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

No. 57,154-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

* * * * *

STATE OF LOUISIANA — Appellee

versus

ERNIE LYNN CAMPBELL — Appellant

* * * * *

Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 387,705

Honorable Donald Edgar Hathaway, Jr., Judge

* * * * *

OFFICES OF J. RANSDELL KEENE — Counsel for Appellant
By: J. Ransdell Keene

JAMES E. STEWART, SR. — Counsel for Appellee
District Attorney

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Assistant District Attorneys

* * * * *

Before STONE, COX, and STEPHENS, JJ.

COX, J.

This appeal arises out of the First Judicial District, Caddo Parish, Louisiana. Ernie Campbell was convicted by a unanimous jury of second degree murder and sentenced to life imprisonment. He now appeals his conviction. For the following reasons, we affirm Campbell's conviction and sentence.

FACTS

Campbell was indicted by a Grand Jury for the second degree murder of Regmond Mitchell. Campbell filed a notice of intent to claim self-defense, stating he was at his home and in his front yard.

The trial began on October 16, 2025, where the following testimonies and evidence were presented:

Jerica Clark testified that she and Campbell have one child together and they are still in a relationship. She stated that Mitchell and Campbell were friends. She testified that the night before Mitchell was killed, she and Campbell had an argument because Campbell accused her of having a relationship with Mitchell. Clark testified that she did not have a relationship with Mitchell, but Campbell held a gun to her head so she told him what he wanted to hear in order to save her life. Clark stated that she told Campbell that Mitchell and some other guys raped her. She testified that after she told Campbell about the rape, he became angry, they drove to his brother's house to pick up a gun, and then picked up his mother from her house.

Clark stated that after they picked up Campbell's mother, Campbell dropped her and his mother off at a hospital to get a rape kit performed. She stated that going to the hospital was her idea in order to get away from

Campbell. Clark testified that while they were driving around that night, Campbell stated that "Big Man" wanted Campbell and Mitchell "gone."

On cross-examination, Clark clarified that she did not have a rape kit performed at the hospital; she only told Campbell she wanted one in order to get away from him. She stated that she indicated to hospital personnel that her life was in danger so they moved her to another room, away from Campbell's mother, and called the police. Clark also stated on cross-examination that when she told Campbell that she had been raped, she also told him that Mitchell planned to rob him and kill him. Clark testified that she left the hospital the next morning in a taxi and went back to work at the hotel. She stated that she learned through a coworker that Mitchell had been killed that morning.

Shreveport Police Department Lieutenant Shawn Hurd testified that on the day of shooting he was working patrol. He stated that he received a report of a house being shot and drove to the scene within two minutes of getting the call. Lt. Hurd testified that when he arrived at the residence, Campbell and his mother walked toward him, and Campbell told him that someone in a silver car shot at his house and drove off. Lt. Hurd stated that he drove around to see if a silver car was still in the area, but he did not see any matching that description. He testified that only Campbell and his mother were outside, no other neighbors were responding or reacting to any gunshots. Lt. Hurd stated that while he was looking for the silver car, he received a call from the next officer who arrived at the residence that someone had been shot. He testified that he was confused as to why he was not told when he first arrived that someone was shot. Lt. Hurd stated that he

and the other officer checked the victim, called for additional emergency responders, and secured the scene.

Lt. Hurd testified that the victim had a gun on his right thigh with his right hand on top of it but not gripping it. He stated that he observed spent shell casings and another pistol in the grass in front of the house. He stated that the victim's car was backed into the driveway, and there were bullet holes in a vehicle parked behind the victim's vehicle, but the house was not damaged. Lt. Hurd clarified that out of the two vehicles parked in the driveway, the victim's vehicle was parked closest to the road.

Lt. Hurd testified that a second gun was found on the floorboard of the passenger side of the victim's vehicle. He stated there were pills, powder, and other drug paraphernalia in plain sight in the victim's vehicle as well.

