

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

No. 57,019-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA Appellee

versus

SETH T. STRICKLAND Appellant

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Appealed from the
Forty-Second Judicial District Court for the
Parish of DeSoto, Louisiana
Trial Court No. 2334035

Honorable Amy Burford McCartney, Judge

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LOUISIANA APPEALS Counsel for Appellant
AND WRIT SERVICE
By: Douglas Daniel Brown

CHARLES BLAYLOCK ADAMS Counsel for Appellee
District Attorney

EDWIN L. BLEWER, III
ETHAN ARBUCKLE
Assistant District Attorneys

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Before PITMAN, ROBINSON, and HUNTER, JJ.

HUNTER, J.

The defendant, Seth T. Strickland, was charged with the second-degree murder, La. R.S. 14:30.1, of his mother, Joyce Strickland. After a hearing before a sanity commission, the defendant was found incompetent and committed to Eastern Louisiana Mental Health System (“ELMHS”) until he was deemed competent to stand trial. During trial, the defendant entered a dual plea of “Not Guilty and Not Guilty by Reason of Insanity,” was convicted, and sentenced to life without the benefit of probation, parole, or suspension of sentence. The defendant now appeals, alleging errors patent on the face of the record. For the following reasons, we affirm the defendant’s conviction, vacate the sentence, and remand the case for the trial court to rule on the pending post-trial motions and comply with the required sentencing delay before imposing the mandatory life sentence under La. R.S. 14:30.1.

FACTS

On August 28, 2023, the defendant shot his mother inside their family residence in DeSoto Parish. He then called 911 on himself, was found outside the residence carrying a Bible begging God for mercy, and was arrested without resistance. In the days following his arrest, the defendant made statements to family members that the State put before the jury at trial. He spoke of “stuff” he wished he had not “got into,” referred to “other realities” and “powers or otherly world beings” with whom he communicated. He further told family members that if he had not opened those doors, “I would have had a normal life.” Additionally, the defendant described his attorney as a “snake” and recounted dreams in which police officers turned into snakes.

The defendant was arraigned on October 5, 2023, and entered a plea of “NOT GUILTY,” while no plea of “not guilty and not guilty by reason of insanity” was entered. On October 16, 2024, the district court signed an order directing doctors to examine the defendant’s mental condition at the time of the offense. On January 13, 2025, the court found the defendant incapable of proceeding and committed him to the ELMHS where he spent 56 days under restoration treatment. On April 10, 2025, after a contradictory hearing, the court adjudicated him competent.

The trial was set for October 27, 2025. In chambers, with all the parties present, the court took up an unfiled motion to amend the plea that prior defense counsel had drafted but never filed; counsel for both sides indicated their belief that the dual pleas were already entered. With the State’s express no-objection and at the joint request of the defense, the court accepted the change, and the defendant entered a “Dual Plea of Not Guilty and Not Guilty by Reason of Insanity.” Three experts who examined the defendant each opined that he was sane at the time of the offense. The defense rested without calling a witness; and on October 29, 2025, the jury unanimously found him guilty as charged.

On December 5, 2025, the defendant filed a motion for post-verdict judgment of acquittal, pursuant to La. C. Cr. P. art. 821, and a motion for new trial, pursuant to La. C. Cr. P. art. 851. At sentencing on December 11, 2025, defense counsel neither requested a hearing on those motions nor objected to proceeding. The court reviewed the presentence investigation, addressed the La. C. Cr. P. art. 894.1 factors, and imposed the only sentence the law allows for second degree murder – life at hard labor without the benefit of probation, parole, or suspension of a sentence.

