

08:00:57 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

3 UNITED STATES OF AMERICA CASE NO. 6:24-CR-00206-01

4 VERSUS JUDGE DAVID C. JOSEPH

5 GARY HAYNES MAGISTRATE JUDGE CAROL B.
WHITEHURST

6 *****

7 OFFICIAL TRANSCRIPT OF JURY TRIAL
8 VOLUME V OF IX (PAGES 824-985)
9 HEARD BEFORE THE HONORABLE DAVID C. JOSEPH
10 UNITED STATES DISTRICT JUDGE
11 SEPTEMBER 12, 2025

12 APPEARANCES:

13 FOR THE PLAINTIFF: US ATTORNEYS OFFICE
14 800 Lafayette St., Suite 2200
15 Lafayette, LA 70501
16 (BY: JOHN LUKE WALKER, Esquire)
(BY: JOHN W. NICKEL, Esquire)

17 U.S. DEPARTMENT OF JUSTICE
18 1301 New York Ave. NW
19 Washington, DC 20005
(BY: STEVEN I. LOEW, Esquire)

20 FOR THE DEFENDANT: TODD CLEMONS & ASSOCIATES
21 1740 Ryan St.
22 Lake Charles, LA 70601
23 (BY: TODD S. CLEMONS, Esquire)
24 (BY: MICAH CLEMONS, Esquire)
25 (BY: SAMUEL L. FOWLKES, Esquire)

JOHNSON FIRM
1419 Ryan St.
Lake Charles, LA 70601
(BY: ADAM P. JOHNSON, Esquire)

OFFICIAL COURT REPORTER: BETH DELATTE, FCRR, CCR, RPR
800 Lafayette St.
Room 3106
Lafayette, LA 70501

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY. TRANSCRIPT
PRODUCED BY COMPUTER.

Beth Delatte, FCRR
United States Court Reporter
Western District of Louisiana

INDEX

PAGE

COURT PROCEEDINGS 826

DUSTY GUIDRY 828

CROSS-EXAMINATION BY MR. JOHNSON 828

REDIRECT EXAMINATION BY MR. WALKER 872

JESSICA BROUSSARD 896

DIRECT EXAMINATION BY MR. LOEW 896

CROSS-EXAMINATION BY MR. CLEMONS 902

VANESSA BOBB 906

DIRECT EXAMINATION BY MR. NICKEL 906

CROSS-EXAMINATION BY MR. CLEMONS 933

SILVIA MIER 939

DIRECT EXAMINATION BY MR. WALKER 939

CROSS-EXAMINATION BY MR. M. CLEMONS 950

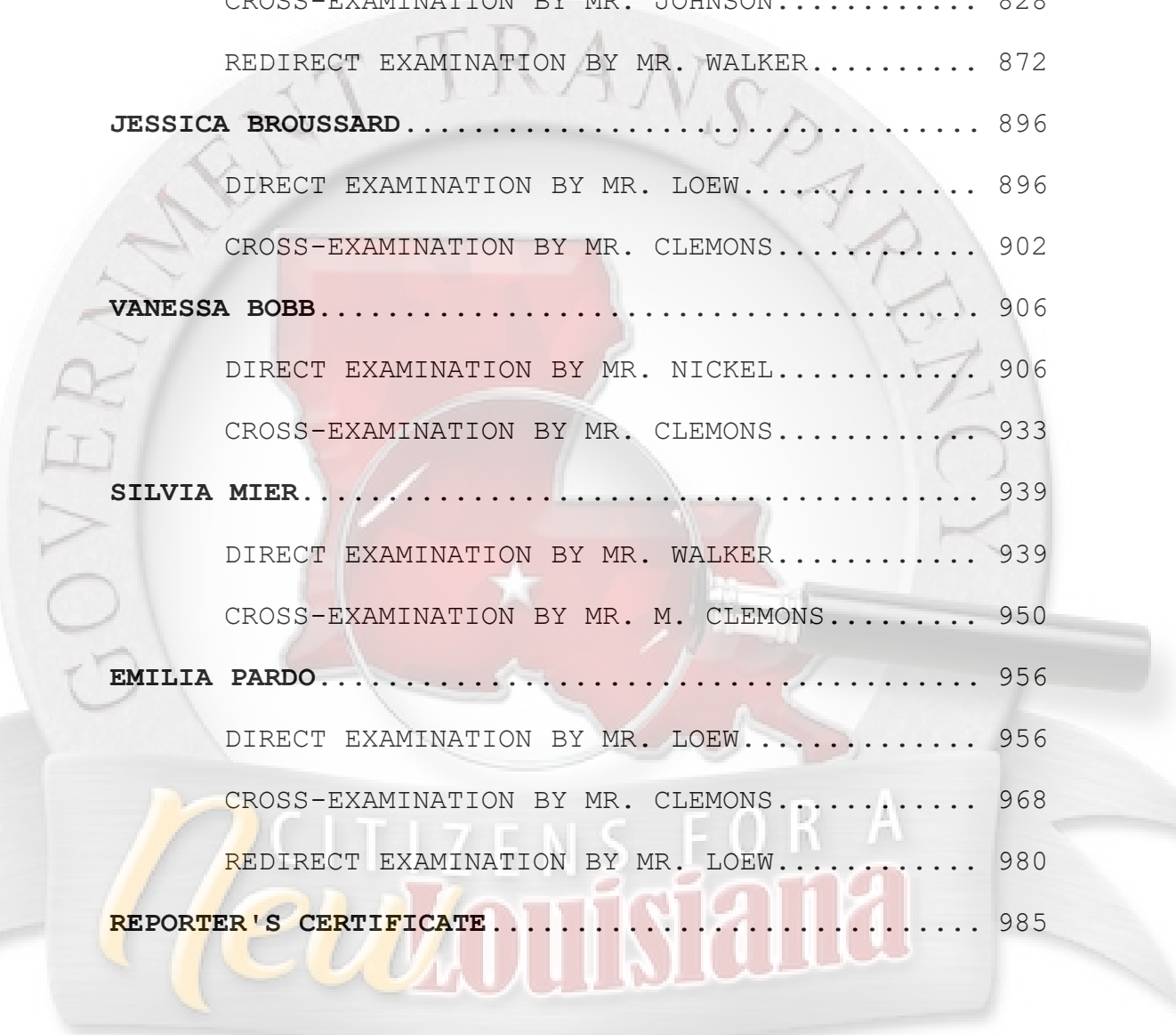
EMILIA PARDO 956

DIRECT EXAMINATION BY MR. LOEW 956

CROSS-EXAMINATION BY MR. CLEMONS 968

REDIRECT EXAMINATION BY MR. LOEW 980

REPORTER'S CERTIFICATE 985



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 COURT PROCEEDINGS

08:01:15 2 SEPTEMBER 12, 2025

08:01:15 3 (Court is called to order.)

08:37:10 4 THE COURT: Thank you. Please be seated. Good morning,
08:37:14 5 everybody. We're back on the record now. Before we bring the jury
08:37:18 6 in, I want to go through the remainder of the Rule 106 issues that
08:37:24 7 have been brought up. I received the Government's response last
08:37:27 8 night and reviewed everything this morning.

08:37:35 9 Just for the record, the standard we're looking at is
08:37:38 10 whether Rule 106 requires the introduction of a writing or recorded
08:37:42 11 statement when the omitted portion is necessary to qualify,
08:37:45 12 explain, or place into context the portion already introduced. It
08:37:51 13 does not permit a party to introduce writings or recorded
08:37:54 14 statements to affirmatively advance their own alternative theory of
08:37:57 15 the case.

08:37:58 16 After reviewing the proposed submissions, first 002-003,
08:38:10 17 that portion that the defendants seek to add was already played by
08:38:14 18 the Government; correct?

08:38:15 19 MR. LOEW: I'm not sure that it was played, but it was
08:38:18 20 admitted. 002-001 is the entire call, and that portion is in it.

08:38:23 21 THE COURT: Okay. Well, that portion can certainly be
08:38:26 22 played by the defendant, should they wish to play it.

08:38:28 23 The next portion is 003 -007. The defendant seeks to
08:38:37 24 introduce four lines, well, four different statements between Mr.
08:38:45 25 Franques and Mr. Haynes. I think this one is arguable. I think

08:38:50 1 this is a close case. I'm going to allow the addition of the
08:38:54 2 statements pertaining to whether text messages can be deleted, and
08:39:01 3 permanently. I think that completes the statement. I think it's
08:39:03 4 arguable whether it is necessary under 106, but I'm going to ask
08:39:07 5 the Government to add that last portion. It's also contiguous to
08:39:12 6 the portion that is introduced by the Government.

08:39:14 7 The last portion is 005-003. I find that that does not
08:39:18 8 meet the requirements of Rule 106, but it's rather just designated
08:39:27 9 to advance the defendant's own theory of the case. So I'm going to
08:39:31 10 deny that portion.

08:39:32 11 All right. Anything else before we start?

08:39:34 12 **MR. WALKER:** No, Your Honor.

08:39:36 13 **MR. JOHNSON:** No, Your Honor.

08:39:39 14 **MR. WALKER:** You want us to bring in the witness or wait
08:39:42 15 until the jury is in?

08:39:44 16 **THE COURT:** Yes, let's go ahead and put the witness up
08:39:47 17 here.

08:40:35 18 Good morning, Mr. Guidry. You remain under oath, sir.
08:40:39 19 Just confirming you didn't speak with anybody about this case last
08:40:41 20 night.

08:40:42 21 **THE WITNESS:** Oh, no, sir.

08:41:05 22 **THE COURTROOM SECURITY OFFICER:** All rise for the jury.

08:41:31 23 (Jury present.)

08:41:32 24 **THE COURT:** Please be seated. Good morning, ladies and
08:41:36 25 gentlemen. Thank you again for being here on time this morning.

08:41:39 1 It's Friday. We are just kind of -- tell you where we are in the
08:41:46 2 case. I do expect, as I think Ms. Lacombe mentioned, that we will
08:41:51 3 take most of next week for the case, so make plans accordingly.
08:41:55 4 But we won't work this weekend, so after today we'll start back on
08:41:59 5 Monday morning at about 8:30.

08:42:01 6 All right. Please proceed.

08:42:03 7 **MR. JOHNSON:** Thank you, Your Honor.

08:42:03 8 **DUSTY GUIDRY,**

08:42:04 9 after having first been duly sworn, did testify as follows:

08:42:04 10 **CROSS-EXAMINATION BY MR. JOHNSON:**

08:42:05 11 Q. Mr. Guidry, yesterday you were asked on your direct examination
08:42:10 12 about Skyline Media and Coastal Construction and Interior Design.

08:42:14 13 You recall that?

08:42:15 14 A. Yes.

08:42:15 15 Q. And you used these three companies to receive kickback money
08:42:19 16 directly from Leonard Franques; correct?

08:42:21 17 A. Correct.

08:42:23 18 Q. Kickback from multiple schemes, per your testimony; correct?

08:42:28 19 A. Yes.

08:42:28 20 Q. You called these dummy corporations because they were set up in
08:42:32 21 your wife's name; correct?

08:42:34 22 A. Correct.

08:42:36 23 Q. And you were asked how did it come up that my client would use
08:42:42 24 MD Law to receive his portion of the funds; correct?

08:42:45 25 A. Correct.

08:42:46 1 Q. And your answer was: Because everybody was setting up dummy
08:42:51 2 corporations; correct?

08:42:52 3 A. Yes.

08:42:54 4 Q. But MD at Law was set up in Gary's name, wasn't it?

08:42:58 5 A. Yes, yes.

08:43:04 6 Q. You were also asked why, if Leonard Franques had no reason to
08:43:08 7 allow Gary in on the Wildlife and Fisheries investment, why Gary
08:43:13 8 was allowed to invest in the Wildlife and Fisheries venture;
08:43:17 9 correct?

08:43:17 10 A. Yes.

08:43:19 11 Q. And your response was it was because Gary and you were friends;
08:43:24 12 correct?

08:43:24 13 A. Yes.

08:43:27 14 Q. And that you needed the buffer of MD Law because you couldn't
08:43:30 15 do it, personally, or through your wife; correct?

08:43:34 16 A. Yes.

08:43:35 17 Q. So it was fine for you to receive kickback payments in relation
08:43:41 18 to the DA's office by direct deposit to Skyline or Coastal
08:43:46 19 Construction companies in your wife's name from Leonard, but for
08:43:49 20 Wildlife and Fisheries you needed MD at Law?

08:43:53 21 A. The amounts were going to be greater. I thought it was a
08:43:56 22 bigger risk.

08:44:01 23 Q. You also testified that to get in on the illegal scheme, my
08:44:05 24 client was required to buy in and the way that he paid you was with
08:44:11 25 a check from his own account to an LLC in your own name; correct?

08:44:17 1 A. Yes.

08:44:20 2 Q. So personal check to nondummy corporation registered to you
08:44:27 3 personally; correct?

08:44:30 4 A. It was a -- it didn't -- that company was -- it didn't provide
08:44:35 5 any service. It didn't do nothing.

08:44:37 6 Q. Personal check to a nondummy corporation; correct?

08:44:42 7 A. Rephrase. Tell me --

08:44:44 8 Q. My client cut you a personal check to you personally?

08:44:47 9 A. Uh-huh.

08:44:49 10 Q. Correct?

08:44:49 11 A. That is correct.

08:44:50 12 Q. To a nondummy corporation; correct?

08:44:53 13 A. Correct, to me personally.

08:44:55 14 Q. And isn't it true that the reason Gary was writing personal
08:44:58 15 checks to F4 and personal checks to you personally was because he
08:45:05 16 thought --

08:45:07 17 **MR. WALKER:** Objection. There's no way that he can
08:45:09 18 testify about what Gary Haynes thought.

08:45:13 19 **THE COURT:** Sustained. Rephrase, please.

08:45:13 20 **BY MR. JOHNSON:**

08:45:21 21 Q. So it was okay for you to receive money personally from Gary to
08:45:25 22 your personal account, but to receive income as part of the
08:45:32 23 investment, everybody needed dummy corporations to hide the income;
08:45:39 24 correct?

08:45:39 25 A. That's what they did, yes.

08:45:46 1 Q. Except MD at Law was in his own name?

08:45:50 2 A. Right.

08:45:51 3 Q. My client was the only one in the dark; right?

08:45:55 4 A. No.

08:45:58 5 Q. You didn't need a dummy corporation. You just needed a dummy;
08:46:03 6 right?

08:46:03 7 **MR. WALKER:** Objection. Argumentative.

08:46:06 8 **MR. JOHNSON:** I'm not arguing with him.

08:46:08 9 **THE COURT:** You can answer the question.

08:46:08 10 **BY MR. JOHNSON:**

08:46:11 11 Q. You didn't need a dummy corporation; you just needed a dummy,
08:46:14 12 didn't you?

08:46:15 13 A. No.

08:46:18 14 Q. My client's the one putting his personal name on everything;
08:46:21 15 right?

08:46:21 16 A. Yes.

08:46:31 17 Q. And when you thought you hadn't gotten enough out of him,
08:46:36 18 there's this meeting in a room. And whenever he asks for
08:46:43 19 reimbursement, you're telling him you got to push CBT classes
08:46:48 20 first; right?

08:46:51 21 A. Yes, before you can -- before anybody can make anything, you
08:46:53 22 have to have somebody participating, yes.

08:46:56 23 Q. You think it's possible you confused the term kickback with
08:46:59 24 extortion?

08:47:00 25 A. No.

08:47:05 1 Q. Isn't it extortion when you try to coerce someone to do
08:47:09 2 something unethical or improper to gain something of value?

08:47:11 3 **MR. WALKER:** I would object, Your Honor.

08:47:12 4 **THE COURT:** Sustained.

08:47:12 5 **BY MR. JOHNSON:**

08:47:22 6 Q. You convinced Gary to invest in Wildlife and Fisheries, you
08:47:27 7 stole his money, and you spent that money; correct?

08:47:33 8 A. It didn't take convincing to invest.

08:47:40 9 Q. Okay. Even after he invested in Wildlife and Fisheries, he
08:47:45 10 wasn't letting people into pretrial diversion for you, was he? You
08:47:53 11 testified yesterday he was a road block; isn't that correct?

08:47:56 12 A. I don't recall saying that.

08:47:58 13 Q. You don't recall using the word "road block" specifically?

08:48:02 14 A. I do not.

08:48:03 15 Q. You don't recall saying that there's files stacked up on his
08:48:06 16 desk?

08:48:07 17 A. I do recall that.

08:48:08 18 Q. After that, you convinced him to invest in GPP; right?

08:48:14 19 A. He did, yes.

08:48:22 20 Q. And after that, he still wouldn't fast-track cases to pretrial,
08:48:27 21 would he?

08:48:31 22 A. He worked at the same pace.

08:48:34 23 Q. Nothing changed; right?

08:48:37 24 A. No. He worked at the same pace.

08:48:39 25 Q. In fact, that's when you had to set up the meeting with Barry

08:48:44 1 Sallinger; right? In November?

08:48:49 2 A. I didn't set that up.

08:48:51 3 Q. That's when the meeting was had with Barry Sallinger; right?

08:48:54 4 A. Yes.

08:48:54 5 Q. And you said you didn't set that up; right?

08:48:58 6 A. Right.

08:48:58 7 Q. You didn't call Barry Sallinger, discuss it with him?

08:49:03 8 A. I might have, but Don set the meeting and invited me. Or the

08:49:07 9 meeting was set with Don, one or the other.

08:49:10 10 Q. But the whole purpose of that meeting was to circumvent Gary;

08:49:15 11 correct?

08:49:15 12 A. No.

08:49:15 13 Q. It wasn't?

08:49:16 14 A. No.

08:49:16 15 Q. It wasn't to put you in direct contact with Barry?

08:49:21 16 A. I was already in direct contact with a bunch of lawyers.

08:49:25 17 Q. So that was a pointless meeting? It didn't change anything?

08:49:33 18 A. Not really.

08:49:44 19 Q. Okay. And when you got arrested and this Ponzi scheme was up,

08:49:53 20 you think it's coincidental that you are here, now taking a deal

08:49:57 21 and throwing Gary under the bus?

08:50:00 22 **MR. WALKER:** Objection, Your Honor. It's argumentative.

08:50:03 23 **MR. JOHNSON:** It's cross-examination, Your Honor.

08:50:05 24 **MR. WALKER:** It's cross-examination, but he just said,

08:50:06 25 "You're taking a deal to throw Gary under the bus." That's

08:50:10 1 argumentative.

08:50:10 2 **THE COURT:** Objection noted.

08:50:12 3 Can you please read the question back to me, Ms. Beth?

08:50:12 4 **MR. JOHNSON:** Sure.

08:50:12 5 **THE COURT:** No. I'm asking Beth.

08:50:14 6 (The court reporter read back the question.)

08:50:31 7 **THE COURT:** I'll sustain the objection.

08:50:31 8 **BY MR. JOHNSON:**

08:50:37 9 Q. And you can't even tell us specifically what the checks were
08:50:41 10 for, can you?

08:50:42 11 A. No.

08:50:47 12 Q. How much time did you spend prepping with the Government for
08:50:51 13 your testimony?

08:50:52 14 A. I had four or five meetings.

08:50:58 15 Q. Did y'all practice your questions?

08:51:00 16 A. I was asked questions, yes.

08:51:02 17 Q. Did they come in the courtroom and practice with you up there?

08:51:05 18 A. No. We walked in the courtroom but not practiced.

08:51:09 19 Q. But they came and showed you the place?

08:51:11 20 A. Yes.

08:51:11 21 Q. And got you sort of used to it; right?

08:51:14 22 A. Familiar with it, yes.

08:51:15 23 Q. Did they give you a list of questions prior to your
08:51:18 24 examination?

08:51:19 25 A. No, they did not.

08:51:20 1 Q. Okay. But they talked with you and sort of went over what they
08:51:24 2 were going to be talking about; correct?

08:51:26 3 A. They asked me a bunch of questions, yes.

08:51:29 4 Q. And those questions were very similar to the ones that you
08:51:31 5 answered in court on direct examination; correct?

08:51:35 6 A. Close.

08:51:36 7 Q. And you said that happened four or five times?

08:51:39 8 A. Yes.

08:51:47 9 Q. And yet you come in and you can't tell this jury what his
08:51:52 10 checks were actually for?

08:51:56 11 A. They were a combination of GPP and Wildlife and Fisheries; but
08:52:01 12 specifically what amounts and where, I don't recall.

08:52:34 13 Q. After this meeting on January 12th where Leonard is coming into
08:52:38 14 that room saying, Hey, we'll bring you on retainer to start paying
08:52:42 15 you back if you push CBT, my client didn't cash the checks, did he?

08:52:48 16 A. I have no idea.

08:52:49 17 Q. And the best that you got from Gary was, I've got to do it
08:52:54 18 subtly; right?

08:52:56 19 A. That's what was said.

08:52:58 20 Q. Like, so subtle it's legal?

08:53:06 21 Still in that meeting made it clear to you, I don't want
08:53:08 22 to be involved with a conflict; right?

08:53:13 23 A. Yes.

08:53:18 24 Q. You had three bites at the apple, two different checks. Gary
08:53:27 25 never took the bait, did he? Did he?

08:53:30 1 A. I don't know.

08:53:33 2 Q. You think that's why the FBI let you go back to work in March?

08:53:42 3 A. I wasn't aware they let me go back. I thought that was Don's

08:53:47 4 decision.

08:53:47 5 Q. Well, you know now that they were monitoring your calls leading

08:53:51 6 up to your arrest; correct?

08:53:53 7 A. Correct.

08:53:53 8 Q. You know now that they orchestrated your arrest, don't you?

08:53:57 9 A. Yes.

08:53:58 10 Q. So you know now that they knowingly let you go back to work at

08:54:04 11 the DA's office as opposed to stopping that; correct? You think

08:54:11 12 they could have arrested you and stopped it?

08:54:13 13 A. Who could have arrested?

08:54:16 14 Q. The FBI.

08:54:17 15 A. They could have.

08:54:23 16 Q. You think that's why you went back to work in March? Because

08:54:30 17 they needed the numbers to go back up?

08:54:34 18 **MR. WALKER:** Objection, Your Honor.

08:54:35 19 **THE COURT:** It's speculation. Sustained.

08:54:35 20 **BY MR. JOHNSON:**

08:54:38 21 Q. Because when you get there, you start producing, don't you?

08:54:42 22 A. Yes.

08:54:47 23 Q. After you left, Gary immediately cancelled the second offense

08:54:55 24 DWI program, didn't he?

08:54:56 25 A. I don't know. I wasn't there.

08:54:59 1 Q. You agree with me, though, that if that were the case, that's
08:55:01 2 not going to help the numbers; right?

08:55:03 3 **MR. WALKER:** Objection, Your Honor. Again, calls for
08:55:04 4 speculation.

08:55:04 5 **MR. JOHNSON:** It doesn't call for anything he can't do,
08:55:07 6 Your Honor.

08:55:07 7 **THE COURT:** I'll allow that.

08:55:08 8 Would eliminating the second DWI program, would that have
08:55:15 9 affected the numbers of pretrial diversion?

08:55:17 10 **THE WITNESS:** Yes, it would have.

08:55:17 11 **BY MR. JOHNSON:**

08:55:19 12 Q. It's possible they needed the earner back in the building, the
08:55:23 13 guru; right?

08:55:24 14 A. Possible.

08:55:31 15 Q. Not the guy who showed up to work late, let files stack up on
08:55:36 16 his desk; right?

08:55:38 17 A. I guess.

08:55:50 18 Q. You testified that, yesterday, that the incentive for Gary to
08:55:59 19 put more people through CBT was to pay off Leonard's remaining
08:56:04 20 costs; correct?

08:56:05 21 A. Correct.

08:56:08 22 Q. And you acknowledge that Gary gave you roughly \$219,000;
08:56:13 23 correct?

08:56:13 24 A. Yes.

08:56:16 25 Q. Leonard's cost for CBT was \$150,000; isn't that correct?

08:56:21 1 A. I don't recall.

08:56:23 2 Q. You trust that number?

08:56:25 3 A. I trust the number for -- Leonard had four or five different
08:56:31 4 varieties of CBT, so there was -- you had to pay for each one.

08:56:36 5 Q. But if his cost was \$150,000 for the class and if Gary paid
08:56:43 6 \$219,000 to you, why wasn't Gary getting any money from CBT?

08:56:54 7 A. Apparently he was. He got some checks.

08:57:01 8 Q. Oh, okay. Those checks were written in conjunction with the
08:57:05 9 FBI; correct?

08:57:06 10 A. I don't know.

08:57:07 11 Q. You still don't?

08:57:09 12 A. No.

08:57:10 13 Q. You hadn't looked at discovery in your own case?

08:57:13 14 A. No.

08:57:15 15 Q. Because the Government turned over what it had against my
08:57:19 16 client and what it had against you; right? Turned it over to you
08:57:23 17 to let you look at it; right?

08:57:24 18 A. They might have given it to my lawyer.

08:57:28 19 Q. Okay. Why wasn't he getting it before January? He paid
08:57:32 20 \$219,000 by, what, September? Why wouldn't he get his checks then?

08:57:38 21 A. I don't know. I didn't control the money.

08:57:40 22 Q. Oh. Why would sending more people to CBT, to classes, be an
08:58:00 23 incentive to Gary, I guess, unless you were lying to him about
08:58:05 24 where the numbers were?

08:58:08 25 A. Rephrase that.

08:58:09 1 Q. Why would he have any incentive if he had already paid back all
08:58:15 2 the debt?

08:58:16 3 A. I still don't understand that question.

08:58:19 4 Q. Yesterday, during your direct examination, you were asked
08:58:22 5 whether you knew before you were approached by the FBI on May 12,
08:58:28 6 2022, that there was something going on with federal authorities.
08:58:32 7 Do you recall that question?

08:58:33 8 A. Yes.

08:58:33 9 Q. Do you recall that your answer was, yes, because a day or two
08:58:38 10 before is when they went up to the DA's office and executed a
08:58:42 11 search warrant; correct?

08:58:43 12 A. Correct.

08:58:44 13 Q. The next question the Government asked you was: Did you know
08:58:47 14 anything but what the search warrant was about? Do you recall that
08:58:51 15 question?

08:58:52 16 A. Yes.

08:58:52 17 Q. And your answer was, "No, I did not"; correct?

08:58:55 18 A. At the time, no, I did not.

08:58:58 19 Q. Isn't it true that you knew as of May 10th that the FBI had
08:59:04 20 seized Gary's phone, had seized multiple pretrial intervention
08:59:10 21 files; correct?

08:59:12 22 A. During their visit to the DA's office?

08:59:16 23 Q. Yes.

08:59:17 24 A. Yes.

08:59:17 25 Q. So you lied yesterday?

08:59:20 1 A. No. I didn't find out until after.

08:59:22 2 Q. Right. Government was asking you, do you know what the search
08:59:26 3 was about on May 12th.

08:59:29 4 **MR. WALKER:** Objection, Your Honor. I asked on May 12th
08:59:34 5 do you know what the search was about. I didn't ask if he knew
08:59:38 6 today what the search was about on May 12th.

08:59:40 7 **THE COURT:** Mr. Guidry can explain his answer.
08:59:42 8 Go ahead, Mr. Guidry.

08:59:46 9 **THE WITNESS:** Give me the question again.

08:59:46 10 **BY MR. JOHNSON:**

08:59:46 11 Q. Sure. I'm going to start from the top.

08:59:46 12 A. Okay.

08:59:48 13 Q. Yesterday, during your direct examination, you were asked by
08:59:53 14 the Government whether you knew before you were approached by the
08:59:55 15 FBI on May 12, 2022, that there was something going on with federal
08:59:59 16 authorities. And you said yes to that question.

09:00:02 17 A. Correct.

09:00:02 18 Q. The next question was: Did you know anything about what the
09:00:06 19 search was about? And your answer was: No, sir, I did not.

09:00:10 20 Do you understand now?

09:00:11 21 A. Yes.

09:00:12 22 Q. You knew what the search was about on May 10th, didn't you?

09:00:18 23 A. When was May 10th? Was May 10th the day they went up there?

09:00:24 24 Q. It was the day after they went up there.

09:00:25 25 A. The next day I went to work as I normally did, and Don called

09:00:31 1 me in and took my card to get in the building and said, "Just go
09:00:38 2 for now."

09:00:39 3 Q. So you're saying you didn't know what the search was about?

09:00:41 4 A. Yes. He said they came up here and searched the pretrial
09:00:45 5 office, but it was also in the media.

09:00:49 6 Q. So you did know what the search was about prior to May 12,
09:00:53 7 2022, when the Government approached you; correct?

09:00:55 8 A. Yes.

09:00:57 9 Q. Okay. In fact, you had discussed that the pretrial office was
09:01:03 10 searched and that they had seized Gary's phone. Do you recall
09:01:09 11 that?

09:01:11 12 A. I didn't know that for a fact. That was what I heard rumor.

09:01:17 13 Q. You didn't tell David Burton in a text message on May 10th that
09:01:25 14 they had seized Gary's phone and that they had seized several
09:01:29 15 pretrial files?

09:01:30 16 A. I may have.

09:01:32 17 Q. And do you recall him telling you if they seized Gary's phone,
09:01:36 18 that means he's the target?

09:01:39 19 A. Possibly.

09:01:44 20 Q. So despite your testimony yesterday, you knew what the search
09:01:49 21 was about and you knew it was very likely Gary was the target.
09:01:55 22 Isn't that correct?

09:01:56 23 A. That's what I was told.

09:01:57 24 Q. And you knew that at least 48 hours prior to the FBI
09:02:03 25 approaching you in the parking lot and searching your house; right?

09:02:11 1 A. Yes.

09:02:27 2 Q. And that's why in your interview with the FBI on May 12th you
09:02:34 3 described your role at the DA's office as a, quote, glorified
09:02:45 4 runner. That's what you told them.

09:02:48 5 A. Yes.

09:02:49 6 Q. You told them you weren't a decision maker like Zoila or Gary
09:02:56 7 Haynes; right?

09:02:56 8 A. I don't recall that.

09:03:01 9 Q. You played down your involvement because it benefitted you,
09:03:08 10 didn't it?

09:03:09 11 A. I don't recall.

09:03:22 12 Q. You recall me asking you some questions at the outset of
09:03:26 13 yesterday's cross-examination regarding your authority?

