Supreme Court of Louisiana

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FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the **20th day of October, 2020** are as follows:

PER CURIAM:

2019-K-01235 STATE OF LOUISIANA VS. MARGARET CAMAILLE STOCKSTILL (Parish of St. Tammany)

We reverse the ruling of the court of appeal, which affirmed defendant's conviction for the second degree murder of Cody Couch and her sentence of life imprisonment without parole eligibility. We vacate defendant's conviction and sentence. We remand this matter to the district court for a new trial.
REVERSED AND REMANDED.

Retired Judge James Boddie, Jr., appointed Justice pro tempore, sitting for the vacancy in Louisiana Supreme Court District 4.

Retired Judge Jimmie C. Peters appointed as Justice ad hoc sitting for Crain, J., recused in case number 2019-K-01235 only.

Hughes, J., concurs in part and dissents in part for the reasons assigned by Justice Crichton.
Crichton, J., concurs in part and dissents in part and assigns reasons.
Genovese, J., concurs in part and dissents in part for the reasons assigned by Justice Crichton.

10/20/20

SUPREME COURT OF LOUISIANA

No. 2019-K-01235

STATE OF LOUISIANA

versus

MARGARET CAMAILLE STOCKSTILL

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF ST. TAMMANY**

PER CURIAM:[*]

Defendant shot and killed Cody Couch during an alcohol-fueled argument and physical fight in the home of Kristin Copeland on April 14, 2017, in Folsom. Couch and Copeland had a five-month-old daughter together, who was present in the home during the conflict along with Copeland's six-year-old son. The conflict began when Couch, who had a pending DWI charge, borrowed defendant's car to go out drinking with friends rather than spend the evening at home with Copeland.

After Couch left, Copeland drank, complained to defendant about him, and angrily called and texted him at the bar repeatedly. Copeland set some clothing on fire in the yard and sent him a picture of it. Copeland told Couch not to return that night, she piled some of his belongings on the porch, and she locked him out. Couch eventually returned.

The details of what happened next are disputed. What is clear is that Couch entered the home through the back door, he refused to leave, and the conflict escalated. Couch and the two women argued and fought. They fought throughout the home and broke furniture, including a crib that contained the youngest child. The fight ended when defendant shot Couch once at close range. Copeland called 911 and defendant spoke to the dispatcher and then to police when they arrived. Couch

[*] Retired Judge James Boddie, Jr., appointed Justice pro tempore, sitting for the vacancy in Louisiana Supreme Court District 4. Retired Judge Jimmie C. Peters, appointed Justice ad hoc, sitting for Crain, J., recused.

died from the single gunshot wound.

The grand jury indicted defendant for the second degree murder of Cody Couch. Defendant testified at trial that she shot the victim in self-defense and in defense of Copeland when he would not stop attacking them. The St. Tammany Parish jury found defendant guilty as charged. The district court sentenced defendant to serve life imprisonment at hard labor without parole eligibility. The court of appeal affirmed the conviction and the sentence. *State v. Stockstill*, 18-1586 (La. App. 1 Cir. 7/3/19) (unpub'd).

The court of appeal found the evidence sufficient to prove defendant committed second degree murder. The court of appeal found the State carried its burden of proving beyond a reasonable doubt that defendant did not act in self-defense, and the court of appeal rejected defendant's claim that the evidence, at best, proved she committed manslaughter. In reaching those conclusions, the court of appeal found that Copeland's testimony conflicted with defendant's version of the conflict, with some of the physical evidence, and with a partial recording of the incident, captured by defendant with her cell phone. *Stockstill*, 18-1586, p. 14.

After reviewing the record, we find the court of appeal greatly minimized the extent of the conflict. Both Copeland and defendant's testimony reflect a chaotic fight, which Copeland characterized as all three "pushing and shoving" one another into various pieces of furniture, and knocking each other down to the ground or falling on top of one another, where they continued to grapple and struggle. Defendant characterized the fighting as Couch hitting and "slinging" the women into furniture and around the room, with the women hitting and pushing Couch to protect themselves and each other. Both Copeland and defendant agreed that the baby's crib, which held a young child who could have been injured, and a wooden shelf unit were

broken during the fight. Crime scene photos show that a cedar chest was broken as well. While reasonable jurors could conclude from some of the discrepancies in the testimony and evidence that defendant somewhat exaggerated her description of the conflict, the record clearly establishes that this was no mere "tussle," as the court of appeal described it. *See Stockwell*, 18-1586, p. 14.

