Judgment rendered November 18, 2026.
Application for rehearing may be filed
within the delay allowed by Art. 922,
La. C. Cr. P.

No. 57,143-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

* * * * *

STATE OF LOUISIANA Appellee

versus

HEZEKIAH K. BELLARD Appellant

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Appealed from the
Eighth Judicial District Court for the
Parish of Winn, Louisiana
Trial Court No. 45,905

Honorable Don C. Burns, Judge

* * * * *

LOUISIANA APPEALS AND
WRIT SERVICE
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* * * * *

Before PITMAN, ROBINSON, and MARCOTTE, JJ.

MARCOTTE, J.

This criminal appeal arises from the Eighth Judicial District Court, Parish of Winn, the Honorable Don C. Burns presiding. Defendant Hezekiah Bellard was convicted of simple burglary and possession of a Schedule II, Controlled Dangerous Substance: methamphetamine. Bellard was sentenced, respectively, to nine years at hard labor and two years at hard labor, to be served concurrently. For the following reasons, we affirm Bellard's convictions and sentences.

FACTS AND PROCEDURAL HISTORY

On October 17, 2025, Bellard was charged by amended bill of information with one count of simple burglary, in violation of La. R.S. 14:62, and one count of possession of a Schedule II, Controlled Dangerous Substance ("CDS"): methamphetamine, in violation of La. R.S. 40:967(C)(1). The offenses occurred on November 8, 2024. Bellard pled not guilty, and a trial was held where the following evidence was adduced.

Carroll Funk, Jr. ("Funk") identified the office building where the offense occurred as 101 West Boundary Ave., Winnfield, Louisiana, and stated that he walked past that building often. Funk testified that he was walking past 101 West Boundary late on November 8, 2024, and noticed a screen door ajar, which was unusual. Funk stated that he saw a flashlight flickering inside and heard a loud noise, like someone knocking something over. Funk said he shined a flashlight at the building, and the person inside turned his flashlight off. Funk went to the EZ Mart, about two minutes' walk away, and told the police there what he saw.

Winnfield City Police Department ("WCPD") patrol officer Deontray Means ("Ofc. Means") testified that he was on duty in the early hours of November 8, 2024. Funk approached him at the EZ Mart and reported what he saw at 101 West Boundary Ave. Ofc. Means and other officers left to investigate the disturbance.

At 101 West Boundary, he observed a door to the building open, which he said was atypical. The door appeared tampered with, like someone had pried it open. Ofc. Means and his partner identified themselves as police and entered the building to clear it; no one responded to their announcement. An internal door had a broken glass pane and there were glass shards on the floor, which caused Ofc. Means to believe someone had broken the glass to reach inside and unlock the door. Ofc. Means' body camera captured footage of the incident; it was admitted, along with still images from his body camera video. The images showed the doors along with a desk, drawers, and cabinets that appeared to have been rifled through. There were documents and deposit slips strewn about the office.

Ofc. Means found Bellard hiding in a closet; the officer identified defendant in court. Ofc. Means searched Bellard's backpack, finding a broken handcuff and a coin. Ofc. Means stated that a search of Bellard's person revealed a flashlight, knife, and rubber gloves in his pocket. Bellard said on the body camera video that he believed the office to be abandoned.

Ofc. Means arrested and transported Bellard to the Winn Parish Detention Center; his body camera continued to record while he was transporting defendant. Ofc. Means placed Bellard in the back seat of his patrol car, behind the front seat. Ofc. Means advised Bellard to make sure he did not have anything concealed on him because, if he did when they

arrived at the detention center, he would be charged with introduction of contraband. Bellard then asked Ofc. Means if he did have something on him, would he receive another charge. Ofc. Means said that Bellard at one point said that he had methamphetamine in his underwear, but the audio from the body camera video is not clear.

