

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF LOUISIANA
3 LAFAYETTE DIVISION

4 *****

5 UNITED STATES OF AMERICA CASE NO. 6:24-cr-00206-01

6 VERSUS JUDGE DAVID C. JOSEPH

7 GARY HAYNES MAGISTRATE JUDGE CAROL B.
8 WHITEHURST

9 *****

10 TRANSCRIPT OF JURY TRIAL
11 VOLUME I OF IX (PAGES 1-75)
12 HEARD BEFORE THE HONORABLE DAVID C. JOSEPH
13 UNITED STATES DISTRICT JUDGE
14 SEPTEMBER 8, 2025

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY. TRANSCRIPT
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INDEX

1

2

3 COURT PROCEEDINGS 4

4 OPENING STATEMENTS BY MR. LOEW..... 14

5 OPENING STATEMENTS BY MR. CLEMONS..... 26

6 DON LANDRY 41

7 DIRECT EXAMINATION BY MR. LOEW..... 41

8 REPORTER'S CERTIFICATE 75

9

10

11

12

13

14

15

16

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18

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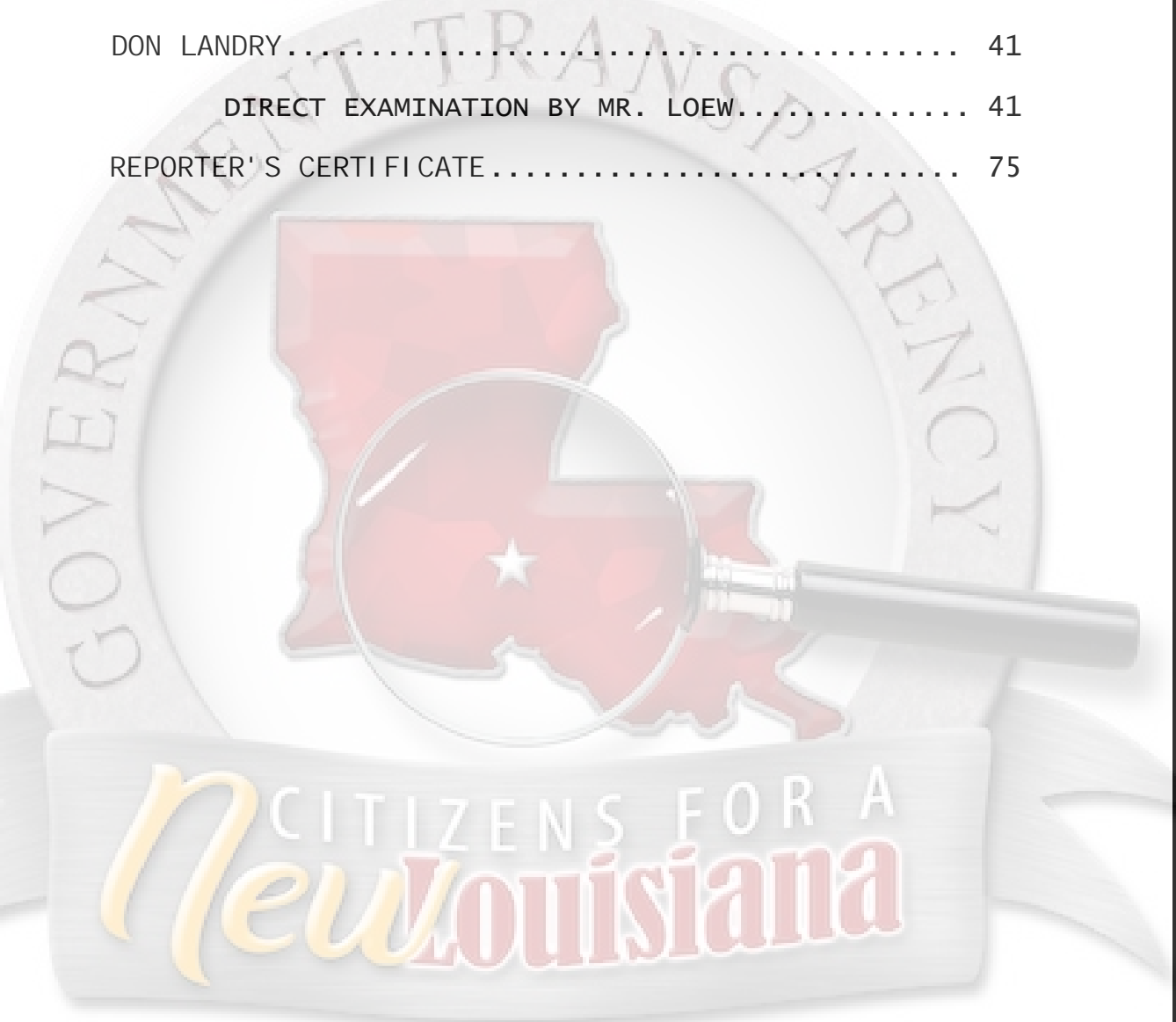
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1 COURT PROCEEDINGS

2 SEPTEMBER 8, 2025

3 THE COURT: Please be seated. I see something on my
4 desk. I guess there is a stipulation that we have been entered
5 into that I will read to the jury. Is that right, Mr. Clemons?

6 MR. CLEMONS: That's the one regarding the \$10,000 or
7 more? Yes, sir.

8 THE COURT: Okay. Right. Correct. Is there anything
9 else we need --

10 MR. CLEMONS: I didn't know what was on your desk, Judge.

11 THE COURT: Right. Okay. I didn't have that before.

12 MS. WALKER: Our plan is opening statement and then if
13 the Court wishes, the Court can read the stipulation in and then we
14 will put on the witness.

15 THE COURT: Right. All right. Well, is there anything
16 else we need to discuss outside the presence of the jury? All
17 right. Let's bring the jury in.

18 (Jury present.)

19 THE COURT: Please be seated. Thank you all for being
20 back on time. I hope everybody got something to eat during our
21 break.

22 Before we begin our trial, I'm going to give you some
23 preliminary instructions to guide your participation in the trial.
24 You have now been sworn. Accordingly, it will be your duty, as I
25 discussed with you, to find from the evidence presented to you in

1 this trial what the facts of this case are. You, and you alone,
2 will be the judges of these facts. You will have to apply those
3 facts to the law as the Court will give to you, as I will give to
4 you. You must follow that law whether you agree with it or not.
5 Perform these duties fairly. Don't let any bias, sympathy, or
6 prejudice that you may feel towards one side or the other influence
7 your decision in any way. In particular, do not let any racial,
8 ethnic, national origin, or other bias influence your decision in
9 any way. Nothing the Court may say or do during the course of
10 trial is intended to indicate or should be taken by you to indicate
11 what your verdict should be. That decision is for you alone.

12 The evidence from which you find the facts will consist
13 of the testimony of the witnesses, documents, and other items
14 received into the record as exhibits, as well as any facts the
15 lawyers agree to, or stipulate to, or that the Court may instruct
16 you to find.

17 Certain things are not evidence and must not be
18 considered by you. I'll list them for you now:

19 Statements, arguments, and questions by lawyers are not
20 evidence;

21 Objections to questions are not evidence. Lawyers have
22 an obligation to their clients to make objections when they believe
23 evidence being offered is improper under the rules of evidence.
24 You should not be influenced by the objection or by the Court's
25 ruling on it. If the objection is sustained, ignore the question.

1 If it's overruled, treat the answer to the question like any other.
2 If you are instructed that some item of evidence is received for a
3 limited purpose only, you must follow that instruction and just
4 consider it for that purpose;

5 Testimony the Court has excluded or told you to disregard
6 is not evidence and must not be considered;

7 Anything you may have seen, heard, or read outside the
8 courtroom is not evidence and must be disregarded. You are to
9 decide this case solely on evidence presented here in this
10 courtroom.

11 There are generally two kinds of evidence you may have
12 heard of before, direct evidence and circumstantial evidence.
13 Direct evidence is direct proof of a fact, such as testimony of an
14 eyewitness. Circumstantial evidence is proof of facts from which
15 you may infer or conclude that other facts exist. I will give you
16 further instructions on these, as well as other matters, at the end
17 of this case; but keep in mind that you may consider both types of
18 evidence, direct and circumstantial.

19 It will be up to you to decide which witnesses to
20 believe, which witnesses not to believe, and how much of that
21 witness' testimony to accept or reject. I'll give you some
22 guidelines for determining the credibility of witnesses at the end
23 of the case.

24 As you know, this is a criminal case. There are three
25 basic rules about criminal cases that you must keep in mind:

1 First, the defendant is presumed innocent until proven
2 guilty. The indictment brought by the Government against the
3 defendant is only an accusation, nothing more. It's not proof of
4 guilt or anything else. The defendant starts with a clean slate;

5 Second, the burden of proof is on the Government until
6 the very end of the case. The defendant has no burden to prove his
7 or her innocence or to present any evidence or testify. Since the
8 defendant has the right to remain silent, the law prohibits you
9 from arriving at your verdict by considering that the defendant may
10 not have testified;

11 Third, the Government must prove the defendant's guilt
12 beyond a reasonable doubt. I will give you further instructions on
13 this point later, but bear in mind that in this respect a criminal
14 case is different from a civil case.

15 I previously read you the indictment during jury
16 selection. In this case, the defendant is charged with one count
17 of conspiracy to engage in bribery concerning programs receiving
18 federal funds, in violation of 18, U.S.C., 371; one count of
19 bribery concerning programs receiving federal funds, in violation
20 of 18, U.S.C., 666(a)(1)(B); two counts of use of a facility in
21 interstate commerce in aid of bribery, in violation of 18, U.S.C.,
22 1952(a)(3); one count of conspiracy to commit money laundering, in
23 violation of 18, U.S.C., 1956(h); and one count of obstruction of
24 justice, in violation of 18, U.S.C., 1512(b)(2)(B).

25 I will give you detailed instructions on the law at the

1 end of the case, and those instructions will control your
2 deliberations and decision. And those instructions will include
3 specific instructions on each of these charges -- each of these
4 counts that have been charged by the Government.

5 But in order to help you follow the evidence, I will now
6 give you a brief summary of the elements of the offenses that the
7 Government must prove beyond a reasonable doubt to make its case.

8 For Count 1, conspiracy to engage in bribery concerning
9 programs receiving federal funds, in violation of 18, U.S.C., 371,
10 the Government must prove beyond a reasonable doubt: First, that
11 the defendant and at least one other person agreed to commit the
12 crime of bribery concerning programs receiving federal funds as
13 charged in the indictment; second, the defendant knew the unlawful
14 purpose of the agreement and joined in it willfully, that is with
15 the intent to further the unlawful purpose; and third, that at
16 least one of the conspirators during the existence of the
17 conspiracy knowingly committed at least one of the overt acts
18 described in the indictment in order to accomplish some object or
19 purpose of the conspiracy.

20 For Count 2, bribery concerning programs receiving
21 federal funds, in violation of 18, U.S.C., 666(a)(1)(B), the
22 Government must prove beyond a reasonable doubt: First, that the
23 defendant was an agent of the 15th Judicial District Attorney's
24 Office; second, that the 15th Judicial District Attorney's Office
25 was an agency of the State of Louisiana that received in any one

1 year period benefits in excess of \$10,000 under a federal program
2 involving a grant, contract, subsidy, loan, guarantee, insurance,
3 or other form of federal assistance; third, that the defendant
4 corruptly agreed -- corruptly accepted and agreed to accept
5 payments from third parties with the intent to be influenced and
6 rewarded in connection with any business transaction or series of
7 transactions of the 15th JDC's district attorney's office; and
8 fourth, that the business series of transactions involved anything
9 of value of \$5,000 or more.

