

**CRIMINAL DISTRICT COURT
PARISH OF ORLEANS
STATE OF LOUISIANA**

STATE OF LOUISIANA

CASE NO. 461-907

VERSUS

CATINA CURLEY

SECTION K

VERDICT

PROCEDURAL HISTORY

The defendant, Catina Curley, was indicted by the State of Louisiana for second degree murder on August 4, 2005 in violation of La. R.S. 14:30.1. The defendant's trial was delayed due to the occurrence of Hurricane Katrina. The defendant was found guilty by jury of second degree murder on March 2, 2007. This Court sentenced the defendant to life imprisonment at hard labor. The conviction and sentence were affirmed by the Louisiana Fourth Circuit Court of Appeal and the Louisiana Supreme Court.¹

The defendant thereafter filed a timely application for post-conviction relief, based on ineffective assistance of counsel.² A evidentiary hearing was held by this Court, and relief was granted and a new trial was ordered. The court of appeal reversed this Court's decision and reinstated the defendant's conviction and sentence. The defendant then applied for a writ of certiorari and prohibition to the Louisiana Supreme Court to review the ruling of the court of appeal. The Supreme Court granted the defendant's writ application and ultimately held that defendant's trial counsel was in fact ineffective; reversing the court of appeal's decision and remanding to this Court for a new trial. The defendant elected a trial by judge, and trial was held February 26, 2019.

FACTS

The facts of the case before this Court are as follows. The defendant, Catina Curley and the victim, her husband of nine and a half years, Renaldo Curley were separated for a short time

¹ *State v. Curley*, 08-1157 (La. App. 4 Cir. 5/12/10), 2010 WL 8966072, writ denied, 10-1674 (La. 1/28/11), 56 So.3d 967.

² The ineffective assistance of counsel claim was based on the defendant's prior counsel's withdrawal of her not guilty by reason of insanity plea without having her evaluated, and the failure to present to the jury the effects of domestic violence, specifically Battered Woman's Syndrome.

and living separately. On the evening of March 30, 2005, the defendant received a phone call from her daughter, Brittany Espadron, informing her that there were some people at the house other than her children that evening.³ The defendant spoke briefly to her husband on the phone, and went to the house and made her intentions known that anyone who did not live at the house had to leave. The defendant then went upstairs to her bedroom, and her husband followed her. According to testimony there was both a verbal and physical altercation between the defendant and the victim, which through testimony appeared to be initiated by the victim, Renaldo Curley. The defendant's other daughter, April Curley and son, Devin Curley, both testified to having been upstairs at the time their mother came home and hearing yelling and "fussing", which continued when their mother, the defendant, went upstairs and their father, Renaldo Curley, followed. April Curley additionally testified to having witnessed a verbal altercation and at least part of the physical altercation that ensued. Through April's testimony and Detective Melia's interview of the defendant, it appears that at the very least that Renaldo Curley either choked or pushed the defendant up against their bedroom wall, and proceeded to throw a can of peach soda at or in her direction. According to the testimony of April Curley, her mother was in the corner crying. Renaldo Curley proceeded to go downstairs. Through further testimony by April and the defendant's aunt, Lanette Rousseve, the defendant made a phone call to her aunt Lanette in what appeared to be a heightened or "excited" call for help or assistance. The defendant armed herself with a handgun and went downstairs. According to the testimony of April, she began to go downstairs behind her parents when she saw the following ensue: the defendant yelled at Renaldo to let her go, as Renaldo was walking towards her and her mother continued screaming and shaking, the gun went off. Renaldo was hit in the chest and was killed. Various witnesses testified to the defendant being in a shocked state, "hysterical", and thereafter asking someone to help him and to call 911. A neighbor who had previously been at the house, Deidre Andrews, testified that she and her mother called the police, police arrived, and shortly after the defendant was arrested.

³ According to testimony, the following individuals were present at the Curley household that evening; Deidre Andrews, Renaldo Curley, Renaldo Boykins, Devin Curley, April Curley, Brittany Espadron, and Kevin Smith.

