

Judgment rendered October 7, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 922,
La. C. Cr. P.

No. 57,028-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA Appellee

versus

FATONIOUS DARELL Appellant
BALLARD

* * * * *

Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 400,341

Honorable John D. Mosely, Jr., Judge

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Before STONE, COX, and ROBINSON, JJ.

ROBINSON, J.

Fatonious Darrell Ballard (“Ballard”) was charged by indictment on May 15, 2024, with one count of second degree murder in violation of La. R.S. 14:30.1(A)(1) and one count of possession of a firearm by a convicted felon in violation of La. R.S. 14:95.1. A jury trial was held September 24, 2025, through October 2, 2025. Ballard was found guilty as charged on both counts. He filed motions for judgment of acquittal and for new trial on October 29, 2025, which were denied. Ballard waived sentencing delays and received the mandatory sentence of life imprisonment at hard labor without benefits for the second degree murder charge and a sentence of 20 years at hard labor without benefits for the felon in possession of a firearm charge, to be served concurrently and with credit for time served. Ballard’s motion to reconsider sentence filed on November 26, 2025, was denied. His motion for appeal filed on December 18, 2025, was granted.

For the reasons set forth below, we AFFIRM the convictions and sentences.

FACTUAL BACKGROUND

Around 6:00 pm on February 18, 2024, Dwight Green (“Green”) was cooking at a community barbecue inside the parking lot gate of C&C grocery and liquor store (“C&C”) in Shreveport when he was fatally shot eight times in the back. Ballard was approximately 20 to 30 feet from Green when Green was shot in the leg, shattering his femur. He collapsed on the sidewalk and was immobile until transported via ambulance to Ochsner LSU Health for emergency treatment. A 911 call reported a black male in a red hoodie running northward through the neighborhood, jumping fences, with a handgun. A second 911 call advised that one of the shooters was the man

lying on the sidewalk that had been shot, and another shooter was the man wearing the red hoodie who fled the scene.

Eight 9 mm Blazer cartridge cases were recovered near the grill approximately five feet from Green's body. Eight .45 caliber R-P cartridge cases were recovered from a separate location nearby. An empty Glock 9mm ten-capacity magazine and a box of Blazer 9mm ammunition containing 15 cartridges were recovered from Ballard's jacket pocket.

The next day, February 19, 2024, a Glock model 43X 9mm pistol was recovered from a trash can two blocks away at the home of Beverly Clarkson ("Clarkson"), who raised Green. Clarkson had lived in the neighborhood for 60 years and was a respected figure in the community. Following the shootings, she spread the word that she needed the gun that was used to shoot Green, although she did not care who had it. Clarkson testified that she received an anonymous phone call telling her to look in her outside trash can, and she found a firearm lying on the top of the trash inside the trash can she kept at her back gate. The magazine of the recovered firearm was fully loaded with ten 9 mm Blazer cartridges, and the chamber was empty.

DNA testing of the Glock 43X recovered from Clarkson's home revealed two DNA contributors. The major contributor was unknown, and the minor contributor was Ballard. Ballard's DNA was present on the grip and trigger of the firearm. Ballistics testing concluded that the eight fired Blazer 9 mm cartridge casings collected from the scene next to the grill and Green's body were determined to have been fired from the 9 mm Glock 43X recovered from Clarkson's home. Bullets recovered from the same scene, as well as from Green's body, were 9 mm with the same class characteristics as

the bullets from the 9 mm Glock 43X, but the bullets were not able to be positively identified due to firing damage done to the thin metal jacketing around the bullets.

One of the witnesses at the scene was Chelcie Hamilton (“Hamilton”). At the time of the shooting, Hamilton was sitting in her car parked in front of the building next to the grill, across from C&C. She testified that “five, ten minutes at the most” before the shooting, Ballard had walked up to the passenger side of her car and was standing on the steps of the building she was parked in front of, and they had talked. Hamilton further testified that just a few seconds after she heard shots, she saw Ballard walking in front of her car heading down the street holding a black gun. She did not see anyone other than Ballard near Green before the shooting, did not see anyone else walk away, and did not see anyone else with a gun. However, she did not see Ballard shoot Green. Hamilton left in her vehicle after Green was shot and did not hear a second set of shots.

