

STATE OF LOUISIANA                      NINTH JUDICIAL DISTRICT COURT  
VERSUS                                      PARISH OF RAPIDES  
AKEELEY KESHAWN BLADE, JR.      STATE OF LOUISIANA

**RULING ON MOTIONS FOR POST-VERDICT JUDGMENT OF ACQUITTAL AND  
MOTIONS FOR NEW TRIAL**

This matter comes before the court on Defendant's Motions for Post-Verdict Judgment of Acquittal 1-3 and Motions for New Trial 1-4. After multiple settings, these motions were heard on March 20, 2019. At the conclusion of the hearing, and on bequest of defense counsel, the court took the matter under advisement. After review of the motions, argument, and the law, the court renders the following ruling.

**Facts & Procedural History**

On August 10, 2016, a group of teenagers was celebrating a friend's birthday at Motel 6 in Alexandria, Louisiana. At some point during the evening, the victim, Mr. Michael Butler, struck up a conversation with one of the female teenagers. Based on this conversation, four of the teenagers—Akeeley Blade, Brooke Daniels, Camryn Lasyone, and Travis Weston—discussed robbing Mr. Butler. These four teens devised a plan, wherein Brooke Daniels would knock on the door and say a code word. Once the code was said, the three male teens would rush in and rob Mr. Butler. The teens then executed this plan, rushing into Mr. Butler's room, striking him several times in the head, back and torso area, and robbing him of his wallet. The teens then left the motel.

Police arrived on the scene and found Mr. Butler badly beaten. Officers stated Mr. Butler was dazed and could barely talk. Mr. Butler was taken to the hospital, where he eventually succumbed to his injuries. The cause of death was listed as acute subdural hemorrhage due to blunt force trauma. The manner of death was listed as homicide.

On August 25, 2016, Akeeley Blade (hereinafter referred to as "defendant") was indicted by a grand jury of one count of first-degree murder and one count of criminal conspiracy to commit second degree robbery.<sup>1</sup> He was arraigned and pleaded not guilty. On March 16, 2017, the State moved to amend the indictment from first-degree murder to manslaughter. Defendant pleaded to manslaughter and criminal conspiracy. The court accepted this plea and set a

<sup>1</sup> Brooke Daniels, Camryn Lasyone, and Travis Weston were also indicted.

sentencing hearing for May 8, 2017. However, at the May 8, 2017 hearing, the court allowed defendant to withdraw his plea of guilty and the matter was re-set for trial by jury. On May 9, 2017, the State billed defendant with one count of second-degree robbery. On December 4, 2017, trial by jury commenced and on December 7, 2017, a jury found defendant guilty as charged on all three counts.

On December 15, 2017, counsel for defendant filed the following:

1. Motion for Post-Verdict Judgment of Acquittal #1: Arguing the evidence at trial supported a conviction of a lesser responsive offense or acquittal;
2. Motion for Post-Verdict Judgment of Acquittal #2: Arguing the evidence at trial failed to prove beyond a reasonable doubt that Defendant possessed the specific intent to cause death or great bodily harm for the charge of first-degree murder;
3. Motion for Post-Verdict Judgment of Acquittal #3: Arguing the evidence at trial failed to prove beyond a reasonable doubt that Defendant possessed the specific intent to cause serious bodily injury for the charge of second-degree robbery;
4. Motion for New Trial #1: Denial of Allowing Evidence of Illegal Sentence of Co-Defendant at trial;
5. Motion for New Trial #2: Failure to Re-Amend Indictment;
6. Motion for New Trial #3: Juror Boss; and
7. Motion for New Trial #4: Unanimous Verdict.

The above motions were set for March 20, 2019, where the court heard argument from both the State and Defense. Motion for New Trial #3 was continued, as there were issues with service of a subpoena on Juror Boss.<sup>2</sup> Motion for New Trial #4 was denied. The remaining motions were taken under advisement.