DISCUSSION AND ANALYSIS

I. Evidence of Abuse

The Court will first address the testimony of the children. Renaldo Boykins (Renaldo Curley's son from a previous relationship), Devin Curley and April Curley (both the couple's biological children) all testified at the defendant's trial. Renaldo testified for the state, whose testimony differed from Devin and April, witnesses for the defense. One of the main differences in the testimony of the children was the location of Renaldo Boykins at the time of the shooting and the victim's actions when returning downstairs. Renaldo Boykins testified that he was downstairs the entire time that the defendant arrived at the home, while the victim and the defendant were upstairs, and when they returned downstairs. Renaldo also testified that his father was putting his shoes and chain on, preparing to leave the house, when the defendant came downstairs. Devin and April Curley testified to having been upstairs the entire time, however testified that their brother, Renaldo Boykins was either outside playing basketball,⁴ or was not present there at the time of the shooting.⁵ Corroborating to such testimony, the defendant's cousin, Kevin Smith testified that he was outside during the incident and that Renaldo Boykins was outside playing basketball at this time.

The Court recognizes the inconsistencies in the aforementioned testimonies, and in taking these inconsistencies into consideration, the Court must consider that each child has already faced a loss and a potential loss. Renaldo Boykins has lost his father, and Devin and April Curley have lost their father and may lose their mother to a life prison sentence.

Despite the differing testimony regarding Renaldo Boykins's location, this Court finds it must take into consideration that almost every witness, except for Renaldo Boykins and Deidre Andrews, testified that the defendant did in fact experience abuse at the hands of the Renaldo Curley. The defendant's prior supervisor at Wal-Mart, Herman Bentley testified that the defendant came in with facial injuries so serious that the store placed her in a different section where she would not have to interact with customers. The defendant's step-mother, Sharon Espadron, testified to having knowledge of the physical abuse towards the defendant perpetrated by Renaldo Curley. She testified to receiving a phone call from the defendant and hearing her

⁴ According to April Curley's testimony.

⁵ Devin Smith testified that when he came downstairs after hearing a gunshot, he saw no one else in the living room other than his father and mother.

screaming in the midst of being abused by Renaldo Curley in a parking lot which continued into a car and into the streets. She further testified to having seen the defendant with two black eyes and a bloody shirt. She further testified to seeing the defendant with a black eye while working at Wal-Mart. The Court then heard the testimony of Devin Curley who testified that he witnessed his father get violent with his mother, punching her, throwing her against a wall, and choking her on more than one occasion. The defendant's daughter, April Curley, testified to seeing her mother get punched, slapped, choked, and dragged by her father, "a lot of times". April recalled an incident where she found bloody tissues at her home and also testified that her father was verbally abusive toward her mother. The defendant's cousin, Kevin Smith, testified that he was aware of abuse in the relationship between Renaldo Curley and the defendant, but that "it wasn't talked about". When asked how he knew about the abuse, he stated that when visiting him once in jail, the victim came in with two black eyes, perpetrated by Renaldo Curley. Lastly, a co-worker and neighbor of the defendant, Jamila Simmons testified to seeing the defendant with facial injuries several times. She also testified that she could hear altercations going on inside the house, and that the defendant's children would come to her house when these events would occur. The Court notes that additionally, the state's witness Detective Scott Melia, the lead detective of the incident, acknowledged that the defendant stated to him that she had previously suffered from a dislocated shoulder at the hands of Renaldo Curley, that he attempted to push her out of a moving car, and other instances of abuse. Of even greater probative value than the overwhelming witness testimony of the abuse; the Court must take into consideration the six separate police reports, all instances of a domestic dispute, listing Renaldo Curley as the suspect and Catina Curley as the victim.⁶ It is indisputable that the Defendant suffered years of severe, relentless abuse at the hands of Renaldo Curley.

