

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2013 KA 0658

STATE OF LOUISIANA

VERSUS

COREY CORDELL BRIDGES

Judgment Rendered: December 27, 2013

**Appealed from the
21st Judicial District Court
In and for the Parish of Livingston
State of Louisiana
Case No. 25440**

The Honorable Robert H. Morrison, III, Judge Presiding

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BEFORE: KUHN, HIGGINBOTHAM, AND THERIOT, JJ.

*Perilloux
J&K
by Perilloux
TMH*

THERIOT, J.

The defendant, Corey Cordell Bridges, was charged by bill of information with aggravated battery, in violation of La. R.S. 14:34. The defendant entered a plea of not guilty. The defendant waived his right to a trial by jury and was found guilty as charged after a bench trial.¹ The trial court sentenced the defendant to two years imprisonment at hard labor and denied the defendant's subsequent motion to reconsider sentence. The defendant appeals, assigning error to the sufficiency of the evidence to support the conviction. For the following reasons, we affirm the conviction and sentence.

STATEMENT OF FACTS

On December 29, 2009, prior to the offense, Mary Bridges (the mother of the defendant and the codefendant) visited her cousin Linda Lee (the victim) because she wanted to resolve the turmoil between her granddaughter, Taniesha Bridges, and the victim's granddaughter, Kia Lee. The ladies agreed that since the two girls were cousins they should not be fighting and the victim told Bridges that she would bring her granddaughter to Bridges's home later and help persuade the girls to reconcile. That afternoon another altercation involving the girls took place at a sporting event.

The instant offense occurred when several members of the Lee family went to Mary Bridges's home located at 25535 Pardue Road in Springfield, around 9:00 p.m. on the night of December 19, 2009. When the victim arrived at the home to resolve the dispute, several people were there, including the two girls involved in the fight, Mary Bridges, the codefendant,

¹ The trial court ordered that the defendant's case be consolidated with the codefendant Tony D. Bridges (the defendant's brother) for purposes of the bench trial. The codefendant was found not guilty.

and the defendant. As soon as more of the victim's family arrived, a physical altercation ensued in the roadway in front of the residence between several members of the two families. When the fighting started, the victim instructed Mary Bridges to call the police. As the victim attempted to restrain her grandson, Kenan Lee, the defendant hit her in the back of her head with a board. The victim was still trying to restrain her grandson when she received another blow to the head. After the police and an ambulance arrived, the victim was transported to North Oaks Hospital where she received staples and stitches in her head.

The victim testified that she went to Mary Bridges's home in an attempt to have the grandchildren talk things out. She further stated that her grandchildren and her daughter, Latonya Lee Lloyd, knew she was going to Mary Bridges's home and followed her there in separate vehicles. The physical altercation started after her grandson Kenan exited the vehicle and asked members of the Bridges family, "[W]hy did ya'll double team my sister?" The victim was trying to hold back her grandson when she was hit in the head. She turned around and looked back and saw the defendant with the board in his hand. She didn't look back to see who hit her when she received the second blow to the head. To her knowledge, Kenan did not have a gun. In confirmation and explanation of her claim in her police statement that the defendant hit her when he was attempting to hit Kenan, during cross-examination the victim testified, "[S]omeone said if I wouldn't have been in the way, I wouldn't have got a lick; Kenan would have got it." She testified that her grandson did not pose a threat to anyone and that she held him back the whole time.

Latonya Lee Lloyd, who was the victim's daughter, testified that while sisters Raneisha and Taneisha Bridges were fighting with Kia, the

defendant hit her mother in the head with a two-by-four-inch board and that the codefendant hit her mother in the head with a small iron pipe. She was standing near her mother at the time and the board hit her arm as it was going toward her mother's head. She stated that her mother was trying to hold back Kenan to keep him from getting involved in the fight when she was hit in the head.

Latonya confirmed that she kept a gun in her vehicle, that unbeknownst to her someone removed it, and that the police returned it to her after the incident was over. She further testified that Kenan did not have a gun, and that her mother was the only member of the Lee family who actually entered the yard of the Bridges residence to talk to Mary Bridges and that the others stayed in the roadway. During cross-examination, Latonya confirmed that she did not know who the defendant and the codefendant were swinging at and only knew that it was her mother who got hit in the head.