Dr. James Traylor testified that he is the director of forensic and autopsy services at LSU Health Science Center in Shreveport. He was accepted as an expert in forensic pathology. Dr. Traylor stated that he performed the autopsy on Mitchell. His autopsy report and photographs taken during the autopsy were entered into evidence. He stated that Mitchell had a gunshot wound on the left side of his head, which caused his death.

On cross-examination, Dr. Traylor stated that the following substances were found in Mitchell's blood: cocaine, ethanol, cocaethylene, benzoylecgonine, oxycodone, delta-9-tetrahydrocannabinol, and carboxy-tetrahydrocannabinol. Dr. Traylor described Mitchell as "high" because of the presence of cocaine, alcohol, opioids, and marijuana.

Michael Mackey, Jr. testified that he was with Mitchell on the day he died. He stated that he called Mitchell for a ride so he could get out of the house. Mackey testified that they drove to a residence on Barbara Drive

because someone called Mitchell requesting him to bring them some drugs. He stated that Mitchell had an AR-style rifle on the passenger floorboard, another firearm under his right hip, and various drugs throughout the vehicle.

Mackey testified that Mitchell backed into the driveway on Barbara and his driver side window was down. He stated that Campbell walked up to Mitchell's window, and Campbell looked frantic, dirty, and sweaty. Campbell told them that he had been in the backyard with his dogs. Mackey stated that when Mitchell reached into the backseat to get the drugs that Campbell requested, he heard one gunshot. He testified that he did not immediately realize that Campbell had shot Mitchell because Mitchell considered Campbell a friend. Mackey stated that he continued to try to talk to Mitchell, and Campbell told him, "He can't do nothing for you." Mackey stated that Campbell ordered him out of the vehicle and told him to lie on the ground, which Mackey refused because it was raining. Mackey testified that Campbell then told him to get back in the vehicle, and at that point, Mackey saw that Mitchell was dead. He stated that Campbell eventually told him to leave so he walked down the street and called his cousin for a ride.

Mackey testified that Mitchell never drew a weapon, there was no argument between Campbell and Mitchell, and there was no aggression between the two. On cross-examination, Defense counsel stated that Mackey's testimony was different than what he told detectives. The trial court sustained the State's objections that Defense counsel was not properly impeaching the witness.

Shreveport Police Corporal Adam McEntee testified that at the time of the shooting, he worked in the violent crimes unit. He stated that he was not

involved in the investigation, but he showed the photo lineup to Mackey at the police station. The video recording of Mackey viewing the lineup was played for the jury. Cpl. McEntee stated that Mackey wrote, "This is who killed my friend" when identifying Campbell in the lineup.

Shreveport Police Officer Amber Futch testified that she participated in investigating the crime scene after Mitchell was shot. Off. Futch's diagram of the scene was submitted into evidence as well as photographs of the scene. She testified that there was no damage to the house or surrounding houses. She stated that a .40 caliber firearm, expended .40 caliber casings, and an empty .40 caliber Glock magazine were found at the scene in the yard. Off. Futch described the photograph of the victim in the vehicle: he had a firearm in his lap and his feet were crossed at the ankles. She testified that when removing Mitchell's gun, they discovered that it did not have a live round in the chamber. She stated that a backpack was found between the passenger's and driver's seats, and various prescription drugs, illicit drugs, and ammunition were found inside the backpack. Off. Futch stated that other drugs were found throughout the vehicle, including cocaine found near the gearshift.

Phillip Stout was accepted as an expert in firearms identification. He testified that the 12 fired .40 caliber cartridge cases from the scene were fired from the .40 caliber Glock found on the ground. He stated that he also test-fired the .40 caliber Glock found in the victim's lap, but it was not a match to the casings found on scene. Mr. Stout testified that the bullet recovered during Mitchell's autopsy was submitted to him for analysis. He confirmed it was fired from the same class of .40 caliber Glock found on the ground, but could not confirm with certainty that it was fired from that

weapon. Based on the individual gun characteristics, he was able to determine that the .40 caliber Glock found on the victim did not fire the autopsy bullet.