Hamilton initially testified that she had not seen Ballard with a gun at all; however, she stated in a prior recorded police interview that she had seen a gun sticking out of Ballard’s pocket before Green was shot. After being questioned on the discrepancy, she then testified that she told the grand jury she only saw Ballard with a gun after the shooting. Hamilton also stated in her police interview that there had been an altercation between Green and Ballard while Ballard was with Bruce Edwards (“Edwards”) about a week prior to the shooting. However, she testified at trial that she did not recall making any statement regarding an altercation between Green and Ballard or Edwards.

Another witness, Quincy Jones (“Jones”), a close friend of Green’s, testified that he knew Ballard and had spoken to him while Ballard was standing near the grill, and he thought Ballard was being quiet and acting differently than normal. Jones was standing near Hamilton’s car when he heard the shots that killed Green. He testified that the last time he saw Ballard prior to the shooting, he was near the grill next to Phillip Bush (“Phillip”), whom he identified by his Kansas City jacket. However, he stated that he did not see who was standing next to Green at the exact time of the shooting, nor did he see who shot Green. After Green was shot, he saw Ballard walk away and then saw him on the ground. He further testified that Ballard and Green had gotten into an altercation two to three months prior to the shooting.

Phillip and Shreka Bush (“Shreka”), husband and wife, were also at the scene at the time of the shooting. Phillip had crossed the street from C&C to get a plate and was standing at the grill next to Green when Green was shot. Phillip fainted during the shooting and fell to the ground but was uninjured. He testified that he did not know the man at the grill. He noticed someone standing next to the man at the grill but did not know him either. Shreka was parked at C&C, backed in facing across the street. She testified that she heard Jones say, “there’s the shooter,” referring to a man on the ground; however, Jones denied the statement during his testimony at trial.

Surveillance video from both inside and outside C&C was introduced at trial. It showed Ballard standing on the passenger side of Hamilton’s car, near Green at the grill, and that he was the only person, other than Phillip, standing near Green during the 40 minutes prior to the shooting. Footage from inside C&C showed reactions by the patrons to gunfire at two different

times approximately 30 seconds apart, when Green was shot and again when Ballard was shot. A man in a red hoodie was also seen on video footage just prior to the shooting.

Ballard was interviewed by Detective Ronald DeBello (“Det. DeBello”) on February 21, 2024, while he was still in the hospital but after he had been weaned off narcotics. Ballard did not initially indicate that he knew Green, referring to him as “the barbecue man.” He stated that, on the day of the shooting, he had been walking from his cousin’s house to a friend’s house listening to music on his cousin’s phone. When asked about the phone, he stated that he did not know the passcode and that his cousin had unlocked it for his use. He stated that while he was walking, he started seeing sparks like bullets were hitting around him but could not hear anything due to wearing ear buds. He denied seeing or knowing of a previous shooting and being near the grill. He initially stated that he had not seen Green prior to the shooting, then later indicated that he had. He further stated that he had stolen the box of ammunition and the Glock magazine off the back of a small black pickup truck that was in the parking lot, intending to trade the ammunition for drugs. Ballard admitted knowing Edwards but denied ever seeing Green in the presence of Edwards.

Ballard made two jail calls on May 29, 2024, to his friend, Richard Ware (“Ware”). Recordings of the calls were played in their entirety at trial. In the first call, he identified himself by his nickname, “Fat,” and said he would call back through someone else. A second call was made to Ware seconds later using another inmate’s PIN. During Ballard’s conversation with Ware, Ballard stated:

Marty hand delivered the gun to [the police]. ... They didn't say who it was from. They found that motherf***a! Who else they gonna get it from? Ain't nobody but Pookie had that b***h. Umm, I think his name Pookie. Mark's brother. That's who got it from me, the little dark-skinned old-school ni**a with the dreads. He musta gave it to Marty and Marty went and turned that b***h in. That's why I was tellin you, tryin to tell Matt get that b***h from him. It could be a 9 Smith & Wesson, it could be a mother***in 9 mm Taurus, a 9 mm Genesis, a 9 mm Ruger. How the f**k [the police] know it was a Glock? They got the mother***er. That's why I was tryin to tell y'all to get that mother***er from Pookie's a**! I ain't even trust him anyway. ... If they did that, b***h it's over with! I might as well get ready for them to give me life!

