

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

No. 57,105-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

DE'ANDRUS LONG, JR.

Appellant

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Appealed from the
Sixth Judicial District Court for the
Parish of Madison, Louisiana
Trial Court No. 215051

Honorable Laurie Reis Brister, Judge

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Before STONE, THOMPSON, and MARCOTTE, JJ.

MARCOTTE, J.

This criminal appeal arises from the Sixth Judicial District Court, Parish of Madison, the Honorable Laurie Brister presiding. Defendant, De'Andrus Long, Jr. ("Long"), pled guilty to manslaughter and was sentenced to 27 years at hard labor. He appeals his conviction on jurisdictional grounds and his sentence on constitutional excessiveness grounds. For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

Long was 17 years old at the time of the offense and was in the tenth grade at Madison High School. He had a history of school disciplinary issues, including reports for willful disobedience, disrespect toward authority, and instigating or participating in fights. Long also had a diagnosis of attention deficit disorder ("ADD") for which he had been prescribed Adderall.

On April 16, 2023, the Madison Parish Sheriff's Department responded to a 911 call regarding a shooting at the Old Truck Stop on Highway 65 South, where Kirean Harris ("Harris") had been shot in the parking lot near the fuel pumps. Harris later died during surgery from multiple gunshot wounds.

Surveillance video of the incident showed that Immanuel Dockery ("Dockery") and Long, also known as "Dump," entered the store to take a picture. This was described as a customary practice at that location. As the boys were leaving the store, Harris entered. While Dockery and Long left the store, audio/video footage captured Long stating, "I'd die behind mine" and "I'd die for my gang." Dockery and Long then entered a vehicle, with Dockery driving. Dockery stopped before entering Highway 65, and Long

exited the passenger side and walked toward the pumps where Harris' vehicle was parked.

Long opened Harris' passenger door and confronted him. Long then punched Harris and walked back toward his vehicle. Harris exited his vehicle, walked around to the driver's side, opened the door, and bent down as if looking for something. Audio captured Long asking, "What you digging for?" Harris then stepped from the vehicle holding what appeared to be a handgun and walked toward the front of the car with his hands slightly out to his sides, asking Long, "What it is?"

Long immediately opened fire before Harris raised his weapon. Harris was struck, fell to the ground, and, while falling, fired one round, after which his 9mm pistol stovepipe jammed. Harris lay motionless on the ground while Long continued firing an entire magazine at him. Several bullets missed Harris and penetrated the casino wall of the truck stop, narrowly missing patrons and shattering glass near an elderly woman seated at a video poker machine.

According to the defense sentencing memorandum, the surveillance video showed that the incident was not planned, and although Long initially walked over and punched Harris, Harris then retrieved a gun from under the driver's seat before Long fired shots that struck Harris. The defense acknowledged that Long initiated the encounter and could not legally claim self-defense under the aggressor doctrine but argued that the victim's retrieval and brandishing of the firearm substantially mitigated Long's conduct.

The court found that Long was the initial aggressor because he punched Harris but also found that Harris approached Long's vehicle

carrying a loaded gun, that both young men were armed, and that the initial confrontation had been “no more than a simple battery” before the presence of guns and the responses of immature individuals caused Harris’ death.

On May 8, 2023, a Madison Parish grand jury returned a true bill charging Long with second degree murder, illegal possession of a handgun by a juvenile, possession of a firearm at an alcoholic beverage outlet, and aggravated criminal damage to property, all committed on April 16, 2023. That morning, defense counsel filed a pleading captioned “In the Interest of Deandrus Long,” “Division: Juvenile,” with the docket number left blank, styled “Request for Mental Health Examination to Determine Juvenile’s Competency to Proceed and Appointment of Competency Commission.”

The trial court found that it never signed an order appointing a competency commission, never appointed any commission members, and never set the motion for hearing. The trial court stated that “this court here in the Sixth District did not have a pending competency commission motion pending in this court when the indictment was returned.” The court held that divestiture of juvenile jurisdiction under La. Ch. C. art. 305 was accomplished by the indictment and distinguished *State in the Interest of T.C.*, 09-1852 (La. App. 1 Cir. 2/12/10), 35 So. 3d 1088, because there, a commission was already appointed and set for hearing. The court deemed the motion moot, and advised counsel regarding competency that “you are free to raise that issue at any time” in the criminal court.

