

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2011 KA 0770

STATE OF LOUISIANA

VERSUS

LARRY JOHN SNYDER, JR.

Judgment Rendered: December 21, 2011

Appealed from the
18th Judicial District Court
In and for the Parish of Pointe Coupée
State of Louisiana
Case No. 75,430-F

The Honorable J. Robin Free, Judge Presiding

Richard J. Ward, Jr.
District Attorney
Elizabeth A. Engolio
Assistant District Attorney
Michael R. Maronge, Jr.
Assistant District Attorney
Plaquemine, Louisiana

Counsel for Appellee
State of Louisiana

Mary E. Roper
Baton Rouge, Louisiana

Counsel for Defendant-Appellant
Larry John Snyder, Jr.

BEFORE: GAIDRY, McDONALD, AND HUGHES, JJ.

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GAIDRY, J.

The defendant, Larry John Snyder, Jr., was charged by grand jury indictment with second degree murder, a violation of La. R.S. 14:30.1. He pleaded not guilty. At the conclusion of a jury trial, defendant was convicted as charged. Defendant moved for a new trial and for a post-verdict judgment of acquittal. The trial court denied both motions. The trial court sentenced defendant to life imprisonment at hard labor without benefit of probation, parole, or suspension of sentence.

Defendant now appeals, urging the following assignments of error:

1. The trial court abused its discretion in allowing the introduction of gruesome postmortem photographs of the alleged victim, in that the prejudicial effect greatly outweighed any probative value.
2. The evidence was insufficient to support a verdict of second degree murder.
3. The trial court abused its discretion in denying the motion for post verdict judgment of acquittal, as the evidence presented by the state was not sufficient to prove second degree murder.

Finding no merit in the assigned errors, we affirm defendant's conviction and sentence.

FACTS

On July 21, 2009, Phillip Edwards discovered the decomposing body of Davina Chapman under the "four-mile bridge" of U.S. Highway 190 in Pointe Coupée Parish. Edwards was a member of a group of individuals searching for Chapman after she had been reported missing several days earlier. An autopsy later revealed that Chapman suffered numerous lacerations to her liver and spleen. Those injuries caused an accumulation of blood in Chapman's abdominal cavity and ultimately proved fatal. A

homicide investigation was initiated. Defendant, Davina's live-in boyfriend and the last person seen with her, became a suspect.

**FIRST ASSIGNMENT OF ERROR:
INTRODUCTON OF POSTMORTEM PHOTOGRAPHS**

In his first assignment of error, defendant contends that the trial court erred in allowing the state to admit, over his objection, postmortem photographs of the victim's decomposing body. He asserts that the photographs were macabre, gruesome, and highly prejudicial. Defendant further argues that the photographs were of no probative value, since the fact of the victim's death could have been established in other ways (*i.e.*, testimony from the coroner, crime-scene investigators, or the lay witnesses who discovered the body). Defendant contends that the photographs, particularly those showing the victim's skin beginning to decompose and her eyes wide open and bloodshot, were introduced solely to inflame the jury. Defendant argues that the prejudicial effect of the photographs therefore substantially outweighed any probative value. Thus, he contends that the trial court committed reversible error in allowing the photographs to be introduced into evidence.

Louisiana Code of Evidence article 403 provides that otherwise relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, or waste of time. Photographs which illustrate any fact, shed light upon any fact or issue in the case, or are relevant to describe the person, place, or thing depicted, are generally admissible, provided their probative value outweighs any prejudicial effect. *State v. Steward*, 95-1693, p. 5 (La. App. 1st Cir. 9/27/96), 681 So.2d 1007, 1011. The state is certainly entitled to the moral force of its evidence, and

