

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

4 \*\*\*\*\*

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

6 VERSUS JUDGE DAVID C. JOSEPH

7 GARY HAYNES MAGISTRATE JUDGE CAROL B.  
8 WHITEHURST

9 \*\*\*\*\*

10 OFFICIAL TRANSCRIPT OF JURY TRIAL PROCEEDINGS  
11 VOLUME VI OF IX (PAGES 986-1187)  
12 HEARD BEFORE THE HONORABLE DAVID C. JOSEPH  
13 UNITED STATES DISTRICT JUDGE  
14 SEPTEMBER 15, 2025

15 APPEARANCES:

16 FOR THE PLAINTIFF: US ATTORNEYS OFFICE  
17 800 Lafayette St., Suite 2200  
18 Lafayette, LA 70501  
19 (BY: JOHN LUKE WALKER, Esquire)  
20 (BY: JOHN W. NICKEL, Esquire)

21 U.S. DEPARTMENT OF JUSTICE  
22 1301 New York Ave. NW  
23 Washington, DC 20005  
24 (BY: STEVEN I. LOEW, Esquire)

25 FOR THE DEFENDANT: TODD CLEMONS & ASSOCIATES  
1740 Ryan St.  
Lake Charles, LA 70601  
(BY: TODD S. CLEMONS, Esquire)  
(BY: MICAH CLEMONS, Esquire)  
(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  
Beth\_Delatte@lawd.uscourts.gov

PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY. TRANSCRIPT  
PRODUCED BY COMPUTER.

**INDEX**

**PAGE**

COURT PROCEEDINGS..... 989

DOUGLAS HERMAN..... 990

    DIRECT EXAMINATION BY MR. NICKEL..... 990

    CROSS-EXAMINATION BY MR. CLEMONS..... 1010

    REDIRECT EXAMINATION BY MR. NICKEL..... 1031

HOLLY DESHOTEL..... 1037

    DIRECT EXAMINATION BY MR. WALKER..... 1037

    CROSS-EXAMINATION BY MR. JOHNSON..... 1071

    REDIRECT EXAMINATION BY MR. WALKER..... 1101

LANCE BEAL..... 1112

    DIRECT EXAMINATION BY MR. CLEMONS..... 1112

    CROSS-EXAMINATION BY MR. NICKEL..... 1117

    REDIRECT EXAMINATION BY MR. CLEMONS..... 1120

GLYNN SHELLY MATURIN II..... 1122

    DIRECT EXAMINATION BY MR. M. CLEMONS..... 1122

KATIE COLVIN..... 1124

    DIRECT EXAMINATION BY MR. JOHNSON..... 1124

    CROSS-EXAMINATION BY MR. LOEW..... 1139

    REDIRECT EXAMINATION BY MR. JOHNSON..... 1142

OLGA HEBERT..... 1147

    DIRECT EXAMINATION BY MR. M. CLEMONS..... 1147

    CROSS-EXAMINATION BY MR. LOEW..... 1156

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

**INDEX**

ERIC NEUMAN..... 1157

    DIRECT EXAMINATION BY MR. CLEMONS..... 1157

    CROSS-EXAMINATION BY MR. WALKER..... 1167

    REDIRECT EXAMINATION BY MR. CLEMONS..... 1169

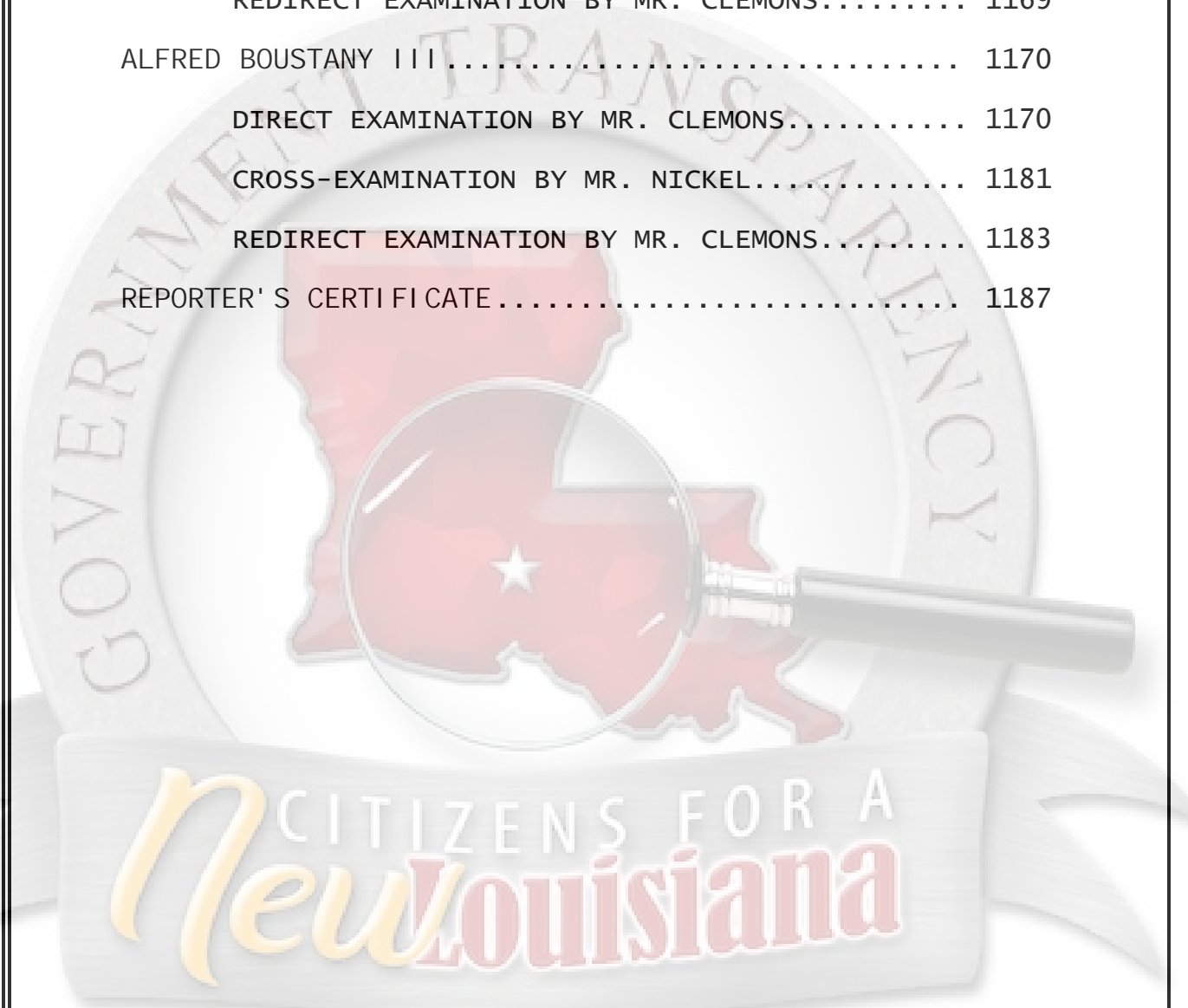
ALFRED BOUSTANY III..... 1170

    DIRECT EXAMINATION BY MR. CLEMONS..... 1170

    CROSS-EXAMINATION BY MR. NICKEL..... 1181

    REDIRECT EXAMINATION BY MR. CLEMONS..... 1183

REPORTER' S CERTI F I CATE..... 1187



1 **COURT PROCEEDINGS**

2 SEPTEMBER 15, 2025

09:02:54 3 (Court is called to order.)

09:03:08 4 **THE COURT:** Thank you. Please be seated.

09:03:12 5 Good morning, everybody. We are back on the record in  
09:03:15 6 24-cr-206. Is there anything we need to discuss before we bring  
09:03:18 7 the jury back in?

09:03:19 8 **MR. WALKER:** Nothing I'm aware of, Your Honor.

09:03:21 9 **MR. CLEMONS:** No, Judge. Good morning, Judge.

09:03:25 10 **THE COURT:** Good morning.

09:04:20 11 **THE COURTROOM SECURITY OFFICER:** All rise for the jury.

09:04:45 12 (Jury present.)

09:04:48 13 **THE COURT:** Please be seated. Good morning, ladies and  
09:04:53 14 gentlemen. Thank you so much for being back here on time this  
09:04:57 15 morning for beginning of Week 2 of our jury trial.

09:05:02 16 When we broke on Friday, the Government was still  
09:05:06 17 presenting its case in chief. That will continue this morning. I  
09:05:10 18 expect the Government will rest its case today, and then it will be  
09:05:14 19 time for the defendant to call any witnesses he may or may not wish  
09:05:18 20 to call.

09:05:19 21 So anything to report to me before we get started?

09:05:26 22 Mr. Nickel?

09:05:27 23 **MR. NICKEL:** Sure, Judge. The Government is going to  
09:05:29 24 recall Special Agent Doug Herman. I don't know if we need to  
09:05:51 25 reswear him.

09:05:51 1 **THE DEPUTY CLERK:** He remains under oath.

09:05:54 2 **THE COURT:** Agent Herman, you remain under oath. Okay?

09:05:57 3 **THE WITNESS:** Yes, Your Honor.

09:05:57 4 **DOUGLAS HERMAN,**

09:05:58 5 after having first been duly sworn, did testify as follows:

09:05:58 6 **DIRECT EXAMINATION BY MR. NICKEL:**

09:05:59 7 Q. Good morning, Agent Herman. Would you mind quickly just  
09:06:02 8 reintroducing yourself to the jury.

09:06:03 9 A. Good morning. Yes, sir. I'm Doug Herman. I'm with the FBI  
09:06:05 10 here in Lafayette.

09:06:08 11 Q. We covered a lot last time we spoke, but I'd like to take up  
09:06:14 12 somewhere we kind of left off. Do you recall some consensual  
09:06:18 13 recordings that you had Mr. Franques record?

09:06:22 14 A. Yes, I do.

09:06:23 15 Q. That you mentioned. Do you recall when the first consensual  
09:06:26 16 recording took place?

09:06:27 17 A. The first, and I said this incorrectly last time, the first  
09:06:31 18 recording I believe took place December 13<sup>th</sup> with Dusty. The first  
09:06:35 19 with Mr. Haynes was December 14<sup>th</sup> of 2021.

09:06:40 20 Q. And so December 14<sup>th</sup>, with Mr. Haynes, of 2021. When was Mr.  
09:06:42 21 Guidry arrested for the drug charges?

09:06:45 22 A. December 10<sup>th</sup> of 2021.

09:06:48 23 Q. So four days before that?

09:06:49 24 A. Correct.

09:06:50 25 Q. Three or four days.

09:06:52 1 Do you recall talking about a text message from Ronnie  
09:06:56 2 Guidry to Gary Haynes the last time you testified?

09:07:01 3 A. I do.

09:07:02 4 **MR. NICKEL:** I'd like to publish Government's 38.

09:07:02 5 **BY MR. NICKEL:**

09:07:14 6 Q. Can you read the date on this, Agent Herman?

09:07:16 7 A. Sure. December 14, 2021, at 11:21 a.m.

09:07:21 8 Q. After that message, did Mr. Haynes meet with anybody in this  
09:07:25 9 investigation?

09:07:25 10 A. He did. He met with Mr. Guidry at the Waffle House on North  
09:07:31 11 University Avenue.

09:07:32 12 Q. How do you know that?

09:07:33 13 A. We had surveillance of it. And at the time, we were still  
09:07:37 14 monitoring Mr. Guidry's phone calls, so we knew prior to this text  
09:07:42 15 that they had discussed meeting at Waffle House.

09:07:42 16 Q. But you weren't present at their meeting. You didn't have any  
09:07:45 17 recording devices able to listen to that meeting; correct?

09:07:49 18 A. No, sir.

09:07:50 19 Q. On that date, December 14, 2021, what were you doing as it  
09:07:54 20 pertains to this investigation?

09:07:55 21 A. Later that afternoon, the same date, myself and some other  
09:07:58 22 agents were meeting with Mr. Franques and his attorney at the  
09:08:03 23 attorney's office. And I believe Michelle Franques was there,  
09:08:06 24 also.

09:08:09 25 Q. Okay. Did anything unexpected happen while you were meeting

09:08:13 1 with Mr. Franques?

09:08:15 2 **MR. CLEMONS:** Your Honor, at this time I'd like to lodge  
09:08:18 3 an objection and approach for just one minute. I mean approach the  
09:08:21 4 side bar.

09:08:21 5 **THE COURT:** All right.

09:08:39 6 (Begin bench conference.)

09:08:39 7 **MR. CLEMONS:** Judge, we found out on Saturday afternoon  
09:08:44 8 for the first time that the Government has no intent to call  
09:08:48 9 Leonard Franques to testify. Based upon that, Judge, we are going  
09:08:52 10 to object to any additional consensual recordings made by Leonard  
09:08:58 11 Franques, any additional conversations about what they discussed  
09:09:01 12 with Franques, because we feel like all of this was gotten in under  
09:09:06 13 the ruse of Leonard Franques testifying. We would have objected a  
09:09:10 14 long time ago. Leonard Franques is an indicted coconspirator that  
09:09:16 15 they fought hard to get in other crimes, 404, evidence with. So,  
09:09:19 16 Judge, we felt like at this point we want to lodge an objection to  
09:09:23 17 any recordings that Mr. Franques has made as far as the  
09:09:26 18 authenticity of them and as far as the substance of them.

09:09:31 19 **THE COURT:** I asked, remember, in one of the first  
09:09:34 20 recordings offered by the Government, I asked Mr. Nickel, what's  
09:09:37 21 the basis of the Government admitting this into evidence? It's  
09:09:43 22 hearsay and coconspirators named. What's your response to that?  
09:09:44 23 He is a listed coconspirator in the indictment, so that's an  
09:09:47 24 exception to the hearsay rule.

09:09:47 25 **MR. CLEMONS:** Right.

09:09:48 1 **THE COURT:** What's your response to that?

09:09:49 2 **MR. CLEMONS:** Judge, I agree that is an exception to the  
09:09:52 3 hearsay rule, but at the same time, Judge, due process and  
09:09:55 4 fundamental fairness has to come into play at some point. So, yes,  
09:09:58 5 it may be an exception to the hearsay rule, but the Court also --

09:10:01 6 **THE COURT:** You subpoenaed Leonard Franques?

09:10:04 7 **MR. CLEMONS:** We subpoenaed him, Judge, absolutely. And  
09:10:07 8 we want to make a decision as to whether we want to call Mr.  
09:10:10 9 Franques. But at this particular point and as far as continuing to  
09:10:14 10 play these recordings, Judge, that's what our objection is to. The  
09:10:17 11 fact that they used Mr. Franques, an informant, they certainly led  
09:10:22 12 us to believe that they plan to call Mr. Franques as a witness.  
09:10:26 13 They disclosed that at the 19<sup>th</sup> hour after they've played all of  
09:10:30 14 these recordings with Mr. Franques. And we feel like due process  
09:10:34 15 requires that they not be allowed to continue to play these  
09:10:37 16 recordings, Judge, because Mr. Franques is clearly not going to be  
09:10:42 17 a witness. He's not going to be a witness for the Government to  
09:10:44 18 talk about these meetings. We've already had conversations about  
09:10:46 19 two or three calls with them to set up these meetings that were not  
09:10:49 20 recorded and were not turned over in discovery, Judge. So that's  
09:10:53 21 our objection; that we just want to --

09:10:54 22 **THE COURT:** What's the Government's response?

09:10:55 23 **MR. NICKEL:** Sure, Judge. As to the authenticity, I laid  
09:11:00 24 a very, very heavy foundation when I first introduced the calls as  
09:11:04 25 to the authenticity. The defense didn't object to that. I would

09:11:07 1 say even if they didn't know Mr. Franques was being called, the  
09:11:12 2 authenticity is what it is. Mr. Herman was able to listen live to  
09:11:15 3 the recordings. They didn't lodge an objection then. Now they're  
09:11:19 4 doing it just because of that. I would say as to the hearsay  
09:11:20 5 exception, not only is this a coconspirator's statement, but the --

09:11:24 6 **THE COURT:** Yeah, I don't think it's a hearsay exception.

09:11:27 7 **MR. NICKEL:** The law allows a third party to give context  
09:11:30 8 to defendants' inculpatory statements, which a lot of this is.

09:11:34 9 **THE COURT:** Right. I think it's more of a due process  
09:11:38 10 argument saying that because he's been under an assumption that he  
09:11:42 11 was going to be able to cross-examine Mr. Franques and now he  
09:11:48 12 can't, that that affects the fairness of playing the recordings.

09:11:53 13 **MR. NICKEL:** So like you said, he may call Mr. Franques,  
09:11:55 14 and he can ask Mr. Franques whatever he would like.

09:11:57 15 **MR. CLEMONS:** But, Judge, just because I can call him  
09:12:00 16 doesn't negate the fact that he is affiliated with the other side.  
09:12:02 17 He is their informant. They reached a plea agreement with him. He  
09:12:05 18 has a cooperation agreement with them. We don't have a cooperation  
09:12:09 19 agreement with Mr. Franques, Judge. So to say we can call him,  
09:12:13 20 this is not a lay witness who either side has equal access to.  
09:12:18 21 Yeah, we could, quote, call him, but we don't have the access to  
09:12:21 22 him that the Government does. And that's where the due process  
09:12:24 23 argument comes in at, Judge.

09:12:24 24 **THE COURT:** I'm going to overrule your objection.

09:12:24 25 **MR. CLEMONS:** Thank you, Judge.

09:12:50 1 (End bench conference.)

09:12:50 2 **BY MR. NICKEL:**

09:12:51 3 Q. All right. Agent Herman, who did Mr. Guidry meet with at the  
09:12:54 4 Waffle House?

09:12:54 5 A. Mr. Haynes.

09:12:56 6 Q. And were you able to listen to what they were saying there?

09:12:59 7 A. No.

09:12:59 8 Q. Where were you on December 14, 2021, as it pertains to this  
09:13:03 9 investigation?

09:13:04 10 A. I was working. Later in the afternoon I was at Mr. Franques'  
09:13:09 11 attorney's office. What I did during the day, I don't remember.

09:13:13 12 Q. Did Mr. Haynes contact Mr. Franques?

09:13:14 13 A. Yes, he did.

09:13:16 14 Q. Okay. What was your -- were you able to listen to that?

09:13:20 15 A. Yes.

09:13:21 16 Q. Okay. And what was the nature of the conversation?

09:13:23 17 A. Mr. Haynes wanted to meet with Mr. Franques.

09:13:28 18 Q. And so what was your response to that?

09:13:33 19 A. We wanted to record that meeting.

09:13:34 20 Q. Were you successful in that?

09:13:36 21 A. Yes.

09:13:37 22 **MR. NICKEL:** Judge, at this time --

09:13:37 23 **BY MR. NICKEL:**

09:13:45 24 Q. Well, let me ask you this: Did you tell Mr. Franques what to  
09:13:47 25 say at this meeting, or coach him in any sort?

09:13:49 1 A. The only way would have been to be open, let the other person  
09:13:52 2 do the talking. And that's generally in any case. And then, also,  
09:13:55 3 it was, you know, mindset is this scheme has been going on. Dusty  
09:14:01 4 Guidry just had been arrested four days prior. What would your  
09:14:05 5 normal course of action be?

09:14:07 6 **MR. NICKEL:** If we could publish Government's 002-001.

09:14:36 7 (Audio recording playing.)

09:14:36 8 **BY MR. NICKEL:**

09:32:40 9 Q. Agent Herman, during that call, you heard a frustration with  
09:32:45 10 the \$185 per class. Do you have any idea what class that's  
09:32:49 11 referring to?

09:32:50 12 A. Most of the CBT courses are 185 a class, like Effective  
09:32:54 13 Decision Making.

09:32:55 14 Q. Based off of this recording, did you want to get all three  
09:32:58 15 recordings -- Mr. Guidry, Mr. Haynes, and Mr. Franques?

09:33:02 16 A. I suppose that's where the idea started and started building  
09:33:06 17 towards that; that we knew, listening to that, there was going to  
09:33:09 18 be a time that the three of them got together and would have a  
09:33:12 19 discussion. I guess that's where it was planted.

09:33:21 20 **MR. NICKEL:** Okay. If we could play 002-003.

09:33:37 21 (Audio recording playing.)

09:33:37 22 **BY MR. NICKEL:**

09:34:15 23 Q. Eventually, you do meet with Mr. Franques and have him write  
09:34:18 24 checks to Mr. Haynes; correct?

09:34:20 25 A. Yes.

09:34:21 1 Q. Why checks and not cash?

09:34:23 2 A. Mr. Franques, for his cooperation and talking to him, he didn't  
09:34:30 3 like doing cash. He didn't do cash with anybody. So that was just  
09:34:33 4 his method, one of his methods. So if we would have done cash, it  
09:34:39 5 could have been, if people knew Mr. Franques, it could've been --

09:34:42 6 **MR. CLEMONS:** Objection, Judge. He is purely  
09:34:47 7 speculating.

09:34:47 8 **THE COURT:** Can you rephrase the question, please?

09:34:51 9 **BY MR. NICKEL:**

09:34:51 10 Q. During that call, did Mr. Franques express how he liked to pay  
09:34:55 11 his employees?

09:34:56 12 A. What's that?

09:34:57 13 Q. During that call, did Mr. Franques express how he liked to pay  
09:35:00 14 his employees?

09:35:02 15 A. You're talking about not the cash and checks.

09:35:05 16 Q. Right. Was that a general practice of Mr. Franques?

09:35:08 17 A. Yes. And that's the way he paid with Dusty, was it wasn't a  
09:35:13 18 check, but it was an ACH, a wire transfer.

09:35:17 19 Q. So payments of checks were Mr. Franques' usual course of  
09:35:20 20 business?

09:35:21 21 A. Yes.

09:35:22 22 **MR. NICKEL:** If we can play 002-005, please.

09:35:40 23 (Audio recording playing.)

09:36:08 24 **MR. CLEMONS:** Excuse me, Your Honor. I'm going to lodge  
09:36:13 25 an objection to repeatedly playing these same recordings in front

09:36:17 1 of this jury, Judge. They played the recording. Now they're  
09:36:19 2 playing the recording again. They played the entirety. They  
09:36:22 3 should just ask the witness questions. There is some limit on how  
09:36:25 4 many times the Court is going to allow them to play it, and I think  
09:36:28 5 we discussed that earlier.

09:36:28 6 **THE COURT:** Right. There is a limit. I don't think we  
09:36:30 7 have reached that yet. Mr. Nickel, how many iterations of this do  
09:36:34 8 you plan on going back through?

09:36:36 9 **MR. NICKEL:** So I believe for this whole call, there's  
09:36:39 10 clips that I haven't published yet. And so if I don't publish  
09:36:43 11 them, they will be unpublished as we stand here right now. But  
09:36:45 12 there's only -- for this call, there is only this and two more  
09:36:47 13 where I have pointed questions.

09:36:49 14 **THE COURT:** You're going to elaborate on the portions?

09:36:54 15 **MR. NICKEL:** Yes.

09:36:54 16 **THE COURT:** Okay. I'll allow it.

09:36:55 17 **MR. CLEMONS:** Judge, I just want to be clear. This  
09:36:56 18 portion that he's playing right now, where they speak to a woman  
09:36:56 19 and say "candy canes," the jury has already heard that.

09:36:59 20 **THE COURT:** They have heard it. He is replaying this.  
09:37:02 21 And then there's two more after this that you are going to replay  
09:37:04 22 and ask for elaboration from the witness; is that correct?

09:37:07 23 **MR. NICKEL:** Yes, Your Honor.

09:37:09 24 **THE COURT:** I'll allow that.

09:37:10 25 **MR. CLEMONS:** Thank you, Judge.

09:37:12 1 (Audio recording playing.)

09:37:12 2 **BY MR. NICKEL:**

09:37:56 3 Q. Agent Herman, after a wiretap, or T3 investigation, are you  
09:38:01 4 required to, in fact, notify people they have been intercepted?

09:38:05 5 A. Yes. Those are, we call them inventory notices. They are  
09:38:09 6 letters from the United States Attorney's Office that come out.

09:38:12 7 Q. And that's to just anybody, whether they're a target of the  
09:38:14 8 investigation or not?

09:38:15 9 A. Correct. If they have been identified as being intercepted.  
09:38:19 10 Everybody that's been identified gets one of those letters.

09:38:23 11 Q. Okay. What was the next recording after December 14, 2022?

09:38:28 12 A. There was one the next day, where they meet December 15<sup>th</sup> at Mr.  
09:38:32 13 Franques's house.

09:38:33 14 Q. Can you tell us about that one?

09:38:34 15 A. It was a meeting they had to discuss -- trying to sort out what  
09:38:40 16 Dusty exactly did with the money.

09:38:42 17 Q. What about after that one?

09:38:44 18 A. After that one, the next one was not until, with Mr. Haynes,  
09:38:48 19 January 4<sup>th</sup> of 2022.

09:38:50 20 Q. Okay. And where did that take place?