II. Expert Testimony

The Court will next take into consideration the testimony of expert witnesses, Beth Meeks, and Dr. Kathryn Lawing. Beth Meeks, accepted by this court as an expert in the field of domestic violence with over 30 years of experience in the field, testified on Battered Woman's Syndrome and Post Traumatic Stress Disorder (PTSD). Ms. Meeks testified that after reviewing the defendant's case file, including the various police reports and the statement made to Detective Melia, it would be reasonable for the defendant to fear for her life in the incident she

⁶ See Defense Exhibit 1 – Polie Reports in Globo.

was faced with. She noted that prior police reports established a “pattern” of Renaldo Curley being physically violent against his wife, in the form of physical assaults, noting that strangulation happened on numerous occasions. Dr. Kathryn Lawing is a licensed psychologist and was also accepted by this court as an expert. Dr. Lawing spoke extensively on PTSD and various criteria in determining whether or not someone has it. Based on over 10 hours of clinical interviews with the defendant, the Dr. Lawing determined that based on a reasonable degree of psychological certainty the defendant both suffers from PTSD and in the incident she would be reasonable in fearing for her life or great bodily harm.

III. Self-Defense and Battered Woman’s Syndrome

The Court will now examine the applicable law. The defendant is charged with the second degree murder of Renaldo Curley, in violation of La. R.S. §14:30.1, which states in pertinent part;

A. Second degree murder is the killing of a human being:

(1) When the offender has a specific intent to kill or to inflict great bodily harm

The State has the burden of proof in proving beyond a reasonable doubt, the commission of a homicide; committed by the defendant; who personally had the specific intent to kill or inflict great bodily harm.⁷ The defendant in this case asserted the defense of self-defense. When a defendant raises self-defense, the state has the burden of proof of establishing beyond a reasonable doubt that they did not act in self-defense.⁸

It is the opinion of this court that the defendant did indeed act in self-defense. The overwhelming evidence discussed earlier in this opinion establishes the dominant factor that cannot be ignored in this case; a history of severe domestic violence and abuse. La. R.S. §14:20 states in pertinent part that a homicide is justifiable;

(1) When committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from that danger.

⁷ *State v. Wolfe*, 98-0345 (La.App. 4 Cir. 4/21/99, 8), 738 So.2d 1093, 1098, writ denied, 99-1460 (La. 12/10/99), 756 So.2d 281 citing La. R.S. §14:30.1.

⁸ *State v. Garcia*, 483 So.2d 953, 956 (La.1986) citing *State v. Matthews*, 464 So.2d 298 (La.1985); *State v. Martin*, 458 So.2d 454 (La.1984); *State v. Lynch*, 436 So.2d 567 (La.1983); *State v. Patterson*, 295 So.2d 792 (La.1974); *State v. Ardoin*, 128 La. 14, 54 So. 407 (1911).

A. The Aggressor Doctrine

The state argued that in any and all circumstances, regardless of what the Court believed about defendant's past abuse, Catina Curley cannot claim self-defense because she was the aggressor. La. R.S. §14:21 states;

A person who is the aggressor or who brings on a difficulty cannot claim the right of self-defense unless he withdraws from the conflict in good faith and in such a manner that his adversary knows or should know that he desires to withdraw and discontinue the conflict.

This Court does not find that the defendant was the aggressor. The state argues that the defendant was the aggressor because she was angry that her husband had female friends at the house, and therefore went to the house angrily, intending to cause trouble and even with the intent to kill her husband. First, the Court looks to the testimony of the defendant's son, Devin Curley. Devin testified that although his parents were not living together at the time, his mother would come over nightly to make sure the children were getting ready for school and to make sure they ate dinner. While it is true that the defendant received a phone call from her daughter, informing her that there were people at the house, the Court must consider the fact that although this may have bothered the defendant, it is possible that she went to the house to do the same thing her son testified that she did on other occasions; to check on her children on a school night. The state did not refute this fact and there was no evidence the defendant came to the house armed.⁹

Even if this Court were to consider that the defendant was in fact the aggressor by arriving to her home and causing a "scene", La. R.S. §14:21 additionally states that in order for an aggressor to later claim the justification of self-defense, they must withdraw from the conflict, and the withdrawal must be in a way that the other person "knows or should know" the desire to withdraw. According to testimony, not only did the defendant retreat upstairs after arriving to the home; Renaldo Curley proceeded to follow her upstairs and ensue a verbal and physical altercation with her. This Court finds that the victim knew or should have known that the

⁹ See *State v. Dorsey*, 2010-0216 (La. 9/7/11, 43–44), 74 So.3d 603, 633–34 (A victim's or witness's testimony alone is usually sufficient to support the verdict, as appellate courts will not second-guess the credibility determinations of the fact finder beyond the constitutional standard of sufficiency. *State v. Davis*, 02–1043, p. 3 (La.6/27/03); 848 So.2d 557, 559. In the absence of internal contradiction or irreconcilable conflict with physical evidence, one witness's testimony, if believed by the fact finder, is sufficient support for a requisite factual conclusion. *State v. Robinson*, 02–1869, p. 16 (La.4/14/04); 874 So.2d 66, 79.).

defendant was withdrawing from any type of acts of aggression when she was cowering in the corner crying, after he threw a soda can at her.

