STATE OF LOUISIANA	*	**NO. 2010-KA-1736**
VERSUS	*	
		COURT OF APPEAL
LENNIS A. GEORGE	*	
		FOURTH CIRCUIT
	*	
		STATE OF LOUISIANA

*** * * * * * ***

APPEAL FROM
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 490-269, SECTION "B"
Honorable Lynda Van Davis, Judge
* * * * * *
Judge Daniel L. Dysart
* * * * * *

(Court composed of Judge James F. McKay, III, Judge Max N. Tobias, Jr., Judge Daniel L. Dysart)

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AFFIRMED

July 20, 2011

Defendant, Lennis A. George, appeals his conviction for attempted manslaughter. For the following reasons, we affirm his conviction and sentence.

FACTS AND PROCEDURAL HISTORY:

Mr. George was originally charged with attempted second-degree murder, to which he pled not guilty. A trial was begun, during which the trial court granted the defendant's motion for mistrial. An emergency writ was taken by the State to this Court, which was granted.[1] The trial resumed, and the defendant was convicted of the responsive verdict of attempted manslaughter. Post-trial motions were denied, and the defendant was sentenced to serve twenty years at hard labor with credit for time served. He was subsequently adjudicated a fourth felony offender. His original sentence was vacated, and he was resentenced to serve thirty-five years at hard labor with credit for time served. The district court denied the motion for reconsideration of sentence and granted the defendant's motion for an appeal. The Louisiana Appellate Project filed an appellant brief; additionally, the defendant filed a *pro se* brief.

[1] *State v. George*, 2010-1040, (La..App. 4 Cir. 7/21/10), *unpub.*

The testimony at trial revealed that on August 25, 2007, Natasha Martin, the victim, borrowed a Ford Expedition to drive to the Franklin Avenue Baptist Church to get canned goods that were being given away. Her three children were in the vehicle. As the family drove along I-10, Martin noticed the defendant, Lennis George, driving near her in traffic. Martin testified that she and the defendant had dated for seven or eight years, but the relationship had been over for several months. However, Martin admitted on cross-examination that George had slept at her home just two days before this incident.

The defendant began to follow Martin along I-10 and tried to get her to pull over, which she refused to do. Martin exited I-10 at Franklin Avenue. The defendant continued to try to get Martin to pull over, and she eventually complied. However, when George got out of his vehicle, Martin drove off. The defendant returned to his vehicle and began to follow Martin again, stopping briefly to allow his sister and nephew to get out of his truck. George continued to follow Martin. At the corner of Franklin Avenue and North Dorgenois Street, the defendant rammed the side and back of Martin's vehicle, shoving it into the traffic. Fearing that the defendant would continue to ram her vehicle, Martin got out and began to dial 911 to report the incident. The defendant exited his truck and ran towards Martin screaming, "B, you want to play with me." The defendant then stabbed Martin on the side of her face and neck with a small knife that Martin described as looking like a steak knife. Martin's 16-year-old son intervened in an attempt to stop the defendant from stabbing his mother. The young man managed to pull the defendant off of Martin, which allowed Martin to briefly get away. However, the defendant broke free and stabbed Martin in the ear and across her face. Several bystanders came to Martin's aid and pulled the defendant off of her. Again, he

broke free and stabbed Martin in the hand and chest. The bystanders pulled the defendant off of Martin a second time, but he continued his pursuit of Martin and tried to attack her again. George finally stopped the attack and fled in his truck after some of the bystanders approached him with bricks and sticks.

Martin's son corroborated his mother's testimony. He stated that the defendant and his mother argued during their relationship, but they never fought with "…knives and stuff like that…."

Officer Karriem Jefferson responded to the scene, where he found Martin bleeding from the head and neck. Her shirt was covered with blood, and she was screaming and very upset. He observed several wounds on her body which he noted on the domestic violence sheet attached to the police report. He also observed debris from an automobile collision. Martin explained to Officer Jefferson what had transpired and told him that the defendant repeatedly stabbed her. Officer Jefferson also interviewed the defendant's sister at the scene. She corroborated what Martin told him. Martin was transported to the hospital by ambulance. The crime lab processed the scene, but no knife was recovered. Officer Jefferson prepared an arrest warrant for George and entered it into the system.

