

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

No. 57,125-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA Appellee

versus

JERRY JACKSON Appellant

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Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 342,447

Honorable Erin Waddell Garrett, Judge

* * * * *

LOUISIANA APPEALS AND Counsel for Appellant
WRIT SERVICE
By: Remy V. Starns
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JAMES E. STEWART, SR. Counsel for Appellee
District Attorney

WILLIAM JACOB EDWARDS
Assistant District Attorney

* * * * *

Before PITMAN, MARCOTTE, and ELLENDER, JJ.

PITMAN, C. J.

This case has been before this court on a previous occasion and Defendant Jerry Jackson's convictions for manslaughter, a violation of La. R.S. 14:31, and second degree murder, a violation of La. R.S. 14:30.1, were reversed and remanded due to a nonunanimous jury verdict. *State v. Jackson*, 53,795 (La. App. 2 Cir. 5/26/21), 318 So. 3d 479. A new trial was ordered pursuant to *Ramos v. Louisiana*, 590 U.S. 83, 140 S. Ct. 1390, 206 L. Ed. 2d 583 (2020). After a trial was held, Defendant was found guilty by a unanimous jury of the manslaughter of Kendrick Brown and the second degree murder of Michael Dillard. Defendant appeals his convictions and sentences. For the following reasons, the convictions and sentences are affirmed.

FACTS

At trial, the following evidence was adduced.

Defendant was married to Rhonda Brown and they lived in the 3300 block of Bond Avenue in Shreveport. Rhonda had children from previous relationships, including 25-year-old Kendrick Brown, who lived in the neighborhood. Kendrick would come to his mother's house to eat, and this was a constant source of friction between him and Defendant. Rhonda testified that Defendant made threats against her son because he continued eating meals at her home.

On July 20, 2016, Kendrick went to his mother's house in the morning and took food from the freezer. Rhonda had not told Defendant that Kendrick was coming over. When he arrived, an argument ensued between the two men. Kendrick left the house and went to the home of his friend, Michael, who also lived in the neighborhood. He was angry and upset about

the way Defendant had treated him and decided to return to his mother's house to confront him. Michael, who had no issues with Defendant, accompanied him to Defendant and Rhonda's house.

Rhonda testified that she was inside the house when Defendant grabbed a gun¹ from a back room, said he was going to "kill their f...ng asses" and then went to the front door. She stated that when Defendant opened the door, she saw her son and another individual outside. She was heading to the back of the house when she heard two shots being fired. She returned to the front of the house, went outside and found Kendrick face down in the street and Michael lying face down in the grass by a tree. She saw Defendant pick up a handgun from the driveway near Kendrick and put it near his body. She testified that she told him not to "mess with evidence." Defendant got into Rhonda's red Expedition with "the gun," which later testimony proved was a rifle, and drove across the street to another house. She testified that she went to Kendrick's father's house down the block to make the 911 call to the Shreveport Police Department ("SPD"), wherein she told them that her husband had shot her son. The 911 tape was played for the jury.

Rhonda stated that when she returned from Kendrick's father's house, Defendant returned in her car. She did not see the rifle, but she did see Defendant hand the gun that had been beside Kendrick's body to the police. She stated she did not know where Defendant's rifle was when he drove away in her car.

¹ Both a handgun and a rifle are involved in this case, and it is unclear which one or both was retrieved from the back room. The murder weapon was a small rifle.

From the earlier trial, the testimony of Nefeteria Wallace, an unavailable witness, was read to the jury. She lived next door to Defendant and Rhonda, went to school with Kendrick and was “like family” to Michael. She testified that she was outside with her children that day when she saw Kendrick and Michael hanging out in the yard next door being “chill.” She went inside briefly; when she returned, she saw Defendant with a “long gun, maybe that you hold with two hands,” shooting at the two men. She stated Michael fell first and held his back, but Kendrick fell and did not move after being shot in the head. She testified that Defendant was still shooting while the men were on the ground. She put her children inside her house; then, on her way to run to the house of Michael’s girlfriend, Rose McCray, she saw a handgun in the driveway by Kendrick, but she did not see the “gun” Defendant had used in the shooting. She testified that she also saw Defendant leave in a red vehicle. When she returned with Rose, Kendrick’s father was at the scene, and Defendant had also returned. SPD officers arrived, and she heard Defendant report that Kendrick had threatened him and tried to kill him. She stated that was untrue because the victims did not have a gun, and no one had threatened Defendant.