DISCUSSION

In the first assignment of error, the defendant alleges the trial court erred in failing to relitigate his competency, which constitutes a due process right violation under *Pate v. Robinson*, 383 U.S. 375, 86 S. Ct. 836, 15 L. Ed. 2d 822 (1966) and *Drope v. Missouri*, 420 U.S. 162, 95 S. Ct. 896, 43 L. Ed. 2d 103 (1975) and cannot be waived by counsel's failure to object. The defendant further contends the procedural defects in the plea entry are visible from the face of the record and reviewable under La. C. Cr. P. art. 920(2). Lastly, the defendant further claims the in-chambers transcript is devoid of any colloquy by the defendant or good cause showing by the trial court.¹

Competency

A criminal defendant has a constitutional right not to be tried while legally incompetent. *Medina v. California*, 505 U.S. 437, 449, 112 S. Ct. 2579, 120 L.Ed.2d 353, 365–66 (1992), *Drope v. Missouri*, *supra*. A state must observe procedures adequate to protect a defendant's right not to be tried while incompetent, and its failure to do so deprives the defendant of his due process right to a fair trial. *Id.*, (*quoting Drope*, 420 U.S. at 172, 95 S. Ct. at 904, 43 L. Ed. 2d at 113); *Pate v. Robinson*, *supra*. The defendant's mental capacity to proceed may be raised at any time by the defense, the district attorney, or the court. La. C. Cr. P art. 642; *State v. Pugh*, 02-171 (La. App. 5 Cir. 10/16/02), 831 So. 2d 349; *State v. Willie*, 17-252 (La. App. 5 Cir. 12/20/17), 235 So. 3d 1345.

¹ Notably, defense counsel filed his brief late, thereby waiving his right to argue, and appeared at oral argument only to casually acknowledge the waiver, demonstrating a complete disregard for the client's rights and the Court's time.

In Louisiana, a defendant is presumed sane and the state is not required to prove sanity. La. R.S. 15:432; *State v. Claibon*, 395 So. 2d 772 (La. 1981); *State v. Silman*, 95-0154 (La. 11/27/95), 663 So. 2d 32. 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 to assist in his defense. La. C. Cr. P. art. 641; *State v. Taylor*, 49,467 (La. App. 2 Cir. 1/14/15), 161 So. 3d 969. The defendant's mental incapacity to proceed may be raised at any time by the defense, the district attorney, or the court. When the question of the defendant's mental incapacity to proceed is raised, there shall be no further steps in the criminal prosecution, except the institution of prosecution, until the defendant is found to have the mental capacity to proceed. La. C. Cr. P. art. 642. Louisiana's statutory scheme for determining whether a defendant is mentally competent to stand trial jealously guards the defendant's right to a fair trial. *State v. Nomey*, 613 So. 2d 161 (La. 1993).

Where a *bona fide* question is raised regarding a defendant's capacity, the failure to observe procedures to protect a defendant's right not to be tried or convicted while incompetent to stand trial deprives him of his due process right to a fair trial. *State ex rel. Seals v. State*, 00-2738 (La. 10/25/02), 831 So. 2d 833; *State v. Jones*, 19-0440 (La. App. 4 Cir. 8/5/20), 305 So. 3d 925, *writ denied*, 20-01045 (La. 11/24/20), 305 So. 3d 100. Accordingly, the defendant has the burden of proving by a preponderance of the evidence his incapacity to stand trial. *State v. Anderson*, 06-2987 (La. 9/9/08), 996 So. 2d 992, *citing Cooper v. Oklahoma*, 517 U.S. 348, 116 S. Ct. 1373, 134 L. Ed. 2d 498 (1996). The determination of sanity is a factual matter reserved to the jury or other fact finder. *State v. Claibon*, *supra* at 772.

La. C. Cr. P. art. 653 states: “Upon the trial of the defense of insanity at the time of the offense, the members of the sanity commission may be called as witnesses by the court, the defense, or the district attorney.” 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 a clear abuse of discretion. *State v. Bridgewater*, 00-1529 (La. 1/15/02), 823 So. 2d 888; *State v. Martin*, 00-0489 (La. 9/22/00), 769 So. 2d 1169.

Upon review, we find that the trial court adequately protected the defendant’s constitutional right to a competency determination. At the defense’s request, the court considered the defendant’s sanity at the time of the offense and his present capacity to proceed. The court appointed a sanity commission, including Dr. Jennifer Russell and Dr. Marc Colon, which found the defendant incompetent after examination. The defendant was then committed for eight weeks of restoration treatment. During this period, Dr. Russell reported the defendant could “discuss his legal situation as well as his relationship with counsel and available evidence, without evidence of mental disease or defect.” In contrast, Dr. Colon observed the defendant was unable to “maintain a consistent defense,” and “cannot listen to testimony of witnesses and inform his lawyer of any distortions or misstatements made by the witnesses.” Additionally, Dr. John Roberts, consulting psychiatrist, and Dr. Shannon Sanders, evaluating psychologist at ELMHS, noted: “the defendant has no memory defects or mental illness that would preclude him from being able to help his attorney” and “the defendant can testify relevantly and be cross-examined if it is necessary in his own defense.”