At some point during the conflict, defendant began recording the incident with her phone, which she left in her purse. The court of appeal found this recording disproved defendant's testimony in several respects. However, the recording does not differ as greatly from defendant's testimony as the court of appeal opinion suggests. Breaking furniture, screaming, and loud banging can all be heard on the recording. All three voices were raised (particularly as the conflict escalated), contrary to the court of appeal's characterization of Couch's voice having "an overall calm tone." *Stockwell*, 18-1586, p. 14.

During a brief flash of video captured when defendant rummaged through her purse for the phone, Couch is visible looming over her from behind. Defendant then drops the phone, and a scuffle can be heard while a woman screams, "Get off of me!" Defendant recovers the phone, and warns Couch, "I got your ass," before she turns the phone off. While the State argues this statement captures the moment defendant decided to shoot Couch, it could just as easily reflect her belief that she had finally captured Couch and some portion of his attack on video.

Shortly thereafter, defendant shot Couch once. Defendant reported to the police that right before she shot him, he had backed her into a wall and was taunting and menacing her. According to defendant, Couch grabbed her gun, and then she

shot him because she believed her life was in danger.[1] Copeland reported that when defendant shot Couch, he had "gotten into her face because we are both screaming at him to leave. He had been drinking too. But he got right up in there and he's like I'm not leaving, this is my house." Copeland also told police Couch was about a foot away, approaching defendant with his hands raised in a taunting, but not threatening, manner.

Copeland called 911 but was incoherent, so defendant took over the call. She told the 911 operator that she had shot the victim because he would not stop hitting Copeland, and she remained on the phone describing the victim's condition until the paramedics and police arrived. Defendant voluntarily turned over her gun and phone to police, and gave two voluntary statements.

Under the due process standard of *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979), "the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Id.*, 443 U.S. at 319, 99 S.Ct. at 2789. Because defendant claimed that she shot the victim in self-defense (or defense of others), the State also had the burden of proving beyond a reasonable doubt that the homicide was not perpetrated in self-defense. *State v. Taylor*, 02-1834, p. 7 (La. 5/25/04), 875 So.2d 58, 63; *State v. Brown*, 414 So.2d 726, 728 (La. 1982). Thus, when a defendant challenges the sufficiency of the evidence in a self-defense case involving a homicide, the question becomes whether, viewing the evidence in the light most favorable to the prosecution, *any* rational trier

[1] While the State makes much of the fact that gunshot residue was not found on Couch's hands, none was found on Copeland or defendant's hands either. The gunshot residue analysis report dated June 28, 2017, concluded that the tests could not determine whether any of the three had discharged a firearm or were in proximity to a discharged firearm.

of fact could have found beyond a reasonable doubt that the homicide was not committed in self-defense or in the defense of others. *See, e.g., State v. Matthews*, 464 So.2d 298, 299 (La. 1985) ("On review, the question therefore is not whether a rational fact-finder could have found that the state had proved the essential elements of the offense beyond a reasonable doubt. The applicable standard is whether a rational fact-finder, after viewing the evidence in the light most favorable to the prosecution, could have found beyond a reasonable doubt that the homicide was not committed in self-defense or in defense of others.").

Whether the State carried its burden here, and whether any rational juror—after viewing the evidence in the light most favorable to the prosecution—could have found beyond a reasonable doubt that defendant did not shoot and kill Couch in self-defense or in defense of Copeland and her children, is a very close question. It is much closer than one might infer from the opinion of the court below. It is also much closer than one might think if one only read the State's carefully curated description of the evidence, which does not accurately reflect the record.[2]

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[2] For example, the State contends defendant lied when she claimed Couch tried to kick open the front door, and then successfully kicked open the back door, because the crime scene photos show the doors are undamaged. In fact, some photographs do not show the damage. However, two photographs very clearly show damage to the back door and doorframe. In addition, Copeland testified that defendant tried to kick open the front door with sufficient force that "you could feel it." While her testimony did not confirm that defendant kicked open the back door, it did not deny it either.