postmortem photographs of murder victims are admissible to prove *corpus delicti* (the physical evidence of the crime), to corroborate other evidence establishing cause of death, location, and placement of wounds, as well as to provide positive identification of the victim. *State v. Koon*, 96-1208, p. 34 (La. 5/20/97), 704 So.2d 756, 776, *cert. denied*, 522 U.S. 1001, 118 S.Ct. 570, 139 L.Ed.2d 410 (1997). The trial court's admission of photographs will not be overturned on appeal unless the reviewing court finds that the photographs are so inflammatory as to overwhelm the jurors' reason and lead them to convict the defendant without sufficient other evidence. *See State v. Berry*, 95-1610, p. 16 (La. App. 1st Cir. 11/8/96), 684 So.2d 439, 454-55, *writ denied*, 97-0278 (La. 10/10/97), 703 So.2d 603.

During Mr. Edwards's testimony regarding his discovery of the victim's body, the state sought to introduce various photographs of the victim's body as it was found under the four-mile bridge. The defense objected to the photographs, arguing that they were gruesome and that any probative value of the photographs was outweighed by the potential prejudicial effect they would have on the jury. The state argued that the photographs were necessary to illustrate the location and condition of the victim's body when it was discovered. After reviewing the photographs in question, the trial court overruled defendant's objections and allowed them to be admitted into evidence. The court noted that the photographs were not particularly gruesome and that they were admissible to show that a death occurred.

Upon review of the crime-scene and other postmortem photographs introduced at the trial of this matter, we find that the probative value of that evidence far outweighs any potentially prejudicial effect. All of the photographs were relevant to prove *corpus delicti*. The crime-scene photographs were also relevant to corroborate witness testimony regarding

the location and position of the victim's body upon discovery. The other postmortem photographs taken before the autopsy, while certainly unpleasant, are not so inflammatory as to outweigh their relevance. One photograph, depicting the victim's liver after removal from her body, was nevertheless relevant in corroborating her cause of death. It is well settled that photographic evidence is admissible to corroborate the testimony of witnesses on essential matters. *See State v. Pooler*, 96-1794 (La. App. 1st Cir. 5/9/97), 696 So.2d 22, 50-51, writ denied, 97-1470 (La. 11/14/97), 703 So.2d 1288. Therefore, because the evidentiary value of the crime-scene and postmortem photographs outweighs the potential for prejudice, we find no error in the trial court allowing them to be admitted into evidence. This assignment of error lacks merit.

**SECOND AND THIRD ASSIGNMENTS OF ERROR:
SUFFICIENCY OF THE EVIDENCE; DENIAL OF MOTION FOR
POST VERDICT JUDGMENT OF ACQUITTAL**

In these assignments of error, defendant argues that the evidence is insufficient to support the second degree murder verdict. Thus, he asserts the trial court erred in denying his motion for post-verdict judgment of acquittal. Defendant argues this is, at most, a case of negligent homicide.

The standard of review for the sufficiency of the evidence to uphold a conviction is whether, when viewing the evidence in the light most favorable to the prosecution, a rational trier of fact could conclude the state proved the essential elements of the crime and the defendant's identity as the perpetrator of that crime beyond a reasonable doubt. *See* La. C.Cr.P. art. 821; *State v. Johnson*, 461 So.2d 673, 674 (La. App. 1st Cir. 1984). The standard of review of *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979), incorporated in La. C.Cr.P. art. 821, is an objective standard for testing the overall evidence, both direct and circumstantial, for

reasonable doubt. When analyzing circumstantial evidence, La. R.S. 15:438 provides that the factfinder must be satisfied that the overall evidence excludes every reasonable hypothesis of innocence. *State v. Nevers*, 621 So.2d 1108, 1116 (La. App. 1st Cir.), *writ denied*, 617 So.2d 906 (La. 1993); *State v. McLean*, 525 So.2d 1251, 1255 (La. App. 1st Cir.), *writ denied*, 532 So.2d 130 (La. 1988). Ultimately, all evidence, both direct and circumstantial, must be sufficient under *Jackson* to satisfy a rational juror that the defendant is guilty beyond a reasonable doubt. *State v. Shanks*, 97-1885, pp. 3-4 (La. App. 1st Cir. 6/29/98), 715 So.2d 157, 159.