09:38:52 21 A. That also took place at Mr. Franques' house.

09:38:55 22 Q. Did you have a chance to speak to Mr. Franques before that  
09:38:57 23 recording?

09:38:58 24 A. I did.

09:38:59 25 Q. Okay. And what was the plan going into that meeting?

09:39:02 1 A. So the plan was similar to the last one. Coaching this one,  
09:39:07 2 and you'll probably hear it, is that -- I'm trying to think of how  
09:39:12 3 to phrase it -- was be open about if Don Landry, the District  
09:39:18 4 Attorney, asked what do I do, what do I do if he approaches me and  
09:39:24 5 says, Have you been paying Dusty? What should I tell him? You  
09:39:29 6 know, try to see what the response would be. Would it be honest,  
09:39:32 7 or say that to the district attorney, or what? So you'll hear that  
09:39:34 8 that was the real coaching. That was the only indication.

09:39:38 9 Q. Do you know if it was video or audio or both?

09:39:41 10 A. It was supposed to be audio. I think he -- this one he  
09:39:45 11 accidentally turned the video camera on, and there were some  
09:39:47 12 technical issues with it.

09:39:47 13 **MR. NICKEL:** If we can play Government's 005-003.

09:40:07 14 (Video playing.)

09:40:07 15 **BY MR. NICKEL:**

09:40:17 16 Q. Whose home is this, Mr. Herman?

09:40:19 17 A. That's Mr. Franques' house.

09:40:24 18 Q. Agent Herman, I'm sorry.

09:40:26 19 A. No problem.

09:40:28 20 (Video playing.)

09:54:32 21 **MR. NICKEL:** Is the volume as loud as it can go?

09:54:37 22 **THE DEPUTY CLERK:** It's as loud as it can go.

09:57:27 23 (Video playing.)

10:12:15 24 **BY MR. NICKEL:**

10:12:16 25 Q. Agent Herman, is Effective Decision Making a Leonard Franques

10:12:19 1 class?

10:12:20 2 A. I'm sorry.

10:12:21 3 Q. Is Effective Decision Making a Leonard Franques class?

10:12:25 4 A. It's a CBT course, yes.

10:12:28 5 Q. Belonging to Mr. Franques?

10:12:29 6 A. Correct. Ran out of Midway Media.

10:12:32 7 Q. Did you review the Midway Media bank records?

10:12:33 8 A. I reviewed a lot of records.

10:12:35 9 Q. Earlier they talk about a case of a young man by the name of  
10:12:41 10 Gielen?

10:12:41 11 A. Yes.

10:12:42 12 Q. Did you ever confirm whether there was a payment from Mr.  
10:12:45 13 Gielen to Midway Media?

10:12:46 14 A. There was, on January 4, 2022, a Lazar Gielen -- I don't know  
10:12:54 15 if I'm saying that wrong. It was right at \$185. I think it was  
10:12:54 16 like 183.02. But, yes, a Gielen paid on January 4<sup>th</sup>.

10:13:03 17 **MR. NICKEL:** If we can play 005-005.

10:13:52 18 (Video playing.)

10:14:33 19 **BY MR. NICKEL:**

10:14:34 20 Q. Agent Herman, was this conversation the first time of hearing  
10:14:37 21 about MD at Law?

10:14:38 22 A. No, we had heard about it before.

10:14:40 23 Q. But from Mr. Haynes as far as consensual recordings?

10:14:45 24 A. I can't -- they may have spoken about it when they met on  
10:14:50 25 December 15<sup>th</sup>. I can't remember.

10:14:54 1 **MR. NICKEL:** We can play Government's Exhibit --

10:14:54 2 **BY MR. NICKEL:**

10:14:54 3 Q. Well, let me ask you this: Did this confirm that Mr. Haynes  
10:14:57 4 had actually set up an account called MD at Law?

10:15:00 5 A. Yes, yes.

10:15:01 6 Q. Did you get the records for MD at Law after this?

10:15:04 7 A. I believe we got the MD at Law records before.

10:15:07 8 **MR. NICKEL:** Government Exhibit 005-007.

10:15:24 9 (Video playing.)

10:15:24 10 **BY MR. NICKEL:**

10:17:31 11 Q. Agent Herman, when you eventually got the records for MD at  
10:17:35 12 Law, was it true that Mr. Haynes had funded the account with  
10:17:38 13 \$10,000?

10:17:39 14 A. Yes, and then I think an additional 5,000.

10:17:41 15 Q. Was this the first time that you had heard of Dusty Guidry  
10:17:44 16 splitting CBT proceeds with Gary? Mr. Haynes, I'm sorry.

10:17:49 17 A. I don't know if it was the first time I had heard it. It was  
10:17:55 18 sort of -- I can't really answer that, if that was the first time  
10:17:58 19 we had heard that he was supposed to -- I know between the context  
10:18:02 20 between Leonard and Dusty, Dusty didn't want to split.

10:18:07 21 Q. But did that prompt you with your next investigative step to  
10:18:10 22 actually have Mr. Franques pay the checks?

10:18:14 23 A. Yes.

10:18:14 24 Q. When was the next consensual meeting?

10:18:16 25 A. The next consensual meeting was January 12<sup>th</sup> of 2022.

10:18:19 1 Q. At the time of this call, was Mr. Guidry working at the  
10:18:21 2 district attorney's office in Lafayette?

10:18:23 3 A. No. This was during the period when he was on leave following  
10:18:28 4 his arrest. So we had no idea that he was eventually going to come  
10:18:31 5 back.

10:18:31 6 Q. And in that last recording, Mr. Franques said he wanted to get  
10:18:34 7 everyone together. Do you recall that?

10:18:35 8 A. Yes.

10:18:36 9 Q. Okay. And was that the goal of your next investigative process  
10:18:42 10 or step?

10:18:43 11 A. It was. And this had gone back to prior. There was going to  
10:18:46 12 be a meeting between all three.

10:18:48 13 Q. Had Mr. Haynes been -- by January 12, 2022, had Mr. Haynes been  
10:18:51 14 paid by Mr. Franques?

10:18:53 15 A. He received a \$10,000 check on January 11<sup>th</sup>.

10:18:57 16 Q. And what were your instructions to Mr. Franques, if any, before  
10:19:00 17 this meeting?

10:19:00 18 A. This one -- and I know we talked about this a little in my time  
10:19:04 19 before. This one was the: Be open; let them do the majority of  
10:19:09 20 the talking, which in this scenario wasn't hard. But it was also  
10:19:12 21 that this is -- if you're in this meeting, you're in a criminal  
10:19:15 22 conspiracy. You'll see he makes some comments. He says, I think,  
10:19:18 23 "It's the more you push, the more we make," a very direct comment  
10:19:23 24 related to CBT. At one point he just says, in essence, you know,  
10:19:26 25 What we're doing is not legal. And those, we talked about those

10:19:31 1 beforehand; to just ideally for, you know, hey, we're in a criminal  
10:19:35 2 conspiracy right now. But other than that, it was basically the  
10:19:38 3 other guys did all the talking.

10:19:40 4 **MR. NICKEL:** If would could play Government's 001-007.

10:19:40 5 **BY MR. NICKEL:**

10:19:49 6 Q. Before you do, Agent Herman, this is a lengthy recording;  
10:19:51 7 correct?

10:19:51 8 A. It is.

10:19:52 9 Q. You helped make clips of the recording to play in court today?

10:19:56 10 A. I did.

10:19:58 11 Q. This one won't be as long as the other ones?

10:20:01 12 A. No, no. These are just clips.

10:20:03 13 **MR. NICKEL:** 001-007, please.

10:20:18 14 (Video playing.)

10:20:18 15 **BY MR. NICKEL:**

10:22:08 16 Q. Is Enhanced Driving a CBT course?

10:22:10 17 A. It is. That's the most expensive one.

10:22:14 18 **MR. NICKEL:** Government's 001-003 next, please.

10:22:34 19 (Video playing.)

10:24:08 20 **MR. NICKEL:** 001-009, please.

10:24:25 21 (Video playing.)

10:24:25 22 **BY MR. NICKEL:**

10:24:39 23 Q. Agent Herman, were Mr. Haynes and Mr. Guidry, really the mayor,  
10:24:45 24 trying to get courses -- PTI courses into city court?

10:24:49 25 A. Yes.

10:24:50 1 Q. Do you know if they were ever successful in getting Mr.  
10:24:53 2 Franques into city court?

10:24:54 3 A. I don't believe they were.

10:24:55 4 **MR. NICKEL:** Next, Government's 001-011.

10:25:08 5 **THE WITNESS:** Can I preface that with one thing?

10:25:11 6 **MR. NICKEL:** Sure.

10:25:12 7 **THE WITNESS:** Getting it in city court in a PTI, getting  
10:25:15 8 a PTI program in city court, I believe the city court, as part of a  
10:25:19 9 plea deal or sentencing, could have them take a CBT course. But to  
10:25:24 10 your question, are you saying CBT or PTI? It's two different  
10:25:28 11 things.

10:25:28 12 **BY MR. NICKEL:**

10:25:29 13 Q. PTI.

10:25:29 14 A. They never got a PTI program. Does that make sense?

10:25:33 15 Q. That was my question.

10:25:34 16 A. Trying to clear it up a little.

10:25:36 17 **MR. NICKEL:** We can go ahead and play 001-011 next.

10:25:42 18 (Video playing.)

10:25:42 19 **BY MR. NICKEL:**

10:27:41 20 Q. Agent Herman, at the beginning of that call, Mr. Guidry said,  
10:27:46 21 "I've been getting -- pushing evals." What is an eval?

10:27:50 22 A. An evaluation. It could be for substance abuse, those types of  
10:27:55 23 things, the side of business that Leonard would have had related to  
10:27:58 24 Lake Wellness.

10:28:00 25 **MR. NICKEL:** If we could play Government's Exhibit 001

10:28:03 1 -005.

10:28:19 2 (Video playing.)

10:29:27 3 **MR. NICKEL:** If we could play Government's 001-013.

10:29:46 4 (Video playing.)

10:31:12 5 **MR. NICKEL:** If we could play 001-015.

10:31:27 6 (Video playing.)

10:31:27 7 **BY MR. NICKEL:**

10:33:03 8 Q. Agent Herman, did Mr. Guidry, in fact, have a car that was  
10:33:08 9 being paid by Midway Media?

10:33:09 10 A. He did.

10:33:10 11 Q. And so did you confirm that with records from Midway Media?

10:33:14 12 A. Yes. We got that early on in the investigation. His wife  
10:33:17 13 drove it mostly.

10:33:19 14 **MR. NICKEL:** If we could play Government's 001-017.

10:33:25 15 (Video playing.)

10:34:26 16 **MR. NICKEL:** And 001-019, please.

10:34:53 17 (Video playing.)

10:34:53 18 **BY MR. NICKEL:**

10:36:21 19 Q. What is F4, Agent Herman?

10:36:24 20 A. F4 is one of the Franqueses' many companies, and it's what's  
10:36:28 21 referred to as a holding company. It's not a brick and mortar. It  
10:36:33 22 doesn't provide any services.

10:36:36 23 **MR. NICKEL:** If we can play Government's 001-021.

10:36:52 24 (Video playing.)

10:36:52 25 **BY MR. NICKEL:**

10:37:17 1 Q. And Agent Herman, you've reviewed these clips before today;

10:37:20 2 correct?

10:37:20 3 A. I have.

10:37:21 4 Q. Was this the chronological order in which they happened during

10:37:24 5 that meeting?

10:37:25 6 A. It was.

10:37:26 7 Q. When was the next consensual recording in this operation?

10:37:29 8 A. The next with Mr. Haynes was February 3<sup>rd</sup>.

10:37:32 9 Q. Was that planned or sporadic?

10:37:36 10 A. It was -- I think it was the day before Mr. Haynes and Mr.

10:37:39 11 Franques had contacted they were going to meet for lunch.

10:37:42 12 Q. Where did they meet for lunch?

10:37:43 13 A. Jason's Deli on Johnston Street in Lafayette.

10:37:48 14 Q. So if we hear some background noise during this call, it's a

10:37:52 15 public place; correct?

10:37:53 16 A. It's a public place at lunchtime.

10:37:55 17 Q. Was this the last consensual recording meeting?

10:37:59 18 A. Yes. With Mr. Haynes, certainly.

10:38:00 19 Q. And, again, during this time in the operation, a lot of

10:38:06 20 schemes, a lot of different things are happening; correct?

10:38:11 21 A. At this time, yes.

10:38:13 22 Q. Stuff in Terrebonne Parish?

10:38:15 23 A. Stuff out of our New Orleans office in the United States

10:38:19 24 Eastern District, yes. A lot was going on there.

10:38:23 25 Q. Fish and Wildlife stuff?

10:38:24 1 A. Fish and Wildlife stuff was still going, yes.

10:38:28 2 Q. So this is February 3, 2022. Had Mr. Haynes received another  
10:38:32 3 check before this meeting?

10:38:33 4 A. He did. He received one on the 1<sup>st</sup>.

10:38:36 5 Q. We have seen that check; correct?

10:38:37 6 A. We have.

10:38:39 7 **MR. NICKEL:** If we can play Government's Exhibit 003-005,  
10:38:42 8 please.

10:38:59 9 (Audio recording playing.)

10:38:59 10 **BY MR. NICKEL:**

10:39:45 11 Q. Agent Herman, are your offices, in fact, in the federal  
10:39:50 12 courthouse?

10:39:51 13 A. They're not.

10:39:52 14 Q. Are they close?

10:39:52 15 A. Very close.

10:39:53 16 Q. Are you at the federal courthouse often?

10:39:56 17 A. I am.

10:39:57 18 **MR. NICKEL:** If we could play Government's 003-011.

10:40:05 19 (Audio recording playing.)

10:40:05 20 **BY MR. NICKEL:**

10:40:58 21 Q. Agent Herman, did you learn why Mr. Haynes wasn't depositing  
10:41:02 22 the checks during this call? During this recording, I'm sorry.

10:41:05 23 A. Yes. There were indications during this recording.

10:41:08 24 Q. Was that, in fact, one of them?

10:41:10 25 A. Yes.

10:41:16 1 **MR. NICKEL:** 003-009, please, next.

10:41:29 2 (Audio recording playing.)

10:41:29 3 **BY MR. NICKEL:**

10:42:22 4 Q. Agent Herman, who is Mike?

10:42:25 5 A. In this conversation, it's a reference to the former District  
10:42:33 6 Attorney Mike Harson.

10:42:35 7 **MR. NICKEL:** Next 003-007, please.

10:42:49 8 (Audio recording playing.)

10:44:51 9 **MR. NICKEL:** And 003-003 is the last one, please.

10:45:07 10 (Audio recording playing.)

10:45:07 11 **BY MR. NICKEL:**

10:45:54 12 Q. Just to confirm, this was the day after Mr. Haynes got the  
10:45:57 13 second check from Mr. Franques; correct?

10:46:00 14 A. It was two days after, February 1<sup>st</sup>.

10:46:02 15 Q. This was February 3<sup>rd</sup>; correct?

10:46:04 16 A. Yeah.

10:46:05 17 Q. Again, have you reviewed these clips from Jason's Deli, the  
10:46:08 18 February 3<sup>rd</sup> recording?

10:46:14 19 A. Yes.

10:46:16 20 Q. And is this, in fact, the chronological order that these  
10:46:19 21 conversations occurred?

10:46:20 22 A. Yes.

10:46:21 23 **MR. NICKEL:** One second. Thank you so much, Judge. I'll  
10:46:23 24 tender the witness at this time.

10:46:24 25 **THE COURT:** Let's take a 15-minute break and we'll come

10:46:27 1 back with any questions from the defendant. All rise for the jury.

10:47:03 2 (Jury not present.)

10:47:03 3 **THE COURT:** Court will be in recess until 11:00.

10:47:07 4 (Off the record at 10:47 a.m.; resumed at 11:03 a.m.)

11:04:37 5 **THE COURTROOM SECURITY OFFICER:** All rise for the jury.

11:04:59 6 (Jury present.)

11:05:01 7 **THE COURT:** Please be seated. Mr. Clemons, you may  
11:05:09 8 proceed when you're ready.

11:05:10 9 **MR. CLEMONS:** Thank you, Judge.

11:05:10 10 **CROSS-EXAMINATION BY MR. CLEMONS:**

11:05:12 11 Q. Good morning, Mr. Herman.

11:05:13 12 A. Good morning, Mr. Clemons. How are you?

11:05:16 13 Q. I'm doing fine. Doing fine.

11:05:18 14 Just want to confirm you did received our Touhy request  
11:05:22 15 and that it was approved that we would be allowed to call you as a  
11:05:27 16 defense witness.

11:05:28 17 A. I have it.

11:05:29 18 Q. Because we intend to do that, so I just wanted to make sure of  
11:05:30 19 that.

11:05:31 20 Now, I want to cover a few of the things that you  
11:05:33 21 discussed and what we heard on some of these phone calls that we  
11:05:36 22 just heard. Starting with the first call, it was a call or a  
11:05:43 23 meeting with Dusty and Gary. And at that juncture isn't it true --  
11:05:48 24 because you talked about I think you said they met at the Waffle  
11:05:52 25 House. I think Dusty and Gary. Was that the first one? Did you

11:05:55 1 say Waffle House? It was somewhere they met.

11:05:56 2 A. Yes. I want to make sure we're talking about the right thing.

11:06:00 3 I don't think we played a call with Dusty and Gary. Are you

11:06:03 4 talking about the recording with Leonard and Gary?

11:06:06 5 Q. No, no. I'm talking about the initial. When you said that

11:06:08 6 Dusty and Gary met, I think you said at the Waffle House; correct?

11:06:13 7 A. Correct.

11:06:13 8 Q. Didn't you say that?

11:06:14 9 A. Yes.

11:06:15 10 Q. And isn't it true that Gary and Dusty spoke all the time, ate

11:06:20 11 lunch, dinner, breakfast, or whatever all the time because they

11:06:23 12 worked together; correct?

11:06:25 13 A. I don't know if all the time, but maybe --

11:06:25 14 Q. I mean --

11:06:27 15 A. -- often, yes.

11:06:27 16 Q. I guess often is a better word.

11:06:29 17 A. Sure.

11:06:30 18 Q. And the evidence showed you that at that point Gary thought

11:06:34 19 Dusty was his friend, correct, from the evidence that you saw at

11:06:39 20 that time?

11:06:40 21 A. Oh, yes, absolutely.

11:06:45 22 Q. Okay. And the calls confirm that Gary was very, very concerned

11:06:49 23 after Dusty got arrested in December of '21; correct? He was

11:06:55 24 concerned for Dusty's well-being? He was concerned about Dusty

11:06:59 25 getting arrested and facing some serious charges?

11:07:02 1 A. He was definitely concerned about Dusty being arrested.

11:07:08 2 Q. Now, do you recall in one of the early consensuals Leonard  
11:07:15 3 saying, regarding Dusty, "What he is telling me and what he is  
11:07:19 4 telling you is two different things"?

11:07:22 5 A. Right.

11:07:23 6 Q. He said that very clearly, didn't he?

11:07:25 7 A. He did.

11:07:26 8 Q. Okay. And that was the primary motivation for the eventual, I  
11:07:33 9 think what you call or what's being called the boardroom meeting,  
11:07:36 10 was I think somebody said, We need to get full transparency because  
11:07:40 11 one person is saying this and one person is saying that. Is that  
11:07:44 12 true?

11:07:44 13 A. That's right.

11:07:49 14 Q. And you recall my client telling Leonard the only reason he  
11:07:55 15 gave Dusty money is because he believed Leonard was involved?

11:08:00 16 A. Yes, he did say that.

11:08:06 17 Q. And you heard Leonard say, "A lot of what Dusty tells me is not  
11:08:12 18 true," in that same context; correct?

11:08:17 19 A. I think if those are the right words, something like that.

11:08:20 20 Q. I'm sorry. You were talking when somebody coughed. What did  
11:08:22 21 you say?

11:08:22 22 A. I'm trying to say. If it's in those right, exact words, he  
11:08:25 23 said something like that.

11:08:26 24 Q. But in that same time frame of all these calls and recordings  
11:08:30 25 that you made, Leonard told my client that a lot of what Dusty

11:08:34 1 tells me, and he's referring to my client and all these checks and  
11:08:38 2 all this money, is not true; correct?  
11:08:41 3 A. Right.  
11:08:41 4 Q. And the investigation confirmed that, didn't it? That a lot of  
11:08:45 5 what Dusty told Leonard was not true?  
11:08:47 6 A. Right.  
11:08:48 7 Q. A lot of what Dusty told Gary was not true?  
11:08:51 8 A. Correct.  
11:08:52 9 Q. Correct. A lot. You have to answer out loud.  
11:08:58 10 A. Oh, no. Yes.  
11:09:01 11 Q. Let's talk about these conversations about Mr. Landry. And  
11:09:06 12 that's Don Landry; correct?  
11:09:07 13 A. That is.  
11:09:08 14 Q. And it's my client talking to Leonard about it; correct?  
11:09:11 15 A. Correct.  
11:09:12 16 Q. This was after Dusty's arrest; correct?  
11:09:14 17 A. Correct.  
11:09:15 18 Q. Everybody's a little concerned; right? Well, let me rephrase.  
11:09:20 19 A. I think there were a lot of people concerned. I don't know if  
11:09:23 20 you can say everybody.  
11:09:24 21 Q. I mean, it's one of those things, once it comes out your mouth.  
11:09:26 22 Well, everybody didn't even know he was arrested. But a lot of  
11:09:29 23 people involved in this case were concerned after Dusty got  
11:09:32 24 arrested? For example, Don Landry was concerned about somebody he  
11:09:37 25 had a consulting agreement got arrested for drugs; correct?

11:09:40 1 A. Correct.

11:09:41 2 Q. I'm sure Mr. Moore was concerned because he fired Dusty;  
11:09:45 3 correct?

11:09:45 4 A. Hillar Moore?

11:09:47 5 Q. Hillar Moore.

11:09:47 6 A. Yes. Well, made him retire.

11:09:48 7 Q. Forced him to retire, okay.

11:09:51 8 Now, you remember the call in which -- and if I use the  
11:09:56 9 term "call" and "consensual recording," I'm using them  
11:09:59 10 interchangeably. I think you know what I mean at this point. It's  
11:10:03 11 a lot to keep in your head. But you remember the consensual,  
11:10:07 12 whether it's a call or a face-to-face, with Leonard Franques in  
11:10:09 13 which Gary is talking about his conversation with Don about Dusty;  
11:10:15 14 correct?

11:10:15 15 A. Correct.

11:10:15 16 Q. And Don has basically told Gary he heard rumors that Dusty was  
11:10:21 17 getting thousands of dollars from people in the PTI program. You  
11:10:26 18 know, I think he mentioned as much as \$10,000 and making the  
11:10:30 19 charges go away; correct?

11:10:31 20 A. Correct.

11:10:32 21 Q. And you remember Gary telling Leonard that he told Don, "Don, I  
11:10:36 22 don't think that's happening here. Maybe it happened in Baton  
11:10:39 23 Rouge, but that's certainly not happening here in our office";  
11:10:43 24 correct?

11:10:43 25 A. That's right.

11:10:44 1 Q. And Gary was very, very firm about that; correct?

11:10:44 2 A. In the way --

11:10:47 3 Q. Very firm in telling that to Leonard?

11:10:50 4 A. In telling that to Leonard, yes.

11:10:52 5 Q. Right. And you had no evidence that Gary believed or had any  
11:10:56 6 evidence that Dusty was getting thousands of dollars directly from  
11:10:59 7 people and making their charges go away, do you?

11:11:02 8 A. We have evidence that Gary knew about Dusty's deal with  
11:11:08 9 Prejean, which would have been thousands of dollars.

11:11:11 10 Q. But we're not talking about Prejean.

11:11:13 11 A. Right.

11:11:13 12 Q. We're talking about Don Landry said he heard that Dusty was  
11:11:17 13 getting thousands, as much as 10,000 directly from defendants,  
11:11:22 14 nothing to do with Prejean, nothing to do with Gary --

11:11:22 15 A. Right.

11:11:24 16 Q. And making the charges go away; correct?

11:11:26 17 A. Right. We have no evidence that Dusty was doing that directly  
11:11:29 18 with defendants.

11:11:31 19 Q. So you have no evidence, in your detailed investigation, that  
11:11:33 20 that ever happened; correct?

11:11:34 21 A. I don't think we have anything saying Dusty went, you know --  
11:11:37 22 I'm going to use the term hands on with the defendant. I'm trying  
11:11:39 23 to -- there was always, you know, somebody in the middle.

11:11:44 24 Q. Right. But that's what Don was talking about. He was talking  
11:11:46 25 about Dusty getting it directly. He didn't say nothing about

11:11:50 1 Prejean. He said Dusty getting it directly; correct?

11:11:53 2 A. I'd have to look back at the call, but I think that's what he  
11:11:55 3 was saying; that Dusty was getting paid off 10,000 per case.

