

**STATE OF LOUISIANA**

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**NO. 2002-KA-0178**

**VERSUS**

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**COURT OF APPEAL**

**LAQUANDA KEASLEY**

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**FOURTH CIRCUIT**

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**STATE OF LOUISIANA**

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APPEAL FROM  
CRIMINAL DISTRICT COURT ORLEANS PARISH  
NO. 420-797, SECTION "L"  
HONORABLE TERRY ALARCON, JUDGE

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**JAMES F. MCKAY, III**  
**JUDGE**

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(Court composed of Judge Steven R. Plotkin, Judge James F. McKay, III,  
Judge Terri F. Love)

CHRISTOPHER A. ABERLE  
LOUISIANA APPELLATE PROJECT  
Mandeville, Louisiana 70470-8583  
Attorney for Defendant/Appellant

## **AFFIRMED**

On April 3, 2001, Laquanda Keasley was charged by bill of information with armed robbery in violation of La. R.S. 14:64. She was arraigned on April 5<sup>th</sup> and pleaded not guilty. The trial court found probable cause and denied the motion to suppress the identification after a hearing on April 24<sup>th</sup>. After a two-day trial on June 26<sup>th</sup> and 28<sup>th</sup>, a twelve-member jury found her guilty as charged. She was sentenced on October 25<sup>th</sup> to serve ten years at hard labor without benefit of parole, probation, or suspension of sentence for the armed robbery conviction. She was also sentenced to serve five years at hard labor without benefits under La. R.S. 14:64.3, the enhanced penalty for use of a firearm during an armed robbery; the sentence is to be served consecutively to the ten year sentence. The defendant's motion for an appeal was granted.

At trial Officer William Palmer and Detective Edward Johnson testified that on January 20, 2001, they answered a call concerning an armed robbery at Erin's Supermarket and Creole Seafood Café at 3911 Washington Avenue. When they arrived, they found an employee, Josephine Bridges, very upset. She described a tall, heavy-set woman between twenty-five and thirty years old who, after placing a large black semi-automatic hand gun at the victim's head, demanded and received the money from the cash drawer.

Ms. Bridges told them the robber was a frequent visitor to the grocery store/café where she played video poker.

Mr. Farris Canahuati, owner of Erin's Supermarket and Creole Seafood Café, testified that Josephine Bridges worked in the video poker room at his restaurant for more than three years. The restaurant closes at 7 p.m. and the video poker room remains open until midnight. On the night of January 20<sup>th</sup> between 9:30 and 10 p.m., Ms. Bridges called to tell him she had been robbed. She was hysterical. He went immediately to the restaurant and called the police. About \$977 had been in the cash drawer; the currency was kept to pay off the winners of the poker machines. Mr. Canahuati had a video surveillance camera in the video poker room but it was not turned on that evening. A few weeks after the robbery, Detective Matthews brought a composite sketch of the robber into the store and posted it. Mr. Canahuati said he did not recognize the defendant from the poster because he is not often in the store.

Josephine Bridges testified that on January 20<sup>th</sup> she had started her shift at 7 p.m.; the restaurant was closed, and her duty was to give people playing the video poker machines change and to pay them off if they won. Rather than a cash register, the business has a cash drawer with a padlock. Ms. Bridges had to unlock the door as each customer came in and went out.

Ms. Bridges remembered seeing the defendant several times when she worked the day shift. On the night in question, the defendant came in about 8 p.m. with a man; Ms. Bridges heard him call her “Gwen.” They left after about twenty minutes. The defendant came back and played video poker for another twenty minutes. She then said she needed to go home again to check on her children, and Ms. Bridges unlocked the door for her. The defendant, who had been behind Ms. Bridges, put a gun to Ms. Bridges’ head and said, “[G]o back, bitch, go back there and give me all that ... money back there.” After placing the money in her trench coat pocket, she said, “I should kill you but you ain’t going to say nothing.” Ms. Bridges described the defendant as in her twenties, tall, and heavy (between 190 and 250 pounds). Ms. Bridges called the storeowner and her son as soon as the defendant left. About three weeks later, when Ms. Bridges went into the restaurant to wait for her daughter, she noticed a woman emerge from the video poker machine stall who looked like the defendant but was much older. Several moments later, the defendant came out of a video poker machine stall, and they made eye contact. Ms. Bridges was shocked; the defendant stopped for a moment and then said, “how you all doing,” and walked into the grocery section. Ms. Bridges immediately asked the cashier to call the owner to inform him that the robber was in the store. When the

owner arrived and tried to detain the defendant, she began threatening Ms. Bridges. Ms. Bridges estimated that she had seen the defendant once or twice a month over a period of a year.

Detective Avery Matthews of the Robbery Investigation Squad spoke with the victim on January 21<sup>st</sup> and was given a physical description and the name "Gwen". The officer then canvassed the neighborhood describing the woman to neighbors. Later he received an anonymous telephone call in which the caller reported that a neighborhood woman fitting the description had been on the Ricky Lake Show and was sometimes called Ricky Lake. Further investigation indicated that the woman's name was Gwendolyn Marrero. The detective prepared a pictorial lineup containing her photo in the sixth position. When the lineup was shown to Ms. Bridges, she remarked that she knew the Gwen in the sixth picture but she was not the person who robbed the store. A computerized composite picture of the robber was drawn up according to Ms. Bridges' specifications and distributed, but the detective received no tips as a result of the picture.