The *Jackson* standard of review, in particular the requirement that the evidence be viewed in the light most favorable to the prosecution, obliges the reviewing court to defer to the actual trier of fact's rational credibility calls, evidence weighing, and inference drawing. *State v. Mussall*, 523 So.2d 1305, 1308-11 (La. 1988). Thus, the reviewing court is not permitted to decide whether it believes the witnesses or whether the conviction is contrary to the weight of the evidence. *State v. Marcantel*, 00-1629, p. 9 (La. 4/3/02), 815 So.2d 50, 56. It is not the function of an appellate court to assess the credibility of witnesses or reweigh the evidence to overturn a factfinder's determination of guilt. *See State v. Houston*, 98-2658, p. 5 (La. App. 1st Cir. 9/24/99), 754 So.2d 256, 259.

Louisiana Revised Statutes 14:30.1(A)(1) defines second degree murder, in pertinent part, as "the killing of a human being . . . [w]hen the offender has a specific intent to kill or to inflict great bodily harm[.]" Thus, to support the conviction for second degree murder, the state was required to show: (1) the killing of a human being; and (2) that defendant had the specific intent to kill or inflict great bodily harm. *State v. Morris*, 99-3075, p. 13 (La. App. 1st Cir. 11/3/00), 770 So.2d 908, 918, *writ denied*, 00-3293

(La. 10/12/01), 799 So.2d 496, *cert. denied*, 535 U.S. 934, 122 S.Ct. 1311, 152 L.Ed.2d 220 (2002).

Specific criminal intent is that state of mind which exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act or failure to act. La. R. S. 14:10(1). Specific intent may be proved by direct evidence, such as statements by a defendant, or by inference from circumstantial evidence, such as the defendant's actions or facts depicting the circumstances. *State v. Cummings*, 99-3000, p. 3 (La. App. 1st Cir. 11/3/00), 771 So.2d 874, 876.

The following evidence was introduced at defendant's trial:

Sam Snyder, defendant's first cousin, testified that on the evening of July 18, 2009, he was present at Kelly's Tavern, a bar in St. Landry Parish, with defendant and the victim. Later that evening, as he prepared to leave the bar, Sam observed the victim sitting in the passenger's seat of defendant's truck in the parking lot and defendant standing within the open door. According to Sam, the victim and defendant had been arguing earlier inside the bar. At approximately 10:20 p.m., Sam left the bar. Sam testified that he was certain on the timing of his departure, because he recalled calling his wife at approximately 10:18 p.m.

Shortly thereafter, at approximately 10:37 p.m., Sam received a call from defendant asking if he had seen the victim. Sam advised defendant that he had not seen the victim since he saw them together outside Kelly's Tavern. At approximately 11:20 p.m., defendant returned to Kelly's Tavern. He told Sam, who had earlier returned to the bar with his wife Wendy, that he was still looking for the victim. As defendant, Sam, and Wendy looked around outside the bar, they found one of the victim's flip-flop sandals in the parking lot. At some point, defendant sat in his truck, took a breath, put his

head down, and then suddenly punched the windshield of his vehicle with his fist, cracking the glass.

Later that evening, defendant called his aunt, Susie Lacassin, the chief of police of the Krotz Springs Police Department, and reported the victim missing. According to Sam, the victim appeared to be "a little messed up" on the night in question. He testified that defendant never indicated that he was aware of the victim's whereabouts.

