

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

No. 57,061-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA Appellee

versus

CHRISTOPHER DANIEL AGEE JR. Appellant

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Appealed from the
Twenty-Sixth Judicial District Court for the
Parish of Bossier, Louisiana
Trial Court No. 222,322

Honorable Michael Nerren, Judge

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LOUISIANA APPEALS AND Counsel for Appellant
WRIT SERVICE
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Before COX, ROBINSON, and ELLENDER, JJ.

ELLENDER, J.

Christopher Agee, Jr. was arrested and charged with the second degree murder of Michael Matthews. Agee ultimately pled guilty to attempted second degree murder with the understanding there would be a sentencing cap of 40 years at hard labor, and the state would dismiss an unrelated charge. Agee now appeals his conviction and sentence, contending his guilty plea was tainted because the record did not show he had the specific intent to kill Matthews, which is required for a conviction of attempted second degree murder. For the following reasons, we affirm Agee's conviction and sentence.

FACTS

Because the matter arose by guilty plea, the factual background is sparse. However, according to the presentence investigation ("PSI"), on September 6, 2022, the victim, Matthews, and Yolanda Warmesley, Agee's mother and Matthews' girlfriend, went to Agee's place of work, the Brookshire's store in Haughton, to confront him about speeding in his mother's car and get the keys back from him. Agee refused, and the pair scuffled, knocking Matthews to the pavement. Matthews and Warmesley left and went to Warmesley's home, located on Alex Way in Haughton. Agee followed shortly thereafter and, upon his arrival, another scuffle ensued. Matthews initially tried to escape, but was unsuccessful. Matthews then grabbed Agee around the neck, but when he let go, Agee pulled a handgun out of his waistband and fired, striking Matthews. Warmesley heard a shot and saw Matthews on the ground, covered in blood. Agee told her, "You don't have to worry about him anymore." Matthews died very shortly thereafter as a result of being shot by Agee.

PROCEDURAL HISTORY

A grand jury indicted Agee for second degree murder, with the indictment stating Agee “did commit second degree murder of Michael Alan Matthews, the offender having specific intent to kill or to inflict great bodily harm.”

In September 2025, the following plea agreement was reached: Agee would plead guilty to attempted second degree murder with a sentence cap of 40 years, with the actual sentence at the trial court’s discretion. The state also agreed to dismiss an unrelated criminal case as a part of the agreement. Prior to accepting the plea, the court asked Agee’s age (25) and level of education (10th grade), and confirmed he was not under the influence. Agee was also advised of his right to counsel, the sentencing range, and his rights to trial by jury, confrontation and cross-examination, and compulsory process of witnesses. The court asked Agee if he was pleading guilty to attempted second degree murder “because you’re in fact guilty,” and Agee said, “Yes, sir.”

The trial court requested the state recite the factual basis for Agee’s guilty plea for the record. The prosecutor stated:

[O]n or about September 6, 2022, on or about the confines of the residence 619 Alex Way Lane in Haughton, Louisiana, which is located in Bossier Parish, Louisiana, the defendant, Christopher Daniel Agee, did commit the murder of Michael Allen Matthews. Mr. Agee had the specific intent to kill or inflict great bodily harm when committing the murder of Michael Matthews. The defendant committed this act contrary to the laws of the State of Louisiana. And, your honor, for the sake of judicial efficiency and with the victim’s family’s consent, the state is entering this plea agreement to the charge of attempted second degree murder.

The court asked Agee, “Those statements [are] true and correct?”

Agee replied, “not really. * * * I didn’t have the — .”

The court then interrupted, “Hold on. * * * I have to have definitive answers to questions. * * * When you say ‘not really,’ that bothers me a little bit. So what do you mean by ‘not really’?”

Agee then conferred with counsel, who came back and said, “What I cleared up was [the prosecutor] read what’s in the statute, which is specific intent to kill or inflict bodily harm. It doesn’t have to be both of those things, * * * it can be an either or. And I think in this situation, it’s more intent to inflict harm than specific intent to kill.” The court asked Agee, “You’re satisfied now after getting that explanation from your attorney?” Agee replied, “Yes sir.” The court then accepted the guilty plea.