#### Motions for Post-Verdict Judgment of Acquittal

Louisiana Code of Criminal Procedure article 821 governs motions for post-verdict judgment of acquittal (PVJA):

- A. The defendant may move for a post verdict judgment of acquittal following the verdict. A motion for a post verdict judgment of acquittal must be made and disposed of before sentence.
- B. A post verdict judgment of acquittal shall be granted only if the court finds that the evidence, viewed in a light most favorable to the state, does not reasonably permit a finding of guilty.
- C. If the court finds that the evidence, viewed in a light most favorable to the state, supports only a conviction of a lesser included responsive offense, the court, in lieu of granting a post verdict judgment of acquittal, may modify the verdict and render a judgment of conviction on the lesser included responsive offense.

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<sup>2</sup> Motion for New Trial #3 was eventually set for May 6, 2019. At the conclusion of this hearing, this motion was also taken under advisement.

In his motions for PVJA, Defense argues: (1) the State failed to prove defendant possessed the requisite intent for a conviction of first-degree murder and of second-degree robbery<sup>3</sup> and (2) that the evidence supports a conviction of manslaughter.<sup>4</sup> In argument and in brief, defendant asserts the State only mentioned “great bodily harm” during the trial—inferring that the State could never prove intent to kill, but could only potentially prove great bodily harm or serious bodily injury. He argues defendant only struck the victim once and his intent was to “stun” him.

Testimony at Trial

Brooke Daniels testified. She stated she was one of the teens who was involved in planning and executing the robbery. She testified her friend Olivia Meche had been approached by Mr. Butler, who asked her for sex in exchange for money. Olivia told Akeeley and Camryn about this conversation, which angered the boys. It was then that Akeeley and the others began discussing robbing Mr. Butler. It was agreed that Brooke would knock on the door and ask for a “jo.” She would give the code word “okay” and the boys would rush in and rob Mr. Butler. Brooke stated she did her part then ran from the room as the boys rushed in. Akeeley went in first. She testified she did not see the boys hit Mr. Butler. She and Olivia ran to Camryn’s truck and waited for the boys to return. When the boys returned, she stated Camryn told the group that next time, he wanted to be the first person to hit someone. She stated Akeeley was mad that they did not get as much money as they thought they would. She stated both Akeeley and Camryn were equally involved in the planning and participation of the robbery.

Olivia Meche also testified. It was her testimony that she and Brooke rode with Akeeley and Camryn to Motel 6. At some point during the evening, a male approached her and offered her a drink. She testified Akeeley told her to throw that drink out. A second male, Mr. Butler, also approached her and talked to her. She testified Akeeley and Camryn came out and asked what they were doing. She, along with Akeeley and Camryn, went back into the room. She stated the boys seemed mad and/or were jealous. They asked her to go ask Mr. Butler for money. She stated she did and Mr. Butler told her he did not have any money. She relayed this to the boys, who thought he was lying. They then planned to rob him. The boys originally asked Olivia

<sup>3</sup> Motions for PVJA #2 and #3

<sup>4</sup> Motion for PVJA #1)

to knock on the door, but she declined. She tried to talk them out of their plan, however she was unsuccessful and walked away. After Brooke knocked on the door, she ran toward Olivia and both girls waited for the boys in Camryn's truck. When the boys returned, Olivia stated Camryn was "bragging" about hitting the guy and how hard he hit him.<sup>5</sup> Akeley was "cussing and screaming" because Travis did not get enough money "while they [were] beating him."<sup>6</sup>

Officer Burton with Alexandria Police Department stated when he arrived at Motel 6, he observed Mr. Butler who had been "beat up pretty [badly]."<sup>7</sup> Mr. Butler was dazed and could barely speak. His mouth and eye were "busted up" and he appeared to be in bad shape.<sup>8</sup>

Lieutenant Kenneth Rachal with Alexandria Police Department also testified. He stated he arrived on scene at the Motel 6 where he found the victim lying on the floor. Lieutenant Rachal stated it was "obvious" Mr. Bulter had been beaten up, due to his bloody face.<sup>9</sup>

Dr. Christopher Tape testified as to the autopsy performed. Externally, he noted Mr. Butler had cuts to his inner lips, a hemorrhage in the white of his left eye, and injuries/bruising to his right armpit and lower left and right side of his abdomen. Internally, he noted multiple scalp hemorrhages, which Dr. Tape described as bruises to the soft tissue of the head. He also noted diffuse subarachnoid and subdural hemorrhages, which he described as blood on the brain. Finally, Dr. Tape noted Mr. Bulter's brain had swollen, which had caused pressure on the skull.