Officers of the Livingston Parish Sheriff's Office responded to the scene and also obtained written statements from the victim, Latonya Lee Lloyd, Kia Lee, and one unnamed statement presumably written by the victim's grandson, Sedrick Lee. The statements were wholly consistent with the trial testimony. According to trial testimony, the defendant and the codefendant left the scene before the police arrived. After the crowd disbursed, Deputy Shawn Lang brought a gun to Deputy Todd Sutton. Regarding the gun, Detective Chuck Watts further testified that Mary Bridges was the only witness who mentioned it but only stated that it fell from the person of one of Linda Lee's grandchildren and did not indicate that anyone waved it or used it in a threatening manner or in any other manner. Since none of the witnesses who were interviewed indicated that

the gun was somehow involved in the incident, the police returned it to the owner, Latonya Lee Lloyd, instead of collecting it as evidence.

The defendant and codefendant testified at the trial along with two other defense witnesses, the codefendant's wife, Sharon Bridges, and their mother, Mary Bridges. The codefendant and the defendant testified that when they arrived at their mother's house, there was a large crowd arguing. The codefendant stated that Latonya got in her car when she saw them, and that no one was fighting at that point. The codefendant further stated that Kenan was waving a gun and added, "he never pointed it at me, but he was waiving [sic] it like he wanted to use it." The codefendant hit Kenan when he saw him with the gun and at that point the gun fell, Kenan ran from him, and the girls started fighting. The codefendant further testified that he was unsure of who picked the gun up, but added that his mother ended up with it and gave it to the police when they arrived. He also stated that he did not know how the victim got hit in the head and that she was walking back toward the street from the Bridges yard when Kenan was waving the gun.

The defendant testified that after he and the codefendant arrived, the codefendant started fighting Kenan first, and then the defendant had a fight with Kenan. The defendant further explained that the girls were fighting and that he wanted to protect them from Kenan so he rushed him, adding that though he personally weighed 250 pounds, Kenan was much taller and wider. The defendant further stated that he was not focused on the others, specifically stating, "Well, as far as I was under the impression that a fight—my focus was on Kenan. Cause he had punched my niece in the mouth at a basketball game and knocked her tooth loose. So Kenan was my target."

When questioned as to what his fight with Kenan consisted of, the defendant stated that Kenan had a gun. Consistent with the codefendant's

testimony, the defendant further testified that Kenan dropped the gun when he and the codefendant were fighting. After Kenan dropped the gun, the defendant picked up the gun and gave it to his sister-in-law, Sharon Bridges, and he and Kenan began to fistfight. The defendant then retrieved a "big long board" from his yard (located within close proximity to his mother's yard) and hit Kenan once with the board.

When asked for clarification as to whether he actually hit Kenan with the board, the defendant stated, "I don't know. I just was swinging. It was dark." When specifically asked what he was trying to hit, the defendant stated that he was trying to hit Kenan but confirmed that the victim was standing there at the time. The defendant specifically stated, "He's—you know—his grandmother was standing there. He's holding his grandmother in his way." The defendant added that Kenan was swinging back at him at the time. The defendant testified that he was not trying to hit the victim and that he could not confirm whether or not he hit her and reiterated that his target was Kenan. The defendant further testified that he was at home when the police came and that his house was about twenty steps from his mother's house.

When further questioned during cross-examination, the defendant stated that they were actually in his yard when he and Kenan were fighting and that he only had to go two feet or less to get the board. He again stated that they were fighting because he was told that Kenan punched his niece in the mouth at the basketball game. The defendant was not present at the game and when questioned as to why he was fighting based on hearsay, he stated that Kenan was the biggest guy at his mother's house and was a threat to his nieces. The defendant stated he knew the victim was trying to hold Kenan back but he just snapped and started swinging the board at him. The

defendant confirmed that he was trying to hurt Kenan and also stated that he was, “[t]rying to wear his body down.”

