

LOUISIANA COURT OF APPEAL, SECOND CIRCUIT

State of Louisiana v. Devin Owen Porter, Jr.

No. 56,679-KA (La. Ct. App. Feb. 11, 2026) · No. 56,679-KA · Decided February 11, 2026

SUMMARY

The Louisiana Second Circuit considers Devin Owen Porter, Jr.'s appeal from convictions for second degree murder, six counts of attempted second degree murder, and aggravated flight from an officer. The court addresses the sufficiency of the circumstantial evidence establishing Porter's identity and principal liability, as well as claims concerning the excessiveness of his sentences and ineffective assistance of counsel. The court concludes that the evidence supported the convictions and that the sentencing and ineffective-assistance claims did not warrant relief on direct appeal.

CASE DETAILS

COURT	Louisiana Court of Appeal, Second Circuit
WRITING FOR THE COURT	Hunter; Marcotte; Ellender
JURISDICTION	Louisiana Court of Appeal, Second Circuit
DECIDED	February 11, 2026
DOCKET	56,679-KA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his convictions and sentences following a jury trial in which he was convicted as charged of second degree murder, six counts of attempted second degree murder, and aggravated flight from an officer.
STANDARD OF REVIEW	For sufficiency of the evidence, the court viewed the evidence in the light most favorable to the prosecution and asked whether any rational trier of fact could have found the essential elements proven beyond a reasonable doubt under Jackson v. Virginia and Louisiana Code of Criminal Procedure article 821. The court did not reweigh evidence or reassess witness credibility. Sentences were reviewed under a two-prong analysis for compliance with Louisiana Code of Criminal Procedure article 894.1 and constitutional excessiveness, with the sentence otherwise reviewed for abuse of discretion. An ineffective-assistance claim raised on direct appeal was deferred when the record was insufficient to resolve it.

PRECEDENTIAL VALUE	Published Louisiana Court of Appeal opinion
PARTIES	Devin Owen Porter, Jr. v. State of Louisiana

TOPICS

criminal procedure sentencing standard of review appellate procedure evidence

PRACTICE AREAS

criminal law criminal procedure appellate practice sentencing

QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove beyond a reasonable doubt that Porter was a principal to the second degree murder and six attempted second degree murders, including whether the State negated a reasonable probability of misidentification.
2. Whether the challenge to the jury instructions concerning circumstantial evidence and identity was preserved for appellate review.
3. Whether the mandatory life sentence for second degree murder was constitutionally excessive or required a downward departure.
4. Whether the forty-year sentences for attempted second degree murder and the five-year sentence for aggravated flight were constitutionally excessive or constituted an abuse of sentencing discretion.
5. Whether the ineffective-assistance-of-counsel claim could be resolved on direct appeal.

HOLDINGS

1. The evidence, viewed in the light most favorable to the prosecution, was sufficient for a rational jury to find beyond a reasonable doubt that Porter was a principal to the second degree murder, six attempted second degree murders, and aggravated flight from an officer.
2. Porter's challenge to the jury instructions concerning the State's burden of proving identity through circumstantial evidence was waived because trial counsel did not contemporaneously object and affirmatively stated that the defense agreed to the instructions.
3. The mandatory life sentence for second degree murder, without benefit of probation, parole, or suspension of sentence, was not constitutionally excessive, and Porter failed to establish that he was entitled to a downward departure.
4. The trial court did not abuse its discretion or impose constitutionally excessive sentences by imposing forty years for each attempted second degree murder conviction and the maximum five-year sentence for aggravated flight.
5. The ineffective-assistance claim was not resolved on direct appeal because the appellate record was insufficient; the claim was more appropriately raised in an application for post-conviction relief in the trial court.

KEY QUOTATIONS

“We find the mandatory sentence of life imprisonment for the conviction of second degree murder is presumed constitutional, and defendant has failed to demonstrate that he is an exceptional defendant for whom a downward departure from the statutory minimum is required.” (17)

“We find the trial court did not abuse its discretion in imposing 40-year sentences for the attempted second degree murder convictions.” (18)

“CONVICTIONS AFFIRMED; SENTENCES AFFIRMED.” (19)

FACTUAL BACKGROUND

On March 25, 2023, two armed men exited a gray sedan near Market and Texas Streets in Shreveport and fired at least fifty-seven shots into a crowd, killing Jacorvin Taylor and wounding six others. Approximately ten minutes later, police attempted to stop a stolen Hyundai Elantra with a broken rear window driven by Porter, who led officers on an eleven-mile high-speed chase before crashing. Three assault weapons were recovered from the vehicle or nearby, and ballistic evidence linked one weapon to the fatal bullet and numerous shell casings from the shooting. Porter was wearing clothing matching that worn by one of the shooters, and photographs from his phone depicted him with one of the recovered weapons.

PROCEDURAL HISTORY

Porter was charged by bill of indictment in the First Judicial District Court for Caddo Parish. A unanimous jury found him guilty as charged. The trial court denied his motion for post-verdict judgment of acquittal, imposed concurrent sentences of life imprisonment for second degree murder, forty years for each attempted second degree murder conviction, and five years for aggravated flight, and denied his motion to reconsider sentence. On appeal, Porter challenged the sufficiency of the evidence, the jury instructions, the excessiveness of his sentences, and counsel's effectiveness at sentencing.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307 (1979)
- State v. Tate, 01-1658 (La. 5/20/03), 851 So. 2d 921
- State v. Pigford, 05-0477 (La. 2/22/06), 922 So. 2d 517
- State v. Smith, 94-3116 (La. 10/16/95), 661 So. 2d 442
- State v. Grant, 55,722 (La. App. 2 Cir. 8/28/24), 399 So. 3d 716
- State v. Hughes, 05-0992 (La. 11/29/06), 943 So. 2d 1047
- State v. Frost, 53,312 (La. App. 2 Cir. 3/4/20), 293 So. 3d 708
- State v. Brooks, 42,226 (La. App. 2 Cir. 8/15/07), 962 So. 2d 1220
- State v. Graham, 420 So. 2d 1126 (La. 1982)

- State v. Seals, 95-0305 (La. 11/25/96), 684 So. 2d 368
- State v. Johnson, 55,254 (La. App. 2 Cir. 8/9/23), 370 So. 3d 91
- State v. Gilliam, 36,118 (La. App. 2 Cir. 8/30/02), 827 So. 2d 508
- State v. Allen, 36,180 (La. App. 2 Cir. 9/18/02), 828 So. 2d 622
- State v. Jacobs, 504 So. 2d 817 (La. 1987)
- State v. Copes, 566 So. 2d 652 (La. App. 2 Cir. 1990)
- State v. Davis, 56,118 (La. App. 2 Cir. 2/26/25), 408 So. 3d 1086
- State v. Kennon, 19-0998 (La. 9/1/20), 340 So. 3d 881
- State v. Johnson, 97-1906 (La. 3/4/98), 709 So. 2d 672
- State v. Parker, 416 So. 2d 545 (La. 1982)
- State v. Dorthey, 623 So. 2d 1276 (La. 1993)
- State v. Cozzetto, 07-2031 (La. 2/15/08), 974 So. 2d 665
- Strickland v. Washington, 466 U.S. 668 (1984)
- State v. LaCaze, 99-0584 (La. 1/25/02), 824 So. 2d 1063