11:12:04 4 Q. Now, you heard my client say several times he wanted to get  
11:12:13 5 paid back some of the money he had invested; correct?

11:12:16 6 A. Correct.

11:12:16 7 Q. And he said that multiple times, didn't he?

11:12:19 8 A. He did.

11:12:25 9 Q. And you recall my client saying that whether it was one of  
11:12:31 10 these calls we heard today or recordings or some other recording,  
11:12:37 11 again, shortly after Dusty was arrested, he told Leonard for the  
11:12:44 12 first time, he said he estimated he had given Dusty approximately  
11:12:48 13 \$219,000. Do you remember that? I think that was at Leonard's  
11:12:52 14 house.

11:12:52 15 A. Yes. Because the first time they met, he said 150. The  
11:12:56 16 subsequent, he said 219,000.

11:12:59 17 Q. And you remember the first time he said that, Leonard's  
11:13:03 18 response was, "Oh, Dusty." You remember that?

11:13:06 19 A. Something like that.

11:13:08 20 Q. Which gave the impression he was very disappointed to hear that  
11:13:12 21 Dusty had given this, in essence, a con man \$219,000; correct?

11:13:20 22 A. Right.

11:13:23 23 Q. Was that something you coached him to say? Or that was a  
11:13:27 24 natural reaction?

11:13:28 25 A. No. That was -- it was almost all natural.

11:13:43 1 Q. It was almost all natural, okay.

11:13:47 2 And the number of times, just so we can be clear, that my  
11:14:01 3 client met with Franques at his office for consensual recordings --  
11:14:06 4 how many meetings at the office and then how many at the house, so  
11:14:12 5 we can be clear?

11:14:13 6 A. So at the office, January 14 -- I'm sorry. I'm sorry --  
11:14:17 7 December 14<sup>th</sup>. That was I think out front in the office. And then  
11:14:21 8 the --

11:14:22 9 Q. That's where they were outside?

11:14:23 10 A. Yes, sir. And then January 12<sup>th</sup> were at the office.

11:14:27 11 Q. The boardroom meeting?

11:14:29 12 A. Yes, sir. And then December 15<sup>th</sup> and January 4<sup>th</sup> were at  
11:14:34 13 Leonard's house.

11:14:36 14 Q. Okay.

11:14:36 15 A. And then February 3<sup>rd</sup> was at Jason's Deli.

11:14:42 16 Q. December 5<sup>th</sup>, January 4 --

11:14:45 17 A. December 15<sup>th</sup>.

11:14:47 18 Q. 15<sup>th</sup>, Jan. 4, and what February?

11:14:49 19 A. 3<sup>rd</sup>.

11:14:55 20 Q. And, again, in context to my client trying to get back some of  
11:14:59 21 the money he had invested, do you remember him telling Leonard,

11:15:02 22 "Well, Dusty said you were going to hire me as either an attorney  
11:15:07 23 or consultant for your oil field business." You remember that?

11:15:11 24 A. Something like that.

11:15:12 25 Q. And Leonard came back and said, "No. Dusty told me that." In

11:15:15 1 other words, he flipped the script and said that Dusty told him; he  
11:15:19 2 didn't tell Dusty that. Remember that?

11:15:19 3 A. Right. He said something like Dusty mentioned something like  
11:15:22 4 that, if I remember correctly.

11:15:25 5 Q. He said, "Dusty said it to me." But either way, the idea,  
11:15:30 6 Leonard said it was Dusty's idea. Dusty said it was Leonard's  
11:15:34 7 idea.

11:15:35 8 A. Right, correct.

11:15:42 9 Q. And I think -- at some point I think you heard my client say  
11:15:46 10 that Dusty talked, quote, smack about Jack. You remember hearing  
11:15:51 11 that?

11:15:52 12 A. Something like that, yes.

11:15:53 13 Q. What does talking smack mean, Agent, in vernacular?

11:15:58 14 A. In vernacular or in that context? In that context --  
11:16:03 15 vernacular means, I would say talking trash. In this context  
11:16:07 16 talking smack about Jack was reference to the payoffs.

11:16:13 17 Q. Right. But the payoffs in reference talking trash, that means  
11:16:14 18 my client evidently didn't believe any of that was going on. He is  
11:16:17 19 talking trash. He's talking smack; correct?

11:16:19 20 A. I don't know if I take it that way. How your client believes  
11:16:24 21 it to be?

11:16:27 22 Q. No, using the term "talking smack" in any context --

11:16:27 23 A. Right.

11:16:31 24 Q. -- doesn't that mean someone who is just grossly exaggerating,  
11:16:35 25 stretching the truth, exaggerating, making something appear that

11:16:39 1 it's not? Talking smack?

11:16:41 2 A. Talking trash, yeah, I just don't know if I take it that way.

11:16:45 3 Q. But he said "smack," not trash?

11:16:47 4 A. Yeah, I know. But oftentimes talking smack, if you're talking  
11:16:51 5 smack about the other team, you're talking trash. In the context  
11:16:53 6 of the conversation you're talking about, I think he was just  
11:16:56 7 saying that Dusty was talking out loud about Jack.

11:16:59 8 Q. But you can't change my words. The words were "smack." Did  
11:17:03 9 you hear him say, "Dusty was talking smack"? He didn't say trash;  
11:17:06 10 correct? You heard that; right?

11:17:06 11 A. I did, and I'm trying to compare --

11:17:09 12 **MR. NICKEL:** Objection, Your Honor.

11:17:09 13 A. -- smack and trash.

11:17:09 14 **MR. NICKEL:** The witness has answered the question  
11:17:11 15 several times now.

11:17:12 16 **MR. CLEMONS:** No, Judge. The witness is changing the  
11:17:15 17 question to "trash," and the audio clearly says, "talking smack."

11:17:18 18 **THE COURT:** Talking smack. One more question about that,  
11:17:18 19 Mr. Clemons.

11:17:20 20 **MR. CLEMONS:** Thank you, Judge.

11:17:20 21 **BY MR. CLEMONS:**

11:17:22 22 Q. The video or the audio said, "talking smack"; correct?

11:17:25 23 A. Correct.

11:17:27 24 Q. Okay. Now, you heard about GPP; correct?

11:17:40 25 A. Correct.

11:17:40 1 Q. You heard my client said that he thought he was getting in on  
11:17:43 2 GPP; correct?

11:17:44 3 A. Correct.

11:17:45 4 Q. And refresh the jury briefly on what he thought -- let me be  
11:17:50 5 clear. He thought when he was giving Dusty Guidry money he was  
11:17:54 6 investing in GPP; correct?

11:17:55 7 A. Correct.

11:17:56 8 Q. And GPP is a legitimate business; correct?

11:18:00 9 A. I would disagree with that.

11:18:03 10 Q. The business itself --

11:18:05 11 A. Are you talking about the processing?

11:18:07 12 Q. Yes.

11:18:08 13 A. The actual business of a processor, yes, I would say is  
11:18:11 14 legitimate.

11:18:12 15 Q. That's what GPP is; right?

11:18:14 16 A. It is.

11:18:15 17 Q. Okay. We've had this conversation before.

11:18:16 18 A. I know we have.

11:18:18 19 Q. Right. Well, we going to do it again. Just like the practice  
11:18:20 20 of law is a legitimate business; right?

11:18:24 21 A. It can be, yes, sometimes.

11:18:27 22 Q. But somebody can corrupt the practice of law and make it  
11:18:31 23 illegitimate; correct?

11:18:33 24 A. Same with law enforcement, yes, sir.

11:18:35 25 Q. But that's my point, is we're talking about the business. Not

11:18:37 1 how it's used, the business.

11:18:39 2 A. I got you. Yes, correct.

11:18:41 3 Q. You agree?

11:18:41 4 A. Correct. The business of a third-party processor is legit.

11:18:45 5 Q. And that's what GPP was?

11:18:46 6 A. That's what they were.

11:18:48 7 Q. And you heard my client say that's why he was giving money to  
11:18:50 8 Gary, to get in on GPP?

11:18:53 9 A. Correct.

11:18:53 10 Q. Now, and at this point Dusty's been arrested; correct?

11:19:00 11 A. Correct.

11:19:01 12 Q. When they're having these conversations?

11:19:03 13 A. Yes, sir.

11:19:03 14 Q. Clearly, Dusty is a drug addict; correct?

11:19:08 15 A. He's got drug issues. I don't know if I'm qualified to say  
11:19:11 16 who's an addict or not. He is using drugs.

11:19:13 17 Q. And it is clear from Leonard and Gary, Dusty is telling one  
11:19:16 18 person one thing and another person the other. In all these  
11:19:19 19 recordings, it's clear at that point; correct?

11:19:22 20 A. Correct.

11:19:23 21 Q. And my client is making a concerted attempt to get back the  
11:19:27 22 money he had invested because he realized that he had been conned  
11:19:32 23 by Dusty Guidry?

11:19:33 24 **MR. NICKEL:** Objection. Argumentative.

11:19:35 25 **THE COURT:** You can answer the question.

11:19:38 1           **THE WITNESS:** Can you repeat the question, please? so I  
11:19:41 2 can make sure.

11:19:41 3 **BY MR. CLEMONS:**

11:19:41 4 Q. At the point after all this with Dusty telling Leonard one  
11:19:45 5 thing and Gary the next, Dusty getting arrested for a large amount  
11:19:49 6 of drugs, it was very clear from my client that he had been conned  
11:19:54 7 by Dusty Guidry. He wasn't getting any of the \$219,000 back?

11:20:01 8 A. I get the question. I don't know if I agree with the idea of  
11:20:06 9 getting straight-up conned by Dusty and just to get the money back.  
11:20:11 10 The money went to Dusty. Dusty is Dusty. So it's going around.  
11:20:17 11 Then you notice your client says "first get reimbursed." "First  
11:20:23 12 get reimbursed." So just getting the money back, the way when you  
11:20:27 13 put everything together, I don't know if I agree with your complete  
11:20:29 14 statement. Does that make sense?

11:20:29 15 Q. Sure.

11:20:31 16 A. I'm trying not to be too long-winded and such a gasbag.

11:20:36 17 Q. Because you know the Judge is conscious of time; right? I'm  
11:20:36 18 with you on that.

11:20:38 19           So you would agree with part of it? Part of the premise  
11:20:41 20 of my question.

11:20:43 21 A. Part of the premise. Part of the premise.

11:20:45 22 Q. And did Gary get any of his money back? A penny of it?

11:20:49 23 A. Yeah. He got \$20,000.

11:20:51 24 Q. What did he spend it on?

11:20:53 25 A. He didn't.

11:20:55 1 Q. I'm sorry?

11:20:55 2 A. He didn't spend it.

11:20:57 3 Q. He didn't deposit it, either?

11:20:58 4 A. He didn't deposit it.

11:21:01 5 Q. So it's your testimony in front of this jury that of the

11:21:06 6 \$219,000 he gave, paid to -- whatever you want to call it -- Dusty

11:21:10 7 Guidry, he got 20,000 of it back?

11:21:13 8 A. Correct.

11:21:13 9 Q. And that was at the direction of the FBI?

11:21:15 10 A. That was at the -- pursuant to his conversations with Leonard

11:21:20 11 and then obviously Leonard's working with the FBI.

11:21:22 12 Q. And the FBI authorized Leonard to give him two \$10,000 checks?

11:21:27 13 A. That's correct.

11:21:27 14 Q. That he never cashed and never deposited?

11:21:30 15 A. He never cashed or deposited.

11:21:31 16 Q. And that the FBI checked after the first one regularly with

11:21:34 17 Leonard and his wife to see if it had been cashed or negotiated?

11:21:37 18 A. We checked with them. Yeah, I don't know what the regular term

11:21:39 19 was, but, yes, we checked with not just the first, the second.

11:21:43 20 Q. Okay. And the answer each time came back no?

11:21:46 21 A. No.

11:21:49 22 Q. Now, let's be clear about the boardroom meeting, January 12.

11:22:06 23 A. January 12<sup>th</sup>.

11:22:10 24 Q. FBI met with Leonard Franques, discussed with him some of the

11:22:15 25 things to discuss; correct?

11:22:17 1 A. Correct.

11:22:19 2 Q. FBI wired up his office; correct?

11:22:21 3 A. Correct.

11:22:22 4 Q. Wired up him -- did he have two wires? One on him personally

11:22:26 5 and one in the office?

11:22:27 6 A. He had one personal and then there was one with the video in

11:22:30 7 the office.

11:22:32 8 Q. So about how long did the meeting last?

11:22:34 9 A. Almost two hours.

11:22:35 10 Q. So of a two-hour meeting directed by the FBI, the FBI selected

11:22:42 11 clips that would be recorded; correct?

11:22:47 12 A. No. We recorded all of it.

11:22:49 13 Q. That would be played; correct?

11:22:50 14 A. Correct. The FBI with the prosecutors in this matter.

11:22:56 15 Q. In consultation with the U.S. Attorney's Office, the Government

11:22:59 16 selected which clips to be played; correct?

11:23:02 17 A. That's correct.

11:23:02 18 Q. What's your estimate, Agent, of the total number of hours? The

11:23:07 19 meeting was two hours. Let me rewind that.

11:23:10 20 The total number in minutes that the jury has heard of

11:23:14 21 this two-hour meeting? 10 minutes? 15?

11:23:19 22 A. I was going to say 10, approximately. That's a guess.

11:23:22 23 Q. Yeah. That's just a ballpark.

11:23:27 24 A. And a lot of that meeting -- not going to say a lot -- a good

11:23:28 25 chunk of the first part was Dusty and Leonard alone. So of that

11:23:33 1 two hours.

11:23:35 2 Q. I'm sorry. You trailed off. Dusty and Leonard what?

11:23:38 3 A. Dusty got there early, so a big cut of that meeting was Dusty  
11:23:42 4 and Leonard before Mr. Haynes arrived.

11:23:45 5 Q. Okay. You only want the jury to hear what was happening when  
11:23:49 6 Mr. Haynes arrived; correct?

11:23:50 7 **MR. NICKEL:** Objection. Also argumentative, Judge.

11:23:54 8 **MR. CLEMONS:** No. That's just -- may I respond?

11:23:55 9 **THE COURT:** Agent Herman, you can answer that question.

11:23:57 10 **THE WITNESS:** No. I'm fine with it being all played.

11:23:57 11 **BY MR. CLEMONS:**

11:24:02 12 Q. That's not the question, sir. You want the jury to hear the  
11:24:05 13 portions that Gary was there; correct?

11:24:09 14 A. I don't -- I can't say that I want the jury to hear. The jury  
11:24:13 15 can hear anything they want to hear.

11:24:16 16 Q. Okay.

11:24:16 17 **THE COURT:** Mr. Herman, you can describe how you selected  
11:24:18 18 the portions you chose to play, if you'd like to do that.

11:24:21 19 **THE WITNESS:** Correct. They were with the U.S.

11:24:25 20 Attorney's Office and they included Mr. Haynes.

11:24:25 21 **BY MR. CLEMONS:**

11:24:27 22 Q. Now, let's move on to city court because there were some  
11:24:30 23 conversations about city court in one of the consensuals; correct?

11:24:36 24 A. Correct.

11:24:36 25 Q. And we have to break down city court in two aspects. PTI, that

11:24:41 1 never got off the ground; correct?

11:24:43 2 A. I don't believe it did.

11:24:45 3 Q. There were conversations, negotiations. I think we saw the  
11:24:49 4 e-mail from the city prosecutor. Gary didn't get it going, he'd be  
11:24:54 5 fired, per the mayor, all that. For whatever reason, it never got  
11:24:57 6 off the ground?

11:24:58 7 A. That's correct.

11:25:00 8 Q. And sounds like we heard that part of the reason was no MOU was  
11:25:04 9 ever executed?

11:25:05 10 A. No MOU, that's right.

11:25:08 11 Q. All right. But city court also used online classes for people  
11:25:12 12 that go to city court, plead guilty, and the judge orders them to  
11:25:17 13 take online courses; correct?

11:25:18 14 A. Correct.

11:25:19 15 Q. And Mr. Franques was already one of those vendors; correct?

11:25:22 16 A. Correct.

11:25:23 17 Q. So he was already in city court at the time all this was going  
11:25:27 18 on, as a vendor?

11:25:29 19 A. As a vendor, yes. Not related to -- that's what I was trying  
11:25:34 20 to differentiate earlier.

11:25:38 21 Q. Right. And that's what I want to clarify. So he wasn't in as  
11:25:39 22 part of PTI, but Franques was already in city court as a vendor;  
11:25:44 23 correct?

11:25:44 24 A. Correct.

11:25:44 25 Q. And he's making money off of people in city court who the judge

11:25:48 1 orders to take his courses; correct?

11:25:52 2 A. That's correct.

11:25:56 3 Q. Now, F4, a holding company; correct?

11:26:07 4 A. Correct.

11:26:08 5 Q. And you have no evidence that Gary even knew what F4 was until  
11:26:13 6 he heard the -- until he met with Franques; correct?

11:26:15 7 A. Correct.

11:26:15 8 Q. He had already given Dusty, indirect -- I mean Dusty directly,  
11:26:28 9 Franques indirectly, about how much in checks to F4? 82, or more  
11:26:32 10 than that? 82,000?

11:26:38 11 A. That was to F4.

11:26:39 12 Q. Right. But at the time, it wasn't until these consensual  
11:26:42 13 recordings where you heard Leonard explain to Gary what F4 was;  
11:26:47 14 correct?

11:26:47 15 A. Correct.

11:26:47 16 Q. That it wasn't even a legitimate business. It was just a  
11:26:51 17 holding company; correct?

11:26:52 18 A. Correct.

11:26:53 19 Q. So Dusty had my client writing checks to F4, which was just a  
11:26:56 20 holding company, and Leonard had to tell him, Hey, Podnuh, that's  
11:26:58 21 not even a legitimate business. You wrote 82,000 to my holding  
11:27:01 22 company; correct?

11:27:03 23 A. Correct.

11:27:05 24 Q. And you heard him explain that to Gary on the consensual;  
11:27:09 25 right?

11:27:09 1 A. Right. There was a talk about what F4 was.

11:27:12 2 Q. And at one point you heard Gary say, "I put a bunch of money in

11:27:17 3 F1." You heard that?

11:27:18 4 A. That's right.

11:27:21 5 Q. Not the formula racing, but he meant F4; correct?

11:27:24 6 A. I took it as he meant F4 because I don't know what F1 is.

11:27:29 7 Q. So he didn't even know the right name of the company. He is

11:27:31 8 writing checks. He didn't even know that it was just a holding

11:27:34 9 company for Mr. Franques; correct?

11:27:36 10 A. Correct.

11:27:42 11 Q. Let's go back to a clip from the board meeting. You heard my

11:27:48 12 client say he invested, in the clip, money into GPP credit card

11:27:59 13 processing. You heard that; correct?

11:28:01 14 A. I did.

11:28:02 15 Q. And you heard Dusty correct him and tell him, "No, you invested

11:28:06 16 in CBT." You heard that?

11:28:09 17 A. Right. But I think -- I'd have to look at either the

11:28:15 18 transcript or that clip again. I don't know if it went that way.

11:28:19 19 Q. So, but you concede you heard Gary say, "I gave you that money

11:28:23 20 to invest in GPP and the credit card stuff"? You heard him say

11:28:29 21 that. You remember that?

11:28:30 22 A. That's something to the effect of related to the GPP, because

11:28:33 23 they're trying to figure out what all the money was going to.

11:28:37 24 Q. And you heard Gary said that is why he set up MD Law. You

11:28:46 25 heard him say that, correct, in relation to GPP? You heard him say

11:28:50 1 that?

11:28:50 2 A. Correct.

11:28:50 3 Q. And you heard Dusty try to correct him. "No. You set up MD  
11:28:56 4 Law for CBT." You heard Dusty try to tell him why you set up MD  
11:29:01 5 Law. You heard that, didn't you?

11:29:03 6 A. I did.

11:29:03 7 Q. So Dusty's sitting right there. My client is trying to  
11:29:06 8 explain. This is the transparency meeting. This is to clear the  
11:29:09 9 air meeting; correct?

11:29:10 10 A. Correct.

11:29:11 11 Q. And my client tries to clear the air by telling these two  
11:29:14 12 people he set up MD Law because he thought he was investing in GPP;  
11:29:21 13 correct?

11:29:21 14 A. I don't think it was -- they're clarifying, like, what all is  
11:29:25 15 going on with the money. And part of it is clarifying what all we  
11:29:28 16 are doing with MD at Law.

11:29:31 17 Q. But my client says he set up MD Law as a part of the GPP  
11:29:34 18 investment; correct?

11:29:35 19 A. That's right.

11:29:35 20 Q. And Dusty jumps in and tells him, "No. You set it up for CBT";  
11:29:41 21 correct?

11:29:41 22 A. Correct.

11:29:41 23 Q. And that's consistent with how the Government wanted to push  
11:29:44 24 the narrative through Franques that my client was investing in CBT;  
11:29:51 25 correct?

11:29:51 1 **MR. NICKEL:** Objection. Argumentative, Judge. And also,  
11:29:52 2 he can't ask a question as to what the Government was thinking.

11:29:55 3 **THE COURT:** Overruled.

11:29:55 4 **MR. CLEMONS:** He is the Government.

11:29:56 5 **THE COURT:** Overruled. You can continue.

11:30:03 6 **THE WITNESS:** I got to get the question again. I want to  
11:30:06 7 make sure I get it right.

11:30:06 8 **BY MR. CLEMONS:**

11:30:07 9 Q. My question was: Dusty, jumping in and telling my client that  
11:30:10 10 he opened MD Law so that he could get payments from CBT, was  
11:30:17 11 consistent with what you testified to earlier; that you directed  
11:30:22 12 Franques to, if necessary, push the conversation towards CBT?

11:30:28 13 A. Sure. Dusty wasn't working for the Government, so I couldn't  
11:30:31 14 direct Dusty. Dusty was just as much of a subject in that  
11:30:35 15 investigation. He had no idea that the cameras and microphones  
11:30:37 16 were on. So the Government didn't direct Dusty to say that.

11:30:42 17 Q. I didn't say you directed Dusty. I said you directed Leonard  
11:30:47 18 to push the conversation towards CBT.

11:30:49 19 A. Directed Leonard to open the conversation of being very  
11:30:53 20 indicative that this meeting, we're involved in a criminal  
11:30:58 21 conspiracy. That was -- and if you watch the video, Leonard  
11:31:03 22 actually says comparatively very little during this whole meeting.

11:31:06 23 Q. You trailed off. Leonard said -- let me finish my question.

11:31:09 24 You said Leonard said very little through this what?

11:31:12 25 A. Whole meeting.

11:31:15 1 Q. Just to be clear, Leonard's the heavysset guy sitting to the  
11:31:19 2 left, drinking a Diet Coke and chewing something? He had a hat on  
11:31:24 3 at one point, a hat off at some other point?

11:31:26 4 A. That was Leonard, yes.

11:31:28 5 Q. Leonard Franques?

11:31:30 6 A. Correct.

11:31:35 7 Q. And you heard my client say, as they're talking about the  
11:31:39 8 purpose of the meeting to get transparent, you heard my client say,  
11:31:43 9 quote, I would like to first get reimbursed. You heard him make  
11:31:50 10 that very, very clear?

11:31:51 11 A. He did.

11:31:55 12 **MR. CLEMONS:** Tender the witness back, Judge.

11:31:58 13 **THE COURT:** Any redirect, Mr. Nickel?

11:32:01 14 **MR. NICKEL:** Briefly, Your Honor.

11:32:03 15 **THE COURT:** Okay.

11:32:05 16 **REDIRECT EXAMINATION BY MR. NICKEL:**

11:32:07 17 Q. Agent Herman, you were asked on cross-examination about  
11:32:12 18 coaching Mr. Franques what to say; correct?

11:32:14 19 A. Correct.

11:32:14 20 Q. And having the conversation steer towards CBT; correct?

11:32:18 21 A. I remember the question, yes.

11:32:22 22 Q. Do you recall a clip that we watched where Mr. Gary Haynes  
11:32:25 23 comes into the boardroom for the very first time?

11:32:29 24 A. Yes.

11:32:30 25 Q. Do you recall what he was talking about?

11:32:31 1 A. Yes, I do.

11:32:32 2 Q. What was he talking about?

11:32:33 3 A. That was the one where he was talking about, I guess, what all  
11:32:36 4 he did that day of getting clients towards Mr. Franques' business.

11:32:41 5 Q. Did anyone prompt him to say that?

11:32:42 6 A. No.

11:32:43 7 Q. Was MD at Law set up for multiple reasons, based off of your  
11:32:48 8 investigation of this case?

11:32:49 9 A. Yes.

11:32:49 10 **MR. CLEMONS:** Objection, Judge. He is clearly leading  
11:32:52 11 the witness, Judge. Mr. Franques or Mr. Guidry can tell the jury  
11:32:56 12 what it was set up for. Mr. Guidry's already talked to the jury.