10 For Counts 3 and 4, use of a facility in interstate
11 commerce in aid of bribery, in violation of 18, U.S.C., 1952(a)(3),
12 the Government must prove beyond a reasonable doubt: first, the
13 defendant used a facility in interstate commerce; second, the
14 defendant did so with the specific intent to promote, manage,
15 establish, or carry on any unlawful activity, which the Government
16 alleges in the indictment was public bribery, in violation of
17 Louisiana Revised Statute 14:118; and third, the subsequent to the
18 use of any facility in interstate commerce, the defendant did
19 knowingly and willfully promote, manage, establish, or carry on
20 such unlawful activity.

21 For Count 5, conspiracy to commit money laundering, in
22 violation of 18, U.S.C., Section 1956(h), the Government must prove
23 beyond a reasonable doubt: first, that the defendant and at least
24 one other person made an agreement to commit the crime of money
25 laundering; second, that the defendant knew the unlawful purpose of

1 the agreement; and third, that the defendant joined in the
2 agreement willfully, that is, with the intent to further the
3 unlawful purpose.

4 For Count 6, obstruction of justice, in violation of 18,
5 U.S.C., 1512(b)(2)(B), the Government must prove beyond a
6 reasonable doubt: first, that the defendant corruptly persuaded
7 another person and attempted to do so; second, that the defendant
8 acted knowingly with the intent to cause or induce that person to
9 alter, destroy, mutilate, and conceal a record document or other
10 object to impair the object's integrity or availability for the use
11 in an official proceeding; third, that the defendant knew -- then
12 knew or should have known that an official proceeding, that is a
13 criminal investigation, was pending or likely to be instituted; and
14 fourth, that the criminal investigation was a federal proceeding.

15 Now, a few words about your conduct as jurors. And I'm
16 going to go through this again. During the course of the trial,
17 you're not to speak with any witness, the defendant, or with any
18 lawyers in this case. Please do not talk to them about any subject
19 at all. You may be unaware, you probably will be unaware, of the
20 identity of everyone connected with this case that are going to be
21 in and out of this courtroom; so the best practice would be not to
22 talk to anybody on your way in and out of the jury room.

23 In order to avoid the appearance of impropriety, do not
24 engage in conversation with anyone in the courtroom or the hallways
25 of the courthouse. It's best that you remain in the jury room

1 during breaks in the trial and do not linger in the hallways.

2 In addition, during the course of the trial do not talk
3 about the trial with anyone else, not your family, not your
4 friends, not the people with whom you work. Also, do not discuss
5 this case amongst yourselves until I have instructed you on the law
6 and you have gone to the jury room to make your decision at the end
7 of the trial. You are in receiving mode at this point. You are to
8 receive all the evidence. Once all the evidence is presented to
9 you, I will read the instructions to you, and then you will discuss
10 the evidence and the law with your fellow jurors. Okay?

11 If you talk about -- the reason for this is if you talk
12 the case with your fellow jurors, without realizing it, you may
13 start forming opinions before the trial is over. It's important
14 you wait until all the evidence is received and you have heard my
15 instructions on the rules of law before you deliberate amongst
16 yourselves.

17 You, as jurors, must decide this case based solely on the
18 evidence presented here within the four walls of this courtroom.
19 That means that during the trial you must not conduct any
20 independent research about this case, the matters in this case, and
21 the individuals, agencies, or corporations involved in the case.
22 In other words, you should not consult dictionaries or reference
23 materials, search the internet, websites, or blogs, or use any
24 other electronic tools to obtain information about this case, or
25 try to help you decide the case. Don't try to find out any

1 information from sources outside the confines of this courtroom.

2 I know many of you -- all of us use cell phones and other
3 tools of technology. I do allow jurors -- it's an exception to the
4 general rule. I do allow jurors to bring cell phones into
5 courthouse. I would just ask that you please leave them in the
6 jury room. You will be able to check them and check in with work
7 or with family at your breaks and at lunch. Just leave them in the
8 courtroom -- I'm sorry. Leave them in the jury deliberation room
9 and they'll be safe in there. We lock it. And we have guards
10 everywhere. So everything's going to be safe in there.

11 Don't communicate with anyone, however, about this case,
12 including on your cell phone or through e-mail, iPhone text
13 messaging, or Snapchat. Don't post anything online on any -- I
14 know some people use social media. Don't post anything. Don't
15 even post that you're serving on a jury right now because it's
16 going to -- it may attract unwanted interest in what you're doing.
17 So I implore you: Do not post anything about the fact that you're
18 serving on a jury. And the reason is, a jury that violates these
19 restrictions jeopardizes the fairness in the proceedings, and a
20 mistrial could result, which could require the entire trial to
21 start over again. So we just have to be very, very careful. I
22 know you will be. I have seen each of you nod your head, and I
23 know you understand what I'm saying. The integrity of the process
24 is utmost important in a criminal trial.

25 I'm now going to give you a road map to help you follow

1 what will happen over the course of the trial. First, you will
2 hear the Government who will make an opening statement. Opening
3 statements are simply an outline, or a road map, that is designed
4 to help you understand the evidence that the parties plan to offer
5 at the trial. It's a road map to show you what their case is going
6 to be.

7 Next, the defendant's attorney may or may not make an
8 opening statement. The defendant can also reserve opening
9 statement until after the Government has completed its case.

10 The Government -- after opening statements, the
11 Government will then present its witnesses, and the counsel for the
12 defendant may cross-examine these witnesses.

13 Following the Government's case, the defendant may, if he
14 wishes, present witnesses whom the Government may cross-examine.
15 If the defendant decides to present evidence, the Government may
16 introduce rebuttal evidence.

17 After all the evidence is in, the attorneys will present
18 their closing arguments to summarize and interpret the evidence for
19 you, and the Court will instruct you on the law.

20 After that, you will retire to deliberate on your verdict
21 and reach a verdict. Okay? Remember, nothing the attorneys say is
22 evidence. Evidence is quite simply what you hear witnesses say
23 under oath from the witness stand, and any documents or audio clips
24 or video clips, anything I admit into evidence and allow you to
25 see, is evidence. Okay?

1 With that admonition, trial will now begin. We have
2 already invoked the rule of sequestration. I will rely on counsel
3 to ensure that their witnesses are not present in the courtroom
4 until after they have finished testifying and have been released
5 from their subpoena.

6 There is one stipulation. I mentioned that stipulations
7 are proper and may be considered by you as a fact in the case,
8 without the requirement that it be proved. Let me find my
9 stipulation here. The parties have stipulated as follows:

10 [As read] "The United States, through the undersigned
11 assistant U.S. attorney, and the defendant Gary Haynes, through his
12 undersigned attorney, agree and stipulate to the following.

13 "In each of the years 2021 and 2022, the 15th Judicial
14 District Attorney's Office was a state government agency that
15 received benefits in excess of \$10,000 under a federal program
16 involving a grant or other form of federal assistance."

17 Signed on behalf of the defendant by Todd Clemons, on
18 behalf of United States by Luke Walker.

19 I'll file this in the record.

20 All right. With that introduction, ladies and gentlemen,
21 we will now hear opening statements. The Government has the burden
22 of proof; therefore, the Government may go first.

23 **OPENING STATEMENTS**

24 **MR. LOEW:** May it please the Court, Counsel. Good
25 afternoon.

1 I've told him time and time again, "We don't talk about
2 this shit on the phone." That's what the defendant Gary Haynes
3 said to one of his coconspirators when he thought the FBI was
4 listening to their phone calls. Defendant's own words prove that
5 he's guilty.

6 Y'all have heard the saying, "The coverup is worse than
7 the crime." In this case, the crimes are serious because the
8 defendant used his position as an assistant district attorney and
9 abused the public trust by a conspiracy to accept bribes and
10 accepting bribes. Based on that, he's charged with the charges
11 that the Judge has already told you. And the evidence that he
12 tried to conceal how he's going to get the money, how he deceived
13 people, and how he talked to his coconspirators about obstructing
14 justice, deleting, destroying the evidence, helps prove that he's
15 guilty.

16 This scheme started after Don Landry was elected the DA
17 here in 2021. He had a huge backlog of cases, thousands of cases
18 probably because of COVID, and he wanted to put a lot of them
19 through PTI. He hired the defendant as an assistant district
20 attorney to be in charge of the pretrial intervention program.
21 Sometimes it's called pretrial diversion. Sometimes it's just
22 called PTI. He put defendant in charge and he hired a consultant
23 named Dusty Guidry. Dusty Guidry was supposed to be the guru of
24 pretrial intervention. He was the coordinator and ran the program
25 in Baton Rouge. He was hired as a consultant.

1 Pretrial intervention, again, the Judge described it a
2 little bit, but it's basically a program where people who don't
3 have serious criminal history, maybe get a DUI or similar crime,
4 and they can pay a fee, they can enroll in the program, they take
5 classes, they're monitored for nine months to a year, and at the
6 end if they successfully complete it, they don't get a conviction
7 on the record. That is basically what pretrial intervention is.

8 Well, the DA's office worked with vendors. Vendors are
9 people who provide services with and for the DA's office, and they
10 get paid for that. So the classes that people have to take,
11 there's a vendor and other vendors that give the classes. And they
12 get paid by the participants who are in the program. Here, Leonard
13 Franques became a vendor for the DA's office. Defendant
14 recommended him to become a vendor.

15 That's the setup for the scheme. You have the defendant
16 in charge of the PTI program, approving who gets in, pushing people
17 into the program, and pushing them towards Leonard Franques'
18 company, the vendor -- that's the one who is going to get paid --
19 and Dusty Guidry, the guru of PTI who knows how to get people
20 through the system, pushes them through, get as many people
21 through. The more people who go into the program, the more money
22 they make. The more money they make, the defendant gets to split
23 the profits. That's the kickbacks. That's the scheme.

24 That scheme that I just described is Count 1 of the
25 indictment. The agreement between those three: The defendant, as

1 head of PTI; Dusty Guidry, as the person who's helping put all the
2 people through; and Leonard Franques, the vendor, the person who's
3 getting all the money, the one who is going to give the kickbacks.

4 Count 2 of the indictment charges accepting bribes.
5 You'll hear evidence about defendant accepting two \$10,000 checks
6 from Leonard Franques' companies as kickbacks for him doing his
7 job, him being a public official and putting people into the
8 program.

9 Counts 3 and 4 of the indictment charge him using his
10 cell phone to further the conspiracy. So in one of the counts,
11 he's talking to Dusty Guidry about how much they're going to charge
12 one of the people in the program. And then in the second one, he's
13 setting up going to the Franques' home and getting the \$10,000
14 checks from Leonard Franques' wife, whose name is Michelle.

15 Count 5 charges conspiracy to commit money laundering, to
16 hide the money. That count is based on the defendant reinstating
17 this old company called MD at Law in order to have the vehicle
18 where he can put the dirty money.

19 Count 6 is obstruction of justice. That's the defendant
20 telling his coconspirators: Delete the text, destroy the evidence
21 of the crime. That's the obstruction.

22 The investigation started with the FBI finding out that
23 the Dusty Guidry and another vendor were shaking down people,
24 getting a lot of money from them to get into the PTI program. They
25 were able to get a wiretap on that vendor's phone which then from

1 that wiretap they were able to get a wiretap on Dusty Guidry's
2 phone. A wiretap is just a court-authorized process where law
3 enforcement can listen to people's phone calls and record them for
4 a specific phone number for a specific length of time.

5 So through the wire on Dusty Guidry's phone, the FBI
6 discovered that he was working with the defendant. And the
7 defendant's position as the head of PTI was the abuse of his
8 position to get bribes. Through the calls, and you'll hear a lot
9 of phone calls, you'll see that the defendant was using his
10 position. He was the assistant district attorney in charge. They
11 needed him, and that's what he did. That was his role.

12 Defendant's coconspirators, Dusty Guidry and Leonard
13 Franques, both pled guilty. You'll hear on the stand testimony --
14 you'll hear that -- you'll hear about their involvement in the
15 conspiracy. You'll hear about the different roles of the people.
16 You'll hear them talking about their role, the defendant's role,
17 and you'll learn about them.