Approximately two years later, Officer Borgius Guient, in response to an anonymous tip, went to a home where the defendant was alleged to be hiding. The owner of the house denied that George was there. When Guient and his partner, Officer Joshua Carthon, returned a second time, the homeowner consented to a search of the house. The officers heard a noise coming from the attic, searched and found the defendant. Officer Carthon recovered a loaded .45 caliber handgun and holster where the defendant was hiding.

ERRORS PATENT:

A review of the record reveals two errors patent.

The first error involves the failure of the trial court to observe the twenty-four hour delay required by La. Code Crim. Proc. art. 873 before sentencing the defendant. George was sentenced on August 27, 2010, the same date that his motion for a new trial and motion for post-verdict judgment of acquittal were denied, without a waiver of the delay required by La. Code Crim. Proc. art. 873. However, in *State v. Collins*, 584 So.2d 356, 360 (La. App. 4 Cir. 1991), this Court held that the failure to observe the delay would be deemed harmless error where the defendant did not challenge his sentence on appeal. Therefore, because the defendant in this case raises no error relative to his sentence, the failure of the trial court to observe the delay is harmless error.

The second error involves the failure of the trial court to sentence defendant to the mandatory life sentence as set forth by La. R.S. 15:529.1(A)(4)(b) for a fourth felony offender, which provides, in pertinent part, that if the fourth felony and two of the prior felonies are felonies defined as crimes of violence under R.S. 14:2(B), or a violation of the Uniform Controlled Substances Law punishable by imprisonment for ten or more years, the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation or suspension of sentence.[2]

Attempted manslaughter is defined as a crime of violence. La. R.S. 14:2(4). Two of defendant's three prior felony convictions were for possession of cocaine, a controlled dangerous substance punishable by ten or more years imprisonment.

[2] The bill of information reflects that defendant had two prior felony convictions for possession of cocaine and one conviction for unauthorized entry into an inhabited dwelling.

La. R.S. 40:967(F). Accordingly, defendant should have been sentenced to life imprisonment without benefits.

Pursuant to La. R.S. 15:301.1(A), this Court recognizes that a sentence is deemed to contain a condition that a defendant's sentence is to be served without the benefit of parole, probation and/or suspension of sentence, such as the case may be, where a trial court erroneously fails to impose such condition(s).

Furthermore, La. Code Crim. Proc. art. 882(A) states:

> A. An illegal sentence may be corrected at any time by the court that imposed the sentence or by an appellate court on review.

However, in *State v. Bagneris*, 2002-0773 (La. App. 4 Cir. 10/16/02), 830 So. 2d 1047, this Court declined to consider the State's argument on appeal that a twenty-year sentence imposed on a fourth-felony habitual offender was illegally lenient in that the mandatory minimum sentence was life imprisonment. The State had objected to the twenty-year sentence at the time of sentencing. However, this Court noted that thereafter the State failed to move the trial court to amend the sentence to the applicable statutory provision under the procedure provided for by La. R.S. 15:301.1, which states in pertinent part:

> B. If a sentence is inconsistent with statutory provisions, upon the court's own motion or motion of the district attorney, the sentencing court shall amend the sentence to conform to the applicable statutory provisions. The district attorney shall have standing to seek appellate or supervisory relief for the purpose of amending the sentence as provided in this Section.
>
> * * *
>
> D. Any amendment to any criminal sentence as authorized by the provisions of this Section shall be completed within one hundred eighty days of the initial sentencing.

This Court noted in *Bagneris* that the State did not timely ask the trial court to reconsider the sentence pursuant to La. Code Crim. Proc. art. 881.1, timely seek supervisory review, or timely appeal the illegally lenient sentence. Rather, the State merely brought the sentencing error to this Court's attention in its appellee brief filed in response to the defendant's appeal. This Court stated that the law clearly provided an appropriate procedure to correct the sentencing error in a timely and judicious manner, apparently meaning pursuant to La. R.S. 15:301.1(B), and/or by a motion to reconsider sentence filed pursuant to La. Code Crim. Proc. art. 881.1, by application for supervisory review and/or by a timely appeal. This Court stated that although an illegal sentence may be corrected at any time under La. Code Crim. Proc. art. 882(A), it declined to exercise its discretion under the facts of the case, noting that to reach any other conclusion would fail to give effect to "the clear language" of La. R.S. 15:301.1(D).

