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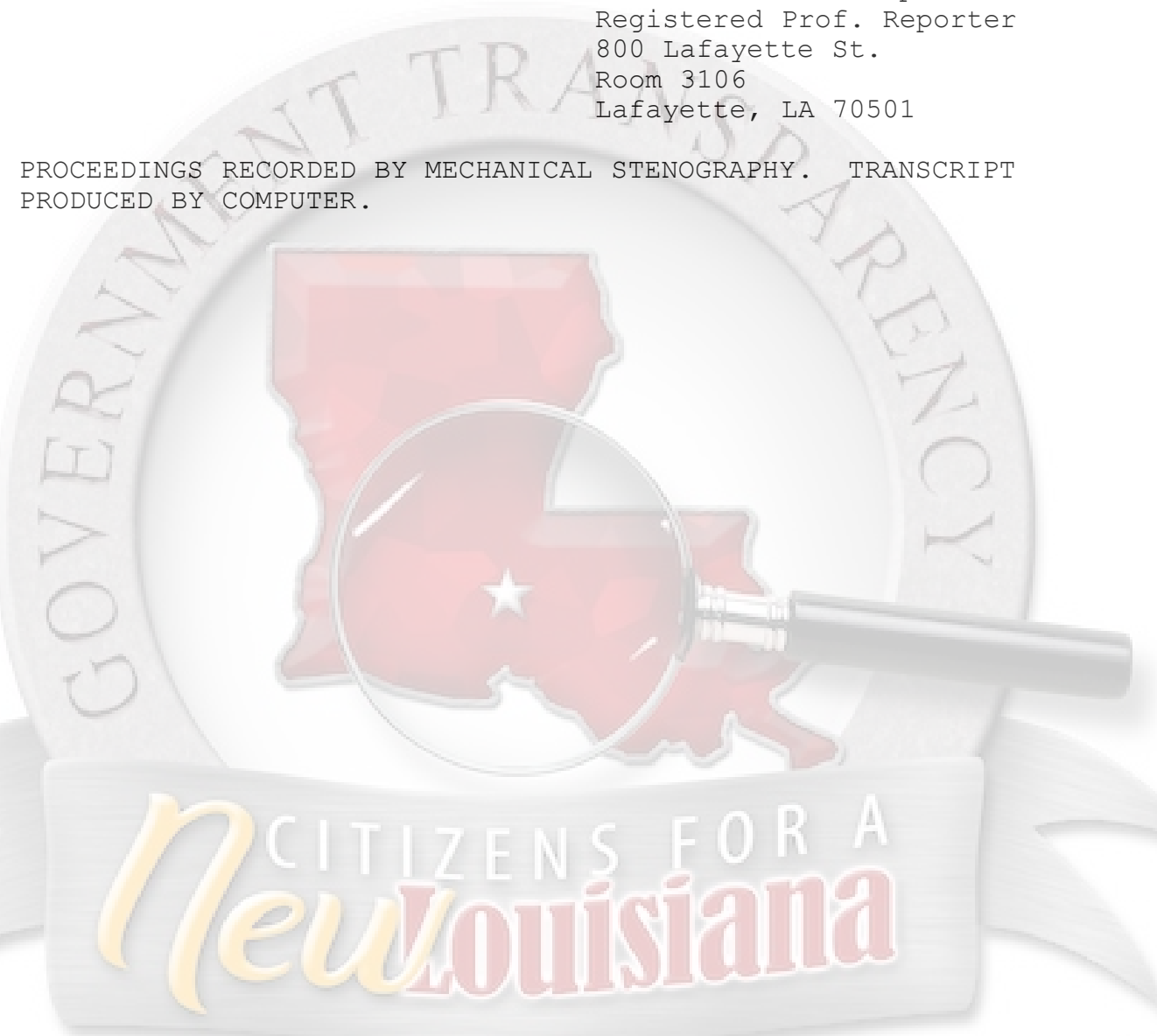
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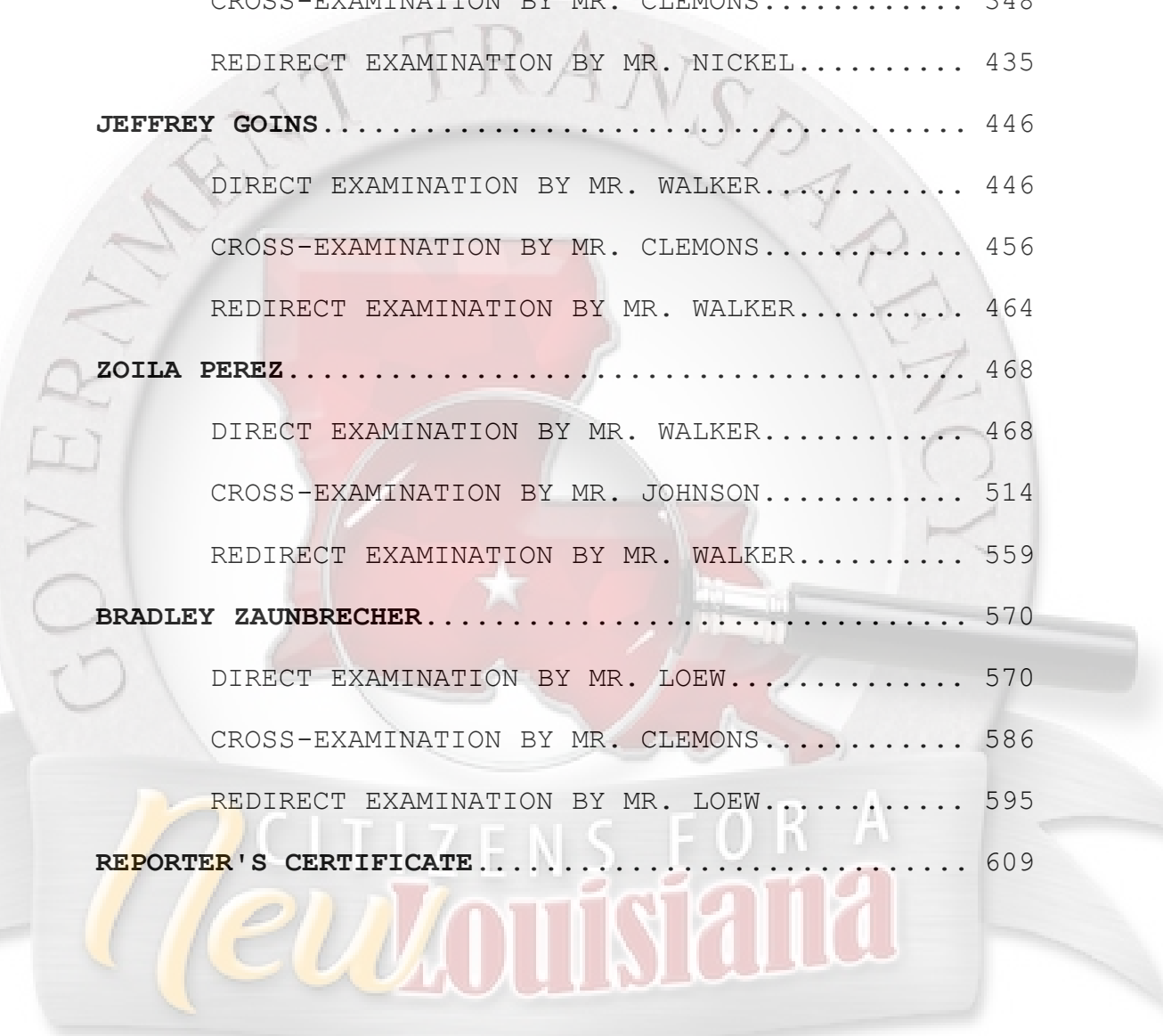
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COURT PROCEEDINGS

SEPTEMBER 10, 2025

(Court is called to order.)

THE COURT: Thank you. Please be seated. Is there anything we need to address before we bring the jury back in?

MR. WALKER: Nothing, Your Honor.

MR. CLEMONS: No, Judge.

THE COURT: Okay.

(Jury present.)

THE COURT: Please be seated. Good morning, ladies and gentlemen. Thank you again for being back here on time for Day 3. When we broke yesterday, Agent Herman had just completed his direct examination. It's now going to be time for the cross-examination of Agent Herman.

Is there anything to report to me? Any issues that have come up for anybody? Thank you again for being here on time and we're ready to proceed. Mr. Clemons, please proceed when ready.

MR. CLEMONS: Thank you, Judge. I'm ready.

DOUGLAS HERMAN,

after having previously been duly sworn, did testify as follows:

CROSS-EXAMINATION BY MR. CLEMONS:

Q. Good morning, Mr. Herman.

A. Good morning, Mr. Clemons. How are you?

Q. I'm doing fine. Doing fine. I have a few questions for you, primarily, and go through some things you discussed on direct.

1 A. Sure.

2 Q. We just may take a little deeper dive into some of those
3 topics.

4 One thing you started off with, you gave us your
5 background, but you were the lead investigator in this case;
6 correct?

7 A. I was one of. There were multiple. When we started, there was
8 another co-case agent, along with his probationary trainee.

9 Q. So when it started in the summer of '21, there was a co-case
10 agent with you?

11 A. Yes, sir.

12 Q. And who was that?

13 A. That's Dan English and Haley Justice was with him.

14 Q. She was co, also?

15 A. Sort of. She was his -- we call it a probationary agent. She
16 was just out of training, so he was her training agent. So she
17 came along with him.

18 Q. And when did you become the sole case agent, approximately?

19 A. Oh, gosh. I'm trying to think.

20 Q. Just about.

21 A. 2022-ish, and then I became the supervisor shortly after that.

22 So I'm struggling with the dates, but whoever was the sole case
23 agent, we all kind of worked it together.

24 Q. I just want to establish a timeline. Let's focus on May 9th of
25 '22. Were you the case agent at that time?

1 A. I still was one of the case agents.

2 Q. There was another case agent?

3 A. Dan English.

4 Q. Okay. Mr. English --

5 A. And Haley, as well. So she was still on board. It was still
6 the same team.

7 Q. Mr. Herman, you got to work with me. See, the court reporter
8 looks at me when we do that, so you got to let me finish --

9 A. Okay. I'm sorry.

10 Q. -- before you start talking.

11 A. Okay.

12 Q. So we don't step on each other. You with me?

13 Now, if I speak about the FBI, I'm talking about
14 collectively. FBI did a very detailed, thorough investigation in
15 this matter; correct?

16 A. We tried.

17 Q. Okay. And part of that investigation included interviewing
18 several people: potential witnesses, targets, people who are not
19 witnesses. But you guys interviewed a lot of people; correct?

20 A. Yes, sir. We did.

21 Q. Could you give us an approximate on the number of interviews in
22 this case? Just a ballpark. Just a ballpark.

23 A. A hundred. It could be more, actually.

24 Q. Okay. Yeah, I'm just looking for approximate.

25 Now, the jury has heard about 302s, but with you being an

1 experienced agent, go ahead and explain to the jury what a 302 is.

2 A. Sure. A 302 is a memorandum of an investigative activity.

3 Often it's associated with an interview. The agents interview a

4 witness, per se, then we write a summarization of what was said

5 based on our notes. Is that correct?

6 Q. And when I'm using the term 302, I'm generally talking about

7 the 302 that summarizes an interview.

8 A. Yes, sir. It could summarize a surveillance, but usually it's

9 referenced to an interview. And the 302 is -- the form number is

10 302. That's why we call it that.

11 Q. Right. Well, that's why I'm distinguishing Interview 302s from

12 Surveillance 302s so that we're speaking the same language. You

13 with me?

14 A. Yes, sir.

15 Q. And it's a summary written by the agent of what the person

16 sitting across from him tells them; correct?

17 A. That is correct.

18 Q. And it's not recorded, is it? I mean, the statement. Let me

19 back up. The statement or the interview is not recorded; correct?

20 A. There are situations where it can be recorded. More often than

21 not, it's not recorded.

22 Q. The vast majority, more often than not, they're are not

23 recorded?

24 A. That's correct.

25 Q. And that's the FBI's policy; correct?

1 A. That is. Yes, sir. It is.

2 Q. But the law doesn't prohibit that, does it?

3 A. Not that I'm aware of.

4 Q. If it was against the law to record an interview or statement,
5 don't you think you would know it, Mr. Herman?

6 A. Yeah, oh, no. Yes, it is not against the law.

7 Q. And you would agree, Mr. Herman, that in 2021-'22, the vast
8 majority of law enforcement agencies around the nation have adopted
9 policies making it mandatory to record interviews; correct?

10 A. I don't know. I know local police departments, most of them
11 record interviews. I can't speak for the policies of other federal
12 agencies.

13 Q. I didn't limit it to federal. I'm just talking about law
14 enforcement in general. You would agree that's the way it's
15 trended in the last 10-15 years; correct?

16 A. Yes, sir.

17 Q. And you would agree that that leads to more transparency when
18 the interview's actually recorded. Wouldn't you agree with that?

19 A. It's a policy. The recorded interview would show the direct
20 statement of the witness or whoever is being interviewed.

21 Q. And it wouldn't be a summary of what another person heard that
22 person say; correct?

23 A. That's correct.

24 Q. Because a summary could be inaccurate, but a recording should
25 be 100 percent; right?

1 A. Yes, sir.

2 Q. Now, you said that in some situations -- because I did notice
3 at least one situation in this case where the interview was
4 recorded. There may have been more than one, but I did note one.
5 What are the exceptions to the recording rule?

6 A. It's custodial interviews are recorded. So when somebody is
7 arrested and in custody and it's prior to their initial appearance,
8 those are recorded now.

9 Q. When did that policy start?

10 A. A few years ago.

11 Q. Okay. And is that the only exception to the nonrecording
12 policy?

13 A. You have to get permission beforehand if you're going to record
14 an interview that's not a custodial interview.

15 Q. Oh, okay. So we got more than one exception. So custodial
16 interviews, we have a rule they get recorded; but if you want to
17 record another interview, you can get consent for it from a
18 supervisor? Or you have to get permission?

19 A. You have to. You're supposed to. Sometimes there's mistakes,
20 but yes.

21 Q. Sometimes there are mistakes. What do we mean?

22 A. The agent who is going to record forgets to ask their
23 supervisor that, hey, I was going to record this.

24 Q. We didn't have any of those mistakes in this case, huh?

25 A. There was one, yes.

1 Q. Okay. Well, we need to talk about that one. Which one was
2 that?

3 A. David Burton.

4 Q. Okay. I'm listening. Burton was recorded without getting
5 consent?

6 A. Well, it was recorded but the agents were interviewing him with
7 prior supervisor approval.

8 Q. I know it's early. Maybe I don't understand. It was recorded
9 without approval; correct?

10 A. Correct.

11 Q. And that's a violation of the policy; correct?

12 A. It is.

13 Q. Anybody got reprimanded?

14 A. I don't know.

15 Q. Okay. So any other violations?

16 A. That's the only one I can think of.

17 Q. Any other recordings? That's the one I knew was recorded. Any
18 other interviews recorded in this case?

19 A. I don't think so.

20 Q. Has that recording been turned over in discovery? Do you know?

21 A. I have no idea.

22 Q. All right. Now, that leads to -- you know what the Jencks Act
23 is; correct?

24 A. Yes, sir.

25 Q. Tell the jury briefly what that is.

1 A. Jencks Act is prior statement; is that correct?

2 Q. You're asking me?

3 A. Yes, sir.

4 Q. Just give them your own interpretation.

5 A. I get Jencks and Brady -- it's a prior statement of a witness.

6 Q. That's recorded?

7 A. Yes.

8 Q. And a prior recorded statement that becomes Jencks Act by law

9 must be turned over to the defendant no later than after that

10 person's direct testimony; correct?

11 A. Yeah, I don't know, sir. I don't know the legal ins and outs
12 of how the discovery process works.

13 Q. Okay.

14 **THE COURT:** I think we're getting a little outside of
15 this witness' knowledge, Mr. Clemons.

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

17 **BY MR. CLEMONS:**

18 Q. Now, let's move on to Cajun Hustle. Cajun Hustle, I think you
19 said was an extortion and bribery scheme; correct?

20 A. Correct.

21 Q. That it was centered in Lafayette and it expanded into multiple
22 schemes; correct?

23 A. Yes, sir.

24 Q. Kind of mushroomed into several schemes?

25 A. That's correct.

1 Q. And you also said that it expanded throughout the state of
2 Louisiana. That's what you said; right?

3 A. Yes, sir.

4 Q. Okay. Tell the jury where in Louisiana the scheme expanded to.

5 A. So when it took on the -- what we talked about yesterday with
6 the Wildlife issue as far as the scheme involving Wildlife,
7 Wildlife is headed in Baton Rouge at the Capitol. And Wildlife is
8 a state agency, so that's the entire state. But then there was
9 also when we related to what we call GPP, the credit card
10 processing, that was in -- I always get it mixed up -- St. Bernard
11 Parishes and others along the Eastern District near New Orleans.

12 Q. That's the only two areas? You said throughout the state. I
13 just want the record to be clear.

14 A. Yes.

15 Q. Now, extortion, that's a federal offense; correct?

16 A. Correct.

17 Q. Now, prior to May 9th of 2022 -- that's the date of the search
18 warrant and raid of the DA's office; correct?

19 A. Correct.

20 Q. At any point did anybody in the DA's office, including the DA
21 himself, come forward to the FBI and say: I've got information Joe
22 Prejean is committing extortion? Did anybody do that, including
23 the DA, Mr. Landry?

24 A. No, sir.

25 Q. But you received a tip in the summer of '21; correct? Was this

1 an anonymous tip?

2 A. No, sir.

3 Q. Break down how that tip came in. I know you said it was a
4 subject and their attorney, but how did the tip come in?

5 A. The attorney called me.

6 Q. So the defendant himself didn't call. His or her attorney
7 called; correct?

8 A. Yes, sir.

9 Q. Mr. Cleveland?

10 A. Yes, sir.

11 Q. And Mr. Cleveland called you and told you that his client was
12 being basically shook down by Joe Prejean; correct?

13 A. Yes, sir.

14 Q. And you met with him and the client?

15 A. Yes, sir, the next day.

16 Q. At the FBI office?

17 A. No, sir. We met at the attorney's office.

18 Q. And the client agreed to cooperate with the investigation;
19 correct?

20 A. Yes, sir.

21 Q. And what did the client do, just briefly, in furtherance of the
22 investigation?

23 A. It was, as we talked about yesterday, we interviewed the client
24 and then the client made that consensual call to Mr. Prejean. And
25 that was -- I don't remember them doing anything after that. The

1 client didn't end up going through Mr. Prejean or paying him that
2 money that he wanted.

3 Q. Right. He never paid the, I think it was 30,000 and I've seen
4 20,000? It was a large amount of money; correct?

5 A. It was a large amount. I think ultimately Prejean was
6 indicating he wanted 30,000. Could be in installments.

7 Q. But either way, the person didn't pay it?

8 A. No, sir.

9 Q. But the phone call certainly implicated Mr. Prejean; correct?

10 A. Correct.

11 Q. And is my recollection correct from yesterday? You said it was
12 to basically make the charges go away, was what Prejean was selling
13 to the person?

14 A. That was the way it indicated, yes, sir.

15 Q. Okay. Now, Dusty Guidry. Mr. Guidry was working -- and during
16 the time of this investigation is all my questions, unless I give
17 you a different time. During the course of this investigation,
18 which started in the summer of '21 and led into '22, Mr. Dusty
19 Guidry in all of '21 was working full-time at the district
20 attorney's office in Baton Rouge; correct?

21 A. That is correct.

22 Q. And he was also working on a consultant agreement in the
23 Lafayette district attorney's office with the PTI program; correct?

24 A. Correct.

25 And on that first question, going back, did you say end

1 of '22 on Dusty Guidry working in Baton Rouge?

2 Q. No. I said the investigation was '21 and '22. I know Mr.
3 Guidry's employment ended when he got arrested in December of '21.

4 A. I want to make sure I heard it right.

5 Q. No problem. No problem.

6 Anyway, let's get back to Mr. Guidry. Summer, fall, up
7 until December 8th, 9th, whatever day, he was arrested, he was
8 working full-time for Mr. Hillar Moore in Baton Rouge, running his
9 PTI program as the guru; correct?

10 A. That is correct.

11 Q. And he was also working here in Lafayette for Mr. Landry as a,
12 quote, consultant, running his program as a guru; correct?

13 A. Correct. He was getting the -- I guess revamping the PTI
14 program here in Lafayette.

15 Q. Right. Because he was a guru?

16 A. He was.

17 Q. Okay. Now, Mr. Guidry -- and make sure the jury knows. I keep
18 forgetting we have people from three different, four different
19 parishes. Make sure jury knows where the DA's office is located
20 here in Lafayette.

21 A. It's not far from this office. It's Downtown Lafayette. It's
22 a big, large building.

23 Q. Right over there (indicating)?

24 A. Right over there.

25 Q. I'm pointing.

1 A. I don't know if I'm in the right direction.

2 Q. You kind of lose your direction when you're inside here.

3 A. You can literally walk.

4 Q. Right.

5 A. It's the Lafayette Parish Courthouse. District attorney's
6 office is on the sixth floor.

7 Q. That's my point. It's in the courthouse building. I don't
8 know if there's a title for it. But the DA's office is located
9 within that building; correct?

10 A. Yes, sir.

11 Q. And that's where you did the raid in May of '22; correct?

12 A. That is correct.

13 Q. And Mr. Dusty Guidry, he didn't have an office in the DA's
14 office, did he?

15 A. No. He had a, I guess he sat across from Ms. Perez, Zoila
16 Perez, in her office.

17 Q. He didn't even have a desk, did he?

18 A. I think he sat across from her desk, if I remember correctly.

19 Q. Right. He sat at Zoila's desk directly across from her;
20 correct?

21 A. Yes, sir.

22 Q. That's what your investigation revealed; right?

23 A. Yes, sir.

24 Q. So didn't have an office, didn't even have a desk, certainly
25 didn't have an office phone, didn't have an office computer. He

1 didn't have a mainframe, for sure, correct, or a desktop?

2 A. That, I don't remember.

3 Q. Do you have any investigation -- based on your investigation
4 that he had a desktop?

5 A. I don't think he did.

6 Q. That's something --

7 A. I'm sorry?

8 Q. That's something you would want to seize and search if he had a
9 desktop as a part of your search; correct?

10 A. That's correct.

11 Q. And you didn't seize a desktop for Guidry, did you?

12 A. I don't recall seizing one.

13 Q. What about a laptop? Did he have a laptop in relation to his
14 job here in Lafayette?

15 A. A laptop. I don't remember if it was specifically related to
16 his job in Lafayette.

17 Q. So as you sit here today, you have no knowledge of him having a
18 laptop given to him by the DA's office to use here in Lafayette, do
19 you?

20 A. I don't recall if he did or not.

21 Q. You certainly don't recall searching the laptop?

22 A. It seems like we seized the laptop at his house. I'm not sure
23 if that was given to him by the district attorney's office. I
24 swear I just don't remember.

25 Q. Okay. But the bottom line is he had a cell phone?

1 A. He did.

2 Q. And he operated and did his business with that cell phone;
3 correct?

4 A. Yes, sir.

5 Q. Now, I think you testified that your review of the toll records
6 revealed that Prejean was talking a lot to Dusty Guidry; correct?

7 A. Correct.

8 Q. And that's what led you to Mr. Guidry; correct?

9 A. That is correct.

10 Q. Analysis of those toll records didn't lead you to my client,
11 did they?

12 A. No, sir.

13 Q. The analysis of those toll records didn't show Prejean talking
14 a lot to my client, did they?

15 A. No, sir. I don't know if they showed him talking to him at
16 all.

17 Q. Now, the tolls led to a consensual call, correct, of Mr.
18 Guidry?

19 A. No. We didn't do a consensual call to Mr. Guidry.

20 Q. You did one to Mr. Prejean?

21 A. We did one to Mr. Prejean, then got the tolls.

22 Q. I'm sorry. I transposed my names.

23 Led to a consensual call to Prejean that led to the T3,
24 the first one; correct?

25 A. That is correct.

1 Q. And I think we may have this straight, but just in case we
2 don't: When I use the term T3, or you or anyone, it's referring to
3 a Title III wiretap authorized by a federal judge; correct?

4 A. That is correct.

5 Q. First one August 23rd -- went up on August 23rd; correct?

6 A. I believe that's correct, yes.

7 Q. You never received authorization to get a Title III intercept
8 of that man's phone (indicating), did you?

9 A. No, sir.

10 Q. Did you ever apply to get a Title III intercept of that man's
11 (indicating) phone?

12 A. No, sir.

13 Q. Now, we want the record to be abundantly clear. Whether it's
14 Prejean's Title III, whether it's the extension of Prejean's Title
15 III, or whether it's Dusty's Title III, the Title IIIs in this case
16 started on August 23rd and stopped on December 18th of 2021. Is my
17 range correct?

18 A. It is. I believe those dates are correct.

19 Q. That's the dates I got from you, so if they're not correct --

20 A. That's what I think. Yeah, I'm pretty sure. If I'm betting,
21 it was the 23rd until the December 18th.

22 Q. Mr. Herman, I'm making a clean transcript, so you --

23 A. Sure.

24 Q. -- got to let me finish.

25 So if you want to move those dates, I need to know right

1 now. Or you think those are right?

2 A. I think they're right.

3 Q. Okay. And you've reviewed all the pertinent calls involved in
4 this case between, regardless of whether they involve my client,
5 Dusty Guidry, or Mr. Franques. You have reviewed all of the
6 pertinent calls that they could possibly discuss anything about
7 this case; correct?

8 A. I have reviewed a lot of pertinent calls about this case. So
9 there were a lot of pertinent calls, so if I missed some, I missed
10 some. But I reviewed a lot.

11 Q. Right. And I guess my point is you tried -- even if you missed
12 some, it was just an oversight. You tried to review every
13 pertinent call involving any of those three people as it related to
14 this case?

15 A. Yes, sir.

16 Q. Not about where they're going to dinner or whose wife is buying
17 something, but as it relates to this case?

18 A. Yes, sir.

19 Q. And you did so prior to preparing for trial and getting ready
20 for your testimony; right?

21 A. Yes, sir.

22 Q. And you would agree so far the jury has only heard snippets, or
23 clips, of a few calls; correct?

24 A. That is correct.

25 Q. And you would agree that the calls they have heard or going to

1 hear is just a very tiny percentage of the pertinent calls that you
2 heard involving this case; correct?

3 A. That's correct.

4 Q. Now, let's talk about Mr. Franques for a minute. Leonard
5 Franques. Tell the jury about Mr. Franques. Where is he from?

6 A. Mr. Franques is from Church Point.

7 Q. Okay. Born and raised?

8 A. As far as I know.

9 Q. And very legitimate businesses that he ran; correct? He had
10 several legitimate businesses; correct?

11 A. I wouldn't call them all legitimate now. He has had a lot of
12 businesses.

13 Q. I'm trying to use words carefully, Mr. Herman. I didn't say
14 "all." My question was: He had several successful legitimate
15 businesses; correct?

16 A. Correct.

17 Q. And one of the businesses, for example, is Pizza Hut. He had
18 several of those that he sold and made a lot of money on; correct?

19 A. That is correct.

20 Q. That's just one example of a legitimate business that was very
21 successful. Agree?

22 A. Yes, I agree.

23 Q. Midway Media and all the companies under Midway Media, those
24 were, just to keep it straight, those were Franques' companies;
25 correct?

1 A. That is correct.

2 Q. And in this context I'm using Franques and his wife. Did they
3 own all the companies equal? Or did he have some that were his
4 separate companies and -- I think it's Michelle?

5 A. Michelle, that's right.

6 Q. Michelle. Did he have any that were just his and Michelle
7 wasn't a part of? Or were basically all the companies owned by him
8 and his wife, as best you recall?

9 A. I know she took a lot into Midway Media as far as, I guess,
10 responsibility. They're married. They're a couple. They're
11 involved in businesses.

12 Q. Right.

13 A. So they're almost more of a partnership, but I know she was
14 really involved in the Midway Media side of the house.

15 Q. Okay. And CBT, again just briefly, what is that when we use
16 those acronyms? so the jury will be on the same page.

17 A. CBT is cognitive behavioral therapy. It's a type of online
18 course.

19 Q. And the company and the business is a legitimate business;
20 correct?

21 A. It is.

22 Q. It provides a legitimate service for a fee; correct?

23 A. Correct.

24 Q. While I'm there, GPP is a legitimate business; right?

25 A. I guess with these questions, it can be. The idea of a

1 third-party processor is a legitimate business.

2 Q. And that's what GPP was; right?

3 A. It was a third-party processor.

4 Q. Right. But any legitimate business can be corrupted. But I'm
5 talking about the business itself and the business model, not the
6 way somebody used the business. But GPP was a legitimate business,
7 business model, credit card processing company; right?

8 A. That is correct.

9 Q. Let's talk about Mr. Franques and December 8th. That's the day
10 the agents searched his house. I think I noticed -- I read so
11 much. I'm not sure if it's in the affidavit or you testified to
12 it, that it was after the kids left. Do you remember saying that
13 or you put that in your affidavit?

14 A. I did.

15 Q. So they have grown kids or young kids?

16 A. They're older now. At the time there were still a couple of
17 high schoolers in the house.

18 Q. So they had teenaged children at the time?

19 A. Yes, sir.

20 Q. And about how many agents came in for this search warrant?

21 A. For the start of it, the approach was just myself and the other
22 two agents I referenced earlier. And then after talking to them
23 when we did the search, maybe eight to ten people that actually did
24 the search. That's just a really rough estimate.

25 Q. Yeah, just a ballpark, right. But that's the one at the house?

1 A. At the house, yes.

2 Q. Right. And help me understand. There was one at -- you got me
3 turned around now. Wherever the Oil Center is from here, there was
4 one at Midway Media in the Oil Center; correct? A search of their
5 office?

6 A. Correct, later that day.

7 Q. Okay. That was my question. I knew they were simultaneous --
8 I knew the house was first. But house was first and then Midway
9 Media later that day?

10 A. Yes, sir.

11 Q. Now, your testimony was that once you came to the house, the
12 Franqueses were confronted and they decided to cooperate. Remember
13 using that word, confronted?

14 A. Yes.

15 Q. Explain to the jury how they were confronted.

16 A. We identified -- knocked on the door, identified ourselves as
17 FBI agents, and asked them if they would like to talk. They said
18 yes. We were invited inside, and we told them we knew what was
19 going on as far as it related to the pretrial intervention program
20 and Department of Wildlife and Fisheries. So we confronted them
21 with the facts.

22 Q. And did y'all confront them together or separately?

23 A. They were together.

24 Q. And based upon that, did they make an immediate decision to
25 cooperate? Did they negotiate? Or did they say, "Hey, give me a

1 wire and let me know what I need to do"? How'd that go down?

2 A. No. They contacted their attorneys.

3 Q. Oh. And then they made that choice?

4 A. The attorneys came to the house along with a couple of
5 assistant U.S. attorneys, where they discussed it and then decided
6 that cooperation would be their route.

7 Q. Okay. So you confronted them. Did you put that in your
8 affidavit about the U.S. attorneys coming in and their attorneys
9 coming in? You didn't put that in the affidavit, did you?

10 A. What affidavit?

11 Q. The affidavit that you wrote as a part of your -- you wrote
12 several affidavits in this case.

13 A. Correct.

14 Q. Any of them. You didn't put it in any of them?

15 A. I don't think so.

16 Q. Okay. So a couple of U.S. attorneys came in, their attorneys,
17 meetings were had. So what was the agreement? What did they get

18 in return for their cooperation? Was an agreement reached there?

19 An agreement was reached. What benefit did they get for that
20 cooperation or agreement?

21 A. I can't speak to that. That's between the attorneys and the
22 Franqueses. I don't have that decision.

23 Q. Okay. But you would agree that any benefit that the Franqueses
24 received would be something that the defense could use as a part of
25 their cross-examination to show that they may be biased or

1 incentivized? You would agree with that; correct?

2 A. Correct.

3 Q. But is your testimony under oath to this jury is that you don't
4 know what the benefit or the agreement was; correct?

5 A. Correct. I don't know what the agreement was. They agreed to
6 cooperate. I can't speak for anybody from the U.S. Attorney's
7 Office.

8 Q. I didn't ask you to speak for them. I just asked if you know
9 what it is or was. And your answer is you didn't know.

10 A. I don't know if there was one. I don't know.

11 Q. Now, Franques started cooperating immediately by wearing a
12 wire; correct?

13 A. Correct.

14 Q. And he agreed to do that on December 8th at this first meeting?

15 A. That was the agreement for the cooperation. That wasn't the
16 day -- and when you say "wear a wire," I know for us that's an old
17 term for law enforcement, but to do recordings.

18 Q. I just need you to understand what I'm asking. So we'll say
19 "do recordings." Is that the term you want to use?

20 A. We're on the same page, yes.

21 Q. I thought we were. Now, when did he agree to do the
22 recordings, or wear a wire?

23 A. That day.

24 Q. Okay. December 8?

25 A. December 8.

1 Q. What about Michelle? Did she agree to do recordings?

2 A. I think she did. She never did any. I don't think there would
3 have been an issue if she would have.

4 **MR. CLEMONS:** Judge, would you instruct him just to
5 answer my question clearly. I didn't ask him if she did. I didn't
6 ask if it would be an issue.

7 **THE COURT:** I think the witness is responding
8 appropriately to your questions, Mr. Clemons.

9 **BY MR. CLEMONS:**

10 Q. Did she agree to it?

11 A. I believe so. I believe she did.

12 Q. Now, how soon after December 8th did you first arrange a
13 consensual recording with Mr. Franques?

14 A. December 14th.

15 Q. Okay. Now, you testified that you knew that they were giving
16 money to Guidry as it related to the PTI program; correct?

17 A. That is correct.

18 Q. And just so I want the record clear, who is the "they" you were
19 referring to giving Mr. Guidry money?

20 A. In -- I guess in the context you're saying, I'm referring to
21 the Franqueses. I mean, Mr. Guidry was getting a lot of money from
22 other places, as well, but...

23 Q. I'm just talking about in the context of, when you said it
24 yesterday, that they were giving money to Mr. Guidry. I want to
25 know what context you were referring to because you said "they."

1 A. I don't remember when I said that in the testimony. So Mr.
2 Guidry was receiving money from various entities. If I said they,
3 more than likely it's the Franqueses.

4 Q. So that's my question. So both Franqueses were giving the
5 money?

6 A. Yes, because Ms. Michelle was the one that handled the
7 financial side.

8 Q. And you said they were giving him money in relation to the PTI
9 program and also, quote, kickback schemes that related to Wildlife
10 and Fisheries; correct?

11 A. Correct.

12 Q. Now, Department of Wildlife and Fisheries, at that point did
13 Franques have -- let me back up.

14 Guidry was a commissioner? Was that his title? Guidry,
15 what was his role? Was he on, like, a board or commission?

16 A. Commission. He was a Wildlife commissioner. You get appointed
17 by the governor. It's not for salary.

18 Q. But what is a Wildlife commissioner? What do you do or
19 supposed to do, as far as you know?

20 A. As I understand it, if they're presenting a rule that they want
21 -- I'm not a hunter or a fisherman -- if they want hunting season
22 for a certain -- I don't know -- deer to extend a date, the
23 commission votes on it. That's the best way I can describe it.

24 Q. So they give advice on, like, when hunting season should be,
25 what the limits may be? Things like that?

1 A. They vote on it. They vote on the various entities or various,
2 I guess, topics of discussion.

3 Q. And Mr. Franques, at that point, did he have a business
4 relationship with Department of Wildlife and Fisheries?

5 A. He did. He got the contract signed. He was going to be a
6 vendor for them, and it was -- so when you say at that point, on
7 October 8th was when he became a vendor and had a contract signed.

8 Q. And just tell the jury briefly what type of vendor Mr. Franques
9 -- you said October 8th. That's of '21; correct?

10 A. That's of '21.

11 Q. So on December 8th, when he started cooperating, he was vendor;
12 correct?

13 A. Correct.

14 Q. Just tell them briefly what type of vendor Franques was for
15 Department of Wildlife and Fisheries.

16 A. So there was two separate avenues they were doing. They were
17 doing, if you were going to get a hunting or boating license, you
18 had to take a hunters or boaters education course, an online course
19 similar to what, like, PTI does. So he was going to provide those
20 online courses. Separately, they were trying to do, I guess, a
21 pseudoversion of PTI with Wildlife for wildlife violations. If you
22 shoot a deer out of season, instead of having to pay a ticket, you
23 could do an online course. And that was what Mr. Franques
24 provided.

25 Q. And so he was a vendor for both of those programs? Or I'm

1 talking about on December 8th, when he started cooperating, was he a
2 vendor for both of those programs or just the first one regarding
3 the courses?

4 A. If my memory is correct, the contract was signed. The
5 violations part of it had not started yet. But the contract was
6 signed.

7 Q. Okay. So he had contracts for both, but the second one hadn't
8 actually been implemented yet?

9 A. That's right.

10 Q. But the first one was up and running; correct?

11 A. I believe so, yeah.

12 Q. Okay. And I think the investigation revealed, and I think you
13 admitted to this yesterday, that you searched the office of Midway
14 Media, you searched the Franqueses' home. Also, let's talk about,
15 you mentioned Barry Petry on your direct. Do you remember that?

16 A. I do.

17 Q. And Mr. Petry was a dentist; correct?

18 A. That is correct.

19 Q. And he was accused of what crime, if you recall?

20 A. Is it sexual battery?

21 Q. And isn't it true that your investigation revealed, and you
22 heard it yesterday, that sexual battery offenders could be in the
23 PTI program if the victims, or the alleged victims because they are
24 not convicted at that point -- but the alleged victims consented to
25 it, then sexual offenders, or people accused of sex offenders,

1 could be in the program; correct?

