

Judgment rendered September 20, 2006
Application for rehearing may be filed
within the delay allowed by Art. 922,
La. C.Cr.P.

No. 41,318-KA

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Appellee

versus

JAMES L. WILLIAMS

Appellant

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Appealed from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 242,062

Honorable Scott J. Crichton, Judge

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Appellant

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Appellee

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Before WILLIAMS, CARAWAY and DREW, JJ.

NOT DESIGNATED FOR PUBLICATION.
Rule 2-16.3, Uniform Rules, Courts of Appeal.

CARAWAY, J.

James L. Williams seeks appellate review of the sentence imposed by the trial court after pleading guilty to three counts of purse snatching in violation of La. R.S. 14:65.1. We affirm.

The convictions arise from offenses which occurred in three different locations on or about January 8, 2005, in shopping center parking lots in broad daylight. The record shows that defendant admitted to the police he was the driver of a stolen vehicle that he and his co-defendant used to perpetrate a scheme of violence for purse snatching in shopping center parking lots. Two purses were snatched by the use of force and intimidation without the victims being otherwise seriously injured. The ages of these two victims were 51 and 87 years old. However, the third victim, a 73-year old woman, was found prostrate in a parking lot after being shoved to the ground. She was taken to the hospital by ambulance for treatment of serious injuries, including a fractured pelvis. Defendant pleaded guilty to three counts of purse snatching in exchange for dismissal of three other counts. All of the charged offenses occurred within a six-day time period.

When, as here, a defendant fails to file a La. C.Cr.P. art. 881.1 motion to reconsider sentence, the appellate court's review is limited to the bare claim that the sentence is constitutionally excessive. *State v. Mims*, 619 So. 2d 1059 (La. 1993); *State v. Duncan*, 30,453 (La. App. 2d Cir. 2/25/98), 707 So. 2d 164. Constitutional review turns upon whether the sentence is illegal, grossly disproportionate to the severity of the offense or shocking to the sense of justice. *State v. Lobato*, 603 So. 2d 739 (La. 1992); *State v.*

White, 37,815 (La. App. 2d Cir. 12/17/03), 862 So. 2d 1123. As a general rule, maximum sentences are appropriate in cases involving the most serious violation of the offense and the worst type of offender. *State v. Grissom*, 29,718 (La. App. 2d Cir. 8/20/97), 700 So. 2d 541; *State v. Walker*, 573 So. 2d 631 (La. App. 2d Cir. 1991).

The crime of purse snatching is punishable by imprisonment, with or without hard labor, for not less than 2 years, nor more than 20 years. La. R.S. 14:65.1. Here, the defendant received the maximum sentence of 20 years for each of the three offenses to which he pled guilty, to be served concurrently. At the sentencing hearing, all three victims testified about the psychological and physiological effects of the crimes, as well as the adverse economic impact. When sentencing the offenders, the trial court rejected defendant's explanation that he did not willingly participate in the crimes, because the crimes occurred as a series and the defendant was the oldest of the perpetrators. The trial court reviewed a previous post-sentence investigation report prepared in connection with the defendant and a disciplinary report from the Caddo Correctional Center.

The trial court noted that these were crimes of violence inflicted upon victims who were particularly vulnerable because of their age and gender, and that defendants showed deliberate cruelty in targeting them and carrying out the crimes. It considered favorable testimony from the defendant's aunt and girlfriend, as well as the fact that defendant turned himself in to the police. However, the trial court recognized the benefit obtained by him in

exchange for his guilty plea which resulted in the dismissal of three other counts of purse snatching.

Defendant's prior criminal history included a misdemeanor conviction of criminal mischief, a felony charge of aggravated battery for which he received probation after pleading guilty to a lesser charge, another misdemeanor offense, and a subsequent probation revocation. Thereafter, defendant served time before being placed on parole and committing another misdemeanor offense.

The defendant argues that he received a harsher sentence than his co-defendant, Jamison, who he claimed actually committed the acts of purse snatching. The transcript shows that both offenders were sentenced at the same time. Jamison received 15 years on each of the four counts to which he pled guilty, to be served concurrently.

There is nothing in the law that requires that a sentencing judge treat co-defendants equally. *State v. Quimby*, 419 So. 2d 951 (La. 1982), *citing*, *State v. Rogers*, 405 So. 2d 829 (La. 1981); *State v. Gatti*, 39,833 (La. App. 2d Cir. 10/13/05), 914 So. 2d 74, *writ denied*, 2005-2394 (La. 4/17/06), 926 So. 2d 511. The disparity of sentences between co-defendants is only a factor to be considered along with all other appropriate considerations in evaluating a contention that a sentence is excessive. *State v. Gatti, supra*. Here, the trial court noted the difference in age between the two defendants. Williams, age 26, was older than Jamison who committed the crimes during the days immediately before and after his 18th birthday.

The defendant benefitted from the dismissal of the other three charges through his guilty plea, which greatly reduced his sentencing exposure. Also, the trial court imposed the sentences to be served concurrently, rather than consecutively. On this record, we do not find constitutional error. While the defendant received the maximum sentence for the offense, the sentence is lawful and is neither grossly disproportionate to the severity of the offense of conviction nor is it shocking to our sense of justice. There is no showing of an abuse of the district court's discretion in the imposition of this sentence. The sentence is affirmed.

AFFIRMED.