

NOT FOR PUBLICATION

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

07-1081

STATE OF LOUISIANA

VERSUS

DOMINIQUE J. CASSON

**APPEAL FROM THE
TENTH JUDICIAL DISTRICT COURT
PARISH OF NATCHITOCHES, DOCKET NO. C 11066
HONORABLE DEE A. HAWTHORNE, PRESIDING**

**SYLVIA R. COOKS
JUDGE**

Court composed of Sylvia R. Cooks, Marc T. Amy and John D. Painter, Judges.

AFFIRMED.

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COOKS, Judge.

The Defendant appeals his sentence of twenty years at hard labor on the charge of manslaughter, contending he was not fully advised of his constitutional and statutory rights, rendering his guilty plea invalid.

FACTS AND PROCEDURAL HISTORY

On February 12, 2006, the Defendant, Dominique J. Casson, and his uncle, Michael Casson, the victim, were involved in an altercation wherein Defendant stabbed the victim multiple times, resulting in his death. Defendant was indicted for second degree murder, a violation of La.R.S. 14:30.1. Defendant eventually entered a plea of guilty to the lesser charge of manslaughter, a violation of La.R.S. 14:31. Defendant subsequently filed a motion to withdraw his guilty plea, which was denied by the trial court. Defendant was sentenced to serve twenty years at hard labor. A motion to reconsider sentence was not filed in this matter.

Defendant filed a *pro se* motion for an out-of-time appeal, which was subsequently granted. Defendant is now before this court on appeal, asserting that he was not fully advised of his constitutional and statutory rights, rendering his guilty plea invalid.

ASSIGNMENT OF ERROR

In his sole assignment of error, Defendant argues the trial court failed to fully advise him of two of his constitutional and statutory rights – the right to confront and cross-examine his accusers and the right to an attorney at all stages of the proceedings. As a result, the Defendant contends that his guilty plea is invalid as the record does not clearly show that he knowingly and intelligently waived his right to proceed to trial.

Defendant concedes, and the record shows, that the issues raised in the instant

appeal were not presented in his motion to withdraw his guilty plea, and thus, are being raised for the first time on appeal. A new ground for withdrawal of a guilty plea, even if meritorious, may not be raised for the first time on appeal. *State v. Jennings*, 07-150 (La.App. 3 Cir. 5/30/07), 958 So.2d 144; *State v. Slaydon*, 05-794 (La.App. 3 Cir. 2/1/06), 921 So.2d 1199.

DECREE

For the foregoing reasons, Defendant's conviction and sentence are affirmed.

AFFIRMED.

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION. Rule 2-16.3, Uniform Rules, Courts of Appeal.