2 A. That is correct.

3 Q. Did you inquire with Mr. Petry, in his case, did the alleged
4 victim consent to it?

5 A. Mr. Petry passed away shortly after, I guess, he was allowed
6 into PTI, so I never talked to him. I did talk to the victim.

7 Q. You said you did or did not?

8 A. I did.

9 Q. Okay. I didn't ask -- my question is: Did you find out?
10 Isn't it true that the alleged victim consented to Mr. Petry being
11 in the program?

12 A. I don't remember finding that out.

13 Q. Okay. So you didn't find that out from anybody in the DA's
14 office nor from the victim that she had given permission for him to
15 be in the program? That's your testimony?

16 A. I think the victim didn't recall.

17 Q. Well, who in the DA's office did you ask: Ma'am/sir, this sex
18 offender is in the program. Did she consent to it?

19 Did you ask somebody that?

20 A. I don't remember if I did or not.

21 Q. Now, you talked quite a bit or several times about Haynes and a
22 purported truck and an agreement to buy him a truck. Do you
23 remember that conversation?

24 A. Yes.

25 Q. My client never got a truck, did he?

1 A. He never did.

2 Q. My client never went online and -- you know how the companies
3 have where you can design and build your own vehicle, you can pick
4 the wheels, the color, the interior? You know what I'm talking
5 about? Build your vehicle? Design it?

6 A. Yes, I know what you're referring to.

7 Q. Gary never did that, did he?

8 A. I don't know.

9 Q. Do you have any evidence that he did it?

10 A. There's evidence -- there was a call where he talks about
11 looking at a truck.

12 Q. My question is: Did you have any evidence that he ever
13 designed a truck?

14 A. No.

15 Q. And you have no evidence that a truck was ever ordered for him,
16 do you?

17 A. No, sir.

18 Q. Now, Dusty Guidry, I think we can admit and I think you said
19 that he was a con man.

20 A. Yes.

21 Q. You would agree with that?

22 A. I would, yeah.

23 Q. And he was a very good con man. You would agree with that?

24 A. He was.

25 Q. And as a course of this investigation, listening to several

1 calls on Dusty Guidry, you heard multiple calls on a regular basis
2 him talking to people to run a scheme or run a hustle or him
3 talking to other people about hustling somebody else. You heard
4 many of those calls; correct?

5 A. Yes.

6 Q. Now, we've identified multiple schemes that basically you said
7 was throughout the state.

8 A. Yes.

9 Q. And thus far, as a result of those schemes and those
10 investigations, Leonard Prejean has been charged; correct?

11 A. Leonard Franques?

12 Q. Leonard Franques, I'm sorry.

13 A. Yes, sir.

14 Q. And he's pled guilty.

15 A. He has.

16 Q. Joe Prejean, he's been charged and he's pled guilty in this
17 court; correct?

18 A. He has.

19 Q. Dusty Guidry, he's been charged and he's pled guilty in this
20 courtroom; correct?

21 A. He has.

22 Q. Gary Haynes has been charged and he's sitting here in this
23 trial; correct?

24 A. That's correct.

25 Q. Tell the jury who else has been charged by the federal

1 government as a part of this scheme that started -- in this
2 investigation of schemes that started in '21.

3 A. Jack Montoucet, the former secretary of Wildlife and Fisheries.

4 Q. And Mr. Montoucet's charge is still pending?

5 A. That is correct.

6 Q. And he is the only other person?

7 A. Yes, sir.

8 Q. Now, you talked about Rene Bonneval. And is it pronounced and
9 written like the old vehicle? You may not be old enough. The
10 Bonneville vehicle? Am I pronouncing it right?

11 A. That's how they said it when we were listening, so that's how I
12 pronounce it. So I'm with you.

13 Q. But you know the vehicle I'm talking about?

14 A. I do.

15 Q. And I think you said that Mr. Bonneval -- that's an odd name.
16 And Rene is the first name; right?

17 A. Yes, sir.

18 Q. Lafourche, Terrebonne Parish, Thibodaux, Houma area?

19 A. Yes, sir.

20 Q. And he was related, according to you, to somebody in the
21 Terrebonne DA's office; correct?

22 A. Yes, sir.

23 Q. Who was he related to?

24 A. The district attorney there.

25 Q. Okay. So he was related to the DA of Terrebonne Parish?

1 A. Yes. That was according to the phone calls.

2 Q. Wait, I'm sorry. What?

3 A. According to what we listened to, yes. I'm saying I never
4 verified if they are actually related or not, but yes.

5 Q. When you told the jury yesterday he was related to somebody in
6 the DA's office, you were referring to the DA himself; correct?

7 A. That is correct.

8 Q. That DA hadn't been charged with any crimes, has he?

9 A. No.

10 Q. Now, you talked about the businesses CBT, GPP, LWF. And you
11 certainly agree that receiving kickbacks by a public official is a
12 crime; correct?

13 A. I would believe so.

14 Q. Okay. But there's nothing illegal about an assistant DA
15 investing in legitimate business?

16 **MR. NICKEL:** Objection, Judge. Asking the witness what's
17 legal and what's not legal. He's not versed as a lawyer. He's an
18 FBI special agent.

19 **MR. CLEMONS:** May I be heard?

20 **THE COURT:** Well, he is familiar with Title 18 of the
21 United States Code. To the extent you know the answer, answer. If
22 you don't, don't answer.

23 **THE WITNESS:** Are you asking is it legal for an assistant
24 district attorney to invest in a legitimate business?

25 **BY MR. CLEMONS:**

1 Q. Yes, sir.

2 A. I would think, yes, sir.

3 Q. Of course, it's illegal for him to get kickbacks, but investing
4 in legitimate businesses is not illegal?

5 A. In legitimate business.

6 Q. Yes. Now, and you heard several calls during the course of the
7 investigation. I think we even heard one yesterday in which Guidry
8 and Franques accuse Gary of basically being useless and no benefit
9 to them. You heard that several times, didn't you?

10 A. Yes, sir.

11 Q. I think at one point they said he didn't bring anything to the
12 table. Do you remember that?

13 A. Yes, sir.

14 Q. Let's talk about tickling the wire and the variable. Remember
15 that term you used? Tickling the wire, and then you said it was a
16 variable. So help me understand. Are you making a --

17 **THE COURT:** Mr. Clemons, what are you saying? It was a
18 what?

19 **MR. CLEMONS:** Tickling the wire.

20 **THE COURT:** Or a what?

21 **MR. CLEMONS:** Variable. I'm sorry.

22 **THE COURT:** Variable.

23 **MR. CLEMONS:** I think he said variable. Yes, sir.

24 **BY MR. CLEMONS:**

25 Q. Were you making a distinction between those two? Or you're

1 just using variable as an example of tickling the wire?

2 A. Using it as an example, kind of trying to explain what it is.

3 Q. Okay. And why did you choose the term variable to explain it?

4 I just want to make sure I'm understanding what you mean.

5 A. It's to put an additional factor into the normal routines of
6 the subjects, just to see what the response is.

7 Q. And it's also to hopefully boost the wire to get some
8 conversation that could implicate the people going; correct?

9 A. In the sense of tickling the wire, yes. In this case, because
10 the wire was coming to an end when we arrested Dusty. So he was
11 the one we were actually listening to. So it's more the
12 investigation.

13 Q. But I'm talking about in this case because you used the term
14 tickling the wire.

15 A. Right.

16 Q. And so part of the hope in tickling the wire is to hope that
17 the drug dealers talk about why their colleague got pulled over for
18 drugs and how it's going to impact business, for example; correct?

19 A. Correct.

20 Q. And I think you testified that Dusty was the hub regarding the
21 schemes that he had going; correct?

22 A. Yes.

23 Q. And you also testified that Dusty was addicted to opioids,
24 hydrocodone, at least up until the time of his arrest in December
25 of '21; correct?

1 A. Yes.

2 Q. I think you said pain pills, but I think the record shows it
3 was hydrocodone pills?

4 A. I think it was hydrocodone and Valium that he was caught with.

5 Q. And your term was that he was addicted to them. And you have
6 no record to indicate that he ever sought treatment for them during
7 the course of this investigation, do you?

8 A. No, sir.

9 Q. And you also identified one of his suppliers. Explain to the
10 jury to make sure we're all understanding what a supplier is to
11 someone who is addicted to drugs.

12 A. The drug dealer, the person who supplies them with the drugs.

13 Q. And they do it on a regular basis; correct?

14 A. Depending. I guess it depends on how much you get at one time.
15 Sometimes it can be daily. Sometimes weekly, even monthly.

16 Q. Okay. Now, Franques started cooperating December 8th. I want
17 to get clarity on the date of Dusty Guidry's arrest because I heard
18 December 9th and I heard December 10th. And I want to be exact on
19 when that was.

20 A. December 10th was the arrest.

21 Q. That's in St. Martin Parish on I-10?

22 A. On I-10. Yes, sir.

23 Q. And you said he was caught with a pretty significant amount of
24 hydro-- well, you said pain pills. What do you consider -- what
25 was that pretty significant amount?

1 A. It was around 100 maybe. It was distribution amounts compared
2 to what you would normally see out of a user.

3 Q. It was over 100; right?

4 A. I think so.

5 Q. And he was charged with possession with the intent to
6 distribute; correct?

7 A. Correct.

8 Q. Now, you said that Dusty was allowed to retire. But basically,
9 isn't it true Hillar Moore told him, "Either retire or you're going
10 to be fired"? Isn't that true?

11 A. I think so.

12 Q. But the District Attorney Landry, he put Dusty on
13 administrative leave; correct?

14 A. Correct. Because Dusty was a contractor, I don't know if it's
15 officially administrative leave or if he just suspended the
16 contract for however long.

17 Q. Okay. And did he instruct his PTI staff not to have any
18 contact with Dusty while he's on administrative leave?

19 A. I don't remember that, if I ever knew it.

20 Q. You don't have any evidence of that, do you?

21 A. Not that I recall.

22 Q. But you do recall that the district attorney, after a few
23 months, allowed Dusty to return. And when I say Dusty, I'm talking
24 about Dusty Guidry. He allowed Mr. Guidry to return to the
25 district attorney's office I think in March of '22; is that right?

1 A. I think you're right. I think it was March.

2 Q. So administrative leave for about three months and returned in
3 March.

4 Now, and when he returned in March, as the investigator,
5 you knew that he was back at the DA's office, didn't you?

6 A. I did.

7 Q. And you didn't do anything to discretely advise Mr. Landry
8 that, hey, it may be in your best interest not to let this guy back
9 in your office? You didn't have to tell him why, but Mr. Landry
10 trust me man-to-man this might not be a good idea. You didn't do
11 that, did you?

12 A. No, sir. He was just arrested for felony drug charges. I
13 think that was kind of a message.

14 Q. Help me out. He was arrested for felony drug charges and that
15 was a message. What do you mean?

16 A. If he's going bring -- if he doesn't get that Dusty probably
17 shouldn't be in a district attorney's office at that point --

18 Q. Oh, he's never going to get it. Is that what you mean?

19 A. That's what I mean.

20 Q. I didn't want to assume. Okay.

21 The wire was going down on December 18th; correct?

22 A. I believe so. I believe that's the correct date.

23 Q. And you said that the FBI in the New Orleans office and the
24 U.S. attorneys in the Eastern -- I'm sorry -- U.S. attorney's
25 office in the Eastern District of Louisiana -- and that's -- for

1 the jury, that's in New Orleans, too, that office?

2 A. That's the New Orleans area office, correct.

3 Q. But the office is in New Orleans?

4 A. The office is in New Orleans.

5 Q. But they cover the area, but the office is there?

6 A. Physically, yes.

7 Q. Right, right.

8 You said they were working the, quote, GPP angle in
9 December of '21; correct?

10 A. That was around the timeframe that it was decided that the case
11 would be split off for our New Orleans FBI office in the Eastern
12 District, yes. I believe December, it was around that timeframe.

13 Q. I'm just going by what you said. You said that's around the
14 time. And when you say they working that angle, what I want you to
15 do is -- I think you alluded to it. What does that mean when you
16 say they were working that angle?

17 A. The GPP scheme, conspiracy strictly, whereas, we were staying
18 with the district attorney's office in pretrial intervention and
19 Wildlife, that investigation was going to be broken off.

20 Q. Okay. And you also testified that the investigation, quote,
21 kind of laid dormant.

22 A. Uh-huh.

23 Q. From I guess December of '21 until the search warrant in '22.
24 Do you remember testifying to that?

25 A. I do.

1 Q. And you said it laid dormant so that the Eastern District
2 could, quote, do their side. Why does an investigation here have
3 to lay dormant so that they can do their side way over in New
4 Orleans?

5 A. Because we wanted to -- we were moving to disrupt everything
6 sooner rather than later, but -- and by disrupting, without
7 admitting to search warrants. But we had to hold off on it because
8 if we did that, obviously Dusty is a part of the case here as well
9 as the Eastern District case. The concern was that it would mess
10 up their investigation. Does that make sense?

11 Q. I can't answer your questions. But if it didn't, I'm asking
12 another question. I'm not bashful.

13 Now, and I'm hearing you say, and correct me if I'm
14 wrong, Mr. Herman, that if you came in full force basically
15 executing search warrants on the DA's office, interviewing people,
16 talking to them, that would kind of take the lid off the
17 investigation and it would no longer be covert; correct?

18 A. That is correct.

19 Q. And with it not being covert, at that point anybody who is
20 engaging in illegal activity who have any ounce of sense would stop
21 engaging in that activity related to the raid; correct?

22 A. That's correct.

23 Q. Okay. Now, as we have the investigation in the Eastern
24 District and we're working that portion, the GPP angle, were any T3
25 interceptions authorized on that angle?

1 A. Yes.

2 Q. On whom?

3 A. Perry Nicosia.

4 Q. Anybody else?

5 A. That's the only one I know of.

6 Q. Mr. Nicosia never got charged with an offense, has he?

7 A. Not that I'm aware of.

8 Q. Who is Mr. Nicosia?

9 A. He's the district attorney of St. Bernard Parish, or he was. I
10 don't know if he still is.

11 Q. So you went through the same process that you described here to
12 get the wire on Dusty Guidry, had an AUSA review it. We send it
13 all the way up to OEO. Tell the jury who OEO is.

14 A. Office of Enforcement Operations.

15 Q. And they have to review it to make sure all the Is are dotted
16 and Ts are crossed; correct?

17 A. Yeah, but can I clarify one thing? I wasn't the affiant on
18 that. I didn't do it. Our New Orleans office did it.

19 Q. I'm just talking about the process. The process doesn't change
20 from here to New Orleans; correct?

21 A. No, sir.

22 Q. And OEO has got to make sure there's probable cause; correct?

23 A. Yes, that's right.

24 Q. And then it has to go to a federal judge. And the affidavit,
25 the application, the OEO authorization, all given to the judge and

1 let the judge review and decide whether he or she sees probable
2 cause; correct?

3 A. Correct.

4 Q. All that has to be done before the wire can go up?

5 A. That's correct.

6 Q. Now, so let's talk about in your call -- I'm sorry. In your
7 testimony on direct, you talked about a text message between my
8 client and Gary Logan. Do you remember that?

9 A. Greg Logan, yes.

10 Q. Greg Logan. I'm sorry.

11 A. I do it all the time.

12 Q. I remind the jury. Mr. Greg Logan was whom?

13 A. Greg Logan was the Lafayette City Parish Attorney. As I said,
14 yesterday, I think he is sort of the attorney for the mayor.

15 Q. Who is his boss?

16 A. Josh Guillory.

17 Q. He was the attorney for the entire city parish; correct?

18 A. Yes, sir.

19 Q. But he was appointed and works directly at the wheel of the
20 mayor; correct?

21 A. That's correct.

22 Q. And I think -- my notes indicate that that's Government's
23 Exhibit 29.

24 **MR. CLEMONS:** Can I pull up Government's Exhibit 29,
25 Judge? It's already been introduced and published.

1 **THE COURT:** Yes.

2 **MR. CLEMONS:** Thank you, Judge.

3 And Mr. Douget, if we can just start at the top. I guess
4 we'll take them a block at the time. Let's take blue block first.
5 Can you enlarge just the blue block? Or is that as big as we can
6 get it, Mr. Douget?

7 **BY MR. CLEMONS:**

8 Q. So who is talking in this particular block, Mr. Herman?

9 A. Greg Logan.

10 Q. Greg is talking to Gary Haynes; correct?

11 A. That's correct.

12 Q. Tell the jury what date that is.

13 A. That's September 28th of 2021.

14 Q. Okay. And he's asking Gary if they're introducing another
15 provider for PTI as it relates to city court; correct?

16 A. That's correct.

17 Q. And he talks about whether that a revenue sharing agreement
18 exists; correct?

19 A. Correct.

20 **MR. CLEMONS:** Let's go to Gary's response, Mr. Douget.
21 Can you go across?

22 **BY MR. CLEMONS:**

23 Q. And he's talking about the vendors; correct?

24 A. Yes.

25 Q. That's Gary Haynes telling Mr. Logan that they discussed two

1 vendors; correct?

2 A. Correct.

3 Q. Who recommended the two vendors?

4 A. Who recommended them?

5 Q. Per this text message.

6 A. Dusty.

7 Q. Dusty who?

8 A. Dusty, I take that to mean Dusty Guidry.

9 Q. Not Don Landry, not Gary Haynes. Dusty Guidry recommended
10 these two; correct?

11 A. Yes.

12 Q. CNA is Joe Prejean and Leonard Franques is CBT; correct?

13 A. Correct.

14 Q. And Gary says he'll talk to Dusty if you want him to about
15 those two recommendations. You see that?

16 A. Yes.

17 **MR. CLEMONS:** Okay. Can you blow it back up and put them
18 together, Mr. Douget?

19 **BY MR. CLEMONS:**

20 Q. And he's also talking about getting an RFP together, Mr. Logan.
21 What's RFP?

22 A. Request for proposal.

23 Q. What does that mean?

24 A. I guess -- the language, I can -- it's the request for doing a
25 contract with government. Does that make sense? It's showing what

1 you're going to --

2 Q. Provide for that service?

3 A. -- provide for them in return for whatever.

4 **MR. CLEMONS:** And can we go down to the next two blocks?

5 Thank you.

6 **BY MR. CLEMONS:**

7 Q. So Gary gave his response, and Mr. Logan is telling Gary that
8 that's fine. He's going to get with the mayor. You see that?

9 A. Yes, sir.

10 Q. And he says they're going to put together their, quote, due
11 diligence package for those two vendors; correct?

12 A. Correct.

13 Q. And are you aware of whether the district attorney's office
14 under Mr. Landry did any due diligence work on the vendors?

15 A. No. I don't know if he would call it due diligence.

16 Q. I'm sorry?

17 A. I don't know if you would call it due diligence.

18 Q. You know they didn't do due diligence; correct?

19 A. Right.

20 Q. I'm sorry?

21 A. You said didn't?

22 Q. Did not.

23 A. Did not, yeah. I would agree with that. It wasn't due
24 diligence.

25 Q. And Mr. Logan asked Gary about revenue share. You see that?

1 A. I do.

2 Q. He's asking Gary did he agree to revenue share. You see that?

3 A. Uh-huh.

4 **MR. CLEMONS:** Let's get Mr. Haynes' response, Mr. Douget.

5 **BY MR. CLEMONS:**

6 Q. Mr. Haynes said they have not discussed revenue share, probably
7 the same as whatever the DA has. You see that?

8 A. I do.

9 Q. He says he hasn't discussed much about it; right?

10 A. Right.

11 Q. And let's go to the last block. This is Mr. Logan again?

12 A. Right.

13 Q. He's giving Mr. Haynes more information about how to get it set
14 up; correct?

15 A. Correct.

16 **MR. CLEMONS:** You can take it down, Mr. Douget.

17 **BY MR. CLEMONS:**

18 Q. And you told the jury, Mr. Herman, yesterday that Franques,
19 Guidry, and Haynes wanted the PTI program in city court. Do you
20 remember that?

21 A. That is correct.

22 Q. But isn't it true, Mr. Herman, that the mayor, Josh Guillory,
23 wanted PTI in city court?

24 A. The mayor wanted PTI in city court, as well.

25 Q. And the mayor wanted it so bad that he told Logan that if Gary

1 didn't get it set up by Monday, I think, October whatever date,
2 Gary was going to get fired; correct?

3 A. That's correct.

4 Q. That's how bad he wanted it; right?

5 A. He wanted it.

6 Q. And explain to the jury why the mayor wanted PTI so bad.

7 A. Sure. So PTI is a, as you've heard, the district attorney's
8 office can make money for the office through the PTI program,
9 through the enrollment fees, and if they have an agreement with the
10 vendors, for a revenue share. As Mr. Burton with the district
11 attorney's office PTI was the only revenue sharing vendor. The
12 city wanted that same -- because it financially boosts the city's
13 funds through -- the PTI program in Lafayette city court could be a
14 revenue booster for the city. Is that... I know you can't answer.

15 Q. I can't answer your questions.

16 They wanted to boost that revenue, is the bottom line?

17 A. Yes, sir. They wanted to boost the revenue.

18 Q. And they wanted it very bad, so they threatened his job if he
19 didn't get it going; correct?

20 A. That's correct.

21 Q. And you heard that on phone calls; right?

22 A. I think it was on phone calls, yes.

23 Q. Right. In other words --

24 A. I've heard it in the investigation. I believe it was phone
25 calls.

1 Q. It was a reliable version, wherever you got it from?

2 A. Sure. Phone calls or text messages we seized, yes, sir.

3 Q. And you recall the message that if it was not up and running by
4 a specific date, that being that Monday, I think October 24th, Gary
5 would be fired by that date?

6 A. I recall something like that.

7 Q. And you also recall Dusty talking about it to Michelle
8 Franques, because she had to get involved; right?

9 A. I believe so, yeah.

10 Q. Because they were using her company, right, to get up and
11 running?

12 A. Yes. They were trying to get up and running in city court, and
13 there was issues with I guess when somebody's assigned a course.
14 And they provided other online courses aside from CBT. If they
15 were a city court case compared to a district court, there were a
16 lot of logistical issues that Michelle was dealing with.

17 Q. So when Dusty is going to Michelle, he is emphasizing to her
18 the urgency because Gary would get fired if we don't get this
19 going; correct?

20 A. I don't think it had anything to do with Gary getting fired.

21 Q. So you don't recall Michelle telling -- I'm sorry -- Dusty
22 telling Michelle that this is the urgency. If not, Gary's going to
23 get fired?

24 A. Right. But I don't think it's -- that was Dusty's --

25 Q. I'm not going to say motivation. I'm talking about what he

1 said.

2 A. I'd have to review the call, but I remember there was an
3 urgency to it. But as far as Dusty's motivation for it, I don't
4 know if that's about Gary getting fired.

5 Q. Do you remember Dusty telling Michelle, "They're just using
6 Gary as a pawn"?

7 A. I don't remember that. I'm not disputing you, but I don't
8 remember that.

9 Q. Okay. But you don't dispute it?

10 A. I don't.

11 Q. Okay. And do you remember Dusty calling Chris Nelson the same
12 day about the urgency of getting this PTI going in city court?

13 A. I don't specifically remember that call with Chris Nelson.
14 There were a lot of calls.

15 Q. But you don't dispute that?

16 A. He talked to a lot of people a lot of times.

17 Q. I agree with that.

18 A. If I could see the call, I can refresh it. But he talked to
19 Chris a lot.

20 Q. Right. But anyway, tell the jury again, and you may have --
21 there's so many names in this case. But tell the jury or remind
22 the jury who Chris Nelson was.

23 A. Sure. Chris Nelson was the person -- I don't know if he's the
24 owner or just the person who operated GPP, the third-party
25 processor.

1 Q. Let's move on to Ronnie Guidry. Remember talking about Ronnie
2 Guidry?

3 A. I do.

4 Q. And Ronnie Guidry is a pharmacist in Scott? Am I right?

5 A. Ronnie Guidry, he was. I think he sold all his pharmacies, but
6 he was.

7 Q. Okay. I thought that's what I said. But either way, he's a
8 former pharmacist or a pharmacist?

9 A. Yes.

10 Q. Very successful businessman?

11 A. That's what I've heard, yes.

12 Q. Dusty Guidry's father?

13 A. Yes, sir.

14 Q. Supporter of Don Landry, the DA?

15 A. Yes, sir.

16 (Court reporter asked Counsel to repeat the question.)

17 **BY MR. CLEMONS :**

18 Q. Supporter of Don Landry, the DA? You can answer now.

19 A. Are you pointing to me or her? I can't tell.

20 Q. No. She asked me to repeat the question, so I need you to
21 repeat the answer.

22 A. I gotcha. Yes, he was a supporter of Don Landry.

23 Q. Now, you told the jury and showed the jury a text from Ronnie
24 Landry (SIC) I think to Gary Haynes saying: If you have lunch with
25 Dusty, let him know the phone is bugged; correct?

1 A. Correct. It was Ronnie Guidry.

2 Q. Ronnie Guidry, I'm sorry.

3 A. And if his wife and his phones.

4 **MR. CLEMONS:** Mr. Douget, can you possibly pull that text
5 message up? I don't have the number handy, but if not, we can --

6 **BY MR. CLEMONS:**

7 Q. While he's trying to pull it up, but either way, you got me
8 right where I needed to go. So Ronnie Guidry said that Dusty's
9 phone and his wife's phone was, quote, bugged; correct?

10 A. Correct.

11 Q. And you told the jury what bugged mean in vernacular?

12 A. Yes.

13 Q. What does it mean?

14 A. Wiretapped, Title III.

15 Q. And, in fact, Dusty's wife, is it Lauren?

16 A. It is Lauren.

17 Q. Her phone was not bugged, was it?

18 A. It wasn't.

19 Q. Was Dusty's phone bugged?

20 A. It was.

21 Q. At that time; correct?

22 A. At that time, yes, sir.

23 Q. So Ronnie had some accurate information and some inaccurate
24 information; correct?

25 A. Correct.

1 Q. At any point during the course of the investigation -- there we
2 go. "Please let him know that his phone and his wife's phones are
3 bugged." And that's December 14th of '21. That's the text we were
4 talking about; correct?

5 A. Correct.

6 Q. Now, at any point, either during the investigation or once it
7 went covert --

8 **MR. CLEMONS:** You can take it down, Mr. Douget.

9 **BY MR. CLEMONS:**

10 Q. At any point did any FBI agent go to Mr. Ronnie Guidry and say,
11 "Mr. Guidry, you sent a text. We got a few questions about that
12 text." Nobody did that, did they?

13 A. No, sir.

14 Q. Because that could possibly be -- if someone in law enforcement
15 leaked that information to him, that could be a crime, like
16 obstruction of justice, couldn't it be?

17 A. It could, but it wasn't -- at the time, this is shortly after
18 Dusty's traffic stop. There was a lot of what's going on with
19 Dusty. Is this a federal investigation setup? The fact that he
20 got -- you know, that Lauren's phone was bugged, it was -- once we
21 saw that text message, which wasn't for a long time from then, it
22 is sort of that was just what was going on at the time: People
23 thinking that we were listening in on Dusty's phone calls.

24 Q. So by the time you saw it, it wasn't no big deal?

25 A. I just didn't believe he had accurate information into the -- I

1 don't think there was -- I think it was all speculation because we
2 were hearing that from other angles, as well.

3 Q. It was speculation, but it was important enough to be a part of
4 the Government's case in this trial; right?

5 A. Right.

6 Q. But you would agree that if somebody in law enforcement leaked
7 that information to him and he shared it, that could possibly be
8 obstruction of justice. You would agree with that?

9 A. I would agree with that.

10 Q. Now, let's talk about MD at Law. Do you remember we talked
11 about that yesterday?

12 A. Yes, sir.

13 Q. The account was opened. And if I'm off on my dates, let me
14 know. I think the e-mail sent to the banker on June 21st to get the
15 account open, but I think the actual deposit was made on the 24th.
16 Am I about right? Like three days later?

17 A. You're around there.

18 Q. That's '21; correct?

19 A. 2021, yes.

20 Q. And isn't it true that my client, Gary Haynes -- we saw the
21 checks -- wrote two checks as deposits to get that account going;
22 correct?

23 A. Correct.

24 Q. One for \$10,000 and one for 5; correct?

25 A. Correct.

1 **MR. CLEMONS:** Mr. Douget, if you can find them, pull it
2 up. If not, we'll make it work.

3 **THE DEPUTY CLERK:** 15 and 16?

4 **BY MR. CLEMONS:**

5 Q. Those two checks total \$15,000 to get that account open;
6 correct?

7 A. Yes, sir.

8 Q. And were they Gary Haynes' personal checks or from his law
9 firm?

10 A. I think they were from personal.

11 Q. Okay. So nothing to attempt to hide who is depositing this
12 \$15,000; correct?

13 A. Correct.

14 Q. Could have used cash and nobody would have a record of who
15 deposited it or where that money came from; correct? Maybe a
16 record of who put it in there but no record of the source. You
17 would agree with that; right?

18 A. Not just by seeing the cash. There would be probably ways to
19 find out.

20 Q. I'm sorry. I didn't hear that answer.

21 A. There could be ways to find out if somebody put in over, you
22 know, money. But you're right.

23 Q. I'm right that if cash was utilized, it would be very difficult
24 to prove who put it in and more importantly the source of the cash;
25 correct?

1 A. That's correct.

2 Q. Cash is very, very difficult to trace; correct?

3 A. Yes, sir.

4 Q. So two checks on his personal account with his address with his
5 signature on it; correct?

6 A. Correct.

7 Q. MD Law, it was incorporated in '04; correct?

8 A. Correct.

9 Q. And there was no scheme, Mr. Herman, to corruptly influence
10 anything or any conspiracy going on, as far as you know, with Gary
11 Haynes in '04; correct?

12 A. As far as I know.

13 Q. So it was opened up in 2004 with the Secretary of State?

14 A. Correct.

15 Q. And Gary Haynes put his own name to register the corporation,
16 correct, as the agent for service of process; correct?

17 A. Correct.

18 Q. As far as you know, he could have made up any name to put as
19 the agent of service of process, couldn't he?

20 A. Sure.

21 Q. But he put his own name.

22 Now, and you know what agent of service of process is,
23 don't you?

24 A. I'm sorry?

25 Q. Do you know what an agent for service of process is?

1 A. Yes.

2 Q. Tell the jury.

3 A. It's a lawyer.

4 Q. To do what?

5 A. To represent the business? Is that correct? I'm not a lawyer,
6 so I'm trying to make sure I'm...

7 Q. It's to receive service, like a subpoena or a court order or --
8 if you get sued, it's the person who receives --

9 **THE COURT:** Mr. Clemons, you're not testifying.

10 **MR. CLEMONS:** I'm sorry, Judge.

11 **THE COURT:** If you know, say it. If you don't --

12 **THE WITNESS:** Representing the business.

13 **BY MR. CLEMONS:**

14 Q. Do you know if the Secretary of State verifies this?

15 A. I'm not sure the process they take.

16 Q. Okay. And I think you testified that the MD at Law was revoked
17 in '20. You mean the articles or the charter to start the business
18 was revoked?

19 A. Yes, sir.

20 Q. Okay. Do you know why?

21 A. I'm not real sure. I don't remember.

22 Q. But you don't have any evidence?

23 A. It was inactive for a long time. I'm assuming that's why.

24 Q. Okay. And corporations have to remain active with the

25 Secretary of State?

1 A. Yes, sir.

2 Q. May 31st of 2021, remind the jury what happened on that date.

3 A. This is off the top of my head. That was the date it was
4 reinstated with the Secretary of State?

5 Q. Yes, sir. So MD at Law -- MD Law, that's a mouthful -- went
6 inactive, charter revoked, as far as you know just because they're
7 not registered, then reinstated May 31st of '21; correct?

8 A. Correct.

9 Q. And then I think you testified it was ultimately dissolved in
10 December of '22; correct?

11 A. Correct.

12 Q. Seven months after the execution and the raid at the DA's
13 office; correct?

14 A. Correct.

15 Q. Account closed May 9th of '22; correct?

16 A. No. I think it was May 12th.

17 Q. Okay. I was doing good. I should have let you give me the
18 date. So it was closed on May 12th of '22; correct?

19 A. Correct.

20 Q. And this was the account he set up (indicating) to get those
21 kickbacks; right?

22 A. That's correct.

23 Q. So he had the account open for a year. And tell the jury how
24 many kickbacks and how much money he deposited in that account in
25 almost a year.

1 A. He didn't deposit any money in that account.

2 Q. Not a penny; right?

3 A. Not a penny.

4 Q. Now, let's move on to Mr. Franques' consensual recordings. He
5 was working as an informant; correct?

6 A. That is correct.

7 Q. Specify for me, Mr. Herman, in chronological order -- I don't
8 think it's that many, but I want to make sure we have them all --
9 the number of -- let me back. Let me rewind.

10 Were all the recordings that Franques did, were they
11 meetings, and face-to-face meetings? I guess you can meet with
12 somebody on the phone or now you can meet by Zoom.

13 A. Right.

14 Q. When I say meeting, were all the recordings that Franques did
15 consensually once he started cooperating with the FBI after
16 December 8th, were all those recordings face-to-face meetings?

17 A. No. There were some phone calls, also.

18 Q. So he did some consensually recorded phone calls, also?

19 A. Yes, sir.

20 Q. So I want to focus on the meetings.

21 A. Sure.

22 Q. Can you give the jury and me the meetings in chronological
23 order in which Franques, utilizing as an informant, made consensual
24 recordings for the FBI?

25 A. For the meetings, yes.

1 Q. Yes, sir. Face-to-face.

2 A. There was December 14th, and this is '21; December 15, 2021;
3 January 4, 2022; January 12, 2022; and then February 3, 2022.

4 Q. Five?

5 A. I wasn't counting, but sure.

6 Q. Math wasn't my strong suit.

7 A. I don't think there's any other recordings as far as meeting
8 other people face-to-face.

9 Q. Okay. Well, it's the time to know.

10 A. Excuse me. No. Those were the only ones.

11 Q. Okay. We need to check your report?

12 A. No. Because I was going through my head who else he may have
13 met with, but, no, that was it.

14 Q. So let's work these five together. He's equipped with
15 recording device; correct?

16 A. Correct.

17 Q. Same device all five times?

18 A. Same device all five times aside from the January 12th one at
19 his office at Midway Media. That was the one that was videoed.
20 There was a different device that was set up for that.

21 Q. We will talk about them separately, then. Thank you, Mr.
22 Herman. I'm sorry. I guess I should have asked this at the
23 beginning. I'm assuming Mr. Herman is okay as opposed to SA
24 Herman?

25 A. Perfect.

1 Q. I just wanted to make sure. I guess it's kind of late to ask,
2 but I just wanted to make sure.

3 So January 12th a different recording device because that
4 one had video.

5 A. Correct.

6 Q. So the 14th of December, 15th of December, Jan. 4 -- January,
7 I'm sorry -- and February 3, no video equipment with those
8 consensual recordings?

9 A. No. The equipment can video, but it's difficult to do and it's
10 just not feasible.

11 Q. Okay. So he had video equipment for those four, but we didn't
12 utilize or turn it on?

13 A. No. One was turned on by him accidental, user error, so it was
14 video recorded, as well. I don't remember if all of it was or
15 what, but it was turned on. The way the equipment is, it's not
16 going to catch anything video-wise.

17 Q. So that's the one where you can, like, hear him walking and
18 stuff but you don't see anything?

19 A. I think that sounds right, yeah.

20 Q. You know we got to break down this accidental error. What
21 happened on that one?

22 A. There's a way when the person operates the equipment is to
23 where they do just audio or audio and video. And I think he
24 accidentally hit the audio and video when it should have just been
25 audio.

1 Q. So he had the ability to control the equipment that was
2 recording?

3 A. Yes.

4 Q. Okay. So Franques decided when the recording started?

5 A. Yes.

6 Q. And Franques decided when the recording stopped?

7 A. Correct.

8 Q. And if there was any pauses or parts Franques didn't want
9 heard, Franques simply had to -- and we don't need the details, not
10 yet, but he just had to click a button or move his arm or something
11 and it stopped recording; right?

12 A. He could, yes.

13 Q. He had the ability to? That's the question.

14 A. Yes.

15 Q. So let's make sure we all understand what training Mr. Franques
16 had to use this equipment that made these recordings that we're
17 using against Mr. Haynes. What training he had?

18 A. He was shown how to use it. He was shown how it operates, how
19 there's a way to turn it on. There's a way to turn on just audio
20 compared to audio and video. And then the device is fairly simple.
21 It doesn't take a ton of training to use it.

22 Q. Doesn't take what else?

23 A. A ton of training to use this device. It's not that
24 complicated. And then he was trained on how he at all times has to
25 keep the device with him, if not, turn it off because it's a

1 consenting recording because it was explained to him that if he's
2 not party to the conversation, he has to turn it off.

3 Q. Okay. So who trained him on how to use it?

4 A. Myself, and I think Dan English was with me at the time.

5 Q. How long did this training take place? How long was it?

6 A. It wasn't long.

7 Q. Five minutes? Thirty minutes?

8 A. No. Five to ten minutes.

9 Q. And just to be clear, we got one training for all his
10 recordings; correct? In other words, he didn't have separate
11 training sessions? So one five-minute training for every recording
12 he did; correct?

13 A. I believe so. If he had questions about it later on, we could
14 have gone over it again. I don't remember. But it's not a hard
15 concept for somebody to take.

16 Q. And we don't have any documentation of this training?

17 A. No.

18 Q. Okay. So as best you recall, there was just one?

19 A. Best I recall.

20 Q. So how many of these five that we've covered face-to-face
21 meetings had video? I know we got one accident on video. And I
22 know January, I think, 12th we got a real video. Is that the only
23 one?

