

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2010 KA 1844

APJ
BJH
JEW

STATE OF LOUISIANA

VERSUS

BLAKE THOMPSON

Judgment Rendered: May 6, 2011.

On Appeal from the
20th Judicial District Court,
in and for the Parish of East Feliciana
State of Louisiana
District Court No. 09-CR-238

The Honorable George H. Ware, Jr., Judge Presiding

Samuel C. D'Aquilla
District Attorney
Kathryn E. Jones
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Clinton, La.

Counsel for Appellee,
State of Louisiana

Frank J. Ferrara, Jr.
Dede Sabagh Ferrara
Walker, La.

Counsel for Defendant/Appellant,
Blake Thompson

BEFORE: CARTER, C.J., GAIDRY AND WELCH, JJ.

CARTER, C.J.

The defendant, Blake Thompson, was charged by grand jury indictment with second degree murder, a violation of La. Rev. Stat. Ann. § 14:30.1. The defendant initially entered a plea of not guilty. Pursuant to a plea agreement, the State amended the indictment and charged the defendant with manslaughter, a violation of La. Rev. Stat. Ann. § 14:31, and the defendant withdrew his former not guilty plea and entered a plea of guilty to the amended charge. After a sentencing hearing, the defendant was sentenced to twenty-five years imprisonment at hard labor. The defendant appeals, challenging his sentence. We affirm the conviction and sentence.

STATEMENT OF FACTS

As the defendant ultimately entered a pretrial guilty plea to the amended charge, the facts were not fully developed. The record establishes that on February 19, 2009, the defendant shot the victim, Brandon Dixon, at the defendant's residence, following a dispute between the victim, the defendant, and the defendant's family members. At the time of the shooting, the victim was unarmed. The trial court commented at sentencing that every person involved was under the influence of a controlled dangerous substance.

ASSIGNMENTS OF ERROR

In a combined argument in support of two assignments of error challenging his sentence, the defendant argues that the trial court failed to adequately consider the facts of the offense and the sentencing guidelines. The defendant further argues that the trial court did not consider similar cases to determine what would be an appropriate sentence in this case.

The defendant did not make an oral motion, or file a written motion, to reconsider his sentence.¹ Under La. Code Crim. Proc. Ann. arts. 881.1E and 881.2A(1), the failure to make or file a motion to reconsider sentence precludes the defendant from raising an objection to the sentence on appeal, including a claim of excessiveness. *See State v. Felder*, 00-2887 (La. App. 1 Cir. 9/28/01); 809 So. 2d 360, 369, *writ denied*, 01-3027 (La. 10/25/02); 827 So. 2d 1173. The defendant, therefore, is procedurally barred from having the assignments of error reviewed. *See Felder*, 809 So. 2d at 369.

CONVICTION AND SENTENCE AFFIRMED.

¹ After sentence was imposed, defense counsel stated, "If we could just put on the record notice of [the defendant's] intention that he may wish to apply for either an appeal or a review as far as the sentence." Even if this statement was to be viewed as an objection to the sentence, a general objection to a sentence without stating specific grounds, including excessiveness, preserves nothing for appellate review. La. Code Civ. Proc. Ann. arts. 881.1E, 881.2A(1); *see State v. Bickham*, 98-1839 (La. App. 1 Cir. 6/25/99); 739 So. 2d 887, 891.