At sentencing, in December 2025, the victim’s brother gave an impact statement, and the court acknowledged several letters from the victim’s family and friends. After discussing some sentencing factors, the court found the agreed upon cap was appropriate and sentenced Agee to 40 years at hard labor. Agee’s appeal followed.

DISCUSSION

Agee raises one assignment of error: the trial court erred in accepting his guilty plea to attempted second degree murder where the record showed Agee did not have the intent to kill, an essential element of the offense. He argues while second degree murder may be proved by intent to kill or inflict great bodily harm, attempted second degree murder requires intent to kill. He contends his *Boykin* colloquy established he had no intent to kill. Conferring with counsel and then affirmatively stating he wished to enter a plea of guilty could not cure the defect in his *Boykin* colloquy because the trial court must inform the defendant that intent to cause death is an essential element of the offense. Agee argues the trial court should have re-

Boykinized him or rejected the guilty plea. He also contends his colloquy violated La. C. Cr. P. art. 556.1 (A)(1), which requires the trial court to address him personally in open court and inform him of “the nature of the charge to which the plea is offered.” Agee asks this court to vacate his conviction and sentence and remand for further proceedings.

The state argues the fundamental issue is whether the defendant understood the nature of the charge to which he was pleading guilty, and the consequences of it. The state argues Agee was properly advised of his rights as required by *Boykin v. Alabama*, 395 U.S. 238, 89 S. Ct. 1709, 23 L. Ed. 2d 274 (1969), as well as La. C. Cr. P. art. 556.1. Any misunderstandings between a defendant and his counsel do not render a guilty plea involuntary, and any noncompliance with La. C. Cr. P. art. 556.1 is subject to harmless-error analysis. Finally, the fact the victim did, in fact, die, shows intent to kill, not just to cause great bodily harm. The state asks us to affirm Agee’s conviction and sentence.

A plea of guilty normally waives all nonjurisdictional defects, including claims of insufficient evidence. *State v. Willis*, 52,126 (La. App. 2 Cir. 8/15/18), 253 So. 3d 915; *State v. Mack*, 45,552 (La. App. 2 Cir. 8/11/10), 46 So. 3d 801. A valid guilty plea relieves the state of the burden of proving guilt and waives a defendant’s right to question the merits of the state’s case and the factual basis underlying the conviction, as well as appellate review of the state’s case against the defendant. *State v. Miller*, 52,211 (La. App. 2 Cir. 8/15/18), 254 So. 3d 23; *Willis, supra*; *Mack, supra*. Except in the case of an *Alford* plea, a trial court is not required to ascertain a factual basis for the crime prior to accepting a guilty plea. However, doing

so provides a method by which the trial court can test whether the pleas were voluntarily and intelligently entered. *Miller, supra*.

Under La. C. Cr. P. art. 556.1, a valid guilty plea must be a voluntary choice by the defendant and not the result of force or threats. La. C. Cr. P. art. 556.1 also provides that prior to accepting a guilty plea, the court must personally inform the defendant of the nature of the charge to which the plea is offered, any mandatory minimum penalty, and the maximum possible penalty. When the record establishes an accused was informed of and waived his right to a trial by jury, to confront his accusers, and against self-incrimination, the burden shifts to the accused to prove that despite the record, his guilty plea was involuntary. *State v. Williams*, 56,351 (La. App. 2 Cir. 7/16/25), 416 So. 3d 943. An express and knowing waiver of an accused's rights must appear on the record, and an unequivocal showing of a free and voluntary waiver cannot be presumed. *Boykin v. Alabama, supra*; *Williams, supra*.

A guilty plea is invalid when the defendant is induced to plead guilty by a plea agreement or by what the defendant reasonably believes is a plea agreement and the terms of the bargain are not satisfied. *State v. Knight*, 54,236 (La. App. 2 Cir. 3/9/22), 335 So. 3d 502, *writ denied*, 2022-00764 (La. 9/7/22), 345 So. 3d 426. Where a defendant's misunderstanding is not induced by or attributed to representations made by the district attorney or the trial court, there are no grounds for withdrawal of the plea. *Id.* A misunderstanding between counsel and defendant does not render a defendant's guilty plea not "free and voluntary." *Id.*