18 I'm going to just talk a little bit about some of the
19 evidence that's going to come up at trial. You'll hear a lot of
20 recorded phone calls; you'll see text messages; you'll hear
21 testimony; and you'll see documents. So here are some calls in
22 evidence that you will hear during trial.

23 The defendant, Gary Haynes, had a call with Dusty Guidry
24 that he tells Dusty Guidry that he got a call from one of his
25 supporters -- that's what he called them -- "good supporter of

1 mine" about a dentist named Barry Petry who had sexually assaulted
2 one of his patients. Defendant knew that Dr. Petry, the dentist,
3 had been accused of that same crime before, but he let him into
4 PTI. He let him in because he and Dusty Guidry figured out he's
5 got a lot of money, so they were going to charge him. So they put
6 him into pretrial intervention, made him take 35 to 40 classes at
7 \$175 a class.

8 You'll hear about a young man who just graduated from
9 college and got a DUI, with no criminal history. Obviously, that's
10 a perfect person to get into the PTI program. But the defendant
11 and his coconspirators charged his family thousands of dollars and
12 the defendant got some alligator hides to make some alligator
13 loafers out of. That was such a good deal that he dismissed the
14 charges up front, even before this person had completed the PTI
15 program.

16 You'll hear from a guy who had multiple DUIs, but he got
17 in the program. While he was in the program, he got another DUI,
18 but they kept him in because they could make money. That person
19 felt like he was getting shaken down for too much money. He was
20 suspicious of what was going on, so he made his way to the
21 defendant's office to talk to him because he knew that he was an
22 ADA. He didn't know that he was part of the conspiracy. So he
23 went up to talk to the defendant, Gary Haynes, and said, "Hey,
24 something's wrong here. This is shady." And the defendant didn't
25 ask any questions, pointed to Dusty Guidry's office, and said, "Go

1 talk to Dusty Guidry. Do whatever he says."

2 You'll hear from employees at the DA's office who worked
3 with the defendant. And they'll tell you how the whole program
4 changed after the defendant became in charge of the program. They
5 could no longer talk to the DA. If they questioned whatever the
6 defendant was doing, they were labelled insubordinate.

7 Remember, Dusty Guidry and Leonard Franques needed the
8 defendant because he was in charge of the program. And when he was
9 going to get the bribes, he decided he needed to open a company
10 called MD at Law. It was an old company that he had started a long
11 time ago, but he reinstated it and he funded it with money. And
12 you'll hear a lot about MD at Law. That's where the money -- the
13 dirty money was going to go. Remember, the coverup is worse than
14 the crime.

15 You'll hear testimony and phone calls where they talk
16 about how they can make more money, push more defendants in, push
17 them all to Leonard Franques' companies. Maybe they should pay the
18 defendant to hide it with a truck. There would be less of a paper
19 trail with a truck than if they paid him by check or cash.

20 You'll hear that the defendant was paranoid about talking
21 on the phone. You'll hear lots of calls, see text messages, "Stay
22 off your phone. Don't talk about this on the phone." Again,
23 deception, not only evidence of the crime, but here, "Stay off your
24 phone, delete your texts," that's a felony. That's the obstruction
25 charge. Delete your text, evidence of the crime.

1 You'll hear why the defendant was paranoid about talking
2 on the phone. About ten years before this scheme, the FBI
3 investigated the same DA's office for a very similar scheme. They
4 actually executed a search warrant on the DA's office in 2011, ten
5 years before this scheme. Now, the defendant wasn't working at the
6 DA's office at that time, but he knew the people who got charged,
7 and he knew that it was a federal case, and he knew that the FBI
8 used wiretaps. He talks to his coconspirators about how that
9 works, about how the FBI can get wiretaps, and that's why he is
10 concerned.

11 Several employees at the DA's office were concerned about
12 what was going on. They could see that something wasn't right.
13 And one day the defendant went to a different assistant district
14 attorney's secretary and tried to take one of that other ADA's case
15 and put it into PTI. And the secretary stopped him and said, "No,
16 you can't do that." And he said he would come back later and
17 they'd do it. And she said no. She said, "Why are you doing this?
18 Don't you remember what happened when the FBI came in here before?"
19 And the defendant just looked at her and smiled, didn't respond.

20 Talk a little bit about Leonard Franques and Dusty
21 Guidry. Dusty Guidry, you'll see right away, he's a schemer. He's
22 always got his hands in something, trying to make money, some
23 legal, some illegal. He'll tell you about his role in the scheme.
24 He'll tell you about the defendant's role in the scheme and what
25 the defendant did and the agreement that made him necessary to the

1 scheme.

2 Leonard Franques is a local businessman. He owned a lot
3 of businesses, and he invested money in programs that he could use
4 in the DA's office. And that's how he became a vendor because he
5 had programs that people could use and take and pay for. And
6 you'll hear that he had invested a lot of money into those programs
7 and he wasn't going to start paying kickbacks to Dusty Guidry and
8 to the defendant until he recouped his investment, until he made
9 back the money that he had put in. And Dusty Guidry convinced the
10 defendant to give a bunch of money to Leonard Franques so that the
11 investment would be recouped quicker so they could start getting
12 their kickbacks faster.

13 In December of 2021, the FBI executed a search warrant on
14 Leonard Franques' home because they knew that he was part of this
15 conspiracy. And as soon as the FBI went into his home, he agreed
16 to cooperate with the investigation. So he agreed to record
17 conversations with the defendant. One of those was actually on
18 video, so you'll hear these conversations that were recorded. And
19 on one of them you'll see the video and you'll hear the
20 conversation.

21 So here is just a couple things that you'll hear that
22 will come into evidence: Dusty Guidry was really pushing Leonard
23 Franques' classes. That was the idea of the scheme. But he was
24 doing it so hard that people were starting to question that. Why
25 is Dusty Guidry pushing these cases so hard to Leonard Franques?

1 So the defendant says, "I'm not going to do that like Dusty was
2 doing it. I'm going to be more clever. I'm still going to push
3 the cases to Leonard's companies, but I'm going to be subtle about
4 it." Defendant's own words.

5 You'll hear discussions with the defendant about the best
6 way for him to be paid. Should they buy him a truck, maybe?
7 Should they lease him a truck? Keep people from being suspicious,
8 as in there's not going to be a paper trail.

9 The defendant and Leonard Franques also had a discussion
10 about how much money Leonard Franques was paying Dusty Guidry. In
11 one of these conversations, Leonard Franques says, "We had a good
12 month last month. I paid Dusty Guidry almost \$40,000."

13 And the defendant says, "He was supposed to split that
14 with me. I was supposed to get half." But he didn't get any. And
15 he said that gosh, if he had got \$20,000, if he had got half of
16 that, he'd feel better about this scheme. He'd feel like he was
17 actually going to make some money.

18 So remember, at this point, Leonard Franques is
19 cooperating. So the FBI knew about his request for the \$20,000;
20 that that's what he wanted to make him feel good about this scheme.
21 So the FBI got \$20,000, worked with Leonard and -- Leonard Franques
22 and his wife, Michelle, and they gave two \$10,000 checks, \$20,000,
23 to the defendant, and he accepted them. Now, he never cashed them
24 because he was worried about getting caught.

25 You'll hear that the FBI shut down the scheme before

1 defendant made any money. But he's not charged with making money.
2 He's charged with conspiring to accept bribes, accepting bribes,
3 the two \$10,000 checks that he accepted, he took them, and then
4 using the phone to further the scheme, setting up this bank account
5 to get the money in for the money laundering, and then obstructing
6 justice by telling his coconspirators to destroy evidence. He's
7 not charged with getting rich off this scheme. He's charged with
8 the conspiracies and abusing his public trust, as an assistant
9 district attorney, to make money.

10 You will hear a lot of testimony, play a lot of phone
11 calls. You'll see documents. You'll see text messages.
12 Throughout the trial, keep in mind three key facts: First, MD at
13 Law. MD at Law was a very old company that was defunct. It had to
14 be reinstated. With the scheme started and the defendant knew that
15 he was going to make some money, going to get these kickbacks, he
16 reinstated MD at Law and he opened a bank account under the name of
17 MD at Law and he funded it with \$15,000 of his own money. That's
18 at the beginning of the scheme.

19 Then, in a meeting with Leonard Franques, you will hear
20 him talking about getting these checks and how he's going to get
21 the money and how it can be hidden. And the defendant tells
22 Leonard Franques to make the checks out to MD at Law. Not to Gary
23 Haynes, to MD at Law. Then, in May of 2022, that's when the FBI
24 executed a search warrant on the DA's office and the defendant's
25 office and shut down the scheme. Immediately after that, he closed

1 the account at MD at Law.

2 Second thing to keep in mind throughout the trial: Think
3 about all the ways he's trying to disguise the money that he thinks
4 he's going to get from this scheme. First, MD at Law, opens up
5 that bank account. Lots of discussions about how he's going to get
6 paid. He's going to get paid with a truck. It's going to be
7 leased. It's going to be -- they're going to buy it for him.
8 Trying to hide it. He talks about maybe he'll just call it a loan
9 and that the money coming into MD at Law is a payback of the loan.
10 Or maybe he'll just say he issued a promissory note, and the money
11 that comes in is just a coverup, and he can tell people that that
12 money was just payback of a loan.

13 Third, think of how many times, or just listen and you'll
14 hear, see if you can count, how many times the defendant says,
15 "Stay off your phone. Don't talk about this on the phone. Delete
16 your texts." Hiding the evidence of the crime. "We don't talk
17 about this shit on the phone." Defendant's own words prove that
18 he's guilty.

19 After you hear and see all the evidence and you hear the
20 defendant, in his own words, talking about how he's going to abuse
21 his position as an ADA and further the scheme, the United States is
22 going to come back and they're going to ask you to find the
23 defendant guilty on all counts because he is guilty.

24 **THE COURT:** Thank you, Mr. Loew.

25 Would the defendant like to make an opening statement at

1 this time?

2 **MR. CLEMONS:** Yes, he would, Judge. Thank you, Your
3 Honor. May it please the Court, Government.

4 Now you're about to hear the rest of the story. I want
5 to pick up at MD Law because Mr. Loew told you that my client
6 opened up MD Law in May of '21. Work with me here. A year later
7 the Government, FBI did a raid, and he said the FBI shut it down
8 before he could make any money. So they want you to believe that
9 he's the dumbest public official ever lived, because the record is
10 going to show the only money that ever went into that account was
11 the \$15,000 he put in it when he opened it up. So they told you he
12 opened it up just to get his kickbacks, but a year later he hadn't
13 gotten a single kickback. The evidence is going to show there was
14 no urgency in the FBI, quote, shutting it down. I think the
15 evidence is going to show they shut it down because they didn't get
16 any evidence of my client getting any kickbacks. That's what we
17 believe the evidence is going to show.

18 It's our pleasure to represent Mr. Haynes, and it's our
19 appreciation to you because we know you're going to give him his
20 day in court. And he certainly appreciates it. You're going to
21 give him his presumption of innocence like the Constitution
22 requires.

23 See, we believe the evidence is going to show that Gary
24 Haynes worked as a city prosecutor. He did that for 27 years,
25 honorably, under multiple mayors. That's what we think the

1 evidence is going to show.

2 See, the evidence is going to show in a few minutes, but
3 definitely by tomorrow morning, it's going to show you about Mr.
4 Landry, Don Landry. Mr. Landry was elected district attorney 2020,
5 I believe, in the fall. Evidence is going to show that my client
6 worked side by side day and night, a year and a half. I believe
7 the evidence is going to show that many believe, but for Gary
8 Haynes, Don Landry wouldn't be the DA right now. That's what we
9 think the evidence is going to show.

10 We believe the evidence is going to show that Mr. Landry
11 was sworn in in January of '21. We believe the evidence is going
12 to show that at his victory party, his celebration, he recognized
13 Ronnie Guidry, Dusty Guidry's father. And we're going to get to
14 the rest of that story in a minute. But that's how important Mr.
15 Guidry was to Mr. Landry. That's what we think the evidence is
16 going to show.

