

LOUISIANA COURT OF APPEAL, SECOND CIRCUIT

State of Louisiana v. Damion Cain

No. 56,871-KA (La. App. 2 Cir. May 20, 2026) · No. 56,871-KA · Decided May 20, 2026

SUMMARY

The Louisiana Second Circuit Court of Appeal affirmed Damion Cain’s 60-year habitual-offender sentence for home invasion. The court held that the sentence was not constitutionally excessive in light of the violent nature of the offense, Cain’s criminal history, and the statutory sentencing range. Because Cain did not file a motion to reconsider his sentence, appellate review was limited to constitutional excessiveness.

CASE DETAILS

COURT	Louisiana Court of Appeal, Second Circuit
WRITING FOR THE COURT	Thompson, J.; Stone, J.; Cox, J.
JURISDICTION	Louisiana Court of Appeal, Second Circuit
DECIDED	May 20, 2026
DOCKET	56,871-KA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Cain appealed his habitual-offender enhanced sentence as constitutionally excessive after the trial court vacated his original sentences and imposed concurrent enhanced sentences of 60 years at hard labor for home invasion and four years at hard labor for unauthorized use of a motor vehicle.
STANDARD OF REVIEW	Because Cain did not file a motion to reconsider sentence, appellate review was limited to whether the sentence was constitutionally excessive. The court reviewed whether the sentence was grossly disproportionate to the offense or amounted to the purposeless infliction of pain, and whether it shocked the sense of justice.
PRECEDENTIAL VALUE	Published Louisiana Court of Appeal opinion
PARTIES	Damion Cain v. State of Louisiana

TOPICS

- sentencing
- cruel and unusual punishment
- standard of review
- preservation of error
- appellate procedure

PRACTICE AREAS

criminal law

sentencing

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether Cain's 60-year habitual-offender sentence for home invasion was constitutionally excessive under La. Const. art. I, § 20.
2. Whether Cain was entitled to broader appellate review of his sentence despite failing to file a motion to reconsider sentence.

HOLDINGS

1. The 60-year sentence was not constitutionally excessive because it was within the statutory range for a habitual offender and was not grossly disproportionate to the violent home-invasion offense or Cain's extensive history of recidivism.
2. Cain's failure to file a motion to reconsider sentence limited appellate review to constitutional excessiveness and precluded broader review of the sentence.

KEY QUOTATIONS

"Our Constitution does not require similar sentences for dissimilar defendants." (at 2)

"Rather, we are constitutionally bound to a far narrower task, that of determining whether the sentence is so disproportionate as to shock the sense of justice." (at 4)

"Finally, Cain's failure to file a motion to reconsider his sentence limits our review to constitutional excessiveness." (at 5)

FACTUAL BACKGROUND

Cain forcefully entered his former girlfriend's home while armed with a knife, threatened her with sexual assault, grabbed her by the neck, and forcibly removed her clothing. Before entering the home, he slashed the tires of her vehicle; afterward, he fled in a vehicle belonging to a member of the victim's family without permission. The court relied on Cain's extensive criminal history, including burglary, robbery, drug distribution, and aggravated battery, as well as his repeated failures while on probation, parole, suspended sentences, and supervised release.

PROCEDURAL HISTORY

A jury convicted Cain of home invasion, unauthorized use of a motor vehicle, and simple assault. The trial court originally imposed concurrent sentences of 30 years, two years, and 90 days, respectively. The State then filed a habitual-offender bill under La. R.S. 15:529.1; after a habitual-offender hearing, the court vacated the original sentences and imposed concurrent enhanced sentences of 60 years for home invasion and four years for unauthorized use of a motor vehicle. Cain filed no motion to reconsider sentence and appealed, limiting review to constitutional excessiveness.

DISPOSITION

affirmed

CASES CITED

- State v. Cain, 56,870 (La. App. 2 Cir. 5/20/26)
- State v. Kennon, 19-00998 (La. 9/1/20), 340 So. 3d 881
- State v. Horton, 53,534 (La. App. 2 Cir. 11/18/20), 306 So. 3d 605
- State v. Cook, 95-2784 (La. 5/31/96), 674 So. 2d 957
- State v. Weaver, 01-0467 (La. 1/15/02), 805 So. 2d 166
- State v. Jackson, 52,606 (La. App. 2 Cir. 4/10/19), 268 So. 3d 1217
- State v. Dorthey, 623 So. 2d 1276 (La. 1993)
- State v. Parker, 54,947 (La. App. 2 Cir. 3/1/23), 358 So. 3d 220
- State v. Nabors, 53,357 (La. App. 2 Cir. 4/22/20), 295 So. 3d 974

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