09:03:29 14 A. Yes.

09:03:30 15 Q. Do you recall the question about you purposefully demoting
09:03:33 16 yourself in a way to be the exclusive provider for Barry Sallinger
09:03:38 17 and Donald Cleveland? Do you recall that question?

09:03:40 18 A. Yes, I do.

09:03:42 19 Q. Do you recall me asking you a question that you made all the
09:03:44 20 rounds at Don's instruction to all the criminal defense terms to
09:03:48 21 round up more people to deal with you exclusively; correct?

09:03:53 22 A. Yes.

09:03:53 23 Q. Do you recall that question?

09:03:54 24 A. Yes.

09:03:55 25 Q. Isn't it true that you were going to take the biggest fish with

09:03:59 1 the biggest D word?

09:04:00 2 **MR. WALKER:** The objection I have is all these questions
09:04:03 3 have been asked and answered yesterday.

09:04:05 4 **MR. JOHNSON:** They were, and I'm now -- and they were all
09:04:07 5 lied about, and I'm about to refresh his memory with some audio
09:04:11 6 clips, Your Honor. I'm repeating them to set it up because we have
09:04:17 7 had a period of time where everyone went to sleep and then woke up.

09:04:21 8 **THE COURT:** Let's talk about this at sidebar.

09:04:23 9 **MR. WALKER:** And I would object to him making statements
09:04:27 10 about the jury going to sleep. That's inappropriate.

09:04:27 11 **THE COURT:** I will remind you again. The witness'
09:04:29 12 credibility, all witness' credibility is completely your decision.

09:04:49 13 (Begin bench conference.)

09:04:49 14 **MR. WALKER:** The defense has been making statements.
09:04:52 15 Just now he looked at the jury and said and they have all gone to
09:04:56 16 sleep, and so I'm asking them again. That's inappropriate. He
09:04:59 17 shouldn't be making statements to the jury, and he knows it.

09:05:03 18 **MR. JOHNSON:** I didn't talk to the jury directly. I was
09:05:07 19 simply saying there's been an overnight break, so I'm setting back
09:05:08 20 up the question.

09:05:08 21 **MR. WALKER:** That's not what you --

09:05:09 22 **MR. JOHNSON:** That's not inappropriate.

09:05:09 23 **THE COURT:** I understand. We do have to be careful about
09:05:12 24 making statements. We're only doing examination, direct and
09:05:17 25 cross-examination --

09:05:21 1 **THE DEPUTY CLERK:** One of the jurors needs the restroom.

09:05:21 2 Is this a good time?

09:05:24 3 (End bench conference.)

09:05:24 4 **THE COURT:** Let's take a ten-minute break. All rise for

09:05:27 5 the jury.

09:05:59 6 (Jury not present.)

09:05:59 7 **THE COURT:** We need to be careful about making statements

09:06:02 8 not in the form of a question, even if it's something like you

09:06:05 9 slept last night.

09:06:07 10 **MR. JOHNSON:** Yes, Your Honor.

09:06:08 11 **THE COURT:** Now, what are you wanting to refresh his

09:06:12 12 recollection with?

09:06:13 13 **MR. JOHNSON:** So all of those questions that I asked him

09:06:15 14 that he said, "No, I didn't say that, "No, I didn't say that," "No,

09:06:17 15 I didn't say that," I have the calls.

09:06:18 16 **MR. CLEMONS:** Or "I don't remember."

09:06:19 17 **MR. JOHNSON:** Yeah, I have the calls, and I'd like to do

09:06:22 18 what we did yesterday and go through the calls. And I think this

09:06:24 19 would actually be a good time.

09:06:24 20 **THE COURT:** Let's do it now.

09:06:26 21 **MR. JOHNSON:** Yeah, that's what I was thinking. Can I

09:06:26 22 just play all the calls?

09:06:28 23 **THE COURT:** Do you know what he's going to play?

09:06:30 24 **MR. WALKER:** I have no idea. He hasn't told me anything.

09:06:32 25 **MR. JOHNSON:** I'll tell him. I think I have several

09:06:35 1 calls that we can play right now, tell him what each one of them
09:06:37 2 are. Several of them are on our exhibit list. Two of them I think
09:06:40 3 are not. If we can just do that now in one sitting while we're
09:06:43 4 taking a break.

09:06:43 5 **THE COURT:** Does the Government want him to go have to
09:06:46 6 set this up again to get him to remember? Or should we just play
09:06:47 7 the calls?

09:06:49 8 **MR. WALKER:** Hang on one second.

09:06:51 9 **THE COURT:** Why don't you just see what calls he wants to
09:06:54 10 play and then take five minutes and talk about it and come back and
09:06:57 11 tell me. I'll be right here.

09:06:59 12 **MR. CLEMONS:** Judge, to play them we may need a little
09:07:01 13 more than ten minutes. I know we said ten, but if we play them,
09:07:05 14 it's going to be a little more.

09:07:28 15 **THE COURT:** The Court will take a ten-minute recess.

09:07:31 16 **THE COURTROOM SECURITY OFFICER:** All rise.

09:07:33 17 (Off the record at 9:07 a.m.; resumed at 9:13 a.m.)

09:14:57 18 **MR. JOHNSON:** The first one is --

09:15:05 19 **THE COURT:** 4542. Session 4542.

09:15:11 20 **MR. JOHNSON:** It's Exhibit 65. It's our exhibit.

09:15:26 21 **THE COURT:** Defense 65.

09:15:43 22 (Audio recording playing.)

09:19:18 23 **MR. WALKER:** I was asking if that's the relevant portion.

09:19:23 24 **MR. JOHNSON:** I think it is a relevant portion.

09:19:40 25 (Audio recording playing.)

09:20:21 1 **MR. JOHNSON:** Going to skip ahead. I have to find where
09:20:24 2 he says it.

09:20:25 3 (Audio recording playing.)

09:24:43 4 **MR. WALKER:** I was asking the defense if they can simply
09:24:46 5 pinpoint the area where they are saying they are refreshing his
09:24:51 6 recollection. There was a ton of stuff in the call that I don't
09:24:54 7 think was meant to refresh his recollection.

09:24:56 8 **THE COURT:** So what's the next clip?

09:24:58 9 **MR. JOHNSON:** Sure, okay. This next one is Exhibit 272.

09:25:27 10 **THE COURT:** Defense 272.

09:25:32 11 **MR. JOHNSON:** 4495.

09:25:36 12 **THE COURT:** It needs to be narrowly tailored. The jury
09:25:40 13 is waiting on us.

09:25:42 14 **MR. JOHNSON:** I understand.

09:26:14 15 (Audio recording playing.)

09:26:36 16 **MR. JOHNSON:** One second, Your Honor.

09:27:14 17 (A conversation was held off the record.)

09:30:10 18 **THE COURT:** On that first call you played, Mr. Johnson,
09:30:13 19 what date was that?

09:30:15 20 **MR. WALKER:** November 16.

09:30:17 21 **THE COURT:** Defense exhibit?

09:30:18 22 **MR. JOHNSON:** 65. This one is going to be Defense
09:30:25 23 Exhibit 62. 3736.

09:30:31 24 **THE COURT:** What was the date on that one?

09:30:36 25 **MR. JOHNSON:** November 15, 2021.

09:30:44 1 **THE DEPUTY CLERK:** I heard 272. Are we playing that or
09:30:47 2 no?

09:30:49 3 **MR. JOHNSON:** Not right now.

09:30:52 4 (Audio recording playing.)

09:36:34 5 **MR. JOHNSON:** Next one.

09:36:53 6 **MR. WALKER:** Those two calls, at least based on what your
09:36:54 7 assistant told me, were both on November 15 of '21. If he's going
09:36:58 8 to cross him on that, I want to be able to redirect him, and I want
09:37:01 9 to be able to direct to the fact these were November 15, 2021. He
09:37:06 10 doesn't know it because they're not identifying the date of the
09:37:08 11 call. So I intend to begin my statement with, "You heard two calls
09:37:12 12 from November 15th of 2021."

09:37:14 13 I simply want to make sure that the defense is not going
09:37:16 14 to object to that. Ordinarily, the witness would know the date of
09:37:21 15 the call, but they haven't addressed him with that. And so I
09:37:25 16 intend to. And they told me the date. That's the reason I'll do
09:37:28 17 it. I don't want to lead beyond that, but I do have to at least
09:37:32 18 direct his attention to the date of the calls.

09:37:34 19 **MR. JOHNSON:** I think it's directed there now.

09:37:37 20 **MR. WALKER:** He just doesn't know the date.

09:37:39 21 **MR. JOHNSON:** You just told him.

09:37:39 22 **MR. WALKER:** Well, no, I understand. But I'm going to
09:37:44 23 begin my statement with that just so that --

09:37:44 24 **THE COURT:** Yeah, I've made sure that the defense counsel
09:37:47 25 identifies not only the exhibit number but the date of the call

09:37:50 1 that was played so the witness knows what he was listening to. If
09:37:56 2 it's necessary to direct his attention to it during redirect, of
09:37:59 3 course, that's fine.

09:38:00 4 **MR. WALKER:** That's all I want to do.

09:38:02 5 **MR. CLEMONS:** That's what we did last time.

09:38:04 6 **MR. JOHNSON:** The next call is Session 4520. It's
09:38:08 7 Exhibit Number 61.

09:38:11 8 **MR. WALKER:** And, again, the date of the call?

09:38:14 9 **MR. JOHNSON:** November 15, '21.

09:38:38 10 (Audio recording playing.)

09:43:36 11 **MR. JOHNSON:** I think that's enough to get his memory
09:43:40 12 refreshed, but we got one more, Your Honor. 4580 and 4589 -- 4580
09:45:14 13 is the session number and it's Exhibit 273 and then 4589.

09:45:22 14 **THE COURT:** What's the date?

09:45:28 15 **MR. JOHNSON:** November 16th for both. 2021.

09:45:37 16 **MR. NICKEL:** You said 4589 was exhibit what?

09:45:40 17 **MR. JOHNSON:** 274. Your Honor, we have to pull them off
09:46:07 18 the drive. There's only so many she can keep on her computer, so
09:46:11 19 we have to pull them off the hard drive. She's doing that now.

09:47:27 20 **THE COURT:** This is the last one; right?

09:47:30 21 **MR. JOHNSON:** This is second to last one.

09:47:33 22 **THE COURT:** You said one more.

09:47:36 23 (Audio recording playing.)

09:48:14 24 **MR. JOHNSON:** We're good for now, Your Honor.

09:49:16 25 **THE COURTROOM SECURITY OFFICER:** All rise for the jury.

09:49:40 1 (Jury present.)

09:49:41 2 **THE COURT:** Please be seated. Please proceed, Mr.
09:49:50 3 Johnson.

09:49:50 4 **MR. JOHNSON:** Thank you, Your Honor.

09:49:55 5 **BY MR. JOHNSON:**

09:49:55 6 Q. While the jury was excused, Mr. Guidry, we listened to several
09:49:59 7 phone calls. Isn't that correct?

09:50:01 8 A. That's correct.

09:50:02 9 Q. One of those phone calls was from November 16, 2021. It was
09:50:07 10 Exhibit 65. And you heard yourself in that call saying that you
09:50:17 11 didn't have to follow protocol; you could do whatever the F you
09:50:22 12 wanted; correct?

09:50:23 13 A. Which? The call with Don or Barry?

09:50:27 14 Q. The call with Leonard Franques, the first call we listened to.

09:50:34 15 A. All right.

09:50:34 16 Q. You recall that?

09:50:34 17 A. Yes.

09:50:35 18 Q. You recall saying that you're going to take the biggest fish
09:50:37 19 with the biggest D in the pond and cater to them?

09:50:42 20 A. Yes.

09:50:42 21 Q. You recall you saying that you were going to be handling Barry
09:50:47 22 Sallinger's and Donald Cleveland's clients exclusively and that's
09:50:52 23 all you needed to be successful; correct?

09:50:54 24 A. Correct.

09:50:55 25 Q. You recall hearing yourself say that it was time for you to

09:50:59 1 take the bull by the horns and that was the only way y'all could be
09:51:03 2 successful. Do you recall hearing yourself say that?

09:51:06 3 A. I do.

09:51:07 4 Q. You recall hearing yourself say that Don Landry believed Barry
09:51:11 5 Sallinger could be the best potential customer for pretrial
09:51:15 6 diversion and did not want to fight with them at all?

09:51:17 7 A. Yes.

09:51:20 8 Q. You recall hearing yourself talking about going to the other
09:51:24 9 criminal defense firms in town?

09:51:26 10 A. Yes.

09:51:27 11 Q. You recall hearing yourself say they're going to be thrilled
09:51:31 12 with it?

09:51:33 13 **MR. WALKER:** Excuse me. Your Honor, my only objection is
09:51:35 14 he is simply now recanting what was said in the call. I think he
09:51:39 15 should ask questions about if you used something to refresh your
09:51:43 16 memory, then you say, "Did that refresh your memory? Now let me
09:51:43 17 ask you a question." And he's kind of not done that. He's simply
09:51:48 18 repeating what was said in the call.

09:51:51 19 **MR. JOHNSON:** That's a leading question, Your Honor. I'm
09:51:53 20 on cross.

09:51:53 21 **THE COURT:** He's right. You need to have the witness
09:51:55 22 explain what was said in the call.

09:51:58 23 **MR. JOHNSON:** Okay.

09:51:58 24 **BY MR. JOHNSON:**

09:52:04 25 Q. In that call, who was the big fish with the biggest D in the

09:52:10 1 pond?

09:52:10 2 A. Sallinger's office.

09:52:12 3 Q. During the break you also listened to a call between you and

09:52:17 4 Barry Sallinger directly; correct?

09:52:20 5 A. Correct.

09:52:20 6 **MR. JOHNSON:** One second, Your Honor.

09:52:20 7 **BY MR. JOHNSON:**

09:52:37 8 Q. During the break you also listened to a call between you and

09:52:42 9 Barry Sallinger directly, Exhibit 62. Do you recall listening to

09:52:48 10 that?

09:52:48 11 A. Yes.

09:52:49 12 Q. And do you recall what the substance of that meeting was about,

09:52:54 13 or that call was about? I'm sorry.

09:52:56 14 A. The meeting with Don.

09:52:58 15 Q. And is it you and him discussing setting up the meeting with

09:53:02 16 Don?

09:53:03 17 A. Yes, or it already happened. I'm not sure time frame-wise.

09:53:10 18 Q. Do you recall saying that Gary is the problem and you don't

09:53:14 19 want Gary there?

09:53:16 20 A. Yes.

09:53:17 21 Q. Do you recall, during that conversation, Mr. Sallinger saying

09:53:22 22 that I've got a hundred people that are eligible, suggesting that

09:53:26 23 they had all been denied by my client?

09:53:30 24 A. Yes.

09:53:32 25 Q. Do you recall encouraging him that Don Landry viewed him as an

09:53:39 1 extremely important client and potentially the best client they
09:53:44 2 could have?

09:53:45 3 A. Yes.

09:53:52 4 Q. Do you recall explaining to him the purpose of setting up your
09:53:57 5 e-mail so that him and Donald Cleveland could deal exclusively with
09:54:02 6 you?

09:54:03 7 A. They could e-mail me directly, yes.

09:54:05 8 Q. As a way to go around Gary?

09:54:07 9 A. No.

09:54:11 10 Q. Do you recall saying, "Gary's the problem"?

09:54:13 11 A. Yes.

09:54:13 12 Q. Do you recall Sallinger suggesting on the call or stating on
09:54:18 13 the call that Gary was a rogue actor?

09:54:26 14 A. Yes.

09:54:27 15 Q. Because he was denying him and Donald Cleveland?

09:54:31 16 A. Yes.

09:54:37 17 Q. You recall him suggesting it had risen to the point to where he
09:54:42 18 could be sued?

09:54:43 19 A. Yes.

09:54:44 20 Q. Do you recall him saying that it wasn't -- Gary might get
09:54:49 21 incinerated but the real fallback was going to happen to Don?

09:54:53 22 A. Yes.

09:54:59 23 Q. You also listened to a call between you and Donald Landry as it
09:55:04 24 relates to a person you believed at the time was Phillip Terrell,
09:55:11 25 the DA in Rapides Parish's son; correct?

09:55:16 1 A. Correct.

09:55:17 2 Q. That was Exhibit 61 and that was a call from November 15, 2021.

09:55:26 3 You recall that?

09:55:27 4 A. Yes.

09:55:28 5 Q. Yesterday you were asked by the Government whether you ever had

09:55:33 6 -- whether Don Landry ever had any discussions regarding putting

09:55:36 7 people into pretrial. You recall that?

09:55:39 8 A. Yes.

09:55:39 9 Q. You recall them saying -- are you aware of him ever sending a

09:55:43 10 case to pretrial; right?

09:55:44 11 A. Correct.

09:55:44 12 Q. And the Government went over with you the situation with Mr.

09:55:50 13 Bradley Zaunbrecher; correct?

09:55:51 14 A. Correct.

09:55:51 15 Q. And you recall listening to an audio recording yesterday to

09:55:56 16 refresh your memory and you did discuss Bradley Zaunbrecher

09:56:01 17 specifically with Don Landry; correct?

09:56:02 18 A. I did.

09:56:03 19 Q. With his brother, Scott Stefanski; correct? Or his lawyer,

09:56:09 20 Scott Stefanski?

09:56:10 21 A. Yes.

09:56:11 22 Q. And you recalled you scheduled the meeting for him to come in;

09:56:15 23 correct?

09:56:15 24 A. Correct.

09:56:15 25 Q. And were recommending to Don not to kick him out of the

09:56:19 1 program; right?

09:56:20 2 A. Right.

09:56:22 3 Q. Exhibit 61, the call that we just listened to to refresh your
09:56:27 4 memory, is a call between you and Don Landry; correct?

09:56:29 5 A. Yeah, that's correct.

09:56:31 6 Q. Don Landry is calling you in reference to Jason Terrell;
09:56:35 7 correct?

09:56:35 8 A. Yes.

09:56:35 9 Q. You and him are discussing, in detail, his case; correct?

09:56:41 10 A. Correct.

09:56:41 11 Q. And he's of the opinion that Jason Terrell is Phillip Terrell,
09:56:45 12 the DA in Rapides Parish's son; correct?

09:56:51 13 A. That was his assumption, yes.

09:56:52 14 Q. And you were making various recommendations to him to put him
09:56:57 15 into pretrial diversion on his OWI charge. Isn't that correct?

09:57:00 16 A. It never stated nor was I familiar with what his charge was,
09:57:06 17 but yes.

09:57:09 18 Q. And you're also talking about putting a bracelet on him, a
09:57:15 19 watch on him, to geofence the bars; is that correct?

09:57:17 20 A. Yes.

09:57:18 21 Q. And Don is also in the conversation suggesting this has been a
09:57:22 22 pretty big, problematic case; correct?

09:57:25 23 A. Yes.

09:57:26 24 Q. And y'all are discussing pretrial diversion; correct?

09:57:29 25 A. Yes.

09:57:30 1 Q. And you discuss with Don making a recommendation for a
09:57:33 2 counselor; correct?

09:57:34 3 A. Yes.

09:57:35 4 Q. Who has all these qualifications; correct?

09:57:38 5 A. Yes.

09:57:38 6 Q. And Don suggests putting that person, getting him set up;
09:57:46 7 correct?

09:57:46 8 A. Yes.

09:57:46 9 Q. And this is that same call, now that your memory is refreshed,
09:57:51 10 where you and Don joke about how Phillip Terrell talks about how
09:57:56 11 you made him a millionaire basically in Rapides Parish? Made his
09:58:02 12 program millions?

09:58:03 13 A. Yes.

09:58:04 14 Q. And how Phillip wanted to hire you back when he heard you were
09:58:10 15 consulting at the Lafayette Parish District Attorneys Office;
09:58:14 16 correct?

09:58:14 17 A. Yes.

09:58:18 18 Q. And Don said, No, no, no, no. I ain't giving him back; right?

09:58:22 19 A. Right.

09:58:24 20 Q. So despite your testimony yesterday that Don Landry never had
09:58:29 21 discussions regarding pretrial or sending people to pretrial, in
09:58:33 22 fact, it wasn't uncommon at all for y'all to discuss cases?

09:58:39 23 A. We discussed two of them.

09:58:41 24 Q. Two of them I've shown you?

09:58:43 25 A. Correct.

09:58:47 1 Q. And just to be clear, Don called you about Bradley Zaunbrecher?

09:58:55 2 A. Yes.

09:59:12 3 Q. You recall, according to you, Bradley Zaunbrecher was a
09:59:17 4 third-offense DWI; right?

09:59:18 5 A. Yes.

09:59:19 6 Q. Jason Terrell's case involved both an OWI and an aggravated
09:59:25 7 assault with a firearm; correct?

09:59:27 8 A. I didn't know.

09:59:28 9 Q. Do you remember talking about him fighting in bars?

09:59:31 10 A. Yes.

09:59:31 11 Q. And that they had put out a -- even made a Facebook post about
09:59:34 12 him?

09:59:34 13 A. Yes. I didn't remember the charge.

09:59:51 14 Q. You remember --

09:59:53 15 **MR. JOHNSON:** One second, Your Honor.

09:59:53 16 **BY MR. JOHNSON:**

10:00:19 17 Q. Now, you were asked by the Government yesterday whether before
10:00:26 18 you were confronted by the FBI in the parking lot on May 12, 2022,
10:00:32 19 did you have any idea that the FBI was listening in on your calls;
10:00:38 20 correct?

10:00:38 21 A. Correct.

10:00:40 22 Q. And you answered, "I did not"; correct?

10:00:43 23 A. I was not 100 percent confident, no.

10:00:48 24 Q. But that wasn't the question the Government asked you. The
10:00:51 25 Government asked you, Did you have any reason -- before you were

10:00:54 1 confronted by the FBI, did you have any idea that the FBI was
10:00:57 2 listening in on your calls?" That was the specific question they
10:01:01 3 asked you.

10:01:03 4 Do you recall answering, "I did not"?

10:01:04 5 A. Postarrest in St. Martin? Is that...

10:01:09 6 Q. Anytime before May 12, 2022.

10:01:11 7 A. No, I was not aware.

10:01:13 8 Q. And you didn't have any idea, is what you said yesterday;
10:01:17 9 right?

10:01:17 10 A. No. Meaning, Gary was nervous, other people were nervous,
10:01:22 11 telling me to delete messages, calls, whatever.

10:01:25 12 Q. All right. So even though you testified that you had no idea
10:01:35 13 prior to May 12, 2022, the Government was listening on your calls,
10:01:40 14 your dad was aware that the Government was listening to your phone
10:01:47 15 calls on December 14, 2021?

10:01:54 16 A. We can't confirm. I don't know.

10:01:58 17 Q. Your dad didn't talk to you?

10:02:02 18 A. Yeah, he said, "Be careful what you say on the phone. They
10:02:06 19 could be monitoring your calls."

10:02:08 20 Q. Your dad knew that your calls were being monitored, didn't he?

10:02:11 21 A. I don't know.

10:02:13 22 Q. Is your dad cooperating with the FBI?

10:02:15 23 A. I don't know.

10:02:16 24 Q. Has your dad ever cooperated with the FBI?

10:02:19 25 A. I don't know.

10:02:28 1 Q. You said Gary's text message about phones was Gary being Gary;
10:02:28 2 right?

10:02:28 3 A. Say that again.

10:02:28 4 Q. You said Gary talking to you about the phones was just Gary
10:02:37 5 being Gary?

10:02:37 6 A. Yeah.

10:02:37 7 Q. Correct?

10:02:39 8 A. Yes.

10:02:49 9 Q. At the conclusion of your direct examination, the state
10:02:55 10 mentioned your arrest in December of 2021. Do you recall that?

10:02:58 11 A. Yes.

10:02:59 12 Q. And you recall that the Government asked you whether those
10:03:01 13 charges were still pending; correct?

10:03:03 14 A. Yes.

10:03:03 15 Q. And the Government asked you whether the federal government had
10:03:06 16 done anything to help you with those charges. Do you recall that?

10:03:09 17 A. Yes.

10:03:10 18 Q. And you indicated they had not; correct?

10:03:12 19 A. Correct.

10:03:12 20 Q. And the Government then asked you whether the federal
10:03:15 21 government, the U.S. Attorney's Office, or anyone with the federal
10:03:18 22 government agreed to help you with any --

10:03:19 23 **MR. JOHNSON:** Sorry. My bad. My apologies. I felt it.

10:03:19 24 **BY MR. JOHNSON:**

10:03:21 25 Q. The Government then asked you whether the federal government,

10:03:25 1 the U.S. Attorney's Office, or anyone else within the federal
10:03:29 2 government agreed to help you with any other state charges;
10:03:33 3 correct?

10:03:33 4 A. Correct.

10:03:33 5 Q. Have you been arrested again since December of 2021?

10:03:38 6 A. No. I mean, this happened at post, but that's it.

10:03:43 7 Q. So there's no other charges that are pending against you right
10:03:46 8 now besides the drug charges in St. Mary Parish and these current
10:03:51 9 charges?

10:03:51 10 A. St. Martin, yes, that's correct.

10:03:53 11 Q. And just to be clear, you pled guilty in this case two years
10:03:59 12 ago?

10:04:01 13 A. You -- I don't -- yeah, I did plead guilty. I don't remember
10:04:07 14 when.

10:04:10 15 Q. Okay. Do you think it is helpful for you to be out awaiting --

10:04:18 16 **MR. WALKER:** Objection. Sidebar.

10:04:23 17 (Begin bench conference.)

10:04:40 18 **MR. WALKER:** I think it's impermissible for him to ask
10:04:45 19 questions about the fact that the defendant is on bond versus
10:04:47 20 incarcerated in jail.

10:04:49 21 **THE COURT:** What were you going to ask, Mr. Johnson?

10:04:51 22 **MR. JOHNSON:** Whether or not he believes it's helpful for
10:04:55 23 him to be out as part of a cooperation agreement with the FBI if he
10:05:00 24 thinks that has an effect on his St. Martin Parish drug charges at
10:05:03 25 the state level. And then I was going to --

10:05:04 1 **MR. CLEMONS:** Judge, Mr. Walker is giving no authority to
10:05:07 2 say that it's improper to ask somebody about --

10:05:09 3 **THE COURT:** Well, okay. I'll draw the line here. Any
10:05:11 4 indication that this Court's time, you know, continuing his
10:05:17 5 sentencing pursuant to a joint motion of those parties, that's not
10:05:21 6 proper.

10:05:22 7 **MR. JOHNSON:** No, that's not what I'm saying. They're
10:05:24 8 keeping him out so he can --

10:05:24 9 **THE COURT:** You can say he hadn't been sentenced yet and
10:05:28 10 that his testimony today -- you know, you can say all the normal
10:05:31 11 stuff.

10:05:31 12 **MR. WALKER:** He's trying to go beyond that and say, oh,
10:05:34 13 and the defendant -- you're on bond and the Government has helped
10:05:37 14 you by allowing you to remain on bond. I think that's improper. I
10:05:42 15 think it's argument.

10:05:42 16 **MR. JOHNSON:** You have helped him by continuing his
10:05:44 17 sentencing.

10:05:45 18 **MR. WALKER:** I'm sorry. The defense moved to continue
10:05:47 19 his sentencing. And actually, it was done at the request of the
10:05:51 20 Court, so if you want to try to go and attack the Court, feel free.

10:05:51 21 **MR. JOHNSON:** Well, I'm not attacking --

10:05:55 22 **THE COURT:** That's where I'm drawing the line.

10:05:57 23 **MR. JOHNSON:** I'm not doing that.

10:05:59 24 **THE COURT:** Don't talk about timing of sentencing at all,
10:06:02 25 but you can --

10:06:02 1 **MR. JOHNSON:** I'll back off of it, Judge. I don't mind
10:06:02 2 backing off of it. I didn't understand that was the situation,
10:06:04 3 truth be told. So I'm fine.

10:06:06 4 **THE COURT:** All right.

10:06:06 5 (End bench conference.)

10:06:57 6 **MR. JOHNSON:** I'd like to show just the witness Exhibit
10:07:08 7 32.

10:07:16 8 **THE DEPUTY CLERK:** Defense exhibit?

10:07:18 9 **MR. JOHNSON:** Defense exhibit.

10:07:18 10 **BY MR. JOHNSON:**

10:07:53 11 Q. You recognize that letter?

10:07:54 12 A. Yes.

10:07:57 13 Q. Is that a letter from David Burton?

10:07:59 14 A. It was.

10:08:01 15 Q. The date of that letter May 17, 2022?

10:08:05 16 A. Yes, it is.

10:08:13 17 **MR. JOHNSON:** I'd like to offer, file, and introduce
10:08:15 18 Exhibit 32, Your Honor.

10:08:17 19 **MR. WALKER:** We don't have any objection, Your Honor.

10:08:19 20 **THE COURT:** Without objection, let it be entered.

10:08:22 21 **MR. JOHNSON:** I'd like to publish it at this time.

10:08:24 22 **THE COURT:** Okay.

10:08:24 23 **BY MR. JOHNSON:**

10:08:29 24 Q. That is a -- that's correspondence from David Burton; correct?

10:08:33 25 A. Correct.

10:08:33 1 Q. Shortly after your arrest in 2022; correct?

10:08:37 2 A. Yes, that's correct.

10:08:38 3 Q. And he's telling you that he's terminating your consulting
10:08:48 4 services effective immediately; correct?

10:08:50 5 A. Correct.

10:08:50 6 Q. But he's telling you that all compensation for those services
10:08:56 7 will be deposited into an interest-bearing savings account until
10:09:01 8 the investigation is complete; correct?

10:09:03 9 A. That is correct.

10:09:07 10 Q. So as we sit here today in this courtroom, do you have -- is
10:09:16 11 David Burton depositing funds from pretrial programs that he's
10:09:22 12 profiting from all over the state of Louisiana into an
10:09:27 13 interest-bearing account for you?

10:09:29 14 A. I haven't spoken to him since before I got that letter, so I
10:09:34 15 have no idea.

10:09:37 16 Q. It's certainly possible, though?

10:09:39 17 **MR. WALKER:** Objection, Your Honor. He's answered the
10:09:41 18 question.

10:09:41 19 **MR. JOHNSON:** It's a follow-up, Your Honor.

10:09:44 20 **MR. WALKER:** It calls for speculation. He said it's
10:09:46 21 possible.