Prior to the State's final witness, Defense counsel agreed not to question the detective regarding any interview of Campbell. Defense counsel also stated that Campbell would not be testifying. The trial court then questioned Campbell regarding the decision not to testify, as follows:

> THE COURT: All right. Mr. Campbell, your attorney has indicated that you're not going to testify. I need to let you know that that's your choice. You get to make it, but usually it's wise to consult with counsel in making that choice. So you have [the] right to testify and you have a right not to testify. That's not a problem.
>
> I need to let you know that if you do testify you'll be subject to the cross-examination by the District Attorney's Office as well as any prior criminal history would be then able to be brought to light.
>
> Do you agree or join in your counsel[']s] decision and request for you not to testify?
>
> THE DEFENDANT: Yes, I do. Yes, sir.

Shreveport Police Detective Gilbert Monereau testified that he was the lead investigator for Mitchell's homicide. He stated that through his investigation, he identified Campbell as a suspect and arrested him on probable cause.

On cross-examination, Det. Monereau stated that he did not recall Mackey mentioning his cousin's name as the person who picked him up after the shooting.

After Det. Monereau's testimony, the State and Defense both rested. In closing, Defense counsel again stated that Campbell killed Mitchell but that it was in self-defense. He argued that the presence of a gun on

Mitchell's lap was sufficient to pose an imminent threat of death or great bodily harm.

The jury charge was read to the jury and included instructions regarding self-defense. The jury unanimously found Campbell guilty as charged of the second degree murder of Mitchell.

On November 3, 2025, Campbell filed a motion for post-verdict judgment of acquittal, arguing that the State failed to meet its burden of proof. The motion was denied on November 4, 2025.

On November 12, 2025, Campbell was sentenced to life imprisonment without the benefit of parole, probation, or suspension of sentence. Campbell now appeals his conviction.

DISCUSSION

Insufficient Evidence

Campbell argues that the State did not prove beyond a reasonable doubt that the homicide was not perpetrated in self-defense. He states that once Defense counsel stated in opening statements that the shooting occurred in self-defense, the State had the burden to prove it was not self-defense. He asserts that the State's only witness linking him to the shooting was Mackey, whom he describes as not credible. He asks this Court to reverse his conviction.

The standard of appellate review for a sufficiency of the evidence claim is whether, after viewing 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, 99 S. Ct. 2781, 61 L. Ed. 2d 560 (1979); *State v. Alexander*, 51,918 (La. App. 2 Cir. 4/11/18), 247 So. 3d 981, *writ denied*,

18-0805 (La. 2/11/19), 263 So. 3d 436. The appellate court does not assess the credibility of witnesses or reweigh evidence. *State v. Alexander, supra*; *State v. Bass*, 51,411 (La. App. 2 Cir. 6/21/17), 223 So. 3d 1242. A reviewing court accords great deference to a jury's decision to accept or reject the testimony of a witness in whole or in part. *State v. Haley*, 51,256 (La. App. 2 Cir. 5/24/17), 222 So. 3d 153.

Where there is conflicting testimony about factual matters, the resolution of which depends upon a determination of the credibility of the witnesses, the matter is one of the weight of the evidence, not its sufficiency. *State v. Alexander, supra*; *State v. Glover*, 47,311 (La. App. 2 Cir. 10/10/12), 106 So. 3d 129, *writ denied*, 12-2667 (La. 5/24/13), 116 So. 3d 659. The *Jackson* standard, now legislatively embodied in La. C. Cr. P. art 821, does not afford the appellate court with a means to substitute its own appreciation of the evidence for that of the fact finder. *State v. Pigford*, 05-0477 (La. 2/22/06), 922 So. 2d 517; *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 is charged with making a credibility determination and may, within the bounds of rationality, accept or reject the testimony of any witness in whole or in part. The reviewing court may impinge on that discretion only to the extent necessary to guarantee the fundamental due process of law. *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.