Dr. Tape listed the cause of death as subdural hemorrhage due to blunt force injuries to the head due to assault. An "assault," he defined, is a nonaccidental trauma—or one person causing injury to another.<sup>10</sup> He listed the manner of death as homicide. Dr. Tape noted the injuries Mr. Butler received were consistent with an assault. He also stated it was the brain injury that killed Mr. Butler.

Post-Verdict Judgment of Acquittal #2 and #3:

First-degree murder is the killing of a human being when the offender has the specific intent to kill or inflict great bodily harm and is engaged in the perpetration or attempted perpetration of an enumerated felony listed in La. R. S. 14:30 (A).

In order to find defendant guilty of first-degree murder, the state had to prove the following:

<sup>5</sup> Transcript—pg. 94, line 18

<sup>6</sup> Transcript—pg. 94, lines 22-24

<sup>7</sup> Transcript—pg. 40, line 8

<sup>8</sup> Transcript—pg. 40, line 15

<sup>9</sup> Transcript—pg. 84, lines 18-20

<sup>10</sup> Transcript—pg. 99, line 30; pg. 100, lines 2-3

1. Defendant killed Mr. Butler; and

2. Defendant acted with specific intent to kill or inflict great bodily harm and was engaged in the perpetration or attempted perpetration of aggravated burglary or simple robbery.

Second-degree robbery is the taking of anything of value belonging to another from the person of another or that is in the immediate control of another when the offender intentionally inflicts serious bodily injury. Serious bodily injury means bodily injury which involves unconsciousness, extreme physical pain or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty or a substantial risk of death.

In order to find defendant guilty of second-degree robbery, the state had to prove:

1. Defendant intentionally took something of value belonging to another; and
2. That the thing of value taken was in the possession of or in the immediate control of the victim when it was taken; and
3. That the defendant used force or intimidation against the victim in order to accomplish the taking; and
4. That the defendant acted with specific intent to inflict serious bodily injury upon the victim; and
5. That the victim suffered serious bodily injury.

“Specific criminal intent” is defined as that state of mind which exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act or failure to act.<sup>11</sup> Specific criminal intent need not be proven as fact, but may be inferred from the circumstances of the case and actions of the defendant.<sup>12</sup>

After review, the court denies defendant’s motions for PVJA #2 and #3. As it pertains to PVJA #2, there is no dispute Mr. Butler was killed by defendant and the others. There is also no dispute defendant was committing an aggravated burglary upon Mr. Butler (an unauthorized entering of any inhabited dwelling where a person is present with the intent to commit a felony or any theft therein when the offender commits a battery upon any person while in such a place) and a simple robbery (a taking of anything of value belonging to another from the person of

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<sup>11</sup> See La. R.S. 14: 10 (1)

<sup>12</sup> State v. Robertson, 98-883 (La. App. 3 Cir. 12/9/98), 723 So. 2d 500, 504.

another or that is in the immediate control of another by use of force, but not armed with a dangerous weapon.)

Thus, the issue is whether defendant had the specific intent to kill or commit great bodily harm. After review, the court is convinced defendant possessed such intent. It is clear from the circumstances detailed in the trial testimony and the injuries sustained by the victim defendant clearly intended to cause Mr. Butler great bodily harm. Defendant argues he only wanted to “stun” the victim; however, the injuries sustained clearly show otherwise. Mr. Butler was beat to near unconsciousness and ultimately died because of his injuries. It takes considerable amount of force upon a person to cause such damage. It is clear defendant actively desired to cause Mr. Butler not to be able to resist the robbery/burglary. While defendant points to Mr. Lasyone as being the more aggressive perpetrator, the trial testimony of Ms. Meche and Ms. Daniels clearly point to Mr. Blade delivering punches to the victim. And, assuming for argument’s sake, defendant did not strike Mr. Butler, or did not hit him as hard as the other defendants, Mr. Blade was a principal to this crime, to which the law provides that such a defendant may be “convicted of intentional murder, even if he has not personally struck the final blow.”<sup>13</sup>