In the instant case, the State failed to object in the trial court to the illegally lenient thirty-five year sentence. It did not file a motion to reconsider the sentence in the trial court, seek supervisory review of the sentence, or appeal it. Nor, unlike in *Bagneris*, has the State raised the issue in its appellee brief filed in response to the defendant's appeal. Therefore, following the ruling in *Bagneris*, we decline to either amend the sentence or to vacate it and remand for resentencing.

DISCUSSION:

ASSIGNMENT OF ERROR NUMBER 2:[3]

By this pro se assignment of error, the defendant asserts that the evidence was insufficient to support his conviction. Specifically, he argues that the State failed to present any physical or testimonial evidence that supports a finding that defendant possessed the specific intent to kill Natasha Martin. He contends that, at best, he was provoked to violence during a domestic argument and, despite the "unfortunate and regrettable turn of events," he never had the specific intent to kill Ms. Martin.

In evaluating whether evidence is constitutionally sufficient to support a conviction, an appellate court must determine whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the defendant guilty beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781 (1979); *State v. Green*, 588 So.2d 757 (La. App. 4 Cir. 1991). However, the reviewing court may not disregard this duty simply because the record contains evidence that tends to support each fact necessary to constitute the crime. *State v. Mussall*, 523 So.2d 1305 (La. 1988). The reviewing court is not permitted to consider just the evidence most favorable to the prosecution but must consider the record as a whole since that is what a rational trier of fact would do. If rational triers of fact could disagree as to the interpretation of the evidence, the rational trier's view of all the evidence most favorable to the prosecution must be adopted. The factfinder's discretion will be impinged upon only to the extent

[3] Because defendant's second assignment of error addresses the sufficiency of the evidence, that assignment will be addressed first. *State v. Hearold*, 603 So. 2d 731 (La. 1992).

necessary to guarantee the fundamental protection of due process of law. *Mussall*, 523 So.2d at 1309-1310. "[A] reviewing court is not called upon to decide whether it believes the witnesses or whether the conviction is contrary to the weight of the evidence." *State v. Smith*, 600 So.2d 1319, 1324 (La. 1992).

A factfinder's credibility decision should not be disturbed unless it is clearly contrary to the evidence. *State v. Huckabay*, 2000-1082, p. 33 (La. App. 4 Cir 2/6/02), 809 So.2d 1093, 1111; *State v. Harris*, 99-3147, p. 6 (La. App. 4 Cir. 5/31/00), 765 So.2d 432, 435. The testimony of a single witness, if believed by the trier of fact, is sufficient to support a conviction. *State v. White*, 28,095, p. 14 (La. App. 2 Cir. 5/8/96), 674 So.2d 1018, 1027.

Lennis George was charged with attempted second-degree murder; he was convicted of the responsive verdict of attempted manslaughter. La. Code Crim. Proc. art. 814 A 4.

Attempt is defined in pertinent part: "… Any person who, having the specific intent to commit a crime, does or omits an act for the purpose of and tending directly toward the accomplishing of his object is guilty of an attempt to commit the offense intended;…" La. R.S. 14:27(A).

Second-degree murder is defined in pertinent part as: "….the killing of a human being: (1) when the offender has a specific intent to kill or to inflict great bodily harm;…" La. R.S. 14:30.1A(1).

Manslaughter is defined in pertinent part as: "…A homicide which would be murder under either Article 30 (first degree murder) or Article 30.1 (second degree murder), but the offense is committed in sudden passion or heat of blood immediately caused by provocation sufficient to deprive an average person of his self-control and cool reflection. Provocation shall not reduce a homicide to

manslaughter if the jury finds that the offender's blood had actually cooled, or that an average person's blood would have cooled, at the time the offense was committed;…" La. R.S. 14:31.

Specific intent is that state of mind that exists when the circumstances indicate the offender actively desired the proscribed criminal consequences to follow his act. La. R.S. 14:10(1); *State v. Lindsey*, 543 So.2d 886, 902 (La. 1989).