Sharon Bridges confirmed that the defendant gave her the gun. She testified that she did not see the gun before the defendant brought it to her. She then gave the gun to Mary Bridges. She further stated that she was outside during a portion of the fight but only saw the gun in the defendant’s hand. Mary Bridges similarly testified that when the victim came over to talk about the fight that the kids had, her granddaughters came outside and the fighting ensued as she stood on her porch, and she did not see the gun until it was given to her by Sharon Bridges. Mary Bridges did not see the victim get hit and did not get a good view of the fighting. However, she specifically testified that she saw Kenan when he was “on the road fighting with them” and added that “[t]hey was right out in front of my house.”

ASSIGNMENT OF ERROR

In the sole assignment of error, the defendant contends that the evidence did not support beyond a reasonable doubt that he committed aggravated battery. The defendant specifically argues that the evidence established that his actions in defending himself and his family were reasonable under the circumstances. Contending that the codefendant’s actions were justifiable due to Kenan’s possession of a gun, the defendant argues that his actions were equally justifiable.

STANDARD OF REVIEW

The standard of review for sufficiency of the evidence to support a conviction is whether or not, viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could conclude that the State proved the essential elements of the crime and defendant’s identity as the perpetrator of that crime beyond a reasonable doubt. See La. Code Crim.

P. art. 821; *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S.Ct. 2781, 2789, 61 L.Ed.2d 560 (1979); *State v. Johnson*, 461 So.2d 673, 674 (La. App. 1st Cir. 1984).

In conducting this review, we also must be expressly mindful of Louisiana's circumstantial evidence test, i.e., "assuming every fact to be proved that the evidence tends to prove, in order to convict, it must exclude every reasonable hypothesis of innocence." La. R.S. 15:438; *State v. Wright*, 98-0601 (La. App. 1st Cir. 2/19/99), 730 So.2d 485, 486, writs denied, 99-0802 (La. 10/29/99), 748 So.2d 1157 & 2000-0895 (La. 11/17/00), 773 So.2d 732. When a case involves circumstantial evidence and the trier of fact reasonably rejects the hypothesis of innocence presented by the defendant's own testimony, that hypothesis falls, and the defendant is guilty unless there is another hypothesis that raises a reasonable doubt. *State v. Captville*, 448 So.2d 676, 680 (La. 1984).

DISCUSSION

The offense of aggravated battery consists of the intentional use of force or violence, with a dangerous weapon, upon the person of another. *State v. Howard*, 94-0023 (La. 6/3/94), 638 So.2d 216, 217 (per curiam); see also La. R.S. 14:33 & La. R.S. 14:34(A). A dangerous weapon is any gas, liquid or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm. La. R.S. 14:2(A)(3). Aggravated battery requires neither the infliction of serious bodily harm nor the intent to inflict serious injury. Instead, the requisite intent element is general criminal intent. See *Howard*, 638 So.2d at 217.

"General criminal intent is present whenever there is specific intent, and also when the circumstances indicate that the offender, in the ordinary course of human experience, must have adverted to the prescribed criminal

consequences as reasonably certain to result from his act or failure to act.” La. R.S. 14:10(2). In general intent crimes, the criminal intent necessary to sustain a conviction is shown by the very doing of the acts that have been declared criminal. *State v. Payne*, 540 So.2d 520, 523-24 (La. App. 1st Cir.), writ denied, 546 So.2d 169 (La. 1989).

“The use of force or violence upon the person of another is justifiable when committed for the purpose of preventing a forcible offense against the person or a forcible offense or trespass against property in a person's lawful possession, provided that the force or violence used must be reasonable and apparently necessary to prevent such offense.” La. R.S. 14:19(A). “It is justifiable to use force or violence or to kill in the defense of another person when it is reasonably apparent that the person attacked could have justifiably used such means himself, and when it is reasonably believed that such intervention is necessary to protect the other person.” La. R.S. 14:22.

In a non-homicide situation, a claim of self-defense requires a dual inquiry: first, an objective inquiry into whether the force used was reasonable under the circumstances, and second, a subjective inquiry into whether the force used was apparently necessary. *State v. Willis*, 591 So.2d 365, 370 (La. App. 1st Cir. 1991), writ denied, 594 So.2d 1316 (La. 1992). “A person who is the aggressor or who brings on a difficulty cannot claim the right of self-defense unless he withdraws from the conflict in good faith and in such a manner that his adversary knows or should know that he desires to withdraw and discontinue the conflict.” La. R.S. 14:21. In this case, the evidence sufficiently established that the defendant did not act in self-defense or defense of others. See *State v. Pizzalato*, 93-1415 (La. App. 1st Cir. 10/7/94), 644 So.2d 712, 714, writ denied, 94-2755 (La. 3/10/95), 650 So.2d 1174.

