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

No. 57,155-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

* * * * *

STATE OF LOUISIANA Appellee

versus

TRENDELL RESHON WINGS Appellant

* * * * *

Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 407,565

Honorable John D. Mosely, Jr., Judge

* * * * *

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* * * * *

Before PITMAN, STONE, and ELLENDER, JJ.

STONE, J.

This criminal appeal arises from the First Judicial District Court, the Honorable John Mosely presiding. Trendell R. Wings ("Mr. Wings"), the defendant, was convicted of unlawful possession of a firearm by a convicted felon pursuant to La. R.S. 14:95.1 and was sentenced to 15 years at hard labor. In his appeal, Mr. Wings asserts that the evidence is insufficient to support his conviction. We agree.

PROCEDURAL HISTORY

Mr. Wings was charged by bill of information for violation of La. 14:95.1, i.e., the possession, on March 14, 2025, of a handgun after having already been convicted of a crime of violence.

Specifically, regarding the predicate offense, the state alleges that Mr. Wings pled guilty on January 3, 2008, to aggravated criminal damage to property in Jefferson Parish, 24th Judicial District Court Case 07-6939.[1] The state alleges that Mr. Wings received probation and a ten-year suspended sentence, but his probation was revoked on April 4, 2009, and he was incarcerated pursuant to his sentence.

In the instant case, Mr. Wings pleaded not guilty. On the day of trial, Mr. Wings was not satisfied with the pretrial rulings and requested time to hire private counsel. When the request was denied, Mr. Wings elected to represent himself with appointed "stand-by" counsel. At the conclusion of the State's case, the defendant made a motion for judgment of acquittal for lack of identification, but the trial court did not make a ruling. The

[1] The predicate offense is listed as a crime of violence in La. R.S. 14:2(B)(19).

defendant declined to testify, but made a closing argument based on the issues raised in the motion for acquittal. The jury unanimously found Mr. Wings guilty as charged. Mr. Wings's motions for new trial and post-verdict judgment of acquittal were denied. Mr. Wings waived delays and was sentenced on March 20, 2026, to 15 years hard labor, without benefit of parole. The motion for appeal was timely filed and granted.

EVIDENCE

Marla Armstrong ("Ms. Armstrong") testified that she is a supervisor of Probation and Parole officers. She denied any personal contact with Mr. Wings or firsthand knowledge of the matters asserted in the certified conviction packet (documents) introduced as State's Exhibit 4 ("S-4"), i.e., the bill of information, minutes, and other documents concerning the predicate offense. She confirmed that she is familiar with those records. Ms. Armstrong identified the bill of information charging "Trendell R. Wings" with aggravated criminal damage to property out of Jefferson Parish, 24th Judicial District Court. S-4 was published to the jury. She further testified that she "researched" Mr. Wings and determined that he was still under supervision by Probation and Parole on March 14, 2025. Ms. Armstrong did not testify as to the basis for the supervision, when it would end, or how she determined that Mr. Wings was the person being supervised.

Mr. Wings did not testify or put on any evidence.

ASSIGNMENT OF ERROR

Mr. Wings contends that the evidence is insufficient regarding his identity as the person convicted of the predicate felony because the state

merely showed that he has the same name, birthdate, gender, and race as the predicate convict. Mr. Wings further argues that the state failed to prove the non-expiration of the ten-year cleansing period, because there was no evidence of the *actual* release date.

As to Mr. Wings's identity, the state points to S-4, a "certified conviction packet" for the prior offense, a parole supervisor's testimony based solely thereon, and a Jefferson Parish RAP sheet that was not introduced into evidence but is in the record. Regarding the cleansing period, the state essentially argues that the parole supervisor's calculation of what Mr. Wings's release date would have been, based on S-4, is sufficient evidence of the *actual* release date, especially since there is a letter in the record *but not in evidence* that purports to establish the actual release date as the same date as that asserted by the parole supervisor, i.e., May 18, 2018.

LAW

The proper 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(1979); *State v. Bosley,* 29,253 (La. App. 2 Cir. 4/02/97), 691 So. 2d 347, *writ denied,* 97-1203 (La. 10/17/97), 701 So. 2d 1333; *State v. Thomas*, 41,095 (La. App. 2 Cir. 8/23/06), 938 So. 2d 1178, *writ denied,* 06-2469 (La. 5/18/07), 957 So. 2d 149.[2]

[2] In *State v. Bailey,* 55,444 (La. App. 2 Cir. 4/10/24), 383 So. 3d 1175 (wherein Judge Stone dissented), the majority held that the prosecution failed to sufficiently prove that the gun the defendant possessed was in fact stolen because the only evidence offered was testimony that the gun was identified in a national stolen firearm database. Mere *uncorroborated hearsay* is insufficient evidence.

In relevant part, La. R.S. 14:95.1 provides:

> (A)(1) It is unlawful for any person who has been convicted of or has been found not guilty by reason of insanity for, a crime of violence as defined in R.S. 14:2(B) which is a felony…to possess a firearm or carry a concealed weapon.
>
> …
>
> C. The provisions of this Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of…certain felonies shall not apply to any person who has not been convicted of…any felony for a period of ten years from the date of completion of sentence, probation, parole, [or] suspension of sentence.