As it relates to PVJA #3, again, the court is convinced by the testimony and evidence presented defendant possessed the requisite specific intent. Mr. Butler suffered greatly at the hands of defendant and his friends. Testimony revealed Mr. Butler was near unconsciousness when officers and medics arrived on scene. It was obvious to those who saw Mr. Butler that he was in great physical pain, being unable to move from the floor and hardly able to speak. To say defendant did not have the specific intent to cause serious bodily injury would make light of Mr. Butler’s injuries, as one does not attempt to “stun” a person in an attempt to rob them and cause the sort of injuries Mr. Butler sustained.

Accordingly, and for the reasons stated above, Defense’s Motions for Post-Verdict Judgment of Acquittal #2 and #3 are **DENIED**.

Post-Verdict Judgment of Acquittal #1

Manslaughter is a homicide which would be murder under Article 30 or Article 30.1, but the offense is committed in sudden passion or heat of blood immediately caused by provocation sufficient to deprive an average person of his self-control and cool reflection. Provocation shall not reduce a homicide to manslaughter if the jury finds that the offender’s blood had actually

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<sup>13</sup> State v. Wright, 01-322 (La. 12/4/08) 834 So. 2d 974, 982.

cooled or that an average person's blood would have cooled, at the time the offense was committed.<sup>14</sup>

After review, and viewing the evidence in a light most favorable to the State, the court does not believe the evidence supports a finding of manslaughter—or any lesser responsive offense. While there is some merit to Defense's manslaughter argument, in that there was testimony defendant became angry or upset about Mr. Butler speaking with Olivia or allegedly lying over not having any money. However, given the time and planning done by the teenagers, the court does not believe this plan was committed in "sudden passion" or "heat of blood" to find manslaughter. Additionally, the responsive offense of second-degree murder does not fit, as the court has previously stated, defendant possessed specific intent to commit great bodily harm and was in the perpetration of aggravated burglary and/or simple robbery.

Accordingly, and for the reasons stated above, Defense's Motion for Post-Verdict Judgment of Acquittal #1 is **DENIED**.

#### **Motions for New Trial**

Louisiana Code of Criminal Procedure article 851 governs motions for new trials. Pertinent to this case, a motion for new trial shall be granted when:

- (1) The verdict is contrary to the law and the evidence;
- (2) The court's ruling on a written motion, or an objection made during the proceedings, shows prejudicial error;
- (3) New and material evidence that, notwithstanding the exercise of reasonable diligence by the defendant, was not discovered before or during the trial, is available, and if the evidence had been introduced at trial, it would probably have changed the verdict or judgment of guilty.

#### **Motion #1: Denial of Allowing Evidence of Illegal Sentence of Co-Defendant at Trial**

Motion for New Trial #1 alleges the court committed a prejudicial error when it denied defense counsel the opportunity to present evidence of a co-defendant's illegal sentence at trial.

Co-defendant Camryn Lasyone pleaded guilty to one count of manslaughter. He received a 25-year hard labor sentence, 10 years of which was suspended. Defendant argues this sentence is illegal under Code of Criminal Procedure article 893, as a court cannot suspend certain crimes of violence. Defendant alleges during a pre-trial status conference, the presiding judge at the time stated defense counsel would be allowed to question Mr. Lasyone regarding his illegal

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<sup>14</sup> La. R.S. 14:31

sentence.<sup>15</sup> However, at trial, the judge denied defense counsel this opportunity. Defendant believes that had he been able to question Mr. Lasyone regarding his illegal sentence, the jury verdict may have been different.

Louisiana Code of Evidence article 609.1 allows a witness to be examined as to his criminal convictions. Ordinarily, only the fact of a conviction, the name of the offense, the date of the offense, and the sentence imposed are admissible.<sup>16</sup>

After review, the court denies defendant's motion. The denial of questioning Mr. Lasyone regarding his illegal sentence does not constitute a prejudicial error. While the judge's decision to allow-and then-disallow this line of questioning may have caused some frustration on part of Defense's trial strategy, the court is not convinced this would have led to any different verdict. This line of questioning would have been irrelevant as Mr. Lasyone is not an attorney. He would have had no idea whether his sentence was illegal, as such is a legal finding to which he is not capable of making. The fact he supposedly received an illegal sentence has no bearing on his testimony regarding the events of the offense.

