

Judgment rendered September 30, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 922,
La. C. Cr. P.

No. 57,018-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA Appellee

versus

JOSEPH M. BRYANT Appellant

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Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 327,055

Honorable Donald Edgar Hathaway, Jr., Judge

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LOUISIANA APPEALS AND WRITS SERVICE Counsel for Appellant
By: Remy Voisin Starns
Desiree Marie Valenti

JOSEPH M. BRYANT Pro Se

JAMES E. STEWART, SR. Counsel for Appellee
District Attorney

CHRISTOPHER BOWMAN
JASON WAYNE WALTMAN
Assistant District Attorneys

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Before STONE, ROBINSON, and HUNTER, JJ.

STONE, J.

A unanimous jury found Joseph M. Bryant (the “defendant”) guilty of armed robbery and attempted aggravated rape. He was adjudicated a habitual offender and effectively sentenced to 65 years of incarceration. The defendant appeals his conviction and sentence, arguing that the trial court erred in finding him competent to proceed to trial, denying his motion to suppress the photographic lineup, and failing to comply with La. C. Cr. P. art. 894.1. For the reasons stated herein, we affirm the defendant’s convictions and sentence.

FACTS AND PROCEDURAL HISTORY

On the morning of August 22, 2014, the defendant knocked on the door of the victim’s (“S.S.”)¹ home under the pretense of soliciting business for a tree service. After persuading S.S. to crack the door open to accept a business card, the defendant forced his way into S.S.’s home. Upon gaining entry into the home, the defendant announced he was going to rape and kill her. Armed with a pocketknife, the defendant pushed S.S. onto a couch, straddled her, and began touching her private areas. S.S. begged him to stop and offered him all her cash, jewelry, and her vehicle. The defendant relented just long enough to follow S.S. into a bedroom to retrieve \$120 from her purse. The defendant then got S.S. on the bed and once again straddled S.S., rendering her unable to move. Suddenly, the defendant stopped and began to cry. He said S.S. was “nice” and exited her home. Once he was outside, S.S. locked the door, told him to leave, and called the police.

¹ The initials S.S. are used in this opinion, pursuant to La. R.S. 46:1844(W)(1)(b), to protect the identity and provide for the safety and welfare of crime victims.

The defendant was subsequently arrested in connection with other incidents. Approximately one month later, S.S. was presented with a photographic lineup and identified the defendant as the perpetrator. The defendant claimed that the lineup was improperly suggestive because the defendant's picture was taken closer to him and was against a lighter background, whereas the other lineup photos were taken further away from the camera and standing against darker backgrounds. The trial court denied the defense's motion to suppress the lineup.

The defendant's mental status became an issue leading up to trial, and the trial court impaneled a sanity commission comprising two members, Dr. Jennifer L. Russell, Ph. D. ("Dr. Russell") and Dr. Marc A. Colon, M.D. ("Dr. Colon"). Drs. Russell and Colon authored conflicting reports regarding the defendant's competency. Accordingly, the trial court ordered a third member to the panel, Dr. M. Todd Lobrano, Ph. D. ("Dr. Lobrano"), who — like Dr. Colon — found the defendant competent. While all panel members agreed that the defendant has substantial mental health problems, Drs. Lobrano and Colon found that the defendant was malingering and feigned and/or exaggerated the degree of his mental impairment for self-serving purposes.

The defendant's diagnoses and symptoms included major depressive disorder, schizophrenia, auditory and visual hallucinations, delusions, and paranoia, and yet the defendant did not enter an insanity plea ("NGRI").² Without a hearing, the trial court adopted the majority view of the panel, and determined the defendant was fit to stand trial.

² Acronym for "not guilty and not guilty by reason of insanity."

On August 21, 2025, a jury unanimously convicted the defendant for the attempted aggravated rape and armed robbery of S.S. After waiving sentencing delays, the defendant was sentenced August 27, 2025, to concurrent terms of 50 years and 65 years imprisonment for attempted aggravated rape and armed robbery, respectively. During the sentencing phase, the State presented testimony about the defendant's previous conviction of sexual assault in Dallas, Texas, and the testimony of another victim that the defendant had raped her in Dallas. The defendant also pled guilty to robbery in Dallas in 1994 and was sentenced to 20 years. The State further noted the defendant's attempted robbery of another local Shreveport woman, which led to his identification as the assailant in this case.

