

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KK-01219

VS.

JUSTIN P. CRAIGHEAD

IN RE: Justin P. Craighead - Applicant Defendant; Applying For Supervisory Writ, Parish of West Feliciana, 20th Judicial District Court Number(s) 21-WLFN-956, 21-WLFN-957 & 21-WMSD-958, Court of Appeal, First Circuit, Number(s) 2024 KW 0683;

February 05, 2025

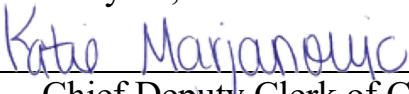
Writ application granted. See per curiam.

JDH

PDG

Weimer, C.J., would grant and docket.
Knoll, J., concurs and assigns reasons.
Crain, J., dissents and assigns reasons.
McCallum, J., dissents.
Guidry, J., concurs in the result.

Supreme Court of Louisiana
February 05, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-KK-01219

STATE OF LOUISIANA

VS.

JUSTIN P. CRAIGHEAD

On Supervisory Writ to the 20th Judicial District Court, Parish of West Feliciana

PER CURIAM

Writ granted. For killing his own dog and being held at gunpoint after becoming stuck in the doggie door of the home of a former police officer, this intoxicated and potentially mentally ill first-time-offender was sentenced to 32 years’ imprisonment at hard labor, 5 years’ active supervised probation, and a \$5,000 fine.

The Eighth Amendment to the United States Constitution and Article I, §20 of the Louisiana Constitution prohibit the imposition of cruel or excessive punishment. In determining whether a sentence is excessive, a reviewing court must first determine whether the record shows that the trial court took cognizance of the sentencing criteria set forth in LSA-La. C.Cr.P. art. 894.1. Thereafter, the court must determine whether the sentence imposed is too severe, which depends on the circumstances of the case and the background of the defendant. A sentence violates LSA-La. Const. Art. 1, § 20 if it is grossly out of proportion to the seriousness of the offense or nothing more than a purposeless and needless infliction of pain and suffering. **State v. Dorthey**, 623 So.2d 1276 (La. 1993); **State v. Bonanno**, 384 So.2d 355 (La. 1980). Specifically, a sentence is considered grossly disproportionate if, when the crime and punishment are viewed in light of the harm done to society, it shocks the sense of justice. **State v. Hogan**, 480 So.2d 288 (La. 1985). A trial judge has broad discretion when imposing a sentence, and a reviewing

court may not set aside a sentence for excessiveness if the record supports the sentence imposed. **State v. Pearson**, 07-332 (La. App. 5 Cir. 12/27/07), 975 So.2d 646, 656. Nevertheless, even a sentence that falls within statutory guidelines can be excessive if the punishment is so grossly disproportionate to the severity of the crime that it shocks the sense of justice and serves no purpose other than to inflict pain and suffering. **State v. Fatheree**, 46,686 (La. App. 2 Cir. 11/2/11), 77 So.3d 1047. In that vein, the jurisprudence holds that maximum sentences permitted under statute may be imposed only for the most serious offenses and the worst offenders, **State v. Easley**, 432 So.2d 910, 914 (La. App. 1 Cir. 1983), or when the offender poses an unusual risk to public safety due to his past conduct of repeated criminality. See State v. Chaney, 537 So.2d 313, 318 (La. App. 1 Cir. 1988), writ denied, 541 So.2d 870 (La. 1989). A trial court's reasons for imposing sentence, as required by LSA-Cr.P. art. 894.1, are an important aid to this court when reviewing a sentence alleged to be excessive. **State v. McKnight**, 98-1790, 739 So.2d 343, 349 (La. App. 1 Cir. 1999).

The defendant was sentenced to the maximum term of imprisonment permitted by statute for both convictions, consecutively.¹ According to the record, however, at the time of the offenses, the defendant was a middle-aged husband and father with no prior criminal history and an ability to maintain steady employment. The record further establishes that the defendant suffers with mental health and substance abuse issues, and that, while on methamphetamine and after killing his dog, the defendant attempted to enter the home of a former police officer. While attempting to get through the doggie door the defendant became stuck and the victim,

¹ Pursuant to LSA-R.S. 14:60(B), “[w]hoever commits the crime of aggravated burglary shall be imprisoned at hard labor for not less than one nor more than thirty years.” For the aggravated burglary conviction, the defendant was given the maximum sentence of thirty years’ imprisonment albeit with five years suspended. Further, pursuant to LSA-R.S. 14:102.1(B)(6), a person convicted of aggravated cruelty to animals shall be “imprisoned, with or without hard labor, for not less than one year nor more than ten years,” and the defendant was sentenced to the maximum term of ten years’ imprisonment at hard labor, albeit with three years suspended.

having already armed himself, fired a warning shot into the floor. The defendant remained frozen until police arrived. Thereafter, the defendant fully complied with the officers, facilitating his arrest without incident. While the victim testified at the sentencing hearing that the incident scared him, the defendant did not reach a position from which he could threaten or inflict actual physical harm to the victim, nor did the defendant damage the victim's home or steal his property. The record fails to support a determination that this defendant is the worst type of offender, or that the offenses herein are the most serious offenses. As such, the trial court appears to have abused its discretion in sentencing the defendant to the maximum allowable sentences for his offenses.

The trial court likewise appears to have misinterpreted and/or misapplied several of the sentencing factors set forth in LSA-Cr.P. art. 894.1 insofar as it concluded that said factors weigh in favor of a more severe punishment in this case. Specifically, although the trial court recognized that the defendant had no prior criminal history and suffered from mental health and substance abuse issues, it nevertheless found that there were no mitigating factors in this case, and that the defendant would not likely respond affirmatively to probationary treatment. Additionally, even though the victim was alone in his home, the trial court found that the defendant knowingly created a risk of death or great bodily injury to more than one person. Further, despite that the victim was a former police officer capable of defending himself with firearms and who was able to surprise the defendant, fire a warning shot, and then hold the defendant at gunpoint, all before the defendant could fully enter the house, the trial court determined that the victim was particularly vulnerable or incapable of resistance due to advanced age and that this was known to the defendant. And although there was no physical injury to the victim, the trial court found that the victim suffered significant and permanent injuries. Finally, based apparently on the defendant having punched his attorney after the verdict was

read (and thus, after the trial was over), the trial court found that the defendant used force or violence with the intent to influence the outcome of the trial. Weighing all of these factors in order to support the need for a more severe penalty, the trial court determined that the defendant should be sentenced to a total of 32 years' imprisonment at hard labor, followed by 5 years' probation, and the payment of a \$5,000 fine.

It appears the trial court did not properly apply the sentencing criteria required under LSA-C.Cr.P. art. 894.1. The sentences imposed on the defendant, Justin P. Craighead, are therefore vacated and the matter is remanded to the trial court with instructions to reconsider the sentencing criteria under LSA-C.Cr.P. art. 894.1.

WRIT GRANTED; SENTENCES VACATED; and REMANDED.