

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-K-00258

VS.

PERNELL ANTONIO WASHINGTON

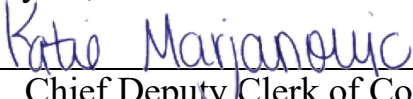
IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of Caddo, 1st Judicial District Court Number(s) 358,795, Court of Appeal, Second Circuit, Number(s) 54,064-KA;

May 03, 2022

Writ application granted. See per curiam.

JLW
SJC
JTG
WJC
JBM

Hughes, J., dissents.
Griffin, J., dissents.

Supreme Court of Louisiana
May 03, 2022


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

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VS.

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On Writ of Certiorari to the Court of Appeal, Second Circuit, Parish of Caddo

PER CURIAM

Writ granted. The court of appeal erred in finding *Graham v. Florida*, 560 U.S. 48, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010), applicable where victim testimony established the defendant raped her at a time when the defendant was clearly beyond the age of majority. If the factfinder is presented with sufficient evidence that an offender committed acts at a certain age, a defendant can be sentenced in accordance with that age. *See State v. Kiger*, 13-0069, p. 15 (La.App. 5 Cir. 10/30/13), 128 So.3d 552, 560 (evidence submitted that defendant raped victim multiple times continuing into his adulthood thus jury inherently found aggravated rape was committed when defendant was an adult); *United States v. McClaren*, 13 F.4th 386, 408 (5th Cir. 2021) (defendant may be tried and sentenced as an adult on charges of conspiracy where government shows defendant ratified his involvement after reaching the age of majority). Accordingly, the court of appeal is reversed in part, and the sentence imposed by the trial court – life imprisonment without the benefit of parole, probation, or suspension of sentence – for the defendant’s aggravated rape of L.W. is reinstated.

REVERSED IN PART; SENTENCE REINSTATED