

STATE OF LOUISIANA

\*

NO. 2018-KA-0072

VERSUS

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COURT OF APPEAL

CHARLES CARTER

\*

FOURTH CIRCUIT

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STATE OF LOUISIANA

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**DYSART, J., DISSENTS IN PART, WITH REASONS.**

I find that the facts of this case require a departure from the sentencing guideline set forth in *State ex rel Morgan v. State*, 15-0100 (La. 10/19/16), 217 So.3d 266, wherein the Supreme Court found a ninety-nine year sentence for a single non-homicide offense where the defendant was seventeen at the time of the offense, to be non-compliant with the United States Supreme Court's mandate in *Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011 (2010). I believe the facts of this case require a sentence in line with the reasoning of *State v. Brown*, 12-0872 (La. 5/7/13), 118 So.3d 332, wherein the Court concluded that *Graham* does not prohibit consecutive term of year sentences for **multiple offenses committed**. *Id.* 12-0872, p. 15, 118 So.3d at 341.

In this case, the defendant went on a crime spree over the course of several days, during which he participated in the armed robbery of three people, the attempted murder of one person, and the murder of another person. He victimized unsuspecting people just steps from their homes, demanded their valuables, and was involved in the shooting of two of the victims – killing one and paralyzing the other – even as those victims complied with his demands. There was evidence presented that the defendant went to a party with his cohorts after murdering Valon May. The sentencing court considered the defendant's obvious lack of remorse,

and the fact that he continued to commit crimes while in jail, describing the defendant as “the worst of the worse.”

Considering the underlying facts of this case, I find no error in the trial court’s sentence and would affirm his convictions and sentences. I therefore dissent from the majority opinion.