Rose came to the scene with Nefeteria and testified that Michael was still alive when she arrived but that he had been shot in the back and the head. Kendrick was also still alive when she arrived, but she said he took his last breath in her presence. She saw Defendant holding a larger gun that was wrapped in a blue sheet, and she saw him throw it into a vehicle. After the police arrived, she saw Defendant removing the handgun that was beside Kendrick’s body and give it to them.

The earlier trial testimony of Robert Bolds, who was unavailable to testify at the 2025 trial because of dementia, was read into the record with permission of the trial court. His wife, Myrtis Bolds, testified before the reading of Robert's testimony and verified that he had Alzheimer's. She stated that she was present on the day of the shooting when her husband came into the house and told her that Defendant, whom Robert knew, had come up to his truck, told him he was in trouble and then handed him a gun. Robert's testimony showed that Defendant was holding the gun by the handle, and the weapon was pointed at him, so Robert grabbed it and threw it in his truck. Defendant drove away, and Robert returned to his home and told his wife what had happened. She encouraged him to call the sheriff and report the incident. He stated he threw the rifle on his "iron pile" and immediately went to the sheriff's office across the street. He showed a deputy the location of the rifle, and it was removed. The prosecutor asked him if it was perhaps the SPD officers who had recovered the weapon from his house, but Robert stated it was sheriff's deputies.

Dr. James Traylor, a forensic pathologist, testified that both men died from gunshot wounds to the head that were fired from a distance of more than two feet. Michael also suffered a wound in his back. SPD Ofc. Daniel Denby located two spent and one live .22 caliber shells on the scene. Defendant had given the officer a .40 caliber handgun in a pillowcase. Crime scene officer Tracy Mondels received the .40 caliber handgun from Ofc. Denby. Before he left the scene, Ofc. Denby received a call that police were in possession of a .22 caliber rifle that had been obtained from Robert by Dep. Michael Vaitkus. Ballistics from the firearms examination

indicated that the two casings from the scene were fired from the .22 rifle. The swabs from the rifle did not contain sufficient DNA for comparison.

The jury found Defendant guilty as charged of the manslaughter of Kendrick and the second degree murder of Michael. Defendant was sentenced on February 24, 2025. The trial court considered La. C. Cr. P. art. 894.1 factors, Defendant's prior criminal record and the facts that he showed no remorse and did not act under strong provocation. It found no mitigating circumstances. In accordance with La. R.S. 14:30.1, Defendant was sentenced to life without benefit of probation, parole or suspension of sentence for the second degree murder of Michael. It failed to impose the sentence at hard labor, but the minutes and the commitment order correctly note that it was to be served at hard labor. In accordance with La. R.S. 14:31, Defendant was also sentenced to 40 years at hard labor for the manslaughter of Kendrick. The sentences were ordered to be served consecutively. Defendant appeals his convictions and sentences.

DISCUSSION

Defendant's counsel has filed a brief pursuant to *Anders v California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), and contends that this court should review the record for errors patent on the face of the record under La. Const. art. I, §19. If this court should find any errors patent, Defendant asks the court to reverse his convictions and sentences. Defendant was given the opportunity to file a *pro se* brief but chose not to do so within the time allotted by the court.

The state informed the court by letter that since no *pro se* brief was filed and an *Anders* brief was, it declined to file a response brief. The letter

stated that if, however, Defendant filed a *pro se* brief, it would respond as instructed by the court.

