

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

**FIRST CIRCUIT**

**NO. 2011 KA 0661**

**STATE OF LOUISIANA**

**VERSUS**

**ALEXANDER EMERY HOOKS**

*Judgment Rendered: November 9, 2011*

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**Appealed from the  
19th Judicial District Court  
In and for the Parish of East Baton Rouge  
State of Louisiana  
Case No. 08-07-0452**

**The Honorable Bonnie P. Jackson, Judge Presiding**

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**BEFORE: GAIDRY, McDONALD, AND HUGHES, JJ.**

**GAIDRY, J.**

The defendant, Alexander Emery Hooks, was charged by grand jury indictment with second degree murder, a violation of La. R.S. 14:30.1. He pled not guilty. The defendant waived his right to a jury trial and elected to be tried by the judge. Following a bench trial, the defendant was convicted of the responsive offense of manslaughter, a violation of La. R.S. 14:31. The defendant was sentenced to imprisonment at hard labor for forty years. The defendant filed a motion to reconsider the sentence, which the trial court denied. The defendant now appeals, designating one assignment of error, challenging the sentence as excessive.

For the following reasons, we affirm the defendant's conviction and sentence.

**FACTS**

On June 9, 200, the twenty-year-old defendant killed seventeen-year-old Bionca Brown. The defendant and the victim had been involved in a romantic relationship for approximately three and one-half years. The couple had one son together.

According to various Wendy's employees, on the date in question, the victim was working at Wendy's on Greenwell Springs Road in Baton Rouge, Louisiana. At some point during her shift, the defendant arrived at Wendy's and spoke with the victim inside the restaurant's restroom. When the victim emerged, she was visibly upset and crying. The defendant left the restaurant. Later, near closing time, the defendant returned to Wendy's but he did not enter the restaurant. Instead, he hid in the back seat of the victim's vehicle. The defendant called the victim at Wendy's several times from his cellular phone while hiding in her vehicle.

Once her shift was over, the victim and her coworker Andre Newton exited the restaurant and walked toward the victim's vehicle. The victim had agreed to give Newton a ride home. The victim opened the back door of her vehicle and noticed the defendant in the back seat. The defendant exited the vehicle and moved to the front passenger seat. Newton entered and sat in the rear.

The victim dropped off Newton and later dropped the defendant off at his residence. The victim then drove home. Shortly thereafter, the defendant arrived at the victim's residence and she allowed him to come inside. During the visit, the defendant and the victim engaged in an argument that ultimately led to the defendant stabbing the victim with a kitchen knife. According to the defendant's trial testimony, the victim armed herself with the knife during the argument and he was simply attempting to disarm her when the stabbings occurred. After slashing the victim's throat, the defendant attempted to stop the bleeding by placing a cloth over the wound.

Dr. Edgar Shannon Cooper, the East Baton Rouge Parish Coroner, testified that the victim died as a result of exsanguination after having sustained six superficial stab wounds to the face and a side-to-side wound to the neck that severed her jugular vein. The victim's injuries were consistent with someone attacking her from behind. No defense wounds were found on the victim's body.

**ASSIGNMENT OF ERROR**  
**EXCESSIVE SENTENCE**

In his sole assignment of error, the defendant contends that the forty-year sentence imposed by the trial court is unconstitutionally excessive. Specifically, he contends that the maximum sentence is excessive because he is not the worst offender. He further asserts that he is a twenty-year-old, first-felony offender, with a "positive social history" and his actions after the commission of the offense indicate genuine remorsefulness. Therefore, he contends that he deserves a sentence of thirty years or less.