Neither Ware nor any of the persons referred to by Ballard during the conversation were ever identified.

DISCUSSION

Sufficiency of Evidence – Identity as Perpetrator of Killing

The standard for appellate review for a sufficiency of the evidence claim is whether, after reviewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979); *State v. Tate*, 01-1658 (La. 5/20/03), 851 So. 2d 921, *cert. denied*, 541 U.S. 905, 124 S. Ct. 1604, 158 L. Ed. 248 (2004); *State v. Cummings*, 95-1377 (La. 2/28/96), 668 So. 2d 1132; *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; *State v. Murray*, 36,137 (La. App. 2 Cir. 8/29/02), 827 So. 2d 488, *writ denied*, 02-2634 (La. 9/5/03), 852 So. 2d 1020. This standard does not provide the appellate court with a vehicle to substitute its own appreciation of the evidence for that of the fact finder. *State v. McGehee*, 15-2140 (La.

6/29/17), 223 So. 3d 1136; *State v. Pigford*, 05-0477 (La. 2/22/06), 922 So. 2d 517; *State v. Robertson*, 96-1048 (La. 10/4/96), 680 So. 2d 1165.

An appellate court neither assesses credibility nor reweighs evidence and great deference must be given to the trier of fact's decision to accept or reject the testimony of a witness in whole or in part. *State v. Smith*, 94-3116 (La. 10/16/95), 661 So. 2d 442; *State v. Carr*, 55,692 (La. App. 2 Cir. 5/22/24), 387 So. 3d 886, *writ denied*, 24-00776 (La. 2/28/25), 402 So. 3d 486; *State v. Myrick*, 54,606 (La. App. 2 Cir. 9/21/22), 349 So. 3d 92; *State v. Eason*, 43,788 (La. App. 2 Cir. 2/25/09), 3 So. 3d 685, *writ denied*, 09-0725 (La. 12/11/09), 23 So. 3d 913; *State v. Morrison*, 40,852 (La. App. 2 Cir. 4/12/06), 927 So. 2d 670. The jury's reasonable credibility determination is not to be second-guessed on a *Jackson* sufficiency of the evidence review. *State v. Marshall*, 04-3139 (La. 11/29/06), 943 So. 2d 362, *cert. denied*, 552 U.S. 905, 128 S. Ct. 239, 169 L. Ed. 2d 179 (2007).

Further, in the absence of internal contradiction or irreconcilable conflict with physical evidence, one witness's testimony, if believed by the trier of fact, is sufficient support for a requisite factual conclusion. *State v. Fussell*, 55,497 (La. App. 2 Cir. 2/28/24), 381 So. 3d 899; *Myrick*, *supra*. However, a reviewing court may impinge on a trier of fact's discretion to the extent necessary to guarantee the fundamental due process of law. *State v. Casey*, 99-0023 (La. 1/26/00), 775 So. 2d 1022, *cert. denied*, 531 U.S. 840, 121 S. Ct. 104, 148 L. Ed. 2d 62 (2000); *State v. Turner*, 51,228 (La. App. 2 Cir. 04/05/17), 217 So. 3d 601; *State v. Woodard*, 47, 286 (La. App. 2 Cir. 10/3/12), 107 So. 3d 70, *writ denied*, 12-2371 (La. 4/26/13), 112 So. 3d 837.

The *Jackson* standard is legislatively embodied in La. C. Cr. P. art. 821 and is applicable in cases involving both direct and circumstantial

evidence. *State v. Allen*, 36,180 (La. App. 2 Cir. 9/18/02), 828 So. 2d 622, writs denied, 02-2595 (La. 3/28/03), 840 So. 2d 566, and 02-2997 (La. 6/27/03), 847 So. 2d 1255, cert. denied, 540 U.S. 1185, 124 S. Ct. 1404, 158 L. Ed. 2d 90 (2004); *State v. Rhodes*, 29,207 (La. App. 2 Cir. 1/22/97), 688 So. 2d 628, writ denied, 97-0753 (La. 9/26/97), 701 So. 2d 980; *State v. Combs*, 600 So. 2d 751 (La. App. 2 Cir. 1992), writ denied, 604 So. 2d 973 (La. 1992). All evidence, both circumstantial and direct, must be sufficient under *Jackson* to satisfy a rational juror that the defendant is guilty beyond a reasonable doubt. *Rhodes, supra*. An appellate court reviewing the sufficiency of the evidence must resolve any conflict in the direct evidence by viewing it in the light most favorable to the prosecution. *Allen, supra*. When the direct evidence is thus viewed, the facts established by that evidence must be sufficient for a rational trier of fact to conclude beyond a reasonable doubt the defendant was guilty of every essential element of the crime. *Id.*