Defendant's appellate counsel filed a motion to withdraw from representation after this court considers whether any errors patent exist and alleged that she could find no nonfrivolous issues to raise on appeal. *See Anders v. California, supra*; *State v. Jyles*, 96-2669 (La. 12/12/97), 704 So. 2d 241; and *State v. Mouton*, 95-0981 (La. 4/28/95), 653 So. 2d 1176. *See also State v. McHenry*, 52,993 (La. App. 2 Cir. 11/20/19), 285 So. 3d 507.

Anders v. California, supra, and the subsequent Supreme Court decisions relying on it, *Penson v. Ohio*, 488 U.S. 75, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); and *McCoy v. Ct. of Appeals of Wisconsin, Dist. 1*, 486 U.S. 429, 108 S. Ct. 1895, 100 L. Ed. 2d 440 (1988); offer little instruction on the content of a brief that appointed counsel representing an indigent defendant on appeal must file to provide the reviewing court "with a basis for determining whether appointed counsel have fully performed their duty to support their clients' appeals to the best of their ability" and to assist the reviewing court "in making the critical determination whether the appeal is indeed so frivolous that counsel should be permitted to withdraw." *State v. Mouton, supra, citing McCoy, supra*. In *Mouton, supra*, the Louisiana Supreme Court stated:

In the absence of that explicit direction, this Court has sanctioned the procedures outlined by the Fourth Circuit Court of Appeal in *State v. Benjamin*, 573 So.2d 528 (La. App. 4th Cir.1990), see *State v. Robinson*, 590 So.2d 1185 (La.1992), and directed other circuit courts of appeal in Louisiana to follow them. See, e.g., *State v. Royals*, 600 So.2d 653 (La. 1992).

The appellate attorney's brief conforms to the procedures set forth in *Anders v. California, supra*; *Jyles, supra*; and *Benjamin, supra*; and contains the procedural history of the case and the evidence presented at trial along with a reviewable assessment for both Defendant and the appellate court of whether the appeal is even worth pursuing. *Mouton, supra*. It also contains a verification that counsel mailed copies of the appellate brief and the motion to withdraw to Defendant.

This court has conducted a review of the record for purposes of identifying any errors patent and has found no departure from procedures which adequately protect Defendant's constitutional right to a meaningful appeal in Louisiana. Defendant was given the opportunity to file a supplemental pro se brief and did not do so. He was charged by a properly filed original grand jury indictment, which was signed by the foreman and returned in open court. The indictment was amended by the district attorney at the beginning of the second trial to properly reflect the lesser charge of manslaughter for double jeopardy purposes. Defendant was represented by counsel at all important stages of the proceedings. He made no peremptory challenges at voir dire; and if any voir dire errors existed, they were not preserved because not all peremptory challenges were used. Defendant did not object during opening statements, and there were few defense objections during trial. He was informed of his right not to testify, and there were no objections to the jury instructions, the verdict form or closing argument. The jury was polled and the decisions to convict on both counts were unanimous. Post-trial motions were general and were denied.

Sentencing by the trial court was thorough; and the sentences imposed were proper, except for the failure of the trial court to impose the sentence

for second degree murder to be served at hard labor. Despite the failure to orally impose hard labor at sentencing, the minutes and commitment order correctly state that the term is to be served at hard labor. Defense counsel did not object to the sentences or file a motion to reconsider.

La. C. Cr. P. art. 882(A) provides that an illegal sentence may be corrected at any time by the court that imposed the sentence or by an appellate court on review. Because the minutes of the trial court correctly reflect that the sentence for second degree murder is to be served at hard labor, there is no error patent in the sentencing of this crime.

CONCLUSION

This court, having conducted a review for errors patent in this record, and for the foregoing reasons, affirms the convictions and sentences of Defendant Jerry Jackson. Further, appellate counsel's motion to withdraw is granted.

CONVICTIONS AND SENTENCES AFFIRMED. APPELLATE COUNSEL'S MOTION TO WITHDRAW IS GRANTED.