The trial court proceeded to detail the facts of the instant offense in consideration of La. C. Cr. P. art 894.1. The trial court listed as aggravating factors: (1) the defendant's actions exhibited deliberate cruelty to S.S., (2) the defendant created a risk of death or great bodily injury to more than one person (had someone else come home), (3) the defendant used threats or actual violence in the commission of the offenses, (4) the offenses resulted in significant permanent injury to S.S. and her family, and (5) the defendant used a dangerous weapon in the commission of the offenses. Specifically, the trial court noted that S.S. has PTSD³ and the offenses affected her relationship with her family members. The trial court further considered the defendant's history of sexual assault, rape of a high school teenager, and armed robbery. No mitigating factors were found by the trial court to apply. Accordingly, the trial court imposed a sentence 50 years, imprisonment for

³ Post-traumatic stress disorder.

the attempted aggravated rape and 65 years, imprisonment for the armed robbery of S.S. and ordered that the sentences be served concurrently and without benefits.

ASSIGNMENTS OF ERROR

The defense asserts that the trial court erred in: (1) finding the defendant competent to proceed to trial; (2) denying the defendant's motion to suppress photographic lineup, which ultimately tainted the in-court identification of the defendant by S.S.; and (3) imposing a constitutionally excessive sentence in failing to comply with La. C. Cr. P. art. 894.1 by not considering the defendant's mental illness and its effect on the defendant's behavior.

ARGUMENTS

Competency Determination; Abuse of Discretion

The defense argues that the reports of the sanity commission reflect the defendant's inability to assist in his defense. Specifically, the defense alleges that the defendant's poor performance on a competency assessment designed for individuals with intellectual disabilities is counterintuitive to Dr. Lobrano's conclusion that the defendant could understand abstract legal concepts and assist in his own defense. The defense also asserts that without a competency hearing, the trial court accepted the three reports at face value; moreover, although Drs. Colon and Lobrano ultimately found the defendant competent, their reports show the defendant had a very poor understanding of the legal system. Under the criteria of *State v. Bennett*, 345 So. 2d 1129 (La. 1977), all three sanity commission reports reflect that the defendant's lack of full understanding regarding the nature of the charges, including the defendant's inability to remember the state in which his charges arose. The

defendant also could not accurately recall the facts of the case, and referred instead to facts involving a Walgreens, and relied on his sister's statement that he was not in Louisiana when the instant crimes occurred. The defense argues that if the defendant was incapable of accurately recalling the incident for which he stood trial, then he was certainly incapable of listening to witness' testimony or alerting counsel to any distortions or misstatements. Thus, the substance of the sanity reports shows the defendant was neither competent to proceed to trial nor able to assist in his defense.

The state counters that this court has recently and repeatedly held that a defendant may waive a full hearing and submit the issue of competency based on the uncontroverted reports of the appointed doctors. *State v. Ary*, 56,273 (La. App. 2 Cir. 5/21/25), 411 So. 3d 972, 981; *State v. Harper*, 55,363 (La. App. 2 Cir. 1/10/24), 377 So. 3d 1283; *State v. Darnell*, 43,048 (La. App. 2 Cir. 8/13/08), 988 So. 2d 870, 876; *State v. Wry*, 591 So. 2d 774 (La. App. 2 Cir. 1991). In this case, that is precisely what the defense and the state stipulated (i.e., that the matter be submitted on the doctors' reports). The defense could have presented evidence and had the doctors testify at a sanity hearing but chose otherwise. Accordingly, the trial court (acting within the law and its discretion), relied upon the reports of the experts to make its determination of competence.

Photo Identification; Unconstitutionally suggestive

The defense counsel argues here — as it did during the hearing of its motion to suppress — that the photographic lineup consisting of six photographs was unduly suggestive in that defendant's photograph is conspicuous; specifically, the defendant appeared to be a very closeup photograph while the other five photographs seemed to be taken at a

distance. Additionally, the background in his photograph is significantly lighter than the photographs of the others. Therefore, the lineup drew attention to the defendant and was unduly suggestive to S.S., which the defense argues could have led S.S. to select the defendant as her perpetrator. The defendant also suggests that the use of this procedure led to the likelihood of misidentification of the defendant by S.S. at trial. The record reflects that S.S. did not know her assailant prior to her assault and was not shown the lineup photos until approximately one month after the assault. Accordingly, the trial court erred in finding the identification process reliable and failing to exclude the identification, thereby violating the defendant's constitutional right to due process.

