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SUPREME COURT OF LOUISIANA

No. 00-KA-1529

STATE OF LOUISIANA

Versus

ROY BRIDGEWATER

**ON APPEAL FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT FOR THE PARISH OF JEFFERSON
HONORABLE KERNAN A. HAND, JUDGE**

ON REHEARING

CALOGERO, C.J.

On January 15, 2002, a majority of this Court determined that the evidence against Roy Bridgewater was insufficient to support the jury's finding of first degree murder, but sufficient, only, to support a second degree murder conviction. We granted rehearing to reconsider the State's contention that the evidence presented at the trial of Roy Bridgewater was sufficient for the jury to convict him of first degree murder and impose a penalty of death by lethal injection. Upon further review, we agree with the State. The evidence presented at trial was sufficient for a rational trier of fact to determine that Roy Bridgewater did commit the crime of first degree murder in violation of La. Rev. Stat. 14:30. Additionally, we find no error in defendant's other assignments which would warrant a reversal of the conviction or penalty imposed by the jury.¹

LAW AND ANALYSIS

Sufficiency of the Evidence

In his appeal, the defendant argued that the evidence was insufficient to convict

¹ These remaining assignments of error are addressed in an unpublished appendix, attached to this opinion and made a part of the official record.

him of first degree murder because there was no direct evidence that he fired a gun or that he was present when the shots were fired, and that the circumstantial evidence presented by the State did not exclude every reasonable hypothesis of innocence. This Court, on our original hearing, determined that the evidence was insufficient to support a first degree murder conviction, but was sufficient to support a conviction for second degree murder because defendant conceded that he entered the Beagh residence with the specific intent to commit an aggravated burglary, and a killing did take place during the aggravated burglary. We now reverse that ruling and determine that the evidence submitted to the jury was sufficient to support a finding that defendant had specific intent to kill or inflict great bodily harm and, hence, defendant was appropriately found guilty of first degree murder by the jury before which he was tried.

As expressed in the original opinion, “in reviewing the sufficiency of evidence to support a conviction, an appellate court in Louisiana is controlled by the standard enunciated in *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed. 2d 560 (1979) ... [T]he appellate court must determine that the evidence, viewed in the light most favorable to the prosecution, was sufficient to convince a rational trier of fact that all of the elements of the crime had been proved beyond a reasonable doubt.” *State v. Captville*, 448 So.2d 676, 678 (La. 1984). When circumstantial evidence is used to prove the commission of the offense, La. Rev. Stat. 15:438 requires that “assuming every fact to be proved that the evidence tends to prove, in order to convict, it must exclude every reasonable hypothesis of innocence.” The circumstantial evidence rule is not a separate test from the *Jackson* standard but “provides an evidentiary guideline for the jury when considering circumstantial evidence and facilitates appellate review of whether a rational juror could have found

defendant guilt beyond a reasonable doubt.” State v. Wright, 445 So.2d 1198, 1201 (La. 1984).

In the instant case, the State alleged that defendant was guilty of first degree murder because (1) he had specific intent to kill or to inflict great bodily harm and was engaged in the perpetration of an aggravated burglary and/or armed robbery, La. R.S. 14:30(A)(1); (2) that he had a specific intent to kill or to inflict great bodily harm upon more than one person, La. Rev. 14:30(A)(3); or (3) that the offender had the specific intent to kill or to inflict great bodily harm upon a victim who was sixty-five years of age or older, R.S. 14:30(A)(5).

We note that specific intent may be inferred from the circumstances surrounding the offense and the conduct of the defendant. La. Rev. Stat. 14:10(1); State v. Butler, 322 So.2d 189, 192-93 (La. 1975). Specific intent to kill may be inferred from a defendant’s act of pointing a gun and firing at a person. State v. Sullivan, 569 So.2d 177, 190 (La. 1992). In addition, the State also charged defendant as a principal, for having acted in concert with Lawrence Jacobs. As such, the State had to demonstrate that defendant had the requisite specific intent, not merely that he knew of Jacob’s intentions, in the event the jury concluded that Jacobs alone shot the victims.

The evidence introduced by the state, viewed in the light most favorable to the prosecution, was sufficient to prove that Roy Bridgewater was a shooter, or at the very minimum, that he had specific intent to kill or inflict great bodily harm on Della and Nelson Beagh. The most compelling evidence came from the defendant’s own statements to police.

