

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2022 KA 0441



STATE OF LOUISIANA

VERSUS



DULCE MARIA FUNEZ CABELLERO

Judgment Rendered: NOV 04 2022

Appealed from the
20th Judicial District Court
Parish of East Feliciana, State of Louisiana
No. 14-CR-276

The Honorable Richard D. Anderson, Judge Presiding

Samuel C. D'Aquila
District Attorney
Jessica B. Weimer
Assistant District Attorney
Clinton, Louisiana

Attorneys for the State of Louisiana

Christopher A. Aberle
Mandeville, Louisiana

Attorney for Appellant,
Dulce Maria Funez Caballero

BEFORE: WHIPPLE, C.J., GUIDRY AND WOLFE, JJ.

Party, et. concure.

WOLFE, J.

The defendant, Dulce Maria Funez Cabellero, was charged by an amended grand jury indictment with two counts of first-degree murder, violations of La. R.S. 14:30.¹ She pled not guilty and, after a trial by jury, was found guilty as charged. The trial court denied the defendant's motion for new trial and sentenced the defendant on each count to life imprisonment at hard labor without the benefit of probation, parole, or suspension of sentence, with the sentences to be served consecutively. The trial court denied the defendant's motion to reconsider sentence. The defendant now appeals, assigning error to the sufficiency of the evidence offered to support the convictions. We affirm the convictions and sentences.

FACTS

On the morning of April 27, 2014, Bridgett Hall and her husband, Robert Blades,² became worried when Hall's parents, Edward and Connie Hall (the Halls),³ could not be reached by phone. Hall and Blades drove to the Halls' home, located at 4077 Lillian Lane in Ethel, Louisiana, and Hall went to the back door. The laundry room light was on and, when Hall looked through the window, she saw her mother's legs covered in blood. Hall immediately ran back to the vehicle, "hollering," as she told Blades what she saw. Blades went to the door and also saw Mrs. Hall's body, "right at the back door." They then called 911 and, while speaking to the dispatcher, Blades opened the door, touched Mrs. Hall's leg, and felt that it was "cold as ice."⁴

¹ The grand jury indictment was amended to add the defendant's last name (spelled therein and herein as "Cabellero" though sometimes spelled elsewhere in the record as "Caballero") and to state that the defendant was being charged as a principal on each count. The defendant was thereafter arraigned and pled not guilty on each count, as stated above. The State did not seek the death penalty in this case.

² Hall and Blades were separated at the time of trial.

³ Bridgett Hall and other witnesses will be referenced herein by their last names only. Hall's parents (the victims) will be referenced individually as Mr. and Mrs. Hall and collectively as the Halls.

⁴ Blades confirmed that he was standing outside when he opened the door and touched Mrs. Hall's leg.

Deputy James Hodges and Officer Tom Floyd of the East Feliciana Parish Sheriff's Office (EFPSO)⁵ were among the officers who arrived at the scene. Officer Floyd kicked in the front door to do a sweep of the house after seeing Mrs. Hall's body at the back door. Officer Floyd stopped at the entrance of the master bedroom when he saw Mr. Hall laying on his side with "blood everywhere" and a holstered, loaded firearm on the floor. Deputy Hodges waited outside for detectives to arrive at the scene.

EFPSO Lieutenant Detective Kevin Garig, who was assigned as the lead detective in the case, arrived at the scene after it was secured and entered through the front door. Detective Garig noted that Mr. Hall's body was lying in a semi-fetal position on the floor near the side of the bed in a pool of blood. The firearm, soaked in blood, was close to Mr. Hall's torso. Blood drip patterns and blood transfer marks suggested to him there was a struggle in the bedroom.

Detective Garig further observed that Mrs. Hall's body was face down in what appeared to be two separate pools of blood, with her feet in the laundry room and upper body extended into the kitchen. In addition to the large amount of blood on the floor, blood was on the walls and kitchen surfaces, her legs, and her face. He did not see blood on the walls or surfaces that was higher than three feet from the floor.

Detective Garig also observed what appeared to be bloody shoeprints on a displaced rug where Mrs. Hall's feet were positioned and leading out the backdoor, as well as blood spatter on the bottom exterior of the inward opening backdoor, around the doorknob. Because the blood spatter was on the doorknob area of the exterior of the door, Detective Garig believed the most likely scenario was the door was open when the blood was deposited. Suspected specks of blood also appeared

⁵ At the time of the trial, Hodges was retired and Floyd worked for the Slaughter Police Department.

to have been transferred from one location to another, including certain spots outside of the home from the backdoor to the gravel driveway. A brown cap with an American Eagle logo on it was also located in the laundry room.