The determination of whether the requisite intent is present in a criminal case is for the trier of fact. *State v. Huizar*, 414 So.2d 741, 751 (La. 1982); *State v. Butler*, 322 So.2d 189, 194 (La.1975). In reviewing the correctness of such a determination, the court should review the evidence in a light most favorable to the prosecution and must determine if the evidence is sufficient to convince a reasonable trier of fact of the guilt of the defendant beyond a reasonable doubt as to every element of the offense. *Jackson v. Virginia, supra*; *State v. Huizar, supra.*

In the instant case, the defendant followed Martin as she drove along I-10 and repeatedly tried to convince her to pull over. There was no evidence that Martin engaged in any provocative action toward the defendant. He had a knife in his possession. He rammed her vehicle, forcing her to exit the vehicle where he immediately attacked and stabbed her several times. During the attack, the defendant was pulled off of Martin by Martin's eldest son and several bystanders, only to break free and continue to pursue and stab Martin. The defendant ceased attacking Martin and fled the scene only after the bystanders armed themselves with bricks and sticks. Therefore, it is apparent that Lennis George armed himself with a knife, followed Martin and intended to stop her and engage in a confrontation. Given these facts, the evidence was sufficient to convict him of attempted second-degree murder. The defendant had sufficient time to cool off

and reflect on the consequences of his actions but continued his relentless attack even after being stopped several times. Accordingly, the responsive verdict of attempted manslaughter is fully supported by the record.

The defendant also argues that the State failed to introduce any documentary evidence or testimony that Martin sustained injuries serious enough to support his conviction. Specifically, he asserts that Officer Jefferson confirmed that a knife was never found. He further argues that not a "single" doctor or other medical expert testified in support of any injuries sustained by Martin.

Natasha Martin testified that she sustained stab wounds to her face, head, neck, back, chest and hand. Ms. Martin's son, an eyewitness, testified that his mother was stabbed by George in the face and ear. Officer Jefferson testified that when he arrived on the scene, he observed wounds in the area of Martin's shoulders, head and neck. He did not see wounds on her back, hands or arms, but explained that Martin still had on her shirt, which was soaked with blood. He also stated that when a victim is covered in blood as Martin was, it is often difficult to see all the wounds that the victim sustained. Officer Jefferson noted the location of Martin's wounds on the domestic violence sheet attached to his police report. Additionally, during her testimony, Ms. Martin showed the jury the scars she sustained as a result of the attack. Accordingly, the record supports the jury's finding that Martin sustained serious enough injuries to support the defendant's conviction of attempted manslaughter.

This assignment of error is without merit.

ASSIGNMENT OF ERROR NUMBER 1:

By this assignment of error, the defendant asserts that his due process right to a fair trial was violated when this Court reversed the trial court's judgment

granting a defense motion for a mistrial after Ms. Martin testified during the first day of trial that she broke up with defendant because of "the abuse." The defendant argues that this reference to prior "crimes" or "bad acts" by the victim severely prejudiced the jury and contributed to the verdict. The State counters that Martin's unexpected reference to abuse was unspecified and did not warrant a mistrial because it did not unambiguously refer to another crime by George.

The following trial testimony of Natasha Martin is at issue:

> Q. And were you all dating at the time of this incident, or still together, August 25, 2007?
>
> A. No. We had broken up.
>
> Q. And about how long before, had you all broken up?
>
> A. I'll say, about two or three months before that.
>
> Q. And tell the jury why you all broke up.
>
> A. Because I just didn't want to be with him anymore.
>
> Q. And was there an [sic] particular reason you didn't want to be with him anymore?
>
> A. Because of the abuse.

Out of the presence of the jury defense counsel moved for a mistrial. In response, the prosecutor stated that on the Friday before the trial, Martin told him that she broke up with the defendant because she started to date someone else. That was the answer the prosecutor anticipated from Martin. The trial court granted the motion for a mistrial. The State filed a writ in this Court, which was granted. This Court reversed the trial court, reasoning:

> Although the witness stated that she split up with the defendant because of abuse, it is unclear whether the abuse was physical or psychological. We do not find that the proverbial "bell" cannot be "un-rung" in this case. Further, the matter can be corrected on appeal in the event of the defendant's conviction.

The trial resumed, and Martin's testimony continued as follows:

> Q. I'm going to pick up from yesterday. I'm going to ask you, at some point towards the end of the time that you were dating Lennis George, did you meet somebody else?
>
> A. Yes.
>
> Q. And is that the reason you and Lennis George broke up?
>
> A. Yes.