On May 10-11, 2023, the trial court entered a plea of not guilty and not guilty by reason of insanity over defense counsel’s refusal to plead. By written order signed May 11, 2023, the court withdrew that plea and stayed all proceedings pending a determination of Long’s mental capacity,

expressly invoking La. Ch. C. art. 832. Defense counsel noticed an intent to seek writs and obtained a return-date and stay order but never pursued the issue further.

On May 11, 2023, the defense filed an application under La. C. Cr. P. arts. 641 *et seq.* On August 9, 2023, the court appointed Dr. Candi L. Hill and Dr. Jennifer L. Russell to a competency commission. On September 6, 2023, both parties stipulated that Long was then incompetent to proceed. The court so found, ordered restoration treatment, and on September 8, 2023, committed Long to the Eastern Louisiana Mental Health System (“ELMHS”) Forensic Division.

ELMHS returned a restoration report dated May 28, 2024, by Dr. John Roberts, III, and Dr. Shannon Sanders. The court held a contradictory competency hearing on September 4, 2024. Dr. Roberts testified that ELMHS observed Long for roughly two months and recommended a finding of competence. He stated that Long “was provided with plea bargain scenarios” and “chose correctly in each scenario.” He further stated that Long “can maintain a consistent defense and inform his attorney of distortions and misstatements of others,” and “can tolerate the stress of trial.”

The defense called Dr. Loretta Sonnier-Dumontet, who testified that she had never examined Long and never opined that Long was incompetent, instead recommending a further evaluation on competency to plead. Dr. Sonnier-Dumontet further stated that her recommendation “doesn’t imply that he’s incompetent.”

The court ruled as follows: “the court does find that Mr. Long is presently able to understand the proceedings against him and is able to assist

counsel in his defense ... he is found competent to proceed to trial,” and a written judgment was issued.

On November 3, 2025, the matter came before the court for purposes of setting a plea date. Counsel advised the court that the parties had discussed an offer involving manslaughter, and the court stated that any plea of that nature would need to be taken in person in open court. The parties discussed taking the plea first and sentencing later after a presentence investigation.

On November 17, 2025, pursuant to a negotiated agreement, the state amended count one from second degree murder to manslaughter and dismissed the remaining three felony counts. The state advised the trial court that, in anticipation of a plea, the state had offered Long the opportunity to plead guilty to the amended charge of manslaughter, subject to court approval.

The court conducted a plea colloquy and specifically found that Long understood the crime and penalties, understood his rights, and knowingly, voluntarily, and intelligently waived those rights. Long then pled guilty to the amended charge of manslaughter. No reservation pursuant to *State v. Crosby*, 338 So. 2d 584 (La. 1976), was made.

As the factual basis for the plea, the state contended that on or about April 16, 2023, Long was at the Old Truck Stop on Highway 65 and was seen on video shooting Harris. Long agreed that those facts were what he did to commit the offense of manslaughter, and the court found a factual basis for the plea. The court ordered a presentence investigation report (“PSI”).

On January 12, 2026, the matter came before the court for sentencing. The trial court stated that it had received the PSI and had provided redacted copies to the state and defense. After reviewing the PSI and hearing victim-impact statements from the victim's grandmother and aunt, the court sentenced Long to serve 27 years at hard labor, with credit for two years and 243 days served. The court read extensive written reasons into the record and discussed several aggravating and mitigating factors, all in compliance with La. C. Cr. P. art. 894.1. Defense counsel's oral motion to reconsider was denied, over objection. Long now appeals.

DISCUSSION

Trial Court Jurisdiction

Long argues that the trial court erred in concluding that juvenile jurisdiction was divested merely because the state returned an indictment after his counsel had already raised his incapacity to proceed in juvenile court. Long contends that the mandatory protections of La. Ch. C. arts. 832 and 833 were triggered once he filed his motion in juvenile court for a mental health examination and appointment of a competency commission. Long claims that the trial court improperly treated the motion as moot, imposed a nonstatutory requirement that a commission already be appointed or a hearing already be set, and allowed the state's indictment to supersede a pending juvenile competency issue. Because competency is a fundamental prerequisite to prosecution, and because juvenile competency protections limit the ordinary transfer mechanism under La. Ch. C. art. 305, Long argues that his conviction and sentence should be vacated or, alternatively, that the matter should be remanded for proper determination of the effect of the pre-indictment competency filing.