Detective Garig collected evidentiary items, including the firearm, cell phones, and a business notebook that contained employees' contact information. He further questioned and took DNA swabs from Hall and Blades, and contacted the Louisiana State Police Crime Lab (LSPCL) to process the scene. The following day, on April 28, during a secondary search of the residence, Detective Garig contacted the LSPCL to possibly obtain additional evidence and conducted a final walk-through. On April 29, Detective Garig collected a piece of the door frame with a detected fingerprint on it. Detective Garig attended the victims' autopsies, which were performed by Dr. Christopher Tape, took photographs, and collected relevant evidence therefrom.⁶

The autopsy revealed that Mrs. Hall suffered thirty-nine sharp force injuries caused by a bladed instrument, weapon, or tool, such as a knife. Eight were to her head and neck, including stab wounds to her right jugular vein and right thyroid, which caused blood to drain away from her head. She further suffered stab wounds to her back with some going into her kidney, many stab wounds to her legs, as well as defensive wounds to her hands. Dr. Tate concluded that the confluent crossing paths of multiple stab wounds contributed to cause Mrs. Hall's death.

Mr. Hall's cause of death was sharp force injuries to his neck and body. He suffered a total of eighteen stab wounds, including three incise wounds across the front of his neck with two cuts to his larynx caused by a sawing motion. Three wounds across his chest punctured his right and left lung. Mr. Hall further suffered blunt force trauma to his head. His deepest wound was to his chest. Mr. Hall did

⁶ Dr. Tape confirmed that toxicology tests were performed, and Mrs. Hall tested positive for Tramadol (Ultram), a type of opioid, and the metabolite of Tramadol. Mr. Hall tested positive for hydrocodone and had a blood alcohol content of .106.

not appear to have defensive wounds on the back of his hands, though he had an incise wound on his wrist and an irregular stab wound and incise wound on his right-hand pinky.

For the thirty years prior to their murders, the Halls operated H&H Painting. The defendant was an employee of the business, as were Alex Cruz (also referred to as Juan Cruz), Inez Lopez (the defendant's roommate), and Alejandro Galindo (also referred to as Alex Galindo). Witnesses indicated that around the time of the murders, the defendant had monetary disputes with Mrs. Hall after her paycheck was docked. Witnesses described the defendant as "really angry" and reported hearing the defendant verbally threaten Mrs. Hall. After interviewing Cruz and Galindo, and recovering additional evidence, the police obtained an arrest warrant for the defendant.

The defendant was arrested in Germany and returned to Louisiana in 2016. Based on the evidence presented at trial, a unanimous jury convicted her of two counts of first-degree murder.

SUFFICIENCY OF THE EVIDENCE

In her sole assignment of error, the defendant argues that even when viewed in the light most favorable to the prosecution, no rational trier of fact could have found her guilty beyond a reasonable doubt. She contends that only circumstantial evidence was offered to show that she participated in stabbing the Halls. She asserts that the evidence inexorably points to a reasonable likelihood that Galindo accompanied Armando Reyes Diez, the defendant's boyfriend at the time of the murders, to the Halls' residence on the night before the Halls' bodies were found. She also notes that witnesses heard Galindo threaten the Halls, that cell phone location data placed his cell phone near the victims' residence at the time of the murders, and that a hunting knife was found near his kitchen sink shortly after the murders. Further, the defendant argues that other reasonable exculpatory

possibilities were raised because a mix of Cruz's and Mrs. Hall's DNA was found on the brake pedal of her car. Thus, she argues the murders may have been committed by all three men, noting that phone records showed that they called each other frequently before and after the murders.

The defendant further hypothesizes that Cruz may have been using Galindo's phone that night and that the murders may have been committed by Diez and Cruz, absent Galindo. The defendant references data from her cell phone that indicated that she was at home all night and contends that she needed her job and therefore had motive *not* to kill the Halls. She further points out that her last witnessed interaction with Mrs. Hall was the two of them hugging. The defendant asserts that "there is an inherent improbability in the theory that a diminutive^[7] woman would make the premeditated choice to attack a person twice her size armed only with a knife."

The defendant concedes that some of the witnesses' testimony supported the State's theory of the case, but argues that several witnesses' testimony was internally contradictory or irreconcilable with physical evidence. In particular, the defendant asserts that "Blades's testimony about not stepping inside the house [contravened] not only his recorded statement but the very physical laws of nature." The defendant likewise states that in their testimony, Hall and Blades "disavowed" previous statements they made to the police and that two other witnesses' claims not to know Diez were contradicted by phone records. Thus, the defendant does not contest the commission or elements of the offenses, only her identity as a perpetrator.

⁷ The defendant notes that her height and weight are mentioned twice in the record, with an ID card issued two years before the murders showing she was 5 feet 1 inch tall and weighed 123 pounds, and booking documents generated two years after the murders showing she was 5 feet 2 inches tall and weighed 140 pounds. No evidence of the defendant's height and weight was offered at trial; however, the jury was able to actually observe the defendant's size.