The trier of fact is free to accept or reject, in whole or in part, the testimony of any witness. *State v. Druilhet*, 97-1717 (La. App. 1 Cir. 6/29/98), 716 So.2d 422, 424. Moreover, when 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. *Id.* The trier of fact's determination of the weight to be given is not subject to appellate review. *State v. Clouature*, 2012-0407 (La. App. 1 Cir. 11/14/12), 110 So.3d 1094, 1100. We are constitutionally precluded from acting as a "thirteenth juror" in assessing what weight to give evidence in criminal cases. See *State v. Mitchell*, 99-3342 (La. 10/17/00), 772 So.2d 78, 83. The fact that the record contains evidence which conflicts with the testimony accepted by a trier of fact does not render the evidence accepted by the trier of fact insufficient. *State v. Quinn*, 479 So.2d 592, 596 (La. App. 1st Cir. 1985).

The defendant and the codefendant were the only witnesses to testify that Kenan Lee had and brandished a gun. The other witnesses either specifically denied having seen Kenan with a gun or did not mention a gun at all. The victim indicated that she was nearest to Kenan and she did not see him with a gun. She further stated that she was restraining her grandson and that he did not hit anyone.

Moreover, the defendant and the codefendant both agreed that Kenan did not have a gun in his possession when the defendant obtained the board and started swinging it. They both testified that the gun fell when Kenan and the codefendant were fighting, prior to the defendant's involvement. While the codefendant was unsure who picked up the gun, the defendant specifically resolved that question when he testified that he picked up the gun at that point and gave it to Sharon Bridges who consistently testified that

the defendant gave her the gun. Based on the defendant's own testimony, if Kenan ever had a gun, the defendant knew he was disarmed and removed the gun from within his reach before committing the offense. Further, according to the codefendant, Kenan retreated after he was disarmed.

The defendant's own testimony also showed that he intentionally used force or violence with a dangerous weapon in a manner likely to cause death or great bodily harm in striking the victim in the head with a board. The defendant contends that the victim received the blow that was intended for Kenan. The law of transferred intent was explained by this court in another case similar to the instant case. See Druilet, 716 So.2d at 424. In *Druilhet*, the defendant was charged with aggravated battery and, after a trial by jury, was found guilty of the responsive offense of second degree battery. In his claim that the evidence was insufficient to support his conviction, the defendant in *Druilhet* argued that he lacked the intent necessary for a conviction of second degree battery because he meant to hit his brother and did not mean to hit or cause serious injury to the victim. This court noted that under the theory of transferred intent, if the defendant possessed the necessary intent to inflict serious bodily injury when trying to hit his brother, but missed and accidentally hit someone else, such intent is transferred to the actual victim. *Id.*

Similarly, in this case, even if the defendant only had the necessary intent in regard to Kenan Lee, under the doctrine of transferred intent the evidence supports the aggravated battery conviction. Moreover, as stated above, aggravated battery is a general intent offense. The defendant testified that he knew that the victim was standing in the area where he started swinging the board that he described as big and long. Thus, under the

circumstances, he must have adverted to the prescribed criminal consequences as reasonably certain to result from his act.

CONCLUSION

We cannot say that the trial court's determination was irrational under the facts and circumstances presented. See *Ordodi*, 946 So.2d at 662. Furthermore, 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. *State v. Calloway*, 2007-2306 (La. 1/21/09), 1 So.3d 417, 418 (per curiam). We are convinced that any rational trier of fact, viewing the evidence presented at trial in the light most favorable to the State, could have found the evidence proved beyond a reasonable doubt, and to the exclusion of every reasonable hypothesis of innocence, all of the elements of aggravated battery. Due to the foregoing conclusions, the sole assignment of error lacks merit.

CONVICTION AND SENTENCE AFFIRMED.