By its terms, La. Ch. C. art. 305(E)(1) operates only “if a competency or sanity commission is ordered.” It does not operate upon the filing of a request. The word choice was deliberate. La. C. Cr. P. art. 642 and La. Ch. C. art. 832, which govern how the issue is raised, each provide that mental incapacity “may be raised.” La. Ch. C. art. 305(E) does not use that word but rather requires an order. This distinction has been drawn before in *State v. M.C.*, 10-1107 (La. App. 4 Cir. 2/18/11), 60 So. 3d 1264, 1274, *writ denied*, 11-0570 (La. 10/7/11), 71 So. 3d 306 (Bonin, J. concurring in part):

It is worthwhile to note that the triggering mechanism under Article 305(E)(1) is that the competency commission has been ordered, not simply that the mental incapacity of the accused has been raised. Cf. La. C. Cr. P. art. 642, and La. Ch. C. art. 832. This is a salutary safeguard against tactics designed solely to obstruct or unjustifiably delay the divestiture of the juvenile court’s jurisdiction when the grand jury has decided to indict a child.

The order requirement is thus important because a district attorney’s charging decision could otherwise be held hostage to defense timing.

The Louisiana Supreme Court reads the parallel adult provision the same way. In *State v. Lee*, 03-0032 (La. 6/27/03), 852 So. 2d 987, the court directed the district court on remand to determine whether “the trial judge granted the defendant’s motion for appointment of a sanity commission ... thereby finding reasonable grounds to doubt the defendant’s competency to proceed and staying all further proceedings by operation of La. C. Cr. P. art. 642.” In other words, the stay arises from the granting, not the filing. Appointment of a sanity commission is never automatic. *See, e.g., State v. Carmouche*, 01-0405 (La. 5/14/02), 872 So. 2d 1020, 1041-42 (“the appointment of a sanity commission is not a perfunctory matter, a ministerial duty of a trial court, or a matter of right.”). A court must first find the

question “bona fide and in good faith,” *State ex rel. Seals v. State*, 00-2738, p. 6 (La. 10/25/02), 831 So. 2d 828, 833, because “the fact that a defendant calls his capacity to proceed into question does not for that reason alone require the trial court to order a mental examination.” *State v. Lott*, 574 So. 2d 417, 424 (La. App. 2 Cir. 1991), *writ denied*, 580 So. 2d 666 (La. 1991).

Here, the trial court found it had ordered nothing, appointed no one, and set no hearing before the true bill was returned. This finding was supported by the record and is not clearly wrong. The pleading was captioned in the juvenile division with no docket number and was file-stamped and delivered to the prosecutor after the grand jury had convened that morning. No sanity commission was ordered, and La. Ch. C. art. 305(E)(1) does not operate absent such an order.

In any event, La. Ch. C. art. 305 is not jurisdictional. La. Ch. C. art. 305(E) prescribes the sequence in which a court may act rather than conferring or withdrawing subject matter jurisdiction. As such, any violation is a procedural error subject to the ordinary rules of preservation, waiver, and harmless error. We note that after the arraignment on May 10-11, 2023, at which the court entered a plea of not guilty and not guilty by reason of insanity over counsel’s refusal to plead, the court by written order of May 11, 2023, withdrew that plea and stayed all proceedings pending a determination of Long’s mental incapacity. Thus, three days after the indictment, on its own written order, the trial court granted Long the exact relief La. Ch. C. art. 832 affords. The stay held for nearly 16 months, until the competency litigation concluded on September 4, 2024, during which Long was committed and restored. Under these circumstances, we find no prejudice to Long. Where, as here, a defendant receives the substance of the

protection the statute contemplates, any irregularity in the order in which he received it does not warrant vacating a conviction entered 2 ½ years afterward. This assignment of error has no merit.

Competency to Plead

Next, Long argues that the trial court erred in accepting his guilty plea without first ordering a competency-to-plead-guilty evaluation. He notes that the record shows he was 17 at the time of the offense, had ADD, low IQ, learning deficits, had previously been found incompetent, required accommodations to maintain competence, and was the subject of an expert recommendation for a plea-specific competency evaluation. Long concedes that the trial court conducted a standard *Boykin* colloquy and that his trial counsel assured the court that he was competent, but he maintains that this was not enough to adequately establish that he actually understood the rights he was waiving, the sentencing exposure he faced, or the consequences of pleading guilty to manslaughter in adult criminal court. Long avers that the trial court failed in its independent duty to ensure that the plea was knowing, intelligent, voluntary, and competent under the totality of the circumstances.