A conviction based on insufficient evidence cannot stand as it violates Due Process. See U.S. Const. amend. XIV; La. Const. art. I, § 2. The standard of review for sufficiency of the evidence to support a conviction is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found that the State proved the essential elements of the crime and the defendant's identity as the perpetrator of the crime beyond a reasonable doubt. See La. Code Crim. P. art. 821(B); **Jackson v. Virginia**, 443 U.S. 307, 319, 99 S.Ct. 2781, 2789, 61 L.Ed.2d 560 (1979); **State v. Ordodi**, 2006-0207 (La. 11/29/06), 946 So.2d 654, 660; **State v. Williams**, 2019-0077 (La. App. 1st Cir. 5/31/19), 2019 WL 2315340, *2 (unpublished), writ denied, 2019-01060 (La. 10/1/19), 280 So.3d 158. The **Jackson** standard of review, incorporated in La. Code Crim. P. art. 821(B), is an objective standard for testing the overall evidence, both direct and circumstantial, for reasonable doubt. When circumstantial evidence is used to prove the commission of the offense, La. R.S. 15:438 mandates, "assuming every fact to be proved that the evidence tends to prove, in order to convict, it must exclude every reasonable hypothesis of innocence." This is not a separate test for evaluating the evidence; rather, all of the evidence, both direct and circumstantial, must be sufficient under Jackson to convince a rational juror the defendant is guilty beyond a reasonable doubt. **State v. Dorsey**, 2010-0216 (La. 9/7/11), 74 So.3d 603, 633.

The State bears the burden of proving the elements of the offenses, along with the burden to prove the identity of the defendant as the perpetrator. **State v. Coleman**, 2017-1045 (La. App. 1st Cir. 4/13/18), 249 So.3d 872, 877, writ denied, 2018-0830 (La. 2/18/19), 263 So.3d 1155. To convict the defendant of first-degree murder, the State was required to prove: (1) the defendant had the specific intent to kill the victims during the perpetration or attempted perpetration of an aggravated burglary, aggravated kidnapping, aggravated arson, aggravated escape, armed

robbery, or simple robbery;⁸ or (2) the defendant had the specific intent to kill or to inflict great bodily harm upon more than one person. La. R.S. 14:30(A)(1) and (3). 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). Because it is a state of mind, specific intent need not be proven as a fact, but may be inferred from the circumstances and the defendant’s actions. **State v. Mickelson**, 2012-2539 (La. 9/3/14), 149 So.3d 178, 182.

However, the question before this court is not whether the evidence was legally sufficient to prove specific intent, but whether it was legally sufficient to prove the defendant’s identity as the perpetrator of the offenses. See **State v. Dorsey**, 74 So.3d at 633. When the key issue 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. Dorsey**, 74 So.3d at 633.

“All persons concerned in the commission of a crime, whether present or absent, and whether they directly commit the act constituting the offense, aid and abet in its commission, or directly or indirectly counsel or procure another to commit the crime, are principals.” La. R.S. 14:24. Under the law of principals, all persons involved in the commission of a crime are equally culpable; therefore, a person may be convicted as a principal to murder even if he did not personally inflict the fatal

⁸ Pursuant to La. R.S. 14:60(A):

Aggravated burglary is the unauthorized entering of any inhabited dwelling, or of any structure, water craft, or movable where a person is present, with the intent to commit a felony or any theft therein, under any of the following circumstances:

- (1) If the offender is armed with a dangerous weapon.
- (2) If, after entering, the offender arms himself with a dangerous weapon.
- (3) If the offender commits a battery upon any person while in such place, or in entering or leaving such place.

wound. See State v. Posey, 2008-0746 (La. App. 1st Cir. 9/26/08), 2008 WL 4376811, *3 (unpublished); **State v. Clark**, 2020-167 (La. App. 5th Cir. 11/18/20), 306 So.3d 619, 631, writ denied, 2020-01459 (La. 2/17/21), 310 So.3d 1150; **State v. Massey**, 2011-357 (La. App. 5th Cir. 3/27/12), 91 So.3d 453, 463-64, writ denied, 2012-0991 (La. 9/21/12), 98 So.3d 332 (“Whether a defendant actually fires the bullet that strikes and kills a victim is of no consequence and the defendant may be convicted as a principal to the crime.”). However, an individual may only be convicted as a principal for those crimes for which he personally has the requisite mental state. **State v. Bridgewater**, 2000-1529 (La. 1/15/02), 823 So.2d 877, 890, cert. denied, 537 U.S. 1227, 123 S.Ct. 1266, 154 L.Ed.2d 1089 (2003).