10:09:46 22 **THE COURT:** If he doesn't know, he doesn't know.

10:09:46 23 **BY MR. JOHNSON:**

10:09:49 24 Q. That's what he is representing, though, in his letter, though;
10:09:51 25 correct?

10:09:51 1 A. That's what the letter states.

10:09:53 2 Q. And since you haven't talked to him, you're not aware of David
10:09:57 3 Burton being charged with a crime, are you?

10:09:59 4 A. No.

10:09:59 5 Q. You're not aware of all these DA's offices across the state
10:10:06 6 shutting down their contracts with David Burton's services;
10:10:12 7 correct?

10:10:12 8 A. I'm not aware.

10:10:15 9 Q. You do know, though, that you personally got him into a ton of
10:10:22 10 DAs' offices; correct?

10:10:24 11 A. I did.

10:10:25 12 Q. You're responsible for a ton of business that David Burton has
10:10:27 13 received; correct?

10:10:28 14 A. Yes.

10:10:29 15 Q. In fact, it was you and him from the beginning starting the
10:10:36 16 pretrial diversion tacket -- I mean ticket program through Keith
10:10:42 17 Stutes at the Lafayette Parish District Attorney's Office. Isn't
10:10:45 18 that correct?

10:10:46 19 A. It didn't start with Keith.

10:10:48 20 Q. That was one of your first customers on the road?

10:10:51 21 A. Possibly, yes.

10:11:02 22 **MR. JOHNSON:** You can take that down.

10:11:05 23 **MR. WALKER:** Do we have a copy of that?

10:11:08 24 **MR. JOHNSON:** It was on our exhibit list.

10:11:08 25 **BY MR. JOHNSON:**

10:12:01 1 Q. Yesterday we talked about Joe Waitz, the district attorney in
10:12:05 2 what parish?

10:12:07 3 A. Terrebonne.

10:12:09 4 Q. You're not aware of him being charged with a crime for his
10:12:13 5 involvement with GPP, are you?

10:12:15 6 A. I'm not.

10:12:18 7 Q. You're also not aware of him putting any money up; correct?

10:12:24 8 A. No, I'm not aware.

10:12:27 9 Q. Perry Nicosia, the DA in what parish?

10:12:30 10 A. St. Bernard.

10:12:31 11 Q. He's not been charged with any --

10:12:33 12 **MR. WALKER:** Your Honor, excuse me, my objection is the
10:12:35 13 fact that other people have not been charged is not relevant to the
10:12:39 14 people who have been charged. There is specific case law about
10:12:45 15 that I know.

10:12:47 16 **MR. JOHNSON:** Your Honor, it's cross-examination.

10:12:49 17 **THE COURT:** I'll allow it, but technically he's right.
10:12:53 18 But go ahead.

10:12:53 19 **BY MR. JOHNSON:**

10:12:57 20 Q. Perry Nicosia, the DA in what parish?

10:12:59 21 A. St. Bernard.

10:13:01 22 Q. You're not aware of him being charged with a crime for his
10:13:06 23 involvement with GPP; right?

10:13:07 24 A. I am not.

10:13:08 25 Q. Not aware of him putting up any money; correct?

10:13:11 1 A. I am not, no.

10:13:16 2 Q. Meaning, they didn't put up any money for GPP, when I say "no

10:13:20 3 money"; correct?

10:13:21 4 A. Ask it again.

10:13:22 5 Q. They didn't put up any money for GPP?

10:13:24 6 A. I don't know.

10:13:25 7 Q. You're not aware of it?

10:13:27 8 A. Uh-uh.

10:13:29 9 Q. Kevin Guidry, who is Kevin Guidry?

10:13:32 10 A. The office administrator, Terrebonne Parish.

10:13:37 11 Q. He was involved with GPP; correct?

10:13:39 12 A. Yes.

10:13:42 13 Q. You're not aware of him putting up any money for GPP; correct?

10:13:45 14 A. I am not aware.

10:13:46 15 Q. Haven't heard of him being charged with a crime; correct?

10:13:50 16 A. Have not.

10:13:52 17 Q. David Burton, not aware of him being charged with a crime;

10:13:56 18 right?

10:13:56 19 A. I am not aware.

10:13:57 20 Q. He was involved with GPP; correct?

10:14:00 21 A. Yes.

10:14:01 22 Q. He was involved with Wildlife?

10:14:03 23 A. Yes.

10:14:08 24 Q. Got paid a ton of money; correct?

10:14:10 25 A. Yes.

10:14:13 1 Q. You got paid a ton?

10:14:15 2 A. Yes.

10:14:18 3 Q. Leonard Franques got paid a ton?

10:14:20 4 A. Yes.

10:14:25 5 Q. My client paid \$219,000 and, according to your testimony
10:14:31 6 yesterday, wasn't paid back a thing; correct?

10:14:35 7 A. To my knowledge, he was not. I mean, he received some checks.
10:14:40 8 I don't believe they were cashed. I don't know. I didn't control
10:14:42 9 the money.

10:14:44 10 Q. But he's here seated at that defense table (indicating)?

10:14:49 11 **MR. WALKER:** Objection. That's argumentative and it's
10:14:51 12 improper.

10:14:51 13 **THE COURT:** Sustained.

10:14:51 14 **BY MR. JOHNSON:**

10:14:58 15 Q. Were you present at the office the morning of the search on May
10:15:02 16 9, 2022?

10:15:06 17 A. Did I go to work prior to them arriving?

10:15:10 18 Q. Yes.

10:15:10 19 A. I believe I was, yes.

10:15:12 20 Q. Were you wearing a recording device?

10:15:14 21 A. No.

10:15:15 22 Q. But you were physically present immediately prior to the
10:15:18 23 search; correct?

10:15:21 24 A. Prior to the search, yes.

10:15:30 25 **MR. JOHNSON:** One second, Your Honor.

10:15:30 1 **BY MR. JOHNSON:**

10:15:51 2 Q. You recall a business that we talked about yesterday that y'all
10:15:56 3 were going to set up for Rene Bonneval?

10:16:01 4 A. I remember talking about it yesterday, yes.

10:16:05 5 Q. And I think I called it Spillman incorrectly. Do you recall an
10:16:09 6 LLC named Spearhead?

10:16:11 7 A. Yes.

10:16:11 8 Q. LLC?

10:16:12 9 A. Yes.

10:16:13 10 Q. There were some proposed consulting contracts sent to Leonard
10:16:22 11 Franques; correct?

10:16:22 12 A. Yes.

10:16:24 13 Q. If I showed you those referral agreements, would you recognize
10:16:28 14 them?

10:16:28 15 A. I never saw them.

10:16:30 16 Q. You never saw the actual agreements?

10:16:32 17 A. The agreements, not that I recall.

10:16:36 18 Q. Well, let's see just to make sure.

10:16:47 19 **MR. JOHNSON:** Just for the witness -- before we get to
10:17:28 20 that -- I'll come back to that.

10:17:28 21 **BY MR. JOHNSON:**

10:17:30 22 Q. Before we get to that, you recall rounding up money for John
10:17:35 23 Bel Edwards' campaign for Jack Montoucet?

10:17:39 24 A. Yes.

10:17:40 25 Q. And do you remember he told you that he wanted me to raise

10:17:42 1 25,000?

10:17:43 2 A. Yes.

10:17:44 3 Q. Do you remember skimming \$5,000 off of that?

10:17:49 4 A. Off the cash, yes.

10:17:51 5 Q. And do you recall Leonard Franques and you discussing it?

10:17:54 6 A. Yes.

10:17:55 7 Q. And do you recall Leonard Franques telling you, Look, I don't

10:18:01 8 care. I just don't want Jack to know that, to think that I stole

10:18:08 9 it?

10:18:10 10 A. I don't recall that conversation.

10:18:14 11 Q. Okay. But Leonard Franques knew you skimmed \$5,000, didn't he?

10:18:17 12 A. Yes.

10:18:23 13 **MR. JOHNSON:** Show Exhibit 275 just to the witness. Flip

10:18:49 14 through the pages, Doug, if you can. 275.

10:18:49 15 **BY MR. JOHNSON:**

10:19:01 16 Q. Do you recognize it?

10:19:05 17 A. It's --

10:19:08 18 **MR. JOHNSON:** Not so fast, Doug. Leave it on that page.

10:19:50 19 Can you scroll slowly, Doug?

10:20:42 20 **THE WITNESS:** Is there more?

10:20:43 21 **MR. JOHNSON:** Yes. You can keep scrolling.

10:20:54 22 **THE WITNESS:** What's your question in regards to that?

10:20:54 23 **BY MR. JOHNSON:**

10:20:57 24 Q. Do you recognize the name at the bottom of the document?

10:20:59 25 A. Oh, yes.

10:21:00 1 Q. Do you recognize the name of the company?

10:21:01 2 A. Yes.

10:21:01 3 Q. Does this appear to be one of those referral agreements that we
10:21:07 4 just discussed?

10:21:08 5 A. It appears to be, yes.

10:21:10 6 **MR. JOHNSON:** I would like to offer, file, and introduce.

10:21:13 7 **MR. WALKER:** I object, Your Honor. He hasn't identified
10:21:15 8 the document. It's an unsigned document, and so we would object.

10:21:19 9 **THE COURT:** I'll need some more foundation before we can
10:21:23 10 offer it.

10:21:23 11 **MR. JOHNSON:** Sure.

10:21:23 12 **BY MR. JOHNSON:**

10:21:24 13 Q. You knew that Rene Bonneval was going to be sending over --
10:21:32 14 Rene Bonneval is Joe Waitz's son-in-law, I believe was the case;
10:21:34 15 correct?

10:21:34 16 A. Correct.

10:21:34 17 Q. And he was going to be sending over an agreement to be signed
10:21:38 18 by Leonard Franques; correct?

10:21:40 19 A. Yes.

10:21:40 20 Q. Does this appear to represent at least one of those agreements?

10:21:44 21 A. Yes, it does appear.

10:21:45 22 **MR. JOHNSON:** I would like to offer, file, and introduce
10:21:47 23 275.

10:21:48 24 **THE COURT:** Do you know if it was ever executed, that
10:21:50 25 agreement?

10:21:51 1 **THE WITNESS:** I don't believe it was, no.

10:21:52 2 **MR. JOHNSON:** It wasn't executed, Your Honor, just for
10:21:52 3 the record, and I'm not --

10:21:55 4 **MR. WALKER:** Excuse me.

10:21:55 5 **THE COURT:** Okay. Then what's the relevance, then, Mr.
10:21:57 6 Johnson?

10:21:57 7 **MR. JOHNSON:** Because it's in writing, spelling out the
10:22:00 8 details. And at the time that it was sent over, Leonard Franques
10:22:03 9 was under investigation by the FBI which is why it's not executed.

10:22:07 10 **MR. WALKER:** Your Honor.

10:22:07 11 **THE COURT:** All right. Response?

10:22:08 12 **MR. WALKER:** It's an unexecuted document that the defense
10:22:12 13 is trying to introduce through a witness who can only say it looks
10:22:16 14 like a document, it looks like a document. That's what he said.

10:22:18 15 **THE COURT:** Yeah, I'm not going to admit it.

10:22:23 16 **MR. JOHNSON:** One final second, Your Honor.

10:22:23 17 **BY MR. JOHNSON:**

10:23:01 18 Q. You recall yesterday us talking about Dominic Sunseri?

10:23:04 19 A. Yes.

10:23:05 20 Q. And Dominic Sunseri was not billed with a charge; correct?

10:23:16 21 A. I don't recall whether he was or wasn't.

10:23:19 22 Q. But you recall the Judge asking you about a no-bill situation?

10:23:22 23 A. Yes.

10:23:24 24 Q. A no-bill situation is where you say we're not going to charge
10:23:27 25 you with a crime ever; correct?

10:23:30 1 A. Yes.

10:23:31 2 Q. All right. In Dominic Sunseri's case, it was we're going to
10:23:35 3 say that we're not charging you, but we're still reserving the
10:23:39 4 right to charge you if we don't do what we ask you to do; correct?

10:23:42 5 A. Yes.

10:23:43 6 Q. And this kind of situation is not uncommon for this exact
10:23:48 7 situation for whenever a kid gets a DWI right as he's graduating
10:23:56 8 college; right?

10:23:57 9 A. Right.

10:23:58 10 Q. That happens in pretrial diversion programs all over the state
10:24:01 11 of Louisiana routinely for a first offense; correct?

10:24:08 12 A. DWIs, yes.

10:24:10 13 Q. Isn't it true that the reason that process exists is so that he
10:24:17 14 can, when he applies for a job, say that I'm not being prosecuted;
10:24:22 15 right?

10:24:22 16 A. That is correct.

10:24:25 17 Q. It's nothing illegal about that at all; right?

10:24:28 18 A. No.

10:24:29 19 Q. But what you're not representing is, as in a no-bill situation,
10:24:35 20 is that we're never going to prosecute you; right? Because y'all
10:24:39 21 were going to prosecute him if he didn't do what y'all told him to
10:24:44 22 do; right?

10:24:45 23 A. If he didn't follow the regulations, yes. They were going to
10:24:49 24 reserve the right to rebill him.

10:24:54 25 **MR. JOHNSON:** That's all I have now, Your Honor. Thank

10:24:57 1 you.

10:25:00 2 **MR. WALKER:** Want to take a break? Or do you want to
10:25:01 3 dive right in?

10:25:02 4 **THE COURT:** Anybody need a break? All right. Let's go
10:25:05 5 Mr. Walker.

10:25:05 6 **MR. WALKER:** Thanks.

10:25:05 7 **REDIRECT EXAMINATION BY MR. WALKER:**

10:25:07 8 Q. So I'm going to go, I'm going to begin with the end of what he
10:25:11 9 said. He started off -- and I know you have been up here for a
10:25:14 10 while, and so I'm going to try not to confuse you. I think there's
10:25:17 11 been enough of that.

10:25:18 12 The defense talked about the DA's office and the fact
10:25:22 13 that you were at the DA's office the day it was searched.

10:25:25 14 A. Yes.

10:25:26 15 Q. Remember him asking you that?

10:25:28 16 Did you have any idea the DA's office was going to be
10:25:31 17 searched?

10:25:32 18 A. No, I did not.

10:25:32 19 Q. If you would have known the DA's office was going to be
10:25:35 20 searched, would you have showed up to the DA's office that day?

10:25:38 21 A. Probably not, no.

10:25:39 22 Q. And it wasn't until three days later that you talked to the
10:25:42 23 FBI?

10:25:43 24 A. Yes, that's correct.

10:25:45 25 Q. The defense talked to you about the fact that it's not illegal

10:25:49 1 to give a person a first offender -- talking about Mr. Sunseri, the
10:25:56 2 fact that a person can go into pretrial intervention; right?

10:25:59 3 A. Right.

10:26:01 4 Q. In that case, however, did both you and Mr. Haynes receive
10:26:07 5 alligator hides from somebody as a result of it?

10:26:10 6 A. Yes.

10:26:21 7 Q. So it's not illegal to do the action, but it's illegal to take
10:26:25 8 something as a result?

10:26:26 9 A. Correct.

10:26:27 10 Q. The defense has played, and he questioned you for a very, very
10:26:32 11 long time about a series of events that happened on November 15th
10:26:37 12 and November 16th. Do you remember all those calls? We took a long
10:26:42 13 break and you listened to all those calls.

10:26:45 14 A. I mean, I remember them now.

10:26:47 15 Q. And they all occurred on November 15th and November 16th; is
10:26:52 16 that right?

10:26:52 17 A. Yes.

10:26:54 18 Q. First of all, had Gary Haynes been involved in the bribery
10:27:02 19 scheme long prior to November 15th and November 16th?

10:27:06 20 A. I don't remember.

10:27:07 21 Q. I want to play a call from October 16th of 2021.

10:27:14 22 **MR. WALKER:** Hang on one second. I just have to get the
10:27:17 23 exhibit number. If you could play 213-001. I want you to stop at
10:27:43 24 the very beginning after it shows the date of the call.

10:27:43 25 (Audio recording playing.)

10:27:43 1 **BY MR. WALKER:**

10:27:43 2 Q. Do you see that --

10:27:58 3 **MR. WALKER:** Could you stop it.

10:28:00 4 **THE WITNESS:** I can see October 16, 2021.

10:28:00 5 **BY MR. WALKER:**

10:28:01 6 Q. So that's a month before this happened?

10:28:05 7 A. Right.

10:28:10 8 **MR. WALKER:** Can you now play, and I'm not going to play
10:28:13 9 the entire call, but just play the beginning of the call.

10:28:17 10 **MR. JOHNSON:** Your Honor, objection. I want to make it
10:28:21 11 clear that we have tried to introduce the calls that we wanted to
10:28:24 12 play, and I feel like at a certain point --

10:28:29 13 **MR. WALKER:** I'm just asking that she pause it.

10:28:31 14 **MR. JOHNSON:** I feel like at a certain point the defense
10:28:34 15 is, you know, us having --

10:28:36 16 **MR. WALKER:** Wait, hold on. I think we need to do
10:28:37 17 sidebar.

10:28:38 18 **THE COURT:** Let's go to sidebar.

10:28:38 19 (Begin bench conference.)

10:28:53 20 **THE COURT:** This has already been played?

10:28:55 21 **MR. WALKER:** It's been introduced and played, but the
10:28:57 22 defense has suggested -- the defense is trying to compress what
10:29:00 23 happened in a two-day period to make it sound like Gary Haynes was
10:29:04 24 at no time involved in the conspiracy. That's what he did through
10:29:07 25 his cross-examination. I'm playing a very small portion at the

10:29:11 1 beginning of the call which showed that that was --

10:29:11 2 (The court reporter requested Counsel to speak slower.)

10:29:12 3 **MR. WALKER:** That's the reason why I'm playing the call.
10:29:14 4 And I'm only going to play the beginning of it so that I can then
10:29:17 5 ask him. Because he doesn't know the date of the calls, and so
10:29:22 6 this is a way to show --

10:29:24 7 **THE COURT:** And this is a portion of what we've already
10:29:25 8 played on his direct?

10:29:27 9 **MR. WALKER:** That is correct.

10:29:28 10 **THE COURT:** All right. Mr. Johnson, I understand your
10:29:29 11 objection. I will say I listened to the calls that you played for
10:29:33 12 the witness to refresh his recollection and that you were able to
10:29:37 13 get the substance of those calls to this witness on his cross, so I
10:29:41 14 don't see how your client is prejudiced at all.

10:29:45 15 **MR. JOHNSON:** And just for the record, I understand the
10:29:46 16 Court's ruling. What I'm just saying is that to let the state
10:29:51 17 introduce calls and then us have to excuse them and they don't get
10:29:55 18 to listen to the actual calls, I just get to question him about the
10:29:57 19 calls, and then allow the state to come back and play their calls
10:30:00 20 again, I just think is sort of what the residual rule is for is to
10:30:06 21 say, hey, if all of this is trustworthy, then why shouldn't the
10:30:09 22 jury, the fact finder, get to hear it all? Why should one side get
10:30:13 23 to play calls and then us have to excuse him and then not get to
10:30:16 24 hear the same calls that we're arguing about? That's what I want
10:30:19 25 my objection to be.

10:30:20 1 I understand the Court's ruling, and I'm not saying -- I
10:30:22 2 just fundamentally -- they are getting to hear one side near raw
10:30:25 3 and then not getting to hear the other side, even though this
10:30:30 4 person, you know, the Government is talking about both. And
10:30:33 5 they're the same calls. They're not same exact calls from date,
10:30:37 6 but they come from the same batch of discovery.

10:30:39 7 **THE COURT:** Same wire.

10:30:41 8 **MR. JOHNSON:** So they are trustworthy in that respect.

10:30:43 9 **THE COURT:** Sure. And I think we have been really
10:30:46 10 generous with letting these witnesses listen to --

10:30:46 11 **MR. JOHNSON:** You have.

10:30:48 12 **THE COURT:** -- all the calls you wanted them to listen to
10:30:49 13 to refresh their recollection, which is as far as I can go under
10:30:53 14 the Rules of Evidence in trying to remedy the issue you pointed
10:30:56 15 out.

10:30:56 16 **MR. JOHNSON:** I understand. I appreciate that, Your
10:30:57 17 Honor.

10:30:57 18 **MR. CLEMONS:** But, Judge, while we're here, though, the
10:30:59 19 Court does agree that there is a limit on how many times these
10:31:03 20 calls and these videos can be shown.

10:31:06 21 **THE COURT:** Yeah. Only on redirect if it's a subject of
10:31:09 22 cross.

10:31:09 23 **MR. WALKER:** And that's what I'm doing.

10:31:11 24 **MR. JOHNSON:** Thank you, Your Honor.

10:31:11 25 (End bench conference.)

10:31:11 1 **BY MR. WALKER:**

10:31:30 2 Q. Do you remember that the call I showed you was October 16th of
10:31:34 3 2021?

10:31:35 4 A. Yes.

10:31:35 5 **MR. WALKER:** Could you play the beginning of the call?

10:31:48 6 (Audio recording playing.)

10:32:03 7 **MR. WALKER:** Can you pause the call now?

10:32:03 8 **BY MR. WALKER:**

10:32:06 9 Q. Do you remember who was going to pay for that truck for Gary
10:32:10 10 Haynes?

10:32:10 11 A. Leonard.

10:32:13 12 Q. And in the phone call itself, do you remember that statement
10:32:18 13 being made that Leonard was the one who was going to be paying for
10:32:21 14 the truck?

10:32:22 15 A. Yes.

10:32:24 16 Q. So on October 16th you were already having discussions with Gary
10:32:31 17 Haynes about the fact that he could get a pickup truck, an \$80,000
10:32:37 18 pickup truck, in connection with the scheme?

10:32:39 19 A. Yes.

10:32:41 20 Q. You had -- strike that.

10:32:48 21 The defense brought up that on November 15th and November
10:32:52 22 16th he played calls for you that related to something that had
10:32:58 23 heated up at the DA's office related to Barry Sallinger?

10:33:02 24 A. Yes.

10:33:05 25 Q. Do you agree or disagree -- and if you disagree, that's fine --

10:33:09 1 that Gary Haynes hated Gary -- Barry Sallinger?

10:33:11 2 A. I agree with that.

10:33:15 3 Q. Did that affect whether he was going to allow somebody that
10:33:20 4 Barry Sallinger represented into pretrial intervention?

10:33:22 5 A. Yes.

10:33:24 6 Q. Did it affect it positively? Or did it affect it negatively?
10:33:30 7 Was he going to let them in or not?

10:33:33 8 A. No, not.

10:33:35 9 Q. Did he have similar problems with Donald Cleveland, where he
10:33:40 10 just hated Donald Cleveland?

10:33:44 11 A. I'm not 100 percent sure. I know it was -- I mean, Barry was
10:33:50 12 the main one.

10:33:51 13 **MR. JOHNSON:** Objection, Your Honor. I think that
10:33:52 14 mischaracterizes the actual video -- I mean, the actual call that
10:33:56 15 we refreshed his memory with. I hate to have to do it again, but I
10:34:03 16 just want to object to that. I just don't want it being
10:34:06 17 mischaracterized.

10:34:07 18 **MR. WALKER:** Your Honor, actually my question was, I
10:34:10 19 said, Do you remember the call? And then I ask him his
10:34:12 20 understanding, not from the call, but that how he felt about Barry
10:34:15 21 Sallinger. And he said he hated Barry Sallinger.

10:34:18 22 **THE COURT:** Okay. Thank you, Mr. Johnson. If the
10:34:21 23 witness wants to clarify anything in light of that objection, he is
10:34:24 24 able to do so. Go ahead. Do you need to clarify anything about
10:34:29 25 that statement or not?

10:34:30 1 **THE WITNESS:** The dislike of Barry?

10:34:32 2 **THE COURT:** Right. What was your next question, Mr.
10:34:35 3 Walker?

10:34:36 4 **MR. WALKER:** Say it again. That was my only question.

10:34:36 5 **THE COURT:** That was your only question.

10:34:38 6 **MR. WALKER:** I just said, Did he hate Barry Sallinger?

10:34:39 7 And he said, Yes, he did.

10:34:41 8 Oh, I did ask a second question, I'm sorry.

10:34:43 9 **THE COURT:** That was the one that was objected to.

10:34:45 10 **MR. WALKER:** Right. I said: Did that affect whether he
10:34:48 11 allowed people in to pretrial intervention if Barry Sallinger
10:34:51 12 represented them? And he said it did.

10:34:53 13 **MR. JOHNSON:** And then he also asked about Donald
10:34:56 14 Cleveland. And I believe the witness mischaracterized -- I mean I
10:34:57 15 think the question mischaracterized the evidence, is why I objected
10:35:00 16 to it.

10:35:01 17 **THE COURT:** Repeat the last question. And I'll instruct
10:35:05 18 the witness to answer the question in light of all calls that have
10:35:07 19 played for you, both by the Government and by the defendant.

10:35:11 20 Go ahead.

10:35:11 21 **MR. WALKER:** Your Honor, the question I asked was: Did
10:35:14 22 he also -- I don't know if I used the word hate, but I think I did,
10:35:19 23 Donald Cleveland. And he said, his response was, I don't know.

10:35:22 24 **THE COURT:** Let's move on.

10:35:24 25 **MR. CLEMONS:** It's on the record what he said. I don't

10:35:26 1 think that's what he said.

10:35:26 2 **THE COURT:** Do you know if he hated Donald Cleveland?

10:35:29 3 **THE WITNESS:** Hate is a strong word. They disliked one
10:35:33 4 another.

10:35:33 5 **THE COURT:** All right. Okay.

10:35:33 6 **BY MR. WALKER:**

10:35:37 7 Q. So in November 15th and 16th, about how long was that, if you
10:35:45 8 know, between then and when you got arrested on the drug charges?

10:35:51 9 A. Less than a month.

10:35:53 10 Q. So less than a month before you were arrested on drug charge --
10:36:00 11 well, that would be, you started at the DA's office, and Gary
10:36:05 12 Haynes started at the DA's office when?

10:36:07 13 A. Right after Don got elected, January or February 2020 -- 2021.

10:36:19 14 Q. So between January and February of 2021 and November 15th and
10:36:25 15 16th of 2021 --

10:36:27 16 A. Yes.

10:36:29 17 Q. -- had y'all had any meetings about Gary Haynes and Barry
10:36:32 18 Sallinger and problems they were having?

10:36:36 19 A. Clearly we did. We just heard them.

10:36:39 20 Q. Right. That happened November 15th and 16th, or thereabout?

10:36:43 21 A. Right.

10:36:44 22 Q. Other than those, were there any meetings?

10:36:47 23 A. I don't know specifically if there were meetings or not.

10:36:51 24 Q. Between January and November, say around the 15th or the 16th,
10:37:01 25 who had the authority to make the decisions as to all the defense

10:37:04 1 attorneys in the pretrial intervention program of the DA's office?

10:37:07 2 A. Gary.

10:37:12 3 Q. In phone calls that were previously played and text messages,

10:37:17 4 do you remember statements that you made where you would say, I

10:37:21 5 have to check with Jerry -- I'm sorry, I have to check with Gary?

10:37:25 6 A. Yes.

10:37:26 7 Q. Was that something you said commonly?

10:37:28 8 A. Yes.

10:37:34 9 Q. The defense described a number of schemes that you were

10:37:38 10 engaging in around the state of Louisiana.

10:37:42 11 A. Yes.

10:37:43 12 Q. Do you remember him talking to you about the Fish and Wildlife
10:37:46 13 scheme?

10:37:47 14 A. Right.

10:37:48 15 Q. Do you remember him talking about the DA's office scheme here?

10:37:50 16 A. Yes.

10:37:55 17 Q. In the schemes that involved the DA's office, was it beneficial
10:38:03 18 to have a person within the DA's office who was helping you?

10:38:09 19 A. Yes.

10:38:12 20 Q. Why?

10:38:12 21 A. It sped up the process.

10:38:16 22 Q. And did speeding up the process make you more money?

10:38:19 23 A. Yes.

10:38:20 24 Q. And in response to that, did you have to pay the people who

10:38:25 25 were within the DA's office helping you?

10:38:30 1 A. Can you rephrase it?

10:38:31 2 Q. Sure. At least in some cases if they are cooperating with you
10:38:37 3 within the DA's office, did you sometimes have to pay them a
10:38:40 4 kickback?

10:38:42 5 A. I didn't pay any. I didn't control the money.

10:38:48 6 Q. But did you agree to pay kickbacks to others?

10:38:51 7 **MR. JOHNSON:** Your Honor, I think we're outside the scope
10:38:54 8 of cross at this point.

10:38:56 9 **THE COURT:** What's this responding to from cross?

10:39:01 10 **MR. WALKER:** I'll move on, Your Honor.

10:39:02 11 **THE COURT:** Okay.

10:39:02 12 **BY MR. WALKER:**

10:39:04 13 Q. The defense talked to you about the MD at Law bank account.

10:39:08 14 A. Yes.

10:39:09 15 Q. Was the MD at Law bank account going to be used in the Fish and
10:39:15 16 Wildlife kickback scheme?

10:39:17 17 A. Yes.

10:39:19 18 Q. Whose money was going to be deposited into the MD at Law bank
10:39:23 19 account from the kickback scheme?

10:39:25 20 A. All of it would, but it would be split.

10:39:30 21 Q. So when you say "all of it," within that kickback scheme was
10:39:34 22 Jack Montoucet going to get some money?

10:39:36 23 A. Yes.

10:39:37 24 Q. Was Leonard Franques going to get some money?

10:39:39 25 A. Yes.

10:39:39 1 Q. Were you and Gary Haynes going to get some money?

10:39:42 2 A. Yes.

10:39:43 3 Q. So whose money was going into the MD at Law account?

10:39:48 4 A. The Wildlife and Fisheries violation money.

10:39:52 5 Q. Your money --

10:39:52 6 A. Yes.

10:39:53 7 Q. -- that you were getting?

10:39:55 8 A. Everything would have went there.

10:39:58 9 Q. And would that have been the money that was then split --

10:39:58 10 A. Yes.

10:40:00 11 Q. -- between you and Gary Haynes?

10:40:10 12 The defense brought up the fact that Gary Haynes, that
10:40:14 13 was his company, MD at Law?

10:40:16 14 A. Yes.