17 Evidence is going to show after the election, Mr. Landry
18 appointed my client as an assistant district attorney. He was city
19 prosecutor. The evidence is going to show that Mr. Landry made him
20 the director of the pretrial intervention program. See, the
21 evidence is going to show -- they're going to try to minimize the
22 involvement of Mr. Landry so they can put all the heat on Gary.
23 But you're going to see just how much power district attorneys have
24 in this state. The evidence is going to be clear that Don Landry
25 put him in pretrial. He didn't just walk in and say, "Okay. I'm

1 in charge of pretrial." No, Mr. Landry did that. That's what the
2 evidence is going to show.

3 Now, the evidence is also going to show you about Dusty
4 Guidry. And I think Mr. Loew said Mr. Guidry was involved in a lot
5 of schemes. I think that's the way he put it. Boy, that's the
6 nicest way of putting a con man that I ever heard. Dusty Guidry
7 woke up every day looking for a chance to scheme and con people.
8 And the evidence is going to be very, very clear to you, and you're
9 going to see that.

10 See, the evidence is going to show that Don Landry
11 brought Mr. Guidry into our district attorney's office here in
12 Lafayette. Mr. Guidry was working full-time for Hillar Moore in
13 Baton Rouge, but Mr. Landry brought him in as a, quote, consultant.
14 And the evidence is going to be abundantly clear -- excuse me,
15 Judge, I'm sorry -- the evidence is going to be abundantly clear he
16 brought Mr. Guidry in for one reason -- that's that "moolah" -- to
17 generate revenue by utilizing the pretrial intervention. I think
18 they call Mr. Guidry the guru. Yes, he was. He was the guru of
19 PTI, but he was also the guru of con men. And the evidence is
20 going to show that to you. But Don Landry brought him here, not
21 Gary Haynes.

22 And the evidence is going to show you that that was a
23 huge mistake. The evidence is going to show you, I truly believe
24 it's going to show you that shortly after taking office, Mr. Landry
25 convened a meeting of all his assistant district attorneys. And he

1 made it very, very clear: To move this backlog, we're going to
2 push cases through pretrial intervention.

3 I think the evidence is going to show my client was
4 there, Dusty Guidry was there, the DA was there; but the evidence
5 is going to show Dusty Guidry ran this meeting. He showed them and
6 told them how the cow was going to eat the cabbage, and everybody
7 got on board. So they're going to put all the focus on Mr. Haynes,
8 but Dusty Guidry is the one who ran that pretrial intervention
9 program because Mr. Landry wanted that revenue.

10 See, we finally heard what my client allegedly received
11 of value. And I agree the law is clear. You don't have to get
12 anything of value, but really? Alligator skins? We're going to be
13 here two weeks in federal court behind alligator skins. That's
14 what they finally told you that my client allegedly received of
15 value, some alligator skins for boots. We think the evidence is
16 not even going to support that. We think the evidence won't even
17 support that.

18 Anyway, let's get back to the pretrial intervention
19 program. Evidence is going to show that Dusty Guidry ran that
20 program. Evidence is going to show that once Dusty Guidry got
21 involved, the revenue went up and it went up significantly, just
22 like Mr. Landry wanted the revenue to go up.

23 See, the evidence is going to show that Mr. Landry is not
24 as naive as they try to portray him as. They're going to try to
25 portray him as a, quote, elderly man who is hands off. We're going

1 to challenge that evidence. We're going to challenge that evidence
2 because the evidence is going to show that Mr. Landry was an
3 assistant district attorney for 34 years. He knew exactly how the
4 operation operated. He wasn't naive. He had been assistant DA for
5 34 years.

6 I need you to pay close attention to the Barry Sallinger
7 meeting. On or about November 21, we believe the evidence is going
8 to show that Don Landry, Dusty Guidry met with Barry Sallinger, a
9 local attorney, who in my understanding has a big defense practice
10 on DUIs. Not only did they meet with him, they went to his office
11 to meet to get away from Gary Haynes, the person who's supposed to
12 be over the PTI. And I think the evidence is going to show after
13 that meeting things changed and things changed significantly. We
14 believe the evidence is going to show you that they intentionally
15 kept Gary in the dark after this meeting.

16 Let's talk about the vendors. The evidence is going to
17 show that Mr. Landry kept on all the vendors that Mr. Stutes had.
18 Keith Stutes was the previous DA. The evidence is going to show
19 that Mr. Landry kept all those on except Leonard Franques. He
20 brought on Leonard Franques, and I think the Government says or
21 they're going to try to claim that my client brought Mr. Franques
22 in. I think the evidence is going to show Don Landry chose him as
23 a vendor. Because, see, the evidence is going to show that Mr.
24 Franques and his wife donated thousands of dollars to his campaign,
25 Mr. Landry. See, that's why I say, like Paul Harvey, we're going

1 to give you the rest of the story.

2 The evidence is going to show, starting in '19. Franques
3 got in on the train early. The election wasn't until the fall of
4 '20, but the evidence is going to show the summer of '19 Franques
5 and his wife writing checks because they wanted to support Don
6 Landry. And the evidence is going to show that Don Landry rewarded
7 his supporters. The evidence is going to show he rewarded his
8 supporters. That's what it's going to show.

9 So the evidence is going to show that they made Mr.
10 Franques a vendor. And the evidence is going to show that Mr.
11 Franques made the decision to be a vendor because he could make a
12 lot of money by being a vendor in the pretrial intervention
13 program.

14 See, in this case you're going to get a hard look at
15 Louisiana politics at its finest and at its worst. See, the
16 evidence is going to show everyone knew Mr. Franques was a very
17 successful businessman. Very, very wealthy. He ran several,
18 several successful businesses. The evidence is going to show that
19 Gary Haynes saw an opportunity to invest in Mr. Franques'
20 businesses and that's what he did, in these legitimate businesses.

21 See, ladies and gentlemen, we believe the evidence is
22 going to show that we have a bribery case with no bribe. That's
23 what we believe the evidence is going to show. See, the evidence
24 is going to show that Mr. Haynes did not receive any kickbacks nor
25 did he agree to receive any kickbacks. The evidence is going to

1 show he worked hard, he did his job. The evidence is going to show
2 that this indictment written by our government, it's a novel. So
3 they get to write the indictment however they want because they
4 know you're going to read every word of it. The law is clear. The
5 Judge has to read it to you. Gary Haynes didn't get no input on
6 how they going to write this indictment up, so they wrote it up to
7 fit their theory.

8 Let me give you a couple of examples of why it's a novel.
9 See, this indictment says, on page 2, hear me clearly, Section 6
10 [as read], "The DA's office approved certain vendors." See, that's
11 a half truth. The DA approved vendors, not the office. See,
12 that's their way of trying to get the heat off of Landry to say the
13 office approved vendors. An office can't approve any vendors. Mr.
14 Landry selected and approved his vendors, and he chose to make Mr.
15 Franques a vendor.

16 See, they say that the defendant, Gary Haynes, and/or
17 coconspirator Guidry approved additional participants in the PTI
18 program to increase referrals so they could get more elicited
19 proceeds. No, the evidence is going to be clear that the DA wanted
20 more participants in the pretrial intervention program, but they
21 want to write it up to imply that Mr. Haynes did it all.

22 Let's talk about these two \$10,000 checks. See, Mr. Loew
23 told you, in the beginning of his opening, that my client received
24 two \$10,000 checks, but it took 15 minutes to tell you those checks
25 were never deposited and never cashed. But in their novel of an

1 indictment, on Count 2, they say that Mr. Haynes received a check
2 on January 11th of '22 and he accepted a check of \$10,000 on
3 February 1st of 2022. But at no point do they say in the indictment
4 those checks were never cashed or deposited, leading a reasonable
5 person to believe that he profited \$20,000. But that's their
6 novel. They get to write it however they choose to.

7 But the evidence in this case is going to show that my
8 client saw an opportunity and he wanted to invest in legitimate
9 business with Mr. Franques. That's what the evidence -- we believe
10 the evidence is going to show and it's not going to support the
11 Government's theory.

12 The evidence will also show that the DAs in Louisiana
13 have a tremendous amount of power and autonomy. The evidence will
14 show that the DA, and the DA alone, decides who in this
15 jurisdiction gets prosecuted or not get prosecuted. Nobody makes
16 that decision ultimately but the district attorney. The evidence
17 will show that all DAs have what's called prosecutorial discretion,
18 and they exercise that discretion as they see fit.

19 The evidence will show, for example, Mr. Landry fully
20 supported implementing a DWI second program because it was going to
21 generate more revenue. The DA's office didn't have a program for
22 DWI seconds. Once Mr. Landry came on board, he implemented it
23 because he wanted to generate more revenue.

24 See, the evidence will show that more cases came into PTI
25 because that's what the district attorneys wanted. He wanted more

1 cases, and that's what they got. And they want to imply that they
2 were in because of the defendant and Dusty Guidry. They were in
3 because of Don Landry. That's what he wanted.

4 The evidence will show that Mr. Landry was consulted on
5 many, many cases about PTI and whether they should go in or not.
6 He wasn't hands off. He was making informed decisions. That's
7 what the evidence is going to show.

8 We believe the evidence is going to show that our client
9 invested approximately \$219,000 with the Franqueses and trying to
10 get involved in legitimate businesses. So our client invested that
11 money, but the whole time he was getting hoodwinked. He was
12 getting hoodwinked and bamboozled by Dusty Guidry. The evidence
13 will show that he lost \$219,000. That's what the evidence is going
14 to show because the evidence is going to show that Gary Haynes was
15 a pawn in Dusty Guidry and Mr. Franques' game.

16 And we believe the evidence is going to show, and this
17 was alluded to, that in the summer of '21 is when this
18 investigation started. And Mr. Loew alluded to this other vendor,
19 but he didn't mention his name, but we going mention his name: Joe
20 Prejean. That's where the investigation started and I think the
21 case agent going to tell you that tomorrow. They got information
22 that Joe Prejean was shaking down defendants. He was taking money
23 in return for allegedly getting charges dropped.

24 We believe the evidence is going to show the first case
25 involved \$20,000 that Joe Prejean got from this person to make his

1 charges, quote, go away. Someone tipped off the FBI and that's
2 what led to the investigation. That's what led to the T3
3 interceptions of Prejean's phone, ultimately Dusty Guidry's phone.
4 And that's what made them start listening to these phone calls.

5 But the evidence will also show that Dusty Guidry woke up
6 every single day hustling people. He was a con man, and he coned
7 Gary Haynes. That's what the evidence is also going to show.

8 See, the evidence is going to show that in December of
9 '21, Dusty Guidry, one of their key witnesses, was arrested with I
10 think like 219 hydrocodone pills. Don't hold me to that number,
11 but it was hundreds. The evidence is going to show he was arrested
12 in December of '21. See, the evidence is going to show, and I
13 think I alluded to this, he was working for Hillar Moore, the DA in
14 Baton Rouge. He was an employee. Hillar's a wise man. He
15 immediately terminated Dusty Guidry: No, you got to go, podnuh,
16 I'm sorry. Hillar immediately terminated Dusty Guidry.

17 But let's talk about what the DA in Lafayette did. He
18 quietly put Dusty to the side and told him to go chill out for a
19 minute and let the dust settle. And the evidence is going to show
20 in March of '22 he brought Dusty Guidry back to the district
21 attorney's office after he had been charged with felony possession
22 with intent to distribute drugs. He put him back in charge of his
23 pretrial intervention program because he was the, quote, guru.
24 Yeah, you're going to get the rest of the story, and we want you to
25 know what this evidence is going to show.

1 And the evidence is going to show that Mr. Dusty Guidry
2 came back in March of '22 and continued to do what he was doing all
3 along.