Dr. Tape testified that the deepest stab wound suffered by Mrs. Hall was ten centimeters in depth. Mr. Hall’s deepest wound was eight centimeters, located at his left upper chest. Dr. Tape further noted that Mr. Hall had an abrasion on his left shoulder at the top of his back that was possibly postmortem in nature. Dr. Tape testified that the blunt force trauma Mr. Hall suffered did not have a definitive pattern and could have been the result of any blow with a fist, elbow, knee, floor, desk, or other object, noting the blow was hard enough to tear the skin but not hard enough to break the skull. Dr. Tape confirmed that the weapon used to commit the murders could have been less than five inches long. He found no raking pattern or other evidence to suggest that the weapon had a serrated edge, but did not rule out the possibility.

Hall worked for her parents as a painter and knew the defendant. Hall testified that the defendant threatened her mother “[p]robably a week” before the murders because “her check was supposedly wrong.” According to Hall, the defendant told Mrs. Hall, “If you keep [f---ing] with my money, something bad is gonna happen to you.” Hall admitted that she did not tell the police about this threat, though she did tell them about one made by Galindo, which was also over a pay dispute. Hall

confirmed that the police did not ask her about any dispute regarding the defendant. Hall told the police about Galindo's threat when she identified him as the owner of the hat found at the scene. At trial she confirmed that Galindo was wearing the hat the Friday before the murders though she believed that the defendant wore the hat sometimes as well. Hall noted that the defendant drove a white Nissan and that the defendant, Cruz, Galindo, and Lopez often traveled together.

Blades testified that during the twelve to thirteen years that he was married to Hall, the Halls kept their doors locked and Mrs. Hall would not ever open the door for any male visitor, including him. He noted that Mrs. Hall was wearing a nightgown when her body was discovered. Blades also worked for H&H and knew the defendant as she worked on his crew. Regarding the pay disputes that started about a month or more before the murders, Blades testified, "They were stealing hours and they didn't get paid what they thought ... she didn't get paid what she thought she was gonna get paid, and she pointed her finger in my mother-in-law's face and told her, 'If you mess with my money one more time something bad is gonna happen to you' with a few choice words." Though he lacked firsthand knowledge as to how the bill was settled by the Halls, Blades recalled that after one job, the client's drapes had to be dry cleaned because paint had gotten on them.

When asked if he knew who wore a brown American Eagle cap, Blades testified with certainty that it was the defendant. Blades did not remember his statement to the police that he also saw Galindo wear the hat. Blades did not tell the police about the defendant's threat, though he did tell the police about a threat made by Galindo. Blades confirmed that the police never asked him if the defendant had threatened the Halls.

Tammie Walters worked for the Halls for fourteen years as a painter and had worked with the defendant a few times. Walters testified that she went to the Halls' residence to get her paycheck on the Friday before the murders and saw the

defendant, Cruz, and Galindo coming out of the house. She observed that the defendant was very angry, flailing her arms, looked like she had been crying, and was speaking loudly in what Walters thought was the Spanish language. Walters recalled that employees always entered the residence through the carport door, and to the left of that entry was a table where Mr. Hall did business and wrote checks. When Walters spoke to Mr. Hall, she asked what was wrong and they talked “[a]bout some curtains that were messed up.” Walters confirmed that the defendant’s boyfriend, Diez, did not work for the Halls.

Moises Omar Caravandes Espinosa, who worked for H&H intermittently for more than eight years, also testified at the trial. Espinosa explained that the Halls sometimes brought the employees’ paychecks to the jobs, but most of the time employees went to the Halls’ residence to pick up their checks. He identified the table where Mr. Hall sat to write paychecks.

Espinosa recalled going to pick up his check at the Halls’ residence on the Friday before the murders, April 25, 2014, and that he arrived at the same time as the defendant and Galindo. Espinosa confirmed that the Halls regularly asked him to interpret for those who did not speak English well. That Friday, the Halls asked Espinosa to translate as they spoke to the defendant and Galindo about “messing up some curtains.” Espinosa added, “And, Ms. Connie, she’s talking about, like, they gonna deduct some money from their paycheck about, like, 30-something dollars.” He recalled that the Halls planned to deduct more money from the defendant “every paycheck” because they had to pay more than \$1,000 to have the curtains cleaned. Espinosa described the defendant as “concerned” and recalled that the defendant denied damaging the curtains, claiming that someone else damaged them and blamed her.

Espinosa testified that the Halls also told the defendant they were going to let her go because they received comments or complaints of her talking on the cell

phone while on the job. Espinosa recalled that the defendant wanted to know who had been talking about her negatively. When the defendant asked Espinosa and Galindo to step out so that she could talk to the Halls alone, they obliged. A few minutes later, Mrs. Hall asked Espinosa to come back in and tell the defendant that they would give her one more chance, but if someone came to them again about her, she would not be given another chance to work. The defendant was crying and when Espinosa told her that she would be given another chance, she and Mrs. Hall hugged. The defendant went to the bathroom to wipe her face, then left. Espinosa stated that when they left, the defendant was still wondering who had talked to the Halls about her and was “kind of [a] little bit upset” and “kind of mad.”