B. The State's Burden of Proof

The Court does not find that the state overcame their burden of proof to establish beyond a reasonable doubt that the defendant did not act in self-defense.

The expert testimony of both experts that testified before this Court concurred that the defendant suffered from PTSD and given her extensive history of physical abuse perpetrated by her husband, Renaldo Curley, she would be reasonable in her belief that she was in imminent danger of being killed or receiving great bodily harm.

The state argued that the evidence presented by witnesses and prior police reports should have no bearing on this Court's consideration that the defendant acted in self-defense or that the defendant suffers from PTSD. They argue that because the police reports were all from the 90's, the abuse had long been "over" before the defendant killed Renaldo Curley on the evening of March 30, 2005. The court finds this argument unconvincing. To assume that the mere fact that there were no police reports after the late 90s, does not equate to the non-occurrence of abuse during this time. To insinuate such a conclusion disregards the multitude of survivors of past and ongoing domestic violence who have never reported such incidents due to fear, embarrassment, or the like. Dr. Lawing, testified that Ms. Curley had given an explanation of her childhood and past, being surrounded by severe domestic abuse between her grandparents whom raised her. The defendant testified to having thought of these relationships as loving relationships; and further having viewed her relationship with Renaldo Curley as a loving one, despite the abuse. Additionally, the defendant's coworker, Jamila Simmons, testified to having known and worked with her from the years of 2002 - 2005 and having seen her with facial injuries attributed to Renaldo Curley on several instances during this time.

The state also attempted to argue that the inconsistencies in the defendant's statement to Detective Melia as to what happened in the bedroom, whether there was pushing or choking at all refutes any sort of trigger the defendant may have experienced and that the throwing of the peach soda can by Renaldo Curley was not "enough" for the defendant to be in fear for her life. The state also argued that Renaldo Curley did not follow the victim upstairs with any weapons. The Court finds this argument an unsuccessful attempt to minimize the evidence of the defendant's abuse. When questioned by the state whether or not *only* the throwing of a soda can

would make the defendant reasonable in her fear of death, Beth Meeks replied that it *may* change her opinion in finding that the defendant was reasonable. However, she went on to state that it would be necessary to understand the context of the relationship in order to make that determination. Whether Renaldo Curley actually choked or strangled the defendant or *only* made a threat of such action, the Court notes Beth Meeks' testimony that in her professional opinion, the years of cumulative abuse suffered by the defendant "triggered" her fight or flight response, and that this response is a function of the brain that one does not have any control over, that is "built into us". The context of the relationship is clear to the Court, and it is not moved by the state's argument.

In analyzing the actions of the defendant the night of March 30, 2005, it is important to recognize that the defendant, Catina Curley, was not a "reasonable" person. She was a person who suffered years of not only psychological but also physical abuse. Expert testimony presented to this Court explained why and how Catina had an altered response to her confrontations with her husband. The Court finds that there is no doubt that Catina Curley was in imminent fear of losing her life or of great bodily harm when confronted by Renaldo Curley, whether he had a weapon or not.