Ofc. Means testified that Bellard began fidgeting in the back of the patrol unit, which prompted him to ask defendant if he had anything else concealed on him. Ofc. Means said that Bellard's behavior led him to believe he was attempting to destroy evidence while he was transporting him. Ofc. Means stated that when he exited his patrol unit and looked in the rear area of the car, he saw what he believed to be a "plastic baggy" of methamphetamine on the floorboard of the patrol car, near Bellard's foot. The discovery was captured on Ofc. Means' body camera. Ofc. Means retrieved the suspected CDS and tested it for methamphetamine; it tested positive. Ofc. Means collected and documented the bag to send to the crime lab for further testing.

Ofc. Means stated that it was police policy to search his patrol unit at the beginning and end of each shift and in between transporting people. He testified that he searched the vehicle at the beginning of his shift on the date of the offense, and he did not find anything suspicious during that search. Ofc. Means advised defendant of his rights, and Bellard signed a *Miranda* form, waving his rights. Bellard gave a statement in which "he said he was bored as fuck, and he was at home and he just started walking." In the body camera video, Bellard said that the screen door to 101 West Boundary was open and he walked in.

Jim Wiley ("Jim") testified that he and his wife owned the property at 101 West Boundary, and his law firm was located there. His three children also practiced law off and on at that address. Jim said it was not customary for anyone to be in the building without him or his children accompanying them. Jim said he did not know Bellard and did not give him permission to be at the property. Barbara Wiley, Jim's wife, and Kathryn Wiley ("Kathryn") and Anastasia Wiley ("Anastasia"), their daughters and both attorneys, testified to the same. Kathryn and Anastasia said that the law firm's doors were always kept locked.

WCPD Assistant Chief Charles Curry ("A.C. Curry") testified that he was responsible for logging and sending evidence to the crime lab. Evidence was kept locked in a storage locker to which only he had the key. He identified the plastic bag of suspected methamphetamine that Ofc. Means collected from the floorboard of his patrol car. A.C. Curry took that evidence to the crime lab, and he retrieved it from the lab once it had processed the suspected CDS.

Carly Desselle ("Deselle") testified that she worked at the North Louisiana Crime Lab as a drug chemist; she tested submitted evidence to determine if it contained CDS. She was accepted as an expert witness in forensic chemistry. Deselle tested the bag of suspected methamphetamine Ofc. Means retrieved from his patrol car; the test results were positive for methamphetamine. Her lab report was admitted.

The state rested. Following a colloquy, Bellard elected not to testify in his own defense. The defense rested. The jury returned a unanimous verdict of guilty as charged for both offenses. The court ordered that a

presentencing investigation report ("PSI") be prepared. Bellard filed a motion for a new trial, which was denied on January 12, 2026.

On February 2, 2026, Bellard was sentenced. The court said that it reviewed his PSI and noted that Bellard committed his instant offenses while on probation. The court noted his history of substance abuse and referred to several factors found in La. C. Cr. P. art. 894.1. The court sentenced Bellard to nine years at hard labor for the simple burglary offense and two years at hard labor for the possession of CDS offense. The court ordered that the sentences be served concurrently to each other and consecutively to any other sentence. Bellard was advised of his post-conviction relief time constraints. He now appeals.

DISCUSSION

Assignment of Error No. One: Whether the evidence was sufficient to prove beyond a reasonable doubt that defendant entered the law office with the intent to commit a felony within.

Bellard argues that simple burglary requires proof of unauthorized entry and entry with the intent to commit a felony or theft therein. He contends that the state cannot show that he had the intent to commit a felony or theft at the Wileys' law office. Bellard states that Ofc. Means never said that he admitted that he planned to steal anything, and no victim reported that anything was missing or misplaced or provided bills or receipts proving that there was damage to the property. He contends that the items attributed to him at booking, a cell phone, knife, flashlight, backpack, broken handcuff piece, and coin may support a suspicion of wrongdoing, but did not prove beyond a reasonable doubt that he entered the building with the intent required for simple burglary. Bellard argues that the record supports, at best, unauthorized entry. He asks that this court vacate his simple burglary

conviction and sentence, enter a judgment for the responsive verdict of unauthorized entry, and remand the matter to the trial court for resentencing.