On Feb. 16<sup>th</sup> Officer Leshawn Roberts received a call that a wanted subject was at Erin's Supermarket. When he arrived, Ms. Bridges approached the officer and told him that Ms. Keasley was the woman who robbed her. The defendant then told the officer that she lived in the Calliope

Housing Project in the 3800 block of Martin Luther King Blvd. Her residence is three or four blocks from the Erin's Supermarket. He arrested the defendant.

Laquanda Keasley testified that for about three years she has lived close to the business in question, and it is the closest supermarket to her. She goes there as often as every day. She could not recall where she was on the day of the robbery, but she asserted that she did not rob the store. She does not own a gun and has no prior convictions. She is a single mother of three children, and she was not employed when she was arrested. She and her mother play the video poker machines together, although most of the time she watches while her mother plays. The defendant said she had seen Ms. Bridges in the store many times. When she was accused of robbery, the defendant admitted she said that she did not do it because she was in Texas. She denied trying to hit Ms. Bridges when she was arrested.

In a single assignment of error, the defendant argues that the evidence is insufficient to support the conviction.

This court set out the well-settled standard for reviewing convictions for sufficiency of the evidence in State v. Ragas, 98-0011 (La. App. 4 Cir. 7/28/99), 744 So.2d 99, as follows:

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, 61 L.Ed.2d 560 (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 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 fact finder's discretion will be impinged upon only to the extent necessary to guarantee the fundamental protection of due process of law. Mussall; Green; supra. "[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 (La.1992) at 1324.

In addition, when circumstantial evidence forms the basis of the conviction, such evidence must consist of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience. State v. Shapiro, 431 So.2d 372 (La.1982). The elements must be proven such that every reasonable hypothesis of innocence is excluded. La. R.S. 15:438. This is not a separate test from Jackson v. Virginia, supra, but rather an evidentiary guideline to facilitate appellate review of whether a rational juror could have found a defendant guilty beyond a reasonable doubt. State v. Wright, 445 So.2d 1198 (La.1984). All evidence, direct and circumstantial, must meet the Jackson reasonable doubt standard. State v. Jacobs,

504 So.2d 817 (La.1987).

98-0011 at pp. 13-14, 744 So.2d at 106-107, quoting State v. Egana, 97-0318, pp. 5-6 (La. App. 4 Cir. 12/3/97), 703 So.2d 223, 227-228.

In addition, when identity is disputed, the State must negate any reasonable probability of misidentification in order to satisfy its burden under Jackson v. Virginia. State v. Edwards, 97-1797, pp. 12-13 (La. 7/2/99), 750 So.2d 893, 902; State v. Woodfork, 99-0859, pp. 4-5 (La. App. 4 Cir. 5/17/00), 764 So. 2d 132, 134.

The defendant was convicted of armed robbery, a violation of La. R.S. 14:64. Therefore, the state had to prove beyond a reasonable doubt that defendant took something of value belonging to another, from the person of another, or in the immediate control of another, by the use of force or intimidation, while armed with a dangerous weapon.

The defendant raises ten points in her brief. They can be combined into three evidentiary arguments: (1) the identification is suspect; (2) there is no corroborating evidence; and (3) “Gwen”, not Laquanda Keasley, robbed the business.

First, the defendant complains that only Ms. Bridges identified her as the robber. However, Ms. Bridges saw the defendant regularly as a customer in the store and twice on the night of the robbery. Ms. Bridges gave an



accurate description of the defendant's age, height, weight, and figure. The defendant also claims that because the identification was made almost four weeks after the crime, Ms. Bridges confused the defendant with another person her size. The fact that Ms. Bridges had seen the defendant many times over a long period made it unlikely that she would make such a mistake. The defendant next notes that no one at the store recognized and/or identified the defendant on the basis of the computerized composite drawing that the police posted in the store after Ms. Bridges aided Detective Johnson in making the picture. There was testimony that Ms. Bridges did not see the finished edition of the picture; she merely selected the facial features. The detective testified that he never knew whether Ms. Bridges thought the composite picture looked like the robber or not. The fact that no one recognized the composite picture does not lessen the authority of Ms. Bridges' identification.

The second group of arguments concern the lack of corroborating evidence; the state produced no fingerprints, no additional witnesses, no weapon, and no clothes that the defendant was supposed to have been wearing that night. The defendant is correct on these points.

The final set of arguments concern the name "Gwen," which is not the defendant's given name, and the fact that the defendant has no record and

would presumably be reluctant to rob a store she frequents. The name “Gwen” was suggested by Ms. Bridges who heard the defendant’s male companion call her by that name. The defendant correctly notes that a woman of the appropriate height and weight and named Gwen was found. However, when the police included her picture in the lineup, Ms. Bridges specifically told the officer that she knew that Gwen and she was not the robber. The defendant concludes by stating that she has no criminal record and it is unreasonable to assume she would return to a store she had robbed. Yet, the defendant testified in her own behalf and made those arguments. The jury heard the testimony and rejected her version of the facts. Furthermore, the jury believed the testimony of Ms. Bridges.

If credible, the testimony of a single witness may establish the elements of a crime beyond a reasonable doubt. See State v. Hill, 99-1750, p. 8 (La. 5/26/00), 761 So.2d 516, 522, footnote 8; State v. Allen, 94-1895, p. 7 (La. App. 4 Cir. 9/15/95), 661 So.2d 1078, 1084. Viewing all of the evidence in a light most favorable to the prosecution, any rational trier of fact could have found all of the essential elements of the crime of armed robbery present beyond a reasonable doubt, and also found beyond a reasonable doubt that the State negated any reasonable probability of misidentification.

This assignment of error is without merit.

Accordingly, the defendant's conviction and sentence are affirmed.

**AFFIRMED**