Susie Lacassin testified that defendant contacted her on the night in question and informed her that the victim was missing. During this telephone conversation, which was tape-recorded and introduced into evidence at the trial, defendant told Lacassin that he and the victim had been arguing outside Kelly's Tavern but that she later "disappeared," and he was not certain where she had gone. Defendant advised Lacassin that he believed that the victim's friend, Jason Thibodeaux, was connected with her disappearance. In the course of that conversation, defendant never admitted or volunteered any information that the victim had fallen off the four-mile bridge. In fact, he claimed that he was not aware of what happened to the victim or how she disappeared from the bar. Later, defendant contacted the Sheriff's Department and officially filed a missing person report. Finally, Lacassin testified that defendant later admitted to her that the victim accidentally fell from the four-mile bridge.

Deputy Roy Matthews, of the St. Landry Parish Sheriff's Office, testified that on Sunday, July 19, 2009, at approximately 1:07 a.m, defendant called in a missing-person report. Defendant reported that the victim was last seen in the parking lot of Kelly's Tavern a few hours earlier, and later gave Deputy Matthews one of the victim's sandals found the night of her disappearance. During a later search of the parking lot of Kelly's Tavern,

the victim's other sandal and her ankle bracelet had been recovered. Defendant advised Deputy Matthews that he suspected that Jason Thibodeaux might have been involved in the victim's disappearance.

Wendy Snyder, Sam Snyder's wife, testified that she was present at Kelly's Tavern on the night in question. She corroborated her husband's claim that defendant returned to the bar and advised them that the victim was missing. Wendy Snyder testified that after the victim's sandal was found in the parking lot and she observed defendant's demeanor, she thought that there was something strange going on, so she went back inside the bar. Shortly thereafter, defendant entered the bar and loudly inquired if anyone knew Jason Thibodeaux's telephone number. Another patron of the bar provided the telephone number.

Jason Thibodeaux testified that he and the victim were best friends. He testified that he saw the victim at Kelly's Tavern on the night in question. Later that same night, defendant contacted him and informed him that the victim was missing, demanding that the witness tell him where the victim was.

Todd McInnis testified that he offered to assist in the search for the victim. After McInnis initially agreed to assist by providing all-terrain vehicles and horses for use by searchers, defendant told him in a later conversation, "I don't want you to waste your time."

Quinn Creel testified that she formerly lived next door to defendant. She further admitted that she and defendant had been sexually involved. Creel further admitted that she was aware of defendant's relationship with the victim. According to Creel, defendant once told her that the victim made him so mad at times that he could "hurt her."

Phillip Edwards testified that he assisted in the search efforts for the victim from July 18 through July 20. He explained that defendant personally asked him for his assistance. On July 20, defendant asked Edwards to assemble some people to search under the four-mile bridge. Edwards complied, and he used an all-terrain vehicle to search the area. Edwards testified that he and another searcher eventually found the victim's body near a clearing under the four-mile bridge. Based upon its condition, Edwards could not initially confirm that the body found was actually that of the victim. However, upon closer examination, Edwards recognized the decomposing body as that of the victim, Davina Chapman.

Erica Edwards, the wife of Phillip Edwards, also testified at the trial. She confirmed that defendant specifically asked her and Phillip to search under the four-mile bridge.

Marcellin Solar, a friend of the defendant, also testified. According to Solar, he spoke with defendant the night the victim was reported missing and on the following Monday. Defendant mentioned that they should search "under the bridges."

Detective Ronald Pourciau of the West Baton Rouge Parish Sheriff's Office testified that he was called to the scene where the victim's body was found. He secured the scene for collection of evidence and further processing. Later, Pourciau interviewed defendant. In a videotaped statement, introduced into evidence and played for the jury at trial, defendant admitted that he and the victim had been arguing at the bar. According to defendant's statement, they later left the bar to go home. The victim was screaming and hollering and defendant forced her into the vehicle. As he was driving, the victim threatened to exit the vehicle. Eventually, the confrontation between defendant and the victim became physical.

Defendant eventually hit the victim in the face twice. After defendant stopped the vehicle on the four-mile bridge, the victim jumped out and started running in the opposite direction. According to defendant, he chased the victim and once he caught her, she accidentally fell over the side of the bridge. Defendant claimed that he was "scared to death," returned to his vehicle, and left the scene.