The defendant’s roommate, Lopez, testified at trial that she and the defendant shared an apartment for two or three months while they both worked for the Halls.⁹ Lopez also confirmed that Diez did not work for the Halls. Lopez testified that the defendant called her the Sunday after the murders and asked if she had heard the bad news. The defendant also asked if the Halls had a camera in their house. Lopez responded that her she did not know. Lopez testified that she last saw the defendant on “Sunday night” in the apartment parking lot with Diez and the defendant’s son, and that the defendant appeared to have left without taking any of her belongings. They were using Diez’s truck at the time, and Lopez did not know the whereabouts of the defendant’s vehicle.

Galindo confirmed that on the Friday before the murders, he, the defendant, and Cruz went to pick up their paychecks and Mrs. Hall informed them that she was withholding thirty dollars from each of their paychecks. He further confirmed that they told the Halls that they did not damage the client’s curtains. When asked if he and the defendant were unhappy about their checks being docked, Galindo testified,

⁹ Lopez and other witnesses at trial testified with the assistance of an interpreter.

“We did not agree that they held money for something that we didn’t do.” He added, “It’s different to be mad or angry than to not agree.” He denied that they were angry that day. Galindo further confirmed that the Halls contemplated terminating the defendant that day, but allowed her to keep her job after she started crying. Galindo described the defendant’s demeanor as “sad.” Although he was in the house when the defendant was leaving, Galindo did not see the defendant hug Mrs. Hall. Galindo confirmed that he lost his original paycheck given to him that day and had to ask the Halls for a replacement check. When his police statement was referenced, Galindo stated that he did not recall telling the police that an additional thirty-five dollars was deducted from the replacement check for stopping payment on the original check.

Galindo confirmed that he sometimes drove the defendant’s car. Galindo explained that at about 11:00 p.m. on the night before the murders, the defendant and Diez brought the defendant’s son to Galindo’s house, and the defendant retrieved her car keys from Galindo. The defendant’s son stayed at Galindo’s house for approximately two and a half to three hours until the defendant and Diez returned at approximately 2:00 a.m. Galindo then left with them to go to the defendant’s apartment to borrow her vehicle. However, on cross-examination, Galindo testified that they went to a nearby convenience store before going to the defendant’s apartment for Galindo to retrieve the car. He returned the car to the defendant around noon and did not see the defendant again until the trial. Galindo confirmed that the defendant and Diez acted normal, and he did not notice any bruises, cuts, or blood on them.

Raymond Mora testified that he did not know the victims and only met the defendant once when they (the defendant and Diez) attended a party at his residence in April of 2014. Mora also confirmed that the defendant and Diez slept at his house around the time of the murders and left their white Ford truck at his house. He noted that he did not have much interaction with them, stating, “Because I would go to

work, and I didn't know what was going on, so I didn't see them." Mora's wife, Consuela Zalpo, testified that she first met the defendant in March of 2014 at her daughter's party. Zalpo stated that the defendant later asked her if she could stay at Zalpo's house, claiming to have been kicked out of her apartment. Zalpo stated that Diez and the defendant's son were with the defendant when she arrived (on a Sunday) and stayed for two days. Consistent with her husband, Zalpo testified that she did not interact with the defendant and Diez, noting that when she asked them to have dinner, they stayed in their room and only sent the child. Zalpo stated that after their two-day stay, the defendant and Diez left some clothes at her house and never returned.

Detective Garig believed the victims were asleep or "settled in" when the perpetrators arrived, as the lights were off in the house other than the laundry room, the bed sheets were thrown over, the victims' cell phones were plugged in to charge, and the victims were generally dressed for bed. Detective Garig noted that Mrs. Hall's purse was sitting on the foot of the bed, zipped closed; however, when he unzipped it, he noticed that her wallet was unsnapped and the cash was "fanned" as if some bills had been removed, causing the other bills to stick out.

Regarding his investigation, Detective Garig testified that after he spoke to Hall and Blades, it became necessary for him to question the defendant, Galindo, and Cruz. He interviewed both Galindo and Cruz, and DNA samples were acquired from each of them. He later obtained and executed a search warrant for Galindo's residence but did not recover anything of evidentiary value.