10:40:20 15 Q. Are you aware that that company, if you're aware -- and we have
10:40:24 16 introduced an exhibit if I need to show an exhibit. Are you aware
10:40:29 17 that that company had -- it was no longer -- it was inactive within
10:40:33 18 the Secretary of State?

10:40:36 19 A. Yeah. Yes, it was.

10:40:39 20 Q. Okay. Did he reactivate it?

10:40:41 21 A. Yes.

10:40:41 22 **MR. JOHNSON:** Your Honor, we covered all of this in
10:40:44 23 direct. He is just redoing his direct. This is not responding to
10:40:48 24 cross.

10:40:48 25 **MR. WALKER:** It absolutely is responding to cross, Your

10:40:50 1 Honor. He talked about the fact that the MD at Law bank account
10:40:55 2 was -- I'm sorry -- the MD at Law company and account were in his
10:40:57 3 name. And so what I'm doing is going through in response to that
10:41:01 4 to show that it was a defunct company and that it was reactivated
10:41:06 5 for the purpose of this scheme.

10:41:07 6 **THE COURT:** You did talk about the purposes of MD at Law,
10:41:10 7 so I'll let him explore if there's any other purposes other than
10:41:15 8 you brought out in cross.

10:41:16 9 **MR. JOHNSON:** Thank you, Your Honor.

10:41:16 10 **BY MR. WALKER:**

10:41:17 11 Q. So other than being a place to keep the money from the scheme,
10:41:24 12 did MD at Law, to your knowledge, have any other purpose?

10:41:27 13 A. Not to my knowledge.

10:41:29 14 Q. Do you remember you talked about shell companies?

10:41:32 15 A. Yes.

10:41:33 16 Q. And the defense brought up the fact that you had a couple of
10:41:36 17 different shell companies that you had used to put kickback money
10:41:42 18 into.

10:41:42 19 A. Yes.

10:41:43 20 Q. Were those companies in your wife's name sometimes?

10:41:47 21 A. Two of them were, yes.

10:41:51 22 Q. So if somebody looked at those companies, they'd see they were
10:41:55 23 in your wife's name?

10:41:56 24 A. Yes.

10:42:04 25 Q. Did depositing the money or having the money deposited in the

10:42:10 1 MD at Law account, did that have anything to do with your need or
10:42:13 2 desire to conceal the money you were receiving?

10:42:18 3 A. It would have been a buffer.

10:42:24 4 Q. The defense talked about the investment that the defendant
10:42:31 5 used, the money that he gave.

10:42:32 6 A. Yes.

10:42:34 7 Q. We showed you two checks previously, totaling \$84,000 --
10:42:39 8 \$82,000 that went to F4?

10:42:41 9 A. Right.

10:42:41 10 Q. What is F4?

10:42:43 11 A. It's one of Leonard's companies. I don't -- I don't think --
10:42:49 12 it doesn't provide a service or have a building or a sign or
10:42:57 13 nothing.

10:42:58 14 Q. So was that money going to Leonard Franques?

10:43:01 15 A. Yes.

10:43:02 16 Q. Was there any reason why Gary Haynes would be paying money to
10:43:08 17 Leonard Franques on the Fish and Wildlife scheme?

10:43:11 18 **MR. JOHNSON:** Objection, Your Honor. He's answered that
10:43:13 19 question as part of my cross-examination.

10:43:16 20 **MR. WALKER:** And I get to ask.

10:43:17 21 **THE COURT:** I'll let him go, Mr. Johnson.

10:43:17 22 **BY MR. WALKER:**

10:43:20 23 Q. Was there any reason why Gary Haynes would be paying money to
10:43:24 24 Leonard Franques on the Fish and Wildlife scheme?

10:43:28 25 A. No.

10:43:34 1 Q. Do you remember calls that were played previously about the
10:43:38 2 need for Leonard to recoup the money?

10:43:41 3 A. Yes.

10:43:44 4 Q. Was the \$82,000 for that purpose?

10:43:51 5 A. Can you rephrase it?

10:43:53 6 Q. Sure. The \$82,000 that Gary Haynes paid to Leonard Franques --

10:43:58 7 A. Okay.

10:43:58 8 Q. -- was that to help Leonard recoup the money that he had spent?

10:44:03 9 A. Oh, yes.

10:44:05 10 Q. And in the same conversations did you talk about that this
10:44:09 11 would allow y'all to then make money -- y'all would begin getting
10:44:12 12 the kickbacks sooner?

10:44:14 13 A. Yes.

10:44:27 14 Q. The defense said that -- the defense suggested that these were
10:44:35 15 legitimate investments. You heard that during cross-examination?

10:44:39 16 A. Yes.

10:44:39 17 Q. So are you aware if Gary Haynes is a lawyer?

10:44:43 18 A. Yes.

10:44:43 19 Q. Did he have a private law practice? Had he had a private law
10:44:49 20 practice in the past?

10:44:50 21 A. Yes, he has had one in the past.

10:44:54 22 Q. So since this was an investment, I'm assuming that there was a
10:44:57 23 contract between you and he about the investment?

10:45:00 24 A. No.

10:45:03 25 Q. Did he give anything to show that he was actually investing

10:45:08 1 with you or with Leonard Franques that would have been public
10:45:12 2 record?

10:45:12 3 A. No.

10:45:15 4 Q. So, like, if you purchase stock in a company, you get a stock
10:45:18 5 certificate. Did he have a stock certificate or anything like
10:45:22 6 that?

10:45:22 7 A. No.

10:45:24 8 Q. The defense suggested that you, he said the word stole or
10:45:28 9 extorted the money from Gary Haynes. To your knowledge, did he
10:45:33 10 file a police report about some extortion attempt?

10:45:35 11 A. No.

10:45:36 12 Q. Did he file a lawsuit where he was trying to sue you to get the
10:45:39 13 money back?

10:45:40 14 A. No.

10:45:41 15 Q. Was the money that he gave to you for the purpose of getting
10:45:45 16 the kickbacks?

10:45:47 17 A. Yes.

10:45:57 18 Q. The Fish and Wildlife scheme, you were a commissioner of the
10:46:03 19 Fish and Wildlife?

10:46:05 20 A. Yes.

10:46:06 21 Q. Did Gary know that?

10:46:08 22 A. I didn't hear.

10:46:10 23 Q. Did Gary Haynes know that?

10:46:12 24 A. Oh, yes.

10:46:13 25 Q. Jack Montoucet, and I think we pronounced it a few different

10:46:17 1 ways. I think it was Montoucet for a while. I've always said

10:46:22 2 Montoucet. Do you know how he pronounces his name?

10:46:25 3 A. Montoucet.

10:46:26 4 Q. Montoucet, so it's a French word. So it's a "say" instead of a

10:46:30 5 "set." Well, I'm from Alec.

10:46:32 6 Did Jack Montoucet, was he the head of the Fish and

10:46:37 7 Wildlife, secretary?

10:46:38 8 **MR. JOHNSON:** Object. Your Honor, it seems like we're

10:46:40 9 going back through direct. We're kind of just starting over and

10:46:42 10 going with direct.

10:46:43 11 **MR. WALKER:** I'm not, for this reason: He specifically

10:46:45 12 addressed the Fish and Wildlife scheme and said that it was a, his

10:46:49 13 words, legitimate investment. I have the right to explore that on

10:46:53 14 cross-examination.

10:46:54 15 **THE COURT:** Okay. I'll allow it.

10:46:54 16 **BY MR. WALKER:**

10:47:01 17 Q. Were you going to get a kickback from Leonard Franques on the

10:47:06 18 Fish and Wildlife scheme?

10:47:07 19 A. Yes.

10:47:10 20 Q. And that's illegal?

10:47:11 21 A. Yes.

10:47:11 22 Q. And you pled guilty to it?

10:47:13 23 A. Yes.

10:47:15 24 Q. Was Jack Montoucet going to get a kickback?

10:47:18 25 A. Yes.

10:47:20 1 Q. Did Gary Haynes know that?

10:47:22 2 A. Yes.

10:47:24 3 Q. Did you talk about it?

10:47:26 4 A. Yes.

10:47:27 5 Q. In fact, did he invest in that scheme?

10:47:31 6 A. Yes.

10:47:35 7 Q. Was one of the things that he gave to you in the scheme a place
10:47:40 8 to conceal the illegal money?

10:47:43 9 A. Yes.

10:47:55 10 Q. Was Gary Haynes also going to use the MD at Law bank account to
10:47:59 11 conceal the money he got in the DA bribery scheme?

10:48:04 12 A. Yes.

10:48:06 13 **MR. JOHNSON:** Your Honor, I think it mischaracterizes the
10:48:08 14 evidence to suggest he received any money as part of the DA
10:48:13 15 kickback scheme.

10:48:14 16 **MR. WALKER:** Your Honor, the word I said was, Was he
10:48:16 17 going to, and he said, Yes.

10:48:18 18 **MR. JOHNSON:** I withdraw the objection if that was the
10:48:21 19 question, Your Honor.

10:48:22 20 **THE COURT:** All right.

10:48:22 21 **BY MR. WALKER:**

10:48:39 22 Q. We've listened to numerous phone calls and text messages about
10:48:46 23 -- do you remember conversations that we previously listened to
10:48:50 24 about Gary Haynes discussing his -- that he was getting people into
10:48:57 25 the classes to take CBT?

10:49:01 1 A. Yes.

10:49:05 2 Q. And did he describe them at one point as our classes, if you
10:49:09 3 remember?

10:49:09 4 **MR. JOHNSON:** Your Honor --

10:49:09 5 **MR. WALKER:** I'll be glad to play it.

10:49:12 6 **MR. JOHNSON:** He's literally talking about -- I didn't
10:49:16 7 get to play any audio to the jury.

10:49:18 8 **THE COURT:** All right. Mr. Johnson, we've discussed this
10:49:20 9 numerous times.

10:49:20 10 **MR. JOHNSON:** No, I know, Your Honor. I'm just saying,
10:49:21 11 he's saying, "Didn't you listen to numerous audio clips?" He
10:49:22 12 listened to those audio clips during his direct examination, which
10:49:25 13 is why this is outside of the scope of cross-examination. He's
10:49:28 14 just not allowed to redo his direct examination in response to my
10:49:32 15 questions.

10:49:32 16 **THE COURT:** Let's just keep it directly to responding to
10:49:36 17 what the cross-examination brought out.

10:49:38 18 **MR. WALKER:** That's exactly what I'm trying to do, Your
10:49:40 19 Honor.

10:49:40 20 **THE COURT:** Okay.

10:49:41 21 **MR. WALKER:** I will absolutely do that. I apologize.

10:49:41 22 **BY MR. WALKER:**

10:49:56 23 Q. After you were arrested, the defense brought up the fact that
10:49:59 24 in November of -- November 15th and 16th, you said less than a month
10:50:06 25 before you were arrested, that there was a discussion about Barry

10:50:12 1 Sallinger and the fact that you were going to have to handle Barry
10:50:16 2 Sallinger because Gary hated him; is that right?

10:50:22 3 A. Yes.

10:50:22 4 **MR. JOHNSON:** Asked and answered, Judge.

10:50:24 5 **MR. WALKER:** I'm asking it only as a preliminary to the
10:50:27 6 next question.

10:50:27 7 **THE COURT:** Overruled. He's trying to set something up.

10:50:30 8 **MR. JOHNSON:** I don't think the word "hate" was ever
10:50:32 9 used, Your Honor, so I object to mischaracterizing the testimony.

10:50:34 10 **MR. WALKER:** He said he hated him.

10:50:36 11 **THE COURT:** He just testified that he hated him and that
10:50:38 12 he maybe didn't like Mr. Cleveland, but he wasn't sure.

10:50:45 13 **MR. WALKER:** That's correct.

10:50:45 14 **BY MR. WALKER:**

10:50:47 15 Q. After you were arrested, were you then unable to continue to
10:50:50 16 push people towards CBT and the pretrial intervention program?

10:50:56 17 A. Yes. I was on leave.

10:51:01 18 Q. As a result of that, who was the person who, again, began
10:51:05 19 pushing people toward the pretrial intervention program?

10:51:07 20 A. Gary.

10:51:12 21 Q. And the defense brought this up on cross, used these words
10:51:16 22 specifically: Do you remember the boardroom meeting?

10:51:19 23 A. Yes.

10:51:21 24 Q. Do you remember Gary Haynes saying that he could push people
10:51:24 25 towards CBT but that he had to be clever and subtle so he didn't

10:51:28 1 get caught?

10:51:30 2 A. Yes.

10:51:30 3 Q. And in that same conversation, did he talk about the fact that
10:51:36 4 you had been pushing people towards CBT and people had been saying
10:51:40 5 things about it?

10:51:41 6 A. Yes.

10:51:45 7 Q. So let's talk about the money. The defense brought up
10:51:48 8 repeatedly on cross-examination that he didn't get any money. Did
10:51:51 9 you hear repeated calls where it was discussed that the money to be
10:51:58 10 coming from Leonard Franques on the DA PTI bribery case was going
10:52:06 11 to begin in about January?

10:52:09 12 A. Yes.

10:52:11 13 Q. And was that your understanding, as well as Gary Haynes'?

10:52:17 14 A. Yes.

10:52:21 15 Q. As it relates to the Fish and Wildlife case, was he receiving
10:52:27 16 -- to receive money from the violations notices?

10:52:30 17 A. Yes.

10:52:31 18 Q. Okay. And that's basically you get a ticket?

10:52:34 19 A. Correct.

10:52:34 20 Q. And then you have to take the classes?

10:52:37 21 A. Yes.

10:52:38 22 Q. As of the time that you were arrested, and even beyond, was the
10:52:47 23 Fish and Wildlife violations part ever up and running?

10:52:50 24 A. No.

10:52:51 25 Q. So as a result of that, was there any money coming in to pay

10:52:55 1 off or to begin paying those kickbacks?

10:52:57 2 A. There was not.

10:52:59 3 Q. And as it relates to the DA bribery case, did your arrest that
10:53:05 4 happened in December of 2021 --

10:53:09 5 A. Right.

10:53:11 6 Q. -- did that have an effect on payments going out in connection
10:53:15 7 with the DA bribery case?

10:53:17 8 A. Yes.

10:53:18 9 Q. Did everybody kind of slow down?

10:53:20 10 A. Yes.

10:53:21 11 Q. In fact, are there conversations between you and Gary Haynes
10:53:25 12 and Leonard Franques about the fact that everybody was very nervous
10:53:30 13 about you getting arrested?

10:53:31 14 A. Right, yes.

10:53:54 15 **MR. WALKER:** Could I have a moment, Your Honor? Thank
10:53:56 16 you.

10:53:56 17 **BY MR. WALKER:**

10:54:13 18 Q. In the summer of 2021 --

10:54:17 19 A. Okay.

10:54:19 20 Q. -- that would be, let's see -- August, September, October,
10:54:22 21 November -- four months before the November calls the defense let
10:54:27 22 you listen to.

10:54:28 23 A. Right.

10:54:28 24 Q. Was there an expression at the DA's office called quick and
10:54:33 25 dirty?

10:54:34 1 A. Yes.

10:54:35 2 **MR. JOHNSON:** Did I talk about that program at all? He's
10:54:37 3 just catching things he missed on direct.

10:54:39 4 **MR. WALKER:** That's not true. I talked about it on
10:54:41 5 direct, but then he said that -- excuse me.

10:54:41 6 **THE COURT:** As it relates -- let me ask how it relates to
10:54:45 7 cross.

10:54:45 8 **MR. WALKER:** The way it relates to cross-examination is
10:54:47 9 because of the fact that he has suggested Gary Haynes did nothing
10:54:51 10 in support of the bribery scheme, this is one of the things he did
10:54:55 11 in support of the bribery scheme. And so it's about three
10:54:58 12 questions and it's done.

10:54:59 13 **THE COURT:** I'll allow it.

10:54:59 14 **BY MR. WALKER:**

10:55:01 15 Q. Do you remember an expression called quick and dirty?

10:55:06 16 A. Yes.

10:55:07 17 Q. Tell me what that meant.

10:55:09 18 A. It was a method to get the defendants in quicker, get them
10:55:16 19 started on their programs, requirements, et cetera, including the
10:55:21 20 online classes, and get them back a couple of weeks later to do
10:55:27 21 their initial, the big packet of signup materials.

10:55:32 22 Q. Did that benefit the bribery scheme?

10:55:34 23 A. It benefitted that, it benefitted the office. Benefit to
10:55:40 24 everyone.

10:55:41 25 Q. You got your money quicker?

10:55:42 1 A. Yes.

10:55:42 2 Q. Who came up with that expression?

10:55:44 3 A. Gary.

10:55:53 4 Q. Do you remember a clip at the boardroom where there was a
10:55:56 5 question about whether this is illegal?

10:56:01 6 A. Yes.

10:56:02 7 Q. And what was Gary's response?

10:56:06 8 A. Yes.

10:56:09 9 **MR. WALKER:** Thank you. That's all I have.

10:56:11 10 **THE COURT:** Mr. Guidry -- I assume this witness is to
10:56:16 11 remain under subpoena. Is that right, Mr. Johnson?

10:56:17 12 **MR. JOHNSON:** Yes, Your Honor.

10:56:18 13 **THE COURT:** Mr. Guidry, you are released for today. You
10:56:21 14 are still under defense subpoena, so don't discuss the case with
10:56:25 15 anybody until a conclusion of trial. Also, please don't be present
10:56:29 16 in the courtroom. Okay?

10:56:32 17 **THE WITNESS:** Sure.

10:56:33 18 **THE COURT:** You may step down. Thank you.

10:56:51 19 We'll probably go until about noon before lunch. Does
10:56:56 20 anybody need a break before then?

10:56:57 21 The Government may call its next witness.

10:57:00 22 **MR. LOEW:** United States calls Jessica Broussard.

10:57:05 23 **MR. WALKER:** Your Honor, may I step out one moment just
10:57:07 24 to make sure our witness is here. We finished earlier than I
10:57:10 25 thought we were. I just want to make sure.

10:57:48 1 **THE COURT:** Okay.

10:57:48 2 **THE DEPUTY CLERK:** Please raise your right hand. Do you
10:57:48 3 solemnly swear or affirm that the testimony you give in this matter
10:57:48 4 will be the truth, the whole truth, and nothing but the truth, so
10:58:01 5 help you God?

10:58:01 6 **THE WITNESS:** I do.

10:58:03 7 **THE DEPUTY CLERK:** Thank you. Be seated.

10:58:03 8 **JESSICA BROUSSARD,**
10:58:03 9 after having first been duly sworn, did testify as follows:

10:58:03 10 **DIRECT EXAMINATION BY MR. LOEW:**

10:58:11 11 Q. Good morning.

10:58:11 12 A. Good morning.

10:58:12 13 Q. Can you make sure that when you speak you speak into the mic?

10:58:14 14 **THE COURT:** You can move that microphone where it works
10:58:17 15 for you.

10:58:18 16 **THE WITNESS:** Yes, sir.

10:58:20 17 **BY MR. LOEW:**

10:58:21 18 Q. Could you tell the jurors your full name.

10:58:23 19 A. Sure. Jessica Marcel Broussard.

10:58:25 20 Q. And where do you live?

10:58:26 21 A. Carencro.

10:58:29 22 Q. How long have you lived there?

10:58:30 23 A. Twenty-five years.

10:58:32 24 Q. Where did you live before that?

10:58:35 25 A. Belgium.

10:58:36 1 Q. Are you working?

10:58:38 2 A. I do.

10:58:39 3 Q. Where do you work?

10:58:40 4 A. Commissioner Andre Doguet.

10:58:46 5 Q. What's your position with the commissioner?

10:58:47 6 A. I am a secretary.

10:58:50 7 Q. How long have you been with him?

10:58:51 8 A. Eight months.

10:58:52 9 Q. Where did you work before that?

10:58:54 10 A. DA's office.

10:58:55 11 Q. Which DA's office?

10:58:57 12 A. Lafayette.

10:58:59 13 Q. When did you start there?

10:59:02 14 A. In 2011.

10:59:06 15 Q. So which DA hired you?

10:59:09 16 A. Mike Harson.

10:59:12 17 Q. When you worked at the DA's office back in 2011, what was your

10:59:17 18 job?

10:59:17 19 A. I was the receptionist.

10:59:23 20 Q. Did you stay on in the DA's office under a new DA?

10:59:30 21 A. Yes.

10:59:31 22 Q. And who was that?

10:59:32 23 A. Keith Stutes.

10:59:34 24 Q. What was your position when you were working for Mr. Stutes?

10:59:37 25 A. I was a felony secretary.

10:59:41 1 Q. Could you just briefly describe some of your duties as a felony
10:59:46 2 secretary.

10:59:47 3 A. You have to make sure that you keep track of your victims. You
10:59:52 4 have to make sure that all the letters are sent and notified before
10:59:58 5 going to court.

11:00:04 6 Q. Did you stay on when there was a new DA after Mr. Stutes?

11:00:07 7 A. I did.

11:00:08 8 Q. Who was that?

11:00:09 9 A. Mr. Don Landry.

11:00:12 10 Q. What was your position under Mr. Landry?

11:00:14 11 A. I was a felony track leader secretary.

11:00:19 12 Q. What does that mean to be a felony track leader secretary?

11:00:22 13 A. Meaning that Mr. Welter, which was my boss, was overseeing the
11:00:30 14 track.

11:00:31 15 Q. And when you say Mr. Welter was your boss, does that mean he
11:00:34 16 was the assistant district attorney who you worked for?

11:00:37 17 A. Yes, sir.

11:00:39 18 Q. So when you were working at the DA's office in 2011, were you
11:00:44 19 there when the FBI came to the office?

11:00:47 20 A. Yes, sir.

11:00:48 21 Q. Do you remember that?

11:00:50 22 A. I'm the one who opened the door.

11:00:55 23 Q. Do you know whether any of the office employees were
11:01:00 24 investigated and ultimately charged?

11:01:03 25 A. No, sir.

11:01:04 1 Q. So you didn't know whether people got prosecuted?

11:01:10 2 A. Oh, yes, after the fact. Of course, yes.

11:01:12 3 Q. And were some of those people employees of the office?

11:01:15 4 A. Yes, sir.

11:01:21 5 Q. Back in 2011, did you know Gary Haynes?

11:01:25 6 A. No.

11:01:26 7 Q. When did you meet him?

11:01:28 8 A. Under Mr. Landry.

11:01:33 9 Q. So after he was hired?

11:01:35 10 A. Correct.

11:01:36 11 Q. And how did you meet him? Like, how did you know him?

11:01:41 12 A. When he came in, he came in and presented himself and he was

11:01:49 13 going to be the head of PTI.

11:01:51 14 Q. Do you see Mr. Haynes here in the courtroom?

11:01:53 15 A. I do.

11:01:54 16 Q. Could you point him out and identify either where he is sitting

11:01:58 17 or what he is wearing.

11:02:00 18 A. Sure. White shirt, blue jacket, red tie.

11:02:05 19 **MR. LOEW:** Your Honor, may the record reflect the witness

11:02:07 20 has identified the defendant.

11:02:10 21 **THE COURT:** So reflected.

11:02:10 22 **BY MR. LOEW:**

11:02:13 23 Q. Now, you didn't work in the PTI section; is that correct?

11:02:17 24 A. No, sir.

11:02:17 25 Q. What was your understanding about what PTI was?

11:02:22 1 A. That was, like, giving the defendants a second chance to go
11:02:29 2 through programs and pay their fines to possibly have the charge
11:02:36 3 dismissed.

11:02:37 4 Q. Were you aware whether the prior DA, Mr. Stutes, had a PTI
11:02:42 5 program also?

11:02:43 6 A. Yes.

11:02:45 7 Q. Did you notice any changes in the PTI program once Mr. Landry
11:02:50 8 took over?

11:02:51 9 A. Yes.

11:02:53 10 Q. Can you briefly describe some of those changes you noticed?

11:02:56 11 A. They had a lot of people coming through the office. A lot of
11:03:02 12 cases were sent over there. Yeah.

11:03:12 13 Q. How about, could you describe your case load as the track
11:03:17 14 leader felony secretary?

11:03:21 15 A. Sure. So we have a lot of cases coming through the office,
11:03:27 16 where once or a twice a week I would go pick up my basket and go
11:03:33 17 through every single of my reports. I used to have a lot. When I
11:03:39 18 mean a lot, I'm talking about 75-plus reports a week.

11:03:49 19 Q. And did that change after Mr. Haynes took over PTI?

11:03:52 20 A. Yes.

11:03:53 21 Q. How did it change?

11:03:54 22 A. Well, when I started going through all my reports, you have to
11:04:01 23 go in each one of them to be able to assign them to ADAs. And what
11:04:09 24 I saw is before the report hit my desk they were already sent to
11:04:16 25 PTI without our knowledge.

11:04:18 1 Q. And when you say you saw that, how did you see it?

11:04:22 2 A. On Karpel. That's the program that we use.

11:04:25 3 Q. Could you just give a brief explanation of Karpel.

11:04:28 4 A. Sure. Karpel is basically having the open file in front of you
11:04:34 5 but on a computer. So you can track all the letters that were
11:04:40 6 sent. You can see all the notes that was done and whoever goes in
11:04:45 7 and out of the file.

11:04:51 8 Q. On a typical day or week, how much interaction would you have
11:04:56 9 with the defendant, Mr. Haynes?

11:05:02 10 A. Never.

11:05:05 11 Q. Do you ever remember him coming by to talk to you about a case?

11:05:09 12 A. Yes.

11:05:12 13 Q. Why do you remember? It sounds like you remember one specific
11:05:15 14 occasion; is that correct?

11:05:17 15 A. That was basically my only interaction with him.

11:05:23 16 Q. What happened?

11:05:23 17 A. He came to my office and asked me about a case, which I went
11:05:29 18 through the case. And he asked me, "Can you do a referral and send
11:05:34 19 it to PTI?"

11:05:37 20 Q. Why did he ask you instead of your boss, who was an assistant
11:05:44 21 district attorney?

11:05:44 22 A. That's exactly what I told him. I said, "Well, is Mr. Welter
11:05:48 23 aware of this?"

11:05:49 24 And he said, "No. I'm here. It's good. Like, can you
11:05:53 25 do it?"

11:05:54 1 Q. And what did you say?

11:05:55 2 A. "Absolutely not."

11:05:57 3 Q. After you refused to give the case, what happened?

11:06:01 4 A. He said, "Look, I have an appointment at 3:30. I'll be back
11:06:06 5 and we can do it on your computer."

11:06:09 6 Q. What did you say to that?

11:06:11 7 A. "Absolutely not."

11:06:13 8 Q. Was that the end of the conversation?

11:06:15 9 A. No.

11:06:16 10 Q. How did the conversation end?

11:06:17 11 A. I got a little frustrated. I just did not know why he was
11:06:29 12 coming to me when I told him that my boss should know about it.
11:06:34 13 And I just told him, "Well, looks like the feds going to be back."

11:06:39 14 Q. What were you referring to about the feds being back?

11:06:43 15 A. Of what took place over a decade ago.

11:06:49 16 **MR. LOEW:** Your Honor, may I have a moment?

11:06:49 17 **BY MR. LOEW:**

11:07:11 18 Q. I might have missed this, but that comment that you made about
11:07:15 19 the feds coming back, who did you say that to?

11:07:19 20 A. Mr. Gary Haynes.

11:07:21 21 Q. What was his response?

11:07:23 22 A. He was on his way out of my office. He backed out, looked at
11:07:32 23 me, smirked, and left.

11:07:35 24 **MR. LOEW:** I don't have anything further.

11:07:43 25 **CROSS-EXAMINATION BY MR. CLEMONS:**

11:07:44 1 Q. So Ms. Broussard, I want to make sure I got this right. You're
11:07:47 2 here to testify in federal court -- the man's on trial, facing
11:07:52 3 several felony charges because he asked you to --

11:07:56 4 **MR. LOEW:** Objection. He's supposed to be asking
11:07:59 5 questions, not arguing his case and making all these improper
11:08:02 6 statements to the jury.

11:08:03 7 **MR. CLEMONS:** Judge, I'm asking her a very, very clear
11:08:06 8 question about her purpose in being here.

11:08:08 9 **THE COURT:** Ask your question, Mr. Clemons.

11:08:10 10 **BY MR. CLEMONS:**

11:08:10 11 Q. You're here because my client allegedly asked you to transfer
11:08:15 12 one case to PTI; correct?

11:08:16 13 A. That's correct.

11:08:17 14 Q. And we don't even know the name of that case, do we?

11:08:21 15 A. I can't recall.

11:08:23 16 Q. I can't hear you, ma'am.

11:08:25 17 A. I cannot recall the name.

11:08:29 18 Q. Okay. And you told this jury that a lot of cases started going
11:08:33 19 to PTI after Don Landry took office; correct?

11:08:38 20 A. That's correct.

11:08:38 21 Q. Because that's what Don Landry wanted; correct?

11:08:43 22 A. I'm not aware of that, sir.

11:08:46 23 Q. So it was a secret from the DA that so many cases were going to
11:08:50 24 PTI? That's your testimony?

11:08:52 25 A. That's not what I'm saying.

11:08:56 1 Q. Well, if the cases are going to PTI and a new DA takes over and
11:09:03 2 changes the policy, wouldn't a reasonable person be led to believe
11:09:07 3 that that's what the DA wanted? Ma'am?

11:09:15 4 A. I don't know what to tell you. I guess.

11:09:20 5 Q. When did you go ask Mr. Landry, Boss, I been here 11 years.
11:09:24 6 Why are so many cases going to PTI now?

11:09:27 7 When did you go talk to Mr. Landry about your big
11:09:30 8 concern?

11:09:30 9 A. I didn't talk to Mr. Landry. I talked to Mr. Welter.

11:09:36 10 Q. Who elected Mr. Welter to anything?

11:09:39 11 A. Mr. Landry.

11:09:41 12 Q. No. Mr. Welter. Who elected him to any position in this
11:09:44 13 parish? Ma'am, you have to answer out loud.

11:09:53 14 **THE COURT:** That's argumentative. Mr. Welter was your
11:09:55 15 boss; correct?

11:09:56 16 **THE WITNESS:** Correct.

11:09:56 17 **BY MR. CLEMONS:**

11:09:57 18 Q. And you have no information that Mr. Welter reported any
11:10:01 19 concerns about the number of cases in PTI to Mr. Landry, do you?

11:10:05 20 A. No. He didn't tell me.