In *State v. McGill*, 52,169 (La. App. 2 Cir. 8/15/18), 253 So. 3d 872, 876, *writ denied,* 18-1552 (La. 3/25/19), 267 So. 3d 594, this court stated:

> To meet its burden…the state must establish both the prior felony conviction and the defendant's identity as the same person who committed that prior felony. Both the identity and the prior conviction alleged must be proven beyond a reasonable doubt. The trial court's determination of this question of fact will only be reversed if it is clearly wrong. [The law] does not require the state to use a specific type of evidence to carry its burden at a habitual offender hearing. Rather, prior convictions may be proved by any competent evidence. Various methods of proof establishing identity have been recognized as sufficient to sustain the state's burden of proof, including testimony of witnesses, expert opinion as to fingerprints, photographs contained in duly authenticated records, and evidence of identical driver's license number, sex, race, and date of birth. (Internal citations omitted.)
>
> Furthermore, "[a] trial court may take judicial notice during habitual offender proceedings of any prior proceeding which was a part of the same case it had previously tried." *State v. Bell*, 53,712 (La. App. 2 Cir. 1/13/21), 310 So. 3d 307, 312… *Bell* does not supplant La. C.E. arts. 201 and 202, which substantially restrict the facts that can be so established.

Although *McGill*, *supra*, involved the Habitual Offender Law rather than La. R.S. 14:95.1, there is no distinction regarding the necessary proof of the defendant's identity as the person convicted of the predicate offenses, i.e., the evidentiary requirements are the same.

In *State v. Lewis*, 56,353 (La. App. 2 Cir. 7/16/25), 416 So. 3d 918, *writ denied,* 25-01459 (La. 4/21/26), 429 So. 3d 732, this court vacated a habitual offender adjudication and in so doing rejected a judicial notice argument, found that the state had failed to prove non-expiration of the cleansing period regarding one predicate offense, and held that the state failed to prove the defendant's identity. Regarding the latter, we stated:

> Here, the state relies predominantly on "evidence of identical driver's license number [or social security number], sex, race, and date of birth." In the trial of the instant offenses, the testimony of one of the arresting officers included a description of the Laterrian Lewis he arrested as a black male; at trial, the deputy identified Lewis as that same person. However, neither the bill of information, the amended bill of information, nor the USCO[3] relating to the instant offenses were introduced into evidence at the trial on the instant offenses. Nor were they introduced in the habitual offender adjudication. Therefore, while the Laterrian Lewis convicted of each the predicate offenses has been proved to be one and the same person (by his matching social security number and birth date with respect to all the predicates)…the Laterrian Lewis convicted of the *instant* offenses has not been proved to be one and the same as he who was convicted of the *predicate* offenses. The trial court cannot take judicial notice of the birth date and social security numbers attributed to Lewis in the instant bills of information and the original USCO, if for no other reason, because neither such document was introduced into evidence in the prior proceedings. La. C.E. arts. 201 and 202.

Id.

The *actual discharge date* is what activates the cleansing period:

> A sentence expires when the prisoner is discharged from state custody and supervision, *not when the theoretical*

[3] The acronym stands for Uniform Sentencing Commitment Order.

> *date arrives on which the initial sentence would have terminated*. Thus, when a convicted person is discharged earlier (as well as later) than the expiration date of the sentence initially ... [imposed]... then the actual maximum sentence is that determined by his date of legal discharge, whether extended through revocation of parole or shortened by law due to "good time" diminution of the initial sentence. (Emphasis added.)

State v. Meadows, 51,980 (La. App. 2 Cir. 4/11/18), 247 So. 3d 1018. A convict may also be legally discharged before the expiration of the initial sentence by way of executive pardon. *Id.*

ANALYSIS

Identification

There was no in-court identification of Mr. Wings by anyone with personal knowledge of the alleged prior conviction. There was no fingerprint or photographic matching. The state introduced the bill of information and other certified court documents from the predicate conviction of "Trendell R. Wings" as S-4. These documents identify Trendell R. Wings as a black male with birth date July 28, 1989. However, the documents in S-4 do not contain a social security number, driver's license number, or other identification number for Mr. Wings. The bill of information for the *instant* offense and the Jefferson Parish RAP sheet are not in evidence and cannot be judicially noticed. *Lewis, supra.* The state cannot rely on facts that are in the record but not in evidence — this is a foundational legal principle. Without improperly considering this non-evidence, there is no evidence of the instant Mr. Wings's birth date. Mere matching of name, race, and gender is insufficient. This assignment of error is meritorious and requires reversal.

Cleansing period

The *actual* release date for the sentence for Mr. Wings's prior conviction was not proved; and, therefore, the prosecution failed to establish prima facie evidence. Ms. Armstrong arithmetically calculated Mr. Wings's theoretical release date based on assumptions that he did not obtain an early release through good time or some other legal mechanism. Such is insufficient to prove the actual release date beyond a reasonable doubt. *Meadows*, *supra*.

The state again urges this court to consider non-evidence as evidence corroborating the witness's theoretical release date, to-wit: a letter from the Department of Public Safety and Correction, Division of Probation and Parole letter addressed to Trendell R. Wings advising him that his "period of supervision for the AGG-CRMNL DMG PROPERTY [,]" Docket Number 07-6939 in Jefferson Parish terminated on May 18, 2018." We must decline to consider this because it is not in evidence. *Lewis, supra.* The state failed to carry its burden of proving non-expiration of the cleansing period.

CONCLUSION

Mr. Wings's conviction and sentence are **REVERSED.**

REVERSED.