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DOMESTIC VIOLENCE CASE AFFIRMED ON APPEAL

Today, in the First Appellate District of the State of California, the Court of Appeal **AFFIRMED** the judgment rendered in People v. Lonnie Kerley. In 2010, The Solano County District Attorney's Office charged Lonnie Kerley with Murder for the death of Danna Dever in June 1996. In August 2011, Defendant Kerley was indicted on one count of Second Degree Murder by the grand jury. After a lengthy jury trial beginning in October 2012 ending January 2, 2013, the jury returned a verdict of Guilty on the charged count of Second Degree Murder. Defendant was sentenced according to statute to 15 years to life in the Department of Corrections and Rehabilitation.



As stated in the decision by the Court of Appeal, extensive evidence of domestic violence was properly admitted by the trial court, the Honorable Allan P. Carter, presiding. The evidence admitted at trial and considered by the Court of Appeal included repeated acts of violence inflicted upon Danna Dever, by her longtime boyfriend and father of her child, Lonnie Kerley. On appeal, the defendant argued that prior acts of domestic violence against Danna Dever were admitted in error. The law (Evidence Code 1109) specifically allows for this type of evidence to be admitted in a trial involving domestic violence. The Court of Appeal said specifically, "A history or pattern of domestic violence is very probative. The propensity inference is particularly appropriate in the area of domestic violence because the on-going violence and abuse is the norm in domestic violence cases. Not only is there a great likelihood any one battering episode is part of a larger scheme of dominance and control, that scheme usually escalates in frequency and severity. Without the propensity inference, the escalating nature of domestic violence is likewise masked...Since criminal prosecution is one of the few factors which may interrupt the escalating pattern of domestic violence, we must be willing to look at the pattern during criminal prosecution, or we will miss the opportunity to address this problem at all." (Assem. Com. On Public Safety, Rep. on Sen Bill No. 1876, Hoover, 77 Cal. App. 4th 1020)

The Court of Appeal found the evidence of incidents of violence was substantial and compelling. As stated in the Court of Appeal opinion, "The jurors learned that, over a period of 10 years, Kerley regularly punched and kicked Dever, slapped her, threw her to the ground when she was pregnant, punched and kicked her when she was pregnant, restrained her from leaving the home, stalked her, beat her in the back of the head with a two-by-four, mopped the floor with her face and hair, kicked her in the eye, stomped on her, and repeatedly threatened to kill her. The Court in rejecting the defendant's claim that this evidence was too prejudicial, stated, "And while the litany of abuse Dever suffered at Kerley's hands is disturbing, it is not likely a jury would be more emotionally upset that he beat and kicked her than it would that he beat her to death and dumped her naked body in a remote ditch."

The family had waited for justice for over 16 years when they strongly believed Lonnie Kerley had murdered their loved one, Danna Dever. Although the defendant was convicted of Murder in early 2013, the case has been on appeal the last 5 years, and today there can be a sense of relief that justice prevailed. Danna Dever was a loving mother, sister, daughter, aunt, niece, and dear friend to so many. Her memory will continue to live on in the hearts of many.