The State also contends defendant lied when she testified that defendant "slung" her into a coffee table because the crime scene photos show that the table was not broken. However, the crime scene photos show that the coffee table was wedged at an angle into a corner and blocking other furniture. It clearly had been moved. While the State contends defendant lied when she testified that defendant broke a lamp over her head, the crime scene photos show broken glass strewn on the floor. The State contends defendant lied about the degree of violence in the fight in the baby's room because a "Blessed Mother statuette" is "undisturbed." However, the crime scene photos show this statuette precariously balanced nearly halfway off a table. The photos also depict a chest shoved into a corner, wedging a box of diapers sideways and suspended above the floor between the chest and the wall, with broken sunglasses protruding from the chest. The chest is split and broken where it impacted the diaper box. These crime scene photos do not show that defendant entirely lied about the violence of the conflict, as the State claims.

As close as the question is, after reviewing the entire record, we cannot conclude that a rational juror— after viewing the evidence in the light most favorable to the prosecution—could not find beyond a reasonable doubt that the homicide was not committed in self-defense or in defense of others. While the discrepancies in the testimony and evidence are exaggerated by the court below and by the State here, there are still discrepancies. In applying the *Jackson* standard, the reviewing court will not assess credibility nor re-weigh the evidence. *State v. Rosiere*, 488 So.2d 965, 968 (La.1986). It is the role of the fact-finder to weigh the respective credibility of the witnesses, and this court will not second-guess the credibility determinations of the trier of fact beyond our sufficiency evaluations under the *Jackson* standard of review.[3] *See State v. Richardson*, 425 So.2d 1228 (La. 1983). Resolving the discrepancies here required the jury to make credibility determinations, which this court cannot second-guess.

However, the close nature of the question above readily answers the next question before the court. At trial, the State presented the testimony of Couch's childhood friend, Brandon Tate. Tate was not a witness to the conflict, and he could

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The State also relies on two carefully selected photographs, which it describes in its brief as "representative samples," that show defendant and Copeland apparently uninjured. These photographs are not representative. The full selection of police photographs show that defendant and Copeland had numerous bruises and abrasions.

The State contends defendant lied when she told police that she believed cuts sustained by Copeland were inflicted by a putty knife Couch wielded at some point during the conflict. A detective testified at trial that police did not find a putty knife and that none is present in the crime scene photographs. However, one photographic exhibit shows a rusty putty knife on the floor under a small table next to a diaper bag. It appears that the State may have shown jurors a printed version of this image at trial, which is much darker than the digital picture. In the darker printed version, the putty knife is more difficult to discern.

[3] Similarly, we cannot conclude under the *Jackson* standard that the evidence could support, at most, a verdict of guilty of manslaughter, which is an equally close question here that does not merit a separate discussion.

not testify as to any facts in dispute. Instead, Tate offered his opinion as to how the jury ought to interpret Couch's statements, recorded by defendant's phone. In particular, Tate offered his opinion as to what Couch's emotional state was during the recorded portions of the conflict, i.e. whether he was calm or upset, and the degree to which he may have been upset. As the court of appeal correctly found, this lay opinion testimony was clearly inadmissible.[4] However, we do not agree with the court of appeal's determination that the error in admitting this testimony was harmless. *See Stockstill*, 18-1586, pp. 25–26.

Erroneous admission of evidence requires reversal only where there is a reasonable possibility that the evidence might have contributed to the verdict. *Chapman v. California*, 386 U.S. 18, 23–24, 87 S.Ct. 824, 827–828, 17 L.Ed.2d 705 (1967). Under *Chapman*, the relevant inquiry is whether the reviewing court may conclude the error was harmless beyond a reasonable doubt, i.e. was the guilty verdict actually rendered unattributable to the error. *Sullivan v. Louisiana*, 508 U.S. 275, 279, 113 S.Ct. 2078, 124 L.Ed.2d 182 (1993).

The *Chapman* standard for harmless error is not satisfied here. This is a close case in which defendant claims she shot the victim in self-defense (or defense of another), and a significant portion of the evidence supports her defense—which left

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[4] Code of Criminal Procedure art. 701 authorizes lay opinion testimony limited to those opinions or inferences which are:

> (1) Rationally based on the perception of the witness; and
>
> (2) Helpful to a clear understanding of his testimony or the determination of a fact in issue.