Accordingly, Defense's Motion for New Trial #1 is **DENIED**.

Motion #2: Failure to Re-Amend Indictment

Motion for New Trial #2 argues a new trial should be granted on the basis that the State failed to re-amend the indictment back to first-degree murder.

On March 16, 2017, the State orally moved to amend the indictment from first degree murder to manslaughter. Defendant pled to manslaughter and criminal conspiracy. Sentencing was set for May 8, 2017. On May 8, 2017, defendant withdrew his guilty plea and the matter was re-set for trial. On December 4, 2017 the matter proceeded to trial. At the beginning of the case, the Clerk of Court read aloud the original indictment—for first degree murder. Defendant was subsequently found guilty as charged.

Defendant argues this failure to re-amend the indictment constituted a verdict that is contrary to the law and evidence, as he was tried and convicted on an invalid/defective indictment. The State argues there was no surprise to defendant that it was proceeding with the first-degree murder charge after defendant withdrew his manslaughter plea.

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<sup>15</sup> Judge Thomas M. Yeager presided over the status conference and trial. He retired effective April 1, 2018. Judge Lowell C. Hazel was elected in November 2018 and heard these motions.

<sup>16</sup> La. C.E. article 609.1 (B) and (C)

In *State v. Cox*, (La. App. 3 Cir. 8/12/85) 474 So. 2d 523, a similar situation occurred. Defendant, Ms. Cox, was indicted for second-degree murder. Pursuant to a plea bargain, the charge was amended to manslaughter and she pled guilty to this amended charge. However, the court allowed her to withdraw her plea because she was unaware of the mandatory minimum sentence. The State did not re-amend indictment. The case proceeded to trial by jury and she was found guilty of manslaughter. She appealed, arguing she was tried under an invalid indictment.

On appeal, the Third Circuit disagreed with defendant's argument, holding:

"The State's failure to re-amend the indictment is an error patent and, as such, may be asserted at any time. *State v. Buttner*, 411 So.2d 35 (La.1982). However, errors patent are not necessarily reversible errors. It is the potential impact of the error on the fairness of the proceedings which determines whether a reversal is required. *State v. Minix*, 438 So.2d 1261 (La.App. 3 Cir.1983); *State v. White*, 404 So.2d 1202 (La.1981).

The technical sufficiency of an indictment may not be raised after conviction where the accused has been fairly informed of the charge against him and has not been prejudiced by surprise or lack of notice and will not be truly subject to any jeopardy of further prosecution. *State v. James*, 305 So.2d 514 (La.1974); *State v. Robicheaux*, 412 So.2d 1313 (La.1982). In the present case, the reduction of the original charge to manslaughter was premised on a plea bargain arrangement. There is no claim that defendant and her attorney were not fully aware that when defendant chose to withdraw her guilty plea, the prosecution's offer to reduce the charge was likewise withdrawn. The indictment for second degree murder and defendant's plea were read in open court. No objection was made on defendant's behalf at that time. No surprise or lack of notice was shown or even claimed.

Furthermore, any error in failing to re-amend the indictment to charge defendant with second degree murder was clearly harmless error. The State had amended the indictment to charge defendant with manslaughter. Since defendant was convicted of manslaughter, the fact that the indictment was never formally re-amended resulted in no harm to defendant."<sup>17</sup>

Similar to our case, the Clerk read aloud the indictment for first-degree murder at trial. No objection was made by defense. Additionally, it appears from the record defense prepared for trial under the first-degree murder indictment. There was no surprise on defendant's part that the State was proceeding under first-degree murder.

At the hearing on the motions, defense counsel pointed out the *Cox* case is distinguishable from our case. He argued that in *Cox*, defendant was found guilty of manslaughter, the charge the indictment had been previously amended to, and not as charged—thus, "no harm" was done. In the present case, defendant was found guilty as charged and not of the offered amended charge.