The investigators attempted to locate the defendant in the days following the crimes. When Detective Garig went to the defendant's apartment, he met and interviewed her roommate, Lopez, who relinquished documents belonging to the defendant. Detective Garig and other investigators learned that Diez was the defendant's boyfriend and obtained records for Diez's and the defendant's cell

phones. After reviewing the defendant's cell phone communications, investigators were led to the residence of Mora and Zalpo (both of whom also testified at trial as discussed herein), questioned them, collected samples of their DNA, and recovered clothing, a bed sheet, and a black ball cap from their trash can. The investigators were also able to obtain Diez's white pickup truck at the Mora/Zalpo residence.

Detective Garig testified that on May 2, 2014, the investigators found the white Nissan Versa, which was registered in the defendant's name, abandoned at Sherwood Commons apartments. The investigators obtained a search warrant for the vehicle and released it to the crime lab. Detective Garig contacted the Office of Homeland Security regarding the whereabouts of the defendant and Diez. Detective Garig noted that they acquired provisional arrest warrants to arrest the defendant and Diez, which were required for non-citizens who flee from the United States to another country. The defendant was ultimately arrested in Germany.

Deputy Chief Timothy Scanlan with the Jefferson Parish Sheriff's Office testified as an expert in crime scene reconstruction and bloodstain pattern analysis. He noted that all of the patterns surrounding Mrs. Hall were consistent with the victim receiving bloodletting injuries low to the ground. Regarding the location of Mr. Hall in the bedroom, Deputy Chief Scanlan testified that the overview of that area was very similar to Mrs. Hall's attack scene. Deputy Chief Scanlan concluded that the crime scene lent itself to two attackers, noting the multiple bloody shoeprints within the home, specifically two different types of distinct patterns of bloody shoeprints that appeared in blood and in the blood that was treated.¹⁰ The two areas of attack that were controlled very quickly were also consistent with there having been two attackers.

¹⁰ Mindy Buratt with the LSPCL, who helped collect and test evidence at the crime scene, testified that suspected shoeprints and bloodspots were processed with a blood enhancing reagent called Amido Black.

Captain Shannon Mack with the Bossier Parish Sheriff's Office testified at trial as an expert in cell phone data analysis. Captain Mack analyzed the defendant's and Diez's cell phone records for the time period just prior to, during, and after the suspected timing of the homicides. She noted that the defendant's Call Detail Records (CDR) showed that while her cell phone was located at her apartment, it was used to call the cell phone belonging to Galindo's girlfriend at 11:00 p.m., the night before the homicides took place. She testified that thereafter, the defendant's phone remained on but did not move and was not used for any purpose until approximately 9:00 a.m. the next morning. Thus, there was no evidence that someone was with the defendant's cell phone during those hours, though someone could have been in the presence of the phone but sleeping, not touching, and/or charging the phone. Captain Mack further testified that Diez's cell phone Network Event Location System (NELOS) records showed that Diez's cell phone was located at the crime scene during the suspected timing of the murders, from midnight on April 27, 2014 until 12:25 a.m. By 1:13 a.m., Diez's cell phone was located in Baton Rouge.

Mindy Buratt with the LSPCL worked the crime scene in this case and testified at the trial. She observed the victims' bodies, suspected blood on the walls and other surfaces, suspected blood pools and spatter on the floors, and potential shoe impressions. She noted that suspected shoeprints and bloodspots were processed with a blood enhancing reagent called Amido Black and fingerprints on the backdoor were processed with fingerprint powder. As to the height of the suspected blood spatter or transfer of blood stains, Buratt noted everything she observed was low, specifically located one to two feet from the floor. She further noted that in the kitchen, all of the suspected blood seemed to be from the bottom cabinets to lower.

Erin Landry with the LSPCL examined the defendant's and Diez's vehicles. She forwarded fingerprints lifted from the vehicles to Julie Bergen, an LSPCL analyst, for latent print comparison. John Mai, a DNA serologist of the LSPCL, examined the defendant's vehicle for the presence of blood. Mai testified that the brake pedal, gas pedal, the front passenger floorboard, the side of the center console, the front passenger seat, and the interior front passenger door panel were all positive for suspected blood.¹¹

Bergen, who retired from the LSPCL in 2019, examined the lifts, impressions, and photographs collected in the case, documented her findings in a report, and testified at trial as an expert in latent print examination. Bergen testified that a latent print from the exterior side glass of the back door at the victims' residence matched the defendant's right ring finger. Another latent print from the exterior side glass of the back door matched the defendant's right index finger. A fingerprint from the exterior front driver door, below the handle on the defendant's vehicle matched the defendant's left index finger. Bergen confirmed that she was unable to provide an estimation as to when the examined prints were left on the surfaces from which they were recovered. Regarding other prints taken from the back door and the two vehicles, there were no other identifications or definitive decisions regarding any inclusion or exclusion due to lack of specificity.