Circumstantial evidence consists of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience. *State v. Broome*, 49,004 (La. App. 2 Cir. 4/9/14), 136 So. 3d 979, writ denied, 14-0990 (La. 1/16/15), 157 So. 3d 1127. If a case rests essentially upon circumstantial evidence, that evidence must exclude every reasonable hypothesis of innocence. La. R.S. 15:438; *Broome, supra*. The circumstantial evidence rule is neither separate from nor stricter than the *Jackson* standard of review. *State v. Cole*, 55,287 (La. App. 2 Cir. 1/10/24), 378 So. 3d 343, writ denied, 24-0235 (La. 9/24/24), 392 So. 3d 1140.

When the issue raised in a sufficiency claim is the defendant's identity as the perpetrator, rather than whether the crime was committed, the State is required to negate any reasonable probability of misidentification. *State v. Mathis*, 52,500 (La. App. 2 Cir. 1/16/19), 263 So. 3d 613. However, in the absence of internal contradiction or irreconcilable conflict with physical evidence, one witness's testimony, if believed by the trier of fact, is sufficient to support a requisite factual conclusion. *Fussell, supra; Myrick, supra; State v. Burd*, 40,480 (La. App. 2 Cir. 1/27/06), 921 So. 2d 219, *writ denied*, 06-1083 (La. 11/9/06), 941 So. 2d 35. The Louisiana Supreme Court held in *State v. Dorsey*, 10-0216 (La. 9/7/11), 74 So. 3d 603, as follows:

A positive identification by only one witness is sufficient to support a conviction. A victim's or witness's testimony alone is usually sufficient to support the verdict, as appellate courts will not second-guess the credibility determinations of the factfinder beyond the constitutional standard of sufficiency. In the absence of internal contradiction or irreconcilable conflict with physical evidence, one witness's testimony, if believed by the factfinder, is sufficient support for a requisite factual conclusion.

The evidence adduced at trial, including testimony, audio/video, and physical evidence, proved beyond a reasonable doubt that Ballard shot and killed Green with the Glock 43X recovered in Clarkson's trashcan. Ballard stood near Green at the grill for approximately 40 minutes prior to the shooting. Phillip Bush was the only other person at the grill when Green was shot. Ballard walked away from the grill immediately after the shooting with a gun in his hand. Another man in a red hoodie was identified leaving the scene after Ballard was shot. There were two different groups of two different types of casings that were in separate locations. The casings from the scene where Green was shot were determined to have been fired from the

Glock 43X that was delivered to Clarkson's trash can after her appeal to the community. Ballard's DNA was found on the grip and trigger of the Glock 43X, although he was not the major contributor, presumably because someone else handled the gun after Ballard. Most incriminating was Ballard's jail call in which he appeared extremely upset that a 9 mm firearm that had been turned over to police was specifically identified as a Glock model, he admitted the firearm was taken from him, and he acknowledged that he may get life imprisonment.

Ballard presented several hypotheses of innocence essentially pertaining to his identification as the perpetrator, based on the lack of witnesses to the shooting, the unidentified person who shot him, and the unknown major contributor of DNA on the Glock 43X that was determined to be the murder weapon. He also points out the inconsistencies in statements made by Hamilton and Jones regarding whether Hamilton saw Ballard with a gun prior to the shooting and Jones' denial of identifying Ballard as the shooter. However, we do not find any of the hypotheses of innocence to be reasonable in light of the evidence adduced, which is more than sufficient despite any inconsistencies in the witness statements.

Sufficiency of Evidence – Possession of Firearm

Ballard also argues the evidence was insufficient to prove he possessed the Glock 43X at any point in time, because the State did not prove the requisite dominion and control per La. R.S. 14:95.1. He notes that the gun was not on his person, and the empty magazine and box of ammunition he possessed could only generically be matched to the Glock 43X. He also refers to Hamilton's testimony that Ballard had a black gun after the shooting, which did not identify the weapon with any specificity.