In Louisiana, “a defendant is presumed to have the mental capacity to proceed.” La. R.S. 15:432; La. C. Cr. P. art. 641. The defendant bears the burden of proving incapacity by a preponderance of the evidence. *State v. Frank*, 96-1136 (La. 10/4/96), 679 So. 2d 1365. The determination is judicial, not medical; the court is not bound by expert opinion, and the ruling is entitled to great weight, undisturbed absent abuse of discretion. La. C. Cr. P. art. 647; *State v. Bridgewater*, 00-1529 (La. 1/15/02), 823 So. 2d 877.

In *Godinez v. Moran*, 509 U.S. 389, 113 S. Ct. 2680, 125 L. Ed. 2d 321 (1993), the Supreme Court held that the competency standard for

pleading guilty is identical to the competency standard for standing trial – the *Dusky* standard of rational and factual understanding and sufficient present ability to consult with counsel. See *Dusky v. United States*, 362 U.S. 402, 80 S. Ct. 788, 4 L. Ed. 2d 824 (1960). The court declined a higher “reasoned choice” standard for guilty pleas. La. C. Cr. P. art. 641 defines mental incapacity to proceed in a single formulation applicable to all stages: “a defendant lacks the capacity to understand the proceedings against him or to assist in his defense.” There is no article in Louisiana law prescribing a separate competency-to-plead evaluation. We therefore cannot find error in the trial court’s decision not to order one.

Additionally, voluntariness is determined from the entire record, not the colloquy transcript alone, and a properly executed written waiver-of-rights form is part of the record, examined together with the colloquy and minutes. *State v. Shelton*, 621 So. 2d 769 (La. 1993). Here, the record contains a “waiver of constitutional rights and plea of guilty” executed on November 17, 2025, bearing the correct docket number, Long’s name, and the charge written in as “manslaughter.” Additionally, each of the three *Boykin* rights was individually articulated and expressly waived.

The form also recites that the judge “asked me if I could read and write the English language,” that Long “acknowledge[s] that I am guilty of the offense charged and do knowingly and voluntarily waive such rights,” was not “induced to plead guilty or sign this statement by any threat, pressure or force,” is “satisfied with the way my attorney and the court have handled my case,” understands the two-year post-conviction period, and that “[t]he judge has addressed me personally as to all of these matters.

The written waiver is signed by Long, his counsel, and the trial judge, dated November 17, 2025. Above the judge's certification appears: "This plea of guilty is accepted by the court after having determined that it is knowingly, intelligently, freely, and voluntarily made by the defendant."

Based on the record before us, we cannot say that the trial court erred in finding that Long was competent to proceed, and that his plea was knowing, intelligent, and voluntary. This assignment of error lacks merit.

Excessive Sentence

Finally, Long argues that the trial court erred in imposing a constitutionally excessive 27-year hard labor sentence for manslaughter given his youth, diminished intellectual functioning, ADD, lack of prior criminal convictions, and the mitigating circumstances surrounding the offense. Long complains that the sentence imposed was more than two-thirds of the 40-year maximum sentence. He asserts that this sentence is grossly disproportionate when measured against his limitations and the circumstances of the offense. Long maintains that the sentence makes no meaningful allowance for his youth, cognitive issues, and reduced culpability.

Appellate courts employ a two-prong test when reviewing an excessive sentence claim: (1) the trial record must demonstrate that the trial court complied with the guidelines in La. C. Cr. P. art. 894.1 (list of sentencing factors); and (2) the appellate court must determine if the sentence is constitutionally excessive. *State v. Davis*, 56,118 (La. App. 2 Cir. 2/26/25), 408 So. 3d 1086, *writ denied*, 25-00332 (La. 4/29/25), 407 So. 3d 624; *State v. Sanders*, 54,261 (La. App. 2 Cir. 3/9/22), 335 So. 3d 527;

State v. Cooksey, 53,660 (La. App. 2 Cir. 5/26/21), 316 So. 3d 1284, *writ denied*, 21-00901 (La. 10/12/21), 325 So. 3d 1074.