24 A. Just the January 12th.

25 Q. Okay. Now, let's move on to you said he made some recorded

1 phone calls; correct?

2 A. Correct.

3 Q. To Gary Haynes?

4 A. I think there were some to Gary. It was arranging when to
5 meet, those types.

6 Q. I'm sorry?

7 A. Like, arranging when to meet. There wasn't anything of much
8 substance to them.

9 Q. So we got recorded calls of him talking to Gary to arrange
10 meetings, but not much substance. And you're making the decision
11 and determination that there was not much substance. That's your
12 opinion?

13 A. That's me.

14 Q. But how many of those we have?

15 A. Not many. I don't have a number. If I'm guessing, four. And
16 that's just a ballpark. It could be one. There were some to other
17 people, as well.

18 Q. Well, let me get out of order. For example, when he went to
19 meet Michelle Franques and he got a check, do you remember seeing
20 that text?

21 A. On the 11th or February 1st?

22 Q. I just remember it's the one he's leaving the hospital, he's
23 going meet her. And I can get it if I need to.

24 A. January 11th.

25 Q. It's clear somebody had already talked about it because him and

1 Michelle -- in other words, if I'm texting you and we're going to a
2 football game, it's going to start with, "Doug, the Saints playing
3 this weekend. You interested in going"; correct?

4 A. Correct.

5 Q. It's not going to start with, "Okay. Doug, I'm on my way to
6 your house. I'm going to be there in 30 minutes."

7 A. Correct.

8 Q. So we need to know who discussed what to arrange my client to
9 go get that \$10,000 check.

10 A. Sure. So on January 4th, during the recording, was his
11 indication that he wanted the money. He wanted \$20,000 at a time.
12 And then it was through that -- I don't remember if it was a phone
13 call with Leonard or a text chain with Michelle where he was
14 setting up the meeting.

15 Q. Okay. My simple question is: He went to Michelle and picked
16 up a \$10,000 check.

17 A. Right.

18 Q. And your answer is you don't know when and how that actual
19 picking up took place; correct?

20 A. No. I know when and how. It was through talking with Leonard
21 and Michelle.

22 Q. Okay. Now, so these calls that were basically inconsequential,
23 am I safe in assuming that these are like -- you okay?

24 A. I'm good. I was getting some water. I'm sorry.

25 Q. Oh, no problem. I thought you had to check something.

1 A. It's dry up here.

2 Q. They were short calls?

3 A. Yes, yes. And if they were, if they were. If not, if Leonard
4 just called me back and said he called to come -- he's going to
5 come later. I don't remember, Mr. Clemons. I just don't.

6 Q. Okay. But if they're inconsequential, wouldn't that leave one
7 to believe that they're pretty short?

8 A. Yeah.

9 Q. Or you think there was long calls?

10 A. No, no.

11 Q. Let's talk about, because you said that Mr. Franques had a
12 transmitter and you repeated that for every recording. Help me
13 understand. What's a transmitter and how was it used in this
14 investigation?

15 A. It's how myself and the other agents can listen in live while
16 the meeting's happening. So, for instance, with, as we talked
17 about with, you know, there was a meeting at Jason's Deli, the one
18 on Johnston Street: I was in the parking lot across the street. I
19 could listen -- I was listening in live as they were meeting. The
20 transmitter from Mr. Franques' device that went directly to my
21 phone allowed me to hear what was going on.

22 Q. So but for the transmitter, we'd still have the recording, we
23 just wouldn't have the agents to be able to do what you guys call
24 live listen without the transmitter?

25 A. Correct.

1 Q. Okay. So without the transmitter, the agents -- when I say
2 "you-all," I'm talking about agents -- you-all would have had to
3 get the recording and listen to it play to get a verbatim of what
4 happened?

5 A. That's right.

6 Q. Okay. Let's talk about this January 12th meeting. I think you
7 alluded to -- I think you said Franques' office, but I just want to
8 be very clear. You may have said at this home, but I want to be
9 very clear where this meeting occurred at. Where did this meeting
10 take place with Franques -- the January 12th meeting that's Franques
11 on the left with the ball cap on, my client in the middle, and
12 Dusty Guidry to the right; correct?

13 A. Correct.

14 Q. Where did that meeting take place, that face-to-face?

15 A. That was at the Midway Media office, the Oil Center.

16 Q. And prior to this meeting, you met with Mr. Franques to get a
17 game plan together; correct?

18 A. We talked about it, yes.

19 Q. When did y'all, quote, talk about it?

20 A. I don't have the date offhand, but before that meeting we
21 talked because between the conversations Mr. Franques had with the
22 other parties, they were going to meet and try to sort out where to
23 go as far as going forward. And keep in mind, this is after
24 Dusty's been arrested. He's on leave at the time. We discussed
25 how this meeting could take place and where the conversation could

1 go.

2 Q. Okay. I think my question is: When did the meeting take place
3 prior to the 12th? was the question.

4 A. I would have to look back at my reports. Prior to the 12th, I
5 met and talked to Mr. Franques multiple times.

6 Q. I'm talking about the meeting to talk about this meeting. You
7 talked to Franques about the January 12th meeting and what y'all
8 expected to happen; correct?

9 A. Sure.

10 Q. And do you think that was the same day or the day before?

11 A. Could be both, probably both.

12 Q. Could have been twice?

13 A. We had to meet him before, and I don't even remember if it was
14 him or Michelle, to set up the equipment. And that might have been
15 the day of or day before, but I talked to Mr. Franques during that
16 time period on a regular basis.

17 Q. Okay. And the purpose of the meeting was to talk about what
18 was going to happen in this meeting with Dusty Guidry and my
19 client; correct?

20 A. What the three of them were going to do going forward with the
21 situation with Dusty being out of the office with the money
22 situation as it was at the time with -- I think Mr. Haynes was
23 frustrated with Mr. Guidry.

24 Q. Okay. And you gave Mr. Franques some direction, some guidance
25 on the topics to discuss; correct?

1 A. Just a little. The main guidance to Mr. Franques was, and this
2 is usually with any of these types of cases, is let the other
3 people talk, which this wasn't that difficult. The meeting with
4 Mr. Franques about how to go about the boardroom was: Be wide
5 open, let it all on the table, and don't pull any punches. Let it
6 be known that, hey, what we're doing is illegal. And Mr. Franques,
7 he took it and ran with it.

8 Q. So just to be clear, that's the direction you're giving
9 Franques?

10 A. Franques.

11 Q. Okay. Now, you also knew at that point that Gary Haynes had
12 given -- did you know at that point that Gary Haynes -- prior to
13 this January 12th, meeting Mr. Franques told you about two checks he
14 had gotten from Gary Haynes; correct?

15 A. That's correct.

16 Q. And he told you about both of them at the same time or separate
17 debriefings?

18 A. Nah, I think at the same time. I think it was when we first
19 met with him, the day of the 8th.

20 Q. He told you that my client gave him a check for \$32,000 on May
21 27, 2021, at Tsunami restaurant, Downtown Lafayette; correct?

22 A. He didn't say Tsunami.

23 Q. Oh. Where did he say it took place at?

24 A. I think he said Dusty brought the checks.

25 Q. No. We're going to take these checks one at a time. I'm on

1 the first check. Did he say it was on May 21st?

2 A. No. He wouldn't have had a day. I think during the May area
3 because that's when it was deposited.

4 Q. Did he give the amount?

5 A. I can't remember if it was him or Michelle because Michelle
6 handles the finances. She's the lady that could give -- Leonard
7 would just say something like he gave checks.

8 Q. But Leonard was the informant; correct?

9 A. They were both working with us. They were both cooperating.

10 Q. Leonard was wearing the wire?

11 A. On the wire, yes.

12 Q. What did Leonard say about the check, the first check, on or
13 about May 27? What amount did he say it was in, if he said?

14 A. Are you talking about what he said to me?

15 Q. Yes, sir.

16 A. Okay. Not on the --

17 Q. Not on the wire. What he told you prior to this meeting.

18 A. Yeah, prior to the meeting, I believe he said that the checks
19 were delivered by Dusty.

20 Q. So you're saying both checks. I'm talking about one check.
21 You keep saying "the checks."

22 A. I'm thinking both checks. I mean, I'd have to look back at the
23 reporting. I don't remember a Tsunami conversation.

24 Q. So you're saying Leonard never told you that that man

25 (indicating) personally gave him a large check? That's what you're

1 saying?

2 A. I don't remember that.

3 **MR. NICKEL:** Judge, I'm going to object. We've let it
4 go, but this is getting to a lot of hearsay.

5 **MR. CLEMONS:** Judge.

6 **THE COURT:** Response, Mr. Clemons?

7 **MR. CLEMONS:** Judge, it's not hearsay. Judge, it's what
8 his informant told him. It's not for the truth of the matter. Mr.
9 Franques is going to be cross-examined on the truth. It's to find
10 out what information he had to lead to the next steps in his
11 investigation, which is he was told that he had been received two
12 checks. So it's not for the truth of it. It's just to see what
13 Franques told him. That's all we're trying to establish.

14 **THE COURT:** And that's proper for the agent to tell what
15 information he had at what point in the investigation and what
16 actions he took, but to the extent it goes beyond that, then the
17 Government is correct.

18 Let's take our break for the morning, and we will come
19 back in about 15 minutes and then finish this witness and then
20 probably break for lunch. All rise for the jury.

21 (Jury not present.)

22 (Off the record at 11:08 a.m.; resumed at 11:22 a.m.)

23 (Jury present.)

24 **THE COURT:** Please be seated. Mr. Clemons, you may
25 continue.

1 **MR. CLEMONS:** Thank you, Judge.

2 **BY MR. CLEMONS:**

3 Q. Mr. Herman, I think we left off on the check that's dated May
4 27th of '21 for \$32,000. Do you remember that check?

5 A. I remember the May \$32,000 check.

6 Q. And as far as whether it was delivered at Tsunami, you don't
7 remember any conversation of him telling you that?

8 A. I don't remember him telling me that.

9 Q. But either way, the check, you recognize the check when you see
10 it; right?

11 A. I do. The one to F4.

12 Q. Right.

13 A. Yeah.

14 **MR. CLEMONS:** Can we get Defense Exhibit Number 2 shown
15 just to the jury, Judge? To the witness.

16 **BY MR. CLEMONS:**

17 Q. Are you able to recognize that check?

18 A. I am.

19 Q. From Gary Haynes to F4, 32,000?

20 A. Yes.

21 **MR. CLEMONS:** I would like to offer Defense 2, Judge.

22 **MR. NICKEL:** No objection, Your Honor.

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

24 **MR. CLEMONS:** Request to publish it, Judge.

25 **THE COURT:** Okay.

1 **BY MR. CLEMONS :**

2 Q. And just remind the jury briefly what F4 is or was.

3 A. F4 was one of the Franques' companies. It wasn't a brick and
4 mortar. It was what they refer to as a holding company. Basically
5 a place to put money.

6 Q. I guess we do need to -- you say a holding company. Am I right
7 in my belief that it was just a company where checks came in and
8 checks came out, expenses got paid and expenses, you know, got
9 invoiced? I mean, just to process the business but not to generate
10 profit or run a business. Am I right?

11 A. That's how I understand it.

12 Q. Okay. And give the date of the check and the amount.

13 A. May 27th of 2021, \$32,000.

14 Q. And regardless of whether he recalls or anybody recalls it was
15 Tsunami, Mr. Franques agrees he got that check from my client?

16 A. Yes.

17 Q. Is that the one you were saying you thought he got it
18 indirectly through Dusty Guidry?

19 A. I think both the 32 and there will be a \$50,000 check, I think
20 they said that it was from Dusty Guidry, delivered by.

21 Q. But either, he knew they came from my client?

22 A. Yes.

23 Q. And he also acknowledged that he got those checks?

24 A. Yes.

25 Q. And he deposited or cashed those checks?

1 A. Those checks were deposited.

2 Q. And next we'll get to the other check that you referenced.

3 **MR. CLEMONS:** And we can show it only to the witness,
4 Judge, and that would be D-4.

5 Blow it up a little bit, Mr. Douget. There we go.

6 **BY MR. CLEMONS:**

7 Q. Do you recognize D-4?

8 A. I do.

9 Q. And is that the check you're referencing?

10 A. That is. That's the August 26th, \$50,000.

11 **MR. CLEMONS:** I would like to offer D-4, Judge.

12 **THE COURT:** Any objection?

13 **MR. NICKEL:** No objection, Your Honor.

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

15 **BY MR. CLEMONS:**

16 Q. The same company?

17 **THE COURT:** You can publish it, Lisa.

18 **THE WITNESS:** Yes, F4.

19 **MR. CLEMONS:** Thank you, Judge.

20 **BY MR. CLEMONS:**

21 Q. Signed by my client?

22 A. Yes.

23 Q. What's the identifying information up in the left-hand corner?

24 Read that. I want the record to be abundantly clear.

25 A. The top, left-hand corner?

1 Q. Yes, sir.

2 A. Gary J. Haynes, and it has a phone number, 337 -- do you want
3 me to read the phone number?

4 Q. You don't need to.

5 A. But with his address.

6 Q. And that's his home address?

7 A. Yes.

8 Q. Not a fake address, is it?

9 A. That's his home address.

10 Q. And the date, just for the record.

11 A. August 26th of 2021.

12 Q. So you knew for a fact --

13 **MR. CLEMONS:** You can take it down, Mr. Douget.

14 **BY MR. CLEMONS:**

15 Q. -- that at least \$82,000 from my client had been provided to
16 Mr. Franques at the time he started cooperating with the
17 Government; correct?

18 A. Yes, before he started, correct.

19 Q. It was provided before, but you found out or confirmed it once
20 he started cooperating?

21 A. Confirmed it. I think we had the bank records before he
22 started cooperating, so I think we already knew. But he confirmed
23 it.

24 Q. Right. That's what I mean. Because something could be in
25 somebody's bank record and they may not know everything that's been

1 deposited in their account. But he confirmed not only he knew it
2 was in his account, he knew where it came from, is my point.

3 A. That's correct.

4 Q. And as far as the memo section, tell the jury what was in that
5 memo section.

6 A. Sure. In the memo section of that second --

7 Q. The second check.

8 A. -- second check was --

9 Q. D4.

10 A. -- the initials WLF.

11 Q. What does that stand for?

12 A. WLF, I'm not sure. LWF was another Franques company, if I
13 remember right.

14 Q. But don't you know that WLF was what they refer to as the
15 Wildlife and Fisheries?

16 A. It can be, yes.

17 Q. Now, getting back to the meeting -- let me get my dates. The
18 face-to-face meeting that was recorded on January 12th; correct?

19 A. Yes, sir.

20 Q. And wasn't arrangements made that they would meet -- "they"
21 being Guidry, Franques, and Haynes -- after Christmas; correct?

22 A. Yes.

23 Q. And the idea was to, quote, clear the air and make sure
24 everybody's on the same page; correct?

25 A. Correct.

1 Q. Because the investigation had revealed that Dusty was telling
2 Gary one thing about what he was investing in and telling Franques
3 something else; correct?

4 A. Correct. They were -- between Dusty and Gary, they were not on
5 the same page. The meeting was for those two and along with
6 Leonard to be on the same page, but, of course, Leonard was
7 cooperating.

8 Q. But they weren't on the same page with Leonard, were they?

9 A. As far as how the money was going, no.

10 Q. Now, prior to the meeting with Gary, the prep meeting, I think
11 you said maybe the day of and even the day before, you made it
12 important to note to Franques that you wanted CBT mentioned and
13 that you wanted to steer the conversation towards CBT; correct?

14 A. I don't know if it was -- we wanted to talk about it. I don't
15 know if it was steer. It was more to let them talk. The idea of
16 that meeting, the January 12th meeting where Dusty and Gary are in
17 the room with him, was to have the open floor. Right here we're
18 involved in a criminal conspiracy and let's be direct with it.

19 Q. But isn't it true you made it clear to Franques that you wanted
20 them to talk about CBT? Isn't that true?

21 A. I don't know if it was directly CBT, but obviously the PTI
22 scheme, yes. When you're saying CBT, I don't know if it was direct
23 to CBT. But it was the whole -- it was the conspiracy. We didn't
24 -- it was clear we didn't want Mr. Franques to go in there and talk
25 about the NFL playoffs.

1 Q. But my question is not about the playoffs. My question is
2 simply about CBT.

3 A. Sure.

4 Q. You want him to talk about that, sure; right?

5 A. Correct. That's part of his cooperation.

6 Q. Okay. Let's talk about the two \$10,000 checks that were given
7 to my client. The first delivered on or about January 11th of '22.
8 Am I right?

9 A. That's right.

10 Q. The second, February 1 of '22; correct?

11 A. Correct.

12 Q. Am I correct in my math in my mind that the January 11th check
13 was actually dated on the 5th but delivered on the 11th? Am I
14 right? Am I remembering that correctly?

15 A. That's right.

16 Q. We're going to get these one at a time. Let's start with the
17 January 5th check. The FBI knew, prior to Gary getting that check,
18 that he was going to get that check?

19 A. I'm sorry. What was that last part?

20 Q. That he was going to get that check before he got the check.
21 The FBI knew that check was going to Gary Haynes?

22 A. Correct.

23 Q. And January 5th, I think you told the Court and I think maybe
24 even Judge Joseph asked the question whether you took a picture of
25 the January 5th check. Do you remember that?

1 A. Yes.

2 Q. Where did that take place at? Did you literally take the
3 picture or one of your colleagues took the picture?

4 A. I think it was me. It was at Mr. Franques' attorney's office.

5 Q. And we got in the record who that is?

6 A. I think at the time it was Alan Breaud.

7 Q. So Alan Breaud doesn't represent him anymore; right?

8 A. Not in this matter.

9 Q. Because you said at the time Alan Breaud. I was just -- okay.
10 But in this matter --

11 A. At the time, he was.

12 Q. It was Alan Breaud.

13 A. Currently Mr. Franques has another attorney for this particular
14 matter. He may have Mr. Breaud for other matters related to his
15 businesses.

16 Q. This matter is a criminal case.

17 A. That's what I'm talking about.

18 Q. So he has another attorney for that? For this?

19 A. Another attorney for this, not Mr. Breaud anymore.

20 Q. So y'all met at Breaud's office. Franques is cooperating.
21 Franques has a \$10,000 check that you take a picture of; correct?

22 A. Correct.

23 Q. And what -- gave him directions to make sure that gets
24 delivered to Gary Haynes; correct?

25 A. Correct.

1 Q. And moving to the second check, you didn't get a picture of
2 that second check; correct?

3 A. It was sent to me. I didn't take it, myself.

4 Q. And I'm sorry. Thanks for correcting me. You didn't actually
5 take the picture. And that's just what I meant to ask.

6 A. That's right.

7 Q. Who took the picture?

8 A. Mr. Franques.

9 Q. And why wasn't the agents with him or his wife prior to that
10 check getting delivered?

11 A. Because that came about unexpectedly. Knew the payment was
12 coming. Mr. Haynes, that morning, February 1st, unexpectedly showed
13 up at Mr. Franques' house because there was -- reported to Mr.
14 Franques that he learned the FBI was investigating.

15 Q. Oh, so --

16 A. Can I finish, please?

17 Q. Oh, sure.

18 A. You're asking -- trying to finish the whole question.

19 So he shows up at Mr. Franques' house, and from there, he
20 goes all the way to the Oil Center to tell Michelle Franques FBI's
21 invest-- he's hearing the FBI is investigating. And he also picked
22 up the check at the same time.

23 Q. So the same time he told (indicating) Franques and his wife
24 that the FBI was investigating them?

25 A. Correct.

1 Q. He picked up a \$10,000 kickback check from them the same time;
2 correct?

3 A. That's correct, yes.

4 Q. So the FBI is investigating us, but give me this \$10,000
5 kickback, even though they are investigating us; right?

6 A. That's correct. It's correct.

7 Q. Okay. Now, the first check was never deposited and you knew it
8 wasn't deposited; correct?

9 A. That's correct.

10 Q. How often did you check with Franques or his wife to say, "Hey,
11 has that check been negotiated?" How often did you have to check
12 with them?

13 A. Occasional, when we would talk.

14 Q. Okay. Because you wanted that check negotiated; right?

15 A. I didn't want it negotiated. It's part of the investigation.

16 Q. So you're just curious. You were just checking out of
17 curiosity?

18 A. It's part of my job. Saying I wanted it investigated indicates
19 I want something to happen or not. It's part of my job is to check
20 to see if the check was deposited or cashed.

21 Q. Couldn't they simply call you? They're working under your
22 authority. "Hey, Doug. We just found out that check was
23 negotiated." They're smart people. You wouldn't have to check
24 with them. They could simply let you know; right?

25 A. Right. And they probably would have. But when we would talk,

1 whether it's about the check or a variety -- we would talk about a
2 variety of topics, and I may bring up, "Hey, was the check
3 deposited?"

4 "No, it wasn't deposited."

5 And, also, talking to Leonard, who I mostly dealt with,
6 he wouldn't probably know because Michelle would be the one to
7 know.

8 Q. So Leonard's cooperating. Leonard's the only one facing
9 charges. Leonard knows the target is Gary Haynes, but his wife
10 would be the one to know whether the check had been cashed; right?

11 A. Correct. And there was also -- he wouldn't have been the only
12 one facing charges. She was in Midway Media, also. So they were
13 both cooperating, but as far as their business relationship went,
14 Michelle handled the accounts.

15 Q. Tell the jury what crimes Michelle Franques has been charged
16 with.

17 A. She hasn't been charged with anything.

18 Q. But your investigation revealed that she was implicit in the
19 schemes; correct?

20 A. Correct.

21 Q. Now, you testified on direct about the checks. And Mr. Nickel
22 asked: Did you set up delivery of the checks or coordinate the
23 delivery of the checks from Franqueses to Haynes? Do you remember
24 that question?

25 A. I do.

1 Q. Do you recall what your answer was?

2 A. Sure. That it was -- it wasn't coordinate or set up. I just
3 think it's the wrong word. It's not. It was happening
4 organically. On January 4th, Mr. Haynes said he wanted to get paid
5 back; wanted to get his, I think, \$20,000 at a time. And so we
6 talked with the Franqueses as part of their cooperation. They did
7 it -- as it relates to the January payment, they did it in
8 conjunction letting us know so we were able to do surveillance of
9 it. The February payment, we didn't even -- we weren't there.

10 Q. Okay. So it was happening organically. You just had to give
11 it a little boost, right, to make it happen a little quicker
12 organically; right?

13 A. Only boost was us telling the Franqueses, because they were
14 cooperating at that time, that they could do it and that if those
15 checks were deposited, we would -- that wasn't coming out of their
16 pocket. The FBI was going to refurbish their funds.

17 Q. Okay. So since the checks never got deposited, they didn't
18 need to get reimbursed; correct?

19 A. That's correct.

20 Q. But isn't it true, Mr. Herman, the reason a second check was
21 given to my client is because he never cashed the first check or
22 deposited it and you say, well, let's give it another run; maybe
23 he'll cash this one?

24 A. That's absolutely not true. When it started, he wanted
25 \$20,000. We broke it to \$10,000, then another \$10,000.

1 Q. Why didn't you just give him \$20,000?

2 A. Because there was -- the Franqueses wanted to give it all at
3 once, meaning a lot more than that. There is administrative issues
4 for me on my side. I don't have a safe, because we're going to
5 refurbish them, to just open up that amount of cash. There's an
6 approval process I have to go through, so at the time that's where
7 I had \$20,000 to work with.

8 Q. You didn't have that amount of cash, but they were getting it
9 via check. What do you mean you didn't have that amount of cash?

10 A. I have to have it approved. So I can't -- at my level, I can't
11 authorize us refurbishing somebody, let's just say, \$500,000 just
12 on my own. There's an approval process I have to go through with
13 the government to get that kind of funds. So I can't say we're
14 going to pay them back when I don't know it's going to be there.

15 Q. So the approval process to get reimbursed \$10,000 is different
16 from the approval process to get reimbursed \$20,000; correct?

17 A. No, it's above \$20,000.

18 Q. Okay. So one check at \$20,000 would be the same approval
19 process as two \$10,000 checks; correct?

20 A. Correct.

21 Q. And the Franqueses were very wealthy people; correct?

22 A. Yeah, I think so.

23 Q. And they didn't say, "Mr. Herman, we put up this \$20,000.

24 Look, we got to get it within a couple of days"?

25 A. No. They wouldn't have said that, but we wouldn't have had

1 them do this on our behalf as part of the investigation out of
2 their own pocket.

3 Q. Right. They would get reimbursed in due course?

4 A. Yes.

5 Q. Now, both checks are for what account?

6 A. The checks came from the F4 account. You're referring to the
7 checks that were given to Mr. Haynes?

8 Q. The two. Yeah, I'm still on the two. Yes, sir.

9 A. Yes. Those went from F4 to MD at Law.

10 Q. And I want to, before we wrap it up, clarify. When Gary -- I'm
11 sorry -- Dusty Guidry -- we know he was arrested in December. We
12 know his house was searched -- am I right? -- May 12th. Is my date
13 right?

14 A. Give me a sec. Search the district attorney's office on the
15 9th.

16 Q. 9th.

17 A. 12th, your right. 2022.

18 Q. Correct. I thank you, yeah, because we get a lot of years.
19 '22.

20 But what I don't have is -- and I know he was debriefed.
21 Was that the same day as the search of his house?

22 A. That was.

23 Q. His first debriefing; right?

24 A. It was.

25 Q. Right. When did he actually first start cooperating?

1 A. Dusty was never what you would call a cooperator. He didn't do
2 anything as far as like the Franques did. Dusty was that day
3 interviewed, May 12th. And I don't think we had contact with Dusty
4 for a long time. He retained counsel until he pled guilty a year
5 or so later, about a year later. I think he pled guilty in maybe
6 March of '23, and then he became -- and, again, not a cooperator in
7 the sense of how the Franqueses were. He would talk to us.

8 Q. All right. We're going to have to break that down.

9 A. Sure.

10 Q. I'm going to go back to my original question, and I didn't put
11 any qualifiers on it. When did Dusty Guidry start cooperating with
12 our federal government?

13 A. In that case, May 12th, because he told us everything.

14 Q. Okay. And he didn't do any cooperation with the Government
15 prior to the DA's office getting searched and prior to his house
16 getting searched?

17 A. Prior to May 12th, no, sir.

18 Q. And this person who we knew was the hub of the entire
19 conspiracy, the hub of multiple conspiracies, FBI waited three days
20 after the whole -- I shouldn't say the world -- everybody in
21 Southwest Louisiana certainly knew on May 9th that the DA's office
22 had been raided because the media reported all over the news;
23 correct?

24 A. Correct.

25 Q. So the FBI waited three days after everyone in Acadiana knew

1 the DA's office had some type of investigation going on. The FBI
2 waited three days to search the house of the person who was at the
3 hub of the wheel; correct?

4 A. Correct.

5 Q. Anything of evidentiary value found in that search of Mr.
6 Guidry's home?

7 A. There's paperwork. I think there was some money. I'm trying
8 to remember.

9 Q. But not much?

10 A. There's a lot of documents. Nothing -- we got his phone. I
11 don't remember anything that was standing out in my mind right now.
12 A lot was seized. We went through it. I just don't remember.

13 Q. But you don't remember anything of serious evidentiary value
14 being obtained on May 12th when his house was searched; correct?
15 Significant.

16 A. His phone.

17 Q. Right. But you could have got his phone anytime with a
18 warrant; right?

19 A. In fact, when we picked him up, we grabbed his -- because he
20 was at the gym when we approached him. So I guess that technically
21 wasn't at his house.

22 Q. Now, we need to clarify. Came in, full debrief -- well, not
23 full because he had to -- well, how many times did he debrief? And
24 I'm sorry. Debrief. Explain in your vernacular what a debrief is.

25 A. Sure. So the first day, May 12th, was what I would just refer

1 to as an interview. It was a long interview of Dusty. A debrief
2 is, in essence, when you, or part of your -- you know, it's often
3 related to a plea or negotiations with an attorney, meeting with
4 the Government and being open and honest with the Government. He
5 debriefed -- I'm trying to think of the days.

6 Q. No, I don't need the dates. Just give me -- a number is what
7 I'm looking for. I don't need the dates.

8 A. So after he pled, we set up a debrief day for each of the
9 various schemes, so I think it was four.

10 Q. So four debriefs plus the initial? Or four total?

11 A. No, no, no. Four after he pled guilty, we would call debriefs.
12 The initial, I don't consider a debrief.

13 Q. Well, let me get tight with my language, then. How many times
14 did Dusty Guidry sit down with the FBI and be interviewed?

15 A. And be interviewed?

16 Q. Yes, sir.

17 A. There were four after the plea and then one the day of the
18 search. I don't remember any other sit-downs and like full
19 debriefs other than those.

20 Q. I don't mean to be technical, but are there any quick ones
21 where you met him up at a store and got information? because you
22 seem like your distinguishing sit-downs --

23 A. No. The only quick ones would be, like, the day following a
24 debrief because Dusty was involved in a lot, and Dusty would tell
25 us a story. And to him, his memory was -- I remember this happened

1 and then he would call me, like, afterwards later that day and say,
2 hey, that defendant I was talking about with this case, this is
3 their name. So that was just follow-up information.

4 Q. What are you saying about his memory? You cut yourself off.
5 You stopped your own thought.

6 A. Yeah, no. Dusty was involved in a lot, so when he's telling
7 the stories of various, like, defendants, when we're debriefing
8 him, he may not remember their name, something like that. And then
9 he'd call me later and give me their name.

10 Q. So he had some problems with his recall of all the different
11 schemes and people?

12 A. I wouldn't call it problems with his recall. Dusty did a lot.
13 He was trying to be as accurate as he could with it and wanted to
14 be -- ensure he gave accurate information, so he would follow up
15 and call me.

16 Q. And when did you tell the jury he pled guilty?

17 A. March or April of '23.

18 Q. Over two years ago; right?

19 A. Yes.

20 Q. Still hasn't been sentenced, has he?

21 A. Still hasn't been sentenced.

22 Q. I heard you say, "We lost touch with Dusty," or "We stopped
23 talking to Dusty for a while." I need you to explain that.

24 A. Sure. So after the May -- the various search warrants, the
25 interviews, and talking to Dusty, Dusty retained counsel, at which

1 time that counsel was dealing with the United States Attorney's
2 Office, the prosecutors. At that point I can't talk to Dusty
3 without their permission, so I don't...

4 Q. So that's not losing touch. That's him just having
5 representation and his lawyer can talk to those lawyers; right?

6 A. Sure. And I didn't mean it that me and Dusty had any issues.
7 I didn't call him, put it that way, or he didn't call me.

8 Q. Okay. But did the U.S. Attorney's Office meet with him or call
9 him that you weren't a part of?

10 A. No.

11 Q. That's what I just wanted to be sure.

12 A. No, no, no.

13 **MR. CLEMONS:** Just one minute, Judge. Let me check with
14 my bosses over here and make sure I'm not missing nothing. No
15 further questions, Judge.

16 **THE COURT:** Redirect, Mr. Nickel?

17 **MR. NICKEL:** Yes, Your Honor.

18 **REDIRECT EXAMINATION BY MR. NICKEL:**

19 Q. Agent Herman, you were asked on cross-examination when Dusty
20 Guidry was interviewed after the search warrant at the district
21 attorney's office; correct?

22 A. Correct.

23 Q. When was that?

24 A. After the search warrant of the district attorney's office, May
25 12th.

1 Q. How many days after the search warrant?

2 A. Three.

3 Q. What was Mr. Haynes doing with his bank account MD at Law at
4 Community Bank?

5 A. Closing it.

6 Q. On the same day?

7 A. Yes, sir.

8 Q. Okay. Do you determine who gets charged with crimes?

9 A. I have no say in it.

10 Q. Are you a lawyer?

11 A. I'm not.

12 Q. How do you present a case to the U.S. Attorney's Office or to
13 any prosecuting body, for that matter?

14 A. Any, I start by talking to them, and then I present whatever
15 evidence we have. But usually it starts by conversation.

16 Q. Okay. And if you beg them to charge it, do you have the final
17 say or do they have the final say?

18 A. They have the final say. I have no say.

19 Q. Do you get frustrated with that sometimes?

20 **MR. CLEMONS:** Objection, Judge. Whether he gets
21 frustrated is not relevant.

22 **MR. NICKEL:** Sure. I'll move on, Judge.

23 **BY MR. NICKEL:**

24 Q. Agent Herman, did you confirm whether Mr. Haynes accepted the
25 check from January 11th?

1 A. I did.

2 Q. Did you confirm whether Mr. Haynes accepted the check from
3 February 1st?

4 A. I did.

5 Q. And we actually reviewed some calls; right?

6 A. It wasn't calls. It was during consensual recordings he
7 confirmed it.

8 **MR. NICKEL:** Sure. If we can publish 001-003.

9 **BY MR. NICKEL:**

10 Q. Agent Herman, the meeting that took place in the boardroom,
11 what date was that?

12 A. That meeting was January 12th of '22.

13 (Video playing.)

14 **BY MR. NICKEL:**

15 Q. Whenever Mr. Franques says, "I don't know if you know this, but
16 I cut Mr. Haynes a check," does Mr. Haynes say, "I never got the
17 check"?

18 A. No, he didn't say that.

19 Q. All right. During this same call or same recording, does he
20 confirm a second time that he got a check?

21 A. Yes.

22 **MR. NICKEL:** Can we play 001-005?

23 (Video playing.)

24 **BY MR. NICKEL:**

25 Q. Is he referring to the same check? And this is before the

1 second check is delivered; right?

2 A. Yes. This is January 12th, so the second check is not delivered
3 until the 1st of February.

4 Q. And was there a recording in which Mr. Haynes confirmed that he
5 actually got another check, confirming he had both checks?

6 A. Yes, sir. That was the February 3rd recording that I was
7 referring to earlier.

8 **MR. NICKEL:** Let's publish 003-003.

9 (Video playing.)

10 **BY MR. NICKEL:**

11 Q. Did you hear that part where he said he wasn't expecting a
12 check?

13 A. Yes.

14 Q. And what did he respond to that?

15 A. Picked it up anyway.

16 Q. Both of them. He's holding both of them right now; right?

17 A. Yes.

18 Q. This would have been after the January 11th check that was
19 discussed in the previous call; correct?

20 A. Yes. So holding both the February 1st and January 11th check.

21 Q. He didn't negotiate these; correct?

22 A. He never did.

23 Q. Would you say he accepted them?

24 A. Yes, he accepted them.

25 Q. In his own words?

1 A. Yes.

2 Q. Did you ever discover who asked Gary Haynes for those F4 checks
3 that we reviewed?

4 A. Who asked for them?

5 Q. Correct.

6 A. Through interviews.

7 Q. Okay. We'll get to that later.

8 You were asked on cross-examination why some of the
9 recordings had video and some of them didn't. What about the
10 January 12th meeting allowed you to video it?

11 A. We knew that it was coming. They had discussed that meeting
12 between Gary, Dusty with Mr. Franques in advance, so we had time to
13 prepare and have that recording equipment set up. We knew where it
14 was going to be.

15 Q. Were the other meetings sporadic?

16 A. Yes. Yeah, they were. I mean, Jan-- I'm sorry. December 14th,
17 the first one, we were actually meeting with Leonard when Mr.
18 Haynes called and said, "Hey, I need to meet you right now." And
19 that's where we were showing him how to use the equipment.

20 Q. And so explain to us why you may only be able to get audio
21 sometimes and sometimes be able to get audio and video.

22 A. So with the video aspect of it, so anytime you're doing a
23 consensual recording where it needs to be concealed in some way,
24 getting the video could be difficult because you don't know where
25 you can put your device. If you know where a meeting is going to

1 take place, i.e., what we call the boardroom meeting on January
2 12th, you have time in advance. We do have ways to make -- put
3 things in place to make that much easier to happen.

4 Q. Okay. On cross-examination you were asked if Mr. Franques was
5 able to cut the recording short; correct?

6 A. Correct.

7 Q. Or cut it in certain spots; correct?

8 A. Correct.

9 Q. On the Jason's Deli meeting, were there any FBI agents in
10 Jason's Deli?

11 A. Yes. They were sitting next to them.

12 Q. During the boardroom meeting, were there any FBI agents there?

13 A. Yeah, there was actually an FBI agent in the closet.

14 Q. And Did you confirm whether those agents -- whether anything
15 was skipped or cut short?

16 A. Nothing was. And I was able to confirm. I'm listening live as
17 it's going on.

18 Q. Sure. And did you confirm with Mr. Franques after each one of
19 them that nothing was cut short or skipped?

20 A. Correct. We talked about it.

21 Q. Did you collect evidence that Mr. Haynes planned to put money
22 in the MD at Law account?

23 A. Yes.

24 Q. Okay. And in what form?

25 A. He was going to put the money -- I'm sorry. I'm not really

1 getting the question.

2 Q. Sure. Did you develop evidence that Mr. Haynes intended to put
3 money into F4 -- I mean, into MD at Law? I'm sorry.

4 A. Yes. That was where he was going to put the money that he
5 received from this scheme.

6 Q. On cross-examination you were asked if the mayor wanted CBT in
7 city court; correct?

8 A. That's correct.

9 Q. And actually --

10 **MR. CLEMONS:** That's incorrect, Judge. I asked if he
11 wanted PTI in city court.

12 **THE COURT:** That's correct.

13 **BY MR. NICKEL:**

14 Q. Sure. The mayor wanted PTI in city court?

15 A. Correct. And just so we're clear, PTI, pretrial intervention,
16 yes.

17 Q. And do you recall saying that, you know, if the mayor really
18 wanted it, he could threaten Mr. Haynes' job; correct?