There is ample evidence to show Ballard possessed a firearm. His DNA was on the Glock 43X. Hamilton's statements may have been inconsistent as to whether she saw Ballard possessing a firearm prior to the shooting, but she was consistent in her statement that she saw him carrying a gun as he walked away immediately after the shooting. Further, Ballard's jail call statement that the police had the gun that Pookie "got it from me" would indicate his possession of a firearm. It is uncontested that Ballard is a convicted felon prohibited from possessing a firearm, and the ten-year cleansing period has not passed. Therefore, we find the evidence clearly sufficient to prove Ballard was in possession of a firearm.

Constitutionally Excessive Sentence

Per La. C. Cr. P. art. 881.1, an appellant must file a motion to reconsider and set forth the specific grounds upon which the motion is based in order to raise an objection to the sentence on appeal. This Court in *State v. Butler*, 37,226 (La. App. 2 Cir. 6/25/03), 850 So. 2d 932, 939, held:

The record reflects that the defendant timely filed a motion to reconsider sentence, which the trial court denied. However, in the motion, the defendant asserts only that his sentence is excessive. The defendant neither objected to the order that the sentences be served consecutively nor complained of failure to adequately articulate reasons for sentence under La. C. Cr. P. art. 894.1. Pursuant to La. C. Cr. P. art. 881.1, the failure to include a specific ground upon which a motion to reconsider sentence may be based precludes the defendant from raising the ground for relief on appeal. Thus, the defendant's claim of sentencing error is limited to the issue of constitutional excessiveness.

When the motion to reconsider sentence raises only a claim of constitutional excessiveness, a defendant is relegated to review of the sentence on that ground alone. *State v. Doyle*, 56,576 (La. App. 2 Cir. 11/19/25), 425 So. 3d 304.

Ballard attempts to argue noncompliance with La. C. Cr. P. art. 894.1. However, he did not state specific grounds for his motion to reconsider sentence and only raised a general claim of excessiveness. Therefore, Ballard's sentencing claim is limited to constitutional excessiveness review.

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. 9/9/20), 340 So. 3d 881; *State v. Johnson*, 97-1906 (La. 3/4/98), 706 So. 2d 672; *State v. Dorthey*, 623 So. 2d 1276 (La. 1993); *State v. Bonanno*, 384 So. 2d 355 (La. 1980); *State v. Bell*, 53,712 (La. App. 2 Cir. 1/13/21), 310 So. 3d 307; *State v. Jackson*, 51,575 (La. App. 2 Cir. 9/27/17), 244 So. 3d 764. A sentence is excessive when it makes no measurable contribution to acceptable goals of punishment or is grossly disproportionate to the severity of the crime. *Dorthey, supra*. 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. Scott*, 50,920 (La. App. 2 Cir. 11/16/16), 209 So. 3d 248, *writ denied*, 17-0353 (La. 11/13/17), 229 So. 3d 478; *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 *State v. Cotton*, 50,747 (La. App. 2 Cir. 8/10/16), 201 So. 3d 299; *State v. Hogan*, 47,993 (La. App. 2 Cir. 4/10/13), 113 So. 3d 1195, *writ denied*, 13-0977 (La. 11/8/13), 125 So. 3d 445.

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. Williams*, 03-3514 (La. 12/13/04), 893 So. 2d 7; *State v. Trotter*, 54,496 (La. App. 2 Cir. 6/29/22), 342 So. 3d 1116; *State v. Diaz*, 46,750 (La. App. 2 Cir. 12/14/11), 81 So. 3d 228. A trial judge is in the best position to consider the aggravating and mitigating circumstances of a particular case, and, therefore, is given broad discretion in sentencing. *State v. Gaines*, 54,383 (La. App. 2 Cir. 2/22/23), 358 So. 3d 194, *writ denied*, 23-00363 (La. 6/21/23), 362 So. 3d 428; *State v. Jeter*, 56,386 (La. App. 2 Cir. 8/27/25), 419 So. 3d 438. On review, an appellate court does not determine whether another sentence may have been more appropriate, but whether the trial court abused its discretion. *Bell, supra*; *State v. Burns*, 53,920 (La. App. 2 Cir. 6/30/21), 322 So. 3d 928, *writ denied*, 21-01112 (La. 11/23/21), 328 So. 3d 78.