4 Mr. Loew told you about the raid in '22. They executed
5 search warrants. And he also told you about what happened about
6 ten years later; that the FBI done a raid and executed search
7 warrants in the DA's office about ten years before this one. And
8 the evidence is going to show that employees were charged. And the
9 evidence is going to show, as he told you, some of them got
10 prosecuted and went to federal prison.

11 So ladies and gentlemen, when the FBI comes in, it's
12 about self-preservation. It's about self-preservation. It's every
13 man for himself, good Lord for us all, because the FBI is coming
14 in.

15 See, the evidence is going to show the same agent, Mr.
16 Herman, who led this investigation, he led that investigation ten
17 years before. So people started looking out for their own self
18 interests. They've got to throw somebody under the bus because
19 they can't be implicated. You can't accuse the boss because the
20 boss might fire you. If you go after the king, you can't miss. So
21 Gary Haynes was the easy mark. He became their mark.

22 Now, we want you to pay close attention to the FBI
23 interviews. You're going to hear a lot about 302s, so let me
24 explain to you what that is. That's just a summary of an FBI agent
25 interviewing a person. So when you hear the term 302s, which you

1 going to start hearing it as soon as I start cross-examining Mr.
2 Landry, I want you to know what it is. It's a summary that the FBI
3 agent gets to write. It's his story. It's his story of what you
4 told him. So I want you to pay close attention to how many
5 witnesses had to be interviewed two and three times to get their
6 stories straight, or how many witnesses, "Oh, I forgot to tell you
7 this, so let me come back and tell you this." Or how many
8 witnesses want to straighten out something that may have not been
9 straight the first time. Pay attention to that. I think you're
10 going to see some concerns with that.

11 See, I think the evidence is going to show Mr. Guidry
12 pled guilty, Mr. Prejean pled guilty, Mr. Franques pled guilty.
13 See, the evidence is going to show when they testify, assuming that
14 Prejean testifies -- they didn't say much about him, so maybe he's
15 not testifying -- but Franques and Guidry are going to testify.
16 The evidence is going to show you, ladies and gentlemen, they are
17 incentivized witnesses. So I want you to pay close attention to
18 their plea agreements, and I guarantee you, when they get
19 cross-examined -- I'm going to walk you through them or Mr. Johnson
20 is going to walk you through those plea agreements because I want
21 you to clearly understand. See, they are incentivized because they
22 stood before Judge Joseph and took an oath and said they committed
23 a crime months ago, but they haven't been sentenced yet. They
24 haven't been sentenced yet because I think the evidence is going to
25 show the Government wants to maintain some leverage on them. They

1 got to come sing and sing the song properly. They're incentivized.

2 And I think the instruction is going to tell you, the
3 jury instruction, to be very leery of the testimony of an
4 incentivized witness. See, Dusty Guidry was under the influence of
5 narcotics when a lot of this was going on. I think the jury
6 instruction is going to be very leery of people using addictive
7 drugs at the time of whatever they're testifying to. So just pay
8 close attention to that.

9 Now, once the FBI came in, Dusty Guidry knew the gig was
10 up. He had to implicate somebody else. He had to get the heat off
11 of him. Same thing with Mr. Franques. Now we know Mr. Franques
12 started cooperating immediately. I need you to pay close attention
13 to the wires he was wearing. I need you to pay close attention as
14 to how they were operating. I need you to pay close attention to
15 whether he utilized them properly. Pay close attention to what
16 guidance and training they gave him as their informant on how to
17 utilize these wires. I need you to pay close attention to that
18 because the Government's case is relying solely and strictly and
19 heavily on these two witnesses. See, the Government is telling you
20 that there is a conspiracy to increase profits so that they can get
21 illicit gains; however, the Government knows that theory has some
22 flaws.

23 So ladies and gentlemen, I just want you to pay close
24 attention to the credibility of the witnesses, pay close attention
25 to the investigation. I think the evidence is going to show, for

1 example, before I go to my seat, they told you about executing a
2 search warrant in Franques' house. He got on their team
3 immediately. Listen to the investigation on when they searched
4 Gary Haynes' house. You'll be here longer than two weeks if you
5 want to hear that because they didn't execute Gary Haynes' house.

6 Listen to the financial investigation that I think this
7 young lady, Ms. Haley [phonetic], did. Listen to how much money
8 Gary Haynes made on this scheme. I think you're not going to hear
9 about any money Gary Haynes made on the scheme, even though they
10 did a thorough financial investigation.

11 I want you to pay very, very close attention, ladies and
12 gentlemen. And I want you to hear every, every bit of evidence.
13 And I think that once you hear all the evidence you're not going to
14 be firmly convinced of the truth of these charges. I think you're
15 going to hear some conversations about my client trying to recoup
16 some of the money that he was schemed out of by Dusty Guidry. See,
17 they want you to convict this man of obstruction of justice because
18 he talks about deleting texts. See, they know this case got some
19 flaws. So they want you to convict him of money laundering because
20 he opened up MD Law and the only money he put in was the initial
21 \$15,000. He opened it up to get kickbacks, but a year later they
22 did the raid, he hadn't gotten a penny yet. But they want you to
23 believe he laundered money.

24 See, ladies and gentlemen, yes, you're going to hear some
25 calls. You're going to hear some calls in which my client's

1 language gets sloppy at times. But I want to let you know, words
2 are cheap. They can't prove this crime just on these wires and
3 just on conversations. They have to have credible evidence, and
4 they have to have witnesses. See, a conspiracy is an agreement and
5 they have to convince you with credible evidence that my client
6 entered an agreement to receive bribes. They know they don't have
7 any evidence of actual bribes, but they have to prove that he
8 entered an agreement to receive bribes in return for doing some
9 official action as an ADA. I think the evidence is going to show
10 the actions he did were official. He was putting cases in the PTI
11 program solely at the discretion of his boss, the district
12 attorney.

13 I believe once you carefully consider all of the
14 evidence, you are not going to be firmly convinced of the truth of
15 these charges. I think you're going to see that the evidence is
16 clear Mr. Landry had a PTI program at his own discretion. He hired
17 Mr. Haynes, and unfortunately he hired Dusty Guidry. But after you
18 hear all this evidence, you will not be firmly convinced of the
19 truth of the charge and you're going to be duty-bound to find our
20 client not guilty. Thank you very much. Thank you, Judge.

21 **THE COURT:** All right. Thank you, Mr. Clemons.

22 The Government may call its first witness.

23 **MR. LOEW:** The United States calls Don Landry.

24 **THE DEPUTY CLERK:** Raise your right hand, please sir. Do
25 you solemnly swear or affirm that the testimony you give in this

1 matter will be the truth, the whole truth, and nothing but the
2 truth, so help you God?

3 **THE WITNESS:** I do.

4 **THE DEPUTY CLERK:** Thank you. Be seated.

5 **DON LANDRY,**

6 after having first been duly sworn, did testify as follows:

7 **DIRECT EXAMINATION BY MR. LOEW:**

8 Q. Good afternoon, Mr. Landry.

9 A. Good afternoon.

10 Q. Could you introduce yourself to the jury and tell them your
11 full name and what your job is.

12 A. Yes. I'm Don Landry. I'm the District Attorney for the 15th
13 Judicial District Court. I represent the parishes of Acadia,
14 Lafayette, and Vermilion.

15 Q. How long have you been the DA?

16 A. I've been the DA now about 4¹/₂ years.

17 Q. Could you just briefly describe all the duties that you have as
18 the DA in these three parishes.

19 A. Describe what, sir?

20 Q. Your duties. What are you in charge of?

21 A. Well, I have a lot of duties. I have three parishes that I
22 have to supervise. A lot of it is administrative. I have to
23 supervise a lot of ADAs and a lot of the employees. I think I have
24 a total of about 80 people that I supervise. I have to worry about
25 dockets that may come before the Court. I have to worry about

1 scheduling and those kinds of things.

2 Q. So of those about 80 employees, how many are assistant district
3 attorneys?

4 A. Thirty-four.

5 Q. And you said that there's three parishes. Are there different
6 offices?

7 A. In the three parishes, we have five and five in Vermilion and
8 Acadia and the rest of them are here in Lafayette.

9 Q. But are there different office buildings? Do the people in the
10 different parishes work in different buildings?

11 A. Yes, sir. There are different buildings. I have Acadia Parish
12 on Thursdays. I have Vermilion Parish on Tuesdays. And my offices
13 are in the courthouse. And here in Lafayette, of course, my office
14 is in the courthouse.

15 Q. Could you describe some of the different jobs that assistant
16 district attorneys may have within your office?

17 A. Yes, sir. An assistant district attorney may have to go to a
18 bond reduction hearing. An assistant district attorney may have to
19 handle several motions during the week. An assistant district
20 attorney may have a trial during the week. We have assistant
21 district attorneys who assist in our pretrial diversion program.
22 We have assistant district attorneys who handle misdemeanor cases.
23 We have juvenile assistant district attorneys who handle all of the
24 juvenile cases. We have traffic assistant district attorneys who
25 handle traffic cases and OWIs.

1 Q. So I think you probably discussed a little bit about this, but
2 what are tracks?

3 A. We have different tracks. We have felony tracks with five
4 different assistant DAs heading up those tracks. Working under
5 them are two ADAs. We have juvenile tracks with ADAs representing
6 our office in those tracks. They have people working under them,
7 also.

8 Q. What type of work did you do prior to being elected as the DA?

9 A. Prior to being elected as DA, I had a civil practice for about
10 six years. Prior to that, I was an ADA for 34 years, working under
11 the administrations of Mike Harson and also Nathan Stansbury.

12 Q. Could you give a brief description of what pretrial
13 intervention or pretrial diversion is? And do you use those terms
14 kind of interchangeably?

15 A. Yes, we use pretrial diversion, pretrial intervention. It's an
16 opportunity for those people who are not charged with serious
17 offenses, mostly misdemeanor, a lot of traffic offenses, OWIs,
18 people who have not committed real serious crimes and who may
19 qualify to come into that program, kind of give them a second
20 chance, I guess you would call it. They go through programs. Some
21 of them are in our office. Some of them are out of the office.
22 Some of them are on the computers. And if they successfully
23 complete those programs, then they have an opportunity to keep
24 their record fairly clean.

25 Q. Now, you said you were an ADA for a really long time. I don't

1 want to say how long because it's very long. But when you were an
2 ADA, did you do pretrial diversion cases?

3 A. No. I didn't have much to do in the pretrial diversion
4 programs when I was an ADA.

5 Q. Who was the DA before you?

6 A. Keith Stutes was DA right before me.

7 Q. Did he have a pretrial intervention program in his office?

8 A. Yes, he did.

9 Q. Did he develop a guide book?

10 A. Yes, he did.

11 Q. Can you briefly describe -- I don't want to go through what's
12 in it, but basically what was the purpose of the guide book
13 specifically for pretrial intervention?

14 A. Yes. To give guidance to the persons working in that program,
15 the ADAs and the staff who work in the program, give them some
16 guidance as to how to handle the program, what's expected of people
17 who come into the program. It talks a little bit about vendors and
18 who those vendors might be in the program, not specifically, but
19 just a brief description of those vendors.

20 Q. Did you get a copy of that, the book that Mr. Stutes had
21 developed?

22 A. Yes, sir, I have a copy.

23 Q. Did you make any significant changes to that?

24 A. No significant changes. In fact, we use a lot of the same
25 vendors that Mr. Stutes used.

1 Q. So you talked a little bit about the types of crimes that are
2 admitted. Let's talk a little bit about payments. Does it cost
3 money to participate in the pretrial intervention program?

4 A. Yes. There is an initial fee that you pay for the program.
5 Depending on what crime you might be in the program for will
6 dictate the amount of the fee.

7 Q. So is that, like, an enrollment fee?

8 A. That's an enrollment fee, yes, sir.

9 Q. And I don't expect you to remember each one, but do you
10 remember any, like, how much an enrollment fee might be for a first
11 offense DUI?

12 A. Yes. I think that enrollment fee is a thousand dollars. There
13 is an administrative fee, also, that is paid on the back end. I
14 think it's 225. And then there are fees for the various vendors
15 who participate in that program.