First, in his taped confession, Roy Bridgewater is able to describe all of the events that transpired prior to Nelson and Della Beagh’s being killed. First, he

states that he and Jacobs approached Nelson Beagh while the victim was outside in his yard. Mr. Beagh was forced into the house, causing the victim's hat to fall off in the garage. Then, Nelson Beagh was walked through the house to the kitchen where his mother, Della Beagh, was cooking. At that point the defendant and Lawrence Jacobs noticed the Beagh family dog, and the victims were told to get the dog out of the house.

Next, according to the taped confession, both victims were brought to the living room and were asked to provide money. Nelson Beagh gave what he had and then stated that money would be found in his son's room. At this point, defendant and Jacobs brought the two victims into the son's room. Nelson Beagh swept everything off the dresser and some money fell to the floor. Then, Nelson Beagh looked through the items on the bed and on the floor to show Jacobs and the defendant that there was no more money.

Then, defendant describes in his confession how Jacobs ran through the house. First, Jacobs went to the other child's bedroom. Then, Jacobs went into the computer room. At that point, Nelson Beagh stated that there was a safe in the house, whereupon the defendant and Jacobs had the victims retrieve the safe. Nelson opened the safe and everyone went back into the master bedroom where the victims were forced to sit on the bed. Nelson Beagh then opened the jewelry box and Roy Bridgewater took out the first drawer and put it on the wicker hamper located near the bathroom. Then, the defendant and Lawrence Jacobs opened up the other jewelry drawers.

At this point, the recorded confession reflects that Jacobs asked the victims whether they would call the police after he and Roy Bridgewater left. Nelson Beagh stated he would not call the police and asked Jacobs to take the phones with him.

Della Beagh just sat on the bed asking “oh my god what’s going on?” Then, Nelson Beagh gave Jacobs the keys to the family van. Jacobs next picked up the phone and put it back down. Thereupon, the victims were shot and killed. Then Jacobs grabbed a keyboard located near one of the children’s rooms, and ran out of the house, through the garage to the van. According to the confession of defendant, Roy Bridgewater, he and Jacobs then drove the Beagh van to the Iberville housing project.

Roy Bridgewater’s knowledge of the exact details of what transpired in the house, where the victims were located in the bedroom, where the property was stolen, what the victims said, and importantly, where the victims were when they were killed leads to the reasonable inference that he was in the room when the victims were shot. The defendant’s self serving statement that he was serving as a lookout, peeking in from time to time, and located in the garage when the victims were killed, is simply unbelievable, as the jury surely concluded.

First, the defendant could not have known the details that he described in his taped confession if he had been a lookout in the garage during most of the event.

Second, the layout of the home and the positioning of the garage doors would have greatly restricted, if not altogether prevented, defendant from being able to watch the street from the garage where he claims to have served as a lookout. In his taped confession, defendant claims that he was located in the northwest corner of the garage near the entranceway into the home, near the door that leads into the house, by the washer and dryer. If defendant was in fact standing where he claimed to be standing, he would have had no view of either garage door because his view would have been blocked by the enclosed stairwell leading to the children’s playroom.²

² These facts are ascertainable from State’s Exhibit 78, a diagram of the Beagh family residence, drawn to scale and properly introduced into evidence during the trial. Furthermore, the state introduced into evidence a photograph of the interior of the stairwell leading to the children’s playroom which clearly indicates it is enclosed. Exhibit 78 is apparently a single exhibit that was introduced in both the Bridgewater and Jacobs trials. When that single exhibit

Third, even if defendant could have seen beyond the enclosed stairwell from where he was standing, such a position would have been little aid to a lookout. The garage door closest to the corner of Fay Street and Cedar Lawn Drive was closed³. The garage door that was open faced the side of Fay Street and was bounded by a wooded area.⁴ Furthermore, Nelson Beagh's truck was parked outside of that door blocking the view.⁵ It appears unlikely that a lookout would be canvassing the street from a garage with only one door open, that had the view blocked by a pickup truck and which faced a wooded area.

Fourth, there are approximately fifty feet and three hallways between the area of the garage where Roy Bridgewater claims to have been standing as a lookout and the night stand where he allegedly heard Jacobs pick up and put down the phone prior to shooting the victims.⁶ It is unlikely that Roy Bridgewater could have heard Jacobs pick up or put down a phone from that distance.

Fifth, if defendant was actually in the garage at the time the victims were killed and never re-entered the home, it is impossible for him to know that Jacobs ran to the

was forwarded from the district court, it was contained in the Jacobs file, not the Bridgewater file and hence, this court did not have the benefit of that exhibit when it rendered its original opinion.

