

SUPREME COURT OF LOUISIANA

No. 2021-K-01805

STATE OF LOUISIANA

VS.

TASHONTY C. TONEY

On Writ of Certiorari to the Court of Appeal, Fourth Circuit, Parish of Orleans
Criminal

CRICHTON, J., concurs in part and dissents in part and assigns reasons:

While I concur in the Court's denial of this writ application as it relates to the remand to the trial court for resentencing, I write separately to emphasize the importance of a recitation of full and comprehensive reasons for the trial court's consecutive sentences. Although the trial court need not articulate every aggravating and mitigating circumstance outlined in La. C.Cr.P. art. 894.1, the record must reflect that he or she adequately considered these guidelines in particularizing the sentence to the defendant. *State v. Smith*, 433 So.2d 688, 698 (La. 5/23/83). In my view, it is imperative the trial court provide an adequate expression of the reasons for sentences such as these, some of which reach the maximum allowed.

However, I would grant the State's writ application as to the court of appeal's instruction to the trial court to allow defendant the opportunity to present mitigation evidence. The record reflects that defendant did indeed present such evidence, as his mother and two sisters were given the opportunity to testify, defense counsel provided the trial court with a "scrapbook" of photographs of defendant, and defense counsel expressly waived the appearance of defendant's physician. Accordingly, I find the court of appeal's instruction unnecessary, as it will constitute duplicative efforts and result in a wasteful strain on judicial time and resources.