16 Q. And the vendors who participate, what do they provide for the
17 DA's office?

18 A. They provide programs to address the crime that the person is
19 charged with. They try to pinpoint exactly what the problem might
20 be and try to educate those people on things to do to avoid those
21 kinds of crimes in the future.

22 Q. So in all of the different types of money you described, what
23 money goes to your office? What money does the DA's office get?

24 A. We basically get the enrollment fee of \$1,000, for instance, in
25 one program and the administrative fee.

1 Q. So is it fair that the more people that come in, the more
2 enrollment fees you get, the more money for the DA's office?

3 A. That is correct.

4 Q. The money that you get from the enrollment fees, what does the
5 DA's office use that for?

6 A. Most of that money is used in the pretrial intervention office
7 to pay the coordinators in the office, to pay the staff in the
8 office, to buy computers, to buy paper, to buy supplies. Some of
9 the money also is shared by my office other than in the pretrial
10 program as long as there is some contribution from the office to
11 the program.

12 Q. When you started at the DA's office, did you have a backlog of
13 cases?

14 A. Yes, sir, we did, approximately 6,200 and somewhat cases when I
15 took the office.

16 Q. What were some of the ways you thought that you could help kind
17 of work on that backlog and just get it lower and lower?

18 A. Well, the discussion certainly was about trying to use some of
19 the PTI program to handle some of the cases that might qualify for
20 the program, to try to reduce that huge docket that we inherited.

21 Q. As part of your duties, did you have to deal with, like,
22 administrative issues -- money, personnel, stuff like that?

23 A. Yes, sir, I did. I need plenty of help to do that, also.

24 Q. And do you have employees who help you with those?

25 A. Yes.

1 Q. Those specific issues?

2 A. Yes, sir.

3 Q. As part of your duties, did you know whether you got any money
4 or benefits from the federal government?

5 A. Yes, sir.

6 Q. And back in 2021 and 2022, was it more than \$10,000 per year?

7 A. Yes, sir.

8 Q. Did you and your office have any discretion in how you were
9 going to spend that money?

10 A. So some of the money was for grants. Some of the money was for
11 the nonsupport division of our office. So the monies were used
12 there primarily.

13 Q. But could you decide, like, how much went where, depending on
14 the need?

15 A. It depended on the program, actually. But perhaps it might
16 have been some discretion but not much.

17 Q. When you were elected, who did you put in charge of the PTI
18 program?

19 A. I asked Mr. Gary Haynes to be in charge of that program.

20 Q. Do you see Gary Haynes in the courtroom today?

21 A. Yes, sir.

22 Q. Could you just point him out and maybe describe something that
23 he's wearing.

24 A. Yes, sir. He is seated to the left of Mr. Clemons, his
25 attorney.

1 **MR. LOEW:** Your Honor, may the record reflect that the
2 witness identified the defendant.

3 **THE COURT:** So reflected.

4 **BY MR. LOEW:**

5 Q. Prior to hiring Mr. Haynes as the director of the PTI program,
6 how long had you known him?

7 A. For many, many years. I think I first met Mr. Haynes when he
8 was about 16 years old. He lived next door to me on Azalea Street
9 here in Lafayette, Louisiana. And that's when I first met him. In
10 fact, I'm pretty sure he and his sister even babysat my children.

11 Q. So I don't want to go through everything since he was 16, but
12 how would you describe your relationship with him through the
13 years?

14 A. I think it was a good relationship. I actually wrote a letter
15 of recommendation for Mr. Haynes to go to law school. When he was
16 done with his law school education, I'm pretty sure he came to talk
17 to me and I gave him some advice as to what he might do as a
18 practicing attorney, go out and hang out his shingle. We also had
19 a kind of a loosely held partnership. We practiced a little civil
20 law together at my civil practice on La Rue France.

21 Q. When you hired him, why did you put him in charge of pretrial
22 intervention rather than making him in charge of one of the other
23 tracks or a, you know, felony prosecutor?

24 A. Yes, sir. I really only had two or three openings I think in
25 the felony track and I didn't think Mr. Haynes had enough

1 experience handling felony trials. And so that's why I didn't put
2 him in a felony track. I felt a good place to put him would be the
3 pretrial intervention program. I also knew with his experience in
4 city court, so he was an attorney who practiced a lot of
5 misdemeanor law there. He also helped me in my campaign.

6 Q. So when you -- we keep saying that you put him in charge. What
7 did that mean? When you put him in charge of pretrial
8 intervention, what did that mean?

9 A. That meant to me that he was going to be the track chief for
10 the PTI program. As I had track chiefs in my other divisions, I
11 wanted him to be the track chief. I wanted him to handle pretrials
12 and that program. I was pretty busy at the time and so that's what
13 I anticipated and that's what I hoped would happen.

14 Q. So what does that mean as far as duties go? If he's in charge,
15 what's he doing?

16 A. He's making the final decisions. If somebody comes into the
17 track, meaning the PTI track, he's making the final decisions on
18 perhaps some issues as to whether somebody might qualify or not
19 qualify for the track. The coordinator might recommend somebody to
20 him for the track. He would have the final decision as to whether
21 or not that person qualified for the actual program.

22 Q. So you mentioned there are some other people involved. Back in
23 2021-2022, who are some of the people you remember were working in
24 the pretrial intervention program besides the defendant?

25 A. Right. We call them coordinators. Zoila Perez was at the top

1 of the list of coordinators. She was actually the director of the
2 program. Vanessa Bobb I remember. Sonya Anderson was also in the
3 program. Elisia Osei was in the program.

4 Q. At some point did you hire Dusty Guidry?

5 A. Yes, we did hire.

6 Q. Why did you hire Dusty?

7 A. His reputation was such that he was kind of the guru in the
8 state of Louisiana for pretrial intervention. Also, he had been
9 handling that kind of a program for the 19th Judicial District in
10 Baton Rouge, East Baton Rouge Parish for 20 plus years. He came
11 very highly recommended to me by his father, of course, Mr. Ronnie
12 Guidry, who I knew. And also Gary was very comfortable with him,
13 also.

14 Q. So you call him the guru of pretrial intervention. Was he a
15 lawyer?

16 A. He just knew the pretrial intervention. I mean, he knew the
17 lingo. He knew the people. He knew the programs. He knew how to
18 handle that kind of a program.

19 Q. I understand that, but did you hire him as an assistant
20 district attorney?

21 A. No, sir. We was not an attorney and not an assistant district
22 attorney. In fact, we entered into a contract with him as a
23 consulting contract with Mr. Guidry.

24 Q. Do you remember how much you were paying him for that
25 consulting contract?

1 A. I think it was \$1,500 a month.

2 Q. At some point do you remember that he got arrested for having
3 some pills that he wasn't supposed to have?

4 A. He was maybe president of an association.

5 Q. No, no. He was arrested for having pills. Do you remember
6 that?

7 A. Oh, I'm sorry. I misunderstood you.

8 Q. That's okay.

9 A. Yes, sir. In St. Martin Parish there was an incident where he
10 was pulled over by I think the St. Martin Parish Sheriff's
11 Department and he, in fact, was arrested for having in his
12 possession numerous pills. I forget what they were.

13 Q. So when you found out about that, what did you do?

14 A. I suspended him.

15 Q. At some point did you hire him back?

16 A. Yes, sir, I did. After receiving numerous letters of
17 recommendation from psychologists, social workers, and even the
18 priest over at St. John's Cathedral, I have the binder at the
19 office where they were recommending that he be given a second
20 chance.

21 **MR. LOEW:** At this time, I'd like to show only the
22 witness an exhibit. It's Exhibit Number 031-001.

23 **BY MR. LOEW:**

24 Q. Can you see the exhibit on your computer screen?

25 A. I do.

1 Q. Do you recognize that?

2 A. I do.

3 Q. What is it?

4 A. It's a chart of people working in the pretrial intervention
5 program.

6 Q. So Mr. Landry, when you were talking before, you were talking
7 directly in the mic.

8 A. I'm sorry.

9 Q. Now you moved over. It's fine if you want to see that, but can
10 you move the mic over so everyone can hear you?

11 A. Sure. I'm sorry about that. Yes, sir. It's a chart showing
12 the entire pretrial intervention program that existed back in '21
13 when I took office.

14 Q. Do you recognize those people that are in the chart?

15 A. I do recognize them, yes, sir.

16 Q. Is the chart an accurate representation of the people who were
17 working in the pretrial intervention program back in 2021?

18 A. Yes, it is.

19 **MR. LOEW:** Your Honor, at this time the United States
20 moves for the introduction of Government Exhibit 031-001.

21 **MR. CLEMONS:** No objection, Judge.

22 **THE COURT:** Without objection, let it be entered.

23 **MR. LOEW:** May the exhibit be published to the jury? So
24 the jury now should be able to see it on their screen. Can you see
25 it?

1 **BY MR. LOEW:**

2 Q. So let's just walk through it.

3 **THE COURT:** Is everybody else's screen working? Please
4 proceed.

5 **BY MR. LOEW:**

6 Q. So describe -- obviously, you're at the top --

7 A. Yes, sir.

8 Q. -- as the district attorney. Talk about, on the left side, the
9 vendors.

10 A. Yes, sir. Those are the vendors at the time of the program. I
11 think Mr. Prejean, Mr. Gomez, and Mr. Burton were all vendors when
12 Mr. Stutes turned over the district attorney reins to me. Mr.
13 Franques came in a little later.

14 Q. And then on the other side, what does it show as far as who's
15 in charge of the pretrial intervention program?

16 A. So Gary Haynes, Assistant DA, and under Gary was Dusty Guidry
17 as a consultant. Zoila Perez was the director. And Sonya
18 Anderson, Elisia Brown Osei, Vanessa Bobb, Sunny Robinson, and Mia
19 Colomb were the coordinators.

20 **MR. LOEW:** Can we take that off the screen now? Thank
21 you.

22 **BY MR. LOEW:**

23 Q. When you started and took over the DA's office, let's talk
24 about in addition to hiring some new people, did you make any other
25 significant changes that you remember to the pretrial intervention

1 program from what Mr. Stutes had before you?

2 A. I don't know if you'd call them significant changes, but at
3 some point there was a change where to get into PTI and the
4 traffic, the cleansing period, I'll call it, the period of time
5 where you had to be free from any types of traffic citations, was
6 changed perhaps from five to one year.

7 Q. So you decreased the years you had to go back for checking
8 their criminal history?

9 A. Correct, sir.

10 Q. What else? Did you change anything regarding the length of
11 time that people had to stay in pretrial intervention?

12 A. No, sir. We had a 9 months or a 12 months program. Perhaps
13 Mr. Stutes might have had only a 12 month. I'm not quite
14 remembering.

15 Q. How about a second-offense DUI. Did you try that?

16 A. We tried that for a little while, but we quickly abolished
17 that.

18 Q. And when you say quickly abolished it, about how many people do
19 you remember that you knew were going through the second-offense
20 DUI program?

21 A. I think only one for sure that I can remember her name.

22 Q. So not very many?

23 A. Not many, no, sir.

24 Q. Are sex offenders typically allowed into pretrial intervention?

25 A. Not typically, no, sir.

1 Q. How about just other crimes with victims?

2 A. Victims are always consulted when they are a part of our
3 program, and they are sent a letter to see if they have any
4 opposition. So if we have a crime with a victim and we're
5 considering them for pretrial, before we actually let them in the
6 program, we send out a letter to determine if they have any
7 opposition.

8 Q. What happens if you get another offense while you're in the PTI
9 program?

10 A. Most of the time, you're thrown out of the program.

11 Q. If there was going to be a change in the program, who would be
12 the person to approve the change?

13 A. I would have hoped that eventually I would have been consulted
14 about any changes.

15 Q. When you say you hope that, did you hope that because you were
16 the boss? Or did you hope that because that was your --

17 **MR. CLEMONS:** Your Honor, at this time I've been patient,
18 but now he's trying to get him to explain why he hoped it. He's on
19 direct examination. He can give clear answers without being
20 rehabilitated by the Government, Your Honor. He's trying to tell
21 him why he hoped it.

