STATE OF LOUISIANA : DOCKET NUMBER: 300,672

VERSUS : FIRST JUDICIAL DISTRICT COURT

DOMINIC BANKS : CADDO PARISH, LOUISIANA

 **JUDGMENT ON DEFENDANT’S**

 **MOTION TO RECONSIDER SENTENCE**

 **(WITH REASONS)**

The Court has considered the defendant’s Motion to Reconsider Sentence, filed April 9, 2012. Concluding that the motion lacks merit and for reasons which follow, the motion is denied. Accordingly:

**IT IS ORDERED, ADJUDGED AND DECREED that the Motion to Reconsider Sentence, filed April 9, 2012 by Dominic the Banks, is denied.**

 **REASONS**

The defendant, Dominic Banks, was sentenced to 22 years hard labor, two years more than the statutory minimum mandatory sentence of 20 years hard labor, without benefit of probation, parole or suspension of sentence for the crime of attempted first degree murder of a peace officer (R.S. 14:30 and 14:27).

The defendant’s date of birth is February 14, 1995. At the time of his guilty plea and sentencing, Banks was age 17. At the time of the offense, Banks was age 16. Under applicable law the district attorney transferred the case from Caddo Juvenile Court to the First Judicial District Court.

Defendant Dominic Banks, an African American male, committed the attempted first degree murder of Shreveport Police Officer George Nichols, an African American male, on August 4, 2011 at the Village Square apartment complex, located at 4210 Greenwood in Shreveport.Officer Nichols is a law enforcementofficer with Shreveport Police Department, and on that night he was in full navy blue police uniform.

Officer Nichols saw Banks with other teenagers at the complex. He knew the other teenagers but did not know Banks. He sought to verify whether Banks lived at the apartments and asked him why he was there. Banks responded something to the effect that he was there to see his auntie who lived in an upstairs apartment. Officer Nichols testified that Banks was hesitant about Nichols’ proximity to him and that Banks appeared evasive. Banks took off running, Nichols pursued, and there was a short foot pursuit. Officer Nichols pulled out his taser but did not use it for concern that any bystander could be hit. At some point in the pursuit, then 16 year old Banks turned and established eye contact with Nichols. Banks then pulled a 380 semi-automatic handgun and fired a shot at the uniformed officer. Banks and Nichols were about 15 feet away from each other at the point of the shooting. SPD-ID officers investigated the scene and retrieved a 380 caliber cartridge. Several weeks later, on September 10, 2011, SPD Officer Green observed a young man riding a bicycle at about Broadway and Kennedy in such a manner as to impede traffic. Officer Green told the young man to stop; the young man, who turned out to be Dominic Banks, declined to stop. Banks proceeded west on Kennedy where he abandoned/dropped his bicycle and back pack and fled. Police searched the abandoned backpack and located a 380 handgun. Ultimately, Banks was apprehended. Officer Nichols later identified Banks as the young man who shot at him more than a month earlier on August 4. The gun and the 380 caliber shell were examined at NLCL and it was concluded that the shot fired on August 4 was in fact fired by the 380 pistol in Banks’ bag. Dominic Banks pled guilty on February 29, 2012 and clearly admitted his guilt. At the sentencing hearing and despite the guilty plea, Banks sought to minimize the magnitude of this crime asserting that he merely fired in the direction of the officer, not directly at the officer. He said “I never fired at the officer”, that he fired it toward the right side of Officer Nichols. Banks also said he found the gun on a trail in Queensborough loaded with bullets; that he only had it three days before the officer shooting. The Court does not believe Banks’ statement about the gun. Moreover, his statement at the sentencing hearing is inconsistent with what he stated during the guilty plea. Combined with the defendant’s attitude and demeanor, the statements reflect deception and a lack of remorse.

The defendant has a lengthy juvenile history – in fact, there are nine separate events at Juvenile Court which reflect a young man totally out of control. Despite being previously adjudicated and serving juvenile detentions, Banks has continued to engage himself in criminal behavior.

The applicable law is as follows:

If the offense so attempted is punishable by death or life imprisonment and is attempted against an individual who is a peace officer engaged in the performance of his lawful duty, he shall be imprisoned at hard labor for not less than twenty or more than fifty years without benefit of parole, probation, or suspension of sentence.

The mitigating factor – for which the Court accords considerable weight – is Banks’ age at the time of the attempted first degree murder of the Shreveport police officer. That compelling mitigating fact has resulted in a sentence just 2 years over the absolute statutory minimum.

The Court has thoroughly considered all of the facts and circumstances of the case and has considered all of the criteria of La.C.Cr.P. 894.1.

Observing that the maximum sentence is 50 years hard labor and noting that defendant received just two years over the statutory minimum mandatory sentence for the attempted first degree murder of a police officer, the Court concludes that the sentenceis totally fair and warranted under the law. Accordingly, the Motion is denied.

Signed this 12th day of April, 2012 in Shreveport, Caddo Parish, Louisiana.

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 SCOTT J. CRICHTON

 DISTRICT JUDGE

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