11:10:07 21 Q. Okay. And you know that Mr. Dusty Guidry was heavily involved
11:10:13 22 in PTI, don't you?

11:10:15 23 A. I knew he was there. I never talked to him or had any
11:10:20 24 interaction with him.

11:10:24 25 Q. You know he was there?

11:10:26 1 A. Yeah.

11:10:26 2 Q. But you knew he was there, heavily involved in PTI? is my
11:10:31 3 question.

11:10:32 4 A. Yes.

11:10:33 5 Q. Okay. And you knew he was there, heavily involved in PTI,
11:10:37 6 pushing cases to PTI, don't you?

11:10:39 7 A. I have no knowledge of that, sir.

11:10:42 8 Q. What are you aware that he was doing with PTI, then?

11:10:45 9 A. He was overseeing and helping. That's all I knew.

11:10:52 10 Q. Overseeing and helping what, though, or where?

11:10:55 11 A. In PTI.

11:10:56 12 Q. In PTI, okay.

11:10:57 13 A. Correct.

11:10:58 14 **MR. CLEMONS:** Thank you, ma'am. That's all I have, Your
11:11:01 15 Honor.

11:11:01 16 **THE COURT:** Redirect?

11:11:02 17 **MR. LOEW:** I have no redirect, Your Honor.

11:11:04 18 **THE COURT:** All right. Ms. Broussard, thank you for your
11:11:06 19 testimony. You may step down.

11:11:07 20 Can Ms. Broussard be released?

11:11:09 21 **MR. CLEMONS:** We've got her under subpoena, Judge. We
11:11:11 22 don't want to release anybody. We don't think we're going to need
11:11:13 23 her. She is certainly on standby. She's free to go about her --

11:11:16 24 **THE COURT:** Ms. Broussard, you're free to go and you may
11:11:17 25 go about your business. Just don't sit in the courtroom and don't

11:11:20 1 talk about this case, until it's over, with anybody. Okay?

11:11:26 2 **THE WITNESS:** Yes, sir.

11:11:39 3 **THE COURT:** Mr. Nickel?

11:11:40 4 **MR. NICKEL:** Would you like me to call my next witness?

11:11:44 5 United States calls Vanessa Bobb.

11:12:15 6 **MR. WALKER:** Your Honor, may I step out for one moment?

11:12:18 7 I'm working to make sure we have witnesses present. This is going
11:12:21 8 quicker.

11:12:22 9 **THE COURT:** Yes, you can, Mr. Walker.

11:12:24 10 **THE DEPUTY CLERK:** Raise your right hand, please, ma'am.

11:12:26 11 Do you solemnly swear or affirm that the testimony you give in this
11:12:26 12 matter will be the truth, the whole truth, and nothing but the
11:12:31 13 truth, so help you God?

11:12:31 14 **THE WITNESS:** I do.

11:12:33 15 **THE DEPUTY CLERK:** Thank you. Be seated.

11:12:33 16 **VANESSA BOBB,**

11:12:37 17 after having first been duly sworn, did testify as follows:

11:12:37 18 **DIRECT EXAMINATION BY MR. NICKEL:**

11:12:40 19 Q. Good morning, Ms. Bobb. How are you?

11:12:45 20 A. Good morning. Fine. And yourself?

11:12:47 21 Q. Good. Would you mind introducing yourself to the jury.

11:12:48 22 A. My name is Vanessa Bobb.

11:12:50 23 Q. Where do you work, Ms. Bobb?

11:12:51 24 A. I work at the 15th Judicial District Attorney's Office in the
11:12:56 25 Lafayette office.

11:12:57 1 Q. How long have you worked there?

11:12:58 2 A. Approximately nine years.

11:12:59 3 Q. When you started there, what was your position?

11:13:02 4 A. Coordinator for the OWI Pretrial Program.

11:13:06 5 Q. Which district attorney hired you?

11:13:09 6 A. Mr. Keith Stutes.

11:13:11 7 Q. So when Mr. Landry came on, he kept you on?

11:13:15 8 A. Yes.

11:13:15 9 Q. And can you tell us about the different positions you've had,
11:13:19 10 going from Mr. Stutes to Mr. Landry?

11:13:21 11 A. I maintained the same position.

11:13:24 12 Q. Always OWI?

11:13:26 13 A. Yes.

11:13:26 14 Q. Always PTI?

11:13:27 15 A. Yes.

11:13:30 16 Q. And OWI stands for what?

11:13:32 17 A. Operating while intoxicated.

11:13:34 18 Q. Is it also referred to as DWI?

11:13:36 19 A. Yes, sometimes.

11:13:37 20 Q. So Mr. Landry decided to keep you on when he came into office?

11:13:41 21 A. Yes, he did.

11:13:43 22 Q. Okay. Tell us about some of the other girls that you worked
11:13:47 23 with when Mr. Landry came on into the office.

11:13:50 24 A. We had Sonya Anderson, Elisia Osei, Sunny Robinson, myself, Mia
11:14:01 25 Colomb, and Zoila Perez.

11:14:02 1 Q. And were any of those girls more of a supervisor?

11:14:09 2 A. Ms. Perez.

11:14:13 3 Q. Okay. When Mr. Landry came into office, did the PTI program

11:14:15 4 change?

11:14:16 5 A. It did somewhat.

11:14:18 6 Q. In what way?

11:14:19 7 A. Excuse me. We got more clients and things became a little bit

11:14:26 8 more fast paced.

11:14:28 9 Q. Ms. Bobb, there is some water up there if you would like it.

11:14:32 10 A. Yeah. I'm going to need some.

11:14:36 11 Q. Can you describe what you mean by "a little bit more clients"?

11:14:40 12 And let's start here: What are you referring to as a client?

11:14:44 13 A. Referrals from -- the ADAs sent referrals over and we signed

11:14:52 14 them up and they became clients of the program.

11:14:55 15 Q. So a client would be a potential defendant; right?

11:14:58 16 A. Yes.

11:14:59 17 Q. So someone who's gotten in trouble but may be eligible for PTI?

11:15:02 18 A. Yes.

11:15:04 19 Q. Okay. So you and the girls call them clients when they're in

11:15:08 20 there?

11:15:08 21 A. Clients or defendants, yeah.

11:15:11 22 Q. So you also said that you started -- there was more clients;

11:15:16 23 correct?

11:15:16 24 A. Yeah. We obtained more clients.

11:15:18 25 Q. Was this a directive from Mr. Landry that there would be more

11:15:22 1 PTI clients?

11:15:23 2 A. No.

11:15:24 3 Q. Okay. Was there ever a meeting with Mr. Landry about
11:15:28 4 increasing the number of PTI enrollees or clients?

11:15:32 5 A. No.

11:15:33 6 Q. And just to be clear, you were never in a meeting where that
11:15:37 7 happened; correct?

11:15:38 8 A. No, I wasn't.

11:15:39 9 **MR. CLEMONS:** She just said the meeting never happened,
11:15:42 10 Judge. He didn't ask her if she was in the meeting. He asked her
11:15:43 11 did a meeting happen, and she said no. He didn't limit it to
11:15:48 12 whether she was there or not.

11:15:49 13 **THE COURT:** Is there an objection?

11:15:49 14 **MR. CLEMONS:** Yes, Your Honor.

11:15:51 15 **THE COURT:** What's the objection exactly?

11:15:51 16 **MR. CLEMONS:** My objection is that he is inaccurately
11:15:54 17 portraying --

11:15:54 18 **THE COURT:** Mischaracterizing the testimony of the
11:15:56 19 witness?

11:15:57 20 You can ask the witness to clarify, Mr. Nickel.

11:16:00 21 **MR. NICKEL:** Sure.

11:16:00 22 **BY MR. NICKEL:**

11:16:00 23 Q. Just to clarify, you were not in any meeting with Mr. Landry
11:16:04 24 concerning PTI; correct?

11:16:05 25 A. No, I was not.

11:16:08 1 Q. Okay. Whenever Mr. Landry took over, did he appoint anybody in
11:16:12 2 charge of PTI?

11:16:13 3 A. Mr. Haynes.

11:16:15 4 Q. Did anybody else come to work in the PTI program?

11:16:17 5 A. Mr. Guidry.

11:16:19 6 Q. Okay. Who is Mr. Guidry?

11:16:20 7 A. Mr. Guidry was Dusty Guidry. He was hired as a consultant.

11:16:27 8 Q. And who is Mr. Haynes?

11:16:28 9 A. Mr. Haynes was one of the assistant district attorneys.

11:16:32 10 Q. Of the two, was either a lawyer?

11:16:35 11 A. Mr. Haynes.

11:16:37 12 Q. Okay. Are you familiar with the term "vendor"?

11:16:41 13 A. Yes.

11:16:42 14 Q. What's a vendor?

11:16:43 15 A. Those are people that provided services through their companies
11:16:47 16 to our program.

11:16:49 17 Q. And in what way?

11:16:51 18 A. Either classes or drug screens or things like that.

11:16:57 19 Q. Provided those courses to who?

11:16:59 20 A. Excuse me. Could you repeat?

11:17:02 21 Q. Who did they provide those programs?

11:17:04 22 A. To the defendants or clients.

11:17:04 23 Q. Okay. I'm sorry.

11:17:08 24 Tell us about pretrial guidelines and requirements, at

11:17:14 25 least to your knowledge in OWI, some of the courses that a

11:17:17 1 defendant had to take.

11:17:20 2 A. Well, they paid fees, and then they had a substance abuse
11:17:25 3 class, an assessment, a mental health assessment, and substance
11:17:30 4 abuse evaluation, driver improvement. And they did random drug
11:17:37 5 screens and community service.

11:17:38 6 Q. Okay. So you mentioned an enrollment fee; correct?

11:17:42 7 A. Yes.

11:17:44 8 Q. Do you know about how much that was?

11:17:45 9 A. A thousand dollars.

11:17:47 10 Q. Was that for every defendant?

11:17:49 11 A. In our program, yeah. The other program had different
11:17:55 12 enrollments.

11:17:56 13 Q. And just to remind us, what was your program?

11:17:59 14 A. OWI.

11:18:00 15 Q. Now, the enrollment fee would go to the district attorney's
11:18:05 16 office?

11:18:06 17 A. Yes.

11:18:06 18 Q. Did the clients or defendants have to pay anymore money
11:18:10 19 throughout the process of pretrial diversion?

11:18:12 20 A. There was an administrative fee and an intoxilyzer fee.

11:18:21 21 Q. Were all those paid on the front end when they signed up?

11:18:24 22 A. They had to pay the enrollment fee. The other fees could have
11:18:28 23 been paid a little later during the program.

11:18:30 24 Q. So once they signed up for the program and they paid their
11:18:33 25 enrollment fee, are they then referred to courses?

11:18:37 1 A. Yes, they are signed up and they are assigned different
11:18:39 2 courses.

11:18:40 3 Q. Are those courses free? Or do they have to pay them?

11:18:43 4 A. No. They had to pay those individually.

11:18:46 5 Q. Individually to whom?

11:18:47 6 A. The vendors.

11:18:53 7 Q. Okay. Now, was there an OWI second program implemented?

11:19:00 8 A. Yes, there was.

11:19:01 9 Q. Can you tell us a little bit about when it was implemented?

11:19:04 10 A. I really don't remember exactly when, but they had one. It
11:19:08 11 wasn't at the beginning of when we started with Mr. Landry. It was
11:19:16 12 a little later, but I don't remember exactly when it was
11:19:19 13 implemented.

11:19:20 14 Q. Do you know how you were informed that there was an OWI second
11:19:24 15 program?

11:19:26 16 A. I just remember getting a paperwork stating that we would be
11:19:30 17 starting a program, with the list of requirements.

11:19:34 18 Q. Okay. So could you look at a file and determine whether an
11:19:38 19 individual went into OWI second?

11:19:41 20 A. No. That wasn't my determination.

11:19:44 21 Q. Whose determination was that?

11:19:46 22 A. Well, the cases came through the supervisor and they approved
11:19:50 23 it. And then the supervisor then assigned it to a coordinator.

11:19:55 24 Q. Okay. So were you ever told to make folders for defendants but
11:20:00 25 not monitor their cases?

11:20:01 1 A. Yes, I was.

11:20:02 2 Q. Can you tell us a little bit more about that?

11:20:04 3 A. Mr. Guidry had given me a few files and just asked me to hold
11:20:08 4 them and he would let me know when they were finished with the
11:20:11 5 program.

11:20:12 6 Q. Did you find anything wrong with this?

11:20:14 7 A. It was strange, yeah.

11:20:17 8 Q. Okay. Why was that untypical?

11:20:19 9 A. Because we had to monitor our clients. We didn't just enroll
11:20:24 10 them and put the file away. They were monitored throughout the
11:20:27 11 whole program.

11:20:28 12 Q. And walk us through what you mean by "monitor."

11:20:31 13 A. Well, they had to meet with us monthly, and that's when we
11:20:35 14 would find out what they completed, how they were doing in the
11:20:39 15 program, kind of guide them or steer them if, you know, they wasn't
11:20:44 16 sure what they needed to do or how they needed to do it. And we
11:20:49 17 would review their drug screens.

11:20:51 18 Q. The cases that Mr. Guidry gave to you that were left to be
11:20:56 19 unmonitored, do you recall about how many there were?

11:20:59 20 A. Maybe about eight. I'm not quite sure.

11:21:04 21 Q. Okay. When a defendant completed a class with a vendor, did
11:21:08 22 they get a certificate?

11:21:09 23 A. Yes.

11:21:11 24 Q. How was that certificate -- or what was done with that
11:21:13 25 certificate after it was completed with the vendor?

11:21:15 1 A. When I received a copy, I put it in their file.

11:21:18 2 Q. Did you receive it from the client or from the vendor?

11:21:21 3 A. Both. Sometimes I'd get it from the vendor; sometimes I'd get
11:21:25 4 it from the client.

11:21:25 5 Q. Who were some of the vendors that you worked with in the OWI
11:21:31 6 program?

11:21:31 7 A. We had Mr. Joseph Prejean. We had Mr. Randy Gomez, Mr. David
11:21:37 8 Burton, Mr. Leonard Franques.

11:21:40 9 Q. Okay. Mr. Prejean, what kind of classes did he offer?

11:21:43 10 A. He did, it was called Detour 2. It was a class. And he
11:21:51 11 monitored the MADD, Mothers Against Drunk Driving, class. There
11:21:56 12 were some other classes, but I can't remember all of them right
11:21:58 13 now.

11:21:59 14 Q. That's okay. How about Mr. Burton?

11:22:01 15 A. That was online classes.

11:22:03 16 Q. Okay. Do you specifically remember what the nature of the
11:22:07 17 online class was?

11:22:08 18 A. They were called -- most of them were called, like, CBT
11:22:13 19 classes, substance abuse CBT classes.

11:22:16 20 Q. Did Mr. Franques also have CBT classes?

11:22:19 21 A. My correction. It wasn't Mr. Burton. Mr. Franques had the CBT
11:22:24 22 classes. Mr. Burton also had online classes, but his were not CBT
11:22:28 23 that I could recall.

11:22:30 24 Q. What about Mr. Gomez?

11:22:32 25 A. Those were -- they went in for, like, assessment. They did the

11:22:37 1 assessment and evaluation through him, and the drug screens.

11:22:40 2 Q. Okay. So once you got the certificate -- from the vendor;
11:22:46 3 correct?

11:22:46 4 A. Sometimes the vendor; sometimes the client.

11:22:49 5 Q. -- did you put it in their folder?

11:22:51 6 A. Yes.

11:22:52 7 Q. So these folders, you said there is approximately eight of them
11:22:55 8 maybe. I don't want to put words in your mouth. But did you
11:22:59 9 eventually look in them after Mr. Guidry told you to hold them?

11:23:03 10 A. I looked in them after the investigation started. Then I
11:23:07 11 pulled the files, I met with my supervisor, and we met with Mr.
11:23:13 12 Landry. But before I met with him, I went through the files to see
11:23:16 13 exactly what was in it so when we met with him I could tell him
11:23:19 14 what was in the files.

11:23:21 15 Q. Okay. Whenever you opened the files, were there certificates?

11:23:26 16 A. Yes.

11:23:26 17 Q. Did you put them there?

11:23:28 18 A. Yeah, some of them, yes.

11:23:31 19 Q. When you talk about after the investigation, was there a search
11:23:34 20 warrant executed on the district attorney's office?

11:23:36 21 A. Yes, there was.

11:23:38 22 Q. Is that the investigation you're referring to?

11:23:39 23 A. Yes, that is.

11:23:43 24 Q. Whenever you did open these files that you were told to hold,
11:23:47 25 correct, were there certificates that you didn't put in there?

11:23:51 1 A. I don't remember.

11:23:54 2 Q. Okay. Do you recall a case of Ms. Tara Wells?

11:23:57 3 A. Yes.

11:23:57 4 Q. And do you recall the nature of her charges?

11:24:01 5 A. She had an OWI and child endangerment and, if I recall

11:24:08 6 correctly, an OWI second offense.

11:24:14 7 **MR. NICKEL:** Okay. If we could pull up Government's

11:24:17 8 Exhibit 7 that's previously been admitted just for the witness for

11:24:21 9 now.

11:24:21 10 **BY MR. NICKEL:**

11:24:27 11 Q. Was Tara Wells one of the files that you kept?

11:24:30 12 A. Yes.

11:24:31 13 Q. Was she one of your clients?

11:24:33 14 A. I never met her.

11:24:35 15 Q. Okay. Was she supposed to be one of your clients?

11:24:38 16 A. She was one of the clients that was given to me by Mr. Guidry.

11:24:42 17 Q. To hold; correct?

11:24:44 18 A. Yes.

11:24:44 19 Q. And so was it strange that you never met her?

11:24:49 20 A. Yes.

11:24:51 21 Q. Why is that?

11:24:51 22 A. Because I meet all my clients at the enrollment meeting.

11:24:55 23 Q. Okay. And so are you aware whether she took any courses?

11:25:01 24 A. When I obtained the files, I did not know whether she attended

11:25:07 25 any classes or not. Afterwards, when I met with Mr. Landry, to my

11:25:17 1 knowledge, I don't think she had really completed any classes.

11:25:20 2 Q. Okay. But you reviewed her file when you took it to Mr.

11:25:23 3 Landry; correct?

11:25:24 4 A. Yes.

11:25:24 5 Q. And have you reviewed it before testifying today?

11:25:28 6 A. No.

11:25:29 7 Q. Have you looked at some pictures from that file?

11:25:32 8 A. Yes, I've seen it before.

11:25:34 9 Q. Just look at the screen and we'll go from there.

11:25:37 10 **MR. NICKEL:** If we could actually just go to page 2.

11:25:37 11 **BY MR. NICKEL:**

11:25:45 12 Q. Do you recognize this sheet, Ms. Bobb?

11:25:48 13 A. It's a referral sheet.

11:25:52 14 Q. And is this something from Ms. Wells' file?

11:26:00 15 A. It would be in her file, yes.

11:26:00 16 **MR. NICKEL:** Judge --

11:26:00 17 **THE COURT:** Should we start with the first page, Mr.

11:26:00 18 Nickel?

11:26:00 19 **MR. NICKEL:** Sure. I'm going to move to publish the
11:26:02 20 whole thing now.

11:26:03 21 **THE COURT:** Has it already been admitted?

11:26:05 22 **MR. NICKEL:** Yes.

11:26:06 23 **THE COURT:** All right. Let's publish it.

11:26:06 24 **BY MR. NICKEL:**

11:26:09 25 Q. Can you tell us what we're looking at here, Ms. Bobb?

11:26:13 1 A. It's an e-mail from my supervisor.

11:26:18 2 **MR. NICKEL:** Okay. I'm going to ask to go to page 2 now.

11:26:18 3 **BY MR. NICKEL:**

11:26:21 4 Q. What is this, Ms. Bobb?

11:26:24 5 A. It's a referral sheet.

11:26:26 6 Q. And what's the purpose of a referral sheet?

11:26:27 7 A. Those are the sheets that are sent to the supervisor, referring
11:26:31 8 a defendant to the program.

11:26:34 9 Q. Okay. And can you read the charge here?

11:26:36 10 A. (As read), "Operating while intoxicated first offense and child
11:26:43 11 endangerment."

11:26:45 12 **MR. NICKEL:** Page 3.

11:26:45 13 **BY MR. NICKEL:**

11:26:47 14 Q. Do you recognize this sheet, Ms. Bobb?

11:26:49 15 A. That's a sheet used for the online programs.

11:26:55 16 Q. Okay. And what online programs was Ms. Wells required to take?

11:26:59 17 A. Effective Decision-Making and Enhanced Reckless Driving.

11:27:03 18 Q. Any others?

11:27:04 19 A. Oh, I'm sorry. The Facts About Addiction.

11:27:08 20 Q. Do you know who owned those classes?

11:27:09 21 A. I believe that was Mr. Burton's classes.

11:27:12 22 Q. Well, the CBT --

11:27:13 23 A. Yes.

11:27:14 24 Q. -- was Mr. Burton?

11:27:15 25 A. Yes.

11:27:18 1 Q. Earlier you testified --

11:27:19 2 A. Excuse me. I'm sorry. Mr. Franques. My apologies.

11:27:19 3 Q. That's okay.

11:27:23 4 The e-mail address at the bottom of the page, can you
11:27:26 5 read that?

11:27:26 6 A. It's kind of cut off, but it looks like DB3Harrison@yahoo.

11:27:33 7 Q. Do you have any idea who that is?

11:27:34 8 A. That would have been Ms. Wells' husband.

11:27:37 9 Q. Did you ever communicate with Mrs. Wells' husband?

11:27:41 10 A. Yes, I did.

11:27:45 11 **MR. NICKEL:** If we could go to page 5 of Exhibit 7.

11:27:45 12 **BY MR. NICKEL:**

11:27:50 13 Q. Do you recognize this, Ms. Bobb?

11:27:52 14 A. It's an e-mail.

11:27:54 15 Q. Where it says "Gary and Dusty" about midway through the page --

11:28:00 16 A. Okay.

11:28:00 17 Q. -- can you go ahead and read that for us?

11:28:02 18 A. It says (as read), "Gary and Dusty, Tara Wells has a DWI first
11:28:08 19 in Lafayette City Court with child endangerment. She was in a
11:28:12 20 parking lot. There is also another arrest in Lafayette for DWI on
11:28:15 21 12/01/20 that is unbilled. She has a possession charge in St.
11:28:21 22 Martin where --" I'm assuming it's supposed to be -- "they are
11:28:26 23 offering her drug court. She has a prescription drug problem and
11:28:30 24 needs help. I am not aware of any other criminal history besides
11:28:34 25 what is stated above. She can afford both programs. If she cannot

11:28:38 1 do a program in Lafayette, I'm concerned that Judge Odinet will put
11:28:46 2 her in jail for an extended amount of time and it will jeopardize
11:28:50 3 her participation in the drug court program in St. Martin. She is
11:28:50 4 married and has three children under 10. I'm asking to put her in
11:28:55 5 the DWI enhanced or DWI second program here while she also
11:28:59 6 participates in drug court in St. Martin. Prosecutor is Pamela
11:29:04 7 Lemoine in St. Martin. Please let me know your thoughts. Alfred
11:29:09 8 Boustany."

11:29:09 9 Q. Ms. Bobb, are the DWI enhanced and the DWI second program the
11:29:13 10 same thing, or are they different things?

11:29:17 11 A. Honestly, I don't really quite remember. I think there were
11:29:21 12 some differences to them, but I really couldn't tell you what the
11:29:23 13 differences were right now.

11:29:25 14 Q. The bottom of the first paragraph, where it says, "She can
11:29:28 15 afford both programs," --

11:29:28 16 A. Okay.

11:29:30 17 Q. -- were these programs expensive?

11:29:32 18 A. Yes.

11:29:34 19 Q. So clients who could afford them could possibly get in, but
11:29:37 20 clients who could not afford them would not be allowed in?

11:29:41 21 A. We didn't make those judgments of who came in according to
11:29:45 22 finances.

11:29:46 23 Q. Okay. So are you aware of whether Ms. Wells ever got in?

11:29:53 24 A. She was a person, one of the people that Mr. Guidry gave me to
11:29:57 25 hold the files. He was the one that dealt with her.

11:30:02 1 Q. Okay. And can you read the date of this e-mail?

11:30:05 2 A. October 19, 2021.

11:30:09 3 **MR. NICKEL:** Okay. And can you go back to the whole page
11:30:13 4 and blow up the top portion?

11:30:13 5 **BY MR. NICKEL:**

11:30:23 6 Q. Let's go -- so the bottom of this page right here, what time
11:30:28 7 was that e-mail sent?

11:30:30 8 A. 3:56 p.m.

11:30:34 9 Q. That's the one you were just referring to; correct?

11:30:36 10 A. Yes.

11:30:36 11 Q. So Mr. Guidry responds, correct, at the top here?

11:30:41 12 A. Yes.

11:30:43 13 Q. What time does he respond?

11:30:44 14 A. 4:05 p.m.

11:30:47 15 Q. So this would be after that first e-mail; right?

11:30:48 16 A. Yes.

11:30:49 17 Q. And what does Mr. Guidry say?

11:30:51 18 A. (As read), "Would inpatient affect her drug court? Or would we
11:30:56 19 be looking at an IOP with special conditions? Ultimately up to
11:31:00 20 Gary, so this is just a general question."

11:31:02 21 Q. What is IOP?

11:31:04 22 A. Intensive outpatient program.

11:31:07 23 Q. And were these kind of decisions ultimately up to Mr. Haynes?

11:31:11 24 A. About who got into these programs?

11:31:14 25 Q. Yes.

11:31:14 1 A. Yes.

11:31:16 2 **MR. NICKEL:** Let's go to page 4, and we're going to go to
11:31:19 3 the bottom of page 4.

11:31:19 4 **BY MR. NICKEL:**

11:31:25 5 Q. And looks like Mr. Haynes responds at the bottom here. Can you
11:31:29 6 read that for us?

11:31:30 7 A. (As read), "I recall the case somewhat. Had I already approved
11:31:33 8 this one? If she is approved for our PTI 2, the evaluation will
11:31:38 9 dictate IOP/inpatient. We cannot intervene in the recommendation.
11:31:44 10 I have no idea if this would affect her drug court situation."

11:31:51 11 **MR. NICKEL:** And if we could pull up the top half of this
11:31:55 12 e-mail, please. There we go.

11:31:55 13 **BY MR. NICKEL:**

11:31:57 14 Q. Would this be at 5:12 p.m.? This would be a little after the
11:32:03 15 last e-mail?

11:32:03 16 A. Yes, sir.

11:32:04 17 Q. Can you read this one?

11:32:05 18 A. (As read), "Gary, we briefly discussed it, but I can't say you
11:32:09 19 approved it at that time. I think you wanted to speak with Dusty
11:32:12 20 about it. I'll be in court Thursday and will come to the DA's
11:32:15 21 office. Let me know what time works. Thanks."

11:32:19 22 Q. And finally, the top half of this e-mail. Who is this from,
11:32:23 23 Ms. Bobb?

11:32:24 24 A. Mr. Haynes.

11:32:27 25 Q. Okay. Can you read his response, please?

11:32:28 1 A. It says (as read), "Vanessa, I have reviewed her case today.
11:32:32 2 She will verify that all conditions are met. How is she doing in
11:32:35 3 drug court? Her DWI program was modified to accept all of her
11:32:39 4 conditions of drug court in lieu of all of the conditions of PTI so
11:32:44 5 as not to duplicate as I recall. Vanessa, please print this for
11:32:49 6 the file and keep her in the program for now."

11:32:54 7 And it says, "Alfred, can you give us an update on her
11:32:58 8 drug court program please? Any new arrests?"

11:33:02 9 **MR. NICKEL:** And if we go to page 6, please.

11:33:05 10 **BY MR. NICKEL:**

11:33:05 11 Q. Does this look familiar, Ms. Bobb?

11:33:07 12 A. That's a referral form.

11:33:08 13 Q. Another referral form?

11:33:10 14 A. Yes.

11:33:10 15 Q. Do you know who approved this, whose signature is at the
11:33:14 16 bottom?

11:33:15 17 A. Mr. Haynes.

11:33:16 18 Q. The number, it looks like it's a four-digit number starting
11:33:20 19 with 3 next to the signature. Do you know what that is?

11:33:26 20 A. I can only assume it would be the enrollment amount, the
11:33:30 21 enrollment fee.

11:33:33 22 Q. Do you know what the typical enrollment fee for a DWI second
11:33:41 23 was?

11:33:41 24 A. I don't remember. I'm sorry.

11:33:44 25 **MR. NICKEL:** Page 9.

11:33:44 1 **BY MR. NICKEL:**

11:33:45 2 Q. What is this, Ms. Bobb?

11:33:48 3 A. A referral form.

11:33:49 4 Q. Can you read the charge?

11:33:50 5 A. (As read), "Operating while intoxicated, second offense.

11:33:53 6 Careless operation with a crash."

11:33:54 7 Q. And so the first referral form was referring to that DWI first,
11:33:59 8 child endangerment?

11:34:01 9 A. Yes.

11:34:01 10 Q. And this is the second, correct, with crash?

11:34:04 11 A. Yes.

11:34:05 12 **MR. NICKEL:** And can you go to page 10?

11:34:05 13 **BY MR. NICKEL:**

11:34:09 14 Q. Same thing, Ms. Bobb. What is this?

11:34:11 15 A. That's -- correction. The first, the one you just showed me,
11:34:18 16 that's an enrollment form. This is a referral form.

11:34:22 17 Q. Okay. Can you just explain the difference between the two?

11:34:25 18 A. Well, the referral form is the initial sheet you get when the
11:34:29 19 client or defendant is referred. An enrollment form is a form that
11:34:33 20 they use -- that we use once a client is enrolled in the program
11:34:35 21 and we send to the ADA to let them know whether or not they are
11:34:39 22 enrolled.

11:34:42 23 Q. Okay. And this is just noting both the charges that she's
11:34:46 24 being accepted for; correct?

11:34:47 25 A. Yes.

11:34:47 1 Q. Are you aware of whether she had any other pending charges
11:34:51 2 outside the district?

11:34:52 3 A. I'm not sure.

11:34:54 4 **MR. NICKEL:** If we could go to page 12 of this exhibit.