The state maintains that the trial court credited the testimony of Detective Monique Coleman (of the Shreveport Police Department) and relied on its own observation of the lineup shown to S.S. and concluded that the lineup was not unduly suggestive. Upon observation, the trial court determined that the six photos were consistent in appearance, and (that in terms of color or contrast of the backgrounds of the photos) did not agree that all the photos except the defendant's were identical. The trial court opined "they all are very (sic) — they have a variance in contrast . . . I don't find the contrast to make the photographs distinguishable or in some way suggestive." The state submits that the trial court properly denied the defendant's motion to suppress. The state further submits that even if we were to find the lineup suggestive, then the totality of the circumstances — including the S.S.'s opportunity to observe her assailant, her detailed description of him to police, and her level of certainty in immediately

choosing the defendant's photo after only four weeks passage of time — negates any likelihood of misidentification.

Excessive Sentence

The defense argues that the defendant's actions at the time of the alleged offenses were admittedly bizarre and potentially indicative of his mental or psychiatric problems, which the trial court was made aware of by the sanity commission. The defendant has struggled with mental disorders most of his life and his mental health issues should have served to mitigate his 65-year prison sentence.

The trial court indicated the factors it considered pursuant to La. C.Cr.P. art. 894.1 in sentencing the defendant. However, the trial court did not give any consideration to the defendant's extensive mental disorders. In fact, the trial court stated on the record that none of the mitigating factors of Article 894.1 applied. However, La. C. Cr. P. art. 894.1(B)(33) provides for consideration of "any other relevant mitigating circumstance." The defense argues that the defendant's mental health deficiencies and multiple documented psychiatric diagnoses are relevant and should have been a mitigating factor. The defense asserts that based upon the facts of this case and the age and background of the defendant, 65 years for attempted aggravated rape and armed robbery is nothing more than the purposeless imposition of pain and suffering. The defense argues that those sentences for this crime under this unique set of circumstances should shock the sense of justice, even considering the harm done to S.S. and society. The defense reiterates that the defendant did not rape S.S., not because he was caught, or was incapable, or was overpowered, but because he stopped himself and left

S.S.'s home of his own volition. Consequently, the sentences must be vacated and the matter remanded for further proceedings.

The state asserts that since the defendant's motion to reconsider sentence raises only a claim of constitutional excessiveness, a defendant is relegated, under La. C. Cr. P. art. 881.1(E), to a review of the sentence on that ground alone. *State v. Doyle*, 56,576 (La. App. 2 Cir. 11/19/25), 425 So. 3d 304. By failing to state specific grounds for his motion to reconsider sentence, the defendant has waived his right to have his sentence reviewed for compliance with Article 894.1. As a result, this Court should examine only the question of whether his sentence exceeds the punishment allowed by the state and federal constitutions.

According to the state sentences of 50 years and 65 years without benefits on each count respectively, to run concurrently, are not constitutionally excessive for this serial rapist and robber. The state credits S.S.'s behavior and quick thinking as the reason she was able to escape rape and death. The state argues that the defendant (1) cunningly convinced S.S. to crack open her door and forced his way inside her home announcing that he was there to rape and kill her, (2) followed S.S. around her home with a knife in his hand for 15-25 minutes, (3) straddled and fondled S.S. twice, once on the couch and once on her bed, and (4) took S.S.'s money. Ultimately, S.S.'s life is forever changed because of her encounter with the defendant. The state asserts that the trial court did not abuse its discretion in imposing these sentences within the applicable ranges and the defendant's sentences do not shock the sense of justice and should be affirmed.

LAW

The Fourteenth Amendment's due process clause protects an individual's right not to proceed to trial while legally incompetent. *State v. Odenbaugh*, 10-0268 (La. 12/6/11), 82 So. 3d 215, *cert. denied*, 568 U.S. 829, 133 S.Ct. 410, 184 (2010); *State v. Taylor*, 49, 467 (La. App. 2 Cir. 1/14/15), 161 So. 3d 963.

La. C.Cr. Pr. art. 641 provides:

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. Pr. art. 643 provides:

The court shall order a mental examination of the defendant when it has reasonable grounds to doubt the defendant's mental capacity to proceed.

Reasonable grounds in this context refers to information which, objectively considered, should reasonably raise a doubt about the defendant's competency and alert the court to the possibility that the defendant can neither understand the proceedings, appreciate the proceedings' significance, nor rationally aid his attorney in his defense. *State v. Campbell*, 06-0286 (La. 5/21/08), 983 So. 2d 810, *cert. denied*, 555 U.S. 1040, 129 S.Ct. 607 (2008); *State v. Crossley*, 48,149 (La. App. 2 Cir. 6/26/13), 117 So. 3d 585, *writ denied*, 13-1798 (La. 2/14/14), 132 So. 3d 410.