Second degree murder is the killing of a human being when the offender has a specific intent to kill or inflict great bodily harm. La. R.S. 14:30.1(A)(1). The penalty is life imprisonment at hard labor, without benefit of parole, probation, or suspension of sentence. La. R.S. 14:30.1(B).

Specific 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). Specific intent may be inferred from the circumstances and the actions of the defendant. *State v. Alexander, supra*; *State v. Walker*, 51,217 (La. App. 2 Cir. 5/17/17), 221 So. 3d 951. Specific intent can be formed in an instant. *State v. Washington*, 50,424 (La. App. 2 Cir. 3/16/16), 188 So. 3d 350, *writ denied*, 16-0718 (La. 4/13/17), 218 So. 3d 119.

The discharge of a firearm at close range and aimed at a person is indicative of specific intent to kill or inflict great bodily harm upon that person. *State v. Alexander, supra*. The determination of whether the requisite intent to kill is present is a question for the trier of fact. *State v. Walker, supra*.

A homicide is justifiable when committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from that danger. La. R.S. 14:20(A). The possibility of retreat may not be considered as a factor in determining whether or not the defendant had a reasonable belief that deadly force was reasonable and apparently necessary. La. R.S. 14:20(D).

When the defendant claims self-defense, the State has the burden to prove beyond a reasonable doubt that the homicide was not committed in self-defense. La. C. Cr. P. art. 390; *State v. Alexander, supra*. When a defendant claiming self-defense challenges the sufficiency of the evidence on appeal, the question becomes whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found

beyond a reasonable doubt that the homicide was not committed in self-defense. *Id*.

Factors to consider in determining whether a defendant had a reasonable belief that the killing was necessary include the excitement and confusion of the situation, the possibility of using force or violence short of killing, and the defendant's knowledge of the assailant's bad character. *State v. Alexander, supra.*

Campbell's trial counsel asserted during opening and closing statements that Campbell shot Mitchell in self-defense. The only eyewitness testimony came from Mackey. Campbell argues that Mackey's testimony was not credible. However, that is a determination for the jury. The jury heard Mackey's account of the shooting and who picked him up after he left. The jury heard defense counsel question Mackey regarding whether that was the same account he gave police. The jury was in the best position to determine whether Mackey was a credible witness. Mackey stated that Campbell and Mitchell were not arguing prior to the shooting, Mitchell did not draw his weapon, and Campbell shot Mitchell while Mitchell was reaching for his backpack in the backseat. The State also presented evidence that Mitchell's gun did not have a bullet loaded in the chamber.

Clark testified that she told Campbell that Mitchell and others raped her. She also told him that Mitchell planned to rob and kill him. Mitchell had two guns, ammunition, and a host of drugs in his vehicle. However, Mackey testified that Mitchell drove to Campbell's residence to give Campbell drugs. The jury was charged with weighing the testimony of each witness, and ultimately found Campbell guilty as charged. We will not impinge on the jury's findings of fact. A rational trier of fact could have

found beyond a reasonable doubt that the homicide was not committed in self-defense. We affirm Campbell's conviction for the second degree murder of Mitchell.

Decision to Testify

Campbell argues that the statement made by the trial court advising him about his right to testify was threatening, improper, and induced by defense counsel. He asserts that a judge should not make any comment that could be interpreted as encouraging or discouraging testimony. In connection with his next argument, Campbell argues that his defense counsel "pre-empted [his] Fifth Amendment choice" to testify.

The right to testify on one's own behalf at a criminal trial has sources in the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution. *Rock v. Arkansas*, 483 U.S. 44, 107 S. Ct. 2704, 97 L. Ed. 2d 37 (1987); *State v. Turner*, 25-00209 (La. 3/6/26), 429 So. 3d 179; *State v. Hicks*, 56,967 (La. App. 2 Cir. 7/15/26), 438 So. 3d 1147.