11:32:59 13 **THE COURT:** Can you rephrase, Mr. Nickel?

11:33:01 14 **MR. NICKEL:** Sure.

11:33:01 15 **BY MR. NICKEL:**

11:33:01 16 Q. During the boardroom consensual, did Mr. Guidry say, "That's  
11:33:04 17 one of the reasons we set it up"?

11:33:05 18 A. He did.

11:33:07 19 Q. December 14, 2022, that's the first consensual; correct?

11:33:11 20 A. With Mr. Haynes, yeah.

11:33:13 21 Q. On cross-examination you said that that was the first time -- I  
11:33:17 22 think you even acknowledged that was the first time Mr. Franques  
11:33:21 23 told Mr. Haynes what F4 was; correct?

11:33:23 24 A. I'm trying to -- I don't want to get my consensuals mixed up.

11:33:29 25 Q. Sure.

11:33:29 1 A. In one of them, there was a description of what F4 was being a  
11:33:33 2 holding company. I don't want to testify to it because I'm getting  
11:33:36 3 confused.

11:33:37 4 Q. That's fine. So either December 14<sup>th</sup> or the January -- when was  
11:33:41 5 the second F4 check delivered to Mr. Haynes?

11:33:45 6 A. February 1<sup>st</sup>.

11:33:47 7 Q. So it would have been after Mr. Haynes has been told what F4  
11:33:51 8 is; correct?

11:33:52 9 A. Yes.

11:33:56 10 Q. Okay. You were asked about Mr. Guidry getting money from --  
11:34:01 11 specifically the call where Mr. Haynes said, "Don's asking me about  
11:34:06 12 Dusty getting money directly from defendants"; correct?

11:34:09 13 A. Correct.

11:34:09 14 Q. You would agree that's something different than Mr. Guidry  
11:34:12 15 getting paid by Mr. Franques; correct?

11:34:15 16 A. Correct.

11:34:16 17 Q. And Mr. Haynes getting paid by Mr. Franques; correct?

11:34:18 18 A. Correct.

11:34:21 19 Q. You recalled Mr. Haynes, and I think you acknowledged on  
11:34:25 20 cross-examination Mr. Haynes saying, "I want to get reimbursed  
11:34:28 21 first"; correct?

11:34:29 22 A. Correct.

11:34:29 23 Q. And you recall him saying that he wanted to get paid back and  
11:34:33 24 then do the truck, possibly; correct?

11:34:35 25 A. Possibly. Indicated he wanted to get paid back first, then see

11:34:39 1 what they could do in the future.

11:34:41 2 Q. And then also Mr. Haynes tell Mr. Franques that Mr. Haynes is  
11:34:46 3 surprised when he hears that Dusty is getting paid; correct?

11:34:50 4 A. Correct. So that would have been not the boardroom meeting,  
11:34:53 5 the December 14<sup>th</sup>.

11:34:55 6 Q. And, in fact, Dusty was supposed to be splitting that with him;  
11:34:57 7 correct?

11:34:57 8 A. Correct.

11:34:58 9 **MR. CLEMONS:** Your Honor, I'm going to object. He's  
11:34:59 10 leading the witness. He's telling him what was supposed to happen.  
11:35:03 11 He's just saying, "Correct."

11:35:03 12 **THE COURT:** It's sustained. Ask nonleading questions,  
11:35:07 13 please.

11:35:07 14 **BY MR. NICKEL:**

11:35:08 15 Q. Okay. What was the nature of the conversation about Mr.  
11:35:11 16 Franques telling his business arrangement to Mr. Haynes about what  
11:35:15 17 he was doing with Mr. Guidry?

11:35:16 18 A. About how he was paying him.

11:35:19 19 Q. Okay. How -- a split? Was that the correct phrasing?

11:35:24 20 A. I believe so, yeah.

11:35:28 21 Q. At the beginning or late 2021, early 2022, right, that's when  
11:35:34 22 this was -- these conversations were happening; right?

11:35:36 23 A. Right. Shortly after Dusty was arrested.

11:35:39 24 Q. How much longer did Don Landry have in office?

11:35:43 25 A. How much longer did Don Landry have in office?

11:35:47 1 Q. Yes.

11:35:47 2 A. Don Landry is still in office.

11:35:49 3 Q. How long does a district attorney serve?

11:35:52 4 A. So it's six-year terms, so he's got -- the election will be

11:35:56 5 next year.

11:35:57 6 Q. So at the time when all this is going on, Mr. Landry was still

11:36:02 7 in office; correct?

11:36:04 8 A. Still in his first year.

11:36:05 9 Q. And Mr. Haynes was still in charge of PTI; correct?

11:36:08 10 A. That's correct.

11:36:09 11 Q. And Mr. Franques was still a PTI vendor; correct?

11:36:12 12 A. Correct.

11:36:13 13 Q. So this arrangement would have gone on as long as Mr. Landry

11:36:15 14 was DA; correct?

11:36:18 15 **MR. CLEMONS:** Objection, Your Honor. He's asking him to

11:36:20 16 speculate.

11:36:21 17 **THE COURT:** I think you can get the point out, but you

11:36:24 18 have to ask it differently, Mr. Nickel.

11:36:26 19 **MR. NICKEL:** Sure.

11:36:26 20 **BY MR. NICKEL:**

11:36:26 21 Q. How much longer did Mr. Landry have on his term?

11:36:29 22 A. By the time, say, December 2021, he had five years remaining.

11:36:34 23 Q. Can Mr. Landry run for reelection?

11:36:36 24 A. He can.

11:36:39 25 Q. On cross-examination you were asked about GPP and whether it

11:36:42 1 was legitimate or not. So the idea, and we went over this on your  
11:36:48 2 previous testimony, the idea of a third-party processor is  
11:36:51 3 legitimate; right?

11:36:52 4 A. The idea, yes.

11:36:53 5 Q. What was illegitimate about GPP in this investigation?

11:36:57 6 A. Well, some of the people that can make the decisions to have  
11:37:00 7 people pay GPP are getting money from it. For instance, GPP at the  
11:37:05 8 time -- I don't know if it still is -- is the credit card processor  
11:37:08 9 for the Lafayette District Attorney's Office. So when you see that  
11:37:11 10 enrollment fee that a defendant has to pay for, for the thousand  
11:37:15 11 dollars to get into PTI, 3.99 percent goes to GPP. So that was my  
11:37:21 12 issue with it being called legitimate.

11:37:38 13 Q. Mr. Guidry said that he was a commissioner of Fish and  
11:37:43 14 Wildlife; correct?

11:37:43 15 A. Correct.

11:37:44 16 Q. And, in fact, made it known to Mr. Haynes; correct?

11:37:46 17 A. Yes.

11:37:46 18 **MR. NICKEL:** Nothing further, Your Honor. Thank you.

11:37:49 19 **THE COURT:** Agent Herman, you may step down and return to  
11:37:52 20 counsel table.

11:37:54 21 The Government may call it's next witness when you're  
11:37:57 22 ready.

11:37:58 23 **MR. WALKER:** Your Honor, the next witness is Holly  
11:38:01 24 Deshotel.

11:38:19 25 **THE DEPUTY CLERK:** Raise your right hand, please. Do you

11:38:19 1 solemnly swear or affirm that the testimony you give in this matter  
11:38:19 2 will be the truth, the whole truth, and nothing but the truth, so  
11:38:28 3 help you God?

11:38:28 4 **THE WITNESS:** Yes, I do.

11:38:31 5 **HOLLY DESHOTEL,**

11:38:37 6 after having first been duly sworn, did testify as follows:

11:38:37 7 **DIRECT EXAMINATION BY MR. WALKER:**

11:38:38 8 Q. Would you tell me your name.

11:38:39 9 A. My name is Holly Deshotel.

11:38:43 10 Q. Where are you employed?

11:38:44 11 A. I'm employed as a special agent with the Internal Revenue  
11:38:47 12 Service Criminal Investigation Division.

11:38:49 13 Q. How long have you been doing that?

11:38:50 14 A. Twenty years.

11:38:51 15 Q. Are you -- do you have a specific rank?

11:38:55 16 A. I am sometimes referred to as a senior special agent.

11:39:00 17 Q. And right now what are you doing in the criminal investigation  
11:39:04 18 division?

11:39:04 19 A. So currently I am assigned to train on the job our newly hired  
11:39:13 20 agents that have just come out of the academy. And I assist them  
11:39:18 21 with working their investigations, provide guidance, and then  
11:39:22 22 evaluate them on their performance of certain tasks.

11:39:27 23 Q. Are you the co-case agent on *United States versus Gary Haynes*?

11:39:31 24 A. Yes, I was.

11:39:32 25 Q. Were you involved in that case from the very beginning?

11:39:35 1 A. No, I was not.

11:39:39 2 Q. About when were you brought in?

11:39:40 3 A. The FBI and the U.S. Attorney's Office requested my assistance  
11:39:48 4 about October of 2021.

11:39:50 5 Q. Why were you brought in?

11:39:51 6 A. So it's very common for federal agencies to work jointly on  
11:39:56 7 investigations. We all kind of specialize in different things. As  
11:40:00 8 this investigation progressed, the FBI was seeing a lot of  
11:40:04 9 information indicative of money laundering, and so they requested  
11:40:07 10 my assistance because that is one of the areas that IRS-CI  
11:40:12 11 specializes in.

11:40:13 12 Q. So tell us, what types of cases does the IRS Criminal  
11:40:18 13 Investigation Division specialize in?

11:40:20 14 A. So we work criminal. We investigate criminal violations of the  
11:40:26 15 Internal Revenue Code. We also do other related financial crimes,  
11:40:31 16 such as money laundering and Bank Secrecy Act violations.

11:40:35 17 Q. Did you participate in a financial investigation of this case?

11:40:38 18 A. Yes, I did.

11:40:40 19 Q. So you have said twice that you investigate money laundering.  
11:40:43 20 What is money laundering?

11:40:45 21 A. Money laundering is a process of trying to disguise illegal  
11:40:49 22 activity and make it appear as if it's legitimate.

11:40:52 23 Q. Are there different types of money laundering?

11:40:58 24 A. Yes, there are various prongs to money laundering.

11:41:00 25 Q. Is one of them referred to as concealment money laundering?

11:41:03 1 A. That is correct. There is a prong where a violation of money  
11:41:07 2 laundering would occur if you're trying to conceal the nature,  
11:41:10 3 source, location, ownership of your illegal proceeds.

11:41:15 4 Q. Does money laundering require the launderer to make a financial  
11:41:20 5 gain?

11:41:20 6 A. No, it does not.

11:41:22 7 Q. Can you explain that?

11:41:23 8 A. I can. So money laundering, as we -- I just explained, the  
11:41:28 9 crime itself is trying to conceal your illegal activity. So  
11:41:33 10 whenever you conduct a transaction or attempt to conduct a  
11:41:37 11 transaction, or in any way try to conceal your illegal activity,  
11:41:42 12 money laundering has already occurred. It doesn't really -- it's  
11:41:45 13 not irrel -- it's not relevant whether or not you have made a  
11:41:48 14 profit at that point.

11:41:50 15 Q. Have you done successful money laundering investigations where  
11:41:52 16 there was no profit made?

11:41:54 17 A. Yes.

11:41:58 18 Q. In concealment money laundering investigations, have you become  
11:42:02 19 aware of what are shell companies, or shell corporations are?

11:42:06 20 A. Yes, I have.

11:42:07 21 Q. Can you tell me what a shell corporation is?

11:42:10 22 A. A shell corporation is set up -- it really just exists on  
11:42:15 23 paper. It does not provide a good. It does not provide a service.  
11:42:19 24 It's just -- it just exists in name alone.

11:42:23 25 Q. What do people who launder money use a shell corporation for?

11:42:26 1 A. A shell corporation in a money laundering scheme is typically  
11:42:31 2 used to conceal the nature of your activity. You're trying to make  
11:42:35 3 it appear as if it's a business operation rather than, you know,  
11:42:39 4 payments directly to you personally.

11:42:42 5 Q. In connection with the investigation, did you determine that --  
11:42:46 6 if Dusty Guidry had any shell corporations under his control?

11:42:51 7 A. Yes, I did.

11:42:52 8 Q. Can you tell me those?

11:42:54 9 A. Dusty Guidry had DJG Consulting, Incorporated. He also  
11:43:01 10 operated DJG of Acadiana. He had Skyline Media and Coastal  
11:43:09 11 Construction and Interior Design.

11:43:13 12 Q. So let's first talk about DJG Consulting and DJG Consulting of  
11:43:17 13 Acadiana.

11:43:18 14 A. Yes.

11:43:19 15 Q. Do you know whose name those companies were registered under?

11:43:21 16 A. Those companies were registered under Dusty Guidry.

11:43:24 17 Q. So the fact that it was a shell -- the fact that he had it  
11:43:28 18 registered under his name didn't make it something different than a  
11:43:31 19 shell company?

11:43:32 20 A. No, it didn't.

11:43:33 21 Q. What about Skyline Media and Coastal Construction? Whose name  
11:43:37 22 were those under?

11:43:38 23 A. Those two businesses were registered under Mr. Guidry's wife,  
11:43:41 24 Lauren Guidry.

11:43:43 25 Q. In your financial investigation, was Dusty Guidry using the

11:43:47 1 shell companies to conceal his illegally obtained money?

11:43:50 2 A. Yes, he was.

11:43:51 3 Q. Did that include DJG Consulting?

11:43:54 4 A. Yes, it did.

11:43:55 5 Q. And that was in his name?

11:43:57 6 A. Yes.

11:44:01 7 Q. How did you determine that some of Dusty Guidry's companies  
11:44:05 8 were shell companies?

11:44:07 9 A. Well, with regards to Skyline Media and Coastal Construction,  
11:44:11 10 specifically, those were not legitimate businesses at all. They  
11:44:15 11 did not conduct any sort of business. It was only there to obtain  
11:44:21 12 money from his illegal schemes that he was involved in.

11:44:26 13 Q. Did the other companies that you referred to, DJG Construction,  
11:44:30 14 did they have both legitimate and illegitimate purposes?

11:44:35 15 A. Yeah. I would refer to the DJG Consulting as more of a  
11:44:38 16 business front, where he kind of combined both money from legal  
11:44:42 17 consulting and then money from some of his illegal schemes, as  
11:44:46 18 well.

11:44:47 19 Q. Did you review the records and do a financial investigation of  
11:44:51 20 MD at Law Corporation?

11:44:53 21 A. Yes, I did.

11:44:55 22 Q. And what did you determine about the nature of that company?

11:44:59 23 A. So MD at Law was -- the account was opened for the purpose of a  
11:45:05 24 law office. Based on my review of the business records and the  
11:45:11 25 bank account, I believe it to be a shell corporation. It was

11:45:18 1 opened with an opening deposit. There was no evidence showing that  
11:45:24 2 it was providing any sort of legal services, and the account just  
11:45:29 3 stayed dormant.

11:45:31 4 Q. Does the fact that on paper a business is owned by a person  
11:45:35 5 concealing the money, rather than a personal account of the person,  
11:45:39 6 give additional protection?

11:45:41 7 A. It does.

11:45:41 8 Q. Why?

11:45:42 9 A. It makes it appear as if any money that goes through that  
11:45:47 10 account would be from legitimate business operations.

11:45:50 11 Q. So specifically with MD at Law, under whose name was MD at Law?

11:45:55 12 A. Gary Haynes.

11:45:58 13 Q. Did Gary Haynes work at the district attorney's office?

11:46:00 14 A. Yes, he did.

11:46:02 15 Q. Your financial investigation showed that?

11:46:04 16 A. Yes, it did.

11:46:05 17 Q. Did he receive a paycheck every two weeks?

11:46:07 18 A. Yes, he did.

11:46:08 19 Q. Did he deposit that in MD at Law corporation?

11:46:11 20 A. No. Those went into one of his personal accounts.

11:46:16 21 Q. Other than opening the account at MD at Law, what business did  
11:46:20 22 you find that MD at Law had transacted?

11:46:23 23 A. No other business.

11:46:27 24 Q. There's been testimony about Leonard Franques' company F4. Did  
11:46:33 25 you do a financial investigation of that company?

11:46:35 1 A. Yes, I did.

11:46:37 2 Q. Was it a shell company?

11:46:38 3 A. It was also what I would consider more of a business front,  
11:46:42 4 where it was a combination. It was a holding company, so it  
11:46:47 5 oversaw. It had a controlling interest in a bunch of different  
11:46:51 6 subsidiary businesses. And so there were some legitimate  
11:46:55 7 businesses that fit that were under this holding company umbrella,  
11:46:59 8 but then it also had a lot of his illegitimate businesses that were  
11:47:05 9 used for these illegal schemes.

11:47:07 10 Q. Who owned F4?

11:47:08 11 A. It was an LLC set up where the members were Leonard Franques,  
11:47:12 12 Michelle Franques, and the Franques Family trust.

11:47:17 13 Q. So you talked about a holding company and a front. Can you  
11:47:22 14 just explain what a holding company is to the jury?

11:47:25 15 A. Sure. A holding company, we typically refer to it as a parent  
11:47:30 16 company. It will have a controlling interest of a number of  
11:47:34 17 subsidiary businesses. I think the best way for me to explain it  
11:47:39 18 is Walt Disney Corporation is a holding company. They have the  
11:47:42 19 parent company, but then a bunch of little, you know, Pixar and all  
11:47:47 20 the other little theme parks. Those are all their subsidiary  
11:47:54 21 businesses under the whole Walt Disney umbrella.

11:47:56 22 Q. So as it relates to F4 -- now we have the umbrella, the F4  
11:47:59 23 umbrella --

11:47:59 24 A. Yes.

11:48:00 25 Q. -- what are the businesses that are under F4?

11:48:02 1 A. So I don't know all of them. I know a few of them. I know  
11:48:06 2 Midway Media was under that umbrella. DGL1 was also under that  
11:48:14 3 umbrella. LWF. They had Metro Corporation and a few others that I  
11:48:22 4 don't know. Maybe Midway Capital.

11:48:24 5 Q. So let's talk about Midway Media.

11:48:26 6 A. Okay.

11:48:26 7 Q. Through your investigation, did you determine that Midway Media  
11:48:29 8 owned CBT?

11:48:30 9 A. Yes, I did.

11:48:31 10 Q. And was CBT paying kickbacks to -- in the DA kickback/bribery  
11:48:38 11 scheme?

11:48:39 12 A. Yes, it was.

11:48:41 13 Q. DGL and LWF?

11:48:43 14 A. LWF.

11:48:45 15 Q. You said those were two companies under the F4 umbrella?

11:48:48 16 A. Yes.

11:48:49 17 Q. What was their purpose?

11:48:50 18 A. So DGL1 actually signed the contract for the Wildlife and  
11:48:57 19 Fisheries scheme, but the money that was being made from that  
11:48:59 20 contract was being deposited into the LWF bank account and then  
11:49:04 21 further funneled to DGL1 and all the participants of that scheme.

11:49:11 22 Q. So did you determine that those companies were being used to  
11:49:16 23 further and to disburse funds in the Louisiana Department of  
11:49:22 24 Wildlife and Fisheries kickback scheme?

11:49:24 25 A. Yes.

11:49:27 1 Q. Does a holding company typically do business?

11:49:32 2 A. Not exactly. It's not very different from a shell corporation,  
11:49:38 3 but it will have -- typically you'll see it own assets in all of  
11:49:44 4 its subsidiary companies. So a holding company's purpose is to  
11:49:56 5 basically manage the subsidiary companies and not just be a, you  
11:49:58 6 know, a name on a paper.

11:49:58 7 Q. If you receive or deposit into a holding company, is it more  
11:50:03 8 difficult to trace where the funds came from?

11:50:05 9 A. Yes. It does add an additional layer of concealment to where  
11:50:08 10 if you're not diving too deep into the financials, on the surface  
11:50:13 11 it would be hard to determine where the money is actually going to  
11:50:18 12 and what it's for.

11:50:20 13 Q. So let's look at Midway Media. Midway Media, you testified,  
11:50:23 14 was the owner of CBT?

11:50:26 15 A. Yes.

11:50:29 16 Q. If CBT is paying kickbacks and doing it through the holding  
11:50:37 17 company F4, is it more difficult to determine where the money is  
11:50:40 18 actually originating from? Did I ask that in a poor way?

11:50:40 19 A. Yeah. Can you --

11:50:48 20 Q. Let me ask you this. Let me see if I can ask it better, and if  
11:50:53 21 I can't, correct me again.

11:50:54 22 You previously testified that CBT, through Midway Media,  
11:50:58 23 was paying kickbacks to people within the district attorney's  
11:51:00 24 office.

11:51:01 25 A. Yes.

11:51:04 1 Q. Did the fact that if the money is being paid through, say, F4,  
11:51:11 2 rather than directly through CBT, does it make it more difficult  
11:51:16 3 from the outside to see where that money is actually coming from?

11:51:21 4 A. Yes, it does.

11:51:32 5 Q. Do shell companies typically have bank accounts associated with  
11:51:35 6 them?

11:51:36 7 A. Yeah. They can, yes.

11:51:39 8 Q. Does the fact that a money launderer uses a business bank  
11:51:44 9 account versus a personal bank account give any additional  
11:51:48 10 protection?

11:51:50 11 A. Yes. Again is that layer of concealment, where it makes it  
11:51:55 12 look like it's a legitimate business operation rather than the  
11:51:58 13 personal -- the person that is the owner of that company.

11:52:02 14 Q. When you open a business bank account, do you have to give some  
11:52:06 15 kind of numerical identification to get the bank account opened?

11:52:11 16 A. Yes. You have to give a taxpayer I.D. number.

11:52:16 17 Q. So is that sometimes referred to as a TIN?

11:52:18 18 A. TIN, yes.

11:52:20 19 Q. Are there different kinds?

11:52:21 20 A. There are.

11:52:23 21 Q. Okay. Is a person's social security number a tax  
11:52:29 22 identification number?

11:52:30 23 A. Yes, it is.

11:52:32 24 Q. If you use your social security number when you open up a  
11:52:39 25 business bank account or a bank account associated with a business,

11:52:44 1 from a money launderer's perspective, does that cause problems?

11:52:49 2 A. If you use your social security --

11:52:50 3 **MR. JOHNSON:** Objection, Your Honor. We're getting into  
11:52:53 4 opinion testimony here I think.

11:52:54 5 **MR. WALKER:** Your Honor, it's really not. I'm actually  
11:52:56 6 -- I'm laying the foundation for the next -- for the chart that I  
11:53:01 7 intend to introduce.

11:53:03 8 **THE COURT:** I'll allow it based on her role as an IRS CI  
11:53:08 9 agent.

11:53:08 10 **MR. JOHNSON:** Thank you, Judge.

11:53:08 11 **BY MR. WALKER:**

11:53:12 12 Q. So I was talking about a social security number. When you have  
11:53:15 13 a social security number tied to a bank account rather than  
11:53:19 14 business or personal, does that have an effect on concealing the  
11:53:24 15 nature of the money?

11:53:26 16 A. It does. If you use your social security number, it's  
11:53:29 17 obviously tied directly to you. If you use a business  
11:53:34 18 identification number or an employer identification number, it  
11:53:39 19 would make the nature of that account seem as if it's for a  
11:53:44 20 legitimate business operation.

11:53:46 21 Q. You work for the Internal Revenue Service?

11:53:48 22 A. Yes, I do.

11:53:49 23 Q. Criminal Investigation?

11:53:50 24 A. Yes, sir.

11:53:51 25 Q. Is one of the things the Internal Revenue Service, and not

11:53:56 1 Criminal Investigation Division, but just kind of generally the  
11:54:00 2 Internal Revenue Service, do they have to send out paperwork so you  
11:54:03 3 can get your taxes filed, things like that?

11:54:06 4 A. Yes.

11:54:06 5 Q. So we've gotten -- I think everybody has kind of gotten one  
11:54:10 6 document or another in the mail where it shows if you get a  
11:54:13 7 paycheck, you might get a W2 or you might get some other kind of  
11:54:17 8 tax document that you have to have to fill out your return.

11:54:22 9 A. Correct.

11:54:23 10 Q. If you use your personal social security number, is that going  
11:54:27 11 to trigger you getting a document where it has to be placed on your  
11:54:31 12 return?

11:54:32 13 A. Yes.

11:54:32 14 Q. Does that make it more public so that anybody looking would see  
11:54:36 15 that you're getting that additional money?

11:54:40 16 A. Yes, it would.

11:54:42 17 Q. Is that a benefit, or does that make it more difficult for the  
11:54:49 18 money launderer to conceal money?

11:54:54 19 A. If you're using your personal information, it is not -- you're  
11:55:01 20 not exactly concealing it. If you try to use a business  
11:55:05 21 information, then that is a level of concealment to disguise the  
11:55:09 22 nature of that operation.

11:55:14 23 Q. So I hate using acronyms. So I know, and I think everybody  
11:55:21 24 else hates it, too. You said before an EIN number.

11:55:26 25 A. I did.

11:55:28 1 Q. What is that?