22 **THE COURT:** What's your objection? Leading question?

23 **MR. CLEMONS:** Yes, sir.

24 **THE COURT:** Please rephrase.

25 **BY MR. LOEW:**

1 Q. You said hope. Why did you hope that you had --

2 A. Because I was actually at the top. Although I delegated a lot
3 of my authority to my track chiefs including in the pretrial
4 program, I was still the top guy.

5 Q. What would happen with a case that had no merit; that would be
6 refused and not prosecuted? Would that go into PTI?

7 A. No, it should not.

8 Q. Why not?

9 A. Because ethically we should not put anybody in that kind of a
10 program or charge anybody if we don't have enough evidence to
11 prosecute.

12 Q. Let's talk about vendors for a little bit. What type of
13 services did vendors provide to the DA's office?

14 A. So perhaps we might have a vendor who would provide a service
15 that was a lot like the -- some people are familiar with the MADD
16 program, Mothers Against Drunk Drivers, that type of a program to
17 discourage drinking and driving. If it was a theft charge, perhaps
18 it would be a program like a, what we used to call in the old days,
19 a theft check program explaining to people why it's a bad idea to
20 steal from other people and to give them that kind of information.

21 Q. You said earlier that Leonard Franques was a new vendor. Did
22 you hire Leonard Franques?

23 A. He came to me through Mr. Haynes and Mr. Guidry. And I spoke
24 with him briefly in a conference room when they were recommending
25 him as a good vendor. And I knew Mr. Franques. I knew he was a

1 good man.

2 Q. When you say you knew him, how did you know him?

3 A. I'm sorry?

4 Q. How did you know Mr. Franques?

5 A. I knew Mr. Franques primarily through my campaign when I ran
6 for district attorney. I also knew his reputation. I know he was
7 -- I heard he was a good businessman and maybe had some kind of a
8 pizza business and so forth.

9 Q. Have you heard the term revenue sharing?

10 A. I've heard the term, yes, sir.

11 Q. Did you revenue share -- can you explain to the jury what you
12 think your understanding of what revenue sharing means?

13 A. Well, if somebody is in a program and money is generated by the
14 program, perhaps some of that revenue would go to someone else as
15 revenue sharing. I certainly did not want that in my program.

16 Q. So could you revenue share with a vendor and it could be legal?

17 A. No, sir.

18 **MR. CLEMONS:** Objection, Your Honor. He's not qualified
19 to give a legal opinion. You're going to give the jury the
20 instructions on what's legal and not legal, so he's not qualified.
21 He's not an expert. He's not qualified to tell them what's legal
22 and what's not legal.

23 **THE COURT:** Response?

24 **MR. LOEW:** I'll just move on.

25 **THE COURT:** Mr. Landry, just to clarify, regardless of

1 your view on the legality of doing that, that was not your
2 intention? You did not authorize that; correct?

3 **THE WITNESS:** That's correct.

4 **THE COURT:** All right. Go ahead.

5 **BY MR. LOEW:**

6 Q. Did you ever talk to Dusty Guidry or Gary Haynes about revenue
7 sharing with Leonard Franques?

8 A. No, sir.

9 Q. I'm going to talk about some specific cases. Did Dusty Guidry
10 or Gary Haynes ever come to you to talk about Barry Petry, a
11 dentist who sexually assaulted a patient?

12 A. No, sir.

13 Q. Did Dusty Guidry or Gary Haynes ever come to you about a woman
14 named Tara Wells who had multiple DUIs, arrested for child
15 endangerment, drug tested positive for meth, benzos, and oxys, and
16 had her four-year-old and five-year-old children in the car with
17 her?

18 **MR. CLEMONS:** I object to the question being leading,
19 Your Honor.

20 **THE COURT:** I don't think it was leading. Overruled.

21 **THE WITNESS:** No, sir.

22 **BY MR. LOEW:**

23 Q. How about a young man named Dominic Sunseri, a recent college
24 graduate with a DUI? Do you remember any talk about Dominic
25 Sunseri?

1 A. No, sir.

2 Q. Did Dusty Guidry or Gary Haynes offer you any alligator skins?

3 A. No, sir.

4 Q. Do you remember in May of 2022 when the FBI came to your
5 office?

6 A. I certainly do.

7 Q. I imagine that you would. Were you there at the time?

8 A. I was there at the time, yes, sir.

9 Q. When they came in, where were you?

10 A. I was in my office and then I opened the door to let them in.

11 Q. Did you stay in the office during the search?

12 A. Yes, sir, I stayed the whole time.

13 Q. At any point did you talk with any of the agents?

14 A. I certainly did.

15 Q. I don't expect you to remember the exact time, but about how
16 long did you stay talking with the agents?

17 A. I think I stayed until 8:00 or maybe a little after 8:00.

18 Q. When you talked to them, did you have a lawyer representing
19 you?

20 A. No, sir.

21 Q. After that search, did you talk to a lawyer?

22 A. Yes, sir.

23 Q. I'm not going to ask you about questions and discussions with
24 your lawyer, but after discussions with your lawyer, did you get a
25 letter, an agreement with the United States?

1 A. I did.

2 Q. And what was your understanding of the purpose of that letter?
3 Why did you do that?

4 A. On advice of counsel, we looked at it, we read it, and I
5 thought it was appropriate under the circumstances. I don't
6 remember exactly what was in the letter.

7 Q. Do you remember what the letter required you to do?

8 A. Just be truthful.

9 Q. As a district attorney and as an assistant district attorney,
10 are you a state public official?

11 A. I am.

12 Q. As an attorney and a public official, do you have to take
13 annual ethics classes?

14 A. Yes, sir, we do.

15 Q. Can you describe the ethics class?

16 A. It's generally -- it's an online class put out by the state --

17 **MR. CLEMONS:** I'm going to object to the relevance of
18 ethics classes.

19 **THE COURT:** Let's talk about it at sidebar.

20 (Begin bench conference.)

21 **THE COURT:** Mr. Loew, what's the relevance of the ethics
22 classes?

23 **MR. LOEW:** Your Honor, it's my understanding that in the
24 ethics classes it specifically says you're not to take money from
25 vendors. So whether or not that's an ethical violation or a legal

1 violation, he knows he's not supposed to do it.

2 **THE COURT:** Response?

3 **MR. CLEMONS:** Your Honor, I'm going to object. We're not
4 hearing an ethics course. Judge, he's accused of some crimes. So
5 what they may have told him in an ethics course is irrelevant.
6 They are trying to the blur the line, Judge, not so subtly, between
7 what's unethical and what's illegal. That's why I discussed it in
8 voir dire. And I'm counting on you to stop them, Judge, because
9 that's what they're trying to do. They're trying to get in, quote,
10 unethical behavior. The only issue is whether he engaged in --

11 **THE COURT:** The witness testified that he didn't permit
12 it, and he can explain why if part of the reason why he didn't
13 permit it was because it was against the ethics code that he's
14 bound to uphold, that that's relevant. So I'll admit it.

15 (End bench conference.)

16 **BY MR. LOEW:**

17 Q. So I had asked you about ethics classes that you had to take,
18 and I don't remember if you said this already, but how often did
19 you have to take them?

20 A. You have to take it once a year.

21 Q. When you take it, are there any discussions about vendors?

22 A. Yes.

23 Q. And what do your ethical classes tell you about vendors?

24 **MR. CLEMONS:** Your Honor, again, I lodge my objection.

25 **THE COURT:** Overruled.

1 **THE WITNESS:** Basically not to take anything from the
2 vendors, including not even the go cups and those kinds of things.
3 It's stressed not to take anything.

4 **BY MR. LOEW:**

5 Q. When you were the DA, did you know whether any of your
6 employees were taking money from vendors?

7 A. No, sir.

8 Q. What would you have done if you knew that one of your employees
9 was taking money from vendors?

10 A. I think that employee would be going pretty quick.

11 **MR. LOEW:** I'd like to show the witness, only the
12 witness, Exhibit 022-001.

13 **BY MR. LOEW:**

14 Q. Do you see that exhibit?

15 A. Yes, sir, I do.

16 Q. Do you recognize it?

17 A. Yes. It's a Louisiana Board of Ethics certificate or ethics
18 training for public servants of Mr. Gary Haynes.

19 Q. Did you produce that to the United States?

20 A. I did.

21 Q. Where did you find that document?

22 A. In Mr. Haynes' personnel file.

23 Q. Is Exhibit 22 a true and accurate representation of the exhibit
24 of the ethics certificate?

25 A. Yes, sir.

1 **MR. LOEW:** United States moves for the admission of
2 Government Exhibit 22.

3 **MR. CLEMONS:** Defense objects, Judge. He's not charged
4 with ethics violation. That's not relevant.

5 **THE COURT:** I'll admit it.

6 **MR. LOEW:** Can the exhibit be published to the jury?

7 **THE COURT:** Yes.

8 **MR. LOEW:** Can we take down the exhibit? Thank you.

9 **BY MR. LOEW:**

10 Q. When you were an assistant district attorney, did you take an
11 oath of office?

12 A. Yes, sir.

13 Q. When you became the district attorney, did you take an oath of
14 office?

15 A. Yes, sir.

16 Q. Did the defendant, Gary Haynes, take that same oath?

17 A. Yes, he did.

18 **MR. LOEW:** May we show the witness, and just the witness,
19 Exhibit 023-001.

20 **BY MR. LOEW:**

21 Q. Do you see that exhibit, Mr. Landry?

22 A. Yes, sir.

23 Q. Do you recognize it?

24 A. Yes. It's the oath of office signed by Gary Haynes.

25 Q. Do you recognize his signature?

1 A. Yes, sir.

2 Q. Were you there when he took the oath?

3 A. Yes, sir, I'm pretty sure I was.

4 Q. Where did you get this document?

5 A. I'm sorry?

6 Q. Where did you get this document?

7 A. Also out of his personnel file.

8 Q. Is it a true and accurate copy of the oath of office that Mr.
9 Haynes took when he became an assistant district attorney?

10 A. Yes, sir.

11 **MR. LOEW:** United States moves for the admission of
12 Exhibit 023-001.

13 **MR. CLEMONS:** Judge, we object. He's not charged with
14 malfeasance. He's charged with bribery. This is not relevant.

15 **THE COURT:** What's the relevance of the document?

16 **MR. LOEW:** Your Honor, he's charged with the abuse of his
17 public office and he specifically took an oath not to do that.

18 **MR. CLEMONS:** He's charged with taking bribes by abusing
19 his public office.

20 **THE COURT:** It's certainly relevant if nothing else for
21 the fact that he was, in fact, an assistant district attorney at
22 the time of the offense -- alleged offense; correct?

23 **MR. LOEW:** Sure.

24 **THE COURT:** I'll admit it and you can publish it.

25 **MR. LOEW:** Did you publish it for the jury, please?

1 **THE DEPUTY CLERK:** Yes. There's just a delay.

2 **MR. LOEW:** That's okay. I can see it here. May I have a
3 moment, Your Honor?

4 Can we take down the exhibit?

5 **BY MR. LOEW:**

6 Q. I don't expect you to remember dates, but do you remember
7 having a meeting with Dusty Guidry and Barry Sallinger?

8 A. Yes, sir, I do.

9 Q. Who is Barry Sallinger?

10 A. He's a defense attorney here in Lafayette, a practicing
11 attorney. He handles a lot of OWI litigation in both city court
12 and in district court.

13 Q. Why did you have this meeting with Mr. Sallinger?

14 A. My recollection is Mr. Sallinger contacted me and had some
15 concerns that maybe some of the people he thought were qualified to
16 come into our program might not be admitted into our program. He
17 also wanted to discuss some of the programs he had his people go
18 through prior to even approaching any programs to see if they might
19 qualify and be substituted for some of the programs we had.