A presumption exists that a defendant knowingly waived his right to testify when he does not testify at trial; moreover, the defendant has the burden of proof to satisfy the criteria to refute that presumption. *State v. Nabors*, 56,787 (La. App. 2 Cir. 4/8/26), 432 So. 3d 844. When a criminal defendant does not take the stand to testify, a court should presume he has knowingly and voluntarily waived his right to do so. *State v. Rumley*, 14-1077 (La. App. 4 Cir. 12/16/15), 183 So. 3d 640.

In his concurrence in *State v. Hampton,* 00-0522 (La. 3/22/02), 818 So. 2d 720, Louisiana Supreme Court Justice Victory stated: "Trial judges may be able to avoid problems in this area by having the defendant (out of

the jury's presence in jury cases) make his choice of whether or not to testify at trial on the record, after explaining this right to the defendant."

In this case, the trial court had a conversation with Campbell outside the presence of the jury, which is quoted above in the fact section. Based on the conversation with the trial court and the lack of any evidence that Campbell was coerced not to testify, we find that Campbell voluntarily waived his right to testify. The trial court told Campbell that he had a right to testify. The trial court also advised Campbell that if he chose to testify, he would be subject to cross-examination, and any criminal history could be presented to the jury. These statements were not improper. Defense counsel stated that Campbell would not testify, and Campbell agreed. Campbell's constitutional right to testify on his own behalf was not violated. This argument lacks merit.

Ineffective Assistance

Campbell asserts that his trial counsel was ineffective as to his defense of justifiable homicide. He highlights that defense counsel stated in opening arguments that Campbell shot Mitchell in self-defense; then, presented no evidence of self-defense. Campbell asserts that when the State decided not to present his statements to investigators, where he claimed self-defense, defense counsel should have called the witnesses listed in his written notice of self-defense and/or allowed Campbell to testify on his own behalf.

Claims of ineffective assistance of counsel are more properly raised in an application for post-conviction relief in the trial court because this provides the opportunity for a full evidentiary hearing under La. C. Cr. P. art. 930. *State v. Johnson*, 56,517 (La. App. 2 Cir. 11/19/25), 425 So. 3d

290; *State v. Galloway*, 54,704 (La. App. 2 Cir. 2/1/23), 354 So. 3d 919, *writ denied*, 23-00366 (La. 5/31/23), 361 So. 3d 467.

Both the Louisiana and federal constitutions guarantee a criminal defendant's right to the effective assistance of counsel. U.S. Const. art. VI; La. Const. art. 1, § 13; *Gideon v. Wainwright*, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963); *State v. Brooks*, 94-2438 (La. 10/16/95), 661 So. 2d 1333; *State v. Johnson, supra.*

Under the standard for ineffective assistance of counsel set out in *Strickland v. Washington*, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984), and adopted by the Louisiana Supreme Court in *State v. Washington*, 491 So. 2d 1337 (La. 1986), a reviewing court must reverse a conviction if the defendant establishes that counsel's performance fell below an objective standard of reasonableness under prevailing professional norms, and counsel's inadequate performance prejudiced the defendant to the extent that the trial was rendered unfair and the verdict suspect. *State v. Ball*, 19-01674 (La. 11/24/20), 305 So. 3d 90; *State v. Johnson, supra; State v. McGee*, 18-1052 (La. 2/25/19), 264 So. 3d 445.

In a claim of ineffective assistance of counsel, the defendant must show that counsel's performance was deficient, committing errors so serious that he or she was not functioning as the "counsel" guaranteed by the Sixth Amendment and evaluated from counsel's perspective at the time of the occurrence. *Strickland v. Washington, supra*; *State v. Johnson, supra.*

This court declines to address this issue of ineffective assistance of counsel on direct appeal. This matter is more appropriately addressed by filing an application for post-conviction relief in the trial court so that an evidentiary hearing can be held. For this reason, this assignment of error is

without merit. Campbell may file an application for post-conviction relief pursuant to La. C. Cr. P. art. 926 if he decides to do so.

CONCLUSION

For the foregoing reasons, we affirm Campbell's conviction and sentence. Campbell may seek further relief in post-conviction proceedings.

AFFIRMED.