According to Detective Pourciau, defendant initially said the victim went to the rail of the bridge and went over. He later stated that he and the victim struggled at the rail, and that she then climbed the rail and went over. Detective Pourciau testified that the railing of the four-mile bridge was approximately 56 inches (four feet, eight inches) in height. The victim was approximately five feet, four inches tall. According to Detective Pourciau, defendant never indicated that he pushed the victim off the bridge.

Donald Ward, the Operations Manager at KATC Television, testified that he interviewed defendant shortly after the victim's disappearance. During that interview, played for the jury, defendant pleaded, "[I]f anybody knows where she is, please call and let us know."

Dr. Joel Carney, an expert in forensic pathology, testified that he performed the autopsy on the victim. According to Dr. Carney, the victim's zygomatic bone near her right eye was fractured. There was also a collection of blood in the victim's abdominal cavity. That blood was determined to have come from the victim's liver and spleen, both of which contained several lacerations. Dr. Carney testified that the laceration to the victim's liver was consistent with either a high speed automobile accident or a fall from a significant height. The laceration resulted in significant bleeding. The victim also suffered two broken ribs to her right side. Dr. Carney opined that, although the injuries were serious, the victim could have

survived the fall. Dr. Carney further testified that toxicology results showed that the victim tested positive for marijuana, Vicodin, Dilaudid, and Duloxetine. Dr. Carney admitted that the victim's injuries could have possibly resulted from an accidental fall from the four-mile bridge, which is approximately 50 feet in height. Based on the reported circumstances, however, Dr. Carney ruled the manner of the victim's death as a homicide.

In support of his claim that the victim accidentally fell from the bridge, defendant presented testimony from Dr. James G. Traylor. Dr. Traylor testified that he agreed with Dr. Carney's assessment that the lacerations to the victim's liver and spleen were fatal deceleration injuries that resulted from the fall from the bridge. He also emphasized that the fall could have been accidental. Dr. Traylor explained, however, that given the facts presented, he would have classified the manner of the victim's death as indeterminate. He explained that since the manner of death was equivocal, he could not discern between it having resulted from a homicide or an accident.

Considering the foregoing, we do not find that the jury's rejection of defendant's theory of an accidental fall was unreasonable. The jury was presented with defendant's theory of the case and they chose to reject it.

In reviewing the evidence presented, particularly in light of defendant's actions immediately following the victim's fall, his "cover story" of a possible abduction of the victim, and his failure to seek any care or assistance for the victim, we cannot say that the jury's determination was irrational under the facts and circumstances presented. *See State v. Ordodi*, 06-0207, p. 14 (La. 11/29/06), 946 So.2d 654, 662. The jury in this case obviously rejected defendant's theory of an accident and found that the victim's death was caused intentionally. When a case involves circumstantial

evidence and the jury reasonably rejects the hypothesis of innocence presented by the defense, that hypothesis falls, and the defendant is guilty unless there is another hypothesis that raises a reasonable doubt. *State v. Moten*, 510 So.2d 55, 61 (La. App. 1st Cir.), *writ denied*, 514 So.2d 126 (La. 1987). No such hypothesis exists in the instant case. An appellate court errs by substituting its appreciation of the evidence and credibility of witnesses for that of the factfinder and thereby overturning a verdict on the basis of an exculpatory hypothesis of innocence presented to, and rationally rejected by, the fact finder. *See State v. Calloway*, 07-2306, pp. 1-2 (La. 1/21/09), 1 So.3d 417, 418 (*per curiam*). The trial court did not err in denying defendant's motion for post verdict judgment of acquittal. These assignments of error lack merit.

For the foregoing reasons, defendant's conviction and sentence are affirmed.

CONVICTION AND SENTENCE AFFIRMED.