The standard of appellate review for a sufficiency of the evidence claim is whether, after viewing the case in a 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, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979); *State v. Leger*, 17-2084 (La. 6/26/19), 284 So. 3d 609; *State v. Myrick*, 54,606 (La. App. 2 Cir. 9/21/22), 349 So. 3d 92. This standard, now legislatively embodied in La. C. Cr. P. art. 821, does not provide the appellate court with a vehicle to substitute its own appreciation of the evidence for that of the factfinder. *State v. Steines*, 51,698 (La. App. 2 Cir. 11/15/17), 245 So. 3d 224, *writ denied*, 17-2174 (La. 10/8/18), 253 So. 3d 797.

The trier of fact makes credibility determinations and may accept or reject the testimony of any witness. *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). The appellate court does not assess the credibility of witnesses or reweigh the evidence. *State v. Smith*, 94-3116 (La. 10/16/95), 661 So. 2d 442; *State v. Myrick*, *supra*. A reviewing court affords great deference to a trial court's decision to accept or reject the testimony of a witness in whole or in part. *Id*.

In the absence of internal contradiction or irreconcilable conflict with the physical evidence, one witness's testimony, if believed by the trier of fact, is sufficient to support a factual conclusion. *Id*. The *Jackson*, *supra*, standard is applicable in cases involving both direct and circumstantial evidence. *State v. Myrick*, *supra*. An appellate court reviewing the

sufficiency of evidence in such cases must resolve any conflict in the direct evidence by viewing that evidence in the light most favorable to the prosecution. *Id*. When the direct evidence is thus viewed, the facts established by the direct evidence and inferred from the circumstances established by that evidence must be sufficient for a rational trier of fact to conclude beyond a reasonable doubt that defendant was guilty of every essential element of the crime. *State v. Sutton*, 436 So. 2d 471 (La. 1983); *State v. Myrick*, *supra*. To convict a defendant based upon circumstantial evidence, every reasonable hypothesis of innocence must be excluded. La. R.S. 15:438; *State v. Johnston*, 53,981 (La. App. 2 Cir. 9/22/21), 326 So. 3d 970.

Louisiana Revised Statute 14:62(A)(1) defines simple burglary as "[t]he unauthorized entering of any dwelling, vehicle, watercraft, or other structure, movable or immovable, or any cemetery, with the intent to commit a felony or any theft therein, other than as set forth in R.S. 14:60."

To satisfy the unauthorized entry element, the state must prove that the defendant did not have permission to enter the premises. *State v. Myrick*, *supra*. Simple burglary occurs when a person enters a structure without authority and with the specific intent to commit a felony or theft therein. *Id*. Specific criminal intent is that state of mind which exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act or failure to act. La. R.S. 14:10(1). The trier of fact determines whether the requisite specific intent is present in a case. *State v. Myrick*, *supra*. Specific intent may be inferred from the circumstances, and a taking is not required to prove the offender's specific

intent. *Id.* So long as the intent is present, the theft need not be consummated to satisfy the elements of the offense. *Id*.

Viewing the evidence in the light most favorable to the prosecution, we find that the state presented sufficient evidence at trial for a reasonable jury to convict Bellard of simple burglary. The office at 101 West Boundary is a structure, and defendant gained unauthorized entry into the structure by forcing the door open. The evidence established that defendant did not have permission to enter the premises, and the owners did not know him. Defendant broke a glass windowpane inside the office and searched the premises, spreading papers around the property. The jury could reasonably infer that the defendant had the necessary intent to commit a felony or theft therein when he forced the door open late at night and vandalized the office. That inference is especially reasonable because Bellard entered the office with a mostly empty backpack, a flashlight, and a knife; that shows he had the requisite intent to break into something.

Those facts are consistent with Funk's testimony that, from outside the office, he saw someone shine a flashlight inside the building and make a loud noise consistent with knocking something over. There was a very short period from when Funk noticed the light inside the law office, walked to the EZ Mart, notified the officers there, to when the officers found Bellard inside the building. Furthermore, the jury heard Ofc. Means' testimony that Bellard was discovered hiding inside the office and later told the officer that he was bored and started walking. The officer's body camera video confirms his testimony.