19 A. Correct.

20 Q. And Mr. Haynes was also an ADA; correct?

21 A. Correct.

22 Q. Did the mayor have any say so or discretion as to his job as an
23 ADA?

24 A. No, and by that, I meant his job as the Lafayette city
25 prosecutor.

1 Q. Okay. You were asked about revenue sharing on
2 cross-examination; correct?

3 A. Yes.

4 Q. And I just want to make sure we have this straight. But a
5 vendor can revenue share with an office; correct?

6 A. Correct.

7 Q. Explain to us how that works.

8 A. So I'll give you an example of David Burton. He's been a
9 vendor for multiple district attorneys offices, but with Lafayette
10 in particular. When somebody that's in PTI is assigned to take one
11 of his courses, which he put on traffic courses, they pay to have
12 -- to take those courses. That money, a portion of that money was
13 shared with the --

14 **THE DEPUTY CLERK:** Judge, I think we need to take a
15 break.

16 **JUROR 12:** I'm nauseous.

17 **THE COURT:** All rise for the jury. Let's go ahead and
18 take a lunch break. We'll come back at 1:15. It's noon now.
19 We'll continue with Agent Herman. We'll ask for an update on our
20 juror.

21 (Jury not present.)

22 **THE COURT:** Please be seated. Agent Herman, you can step
23 down and we'll finish your testimony after lunch. Court will be in
24 recess until 1:15.

25 (Off the record at 12:01 p.m.; resumed at 1:21 p.m.)

1 **THE COURT:** Please be seated. Our juror is feeling much
2 better, so I think we are ready to proceed. Anything we need to
3 address before we bring the jury back in?

4 **MR. WALKER:** No, Your Honor.

5 **MR. CLEMONS:** No, Judge.

6 **THE COURTROOM SECURITY OFFICER:** All rise for the jury.
7 (Jury present.)

8 **THE COURT:** Please be seated. All right. Mr. Nickel,
9 you may continue.

10 **MR. NICKEL:** Thanks, Judge.

11 **BY MR. NICKEL:**

12 Q. Agent Herman, I'm almost done. There's a few things I need to
13 clarify with you, if you just bear with me five more minutes. On
14 cross and maybe a little bit of direct, a custodial interview --
15 not a custodial, but a custodial interview in general was
16 discussed. Can you just let us know what a custodial interview is?

17 A. Sure. When somebody's taken -- it's called custodial because
18 when somebody is taken into custody, law enforcement handcuffs,
19 arrests them, they are in custody. So when they are interviewed
20 after they are arrested, that's what we call a custodial interview.

21 Q. Okay. Perry Nicosia and the Terrebonne Parish stuff --

22 A. Yes, sir.

23 Q. Is Terrebonne Parish in your area of responsibility?

24 A. No, it's not.

25 Q. So if that case was going to be prosecuted, what U.S.

1 Attorney's Office would it go to?

2 A. That would have gone to the Eastern District of Louisiana.

3 Q. And where is their office?

4 A. New Orleans.

5 Q. So separate from this one.

6 You said the investigation was dormant -- I think the
7 word dormant was used -- December-January of 2021 until May of 2022
8 when the search warrant was executed. Why was that?

9 A. It was dormant because we weren't doing anything overt. We
10 weren't, aside from the cooperation from the Franqueses. The
11 investigation related to the GPP scheme in the Eastern District was
12 taking place, was active. So if we would have done the search
13 warrants of the district attorney's office, say, in February, it
14 possibly could have had negative effects for their investigation.
15 So it was requested that we, in essence, stand down.

16 Q. And eventually, I guess, that hit a head and you were able to
17 execute the search warrant of the DA's office?

18 A. Yes, sir. That's why we did it in May.

19 **MR. NICKEL:** If we could pull up Government's Exhibit 29.
20 It's previously admitted and published already. If we could just
21 blow up Mr. Haynes' -- just that top half. That's fine. Past the
22 first green box. Right there.

23 **BY MR. NICKEL:**

24 Q. Can you just read the box, the entire box that Mr. Haynes
25 responds to?

1 A. Sure. [As read] "There are two we discussed in first meeting
2 with y'all. Dusty recommended same two as district. CNA is Joe
3 Prejean. Excellent. And Leonard Franques, CBT. Joe has good
4 programs. I'll talk to Dusty if you don't want to, but I recommend
5 we use his, also."

6 Q. Okay. So one more thing. If we could pull up -- let me ask
7 you this: When was Dusty Guidry arrested?

8 A. On the drug charges?

9 Q. Yes, yes. Sorry. On the drug charges.

10 A. December 10, 2021.

11 **MR. NICKEL:** Okay. If we could pull up Government's
12 Exhibit 38, which has previously been admitted and published.

13 **BY MR. NICKEL:**

14 Q. Do you recall this text message?

15 A. I do.

16 Q. Can you remind us what it is?

17 A. This is a text message from Ronnie Guidry to Mr. Haynes. And,
18 again, Ronnie is Dusty's father.

19 Q. Almost four days after he's arrested for drugs?

20 A. Yes, sir.

21 Q. Okay. Do you recall -- I played it before we left for the
22 break -- the call on Feb-- the consensual on February 1st where Mr.
23 Haynes said he's just holding the checks?

24 A. February 3rd. I do, yeah.

25 Q. That was after Mr. Guidry was arrested for drugs and Mr. Haynes

1 received this text; correct?

2 A. Correct.

3 **MR. NICKEL:** One second, Your Honor. Nothing further,
4 Your Honor.

5 **THE COURT:** All right. Special Agent Herman, you may
6 step down and return to counsel table. Thank you.

7 **MR. WALKER:** Your Honor, the next witness is Jeff Goins.
8 And I'm going to be using the ELMO with this.

9 **THE COURT:** Just make sure the microphone is where you
10 can be heard if you are using the ELMO over there.

11 **MR. WALKER:** I will, Your Honor. Thank you. And
12 actually, I'll just put things on the ELMO and come back to the
13 microphone.

14 **THE DEPUTY CLERK:** Raise your right hand. Do you
15 solemnly swear or affirm that the testimony you give in this matter
16 will be the truth, the whole truth, and nothing but the truth, so
17 help you God?

18 **THE WITNESS:** I do.

19 **JEFFREY GOINS,**
20 after having first been duly sworn, did testify as follows:

21 **DIRECT EXAMINATION BY MR. WALKER:**

22 Q. Would you tell us your name.

23 A. Jeffrey Goins, G-o-i-n-s.

24 Q. Where are you employed?

25 A. I'm currently retired.

1 Q. Before you were retired, where were you employed?

2 A. I worked as a special agent for the FBI in Alexandria.

3 Q. In May of 2022, were you working at the FBI office in
4 Alexandria, Louisiana?

5 A. I was.

6 Q. And on May 9th were you tasked to assist the FBI office in
7 Lafayette, Louisiana?

8 A. I was.

9 Q. Tell me about that.

10 A. I was assigned to be the search team leader for a document
11 search at the pretrial diversion section of the Lafayette District
12 Attorney's Office.

13 Q. Did you have a briefing ahead of time?

14 A. We did. I believe we briefed Sunday night, the night before.

15 Q. Did you understand that you were going to be -- as part of your
16 role, you were going to be seizing specific things?

17 A. I did.

18 Q. What types of things were you going to be seizing?

19 A. We had a list of about 240 names for pretrial diversion files
20 and then other documents related to the pretrial diversion program
21 run in that office.

22 Q. When you went on the day of the search -- you know the big
23 building that's just like a block down, the courthouse?

24 A. The Lafayette Parish courthouse, yes.

25 Q. Is that the place that you searched? Was the DA's office

1 within that building?

2 A. Yes. I believe it was on the sixth floor.

3 Q. And when you went there, where was the pretrial intervention or
4 pretrial diversion section of the DA's office?

5 A. We came up the east bank of elevators. When you step out of
6 the elevator, to the right at the end of the hall there were four
7 rooms there. To the left of the elevator, on the left, there were
8 two offices there. And to the left but on the opposite -- right
9 side of the hall, there were two offices there that was our primary
10 search area.

11 Q. When you went to that area, were there any employees from the
12 pretrial diversion or pretrial intervention section who were at the
13 place you were going to be searching?

14 A. There was at least one lady, because I spoke with her and she
15 pointed out where files would be.

16 Q. So they assisted you in getting the files that you needed to
17 collect?

18 A. They told us where -- whose office was whose and where the
19 files would be in that office.

20 Q. When you went to that area, had you had a discussion about
21 whether you were going to take the original files or make copies of
22 those files?

23 A. We had.

24 Q. Tell me about that.

25 A. Because it was a prosecutor's office and we didn't want to

1 interfere with the normal operations of the office, it was decided
2 at a level above me, as the search team leader, that we would, if
3 we found something we wanted to seize pursuant to the warrant, we
4 would take it from its location found, make two identical copies of
5 it, and return the original document to where we found it.

6 Q. When you're executing a search warrant on a lawyer's office or
7 a district attorney's office, is that something that's uncommon?

8 A. No. I've done that several times before.

9 Q. When you're going to a DA's office and you're going to make
10 copies, do you actually physically bring a printer up with you?

11 A. I believe we did that day.

12 Q. And after the files were copied, did you -- were they placed in
13 an envelope with a label?

14 A. They were.

15 Q. After you seized them and placed them in that folder, were they
16 placed in a secure area of the FBI office?

17 A. They were.

18 Q. Do you remember where that was?

19 A. The set of records that would -- that would ultimately be
20 turned over to the case agents were placed in the SCIF, secure
21 compartmented information facility. It's just a room within the
22 Lafayette FBI office that has a separate card key and alarm access
23 to track who enters and leaves. So one set of copies went there.
24 Another set of copies was placed in a separate, locked room, and
25 that was for the review team to federal prosecutors not associated

1 with the case were to review each and every seized document to
2 determine if there was one that was seized pursuant to the warrant,
3 called for under the warrant, but also that it didn't have any
4 attorney-client privilege associated with it. And only after those
5 attorneys reviewed and said, "Okay. You can take that item," would
6 those items that were placed in the SCIF be released to the
7 investigative team.

8 Q. Do you remember the pretrial diversion or pretrial intervention
9 files? Do you remember that they had dark-colored folders?

10 A. They were in file folders. They weren't the manila, buff kind
11 of cream colored. They were darker. I don't know if they were
12 maroon or blue. Just a darker-colored file folder.

13 Q. When you supervised the copying of those files, did you copy
14 the documents that were inside of the files?

15 A. Yes.

16 Q. If there was something written of substance on the exterior of
17 the file, would you have copied that, as well?

18 **MR. CLEMONS:** Objection, Judge. He asked him if there's
19 something written of substance. He's not qualified to determine
20 whether something is of substance or not.

21 **THE COURT:** Overruled.

22 **THE WITNESS:** Each folder had handwritten an individual's
23 name on it, and we compared that name to a list of about 240 names
24 from the search warrant. If there was something other than that
25 that seemed material to -- that would have been material to me as

1 an investigator -- I wasn't an investigator on the case, I was just
2 a searcher -- our normal protocol is to photograph and/or photocopy
3 it.

4 **BY MR. WALKER:**

5 Q. And would that have been what you directed the other agents to
6 do, as well?

7 A. Yes.

8 **MR. WALKER:** I'm going to show you what's been marked for
9 identification as United States Exhibit 7-A. This should only be
10 shown to the jury. I mean, I'm sorry. Only be shown to the
11 witness. 7-A. It's on the ELMO?

12 **BY MR. WALKER:**

13 Q. Do you recognize that?

14 A. I do.

15 Q. Can you tell me if that was something that was seized on May
16 9th? Is it a copy of something that was seized on May 9th?

17 A. It is.

18 Q. Can you tell me how you know that?

19 A. I recognize the label as the type that's generated from the
20 evidence collection manager software that the search team was
21 running the day of that search, which has the FBI case number at
22 the top, has the date on the right-hand side. This is Item Number
23 36 of the 80-something items seized.

24 **MR. WALKER:** Your Honor, at this time the United States
25 would offer into evidence United States Exhibit 7-A.

1 **MR. CLEMONS:** Your Honor, no objection, other than what
2 we discussed at the hearing based on our pretrial motion.

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

4 **BY MR. WALKER:**

5 Q. And can you tell me the name of the participant in the pretrial
6 intervention program that this was associated with?

7 A. The evidence description is defendant's file Tara Wells.

8 **MR. WALKER:** Could we publish that to the jury?

9 **THE COURT:** Yes.

10 **THE DEPUTY CLERK:** It is.

11 **MR. WALKER:** It is published to the jury? Sorry.

12 **BY MR. WALKER:**

13 Q. I'm just going to back it out so that the jury can see it.
14 This is a manila folder?

15 A. Yes.

16 Q. And you can see the evidence description on it?

17 A. Correct.

18 Q. And that's one of the things that was seized pursuant to the
19 search warrant?

20 A. It was.

21 **THE COURT:** Can you see it, Mr. Clemons? Is it on your
22 screen or not?

23 **MR. CLEMONS:** No. My concern is he said it's a manila
24 folder. That looked like an envelope to me. I don't want the jury
25 to be confused or misled. It looks like an envelope.

1 **BY MR. WALKER:**

2 Q. It's this thing (indicating); is that right?

3 A. It's a manila-colored envelope containing documents -- a copy
4 of documents that were seized on May 9th at the district attorney's
5 office.

6 Q. So what I'm going to do, just to kind of keep things moving
7 forward, I'm going to show you three additional exhibits, one right
8 after another and move to introduce all three.

9 Do you see Exhibit 9-A?

10 A. I do.

11 Q. Is that also a pretrial intervention folder that was copied and
12 placed in this manila folder -- I'm sorry, envelope on May 9th?

13 A. It is.

14 Q. I'm showing you 11-A. Is that an additional envelope that was
15 seized in the search warrant on May the 9th?

16 A. It is.

17 Q. And for clarity sake, it is in an envelope?

18 A. It is.

19 **MR. CLEMONS:** Can I see it?

20 **MR. WALKER:** Yeah.

21 **MR. CLEMONS:** You moved it real fast.

22 **BY MR. WALKER:**

23 Q. And finally, Exhibit 12-A. Is that also a copy of the PTI
24 folder that was seized on May the 9th?

25 A. It is.

1 **MR. WALKER:** Your Honor, I would offer into evidence
2 United States Exhibit 9-A, 11-A, and 12-A.

3 **MR. CLEMONS:** Nothing other than what we previously
4 lodged, Judge.

5 **THE COURT:** Admitted subject to the defendant's prior
6 objections.

7 **MR. CLEMONS:** Thank you, Judge.

8 **BY MR. WALKER:**

9 Q. So let me see if I can make this a little bigger. It is the
10 copy of the pretrial intervention folder. Who was the participant?

11 A. Dominic Sunseri.

12 Q. I'm showing you 12-A -- I'm sorry, 11-A.

13 **THE COURT:** The prior one as 9-A, for the record, if you
14 didn't say it.

15 **MR. WALKER:** Correct.

16 **BY MR. WALKER:**

17 Q. Prior was 9-A. This is 11-A. I'll just back it up so you can
18 see it. And then I'm going to move it forward. And can you tell
19 me who the participant was in this case?

20 A. The defendant file is for Bradley Charles Zaunbrecher.

21 Q. And finally, 12-A. I'm just going to back it up. And then can
22 you tell me the name of the participant in this case?

23 A. The defendant file was Thomas Onebane, Jr.

24 **MR. WALKER:** And Your Honor, in connection with these
25 exhibits, as the defense is aware, we have taken out documents from

1 these folders and we have created electronic exhibits. So at this
2 time I would move to introduce United States Exhibits 7, 9, 11, and
3 12. And the defense has been provided a copy of the exhibits that
4 came from these folders.

5 **MR. CLEMONS:** No objection, Judge, subject to what we had
6 a hearing on.

7 **THE COURT:** Do you have any objections that, in fact,
8 electronic files are different from the ones that have been offered
9 and admitted by the Court just now?

10 **MR. CLEMONS:** I have no reason to dispute that they're
11 any different, Judge. I don't have any knowledge that they are,
12 put it that way, Judge. My objection is strictly on the
13 originality that we discussed at the hearing. But I'm not
14 disputing whether what's on the jump drive is different from those
15 physical files right there, if that's your question.

16 **THE COURT:** That's my question.

17 **MR. CLEMONS:** Okay.

18 **THE COURT:** Mr. Walker, just for the record, how are the
19 contents of those four manila envelopes transferred to the
20 electronic files which you are seeking to introduce?

21 **MR. WALKER:** Your Honor, what we did, we took out
22 specific individual pages from those files. We have given those to
23 the defense. We then created an electronic PDF version of those
24 documents and we placed a number on them. I say Exhibit 7. It's
25 actually 007 and 009, 011, and 012. That's how they were created.

1 **THE COURT:** All right. I'll admit them.

2 **MR. WALKER:** I will tender the witness, Your Honor.

3 **THE COURT:** Okay.

4 **CROSS-EXAMINATION BY MR. CLEMONS:**

5 Q. Good afternoon again, Mr. Goins.

6 A. Good afternoon.

7 Q. I just have a few questions for you, Mr. Goins. You were part
8 of the search team; correct?

9 A. Yes, sir.

10 Q. And you were not familiar with the merits of the case; correct?

11 A. I knew --

12 Q. I mean the details of what the case was about.

13 A. They went over the general allegation at the briefing and
14 talked about what we were hoping to find during the search, but I
15 was brought in specifically for the search on May 9th. I did not
16 conduct interviews or surveillance or anything like that.

17 Q. So you didn't participate in the investigation at all?

18 A. No, sir.

19 Q. You just had a big picture overview; correct?

20 A. Correct. Now, I take that back. I may have interviewed one
21 witness in Alexandria about a DWI or set up that interview, but
22 nothing -- not even close to being a case agent.

23 Q. Because you testified that regarding the file folders -- and
24 you got the files which have contents, and then the folders is what
25 the contents are inside the file; correct? You with me?

1 A. Yes, sir.

2 Q. And you didn't copy any folders at all; correct? You just
3 copied inside contents of folders; correct?

4 A. Correct.

5 Q. So, and I think your reasoning was you didn't see anything of
6 substance on the exterior folders; correct?

7 A. Not that I recall or that I saw photos of.

8 Q. Not that you recall. I get that. But what do you mean, Mr.
9 Goins, that you saw photos of? I thought you were looking at
10 actual files.

11 A. In reviewing for my testimony today, I looked at the ERT case
12 book that's prepared that has all of the presearch photos, the
13 collected items photos, and the postsearch photos. I did not
14 notice any of the photos that had -- that were of the exterior of a
15 file folder that might have something written on it.

16 Q. Okay. So to prep for your testimony today, you looked at
17 copies of what you had already copied, basically?

18 A. No. I looked at digital images of the photographs that were
19 taken during the search.

20 Q. Okay.

21 A. The ERT process is to photograph everything before you start
22 the search, photograph items as they're found during your search,
23 and then to photograph the areas that you searched before you
24 depart. In looking at those photos, I did not notice any photos of
25 a folder for a defendant's PTD folder that had any notation written

1 on it other than the defendant's name.

2 Q. So you saw photos of folders, am I right?

3 A. Yes.

4 Q. But no folders were actually copied and seized by your team;
5 correct?

6 A. Correct.

7 Q. Okay. So we got photos of the exterior of the folders;
8 correct?

9 A. We have photos of the folders in place, and we have photocopies
10 of the contents of that folder.

11 Q. Okay. But the photos is of the cover, front cover of the
12 folder; correct?

13 A. Normally it would be the photograph of the folder in a file
14 drawer where it's found.

15 Q. Mr. Goins, we can't really go by normally. I want to know what
16 happened in this case. So you're saying that we have photos of
17 folders inside drawers? File drawers?

18 A. Where the folders were found, yes, sir.

19 Q. Okay. So no photos of the actual file covers do we have?

20 A. No, sir.

21 Q. No photos of the inside front cover do we have, do we?

22 A. No, sir.

23 Q. No photos of the back cover of the files, do we?

24 A. No, sir.

25 Q. No photos of the inside of the back cover of the files, do we?

1 A. No, sir.

2 Q. And there's nothing prohibiting assistant DAs/paralegals/law
3 clerks/coordinators from working on a case, making a note: Talked
4 to Don today; Don said consider this guy for pretrial and make a
5 note of it and put it on the interior of a file?

6 **MR. WALKER:** Objection, Your Honor. Calls for
7 speculation.

8 **MR. CLEMONS:** Judge, I mean, he's an experienced agent.
9 I just asked --

10 **THE COURT:** He can answer if he knows. Do you know,
11 Agent Goins?

12 **THE WITNESS:** I don't know the normal protocol for the
13 Lafayette Parish District Attorney's Office, what they do or don't
14 do.

15 **BY MR. CLEMONS:**

16 Q. But my question was: You're not aware of anything that
17 prohibited them from doing it, are you?

18 A. I couldn't tell you what they are required to do or prohibited
19 from doing.

20 Q. Okay. So you seized files that you knew would be part of a
21 federal investigation about the PTI program and some of the files
22 related to people accused even in the indictment? You knew that
23 was the purpose of getting these files; correct?

24 A. I was executing a search warrant. I didn't know the ultimate
25 disposition because the files still had to go through the review by

1 the two uninvolved attorneys before it could be released to the
2 case agents.

3 Q. Okay. And there was nothing that prohibited your team from
4 gathering the files, making copies for the DA's office, giving the
5 DA's office the files back, and keeping the originals so that we
6 could see the original files here in the courtroom? There was
7 nothing prohibiting that; correct?

8 A. No, sir. The decision was made prior to the briefing that we
9 would not be taking the original documents or folders. We would be
10 making two copies and returning the items called for in the warrant
11 to their location found.

12 Q. I know that, but there was nothing prohibiting you guys from
13 making a different decision, was there?

14 A. Not that I'm aware.

15 Q. The powers that be just made that decision; correct?

16 A. Yes.

17 Q. Do you recall who made that decision? Or it was just somebody
18 above your pay grade?

19 A. There were a lot of people above my pay grade. Normally --

20 Q. I'm talking about who made the decision.

21 A. Normally, with an ongoing prosecutor or attorney's office, we
22 want to cause the least amount of disruption as possible. So the
23 decision was made: We're going to make copies and leave the
24 originals at the district attorney's office.

25 Q. Okay. Now, are you familiar with the Karpel system that the

1 local DA's office uses for discovery?

2 A. I am not.

3 Q. Okay. You would agree, Agent Goins, that the best evidence of
4 what you seized at the DA's office on that date would be the actual
5 files? You would agree --

6 **MR. WALKER:** Objection.

7 **THE COURT:** Hold on just a second.

8 **MR. WALKER:** Objection, Your Honor. Legally, he knows
9 that's not correct. In fact, a copy is just as good as the
10 original as a matter of law.

11 **THE COURT:** Response?

12 **MR. CLEMONS:** Judge, I'm not asking for a legal opinion.
13 I'm just asking for a factual statement, whether he feels like as
14 an experienced agent that would be the best. I'm not asking for a
15 legal conclusion. I'm just asking him as an experienced agent who
16 has done investigations.

17 **THE COURT:** Okay.

18 **THE WITNESS:** I've done it both ways. When I worked for
19 the criminal division of the IRS, I was the case agent on a
20 personal injury attorney firm and we seized 160-something bankers
21 boxes of original records.

22 I've searched a prosecutor's office and seized copies
23 before. The way I looked at it -- I didn't have heartburn with a
24 decision, hey, we're just going to make copies or we're going to
25 seize the original. This was a document search that I would

1 contrast to say a forensic search, where you're looking for hairs
2 and fibers and more forensic evidence. So it didn't -- I didn't
3 see a huge difference in either making a copy or taking the
4 original.

5 **BY MR. CLEMONS:**

6 Q. Now, who gave the direction -- I guess I shouldn't call you
7 Agent Goins. You're not on the Government's ticket anymore. Mr.
8 Goins, who made the decision of what should be copied and how it
9 should be copied in each file? I mean, for example, the file we
10 saw here, who decided, okay, you copy on letter-sized paper both
11 sides; you copy on legal size one side; this is what you copy? Who
12 made those calls?

13 A. I would have talked to our search team. There were -- on the
14 document search -- realize there was a computer forensic search
15 going on, as well, that should have been documented separately.
16 For the documents only --

17 Q. And that's what I'm referring to.

18 A. -- we had a list of 240-something names. And my instructions
19 to the team members that were making copies is copy everything. So
20 if a folder had 50 sheets of paper in it and then they copied all
21 50 sheets. There was no only copy e-mails. If that name was on
22 the list and it was in the date period called for in the search
23 warrant, which I believe was 2018 to present in '22, they were
24 supposed to copy everything.

25 Q. Okay. And so you're talking to a lawyer. You say they were

1 supposed to copy everything. Do you think they did?

2 A. I believe they did.

3 Q. Okay. And the names, whatever number -- I think I wrote 160,
4 but I think you may have said 200 on the list, whatever that number
5 was of defendants and files that you guys -- that's the ones y'all
6 were searching for; correct?

7 A. Correct.

8 Q. Do you know who populated that list? Where did those names
9 come from?

10 A. I'm assuming it came from the case team. I don't know. It was
11 in Attachment B of the search warrant that I was -- that we briefed
12 and read.

13 Q. And so you were looking for files for any of those -- we'll
14 just say 200, whatever the number is. So when you were searching
15 the DA's office at the pretrial investigation division, you were
16 looking for files for those 200 people. If you found their files,
17 you made a copy of everything on the inside of the folders;
18 correct?

19 A. Correct.

20 Q. Okay. And were there several names on the list in which you
21 didn't find any files for?

22 A. Yes. I believe there were 68 items seized. About 40 of them,
23 low 40s, were defendant files. The others would have been, I
24 recall e-mails, some forms, a profit and loss for the pretrial
25 diversion program, things like that. But roughly 40 of the 68

1 items were defendant files.

2 Q. And the others were just records related somehow to pretrial
3 intervention?

4 A. Yes, sir.

5 Q. So we got 40, but that's 40 out of whatever number you said
6 earlier of names. You only found 40? Am I hearing you correctly?
7 Whatever number that was you gave --

8 A. Correct.

9 Q. -- only 40 of those files were actually located?

10 A. Right. We did not find a record for every name that was on
11 Attachment B items to be seized.

12 **MR. CLEMONS:** Thank you. Thank you, Mr. Goins. Thank
13 you, Judge.

14 **REDIRECT EXAMINATION BY MR. WALKER:**

15 Q. So when you execute a search warrant, is one of the things you
16 do take photographs of the place you're searching?

17 A. It is.

18 Q. Do you also take photographs of the things that, like, you're
19 seizing so you see where they are found?

20 A. Yes.

21 Q. In everything you photographed, did you see anything
22 inconsistent with the fact that nothing was written on the faces of
23 the file folders?

24 A. I did not see anything to indicate there were things on the
25 folder that contained the documents that we photographed --

1 photocopied.

2 **MR. WALKER:** Thank you.

3 **THE COURT:** All right. Agent Goins, thank you for your
4 testimony. You may step down. May Agent Goins be released?

5 **MR. WALKER:** I would ask that he be released.

6 **MR. CLEMONS:** Can we approach the sidebar one minute?

7 **THE COURT:** Sure.

8 (Begin bench conference.)

9 **MR. CLEMONS:** It's just that regarding Mr. Goins said
10 they took photos of everything that was seized. And, again, Judge
11 we got 300,000 documents in evidence in discovery, but we're
12 entitled to those photos. So if the Government has those photos or
13 can get access to those or tell us where they are, we'd appreciate
14 it.

15 **MR. WALKER:** We gave you all the photographs. What they
16 did and what he testified to --

17 **THE COURT:** What he testified to is that he took photos
18 of where those photos were in the file drawer.

19 **MR. CLEMONS:** And that's exactly what I want to see.

20 **MR. WALKER:** We gave all those to you. You got all the
21 photographs of the search. You got all the photographs.

22 **MR. CLEMONS:** Because he said he took photos of files
23 inside a cabinet.

24 **MR. WALKER:** He said he took --

25 **MR. CLEMONS:** Photos of files inside the cabinet. That's

1 what he said.

2 **MR. WALKER:** He did. He took the photographs and we gave
3 those all to you. He didn't physically take the photographs. The
4 photographs were taken of the area.

5 **MR. CLEMONS:** And that's what he reviewed prior to
6 testifying.

7 **MR. WALKER:** Right. And that's what we gave you.

8 **MR. CLEMONS:** Well, can we get any guidance on where
9 that's at? I just wanted to confirm that we had, Judge, before we
10 released him.

11 **MR. WALKER:** You definitely do have it.

12 **THE COURT:** If it's easy, if it seems like it would be
13 easy for Agent Goins to point counsel to what he reviewed, what
14 photos.

15 **MR. CLEMONS:** What Bates number.

16 **THE COURT:** Bates number, or something like that.

17 **MR. WALKER:** Well, so he reviewed it from the FBI file,
18 so he didn't actually come and look at our discovery. I know we
19 turned over all of it in discovery. He just pulled up. He can go
20 into the FBI system or he can get somebody else to do it, where he
21 just looks at the picture. So he can't point to the Bates number
22 or anything like that because he never reviewed the Bates numbered
23 documents.

24 **THE COURT:** At a break or something, if Ms. Bourque knows
25 where they are, she can tell --

1 **MR. CLEMONS:** That's all what we need, just some
2 guidance.

3 **MR. WALKER:** I can definitely try.

4 **MR. CLEMONS:** And as far as Mr. Goins released, yes, sir.

5 **THE COURT:** Can we release Mr. Goins?

6 **MR. CLEMONS:** Oh, yes, sir. He can be released.

7 (End bench conference.)

8 **THE COURT:** Agent Goins, you're released from your
9 subpoena.

10 **MR. WALKER:** Your Honor, the next witness is Zoila Perez.

11 **THE COURT:** Before we begin, Mr. Walker, Ms. Lacombe has
12 a question for you. And Mr. Clemons, maybe you can approach her,
13 as well, about what was actually offered and admitted into evidence
14 as far as these folders goes.

15 (A conversation was held off the record.)

16 **THE COURT:** I think you introduced both the pictures and
17 the electronic contents of what the pictures showed.

18 **MR. WALKER:** Your Honor, we will supplement with a
19 picture.

20 **THE DEPUTY CLERK:** Thank you, Judge.

21 Raise your right hand, please. Do you solemnly swear or
22 affirm that the testimony you give in this matter will be the
23 truth, the whole truth, nothing but the truth, so help you God?

24 **THE WITNESS:** I do.

25 **THE DEPUTY CLERK:** Thank you, be seated. Pull that mic

1 close to your mouth.

2 **ZOILA PEREZ,**

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

4 **DIRECT EXAMINATION BY MR. WALKER:**

5 Q. Would you tell us your name.

6 A. It's Zoila Perez.

7 Q. Where are you employed?

8 A. At the district attorney's office, 15th JDC.

9 Q. Is that here in Lafayette?

10 A. Yes, sir.

11 Q. How long have you been with the DA's office here?

12 A. For 30 years.

13 Q. Where did you start when you started working at the DA's
14 office?

15 A. I started as the receptionist.

16 Q. Is that the person at the front who takes the phone calls?

17 A. Yes, sir.

18 Q. After that, were you -- did you move to a different area?

19 A. Yes, sir. I then moved over to the file room.

20 Q. How long about were you in the file room?

21 A. A little over a year, approximately.

22 Q. From there, did you get a promotion to another area?

23 A. Yes, sir. Then I started to work with the misdemeanor
24 assistant DA.

25 Q. How long did you work with the misdemeanor assistant DAs?

1 A. Probably for about another year and a half.

2 Q. After leaving there, were you promoted to a different area?

3 A. Yes, sir. Then I started to work with the felony assistant DA.

4 Q. And after that, did you get another promotion?

5 A. Yes, sir. Then I moved to the pretrial intervention program as
6 a secretary there.

7 Q. What's the pretrial intervention program do?

8 A. It's a program designed for first-time offenders, nonviolent,
9 nonsexual offenders. It gives them an opportunity to go through a
10 program to have their first-time offense dismissed and off their
11 record.

12 Q. So I know you were a secretary there. Were you then promoted
13 to a different area of pretrial intervention?

14 A. Yes, sir. At that time it was called diversion officer.

15 Q. What's the diversion officer do?

16 A. The diversion officer oversees the case. They meet with the
17 defendant to go over the requirements, advise them what they have
18 to do in order to have their charges dismissed -- different
19 programs, fees.

20 Q. And after being a diversion officer, did you get promoted once
21 again?

22 A. Yes, sir. I was then promoted to the director of the program.

23 Q. And about when were you promoted to being the director of the
24 PTI program?

25 A. It's been over 20 years about now.

1 Q. So I asked you this before about what the PTI program is. Are
2 there specific types of cases that can go into the PTI program?

3 A. We deal mainly with misdemeanors and felonies -- misdemeanor
4 drugs, felony drugs, but nonviolent, nonsexual offenses.

5 Q. When a person --

6 A. I'm sorry. As well as DWIs. I apologize.

7 Q. Who are the people who typically will recommend a case to go
8 into the PTI program?

9 A. It's going to be the ADA, the assistant district attorney
10 that's handling that case.

11 Q. Are you aware of the fact that within the district attorney's
12 office, there are different tracks for different cases?

13 A. Yes, sir.

14 Q. Is there a felony track?

15 A. Yes, sir.

16 Q. Misdemeanor track?

17 A. Yes, sir.

18 Q. Is there a traffic court track?

19 A. I'm so sorry. If you could repeat that.

20 Q. Sure. Is there a traffic court track?

21 A. Yes, sir.

22 Q. Okay. Can those people recommend that you take particular
23 cases into the PTI program?

24 A. They can refer the case, yes. And at that point is when I
25 review the case. The only part that I review is the background,

1 the rap sheet.

2 Q. So you said rap sheet. That's a word that everybody might not
3 know. What is a rap sheet?

4 A. It's the background criminal history of the defendant. That's
5 my part that I do, is I make sure that that person they are trying
6 to send the program does qualify according to the background,
7 because I have guidelines to follow.

8 Q. So if a person has a prior felony conviction, or let's say in
9 the case of an OWI, if a person had a prior OWI conviction, when
10 you run their rap sheet, is that one of the things that you're
11 going to see?

12 A. Yes, sir.

13 Q. And does that impact on whether you are going to take the case
14 into the pretrial intervention program?

15 A. Yes, sir.

16 Q. In order to take a case into the pretrial intervention program,
17 does it have to be a legitimate case that is prosecutable?

18 A. Yes, sir. Definitely.

19 Q. So for instance, if somebody were arrested and they had not
20 engaged in the criminal conduct or if the State didn't have the
21 evidence to prove that they had engaged in the criminal conduct,
22 could you put that case in PTI?

23 A. No. It should have not been sent to our program. It should
24 have been refused.

25 Q. So the PTI program is really not a dumping ground for weak

1 cases or cases where the person didn't do it?

2 A. No, sir.

3 Q. What DA did you begin being the director of PTI?

4 A. I started under District Attorney Michael Harson.

5 Q. And how long were you under Michael Harson?

6 A. Approximately 20 years.

7 Q. After that -- well, strike that.

8 With Michael Harson, who were the people who brought the
9 cases, the potential PTI cases to you?

10 A. It was the assistant district attorneys.

11 Q. Was a new DA elected at some point?

12 A. Yes, sir. Keith Stutes.

13 Q. When Keith Stutes initially was elected, did he want to keep
14 the PTI program going?

15 A. Not in the beginning, no.

16 Q. Did you talk to him about it?

17 A. We spoke about it, what the program was designed for and what
18 it could do for individuals that are first-time offenders, yes.

19 Q. And did he agree to keep it?

20 A. Yes, sir.

21 Q. Under Keith Stutes, who was it that recommended cases to the
22 PTI program?

23 A. The assistant district attorneys.

24 Q. So that's the standard. The assistant district attorney is the
25 person who would bring the cases and recommend them to PTI?

1 A. Yes, sir.

2 Q. Under Keith Stutes, was there an assistant district attorney
3 who was assigned to be the person that y'all could go to if you
4 needed to ask a question about the PTI program?

5 A. Yes, sir.

6 Q. Or about a particular case?

7 A. Yes.

8 Q. Who?

9 A. Daniel Landry.

10 Q. So the current DA is Don Landry; is that correct?

11 A. Yes, sir.

12 Q. Danny Landry is a different guy?

13 A. Yes.

14 Q. A lot of Landrys down here.

15 Who was he? Who was Danny Landry in the district
16 attorney's office?

17 A. He was considered our supervisor over pretrial only in
18 instances when we needed assistance regarding a question for
19 pretrial.

20 Q. Had Keith Stutes delegated that duty to him?

21 A. Yes, sir.

22 Q. Was he also the first assistant?

23 A. We never referred to him as the first assistant, but the office
24 looked at him as he was.

25 Q. When Keith Stutes was the district attorney, did you have the

1 ability to work independently to make a decision about whether
2 people could or could not go into the PTI program?

3 A. Yes, sir.

4 Q. Were there specific cases where Keith Stutes did not allow them
5 to go into the PTI program?

6 A. Yes. Certain program -- certain charges, not anything violent,
7 sexual, no DWI seconds, nothing like that.

8 Q. So what about if a person had prior convictions?

9 A. I'm so sorry. Can you repeat that?

10 Q. That's okay. If a person had prior criminal convictions that
11 you observed in the rap sheet, would that be another reason why
12 they might be excluded from the PTI program?

13 A. Yes.

14 Q. Were there types of cases that you didn't have to go to Keith
15 Stutes or Danny Landry to allow into the PTI program?