Andrew Ingram, a scientist who worked for the State Police as a DNA analyst for almost eleven years, testified as an expert witness. Ingram generated reports based on his analysis of evidence in this case. Ingram's testing included reference swabs from nine individuals: the two deceased victims, Hall, Blades, Cruz, Galindo, Mora, Zalpo, and the defendant. Ingram testified that Mrs. Hall could not be

¹¹ Mai testified that two tests were performed on the brake and gas pedal, a phenolphthalein test (a presumptive test for the enzymatic activity of blood) and a HemaTrace test (an antibody test that is more specific test for human blood). Both tests were positive on the pedals. Only a phenolphthalein test was performed on the remaining areas of the vehicle and formed the basis of the positive results.

excluded as a contributor and/or had a consistent DNA profile with suspected blood samples collected from the carport gravel, the bloody shoeprint on the back porch, and the stained brown cap¹² recovered at the scene. The victims further could not be excluded from the DNA profile of suspected blood from the exterior backdoor doorknob. Ingram testified that Mrs. Hall could not be excluded as a contributor of DNA profiles (specified as a minor contributor) from swabs of the bottom driver's side of the center console¹³ and brake pedal of the defendant's vehicle. Cruz could not be excluded as the major contributor to the DNA sample from the brake pedal. Additionally, Mr. Hall could not be excluded as the major contributor to DNA profiles from the front passenger floorboard, the front passenger seat, and the interior front passenger's door panel of the defendant's vehicle. Ingram confirmed that he did not match the defendant's DNA with any of the samples in this case though many samples were not suitable for comparison and/or no conclusions were made regarding them.

William Allan, the case work supervisor at Cybergenetics, a Pittsburgh-based company that developed a software called TrueAllele used to unmix DNA mixtures and calculate match statistics, testified at trial as an expert in DNA evidence interpretation. Allan analyzed the DNA data examined by Ingram, including the nine reference samples. Allan testified that the inside of the brown cap found at the crime scene produced an inclusionary match statistic to the defendant at a minimum of 24.1 thousand, with a 1 in 253,000 error rate, which was the lowest statistical match and based on the Hispanic population. In comparison to an unrelated African

¹² Further regarding the cap recovered from the scene, the DNA profile obtained from swabbing the inside of the cap was consistent with being a mixture of DNA from at least four individuals, consisting of one major contributor and at least three minor contributors. Each of the above-named individuals from which reference samples were provided were excluded as the major contributor to the DNA profile. However, no conclusions could be made regarding the minor contributors.

¹³ DNA of an unidentified male was also recovered from the bottom driver's side of the center console. Thus, the sample contains at least one male contributor in addition to Mrs. Hall not being excluded as a contributor.

American person, the defendant was 47.8 thousand times more probable than a coincidental match. In comparison to an unrelated Caucasian person, the defendant was 34.3 thousand times more probable than a coincidental match. An unknown male contributor for which there was no reference sample was also found. Further, statistically, the same unknown male also contributed to the DNA found on the black cap and hoodie sweatshirt located in Mora/Zalpo's trash. Regarding the black cap, the inclusionary statistic for the defendant was a lower 300 and, thus, had an error rate of about 1 in 18,000. Regarding the samples from the defendant's vehicle, Allan testified that a match was found for Mr. Hall on the interior front passenger door panel swab, at a statistical rate of 8.73 billion. The unknown male's DNA was also found on that swab, but at a lower statistic of 4.45 thousand. The sample from the front interior driver's door handle was statistically matched to the defendant at 313 million based on the "Southwest Hispanic" population, with an error rate of about 1 in four billion.

Defense witness Nathaniel Adams, a systems engineer at Forensic Bioinformatic Services in Ohio, a company that reviews forensic biology testing that has already been conducted, testified at trial as an expert in forensic DNA data interpretation. Prior to trial, Adams reviewed the Cybergenetics report produced in this case. Regarding the Cybergenetics analysis of the cap located at the crime scene, Adams testified that the DNA sample was treated as if it were a four-person mixture and TrueAllele was tasked with pulling apart its constituent profiles based on four inferred contributors. He noted that there was only one combination, only one genotype, and only one profile that TrueAllele considered possible at each of the sixteen tested locations. In other words, the program was told that there were four contributors to the DNA sample from the cap. When asked about the defendant's contribution to the DNA sample from the hat, Adams explained that the results of the TrueAllele testing do not provide the likelihood of someone being a contributor,

but instead indicate that the person's particular reference profile is that good of an explanation of the profile that was ultimately developed. Adams clarified that he did not disagree with the TrueAllele testing results and that he only wanted to shed light on the significance of the results. Though he has found errors in other cases that he was asked to review, Adams indicated that he did not find any errors in the TrueAllele testing in this case.