The record establishes that the defendant was deemed competent on April 10, 2025, and understood the charges against him. Notably, six months elapsed before trial; neither party challenged the defendant's competency, the defendant offered no evidence to renew the issue, and the record reflected no communication problems with counsel.

Dual Plea & Good Cause

When a defendant is tried on a plea of "not guilty," evidence of insanity or mental defect at the time of the offense shall not be admissible. La. C. Cr. P. art. 651. However, the defendant has the burden of establishing the defense of insanity at the time of the offense by a preponderance of the evidence. La. C. Cr. P. art. 652. Evidence pertaining to the defense of insanity at the time of the offense may be introduced at the trial by both the defense and by the district attorney. La. C. Cr. P. art. 653. The defendant in a felony case shall plead in person. The plea shall be made in open court and shall be immediately entered in the minutes of the court. A failure to enter a plea in the minutes shall not affect the validity of any proceeding in the case. La. C. Cr. P. art. 553.

A defendant may withdraw a plea of "not guilty" and enter a plea of "not guilty and not guilty by reason of insanity," within ten days after arraignment. La. C. Cr. P. art. 561. When the change of plea is sought after the ten-day period, the defendant must show that good cause exists to justify the change in plea and that the motion is not a dilatory tactic to achieve a strategic advantage. *State v. Mercer*, 564 So. 2d 783 (La. App. 2 Cir. 1990); *State v. Mickelson*, 50,940 (La. App. 2 Cir. 12/14/16), 210 So. 3d 898, writ denied, 17-0538 (La. 12/5/17), 231 So. 3d 626. In summary, "good cause" of Article 561 is shown when the defendant produces an indicium of insanity

and shows the plea is not changed as a dilatory tactic to achieve a strategic advantage. *State v. Miller*, 05-1826 (La. 6/29/07), 964 So. 2d 911.

Upon the trial of the defense of insanity at the time of the offense, the members of the sanity commission may be called as witnesses by the court, the defense, or the district attorney. Regardless of who calls them witnesses, the members of the commission are subject to cross-examination by the defense, by the district attorney, and by the court. La. C. Cr. P. art. 653. A judgment or ruling shall not be reversed by an appellate court because of any error, defect, irregularity, or variance which does not affect substantial rights of the accused. La. C. Cr. P. art. 921.

While the dual plea was entered after the commencement of trial, both the transcript and the minute entry show that the defendant was present with counsel and that the plea was discussed in his presence. The text of La. C. Cr. P. art. 561 leaves the “good cause shown” finding to the trial court; although the trial court did not use “good cause” on the record, we find the showing was established by the fact that all counsel had assumed the dual plea was in place. Had the trial court refused to treat the jointly requested plea as effective, the defendant would have been tried upon the plea of “not guilty” alone, barring any insanity defense.

The defendant further cites *State v. Lecompte*, 371 So. 2d 239 (La. 1978), alleging the testimony of the three sanity commission experts violated La. C. Cr. P. arts. 650, 651, and 653. However, the defense moved for the commission to request examinations of the experts to determine the defendant’s competency and sanity. The State had the right to call any experts of the sanity commission to testify, and its failure to call Dr. Colon does not render inadmissible the testimony of the other three experts who

were qualified without any objection by the defense and were cross-examined. The defense could have called Dr. Colon to testify; however, it inexplicably failed to do so.

Lastly, the trial court observed the defendant throughout the proceedings and noted no signs of incompetency. We find there was no violation of *Pate*, *Drope*, or Articles 553, 561, 650, 651, and 653. Therefore, the trial court did not abuse its discretion in finding the defendant competent and allowing the defense to enter a dual plea of “not guilty and not guilty by reason of insanity.”