16 A. Yes. Misdemeanors, misdemeanor drugs, felonies, felony drugs.

17 Q. Was Don Landry elected to be the district attorney?

18 A. Yes, sir.

19 Q. Do you remember what year he was elected?

20 A. 2020.

21 Q. And do you remember when he took over?

22 A. In January '21.

23 Q. Did you remain in the DA's office?

24 A. Yes, sir.

25 Q. And what was your position?

1 A. I was still considered a director.

2 Q. Did Don Landry appoint an attorney who was to supervise the
3 PTI, or to oversee the PTI program?

4 A. Yes, sir.

5 Q. Who was that?

6 A. Gary Haynes.

7 Q. Had Gary Haynes worked in the DA's office before?

8 A. No, sir.

9 Q. Did you know Gary Haynes before Don Landry hired him?

10 A. Yes, sir.

11 Q. How?

12 A. I considered him a friend.

13 Q. Was he a person who had represented you in the past?

14 A. Yes, sir.

15 Q. Were you at the DA's office a little over a decade ago when it
16 was searched?

17 A. Yes, sir.

18 Q. Was there a person that Gary Haynes knew very well who was
19 later prosecuted for conduct that happened while she was working at
20 the DA's office?

21 A. Yes, sir.

22 Q. Did that case involve a private investigator?

23 A. Yes, sir.

24 Q. And was the private investigator bribing the employee to have
25 cases dismissed or favorably resolved?

1 A. Yes, sir.

2 Q. Did Gary Haynes, if you know, know that the person from the
3 DA's office who was accepting the money was prosecuting?

4 A. Yes, sir.

5 Q. Were you aware if the case involved a Title III wiretap?

6 A. Yes.

7 Q. How did you know that?

8 A. I had received a letter in the mail, stating that my phone -- I
9 don't know exact word. I assumed it was tapped.

10 Q. Did you later find out that you had simply -- a phone call had
11 been intercepted?

12 A. Exactly. I understand it now.

13 Q. Were you aware that the case had been prosecuted federally?

14 A. Yes, sir.

15 Q. And do you know if Gary Haynes was aware that the case had been
16 prosecuted federally?

17 A. Yes, sir.

18 Q. Now let's go back to the PTI program. What was Gary Haynes'
19 role to be in the PTI program?

20 A. He was over the pretrial program. He was considered -- he was
21 in charge of the program.

22 Q. Was there another person the DA also hired to work in the PTI
23 program along with Gary Haynes?

24 A. Yes, sir.

25 Q. Who was that?

1 A. Dusty Guidry.

2 Q. Were you aware if Dusty Guidry had worked at other DAs' offices
3 in their PTI programs?

4 A. Yes, sir.

5 Q. Do you know which offices?

6 A. Yes. East Baton Rouge Parish.

7 Q. Had you known Dusty Guidry before Don Landry hired him?

8 A. Yes, sir.

9 Q. How?

10 A. I met him in 1995, the year I started at the DA's office. He
11 was a diversion officer in the program, the pretrial intervention
12 program.

13 Q. Later, when Keith Stutes was the DA, did you see him again?

14 A. Yes, sir. He came back as a consultant.

15 Q. Did he stay very long during Keith Stutes' time as the DA?

16 A. No, sir, for approximately three months.

17 Q. In terms of the PTI program, you were the director of PTI?

18 A. Yes, sir.

19 Q. Are you a lawyer?

20 A. No, I'm not.

21 Q. Okay. Was Gary Haynes over you in the PTI program?

22 A. Yes, sir.

23 Q. Was Dusty Guidry over you in the PTI program?

24 A. Yes, sir.

25 Q. Did your role in the PTI program change after Gary Haynes

1 became the director of the PTI program?

2 A. Yes, sir.

3 Q. How?

4 A. My position pretty much seemed very different, as if I was no
5 longer director. I was more like a gopher.

6 Q. Can you tell us what you mean by that?

7 A. Just make copies, run this, get that, print that.

8 Q. As the director of the PTI program, are you an at-will
9 employee?

10 A. Yes, sir.

11 Q. What's that mean?

12 A. Meaning that I could lose my job at any time.

13 Q. Would you describe Don Landry as a hands-on or a hands-off DA?

14 A. I'd say more when it comes to the pretrial program, hands-off
15 because he had Gary Haynes run the program.

16 Q. So who had to sign off on allowing people into the PTI program?

17 A. If it was a case I couldn't approve, it would be Gary Haynes.

18 Q. What did a person getting into the pretrial intervention have
19 to do to graduate from the program?

20 A. It depended on what their offense was when they were referred.
21 If it was an OWI, you know, there are OWI programs, certain fees.
22 It just depended on what type of offense was being referred that
23 determined what the requirements would be.

24 Q. Let's start. In every PTI case, is there a fee that is paid to
25 the district attorney's office in connection with the PTI program?

1 A. Yes, sir.

2 Q. Okay. And that fee that's paid, is it -- does it go to you?

3 A. It goes to the pretrial intervention program, the enrollment
4 fee. Yes, they pay that fee through our office.

5 Q. Okay. So does it go to you personally? Do you get to keep it?

6 A. Oh, no. Not to me personally.

7 Q. Is it deposited into the DA's office account?

8 A. Yes, sir.

9 Q. So you said that they may have to take courses. Let's talk
10 about the courses a little bit. Are there different types of
11 courses that different people have to take?

12 A. Yes.

13 Q. Are some of them online courses?

14 A. Yes, sir.

15 Q. Do they have to do other things, like litter abatement, where
16 they have to pick up trash? I've seen, you know, when you go down
17 the highway and you see the person wearing the little orange vest
18 and they're picking up trash. Is that something that sometimes
19 people have to do?

20 A. Yes.

21 Q. Okay. Can they also have to do other types of community
22 service?

23 A. Yes.

24 Q. Are they placed on probation or on supervision?

25 A. Supervision. We don't actually -- it's not called probation,

1 but it is a supervision for a certain time of months.

2 Q. So what's the purpose of the supervision?

3 A. It's to make sure while they're in the program they are not
4 rearrested. While they are on the program, they continue to drug
5 screen throughout that probation, even if they're finish the
6 requirements.

7 Q. So is there a benefit in terms of making sure that they kind of
8 clean up their act, for lack of a better word --

9 A. Yes.

10 Q. -- by having them on supervision for a time?

11 A. Yes.

12 Q. Is that the reason for the supervision?

13 A. Yes.

14 Q. If they do get in trouble, if they get arrested for something
15 else or convicted of something else, what impact does that have on
16 their role in the PTI program?

17 A. They're terminated from the program.

18 Q. Were there people or companies that handle the different types
19 of programs that you talked about that people have to take?

20 A. Yes, sir.

21 Q. Are they sometimes referred to as vendors?

22 A. Yes.

23 Q. Under Keith Stutes, who decided who the vendors were going to
24 be?

25 A. Keith had met with the vendors to make certain the ones that he

1 wanted to use were good vendors we'd use, so he interviewed in the
2 process.

3 Q. When they completed online or in-person courses, would they get
4 a certificate of completion?

5 A. Yes, sir.

6 Q. So to be clear, the district attorney's office could accept
7 that initiation fee?

8 A. Yes.

9 Q. There wasn't anything wrong with that?

10 A. No.

11 Q. Could you accept money from the PTI participants?

12 A. No, sir.

13 Q. Could you accept money from the vendors?

14 A. No, sir.

15 Q. Could you -- could the assistant DA, if you know, accept money
16 from the vendor or the PTI participants?

17 A. No, sir.

18 Q. And do y'all have training specifically on that?

19 A. When we go to conferences, yes.

20 Q. So when Keith Stutes was the DA, who typically submitted the
21 cases --

22 A. The ADAs.

23 Q. -- for the PTI program?

24 A. The assistant DAs handling the case.

25 (Court reporter asked counsel to repeat the last question.)

1 **MR. WALKER:** Sure. The last question asked was: When
2 Keith Stutes was the DA, who typically submitted cases for pretrial
3 diversion?

4 **THE COURT:** Ms. Perez, make sure he finishes his question
5 before you answer.

6 **THE WITNESS:** Yes, sir. Thank you.

7 **MR. WALKER:** And it's my fault, too. I tend to talk over
8 people and it's a bad habit.

9 **THE WITNESS:** It's okay.

10 **BY MR. WALKER:**

11 Q. So after the ADA accepts somebody or submits somebody and you
12 run their rap, what's the first thing that the pretrial diversion
13 officer does in connection with letting the people in?

14 A. First, if there's a victim in the case, the coordinator reaches
15 out to the victim for approval. If the victim does not approve,
16 the case is then rejected back to the prosecutor. If there's no
17 victim, we then send the letter to the defendant inviting them to
18 the program, advising they qualified for the program. And it's
19 voluntary program, if they choose to accept it or not.

20 Q. After the person receives the letter, if they come in what's
21 the next step that the diversion officer will do?

22 A. They will sit down and go over the paperwork as far as the
23 agreements, the requirements that they will have to complete, and
24 collect their fees and set them up for their next appointment to
25 come in.

1 Q. Is that sometimes referred to as the beginning interview?

2 A. Yes, sir.

3 Q. After the -- strike that.

4 The interview process, under Keith Stutes and under Mike
5 Harson, did y'all interview multiple people at the same time?

6 A. No, sir.

7 Q. How would you do the interview process?

8 A. It was individual, one person at a time.

9 Q. So after you've determined -- after you have done the interview
10 process -- and you said you ran their rap sheet to see if they had
11 prior convictions, what else did you have to do to determine if
12 they were qualified?

13 A. The main thing that I did to make sure they were qualified was,
14 first, the type of offense that was being sent and the rap sheet.
15 Those were the two things that I looked at. If they passed those
16 two, I would send it up to the diversion -- to the coordinator to
17 send out the letters.

18 Q. When Don Landry became the DA and Gary Haynes became the head
19 of the pretrial intervention program, did the process of allowing
20 people into the pretrial intervention program change?

21 A. Yes, sir.

22 Q. How?

23 A. The individual appointments, that was one of the things that
24 changed. They were starting to do group appointments, maybe eight
25 at a time.

1 Q. So when you talk about group appointments, that interview you
2 talked about where they have to come in initially, you said you did
3 it one at a time under Stutes and Harson?

4 A. Yes, sir.

5 Q. Are you saying that then eight at a time, people would come and
6 be interviewed at the same time?

7 A. Yes, sir.

8 Q. Was there paperwork they had to fill out?

9 A. Yes.

10 Q. And would that have to be done through the process of that
11 multiparticipant interview?

12 A. Yes.

13 Q. Did it become a more high-volume operation after Don Landry was
14 brought in?

15 A. Yes. In time, it did get quite busy.

16 Q. Was there a file kept on each of the PTI cases?

17 A. Yes, sir.

18 Q. Were they the same color or different colors?

19 A. We kept them different colors.

20 Q. So for instance, in OWI, do you remember generally what color
21 that was?

22 A. Red, yes.

23 Q. And did you or did the other diversion officers ever write
24 anything on the outside of the files?

25 A. No, sir.

1 Q. Why not?

2 A. Because we would keep a contact sheet inside the file. Anytime
3 they had a conversation with a defendant or anyone in the office
4 regarding the file, they would make the notes on that sheet and put
5 in the file.

6 Q. Is the outside of the file folder kind of a dark color?

7 A. Yes, sir.

8 Q. And the inside sheets, is one of the things you have to do as a
9 case is closed out, do you have to make copies of it and save those
10 copies?

11 A. Yes. We scan all of our files as soon as the file is completed
12 or terminated or rejected.

13 Q. Is that one reason why you can only write on the inside -- you
14 have to write on the paper on the inside of the file folder?

15 A. Yes, sir.

16 Q. In May of 2022, were you aware the DA's office was being
17 searched by the FBI?

18 A. Yes, sir.

19 Q. How did you find out?

20 A. I had received a phone call that they were in the process of
21 doing that. I was not at the office that day, but I did receive a
22 call to show up later that day.

23 Q. So this is the second time while you were working at the DA's
24 office that the FBI has come and searched the DA's office?

25 A. Yes, sir.

1 Q. Were there PTI files that were copied by the FBI?

2 A. Yes, sir.

3 Q. Were the original files left with you?

4 A. Yes.

5 Q. After the search of the district attorney's office, did you
6 receive subpoenas from a federal grand jury to turn over specific
7 files?

8 A. Yes, sir.

9 Q. I want to show you --

10 **MR. WALKER:** -- and it will be the witness only --
11 008-001.

12 **BY MR. WALKER:**

13 Q. It's going to be on the little screen right in front of you,
14 hopefully. 0010. Thank you. Do you recognize the face sheet of
15 that document?

16 A. Yes, sir.

17 Q. Okay. And I want to scroll through the pages of that document.
18 If you can roll through the pages one at a time. Do you recognize
19 that document?

20 A. Yes, sir.

21 Q. Is that a document that you turned over pursuant to a United
22 States grand jury subpoena?

23 A. Yes, sir.

24 **MR. WALKER:** I would offer that into evidence.

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

1 **THE COURT:** Any objection?

2 **MR. JOHNSON:** No, Your Honor.

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

4 **MR. WALKER:** And I don't intend to publish that exhibit
5 at this moment. I have other exhibits I'm going to publish. I'll
6 publish that one later.

7 So I would like to now go to United States Exhibit 12,
8 page 7. And this has already been introduced, so it should be able
9 to go before the jury.

10 **BY MR. WALKER:**

11 Q. Do you recognize what this first page of the document is?

12 A. Yes, sir.

13 Q. What is that?

14 A. That is what we call the referral form, when a case is being
15 submitted to pretrial intervention.

16 Q. Is this the document that you said in past times the assistant
17 DA who was working the case would have turned over to you?

18 A. Yes, sir.

19 Q. In this case can you see the name of the person?

20 A. Yes.

21 Q. Who is that?

22 A. Thomas Onebane, Jr.

23 Q. Do you see at the bottom half of the document where it says
24 "PTI approved"?

25 A. Yes, sir.

1 Q. And do you know who wrote that?

2 A. Yes.

3 Q. Who wrote it?

4 A. Gary Haynes.

5 Q. How do you know it's Gary Haynes?

6 A. I know his signature very well.

7 Q. So did the ADA have to approve this file? Did Gary Haynes have
8 to approve the file?

9 A. An ADA should approve it.

10 Q. But in this case did Gary Haynes approve it?

11 A. Yes, sir.

12 **MR. WALKER:** If we can go to now page 1 of the same
13 document. And if you can blow up the top half of it.

14 **BY MR. WALKER:**

15 Q. Do you recognize this document?

16 A. Yes, sir.

17 Q. Who is Vanessa Bobb?

18 A. She's one of the coordinators in the program.

19 **MR. WALKER:** And can you scroll down the document?

20 **BY MR. WALKER:**

21 Q. Can you tell me what this bottom half is?

22 A. The bottom part is the reason that the case was rejected and
23 we'll just check off them or fill in. On this case the defendant
24 wished to review the discovery prior to the defendant deciding on
25 PTI.

1 Q. Is that uncommon?

2 A. It's not uncommon, no.

3 Q. And if the attorney wants to look at the discovery before they
4 actually put him into PTI, could after they look at discovery,
5 could they then get a new letter where they actually are put into
6 the PTI program?

7 A. Yes, sir.

8 Q. Could you look at page 2.

9 **MR. WALKER:** And if you can blow up --

10 **BY MR. WALKER:**

11 Q. Is this an electronic mail?

12 **MR. WALKER:** Go all the way down to the first one. A
13 little bit further down. Perfect.

14 **BY MR. WALKER:**

15 Q. Is this a letter from the lawyer in connection with the PTI
16 file?

17 A. Yes, sir.

18 Q. Is it typical -- well, does a lawyer always send an e-mail in
19 PTI cases?

20 A. We usually get e-mails or letters.

21 Q. Does sometimes the person -- does sometimes the participant not
22 have a lawyer?

23 A. There are many times when the participant doesn't have a
24 lawyer.

25 Q. But if the lawyer does send an e-mail, would you typically get

1 an e-mail like this and keep it in the PTI?

2 A. Yes, sir.

3 Q. And, again, this is Barry Sallinger. He's a defense attorney?

4 A. Yes, sir.

5 Q. And does he represent a number of the people who are in the PTI
6 program?

7 A. Yes.

8 **MR. WALKER:** If we can go to page 3. And if you could
9 blow up really just the center portion that's got the writing. A
10 little bit further down. Perfect.

11 **BY MR. WALKER:**

12 Q. So you see that this is Mr. Onebane's file?

13 A. Yes.

14 Q. Is this a letter offering them to participate in PTI?

15 A. Yes, sir.

16 **MR. WALKER:** If we could go to page 4.

17 **BY MR. WALKER:**

18 Q. Is the next document that's typically in a PTI file --

19 A. Yes.

20 Q. -- a referral?

21 A. A referral form.

22 Q. And in this case I see GH by DG. Do you know who that is?

23 A. It's Gary Haynes, Dusty Guidry.

24 Q. So in the first document I showed you, it said "approved by
25 Gary Haynes" you said; is that right?

1 A. Yes.

2 Q. And then there was a second one where this was written?

3 A. Yes.

4 **MR. JOHNSON:** Object to characterization, Your Honor.

5 This one is written before, not after.

6 **MR. WALKER:** You know, he is correct. This was written
7 first and then Gary Haynes approved it after. The defense is
8 correct.

9 **THE COURT:** Wait.

10 **MR. WALKER:** If you want, we can go back to the page.

11 **BY MR. WALKER:**

12 Q. You see this document that was written first? I'm sorry, this
13 document --

14 **THE COURT:** You're saying the order in which he's
15 presenting these documents is out of order? Is that what you're
16 saying?

17 **MR. JOHNSON:** The way in which the question was asked on
18 the record would make it appear that they were chronologically in
19 sync. That's not the case. And I think he's about to clarify.

20 **THE COURT:** Okay.

21 **MR. JOHNSON:** Thank you, Judge.

22 **BY MR. WALKER:**

23 Q. So you see 628 on this document?

24 **MR. WALKER:** And actually, if you go to page 7 of the
25 same document. And if you blow up the bottom half of it where it

1 has -- perfect.

2 **BY MR. WALKER:**

3 Q. You can see Gary Haynes' approval?

4 A. Yes.

5 Q. And what date did he actually approve it?

6 A. August 26th of 2021.

7 **MR. WALKER:** You can take that down.

8 **BY MR. WALKER:**

9 Q. Is it uncommon for you to have a police report in the file?

10 A. No. The police reports are in the file.

11 Q. Okay. And is the rap sheet also sometimes kept in the file?

12 A. Yes.

13 **MR. WALKER:** If we can see page 6. Same document. And
14 if you can you just blow up the top part of this document? That's
15 fine.

16 **BY MR. WALKER:**

17 Q. Is this kind of the top part of a rap sheet?

18 A. Yes, sir.

19 Q. And will it list any prior crimes the person might have, things
20 like that?

21 A. Yes.

22 Q. When a person goes into the PTI program, are there requirements
23 that they have to meet in order to graduate?

24 A. Yes. They have to complete all the requirements that they are
25 given in the time period.

1 Q. If you go to page 8 of the same document. Can you blow up the
2 center part? Perfect.

3 Do you see this list of -- well, tell us what that is.

4 A. That is the list of requirements that a participate has to
5 complete for OWI offense.

6 Q. And I see some different costs associated with the various
7 programs and things that they have to complete.

8 A. Yes.

9 Q. Can you tell us what those are?

10 A. Yes, sir. The thousand dollars is the pretrial enrollment fee,
11 if they decide to enroll into the program. The second is the
12 evaluation. An evaluation is done on every individual, and we sent
13 that individual to the vendor that we use. It's \$225. MADD Wide
14 Awake program is \$200, which is done through Zoom. Breathalyzer
15 fee we collect on every case when an OWI to cover the intoxilyzer
16 fee. A 325, substance abuse is an education program they have to
17 attend for six hours. Random drug testing goes on through the
18 entire time they're in the program, and they have to call an
19 800-number to see if their name comes up to do a drug screen. The
20 defensive driver education, that's an online program for \$150.
21 There was an alcohol awareness program they would have to complete,
22 which is 150. Administrative fee is the monthly fee that they have
23 to pay to be in the program, which is \$30 a month. And 16 hours of
24 community service.

25 Q. I see the 150 has been scratched out. Do you see "CBT" written

1 to the right?

2 A. Yes, sir.

3 Q. What is that?

4 A. That stands for cognitive behavior therapy. It's an online
5 program.

6 Q. Is it uncommon that the CBT online program is a part of what
7 the PTI participant has to complete?

8 A. Yes, sir.

9 Q. If you could go to page 9 of the same document and just blow up
10 the top. What's this acknowledgment?

11 A. That's warning an individual of being rearrested or receiving a
12 summons. It's pretty much stating they'll be immediately
13 terminated from the program.

14 **MR. WALKER:** And if we can go to page 11. Could you blow
15 up the top section of this.

16 **BY MR. WALKER:**

17 Q. Can you tell us what this is?

18 A. That's an intake program, pretty much just getting all of the
19 updated information on the individual that's signing up for the
20 program so we can have updated address, phone numbers, e-mails.

21 Q. And this is Thomas Onebane again; is that right?

22 A. Yes, sir.

23 Q. And it gives information and it's been redacted. His address,
24 his phone number, things like that are kept?

25 A. Yes, sir.

1 Q. Is that so the PTI coordinator over him is able to make phone
2 calls, keep up with him, and make sure he is doing what he is
3 supposed to?

4 A. Yes, sir.

5 **MR. WALKER:** If you can go to page 13. Can you blow up
6 the top of that? Thanks. All the way. Yeah, perfect.

7 **BY MR. WALKER:**

8 Q. Can you tell me what that is?

9 A. That's a receipt from when a payment is made on either the
10 enrollment fee. It looks like that one includes the enrollment
11 fee, administrative fee, and breathalyzer fee all in one payment.

12 Q. So that's one of the things they have to pay and that's kept in
13 the file to show they paid?

14 A. Yes, sir.

15 Q. And finally, if you can go to page 14. You see these
16 certificates?

17 A. Yes.

18 Q. When a person completes online or in-person programs, do they
19 receive a certificate?

20 A. Yes, sir.

21 Q. So in this case it's a substance use education program; is that
22 right?

23 A. Yes.

24 **MR. WALKER:** If we can go to page 15.

25 **BY MR. WALKER:**

1 Q. This is the Wide Awake course?

2 A. Yes.

3 Q. It, again, is a program that the vendor gives?

4 A. Yes.

5 **MR. WALKER:** And if we can go to 16.

6 **BY MR. WALKER:**

7 Q. Effective Decision Making. Remember you talked about CBT
8 courses?

9 A. Yes, sir.

10 Q. Is this a CBT course?

11 A. Yes, sir.

12 Q. And if you look at the top --

13 **MR. WALKER:** Blow up just the top of that document.

14 **BY MR. WALKER:**

15 Q. On the CBT courses, is that cognitive behavior therapy?

16 A. Yes, sir.

17 Q. Okay. On the cognitive behavior therapy courses, do they
18 oftentimes have something like this at the top to show that that's
19 what kind of course it is?

20 A. Yes, sir.

21 Q. After a person completes pretrial intervention, do they receive
22 a letter showing they've completed it?

23 A. Yes.

24 **MR. WALKER:** So if we can go to 18. Just blow up the
25 center part.

1 **BY MR. WALKER:**

2 Q. What's that?

3 A. That's the completion letter that individual receives once they
4 complete the program.

5 Q. And after they complete the program, do they get a certificate
6 to show that they've completed the program?

7 A. Yes, sir.

8 **MR. WALKER:** And if we can go to page 19.

9 **BY MR. WALKER:**

10 Q. Is this the letter that is -- I mean, the certificate that's
11 given to them?

12 A. Yes, sir.

13 Q. And it shows they successfully completed the pretrial
14 intervention program?

15 A. Yes, sir.

16 Q. Is it signed by you?

17 A. Yes, it is.

18 Q. Is it also signed by the district attorney?

19 A. Yes.

20 Q. Okay. Is that kind of a general file, a typical PTI file?

21 A. Yes, it is.

22 Q. So let's go back to the PTI program under Gary Haynes. Would
23 you go to the DA to get authorization to allow people into the
24 program or to prevent people from coming into the program while
25 Gary Haynes was your supervisor?

1 A. If it was a case that I needed to bring to the attention, but I
2 would actually just go to Gary and talk to him about the cases.

3 Q. Why would you go to Gary and not to the DA?

4 A. Because he was over pretrial. He was considered our
5 supervisor.

6 Q. Did you feel like you could go to the DA and talk to them while
7 Gary Haynes was your supervisor?

8 A. If I had to, but it was preferred for us to go to Gary since he
9 was our supervisor.

10 Q. Did Gary Haynes ever say anything to you to suggest that he
11 didn't want you to go to the DA?

12 **MR. JOHNSON:** That's a leading question, Your Honor.

13 **BY MR. WALKER:**

14 Q. What, if anything, did Gary Haynes ever say to you that would
15 suggest that he didn't want you to go to the DA?

16 **MR. JOHNSON:** Objection. I think it's probably even more
17 leading, truth be told, Your Honor.

18 **THE COURT:** Can you rephrase the question, Mr. Walker?
19 Sustained.

20 **BY MR. WALKER:**

21 Q. Did Gary Haynes ever say anything to you, first of all, that
22 made you -- I'm going to ask the same question. What, if anything,
23 did Gary Haynes ever say to you that caused you not to go to the
24 DA?

25 **MR. JOHNSON:** Judge --

1 **MR. WALKER:** It's not a leading question.

2 **MR. JOHNSON:** It is a leading question. It presupposes
3 -- may I respond?

4 **THE COURT:** You may respond.

5 **MR. JOHNSON:** It presupposes that he did say something.

6 **THE COURT:** How about this? Ms. Perez, what makes you
7 think that; that you weren't supposed to go to the DA?

8 **THE WITNESS:** Just at times if someone was insubordinate,
9 you know, if we were told to do something, you just had to do it.
10 And if you didn't get someone enrolled right away, you would be
11 considered insubordinate, like you weren't following...

12 **THE COURT:** Did anybody say specifically that you don't
13 go to the DA, go to Gary Haynes instead?

14 **THE WITNESS:** We just understood that we had to go to
15 Gary. Gary was our supervisor. It was just understood.

16 **BY MR. WALKER:**

17 Q. You said the word insubordinate. Where did you hear that word?

18 A. Maybe once when we were about to attend a conference.

19 Q. Who said it? Who said insubordinate?

20 A. Mr. Haynes.

21 Q. Is it difficult to say that?

22 A. Yes.

23 Q. Because of your relationship to him?

24 Did Gary Haynes have defense attorneys that he didn't
25 like? Did Gary Haynes have defense --

1 A. Yes.

2 Q. -- attorneys --

3 A. Yes.

4 Q. Can you tell me who they are?

5 A. He just voiced to me maybe Barry Sallinger or Allyson Prejean.

6 Q. Would Gary Haynes treat those attorneys different than other
7 attorneys, if you know?

8 A. It was just his comments that he would make and just maybe
9 approval on cases.

10 Q. You said and maybe approve cases? Would he approve their cases
11 in the same way that he approved other people's cases?

12 A. There were just times I had to talk to him first.

13 Q. Did Dusty Guidry ever say anything to suggest he was
14 frustrated?

15 A. Yes.

16 Q. Tell me what he said.

17 A. He would say quite a bit that Gary was not there, and he would
18 just get frustrated because we had a lot of work.

19 Q. So let's talk about that for a minute. You said that Gary
20 wasn't there and you had to have a lot of work. Was Dusty Guidry a
21 hard worker?

22 A. Yes. He was there bright and early, 7:30 every morning before
23 I would get there.

24 Q. Would he sit in the same office with you?

25 A. Yes, sir.

1 Q. Was he working, getting people into the pretrial intervention
2 program?

3 A. Yes.

4 Q. Did you have a good relationship with him?

5 A. I did when he came, yes. When he started back at the office
6 again, it did change.

7 Q. So you said at least he was a hard worker --

8 A. Yes.

9 Q. -- and he was there. Would he talk to you about the cases that
10 were coming in, pretrial diversion cases?

11 A. Yes.

12 Q. Was there a problem -- what, if any, problem was there with
13 Gary Haynes in connection with getting the job done?

14 A. The problem was just that there were certain cases that had to
15 be approved that I couldn't approve or Dusty, and so we had to
16 place them on his desk. And so Dusty would just get frustrated
17 because they were sitting there for a while.

18 Q. So he wouldn't come up -- was Gary Haynes in the office
19 regularly?

20 A. Not every day.

21 Q. And at least initially, was he approving cases every day to
22 your satisfaction?

23 A. Once he would come in, yes. He would go through all those
24 cases.

25 Q. Did anytime at some point after he began -- you said initially

1 when he started he -- when he came in he would do it. Did that
2 remain the same? Or did he begin approving cases more regularly
3 after a time?

4 A. I'd say more regularly. He was starting to get more going
5 faster, I guess, on a regular basis.

6 Q. Did he show up more?

7 A. He was starting to come more.

8 Q. Were there vendors under Don Landry that were being used
9 regularly?

10 A. Yes, sir.

11 Q. So you talked about CBT. Do you know who owns CBT?

12 A. Yes, Leonard Franques.

13 Q. Did he own another company that was a counseling company?

14 A. Yes, Lake Wellness.

15 Q. Were those -- well, first of all, was CBT online courses?

16 A. Yes.

17 Q. And was Lake Wellness a counseling service?

18 A. Yes, sir.

19 Q. Did -- were they regularly used in the PTI cases?

20 A. The online program, yes.

21 Q. What about the counseling? Not as much?

22 A. No.

23 Q. Were the CBT used almost all the time in the online -- or, I'm
24 sorry, in the PTI case?

25 A. Yes, sir.

1 Q. Was there another person named Joe Prejean?

2 A. Yes, sir.

3 Q. What was his role?

4 A. He did the life empowerment program, Wide Awake, like a
5 motivational type of course.

6 Q. Was he popular in the PTI program?

7 A. Yes.

8 Q. Okay. And who was it who recommended these people -- who was
9 it who recommended these classes for individual participants?

10 A. Once they enrolled?

11 Q. Uh-huh.

12 A. The coordinator had to sign them up, and that was one of the
13 programs that they had to do.

14 Q. Was there any of your supervisors who recommended to you that
15 these are the classes that should be taken?

16 A. Well, it -- they were assigned certain classes, but the program
17 -- the OWIs especially -- was changing so much that the CBTs were
18 being pushed more.

19 Q. Who was pushing the CBTs more?

20 A. Dusty would talk to me quite a bit about those classes and just
21 express frustration if they weren't being placed in those programs.

22 Q. Did you know why he was expressing frustration that they
23 weren't being put in those classes?

24 A. He would just get upset. He would tell us that Gary would get
25 upset with him and that he would come to us and tell us that Gary

1 was livid that we didn't put someone in CBT.

2 Q. Did that make any sense to you?

3 A. No.

4 Q. Okay. From your perspective, you're doing -- you're the
5 director. Do you care which of the specific classes they take?

6 A. No. And, again, because it was changing -- the program -- we
7 had five different OWI programs, but that one was the one that was
8 pushed the most and we'd get quite a bit.

9 Q. So let's talk about that for a second. You said you had five
10 different OWI cases. Under Keith Stutes, how many different OWI
11 cases did you have?

12 A. We had one.

13 Q. So what changed between Keith Stutes and Don Landry where you
14 went from one OWI program to five?

15 A. Under Don Landry the BAC level was what determined what type of
16 program that they would -- the participant would participate in.
17 The higher the BAC level, the blood alcohol level, that would
18 determine if it's the OWI-1, the OWI -- in other words the first
19 level, then Level 2, Level 3, Level 4. So the higher the BAC level
20 was what determined what OWI program they were going to be in.

21 Q. So the higher the BAC level, the more classes they'd have to
22 take?

23 A. Yes.

24 Q. And would it also be the more money they would have to pay?

25 A. Yes.

1 Q. The CBT courses, were they more or less expensive than the
2 other courses that people could take?

3 A. More expensive.

4 Q. A standard CBT course, Effective Decision Making, something
5 like that, how much did that cost?

6 A. Like \$350.

7 Q. What about Enhanced Reckless Driving?

8 A. That could be about \$375.

9 Q. Other vendors who were putting on similar classes, how much did
10 they charge?

11 A. The ones we're back to using now for a driving course, \$45.

12 Q. So you're talking about a whole lot more money?

13 A. (No verbal response.)

14 **THE COURT:** I don't think you answered that last
15 question. You nodded your head, but you have to give a verbal
16 answer.

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

18 **BY MR. WALKER:**

19 Q. The number of PTI cases, I know you talked about this before
20 based on the number of interviews people are doing. Did the number
21 of PTI cases increase --

22 A. Yes.

23 Q. -- after Gary Haynes began supervising the program?

24 A. That year, yes, sir.

25 Q. By a little bit or a lot?

1 A. I find it was quite a bit.

2 Q. Were ADAs approving any cases going into PTI? Or was it coming
3 directly from either Haynes or Guidry?

4 A. We were still getting them from the ADAs, as well.

5 Q. In terms of Gary Haynes and Dusty Guidry, how would they go
6 about getting cases to put into PTI?

7 A. Dusty would pretty much -- we would go to the file room, we'd
8 go to the OWI section, and they would talk to him about cases,
9 constantly moving cases coming through; seeing what we could do to
10 help to get them moving quickly.

11 Q. You said they would talk about getting cases moving. Who?

12 A. Gary and Dusty.

13 Q. So I want to talk about a couple of cases.

14 **MR. WALKER:** I'd like to bring up Exhibit 9. It's 009.
15 And if we can go to page 9 of that document. There we go. That's
16 it. Can you blow up the top part of that?

17 **BY MR. WALKER:**

18 Q. Who is the person in this case?

19 A. Dominic Sunseri.

20 Q. Can you tell what he's charged with on this document?

21 A. I'm looking for the offense. I'm sorry.

22 Q. It's okay. I don't think it's on that document.

23 A. It should be on there, but I don't see it. I'm sorry.

24 Q. Can you see who approved it?

25 A. Yes, sir. Gary Haynes.

1 **MR. WALKER:** Can you go to page 1 of that document now?

2 And if you can blow up the top. Thank you.

3 **BY MR. WALKER:**

4 Q. Do you see, again, the name Dominic Sunseri?

5 A. Yes, sir.

6 Q. Do you see, at the bottom center, where it says "Dusty Guidry
7 enrolled" and a date?

8 A. Yes.

9 Q. Okay. And what's the next thing that's said?

10 A. "Enrolled and completed on the front end, per Gary Haynes."

11 Q. What does that mean?

12 A. To go ahead and just complete it in the beginning.

13 **MR. JOHNSON:** Objection, Your Honor. Is she testifying
14 about a record she didn't create about the thoughts of the person,
15 whoever typed this? Or did she type this, herself?

16 **THE COURT:** Let's establish the foundation of her answer,
17 Mr. Walker.

18 **BY MR. WALKER:**

19 Q. Were you the director of the PTI program?

20 A. Yes.

21 Q. And do you oversee the various files that are kept?

22 A. Yes.

23 Q. Is this something that is created in the ordinary course of the
24 business of the PTI program?

25 A. Yes.

1 Q. Okay. And are these descriptions descriptions that are used
2 within the PTI program to describe how a case is being resolved?

3 A. Yes.

4 **MR. JOHNSON:** She's going to testify about the mindset of
5 the person that wrote this note?

6 **THE COURT:** Well, she just said that the way that the
7 files are annotated are in the ordinary course of business. And so
8 if she knows the answer to that, what that notation means, she can
9 answer it.

10 **BY MR. WALKER:**

11 Q. Can you tell me what the notation means, "Enrolled and
12 completed on the front end, per Gary Haynes"?

13 A. It means that they would have most likely received a letter,
14 stating they completed on the front end of beginning the program.

15 Q. So, and what's the next thing, "Father mailing money orders"?

16 A. It states that dad of the defendant was going to mail the money
17 orders to pay the fees.

18 **MR. WALKER:** Can you go to page 2? And can you blow up
19 the top of that?

20 **BY MR. WALKER:**

21 Q. Do you recognize who that's from?

22 A. Yes, sir.

23 Q. Who is that?

24 A. Gary Haynes.

25 Q. Is that a person that -- that's a person that would send you

1 e-mails or would send other people within the PTI program e-mails?

2 A. Yes, sir.

3 Q. And what does he tell her to do?

4 A. He tells her, "This is your file you mentioned today. File the
5 bill of information. Sunny will need to get him to come in and
6 sign up and provide documentation regarding the completion."

7 **MR. WALKER:** Can you go to page 7 of the document?

8 **BY MR. WALKER:**

9 Q. Is that the approval letter?

10 A. That's the invitation letter, yes.

11 Q. And he accepted the invitation?

12 A. I'm sure he -- I'm not certain. This is just a letter here,
13 but if he was in the program, yes.

14 Q. No problem.

15 **MR. WALKER:** Can you go to page 5, same document?

16 **BY MR. WALKER:**

17 Q. Do you recognize what that is?

18 A. Yes, sir.

19 Q. Is that the \$350 course that you have to take?

20 A. Yes.

21 **MR. WALKER:** Can you blow up the center section?

22 **BY MR. WALKER:**

23 Q. If you know, is this a CBT course?

24 A. Yes, sir. It is.

25 **MR. WALKER:** We can go to page 6, same document. And can

1 you blow up the center section? There we go. Perfect.

2 **BY MR. WALKER:**

3 Q. Do you see the classes that he had to take?

4 A. Yes.

5 Q. What were they?

6 A. Effective Decision CBT and Enhanced Reckless Driving CBT.

7 **MR. WALKER:** I'd like to go to Exhibit 10 now. Page 1.

8 Can you blow up the top part of this document? Go down to --

9 that's good.