Louisiana law presumes a defendant's sanity. La. R.S. 15: 432; *State v. Holmes*, 06-2988 (La. 12/2/08), 5 So. 3d 42, *cert. denied*, 558 U.S. 932, 130 S.Ct. 70, (2009); *State v. Anderson*, 51, 603 (La. App. 2 Cir. 9/27/17), 244 So. 3d 640, *writ denied*, 17-1913 (La. 6/1/18), 243 So. 3d 1062.

Therefore, an accused bears the burden of proving by a preponderance of the evidence that he lacks the capacity to stand trial. *Holmes, supra; Taylor, supra*. Although a trial court may receive expert medical testimony on the issue of a defendant's competency to proceed to trial, the ultimate decision of capacity rests alone with the trial court. La. C. Cr. P. art. 647; *Holmes, supra; Anderson, supra; Taylor, supra*. 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. *Taylor, supra*.

The Louisiana Supreme Court provided the proper considerations to determine whether a defendant is fully aware of the nature of the proceedings against him, which include whether he: (1) understands the nature of the charge and can appreciate its seriousness; (2) understands what defenses are available; (3) can distinguish a guilty plea from a not guilty plea and understand the consequences of each; (4) has an awareness of his legal rights; and, (5) understands the range of possible verdicts and the consequences of conviction. *Bennett, supra; Anderson, supra*.

The *Bennett* court also provided the following factors to consider when determining an accused's ability to assist in his defense, including whether a defendant: (1) is able to recall and relate facts pertaining to his actions and whereabouts at certain times; (2) is able to assist counsel in locating and examining relevant witnesses; (3) is able to maintain a consistent defense; (4) is able to listen to the testimony of witnesses and inform his lawyer of any distortions or misstatements; (5) has the ability to make simple decisions in response to well explained alternatives; (6) is capable of testifying in his own defense if necessary to defense strategy; and

(7) is apt to deteriorate in his mental capacity under the stress of trial. *Id.*; *Anderson, supra*.

Trial courts are vested with great discretion when ruling on a motion to suppress. Consequently, the ruling of a trial judge on a motion to suppress will not be disturbed absent an abuse of that discretion. *State v. Long*, 03-2592 (La. 9/9/04), 884 So. 2d 1176, *cert. denied*, 544 U.S. 977, 125 S.Ct. 1860 (2005).

On the trial of a motion to suppress, the burden of proof is on the defendant to prove the ground of his motion. La. C. Cr. P. art. 703(D). In seeking to suppress an identification, the defendant must prove the identification procedure used was suggestive and that the totality of the circumstances presented a substantial likelihood of misidentification. *State v. Stokes*, 36,212 (La. App. 2 Cir. 9/18/02), 828 So. 2d 631, *writ denied*, 02-2807 (La. 9/05/03), 852 So.2d 1023. The likelihood of misidentification violates due process when the totality of the circumstances indicate that misidentification probably occurred. *State v. Brown*, 40,769 (La. App. 2 Cir. 3/8/06), 923 So.2d 976, *citing Neil v. Biggers*, 409 U.S. 188, 93 S.Ct. 375, (1972).

A lineup is unduly suggestive if the procedure used focuses attention on the defendant. For example, distinguishing marks on the photos may single out the accused, or suggestiveness can arise if sufficient resemblance of physical characteristics and features do not reasonably test identification. *Stokes, supra*. It is not required that each person whose photograph is used in the lineup have the exact physical characteristics as the defendant. What is required is a sufficient resemblance to reasonably test the identification. *State v. Smith*, 430 So. 2d 31 (La. 1983); *State v. Davis*, 27,961 (La. App. 2

Cir. 4/8/96), 672 So. 2d 428, *writ denied*, 97-0383 (La. 10/31/97) 703 So. 2d

12. Positive identification by only one witness may be sufficient to support a conviction. *Id.*

The U.S. Supreme Court sets forth several factors for evaluating whether the reliability of an identification may outweigh the suggestiveness of the procedures employed. The factors are: (1) the opportunity of the witness to view the criminal at the time of the crime; (2) the witness's degree of attention; (3) the accuracy of the victim's prior description of the criminal; (4) the level of certainty demonstrated at the confrontation; and (5) the time between the crime and the confrontation. *Manson v. Brathwaite*, 432 U.S. 98, 97 S.Ct. 2243 (1977); *Neil, supra*.