11:55:28 2 A. That is an employer identification number.

11:55:31 3 Q. Is that the equivalent of, like, the social security number for  
11:55:35 4 the business?

11:55:36 5 A. Yes, it is.

11:55:37 6 Q. Okay. So that makes it easier to understand.

11:55:40 7 As it relates to if your -- if the money is being  
11:55:44 8 deposited into an account with that employer's social security  
11:55:49 9 number, does that give you a layer of protection?

11:55:51 10 A. Yes, it does.

11:55:52 11 Q. How is that?

11:55:53 12 A. Because it makes it seem like you are conducting operations as  
11:55:57 13 if you are a legitimate business.

11:56:03 14 Q. Do you remember in the trial that there were two checks from  
11:56:11 15 F4?

11:56:11 16 A. Yes.

11:56:14 17 Q. That were actually given to F4. Do you remember that?

11:56:17 18 A. Yes, I do.

11:56:18 19 Q. Does F4 have a general ledger where they describe the source of  
11:56:23 20 that money?

11:56:24 21 A. They did.

11:56:25 22 Q. So let me break it down so -- I just want to make -- I feel  
11:56:30 23 like we're getting into accounting stuff, and I just want to make  
11:56:33 24 sure it's clear. If a business gets a check in, do they have to  
11:56:38 25 put it on a ledger to explain where the money came from?

11:56:42 1 A. Yes. It gets coded in their general ledger to show what the  
11:56:46 2 purpose of the deposit is.

11:56:50 3 Q. So does it describe in the ledger -- when it was originally  
11:56:58 4 deposited with F4, did it explain what that money was for?

11:57:06 5 A. It did not. The deposit came in and it was just posted to a  
11:57:14 6 suspense account. The initial check, the \$32,000.

11:57:18 7 Q. So I'm hoping we haven't lost anybody, other than me. A  
11:57:22 8 suspense account, is that just -- tell me what that is.

11:57:24 9 A. Best way to describe it is maybe a temporary holding account  
11:57:30 10 until somebody figures out what it's actually supposed to be for.  
11:57:34 11 So it's just going to sit there sort of uncategorized until they  
11:57:39 12 put it in another account.

11:57:41 13 Q. So the checks that were given to F4 by Gary Haynes, they were  
11:57:45 14 placed in a suspense account in the ledger?

11:57:48 15 A. The first one was, the \$32,000 one.

11:57:52 16 Q. What was the second one placed in?

11:57:54 17 A. The second one that he received in August was for 50,000, and  
11:57:58 18 that one was really posted as almost like a reimbursement of one of  
11:58:08 19 -- from Leonard Franques' draw account. So if he has a -- do you  
11:58:14 20 want me to explain it?

11:58:16 21 **MR. JOHNSON:** Your Honor, I'm going to object to a  
11:58:18 22 certain extent. I think Mr. Leonard Franques can come here, and he  
11:58:22 23 can testify as to why it was posted the certain way it was. I  
11:58:25 24 don't think we need her to be guessing at it.

11:58:27 25 **MR. WALKER:** Actually, two things, Your Honor: One, I

11:58:28 1 don't think the evidence is Leonard Franques posted it; and, two,  
11:58:30 2 she is simply describing financially what she observed in the  
11:58:33 3 ledger.

11:58:34 4 **THE COURT:** Right. And I think you do need to lay a  
11:58:37 5 better foundation for where she's getting her information from. So  
11:58:39 6 to that extent, I will sustain the objection.

11:58:42 7 **MR. JOHNSON:** Thank you, Your Honor.

11:58:42 8 **BY MR. WALKER:**

11:58:42 9 Q. Did you look at the ledger?

11:58:44 10 A. I did.

11:58:44 11 Q. You looked at the corporation ledger for F4?

11:58:47 12 A. I did.

11:58:48 13 Q. Is everything you are talking about related to what you  
11:58:50 14 observed in the corporate ledger?

11:58:52 15 A. It is.

11:58:56 16 Q. Okay. So did either of those checks make clear that they came  
11:59:00 17 from Gary Haynes?

11:59:01 18 A. No, neither of them indicated that it was received from Gary  
11:59:08 19 Haynes.

11:59:09 20 Q. Did either of them show from whom it came?

11:59:13 21 A. The first one was just posted as a deposit to the suspense  
11:59:20 22 account. The second one was posted as a member's -- a reduction in  
11:59:26 23 members' draw, and it had the title on there of Dusty Guidry.

11:59:31 24 Q. So a member's draw, does that mean you have ownership in the  
11:59:34 25 company?

11:59:35 1 A. Yeah, so if you are a member of an LLC, you can have capital in  
11:59:41 2 the company, you can draw or take distributions from that company.  
11:59:45 3 And the member's draw account is just basically keeping track of  
11:59:50 4 what has been taken out of the company. Usually it's all debits  
11:59:56 5 out, but when they received that \$50,000 check, it was credited in.  
12:00:01 6 So it reduced the amount of draws that would have been attributable  
12:00:05 7 to Leonard for that year.

12:00:07 8 Q. Is there any evidence that Dusty Guidry, based on your review  
12:00:10 9 of all the financial records, owned one penny of the company F4?

12:00:14 10 A. No.

12:00:16 11 Q. So both of the checks, in the way they were put on the ledger,  
12:00:23 12 concealed the nature of the money?

12:00:26 13 A. Yes, they did.

12:00:29 14 Q. Did you have occasion to participate in the creation of United  
12:00:33 15 States Exhibit 24?

12:00:34 16 A. I did.

12:00:37 17 Q. Is it a timeline that relates to MD at Law and other events  
12:00:42 18 associated with this investigation, the financial investigation?

12:00:46 19 A. Yes, it is.

12:00:49 20 **MR. WALKER:** I'd like to show the witness only United  
12:00:52 21 States Exhibit 24.

12:01:08 22 **BY MR. WALKER:**

12:01:12 23 Q. Do you recognize that document?

12:01:14 24 A. Yes, I do.

12:01:15 25 Q. Is that something you participated in the creation of?

12:01:17 1 A. It is.

12:01:22 2 Q. I want to step back because I forgot to ask you something  
12:01:25 3 before, and it's my fault, and thankfully I had somebody who put a  
12:01:29 4 note in front of me.

12:01:30 5 As it relates to the MD at Law account, did Gary Haynes  
12:01:34 6 use his social security number to open up the MD Law -- MD at Law  
12:01:39 7 checking account?

12:01:40 8 A. No, he did not.

12:01:43 9 Q. Did he use an EIN number?

12:01:46 10 A. Yes, he did.

12:01:47 11 Q. Did that further conceal kind of the nature of funds that would  
12:01:51 12 go in or out of the company?

12:01:53 13 A. Yeah.

12:01:53 14 **MR. JOHNSON:** Objection. Characterization of "further  
12:01:57 15 conceal," Your Honor.

12:01:58 16 **MR. WALKER:** First, it's been asked and answered.

12:02:00 17 **MR. JOHNSON:** That's leading the witness.

12:02:02 18 **THE COURT:** I sustain that objection. You can rephrase  
12:02:03 19 it, Mr. Walker.

12:02:03 20 **BY MR. WALKER:**

12:02:05 21 Q. What, if any, effect did it have on the concealment of money  
12:02:09 22 going in or out of that account?

12:02:11 23 A. So if money is moving through an account that is opened as a  
12:02:17 24 business with a business employer identification number, the  
12:02:21 25 transaction -- on the surface, the transactions going in and out of

12:02:25 1 that account would appear as if they are from legitimate business  
12:02:29 2 operations, not just a personal account, money going directly to...

12:02:36 3 **MR. WALKER:** Your Honor, could we approach sidebar very  
12:02:39 4 briefly?

12:02:40 5 **THE COURT:** Yes.

12:02:40 6 **MR. WALKER:** It actually doesn't have to be on the  
12:03:13 7 record.

12:03:13 8 (A conversation was held off the record.)

12:03:36 9 **THE COURT:** I think it's about noon, so I asked Counsel  
12:03:40 10 about how much longer it would be, and I think we have at least  
12:03:44 11 probably another hour of this testimony. So I think we should take  
12:03:48 12 our lunch break, come back about 1:15, and continue Agent  
12:03:53 13 Deshotel's testimony.

12:03:55 14 Again, please remember if you leave the building, leave  
12:03:58 15 your badges in your pocket or in the jury room. Be cognizant of  
12:04:06 16 who's around you. Don't strike up conversations with anybody  
12:04:10 17 around the courthouse. We'll see you back at 1:15. All rise for  
12:04:15 18 the jury.

12:04:38 19 (Jury not present.)

12:04:40 20 **THE COURT:** Court will be in recess until 1:15.

12:04:45 21 (Off the record at 12:04 p.m.; resumed at 1:18 p.m.)

01:19:18 22 **THE COURTROOM SECURITY OFFICER:** All rise for the jury.

01:19:41 23 (Jury present.)

01:19:43 24 **THE COURT:** Please be seated. You remain under oath.

01:19:51 25 Mr. Walker may continue.

01:19:56 1 **MR. WALKER:** Thank you. I would ask to show the witness  
01:19:57 2 alone Exhibit 24.

01:19:57 3 **BY MR. WALKER:**

01:20:06 4 Q. Do you recognize this?

01:20:07 5 A. Yes, I do.

01:20:09 6 Q. Is it a PDF?

01:20:12 7 A. It is a PDF.

01:20:16 8 Q. Did you supervise the creation of this PDF?

01:20:21 9 A. I did.

01:20:22 10 Q. Can you explain generally what this is a PDF of?

01:20:25 11 A. This is a timeline regarding the MD at Law account in relation  
01:20:28 12 to other events in the investigation.

01:20:33 13 Q. Does it also have other exhibits attached to it that have  
01:20:37 14 previously been introduced?

01:20:38 15 A. Yes, it does.

01:20:39 16 Q. Is it accurate?

01:20:41 17 A. Yes.

01:20:41 18 **MR. WALKER:** Your Honor.

01:20:44 19 **THE WITNESS:** Well, I know of one typo.

01:20:44 20 **BY MR. WALKER:**

01:20:46 21 Q. Okay. And does it have to do with an exhibit number?

01:20:50 22 A. Yes, it does.

01:20:51 23 Q. We'll get to that in a little bit. Beyond that one small  
01:20:56 24 typographical error, is it accurate?

01:21:00 25 A. Yes, it is.

01:21:01 1 **MR. WALKER:** Your Honor, I would offer into evidence  
01:21:02 2 United States Exhibit 24.

01:21:04 3 **THE COURT:** Under what rule are you offering it?

01:21:05 4 **MR. WALKER:** Your Honor, it is a summary exhibit that's  
01:21:07 5 being offered to assist the jury, and it includes exhibits that  
01:21:12 6 have been previously introduced.

01:21:14 7 **THE COURT:** Any objection from the defense?

01:21:16 8 **MR. JOHNSON:** Your Honor, I don't have a problem with  
01:21:19 9 them using -- I don't have a problem with 24 as it stands right  
01:21:23 10 now. I don't know when he says it includes other exhibits, the 24  
01:21:28 11 that we got is just a document.

01:21:30 12 **THE COURT:** Mr. Johnson, if you look on the document, it  
01:21:36 13 references exhibits, government exhibits. I think what they are  
01:21:42 14 saying is it's a summary document of other records offered in  
01:21:45 15 evidence.

01:21:45 16 **MR. JOHNSON:** We have no objection. I didn't know it  
01:21:49 17 included other exhibits specifically. It referenced other exhibits  
01:21:52 18 but not the exhibits themselves. So that's the only point I'm  
01:21:53 19 making.

01:21:53 20 **THE COURT:** And I looked through it. It seems to comport  
01:21:55 21 with the evidence submitted, so I will admit it.

01:21:55 22 **MR. WALKER:** Thank you, Your Honor.

01:21:58 23 **MR. JOHNSON:** Thank you, Judge.

01:21:58 24 **MR. WALKER:** So has it been introduced? I'm sorry.

01:22:02 25 **THE COURT:** Yes.

01:22:03 1 **MR. WALKER:** Your Honor, I would ask that it be  
01:22:06 2 published.

01:22:06 3 **BY MR. WALKER:**

01:22:09 4 Q. So can you read the heading of the document?

01:22:11 5 A. Yeah. *USA versus Haynes*. It's a chart/timeline for MD at Law,  
01:22:18 6 LLC.

01:22:19 7 Q. So the first thing that I see listed is the date 202 -- I'm  
01:22:28 8 sorry, 2024 -- I'm sorry, 2004. So 2004.

01:22:29 9 A. Correct. So that is the year of 2004, and any events that took  
01:22:34 10 place during that year fall under 2004.

01:22:37 11 Q. And on September 9<sup>th</sup> of 2004, did something happen?

01:22:43 12 A. Yes. MD at Law, LLC, was registered with the Louisiana  
01:22:47 13 Secretary of State.

01:22:50 14 Q. And this is old-people talk, I'm sorry. But when you click the  
01:22:54 15 little arrow, does that make the exhibit pop up?

01:23:01 16 A. It does.

01:23:02 17 Q. Do you recognize what that document is to the right now?

01:23:04 18 A. Yes. That is the cover page for the filings with the Louisiana  
01:23:09 19 Secretary of State for the MD at Law, LLC, business.

01:23:12 20 Q. Can you read the line below that one?

01:23:15 21 A. Yes. So that first line that is highlighted with the September  
01:23:21 22 9, 2004, date, the little abbreviation next to it -- "ORIGF" means  
01:23:29 23 that was the original filing for that company.

01:23:31 24 Q. So when you open up a corporation under -- in Louisiana, do you  
01:23:37 25 have to file a document with the Secretary of State?

01:23:41 1 A. Yes. You have to pay a fee and you have to provide articles of  
01:23:47 2 organization that sort of outline, you know, the business structure  
01:23:51 3 and who the registered agent is.

01:23:53 4 Q. And does the Louisiana Secretary of State keep track of that?

01:23:57 5 A. Yes, they do.

01:23:59 6 Q. This document we're looking at, at the right-hand side that has  
01:24:01 7 a series of lines going down, can you just tell me generally what  
01:24:05 8 that is?

01:24:08 9 A. That is basically just a timeline of filings with the Louisiana  
01:24:12 10 Secretary of State. So if there has been any activity that has  
01:24:15 11 taken place relative to this business, it will list the date that  
01:24:22 12 that occurred and a small abbreviation of what it is.

01:24:26 13 Q. Did we create that?

01:24:27 14 A. No, we did not.

01:24:29 15 Q. Okay. Who creates that?

01:24:30 16 A. So that was provided by the Louisiana Secretary of State.

01:24:34 17 Q. Now that we've covered all those different things, again, I  
01:24:38 18 would ask that you tell me what the first line is.

01:24:41 19 A. The first line on Exhibit 14?

01:24:43 20 Q. That's correct.

01:24:45 21 A. Okay. The first, the highlighted line?

01:24:49 22 Q. Uh-huh.

01:24:50 23 A. That is showing that on September 9, 2004, they received the  
01:24:56 24 original filings for this business, MD at Law, LLC.

01:25:01 25 Q. Do you see the line directly -- so it was opened, then, on

01:25:06 1 September 9<sup>th</sup> of 2004?

01:25:08 2 A. That's correct. That's the original filings with the Secretary  
01:25:11 3 of State to be allowed to conduct business in the State of  
01:25:16 4 Louisiana.

01:25:17 5 Q. What's the second line?

01:25:18 6 A. The second line would be the next activity that they highlight,  
01:25:23 7 where on November 16, 2020, this business was revoked.

01:25:29 8 Q. Does it say why it was revoked?

01:25:32 9 A. It doesn't here, but...

01:25:38 10 Q. Do you know based on other documents that you have observed in  
01:25:41 11 connection with the Secretary of State?

01:25:43 12 A. Yeah. Typically, it appeared that at some point they were not  
01:25:47 13 filing the annual reports, which is a requirement of Louisiana  
01:25:51 14 Secretary of State that you file a report each year. And after --  
01:25:54 15 I'm not exactly sure of the amount of years, but after some time if  
01:25:59 16 you have not filed a report, your status with the Secretary of  
01:26:03 17 State will get revoked.

01:26:07 18 Q. So that's what the first exhibit -- that's what the first two  
01:26:10 19 lines shows; that it was opened in 2004, September 9<sup>th</sup>, and it was  
01:26:14 20 revoked in 2020?

01:26:16 21 A. Correct.

01:26:17 22 **MR. WALKER:** Could we close that exhibit on the  
01:26:21 23 right-hand side.

01:26:21 24 **BY MR. WALKER:**

01:26:23 25 Q. I see it goes from 2004 to 2021. In January of 2021, January

01:26:30 1 11, did something happen that was significant in this case?

01:26:34 2 A. Yes. Don Landry was sworn in as the district attorney for the  
01:26:39 3 15<sup>th</sup> JDC, and he also hired Gary Haynes to run his pretrial  
01:26:45 4 diversion program.

01:26:47 5 Q. On May 13<sup>th</sup> of 2021, can you tell me if something happened?

01:26:52 6 A. On May 13<sup>th</sup> in 2021, the articles of organization along with a  
01:27:01 7 request to reinstate the MD at Law, LLC, business was filed with  
01:27:06 8 the Louisiana Secretary of State.

01:27:09 9 **MR. WALKER:** And could you click that little arrow.

01:27:09 10 **BY MR. WALKER:**

01:27:13 11 Q. Would that be the third line?

01:27:14 12 A. That is the third highlighted line, showing May 13, 2021.

01:27:21 13 Q. In June, June 21<sup>st</sup> of 2021, did something else happen?

01:27:26 14 A. Yes. There was a text conversation between Mr. Gary Haynes and  
01:27:31 15 Mr. Todd Nunez.

01:27:37 16 **MR. WALKER:** You can click that little arrow.

01:27:37 17 **BY MR. WALKER:**

01:27:38 18 Q. Can you read that?

01:27:39 19 A. I can.

01:27:43 20 Q. Is this a text message that was previously introduced?

01:27:46 21 A. It is.

01:27:48 22 Q. In that text message, if you can read it, does it discuss the  
01:27:52 23 opening of an account?

01:27:53 24 A. It does.

01:27:55 25 Q. And what's the account for?

01:27:56 1 A. The account would be for MD at Law, LLC.

01:28:03 2 Q. In that text message, is there a discussion about what  
01:28:07 3 identification number will be used in connection with that account?

01:28:12 4 A. Yes. Mr. Nunez questions whether or not it would be under his  
01:28:17 5 social security number, if he would be the sole owner using his  
01:28:20 6 social security number. And Mr. Haynes responds that, no, he would  
01:28:24 7 need a new tax I.D. number.

01:28:28 8 Q. Did you have occasion to -- strike that for now.

01:28:33 9 So at that point, he is attempting to open up a bank  
01:28:36 10 account?

01:28:36 11 A. Yes. He is requesting that Mr. Nunez assist him with opening a  
01:28:44 12 business bank account for MD at Law.

01:28:45 13 Q. In fact, was a business bank account opened?

01:28:48 14 A. It was.

01:28:49 15 Q. On June 28<sup>th</sup> of 2024, did something significant happen?

01:28:53 16 A. That is when two checks from Mr. Haynes' personal accounts were  
01:28:59 17 deposited into the MD at Law, LLC, account to open that account.

01:29:07 18 Q. And I meant to say 2021. I may have said 2024.

01:29:12 19 A. June 28, 2021.

01:29:18 20 **MR. WALKER:** Can you open that?

01:29:18 21 **BY MR. WALKER:**

01:29:20 22 Q. Do you recognize what that is?

01:29:22 23 A. I do.

01:29:23 24 Q. What is that?

01:29:23 25 A. That is a signature card that you fill out when you open a bank

01:29:27 1 account.

01:29:28 2 Q. In this case do you see who the person is who signed the  
01:29:31 3 document?

01:29:31 4 A. It's Mr. Gary Haynes.

01:29:34 5 Q. Does the -- is this a business account or a personal account?

01:29:38 6 A. This is a business interest checking account.

01:29:41 7 Q. Does it list what type of business it is?

01:29:43 8 A. It does indicate that it is a law office.

01:29:51 9 Q. Does it show what type of identifying number that is used?

01:29:57 10 A. Yes. It is using an employer identification number.

01:30:05 11 Q. Do you remember your previous testimony about using an employee  
01:30:09 12 identification number rather than a social security number?

01:30:12 13 A. Yes, I do.

01:30:13 14 Q. And which of them provides more coverage for a person who is  
01:30:17 15 attempting to launder money?

01:30:19 16 A. An employer identification number would provide more coverage.  
01:30:24 17 It would be a level of concealment from a personal account.

01:30:29 18 Q. You testified that there were two checks that were given?

01:30:32 19 A. Yes.

01:30:35 20 **MR. WALKER:** And can we go to just below it where it says  
01:30:39 21 "Chase Bank"? And could you open that up.

01:30:39 22 **BY MR. WALKER:**

01:30:43 23 Q. Do you recognize that document?

01:30:45 24 A. I do.

01:30:46 25 Q. Can you tell us what those are?

01:30:47 1 A. Yes. This is the deposit ticket and the two checks that were  
01:30:50 2 used to open this account, one for 10,000 and one for 5,000.

01:31:09 3 **MR. WALKER:** You can close that. And if you can scroll  
01:31:12 4 down this document so it can be read further down. Thank you.

01:31:12 5 **BY MR. WALKER:**

01:31:22 6 Q. On January 4<sup>th</sup> are you aware if there was a meeting between Gary  
01:31:31 7 Haynes and Leonard Franques?

01:31:34 8 A. Yes, there was.

01:31:36 9 Q. And was there an audio recording of that meeting?

01:31:39 10 A. There was.

01:31:41 11 Q. Has that been embedded into this?

01:31:43 12 A. It has.

01:31:44 13 **MR. WALKER:** Can you play the January 4<sup>th</sup> audio clip?

01:32:04 14 **THE DEPUTY CLERK:** What number is the audio?

01:32:07 15 **MR. WALKER:** The audio clip is, if I can have one moment  
01:32:12 16 -- I'll tell you the exhibit after it's played.

01:32:26 17 (Video playing.)

01:32:26 18 **BY MR. WALKER:**

01:34:38 19 Q. So do you remember that transcript?

01:34:41 20 A. Yes, I do.

01:34:42 21 Q. And the audio recording?

01:34:44 22 A. Yes, I do.

01:34:45 23 Q. Is it consistent with the fact that the MD at Law was created  
01:34:49 24 in 2004?

01:34:51 25 A. Yes.

01:34:51 1 **MR. JOHNSON:** Your Honor, again, I don't think she's been  
01:34:56 2 qualified as an expert. We received no notice that she would be  
01:34:59 3 qualified as an expert. I understand that's a pretty simple  
01:35:02 4 question, but what I don't want to get into, Your Honor, is terms  
01:35:06 5 like "consistent with" and this start to grow and we get an opinion  
01:35:09 6 testimony from a witness who's not been noticed as an expert at all  
01:35:13 7 in the case.

01:35:13 8 **THE COURT:** She's a law enforcement witness. She has  
01:35:17 9 some flexibility to describe the steps in her investigation and how  
01:35:22 10 she did that. But I agree. Opinion testimony, you know, is not  
01:35:28 11 going to be admitted if it's expert opinion testimony.

01:35:31 12 **MR. WALKER:** Your Honor, obviously, I'm not trying to  
01:35:34 13 introduce expert testimony. I'm simply asking about what's  
01:35:37 14 actually on the chart and the words that were said.

01:35:39 15 **MR. JOHNSON:** Once you start asking questions like, "Is  
01:35:41 16 it consistent with," --

01:35:41 17 **MR. WALKER:** Your Honor --

01:35:42 18 **MR. JOHNSON:** -- that's calling for opinion testimony,  
01:35:45 19 whether he thinks he is or not.

01:35:47 20 **THE COURT:** We can discuss this at sidebar.

01:35:50 21 (Begin bench conference.)

01:36:11 22 **THE COURT:** Go ahead.

01:36:12 23 **MR. JOHNSON:** Sure, Your Honor. I mean, if they want to  
01:36:14 24 call her as an expert, notice her as an expert, give us an  
01:36:18 25 opportunity.

01:36:18 1           **THE COURT:** This is an issue that comes up periodically.

01:36:22 2           And the law enforcement witnesses can describe the steps in their

01:36:26 3           investigation and what they view as anomalous behavior, which I

01:36:31 4           think is where I think Mr. Walker is going at this point. However,

01:36:35 5           you can't go as far as to have the witness read the mind of the

01:36:40 6           defendant, so to speak, which I think --

01:36:40 7           **MR. JOHNSON:** That's where I'm getting to.

01:36:43 8           **THE COURT:** -- is what your objection is.

01:36:43 9           **MR. JOHNSON:** Sorry.

01:36:45 10          **THE COURT:** That's where the line is.