10 **BY MR. WALKER:**

11 Q. Do you see what the name of the potential participant is?

12 A. Yes, sir.

13 Q. Who is that?

14 A. Barry Petry.

15 Q. The charge?

16 A. Misdemeanor sexual battery.

17 Q. Is misdemeanor sexual battery typically a charge that's allowed
18 into the pretrial intervention program?

19 A. No, sir.

20 **MR. WALKER:** And now, for the witness only, if you can
21 show her Exhibit 51.

22 **BY MR. WALKER:**

23 Q. As a result of receiving that, did you have occasion to send an
24 e-mail?

25 A. I'm so sorry. If you can repeat that.

1 Q. Sure. As a result of receiving this file on Barry Petry, did
2 you send an e-mail to somebody?

3 A. Yes, sir.

4 Q. I just want you to look and tell me: Is this the e-mail that
5 was sent?

6 A. Yes, sir. It was.

7 **MR. WALKER:** I would offer into evidence United States
8 Exhibit 51.

9 **MR. JOHNSON:** No objection, Your Honor.

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

11 **MR. WALKER:** And we would ask that it be published.

12 **THE COURT:** Okay.

13 **BY MR. WALKER:**

14 Q. Who did you send an e-mail to?

15 A. To Gary Haynes.

16 Q. And what did you say to him?

17 A. "Sexual battery is not an offense we normally accept in PTI, so
18 maybe we can see what would you like to have him complete. Maybe
19 online sexual battery and/or CBT Effective Decision online in
20 addition to an evaluation with AME. Will Tracy with Acadia be
21 referring to PTI?"

22 **MR. WALKER:** Now if we can go back to Exhibit 10 and go
23 to page 3. Thank you.

24 **BY MR. WALKER:**

25 Q. You see the misdemeanor sexual battery?

1 A. Yes, sir.

2 Q. Do you see whether he completed it?

3 A. No. This document states that it was rejected.

4 Q. Do you see --

5 **MR. WALKER:** Can you just blow up the very bottom part
6 where it's got the -- yeah, that's it.

7 **BY MR. WALKER:**

8 Q. Why was it rejected?

9 A. It states "After enrolling on November 18, 2021, ADA Gary
10 Haynes received information that the defendant had passed away."

11 Q. To your knowledge, was Gary Haynes then aware of this case
12 going into PTI?

13 A. Yes, sir.

14 Q. Had you sent him an e-mail talking about the sexual battery
15 case?

16 A. Yes, sir.

17 Q. And he had notified you about the fact that the person had
18 passed?

19 A. Yes, sir.

20 Q. So both Dusty Guidry and Gary Haynes were your superiors at the
21 DA's office?

22 A. Yes, sir.

23 Q. Who between them, if you know, was the boss?

24 A. Gary Haynes.

25 Q. Who of them was the person who was the final decision-maker

1 signing off on cases?

2 A. Gary Haynes.

3 Q. In December of 2021, were you aware that Dusty Guidry got
4 arrested for drug charges?

5 A. Yes, sir.

6 Q. As a result of that, do you know what happened to him at the
7 DA's office in Lafayette?

8 A. He was put on leave. He was let go for a little while.

9 Q. As a result of that, who was the person who was bringing in the
10 PTI cases into the office?

11 A. If it was an ADA's, Gary Haynes.

12 Q. And did he continue to do that after Dusty Guidry had been
13 administratively put on administrative leave?

14 A. Yes, sir.

15 **MR. WALKER:** Could I have a moment, Your Honor. Could we
16 go back to Exhibit 51. It's already been introduced.

17 **BY MR. WALKER:**

18 Q. So this e-mail is from you; is that correct?

19 A. Yes, sir.

20 Q. To whom?

21 A. To Gary Haynes.

22 Q. Was it written to you in response to something that you
23 received?

24 A. I believe it was a response, yes. I do see an e-mail from Gary
25 on there.

1 Q. And did the e-mail from Gary relate to Barry Petry and sexual
2 battery charges?

3 A. Yes, sir.

4 Q. Have you known Gary Haynes and his wife for a long time?

5 A. Yes, sir.

6 Q. Do you have not only a professional relationship, but are they
7 -- have you considered them your friends?

8 A. Yes, sir.

9 Q. Is Gary Haynes' wife the godparent of one of your children?

10 A. Yes, sir.

11 Q. Is this a place you would prefer to be today?

12 A. It's the last place I would like to be today.

13 Q. Do you see Gary Haynes in the courtroom?

14 A. Yes.

15 Q. Can you describe what he is wearing?

16 A. Suit with a red tie with polka dots.

17 **MR. WALKER:** I would ask the record to reflect this
18 witness has identified the defendant before the bar.

19 **THE COURT:** So reflected.

20 **MR. WALKER:** And I would tender the witness.

21 **CROSS-EXAMINATION BY MR. JOHNSON:**

22 Q. Good afternoon, Ms. Perez.

23 A. Good afternoon.

24 Q. You need a second? Or you okay?

25 A. I'm okay.

1 Q. What did you do to prepare for your testimony today?

2 A. I prepared with the U.S. attorneys.

3 Q. When?

4 A. I don't have the exact dates, but a few times.

5 Q. Okay. Ballpark it, if you don't mind.

6 A. At least three times maybe in the last couple months.

7 Q. Okay. And you recall your office, the DA's office, was
8 searched on May 9, 2022; is that correct?

9 A. Yes, sir.

10 Q. And that was the same day you were initially interviewed by FBI
11 investigators; correct?

12 A. Yes, sir.

13 Q. And you have given the FBI numerous statements; isn't that
14 correct?

15 A. Yes, sir.

16 Q. Okay. You went through your history with the PTI program, much
17 like you did with Mr. Walker earlier?

18 A. Yes, sir.

19 Q. You recall that?

20 A. Yes.

21 Q. Okay. And you told investigators that under the previous DA,
22 who was Keith Stutes, that attorneys would refer cases to pretrial
23 and you would review and reject it. You had that independent
24 authority; correct?

25 A. Yes, sir.

1 Q. Not a lawyer; correct?

2 A. I'm not a lawyer. No, sir.

3 Q. And you said you wouldn't go to the DA unless it was, like, a
4 close call, and even then, you would go to Danny Landry at the
5 time; correct?

6 A. Yes, sir.

7 Q. And Danny Landry was the first assistant; correct?

8 A. He was considered a first assistant.

9 Q. Okay. You told investigators that prior to working with Don
10 Landry, Dusty Guidry worked in Baton Rouge under Hillar Moore as
11 director of pretrial services; correct?

12 A. Yes, sir.

13 Q. You were very familiar with Dusty Guidry?

14 A. Yes, sir.

15 Q. Y'all were on PIPS together; correct?

16 A. Yes, sir.

17 Q. Tell the jury what PIPS is.

18 A. It's a board that I've been on. We put together a conference
19 once a year. And it's consumed of about maybe ten individuals from
20 different parishes. And we get together to prepare for the
21 Professionals in Pretrial Services conferences once a year.

22 Q. Okay. Now, you told investigators that under Landry, the PTI
23 program reduced the lookback period for traffic PTI from five years
24 to one year; correct?

25 A. Yes, sir.

1 Q. And prior --

2 A. I'm sorry, sir. If you could repeat that how you stated it.
3 From five years to one year?

4 Q. Yes. For traffic.

5 A. If you can restate that again for traffic.

6 Q. Sure. That you reduced the lookback period on the rap sheet
7 from five years to one year.

8 A. Not for traffic. I do not deal with the traffic PTI program.

9 Q. For other crimes?

10 A. It's different for the criminal offenses.

11 Q. You went from ten years to five years; correct?

12 A. From ten years to three to five years.

13 Q. Okay. And you know that some pretrial diversion programs in
14 the state are strict with respect to who they allow to be in the
15 program. Other offices are more lenient. Isn't that correct?

16 A. Yes.

17 Q. And that just depends on how the district attorney, the elected
18 official, wants to run the program; correct?

19 A. Yes, sir.

20 Q. And you know that that's their prerogative; correct?

21 A. Yes.

22 Q. Now, isn't it true that the district attorney's website states
23 Entry into the pretrial diversion program is entirely within the
24 discretion of the district attorney?

25 A. Yes, sir.

1 Q. In fact, the fact that it is entirely up to the district
2 attorney is repeated throughout the pretrial diversion paperwork.
3 Isn't that correct?

4 A. Yes.

5 Q. And you told investigators that under Landry, PTI expanded
6 pretty dramatically over the course of his first year in office;
7 correct?

8 A. Yes.

9 Q. The program allowed students with charges to complete classes
10 and avoid going to court at UL; correct?

11 A. Yes, sir.

12 Q. As well, PTI began working with the Lafayette Traffic Court.
13 Isn't that correct?

14 A. That would be a question for traffic, but yes, any questions.

15 Q. You also told investigators that; correct?

16 A. Yes. There's traffic court.

17 Q. And you reviewed your 302 interview forms?

18 A. If I review what, sir? I'm so sorry.

19 Q. Your interview forms. The notes from your interviews with law
20 enforcement in this case.

21 A. Yes.

22 Q. Okay. Now, after Dusty Guidry got there, you recall there was
23 a meeting between him, Don Landry, and Barry Sallinger; correct?

24 A. I'm trying to remember what meeting.

25 Q. Sure. You told investigators that Mr. Sallinger's office is

1 one of the biggest criminal defense attorneys in town; correct?

2 A. Yes, sir.

3 Q. And do you recall that there was a meeting in November, I think

4 --

5 A. Okay.

6 Q. -- where --

7 A. Yes.

8 Q. Do you remember it?

9 A. Yes, sir.

10 Q. And Dusty, Don Landry went to Barry Sallinger's office and met
11 with, I think, him first and then it was Allyson Prejean. Do you
12 remember that?

13 A. Yes, sir.

14 Q. And Dusty was excluded -- I'm sorry. And Gary was excluded
15 from that meeting. Do you recall that?

16 A. Yes, sir, I do. Now I do remember that, yes.

17 Q. And do you recall talking with Dusty about how that meeting had
18 gone, afterwards?

19 A. Yes.

20 Q. And you told investigators, and it was sort of a known thing
21 that Gary didn't get along with Barry Sallinger or Allyson Prejean;
22 correct?

23 A. Yes, sir.

24 Q. Sometimes he didn't get along with a lot of defense attorneys;
25 correct?

1 A. I would just know Barry and Allyson.

2 Q. And Donald sometimes?

3 A. Most likely, yes. Donald Cleveland?

4 Q. Yeah, because they ran in kind of a pack and they were like the
5 -- had a lot of -- they represented a lot of people; correct?

6 A. Yes, sir. But I don't know as far as Donald Cleveland. I can
7 tell you I know Barry and Allyson.

8 Q. Okay. I got you.

9 Now, one of the reasons that maybe they didn't like what
10 was going on with pretrial was because initially, and I believe you
11 supported this policy, is that pretrial would send out a letter and
12 it would give a prospective defendant so much time to respond and
13 accept pretrial or deny pretrial. And if they didn't respond
14 within that timeframe, it would be extended for a short, seven-day
15 period. Do you recall this process?

16 A. Yes, sir.

17 Q. And if they didn't accept it, you would deny them; correct?

18 A. It would be rejected, yes, sir, and sent back to the
19 prosecutor.

20 Q. Right. Gary didn't have a problem with that process, did he?

21 A. No, sir.

22 Q. Okay. And this was because Mr. Haynes didn't want prosecutors
23 to be able to -- and you, as well, because I think you supported
24 this policy, as well -- didn't want defense attorneys to be able to
25 fight the case, file a bunch of motions?

1 **MR. WALKER:** My objection is, Your Honor, he has just
2 begun the statement, and it's more of a statement than a question,
3 with Mr. Haynes. She can't speculate as to what or why Mr. Haynes
4 did what he did. And if she tries to, it will be hearsay.

5 **THE COURT:** All right. Mr. Johnson, you can certainly
6 lead the witness, but make sure you're not putting too many ideas
7 out there and then adding a question to the end. Okay?

8 **MR. JOHNSON:** Oh, sure.

9 **BY MR. JOHNSON:**

10 Q. So the point was that he didn't want the defense attorneys to
11 be able to fight the case, file a bunch of motions, make the
12 prosecutors do a bunch of work, and then at the last minute come in
13 and take pretrial diversion; right?

14 A. Yes, sir.

15 Q. Because that wasn't efficient; right?

16 A. Yes.

17 Q. You wanted them to decide, hey, if you want pretrial, take
18 pretrial; but don't make our prosecutors go do a bunch of work, all
19 right, and then come back and take pretrial at the last minute;
20 right?

21 A. Yes.

22 Q. Okay. You recall, though, that following that meeting with Mr.
23 Sallinger, Dusty calling you and putting a quick end to that letter
24 process. Do you recall that conversation?

25 A. I'm sorry. I don't understand the quick end to the what

1 process?

2 Q. I'm sorry.

3 **MR. WALKER:** It's also necessarily calling for hearsay,
4 Your Honor, so I would object.

5 **MR. JOHNSON:** All right.

6 **THE COURT:** Rephrase the question and I'll consider your
7 objection, Mr. Walker.

8 **BY MR. JOHNSON:**

9 Q. You recall, following that meeting between Mr. Landry, Mr.
10 Sallinger, and Dusty, that that process ended, the letter process
11 ended. Do you recall that?

12 A. When you say the letter process ended, did it end with Mr.
13 Sallinger receiving letters regarding his clients? I don't
14 remember or recall exactly what you're talking about.

15 Q. Do you recall that -- Mr. Guidry instructing you that I'm going
16 to start preapproving all these people?

17 A. He had finally went to Mr. Landry to speak with him about that
18 because the amount of cases that were wanting to be sent, we just
19 couldn't get them approved because --

20 Q. Right. So he said, "I'm doing away with that. That's a waste
21 of ink." Do you recall that?

22 A. Yes.

23 Q. Okay. And do you recall, also, being instructed to set Mr.
24 Guidry up an e-mail during that?

25 A. Yes, yes.

1 Q. Coming back to you?

2 A. Yes.

3 Q. All right. And do you recall that Mr. Guidry was going to deal
4 exclusively with Mr. Sallinger?

5 A. Yes, I do.

6 Q. Do you recall Mr. Guidry informing you that Don had given him
7 full authority --

8 **MR. WALKER:** Objection, Your Honor. It calls for
9 hearsay.

10 **MR. JOHNSON:** It's not hearsay for the same reason, Your
11 Honor, that he asked about what Guidry told her on his --

12 **THE COURT:** Is the question whether she was informed of
13 that by one of her superiors?

14 **MR. JOHNSON:** Yes.

15 **THE COURT:** I'll allow that question.

16 **MR. JOHNSON:** Thank you, Judge.

17 **THE WITNESS:** Can you repeat the question?

18 **BY MR. JOHNSON:**

19 Q. I'll try. Do you recall being instructed that Mr. Guidry was
20 going to be dealing exclusively with Mr. Sallinger's clients? Do
21 you recall that?

22 A. Yes, sir.

23 Q. After this meeting, as well, you were instructed that Mr.
24 Guidry was going to be dealing exclusively with some other
25 attorneys; correct?

1 A. I'm only aware of Mr. Sallinger. I do not remember. I don't
2 recall that as far as I can tell.

3 Q. Do you remember talking to Mr. Guidry about Donald Cleveland
4 wanting the same treatment that Mr. Sallinger was getting?

5 A. I don't recall it, but if I did say it at that time, it's been
6 so long, then yes.

7 Q. But you don't dispute that?

8 A. No, sir.

9 Q. Okay. Do you recall he was going to give you the same
10 treatment to Ms. Prejean who worked with Barry Sallinger? Do you
11 recall that?

12 A. If he was going to do with it Mr. Barry, he would definitely do
13 it with Ms. Prejean because they work together.

14 Q. And you told investigators that Mr. Sallinger had an easier
15 time getting his clients into pretrial because of his friendship
16 with Dusty Guidry; isn't that correct?

17 A. If that's how I stated it, it was because of that, yeah.

18 Q. Okay. You also learned during that same conversation that I
19 talked about earlier, after that meeting, that Mr. Guidry -- I'm
20 sorry, that Mr. Sallinger was going to be sending over a number of
21 files to be reconsidered for pretrial diversion; isn't that
22 correct?

23 A. Yes, I guess it is. It's just very long ago and I'm just
24 trying to recollect, but I believe it's correct.

25 Q. Well, just do your best. And if not, I have the calls and we

1 can just play them.

2 A. Yes, sir.

3 Q. It was after that that Mr. Guidry, on the days that he was in
4 town, would schedule sometimes 20 people to sign up in one day in
5 the pretrial diversion office conference room; isn't that correct?

6 A. He actually had did it about two times, the 13th of December and
7 I remember the 21st were the two days, if I'm not mistaken.

8 Q. And you recall him bragging to you often about how proud Don
9 Landry was of him. Do you recall that?

10 A. Yes.

11 Q. Do you recall him reminding you that he had set up Phillip
12 Terrell in Rapides Parish and that Phillip Terrell wanted to come
13 work for him -- wanted him to come back? Do you remember that?

14 A. Yes.

15 Q. And do you recall him telling you that Don had said, "Oh, no.
16 He ain't leaving. He ain't leaving here"? Do you remember that?

17 A. Yes.

18 Q. Do you remember he said Phillip Terrell, he had made a
19 millionaire out of Phillip Terrell. Do you remember that?

20 A. Yes. That sounds like Dusty.

21 Q. Uh-huh. And just to be clear -- and Phillip Terrell is the DA
22 in Rapides Parish at the time.

23 A. Yes, sir.

24 Q. Do you agree with that?

25 A. Yes.

1 Q. And you also told investigators that, through that e-mail, that
2 Mr. Guidry would receive certificates for his clients directly to
3 his e-mail. Do you recall that?

4 A. Yes. We all received the certificates.

5 Q. Right. The coordinators did?

6 A. Everyone, yes.

7 Q. Okay. So the ordinary process is for the case to come in, for
8 it to go through intake; right?

9 A. Yes, sir.

10 Q. For it to be sent to the attorney to review; right?

11 A. Yes, sir.

12 Q. And whenever it gets in intake, it's entered into the Karpel
13 system; correct?

14 A. Yes, sir.

15 Q. So one of the very first things after a file arrives is it gets
16 put in intake; right?

17 A. Yes, sir.

18 Q. Really shouldn't be files that arrive at the DA's office that
19 aren't put in intake; right?

20 A. Correct.

21 Q. It goes to the attorney to review it. They can refer it to
22 pretrial; correct?

23 A. Yes, sir.

24 Q. Then, as it typically worked, you would review the file; right?

25 A. The rap sheet and the offense.

1 Q. Right. And see if it met the guidelines; right?

2 A. Correct.

3 Q. And if it didn't, you would send a memo back to the attorney
4 saying, hey, this is why this doesn't fit; right?

5 A. Yes, sir.

6 Q. And then at that point you might go talk to a supervisor. You
7 might go talk to Don, depending on how much the attorney cared
8 about getting this person in pretrial; correct?

9 A. If I needed to, yes.

10 Q. But all along the way -- this memo from attorney referring it
11 to pretrial, your decision whether or not to accept it into
12 pretrial --

13 (The court reporter requested Counsel to speak slower.)

14 **MR. JOHNSON:** Sure.

15 **BY MR. JOHNSON:**

16 Q. -- there's a memo that's sent back.

17 **MR. JOHNSON:** It's been a problem for me my life entire
18 life. I'm going to do the best I can. Okay? But I appreciate you
19 stopping me.

20 **BY MR. JOHNSON:**

21 Q. So there's memos done both ways; right?

22 A. Yes.

23 Q. Then there's an appointment made?

24 A. Yes, sir.

25 Q. With the prospective client; right?

1 A. Yes.

2 Q. And then they're supervised and they're sort of monitored over
3 a period of time; right?

4 A. Yes.

5 Q. Now, after Landry got in office, he -- and he told us about
6 this Monday --

7 **MR. WALKER:** Objection, Your Honor.

8 **MR. JOHNSON:** I'm allowed to lead the witness, Your
9 Honor.

10 **MR. WALKER:** Excuse me. Objection, Your Honor. He just
11 talked about what a prior witness testified to. That's
12 inadmissible.

13 **THE COURT:** True. You will disregard any prior testimony
14 and rely on your own memory about what Mr. Landry said.

15 **MR. JOHNSON:** Okay.

16 **THE COURT:** Don't reference other testimony to this
17 witness.

18 **MR. JOHNSON:** I apologize, Your Honor. I didn't think it
19 was -- it was just the way I asked it naturally.

20 **BY MR. JOHNSON:**

21 Q. Anyways, Mr. Landry instituted a second-offense DWI program --
22 do you recall that? -- for a period of time.

23 A. Yes.

24 Q. And that's part of the reason Dusty was brought in, was to make
25 pretrial diversion to generate more revenue; correct?

1 A. To generate more revenue, more cases going through pretrial,
2 yes.

3 Q. Right. Because Don Landry's approach to pretrial was more
4 lenient than Keith Stutes'; correct?

5 A. Slightly, yes.

6 **THE COURT:** Mr. Johnson, if you are at a point where we
7 can stop and take our break, I think that would be appropriate.

8 **MR. JOHNSON:** We can do that now, Your Honor.

9 **THE COURT:** Ladies and gentlemen of the jury, let's take
10 our 15-minute break this afternoon. We'll come back at 3:30. All
11 rise for the jury.

12 (Jury not present.)

13 **THE COURT:** All right. Ms. Perez, you may step down
14 during our break. You remain under oath. Please don't discuss
15 anything with counsel during the break. Okay?

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

17 (Off the record at 3:16 p.m.; resumed at 3:37 p.m.)

18 (Jury present.)

19 **THE COURT:** Please be seated. Mr. Johnson, please
20 proceed.

21 **BY MR. JOHNSON:**

22 Q. All right. So I think where we left off was I was sort of
23 getting you to acknowledge how the process typically worked.

24 A. Yes, sir.

25 Q. And the way that worked would be, the file comes in to intake;

1 right?

2 A. Yes, sir.

3 Q. It's entered into Karpel; right?

4 A. Yes, sir.

5 Q. And Karpel is a case management software system; correct?

6 A. Yes, sir.

7 Q. And after it's entered into Karpel, it goes to the attorney,
8 all right, to whoever the assistant district attorney is; right?

9 A. Yes.

10 Q. Whatever track; right?

11 A. Yes.

12 Q. And they review the file; right?

13 A. Yes.

14 Q. And then if they refer the person to pretrial, they fill out a
15 document and send that to you; correct?

16 A. Yes, sir.

17 Q. And then you can accept it or reject it, and whatever you're
18 doing you're putting it into Karpel; right?

19 A. Yes, sir.

20 Q. In addition, though, you're also sending a memo back to the
21 attorney saying, hey, I've agreed to accept it and we're sending
22 out the letter to get the invitation in; right?

23 A. Yes. They receive the acceptance once that person enrolls.

24 That's correct.

25 Q. Right. Because you got to let them know; right?

1 A. Yes, sir.

2 Q. Or else there'll be some discord; right?

3 A. Yes, sir.

4 Q. Which ended up ultimately happening; right?

5 A. Yes, sir.

6 Q. And so all this documentation -- but after this meeting with
7 Mr. Sallinger, you were instructed by Dusty: Set up my own e-mail
8 address; right?

9 A. Yes, sir.

10 Q. I'm going to be exclusively dealing with Barry Sallinger;
11 correct?

12 A. Yes, sir.

13 Q. He even told you: If it's Mr. Sallinger, it's not a Gary
14 problem, it's not a Zoila problem, it's not a Mia problem. It's a
15 Dusty problem; right?

16 A. Yes, sir.

17 Q. And you also recall that he instructed you that during this
18 meeting, Mr. Sallinger had even said, "How much authority does
19 Dusty have?"

20 And Don said, "Full authority. He can do whatever he
21 wants." Isn't that correct?

22 A. Yes, sir.

23 Q. And the whole point of this meeting and the whole point of this
24 e-mail being set up was to avoid Gary and kind of the personality
25 issues he had with Sallinger; right?

1 A. Yes, sir.

2 Q. And then after this started happening, more criminal defense
3 attorneys' offices started dealing directly with Dusty; correct?

4 A. Yes, sir.

5 Q. Via that e-mail; right?

6 A. Yes.

7 Q. You recall seeing e-mails from Tonya at Barry's office?

8 A. Yes.

9 Q. And it would say, like, "Here are the people we want to enroll
10 in pretrial"; right?

11 A. Yes.

12 Q. Whereas, this pretrial process that existed before where you
13 sent out a letter, they had so long to respond -- remember that?
14 We talked about it.

15 A. Yes, sir.

16 Q. And where they had to make a decision to take pretrial or not
17 and not overwork the attorneys, that process was gone. It was
18 replaced by a preapproval process. Do you remember that?

19 A. Yes, sir.

20 Q. Do you remember Dusty describing it as "front-ending that
21 shit"?

22 A. Yes. That sounds like Dusty.

23 Q. Yeah. You told investigators Dusty didn't even have an office;
24 right?

25 A. Correct. Yes, sir.

1 Q. When he was there, he just kind of sat in your office.

2 A. Yes, sir.

3 Q. You told investigators that that seemed weird to everyone;
4 right?

5 A. Yes, sir.

6 Q. Because by setting up his own e-mail and without an office or a
7 computer, he basically was running his entire office through his
8 cell phone; right?

9 A. Yes, sir.

10 Q. And not only that, but he was working in Baton Rouge; right?

11 A. Yes.

12 Q. He was working in Lafayette sometimes; right?

13 A. Yes.

14 Q. He was even going to Houma, wasn't he?

15 A. Yes. I guess he was. I just knew about Baton Rouge.

16 Q. Signing them up; right?

17 A. Yes.

18 Q. Via his own preapproval process; right?

19 A. Yes.

20 Q. And he wasn't hiding it, was he?

21 A. No.

22 Q. These signup days that you mentioned -- and we'll get to that
23 December 13th signup. We'll get to that.

24 A. Yes, sir.

25 Q. All right. Because I know what you're talking about, but I

1 don't want to go there yet.

2 A. Okay.

3 Q. But these signup days, that would be like the day that he was
4 in the office and he would bring them in in bulk; right?

5 A. Yes.

6 Q. It wasn't like he was saying, like, "Hey, look what me and Gary
7 are up to." He was doing it in the pretrial diversion conference
8 room; right?

9 A. Yes, sir.

10 Q. And sometimes he even had Mr. Sallinger there. Do you recall
11 him bragging about Sallinger was there?

12 A. Maybe. I don't remember, but maybe so.

13 Q. But anything that I say, if I throw the term brag behind it,
14 you going to probably associate it with Dusty Guidry, aren't you?

15 A. Yes, sir.

16 Q. So the pretrial -- once this meeting with Barry happens,
17 they're also going to send letters that -- back for
18 reconsideration; right? You testified to that earlier.

19 A. If you could repeat that, sir. I'm sorry.

20 Q. Yeah. So a bunch of letters had gone out; right?

21 A. For which cases?

22 Q. I'm sorry. Whenever you initially came on in the new
23 administration, you and -- well, I think you went along -- but
24 Dusty went into the room and he grabbed a bunch of old files
25 because there was a backlog; correct?

1 A. For the Barry Sallinger cases, are you referring to still?

2 Q. I'm just talking about the backlog cases, before the Sallinger
3 meeting.

4 A. Okay. Yes, when we were trying to catch up all the cases.

5 Q. Right. And he sent out a bunch of letters; correct?

6 A. Yes.

7 Q. He instructed Mia to do that; correct?

8 A. Mia to send out letters for the backlog?

9 Q. Yes, to send out pretrial letters.

10 A. Mia would send out letters to the individuals she was going to
11 enroll, but for a backlog --

12 Q. Well, let me see if I can help you.

13 A. Okay.

14 Q. Do you recall a conversation with Dusty where you tell him, "I
15 knew that was going to happen when you went in there and we sent
16 out all these pretrial letters. I knew it was going to happen."
17 Do you remember telling him that?

18 A. And that's regarding Barry Sallinger's cases? Or is that
19 regarding all of the cases?

20 Q. That's recalling all the cases, initially.

21 A. In the beginning when he first started?

22 Q. Yes.

23 A. Okay. Yes, I do recall that.

24 Q. And you remember what happened was you started getting letters
25 from Barry Sallinger and other criminal defense attorneys saying:

1 Hey, I represent this person. Why are y'all contacting this
2 person? Right?

3 A. Yes, that would happen. That definitely would happen, yes.

4 Q. And you told him, "Dusty, I knew this was going to happen."

5 A. Yes.

6 Q. Right?

7 A. Yes.

8 (Court reporter asked Counsel to slow down.)

9 **MR. JOHNSON:** Yes, ma'am.

10 **BY MR. JOHNSON:**

11 Q. And it just so happens that these attorneys that Mr. Sallinger
12 is working with, it just so happens that this stems from a meeting
13 that you know Gary Haynes wasn't in attendance at; correct?

14 A. Correct.

15 Q. But that Mr. Sallinger was; right?

16 A. Yes.

17 Q. Allyson Prejean was; right?

18 A. As far as I recall, I think Allyson was.

19 Q. Yeah. And Don Landry was there; right?

20 A. Yes.

21 Q. Do you think that's a coincidence or just facts are stubborn
22 things?

23 A. The reason they set the meeting up was because they were trying
24 to come up with a solution because of the tension between Barry and
25 Gary.

1 Q. Right.

2 A. And for Dusty to handle those cases from now on.

3 Q. Because they were upset that Gary would reject their cases from
4 pretrial diversion; right?

5 A. Yes.

6 Q. They were also upset -- try to follow me here. I'm going to do
7 the best I can. But they were also upset because a new judge had
8 been elected, Michelle Odinet. Do you recall that?

9 A. Yes, sir.

10 Q. And the way the criminal defense attorneys viewed Michelle
11 Odinet versus Judge Saloom was that Judge Saloom was a little bit
12 more relaxed with respect to granting continuances; right?

13 A. Yes.

14 Q. And Judge Odinet, she wasn't afraid to put people in jail on
15 first-offense DWI; right?

16 A. Correct.

17 Q. And they thought, the criminal defense attorneys -- that was
18 the idea -- was that Gary was cool with Judge Odinet; right?

19 A. Yes.

20 Q. And Gary liked trying cases, didn't he?

21 **THE COURT:** Mr. Johnson, make sure you stay behind the
22 podium.

23 **MR. JOHNSON:** Sorry.

24 **BY MR. JOHNSON:**

25 Q. Gary liked trying cases, didn't he?

1 A. If he liked trying cases?

2 Q. Yeah.

3 A. Yes.

4 Q. He wasn't afraid to fight?

5 A. No.

6 Q. All right. So they couldn't -- the defense attorneys with
7 Saloom, they could continue trying to fight the case, maybe get it
8 reduced; but with Odinet, they needed pretrial. Right?

9 A. Yes.

10 Q. And they didn't like that Gary wasn't giving them pretrial
11 diversion; right?

12 A. I'm sorry. I'm just trying to recall all that.

13 Q. It's okay. Take your time. I'm not trying to rush you at all.
14 I speak fast and I apologize.

15 A. Yes.

16 Q. That was another reason that they kind of didn't like that, you
17 know, Gary was rejecting them; right? because it was viewed as
18 being close with Michelle Odinet, as well?

19 A. Okay. Yes.

20 Q. Now, this preapproval process, though, the attorneys loved it.
21 Defense attorneys loved it; right?

22 A. Yes.

23 Q. Because their staff members were dealing directly with Dusty in
24 his e-mail; correct?

25 A. Yes.

1 Q. So after this process, and really just kind of after Dusty sort
2 of got there, you recall that certain types of cases started coming
3 in that maybe weren't the types of cases that would have been
4 allowed under the previous administration. Fair to say?

5 A. Yes, sir.

6 Q. And the prosecution asked you about Barry Petry. Do you
7 remember that name?

8 A. Yes, sir.

9 Q. And just to be clear, Barry Petry's case was a misdemeanor
10 sexual battery case.

11 A. Yes, sir.

12 Q. Okay. It wasn't a felony sexual battery; right?

13 A. No, sir.

14 Q. And in that case -- you're familiar with it; right?

15 A. Yes, sir.

16 Q. In that case, it was alleged that a dentist basically hit on
17 one of his patients at her house inappropriately; correct?

18 A. Yes.

19 **MR. WALKER:** I'm sorry. I didn't hear the word that he
20 used.

21 **THE COURT:** Make sure you stay behind the microphone, Mr.
22 Johnson.

23 **MR. JOHNSON:** Oh, sorry.

24 **THE COURT:** If you're more than 6 inches away from that
25 podium, you're in the wrong.

1 **MR. JOHNSON:** Judge, that's going to be tough.

2 **THE COURT:** Well, you're going to have to do it.

3 **MR. JOHNSON:** I need that lapel mic. I'm just kidding.

4 That was just a reference to the pretrial.

5 **MR. WALKER:** I didn't --

6 **MR. JOHNSON:** I'm going to rephrase.

7 **MR. WALKER:** The defense just said something in
8 describing what this defendant did to a victim.

9 **MR. JOHNSON:** I'm going to rephrase, Your Honor.

10 **MR. WALKER:** Wait. I want to know what the word is he
11 used --

12 **MR. JOHNSON:** I don't remember it.

13 **MR. WALKER:** -- because it was inappropriate.

14 **MR. JOHNSON:** I don't remember it, Your Honor.

15 **THE COURT:** Can you read back the last question, Beth? if
16 you have it.

17 **MR. JOHNSON:** Can I just rephrase the question? Does it
18 matter?

19 (The court reporter read back the last question.)

20 **MR. JOHNSON:** Can I rephrase the question and move on?

21 **THE COURT:** Let's first establish that she has knowledge
22 about what that case was about, Mr. Johnson.

23 **MR. JOHNSON:** Okay. But I did ask her does she have
24 knowledge about it, and she said yes. I think that was the
25 previous question.

1 **THE COURT:** She knows of the case.

2 Do you know what the allegations were in that case?

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

4 **THE COURT:** Okay. You can answer the question.

5 **BY MR. JOHNSON:**

6 Q. In that case, all right, it was alleged that the dentist I
7 think had gone over to her house and assaulted her or done
8 something sexual in nature; is that correct?

9 A. Yes, sir.

10 Q. After that, it was also learned that, for whatever reason, they
11 didn't arrest the dentist. They gave him a misdemeanor citation;
12 correct?

13 A. Yes.

14 Q. And do you recall, also, that the file -- there were some text
15 messages missing, or something like that, and her memory was really
16 bad? Do you recall that?

17 A. Yes.

18 Q. Okay. And do you recall being instructed by Dusty, your
19 supervisor, specifically, "I don't want y'all touching that case"?
20 Do you recall that?

21 A. If he said it, yes. I just can't recall because it was so long
22 ago.

23 Q. Do you recall him instructing you that, "Get Elisia." Is that
24 how I pronounce her name?

25 A. I'm so sorry. Who?

1 Q. Elisia.

2 A. Elisia Osei.

3 Q. I'm just going to say Elisia. Is that okay?

4 A. Yes, sir.

5 Q. You know who I'm referring to, though?

6 A. Yes, sir.

7 Q. And he said, "I want you to call him. Get him in Thursday.
8 I'm going to sign him up on Thursday." Do you recall that?

9 A. Yes, sir.

10 Q. Do you recall him specifically advising you that, "Don asked me
11 to devise a specifically designed program and I have to get a
12 special eval because there's not a substance abuse problem." Do
13 you recall that?

14 A. Yes, sir.

15 Q. Remember Dusty specifically telling you --

16 **MR. WALKER:** Again, Your Honor, I object. It's hearsay.
17 And in that case, it's double hearsay.

18 **THE COURT:** What's the purpose of what Dusty told her
19 from this witness?

20 **MR. JOHNSON:** Because, Your Honor, they implied that Gary
21 Haynes had accepted a person into pretrial and that Gary Haynes was
22 involved in it. And I'm cross-examining her to show that this is
23 evidence that --

24 **THE COURT:** What's the relevance other than for the truth
25 of the matter asserted, Counsel?

1 **MR. JOHNSON:** Oh, it's just how she was instructed on a
2 day-to-day basis, Your Honor.

3 **THE COURT:** No. It's for the truth of the matter
4 asserted. It's sustained.

5 **MR. JOHNSON:** Okay.

6 **BY MR. JOHNSON:**

7 Q. All right. Now, Dusty is arrested on, I think it's December
8 10th; is that correct?

9 A. Yes, sir. I believe so, yes.

10 Q. And you talked about one of these signup days I'm going to
11 refer to it as.

12 A. Yes.

13 Q. Okay. And so Dusty's arrested on the 10th, which I think is a
14 Friday; right?

15 A. I don't remember the exact day.

16 Q. Okay. But you told investigators that, that following Monday
17 on December 13th, that Dusty was in the office bright and early;
18 right?

19 A. Yes, sir.

20 Q. And he was pushing a bunch of Mr. Sallinger's cases to get them
21 signed up; correct?

22 A. Yes, sir.

23 Q. You told investigators that Sunny Robinson took these cases
24 afterwards and that files were a mess.

25 A. Yes.

1 Q. Right?

2 A. Yes, sir.

3 Q. You told investigators that Guidry then left the office early
4 that day and missed multiple appointments with defendants he had
5 scheduled for later in the day; correct?

6 A. Yes.

7 Q. And so the way you viewed that was prior to his arrest becoming
8 public, he came into the office early Monday morning and tried to
9 sign up as many people as he possibly could. That's the way you
10 viewed that; right?

11 A. Yes, sir.

12 Q. You also told investigators that after Dusty was arrested --
13 and everyone knew about it.

14 A. Yes.

15 Q. -- and while he was apparently suspended, that Grady Abraham
16 had a client come up to the pretrial office with his mom to check
17 on the status of the young boy's case; is that correct?

