

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

No. 57,059-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA Appellee

versus

DEMAXAMILLION KEYSHAWN Appellant
WASHINGTON

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Appealed from the
Twenty-Sixth Judicial District Court for the
Parish of Bossier, Louisiana
Trial Court No. 241,980A

Honorable Michael Owens Craig, Judge

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LOUISIANA APPEALS AND Counsel for Appellant
WRIT SERVICE
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Before PITMAN, THOMPSON, and ROBINSON, JJ.

ROBINSON, J.

Demaxamillion Washington appeals his five-year hard labor sentence, arguing that it is constitutionally excessive. We affirm his sentence.

FACTS

Washington was charged by a bill of information with aggravated criminal damage to property in violation of La. R.S. 14:55. The bill stated that on or about February 6, 2022, Washington “did intentionally damage any structure, watercraft, or movable by any means other than fire or explosion, wherein it is foreseeable that human life might be endangered.”

On October 13, 2025, Washington pled guilty as charged. At the hearing, the assistant district attorney read into the record the language from the bill of information. Two pending felony charges were dismissed pursuant to the plea agreement. A presentence investigation (“PSI”) was ordered by the court.

A sentencing hearing was held on January 20, 2026. The judge noted that Washington, who was 29 years old at the time and a first felony offender, had been arrested nine times as an adult, with eight of those arrests being for a crime against a person or a felony. The judge also noted that since the current offense, Washington had been arrested twice for crimes against a person and once for criminal trespassing.

The judge stated that Washington had never successfully completed any of his five misdemeanor probations as all were terminated unsatisfactorily. That was disputed by Washington, who claimed to have completed every probation. Washington then stated that he never knew that he was on probation.

The judge acknowledged that Washington had been a regular in his courtroom for years. In fact, the judge knew Washington on a first-name basis because Washington had been in his courtroom so often.

The judge believed that any lesser sentence would deprecate the seriousness of Washington's offense. His criminal history was considered by the judge to be an aggravating factor. Mitigating factors were that Washington had always shown up for court, and his cases had always been pled down to misdemeanors, which the judge believed meant there were some extenuating circumstances for a lot of them.

The court imposed a sentence of five years at hard labor. Washington's attorney objected to the sentence. Washington later filed a motion to reconsider sentence in which he argued that his sentence was excessive and unconstitutional. The motion was denied. Washington has appealed his sentence.

DISCUSSION

Washington argues on appeal that his five-year hard labor sentence is constitutionally excessive where there was no articulated factual basis for the sentence and where the court resolved the probation dispute without any inquiry after Washington contested the judge's assertion that his probations had been terminated unsatisfactorily.

A reviewing court imposes a two-prong test to determine whether a sentence is excessive. First, the record must show that the trial court took cognizance of the criteria set forth in La. C. Cr. P. art. 894.1. *State v. Bailey*, 56,691 (La. App. 2 Cir. 12/17/25), 425 So. 3d 969. The trial court is not required to list every aggravating or mitigating circumstance so long as the record reflects adequate consideration of the guidelines of the article. *State*

v. Smith, 433 So. 2d 688 (La. 1983); *State v. Andrews*, 56,402 (La. App. 2 Cir. 8/27/25), 419 So. 3d 432. 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). The articulation of the factual basis for the sentence is the goal of art. 894.1, not rigid or mechanical compliance with its provisions. *State v. Lanclos*, 419 So. 2d 475 (La. 1982); *State v. Harper*, 56,619 (La. App. 2 Cir. 12/17/25), 426 So. 3d 799. 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 art. 894.1. *Id.*

In sentencing, the important elements which should be considered are the defendant's personal history (age, familial 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. Smith*, 56,721 (La. App. 2 Cir. 2/25/26), 429 So. 3d 1191. There is no requirement that specific matters be given any particular weight at sentencing. *State v. Bailey, supra.*

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. Haire*, 55,289 (La. App. 2 Cir. 2/28/24), 381 So. 3d 230, *writ denied*, 24-00391 (La. 11/20/24), 396 So. 3d 69. 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. Hodge*, 56,696 (La. App. 2 Cir. 3/27/26), 431 So. 3d 1239.

A trial court has wide discretion in the imposition of sentences within the statutory limits, and such sentences should not be set aside as excessive in the absence of a manifest abuse of that discretion. *State v. Williams*, 03-3514 (La. 12/13/04), 893 So. 2d 7; *State v. Causey*, 56,822 (La. App. 2 Cir. 8/26/26), 2026 WL 2507650, ___ So. 3d ___. On review, an appellate court does not determine whether another sentence may have been more appropriate, but whether the trial court abused its discretion. *Id.*

Washington faced a punishment of a fine of not more than \$10,000 dollars, imprisonment with or without hard labor for not less than one nor more than 15 years, or both.

Washington argues that his sentence fails the first prong of the excessiveness test because the court did not state an adequate factual basis for the sentence on the record as it did not state the facts of the offense. Thus, he maintains that the court could not find that a lesser sentence would deprecate the seriousness of the offense. Washington further argues that his sentence was premised on a disputed fact concerning his past probations, and the court resolved that dispute without giving Washington the opportunity to rebut the PSI. Washington contends that his sentence should be vacated and remanded for resentencing on an adequate record.

Washington maintains that his claims were fully preserved by a contemporaneous objection and a motion to reconsider sentence. However, neither the objection nor the motion to reconsider sentence raised the specific grounds now asserted on appeal. Because Washington's motion to reconsider sentence raised only a claim that the sentence imposed was

constitutionally excessive, he is relegated to review of his sentence on that ground alone. *See State v. Johnson*, 56,455 (La. App. 2 Cir. 10/1/25), 420 So. 3d 1239. Nevertheless, even if this court were to consider Washington's arguments on appeal, we would find them to be meritless.

Washington confuses the factual basis for an offense with the factual basis for a sentence. Not only did the trial judge have the benefit of a PSI prior to sentencing, but he also had firsthand knowledge of Washington due to prior court appearances. The judge considered Washington's lengthy criminal history to be an aggravating circumstance, while he considered Washington's past diligence in appearing for court and the fact his prior charges were pled down to misdemeanors to be mitigating circumstances. There was an adequate factual basis for the sentence stated on the record. Further, while Washington complains that the judge did not delve further into his probation history, Washington first protested that he had completed every probation before stating that he never knew he was on probation.

The state maintains that two felony charges of aggravated battery under docket number 241,980 were dismissed pursuant to the plea agreement. At the guilty plea hearing, the state informed the court that charges under 241,980B and 241,980C would be dismissed as part of the plea agreement. The PSI does not reflect both counts; rather, it shows an aggravated battery with a dangerous weapon charge under 241,980 that was dismissed on October 13, 2025, the date of the guilty plea. Regardless of whether there were one or two pending aggravated battery charges, Washington received some benefit through his plea bargain agreement.

Washington's five-year hard labor sentence does not shock the sense of justice, and the court did not abuse its discretion in imposing it. His sentence is affirmed.

CONCLUSION

For the foregoing reasons, Washington's sentence is affirmed.

AFFIRMED.