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<sup>17</sup> *State v. Cox*, 474 So. 2d 523, 526.

While the court does agree this is a distinguishing factor, the holding from *Cox* is still applicable in this case—that the technical sufficiency of an indictment may not be raised after conviction where the accused has been fairly informed of the charge against him and has not been prejudiced by surprise or lack of notice and will not be truly subject to any jeopardy of further prosecution. Defendant was not—and could not—have been surprised by the State proceeding with first-degree murder when he withdrew his manslaughter plea, thus terminating his agreement with the State.

Accordingly, defendant's Motion for New Trial #2 is **DENIED**.

Motion #3: Juror Boss

Motion for New Trial #3 alleges Juror Alfred Boss was not truthful in his *voir dire* examination and potentially biased. Specifically, defense argues Mr. Boss knew defendant's grandmother and that he communicated with his daughter and defendant's half-sister about the trial.

On May 6, 2019, a hearing was held on this motion. Mr. Boss, Ms. Kiona Mitchell (Defendant's half-sister), and Ms. Irene Roy (Defendant's grandmother) testified. Ms. Mitchell testified she was friends with Mr. Boss' daughter, Toria. The two girls attended middle school and summer camps together. They were currently on their high school's cheer team. Ms. Mitchell stated it was her who initially reached out to Toria, asking her if she knew her father was on her brother's jury. Ms. Mitchell testified she and Toria did not talk about the case.

Mr. Boss then testified. He stated that he had been employed at Rapides Regional Medical Center for some time. He said he recognized Ms. Roy's face, but did not know who she was. He testified he might of seen Ms. Mitchell, and possibly dropped his daughter off at her house. However, he did not know Ms. Mitchell, nor knew that she was Defendant's sister. He testified he told his daughter that he could not discuss the trial and had no more conversations about the trial. When asked if he had been fair and impartial, he stated he had been, and that he had done what the judge instructed him to do (not to discuss the case).

Ms. Roy testified. It was her testimony that she had met Mr. Boss during her years working at Rapides. The two worked on different floors, but would occasionally work on the same floor. She stated she maybe saw him twice a year. Any conversation the two had was strictly professional. She stated she knew his name, but was not sure if he knew or called her by her name.


After review, the court denies defendant's motion. The court finds very credible Mr. Boss' testimony that he had no communications whatsoever with his daughter, nor Ms. Mitchell, regarding the trial. As for the relationship with Ms. Roy, it is very clear from Mr. Boss' testimony he does not know her, or at the very least, does not remember knowing her. The court is not convinced by any of the parties' testimonies that Mr. Boss was anything but fair and impartial during his service as a juror. Accordingly, this allegation has no merit and defendant's motion is **DENIED**.

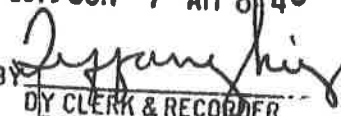
Accordingly, and for the reasons stated above, it is

**ORDERED**

1. Motion for Post-Verdict Judgment of Acquittal #1 is **DENIED**;
2. Motion for Post-Verdict Judgment of Acquittal #2 is **DENIED**;
3. Motion for Post-Verdict Judgment of Acquittal #3: is **DENIED**;
4. Motion for New Trial #1: is **DENIED**;
5. Motion for New Trial #2: is **DENIED**; and
6. Motion for New Trial #3: is **DENIED**.

THUS DONE AND SIGNED this 6<sup>th</sup> day of June, 2019, in Alexandria, Louisiana.

  
JUDGE LOWELL C. HAZEL  
NINTH JUDICIAL DISTRICT COURT  
SECTION 1/DIVISION "B"

FILED & RECORDED  
ROBIN L. HOOTER  
CLERK OF COURT  
2019 JUN -7 AM 8:40  
BY   
CLERK & RECORDER  
RAPIDES PARISH I.A.

**CLERK:** Please notify the following of the Court's ruling:

**Defendant, through his attorney of record:**  
Michael Brewer

**State of Louisiana, through its attorney of record:**  
Johnny Giordano