18 A. I do remember, yes.

19 Q. He told investigators that it was some type of gun charge;
20 correct?

21 A. Yes.

22 Q. Which was also not a typical charge that would be accepted into
23 pretrial; right?

24 A. We do take some illegal carrying of weapons but depending on
25 what type of gun charge it is, yes.

1 Q. Whatever that case was, though, was not typical. That's what
2 you told investigators.

3 A. Okay.

4 Q. And you went to Don, because it was Dusty's file, and you were
5 instructed to call Dusty because he was still a consultant at our
6 office; right?

7 A. Yes, sir.

8 Q. Even though he was suspended; right?

9 A. Yes, sir.

10 Q. Again, weird, huh?

11 A. If that's your term, I guess.

12 Q. Do you agree with it?

13 A. It was just odd, yeah.

14 Q. Okay. Now, after he was suspended, you noted that one of the
15 first things Gary did was cancel the second-offender program.
16 Isn't that correct?

17 A. Yes.

18 Q. You also noted that Gary was to replace Dusty, right, per Don?

19 A. Yes, yeah.

20 Q. If Gary's the supervisor and Dusty's the consultant, why would
21 an attorney need to replace a consultant?

22 A. It was up into that point with the Barry Sallinger cases.

23 Q. Barry Sallinger had an extremely successful practice; right?

24 A. Yes, sir.

25 Q. During the chaos of Dusty Guidry, you told investigators

1 specifically that you had very little authority; isn't that
2 correct?

3 A. Yes, sir.

4 Q. You felt like -- well, let me strike that.

5 Oftentimes, because he didn't have an office and he was
6 running his cases through his cell phone, Dusty would just call you
7 and say: Hey, have this person do this, have this person do this,
8 have this person do this; right?

9 A. Yes.

10 Q. That's why you felt like a gopher, isn't it?

11 A. One of the reasons, yes.

12 Q. But you didn't have that same independence that you had had
13 before, that you had gotten used to; correct?

14 A. No.

15 Q. Meaning, yes, you didn't have that independence?

16 A. I didn't have it as soon as Don came in.

17 Q. Right. When a new DA is elected, though, sometimes the
18 atmosphere changes; isn't that right?

19 A. Yes, sir.

20 Q. And I think you told investigators it was a new DA, new
21 consultant. You just tried to get along because you are just
22 biding your time to retirement. Isn't that right, Ms. Perez?

23 A. Pretty much, yes. I'm ready to retire.

24 Q. And it's a bit political sometimes working for a politician,
25 ain't it?

1 A. Yes.

2 Q. You told investigators in your first interview, which was,
3 again, on May 9, 2022 -- same day as the raid; right?

4 A. Yes, sir.

5 Q. -- that no PTI employee has ever faked a document stating a
6 defendant completed a class when they hadn't completed the class.
7 Wouldn't fake them paying, none of that; correct?

8 A. Correct.

9 Q. In a follow-up interview, though, you learned -- you told I
10 think investigators and maybe even the prosecutors about a Mr.
11 Richard Walker's file. You familiar with that file that you found
12 out about?

13 A. I'm not familiar with that name right now. Richard Walker?

14 Q. Okay.

15 A. No, sir.

16 Q. See if I can refresh your memory. Did you recall Mr. Richard
17 Walker completing the pretrial diversion program in July in four
18 days?

19 A. That is something that probably could have happened, yes, under
20 this administration.

21 Q. Do you recall telling investigators that you had signed the
22 completion letter?

23 A. Yes, sir.

24 Q. Do you recall telling investigators that it was brought to your
25 attention because he had been billed -- and when we say billed,

1 that means you file a bill of information; right?

2 A. Yes, sir.

3 Q. That's how you charge somebody with a crime; right?

4 A. Yes, sir.

5 Q. It can be done by grand jury or it can be done by a piece of
6 paper; correct?

7 A. Yes.

8 Q. All right. And so he had been -- Mr. Walker had been billed by
9 the DA's office in August of 2021. Do you recall that?

10 A. Okay. Yes.

11 Q. And --

12 **THE COURT:** Ms. Perez, do you remember the case he's
13 talking about?

14 **THE WITNESS:** I don't. I'm trying to remember.

15 **THE COURT:** Don't agree with something if you don't
16 remember the case.

17 **THE WITNESS:** Yes, sir, I understand. If he's saying I
18 did it, then I assume that he has information.

19 **THE COURT:** You can ask a question that might refresh her
20 about the case, then be more specific.

21 **THE WITNESS:** Can I ask what the charge was on the
22 defendant? Thank you.

23 **MR. JOHNSON:** I'm going to show her.

24 **MR. WALKER:** Your Honor --

25 **THE COURT:** Do you have the case file?

1 **MR. WALKER:** If we can approach the sidebar, he just said
2 he's going to show a 302, which is obviously --

3 **THE COURT:** Okay.

4 (Begin bench conference.)

5 **THE COURT:** What were you wanting to show the witness?

6 **MR. JOHNSON:** I can show her the file.

7 **THE COURT:** You have the file?

8 **MR. JOHNSON:** Yes, sir.

9 **THE COURT:** You can use the file to refresh her
10 recollection. Is it already in evidence, or not?

11 **MR. JOHNSON:** No.

12 **THE COURT:** You can show it to her right now to refresh
13 her recollection if you know what it is. Just say with the case
14 file, refresh. And if the answer is yes, if she remembers it, she
15 does if. If she doesn't, she doesn't.

16 **MR. CLEMONS:** Thank you, Judge.

17 (End bench conference.)

18 **MR. JOHNSON:** Judge, do you mind if I walk up there? We
19 don't have it printed. I apologize. We're missing the first page.

20 **THE COURT:** Okay. Ms. Perez, would showing the first
21 page of the case file for the case he's referring to, would that
22 maybe refresh your recollection?

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

24 **THE COURT:** Counsel, you may approach the witness.

25 **MR. JOHNSON:** Thank you, Judge. May I approach, Your

1 Honor?

2 **THE COURT:** Yes.

3 **MR. JOHNSON:** Page 2.

4 **THE WITNESS:** Thank you.

5 **MR. JOHNSON:** You're welcome.

6 **BY MR. JOHNSON:**

7 Q. Do you remember it?

8 A. Yes, sir. I do now. Thank you. I appreciate it.

9 Q. Now, this is a -- the way I understand it is, is that after you
10 were interviewed in May of 2022, you were subsequently interviewed
11 in February of the following year. Do you recall that?

12 A. Yes, sir.

13 Q. And you brought to the attention a file that involved Mr.
14 Richard Walker; is that correct?

15 A. Yes, sir.

16 Q. And what had happened was, is that Mr. Walker had -- his case
17 was first entered into Karpel when it was billed in August of 2021;
18 correct?

19 A. Yes, sir.

20 Q. But you were able to determine that ultimately it was billed on
21 July 15th -- I'm sorry. Not billed on July 15th, but that he signed
22 up for pretrial; right?

23 A. Yes.

24 Q. He was enrolled by Dusty?

25 A. Yes.

1 Q. And that he did a completion letter four days later; is that
2 correct?

3 A. Yes, sir.

4 Q. And he made payment through you; correct?

5 A. Yes.

6 Q. And all of that was done before he was entered into the Karpel
7 system; correct?

8 A. Yes, sir.

9 Q. You told investigators that this was likely just something
10 Dusty had sort of hurriedly had you sign; correct?

11 A. Yes, sir.

12 Q. You learned, as part of your sort of investigation into this
13 file, that Mr. Walker had paid Joe Prejean \$7,000; isn't that
14 correct?

15 A. Yes, sir.

16 Q. And that Joe Prejean had paid Dusty Guidry; correct?

17 A. Yes, sir.

18 Q. You didn't learn anything about Mr. Gary Haynes having anything
19 to do with that file; correct?

20 A. No, sir.

21 Q. And, again, based on how quickly this was done, it being
22 completed before they were even entered into pretrial appeared to
23 be one of, sort of, Dusty's files he was running off the books;
24 correct?

25 A. Yes, sir.

1 Q. And when that would happen, especially with respect to Mr.
2 Sallinger's file, when that would happen, --

3 **THE COURT REPORTER:** Please, speak into the microphone.

4 **MR. JOHNSON:** I'm sorry. I'm going to keep my hands
5 locked right here.

6 **BY MR. JOHNSON:**

7 Q. -- oftentimes attorneys were being asked to review it on the
8 back end when it was time to just sign the completion letter;
9 right?

10 A. Yes, sir.

11 Q. Because it hadn't come in the normal way; right?

12 A. Correct.

13 Q. Now, in addition to whatever duties he had in pretrial, Gary,
14 Mr. Haynes, also sort of wore a few different hats; is that
15 correct?

16 A. Yes.

17 Q. He would try, like, a murder case; right?

18 A. I think he would, yes. I believe he would assist, yes.

19 Q. And he would bring cases to trial or in front of the grand
20 jury; correct?

21 A. I know he would assist, yes.

22 Q. Right. Now, Dusty just kind of had one of those personalities,
23 didn't he?

24 A. Yes.

25 **THE COURT:** Can we clarify what that means?

1 **MR. JOHNSON:** I think we know what that means.

2 **THE COURT:** That doesn't mean -- well, no one else
3 understood it.

4 **MR. JOHNSON:** I'm just kidding.

5 **BY MR. JOHNSON:**

6 Q. He was very braggadocious; correct?

7 A. I'm sorry. Repeat that.

8 Q. He was very braggadocious?

9 A. Yes.

10 Q. He was high pressure?

11 A. Yes.

12 Q. Aggressive; right?

13 A. Yes.

14 Q. Put a lot of pressure on people?

15 A. Yes.

16 Q. Now, you told investigators that you knew that Vanessa Bobb
17 done work at -- had Mr. Guidry do work on her house; correct?

18 A. Yes, sir.

19 Q. That Mr. Guidry had -- that Mr. Prejean not only did work on
20 her mom's house but actually fixed the roof; correct? Replaced the
21 roof?

22 A. Yes.

23 Q. You recall a conversation where Dusty bragging about he had
24 \$150,000 line of credit at Caesar's?

25 **MR. WALKER:** Objection, Your Honor. It's hearsay. And I

1 don't know what the relevance of it is.

2 **MR. JOHNSON:** I don't really care if it's true, Your
3 Honor. I'm just asking her if that's what he did. So it's not
4 introduced to prove the truth of the matter asserted.

5 **THE COURT:** Well, what's the relevance if it's not true?
6 That's the question you have to ask yourself, Mr. Johnson.

7 **MR. JOHNSON:** I understand. I'll withdraw the question,
8 Your Honor.

9 **BY MR. JOHNSON:**

10 Q. Do you recall telling Mr. Guidry that he reminded you of John
11 Travolta?

12 A. If I told Mr. Guidry that, yes.

13 Q. Do you remember telling him, "I can never go get out \$10,000
14 out of the bank and go to Caesar's Palace and have a big line of
15 credit"?

16 **MR. WALKER:** Objection to relevance.

17 **THE COURT:** Sustained.

18 You will disregard that last question.

19 **BY MR. JOHNSON:**

20 Q. You told investigators that the vendors for the pretrial
21 diversion program under Keith Stutes were Acadiana Monitoring;
22 correct?

23 A. Yes, sir.

24 Q. LA Consultants, which was Joe and Juanita Prejean; correct?

25 A. Yes.

1 Q. Watch program with Brandon and Amy Jones; correct?

2 A. That was barely used. That was more for sanctions. They were
3 coming on for OWIs.

4 Q. And then online classes with David Burton; correct?

5 A. Yes, sir, under Keith Stutes.

6 Q. And --

7 A. And Don Landry. I'm sorry.

8 Q. Sure. And Leonard Franques was added -- was the only vendor
9 added after Don Landry; correct?

10 A. Yes, sir.

11 Q. You also told investigators that there was a rumor that Dusty
12 pushes the Prejeans and Franqueses because he is getting kickbacks?

13 **MR. WALKER:** I'm objecting.

14 **THE COURT:** One moment, Ms. Perez.

15 **MR. WALKER:** I'm objecting to the form of the question.
16 He keeps saying, "You told investigators." That actually is
17 hearsay. It's a prior statement that she made. He needs to ask
18 questions about things that occurred. He can't ask questions about
19 what you previously stated unless he's declaring that she's made a
20 prior inconsistent statement, which he's not.

21 **THE COURT:** That's true. You should ask the questions in
22 the form of whether it's true or not. Whether the substance is
23 true or not and not whether she previously said it.

24 **BY MR. JOHNSON:**

25 Q. You told -- I'm sorry. There was a rumor that Dusty was

1 pushing Prejean and Franques because he was getting kickbacks;
2 isn't that correct?

3 A. There was talk in the office among the coordinators, yes.

4 Q. And this rumor began after there was confusing, causing
5 defendants to take Burton's CBT classes instead of Franques' CBT
6 classes; correct?

7 A. Yes.

8 Q. Because the way that the portal worked was that there were two
9 options for CBT classes once you got online; correct?

10 A. Yes.

11 Q. And so you could either take Mr. Franques' course, which was on
12 the website, or David Burton's course, which was on the website;
13 correct?

14 A. Yes.

15 Q. And by rumor, what you meant was, is that it was thought that
16 Guidry was getting kickbacks but no one knew at the time that Mr.
17 Guidry was actually getting a cut of both of those classes, both
18 from Mr. Burton and from Mr. Franques?

19 A. Yes, correct.

20 Q. 2021 was after 2020; right?

21 A. Yes, sir.

22 Q. Pretty darn tough year?

23 A. Yes, sir.

24 Q. Do you recall it?

25 A. Yes.

1 Q. A couple of hurricanes?

2 A. Yes, sir.

3 Q. COVID?

4 A. Yes.

5 Q. And you were just biding your time; isn't that right?

6 A. I wouldn't say I was biding my time. I was doing my job,
7 trying to get to the end of my retirement that I've earned.

8 Q. Right. So do you think that you need to be reminded that
9 you're a hire-at-will and fire-at-will employee by the prosecution?

10 A. I'm sorry. Can you repeat that?

11 Q. Do you think that you need to be reminded that you're a
12 hire-at-will --

13 **MR. WALKER:** Excuse me. Objection. That's argumentative
14 and improper.

15 **THE COURT:** Sustained.

16 **BY MR. JOHNSON:**

17 Q. Why do you think you were asked about your employment?

18 **MR. WALKER:** Objection.

19 **THE COURT:** Sustained.

20 **MR. WALKER:** Argumentative.

21 **THE COURT:** You can ask her the question, but you can't
22 imply something through the question.

23 **BY MR. JOHNSON:**

24 Q. Do you recall being reminded at the outset of your --

25 **THE COURT:** Not the being reminded.

1 **MR. JOHNSON:** Sorry.

2 **THE COURT:** Ms. Perez, you're an at-will employee;
3 correct?

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

5 **THE COURT:** All right. Move on.

6 **MR. JOHNSON:** All right. Just one second, Your Honor.
7 Bring up Defense Exhibit 16 just for the witness, please.

8 **BY MR. JOHNSON:**

9 Q. Do you recognize that document?

10 A. Yes, sir, I do see the document.

11 Q. Is that your note?

12 A. That's not my -- I did not write that.

13 Q. Do you know who did?

14 A. It looks like maybe Sonya Anderson's handwriting.

15 Q. So that's not your note?

16 A. No, sir.

17 Q. Do you have any disagree -- any reason to disagree with the
18 content of that note?

19 **MR. WALKER:** Objection, Your Honor. She just testified
20 it's not her note, and now he's try to refresh her recollection
21 with a note that she's acknowledged is not hers.

22 **MR. JOHNSON:** I didn't ask to refresh her recollection.
23 And I'll get it in through another witness, Your Honor. I'm just
24 asking if she disagrees with the content of it.

25 **THE COURT:** Can you identify what the note is? Like,

1 what are you calling this? Defense Exhibit what?

2 **MR. JOHNSON:** 16.

3 **THE COURT:** So we note for the record.

4 **THE WITNESS:** Is this regarding the case, sir?

5 **MR. JOHNSON:** No. It's regarding --

6 **MR. WALKER:** Objection.

7 **MR. JOHNSON:** Now I'm going to take the question back,
8 Judge. I'll get it in through Sunny.

9 **THE COURT:** All right.

10 **MR. JOHNSON:** Ms. Perez, thank you very much.

11 **THE WITNESS:** Thank you, sir.

12 **REDIRECT EXAMINATION BY MR. WALKER:**

13 Q. The defense asked you a whole lot of questions and your
14 response was, "Okay," "If you say so." When you answered "okay" or
15 "if you say so," did you remember what he was asking you, or were
16 you assuming that he was telling you the truth?

17 A. I was assuming he was telling me the truth.

18 Q. The defense asked you if you had reviewed a prior 302. Do you
19 know what 302 is?

20 A. No, sir.

21 Q. Have you ever reviewed a prior statement that you had written
22 or somebody else had written in connection with the case?

23 A. No, sir.

24 Q. So when you said yes to that, that was just a mistake? You
25 didn't understand?

1 A. That's correct.

2 Q. You talked about the fact that Gary Haynes had tried a murder
3 case. The defense said, "He tried a murder case?" Actually was a
4 question he asked. And you said, "I think he might have assisted."
5 Do you actually know if he assisted in any felony trial?

6 A. No, sir. I don't know.

7 Q. And so you just agreed with him because he said it?

8 A. Yes, sir.

9 Q. In fact, he was in city court, was he not, before he was the
10 PTI person?

11 A. Yes, sir.

12 Q. So before that, he wasn't trying felony cases; he was trying
13 traffic tickets?

14 A. Yes, sir.

15 Q. The defense -- I want to go back and I'm going start at the
16 beginning of what he asked questions about. The defense talked
17 about the fact that Don Landry was the person who ultimately had
18 the decision-making authority on PTI cases.

19 A. Yes, sir.

20 Q. And Keith Stutes was the DA and he had authority, as well?

21 A. Yes, sir.

22 Q. Did Keith Stutes designate an assistant U.S. attorney who would
23 oversee the traffic -- or, I'm sorry, the PTI cases?

24 A. No. It was myself, unless I had to go to Danny Landry for
25 questionable cases.

1 Q. And so was Danny Landry the assistant DA you would go to if you
2 had an issue?

3 A. Only Danny, yes.

4 Q. Who was the assistant DA who you were told to go to if you had
5 a PTI issue with Don Landry?

6 A. Gary Haynes.

7 Q. From the beginning?

8 A. Yes, sir.

9 Q. The defense talked a lot about the fact that Gary Haynes hated
10 Barry Sallinger; right?

11 A. Yes, sir.

12 **MR. JOHNSON:** Objection, Your Honor. I don't think I
13 talked a lot about him hating anyone.

14 **BY MR. WALKER:**

15 Q. Was that accurate?

16 **THE COURT:** That's correct. I mean, I don't know if the
17 word "hate" was used. How would you describe the relationship?

18 **THE WITNESS:** It wasn't a good relationship. They didn't
19 care for each other.

20 **BY MR. WALKER:**

21 Q. And were there a lot of attorneys who had clients in the PTI
22 program?

23 A. I'm sorry. Can you repeat that?

24 Q. Sure. Were there a lot of attorneys who had clients in the PTI
25 program?

1 A. Yes.

2 Q. Alfred Boustany?

3 A. Yes.

4 Q. Two different Boustanys. You've got the older of one, who is
5 junior, and the younger one, who is the third?

6 A. Yes.

7 Q. Did they have a lot of clients in the PTI program?

8 A. Yes.

9 Q. Did Gary like them?

10 A. Yes.

11 Q. As a result, did all of their clients get into the PTI program?

12 A. Yes.

13 Q. What about Grady Abraham?

14 A. Yes.

15 Q. Did he have clients?

16 A. Yes.

17 Q. And did Gary Haynes like him?

18 A. Yes.

19 Q. Did his clients get into the PTI program?

20 A. Yes.

21 Q. So Gary Haynes just picked and chose who got into the PTI
22 program based on if he liked their attorney or not?

23 A. It was only with Barry Sallinger.

24 Q. And he didn't let them in because he didn't like the attorney?

25 A. They had to be approved.

1 Q. And in terms of approval, Gary Haynes was ultimately the person
2 who signed the piece of paper at the bottom?

3 A. Yes.

4 Q. And we showed you those documents in PTI where it said
5 "approved by" and it would have either Gary Haynes or his initials.
6 Do you remember us showing you those?

7 A. Yes.

8 Q. Was that same initial Gary Haynes approving repeatedly on
9 files?

10 A. Yes.

11 Q. You said initially when he was -- you said initially when Gary
12 Haynes began in the PTI program that he moved slower. It took
13 longer to get him to approve cases. Do you remember that
14 testimony?

15 A. Yes.

16 Q. Did his pace increase over time?

17 A. Yes.

18 Q. The Petry sex offender case, the defense asked you about that.

19 **MR. WALKER:** Can you please pull up Exhibit 51? It's
20 been introduced.

21 **THE COURT:** Be sure you stay by the microphone, Mr.
22 Walker.

23 **MR. WALKER:** I'm sorry. I just turned to Ms. Bourque. I
24 apologize. My mistake.

25 Could you blow up the top.

1 **BY MR. WALKER:**

2 Q. Who was it who was sending you an e-mail about the Barry Petry
3 sexual battery case?

4 A. Gary Haynes.

5 Q. And is he the person who told you additional things that he
6 should have to do?

7 A. Yes.

8 Q. So that wasn't Dusty Guidry; that was Gary Haynes?

9 A. As I recall, no, he had to get that through Gary.

10 Q. Were you aware that the dentist had a prior allegation of
11 sexually battering another victim?

12 A. At the time I did not know that. I just had to get that
13 offense approved.

14 Q. Did Gary Haynes tell you that this dentist had a prior
15 allegation of sexual battery on another female victim?

16 A. No.

17 Q. The defense talked to you about the fact that -- your prior
18 testimony about the fact that you felt like a gopher.

19 A. Yes, sir.

20 Q. Do you remember that testimony?

21 A. Yes.

22 Q. Did Gary Haynes make rules that you had to follow?

23 A. Yes.

24 Q. Was one of the rules --

25 **MR. CLEMONS:** We're straining to hear Mr. Walker.

1 **THE COURT:** Be sure you stand by the microphone.

2 **MR. WALKER:** I'm really trying to be right next to it.

3 **THE COURT:** That applies for everybody equally. We have
4 to stay behind the podium and at the microphone.

5 **MR. WALKER:** And Your Honor, I apologize. I'm right on
6 top of it. I just kind of have a soft voice, as you know.

7 **BY MR. WALKER:**

8 Q. Did Gary Haynes have rules that you had to follow?

9 A. Just pretty much when he said to enroll a case, we had to
10 enroll a case.

11 Q. It wasn't optional?

12 A. No.

13 Q. The defense talked about the fact that Don Landry had the
14 ultimate control. When you had an issue or when there was a case
15 that had to -- that was in pretrial, would you go to Gary Haynes?

16 A. Yes.

17 Q. How often do you think you went to Don Landry while Gary Haynes
18 was running the program?

19 A. Not really at all. Not at all that I could recall.

20 Q. The defense asked you a whole lot of questions about city court
21 and what Gary Haynes did or didn't do in city court. And he would
22 ask the question and you would say yes, and you just kind of said
23 yes and yes and yes. Did you go to city court?

24 A. No.

25 Q. Were you responsible for city court?

1 A. No.

2 Q. Did you have any idea what Gary Haynes was doing in city court?

3 **MR. JOHNSON:** Objection, Your Honor. Can we sidebar real
4 quick?

5 (Begin bench conference.)

6 **MR. JOHNSON:** I don't try a bunch of federal cases,
7 right, but I do know that there's a 302 where she says that she was
8 involved in city court and went over to city court and she hand
9 selected -- she was told by Dusty to go over there and hand select
10 files. And I see the prosecutor right now putting on testimony
11 that blatantly contradicts the substance of that 302. I'm just
12 saying that's okay?

13 **THE COURT:** Why don't you ask her a nonleading question,
14 Mr. Walker, and ask what she knows. She'll probably remember. You
15 can even reference a prior interview. Have her clarify what she
16 knows and what she doesn't know about going to city court.

17 **MR. WALKER:** I'll tell you. As the defense may or may
18 not know, a 302 is a summary. It's not her prior statement, and it
19 can't be used to impeach her.

20 **THE COURT:** I understand that, but if there is some
21 discovery that turned over to indicate that she might have some
22 knowledge about what happened in city court, she can elaborate on
23 that.

24 **MR. WALKER:** I'll ask the question.

25 (End bench conference.)

1 **BY MR. WALKER:**

2 Q. We're talking about city court. Did you go to city court
3 regularly?

4 A. No, sir.

5 Q. How often did you go to city court?

6 A. Never.

7 Q. Have you been there ever, even one time? Did you ever go to
8 city court at all?

9 A. No.

10 **MR. JOHNSON:** Sorry, Your Honor. I'll withdraw.

11 **THE COURT:** Okay.

12 **BY MR. WALKER:**

13 Q. Did you ever observe Gary Haynes acting as an assistant city
14 attorney, prosecuting cases in city court?

15 A. No.

16 **MR. WALKER:** Could I have a moment, Your Honor?

17 **BY MR. WALKER:**

18 Q. After Dusty Guidry had been arrested and was suspended and no
19 longer in the office, were CBT classes still being required of
20 people who were going through PTI?

21 A. Yes.

22 Q. And were those cases signed off by Gary Haynes?

23 A. Some maybe. I wouldn't say all of them, but most of them, yes.

24 Q. Did the number of cases in PTI increase during the time that
25 Gary Haynes and Dusty Guidry -- specifically, Gary Haynes was the

1 ADA over the case and Dusty Guidry was the contractor -- did the
2 number of cases increase?

3 A. Yes.

4 Q. Dramatically?

5 A. Yes.

6 Q. Did the number of people having to take CBT classes also
7 increase dramatically?

8 A. Yes.

9 Q. And were they the most expensive classes that anybody was
10 required to take?

11 A. Yes.

12 **MR. WALKER:** That's all I have.

13 **THE COURT:** Thank you, Ms. Perez.

14 May Ms. Perez be released?

15 **MR. JOHNSON:** No, Your Honor.

16 **THE COURT:** Ms. Perez, you're still under subpoena. I
17 think you received one from the defendant in this case, as well.
18 Please don't discuss your testimony with anybody. You're subject
19 to re-call. Don't discuss your testimony with anybody and don't
20 appear in the courtroom. You can go back to your normal business,
21 though.

22 **THE WITNESS:** Sir, I have a question. I did receive a
23 subpoena that wasn't signed, but the new ones were served but I
24 didn't receive a new one that was signed. I don't know if that
25 means I still am.

1 **THE COURT:** Defense counsel is going to remedy that.

2 **MR. CLEMONS:** I will make sure she gets the one that's
3 signed.

4 **THE WITNESS:** Okay.

5 **MR. CLEMONS:** We've got a solution for that.

6 **MR. JOHNSON:** She has notice right now that we want to
7 continue her subpoena. I don't think you're releasing her from the
8 subpoena that the Government issued.

9 **THE COURT:** She's under instruction. She's not going to
10 discuss the case. She's not going to watch the trial. And she's
11 going to go back to her normal life.

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

13 **THE COURT:** And you'll be responsible for contacting her
14 if she needs to come back.

15 **MR. JOHNSON:** If you want to leave us your phone number,
16 we can keep you on standby.

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

18 **MR. JOHNSON:** I want that on the record as opposed to
19 talking to the witness outside. Thank you, Judge.

20 **THE COURT:** You may step down, Ms. Perez.

21 **THE WITNESS:** Thank you.

22 **THE COURT:** Why doesn't defense counsel just tell either
23 the case agent or one of prosecutors if they want Ms. Perez back.

24 **MR. CLEMONS:** And they'll call her for us?

25 **THE COURT:** Yeah.

1 **MR. CLEMONS:** Because I was going to get her number.

2 **THE COURT:** Actually, Vicki Chance, the victim witness
3 coordinator, is probably the best person. She doesn't have --
4 she's not counsel in the case.

5 **MR. CLEMONS:** I thought you said she didn't have a dog in
6 the fight.

7 **THE COURT:** She's not a counsel of the case certainly.
8 I think we should get started on our next witness. I
9 think you indicated it's about maybe a half an hour on direct?

10 **MR. LOEW:** Yes, Your Honor.

11 **THE COURT:** We'll at least get through direct today.

12 **MR. LOEW:** Or less.

13 United States calls Bradley Zaunbrecher.

14 **THE DEPUTY CLERK:** Raise your right hand, please, sir.
15 Do you solemnly swear or affirm that the testimony you give in this
16 matter will be the truth, the whole truth, and nothing but the
17 truth, so help you God?

18 **THE WITNESS:** Yes, ma'am.

19 **THE DEPUTY CLERK:** Be seated. Pull that mic close to
20 your mouth.

21 **THE WITNESS:** Sure.

22 **BRADLEY ZAUNBRECHER,**
23 after having first been duly sworn, did testify as follows:

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

25 Q. Good afternoon, Mr. Zaunbrecher.

1 A. Good afternoon, sir.

2 **THE COURT:** Is your microphone on? Is the green light on
3 there?

4 **THE WITNESS:** Yes, now it is.

5 **BY MR. LOEW:**

6 Q. Could you tell the jurors your name.

7 A. My name is Bradley Charles Zaunbrecher.

8 Q. Mr. Zaunbrecher, where do you live?

9 A. I live in Egan, Louisiana.

10 Q. How long have you lived there?

11 A. Since 2005.

12 Q. Where did you live before that?

13 A. I lived in Elton.

14 Q. What type of work do you do?

15 A. Rice, cattle, crawfish, restaurants.

16 Q. Can you tell us about some health issues that you've had
17 recently?

18 A. Yeah. I had a heart attack about 13 years ago and I had two
19 strokes in December.

20 Q. How about any issues with your blood sugar?

21 A. Oh, God, yes. I went through about a year where I was like 5
22 or 600. I didn't know what was going on. Yes.

23 Q. Are you feeling all right today?

24 A. Oh, my blood sugar was good. It was like 133. Yes, sir.

25 Q. Good. Mr. Zaunbrecher, have you had multiple DUI offenses?

1 A. I'm sorry?

2 Q. Have you had multiple DUI offenses?

3 A. I had a couple, yes.

4 Q. Do you remember getting one in Lake Charles?

5 A. That was like 13 years ago, yes, sir.

6 Q. And then after that, did you have one in Lafayette?

7 A. Yes, sir.

8 Q. Do you remember about when that was?

9 A. That was probably a couple years ago.

10 Q. Maybe around 2020, maybe?

11 A. Yes, sir. Or later, yes, sir.

12 Q. Then did you get a third one in Rayne?

13 A. Crowley, yes, sir.

14 Q. Was that shortly after the one in Lafayette?

15 A. Yes, sir. Yes, sir.

16 Q. So I'm going to talk about the one in Lafayette as the
17 Lafayette DUI and the one in Rayne as the Rayne DUI. Okay?

18 A. Yes, sir.

19 Q. So after you got the DUI in Lafayette, did you start a pretrial
20 intervention program?

21 A. Yes, sir. I did.

22 Q. Do you remember, was it pretty -- were you in the pretrial
23 intervention program for the Lafayette DUI when you got the one in
24 Rayne?

25 A. Yes, sir.

1 **THE COURT:** I think he said it was Crowley.

2 **MR. CLEMONS:** That's what he did say, Judge. You're
3 absolutely right.

4 **THE COURT:** Certainly in Acadia Parish, though, maybe;
5 right?

6 **THE WITNESS:** Acadia Parish, for sure, yes.

7 **THE COURT:** All right.

8 **BY MR. LOEW:**

9 Q. If I call it the Crowley DUI --

10 **THE COURT:** Why don't you call it the Acadia Parish DUI.

11 **BY MR. LOEW:**

12 Q. So at some point during those two DUIs, did you meet with
13 someone named Dusty Guidry?

14 A. Yes, sir.

15 Q. Do you remember where y'all met?

16 A. Yes, sir. My good friend that I was raised with and went to
17 school with told me -- he's an attorney -- and he told me to go see
18 Mr. Haynes, Gary Haynes. And Mr. Gary, we talked. I couldn't find
19 him in the courthouse. And finally, I called Scott and Scott said,
20 "Bradley, he's waiting for you on the second floor." And I went to
21 the second floor and he was there, and I met Mr. Haynes and met
22 with him in his office.

23 Q. So wait.

24 A. Yes, sir.

25 Q. Let's stop a little bit. Had you met Mr. Haynes before you saw

1 him in the courthouse?

2 A. Never.

3 Q. How did you know that it was Mr. Haynes?

4 A. He come up to me and found me on the second floor. And Scott
5 said he was a small, short man.

6 Q. Do you see Mr. Haynes here in the courtroom today?

7 A. Let me see. Hold on. That might be him right there
8 (indicating).

9 **THE COURT:** Can you describe him for us?

10 **THE WITNESS:** Huh?

11 **THE COURT:** Can you describe who you're pointing to?

12 **THE WITNESS:** Yeah, the one with the glasses.

13 **THE COURT:** The record will reflect he has identified the
14 defendant.

15 Thank you, sir.

16 **BY MR. LOEW:**

17 Q. When you met with Mr. Haynes, did he take you to see Mr.
18 Guidry?

19 **MR. CLEMONS:** Your Honor. I'm going to -- I'm patient
20 with the leading, but we're getting to a crucial area. We got to
21 take it step by step now, Judge.

22 **THE COURT:** All right. Let's make sure we're not asking
23 leading questions.

24 **BY MR. LOEW:**

25 Q. After you met with Mr. Haynes, when he met you on the second

1 floor, what happened next?

2 A. Yes, sir. I think it was the second floor. Then we went to --
3 he just kind of deferred me to Dusty Guidry.

4 Q. Was it in the same building?

5 A. Yeah. There was, like, right -- just walk down the hallway.

6 Q. After he took you in to Mr. Guidry, did he --

7 **MR. CLEMONS:** Objection. He didn't say he took him. He
8 said he referred him to Dusty. He didn't say he took him to Mr.
9 Guidry.

10 **THE COURT:** All right. Ask him what happened next.

11 **BY MR. LOEW:**

12 Q. What happened after Mr. Haynes told you or did whatever he did
13 regarding Mr. Guidry?

14 A. He brought me to Mr. Dusty's office, and Dusty told me and he
15 wanted some money. Like, he told me it was going to cost me some
16 money, like a lot of money or some money. I don't know how much
17 money. And I think I had like \$1,200 in my pocket. And I gave him
18 300. I didn't want to give it all to him because I didn't know.
19 And to the best of my knowledge, I gave it to Dusty or Dusty told
20 me to bring it to Big Poppa. But I know I dispersed of \$300 that
21 day. Yes, sir.

22 Q. Let's go one step at a time.

23 A. Yes, sir.

24 Q. So you're talking to Dusty Guidry?

25 A. Yes, sir.

1 Q. And he tells you it's going to cost you some money?

2 A. Yes, sir.

3 Q. Did he tell you who the money was going to be paid to?

4 A. No, sir.

5 Q. When you met with Dusty Guidry, you said you had \$1,200. Did
6 he tell you where that money --

7 A. I think he wanted 1,500 that day, and I had it but I kind of
8 smelled, like, a little rat. I smelled a rat. And I'm like, I'm
9 going to talk to my attorney first.

10 Q. So when you say he wanted the 1,500, who are you referring to
11 as "he"?

12 A. Dusty. Dusty Guidry.

13 Q. And you mentioned someone you called Big Poppa.

14 A. Yes, sir.

15 Q. Do you know his name?

16 A. I knew it the other day. Then whenever they told me Big Poppa,
17 I was just going to go by Big Poppa. If you would say it, I would
18 know it, yes.

19 Q. Did you ever meet with Big Poppa?

20 A. I met with -- yeah, Dusty sent me to Big Poppa. And he had a
21 gym over there, like, at Exit 2 or 3 on 45. And I walked in and
22 met with him.

23 Q. And what happened at Big Poppa's gym?

24 A. He kind of just started saying that we was going to have a
25 meeting and it was going to cost me a bunch of money, a lot of

1 money. And he wanted cash. So that kind of threw a red flag at
2 me. And then I left. I said, "Okay, sir. Whatever." And then
3 some kind of way, either through Dusty -- I talked to Dusty, and we
4 had another meeting with Big Poppa.

5 Q. All right. So the second meeting with Big Poppa, where was
6 that?

7 A. That was at his gym.

8 Q. Did you take anyone with you?

9 A. Yes, sir. I took Kayla Landry and Sarah Compton that worked
10 for me because I kind of smelled a rat with the whole deal and I
11 wasn't sure if the IRS was going to come after if I give him 20,000
12 cash. I wanted out, but I wanted it to be right, you know.

13 Q. So what do you mean you wanted out?

14 A. I just didn't want to be in trouble. I wanted to do the
15 prediversion trial. If I had to get it off my record or whatever,
16 I want it right, but I didn't want to give nothing illegal.

17 Q. So what was it about this meeting with Big Poppa that made you
18 think something illegal was going on?

19 A. He told me he needed 20-25,000 in cash. I said, "I don't know
20 if I can come up with that."

21 And he said, "Do you have --" because I come from a farm.
22 He said, "Do you have any tractors, old trucks, plows, some farm
23 equipment?"

24 I said, "Yes, sir."

25 And which is my ladies heard that. That's why I brought

1 them because something wasn't right with the whole picture.

2 Q. So that second meeting with Big Poppa, how did it end? Did you
3 pay him anything?

4 A. Did I pay him anything? Oh, no. No, no, no. So then I called
5 Scott and I told him what was going on. And he told me he made a
6 phone call or something and I don't know what happened after that.

