

We respectfully disagree with the 1st Circuit Court's decision today upsetting the jury's decision in this very emotional case.

The court found that the defendant was intoxicated and negligent but that his intoxication was not contributing factor to the five deaths, thus precluding a finding by the jury of vehicular homicide.

The appellate court found the evidence did prove, beyond a reasonable doubt, that the defendant was guilty of five counts of negligent homicide, and modified each of the convictions to negligent homicide. The appellate court vacated the sentences and remanded for sentencing on the modified convictions.

It appears the appellate court is of the opinion that the absence of evidence distinguishing the conduct of Leger and co-defendant Hall, coupled with the fact that Hall was not intoxicated, prevented the jury from finding that defendant's unlawful blood alcohol concentration combined with his operation of a vehicle caused the deaths of five human beings.

In this case, the evidence and testimony at defendant's jury trial was understandable and reasonably presented. The evidence showed that the defendant's blood alcohol level was 0.08 percent or more at the time of the accident. The evidence and testimony showed defendant and Hall were traveling at high speeds weaving in and out of traffic and that defendant eventually passed Hall utilizing the shoulder of the interstate. As he was passing Hall, defendant's truck made contact with her SUV causing him to lose control and proceed into oncoming traffic where his truck violently collided with the vehicle driven by Effie Fontenot resulting in the deaths of the five victims.

Based on the evidence, it was reasonable for the jury to conclude that defendant's intoxication affected his decision-making and actions, ultimately resulting in defendant losing control of his vehicle and colliding with the victims. Any rational trier of fact could have found the evidence proved beyond a reasonable doubt, and to the exclusion of every reasonable hypothesis of innocence, that defendant's unlawful blood alcohol concentration combined with his operation of a vehicle caused the deaths of five human beings.

The evidence supports the jury's finding that defendant's unlawful blood alcohol concentration combined with his operation of a vehicle caused the death of five human beings.

Our legislature has made it clear that there is a difference in one who is found guilty of negligent homicide and one that is negligent and kills while intoxicated. The legislative intent is to curb traffic fatalities caused by the consumption of alcohol, where the consumption is a contributing factor.

In this case the defendant's intoxication was found by the jury to be a contributing factor. The defendant was well represent at trial and provided a vigorous defense. It was argued that the defendant's intoxication was not a contributing factor, however, the state obviously proved and the jury found otherwise. Today's decision by the court overturns the jury's considered

deliberation and decision and replaces its own without according the requisite deference to the finding of the jury.

We will seek appellate review of the court's decision. Our decision is consistent with the desires of the families of the five victims who have been most impacted by this crime and today's ruling.