Sentencing Delays

In the second assignment of error, the defendant argues that the trial court committed procedural errors under La. C. Cr. P. arts. 821, 853, 873, and 874. We note the defendant has raised this issue as an assignment of error, reviewable under La. C. Cr. P. art. 920(2). Specifically, the defendant alleges the trial court erred by sentencing him without first ruling on his pending post-trial motions. The defendant further contends the sentence must be vacated and the case remanded because the trial court failed to rule on the motions and did not observe or obtain an express waiver of the required 24-hour sentencing delay under Article 873.

A post-verdict judgment of acquittal shall be granted only if the court finds that the evidence, viewed in a light most favorable to the state, does not reasonably permit a finding of guilty. La. C. Cr. P. art. 821. A motion for new trial raises, among other things, the claim that the court ruling on an objection showed prejudicial error, or that the ends of justice would be served by granting a new trial. La. C. Cr. P. art. 851. The trial court is required to rule on a defendant’s motion for new trial prior to sentencing.

La. C. Cr. P. art. 853. Both La. C. Cr. P. arts. 821 and 853 require the trial court to rule on motions for new trial and post-verdict judgment of acquittal prior to imposing a sentence. *State v. McKnight*, 56,309 (La. App. 2 Cir. 7/16/25), 416 So. 3d 899, writ denied, 25-01042 (La. 2/10/26), 425 So. 3d 1205. Failure to do so requires the sentence to be vacated and the matter remanded for further proceedings. *State v. Randolph*, 409 So. 2d 554 (La. 1981); *El-Mumit v. Twenty-First Judicial District Court*, 500 So. 2d 414 (La. 1987); *State v. Thomas*, 50,085 (La. App. 2 Cir. 5/1/15), 166 So. 3d 379.

In *State v. Jackson*, 614 So. 2d 783 (La. App. 2 Cir. 1993), the defendant was convicted under La. R.S. 40:967 and sentenced to 15 years of hard labor. The defendant appealed, alleging numerous assignments of error, specifically, the lower court's failure to rule on motions for a new trial and post-verdict judgment of acquittal in advance of sentencing pursuant to La. C.C. arts. 821 and 853. The defendant filed motions for new trial and post-verdict judgment of acquittal on December 12, 1991, and was convicted on April 13, 1992. This record established neither the minutes nor transcripts of the proceedings; the trial judge ruled on the motions.

If a defendant is convicted of a felony, at least three days shall elapse between conviction and sentence. If a motion for a new trial, or in arrest of judgment, is filed, sentence shall not be imposed until at least 24 hours after the motion is overruled. If the defendant expressly waives a delay provided for in this article or pleads guilty, sentence may be imposed immediately. La. C. Cr. P. art. 873. Sentence shall be imposed without unreasonable delay. If a defendant claims that the sentence has been unreasonably

delayed, he may invoke the supervisory jurisdiction of the appellate court.

La. C. Cr. P. art. 874.

In this case, the defendant filed motions for a post-verdict judgment of acquittal and for a new trial on December 5, 2025, six days before sentencing. However, a review of the record shows no ruling on the motions appears before, during, or after sentencing, and neither the sentencing transcript nor the minute entry reflects that the trial judge addressed any of the motions. Accordingly, the requirements of La. C. Cr. P. arts. 821 and 853 were not met as the trial court did not dispose of the pending motions before sentencing the defendant. We must vacate the defendant's sentence and remand this matter to the trial court with instructions to rule on the motions and resentence the defendant

Moreover, the court found no reason to revisit the defendant's competency on the December 11, 2025, sentencing hearing because no bona fide doubt existed as to sanity. After the defendant was found competent on April 10, 2025, the defense raised no further competency concerns, and the record provided no reasonable basis to question the defendant's mental capacity to proceed. Thus, we find the defendant's argument regarding the trial court's failure to reassess his competency prior to sentencing lacks merit.

CONCLUSION

Accordingly, for the reasons set forth herein, the defendant's conviction is **AFFIRMED**, and this sentence is hereby **VACATED**.

We further remand this case to the trial court for further proceedings to rule on the motions and observe the required delay before resentencing the defendant to the mandatory life sentence pursuant to La. R.S. 14.30.1.

**CONVICTION AFFIRMED; SENTENCE VACATED;
REMANDED.**