7 Q. So --

8 A. Then I think then I got my second DUI and we went to court in
9 Acadia and I pled guilty. And I started a new pretrial diversion
10 in there when I did my online classes. I did my 40 hours of
11 service in Scott, Louisiana, for Goodwill, I think. Yeah,
12 Goodwill, yeah.

13 Q. So let's talk about that part that you're talking about now,
14 about getting into the pretrial intervention program. Was there
15 anyone else that you had to pay money to besides Big Poppa?

16 A. No, sir. No, sir.

17 Q. Do you remember having to pay for any evaluations or anything
18 with CBT or anything like that?

19 **MR. CLEMONS:** Objection, Judge. He said he paid no other
20 money to anybody besides Big Poppa. He just testified to that.

21 **THE COURT:** Okay. You can ask him if he's sure that
22 that's the case, but you can't lead him.

23 **BY MR. LOEW:**

24 Q. Mr. Zaunbrecher, if I showed you your PTI file, would that help
25 refresh your memory about what you may have paid or not paid?

1 A. Yes, sir. I'll remember because the other day I had -- that
2 \$4,000 you showed me on my credit card to Franques and then, I
3 didn't remember doing that or I don't think they got the money. I
4 know at that time I didn't have the money in the account.

5 **MR. LOEW:** So can we show the witness page 17 of
6 Government's Exhibit 11?

7 **BY MR. LOEW:**

8 Q. It's going to show up on your screen in front of you.

9 A. Yes.

10 **THE DEPUTY CLERK:** Did you say just to the witness?

11 **BY MR. LOEW:**

12 Q. Do you see the document?

13 A. Just the United States District Court. Yes, sir. I do see it.
14 Yes, sir.

15 **MR. LOEW:** Can you put it on now for everybody?

16 **THE DEPUTY CLERK:** Of course.

17 **BY MR. LOEW:**

18 Q. Is that the information for you, for your name and where you
19 live?

20 A. Yes, sir. The only difference is the post box was in Jennings.
21 That was my business address.

22 Q. So that's old?

23 A. That's closed now, yes. That's the only thing difference.

24 Q. Did you have any discussions about this \$4,000 charge with
25 anybody in pretrial intervention?

1 A. The only one I give my credit card to, and that was when y'all
2 reminded me of that, was to Franques. And I think this was what
3 this was for, for something to do with the class, I'm guessing.

4 Q. And you say when we reminded you. You mean when we showed you
5 this document?

6 A. Yeah. I never remember doing this. I think she said, "1,500
7 cash to start and, well, just go ahead and give me your debit card
8 anyway." And I did. Because I went to school with Andre Franques,
9 which is their brother, so I kind of knew them, you know. And I
10 thought they was doing me right.

11 Q. So after the second meeting with Big Poppa and when you left
12 that meeting, how were you feeling about what was going on?

13 **MR. CLEMONS:** Your Honor, two things. One, how he felt
14 is irrelevant. He's here to give facts. How he felt is not
15 important. He is here to give information, Judge.

16 **THE COURT:** You can rephrase that question, but he is
17 correct. How he felt is not important.

18 **MR. LOEW:** Well, it's important how he felt because it
19 dictated what he did next.

20 **THE COURT:** Well, that's the question, then.

21 **BY MR. LOEW:**

22 Q. After you left Big Poppa's gym the second time, what did you
23 do?

24 A. What did I do?

25 Q. Like, what did you do based on that meeting?

1 A. Oh, on that meeting I talked with them two girls. And I said,
2 "What do y'all think?"

3 They said, "Oh, man, he's just trying to, you know, get
4 over on you or whatever."

5 I said, "I saw the same thing that's why after the first
6 meeting I brought y'all because something wasn't right."

7 And now, at least I have witnesses to know if I had to
8 give him 20,000. I wanted to know -- get a receipt or something.
9 He even said he would take a check.

10 Q. So after you were feeling things weren't right, what did you do
11 about it?

12 **MR. CLEMONS:** Your Honor, this is important. Judge, can
13 I just request we get some timeframe. We're throwing out a lot of
14 information and we don't have any context of when this is
15 happening. I'm just requesting we get an approximate timeframe
16 we're talking about.

17 **THE COURT:** I think he gave the timeframe of between the
18 first and second offenses in the 15th JDC.

19 **MR. CLEMONS:** But he didn't say when those two meetings
20 were, though, Judge. That's my point.

21 **THE COURT:** Okay. Do you know when those meetings took
22 place, sir?

23 **THE WITNESS:** Sorry?

24 **THE COURT:** Do you know when those meetings took place
25 with Big Poppa?

1 **THE WITNESS:** It was between the first and second DUI, to
2 the best of my knowledge.

3 **THE COURT:** Okay. That's good enough. Thank you.

4 **MR. CLEMONS:** Thank you, Judge.

5 **BY MR. LOEW:**

6 Q. So after the second meeting and after your discussion that you
7 just said you had with the two women you brought with you, what did
8 you do about it?

9 A. They told me that they was trying to screw me over. That's
10 what their thoughts were. And I said, "Should I pay him?"

11 And they said, "No."

12 I said, "I don't want to, either." So then I called
13 Scott, my friend, and then it went from there.

14 Q. So you said, "It went from there." Where did it go?

15 A. I think Scott made a phone call to somebody that they knew.
16 He's an attorney. And we went eat. After we left there, I said,
17 "Scott, I got to meet with you."

18 And he said, "Let's go to --"

19 **MR. CLEMONS:** Your Honor, at this point I'm being
20 patient, but we're going deep into the hearsay. Scott called
21 somebody who may be an attorney and he said we have a meeting.

22 We're getting deep into hearsay, Judge, and I'm going to lodge my
23 objection.

24 **THE COURT:** Overruled. The relevance is not the truth of
25 the matter, but it's the story that this witness has to tell about

1 his episode having the two DUIs and dealing with the pretrial
2 intervention program.

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

4 **BY MR. LOEW:**

5 Q. So after you had these discussions and you got the advice, what
6 did you do?

7 A. I told Brett to -- and at some point in time I got another DUI
8 in Rayne or Crowley, Acadia Parish. And me and Brett went and
9 pleaded guilty to it. And I said, "I don't want to go back to that
10 diversion class over in Lafayette because something is not right."
11 So we went to another one and I did all my work over there, online
12 classes and everything, yes.

13 Q. After the meeting with Big Poppa, did you ever go back to the
14 courthouse?

15 A. In Lafayette?

16 Q. Yes.

17 A. No, sir.

18 Q. Did you ever have any other meetings with Mr. Haynes other than
19 the time that he showed you?

20 A. Oh, yes, sir. Yes, sir. I did. I went one time. Oh, yeah,
21 after I did -- that's right. After I did go to Big Poppa the
22 second time, I went back to Dusty. He called me. I went over
23 there. And I said, "I need to talk to Mr. Haynes."

24 Q. Why did you want to talk to Mr. Haynes?

25 A. Because I didn't know if he knew what was going on or whatever.

1 And I'm -- you know, I just felt like I was being taken advantage
2 of.

3 Q. But why Mr. Haynes?

4 A. Because he's the district attorney, the assistant district
5 attorney.

6 Q. And why did you think it would be good to go to him?

7 A. Because I thought he was -- I thought he was an honest person.
8 Yes, sir.

9 Q. So did you get to talk to him?

10 A. Yeah, I talked to him a little bit.

11 Q. What did you tell him?

12 A. Oh, that's good, and we talked for a little bit and talked
13 about whoever. And then he said, "Go back with Dusty."

14 Q. Before he told you to go see Dusty, did you tell him what
15 happened at Big Poppa's?

16 A. No, I never did. No, sir.

17 Q. But how did you describe what happened and why you wanted to
18 talk to him?

19 A. I just wanted to talk to him because I didn't know he knew what
20 was going on. But I never did bring it to his attention, no.

21 Q. How did you describe to him what was going on?

22 **MR. CLEMONS:** Objection. Judge, he's answered the
23 question. It's the second time he's asked him the same question.
24 He said he didn't bring it to his attention with what happened with
25 Big Poppa. And he's just asking the same question.

1 **THE COURT:** Overruled.

2 **THE WITNESS:** Do you want me to answer the question?

3 **THE COURT:** You can answer the question.

4 **THE WITNESS:** Yeah, and he told me that, you know, just

5 --

6 **BY MR. LOEW:**

7 Q. I'm not asking you what he told you. I'm asking you what you
8 told him.

9 A. Oh, yeah. I told him that we're -- like, me and Scott and the
10 boys I grew up with were from Crowley and, like, we're good people
11 and I thought I was getting taken advantage of. Yes, sir.

12 Q. Did he ask you any questions about that?

13 A. No. He just kind of -- he didn't say a whole lot. He just
14 kind of said, "Go see Dusty."

15 Q. And that was the end of it?

16 A. That was the end of it, and then I went there.

17 Q. I think earlier you said you had finished up your program?

18 A. Sir?

19 Q. That you had finished up your pretrial intervention program.

20 A. Yeah, I ended up getting out after that, yeah.

21 **MR. LOEW:** Your Honor, may I have a moment?

22 Nothing further, Your Honor.

23 **THE COURT:** Okay. Any cross-examination?

24 **MR. CLEMONS:** You want to do it now, Judge?

25 **THE COURT:** Yeah.

1 MR. CLEMONS: Okay.

2 CROSS-EXAMINATION BY MR. CLEMONS:

3 Q. Good afternoon, Mr. Zaunbrecher.

4 A. Good afternoon, sir.

5 Q. You any kin to Martin Zaunbrecher?

6 A. Martin, yeah. Yeah, state trooper. That's my like, third
7 cousin.

8 Q. I figured y'all had to be kin.

9 A. Yeah. Good friend of mine. I played football at McNeese and
10 he was up there with me.

11 Q. I'm not going to hold that against you.

12 A. All right.

13 Q. I just have a few questions to ask you, Mr. Zaunbrecher. Do
14 you recall -- let me back up.

15 Prior to testifying, did you review any documents or any
16 reports prior to testifying?

17 A. No. The only one would be that 4,000 that just came up on the
18 screen.

19 Q. The what now?

20 A. That was the only -- the \$4,000.

21 Q. Oh, the document that they put on --

22 A. That's the only document that I've seen, yes, sir.

23 Q. And somebody showed that to you?

24 A. Sir?

25 Q. Just to make sure my question is clear, is prior to -- I know

1 you looked at that document here in court; right?

2 A. Yes, sir.

3 Q. But my question is: Prior to testifying, did you review any
4 documents? Any papers, any forms, any statements you may have
5 given?

6 A. No, sir. Not to my knowledge, no, sir.

7 Q. But do you recall meeting with the FBI about this case?

8 A. Yeah, about a year and a half ago, I'm guessing. Yes, sir.

9 Q. And do you recall testifying in front of a grand jury about
10 this case?

11 A. Yes, sir.

12 Q. But you didn't review any of those documents prior to --

13 A. No, sir.

14 Q. Okay. And you told us about a quite a few DUIs and I didn't
15 really have many timeframes. How many DUIs did you testify about
16 here in court -- two? three?

17 A. Two. Yes, sir.

18 Q. So you only testified about two DUIs today?

19 A. Yes, sir.

20 Q. Okay. And I know you said the first one was in Lake Charles.

21 A. Yeah, about 13 years ago. Yes, sir.

22 Q. Right. And number 2, I think you said was in Crowley or Rayne?

23 A. Lafayette.

24 Q. Lafayette, okay. But you got one in Crowley or Rayne, too;
25 right?

1 A. That was my third one, yes, sir. That was all in a little -- I
2 just was going through a lot, and I just -- it was hard.

3 Q. Oh, no. Mr. Zaunbrecher, I certainly understand. But I just
4 want the record to be clear because you said two, and then I heard
5 more, so I just want to be clear. So the third one, in my belief,
6 was the one in Crowley or Rayne; right?

7 A. Yes, sir.

8 Q. Okay. Now, and I think you testified about meetings with Big
9 Poppa, and you don't recall Big Poppa's name, but I think you said
10 you met with him --

11 A. Yes, sir.

12 Q. -- at a gym; correct?

13 A. Yes, sir.

14 Q. And basically Big Poppa was trying to get money out of you in
15 return for helping you some kind of way --

16 A. Some kind of way, yes, sir. That is correct.

17 Q. -- with your DUI charges?

18 A. Yes, sir.

19 Q. And I don't -- I'm conflating what I know about the case and
20 what you said. But do you recall -- we're talking about several
21 thousand dollars. Do you recall how much money you told the FBI
22 and the grand jury he was trying to get out of you? About how
23 much?

24 A. 25 to 30,000.

25 Q. And you didn't pay him that money, though?

1 A. Sir?

2 Q. You didn't pay him that money?

3 A. Oh, no.

4 Q. Okay. And after this man tried to -- I'll use the term shake
5 you down. You know what that term means?

6 A. Yeah, they told me that. Yes, sir.

7 Q. That's basically what he was doing; right?

8 A. Yes, sir.

9 Q. After this man tried to shake you down for 25 or \$30,000 -- he
10 did that in the first meeting; correct?

11 A. In the first meeting?

12 Q. Yes, sir. In the first meeting with Big Poppa?

13 A. I think like 10 or 15 in the first meeting.

14 Q. And then the second meeting it went up to 25 or 30?

15 A. Yes, sir.

16 Q. But you didn't tell your attorney Scott until after the second
17 meeting; correct?

18 A. One more time, sir.

19 Q. Scott Stefanski was your attorney and your friend the whole
20 time; right?

21 A. Yes, sir.

22 Q. So after the first meeting, you met with this guy who tried to
23 shake you down. You didn't tell Scott about that, did you?

24 A. It's either after the first one or after the second one, sir.

25 I'm not quite sure.

1 Q. But you know you told him after the second one, for sure?

2 A. For sure, after the second one.

3 Q. Right. And I think you actually met with Scott at Don's
4 Seafood and told him about it. You remember that?

5 A. That is correct.

6 Q. You remember that?

7 A. Yes, sir.

8 Q. And Scott didn't say, "Well, man, I'm going report this to the
9 FBI," did he?

10 A. Sir?

11 Q. He didn't say, "I'm going report this to the FBI," did he?

12 A. No. He called somebody. I'm not sure who, yes, sir. And the
13 guy who he talked to said it was going to shake down, or whatever,
14 because I never heard of that expression before.

15 Q. You never heard what, sir?

16 A. Of that before, a shake down or whatever.

17 Q. Right. And you said when you went to the DA's office, you met
18 with Dusty Guidry; correct?

19 A. Yes, sir.

20 Q. And at some point you met with my client Mr. Haynes; correct?

21 A. Yes, sir.

22 Q. But yet you have been very clear every time you discussed this
23 you never told Mr. Haynes about what Big Poppa was doing to you;
24 correct?

25 A. No, sir, I never did.

1 Q. And you were there because you were interested in the pretrial
2 diversion program; right?

3 A. Yes, sir.

4 Q. Now, and I understand your medical issues, Mr. Zaunbrecher.
5 When you testified in front of the grand jury last year or spoke to
6 the FBI two years ago, was your medical situation, your memory the
7 same? Or has it gotten worse since then? Or was it basically the
8 same condition as it is now?

9 A. It's about the same, if not a little better. Yes, sir.

10 Q. It's a little better now?

11 A. It could be, yes, sir. Since my strokes in December, yes, sir.

12 Q. And when were those?

13 A. In December.

14 Q. Of?

15 A. Like December 5th.

16 Q. '24?

17 A. December 5th and December 23rd, somewhere right there.

18 Q. Of '24?

19 A. Yes, sir.

20 Q. Okay. And you know Terry Rider?

21 A. Terry Rider?

22 Q. Uh-huh.

23 A. Yes, sir.

24 Q. Tell the jury who Terry Rider is.

25 A. Sir?

1 Q. Tell the jury who Terry Rider is.

2 A. Terry Rider is from Basile. He used to work cows for me.

3 Q. You said work cows?

4 A. Cows. Yeah, he used to haul my cows and work cows for us.

5 Q. And he was aware of when you were getting these DWI arrests;
6 correct?

7 A. No.

8 Q. You don't think he was aware of it?

9 A. I don't know how he would know.

10 Q. Now, you mentioned Franques and you talked about the PTI
11 program, and you also said something about giving his daughter or
12 son a credit card to use. Do you remember testifying about that?

13 A. It was his wife.

14 Q. Explain that to me because I didn't quite get that.

15 A. Okay. Dusty told me, and I think we might have called him from
16 his office. And I said, "I know him, so let's try to get the ball
17 rolling or whatever."

18 And he said -- Leonard is his name. "Leonard wasn't
19 there," she said, "but I'm his wife."

20 I said, "Okay. That's fine." And I told her I knew
21 Andre and just kept going on and on.

22 Q. I'm sorry. Let me stop you right there. Who is Andre?

23 A. Andre's Leonard's brother that -- we played football at McNeese
24 -- Notre Dame together, me, him, and Scott.

25 Q. Wait. Notre Dame in Crowley?

1 A. Crowley, yes, sir.

2 Q. He's whose brother?

3 A. That's Leonard's brother.

4 Q. Leonard Franques?

5 A. Yeah. I think Mr. Leonard graduated with my sister. Me and
6 Andre was together.

7 Q. I gotcha. Yeah, I knew you had used that name earlier, and I
8 didn't know who you were referring to. Go ahead.

9 A. Yes, sir.

10 Q. Go ahead. Now, what were you saying about Andre?

11 A. Oh, we just played at Notre Dame together. He was a friend of
12 mine and I knew his brothers, and so it was kind of like everybody
13 knew everybody.

14 Q. What you said about him as related to this case, though, is he
15 who you paid the 4,000 to? Or what about Andre as it relates to
16 this case?

17 A. Oh, yeah. Mr. Leonard's wife, to the best of my knowledge,
18 they said 1,500 or Dusty did cash or she might have told me that.
19 I'm not quite sure what it was at. And I think the whole thing was
20 4,000. So she said, "Well, give me your debit card." And I took
21 my debit card out. I don't remember this the first time. And they
22 showed me a copy of it. And evidently, I gave her my number.

23 Q. Who showed you a copy of your debit card? You said "they."

24 A. I gave her my credit card number. They showed me a receipt
25 that came up a while ago. Yes, sir.

1 Q. Mr. Zaunbrecher, who showed you a receipt? That's what I mean.

2 Who showed you a receipt? You say "they."

3 A. The (indicating) -- I'm sorry. Your first name?

4 Q. The U.S. Attorney's Office? Or the FBI?

5 A. FBI. Yes, sir.

6 Q. Okay. Go ahead.

7 A. I'm sorry.

8 Q. That's okay. But anyway, they showed you a copy of your
9 receipt and what happened?

10 A. I didn't remember that the first time.

11 Q. Okay.

12 A. And I remember giving them my number but not getting a receipt
13 until now.

14 Q. And that was to be in the PTI program or to take the course?
15 Do you know what that was for?

16 A. Whatever they do. It was part of the pretrial diversion. Yes,
17 sir.

18 Q. Okay. And what did you do next?

19 A. Sir?

20 Q. What did you do after that?

21 A. I think that was it. That was one of our last meetings. And
22 then the next thing I knew I was in Crowley pleading guilty. And
23 then I heard about this on the news. And that was kind of the end
24 of it. Yes, sir.

25 Q. Okay. And the DUI you pled guilty to, do you know when that

1 was, about?

2 A. I'm just -- man, my memory is horrible. Let's see. Dates.
3 I'm guessing three to six months after the one in Lafayette.

4 Q. And so just to be clear, even though Prejean is the one who
5 asked you for this money, you never paid him any of that money he
6 was soliciting from you; correct?

7 A. No, sir.

8 Q. And you never told Gary Haynes that he was trying to get money
9 from you, did you?

10 A. No, sir.

11 **MR. CLEMONS:** Thank you. Just one minute, Judge. Tender
12 the witness back, Your Honor.

13 **THE COURT:** Any redirect?

14 **MR. LOEW:** Very brief.

15 **THE COURT:** All right.

16 **REDIRECT EXAMINATION BY MR. LOEW:**

17 Q. I think on both direct exam and cross-exam you said you did not
18 tell Gary Haynes that Joseph Prejean shook you down for money.

19 A. No, I did not. I didn't feel comfortable. I did not, so I
20 told Scott, my friend.

21 Q. But when you went to see him the second time, you did tell him
22 something, though, didn't you?

23 A. I did. I told him that, you know, me and Scott are, to say
24 best of my knowledge, we're good people. You know, just like I
25 didn't know that we was getting shook down or whatever, you know,

1 yes, sir.

2 **MR. LOEW:** I don't have anything further.

3 **THE COURT:** Okay. Thank you. May Mr. Zaunbrecher be
4 released from his subpoena?

5 **MR. LOEW:** He can be released by the United States, Your
6 Honor.

7 **MR. CLEMONS:** Judge, he's certainly free to go about his
8 life. I just hate to release anybody. I don't think we'll need
9 him, Judge, but we have him under subpoena. But we don't need to
10 have him not move on with his life, Judge. We know how to find
11 him. We got in touch with his attorney very easily.

12 **THE COURT:** Mr. Zaunbrecher, you are free to go today.
13 Don't watch any news about this case or talk about this case with
14 anybody until it's over. Don't watch the trial, if you're inclined
15 to do so. You may be re-called, probably not, it sounds like.
16 But until the trial is over, don't watch the news or anything of
17 that nature and don't pay attention to what's going on here.

18 **THE WITNESS:** Judge, also tomorrow I have a subpoena
19 tomorrow I think from Mr. Haynes and them at 11. Do -- I mean at
20 10. Do I need to be here?

21 **THE COURT:** That's what we're talking about. Unless you
22 are contacted, you can expect that you won't have to come back.

23 **THE WITNESS:** They have my numbers and I'm on watch. If
24 you need anything, let me know.

25 **MR. CLEMONS:** Mr. Zaunbrecher, if we need you we'll call

1 well in advance.

2 **THE WITNESS:** Appreciate y'all.

3 **MR. CLEMONS:** So you don't need to be here tomorrow for
4 sure.

5 **THE COURT:** Thank you, Mr. Zaunbrecher.

6 Ladies and gentlemen of the jury, we are going to adjourn
7 for today. Come back tomorrow. We can start again at 8:30
8 tomorrow if that's okay with everybody. Again, I will remind you,
9 and I'll keep on doing it: Please don't watch the news and please
10 don't discuss this case with any friends or family members. Go
11 think about something else, and then we'll start again tomorrow
12 morning.

13 All rise for the jury.

14 (Jury not present.)

15 **THE COURT:** Please be seated. Anything we need to
16 discuss before tomorrow morning?

17 **MR. CLEMONS:** Not from the defense, Judge.

18 **MR. WALKER:** Your Honor, at lunchtime today the defense
19 filed a motion. I think it was today at lunch, the motion that was
20 filed. Can I have one moment, Your Honor?

21 **THE DEPUTY CLERK:** Today a 118 Defendant's Objection to
22 the Government's Introduction of Incomplete Statements. But it
23 wasn't a motion. It was just an objection, Judge.

24 **MR. JOHNSON:** Your Honor, that was our refileing the
25 initial motion to give you a side-by-side comparison you asked for

1 for those exhibits that were introduced yesterday.

2 **THE COURT:** Are you going to bring that back up in the
3 case you want me to do something about it, Mr. Johnson? Is that
4 the idea?

5 **MR. JOHNSON:** Yes, Your Honor.

6 **THE COURT:** You're putting that on the record in case we
7 need to use it later?

8 **MR. JOHNSON:** When we initially filed it, Your Honor, you
9 wanted that side-by-side comparison. So we had highlighted it in
10 red, but my understanding is it didn't print in color. So we went
11 back and underlined the sections that we felt were accurate. And I
12 don't think -- you know, the portions of the video have already
13 been introduced. We're wanting to add to those. They have already
14 been authenticated and introduced, so I think the Court can just
15 look at it and run through the same determination it made
16 previously but now with the help of that side-by-side comparison it
17 asked for.

18 **THE COURT:** I would like to hear from the Government on
19 the Government's position on the rule of completeness portions of
20 the transcripts that have been introduced. Mr. Johnson, have you
21 described why you think those portions are necessary to complete
22 the intent of the statement?

23 **MR. JONES:** Your Honor, if it may please the Court,
24 Nathan Jones on behalf of the defendant.

25 **THE COURT:** Mr. Jones, how are you? You can stand up

1 here.

2 **MR. CLEMONS:** You did allow Mr. Jones to enroll, right,
3 Judge?

4 **THE COURT:** We enrolled him. He's here.

5 **MR. JONES:** Thank you, Your Honor. The exact reasons for
6 why we believe that these excerpts are necessary to explain,
7 qualify, or put in context the exhibits introduced by the
8 Government are set forth in the objection that was filed.

9 **THE COURT:** Okay. Is it more than what I had before?

10 **MR. JONES:** Yes, Your Honor.

11 **THE COURT:** All right. Because what I didn't have before
12 was why you think those additional portions were necessary to
13 complete, to be fair as to the intent of the statement that was
14 offered by the Government.

15 **MR. JONES:** Yes, Your Honor. If you review the objection
16 that was filed, I have it broken down by each individual Government
17 exhibit. And then underneath that exhibit, I have introduced the
18 portion of the transcript into the motion that we intend to
19 introduce. And then I have some argument underneath each section.
20 And then I have a citation to the transcript, the Government's
21 portions of the transcripts. The portions of the consensual
22 recording that are part of the Government transcripts are
23 highlighted in yellow and ours are in bold.

24 **THE COURT:** All right. Thank you, Mr. Jones. When would
25 the defense like to offer the other portions, assuming they are

1 admissible?

2 **MR. JOHNSON:** Right now, Your Honor, probably. I mean,
3 as soon as the Court rules. But I mean, I don't think we're going
4 to be facing that issue. Are we going to be facing that tomorrow?

5 **MR. WALKER:** Your Honor, the first witness that we're
6 putting on tomorrow is Dusty Guidry. He is going to be testifying
7 all day. I think he's going to be -- many of the clips that we
8 intend to introduce, he's going to be hearing. So I briefly looked
9 at what they filed. I mean, it came in.

10 **THE COURT:** All right. So when can you respond? That's
11 what I'm trying to figure out. When can the Government file a
12 response for me to look at?

13 **MR. LOEW:** Your Honor, I mean, it was filed at lunchtime
14 today, so we haven't even had a chance to really look at it except
15 during the 15-minute breaks. So I mean, I think just for time
16 purposes, it may be better just to pick a time to argue it because
17 we have argued about it before. I mean, a written response is
18 going to -- I think --

19 **THE COURT:** There was nothing to argue about before
20 because there were no reasons for the additional portions they were
21 requesting and I didn't have any context for it. Now Mr. Jones is
22 telling us that he has included that in the memorandum.

23 **MR. LOEW:** We can certainly file a response, and then I
24 imagine that we'll have an argument on it at some point.

25 **MR. CLEMONS:** Judge, I think your simple question is how

1 much time they need to file a response; right?

2 **THE COURT:** It doesn't have to be much. I want the
3 Government's position on each of the portions they're asking, and I
4 would like to look at them before I get to court so I can be
5 familiar with what's at play here.

6 **MR. LOEW:** So I guess if we work on it tonight, we can
7 file it by midnight tomorrow night.

8 **THE COURT:** Well, according to what I'm told here, Mr.
9 Guidry's direct is going to take four hours.

10 **MR. WALKER:** I believe that's about right, yes.

11 **THE COURT:** And so is the defense wanting to add to the
12 portions that are going to be played during Mr. Guidry's direct
13 examination?

14 **MR. JOHNSON:** Yes.

15 **THE COURT:** Or are you wanting to play them separately
16 and during your cross-examination?

17 **MR. JOHNSON:** Your Honor, if we can't add them on the
18 front end, Your Honor, we would want the opportunity to play them
19 on our case in chief. But the idea is, is that for completeness,
20 we feel like they need to be played -- they need to be added to the
21 videos that have already been authenticated.

22 **THE COURT:** That's normally how it works. But then we
23 run into practical problems of the fact that the Government is
24 already cutting those clips. And it's kind of late in the game to
25 try to change their exhibits.

1 **MR. JOHNSON:** Your Honor, I would suggest that with
2 respect to a couple of the items, that they are already clipped up
3 such that I don't think it would be difficult for them to just add
4 the additional clips. Like, for instance, with respect to the
5 January 12th video, what they're calling the boardroom video, it's
6 basically as we got it in discovery is in -- I don't know -- 100
7 clips, let's say. It's already clipped up into minute sections.
8 And so I don't believe it would be difficult to add in the clips to
9 that one at all because it's already been, you know, presented in
10 clip form. It's not like they took one, big, long video. Then --

11 **MR. WALKER:** That's absolutely not true. I'm sorry. I
12 didn't mean to butt in, but that's absolutely not true. The
13 entirety of that video has been synced with transcripts and this is
14 a difficulty. I mean, we have just gotten this document today.

15 **THE COURT:** You know, as I have indicated before, this
16 type of issue really should have been addressed, you know, at the
17 pretrial conference.

18 **MR. WALKER:** And the next difficulty, Your Honor, with
19 respect to the clips --

20 **MR. CLEMONS:** We didn't have the clips at the pretrial
21 conference, Judge.

22 **THE COURT:** Well, it should have been addressed before
23 trial, in any event.

24 **MR. JOHNSON:** Judge, for the record, I mean, one of the
25 things that you asked us about, and I think the record is clear on

1 this -- and I'm not blaming you, by any means, Judge. What I'm
2 simply saying is, is that we have been sort of ringing the bell of,
3 hey, there's a ton of discovery here. There's a ton of discovery.
4 And one of the things I specifically asked for at one of the
5 hearings was: Can you give me your exhibits beforehand so that we
6 can do that? So I feel like we did not intentionally delay at all.
7 I mean, just the opposite.

8 **THE COURT:** Okay.

9 **MR. WALKER:** The difficulty we have is we have exhibits.
10 We provided them to the defense last week. And if we're going to
11 introduce an exhibit and then the defense is going to be coming
12 back and introducing another exhibit, it's going to be -- give the
13 impression that we have intentionally concealed that from the jury.
14 We have done that based on the ruling of the Court. And so it's
15 going to be --

16 **THE COURT:** What ruling of the Court?

17 **MR. WALKER:** Well, we have submitted -- well, the fact
18 that the defense filed a motion to add additional clips and the
19 Court said, well, you haven't done anything yet that justifies a
20 ruling of the Court. Now they're coming in today. Tomorrow we're
21 introducing or we're going to be playing the clips for a witness.
22 It's unfair to give the impression that we intentionally concealed
23 that. We gave them the clips and now they're coming in the last
24 day.

25 **THE COURT:** Right. My prior ruling was I denied the

1 prior motion on the basis that there was no showing of 106 showing
2 that anything needed to be added based on what I had in front of
3 me. And so now there's a new motion or notice that I'm going to
4 look at this evening. And, but the practical problem is if we do
5 think -- if I do think the rule of completeness warrants adding
6 portions, then can the Government add them? Because I agree they
7 should be played as addendums to the clips already designated by
8 the Government.

9 **MR. CLEMONS:** But, Judge, I don't see any concern that
10 the jury would be led to believe that the Government intentionally
11 left something out. If at the time the clips come in, if the Court
12 hasn't ruled, the Court can simply advise them that these clips are
13 coming in at this time; there may be additional clips. And that
14 way nobody is left to believe that they are trying to mislead
15 somebody. I don't think -- that concern can easily be eliminated
16 as far as the impression that the Government was trying to mislead
17 them by not putting in the complete clips, Judge.

18 **THE COURT:** I mean, really it should be played
19 altogether.

20 **MR. CLEMONS:** Right.

21 **MR. JOHNSON:** I agree, Your Honor. I would also say that
22 we received the videos in clip form, like synced to the
23 transcripts, or whatever, we received that before we brought up the
24 issue. So they did choose to clip it before we ever even were
25 talking about this.

1 **MR. WALKER:** I don't understand.

2 **MR. LOEW:** Your Honor, I think what he's talking about,
3 and I had this problem, too, especially the video was so big that
4 when I went to play it, it was like 150 one-minute clips. It was
5 like this is crazy. I mean, it wasn't synced. It was just the
6 video. It was because of the size of the -- and I wasn't on the
7 same system as them. They had to, like, e-mail it to me or send it
8 on a hard drive. But there was a program there in that same clip
9 that you could click on it and it would play the entire video. It
10 just, for some reason, split it up into one- or two-minute little
11 -- like, there literally over 100 little of those whatever that
12 image is that you got to click on.

13 **THE COURT:** Let's do this. I understand. Right now, the
14 Government can review what's been filed by the defendant and the
15 counsel can collaborate and see if there can be agreement on adding
16 any portions to what's going to be played tomorrow. If there is
17 any dispute, I can rule on that. But I guess I'll ask the
18 Government: Is there someone besides Dusty Guidry that can testify
19 before he starts so that we can work this out?

20 **MR. WALKER:** I have a plan. So our intent was to play
21 the complaint.

22 **MR. CLEMONS:** Goes to the mic when he tells you the plan.

23 **MR. WALKER:** You got that out of your system, Todd?

24 Our plan was to play 001, which is the thing they are
25 complaining about with Dusty Guidry. I'll simply remove that

1 portion from his direct examination. We have other videos and
2 audios -- or other audios we're going to be playing with him. We
3 will simply take 001 out. Doug Herman is testifying at the end of
4 the case. He can play all of the consensuals. That will solve the
5 problem so we can get a ruling before we play those videos so that
6 it won't be -- it won't give the impression that we are concealing
7 anything. The Court will be able to make a ruling, and we'll go
8 from there.

9 **THE COURT:** Mr. Jones, does that sound okay to you?

10 **MR. JONES:** Your Honor, I think that's a fine compromise,
11 but we also do cite certain portions of Government Exhibit 002-003,
12 003-007, and 005-003.

13 **MR. WALKER:** Dusty Guidry was --

14 **THE DEPUTY CLERK:** Wait.

15 **THE COURT REPORTER:** Can you repeat the first one?

16 **MR. JONES:** Yes, ma'am. 002-003, I believe. Let me find
17 the page.

18 **MR. WALKER:** Can I say something before the Court talks
19 about it anymore? Dusty Guidry wasn't involved in those
20 conversations. Those conversations were between Gary Haynes and
21 Leonard Franques, so Dusty Guidry can't testify and those --

22 **THE COURT:** So then I can give the Government until the
23 end of the day tomorrow to respond to the motion, then, because
24 those portions are not going to come up tomorrow that are subject
25 to an objection, that 106 objection?

1 **MR. CLEMONS:** Correct.

2 **THE COURT:** Is everybody pleased with that?

3 **MR. CLEMONS:** That's Mr. Walker's plan. I think that's
4 correct, Judge.

5 **MR. LOEW:** Your Honor, I would just ask that if for some
6 reason it's going to take more time and I'm going to be the --

7 **THE COURT:** Respond?

8 **MR. LOEW:** Yeah, I'm going to be the whipping boy, not to
9 respond, but it's going to fall on my shoulders. Is it okay with
10 the Court if during some of the testimony, I'm not in the
11 courtroom?

12 **THE COURT:** Of course, of course. And, you know,
13 basically, I just need a response from the Government before this
14 issue comes up and the recordings that are subject to the 106
15 objection are played. So I don't know when that's going to be.
16 That's going to be up to the Government and how they want to
17 present those videos. But I just need a response before that.

18 **MR. LOEW:** Yes, Your Honor.

19 **MR. CLEMONS:** And their response might be they don't
20 object to them being played.

21 **THE COURT:** Right. And that's why this is all
22 theoretical at this point. Is that okay?

23 **MR. LOEW:** Yes, Your Honor.

24 **THE COURT:** Thank you Mr. Loew. I'm not trying to add
25 any stress to anybody. I'm just trying to figure out how we get

1 through this trial.

2 **MR. WALKER:** You and me both.

3 **THE DEPUTY CLERK:** Judge, one question. Your chambers
4 asked if the defendant should make you a colored copy of 118 if
5 there are any color highlights.

6 **THE COURT:** Are there color highlights, Mr. Jones?

7 **MR. JONES:** I think I remedied that issue by -- so the
8 only portions of those transcripts that are highlighted are the
9 states only. So anything that's highlighted is -- I mean the --

10 **THE COURT:** Color copy, because I have to ask my
11 congressional representative to get one. Does a color copy --
12 would it help me understand what you're trying to say?

13 **MR. JONES:** I don't think so, Judge.

14 **THE DEPUTY CLERK:** Then we'll print it off of CM/ECF.
15 Thank you, Judge.

16 **THE COURT:** All right. We'll be in recess -- go ahead,
17 Mr. Walker.

18 **MR. WALKER:** We got a color copy from them, and you can
19 see a lot with the color copy that you can't otherwise see.

20 **THE COURT:** All right. So I want a color copy, too.
21 Lisa, see if you can make that happen.

22 **MR. CLEMONS:** We don't have one. Can y'all get the judge
23 a color copy?

24 **MR. WALKER:** We can get you a color copy.

25 **MR. LOEW:** We work for the Government, too.

1 THE COURT: The executive branch has all the power.

2 (A conversation was held off the record.)

3 THE COURT: I don't need a color copy. I don't think
4 anybody does. We'll be in recess until tomorrow.

5 MR. JOHNSON: What time tomorrow, Judge?

6 THE COURT: 8:30. We're going to start trial at 8:30. I
7 don't think there's anything else to discuss before that; right?

8 (Whereupon the proceedings recessed at 5:28 p.m.)

9

10 REPORTER'S CERTIFICATE

11 I, Beth Delatte, Registered Professional Reporter, Certified
12 Court Reporter in and for the State of Louisiana, Official Court
13 Reporter for the United States District Court, Western District of
14 Louisiana, do hereby certify that the foregoing is a true and
15 correct transcript, to the best of my ability and understanding,
16 from the record of the proceedings in the above-entitled and
17 numbered matter.

15

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