11:34:54 5 **BY MR. NICKEL:**

11:35:03 6 Q. Do you recognize this, Ms. Bobb?

11:35:05 7 A. Yes.

11:35:06 8 Q. What is this?

11:35:07 9 A. It's an activity sheet, a sheet we made notes on.

11:35:11 10 Q. And what is an activity sheet? Just that? Something you make
11:35:15 11 notes on?

11:35:16 12 A. Something you make notes on.

11:35:18 13 Q. Is this, in fact, your activity sheet?

11:35:19 14 A. Yes, it's my handwriting.

11:35:21 15 Q. Can you help read it? Help us read that?

11:35:22 16 A. It says (as read), "Advised by D. Guidry to create two files
11:35:25 17 for defendant on one for OWI first and child endangerment and one
11:35:31 18 for OWI second and careless operation with a crash. Her assigned
11:35:37 19 fees were paid and contracts signed with him. I was told to hold
11:35:41 20 the files until I was advised to complete her cases."

11:35:45 21 Q. And you, in fact, never met Ms. Wells; correct?

11:35:50 22 A. No.

11:35:54 23 Q. Whenever you have cases like Ms. Wells, you said you

11:35:58 24 eventually, after the investigation, talked to Mr. Landry; correct?

11:36:01 25 A. Yes.

11:36:01 1 Q. Was there an ultimate decision about what to do with these
11:36:05 2 cases?

11:36:05 3 A. Well, once I told him what was in the files, stating that the
11:36:10 4 client completed, we went through each one and he would tell me,
11:36:13 5 you know, make sure that everything is completed.

11:36:16 6 **MR. CLEMONS:** I'm going to object to what Mr. Landry told
11:36:19 7 her. She's going into detail.

11:36:20 8 **THE COURT:** All right. Can you rephrase, please?

11:36:22 9 **MR. NICKEL:** I can.

11:36:22 10 **BY MR. NICKEL:**

11:36:23 11 Q. Did ultimately you and Mr. Landry come up with a solution with
11:36:26 12 what to do with these cases?

11:36:28 13 A. Yes.

11:36:30 14 Q. Let me ask you this, Ms. Bobb: Did the amount of defendants
11:36:34 15 referred to the PTI program increase under Mr. Landry?

11:36:37 16 A. Yes.

11:36:38 17 Q. What about the amount of defendants referred to CBT
11:36:40 18 specifically? Did that increase?

11:36:42 19 A. Well, at first we didn't have CBT, so when we started with CBT,
11:36:46 20 there was, you know, a good number of clients that --

11:36:50 21 Q. Were more clients referred to CBT than other courses?

11:36:56 22 A. I couldn't say the exact number.

11:37:00 23 Q. Okay. That list of all those courses that we saw for Ms.
11:37:05 24 Wells, do you recall that?

11:37:05 25 A. Uh-huh.

11:37:05 1 Q. Who determined which boxes to require, which classes to check?

11:37:10 2 A. With Ms. Wells it must have been Mr. Guidry because I had
11:37:15 3 nothing to do with that.

11:37:16 4 Q. In a typical situation?

11:37:17 5 A. In a typical situation, whatever was listed on their list of
11:37:22 6 requirements, that's what they were assigned.

11:37:28 7 Q. Okay. Do you know who determined those list of requirements
11:37:31 8 just for your typical DWI enrollees?

11:37:36 9 A. Those programs were created through with Mr. Guidry and Mr.
11:37:42 10 Haynes.

11:37:45 11 Q. Okay. Ms. Bobb, have you ever taken anything of value from a
11:37:50 12 vendor?

11:37:51 13 A. Yes.

11:37:53 14 Q. All right. Which vendor specifically?

11:37:55 15 A. Mr. Prejean.

11:37:56 16 Q. Can you tell us a little bit more about that?

11:37:59 17 A. First, there was a situation at my parents' home.

11:38:08 18 Q. Where do your parents live, Ms. Bobb?

11:38:10 19 A. In Crowley.

11:38:12 20 Q. Is that where you're from?

11:38:14 21 A. Yes. Yes. I have elderly parents whom I take care of. I take
11:38:18 22 care of my family.

11:38:20 23 The gas line broke and I had gone through many different
11:38:25 24 plumbers to try to get it repaired and I couldn't find any. And
11:38:30 25 one day I came to work, and Mr. Guidry was in Ms. Perez's office.

11:38:36 1 And I asked him, because we were friends, like Mr. Prejean and I,
11:38:40 2 we were friends. And I said, "Do you know of any plumbers? because
11:38:45 3 I need to get this fixed." I mean, we had no hot water and my
11:38:49 4 father was having mobility problems. He's a large man and he
11:38:55 5 needed to bathe. And it had been a couple of weeks since we had
11:38:59 6 hot water.

11:39:01 7 And so I asked him, I said, "Do you know of any
11:39:04 8 plumbers?"

11:39:04 9 And he said, "No." He said, "But call Pop," which is
11:39:08 10 what he called Mr. Prejean. He said, "Call Pop. He may know
11:39:12 11 somebody."

11:39:13 12 So I said, "Okay."

11:39:14 13 So I called him, and I said, "Do you know of any
11:39:16 14 plumbers? You know, We need to get this fixed."

11:39:19 15 And he said, "Well, let me check and I'll get back to
11:39:21 16 you." And so a little while later he called and he asked me my
11:39:26 17 parents' address and I told him. And he said, "Well, they going to
11:39:30 18 be over there to check it out."

11:39:31 19 I said, "Okay." And, excuse me, a little while later he
11:39:36 20 -- I don't remember everything --

11:39:38 21 **MR. CLEMONS:** Your Honor, I'm okay with it, but at some
11:39:41 22 point we got to get question and answer. I mean, she's just up
11:39:43 23 there giving a narrative, Judge. He's got to ask her a few
11:39:46 24 specific questions.

11:39:46 25 **THE COURT:** She's responding to the question about what

11:39:49 1 happened with the episode with the gas line, so I'll let her
11:39:53 2 continue.

11:39:54 3 Please proceed.

11:39:54 4 **THE WITNESS:** Okay. Well, the plumbers came out.

11:39:56 5 Basically, the plumbers came out and fixed it. And I wanted to
11:40:00 6 know how much it cost. I went to Mr. Guidry. I said, you know,
11:40:04 7 "What's the cost so we can get this paid for?"

11:40:06 8 And he was like, "Don't worry about it. Me and Pop going
11:40:10 9 to take care of that." He said, "You just take care of your
11:40:14 10 family, do your job."

11:40:15 11 I asked Mr. Prejean. I asked them both several times how
11:40:19 12 much it cost so we can get it paid. So they never did want to tell
11:40:24 13 me.

11:40:26 14 And the other situation --

11:40:26 15 **BY MR. NICKEL:**

11:40:28 16 Q. We'll get into that.

11:40:28 17 A. Okay.

11:40:30 18 Q. Let's start with that situation. Did you ever give anything of
11:40:34 19 value to Mr. Guidry for doing that?

11:40:35 20 A. No.

11:40:36 21 Q. Did you ever give anything of value to Mr. Prejean for doing
11:40:38 22 that?

11:40:39 23 A. No.

11:40:39 24 Q. Did you ever put more defendants in MADD drunk driving to go to
11:40:39 25 Mr. Prejean --

11:40:39 1 A. No.

11:40:43 2 Q. -- as a way to pay him back?

11:40:46 3 A. No.

11:40:47 4 Q. Was there another situation in which you took something of
11:40:49 5 value from a vendor?

11:40:50 6 A. There was a cell phone.

11:40:52 7 Q. Can you tell us about the cell phone, how you got it?

11:40:54 8 A. Same situation with the cell phone. In the office, everybody
11:40:59 9 -- they would do group texts and stuff, and I couldn't get a lot of
11:41:02 10 the information because at the time I had a flip phone. So
11:41:05 11 everybody picked on me at the office because they were like, "You
11:41:08 12 need to get into this century," you know.

11:41:12 13 And one day I got a phone call from Mr. Prejean. He was
11:41:17 14 like, oh, and I'm paraphrasing. He was like, "Oh, you know, I hear
11:41:20 15 you need another phone."

11:41:22 16 And I'm like, "No, I'm fine. You know, I'm good with it.
11:41:25 17 I don't have a problem with it." I said, "They pick at me, but
11:41:29 18 it's okay," you know.

11:41:30 19 So he was like, "No, you..."

11:41:31 20 And I said, "No." And I said, "No."

11:41:33 21 Then I hung up the phone. And then my daughter, she was
11:41:37 22 like, "Well, Mama, somebody's trying to do something nice for you.
11:41:41 23 Why don't you go ahead on and do it and accept it?"

11:41:45 24 So I thought about it, and then I called and I said,
11:41:48 25 "Okay."

11:41:48 1 So he told me to go to this place, I think it's off of
11:41:54 2 Pont Des Mouton. And it was refurbished phones. It wasn't a brand
11:41:58 3 new phone. It was refurbished phones. And I got a phone.
11:42:01 4 Q. And Mr. Prejean paid for that phone?
11:42:03 5 A. Yes.
11:42:04 6 Q. Did you give Mr. Prejean anything of value for that phone?
11:42:07 7 A. No.
11:42:07 8 Q. Did you push any defendants towards his classes in exchange for
11:42:11 9 what he did for you to get that phone?
11:42:13 10 A. No, no.
11:42:13 11 Q. Was there ever an incident with a roof, fixing a roof?
11:42:17 12 A. That was the roof at my parents' house. Again, I contacted --
11:42:22 13 Q. I'll just ask you the question.
11:42:22 14 A. Okay, okay.
11:42:24 15 Q. What happened with the roof? Did anyone help you fix a roof
11:42:27 16 from the DA's office?
11:42:29 17 A. Mr. Prejean.
11:42:30 18 Q. What did Mr. Prejean do? And whose roof was this?
11:42:34 19 A. This was at my parents' home, again, the same place with the
11:42:38 20 gas line.
11:42:38 21 Q. So with the gas line, I think you referred to it as a plumbing
11:42:43 22 issue earlier. Was it at the same time as the roof?
11:42:45 23 A. No, it wasn't.
11:42:46 24 Q. Which came first?
11:42:49 25 A. I think it was the gas line.

11:42:51 1 Q. Okay. And that's to the best of your recollection?

11:42:54 2 A. Yes, to best of my recollection.

11:42:56 3 Q. What was the issue with the roof at your parents' house?

11:42:58 4 A. There was a small area that had a leak and I needed somebody to
11:43:04 5 patch it.

11:43:05 6 Q. And did you call Mr. Prejean directly this time?

11:43:09 7 A. Yeah, I think I did, and asked him if he knew of somebody that
11:43:13 8 could patch it. I mean, I called him a lot of times because he was
11:43:18 9 a businessman. He knew a lot of people. And like I said, we were
11:43:21 10 friends. All this was accepted in friendship.

11:43:24 11 Q. Did you give anything of value to Mr. Prejean for fixing your
11:43:27 12 parents' roof?

11:43:28 13 A. No, I did not, and he never asked.

11:43:31 14 Q. Did you push any clients towards -- or defendants towards Mr.
11:43:34 15 Prejean's class in exchange for that?

11:43:36 16 A. No, I did not.

11:43:37 17 Q. Did you ever offer to?

11:43:39 18 A. No.

11:44:03 19 Q. Ms. Bobb, were you ever brought out to lunch by any of the
11:44:08 20 vendors?

11:44:09 21 A. Mr. Shelvin.

11:44:13 22 Q. Can you tell us where he brought y'all? Tell us where he
11:44:15 23 brought y'all.

11:44:15 24 A. It was in the evening, so it was after work. He invited us all
11:44:19 25 to Ruth's Chris.

11:44:21 1 Q. Who is Mr. Shelvin?

11:44:24 2 A. He was a vendor at the time, Brandon Shelvin.

11:44:30 3 Q. And what kind of services did he provide to your clients?

11:44:32 4 A. It was watches, like, for lack of better word, like tracking
11:44:37 5 watches.

11:44:38 6 Q. And did Mr. Shelvin pick up the bill?

11:44:40 7 A. Yes, he did.

11:44:41 8 Q. Did you say, "Thank you," or say anything to Mr. Shelvin about
11:44:44 9 that?

11:44:45 10 A. Yes.

11:44:46 11 Q. What did you say?

11:44:47 12 A. I'm sure I said, "Thank you."

11:44:49 13 Q. And did you say anything about pushing clients his way?

11:44:53 14 A. I might have said something in joking, yeah.

11:44:58 15 Q. Did you push any clients Mr. Shelvin's way because he brought
11:45:02 16 you to Ruth's Chris?

11:45:04 17 A. No. As a matter of fact, I didn't push many clients his way
11:45:05 18 because his services were very expensive.

11:45:14 19 **MR. NICKEL:** That's all I have, Your Honor. Thank you.

11:45:16 20 **CROSS-EXAMINATION BY MR. CLEMONS:**

11:45:16 21 Q. Good morning, Ms. Bobb.

11:45:17 22 A. Good morning.

11:45:18 23 Q. I'm Todd Clemons. I represent Mr. Gary Haynes.

11:45:21 24 A. Nice to meet you.

11:45:23 25 Q. My pleasure to meet you, too. Just a few questions.

11:45:25 1 Ms. Bobb, I heard you say that when Mr. Landry took over,
11:45:28 2 I think January of '21, there was a big push to get more cases in
11:45:33 3 PTI; correct?

11:45:34 4 A. I said we got more clients.

11:45:36 5 Q. In PTI?

11:45:37 6 A. Yes.

11:45:38 7 Q. Isn't it true there was also a backlog of cases; because of the
11:45:42 8 COVID pandemic, cases had started piling up?

11:45:45 9 A. Yes, there was.

11:45:45 10 Q. Now, we talked about -- I'm sorry. I guess I shouldn't say
11:45:49 11 "we." You talked about, with Mr. Nickel, about Dusty Guidry, and I
11:45:54 12 think you said eight, I guess, files that he gave you, basically
11:45:59 13 told you to put them on a shelf and not move them until he told you
11:46:03 14 to move them. Anyway, you remember that conversation?

11:46:06 15 A. Approximately. I don't remember the exact number.

11:46:08 16 Q. Right, but about eight. And I think you said Tara Wells was
11:46:12 17 one of those; correct?

11:46:13 18 A. Yes.

11:46:13 19 Q. And that was strictly Dusty Guidry. My client, as far as you
11:46:16 20 know, had nothing to do with that, did he, as far as you know?

11:46:18 21 A. I spoke to Mr. Guidry about that file particularly.

11:46:21 22 Q. Ma'am?

11:46:21 23 A. I spoke to Mr. Guidry about that file.

11:46:25 24 Q. Tara Wells?

11:46:26 25 A. Yes.

11:46:26 1 Q. And you recall seeing some e-mails on the screen about Tara
11:46:31 2 Wells' case, and I think it started out with Mr. Boustany
11:46:36 3 e-mailing, looking for assistance for his client. And there was a
11:46:39 4 discussion about, you know, what programs she may have to take and
11:46:42 5 whether she can get into the PTI program. You remember those
11:46:46 6 e-mails that you saw, I guess, from her file?

11:46:47 7 A. Yes.

11:46:48 8 Q. There was nothing in there that was improper or illegal that
11:46:50 9 you saw my client doing in that correspondence, was there?

11:46:54 10 A. I don't recall.

11:46:56 11 Q. I'm sorry?

11:46:57 12 A. I don't recall anything, no.

11:46:59 13 Q. From what you saw, that's my question.

11:47:01 14 A. Yes.

11:47:01 15 Q. You didn't recall anything illegal or improper?

11:47:04 16 **MR. NICKEL:** Objection, Your Honor. I'm okay with asking
11:47:06 17 if it was improper, but illegal is not for this witness to answer.

11:47:09 18 **THE COURT:** Did you see anything improper with that?

11:47:13 19 **THE WITNESS:** I don't recall anything improper, Your
11:47:15 20 Honor.

11:47:15 21 **MR. CLEMONS:** That's all I have, Your Honor.

11:47:17 22 **THE COURT:** Any redirect?

11:47:18 23 **MR. NICKEL:** No, Your Honor.

11:47:20 24 **THE COURT:** Ms. Bobb, you're going to be excused. You
11:47:22 25 may step down. I think you're under defense subpoena; is that

11:47:27 1 correct?

11:47:27 2 **MR. CLEMONS:** That is correct.

11:47:27 3 **THE COURT:** So I'm just going to ask, Ms. Bobb, that you
11:47:29 4 not discuss this case with anybody. You can go back to work and
11:47:31 5 about your normal life, but don't discuss the case with anybody,
11:47:35 6 don't read news reports, and you can't sit in the courtroom until
11:47:39 7 the trial is over. Okay?

11:47:43 8 **THE WITNESS:** Yes, sir.

11:47:44 9 **THE COURT:** You may be contacted -- probably not, I would
11:47:45 10 assume, but you may be contacted to come back. That's why I'm
11:47:46 11 saying that.

11:47:46 12 **THE WITNESS:** Okay. Thank you.

11:47:47 13 **THE COURT:** All right. Thank you, Ms. Bobb.

11:48:02 14 Ladies and gentlemen, let's take our lunch break. Let's
11:48:05 15 recess until 10 after 1. For those of you that are leaving, please
11:48:11 16 remember, again, when we exit the building take your juror badges
11:48:17 17 off and, you know, don't talk to anybody in the building or outside
11:48:21 18 the building. Just go to lunch and come back. We'll see you here
11:48:25 19 at 1:10.

11:48:27 20 All rise for the jury.

11:48:52 21 (Jury not present.)

11:48:53 22 **THE COURT:** Please be seated. So Mr. Walker, I think
11:48:55 23 from what you said earlier, do you only have one other witness for
11:48:58 24 today?

11:49:00 25 **MR. WALKER:** We're dragging in another, so we'll have

11:49:00 1 two.

11:49:00 2 **THE COURT:** That was my question.

11:49:02 3 **MR. WALKER:** But I'll tell you, they're not super long.

11:49:04 4 If the Court --

11:49:06 5 **MR. CLEMONS:** Judge, that's why I was trying to catch him
11:49:09 6 in case you wanted to do that one witness before lunch. I mean, I
11:49:12 7 don't know if we're going to break early, but I wouldn't want to
11:49:14 8 bring them back for one or two short witnesses. That's my concern.

11:49:17 9 **MR. WALKER:** We have two witnesses, and also, I mean, if
11:49:21 10 the Court -- if the Court says, "You got to call somebody now, Mr.
11:49:25 11 Walker, or you're going to be in real trouble," then we'll put on
11:49:27 12 Doug Herman, who is the case agent that will be testifying as a
11:49:30 13 summary witness. So we have the ability to put on another witness.
11:49:33 14 It wouldn't be ideal for us, but we will accept that if that's what
11:49:33 15 you want us to do.

11:49:33 16 **THE COURT:** Mr. Nickel is raising his hand, and you're
11:49:38 17 not, so I'm going to go ahead and let him speak.

11:49:38 18 **MR. NICKEL:** So based off of Your Honor's ruling with the
11:49:41 19 clippings this morning, we do have to edit one to play through Mr.
11:49:45 20 Herman. I think we can do that at lunch. It's just hard to tell,
11:49:48 21 but that's one of the things we have to do before we play --

11:49:53 22 **THE COURT:** All right. So who are the two that you have
11:49:54 23 right now?

11:49:56 24 **MR. WALKER:** We have Silvia Mier and we have Amanda --
11:50:04 25 Emilia Pardo.

11:50:06 1 **MR. CLEMONS:** I just want to speak to that whenever I get
11:50:09 2 a chance, Judge.

11:50:14 3 **THE COURT:** What about Elisia Osei, David Harrison,
11:50:24 4 either one of those? Can they come in?

11:50:24 5 **MR. WALKER:** Your Honor, we don't expect to put on Mr.
11:50:24 6 Harrison. And that's actually what we've been doing. We're trying
11:50:24 7 to reduce the number of witnesses rather than expand. And so he is
11:50:28 8 in Ohio, and we didn't have a significant reason to put him on. So
11:50:31 9 we have made the decision not to put him on.

11:50:34 10 **THE COURT:** I see Agent Deshotel back there. Could she
11:50:39 11 testify today?

11:50:41 12 **MR. WALKER:** She is -- we would -- she is --

11:50:41 13 **MR. NICKEL:** Wait, wait.

11:50:47 14 **MR. WALKER:** So we have those two witnesses. If we need
11:50:50 15 to put on Mr. Herman, Mr. Herman is going to be a long witness just
11:50:53 16 in terms of because he's going to -- he's shown the first half of
11:51:02 17 the case, but he hasn't shown the second half of the case. So
11:51:03 18 he'll be the second half of the case. We do have to get -- we
11:51:05 19 obviously have to fix that clip, which we are going to be working
11:51:08 20 toward doing over lunch.

11:51:12 21 **THE COURT:** I'm just trying to see who else you could
11:51:15 22 possibly call.

11:51:17 23 **MR. WALKER:** I'll tell you -- can I approach -- can we
11:51:19 24 approach?

11:56:35 25 **THE COURT:** Court will be in recess until 10 after 1.

11:56:40 1 (Off the record at 11:56 a.m.; resumed at 1:11 p.m.)

01:11:25 2 **THE COURT:** You can bring the jury back in.

01:11:34 3 **THE COURTROOM SECURITY OFFICER:** Thank you, Judge. All
01:13:25 4 rise for the jury.

01:13:51 5 (Jury present.)

01:13:51 6 **THE COURT:** Please be seated. All right. The Government
01:13:57 7 may call its next witness.

01:14:00 8 **MR. WALKER:** Your Honor, the next witness is Silvia Mier.

01:14:17 9 **THE DEPUTY CLERK:** Raise your right hand, please, ma'am.
01:14:25 10 Do you solemnly swear or affirm that the testimony you give in this
01:14:25 11 matter will be the truth, the whole truth, and nothing but the
01:14:34 12 truth, so help you God?

01:14:34 13 **THE WITNESS:** Yes, ma'am.

01:14:34 14 **SILVIA MIER,**
01:14:40 15 after having first been duly sworn, did testify as follows:

01:14:40 16 **DIRECT EXAMINATION BY MR. WALKER:**

01:14:41 17 Q. How do you do? Would you tell us your name?

01:14:43 18 A. Silvia Mier, M-i-e-r.

01:14:45 19 Q. If I ask a question and you don't understand it, please just
01:14:49 20 ask me to repeat it or ask it in a different way.

01:14:53 21 A. Okay.

01:14:53 22 Q. Where are you employed?

01:14:54 23 A. The 15th JDC in Lafayette.

01:14:56 24 Q. So the 15th JDC, do you mean the court or the DA's office?

01:15:01 25 A. The DA's office. I apologize.

01:15:02 1 Q. Do you have a particular role in the DA's office?

01:15:05 2 A. Take care of the traffic pretrial, the Title 32s.

01:15:12 3 Q. Thank you. How long have you worked at the DA's office?

01:15:16 4 A. Since 2017.

01:15:19 5 Q. Are you an at-will employee? Or are you a civil service

01:15:24 6 protected employee?

01:15:26 7 A. At-will.

01:15:28 8 Q. So the traffic section of the district attorney's office, where

01:15:31 9 is it located?

01:15:32 10 A. On the sixth floor.

01:15:34 11 Q. Is it located in the same area where the other parts of the

01:15:38 12 DA's office?

01:15:40 13 A. Other parts, yes.

01:15:44 14 Q. Okay. Are there some cases that, like a traffic case -- so if

01:15:50 15 somebody gets a speeding ticket or an OWI -- are there some cases

01:15:56 16 that go to city court and other cases that go to criminal district

01:16:00 17 court?

01:16:00 18 A. Yes.

01:16:01 19 Q. Do you understand kind of how that happens or not really?

01:16:03 20 A. Not really.

01:16:07 21 Q. At the district court level or at where you are, is there

01:16:13 22 pretrial intervention?

01:16:14 23 A. Yes, sir.

01:16:15 24 Q. Who's the person who is responsible for administering pretrial

01:16:21 25 intervention for the district attorney's office?

01:16:22 1 A. The Title 14s or 32s?

01:16:26 2 Q. Well, let's talk about that. So those are two different

01:16:28 3 numbers that probably the jury doesn't know. So what are Title 32

01:16:31 4 cases?

01:16:32 5 A. Stop sign, ran a -- speeding, small traffic tickets.

01:16:37 6 Q. Just kind of regular traffic tickets?

01:16:40 7 A. Yes, sir. Yes, sir.

01:16:40 8 Q. And what's a Title 14 ticket?

01:16:42 9 A. That's a reckless op, a hit-and-run, and OWIs.

01:16:46 10 Q. So who is it that handles the pretrial intervention program for
01:16:50 11 the, I'm going to call them the basic ones, I think the 32s?

01:16:53 12 A. Basic, okay. That's me.

01:16:54 13 Q. And who is it that handles the more serious ones, the Title
01:16:59 14 14s?

01:17:00 15 A. Zoila Perez.

01:17:04 16 Q. In 2022, were you working under a -- prior to 2022, so it'll be
01:17:10 17 2020, 2021, up to 2022, were you working under a particular
01:17:15 18 assistant district attorney?

01:17:18 19 A. That was Stuart Bowie.

01:17:21 20 Q. Did you ever work under Halli Kennerson?

01:17:27 21 A. And Halli Kennerson joined us in '22 I think. I'm not certain
01:17:34 22 of the date.

01:17:34 23 Q. Did you know if there was a pretrial intervention program --

01:17:38 24 well, first of all, you said you were administering the pretrial

01:17:40 25 intervention program. Was there a pretrial intervention program in

01:17:43 1 the traffic section of the DA's office?

01:17:45 2 A. Yes.

01:17:46 3 Q. So can you tell me what your job was in pretrial intervention?

01:17:51 4 A. I would pull out tickets from the clerk's system that people
01:17:55 5 that qualify for the program, and then we would administer letters,
01:18:00 6 seeing if they wanted to do the program or pay their ticket or go
01:18:03 7 to court.

01:18:05 8 Q. So if you'd send them a letter and they reply, what does the
01:18:09 9 person who got the ticket have to do in order to complete pretrial
01:18:13 10 intervention?

01:18:13 11 A. Our program was log in to a website, pay \$190, and then I think
01:18:21 12 they took a test, a little hour test maybe, answer the questions,
01:18:25 13 and then we would dismiss the ticket. And that's all they had to
01:18:29 14 do.

01:18:29 15 Q. So they just had one class they had to take?

01:18:31 16 A. Yes, sir.

01:18:35 17 Q. Were there rules about cases -- well, first of all, initially
01:18:38 18 did you work under Keith Stutes?

01:18:40 19 A. Yes, sir.

01:18:41 20 Q. So I want to first talk about Keith Stutes.

01:18:41 21 A. Okay.

01:18:45 22 Q. Were there types of cases under Keith Stutes where they did not
01:18:50 23 allow traffic people to get into pretrial intervention?

01:18:53 24 A. Yes, sir.

01:18:53 25 Q. Could you tell me what the rules were on that?

01:18:56 1 A. Didn't allow it or allowed?

01:19:00 2 Q. That allowed it. Well, no, strike that. Let's ask it another
01:19:02 3 way.

01:19:02 4 Which ones were not allowed?

01:19:04 5 A. There's a big spectrum on that.

01:19:10 6 Q. Okay.

01:19:10 7 A. Keith was -- basically, the difference from Keith and Mr. Don
01:19:15 8 Landry was Keith had a rule of ten years no traffic citations on
01:19:19 9 your record, you'd get into the program. And Mr. Don or Gary and
01:19:25 10 them changed it to one year.

01:19:28 11 Q. Was there another rule about, like, how fast you went --

01:19:28 12 A. Yes. Nothing --

01:19:31 13 Q. -- over the speed limit?

01:19:32 14 A. -- over 25. I'm sorry, yes. Both of them were like that,
01:19:35 15 though. Nothing over 90.

01:19:37 16 Q. So if you go over 25 miles an hour over the speed limit --

01:19:41 17 A. Uh-huh.

01:19:42 18 Q. -- that'd be pretty far over the speed limit --

01:19:44 19 A. Yes, sir.

01:19:44 20 Q. -- you're not allowed to go into the pretrial intervention
01:19:47 21 program?

01:19:47 22 A. Correct.

01:19:48 23 Q. And you said that under -- let me ask you this: When the
01:19:52 24 pretrial intervention program came to the DA's office under Don
01:19:56 25 Landry, was there a person who was the supervisor over pretrial

01:20:02 1 intervention?

01:20:02 2 A. Gary Haynes.

01:20:03 3 Q. Is he a person you had known before?

01:20:06 4 A. No, sir. Never met.

01:20:07 5 Q. First time you met him was when he became --

01:20:11 6 A. Absolutely.

01:20:16 7 Q. Under Landry, if you said the basic cases, could you be the
01:20:21 8 person who sends out the letter and allows people into the program?

01:20:24 9 A. Yes.

01:20:25 10 Q. Were there other cases that were more serious cases where
01:20:28 11 somebody else would have to get permission?

01:20:30 12 A. Yes, sir.

01:20:32 13 Q. Who was that person?

01:20:33 14 A. Gary and then Mr. Don.

01:20:36 15 Q. When you say "Gary," do you mean Gary Haynes?

01:20:39 16 A. Yes, sir.

01:20:40 17 Q. If a person called about a traffic ticket that was over -- a
01:20:43 18 nonregular traffic ticket, a more serious one --

01:20:47 19 A. Like over 30 or something like that?

01:20:49 20 Q. -- 30 over, that is a good example -- who would -- would you
01:20:53 21 talk to them? Or would you direct them to somebody else?

01:20:55 22 A. I would pull up the DMV report. I had a little form. I handed
01:20:59 23 it to Gary. He signed off on it, and then it was given to Zoila
01:21:04 24 Perez.

01:21:04 25 Q. And was Zoila Perez the person who was responsible for kind of

01:21:07 1 the day-to-day of the pretrial intervention?

01:21:10 2 A. Yes.

01:21:10 3 Q. The more serious cases?

01:21:12 4 A. Yes, sir.

01:21:13 5 Q. Did you know a person named Dusty Guidry?

01:21:16 6 A. Yes, sir.

01:21:17 7 Q. How did you know Dusty Guidry?

01:21:18 8 A. Through Gary Haynes.

01:21:20 9 Q. What did you understand his role was in pretrial intervention?

