

LOUISIANA COURT OF APPEAL, FOURTH CIRCUIT

State of Louisiana v. Michael R. Shorts, Jr.

2023-KA-0771 · No. 2023-KA-0771 · Decided January 15, 2026

SUMMARY

On remand from the Louisiana Supreme Court, the Louisiana Fourth Circuit reconsidered the defendant's Confrontation Clause challenges to testimony recounting statements by family members. The court held that the challenges were not preserved by contemporaneous objection and, alternatively, that any constitutional error was harmless beyond a reasonable doubt. The court reaffirmed the defendant's convictions for second-degree murder and obstruction of justice.

CASE DETAILS

COURT	Louisiana Court of Appeal, Fourth Circuit
WRITING FOR THE COURT	Chief Judge Roland L. Belsome; Judge Rosemary Ledet; Judge Dale N. Atkins
JURISDICTION	Louisiana Court of Appeal, Fourth Circuit
DECIDED	January 15, 2026
DOCKET	2023-KA-0771
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed convictions for second-degree murder and obstruction of justice. After the Louisiana Supreme Court granted the defendant's writ application and remanded for analysis of his Confrontation Clause challenges, the court of appeal reconsidered the constitutional issues and affirmed the trial court judgment and jury verdict.
STANDARD OF REVIEW	Confrontation Clause error is reviewed for harmless error beyond a reasonable doubt. Unpreserved claims ordinarily are not reviewable absent a contemporaneous objection under Louisiana Code of Criminal Procedure article 841.
PRECEDENTIAL VALUE	Published Louisiana Court of Appeal opinion
PARTIES	Michael R. Shorts, Jr. v. State of Louisiana

TOPICS

criminal procedure

sixth amendment

hearsay

harmless error

preservation of error

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether Shorts preserved his hearsay and Confrontation Clause challenges to testimony recounting out-of-court statements by his family members when defense counsel did not contemporaneously object.
2. If the challenged testimony constituted an erroneous admission of testimonial hearsay violating the Confrontation Clause, whether the error was harmless beyond a reasonable doubt.
3. Whether the trial court judgment and jury verdict should be affirmed on remand from the Louisiana Supreme Court.

HOLDINGS

1. A defendant's failure to contemporaneously object to challenged testimony on hearsay or Confrontation Clause grounds waives the issue for appellate review under Louisiana law; Louisiana does not apply a federal-style plain-error rule to excuse the omission.
2. An objection to a statement on hearsay grounds does not preserve a separate constitutional Confrontation Clause challenge to the same statement.
3. Even assuming that admission of the detective's testimony concerning the family members' statements violated the Confrontation Clause, any error was harmless beyond a reasonable doubt.

KEY QUOTATIONS

“An irregularity or error cannot be availed of after verdict unless it was objected to at the time of occurrence.” (p. 3)

“Confrontation violations are subject to harmless-error analysis” (p. 4)

“We hold again that the evidence considered in its totality, even without the statement of Defendant’s grandfather, was sufficient to convict beyond a reasonable doubt and was therefore, harmless error.” (p. 8)

FACTUAL BACKGROUND

At trial, a detective testified about statements attributed to members of Shorts' family, including a statement by Shorts' grandfather that “Mike Mike” committed the shooting, in explaining the basis for an arrest warrant and the course of the investigation. Defense counsel did not contemporaneously object to the family members' statements on hearsay or Confrontation Clause grounds. The State also presented substantial corroborating evidence, including surveillance footage, witness testimony, DNA evidence involving a pillowcase, blood evidence, shell casings, a magazine, and a gun box associated with Shorts.

PROCEDURAL HISTORY

The Criminal District Court for Orleans Parish entered judgment on jury verdicts finding Michael Shorts guilty of second-degree murder and obstruction of justice. The Louisiana Fourth Circuit originally affirmed. The Louisiana Supreme Court granted Shorts' writ application and remanded with instructions to evaluate his constitutional confrontation challenges. On remand, the Fourth Circuit held that the claims were not preserved by contemporaneous objection and, alternatively, that any Confrontation Clause error was harmless beyond a reasonable doubt, thereby reaffirming the convictions.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The court confirmed the original opinion and affirmed the trial court judgment and jury verdict. No further remand instructions were issued.

CASES CITED

- State v. Shorts, 2023-0771 (La. App. 4 Cir. 5/8/25), --- So. 3d ---, 2025 WL 1341537
- State v. Shorts, 25-0735 (La. 12/16/25), --- So. 3d ---, 2025 WL 3640153
- State v. Vallo, 2013-1369, p. 4 (La. 1/10/14), 131 So. 3d 835, 837
- State v. Stewart, 2024-0454 (La. App. 4 Cir. 5/14/25), __ So. 3d __, __
- State v. Harris, 2019-1610 (La. App. 1 Cir. 9/3/20)
- State v. Sly, 23-60 (La. App. 5 Cir. 11/2/23), 376 So. 3d 1047, writ denied, 2023-01588 (La. 4/23/24), 383 So. 3d 608
- State v. Chenier, 2024-457 (La. App. 3 Cir. 10/1/25), 420 So. 3d 1208
- State v. Mullins, 2014-2260 (La. 1/27/16), 188 So. 3d 164, 171
- Delaware v. Van Arsdall, 475 U.S. 673, 682, 684, 106 S. Ct. 1431, 1437-38, 89 L. Ed. 2d 674 (1986)
- United States v. Stalnaker, 571 F.3d 428, 434 (5th Cir. 2009)
- State v. Welch, 1999-1283 (La. 4/11/00), 760 So. 2d 317, 321-22