Generally, when an appellate court reviews and considers arguments made in supervisory writ applications or responses to such applications, as in the instant case, the court's disposition on the issue considered becomes the "law of the case" foreclosing relitigation of that issue either in the trial court on remand or in the appellate court on a later appeal. *Diamond B Const. Co., Inc. v. Dep't of Transp. & Dev.*, 2002-0573, p. 6 (La. App. 1 Cir. 2/14/03), 845 So.2d 429, 434, citing *Easton v. Chevron Industries, Inc.*, 602 So.2d 1032, 1038 (La.App. 4 Cir. 1992). However, the application of the "law of the case" principle to decisions made on applications for supervisory writs is discretionary, and it has been held that where a prior decision is clearly erroneous and will create a grave injustice, it should be reconsidered. *Turner v. Pelican*, 94-1926, pp. 13-14 (La. App. 4 Cir. 9/15/95), 661 So. 2d 1065, 1072, *abrogated in part on other grounds by*, *Hoskin v. Plaquemines Parish Government*, 97-0061 (La. App. 4 Cir. 12/1/97), 703 So. 2d 207.

In granting the State's writ application, this Court left open the defendant's right on appeal to assert the merits of his claim that the trial court did not abuse its discretion in granting the motion for a mistrial. Accordingly, the "law of the case" doctrine cannot be a bar to consideration of this assignment of error.

La. C.E. art. 404(B)(1) states:

> Except as provided in Article 412, evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, of the nature of any such evidence it intends to introduce at trial for such purposes, or when it relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

The Louisiana Supreme Court set forth the applicable law in *State v. Rose*, 2006-0402, pp. 12-13 (La. 2/22/07), 949 So. 2d 1236, 1243-1244, as follows:

> It is well settled that courts may not admit evidence of other crimes to show the defendant as a man of bad character who has acted in conformity with his bad character. La. C.E. art. 404(B)(1); State *v. Williams*, 96-1023, p. 30 (La.1/21/98), 708 So.2d 703, 725; *State v. Prieur*, 277 So.2d 126, 128 (La.1973). Evidence of other crimes, wrongs or acts committed by the defendant is generally inadmissible because of the "substantial risk of grave prejudice to the defendant." *Prieur*, 277 So.2d at 128. However, the State may introduce evidence of other crimes, wrongs or acts if it establishes an independent and relevant reason such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. La. C.E. art. 404(B)(1). The State must provide the defendant with notice and a hearing before trial if it intends to offer such evidence. *Prieur*, 277 So.2d at 130. Even when the other crimes evidence is offered for a purpose allowed under art. 404(B)(1), the evidence is not admissible unless it tends to prove a material fact at issue or to rebut a defendant's defense. *State v. Martin*, 377 So.2d 259, 263 (La.1979); *Prieur*, 277 So.2d at 130. The State also bears the burden of proving that defendant committed the other crimes, wrongs or acts. *State v. Galliano*, 2002-2849, p. 2, (La.1/10/03), 839 So.2d 932, 933 (per curiam).
>
> Although a defendant's prior bad acts may be relevant and otherwise admissible under La. C.E. art. 404(B), the court must still balance the probative value of the evidence against its prejudicial effects before the evidence can be admitted. La. C.E. art. 403. Any inculpatory evidence is "prejudicial" to a defendant, especially when it is "probative" to a high degree. *State v. Germain*, 433 So.2d 110, 118 (La.1983). As used in the balancing test, "prejudicial" limits the introduction of probative evidence of prior misconduct only when it is unduly and unfairly prejudicial. *Id. See also Old Chief v. United States*, 519 U.S. 172, 180, 117 S.Ct. 644, 650, 136 L.Ed.2d 574 (1997)("The term 'unfair prejudice,' as to a criminal defendant, speaks

> to the capacity of some concededly relevant evidence to lure the factfinder into declaring guilt on a ground different from proof specific to the offense charged."). (Footnote omitted).

In addition to the notice requirement imposed on the State by La. C.E. art. 404(B)(1), La. Code Crim. Proc. art. 720 states that, upon motion of the defendant, the court shall order the district attorney to provide the defendant notice of the State's intent to offer evidence of the commission of any other crime admissible under the authority of La. C.E. art. 404.

The prosecutor did not deny that notice was not given to George that the victim, Ms. Martin, would testify that abuse was the reason for their breakup. Indeed, the prosecutor stated that the witness never told him that abuse was the reason she left the defendant. Instead, she told the prosecutor, prior to trial, that she left defendant because she began to date someone else; this is the answer that the prosecutor expected.