01:21:23 10 A. Not quite sure. All he did was sit in front of Zoila's desk
01:21:29 11 every day and play on his phone. I don't think he knew how to turn
01:21:32 12 on a computer.

01:21:37 13 Q. Did you know a person named David Burton?

01:21:40 14 A. I did.

01:21:41 15 Q. Who was David Burton?

01:21:42 16 A. David Burton was our previous pretrial intervention program we
01:21:49 17 used.

01:21:50 18 Q. After Don Landry took over and Gary Haynes was the supervisor,
01:21:58 19 did he ever come up to court, to traffic court?

01:22:02 20 A. Gary?

01:22:02 21 Q. Uh-huh.

01:22:04 22 A. Yes, at the end, before y'all came into our office.

01:22:08 23 Q. Say that again. Yes?

01:22:11 24 A. He did one time. They did, like, when Dusty came back from his
01:22:16 25 drug arrest.

01:22:17 1 Q. Okay. So when Dusty came back from his drug arrest -- you knew
01:22:20 2 about his drug arrest I take it?

01:22:22 3 A. Yes. I saw it on the internet.

01:22:24 4 Q. So let me ask you a question. You knew Dusty was there. You
01:22:28 5 knew Dusty worked there. Did you tell anybody about his drug
01:22:31 6 arrest? Or did you send anybody anything on his drug arrest?

01:22:34 7 A. Yes. I think I sent Gary Haynes a text message saying, "What
01:22:40 8 the F?"

01:22:41 9 Q. Did you just say the letter "F"?

01:22:43 10 A. Yeah.

01:22:44 11 Q. Did anything happen as a result of you sending out that text
01:22:49 12 message?

01:22:49 13 A. The next business day I was at the copy machine. I get there
01:22:52 14 at about 7:30 in the morning. I get there early. Most people get
01:22:56 15 there 8:30-9:00. And I was at the copy machine, and Gary was in
01:23:02 16 his little jogging suit, trying to follow me around, explaining to
01:23:05 17 me how Dusty -- why he got arrested. He's got anxiety over a
01:23:08 18 bridge and all this. And I didn't want to listen to it, so I
01:23:11 19 ignored him.

01:23:12 20 Q. What did you say?

01:23:13 21 A. I ignored him.

01:23:15 22 Q. You ignored him, okay.

01:23:16 23 A. Yes, sir.

01:23:16 24 Q. After he got back -- was that unusual? Is that something that
01:23:21 25 had happened before? Did he ever come up to you in his jogging

01:23:24 1 suit?

01:23:24 2 A. No, sir.

01:23:25 3 Q. And had he ever -- had you interacted with him in that way ever
01:23:30 4 before? About the way he was interacting with you about Dusty's
01:23:36 5 arrest?

01:23:37 6 A. No, no, no, no.

01:23:38 7 Q. So you talked about the fact that there was -- he came to court
01:23:42 8 after Dusty Guidry had come back --

01:23:46 9 A. Correct.

01:23:46 10 Q. -- from his drug arrest.

01:23:46 11 A. Correct.

01:23:48 12 Q. Can you describe what happened in court?

01:23:50 13 A. Well, him -- Dusty and Gary and Zoila would come into our court
01:23:55 14 system, arraignment court system with a stack of papers, trying to
01:23:59 15 get anybody and everybody to get into pretrial. And people that
01:24:03 16 could have taken care of their business in court, going through a
01:24:08 17 program, paid a whole lot less money. They were trying to grab
01:24:13 18 them and bring them up to the big pretrial.

01:24:15 19 Q. So people who ordinarily would have been in small pretrial were
01:24:19 20 brought up to big pretrial?

01:24:22 21 A. No. They just didn't make our regular pretrial, meaning they
01:24:25 22 had maybe an expired license or they had something with their
01:24:29 23 traffic ticket that disqualified them from the online, so they come
01:24:35 24 to court to try to get their ticket dismissed. And they can do
01:24:39 25 that with Article 892.1.

01:24:42 1 Q. So you talk about a suspended license. Would that be something
01:24:45 2 more serious?

01:24:46 3 A. Well, yeah, it's serious.

01:24:49 4 Q. Would you have allowed that person into pretrial?

01:24:51 5 A. Absolutely not.

01:24:53 6 Q. Do you know if Gary Haynes allowed that person into pretrial?

01:24:56 7 A. I think that's where most of their target was. I'm not sure.
01:25:00 8 I didn't want to have any part of that.

01:25:02 9 Q. Can you tell me why you wouldn't allow a person with a
01:25:05 10 suspended license into pretrial?

01:25:07 11 A. Why? Because it wasn't in part of our program.

01:25:11 12 Q. Would it make any sense to put a person who has a suspended
01:25:18 13 license in pretrial intervention?

01:25:19 14 A. No, sir.

01:25:19 15 Q. Why?

01:25:20 16 A. Because the ticket itself would be dismissed, but their license
01:25:23 17 is still suspended until they fix it, the matter, whatever is
01:25:27 18 suspending their license.

01:25:38 19 Q. So when he was in court with Dusty Guidry and Zoila Perez, was
01:25:42 20 that disruptive in court?

01:25:45 21 A. It wasn't normal. You know, they didn't go -- they didn't
01:25:51 22 disrupt the court system, but, you know, it was a little annoying.

01:25:54 23 Q. Were they pulling a lot of people out of the court system to go
01:25:57 24 into the big pretrial?

01:25:59 25 A. They were pulling -- yes, a few. I mean, a lot. I don't know

01:26:02 1 what you call a lot. I was trying to ignore all of that, so I was
01:26:08 2 sitting on the other side.

01:26:10 3 Q. Understood. Did you hear Gary Haynes interacting with Ms.
01:26:14 4 Kennerson about who should be put in pretrial?

01:26:19 5 A. Yes, sir, somewhat. I mean, you know, she had just started, so
01:26:23 6 she was really not sure what to do. But she was basically thinking
01:26:27 7 the same thing I was, that, you know, this wasn't right.

01:26:30 8 Q. At some point did Gary Haynes actually have to go in and cover
01:26:35 9 court where he was on the record and he was actually the person who
01:26:39 10 was -- whose name was on the --

01:26:40 11 A. The prosecutor?

01:26:40 12 Q. Yes.

01:26:40 13 A. Yes, sir. He would -- yeah, the next -- we had a big
01:26:44 14 come-to-Jesus meeting in Don Landry's office because we weren't
01:26:48 15 playing his game. And the next week, he sat in for Halli
01:26:54 16 Kennerson, and he just sat there and did absolutely nothing to
01:26:58 17 bring people in pretrial. Zoila can verify that statement, Perez.

01:27:02 18 Q. So when he was on the record, he did nothing to bring them into
01:27:05 19 pretrial?

01:27:06 20 A. Absolutely, yes, sir.

01:27:07 21 Q. And when he was not on the record, he was bringing people into
01:27:10 22 pretrial?

01:27:11 23 A. Yes, sir.

01:27:11 24 Q. You said there was a -- how did you describe it? -- a
01:27:15 25 come-to-Jesus meeting?

01:27:17 1 A. Yes, sir.

01:27:17 2 Q. Tell me about that.

01:27:18 3 A. Halli and I were in court. We always have arraignments on
01:27:22 4 Wednesdays. We were in the court, and we got a text message from
01:27:27 5 Mr. Don Landry to come meet in his office. And we both responded
01:27:31 6 to him. We said, "Yes, sir."

01:27:33 7 Well, that wasn't good enough. They twisted Don Landry
01:27:36 8 up so much, they made that man come into the courtroom and tell us
01:27:40 9 we had a meeting.

01:27:42 10 Q. And in the meeting, what were you talking about?

01:27:45 11 A. Basically nothing was resolved. It was just, you know,
01:27:48 12 everybody play nice and let's get some tickets in the system.

01:27:52 13 **MR. WALKER:** Can I have a moment, Your Honor?

01:27:52 14 **BY MR. WALKER:**

01:27:57 15 Q. Oh, do you see Gary Haynes in the courtroom?

01:28:00 16 A. Yes, sir.

01:28:00 17 Q. Can you point him out and describe what he's wearing?

01:28:05 18 A. The blue suit and the red tie.

01:28:06 19 **MR. WALKER:** I would ask the record to reflect the
01:28:08 20 witness has identified the defendant.

01:28:11 21 **THE COURT:** So reflected.

01:28:12 22 **MR. WALKER:** I would tender the witness.

01:28:22 23 **CROSS-EXAMINATION BY MR. M. CLEMONS:**

01:28:23 24 Q. Good afternoon. Is it Ms. Mier or is it Ms. Mier?

01:28:23 25 A. Mier, M-i-e-r.

01:28:23 1 Q. How are you doing today, Ms. Mier?

01:28:26 2 A. Great.

01:28:27 3 Q. And you were employed at the 15th Judicial District Attorney's

01:28:32 4 Office; correct?

01:28:32 5 A. Yes, sir. Part-time.

01:28:33 6 Q. Part-time. Under Don Landry; correct?

01:28:34 7 A. Correct.

01:28:35 8 Q. And you were there prior to Don Landry; correct?

01:28:37 9 A. Correct.

01:28:37 10 Q. And you said you worked there part-time?

01:28:40 11 A. Just recently, yes, sir. It's not a full-time job right now.

01:28:45 12 Q. What about when Mr. Gary Haynes worked there?

01:28:47 13 A. I was a full-time employee, yes, sir. That makes a difference.

01:28:51 14 Q. And Gary Haynes didn't bring pretrial to the DA's office, did

01:28:55 15 he?

01:28:56 16 A. Gary Haynes didn't what?

01:28:59 17 Q. Gary Haynes did not introduce pretrial to the DA's office, did

01:29:02 18 he?

01:29:02 19 A. No, sir. Everything was running smoothly before he got there.

01:29:05 20 Q. Don Landry introduced pretrial to the DA's office while he was

01:29:11 21 the district attorney; right?

01:29:11 22 A. It was there before Don Landry.

01:29:14 23 Q. And the district attorney before Don Landry used pretrial;

01:29:18 24 correct?

01:29:18 25 A. Correct.

01:29:19 1 Q. Pretrial diversion is perfectly legal; correct?

01:29:21 2 A. Yeah.

01:29:21 3 Q. It's used to benefit people; correct?

01:29:23 4 A. Correct.

01:29:24 5 Q. Who would you say your direct boss is at the DA's office?

01:29:27 6 A. Halli Kennerson.

01:29:29 7 Q. And Don Landry is your boss, as well; correct?

01:29:32 8 A. Yes, sir.

01:29:32 9 Q. Don Landry is Mr. Haynes' boss, as well; correct?

01:29:37 10 A. He was, yes, sir.

01:29:42 11 Q. And we're talking about traffic citations; correct?

01:29:45 12 A. Correct.

01:29:46 13 Q. These aren't felonies; correct?

01:29:48 14 A. Correct.

01:29:49 15 Q. There's no laws about what traffic cases can go into pretrial
01:29:57 16 diversion; correct?

01:29:58 17 A. A law, no. It's a totally voluntary program. He does not have
01:30:04 18 to offer this program whatsoever.

01:30:05 19 Q. And it's voluntary for the defendant, as well --

01:30:08 20 A. Absolutely.

01:30:08 21 Q. They can choose not to enter pretrial diversion --

01:30:08 22 A. Absolutely.

01:30:10 23 Q. -- correct?

01:30:10 24 **THE COURT:** Let's make sure we don't speak over each
01:30:12 25 other. So wait until he finishes the question.

01:30:14 1 **THE WITNESS:** Okay. I'm sorry.

01:30:14 2 **BY MR. M. CLEMONS:**

01:30:14 3 Q. It's completely voluntary; correct?

01:30:17 4 A. Yes, sir.

01:30:17 5 Q. You mentioned a meeting with Don Landry and Mr. Haynes about

01:30:21 6 pretrial diversion; correct?

01:30:23 7 A. Yeah, there were many other people in the room.

01:30:26 8 Q. Who was all present in the room?

01:30:28 9 A. Zoila Perez, Gary Haynes, Dusty Guidry, myself, Halli

01:30:36 10 Kennerson, and Mr. Don Landry.

01:30:38 11 Q. You would meet with Don Landry quite often; correct?

01:30:43 12 A. On occasion, yes, sir.

01:30:46 13 Q. About how often?

01:30:47 14 A. Once a week.

01:30:48 15 Q. Once a week; correct?

01:30:49 16 A. Yes, sir.

01:30:50 17 Q. And that was while Mr. Gary Haynes was working at the DA's

01:30:54 18 office; correct?

01:30:54 19 A. Yes, sir.

01:30:55 20 Q. And you could have went to Mr. Landry about any issue you had

01:30:58 21 with pretrial diversion; correct?

01:31:01 22 A. I guess so.

01:31:02 23 Q. And you didn't; correct?

01:31:03 24 A. I didn't have to.

01:31:05 25 Q. But you had an issue with pretrial diversion; right?

01:31:08 1 A. I had an issue?

01:31:10 2 Q. You had issues with how they were running pretrial diversion
01:31:13 3 apparently; correct?

01:31:14 4 A. Yes, and I made it known to Mr. Don Landry my take on that
01:31:18 5 matter. Absolutely.

01:31:19 6 Q. And that was one time?

01:31:23 7 A. Probably, yes, sir.

01:31:25 8 Q. You would go to court often, Mr. -- Ms. Mier? Sorry about
01:31:30 9 that. You would go to court often?

01:31:30 10 A. Yes, sir.

01:31:30 11 Q. About how --

01:31:30 12 A. Once a week.

01:31:31 13 Q. -- often?

01:31:31 14 A. Once a week.

01:31:33 15 Q. Mr. Gary Haynes would go to court, as well; correct?

01:31:36 16 A. The three months, I guess, when Dusty came back from his drug
01:31:40 17 charge.

01:31:41 18 Q. Mr. Gary -- Mr. Haynes would try cases; correct?

01:31:44 19 A. I don't know. I didn't know what he did.

01:31:55 20 Q. And you were never present in court when Mr. Haynes tried a
01:31:58 21 case?

01:31:58 22 A. No, sir, absolutely not. Oh, maybe once when we did DWIs. I
01:32:03 23 forgot about that.

01:32:05 24 Q. And describe that one time, maybe once.

01:32:07 25 A. I don't recall. That was five years ago, sir. I don't pay

01:32:13 1 attention to all that mess.

01:32:21 2 **MR. M. CLEMONS:** I tender the witness, Your Honor.

01:32:24 3 **THE COURT:** Any redirect?

01:32:26 4 **MR. WALKER:** I don't have any redirect.

01:32:28 5 **THE COURT:** All right, Ms. Mier. Have you subpoenaed
01:32:30 6 this witness, Mr. Clemons?

01:32:31 7 **MR. CLEMONS:** I think we subpoenaed everyone. I don't
01:32:34 8 anticipate we're recalling her, Judge, but she is free to go about
01:32:39 9 as long as she doesn't discuss the case or come back. We don't
01:32:40 10 anticipate recalling her, but we certainly don't want to release
01:32:41 11 any of them.

01:32:42 12 **THE COURT:** Ms. Mier, you remain under subpoena
01:32:44 13 throughout the trial. I think it is doubtful you will be recalled,
01:32:49 14 but just because you are still under subpoena, I'm asking you not
01:32:52 15 to discuss the case with anybody --

01:32:52 16 **THE WITNESS:** Okay.

01:32:54 17 **THE COURT:** -- until it's over and also not to be in the
01:32:56 18 courtroom until it's over. Okay?

01:32:58 19 **THE WITNESS:** Okay.

01:32:58 20 **THE COURT:** Thank you, Ms. Mier.

01:33:02 21 **THE WITNESS:** Thank you.

01:33:27 22 **MR. LOEW:** Ready for the next witness, Your Honor?

01:33:33 23 United States calls Emilia Pardo.

01:34:01 24 **THE DEPUTY CLERK:** Raise your right hand, please, ma'am.

01:34:05 25 Do you solemnly swear or affirm that the testimony you give in this

01:34:05 1 matter will be the truth, the whole truth, and nothing but the
01:34:10 2 truth, so help you God?

01:34:10 3 **THE WITNESS:** Yes.

01:34:12 4 **THE DEPUTY CLERK:** Thank you, be seated.

01:34:12 5 **EMILIA PARDO,**

01:34:15 6 after having first been duly sworn, did testify as follows:

01:34:15 7 **DIRECT EXAMINATION BY MR. LOEW:**

01:34:18 8 Q. Good afternoon, Ms. Pardo.

01:34:20 9 A. Good afternoon.

01:34:21 10 Q. Could you introduce yourself to the jury and tell them your
01:34:25 11 name.

01:34:25 12 A. My name is Emilia Pardo.

01:34:27 13 Q. Where do you live?

01:34:28 14 A. I live in Lafayette.

01:34:31 15 Q. How long have you lived here?

01:34:32 16 A. I was born here. I went to New Orleans for law school, and
01:34:38 17 then I came back here ten years ago, so 30-ish years with a -- you
01:34:46 18 know. I'm 45, though. So the break was in New Orleans.

01:34:49 19 Q. I never would have asked you your age.

01:34:52 20 How are you employed?

01:34:54 21 A. I'm an assistant district attorney at the Lafayette Parish DA's
01:34:59 22 Office, part of the 15th JDC.

01:35:01 23 Q. How long have you been at the office here in Lafayette?

01:35:03 24 A. Since 2014.

01:35:05 25 Q. Were you an ADA before that?

01:35:07 1 A. Yes. I was an ADA in Jefferson Parish for five years before
01:35:12 2 that, and I was also an intern at their office throughout law
01:35:16 3 school.

01:35:16 4 Q. Here in the 15th District, did you work for different DAs?

01:35:22 5 A. Yes. I was hired under Mike Harson, which was really about two
01:35:28 6 months. It was a short period. And then Keith Stutes came into
01:35:32 7 office and then Don Landry.

01:35:37 8 Q. Do you have any familiarity with the pretrial intervention
01:35:40 9 program?

01:35:40 10 A. I know it exists, yes.

01:35:43 11 Q. Can you explain just your general understanding of pretrial
01:35:47 12 intervention?

01:35:47 13 A. My general understanding, from, I guess, being, you know, in
01:35:55 14 the office initially when I got there, was it was for first-time
01:36:01 15 offenders to, I guess, to be able to go through this program in
01:36:06 16 lieu of prosecution through the court system.

01:36:12 17 Q. Were you working as an ADA here when Don Landry took over?

01:36:17 18 A. Yes.

01:36:18 19 Q. And when he became the DA here, who was put in charge of the
01:36:26 20 pretrial intervention program?

01:36:27 21 A. Gary Haynes.

01:36:29 22 Q. In the office did you have much interaction with Gary Haynes?

01:36:36 23 A. Not -- not really, no. We did eventually, obviously, the
01:36:41 24 longer he was in the office, you know, became acquainted with his
01:36:45 25 position, what he was doing, and, of course, like niceties down the

01:36:47 1 hall and some conversations, yes.

01:36:50 2 Q. Do you see Mr. Haynes here in the courtroom today?

01:36:52 3 A. Yes.

01:36:53 4 Q. Could you just point him out and identify him by something he's
01:36:56 5 wearing.

01:36:56 6 A. He's in the middle of the first table with a red tie.

01:37:01 7 **MR. LOEW:** Your Honor, may the record reflect the witness
01:37:04 8 identified the defendant.

01:37:05 9 **THE COURT:** So reflected.

01:37:05 10 **BY MR. LOEW:**

01:37:06 11 Q. In addition to running pretrial intervention, did you think
01:37:10 12 that Mr. Haynes might have had another position in the office?

01:37:14 13 A. Yes. Throughout -- so I was there during the campaign, and it
01:37:22 14 was just our understanding in the office he, you know, was very
01:37:26 15 active in Mr. Landry's campaign. And when he came into the office,
01:37:30 16 it was definitely an assumption of all of us that he was the first
01:37:35 17 assistant district attorney, which in a DA's office is a level of
01:37:42 18 seniority.

01:37:42 19 Q. Why would it matter in dealing with other ADAs whether someone
01:37:46 20 was the first assistant as opposed to just an ADA, like you are?

01:37:51 21 A. First assistant, historically speaking, is the second in
01:37:57 22 charge. You know, after the DA, the first assistant is the person
01:38:01 23 who, you know, has the next amount of authority over anything. And
01:38:04 24 so, you know, another ADA is lateral to you. You know, your -- I'm
01:38:13 25 not saying not a companion but, you know, someone that is of equal

01:38:18 1 status to you in the system. And so first assistant is above you.

01:38:22 2 They're a level of authority.

01:38:24 3 Q. What made you think that he was the first assistant?

01:38:26 4 A. Because he was so active with Mr. Landry's campaign, it was

01:38:33 5 told to all of us. We were all under that assumption.

01:38:36 6 **MR. CLEMONS:** Told to, Judge. Hearsay, I'm sorry.

01:38:40 7 **THE COURT:** It's not for the truth of the matter. It's

01:38:43 8 for her belief, and I'll allow it.

01:38:46 9 **THE WITNESS:** That he was coming into the office as our

01:38:48 10 first assistant. And when he was there, nothing was ever said by

01:38:52 11 Mr. Landry to have us otherwise believe he was not the first

01:38:56 12 assistant.

01:38:57 13 **BY MR. LOEW:**

01:38:58 14 Q. Where was Mr. Haynes' office located?

01:39:02 15 A. Right next to Mr. Landry's.

01:39:05 16 Q. Did that influence your belief?

01:39:07 17 A. Yes, because that was the office of the first assistant prior

01:39:09 18 to him coming into office.

01:39:13 19 Q. At the beginning of Mr. Landry's tenure as the district

01:39:18 20 attorney, was there an office-wide meeting regarding pretrial

01:39:21 21 intervention?

01:39:21 22 A. Yes, there was a meeting.

01:39:24 23 Q. Did you attend?

01:39:25 24 A. Yes. The ADAs were required to attend.

01:39:28 25 Q. So it was -- the meeting was just for ADAs?

01:39:32 1 A. That was my recollection; that it was for ADAs.

01:39:36 2 Q. Was Mr. Landry at the meeting?

01:39:38 3 A. Yes, I remember him being there at some point in the beginning.

01:39:41 4 Q. Was Mr. Haynes at the meeting?

01:39:43 5 A. Yes.

01:39:44 6 Q. Was Mr. Guidry at the meeting?

01:39:46 7 A. Yes.

01:39:48 8 Q. Could you briefly describe the talk about what was going on?

01:39:53 9 What was the purpose of the meeting?

01:39:55 10 A. The purpose of the meeting was to introduce the program, the
01:40:01 11 diversion program, because it was not an active program prior to
01:40:05 12 that time period --

01:40:05 13 Q. Let's talk about that.

01:40:07 14 A. -- as far as I was concerned.

01:40:10 15 Q. Sorry. I didn't mean to interrupt. I apologize.

01:40:11 16 But when you said it was not an active program prior to
01:40:15 17 that, do you mean under Mr. Stutes?

01:40:18 18 A. Yes. I think the program existed. I'm not saying it didn't
01:40:21 19 exist. I'm just saying it wasn't something that -- I surely never
01:40:25 20 had any dealings with it. It wasn't something that I think a lot
01:40:28 21 of us sent a lot of cases to, so it just wasn't -- it was more I
01:40:33 22 think for traffic or misdemeanors and not the type of misdemeanors
01:40:38 23 I do. I do a specific misdemeanor. So it just wasn't something
01:40:43 24 that a lot of us were familiar with the program.

01:40:45 25 Q. So this meeting was to make you familiar with it?

01:40:48 1 A. Yes, and how it would be run moving forward.

01:40:52 2 Q. So after the meeting or during the meeting, what was your
01:40:57 3 understanding of the process of how the cases were going to get
01:41:00 4 sent to pretrial intervention?

01:41:03 5 A. My understanding from the meeting was that they would be pulled
01:41:07 6 from us; like, that they were going to review all these cases and
01:41:13 7 if someone met their criteria for getting into the program, the
01:41:18 8 program -- I mean, the person would just get a letter, get, like, a
01:41:23 9 letter into the program to offer, I guess, their acceptance.

01:41:28 10 Q. Did you have a problem with that?

01:41:31 11 A. Yes. I do domestic violence, and not just here, but also the
01:41:36 12 office I came from in Jefferson. Domestic violence offenses don't
01:41:41 13 go into pretrial diversion. And I asked that question at the
01:41:45 14 meeting and I was -- like, if that would continue to be the policy,
01:41:48 15 and I was told that, yes, that would continue to be the policy but,
01:41:52 16 like everything, with exceptions. You know, if a certain case
01:41:55 17 seemed appropriate to get in, but it wouldn't be the -- it wouldn't
01:42:00 18 be the regular. Like...

01:42:01 19 Q. So just to be clear, it was your understanding that it would
01:42:08 20 stay the way it was where domestic violence cases would not go into
01:42:14 21 pretrial intervention?

01:42:15 22 A. Correct.

01:42:17 23 Q. And why was that important to you?

01:42:20 24 A. I've been doing domestic violence for 15 years, and so it is
01:42:24 25 just important to me, in general, that they are handled correctly.

01:42:27 1 And there are certain methods and certain classes that are approved
01:42:31 2 in domestic violence. So it was just making sure that we were
01:42:35 3 protecting the victims in these cases and making sure that, you
01:42:39 4 know, the offenders were going to the correct programs should that
01:42:42 5 be the route.

01:42:44 6 Q. How about the issue of victims?

01:42:47 7 A. Victims have rights. It's something I talk about a lot,
01:42:52 8 something I teach on. You know, victims' rights are to be informed
01:42:57 9 of the process, to be available, to be able to testify, to be able
01:43:00 10 to be present at all stages. And so it is extremely important for
01:43:05 11 a victim to be part of the process. And it's legally important,
01:43:10 12 you know.

01:43:14 13 Q. About how many domestic violence cases came across your desk
01:43:17 14 each week?

01:43:19 15 A. Like now? Like come across? I would say on average 20.
01:43:25 16 Yesterday when I left work -- between yesterday when I left work at
01:43:28 17 three and today when I logged in to my computer about nine, I had
01:43:31 18 five more cases than I had when I left yesterday.

01:43:36 19 Q. About how many cases do you have active now on your docket?

01:43:38 20 A. Active, about 300. And about twice that still to be reviewed.

01:43:44 21 Q. All domestic violence?

01:43:44 22 A. All domestic violence.

01:43:48 23 Q. Every time that there is a domestic violence call, does one --
01:43:54 24 if there's just two participants, does one or the other get
01:43:58 25 arrested?

01:43:58 1 A. Yes. That is how it should be. Legally, a police officer
01:44:05 2 should always arrest the aggressor. It is oftentimes, though, that
01:44:11 3 we get referral reports. So on scene --

01:44:14 4 **MR. CLEMONS:** I'm going to object to the relevance of
01:44:16 5 this line of testimony about two people arrested in domestic
01:44:21 6 violence cases.

01:44:22 7 **THE COURT:** All right. Let's approach sidebar.

01:44:26 8 (Begin bench conference.)

01:44:45 9 **THE COURT:** What's the relevance?

01:44:47 10 **MR. LOEW:** Your Honor, the relevance is that she's going
01:44:52 11 to say that oftentimes, one, the police don't determine who the
01:44:57 12 aggressor is, so neither is arrested; and when she gets cases like
01:45:01 13 that, she reviews them, that she will likely refuse them, and those
01:45:08 14 cases will go into pretrial intervention. And I think she'll say
01:45:13 15 that if you're going to refuse a case, it ought not go to pretrial
01:45:18 16 intervention.

01:45:18 17 **MR. CLEMONS:** And that's my point, Judge. She can just
01:45:20 18 say it doesn't matter. If a case doesn't have merit, she can just
01:45:25 19 say it shouldn't go to pretrial. But to go into this long
01:45:28 20 chronology about two people should be arrested and all of that,
01:45:32 21 that's just not relevant. She could just say if the case doesn't
01:45:34 22 have merit, it shouldn't go into pretrial intervention.

01:45:35 23 **THE COURT:** She's explaining, through her experience and
01:45:38 24 what she does, how a case might not -- might not go normal by the
01:45:44 25 DA's office because it doesn't have any merit, so I think that's a

01:45:49 1 proper question.

01:45:50 2 (End bench conference.)

01:46:09 3 **BY MR. LOEW:**

01:46:11 4 Q. Ms. Pardo, we were talking about certain domestic violence
01:46:14 5 cases where neither of the people involved are arrested. When you
01:46:20 6 get a case like that, do you review it?

01:46:23 7 A. I review it, yes.

01:46:25 8 Q. And if the police don't know who to arrest, what do you do?

01:46:31 9 A. They come in as a DA referral, which means they're not coming
01:46:36 10 in as an arrest. And just so at trial we have to prove beyond a
01:46:43 11 reasonable doubt if a police officer is sending a report where no
01:46:45 12 arrest has been made, which means they cannot meet the level of
01:46:49 13 probable cause, which is where an arrest is, then beyond a
01:46:54 14 reasonable doubt is here. If I'm reviewing a case where you cannot
01:46:57 15 meet the level of probable cause, then I'm more than likely
01:47:00 16 refusing the case, which means I'm not accepting it into the court
01:47:03 17 system.

01:47:07 18 Q. If you refuse a case, would that be a proper case to, then, go
01:47:11 19 to pretrial intervention?

01:47:11 20 A. Absolutely not.

01:47:12 21 Q. Why not?

01:47:13 22 A. Because they would have never entered the criminal justice
01:47:16 23 system in the form of having to appear for court, having to
01:47:21 24 possibly plea, having to possibly go to trial. And so if it was
01:47:24 25 never accepted, then they're cleared. If it's refused, they're

01:47:29 1 cleared of the charge.

01:47:35 2 Q. If you don't get to review the case, how do you know whether it
01:47:38 3 should be refused or not?

01:47:40 4 A. I don't, and that is an issue.

01:47:47 5 Q. Do you know whether cases went to PTI without the ADA even
01:47:54 6 getting the reports?

01:47:55 7 A. Yes, they did.

01:47:56 8 Q. How do you know that?

01:47:57 9 A. I know some of my own cases went there and I know of many
01:48:04 10 others that went there because I do hearings twice a week, called
01:48:10 11 Gwen's Law hearings, which are hearings where someone is arrested
01:48:13 12 on either certain misdemeanor or felony domestic violence offense
01:48:17 13 and I have to show the judge, I have to prove my case as to why
01:48:21 14 this person should either get a certain bond or potentially be held
01:48:25 15 without bond. In doing that, I have to review all of this
01:48:28 16 defendant's history because that is relative to setting a bond.