³ Lieutenant Maggie Snow, the lead investigator of the Beagh murders, testified that when she arrived on the scene of the crime to secure the area only one garage door was open. Furthermore, Lieutenant Snow took a photograph of the garage doors and that photograph was introduced into evidence.

⁴ Taken from the trial testimony of James Ducote and evident from state's exhibit 58, a photograph taken of the intersection of Fay Street and Cedar Lawn.

⁵ Taken from the trial testimony of Lieutenant Maggie Snow. Lieutenant Snow was the lead homicide detective in the Beagh homicide investigation. Lieutenant Snow testified that when she arrived at the scene, she directed that photographs be taken of the residence. One of those photographs, Exhibit 62 (properly introduced into evidence), shows that a pickup truck, identified by Lieutenant Snow as belonging to Nelson Beagh, was parked in front of the only open garage door.

⁶ Taken from State's Exhibit 78, the sketch of the Beagh family home drawn to scale and properly introduced into evidence. The actual distance between the area of the garage where the defendant claimed to be standing and the night stand where the phone was recovered was not specifically stated at trial. However, the state did properly admit a diagram of the Beagh residence, drawn to scale. A simple measurement shows that the distance from the interior garage door to the night stand, traveling through the hallways, was approximately 50 feet.

hallway outside the children's rooms to retrieve a keyboard after the victims were shot. The victims were killed in the master bedroom on the far east side of the home. The hallway outside of the children's room is located on the far west side of the home.⁷ If Jacobs ran from the master bedroom to the hallway outside of the children's room after the shooting, he would have had to traverse the entire house. If defendant was in the garage and never re-entered the home, it would be impossible for him to know what Jacobs did in the Beaugh home after the shooting. These factors lead to the rational conclusion that the defendant was not in the garage where he claims to have been but was, in fact, in the room where the victims were murdered.

It is rational for the jurors to have believed that the defendant, having been in the room when the victims were killed, intended to kill or inflict great bodily harm. In our opinion, it is also rational for the jurors to have believed that defendant himself was a shooter. Defendant stated in his taped confession that he was armed only with a broken BB gun. Yet, defendant could not provide the police with any corroboration for that assertion. The defendant asserted in his taped confession that he happened to find the BB gun at a canal but after the murders it was never discovered. Bridgewater claims to have thrown it out of the window of the Beaugh family van after fleeing from the scene of the crime. Despite defendant's assertions that he had only a BB gun, the testimony of Captain Louise Walzer, a forensic firearms examiner at the Jefferson Parish Sheriff's Office, casts doubt on that assertion. Captain Walzer stated that two different types of bullets were fired into the victims.

While the presence of two different bullets in the bodies of the victims does not necessarily prove two different guns were used, it does allow a jury to begin drawing

⁷ Taken from State's Exhibit 78, the diagram of the Beaugh family home, drawn to scale and properly introduced into evidence, and the testimony of Lieutenant Maggie Snow, through whom that exhibit was introduced.

that inference. However, the state presented further evidence. The state showed that defendant was evasive about the location of the shirt he was wearing the day Nelson and Della Beaugh were killed. Originally, the defendant claimed that he was wearing a white t-shirt. Then, he changed his story indicating that he was in fact wearing a black t-shirt belonging to Lawrence Jacobs. Defendant stated he no longer had the shirt, having returned it to Lawrence Jacobs.

The jury could have rationally believed that the reason defendant would not produce the shirt was because it had blood on it. The autopsy photos and the testimony of Dr. Susan Garcia indicate that all four gunshot wounds to the victims were fired at close range. It is rational for a jury to believe that a killing in that manner would result in blood being deposited on the gunman's clothing and that Roy Bridgewater was in the room where the victims were shot and pulled the trigger.

But, besides the reasonable inference that Bridgewater was a gunman, there is other evidence sufficient to convince a rational trier of fact that defendant had specific intent to kill or inflict great bodily harm.

First, the facts show that defendant knew that Nelson and Della Beaugh would be killed. In his taped confessions to the police, Roy Bridgewater states that he heard Lawrence Jacobs tell the victims that he would shoot them. According to the defendant's taped confession, once Lawrence Jacobs brought Della and Nelson Beaugh into the living room, Jacobs asked for money. Nelson Beaugh stated he did not have much money and at that point Jacobs stated "man you better start talking I'm getting tired. I'm about to shoot you." This statement by Jacobs would have occurred just as the men were entering the Beaugh family home, prior to any property being taken. The defendant admits hearing Jacobs undeniably threaten to shoot the victims from the outset, yet defendant continued to aid Jacobs. The defendant admits

to have aided Jacobs in searching the home and in periodically keeping watch over the victims while their property was being stolen.