Jeff Goudeau, the firearms supervisor at the LSPCL, confirmed that Cruz and Galindo were at one point being investigated as suspects in this case. When asked about his involvement in the execution of a search warrant for their residence, Goudeau specifically testified, "As far as their involvement, I was simply there to help execute the forensic part of this search warrant, which includes looking for evidence." He confirmed that a knife was located, collected, and sent to the LSPCL. On recall, Mai confirmed that he tested the knife sent to the LSPCL, examined it for the presence of blood, and it was presumptive negative. He then proceeded with taking a swab from the blade and then a separate swab from the handle of the knife. Buratt was additionally recalled regarding the LSPCL listing of four people under "Suspect" in this case, and he confirmed that the suspects were Diez, the defendant, Cruz, and Galindo.

John Sawicki, a forensic computer scientist trained in the interpretation of cell phone records, testified as an expert in cell phone analysis and cell tower analysis. Sawicki confirmed that cell phone towers are likely to pick up a signal when a cell phone is in certain range of the tower; however, obstructions may block the signal and cause a tower to miss the cell phone within its range. He noted that some research even suggests that under some circumstances, moving a cell phone from one side of your head to another could cause it to pick up a different tower. He further testified that cell phone towers are not looking for the closest tower, but instead are looking for the strongest, cleanest signal. Sawicki noted that he was not

aware of any study that validated NELOS and that there are problems within NELOS that make it demonstrably false, malfunctioning, and flawed. However, Sawicki agreed that juries across the country have been presented with evidence based on NELOS records for years. Sawicki confirmed that there were over thirty phone calls between Diez's phone and Mora's phone from April 15, 2014, to April 30, 2014.

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. Dorsey**, 2010-0216 (La. 9/7/11), 74 So.3d 603, 634, cert. denied, 566 U.S. 930, 132 S.Ct. 1859, 182 L.Ed.2d 658 (2012). Further, 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. Accordingly, on appeal, this court will not assess the credibility of witnesses or reweigh the evidence to overturn a fact finder's determination of guilt. **State v. Lavy**, 2013-1025 (La. App. 1st Cir. 3/11/14), 142 So.3d 1000, 1006, writ denied, 2014-0644 (La. 10/31/14), 152 So.3d 150.

The verdicts rendered in this case indicate that the jury rejected the defendant's theory that she was misidentified in this case. In reviewing the evidence presented at trial, we cannot say that the jury's determination was irrational under the facts and circumstances presented. See Ordodi, 946 So.2d at 662. The defendant's fingerprints were found on surfaces in the victims' residence, and there was evidence establishing that the defendant's DNA was on a cap located at the crime scene. Further, the victims' DNA was found in presumptive bloodstain samples from the defendant's vehicle. The evidence at the crime scene showed that the victims were attacked while caught off guard and supports the conclusion that they knew their attackers.

The State presented meticulous evidence to show the timeline of the defendant's actions from the hours preceding the murders to the immediate days thereafter. Several witnesses testified that the defendant had a pay dispute with the victims just prior to the murders. While the defendant's cell phone was located in her residence during the time of the murders, both State and defense witnesses agree that the cell phone showed no activity during that time period. Additionally, while the defendant argues that she was home at the time the murders were committed, she does not dispute that her son was left in the care of others during the time the crimes occurred. Data for the cell phone that belonged to the defendant's boyfriend, Diez, showed that the phone traveled from Baton Rouge to the location of the murders and returned to Baton Rouge after the murders were committed. Furthermore, the defendant fled the country shortly after the murders. Courts have long recognized that evidence of flight indicates consciousness of guilt and, therefore, is one of the circumstances from which the jury may infer guilt. **State v. Gray**, 2020-0685 (La. App. 1st Cir. 6/17/21), 2021 WL 2470515, *6 (unpublished).

Considering the evidence, we find that the jury could have rationally concluded that the defendant participated in the murders in this case. An appellate court errs by substituting its appreciation of the evidence and credibility of witnesses for that of the fact finder and thereby overturning a verdict on the basis of an exculpatory hypothesis of innocence presented to, and rationally rejected by, the jury. See **State v. Calloway**, 2007-2306 (La. 1/21/09), 1 So.3d 417, 418 (*per curiam*). A court of appeal impinges on a fact finder's discretion beyond the extent necessary to guarantee the fundamental protection of due process of law in accepting a hypothesis of innocence that was not unreasonably rejected by the fact finder. See **State v. Mire**, 2014-2295 (La. 1/27/16), 269 So.3d 698, 703 (*per curiam*). After a thorough review of the record, we are convinced that a rational trier of fact, viewing the evidence in the light most favorable to the State, could find that the State proved

beyond a reasonable doubt, and to the exclusion of every reasonable hypothesis of innocence, all of the elements of each count of first-degree murder and the defendant's identity as a perpetrator of the offenses.

The sole assignment of error lacks merit.

CONVICTIONS AND SENTENCES AFFIRMED.