

STATE OF LOUISIANA

NO. 21-K-675

VERSUS

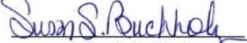
FIFTH CIRCUIT

CONROY TAYLOR

COURT OF APPEAL

STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORDS


Susan S. Buchholz
First Deputy, Clerk of Court

November 10, 2021

Susan Buchholz
First Deputy Clerk

IN RE CONROY TAYLOR

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-NINTH JUDICIAL DISTRICT COURT,
PARISH OF ST CHARLES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
CONNIE M. AUCOIN, DIVISION "C", NUMBER 21,543

Panel composed of Judges Jude G. Gravois,
Hans J. Liljeberg, and John J. Molaison, Jr.

WRIT DENIED

Relator, Conroy Taylor, seeks this Court's supervisory review of the trial court's October 20, 2021 ruling which denied his Motion to Set Bond following a hearing on the matter pursuant to "Gwen's Law," La. C.Cr.P. art. 313. Relator requested expedited consideration of his writ application. For the following reasons, on the showing made, we find no abuse of the trial court's discretion in denying relator's motion, and thus deny the writ application.

The writ application reveals that relator turned himself in on October 14, 2021 on a warrant for felony domestic abuse, and was thereafter charged with one count of misdemeanor domestic abuse battery, a violation of La. R.S. 14:35.3, upon the person of his live-in girlfriend. A hearing on relator's Motion to Set Bond was held on October 20, 2021, at the end of which the trial court denied relator's motion and ruled that he be held without bond. Relator argues that the "Gwen's Law" factors do not support a denial of bond in his case.

At the hearing on the Motion to Set Bond, during the testimony of the investigator, the State introduced four exhibits, consisting of three police reports detailing relator's prior arrests for three incidents of domestic violence against the same victim as in this case, and photographs of the victim after the current incident. The three prior incidents occurred in 2016, 2018, and 2019. In the 2016 incident, the report apparently indicates that relator tried to strangle the victim, and also that the victim was holding a baby when the incident occurred. Two of the prior incidents were witnessed by a third party, and two of those cases resulted in visible injuries to the victim. In all three cases, the victim declined to prosecute and the cases were eventually dismissed or "nolle prossed." Relator failed to

include the exhibits, upon which the trial court relied upon in its ruling, in his writ application.

Gwen's Law, codified in La. C.Cr.P. art. 313, permits a trial court to conduct a contradictory bail hearing before determining the conditions of bail or whether the defendant should be held without bail pending trial. It states, in paragraph (A)(3):

- (3) In addition to the factors listed in Article 316, in determining whether the defendant should be admitted to bail pending trial, or in determining the conditions of bail, the judge or magistrate shall consider the following:¹
 - (a) The criminal history of the defendant.
 - (b) The potential threat or danger the defendant poses to the victim, the family of the victim, or to any member of the public, especially children.
 - (c) Documented history or records of any of the following: substance abuse by the defendant; threats of suicide by the defendant; the defendant's use of force or threats of use of force against any victim; strangulation, forced sex, or controlling the activities of any victim by the defendant; or threats to kill. Documented history or records may include but are not limited to sworn affidavits, police reports, and medical records.

Gwen's Law allows the trial court to deny bond if it finds proof "by clear and convincing evidence either that the defendant might flee, or that the defendant poses an imminent danger to any other person or the community." La. C.Cr.P. art. 313(4). The Court of Appeal reviews the denial of bail for abuse of discretion. *State v. Poirier*, 18-467 (La. App. 3 Cir. 7/11/18), 251 So.3d 486, 489.

After the conclusion of the State's evidence and argument of counsel, the trial court orally ruled to deny bond, finding that the State met its burden of proof to show by clear and convincing evidence that relator posed an imminent danger to this victim, who had also been the subject of the three prior domestic abuse incidents. The trial judge also forbade relator from any contact with the victim.²

¹ The La. C.Cr.P. art. 316 factors referenced in Gwen's Law require the court to also consider:

- (1) The seriousness of the offense charged, including but not limited to whether the offense is a crime of violence or involves a controlled dangerous substance.
- (2) The weight of the evidence against the defendant.
- (3) The previous criminal record of the defendant.
- (4) The ability of the defendant to give bail.
- (5) The nature and seriousness of the danger to any other person or the community that would be posed by the defendant's release.
- (6) The defendant's voluntary participation in a pretrial drug testing program.
- (7) The absence or presence in the defendant of any controlled dangerous substance.
- (8) Whether the defendant is currently out on a bail undertaking on a previous felony arrest for which he is awaiting institution of prosecution, arraignment, trial, or sentencing.
- (9) Any other circumstances affecting the probability of defendant's appearance.
- (10) The type or form of bail.

² The writ application reveals that both relator and the victim work at the same place, although relator works night shifts and the victim apparently works the day shift.

Relator argues in his writ application that the judge abused her discretion in denying bond, citing that his charge is a misdemeanor, and that he had no prior convictions, only arrests. He argues that he is not an imminent danger to the victim, as he has arranged to stay at his cousin's house in Jefferson Parish and not return to the dwelling he shares with the victim.

In oral reasons for its ruling, after considering the factors in La. C.Cr.P. arts. 313 and 316, the trial court found that relator posed a threat of imminent danger to this victim. The court referenced the testimony presented and the exhibits introduced by the State, particularly the photographs taken of the victim after the current incident and the documented history of relator's use of force against this particular victim, and noted that this is relator's fourth arrest involving this same victim. From the photographs, the court noted a black eye on the victim which suggested to the court that "this is not a victim's exaggeration of what went on on this particular date and time." Upon review, on the showing made, we cannot say that the trial court abused its discretion in denying relator's Motion to Set Bond and ordering that relator be held without bond. Accordingly, this writ application is denied.

Gretna, Louisiana, this 10th day of November, 2021.

JGG
HJL
JJM

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
ROBERT A. CHAISSON
STEPHEN J. WINDHORST
HANS J. LILJEBERG
JOHN J. MOLAISSON, JR.

JUDGES



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FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **11/10/2021** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

21-K-675

E-NOTIFIED

29th Judicial District Court (Clerk)
Honorable Connie M. Aucoin (DISTRICT JUDGE)
Ashwini Velchamy (Relator)
Wendy J. Williams (Relator)

MAILED

Hon. Joel T. Chaisson, II (Respondent)
District Attorney
Twenty-Ninth Judicial District Court
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