Article I, Section 20 of the Louisiana Constitution prohibits the imposition of excessive punishment. Even a sentence within statutory limits may violate a defendant's constitutional right against excessive punishment and is subject to appellate review. *State v. Sepulvado*, 367 So.2d 762, 767 (La. 1979). A sentence is constitutionally excessive if it is grossly disproportionate to the severity of the offense or is nothing more than a purposeless and needless infliction of pain and suffering. *State v. Dorthey*, 623 So.2d 1276, 1280 (La. 1993). A sentence is grossly disproportionate if, when the crime and punishment are considered in light of the harm done to society, it shocks the sense of justice. *State v. Hogan*, 480 So.2d 288, 291 (La. 1985); *State v. Lanieu*, 98-1260 (La. App. 1st Cir. 4/1/99), 734 So.2d 89, 97, writ denied, 99-1259 (La. 10/8/99), 750 So.2d 962. A trial court is given wide discretion in the imposition of sentences within statutory limits, and the sentence imposed by it should not be set aside as excessive in the absence of manifest abuse of discretion. *State v. Lobato*, 603 So.2d 739, 751 (La. 1992).

The Louisiana Code of Criminal Procedure sets forth items that must be considered by the trial court before imposing sentence. La. Code Crim.

P. art. 894.1. The trial court need not cite the entire checklist of Article 894.1, but the record must reflect that it adequately considered the criteria. *State v. Herrin*, 562 So.2d 1, 11 (La. App. 1st Cir.), writ denied, 565 So.2d 942 (La. 1990). In light of the criteria expressed by article 894.1, a review for individual excessiveness should consider the circumstances of the crime and the trial court's stated reasons and factual basis for its sentencing decision. *State v. Watkins*, 532 So.2d 1182, 1186 (La. App. 1st Cir. 1988). Remand for full compliance with article 894.1 is unnecessary when a sufficient factual basis for the sentence is shown. *State v. Lanclos*, 419 So.2d 475, 478 (La. 1982).

Louisiana Revised Statutes 14:31(B) provides that punishment for a manslaughter conviction shall be imprisonment at hard labor for not more than forty years. The trial court sentenced the defendant to the maximum sentence of forty years at hard labor. This court has stated that maximum sentences permitted under a statute may be imposed only for the most serious offenses and the worst offenders, *State v. Easley*, 432 So.2d 910, 914 (La. App. 1st Cir. 1983), or when the offender poses an unusual risk to the public safety due to his past conduct of repeated criminality. See *State v. Chaney*, 537 So.2d 313, 318 (La. App. 1st Cir. 1988), writ denied, 541 So.2d 870 (La. 1989).

Prior to imposing sentencing, the trial court allowed Vivian Rowe, the victim's mother, to make a victim impact statement. In the statement, Ms. Rowe described a pattern of mental and physical abuse inflicted upon the victim by the defendant. She explained that the defendant was very jealous and controlling, and the victim feared him. She claims that shortly before her death, the victim finally developed the courage to leave the defendant.

In its reasons for sentence, the trial court noted that the defendant's attempt to characterize the stabbing as an accident shows that he lacked any remorse for his actions. The court also noted that the evidence established that the defendant was a very jealous and controlling individual who committed a very vicious and senseless killing. The court specifically noted that although the defendant testified regarding how much he loved the victim, the defendant repeatedly cheated on her and even fathered children with other women, all while attempting to control the victim's life. As justification for the maximum sentence imposed, the court relied heavily upon the defendant's selfishness and total lack of remorse for his actions.

Considering the reasons for sentence given by the trial court and the circumstances of the instant offense, we find no abuse of sentencing discretion in this case. Despite the defendant's claim that he is not the worst offender and he deserved a sentence of thirty years, our review of the record reveals that the forty-year sentence is adequately justified. The defendant, who showed absolutely no regard for human life in slashing the throat of the seventeen-year-old mother of his young son, is certainly the worst type of criminal offender who committed the worst offense. Therefore, considering the extremely violent nature of the stabbing, coupled with the defendant's failure to take responsibility for his actions and/or show any genuine remorse, we conclude that the instant sentence is not excessive. The forty-year maximum sentence for the senseless killing in this case is not so grossly disproportionate to the severity of the crime as to shock the sense of justice, nor is it needless infliction of pain and suffering.

This assignment of error lacks merit.

## **DECREE**

The defendant's conviction and sentence are affirmed. Costs of this appeal are assessed to Alexander Emery Hooks.

**CONVICTION AND SENTENCE AFFIRMED**