The Louisiana Supreme Court in its opinion granting the defendant a new trial stated the following regarding admissibility of expert testimony on Battered Woman's Syndrome;

Turning to the issue of expert testimony regarding BWS, we have never before limited the use of BWS self-defense testimony to lay testimony and we decline to do so here. As an initial matter, the text of the domestic battery exceptions expressly permit expert testimony "as to the effects of the prior assaultive acts on the accused's state of mind." La. C.E. arts. 404(A)(2)(a), (B)(2). *See also* Frank L. Maraist, et al., 19 La. Civ. L. Treatise, Evidence and Proof § 5.2 (2d ed.) (noting same). Moreover, expert testimony on BWS may be relevant to contextualizing testimonial and documentary evidence regarding the relationship between the victim and the defendant.¹² As the California Supreme Court has explained, "[i]t is appropriate that the jury be given a professional explanation of the battering syndrome and its effects on the woman through the use of expert testimony." *People v. Humphrey*, 13 Cal.4th 1073, 56 Cal.Rptr.2d 142, 921 P.2d 1, 9 (1996) (citation omitted) (finding that any effort to distinguish the admissibility of evidence of a victim's behavior toward a defendant and expert testimony about the effects of such behavior on the defendant is "untenable"). For example:

In many cases involving battered women, it is also necessary to bring in an expert witness to testify about battering and its effects to help jurors and judges understand the experiences, beliefs, and perceptions of women who are beaten by their intimate partners—information that the common lay person usually does not possess. Generally, in a self-defense case, this testimony is introduced to help the jurors better understand why, given this woman's experience of violence at the hands of her abuser, she was reasonable in her belief that she was in imminent danger. Nat'l Ass'n of Women Judges, *Moving Beyond Battered Women's*

Syndrome: A Guide to the Use of Expert Testimony on Battering and Its Effects,” p. iv, Revised and Updated, May 1995 (“NAWJ”).

As one expert noted:

It is essential that we increase understanding in the lay and legal communities about the role of an expert in supporting established defenses used by battered women, such as self-defense. In any self-defense case, the jury needs to have information about why the defendant believed she had to defend herself—why, to use generic self-defense language, the defendant was reasonable in her belief that she was in imminent danger of death or great bodily harm. Any defendant claiming self-defense would want to bring in information about the deceased's history of violence against her or him; obviously this evidence would help the jury to better understand why the person was so afraid at the time of the incident. *See Parrish, supra* at 1–2 (“Supporting the introduction of expert testimony does not promote vigilantism; it promotes fair trials. Defendants—including battered women defendants—should be able to introduce all relevant evidence at their trials, including evidence of and expert testimony about their experiences of abuse, that can help the jurors better understand their situations.”).¹⁰

In their decision to grant the defendant a new trial, the Louisiana Supreme Court essentially presented what would have been an “effective” assistance of counsel. This is exactly what was presented before this Court in the present trial. The defense not only presented what this Court found to be credible witness testimony, but also compelling expert witness testimony of the defendant’s state of mind due to the years of domestic violence she experienced.

IV. Conclusion and Verdict

This case is more than a legal caption and a case number. This is indeed a tragedy, it is Renaldo Curley, a husband and father who was killed. It is Catina Curley, a wife and mother who was convicted of second degree murder, sentenced to life in prison, and facing the prospect of a life sentence. It is the children, who witnessed the violence between their parents which still affects them to this day.

And so questions beg to be answered, how many more children have to be traumatized, how many more people have to go to prison, how many more people have to die before we get more proactive than reactive with domestic violence?

When, as a community, do we develop a comprehensive holistic plan and commit the resources to address domestic violence? When, as a community, do we do what is necessary to avoid the next Renaldo Curley and the next Catina Curley?

As a result of the overwhelming evidence of abuse presented to this court through both lay and expert witnesses, it is the finding of this Court that the defendant, Catina Curley, acted in self-defense when she shot her husband, Renaldo Curley, and was reasonable in her belief that she was in imminent danger of losing her life or receiving great bodily harm.

¹⁰ *State v. Curley*, 2016-1708 (La. 6/27/18, 16–17), 250 So.3d 236, 246–47.

The state did not prove to this court beyond a reasonable doubt that the defendant did not act in self-defense. The state did not prove that the defendant was the aggressor, nor did the state provide any evidence to discredit or negate the opinions of the experts who testified that Catina Curley suffered from PTSD and Battered Woman's Syndrome.

This Court finds the defendant NOT GUILTY of the charge of Second Degree Murder.

NEW ORLEANS, LOUISIANA, THIS _____ OF MARCH, 2019.

ARTHUR L. HUNTER, JR.
JUDGE, SECTION K
CRIMINAL DISTRICT COURT