Ballard argues that he does not fit the worst-offender profile, because he only had one prior felony from 2013, and the State did not prove that he owned the firearm, used it habitually, or trafficked in firearms. He also claims that the conduct supporting the possession charge is wholly subsumed within the conduct of the murder charge, which already produced a mandatory life sentence. He claims, therefore, that an additional 20-year sentence, even imposed concurrently, accomplishes nothing beyond the life sentence.

The evidence is clear that Ballard possessed a firearm and used it to fire eight rounds into Green's back while he was grilling food for the community, also putting nearby individuals close by at risk of injury or death. He immediately left the scene and handed off the firearm to another

person in an effort to avoid apprehension. Ballard's possession of a firearm that was used in such an egregious offense warranted the trial court's sentence of 20 years for possession of a firearm by a felon. Ballard is among the worst type of offenders. His sentence does not shock the sense of justice, it is not a needless infliction of pain and suffering, and it was not an abuse of its discretion. Accordingly, Ballard's sentences are not constitutionally excessive.

Motion in Limine re: Jones' Cross-examination – Confrontation Clause

Ballard includes the assignment of error in his brief that:

The trial court violated [Ballard's] right to confrontation under the Sixth Amendment to the United States Constitution and Article I, Section 16 of the Louisiana Constitution when it granted the State's motion in limine and prohibited cross-examination of the State's witness [Jones] about the factual details of his pending Caddo Parish felony charges.

In his summary of the arguments, he adds:

[Ballard's] bias theory, that [Jones], facing felony exposure in the same parish from the same district attorney's office, had a motive to deflect blame onto [Ballard], was directly relevant under *Davis v. Alaska*, 415 U.S. 308 (1974), and the controlling cases of *State v. Brady*, 381 So. 2d 819 (La. 1980), and *State v. Nash*, 475 So. 2d 752 (La. 1985). He further claims the error is not harmless under *Delaware v. Van Arsdall*, 475 U.S. 673 (1986).

Outside of Ballard's assignment of error statement and summary of the arguments, he briefly referred to his claim in the motion in limine that he was prevented from advancing his bias theory, because the State's only witness placing Ballard near Green at the grill was an internally inconsistent witness whose bias the defense was barred from fully exposing. The reference was embedded into his separate assignment of error argument regarding sufficiency of evidence as to his identity as the perpetrator of the murder.

Assignments of error neither briefed nor argued are considered abandoned. La. U.R.C.A. 2-12.4(B)(4); *State v. Green*, 446 So. 2d 814 (La. 1984); *State v. Domingue*, 298 So. 2d 723 (La. 1974); *State v. Edwards*, 261 La. 1014 (La. 1972); *State v. Mills*, 229 La. 758, 86 So. 2d 895 (1956); *State v. Dallao*, 187 La. 392, 175 So. 4 (1937); *State v. Dabbs*, 228 La. 960, 84 So. 2d 601 (1955). A mere statement of the assignment of error in a brief does not constitute briefing of the assignment; therefore, the assignment is deemed abandoned. *State v. Cannon*, 55,708 (La. App. 2 Cir. 10/2/24), 399 So. 3d 853; *Fobbs v. CompuCom Systems, Inc.*, 55,173 (La. App. 2 Cir. 9/27/23), 371 So. 3d 1146; *State v. Easter*, 32,940 (La. App. 2 Cir. 4/7/00), 756 So. 2d 703, *writs denied*, 00-1321 (La. 2/9/01), 758 So. 2d 28, and 00-2529 (La. 6/29/01), 794 So. 2d 823.

Ballard only included a brief summary of an argument on the issue and a reference to the issue within a separate assignment of error discussion, but there was no separate, full argument on the issue. Although the matter was orally argued, the issue itself was not argued; rather, there was only argument as to whether the issue had been abandoned. We do not consider the limited references to Ballard's assignment of error regarding a violation of the Confrontation Clause to be a briefing of the assignment. Therefore, this assignment of error is deemed abandoned.

CONCLUSION

For the reasons stated hereinabove, Ballard's convictions and sentences are hereby **AFFIRMED**.

AFFIRMED.