STATE OF LOUISIANA	*	**NO. 2017-KA-0231**
VERSUS	*	**COURT OF APPEAL**
DAJUAN A. ALRIDGE	*	**FOURTH CIRCUIT**
	*	**STATE OF LOUISIANA**
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LOVE, J., CONCURS IN THE RESULT AND ASSIGNS REASONS

I respectfully concur in the result. I write separately to emphasize the facts that substantiate this young man's life sentence. Based on the record, I find sufficient evidence to support Mr. Alridge's conviction and sentence. While there is no forensic evidence linking Mr. Alridge to the murder, there is sufficient circumstantial evidence, including the confession supplied by Dennis Lewis, from which the jury could conclude that Mr. Alridge intended to kill the victim. Additionally, appellate courts have previously deemed a life sentence without parole was not excessive in cases in which the defendants were of the same age and younger than Mr. Alridge. *See State v. Smoot*, 13-453 (La. App. 5 Cir. 1/15/14), 134 So.3d 1; *State v. Brooks*, 49,033 (La. App. 2 Cir. 5/7/14), 139 So.3d 571; *State v. Fletcher*, 49,303 (La. App. 2 Cir. 10/1/14), 149 So.3d 934.

Mr. Lewis recounted that he and Mr. Aldrige lured the victim to a vacant neighborhood house with the promise of drugs. Mr. Lewis confessed he restrained the victim by his arms, while Mr. Alridge stabbed the victim forty-nine times. Dr. Huber's testimony explained that the victim's injuries, primarily to the front of his body, were consistent with being restrained by one person and stabbed by another, thus debunking Mr. Lewis' contention that he acted alone in murder. As the victim bled to death in the house, Mr. Lewis encased the victim's head and face in plastic tape and placed a plastic sheet over the body. Mr. Lewis and Mr. Alridge then

went to Mr. Lewis' house to destroy the evidence by burning their clothes and shoes, which included three socks, two of which were a pair. Mr. Alridge had to borrow some of Mr. Lewis' clothes and a pair of Mr. Lewis' sister's tennis shoes in order to return to his own residence. Smoke from the clothes burning aroused the suspicion of a neighbor, who confronted Mr. Lewis about what was going on and reported the activity of the police.

The circumstantial evidence supported Mr. Lewis' statement. K.S., the victim's youngest brother, testified at trial that the victim left their house on November 30, 2009, with "Dennis" and a "person with dreads." The forensic interviewer at the Child Advocacy Center, who interviewed K.S. the day the victim's body was discovered, confirmed that K.S. identified pictures of Mr. Lewis and Mr. Alridge as the people he last saw with the victim. Additionally, Detective Duzac testified that neighbors reported to the police having observed three males enter the abandoned house in which the victim's body was eventually found. When Detective Duzac examined the murder scene, the body was clothed, covered in plastic wrap and stabbed multiple times, just as Mr. Lewis confessed to Detective Matthews. Further, Mr. Lewis' confession was corroborated by Detective Duzac's testimony that when Mr. Alridge was arrested, he was wearing the girl's white tennis shoes with colored laces Mr. Lewis said he gave Mr. Alridge after burning the clothes and shoes they had worn when they murdered the victim.

Considering both the brutal nature and extent of injuries inflicted upon the victim—forty-nine stab wounds, and viewing all the evidence in a light most favorable to the prosecution, any rational trier of fact could have found beyond a reasonable doubt that Mr. Alridge specifically intended to kill the victim.

Likewise, I find Mr. Alridge's life sentence without the possibility of parole is neither disproportionate nor excessive and unconstitutional. A trial judge is afforded wide discretion in determining sentences, and the court of appeal will not

set aside a sentence for excessiveness if the record supports the sentence imposed. *State v. Williams*, 15-0866, p. 12-13 (La. App. 4 Cir. 1/20/16), 186 So.3d 242, 250 (citing *State v. Fountain*, 07-1004, p. 5 (La. App. 4 Cir. 1/23/08), 976 So.2d 763, 766). Mr. Alridge's conviction for second degree murder mandated a life sentence. The only determination the trial court was called upon to make was whether Mr. Alridge would be granted or denied parole eligibility. At the *Miller* hearing[1], the victim's family testified to the devastating impact of the victim's murder on the family. The State also offered the testimony of Blake Acuri of the Orleans Parish Sheriff's Office, who recounted several prison incidents involving Mr. Alridge while he was incarcerated awaiting trial. As a result of these incidents, Mr. Alridge was identified within the prison system as one of the most dangerous inmates, requiring his being confined to his cell for twenty-three hours a day and allowed, for one hour, out of his cell, though his hands and legs had to be restrained.

While Mr. Alridge's mother testified that Mr. Alridge was diagnosed with schizophrenia and bipolar disorder at age five and had received medication and therapy for both, no medical evidence of any mitigating facts were presented. Nevertheless, the trial court held the matter open to allow defense an opportunity to further investigate and present mitigation evidence. The defense offered the testimony of Dr. Bauer in mitigation; however, her testimony was limited to "the science of the *Miller* decision." Dr. Bauer admitted that she had not evaluated Mr. Alridge, knew nothing of his medical history, and testified that she was not comfortable rendering an opinion regarding Mr. Alridge's ability to change.

In light of these facts and jurisprudence, in which a life sentence without parole was deemed not excessive in cases of defendants of the same age and

[1] *See Miller v. Alabama*, __ U.S. __, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012); *and* La. C.Cr.P. art. 878.1.

younger than Mr. Alridge, I find the sentence of life imprisonment without parole does not constitute excessive punishment. For these reasons, I concur in the result reached by the majority.