In the instant case, the trial court advised Agee of his right to be tried by a jury, the right to confront and cross-examine any witnesses against him,

and his right against self-incrimination. Agee was informed of the trial court's understanding he wished to plead guilty to one count of attempted second degree murder, and the trial court confirmed the sentencing agreement between Agee and the state, which provided for a sentence cap of 40 years at hard labor. Agee affirmed he had the opportunity to discuss with counsel the facts of his case and his desire to enter a guilty plea. He agreed counsel explained the charge to which he would be pleading, as well as the sentence cap of 40 years. Agee acknowledged no one threatened or coerced him into pleading guilty. While the court itself did not read the charge to Agee, it did request the state recite the factual basis for the plea, which specifically included a recitation of the second degree murder statute, as well as the state's agreement to allow Agee to plead guilty to attempted second degree murder and receive the benefit of a 40-year sentence cap.

While the record does reflect Agee initially took issue with the state's factual basis, the trial court immediately paused the proceedings. After conferring with counsel, Agee stated he wished to proceed with his guilty plea and was satisfied with the explanation given to him by his attorney. He acknowledged the truth of the state's previously recited factual basis and stated he wished to enter a plea of guilty to the amended charge of attempted second degree murder. The trial court asked counsel if she believed her client understood his rights as explained and was freely and voluntarily waiving those rights to enter a plea of guilty to attempted second degree murder; counsel responded affirmatively. Agee was then asked again if he wanted to plead guilty or not guilty to the amended charge of attempted second degree murder. Agee entered a plea of guilty.

We find the record in this matter supports the trial court's determination Agee's plea was knowing, intelligent, and voluntary, in compliance with *Boykin* and La. C. Cr. P. art. 556.1. Further, while we find the record contains no evidence Agee's guilty plea was the result of force or coercion, it does contain strong evidence of Agee's guilt. Agee admitted to pulling out a gun and shooting Matthews. While Agee correctly states specific intent to commit great bodily harm is insufficient for a conviction for attempted second degree murder, jurisprudence firmly establishes the discharge of a firearm at close range and aimed at a person is indicative of a specific intent to kill. La. R.S. 27 and La. R.S. 14:30.1; *State v. Smith*, 53,827 (La. App. 2 Cir. 3/3/21), 315 So. 3d 407; *State v. Patterson*, 50,305 (La. App. 2 Cir. 11/18/15), 184 So. 3d 739, *writ denied*, 15-2333 (La. 3/24/16), 190 So. 3d 1190; *State v. Murray*, 49,418 (La. App. 2 Cir. 1/14/15), 161 So. 3d 918, *writ denied*, 15-0379 (La. 4/8/16), 191 So. 3d 582; *State v. Harris*, 44,613 (La. App. 2 Cir. 9/23/09) 22 So. 3d 232, *writ denied*, 09-2528 (La.5/21/10), 36 So. 3d 227. So, while Agee is free to argue he only intended to inflict great bodily harm upon Matthews when he shot him, the trial court can, and clearly did, infer his specific intent to kill Matthews from Agee's actions of pulling out a firearm, pointing it at Matthews, and firing the gun.

Further, Agee cannot credibly argue he did not understand the nature of the charge to which he was pleading guilty, and the consequences of it. After questioning the issue of intent during his *Boykin* and consultation with counsel, his attorney stated "it's more intent to inflict harm than specific intent to kill." While this statement indicated Agee believed he had more of an intent to inflict great bodily harm, it didn't eliminate the requirement of

specific intent to kill. The court then asked Agee, “You’re satisfied now after getting that explanation from your attorney?” Agee replied, “Yes sir.” The court then accepted the guilty plea. We find, this colloquy reflects the nature of the charge was adequately explained, and understood.

We find no reversible error in the trial court’s finding Agee’s plea to attempted second degree murder was free, voluntary, and knowing, and we find the record contains sufficient evidence to support Agee’s conviction for attempted second degree murder. The defendant has failed to provide any support for the claim his guilty plea should be invalidated. As the sentence cap was agreed upon by all parties, we find no error in the trial court’s sentence of 40 years, which is 10 years less than the maximum of 50 years allowed under the law.

CONCLUSION

For the foregoing reasons, we affirm Christopher Agee’s conviction and sentence.

AFFIRMED.