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. Duncan*, 53,194 (La. App. 2 Cir. 1/15/20), 290 So. 3d 251. Important elements to be considered are the defendant's personal history (age, family ties, marital status, health, employment record), prior criminal record, seriousness of the offense, and likelihood of rehabilitation. *State v. Jones*, 398 So. 2d 1049 (La. 1981); *State v. DeBerry*, 50,501 (La. App. 2 Cir. 4/13/16), 194 So. 3d 657, *writ denied*, 16-0959 (La. 5/1/17), 219 So. 3d 332. 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. Shipp*, 30,562 (La. App. 2 Cir. 4/8/98), 712 So. 2d 230.

If the record supports the sentence imposed, the appellate court shall not set aside a sentence for excessiveness. *Id.* There is no requirement that specific matters be given particular weight at sentencing. *DeBerry, supra*; *State v. Shumaker*, 41,547 (La. App. 2 Cir. 12/13/06), 945 So. 2d 277, *writ denied*, 07-0144 (La. 9/28/07), 964 So. 2d 351.

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. Kennon*, 19-0998 (La. 9/1/20), 340 So. 3d 881; *State v. Jackson*, 51,575 (La. App. 2 Cir. 9/27/17), 244 So. 3d 764.

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; *DeBerry, supra*; *State v. Modisette*, 50,846 (La. App. 2 Cir. 9/28/16), 207 So. 3d 1108. As a general rule, maximum or near-maximum sentences are reserved for the worst offenders and the worst offenses. *State v. Cozzetto*, 07-2031 (La. 2/15/08), 974 So. 2d 665; *State v. Gibson*, 54,400 (La. App. 2 Cir. 5/25/22), 338 So. 3d 1260, *writ denied*, 22-00978 (La. 3/7/23), 356 So. 3d 1053.

Trial courts have 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. Trotter*, 54,496 (La. App. 2 Cir. 6/29/22), 342 So. 3d 1116. 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. Burns*, 53,920 (La. App. 2 Cir. 6/30/21), 322 So. 3d 928.

Here, the trial court ordered, received, and reviewed a PSI, then read detailed written reasons into the record, reciting the procedural history, quoting La. R.S. 14:31 and the 40-year maximum, and canvassing Long's age, education, disciplinary history, and family background. The trial court found several aggravating factors under La. C. Cr. P. art. 894.1(B), including: (1) deliberate cruelty to the victim; (2) knowingly creating a risk of death or great bodily harm to more than one person; (3) use of threats of or actual violence in the commission of the offense; (4) use of a dangerous weapon. The trial court also took into account several mitigating factors, including: (1) the defendant did not contemplate that his criminal conduct would cause or threaten serious harm; (2) there were substantial grounds

tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense; and (3) the victim of the defendant's criminal conduct induced or facilitated the commission. The trial court also expressly credited Long's youth and cognitive limitations as the reason the sentence was 27 rather than 40 years. In our view, the trial court did an exemplary job in complying with La. C. Cr. P. art. 894.1, and Long's claim that the article was not adhered to is without merit.

Long also received a substantial benefit from his plea agreement with the state. He was indicted for second degree murder, which carries a mandatory sentence of life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. By pleading to manslaughter, Long reduced his exposure to a maximum of 40 years, and secured dismissal of three additional felony counts. The trial court also declined to enhance the sentence under La. C. Cr. P. art. 893.3.

A substantial reduction in sentencing exposure through a plea agreement weighs heavily against excessiveness. In *State v. Little*, 52,131 (La. App. 2 Cir. 8/15/18), 252 So. 3d 1038, *writ denied*, 18-1582 (La. 3/25/19), 267 So. 3d 594, this court affirmed the maximum sentence 40-year manslaughter sentence for a 17-year-old whose second degree murder charge had been reduced by plea, noting the "very substantial reduction" in exposure and that the killing bore "the mark of an execution." Long is 20 years old, has no prior felony convictions, and received 13 years less than the maximum sentence, which is markedly more lenient for similar conduct.

We also do not find that Long's sentence shocks the sense of justice. This was a defendant who left a vehicle, walked to a stranger's car, opened the door, and punched him. When the man armed himself, Long fired first,

before the victim's weapon was raised, then emptied an entire magazine into a motionless body on the ground, endangering bystanders by sending rounds through the wall of an occupied casino. The trial court weighed the mitigating circumstances at length and imposed 27 of a possible 40 years. Under these circumstances, the sentence imposed does not shock the sense of justice and it was not an abuse of discretion. This assignment of error is without merit.

CONCLUSION

For the reasons expressed, Long's conviction and sentence are affirmed.

AFFIRMED.