Tate was not involved in the conflict. He was not even present. While the two women's appreciation of the danger posed by Couch during the fight was relevant to determining whether defendant acted justifiably with a reasonable apprehension of danger, Tate's impression of Couch's emotional state based on the partial recording was not. His testimony was not helpful to determining any fact in issue and should have been excluded from the trial.

the jury with the difficult task of carefully weighing all of the evidence and evaluating the credibility of witnesses. Under those circumstances, it is impossible to say beyond a reasonable doubt that there is no reasonable possibility that the erroneously admitted lay opinion testimony contributed to the guilty verdict rendered by the jury.

Moreover, the partial recording of the conflict was an important piece of evidence for the jury to use in evaluating the State's case and the defense presented at trial. The importance of this evidence is reflected in the degree to which the court below found (and the State continues to argue) that this recording shows the jury reasonably rejected defendant's assertion that she acted justifiably against the threat posed by the victim. The fact that the jurors heard the recording and could draw their own inferences from it does not render the witness's improperly admitted testimony about what he inferred from it cumulative. "Cumulative evidence is generally understood to be additional evidence of the same kind tending to prove the same point as other evidence already given[.]" *State v. Phillips*, 343 So.2d 1047, 1053 (La. 1977). The recording itself, and the witness's inferences about what the recording reveals about the victim's emotional state, are wholly different things. Under the circumstances here, there is certainly a reasonable possibility that this erroneously admitted evidence may have contributed to the jury's decision to reject defendant's claim that she acted in defense of herself or another, and to the jury's decision to return a verdict of guilty of second degree murder rather than a verdict of guilty of manslaughter.

Accordingly, we reverse the ruling of the court of appeal, which affirmed defendant's conviction for the second degree murder of Cody Couch and her sentence of life imprisonment without parole eligibility. We vacate defendant's

conviction and sentence. We remand this matter to the district court for a new trial.

REVERSED AND REMANDED

10/20/20

SUPREME COURT OF LOUISIANA

No. 2019-KK-1235

STATE OF LOUISIANA

VS.

MARGARET CAMAILLE STOCKSTILL

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT, PARISH OF ST. TAMMANY**

Crichton, J., concurs in part and dissents in part.

I agree with the majority that the testimony of Mr. Tate was erroneously admitted and the error was not harmless, *Chapman v. California*, 386 U.S. 18 (1967), and therefore concur in that portion of the judgment. In my view, however, after viewing the evidence presented in the light most favorable to the prosecution, no rational trier of fact could have found the essential elements of second degree murder were proven beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 319 (1979). Here, the defendant asserted self-defense or defense of others, and when the defendant challenges the sufficiency of the evidence in such a case, the more specific question becomes whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found beyond a reasonable doubt that the homicide was not committed in self-defense or in the defense of others. *See*, *e.g.*, *State v. Davis*, 46-267 (La. App. 2 Cir. 5/18/11), 69 So. 3d 538, *writ denied*, 11-1561 (La. 1/13/12), 77 So. 3d 952. The majority calls this a "very close question" in this case, but I do not believe it is close, nor do I believe it is a question that can be answered in the state's favor.

In my view, the evidence in the record supports a reasonable belief on the part of the defendant that Mr. Couch posed an immediate risk of great bodily harm to the

women and children in the house, including the defendant, and shooting the victim was necessary to prevent the harm. *See* R.S. 14:20; R.S. 14:22. *See also State v. Jackson*, 419 So. 2d 425, 430 n.3. (La. 1981) ("[I]t is the reasonableness of the apprehension and not the actuality of danger that determines the question of self-defense under La. R.S. 14:20."). As set forth in the per curiam, it is undisputed that Mr. Couch on the one hand, and the defendant and Ms. Copeland on the other, engaged in an "escalating" and "chaotic" physical altercation. Mr. Couch repeatedly knocked both women to the ground or pushed them over furniture. The altercation was so forceful that multiple pieces of furniture were broken, including a baby crib—which held a baby at the time it was broken. Both women repeatedly beseeched Mr. Couch to leave, and he refused to do so. Finally, after all of this transpired, the defendant pointed her gun at Mr. Couch. In response, he raised his arms and aggressively taunted her from less than a foot away. It was then that she shot him once at close range.

Under these circumstances, it is my view that the defendant reasonably feared for her life and believed that lesser actions would not prevent the victim from harming her or the others in the home. *Jackson*, 419 So. 2d at 427. Therefore, I would reverse the court of appeal and vacate the defendant's conviction and sentence on sufficiency grounds.