In addition, defendant's taped confession indicates that he knew that Jacobs would kill the victims. During his confession to the police, the defendant talked about other instances where Jacobs had robbed people. Roy Bridgewater discussed a specific event where Jacobs entered a man's home and stole the victim's truck. Bridgewater stated that the victim in that robbery was cooperative, yet defendant was "surprised [Jacobs] didn't shoot him." If Bridgewater was surprised that Jacobs allowed a single cooperative victim to survive in a prior robbery, it is not unreasonable for the jury to believe that Bridgewater believed Jacobs would kill Nelson and Della Beagh after burglarizing the residence. The defendant's decision to accompany Jacobs into the Beagh family home nonetheless, evidences that Bridgewater shared Jacob's intent, even if it were assumed that Bridgewater, himself, did not shoot the victims.

Second, the actions taken by defendant after Nelson and Della Beagh were shot are inconsistent with someone who did not intend that they be killed. Defendant admitted in his taped confession that after Nelson and Della Beagh were killed, he and Lawrence Jacobs took the Beagh van, then abandoned it. Then the two went to McDonalds to eat. Defendant even recalls the exact meal he consumed. Then, he and Jacobs went to a video arcade. The next night, they went to a party together. Furthermore, cell phone records show that a call was placed from the Beagh van to the girlfriend of Roy Bridgewater's brother. Additionally, the defendant admitted sharing in the stolen property. Bridgewater admitted that he took possession of the Nelson Beagh's watch and a keyboard that was taken from the Beagh home. Bridgewater told the police that the stolen property was located at his girlfriend's

house, and the police were able to retrieve the items from the designated residence. Subsequently, other property of the Beaugh family was recovered from the home of Bridgewater's girlfriend as well.

Defendant's claims that he was scared because Jacobs was armed and that Jacobs might shoot him, if that were believed by the jury, could reasonably explain why defendant would have left the scene with Jacobs driving the Nelson Beaugh's van to facilitate escape. But if defendant was concerned for his own safety and did not intend for the Nelson and Della Beaugh to be killed, it is not logical that (1) defendant would voluntarily go to eat with Jacobs after the killings; (2) voluntarily accompany Jacobs to a public video arcade; (3) voluntarily go with Jacobs to a party the day after the killings; and (4) share in the stolen property.

The jury was presented evidence that defendant had specific intent to kill or inflict great bodily harm on Nelson and Della Beaugh. Jacobs from the outset threatened to shoot the victims; defendant admitted he was surprised Jacobs had not killed a robbery victim in a prior crime; despite knowing Jacob's disposition, defendant aided him in keeping the victims at bay and stealing their property; after the killings defendant remained with Jacobs, eating with him, playing video games and going to a party; finally, defendant shared in the stolen property. All of this was presented to the jury. Taking these facts in the light most favorable to the prosecution, we cannot say that they were insufficient to convince a rational trier of fact that the element of specific intent was proven. Thus, the evidence was sufficient to prove that defendant himself was a gunman or, at the very least, had an active desire that Lawrence Jacobs kill the victims. Hence, the jury did not err in finding defendant guilty of first degree murder⁸.

⁸ We again note that defendant conceded in his statements to police that he entered the Beaugh residence with specific intent to commit an aggravated burglary. Furthermore, two

Defendant's remaining assignments of error concern the penalty phase and defendant's death sentence. We find these remaining assignments non-meritorious and governed by settled principles of law. Hence we address them in an unpublished appendix, which is attached to this opinion and is part of the official record in this case. Because these assignments lack merit, we find no error in defendant's sentence of death.

CONCLUSION

Upon rehearing, we find that the evidence presented to the jury, in the light most favorable to the prosecution, was sufficient to convince a rational trier of fact that the defendant, Roy Bridgewater, did possess specific intent to kill or inflict great bodily harm and did commit the crime of first degree murder in violation of La Rev. Stat. 14:30. Furthermore, we have found no merit to defendant's assignments of error concerning the defendant's sentence of death. Hence, Roy Bridgewater's conviction and sentence are affirmed.

DECREE

FIRST DEGREE MURDER CONVICTION AND DEATH SENTENCE OF THE DEFENDANT, ROY BRIDGEWATER, IS AFFIRMED.

people were killed, and Della Beagh was over the age of 65. These facts combined with the jury's rational conclusion that defendant had specific intent to kill or inflict great bodily harm, makes a conviction of first degree murder proper under La. Rev. Stat. 14:30A(1), (3) and (5).