

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KK-00365

VS.

LEON CURRY, III

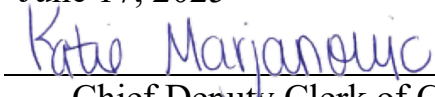
IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of East Baton Rouge, 19th Judicial District Court Number(s) DC-22-03865,
Court of Appeal, First Circuit, Number(s) 2025 KW 0043;

June 17, 2025

Writ application granted. See per curiam.

PDG
JLW
JDH
WJC
JBM
JMG
CRC

Supreme Court of Louisiana
June 17, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 25-KK-0365

STATE OF LOUISIANA

v.

LEON CURRY, III

**ON SUPERVISORY WRITS TO THE NINETEENTH
JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE**

PER CURIAM:

Granted. The trial court’s ruling granting defendant’s motion to suppress his recorded statement is reversed.

On the morning of April 18, 2022 defendant Leon Curry was detained and brought to the Violent Crimes Unit for questioning. At the start of the interview, defendant was informed of his rights under *Miranda*, both verbally and in writing. Defendant initially invoked his right to counsel. Once a suspect has “expressed his desire to deal with the police only through counsel,” all questioning must cease “until counsel has been made available to him, unless the accused himself initiates further communication, exchanges, or conversations with the police.” *Edwards v. Arizona*, 451 U.S. 477, 484–85, 101 S.Ct. 1880, 1885, 68 L.Ed.2d 378 (1981). “[I]nquiries or statements, by either an accused or a police officer, relating to routine incidents of the custodial relationship, will not generally ‘initiate’ a conversation in the sense in which that word was used in *Edwards*.” *Oregon v. Bradshaw*, 462 U.S. 1039, 1045, 103 S.Ct. 2830, 2835, 77 L.Ed.2d 405 (1983). On the other hand, statements made by a suspect which do not relate to routine incidents of booking but either directly or indirectly “evinced[] a willingness and a

desire for a generalized discussion about the investigation,” *Bradshaw*, 462 U.S. at 1045–46, 103 S.Ct. at 2835, may initiate further police questioning for purposes of *Edwards*, shifting the inquiry to the question of whether the suspect then knowingly and voluntarily waived his *Miranda* rights.

In this case, despite initially invoking his right to counsel, defendant—and not law enforcement—immediately thereafter reinitiated conversation with law enforcement as to the offenses that led to defendant being detained. Further discussion of defendant’s *Miranda* rights ensued, during which, at one point, the law enforcement officer conducting the interview made a misstatement of law. However, defendant questioned that statement, which the officer subsequently corrected and clarified. Defendant also had the opportunity to review the written form of the *Miranda* warnings multiple times following that incorrect statement of law and ask further questions. Finally, prior to substantive questioning beginning, defendant was explicitly asked “[d]o you want a lawyer at this time, yes or no,” to which defendant replied “[a]t this time, no.”

Miranda has never required a verbatim recitation of warnings, but instead that the warnings reasonably convey to the suspects his rights as required. [*Duckworth v. Eagan*, 492 U.S. 195, 203, 109 S.Ct. 2875, 106 L.Ed.2d 166 \(1989\)](#). Requiring that a misstatement of law, even if the statement is subsequently corrected, automatically mandate suppression is an overreach of what *Miranda* actually requires. Instead, we look towards whether the waiver was voluntary as judged by the totality of the circumstances. See *Fare v. Michael C.*, 442 U.S. 707, 724–25, 99 S.Ct. 2560, 2571–72, 61 L.Ed.2d 197 (1979). At the time of the interview on April 18, 2022, defendant was 69 years old. The parties discussed defendant’s rights for more than ten minutes before substantive discussion as to the subject matter of the criminal investigation began. The written rights form was

reviewed by defendant numerous times, and that form clearly and accurately delineates defendant's rights. A review of the videotaped session indicates law enforcement made clear that defendant was entitled to a lawyer and that if he could not afford one, the public defender process would be utilized to provide him one. In response to being asked whether he would like a lawyer at that time, defendant answered with an explicit no.

For the reasons expressed herein, the district court's ruling granting defendant's motion to suppress is reversed and this matter is remanded for further proceedings.