

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-K-00404

VS.

MITCH BRATTON

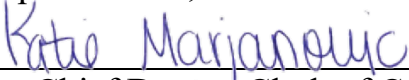
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IN RE: Mitch Bratton - Applicant Defendant; Applying For Writ Of Certiorari,  
Parish of Caldwell, 37th Judicial District Court Number(s) 99,763, Court of Appeal,  
Second Circuit, Number(s) 56,080-KA;  
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September 16, 2025

Writ application granted in part. See per curiam.

JLW  
JDH  
PDG  
JMG

Crain, J., dissents and would deny.  
McCallum, J., dissents and would deny.  
Cole, J., dissents and would deny.

Supreme Court of Louisiana  
September 16, 2025  
  
\_\_\_\_\_  
Chief Deputy Clerk of Court  
For the Court

**SUPREME COURT OF LOUISIANA**

**No. 2025-K-00404**

**STATE OF LOUISIANA**

**VS.**

**MITCH BRATTON**

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

**PER CURIAM:**

**Granted in part, otherwise denied.** For the reasons discussed below, we grant defendant’s writ for the limited purpose of reversing his conviction and vacating his sentence for possession of alprazolam.

Defendant was initially charged with possession of flualprazolam, but the State amended the charge to possession of alprazolam before trial. Alprazolam was listed among the scheduled substances when the pills were found in defendant’s vehicle. But the forensic analyst who testified at trial said the pills she received and tested were *flualprazolam*, which was not added to the CDS schedule until after it was found in defendant’s vehicle in June of 2020. *See* La. R.S. 40:964. “The identity of the drug is an essential element of the charged offense.” *State v. Broome*, 49,004, p. 6 (La. App. 2 Cir. 4/9/14), 136 So.3d 979, 985, *writ denied*, 14-0990 (La. 1/16/15), 157 So.3d 1127. Thus, the question on review is whether the jury could have rationally concluded beyond a reasonable doubt that by possessing flualprazolam, defendant also possessed alprazolam. *See State v. Sutton*, 436 So.2d 471, 474 (La. 1983).

Defendant cites the testimony of forensic analyst Leona Summerville, the State’s expert witness, explaining that from a chemical standpoint flualprazolam is distinct from alprazolam and that the two drugs cannot be viewed interchangeably.

In particular, he emphasizes Ms. Summerville's testimony that "on the GC-MS [gas chromatograph mass spectrometer] instrument, alprazolam and flualprazolam [are] not the same structure" and that *she did not detect the presence of alprazolam* in her analysis of the substance retrieved from his vehicle. Relying upon these aspects of her testimony, defendant contends that the jury could not have rationally found him guilty of possessing alprazolam.

To support its opposing position, the State also cites Ms. Summerville's testimony. It urges that on re-direct she explained that the chemical structure of flualprazolam contains alprazolam. As the State sees it, the jury reasonably credited Ms. Summerville's testimony indicating the "parent drug" alprazolam was necessarily present within the flualprazolam defendant possessed.

Thus, the parties dispute whether the two compounds can be reasonably viewed as interchangeable under the law. Significantly, we note that the legislature's subsequent inclusion of them each as separate items on the controlled substance schedules indicates that the legislature determined that they are and should be deemed distinct for purposes of a criminal prosecution.<sup>1</sup>

We have recognized that a single witness's testimony, if credited by the trier of fact, is sufficient to support a factual conclusion, but only "in the absence of internal contradiction or irreconcilable conflict with the physical evidence." *State v. Legrand*, 02-1462, p. 5 (La. 12/3/03), 864 So.2d 89, 94, *as supplemented on denial of reh'g* (Feb. 6, 2004). Here, Ms. Summerville testified to prove possession of alprazolam; however, her testimony contained internal contradictions with respect to whether the substance she tested contains alprazolam. Thus, the evidence is insufficient to support the defendant's conviction for possessing alprazolam.

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<sup>1</sup> Although not directly implicated in our analysis, we note that the principle of lenity "directs that a court construe a criminal statute in favor of the most narrow application when there are serious doubts concerning a meaning of a term." *State v. Ritchie*, 590 So.2d 1139, 1149 n.6 (La. 1991), *as supplemented on reh'g* (Dec. 12, 1991); *see State v. Boowell*, 406 So.2d 213, 216 (La. 1981).

Accordingly, the writ is granted in part to reverse the defendant's conviction for possession of alprazolam and to vacate the corresponding sentence. Because the court of appeal correctly affirmed the defendant's remaining convictions and sentences, the application is denied in all other respects.