01:36:46 11          **MR. WALKER:** Not even close to that. But what I'm saying

01:36:49 12          -- what I said was, he said, "It was an old, defunct company that I

01:36:54 13          opened up." Those were the words that came in. Now, if I ask

01:36:57 14          them, "You heard him say it was an old, defunct company. Was this

01:37:01 15          an old, defunct company," he's going to object because I'm leading.

01:37:06 16          I'm trying to ask a question that's nonleading -- something that

01:37:10 17          makes you happy, and him and me. But at the same time -- so I'm

01:37:11 18          not trying to get even close to opinion testimony in this case.

01:37:14 19          **THE COURT:** I think you're using the witness to get in

01:37:17 20          facts related to the money laundering count or conspiracy to money

01:37:23 21          laundering count for the Government, but make sure you're not doing

01:37:26 22          argument through your witness.

01:37:27 23          **MR. WALKER:** Definitely not.

01:37:28 24          **THE COURT:** If you argue how the elements are met, then

01:37:30 25          you do that in argument.

01:37:31 1 **MR. WALKER:** You know I'm not talking about the elements.  
01:37:32 2 I'm simply going to be talking about: He said this, did you  
01:37:35 3 observe this in the financial investigation? which I think is not  
01:37:41 4 expert testimony. It's simply a description of the document she  
01:37:45 5 observed compared to what he said.

01:37:48 6 **THE COURT:** Okay. All right.

01:37:50 7 **MR. WALKER:** Thank you.

01:37:52 8 (End bench conference.)

01:38:15 9 **THE COURT:** Please proceed, Mr. Walker.

01:38:16 10 **MR. WALKER:** That objection was overruled, Your Honor?

01:38:19 11 **THE COURT:** It was clarified.

01:38:21 12 **MR. WALKER:** Thank you.

01:38:21 13 **BY MR. WALKER:**

01:38:23 14 Q. So was there a second audio clip that occurred on January 12<sup>th</sup>?  
01:38:35 15 I'm sorry, on January 11<sup>th</sup> -- strike that. Let me start over.

01:38:42 16 Do you know, based on the financial investigation, if a  
01:38:48 17 check was delivered to Gary Haynes or if Gary Haynes picked up a  
01:38:54 18 check on January 11<sup>th</sup> of 2022?

01:38:57 19 A. Yes.

01:39:00 20 Q. Do you know what the check was made out to?

01:39:03 21 A. It was a check from F4, the LLC, made out to Mr. Gary Haynes in  
01:39:11 22 the amount of \$10,000.

01:39:13 23 Q. And when you said F4, is that the umbrella company corporation  
01:39:17 24 over this smaller corporation?

01:39:19 25 A. Yes. And one correction. It was made payable to MD at Law but

01:39:23 1 given to Mr. Gary Haynes.

01:39:26 2 Q. Correct. On January 12<sup>th</sup>, are there two audio clips?

01:39:34 3 A. January 12<sup>th</sup> is two audio clips, yes.

01:39:38 4 **MR. WALKER:** Can you play the first of the two?

01:39:59 5 (Video playing.)

01:41:33 6 **BY MR. WALKER:**

01:41:33 7 Q. Is there a second audio clip from January 11<sup>th</sup> that further  
01:41:38 8 discusses that?

01:41:39 9 **MR. JOHNSON:** Judge, can we sidebar again, please? I'm  
01:41:44 10 sorry.

01:41:44 11 (Begin bench conference.)

01:42:01 12 **MR. JOHNSON:** There is no point at all in playing these  
01:42:06 13 clips to that witness after she sat here in the courtroom and  
01:42:09 14 watched the very same clips minutes ago. This is cumulative. It's  
01:42:14 15 being done for effect. It is just extending closing argument, is  
01:42:20 16 essentially what it's done. It is entirely pointless. They can  
01:42:24 17 serve the same function by saying, Did you see the clip we played  
01:42:27 18 on such and such? We don't need to --

01:42:28 19 Every time I go to introduce a statement, we have to  
01:42:31 20 excuse the jury, the witness gets to hear it, and then we get to  
01:42:33 21 question them about it.

01:42:34 22 **THE COURT:** How many more clips are you wanting to play  
01:42:36 23 again that you've already played?

01:42:37 24 **MR. WALKER:** Two.

01:42:38 25 **MR. JOHNSON:** We have played them over and over and over

01:42:40 1 and over. There is a limit on cumulateness in the Code of  
01:42:46 2 Evidence. This has to qualify.

01:42:49 3 **THE COURT:** Would you rather the witness characterize the  
01:42:53 4 clip?

01:42:53 5 **MR. JOHNSON:** Yeah. Just because all they're doing is a  
01:42:56 6 live timeline.

01:42:57 7 **THE COURT:** Have her characterize the clip. I think  
01:42:58 8 that's fair. I'll sustain the objection.

01:42:58 9 **MR. JOHNSON:** Thank you, Judge.

01:42:59 10 **THE COURT:** Have her characterize the clip. Is this the  
01:43:03 11 clip where he says blah, blah, blah? And the jury can look at it.  
01:43:07 12 I admitted the summary. If they want to look at it again, they'll  
01:43:10 13 look at it.

01:43:11 14 **MR. WALKER:** Yes, Your Honor. Your Honor, I'm going to  
01:43:22 15 need one moment so I can pull up the transcript of the clip for me.

01:43:27 16 (End bench conference.)

01:43:28 17 **THE COURT:** All right.

01:43:50 18 **MR. WALKER:** If I can have one moment, Your Honor.

01:43:53 19 **THE COURT:** Yes, Mr. Walker, of course.

01:43:53 20 **BY MR. WALKER:**

01:44:44 21 Q. Previously when you testified, you testified about checks that  
01:44:47 22 were received at MD at Law.

01:44:49 23 **MR. WALKER:** You can take that down.

01:44:52 24 **THE WITNESS:** Yes.

01:44:52 25 **BY MR. WALKER:**

01:44:53 1 Q. Do you remember that testimony?

01:44:53 2 A. I do.

01:44:54 3 **MR. WALKER:** I just need you to pull back up the exhibit.

01:45:04 4 I just need the exhibit up.

01:45:10 5 **THE DEPUTY CLERK:** For the witness only?

01:45:11 6 **MR. WALKER:** No. It's been introduced.

01:45:11 7 **BY MR. WALKER:**

01:45:14 8 Q. If you look at January 11<sup>th</sup>, do you remember your prior  
01:45:18 9 testimony about the fact that MD at Law had given a check for  
01:45:22 10 \$10,000?

01:45:23 11 A. F4 gave a check for \$10,000 to MD at Law, LLC.

01:45:27 12 **MR. WALKER:** If you can pull up that exhibit where the  
01:45:30 13 arrow is.

01:45:30 14 **BY MR. WALKER:**

01:45:32 15 Q. Do you recognize what that is?

01:45:33 16 A. I do.

01:45:34 17 Q. What is it?

01:45:34 18 A. That is a check drawn off Capital One Bank for the account of  
01:45:41 19 F4, LLC, in the amount of \$10,000, payable to MD at Law, LLC.

01:45:45 20 Q. And what's the date?

01:45:46 21 A. The date is January 5, 2022.

01:45:49 22 Q. Was it actually given on January 5<sup>th</sup>? Or was it given a later  
01:45:52 23 date?

01:45:53 24 A. It was given on January 11, 2022.

01:45:57 25 Q. We've then played a conversation that occurred. On February

01:46:03 1 the 1<sup>st</sup>, was there an additional check that was given?

01:46:07 2 A. There was an additional check from the Capital One account for  
01:46:11 3 F4, LLC, made payable to MD at Law, LLC, for \$10,000.

01:46:17 4 **MR. WALKER:** Can you pull up that?

01:46:17 5 **BY MR. WALKER:**

01:46:19 6 Q. Do you recognize that?

01:46:20 7 A. I do.

01:46:21 8 Q. What's that?

01:46:22 9 A. That is the Capital One account for F4, LLC, a check for  
01:46:28 10 \$10,000 made payable to MD at Law, LLC.

01:46:31 11 Q. And what's the date?

01:46:32 12 A. February 1, 2022.

01:46:34 13 Q. Did you hear the audio recordings?

01:46:36 14 A. I did.

01:46:38 15 Q. In that, do you remember an audio recording in which Gary  
01:46:43 16 Haynes, the defendant, acknowledged that he simply showed up on  
01:46:48 17 that day with Michelle Franques and got that check?

01:46:51 18 A. Yes.

01:46:55 19 Q. Did something happen on May the 9<sup>th</sup>?

01:46:58 20 A. On May the 9<sup>th</sup> is when we executed the search warrants at the  
01:47:05 21 DA's office.

01:47:06 22 Q. And after May the 9<sup>th</sup>, on May the 12<sup>th</sup> did something occur  
01:47:12 23 related to the checking account in the name of MD at Law with a  
01:47:20 24 signer Gary Haynes?

01:47:23 25 A. Yes. Three days after the DA search warrant and also while we

01:47:27 1 were executing a search warrant at Dusty Guidry's house, the MD at  
01:47:32 2 Law, LLC, account was closed with -- and the money was just  
01:47:37 3 transferred to a personal account of Mr. Haynes.

01:47:41 4 **MR. WALKER:** Can you click that little arrow?

01:47:41 5 **BY MR. WALKER:**

01:47:43 6 Q. Do you recognize what that is?

01:47:45 7 A. I do. That is the closing withdrawal slip with the balance in  
01:47:50 8 the account and then the subsequent deposit slip into his personal  
01:47:54 9 savings account.

01:47:55 10 Q. And how long after the search of the DA's office did that  
01:47:58 11 occur?

01:47:59 12 A. Three days after the search of the DA's office here in  
01:48:02 13 Lafayette.

01:48:02 14 Q. And what, if anything, else of note was going on at exactly the  
01:48:07 15 same time?

01:48:08 16 A. On exactly May 12<sup>th</sup> we were also searching the home of Dusty  
01:48:13 17 Guidry.

01:48:13 18 **MR. WALKER:** You can close that. Go down further. Wait,  
01:48:28 19 hold on. You can hit return. Can I have one moment, Your Honor?

01:48:34 20 **THE COURT:** Yeah.

01:48:49 21 **MR. WALKER:** I will tender the witness, Your Honor.

01:48:52 22 **THE COURT:** Okay.

01:48:58 23 **CROSS-EXAMINATION BY MR. JOHNSON:**

01:48:59 24 Q. Good afternoon, Ms. Deshotel. How are you?

01:49:03 25 A. Good afternoon. I'm good. How are you?

01:49:05 1 Q. Good. My name is Adam Johnson. I have some questions for you.

01:49:09 2 Is that okay?

01:49:11 3 A. That's perfect.

01:49:12 4 **MR. JOHNSON:** Can we pull up Government's Exhibit 15 or  
01:49:17 5 get that ready?

01:49:17 6 **BY MR. JOHNSON:**

01:49:18 7 Q. I'm just going to see if you can remember it. Do you recall  
01:49:18 8 looking at the bank signature page where my client signed it? You  
01:49:23 9 see Government's 15 there?

01:49:24 10 A. Yes, I do.

01:49:25 11 **MR. JOHNSON:** You can publish that if everyone's already  
01:49:27 12 seen it.

01:49:27 13 **BY MR. JOHNSON:**

01:49:27 14 Q. That number directly under his name, is that his social  
01:49:33 15 security number?

01:49:33 16 A. That is a -- the last four are his social security number, yes.

01:49:38 17 Q. Because an employee identification number is tied to a person's  
01:49:41 18 social security number, isn't it?

01:49:44 19 A. I'm sorry. Repeat that.

01:49:46 20 Q. An employee identification number, and EIN number, is tied to a  
01:49:51 21 person's social security number?

01:49:52 22 A. Not directly, no.

01:49:53 23 Q. I'm not suggesting directly. I'm suggesting that the way in  
01:49:56 24 which taxes work --

01:49:57 25 **MR. WALKER:** Objection, Your Honor. I would object. He

01:49:58 1 is making a statement rather than asking a question.

01:50:01 2 **THE COURT:** And Mr. Johnson, I think it was employer  
01:50:04 3 identification not, not employee identification number. That was  
01:50:08 4 what you said earlier; right?

01:50:08 5 **THE WITNESS:** That's correct.

01:50:12 6 **THE COURT:** EIN is employer?

01:50:12 7 **THE WITNESS:** Employer.

01:50:12 8 **BY MR. JOHNSON:**

01:50:13 9 Q. Sure. The EIN number is tied to the social security number in  
01:50:16 10 terms of taxes; correct?

01:50:18 11 A. No.

01:50:19 12 Q. Okay. So a person who goes to a bank and sets up an EIN -- in  
01:50:25 13 Louisiana, an LLC is a -- a single umbrella LLC is just a  
01:50:30 14 pass-through entity. It goes directly to the owner of the company;  
01:50:34 15 correct?

01:50:34 16 A. It can be set up that way.

01:50:36 17 Q. Okay. And the person ultimately pays taxes on whatever the  
01:50:38 18 earnings are; correct?

01:50:40 19 A. If it's set up that way, yes.

01:50:43 20 Q. Okay. And this social security number here at the bottom,  
01:50:47 21 that's not -- you have no reason to believe that's inaccurate, do  
01:50:52 22 you?

01:50:52 23 A. No.

01:50:53 24 Q. Now, I heard you say earlier that you don't have to turn a  
01:50:57 25 profit in order for it to be money laundering; correct?

01:51:06 1 A. That's correct.

01:51:07 2 Q. In this case there was no money received; correct?

01:51:09 3 A. Received by whom?

01:51:11 4 Q. Gary Haynes.

01:51:12 5 A. Yes. He received two \$10,000 checks.

01:51:15 6 Q. All right. Which were never deposited into the account;

01:51:19 7 correct?

01:51:19 8 A. It doesn't need to be for him to have receipt of the checks.

01:51:23 9 It's still a monetary instrument with value.

01:51:25 10 Q. What I'm suggesting is -- if it's cashed; right?

01:51:28 11 A. Okay.

01:51:28 12 Q. What I'm suggesting is, is you never saw any money actually go

01:51:33 13 into Gary Haynes' account at MD Law; correct?

01:51:37 14 A. No.

01:51:38 15 Q. Okay. So it wasn't that he didn't turn a profit. It's that

01:51:41 16 he's actually out \$219,000; correct?

01:51:49 17 A. Okay. So he did pay \$219,000.

01:51:54 18 Q. Okay. And he didn't receive or deposit any funds into that

01:51:57 19 account; correct?

01:51:59 20 A. He received \$20,000, but it was not deposited into that

01:52:06 21 account, correct.

01:52:06 22 Q. But you're not aware of him taking that \$20,000 and putting it

01:52:10 23 anywhere else; correct?

01:52:11 24 A. He's holding onto it.

01:52:14 25 Q. Okay. How long do you have to cash a check?

01:52:16 1 A. Most checks are -- you know, I really don't know. It could be  
01:52:22 2 different per the type of check that it is. It could be different.  
01:52:26 3 And it could be different based on the financial institution.  
01:52:29 4 Q. Isn't it normally 90 days?  
01:52:31 5 A. Nope. Some of them are 180.  
01:52:36 6 Q. Okay.  
01:52:36 7 A. Some of them may be longer.  
01:52:39 8 Q. Okay. Did you look into that in this case?  
01:52:42 9 A. He received a personal check from -- it's drawn on the business  
01:52:49 10 of F4, LLC, not like a bank check. It is drawn on an actual  
01:52:57 11 account. So unless Mr. Franques puts a stop payment on it, I can  
01:53:01 12 guarantee you the bank is probably going to accept it at any point.  
01:53:04 13 Q. So you can guarantee that that check can be cashed even today?  
01:53:07 14 You can personally guarantee that?  
01:53:09 15 A. Probably so.  
01:53:10 16 Q. Probably so?  
01:53:10 17 A. They would call Mr. Franques to find out if it's okay, but I  
01:53:15 18 bet they would.  
01:53:16 19 Q. Let me ask you this: Did you actually call the bank as part of  
01:53:19 20 your investigation?  
01:53:20 21 A. No, I did not.  
01:53:20 22 Q. Did you actually look into that information?  
01:53:23 23 A. No, I did not.  
01:53:24 24 Q. Okay. Now, in this case the LLC, MD at Law, is formed by Mr.  
01:53:33 25 Haynes in his own name; right?

01:53:36 1 A. Can you repeat that question?

01:53:39 2 Q. The LLC, the MD at Law, LLC, is formed by Gary Haynes in his

01:53:42 3 own name; correct?

01:53:43 4 A. He is the signer on the account.

01:53:46 5 Q. Right.

01:53:47 6 A. And he is the registered agent, yes.

01:53:49 7 Q. In his own name; right?

01:53:50 8 A. Yes.

01:53:51 9 Q. And just to be clear, the way any human being could find out

01:53:54 10 this information would be get on Google, go to the Louisiana

01:54:00 11 Secretary of State's website, and hit "Search Business Filings"; is

01:54:06 12 that correct?

01:54:06 13 A. That's correct.

01:54:06 14 Q. That's publicly available information; correct?

01:54:09 15 A. Correct.

01:54:09 16 Q. And you can just type in Gary's name and it will pull up any

01:54:13 17 LLCs that he's filed under his name; is that correct?

01:54:17 18 A. That is correct.

01:54:17 19 Q. And did you do that in this case?

01:54:19 20 A. Yes, I did.

01:54:20 21 Q. Did you see that he had several LLCs?

01:54:23 22 A. Yes, I did.

01:54:24 23 Q. None of those LLCs you determined to be illegitimate, in any

01:54:28 24 way, shape, or form?

01:54:30 25 A. I did not have a -- no, not in relation to this scheme. No,

01:54:34 1 sir.

01:54:35 2 Q. And all seemed to be legitimate tax-through entities; correct?

01:54:41 3 A. I really can't answer that.

01:54:43 4 Q. Did you not look into it?

01:54:45 5 A. I looked into them to the point to see if they received money

01:54:49 6 from this scheme, but I cannot attest to the legitimacy of all the

01:54:55 7 money in all of those businesses, no.

01:54:57 8 Q. Okay. But you know that he received -- he did start other LLCs

01:55:00 9 in the past; correct?

01:55:01 10 A. Yes.

01:55:03 11 Q. Which presumably were available to him; correct?

01:55:07 12 A. Presumably available to who?

01:55:09 13 Q. They were active LLCs. Presumably they were available to him

01:55:13 14 to use as an LLC?

01:55:15 15 A. Yes.

01:55:16 16 Q. But they were for other specific, seemingly service-related

01:55:21 17 companies; is that correct?

01:55:22 18 A. That's the way they appeared, yes.

01:55:24 19 Q. One had to do with maybe oil field equipment?

01:55:27 20 A. Yes.

01:55:28 21 Q. Another one had to do with maybe an oil field services company

01:55:31 22 that he had formed for a client?

01:55:33 23 A. I believe so.

01:55:36 24 Q. Okay. Now, so the LLC, MD at Law, is formed in his own name,

01:55:41 25 and he cuts a check from his checking account into that account;

01:55:47 1 right?

01:55:47 2 A. Yes.

01:55:48 3 Q. Into the bank account that he signed to open in his own name;  
01:55:53 4 correct?

01:55:53 5 A. Yes. He used two personal checks to open the MD at Law  
01:55:57 6 account.

01:55:58 7 Q. And what you testified to earlier was on the -- let's just call  
01:56:01 8 it the other side of the equation, that those -- he also cut checks  
01:56:07 9 to F4; correct? \$82,000 to be specific?

01:56:11 10 A. Yes.

01:56:12 11 Q. Okay. And the way that those checks were, then, put in the  
01:56:18 12 ledger for F4, the holding company, you said the \$32,000 check was  
01:56:25 13 in a -- what did you refer to it as?

01:56:29 14 A. A suspense account.

01:56:32 15 Q. Which is, like, kind of an I don't know?

01:56:34 16 A. Correct.

01:56:34 17 Q. Correct? And the \$50,000, it was notated as what?

01:56:37 18 A. It was essentially posted to reduce the amount of distributions  
01:56:41 19 that had been taken by Leonard Franques.

01:56:45 20 Q. Okay. And so sometimes transactions can reflect knowledge;  
01:56:55 21 right?

01:56:55 22 A. Some of these transactions -- can you --

01:56:58 23 Q. It was a confusing question. All right. Let me ask it again.

01:57:01 24 A. Okay.

01:57:01 25 Q. It appears as though, if everybody's being straight up, that

01:57:04 1 when Leonard gets the money, he doesn't know what it's for; right?

01:57:10 2 A. Not necessarily.

01:57:12 3 Q. I'm not saying necessarily. I'm just saying when you notate  
01:57:15 4 something in a ledger -- let's say this.

01:57:18 5 An ordinary account --

01:57:20 6 **MR. WALKER:** He is asking the witness to give an opinion  
01:57:24 7 as to what was in the mind of the person who notated the ledger.

01:57:29 8 **MR. JOHNSON:** I withdrew that question, and I'm asking  
01:57:32 9 another one, Judge.

01:57:32 10 **THE COURT:** All right. As the question was phrased, I  
01:57:34 11 sustain it, but I think you're going to rephrase it.

01:57:36 12 **MR. JOHNSON:** Sure. Thank you, Judge.

01:57:36 13 **BY MR. JOHNSON:**

01:57:38 14 Q. So ordinary, I have a bookkeeper, works at my office. If we  
01:57:41 15 get a check and she doesn't know what it's to go for, she might tag  
01:57:45 16 it as, or notate it, as one of the accounts that you're talking  
01:57:48 17 about Leonard Franques did; correct?

01:57:49 18 A. That could happen, yes.

01:57:51 19 Q. It's a sign that, hey, I don't know why I'm receiving this  
01:57:53 20 money; correct?

01:57:54 21 A. Correct.

01:57:56 22 Q. And the other check, it's put towards a credit towards  
01:58:02 23 distributions on Leonard Franques; correct?

01:58:05 24 A. That is correct.

01:58:06 25 Q. Okay. And you know, from your investigation, that one of the

01:58:11 1 checks that was written by my client and given to Dusty Guidry, you  
01:58:15 2 know that he then went and took that money back from Leonard  
01:58:19 3 Franques in the form of a loan, didn't he?

01:58:22 4 A. Yes, he did.

01:58:23 5 Q. For \$40,000?

01:58:25 6 A. 40,000 of the 50,000, yes.

01:58:27 7 Q. Right?

01:58:29 8 A. Uh-huh.

01:58:30 9 Q. And you have no reason to know my client knew anything about  
01:58:34 10 that; correct?

01:58:35 11 A. That Mr. Haynes knew anything about it?

01:58:38 12 Q. Yeah.

01:58:39 13 A. No.

01:58:41 14 Q. Okay. That's not notated in there; correct?

01:58:44 15 A. That Mr. Haynes knew about Mr. Guidry's loan?

01:58:53 16 Q. Yes.

01:58:53 17 A. No.

01:58:54 18 Q. Now, in that summary chart that was introduced earlier -- and  
01:58:57 19 you've been in here for all the testimony, have you not?

01:59:00 20 A. Yes.

01:59:01 21 Q. And so you have heard Agent Herman testify that the \$10,000  
01:59:08 22 checks that were given from Leonard Franques or Michelle Franques  
01:59:12 23 to Mr. Haynes, the ones that weren't cashed, that was done sort of  
01:59:17 24 organically. You have heard that testimony; correct?

01:59:20 25 A. Yes, I did.

01:59:21 1 Q. You participated in Michelle Franques' interview, did you not?

01:59:27 2 A. I believe I was there for --

01:59:27 3 **MR. WALKER:** I would object.

01:59:29 4 A. -- one of them.

01:59:29 5 **THE COURT:** Hold on a second, Ms. Deshotel.

01:59:29 6 Go ahead.

01:59:29 7 **MR. WALKER:** The fact that she participated in the  
01:59:31 8 interview is not objectionable, but anything associated with the  
01:59:34 9 interview is going to be hearsay. So I'm not sure the relevance of  
01:59:38 10 the fact that she participated in the interview.

01:59:40 11 **MR. JOHNSON:** Judge, can we have a...

01:59:44 12 **THE COURT:** All right.

01:59:44 13 (Begin bench conference.)

02:00:03 14 **THE COURT:** Mr. Walker, what was your objection?

02:00:08 15 **MR. WALKER:** He said, "You interviewed Michelle  
02:00:10 16 Franques." It's not relevant that she interviewed Michelle  
02:00:16 17 Franques, and any follow-up question related to what, if anything,  
02:00:20 18 Michelle Franques said is also inadmissible hearsay.

02:00:24 19 **THE COURT:** Depends on purpose. What's the purpose?

02:00:26 20 **MR. JOHNSON:** To her state of mind. And, Judge, they  
02:00:28 21 introduced a check from Michelle Franques, signed by Michelle  
02:00:31 22 Franques, so all of that was orchestrated and is part of the  
02:00:35 23 investigation she participated in. So I don't think the question  
02:00:37 24 is improper. I also think what his objection --

02:00:38 25 **THE COURT:** I haven't read the 302, so I'm at a

02:00:42 1 disadvantage. What was discussed in that interview with Michelle  
02:00:45 2 Franques?