01:48:32 17 And in my -- oftentimes -- not -- when I would review these cases,
01:48:35 18 there were times where I would notice a case had gone to pretrial
01:48:39 19 diversion, at which point I would consult with that ADA to make
01:48:43 20 sure if they knew. And they did not.

01:48:48 21 Q. You talked just a little bit about Gwen's Law. Like, how many
01:48:56 22 hearings do you have related to Gwen's Law in a week?

01:49:00 23 A. I had 12 this week.

01:49:03 24 Q. And are you the only one in the office who handles those
01:49:05 25 hearings?

01:49:06 1 **MR. CLEMONS:** Objection. Relevance, Judge.

01:49:09 2 **THE COURT:** Overruled.

01:49:11 3 **THE WITNESS:** Yes, the majority of the time. Sometimes
01:49:13 4 if I have to be out, one of the other ADAs will take care of it.
01:49:18 5 And for a short period of time, about a year, last year an ADA was
01:49:21 6 rotating weeks with me.

01:49:21 7 **BY MR. LOEW:**

01:49:24 8 Q. You talked about conditions of bond. Is that one of your
01:49:28 9 responsibilities as an ADA?

01:49:31 10 A. Conditions of bond, yes.

01:49:33 11 Q. Especially in Gwen's Law hearings?

01:49:35 12 A. In the Gwen's Law hearings, yes.

01:49:38 13 Q. Can you talk about some conditions that people who get bond can
01:49:43 14 -- that they can be put on them to get bond?

01:49:46 15 A. Statutorily speaking, in a domestic violence incident, as well
01:49:52 16 as other cases, statutes allow for GPS monitoring. Specific to
01:49:59 17 domestic violence, it allows for a protective order to be issued.

01:50:05 18 The victim has a right to know about the GPS, like where -- there
01:50:10 19 are certain rights about the victim and the GPS monitoring. Home
01:50:16 20 incarceration or held without bond or going to classes is another,
01:50:22 21 you know, option while out on bond.

01:50:24 22 Q. Can you explain what GPS monitoring is?

01:50:27 23 A. GPS is -- when I came into the office was an ankle monitor.
01:50:31 24 Now they have watches, too. But it is monitoring the offender. So
01:50:34 25 if you have a protective order, you have to stay 100 yards away

01:50:39 1 from the victim or residence or place of employment. So the
01:50:41 2 monitor is able to track where this defendant is and that he's
01:50:47 3 staying outside of these -- they call them exclusionary zones. A
01:50:52 4 watch can also be a way or monitor if there's a curfew. Sometimes
01:50:57 5 we set a curfew to make sure that the person is at home and not at
01:51:01 6 whatever those locations are, you know, any location.

01:51:06 7 Q. As part of your position as an ADA, especially in these Gwen's
01:51:10 8 Law hearings, do you have the authority to recommend that people
01:51:14 9 get this GPS monitoring?

01:51:16 10 A. Yes.

01:51:17 11 Q. How do they get GPS monitoring?

01:51:21 12 A. If I'm understanding your -- they get it because after the
01:51:26 13 hearing, the judge would have to order it. And then it would be as
01:51:30 14 a condition of their release from jail. And so, then, before they
01:51:33 15 are released -- so let's say the bond is set at, you know, \$5,000
01:51:37 16 with the condition of GPS monitoring, then they have to post the
01:51:42 17 \$5,000 bond. And then before being released from jail, one of the
01:51:45 18 companies has to come over and put whatever the monitor is on
01:51:48 19 before they can, then, exit the jail.

01:51:51 20 Q. So the companies that actually have the GPS monitoring devices,
01:51:55 21 are they called vendors?

01:51:57 22 A. Yes.

01:51:58 23 Q. And they're vendors that work with the DA's office? Like,
01:52:02 24 there are only specific people who can do this job?

01:52:05 25 A. Right. There is a court-approved list. And so, I mean, I

01:52:08 1 believe they work -- they don't work for us or the court, but they
01:52:12 2 are approved vendors, yes. There is a court list that has approved
01:52:17 3 vendors.

01:52:18 4 Q. And do the approved vendors who supply services, like GPS
01:52:22 5 devices, do they get paid for their services?

01:52:25 6 A. From the defendant.

01:52:26 7 Q. So the defendant has to pay to get this GPS device?

01:52:32 8 A. Yes.

01:52:36 9 Q. Do you recommend GPS devices for certain people who are
01:52:45 10 defendants in cases that you have?

01:52:46 11 A. Yes.

01:52:48 12 Q. Do you ever get money from those vendors?

01:52:51 13 A. No.

01:52:51 14 Q. Why not?

01:52:51 15 A. That would be illegal.

01:52:56 16 **MR. LOEW:** One moment, Your Honor. Nothing further, Your
01:53:10 17 Honor.

01:53:10 18 **CROSS-EXAMINATION BY MR. CLEMONS:**

01:53:11 19 Q. Good afternoon. You pronounce it Pardo or Pardo?

01:53:13 20 A. Pardo.

01:53:13 21 Q. Pardo. Good afternoon, Ms. Pardo. I'm Todd Clemons. I
01:53:18 22 represent Mr. Haynes.

01:53:19 23 A. That happens to me all the time.

01:53:20 24 Q. Right. I've got a few questions for you, not that many.

01:53:23 25 Prior to testifying today, what, if anything, did you

01:53:27 1 review prior to your testimony?

01:53:28 2 A. I did not review anything.

01:53:30 3 Q. Did you speak to anybody about your testimony?

01:53:33 4 A. Yes.

01:53:33 5 Q. Who did you speak with?

01:53:34 6 A. I almost called him an ADA, but the U.S. attorney was just
01:53:41 7 speaking to me, as well as Mr. Walker, and I think the other
01:53:44 8 gentleman right there (indicating).

01:53:46 9 Q. So you met with the prosecutors?

01:53:48 10 A. Yes.

01:53:50 11 Q. Okay. Did you meet with the FBI agents?

01:53:53 12 A. Yes.

01:53:55 13 Q. Okay. How many times?

01:53:57 14 A. I guess he's been in the room. I met with him initially when
01:54:04 15 we were being interviewed for our, I guess, in reference to the
01:54:09 16 case. And then he has been in the other meetings.

01:54:15 17 Q. Okay. And I know you said you have been an ADA since 2014. Is
01:54:20 18 that here in Lafayette and then five years on top of that? Or five
01:54:23 19 years prior to that in Jefferson Parish?

01:54:25 20 A. Correct.

01:54:27 21 Q. And isn't it true, Ms. Pardo, that the people you deal with in
01:54:32 22 the system, when they come into the DA's office with accusations,
01:54:36 23 they're presumed innocent; correct? The people who --

01:54:39 24 A. I don't -- I'm dealing with the victims. I'm not dealing with
01:54:43 25 -- like, I'm not meeting with the defendant.

01:54:45 1 Q. Right. But I'm talking about when they come, their case comes
01:54:48 2 to the office. Not you, particularly.

01:54:50 3 A. Okay.

01:54:50 4 Q. But when their case comes to the office, they come in presumed
01:54:55 5 innocent; correct?

01:54:56 6 A. It is in the Constitution.

01:54:56 7 Q. I can't hear you, ma'am.

01:54:57 8 A. It is there. Everyone is presumed innocent until found guilty
01:55:02 9 or otherwise pleads guilty, correct.

01:55:05 10 Q. You said it's in the Constitution?

01:55:06 11 A. I took it back because I thought, well, maybe I'm wrong about
01:55:09 12 that. I'm just saying we are all presumed innocent.

01:55:12 13 Q. Okay.

01:55:12 14 A. The funny things we should remember in the moment; right?

01:55:17 15 Q. I can't answer your question.

01:55:19 16 You would agree that every report or every person accused
01:55:23 17 of a crime that comes to the DA's office at that juncture is
01:55:27 18 presumed innocent?

01:55:29 19 A. Yes.

01:55:30 20 Q. And so you used the term "victims," but at this point they are
01:55:33 21 alleged victims; correct? When they come to the office before
01:55:38 22 anybody has been convicted, they are alleged victims and alleged
01:55:43 23 offenders; right?

01:55:44 24 A. In theory, I guess, yes.

01:55:45 25 Q. In theory?

01:55:46 1 A. They are alleged --

01:55:46 2 Q. Per the Constitution, aren't they alleged victims and alleged
01:55:51 3 offenders?

01:55:51 4 A. They are still the victim of the crime, and they're going
01:55:54 5 through the system, and they're under the Victims Rights Act.

01:55:57 6 Q. But if you review a report, like you said, and the report
01:56:00 7 doesn't have merit, that means it should never go to PTI; correct?

01:56:04 8 A. Correct.

01:56:05 9 Q. So if it doesn't have merit, that means the person accused
01:56:08 10 never committed a crime; correct?

01:56:11 11 A. That is not correct. It means they didn't commit a crime in
01:56:14 12 which we could prove beyond a reasonable doubt.

01:56:17 13 Q. Right. And that's what matters in a court of law; right?

01:56:19 14 A. That is.

01:56:21 15 Q. Ma'am?

01:56:21 16 A. Yes, that is.

01:56:23 17 Q. And you told the jury you were a domestic violence prosecutor,
01:56:26 18 but you prosecuted misdemeanor cases at least in '21 and '22;
01:56:32 19 correct?

01:56:32 20 A. Yes, that's what I was saying misdemeanors.

01:56:32 21 Q. I'm sorry.

01:56:32 22 (The court reporter asked the witness to repeat.)

01:56:37 23 **THE WITNESS:** I said, I said misdemeanors, because I said
01:56:39 24 certain misdemeanors and not the ones I do, meaning not the
01:56:43 25 misdemeanors I do, domestic abuse battery.

01:56:43 1 **BY MR. CLEMONS :**

01:56:47 2 Q. And the meeting that took place you referred to -- Mr. Landry
01:56:50 3 took office I think January 10-11 of '21. That sound about right?

01:56:56 4 A. I don't remember, but -- I do not remember the date he took
01:57:00 5 office.

01:57:00 6 Q. But it was in January of '21. Do you remember that?

01:57:02 7 A. I don't remember the date he took office.

01:57:06 8 Q. Okay. Either way, the meeting you're referring to with all the
01:57:11 9 assistant DAs, Mr. Landry and Mr. Dusty Guidry, that was shortly
01:57:14 10 after Mr. Landry took office; correct?

01:57:17 11 A. Yes.

01:57:18 12 Q. And he made it clear, being Mr. Landry, that he wanted more
01:57:23 13 cases coming into the pretrial intervention, pretrial diversion
01:57:29 14 program; correct?

01:57:29 15 A. Can you say that again?

01:57:31 16 Q. Mr. Landry made it very clear at the meeting with assistant DAs
01:57:35 17 that he wanted more cases in the office to go through pretrial
01:57:38 18 diversion?

01:57:39 19 A. I believe Mr. Landry introduced the meeting. I believe it was
01:57:45 20 Mr. Haynes and Mr. -- and Dusty who were really discussing to the
01:57:49 21 group the importance of sending more cases to pretrial.

01:57:53 22 Q. And Mr. Landry was right there; correct?

01:57:55 23 A. He was off to the side.

01:57:58 24 Q. Okay. You got the impression that he didn't endorse what they
01:58:01 25 were saying? Or are you just saying he was just a figurehead? I'm

01:58:05 1 not sure what you're saying, he was off to the side. What do you
01:58:08 2 mean?

01:58:08 3 A. He was not the one running the meeting.

01:58:11 4 Q. Dusty Guidry ran the meeting; correct?

01:58:12 5 A. Mr. Haynes and Dusty Guidry ran the meeting.

01:58:14 6 Q. Oh, okay. Mr. Haynes and Dusty Guidry, okay.

01:58:17 7 Do you recall saying that Dusty Guidry did most of the
01:58:23 8 talking in the meeting? Do you recall saying that?

01:58:29 9 A. I think. I don't recall. I remember them both being there.

01:58:33 10 It has been quite a few years from the meeting. I'm just not sure.

01:58:41 11 Q. Okay. And Mr. Landry didn't do anything to interject to say,
01:58:44 12 No, guys, I don't want cases in pretrial.

01:58:47 13 He didn't do that, did he, during the meeting?

01:58:50 14 A. No.

01:58:55 15 Q. And you would agree that, even though, generally speaking,
01:59:01 16 domestic violence cases shouldn't go to pretrial diversion in
01:59:06 17 general, you would agree that the district attorney has the
01:59:11 18 discretion to put whatever cases he approves in pretrial diversion?
01:59:19 19 You would agree with that; right?

01:59:19 20 A. Yes, a district attorney has discretion.

01:59:23 21 Q. And I think it's your testimony that the victim has rights and
01:59:30 22 the alleged victim should be contacted about how the case is
01:59:33 23 proceeding in all aspects of the justice system; right?

01:59:37 24 A. Yeah.

01:59:44 25 Q. And you expressed that you had some concerns about pretrial

01:59:51 1 diversion taking domestic violence cases. Did you have any
01:59:54 2 concerns about that?

01:59:55 3 A. At the time of that meeting, yes.

01:59:58 4 Q. Okay. And did you go to your boss, Mr. Landry, and say, Hey,
02:00:02 5 boss, I've got real concerns about this. Let's sit down and talk
02:00:05 6 about it?

02:00:06 7 A. We talked about it in the meeting.

02:00:06 8 Q. Oh, okay.

02:00:08 9 A. It was brought up in the meeting.

02:00:10 10 Q. But I'm talking about after the meeting. Did you ever go to
02:00:13 11 him one-on-one, man-to-woman, and say, Hey, boss, with all due
02:00:16 12 respect, I just don't think we should be doing this?

02:00:18 13 A. I refused to sign any dismissals that came out of pretrial, and
02:00:24 14 so my secretary, when they would send me a dismissal for something
02:00:30 15 I did not send there, I would refuse to sign the dismissal. And
02:00:34 16 then that would be brought to Mr. Landry or Mr. Haynes, and one of
02:00:39 17 them would sign off on the dismissal.

02:00:44 18 Q. My question is: Did you ever go to Mr. Landry, sit down
02:00:46 19 one-on-one, and talk to him about your concerns about domestic
02:00:49 20 violence cases going to pretrial?

02:00:52 21 A. Not one-on-one. I would just make sure I wouldn't sign off on
02:00:56 22 it.

02:00:57 23 Q. So you voiced your concern in the meeting, and Mr. Guidry told
02:01:00 24 you that the victims would be consulted prior to their cases going
02:01:03 25 to pretrial? He told you that; correct?

02:01:05 1 A. I believe he did.

02:01:07 2 Q. Okay.

02:01:07 3 A. Or I believe it was said in the meeting if a case were to go to
02:01:15 4 pretrial. I don't know how they would be contacted, but I believe
02:01:18 5 so.

02:01:20 6 Q. And you also mentioned that that alleviated your concern once
02:01:24 7 you had that assurance that victims would be contacted; correct?

02:01:28 8 A. I didn't say that.

02:01:29 9 Q. You didn't say that you expressed your concerns and that it was
02:01:33 10 discussed that there will be consultation with alleged victims?

02:01:37 11 A. But then you said did it alleviate my concern. I mean, it
02:01:40 12 doesn't mean it alleviated it. It just means it answered it.

02:01:44 13 Q. But you didn't go -- the boss didn't have a meeting with him
02:01:47 14 after that meeting; correct?

02:01:48 15 A. Not that I know of.

02:01:51 16 Q. Okay. Now, even though you didn't believe in pretrial
02:01:57 17 intervention taking domestic violence cases, you, in fact, referred
02:02:00 18 a case to pretrial, a domestic violence case one time, didn't you?

02:02:05 19 A. I did.

02:02:05 20 Q. So you made an exception to the policy that you generally
02:02:09 21 didn't like; correct?

02:02:10 22 A. Generally did not.

02:02:11 23 Q. So you had the discretion to make one exception. And you would
02:02:15 24 agree that other ADAs would have the discretion to make other
02:02:19 25 exceptions. You would agree with that; correct?

02:02:21 1 A. If they knew about it. There's a difference when you don't
02:02:24 2 even know it's happening.

02:02:26 3 Q. So in one case you felt the circumstances were appropriate for
02:02:30 4 that one case to be in pretrial intervention; correct?

02:02:34 5 A. Correct.

02:02:39 6 Q. And isn't it true that when you spoke to the agents, you told
02:02:49 7 them about your concern -- the FBI agent, I'm sorry. You told them
02:02:54 8 about your concern about domestic violence cases being in pretrial;
02:02:59 9 correct?

02:02:59 10 A. I think that's what we've been discussing, but yeah.

02:03:03 11 Q. And you also had a follow-up meeting with them about one case
02:03:08 12 that you had previously told them about in the first meeting;
02:03:12 13 correct? You remember that?

02:03:13 14 A. I believe so.

02:03:14 15 Q. And what was the person's name that you found out had gone to
02:03:21 16 pretrial?

02:03:22 17 A. I do not remember.

02:03:24 18 Q. Do you recall telling them that the person's name was Angel
02:03:27 19 Barker?

02:03:29 20 A. That was one -- yes, that was one I didn't know about.

02:03:33 21 Q. And isn't it true in the follow-up meeting, this case you
02:03:37 22 didn't know about that went to pretrial diversion, you told the
02:03:41 23 agent that you found some e-mails and you sent them to Mr. Doug
02:03:46 24 Herman, some e-mails you found about that one case, --

02:03:46 25 A. Yes.

02:03:49 1 Q. -- Angel Barker, and you sent those to Doug Herman?

02:03:52 2 A. Yes.

02:03:53 3 Q. Do you recall what those e-mails said, Ms. Pardo?

02:04:03 4 A. I don't remember. I don't remember in the moment.

02:04:06 5 Q. I'm going to show you an e-mail to see if this refresh your
02:04:10 6 recollection.

02:04:10 7 **MR. CLEMONS:** Can you show the witness only Defense
02:04:13 8 Exhibit 252, page 2078?

02:04:13 9 **BY MR. CLEMONS:**

02:04:35 10 Q. Does this refresh your recollection about the case that was
02:04:38 11 sent to pretrial that was domestic violence that you didn't know
02:04:41 12 about? Is that the case?

02:04:42 13 A. Yeah.

02:04:43 14 Q. And is that your --

02:04:43 15 A. I --

02:04:44 16 Q. Let me finish my question.

02:04:45 17 A. Oh, no. Okay.

02:04:46 18 Q. Is that your e-mail address, emiliapardo?

02:04:54 19 A. Yeah.

02:04:56 20 **MR. CLEMONS:** I would like to offer Defense Exhibit 252,
02:05:00 21 Your Honor.

02:05:00 22 **MR. LOEW:** Is this on the exhibit list?

02:05:03 23 **MR. CLEMONS:** Judge, this is impeachment, whether it's on
02:05:06 24 the exhibit list or not, Your Honor. And the witness has testified
02:05:08 25 that she sent them e-mails prior to the interview. She testified

02:05:14 1 herself, that she sent them e-mails about this particular case,
02:05:19 2 Judge.

02:05:19 3 **MR. LOEW:** It's not impeachment.

02:05:19 4 **THE COURT:** How is it not hearsay?

02:05:23 5 **MR. CLEMONS:** Because, one, it's a business record,
02:05:25 6 Judge. It's a business record. She's admitted that it's her
02:05:28 7 e-mail address. She has admitted that she's Emilia Pardo. She's
02:05:32 8 admitted that this is the case that she is familiar with; that she
02:05:36 9 talked to the FBI about; that she testified that she didn't know it
02:05:40 10 went to pretrial. But the e-mail clearly shows she was told that
02:05:44 11 Mr. Landry wanted it in pretrial. And she's copied on the e-mail,
02:05:47 12 Judge. It's her e-mail address.

02:05:47 13 **THE COURT:** Is there any objection to entering this?

02:05:50 14 **MR. LOEW:** The objection is it wasn't disclosed and it's
02:05:53 15 not impeachment because she admitted. We don't contest its
02:05:57 16 authenticity. It's just improperly offered.

02:06:00 17 **THE COURT:** Right. Mr. Clemons, why don't you just have
02:06:02 18 the witness read the e-mail.

02:06:04 19 **MR. CLEMONS:** Thank you, Your Honor.

02:06:04 20 **BY MR. CLEMONS:**

02:06:04 21 Q. Read the e-mail, Ms. Pardo, to the jury.

02:06:06 22 A. (As read), "Don approved PTI for both --"

02:06:09 23 Q. No. You've got to start at the top of the e-mail. I mean, you
02:06:12 24 got to let them know who it is from and who it's going to.

02:06:14 25 A. (As read), "From Gary Haynes to Don Landry, Zoila Perez, Bcc

02:06:21 1 Dusty Guidry at East Baton Rouge. Angel Barker. Reference Rene
02:06:29 2 Prejean. Zoila, get with me next week in reference to terms of
02:06:32 3 PTI. This is now getting PTI." That I don't have the date on.
02:06:37 4 That doesn't say the date.

02:06:39 5 Then from Gary Haynes.

02:06:45 6 Q. No. Read the e-mail that you're copied on.

02:06:46 7 A. Right. You told me to start at the top. I'm getting --

02:06:46 8 Q. I meant --

02:06:50 9 A. (As read), "From Gary Haynes. Friday, October 8, 2021, to
02:06:55 10 Emilia, me, and Holden Hoggatt, Cc Zoila. Subject Angel Barker.
02:07:01 11 Don approved PTI for both the DV and drug charge to run together
02:07:06 12 through PTI. I'm copying Zoila to get it started. I will discuss
02:07:10 13 the terms with Zoila."

02:07:12 14 Q. So this is Gary Haynes sending an e-mail on October 8 of '21;
02:07:14 15 correct?

02:07:14 16 A. Yes.

02:07:14 17 Q. And it's a case that's assigned to you and Mr. Hoggatt;
02:07:17 18 correct?

02:07:17 19 A. Correct.

02:07:18 20 Q. Because you had the DV and he had the drug charge; correct?

02:07:22 21 A. I would assume that's correct.

02:07:23 22 Q. And who was the Don that's being referenced?

02:07:27 23 A. Don Landry.

02:07:28 24 Q. And who did the e-mail come from?

02:07:30 25 A. Gary Haynes.

02:07:32 1 Q. Now, read the top e-mail from Mr. Haynes to Mr. Landry.

02:07:36 2 A. That's what I read first.

02:07:37 3 Q. And who is it referenced at the top? What person's name?

02:07:41 4 A. Reference Rene Prejean.

02:07:48 5 Q. So this is an e-mail from Gary Haynes to Don Landry and Zoila
02:07:52 6 Perez; correct?

02:07:52 7 A. Yes.

02:07:53 8 Q. And it's regarding Angel Barker, the case we talked about, the
02:07:55 9 domestic violence case that was in pretrial; correct?

02:07:59 10 A. I don't know who Rene Prejean is.

02:08:05 11 Q. No, but I said reference Angel Barker; correct?

02:08:06 12 A. Oh, in the reference line, in the subject?

02:08:06 13 Q. Right.

02:08:07 14 A. It says, "Angel Barker."

02:08:09 15 Q. The same case; correct?

02:08:10 16 A. Yes.

02:08:11 17 Q. But you don't know who Mr. Prejean is; right?

02:08:13 18 A. I don't know who Rene Prejean is.

02:08:14 19 Q. Right. But you know who Zoila is. You certainly know who Don
02:08:16 20 Landry is; correct?

02:08:17 21 A. Correct.

02:08:18 22 **MR. CLEMONS:** Thank you. That's all I have, Your Honor.

02:08:20 23 **THE COURT:** Any redirect?

02:08:21 24 **MR. LOEW:** Very brief.

02:08:24 25 **REDIRECT EXAMINATION BY MR. LOEW:**

02:08:34 1 Q. Defense counsel noted that after your initial complaint at the
02:08:39 2 meeting about domestic violence cases, that you never went and
02:08:43 3 talked to Don Landry or another supervisor about your complaints.
02:08:49 4 But wasn't your complaint by refusing to sign the dismissals every
02:08:53 5 time they came to you?

02:08:54 6 **MR. CLEMONS:** Objection. Leading the witness, Your
02:08:55 7 Honor. He's telling her what her complaint was.

02:08:58 8 **THE COURT:** Can you rephrase the question, please?

02:09:01 9 **MR. LOEW:** Yes, Your Honor.

02:09:01 10 **BY MR. LOEW:**

02:09:02 11 Q. What was your complaint? How did you express your complaint?

02:09:05 12 A. By refusing to sign any dismissals that would come.

02:09:09 13 Q. Defense counsel asked you about the one case that you ever sent
02:09:12 14 to PTI. And to put this in perspective, do you have any idea how
02:09:16 15 many cases you do a year?

02:09:19 16 A. Hundreds and hundreds. That I deal -- I mean, I have 300 open
02:09:25 17 cases. Hundreds. I mean, 500-600 come through my office.

02:09:32 18 Q. A year?

02:09:33 19 A. Yeah.

02:09:34 20 Q. And thus far, since Don Landry was elected DA, you sent one
02:09:41 21 case that you thought was appropriate?

02:09:43 22 A. Correct.

02:09:43 23 Q. Can you tell the jurors what that case was about?

02:09:47 24 A. The case that we had discussed was an old man who -- I mean,
02:09:59 25 can I discuss cases?

02:10:01 1 Q. I'm not asking for anyone's name but just the facts of the case
02:10:05 2 that made you think it was appropriate.

02:10:05 3 **THE COURT:** You can answer the question. It should be
02:10:07 4 all public record, anyway.

02:10:10 5 **THE WITNESS:** It was a much older gentleman who -- well,
02:10:16 6 he wasn't gentle at all -- was abusing his young daughter. She was
02:10:23 7 actually not -- she was of age of an adult. And there just wasn't
02:10:32 8 the ability for us to take it into the trial system with her
02:10:38 9 inability to testify. And so we thought that at least getting
02:10:42 10 something, some sort of classes or some sort of assistance, was
02:10:48 11 better than nothing, you know, us having to refuse the case
02:10:52 12 altogether.

02:10:53 13 **MR. LOEW:** Nothing further.

02:10:58 14 **THE COURT:** All right, Ms. Pardo. You may step down, but
02:11:01 15 you are still under subpoena. So please don't stay in the
02:11:05 16 courtroom during the remainder of trial. Don't discuss your
02:11:08 17 testimony or the case with anybody in the interim, but you can
02:11:12 18 otherwise go back about your business. Okay?

02:11:15 19 **THE WITNESS:** Thank you.

02:11:15 20 **THE COURT:** Thank you.

02:11:41 21 Ladies and gentlemen, we have come to a stopping point
02:11:43 22 for the week. I hope no one is going to be too disappointed to end
02:11:48 23 a little early on a Friday afternoon. But we will start promptly
02:11:51 24 again next week at 9:00 a.m. Again, I expect the remainder of the
02:11:56 25 trial to take most of next week, but I can't give you anymore

02:12:01 1 information, more than that at this point.

02:12:03 2 So please don't watch the local news. Please don't do
02:12:06 3 any research on this case. Don't even do any internet searches
02:12:10 4 that might come up with some story or information related to this
02:12:14 5 case. I know that you are taking my instructions very seriously
02:12:18 6 and I appreciate that. But it's of the utmost importance to all
02:12:22 7 the parties involved in this case and to the integrity of our
02:12:25 8 system we have here that you insulate yourself from any possible
02:12:31 9 influence, any possible conversation that might come up over the
02:12:34 10 weekend, and try to think about something else until Monday
02:12:40 11 morning.

02:12:40 12 Anything else we need to talk about? I'll see you at
02:12:45 13 9:00 a.m. on Monday morning. All rise for the jury.

02:13:16 14 (Jury not present.)

02:13:20 15 **THE COURT:** Please be seated. Anything else we need to
02:13:26 16 talk about before Monday?

02:13:28 17 **MR. WALKER:** Your Honor, my plan was to contact the
02:13:32 18 defense at least by Sunday to give them an update as to what we
02:13:36 19 intend to do next week. Would the Court like me to contact the
02:13:39 20 Court, as well, in some fashion?

02:13:42 21 **THE COURT:** If you can just -- if you're going to e-mail
02:13:48 22 Mr. Clemons, you can e-mail him and copy Lisa on that e-mail.

02:13:48 23 **MR. WALKER:** Sure.

02:13:51 24 **THE COURT:** Or something. With an updated witness list,
02:13:54 25 you're talking about?

02:13:54 1
02:13:55 2
02:13:57 3
02:13:59 4
02:14:01 5
02:14:02 6
02:14:04 7
02:14:10 8
02:14:13 9
02:14:13 10
02:14:16 11
02:14:17 12
02:14:20 13
02:14:20 14
02:14:23 15
02:14:29 16
02:14:33 17
02:14:35 18
19
20
21
22
23
24
25

MR. WALKER: Correct.

THE COURT: All right. That would be fine.

MR. WALKER: And I know Mr. Clemons is going to send me a witness list, as well. I'm assuming you would like --

THE COURT: Copy Lisa, as well.

MR. CLEMONS: Yes, Judge. I told Mr. Walker we're going to work on it tomorrow. I may send one tomorrow and if we work some more Sunday, I may -- so if you get two, then the one you get Sunday will be the real one.

THE COURT: The later one is the right one?

MR. CLEMONS: That's correct. But don't ignore the first one, Judge, because that might be the right one. But if there's a second one, the later one will be the right one.

THE COURT: All right. Good deal. We'll reconvene Monday morning. I think that's all I have. Court will be adjourned until Monday.

THE COURTROOM SECURITY OFFICER: All rise.

(Whereupon the proceedings recessed at 2:14 p.m.)



REPORTER'S CERTIFICATE

I, Beth Delatte, Registered Professional Reporter, Certified Court Reporter in and for the State of Louisiana, Official Court Reporter for the United States District Court, Western District of Louisiana, do hereby certify that the foregoing is a true and correct transcript, to the best of my ability and understanding, from the record of the proceedings in the above-entitled and numbered matter.

/s/Beth Delatte

Beth Delatte, FCRR, RPR, CCR
Registered Professional Reporter
Official Court Reporter
United States District Court
Beth_Delatte@lawd.uscourts.gov



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Beth Delatte, FCRR
United States Court Reporter
Western District of Louisiana