A rational trier of fact could conclude that the evidence established that Bellard had the specific intent to commit a felony inside the office, and

he did not have to be found with stolen items on his person to fulfill the elements of the offense. This assignment of error lacks merit, and Bellard's conviction for simple burglary is affirmed.

Assignment of Error No. Two: Whether the evidence was sufficient to prove beyond a reasonable doubt that defendant knowingly possessed the methamphetamine recovered from the officer's patrol unit.

Bellard contends that the state was unable to prove that he exercised dominion or control over the methamphetamine. Bellard states that two officers patted him down at the scene, and the bag of CDS was found on the floorboard of the patrol car. While Ofc. Means testified that Bellard said while he was being transported that he had methamphetamine and was trying to destroy it, the alleged statement was not independently clear on the body camera audio. Bellard reiterates that the substance was not found on his person, and the state's proof of possession depended on Ofc. Means' interpretation of the encounter. He asks that this court reverse his possession conviction.

It is unlawful for any person to knowingly or intentionally possess a controlled dangerous substance classified in Schedule II of the Uniform Controlled Dangerous Substances Law. La. R.S. 40:967(C). Methamphetamine is a controlled dangerous substance classified in Schedule II. La. R.S. 40:964.

To convict a defendant of possession of CDS, the state must prove that the defendant knowingly possessed an illegal drug. *State v. Grant*, 54,847 (La. App. 2 Cir. 12/14/22), 352 So. 3d 179. Possession may be established by showing that the defendant exercised either actual or constructive possession of the controlled dangerous substance. *Id*. Actual possession means having an object in one's possession or on one's person in

such a way as to have direct physical contact with and control of the object. *Id*. The state need not prove the defendant actually possessed the drugs, as evidence of constructive possession is sufficient. *Id*. Constructive possession is established by evidence that the drugs were within the defendant's dominion and control and that the defendant had knowledge of its presence. *Id*.

Guilty knowledge is an essential element of possession of contraband and can be inferred from the circumstances. *Id*. A defendant's mere presence in area where drugs are located or association with one possessing drugs does not constitute constructive possession. *Id*. However, proximity to the drug or association with the possessor, may establish a prima facie case of possession when colored by other evidence. *Id*.

Viewing the evidence using the standard found in *Jackson v. Virginia*, *supra*, we find that the evidence was sufficient for the jury to conclude beyond a reasonable doubt that Bellard possessed the methamphetamine that Ofc. Means found near his foot on the floorboard of the patrol unit. Ofc. Means described Bellard as fidgeting in the backseat of his patrol car, which prompted the officer to ask if he was in possession of contraband. Bellard asked Ofc. Means if he would receive another charge if he had something concealed on his person. Ofc. Means testified that Bellard said he had methamphetamine in his underwear, and his behavior led the officer to believe he was trying to destroy evidence in the patrol unit.

A bag of something can be seen on the floorboard of the Ofc. Means' patrol car in his body camera video; Ofc. Means field tested the substance. It tested positive for methamphetamine, and the crime lab confirmed that result through its own testing. Ofc. Means stated that he searched his patrol

unit at the beginning of his shift and that nothing suspicious was present in his patrol vehicle. The evidence is sufficient to find that Bellard was in constructive possession of CDS. This assignment of error lacks merit, and Bellard's conviction for possession of a Schedule II, Controlled Dangerous Substance: methamphetamine is affirmed.

Error Patent Review

We have reviewed the record for errors patent and found the following. The record reveals a conflict between the transcript and the "State of Louisiana Uniform Sentencing Commitment Order," which states that Bellard pled guilty to the instant offenses. The record shows that Bellard's convictions are the result of a jury verdict. Therefore, we remand this case for correction of the commitment order error regarding Bellard's verdict.

In addition, we further direct the Clerk of Court to transmit the corrected commitment order to the officer in charge of the institution to which defendant has been sentenced, as well as to the legal department of the Louisiana Department of Public Safety and Corrections.

CONCLUSION

Defendant Hezekiah K. Bellard's convictions and sentences are affirmed. The case is remanded for corrections in compliance with this opinion.

CONVICTIONS AND SENTENCES AFFIRMED; REMANDED WITH INSTRUCTIONS.