02:00:45 3 **MR. JOHNSON:** So one of the -- Franques initially was  
02:00:49 4 interviewed. And then we received, I think August 8<sup>th</sup>, in August of  
02:00:55 5 2025, we received another 302 with corrections in it, corrections  
02:01:01 6 to the 302 that were received from Ms. Franques. And in the second  
02:01:07 7 302, she says that he was not to receive payments from Lafayette  
02:01:12 8 City Court or anything like that. I'm pretty -- I'm not quoting it  
02:01:16 9 specifically, but she says he's not. So the idea that these checks  
02:01:20 10 were written as a reimbursement or sort of payment of a bribe is  
02:01:25 11 inconsistent with a witness she interviewed who she claims signed  
02:01:28 12 that check.

02:01:29 13 **MR. WALKER:** So if you want to put on the witness, you  
02:01:31 14 can put on the witness to testify; but you can't ask her hearsay  
02:01:35 15 questions. You're absolutely asking this for the truth of the  
02:01:38 16 matter asserted. If you're not asking it for the truth of the  
02:01:42 17 matter asserted, it's not relevant. If you are asking it for the  
02:01:45 18 truth of the matter asserted, then it's hearsay.

02:01:47 19 **MR. JOHNSON:** They called her a case agent, Judge. They  
02:01:49 20 had her at the back of the courtroom this entire time. She's heard  
02:01:52 21 every single piece of testimony.

02:01:53 22 **THE COURT:** You can lead the witness. Why don't you ask  
02:01:56 23 her if anything in her investigation revealed what you're trying to  
02:01:59 24 say?

02:02:01 25 **MR. JOHNSON:** Sure.

02:02:01 1           **THE COURT:** And then if she says, "I don't think so,"  
02:02:03 2 then you ask her -- I'll let you do that. Steps in her  
02:02:08 3 investigation. I let the Government do it, so I'll let you do it.

02:02:11 4           **MR. CLEMONS:** Judge, right now the only question on the  
02:02:14 5 table is: Did you interview Michelle Franques? That's the only  
02:02:17 6 question on the table. I mean, they're anticipating an objection,  
02:02:19 7 but he's only asked her did she interview Michelle Franques.  
02:02:23 8 That's all we're here for.

02:02:24 9           **THE COURT:** Well, why don't you rephrase it to where  
02:02:28 10 you're trying to go, instead of phrasing it as something that would  
02:02:32 11 invite hearsay.

02:02:34 12           **MR. JOHNSON:** Sure.

02:02:35 13 (End bench conference.)

02:03:08 14 **BY MR. JOHNSON:**

02:03:08 15 Q. So as part of your investigation, did you learn from Ms.  
02:03:16 16 Franques during her interview that she did not intend to pay Mr.  
02:03:21 17 Gary Haynes?

02:03:27 18 A. I don't know. I don't -- I don't remember what she said to  
02:03:31 19 that.

02:03:32 20 Q. I'm sorry?

02:03:33 21 A. I don't remember what she said to that. I don't remember that  
02:03:36 22 being discussed.

02:03:37 23 Q. Do you recall initially interviewing Ms. Franques early on in  
02:03:40 24 the case when you got involved?

02:03:43 25 A. I did not initially interview Ms. Franques.

02:03:46 1 Q. But you participated in a later interview of her?

02:03:48 2 A. I believe I sat in one of the discussions here at the U.S.  
02:03:54 3 Attorney's Office.

02:03:55 4 Q. And you've heard testimony that, in this case, that this  
02:04:02 5 \$10,000 was organic in the sense that it was intending to be paid  
02:04:07 6 to Mr. Haynes; correct?

02:04:08 7 A. Yes.

02:04:10 8 Q. Okay. During the course of your investigation, though, did you  
02:04:13 9 learn information that was inconsistent with that by the person  
02:04:16 10 whose name appeared on the check the Government introduced earlier?

02:04:20 11 A. I don't believe so.

02:04:21 12 Q. You sure?

02:04:24 13 **MR. WALKER:** Objection. She answered the question, Your  
02:04:25 14 Honor.

02:04:25 15 **MR. JOHNSON:** She said, "I don't think so," and she  
02:04:27 16 paused and looked to the right. I was just wanting some  
02:04:30 17 reassurance.

02:04:31 18 **THE COURT:** Do you remember anything that's inconsistent  
02:04:32 19 with that?

02:04:33 20 **THE WITNESS:** I don't remember Ms. Franques discussing  
02:04:35 21 with us the fact that she didn't intend to pay Gary Haynes. I  
02:04:39 22 don't recall that.

02:04:39 23 **THE COURT:** Okay.

02:04:39 24 **BY MR. JOHNSON:**

02:04:41 25 Q. You mentioned "discussed." After the interview with Ms.

02:04:46 1 Franques, did you receive some corrections to her statement from  
02:04:50 2 her?

02:04:52 3 A. So I was in the meeting where she provided some corrections to  
02:04:56 4 the meeting that I was not a part of. So I was not in the initial  
02:05:01 5 interview. I remember being in one of the subsequent meetings with  
02:05:07 6 her.

02:05:08 7 Q. Sure. You were able to review her corrections, though;  
02:05:11 8 correct?

02:05:11 9 A. I believe so, yes.

02:05:12 10 Q. In those corrections, were you able to learn information as  
02:05:15 11 part of your investigation that seemed inconsistent with her  
02:05:18 12 wanting to cut \$10,000 checks to Gary Haynes?

02:05:23 13 A. The only thing I recall her talking about the checks regarding  
02:05:27 14 that were paid -- I don't recall her discussing the \$10,000  
02:05:32 15 payments to Mr. Haynes. I recall her talking about the two checks  
02:05:37 16 that were paid to F4 from Mr. Gary Haynes.

02:05:41 17 Q. Did you also recall learning that she was not to pay him  
02:05:46 18 anything associated with CBT in Lafayette?

02:05:51 19 A. I remember her statement that making payments to the ADA in  
02:05:59 20 connection with the CBT scheme would be illegal. I remember  
02:06:03 21 something to that effect.

02:06:04 22 Q. Meaning, she never had any intent to do that?

02:06:09 23 A. I can't -- no, I don't think that's correct.

02:06:14 24 Q. Did you read the 302?

02:06:17 25 A. I have read it.

02:06:19 1 Q. Okay. Would you like an opportunity to refresh your  
02:06:23 2 recollection?

02:06:26 3 A. Yes, I can do that.

02:06:38 4 Q. Okay. While he's doing that, I'm going to come back to that.

02:06:41 5 You agree with me, though, that setting up a business in  
02:06:44 6 your own name, depositing, starting the business with an account  
02:06:48 7 that you set up in your own name and signing the checks is not the  
02:06:51 8 greatest way in the history of time to conceal your activity;  
02:06:56 9 correct?

02:06:56 10 A. I don't agree with that, no.

02:06:57 11 Q. If you want it concealed; right?

02:06:59 12 A. I don't agree with that.

02:07:01 13 Q. So you think it's the best plan of action?

02:07:03 14 A. I think it is very commonly used to make it appear as if you're  
02:07:07 15 operating a legitimate business.

02:07:10 16 Q. And if it's true that you believe you are operating a  
02:07:13 17 legitimate business, then this would be perfectly innocent conduct.  
02:07:18 18 Isn't that correct?

02:07:19 19 A. If you were conducting legitimate business.

02:07:21 20 Q. Right. And you don't know, right, what Mr. Gary Haynes was  
02:07:25 21 thinking at that point in time, do you?

02:07:28 22 A. No. I can't speak to his -- what he was thinking at that point  
02:07:31 23 in time.

02:07:32 24 Q. So if his intent was to do legitimate business, this is how he  
02:07:35 25 would go about doing that; correct?

02:07:38 1 A. No. Typically, if you're conducting legitimate business, your  
02:07:42 2 account doesn't sit dormant for a year.

02:07:45 3 Q. I'm sorry?

02:07:46 4 A. If you're going to open an account with the intent to conduct  
02:07:50 5 legitimate business, it's not going to sit dormant for almost a  
02:07:55 6 year.

02:07:56 7 Q. You're suggesting that that account could not have been used  
02:07:58 8 for legitimate business?

02:08:00 9 A. No. I'm saying that lends to the -- to me, it speaks to the  
02:08:06 10 intent of why the account was opened in the first place.

02:08:11 11 Q. It also speaks to why it was closed; right?

02:08:14 12 A. Correct.

02:08:15 13 Q. Now, shell company and holding company. You said does a shell  
02:08:20 14 company -- I'm sorry. A hold company, does it do business? Do you  
02:08:25 15 recall testifying to that?

02:08:25 16 A. Yes, I did testify about a holding company.

02:08:27 17 Q. And the holding company, you said has an interest in several  
02:08:31 18 other companies. Isn't that correct?

02:08:33 19 A. They typically have a controlling interest in their subsidiary  
02:08:36 20 companies, yes.

02:08:37 21 Q. And you testified that Mr. Leonard Franques owned several very  
02:08:41 22 legitimate businesses; correct?

02:08:44 23 A. Mr. Franques owned a lot of businesses. I did not conduct a  
02:08:50 24 full forensic accounting on every one of his businesses to say  
02:08:55 25 whether or not they were all legitimate. I can tell you that some

02:08:58 1 appeared to be operating in areas that were legitimate and some  
02:09:05 2 were being used for his illegal schemes.

02:09:08 3 Q. And the funds that were deposited into his account from F4,  
02:09:13 4 you're not aware of any information showing that those accounts  
02:09:16 5 were then associated -- that that money was then put into accounts  
02:09:21 6 associated with any illegal activity; correct?

02:09:24 7 A. The F4 account was the parent company over Midway Media which  
02:09:28 8 was being used for the CBT courses.

02:09:31 9 Q. Correct. But Midway Media, correct, had its own bank account?

02:09:35 10 A. Yes, it did.

02:09:36 11 Q. And that money never made its way to that bank account;  
02:09:40 12 correct?

02:09:40 13 A. No.

02:09:40 14 Q. All right. And there's no proof of that; correct?

02:09:44 15 A. No.

02:09:50 16 Q. Okay. Now, a shell corporation. What is the purpose of, just  
02:09:54 17 generally, speaking the purpose of an LLC? Can you tell the jury  
02:09:57 18 about that?

02:09:58 19 A. The purpose of an LLC would be to provide some sort of  
02:10:04 20 protection from liability for the owner.

02:10:08 21 Q. Right. It's to insulate the owner from liability for purposes  
02:10:13 22 of lawsuits; is that correct?

02:10:15 23 A. Correct.

02:10:16 24 Q. And LLCs are started all of the time; isn't that correct?

02:10:19 25 A. Yes, they are.

02:10:21 1 Q. And there is even a site on Louisiana Secretary of State's  
02:10:22 2 website called geauxBIZ.com; right?

02:10:25 3 A. That is correct.

02:10:26 4 Q. Where they make it very easy to establish an LLC; correct?

02:10:29 5 A. That is correct.

02:10:30 6 Q. And oftentimes people with varying businesses, to distinguish  
02:10:33 7 the businesses and keep it separate, establish different LLCs;  
02:10:38 8 correct?

02:10:38 9 A. Yes.

02:10:39 10 Q. Which could also explain why he, Mr. Haynes, for his investment  
02:10:45 11 with Mr. Franques would not start it or run it through his law  
02:10:51 12 firm; correct?

02:10:53 13 A. Why Mr. Franques would not -- can you --

02:11:03 14 Q. No. Why Mr. Haynes. Sorry. Mr. Haynes.

02:11:03 15 A. Can you repeat that question?

02:11:04 16 Q. Sure. So you've heard people who have rent houses; correct?

02:11:06 17 A. Yes.

02:11:06 18 Q. Oftentimes each rent house, to keep it separate, will be a  
02:11:10 19 different LLC; correct?

02:11:11 20 A. Yes, that could happen.

02:11:13 21 Q. Right. Because if it's determined that you use one business  
02:11:18 22 for several businesses, then it can make it easier to get sued.  
02:11:22 23 Isn't that correct?

02:11:23 24 A. That is correct.

02:11:24 25 Q. And that is the purpose of an LLC; correct?

02:11:27 1 A. When used legitimately, yes.

02:11:30 2 Q. Right. And in this case it might explain why he wouldn't run  
02:11:33 3 it through his law firm LLC; correct?

02:11:37 4 A. Why he wouldn't run what?

02:11:40 5 Q. Why he wouldn't -- the money that he intended to make from his  
02:11:43 6 investment with Mr. Franques, why he wouldn't run that through his  
02:11:46 7 law firm LLC?

02:11:47 8 A. But he established an account that purported to be a law  
02:11:52 9 office.

02:11:52 10 Q. Just to be clear, where my client signed on that document on  
02:11:56 11 Government's Exhibit 15, he signed his name. Isn't that correct?

02:11:59 12 A. He signed his name, but he said the business purpose was a law  
02:12:02 13 office.

02:12:03 14 Q. So you're saying my client said that it was a law office; isn't  
02:12:07 15 that correct?

02:12:08 16 A. Yes.

02:12:08 17 Q. And you're talking about looking at a document that is  
02:12:12 18 completed by bank personnel that my client just signs his signature  
02:12:17 19 to. Isn't that correct?

02:12:19 20 A. You're signing that the information on that document is  
02:12:21 21 correct.

02:12:21 22 Q. Correct. But you're suggesting my client actually said the  
02:12:25 23 information that was used to populate that form, other than just  
02:12:28 24 signing his name?

02:12:29 25 **MR. WALKER:** I object, Your Honor.

02:12:30 1 **THE COURT:** The document speaks for itself, Mr. Johnson.

02:12:33 2 **MR. JOHNSON:** I agree.

02:12:33 3 **BY MR. JOHNSON:**

02:12:38 4 Q. A holding company, in terms of doing business, though, it's a  
02:12:42 5 transactional corporation; correct?

02:12:44 6 A. Yes.

02:12:46 7 Q. It is engaged in doing business, though; correct?

02:12:48 8 A. Its business is managing the subsidiary businesses.

02:12:54 9 Q. Correct. Now, a shell company. Tell me what the difference  
02:12:57 10 between a shell company and an LLC is.

02:13:01 11 A. As I said before, shell company does not have an interest in  
02:13:07 12 subsidiary companies. It is just a company opened on paper and  
02:13:11 13 does not provide a service. It does not produce a good. It's just  
02:13:18 14 -- it just exists in name only.

02:13:23 15 **MR. JOHNSON:** I have that 302. May I approach, Your  
02:13:25 16 Honor?

02:13:26 17 **THE COURT:** Yes.

02:19:47 18 **MR. JOHNSON:** May I approach one more time, Your Honor?

02:19:49 19 **THE COURT:** Yes.

02:19:49 20 **BY MR. JOHNSON:**

02:19:51 21 Q. What I'm showing you now is the raw corrections that were sent  
02:20:01 22 to the FBI by Ms. Franques.

02:20:07 23 A. I've never seen this.

02:20:09 24 Q. I didn't think you had based on your testimony. I just wanted  
02:20:11 25 to question you about it.

02:20:13 1           **THE COURT:** You can retrieve the document. She's never  
02:20:15 2 seen it.

02:20:17 3           **MR. WALKER:** Your Honor, he can't refresh her  
02:20:20 4 recollection with a document she has never seen.

02:20:22 5           **THE COURT:** Correct.

02:20:22 6 **BY MR. JOHNSON:**

02:20:24 7 Q. You have seen the --

02:20:25 8           **MR. WALKER:** And one other thing, Your Honor. He also  
02:20:29 9 can't read a document to her because that would be hearsay. She's  
02:20:32 10 never seen it, so he can't read that document to her.

02:20:36 11           **THE COURT:** You can ask questions about it, Mr. Johnson,  
02:20:39 12 in the context of her investigation.

02:20:41 13           **MR. JOHNSON:** Sure.

02:20:41 14 **BY MR. JOHNSON:**

02:20:42 15 Q. As part of your investigation, though, you participated in the  
02:20:46 16 initial interview of Ms. Franques; correct?

02:20:48 17 A. Not the initial, no.

02:20:50 18 Q. I'm sorry. I apologize. Not the initial interview but in a  
02:20:58 19 subsequent interview of Ms. Franques; correct?

02:21:00 20 A. Correct.

02:21:01 21 Q. And following that interview, she submitted -- or I'm sorry --  
02:21:06 22 she submitted corrections and her 302 was updated; correct?

02:21:10 23 A. The 302 that I have read and seen before notated corrections  
02:21:15 24 that were made from her previous statements.

02:21:18 25 Q. Okay. And those were made in March of 2022; correct?

02:21:26 1 A. Yes, I believe that's correct.

02:21:27 2 Q. Okay. And so that's after the January 4<sup>th</sup>; that's after the

02:21:30 3 February 3<sup>rd</sup>; that's after December 14<sup>th</sup> -- January 4, 2022;

02:21:39 4 February 3<sup>rd</sup> of 2022; right? That's after that?

02:21:40 5 A. Yes.

02:21:40 6 Q. After that December 14<sup>th</sup> meeting; right?

02:21:42 7 A. Yes.

02:21:42 8 Q. And you heard testimony about what occurred during those

02:21:45 9 meetings; correct?

02:21:46 10 A. Yes.

02:21:46 11 Q. And you saw that Michelle was the person that signed the check

02:21:49 12 that was a part of the exhibit earlier on the summary chart

02:21:53 13 presented by the Government; correct?

02:21:54 14 A. Yes.

02:21:54 15 Q. And it's -- that summary chart presents it as though the

02:22:00 16 \$10,000 checks from Ms. Franques were presented organically, and

02:22:06 17 that was just come about just organically through parties, you

02:22:10 18 know, talking with one another; correct?

02:22:11 19 A. That is correct.

02:22:12 20 Q. As part of your investigation, though, into this case,

02:22:15 21 including participation in seeing these corrections, you know that

02:22:19 22 that was not the case. Isn't that correct?

02:22:22 23 A. No, that's not correct.

02:22:24 24 Q. You know that she had no intention of doing that; right?

02:22:30 25 A. I feel like you're asking me two different things.

02:22:33 1 Q. What I'm asking you is, is why would you, on behalf of the  
02:22:39 2 Government, present a narrative that you know contradicts what the  
02:22:45 3 person you have participating in the narrative?

02:22:49 4 **MR. WALKER:** I object to the form of the question.

02:22:54 5 **THE COURT:** Ask her if that's the case, if there's a  
02:22:57 6 contradiction there, Mr. Johnson. Does she view it as a  
02:22:59 7 contradiction?

02:22:59 8 **THE WITNESS:** I don't believe it is a contradiction.

02:22:59 9 **BY MR. JOHNSON:**

02:23:02 10 Q. Okay. You read the 302 I gave you?

02:23:06 11 A. I read the 302 you gave me, yes.

02:23:08 12 Q. And you don't think that that contradicts what you're  
02:23:13 13 purporting to say about these \$10,000 checks?

02:23:17 14 A. No, I don't.

02:23:18 15 Q. You don't think that she's -- well, I can't say that.

02:23:22 16 **MR. JOHNSON:** Sorry, Your Honor. I restricted myself.

02:23:22 17 **BY MR. JOHNSON:**

02:23:26 18 Q. Let's talk about C&C and Skyline. Those were companies formed  
02:23:31 19 by Mr. Dusty Guidry; correct?

02:23:32 20 A. Those were companies in Lauren Guidry's name that were being  
02:23:36 21 used by Mr. Guidry, yes.

02:23:38 22 Q. Okay. And as part of those companies, did Mr. Franques' ledger  
02:23:47 23 show payments to those companies?

02:23:50 24 A. Yes.

02:23:51 25 Q. Okay. Routine payments to those companies?

02:23:54 1 A. Yes.

02:23:55 2 Q. From various businesses associated with Mr. Franques?

02:24:03 3 A. I don't believe various. I believe all the payments to those

02:24:10 4 companies were coming out of Midway Media.

02:24:13 5 Q. Okay. And were -- Midway Media was an LLC that owned Lake

02:24:18 6 Wellness; correct?

02:24:21 7 A. No.

02:24:21 8 Q. Was it a separate LLC?

02:24:23 9 A. It was a separate LLC.

02:24:25 10 Q. And he received payments from Lake Wellness, as well; correct?

02:24:29 11 A. I'm not 100 percent certain on that.

02:24:32 12 Q. But you're not aware of my client receiving any payments from

02:24:36 13 Mr. Franques; correct? Other than the two \$10,000 checks?

02:24:40 14 A. Yes, he received the two \$10,000 checks.

02:24:43 15 Q. Other than that, though, you're not aware of him receiving any

02:24:46 16 payments whatsoever from Mr. Franques; correct?

02:24:48 17 A. No.

02:24:48 18 Q. So for instance, no payments at all, whether presented by the

02:24:52 19 Government or anybody else, no payments at all in 2021; correct?

02:24:56 20 A. None that I saw.

02:24:59 21 Q. Okay. On the -- unlike what Mr. Guidry, though, who was

02:25:01 22 routinely receiving payments from Mr. Franques; correct?

02:25:04 23 A. Yes.

02:25:05 24 Q. Commission payments; correct?

02:25:07 25 A. Yes.

02:25:07 1 Q. And also splits from other ventures with Mr. Franques; correct?

02:25:13 2 A. That is correct.

02:25:14 3 Q. Okay. And C&C, is it Coastal Construction and Interior Design?

02:25:21 4 A. Yes.

02:25:22 5 Q. In addition to just forming an LLC, that company -- would it

02:25:29 6 not -- would it also produce fake invoices and things of that

02:25:33 7 nature?

02:25:36 8 A. Yes.

02:25:37 9 Q. Okay. And fake interior design invoices; correct? These fake

02:25:50 10 invoices --

02:25:50 11 A. I'm not sure what they were in, yeah. Sorry.

02:25:54 12 Q. These fake invoices that you mention, whether from Coastal

02:25:57 13 Construction Interior Design or Coastal Construction, they were

02:26:00 14 designed to make the payments look legitimate; correct? Coming

02:26:05 15 from Mr. Franques to Lauren Guidry?

02:26:06 16 A. I'm not sure. I'm sorry. I don't recall if Mr. Franques

02:26:14 17 received fake invoices from those companies or if I just recall

02:26:17 18 seeing invoices. I'm not -- I don't recall the nature in which

02:26:20 19 those invoices were used.

02:26:22 20 Q. Okay. But you know that the company was a fake company; right?

02:26:25 21 A. Yes, it was.

02:26:26 22 Q. So if invoices -- you said it didn't provide a service and

02:26:29 23 didn't produce a product?

02:26:31 24 A. No.

02:26:31 25 Q. Right. So if you saw invoices produced from this company sent

02:26:34 1 to Mr. Franques, they had to be fake in your estimation; right?

02:26:38 2 A. I'm just not certain if they were given to Mr. Franques.

02:26:41 3 That's what I don't recall.

02:26:43 4 Q. Did you interpret those invoices to be, though, done to hide

02:26:47 5 the legitimacy of income?

02:26:50 6 A. Yes.

02:26:51 7 Q. Okay. There were no such invoices attached to MD Law at all;

02:26:57 8 correct?

02:26:57 9 A. Because MD Law was not supposed to start getting money until

02:27:03 10 January of 2022.

02:27:05 11 Q. That's what your allegation is. What I'm suggesting is, is

02:27:11 12 that there's no invoices that MD Law ever produced; correct?

02:27:14 13 A. Not that I have seen.

02:27:16 14 Q. Not in January of 2022, not in February of 2022; right?

02:27:18 15 A. Not that I have seen.

02:27:19 16 Q. Not in March of 2022? Not at any point in time, period;

02:27:26 17 correct?

02:27:26 18 A. Not that I have seen.

02:27:29 19 Q. And you searched everything you could get your hands on as part

02:27:31 20 of this investigation; correct?

02:27:33 21 A. Yes.

02:27:34 22 Q. All right. And it's not in there; right?

02:27:37 23 A. I have not seen them.

02:27:39 24 Q. Okay. Because you're just acting like it exists or something

02:27:42 25 like that, so I'm just --

02:27:42 1 A. I can't say that there are or aren't some. I'm just telling  
02:27:46 2 you I have never seen it.

02:27:47 3 Q. Well, let me say this: I'm talking about evidence. You have  
02:27:49 4 no evidence that any fake invoices or anything like that were  
02:27:52 5 produced by MD at Law?

02:27:54 6 A. No.

02:27:55 7 Q. But you do know as part of receiving payments and a  
02:27:59 8 long-standing process with C&C and Skyline was the use of fake  
02:28:04 9 invoices with Mr. Franques; correct?

02:28:07 10 A. Again, I know I recall seeing invoices of Skyline Media. I'm  
02:28:15 11 just not sure. I don't recall how they were used.

02:28:19 12 Q. Sure. And in terms of Skyline Media and C&C and inland --  
02:28:26 13 interior decorating --

02:28:26 14 A. Right.

02:28:30 15 Q. -- that existed, that relationship with Mr. Franques existed  
02:28:32 16 for some period of time; correct?

