

LOUISIANA COURT OF APPEAL, SECOND CIRCUIT

State of Louisiana v. Darius Tyrese Persley

No. 56,617-KA (La. Ct. App. 2d Cir. Dec. 17, 2025) · No. 56,617-KA · Decided December 17, 2025

SUMMARY

The Louisiana Second Circuit considers Darius Tyrese Persley’s appeal from his second-degree murder conviction and mandatory life sentence. Persley argued that the trial court improperly allowed the State to call his convicted co-defendant, Quinton Peace, knowing Peace would invoke the Fifth Amendment and behave hostilely before the jury. The court concluded that the State and trial court mishandled the witness examination, but the text provided indicates that the resulting errors were harmless in light of the other evidence.

CASE DETAILS

COURT	Louisiana Court of Appeal, Second Circuit
WRITING FOR THE COURT	Stephens, J.; Thompson, J.; Ellender, J.
JURISDICTION	Louisiana Court of Appeal, Second Circuit
DECIDED	December 17, 2025
DOCKET	56,617-KA
DISPOSITION	affirmed
PROCEDURAL POSTURE	Persley appealed his unanimous-jury conviction for second degree murder and mandatory life sentence, arguing that the trial court improperly permitted the State to call his convicted co-defendant, Quinton Peace, as a witness despite knowing Peace would invoke the Fifth Amendment.
STANDARD OF REVIEW	The court reviewed the claimed trial-court error under the applicable harmless-error standard, determining whether the verdict was surely unattributable to the alleged errors.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Darius Tyrese Persley v. State of Louisiana

TOPICS

- fifth amendment
- criminal procedure
- evidence
- harmless error
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court erred by allowing the State to call Peace, a convicted co-defendant whose conviction was not yet final and who was expected to invoke the Fifth Amendment, before the jury.
2. Whether the State's use of Louisiana's statutory immunity procedure was valid under the circumstances.
3. Whether any error arising from the presentation of Peace's testimony, his invocation of the privilege, the prosecutor's questioning, and related courtroom events was harmless.

HOLDINGS

1. The State and trial court mishandled the presentation of Peace's testimony. The immunity agreement was invalid on its face or of questionable value because Peace had a pending appeal from his conviction and pending Texas charges, and the trial court should not have allowed the prosecutor to continue questioning him after his first hostile outburst and invocation of Fifth Amendment rights.
2. Any errors concerning Peace's testimony and invocation of his Fifth Amendment privilege were harmless and did not warrant reversal.

KEY QUOTATIONS

"It is improper conduct for either the prosecution or the defense to knowingly call a witness who will claim a privilege for the purpose of impressing on the jury the fact of the claim of the privilege." (at 13)

"The prohibition against the prosecutor's calling before the jury a witness who he knows will assert a privilege not to testify is designed not only to prevent the jury from drawing improper inferences from the fact of the witness' claiming the privilege, but also to deter the prosecutor from using bad faith trial tactics." (at 14)

"The immunity agreement was invalid on its face and thus of questionable value to Peace, who understandably was reluctant to testify and subject himself to further criminal liability." (at 16)

"However, any errors committed by the trial court and the State regarding Peace and his Fifth Amendment rights against self-incrimination are harmless." (at 17)

FACTUAL BACKGROUND

Persley and co-defendant Quinton Peace encountered Chavez Parker in the early morning of December 21, 2021, and both entered Parker's vehicle shortly before Parker was shot multiple times. Surveillance footage showed Persley and Peace leaving the vehicle, returning shortly afterward, and taking Parker's vehicle; Persley was later apprehended holding socks containing Parker's blood, and his DNA was found on a ski mask recovered from the vehicle. Forensic evidence linked three projectiles from Parker's body to a firearm recovered from Peace, while other evidence, including messages and Persley's statements to police, implicated Persley in the crime.

PROCEDURAL HISTORY

A Caddo Parish grand jury indicted Persley and Peace for second degree murder. Their trials were severed; Peace was convicted first, and his appeal remained pending when Persley was tried. Persley was convicted on February 13, 2025, his post-verdict motions were denied, and he received the mandatory sentence of life imprisonment at hard labor without benefits. The Louisiana Court of Appeal, Second Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Peace, 56,374 (La. App. 2 Cir. 8/27/25), 418 So. 3d 1133
- Ohio v. Reiner, 532 U.S. 17, 21 (2001)
- Lefkowitz v. Turley, 414 U.S. 70, 77 (1973)
- State v. Duhon, 332 So. 2d 245, 247 (La. 1976)
- State v. Berry, 324 So. 2d 822, 830 (La. 1975), cert. denied, 425 U.S. 954 (1976)
- Namet v. United States, 373 U.S. 179 (1963)
- State v. Laviolette, 06-92, p. 14 (La. App. 5 Cir. 9/26/06), 943 So. 2d 527, 535, writ denied, 06-2585 (La. 5/18/07), 957 So. 2d 149
- State v. Wille, 559 So. 2d 1321 (La. 1990), cert. denied, 506 U.S. 880 (1992)
- State v. Chairs, 12-363, p. 17 (La. App. 5 Cir. 12/27/12), 106 So. 3d 1232, 1244, writ denied, 13-0306 (La. 6/21/13), 118 So. 3d 413
- State v. Chambers, 95-0898, p. 11 (La. App. 4 Cir. 12/28/95), 666 So. 2d 716, 722, writ denied, 96-1699 (La. 7/30/97), 697 So. 2d 593