20 Q. Why wasn't the defendant, Gary Haynes, at this meeting?

21 A. Well, Gary Haynes and Mr. Sallinger -- I think it's known --
22 did not get along very well at the time. And I think Mr. Sallinger
23 felt that he might be able to talk to me about it and convince me
24 that his people were certainly qualified to come into the program.

25 Q. And you said this a couple times, qualified. What does that

1 mean?

2 A. That means that their rap sheet proved that they were not a --
3 more than a first offender and that they didn't have a long
4 criminal record; that they were age qualified; that they had
5 already been through the system somewhat to where we at least had
6 an opportunity to look at it to see if it was a good charge that we
7 wouldn't have refused.

8 Q. And other than this personality dispute or the problem between
9 the defendant and Mr. Sallinger, was there any other reason why he
10 didn't attend this meeting?

11 A. No, I don't think there was any other reason.

12 Q. After the meeting or before the meeting, did this issue that
13 the defendant had with Mr. Sallinger, did it affect the defendant's
14 position as the director of pretrial intervention?

15 A. Say that again, please.

16 Q. Sorry. My understanding, from what you're saying, is there was
17 some personality problem between the defendant and Mr. Sallinger.

18 A. Yes, sir.

19 Q. Did that problem affect his job duties in any way? Did you
20 take any authority away from him?

21 A. No, sir.

22 Q. So even after the meeting, he was still in the same position?

23 A. Yes, he was.

24 Q. Still had the same authority?

25 A. He still did.

1 Q. Still had the same job duties?

2 A. Yes.

3 **MR. CLEMONS:** Objection. Asked and answered three times,
4 Judge.

5 **THE COURT:** Sustained.

6 **MR. LOEW:** One moment, Your Honor.

7 **BY MR. LOEW:**

8 Q. Mr. Landry, did your employees have any type of civil service
9 protection? Or were they at-will employees?

10 A. At-will employees.

11 Q. And what does that mean to you, if someone doesn't have civil
12 service protection and they're at-will employees?

13 A. That means I can fire them for any reason at all, really, or
14 suspend them or do those kinds of things during their employment.

15 **MR. LOEW:** I don't have anything further at this time,
16 Your Honor.

17 **THE COURT:** Just a few clarifying questions before, and I
18 think we may start cross-examination today, Mr. Clemons.

19 Mr. Landry, this was discussed in brief in your testimony
20 just now, but I think I'd like you to explain what the roles were
21 of Mr. Guidry and Mr. Haynes in the pretrial program. What
22 authorities did you give each of them? What did you expect from
23 them.

24 **THE WITNESS:** Yes, sir. Well, Mr. Haynes had all of the
25 authority in the pretrial program. He was at the top of the list,

1 we might say. I appointed him as a track chief of pretrial. So I
2 expected that he was going to run the program. Mr. Guidry was
3 hired. His company was hired as a consulting company because of
4 his knowledge of the pretrial programs in the state of Louisiana,
5 his reputation for such, and I expected that he would take
6 direction from Mr. Haynes and that Mr. Haynes would run my program
7 for me.

8 **THE COURT:** But why did Mr. Haynes need Mr. Guidry? Why
9 did you think Mr. Guidry would add something to the program?

10 **THE WITNESS:** I didn't get that question.

11 **THE COURT:** Why did you think Mr. Guidry would add
12 something to the program? What was he supposed to do to add to the
13 program?

14 **THE WITNESS:** Well, he had a lot of knowledge about
15 pretrial intervention. His 19 or 20 years of experience in the 19th
16 Judicial District was certainly impressive to me. I knew him from
17 his actions in that program even before, when I was an ADA.
18 Although I never had to utilize him, I know that Mr. Harson
19 sometimes relied on him to help with people in a program like that
20 that may have been in existence at the time.

21 **THE COURT:** On a day-to-day basis, what was he supposed
22 to do? What was Mr. Guidry supposed to do?

23 **THE WITNESS:** Just consult with Mr. Haynes and the
24 coordinators in the program, give them guidance, maybe describe to
25 them a particular program that they might want to use as opposed to

1 another kind of program that was available. There was more than
2 one program that could have been selected by the coordinator for
3 some people in the program. And I think his knowledge would have
4 helped Mr. Haynes in making a decision as to whether or not we
5 should use a particular program, so to speak.

6 **THE COURT:** Okay. So it had to do with what types of
7 programs within the pretrial intervention program might be
8 beneficial for the program? That was part of it?

9 **THE WITNESS:** Well, for instance, in the DWI programs
10 there was some evaluations that had to be performed at the very
11 beginning by someone. There might be some driving programs that
12 they might have to take. There might be some programs dealing with
13 drugs and alcohol that they might have to take. There were
14 different vendors who provided those programs. And so they could
15 have selected from maybe one or two.

16 **THE COURT:** So you thought Mr. Guidry would know what was
17 out there as far as programs that might help defendants
18 successfully complete that program?

19 **THE WITNESS:** Yes, sir.

20 **THE COURT:** Okay. And what did you expect to be
21 consulted about? You're the elected district attorney. What did
22 you expect to be consulted about in the 2021-2022 time frame about
23 having to do with the pretrial program?

24 **THE WITNESS:** Well, I was hoping that they wouldn't have
25 to consult with me for much because I really thought that they

1 could handle the program. But if there was any type of a major
2 change that they wanted to make to the program as it existed, I
3 would want them to come and talk to me about that.

4 **THE COURT:** Thank you, Mr. Landry.

5 Does anybody need a brief break before we begin? We're
6 not going to go that much longer, but I think we should start.
7 Does anybody need a brief break?

8 Mr. Clemons.

9 **MR. CLEMONS:** Judge, I thought we were starting cross in
10 the morning. You want to start now?

11 **THE COURT:** We can adjourn for today if --

12 **MR. CLEMONS:** That's fine.

13 **THE COURT:** We only have about 20 minutes before 5:00.
14 Unless you think you can finish your cross in 20 minutes.

15 **MR. CLEMONS:** You got a lot of jokes, Judge. But I don't
16 think I can finish today.

17 **THE COURT:** Mr. Landry, thank you. We're going to recess
18 for today. You will remain under oath tonight. Please don't
19 discuss your testimony with anybody, including the lawyers for the
20 Government or the defendant tonight until you resume your testimony
21 tomorrow.

22 **THE WITNESS:** Thank you.

23 **THE COURT:** All right. You may step down, sir. And
24 we'll start at 8:30 again tomorrow morning.

25 Ladies and gentlemen, we are going to adjourn for today.

1 We're going to resume the trial at 8:30 tomorrow morning. So if
2 you're here a little bit before that. Does that present any
3 problems for anybody to be here at 8:15 tomorrow morning? If
4 you're here at 8:15, we'll make sure we start at 8:30. We do want
5 to be efficient with your time as well as the Court's time. So you
6 can probably tell I like to make sure we're not wasting anybody's
7 time during this process. We'll continue to do that.

8 Remember tonight go home and think about something else
9 besides this trial. Don't talk about the trial with anybody.
10 Don't look up anything on the internet or watch any news, any local
11 news that may have something about this case on it. And we will
12 see you first thing tomorrow morning.

13 All rise for the jury.

14 (Jury not present.)

15 **THE COURT:** Please be seated. Is there anything we need
16 to talk about before tomorrow morning?

17 **MS. WALKER:** Nothing that I'm aware of, Your Honor.

18 **MR. NICKEL:** I have one thing. For the calls that the
19 Government plans on playing in this case, I know you mentioned at
20 the pretrial I believe that they're actually going to have a
21 computer back there and they can play whatever they want. I plan
22 to authenticate the calls, the T3 calls, the consensuals via thumb
23 drive, you know, reviewed by Agent Herman authenticated. So these
24 have already been turned over to the defense. There are exhibits
25 to the Court and to the defense. These are going to go back with

1 the jury, so if the defense wants to review them, I have them here.

2 **THE COURT:** They'll be played in court; right? Those
3 exact thumb drives will be played here in court?

4 **MR. NICKEL:** Exact thumb drives, correct.

5 **THE COURT:** And the defense has copies of those; right?

6 **MR. NICKEL:** Correct.

7 **THE COURT:** So the defense will see what's played as it
8 happens. I assume you're going to have Agent Herman authenticate
9 that tomorrow morning?

10 **MR. NICKEL:** That's correct, Your Honor. I just didn't
11 want to surprise anyone. Thanks.

12 **THE COURT:** Anything else, Mr. Johnson?

13 **MR. JOHNSON:** Yes, Judge. The clips are out of context
14 in many instances, are severely edited, and we object to them.
15 I've got a draft motion that I intend to file tonight to bring the
16 specific issues to your attention. So we'll file it this
17 afternoon, but we definitely have an objection to that and are
18 invoking the rule of completeness, obviously. And then --

19 **THE COURT:** If you file a motion, I need the exact part
20 of a transcript to compare what they intend to offer versus what
21 you would like added pursuant to the rule of completeness. So, you
22 know, this is a little late, Mr. Johnson, but we will address it.

23 **MR. JOHNSON:** We got them last week, Judge.

24 **THE COURT:** Right. Now we're after the first day of
25 trial.

1 **MR. JOHNSON:** Right. I understand, Your Honor, but we
2 didn't get two of the recordings that we have objections to until I
3 think Saturday or Sunday night because we had to contact them and
4 say, hey, you know, these weren't provided.

5 And also, Your Honor, one of the videos, just to be
6 vividly clear for the record, one of the videos is the same length
7 but at two points in time it suddenly turns green, the volume goes
8 down, and in those moments there's highly exculpatory information
9 in those moments. So I just want to be clear. We didn't sit on
10 anything. We have been reviewing it and we got their exhibits
11 Wednesday. That was after a very long period of time having calls,
12 but there's I don't know how many, 4,000 calls probably. So we
13 were getting up -- as soon as we got their exhibits, we went to
14 work and that's why we raised it.

15 **THE COURT:** What I'm telling you, Mr. Johnson, is I need
16 the transcript of what they intend to offer and the transcript of
17 what you would like added to that. And I need to be able to read
18 them to make a ruling. Okay?

19 **MR. JOHNSON:** Yes, Your Honor. I believe a transcript
20 exists for almost all of the Government's exhibits on calls, but
21 I'm not sure they transcribed all of them. But I will do my
22 darnedest to comply with that.

23 **THE COURT:** I think we discussed at the pretrial
24 conference, there is a transcript of everything; correct?

25 **MS. WALKER:** That's correct. And we turned it over.

1 **THE COURT:** Whether it's just a line sheet or more than
2 that, we have at least some sort of transcript for each?

3 **MS. WALKER:** Absolutely. And we actually turned that
4 over to the defense in October of last year.

5 **THE COURT:** All right. We'll be looking out for it.
6 Anything else? Court will be in recess until -- when are you going
7 to file the motion, Mr. Johnson? Are you going to file it tonight?

8 **MR. JOHNSON:** Yes, Your Honor. Within probably the next
9 two or three hours. I've got a draft in my e-mail.

10 **THE COURT:** We'll reconvene at 8:00 tomorrow morning.

11 **MR. CLEMONS:** Judge, I just want to confirm before you
12 break. You ordered them to tell us specific calls this morning.
13 You remember that? You told them to let us know specific calls.

14 **THE COURT:** Oh, about the inflammatory language?

15 **MR. CLEMONS:** Right, right.

16 **MS. WALKER:** We do.

17 **MR. CLEMONS:** I just want to confirm that we have them
18 because for a while we didn't.

19 **MR. NICKEL:** We do, Your Honor. Government's Exhibit
20 218-001 did have some language that the defense actually asked us
21 to take out this morning. We agreed. We took it out.

22 Government Exhibit 245-001 had language that we discussed
23 at the pretrial conference should come out. We took it out.

24 Government Exhibit 001-001, we're not introducing the
25 whole recording, just clips, but that recording does have language