A sentence is excessive and unconstitutional if it is grossly out of proportion to the severity of the crime or if it is nothing more than the purposeless and needless imposition of pain and suffering. *State v. Bonanno*, 384 So. 2d 355 (La. 1980). A sentence is considered grossly disproportionate if, when the crime and punishment are considered in light of the harm done to society, it shocks the sense of justice. *State v. Modisette*, 50,846 (La. App. 2 Cir. 9/28/16), 207 So. 3d 1108. The sentencing 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. On review, an appellate court does not determine whether another sentence may have been more appropriate, but whether the trial court abused its discretion. *Doyle, supra*. The sentencing exposure for attempted aggravated rape is not less than ten nor more than fifty years at hard labor without benefits. La. R.S. 14:27(D)(1)(a); La. R.S. 14:42(D)(1). Armed robbery is punishable by

imprisonment at hard labor for not less than ten and not more than ninety-nine years without benefits. La. R.S. 14:64(B).

ANALYSIS

The defendant's argument that the trial court erred in finding the defendant competent for trial is without merit. There seems to be no question that the defendant experiences varying degrees of mental disorder; however, that does not mean that the defendant does not understand the nature of the proceedings against him and is incapable of assisting in his defense. The defendant bears the burden to prove by a preponderance of the evidence that he lacks the capacity to stand trial. *Holmes, supra*. In the present case, the defendant waived any right to a full sanity hearing and submitted the matter to the trial court on the sanity commission's doctor experts. The trial court exercised its discretion to accept the opinions of the doctors who opined that the defendant was competent and capable of assisting in his defense. Notably, two of the three doctors opined that the defendant was not only competent and capable but also that the defendant exhibited signs of malingering and feigning or exaggerating his symptoms. The trial court thus did not abuse its discretion in finding the defendant competent to proceed to trial.

We find no abuse of discretion in the trial court in denying the defendant's motion to suppress the photo lineup. In the matter *sub judice*, the Shreveport police followed the procedure in place at the time of the lineup in both constructing the lineup itself and showing it to S.S. The lineup was not unduly suggestive, nor was the photograph of the defendant of such a different appearance or character from the other five photographs to draw direct attention. Even if there was any level of suggestiveness, the

totality of the circumstances negated any likelihood of misidentification.

We now turn to the following factors in evaluating whether the reliability of an identification may outweigh the suggestiveness of the procedures employed. The factors are: (1) the opportunity of the witness to view the criminal at the time of the crime; (2) the witness's degree of attention; (3) the accuracy of the victim's prior description of the criminal; (4) the level of certainty demonstrated at the confrontation; and (5) the time between the crime and the confrontation. *Manson, supra; Neil, supra; Davis, supra*. In this instance, S.S. had the opportunity to see her assailant up close for several minutes when he straddled her and threatened her, S.S. gave a detailed description of the defendant to the police, and S.S. had a significant level of certainty in immediately choosing the defendant's photo after only four weeks, all of which negates the likelihood of misidentification. The trial court was well within its discretion in denying the motion to suppress the lineup.

Finally, the defendant argues that the trial court failed to comply with La. C. Cr. P. art. 894.1 by not adequately considering his mental illness in imposing sentence, which resulted in constitutionally excessive sentences. Ordinarily, appellate review of sentences for excessiveness utilizes a two-prong process — examining whether the trial court adequately considered the guidelines established in La. C. Cr. P. art. 894.1 and whether the sentence is constitutionally excessive. However, when the motion to reconsider sentence raises only a claim of constitutional excessiveness, a defendant is relegated, under La. C. Cr. P. art. 881.1(E), to review of the sentence on that ground alone. *Doyle, supra*. In this case, the defendant's motion to reconsider sentence challenges only the constitutional

excessiveness of his sentence and thus he is relegated to constitutional review. The defendant's sentences do not shock the conscience and are not purposeless or meaningless punishment. The defendant forced his entry into S.S.'s home, told her he was going to rape and kill her, attempted to rape her twice, sexually assaulted her with a pocketknife in his hand, and stole money from her. Under the facts and circumstances of this case, and in consideration of the harm done to society, the sentences imposed on the defendant are not disproportionate and do not shock the sense of justice. The sentencing exposure for attempted aggravated rape is not less than ten nor more than fifty years at hard labor without benefits. La. R.S. 14:27(D)(1)(a); La. R.S. 14:42(D)(1). Armed robbery is punishable by imprisonment at hard labor for not less than ten and not more than ninety-nine years without benefits. La. R.S. 14:64(B). The defendant's sentences of 50 years and 65 years without benefits on each count respectively, to run concurrently, are not constitutionally excessive under these circumstances. Accordingly, there is no showing that the trial court abused its discretion in the sentence imposed.

CONCLUSION

Defendant's convictions and sentence are **AFFIRMED.**

AFFIRMED.