La. Code Crim. Proc. art. 775 states that upon motion by a defendant a mistrial "shall be ordered" when prejudicial conduct in or outside the courtroom makes it impossible for the defendant to obtain a fair trial, or when authorized by La. Code Crim. Proc. art. 770 (mandatory mistrial upon motion of the defendant when prejudicial comment made within hearing of the jury by the judge, district attorney, or a court official referring to, *inter alia*, another crime committed or alleged to have been committed by the defendant as to which evidence is not admissible), or La. Code Crim. Proc. art. 771 (the trial court may grant a mistrial upon motion of the defendant if the court is satisfied that an admonition is not sufficient to assure the defendant of a fair trial when a remark or comment made within the hearing of the jury during trial or in argument is of such a nature that it might create prejudice against the defendant in the mind of jury).

Mistrial is a drastic remedy which should only be declared upon a clear showing of prejudice to the defendant. *State v. Leonard*, 2005-1382, p. 11 (La. 6/16/06), 932 So.2d 660, 667. The mere possibility of prejudice is insufficient to warrant a mistrial. *Id.* "The determination of whether actual prejudice has occurred, and thus whether a mistrial is warranted, lies within the sound discretion of the trial judge, and this decision will not be overturned on appeal absent an abuse of that discretion." *State v. Wessinger*, 98-1234, p. 24 (La. 5/28/99), 736 So.2d 162, 183.

Moreover, the erroneous admission of other crimes evidence due to the State's failure to give the defense proper notice, or for any other reason, is subject to the harmless error rule. *State v. Johnson*, 94-1379, p. 17 (La. 11/27/95), 664 So.2d 94, 102; *State v. Plaisance*, 2000-1858, p. 27 (La. App. 4 Cir. 3/6/02), 811 So.2d 1172, 1192. *See also State v. Shaw*, 2007-1427, p. 25 (La. App. 4 Cir. 6/18/08), 987 So.2d 398, 412, *writ denied, State ex rel. Shaw v. State*, 2008-1957 (La. 5/15/09), 8 So. 3d 574 ("The erroneous admission of other crimes evidence is subject to the harmless error analysis."). An error is harmless if it can be said beyond a reasonable doubt that the guilty verdict rendered in the case was surely unattributable to that error. *State v. Robertson*, 2006-1537, p. 9 (La. 1/16/08), 988 So.2d 166, 172.

In the instant case, there is more than sufficient evidence and testimony, apart from Martin's statement that she left because of abuse, to support a finding of a guilty verdict. Martin's account of the day of the incident was detailed. Martin's son, Derrick, testified that his mother and the defendant often had fights, but none of the fights resulted in violence with "knives and stuff like that." Furthermore, when the trial resumed, Martin admitted that she left the defendant because she

began to date someone else. Nevertheless, even assuming *arguendo* that Martin's testimony of abuse was inadmissible, viewing all of the evidence, it can be said beyond a reasonable doubt that the guilty verdict rendered in the instant case was unattributable to the challenged testimony itself or any error relative to the testimony.

There is no merit to this assignment of error.

ASSIGNMENT OF ERROR NO. 3:

The defendant filed a second and untimely *pro se* supplemental brief in which he raises as error the trial court's denial of his due process right to a fair trial because the State was allowed to introduce evidence of other crimes at trial. Specifically, witnesses for the State testified that a handgun was found when George was arrested. The handgun, a casing and a magazine was admitted into evidence. The defendant was not charged with any crime relating to a handgun.

Jurisprudence provides that if the State makes no effort to link the disputed evidence with the crime, the admission of the evidence is harmless error. *State v. Manieri*, 378 So.2d 931, 933 (La. 1979); *State v. Richardson*, 96-2598, pp. 5-6 (La.App. 4 Cir. 12/17/97), 703 So.2d 1371, 1373-74; *State v. Villavicencio*, 528 So.2d 215, 217 (La.App. 4 Cir. 1988).

In this case, there was no testimony that the defendant used a gun to commit the charged offense. The gun was not linked to the crime in any way. Accordingly, the admission of the gun into evidence was harmless error.

Accordingly, for the reasons assigned, we affirm the defendant's conviction and sentence.

AFFIRMED