02:28:36 17 A. I think I recall -- I know as far back as October of 2021.

02:28:46 18 Q. Okay. Just into your investigation. You didn't review records  
02:28:49 19 prior to October of 2021 as part of the searches?

02:28:52 20 A. My focus was primarily during the time frame of the CBT  
02:28:57 21 courses, which I believe started October 2021 through until the  
02:29:06 22 investigation became overt, really.

02:29:08 23 Q. You're aware Mr. Franques paid Mr. Burton; correct? David  
02:29:14 24 Burton?

02:29:14 25 A. Mr. Franques?

02:29:15 1 Q. Yes.

02:29:16 2 A. Yes. He paid David Burton for sort of like some  
02:29:20 3 back-office-type services to help run the program.

02:29:23 4 Q. He also bought his group of courses that were in existence as  
02:29:29 5 early as 2017; correct?

02:29:33 6 A. He paid Mr. Burton about \$600,000. And he paid Mr. Shulman,  
02:29:42 7 Terrence Shulman about \$210,000, all in relation to his online  
02:29:47 8 courses.

02:29:47 9 Q. Okay. And that existed when? Those payments were made  
02:29:52 10 approximately when?

02:29:53 11 A. Maybe late 2020. I'm not exactly sure of the start date. I'm  
02:30:00 12 sorry. But I know it was prior to. I know I remember some in 2020  
02:30:09 13 and a few in 2021 prior to the CBT courses starting.

02:30:14 14 Q. And by that, after he purchased these courses from Mr. Burton  
02:30:18 15 and also developed some courses, himself, which were hosted on Mr.  
02:30:23 16 Burton's website -- is that right?

02:30:25 17 A. Mr. Franques' courses were posted on Mr. Burton's website?

02:30:31 18 Q. Yes.

02:30:32 19 A. I don't know. I'm not sure about that.

02:30:34 20 Q. Well, these courses were in multiple DA's offices all over  
02:30:38 21 Louisiana; correct?

02:30:39 22 A. I recall Mr. Burton's being in DA's offices all over. I'm not  
02:30:43 23 sure how far reaching Mr. Franques' were.

02:30:48 24 Q. But just to be clear, and that's okay if you're not sure, but  
02:30:52 25 let me see if I can refresh your memory. You recall, though, that

02:30:57 1 Mr. Franques bought Mr. Burton's CBT classes from him; correct?

02:31:01 2 A. I feel like this is a better question for FBI. But my  
02:31:06 3 understanding was that it's not like he bought out Mr. Burton. Mr.  
02:31:11 4 Burton was still offering courses. He just bought content from him  
02:31:17 5 to run his own business.

02:31:19 6 Q. Okay. Are you aware of the agreement between Mr. Burton and  
02:31:22 7 Mr. Franques where he bought his business and for a period of three  
02:31:26 8 years Mr. Burton would just maintain back-of-the-house services?

02:31:30 9 A. I recall a website services agreement, but I don't remember  
02:31:35 10 that, like, shutting down Mr. Burton's business.

02:31:40 11 Q. Okay.

02:31:40 12 A. Or essentially him acquire-- you know.

02:31:43 13 Q. You do recall, though, Mr. Franques owned all of the CBT  
02:31:48 14 courses, both David Burton's courses that he originally designed  
02:31:51 15 and the ones that were designed by Terrence Shulman specifically  
02:31:55 16 for Mr. Franques?

02:31:56 17 A. I'm not sure about that. I'm sorry. I just don't know. That  
02:32:00 18 wasn't my focus of the investigation.

02:32:01 19 Q. Well, I thought you said your focus was the CBT courses?

02:32:04 20 A. My focus was the finances related to the CBT courses and the  
02:32:08 21 money going into the accounts. But as far as the digital aspect  
02:32:12 22 and the website agreements, I mean, we kind of -- everybody -- it  
02:32:16 23 was a joint investigation and everybody sort of worked their own  
02:32:19 24 little part.

02:32:20 25 Q. I got you. And I apologize for trying to expand, you know, so

02:32:24 1 to speak.

02:32:24 2 A. That's okay.

02:32:25 3 Q. But just to be clear, in terms of the CBT courses that Mr.

02:32:31 4 Franques was profiting from all in 2020 and 2021, you routinely saw  
02:32:36 5 payments being made to Dusty Guidry; correct?

02:32:40 6 A. Yes.

02:32:40 7 Q. You saw no such payments being made to Mr. Haynes, okay, until  
02:32:46 8 after the FBI got involved? And the payments you saw were those  
02:32:53 9 two checks; correct?

02:32:55 10 A. That's correct.

02:33:09 11 Q. And as you understood the way it worked was, is Ms. Franques  
02:33:14 12 ran the finances associated with Midway Media; correct?

02:33:18 13 A. Yes.

02:33:18 14 Q. She was the one responsible for making the payments to Dusty  
02:33:21 15 Guidry; correct?

02:33:23 16 A. That's correct.

02:33:23 17 Q. And making payments, as well, to others; correct?

02:33:27 18 A. Yes.

02:33:41 19 **MR. JOHNSON:** One second, Your Honor. No further  
02:33:48 20 questions, Your Honor.

02:33:50 21 **THE COURT:** Redirect, Mr. Walker?

02:33:54 22 **REDIRECT EXAMINATION BY MR. WALKER:**

02:33:57 23 Q. You were aware that MD at Law was -- he restarted MD at Law  
02:34:07 24 after it had been inactive for an amount of time?

02:34:10 25 A. Yes.

02:34:11 1 Q. And thereafter he made a bank account?

02:34:14 2 A. That's correct.

02:34:15 3 Q. Are you aware of the fact that there were numerous phone calls  
02:34:19 4 related to MD at Law and the money that would or would not be  
02:34:23 5 placed in the bank account?

02:34:25 6 A. Yes.

02:34:26 7 Q. Was part of the money related to the Fish and Wildlife illegal  
02:34:31 8 kickback scheme?

02:34:32 9 A. Yes.

02:34:33 10 Q. How much of the money and what money was to be placed in MD at  
02:34:36 11 Law from that illegal scheme?

02:34:41 12 A. So in relation to the Fish and Wildlife scheme, it was my  
02:34:46 13 understanding that Mr. Haynes was going to get half of Dusty  
02:34:51 14 Guidry's share.

02:34:53 15 Q. Was Dusty Guidry's share to go into the MD at Law bank account  
02:34:56 16 along with Mr. Haynes' account?

02:34:59 17 A. Yes.

02:35:01 18 Q. As it relates to the district attorney's office bribery scheme,  
02:35:06 19 what was the purpose of the MD at Law bank account? What was it  
02:35:11 20 going to be used for?

02:35:12 21 A. In relation to what scheme?

02:35:17 22 Q. The district attorney's office pretrial intervention kickback  
02:35:28 23 scheme. What was the MD at Law bank account going to be used for?

02:35:29 24 A. The MD at Law bank account in relation to the DA scheme and the  
02:35:33 25 CBT courses was also set up to receive the share that would be

02:35:38 1 split amongst Dusty Guidry and Gary Haynes.

02:35:45 2 Q. Have you listened to calls where there were discussions  
02:35:49 3 specifically between Gary Haynes, Dusty Guidry, and Dusty Guidry  
02:35:53 4 and Leonard Franques related to the fact that in January they would  
02:35:58 5 begin receiving the disbursements of the money?

02:36:02 6 A. Yes.

02:36:03 7 Q. Were there also calls about the fact that Gary Haynes would be  
02:36:06 8 receiving a pickup truck as a portion of his kickback?

02:36:11 9 A. Yes.

02:36:20 10 Q. And did Gary Haynes specifically acknowledge the fact that he  
02:36:26 11 could receive the pickup truck?

02:36:29 12 **MR. JOHNSON:** Your Honor, did he specifically acknowledge  
02:36:32 13 he could accept the pickup truck? I'm just wondering, are we -- I  
02:36:36 14 don't understand that question at all. Put it that way.

02:36:36 15 **BY MR. WALKER:**

02:36:39 16 Q. Acknowledge -- did he acknowledge the pickup truck was in play?

02:36:43 17 A. He acknowledged the pickup truck and receiving it as payment  
02:36:47 18 for his involvement.

02:36:51 19 Q. Did something happen in December to Dusty Guidry that caused  
02:36:54 20 those things to be placed on hold?

02:36:58 21 A. Yeah. Dusty Guidry was arrested in December of 2021.

02:37:03 22 Q. Have you listened to the phone calls that relate to -- the  
02:37:06 23 phone calls/consensual recordings that relate to Dusty Guidry's  
02:37:12 24 arrest and the concern that Gary Haynes expressed specific to the  
02:37:15 25 arrest?

02:37:16 1 A. Yes, I did.

02:37:19 2 Q. Did it include discussions about the two \$10,000 checks?

02:37:23 3 A. It did.

02:37:25 4 Q. What, if anything, did Gary Haynes say about his concern about  
02:37:29 5 cashing the \$10,000 checks?

02:37:31 6 A. He said he was going to hold onto them basically until the  
02:37:39 7 things settled down with Dusty Guidry, all the chaos that had  
02:37:44 8 ensued since Dusty Guidry was arrested.

02:37:47 9 Q. The defense talked to you about the fact that Gary Haynes had  
02:37:51 10 some legitimate businesses.

02:37:55 11 A. Yes.

02:37:59 12 Q. In the discussions that he had with Dusty Guidry or with  
02:38:05 13 Leonard Franques, did he ever suggest that he would use a  
02:38:10 14 legitimate business to collect the funds, either from the Fish and  
02:38:14 15 Wildlife scheme or from the DA scheme?

02:38:17 16 A. No.

02:38:19 17 Q. What account did he intend to use to have that money funneled  
02:38:23 18 to he and to Dusty Guidry?

02:38:26 19 A. He stated that he reopened an LLC that he started years ago to  
02:38:31 20 obtain the monies from these schemes.

02:38:43 21 Q. When you looked at the MD at Law account and the time that it  
02:38:47 22 was opened, the bank account, and the LLC, did you -- and when I  
02:38:54 23 say opened, I mean reopened in 2021 -- did you see anything that  
02:39:00 24 either the business or financial documents or the bank account that  
02:39:08 25 were occurring consistent with a legitimate business?

02:39:12 1 A. No.

02:39:13 2 **MR. JOHNSON:** Your Honor, he's leading her on legitimate  
02:39:15 3 business and it's gotten extremely broad. I don't believe that  
02:39:20 4 that's, you know, proper. He's calling for opinion testimony on  
02:39:24 5 redirect.

02:39:24 6 **THE COURT:** The question has already been answered, Mr.  
02:39:28 7 Johnson.

02:39:28 8 **MR. JOHNSON:** I understand, Your Honor. Just note my  
02:39:30 9 objection.

02:39:31 10 **THE COURT:** Okay.

02:39:33 11 **BY MR. WALKER:**

02:39:34 12 Q. You talked about concealment --

02:39:36 13 A. Yes.

02:39:36 14 Q. -- previously. Is the purchase of a truck for a person another  
02:39:41 15 form of concealment?

02:39:42 16 A. Yes, it is.

02:39:45 17 Q. Why is that?

02:39:46 18 A. Because oftentimes in order to provide another layer that kind  
02:39:54 19 of separates the individual from the illegal activity, they will  
02:39:58 20 accept assets or cash, things that are harder to trace, as payment;  
02:40:05 21 therefore, it wouldn't be directly traced to them.

02:40:08 22 Q. In connection with the money, the defense brought up the money  
02:40:13 23 that the defendant had given to both F4 as well as Dusty Guidry.  
02:40:21 24 Was a portion of it for F4? Was a portion of it checks that were  
02:40:28 25 given to F4?

02:40:31 1 A. A portion of the checks from -- can you -- I'm sorry. Can you  
02:40:35 2 rephrase?

02:40:35 3 Q. It's okay. Sometimes I ask questions that make perfect sense  
02:40:38 4 to me and no one else.

02:40:39 5 So there was an amount of money that Gary Haynes gave.

02:40:39 6 A. Uh-huh.

02:40:44 7 Q. Was it in checks?

02:40:46 8 A. Yes.

02:40:47 9 Q. Were there two checks that were given to F4?

02:40:50 10 A. There were.

02:40:52 11 Q. Whose company is F4?

02:40:53 12 A. Leonard Franques.

02:40:57 13 Q. Was that totaling about \$82,000?

02:41:00 14 A. Yes, it was.

02:41:04 15 Q. In that conversation and the conversations related to the  
02:41:08 16 checks, were there calls or other conversations in which that you  
02:41:13 17 have reviewed where "skin in the game" was listed in connection  
02:41:20 18 with those checks?

02:41:21 19 A. Yes.

02:41:22 20 **MR. JOHNSON:** Your Honor, we're going way beyond  
02:41:25 21 cross-examination into now a whole host of calls that are not in  
02:41:28 22 evidence.

02:41:29 23 **MR. WALKER:** Your Honor, actually those statements are in  
02:41:30 24 evidence, and I'm directly responding to his statements that he  
02:41:34 25 asked on cross-examination about the funds that were paid by the

02:41:39 1 defendant.

02:41:39 2 **THE COURT:** Overruled.

02:41:51 3 **THE WITNESS:** I'm going to need you to repeat the  
02:41:53 4 question.

02:41:53 5 **BY MR. WALKER:**

02:41:54 6 Q. It's okay. During your review of either the Title III wiretaps  
02:41:58 7 or the consensual recordings, was the expression "skin in the game"  
02:42:06 8 relating to Mr. Gary Haynes ever used?

02:42:10 9 A. Yes.

02:42:12 10 Q. And what did you understand skin in the game meant?

02:42:15 11 A. It means that all of --

02:42:20 12 **MR. JOHNSON:** Your Honor, may we approach?

02:42:24 13 (Begin bench conference.)

02:42:45 14 **MR. JOHNSON:** I might be in the dark here. I guess my  
02:42:48 15 objection is, have y'all produced -- is it in evidence, the call  
02:42:51 16 that you're referring to?

02:42:53 17 **MR. WALKER:** It's actually, I think it's either a  
02:42:57 18 consensual or -- we have produced every call.

02:43:00 19 **MR. JOHNSON:** I'm just saying I don't even know the call.

02:43:03 20 **MR. CLEMONS:** It's not whether produced, it's whether  
02:43:05 21 it's in evidence, is the question.

02:43:06 22 **MR. NICKEL:** It's the December 14, 2021, consensual, the  
02:43:10 23 whole thing was played. It's at the end.

02:43:13 24 **THE COURT:** So it's been played for the jury?

02:43:15 25 **MR. WALKER:** Yes, it has.

02:43:16 1           **MR. JOHNSON:** I just wanted to make sure of that. I  
02:43:18 2 didn't want to object to it and say, Hey, you can't say that, if  
02:43:18 3 that's not mentioned. But I just don't recall hearing that at all.

02:43:20 4           **MR. WALKER:** December 14<sup>th</sup>.

02:43:22 5           **MR. JOHNSON:** And I can verify that now that I know where  
02:43:25 6 it's at.

02:43:27 7           (End bench conference.)

02:43:48 8           **THE COURT:** All right. Third time, Mr. Walker.

02:43:51 9           **MR. WALKER:** Thank you, Your Honor.

02:43:51 10 **BY MR. WALKER:**

02:43:53 11 Q. Do you remember a consensual recording that specifically  
02:43:56 12 mentioned "skin in the game" in relation to Gary Haynes?

02:43:59 13 A. Yes, I do.

02:44:00 14 Q. And what did you understand that to mean?

02:44:02 15 A. I understood it to mean that everyone had either put up some  
02:44:08 16 money or stands to lose something if this were to get uncovered.

02:44:31 17           **MR. WALKER:** That's all I have, Your Honor.

02:44:32 18           **THE COURT:** Thank you, Agent Deshotel. You may return to  
02:44:35 19 counsel table.

02:44:50 20           **MR. WALKER:** Your Honor, I would ask that the Court take  
02:44:57 21 judicial notice of the fact that Lafayette and all of Acadiana is  
02:45:02 22 within the Western District of Louisiana.

02:45:05 23           **THE COURT:** Any objection to that?

02:45:06 24           **MR. CLEMONS:** No objection to that, Judge.

02:45:08 25           **THE COURT:** The 15<sup>th</sup> JDC in Lafayette is in the Western

02:45:13 1 District of Louisiana. I'll take judicial notice.

02:45:14 2 **MR. WALKER:** Thank you, Your Honor.

02:45:14 3 And with that, the United States rests, subject to its  
02:45:17 4 right of rebuttal.

02:45:20 5 **THE COURT:** All right. Ladies and gentlemen, the  
02:45:21 6 Government has rested its case in chief in this matter. We're  
02:45:27 7 going to take a break, just our afternoon break and also for us to  
02:45:31 8 take care of a few things we need to take care of in court. I  
02:45:35 9 anticipate it will take about 20 minutes, but we'll get you when  
02:45:39 10 we're ready. Okay? All rise for the jury.

02:46:13 11 (Jury not present.)

02:46:15 12 **THE COURT:** Please be seated. Lisa, are you straight on  
02:46:20 13 exhibits offered by the Government and introduced? You feel  
02:46:22 14 comfortable that everything's been properly notated?

02:46:28 15 **THE DEPUTY CLERK:** Yes, sir. Thank you.

02:46:30 16 **THE COURT:** All right. Does the defendant have a motion  
02:46:32 17 to make at this time?

02:46:33 18 **MR. CLEMONS:** Yes, Your Honor. The defense would like to  
02:46:35 19 make a Rule 29 motion for a judgment of acquittal on all counts.

02:46:39 20 **THE COURT:** I have paid careful attention to the evidence  
02:46:42 21 in this case. In considering a judgment for -- a motion for  
02:46:46 22 judgment of acquittal, my job is to view the evidence in the light  
02:46:50 23 most favorable to the Government. Judgment of acquittal is proper  
02:46:53 24 only if the evidence and all inferences to be drawn from it is  
02:46:56 25 insufficient to permit a rational trier of fact to find the

02:46:59 1 essential elements of the crime beyond a reasonable doubt. The  
02:47:02 2 evidence must be substantial and not raised in mere suspicion of  
02:47:07 3 guilt. After considering the evidence presented by the Government,  
02:47:08 4 the motion is denied.

02:47:11 5 All right. Let's talk a little bit, Mr. Haynes -- I'm  
02:47:19 6 sorry -- Mr. Clemons, about your plan of action this afternoon. We  
02:47:24 7 can do it here in court or we can do it at sidebar if you feel more  
02:47:28 8 comfortable doing that.

02:47:30 9 **MR. CLEMONS:** Oh, no. We can do it right here, Judge. I  
02:47:32 10 think we got witnesses out there ready. We are supposed to have  
02:47:35 11 witnesses out there ready. Let me check and make sure we've got  
02:47:39 12 witnesses ready. We're ready, Judge.

02:47:42 13 **THE COURT:** One thing I wanted to mention, Mr. Clemons:  
02:47:44 14 I'm unable to tell from your witness list, which I think has 40  
02:47:49 15 people on it at this point, are you planning on calling character  
02:47:53 16 witnesses? Because if so, you know, there's a limit to how much of  
02:47:56 17 that we're going to hear.

02:47:58 18 **MR. CLEMONS:** No, Judge. We have no intent to call  
02:48:00 19 character witnesses.

02:48:00 20 **THE COURT:** Okay. So these aren't character witnesses?

02:48:02 21 **MR. CLEMONS:** No, Judge. And, again, this is a work in  
02:48:03 22 progress. I anticipate as we work -- I know a couple of people we  
02:48:07 23 have already cut. At least one we have told the Government about.  
02:48:10 24 We are going to continue to work through it, Judge, and we're going  
02:48:14 25 to do our best to stick with this order. There are a couple of

02:48:18 1 people we have to take out of order. For example, Mr. Lance Beal,  
02:48:24 2 he'll testify in a minute. He's got court tomorrow, so we're going  
02:48:26 3 to try to get him in this afternoon. I told the Government about  
02:48:29 4 that.

02:48:29 5 But no character witnesses, Judge, and most of these  
02:48:32 6 witnesses are going to be short and tight. There are going to be a  
02:48:35 7 couple of ones that may be lengthy, but for the most part they're  
02:48:39 8 going to be short and tight.

02:48:41 9 **THE COURT:** Very good, Mr. Clemons. We'll take a break  
02:48:42 10 until 3:00 and come back.

02:48:45 11 **MR. CLEMONS:** Thank you, Judge.

02:48:47 12 **THE COURTROOM SECURITY OFFICER:** All rise.

02:57:26 13 (Off the record at 2:48 p.m.; resumed at 3:08 p.m.)

03:08:36 14 **THE COURTROOM SECURITY OFFICER:** All rise. All rise for  
03:09:50 15 the jury.

03:10:09 16 (Jury present.)

03:10:11 17 **THE COURT:** Please be seated. All right. The defendant  
03:10:22 18 may call its first witness.

03:10:24 19 **MR. CLEMONS:** Call Mr. Lance Beal, Judge.

03:10:32 20 **THE DEPUTY CLERK:** Raise your right hand, please, sir.  
03:10:44 21 Do you solemnly swear or affirm that the testimony you give in this  
03:10:44 22 matter will be the truth, the whole truth, and nothing but the  
03:10:47 23 truth, so help you God?

03:10:47 24 **THE WITNESS:** I do.

03:10:48 25 **THE DEPUTY CLERK:** Thank you. Be seated.

03:10:48 1 **MR. CLEMONS:** Proceed, Judge?

03:10:51 2 **THE COURT:** Please proceed.

03:10:51 3 **LANCE BEAL,**

03:10:52 4 after having first been duly sworn, did testify as follows:

03:10:52 5 **DIRECT EXAMINATION BY MR. CLEMONS:**

03:10:57 6 Q. Mr. Beal, please state your name and occupation for the record.

03:11:02 7 A. Lance Beal. I'm an attorney in Lafayette.

03:11:05 8 Q. How long have you been practicing, just about?

03:11:08 9 A. Eight years, about.

03:11:09 10 Q. You're in Lafayette the entire time?

03:11:11 11 A. Yes.

03:11:12 12 Q. Are you also an assistant district attorney?

03:11:14 13 A. Yes.

03:11:15 14 Q. And just let the jury know just briefly about your background  
03:11:18 15 as -- and that's commonly referred to as ADA? Assistant DA is  
03:11:26 16 commonly referred to as ADA?

03:11:28 17 A. Yeah, that's correct.

03:11:29 18 Q. Tell us when you started, under what administration, and what  
03:11:31 19 department you worked in.

03:11:32 20 A. I started in 2018. This was my second career after the Army.  
03:11:38 21 Keith Stutes hired me in September of '18, and I've been there ever  
03:11:44 22 since. I started off in misdemeanors for a few years, and now I'm  
03:11:50 23 a felony prosecutor currently.

03:11:53 24 Q. And when did you get -- and I'm assuming, like in the Calcasieu  
03:11:58 25 DA's office, going from misdemeanor to felony is a promotion;

03:12:03 1 correct?

03:12:03 2 A. Yes.

03:12:03 3 Q. When did you get promoted to felony? Just about what year?

03:12:09 4 Just about. Was it under Stutes or Landry?

03:12:11 5 A. This was under Mr. Landry.

03:12:13 6 Q. Okay.

03:12:13 7 A. I want to say in '22 -- '21-'22.

03:12:19 8 Q. And bring your attention -- so you were in the office and you  
03:12:25 9 stayed on when Mr. Landry got elected?

03:12:28 10 A. Correct.

03:12:29 11 Q. And were you present when Mr. Landry had a meeting with his  
03:12:33 12 assistant DAs to talk about the pretrial program and making an  
03:12:37 13 effort to move more cases to the pretrial intervention program?

03:12:41 14 A. I was present. It was one of the first meetings we had. I  
03:12:45 15 kind of --

03:12:45 16 Q. Speak up just a little bit, Lance. I know what you're saying,  
03:12:46 17 but I'm --

03:12:46 18 A. I apologize.

03:12:46 19 Q. Oh, that's okay.

03:12:48 20 A. My hearing is bad.

03:12:49 21 **THE COURT:** You can move that microphone a little closer  
03:12:52 22 to you.

03:12:53 23 **THE WITNESS:** Sorry about that. I do tend to speak low  
03:12:55 24 and I apologize.

03:12:58 25 **MR. CLEMONS:** No need to apologize. That helps out a

03:13:01 1 lot.

03:13:03 2 **THE WITNESS:** Either January or February of when the new  
03:13:05 3 administration came in, sometime around then. I think all the ADAs  
03:13:09 4 were there.

03:13:11 5 **BY MR. CLEMONS:**

03:13:12 6 Q. And just tell the jury just briefly the nature of the meeting.

03:13:16 7 A. It was more of an introduction to everybody coming in,  
03:13:19 8 especially some of the people that Don, that Mr. Don retained. He  
03:13:23 9 is kind of saying how pretrial diversion was going to be opened up.

03:13:31 10 And because at the time I was taking over as the misdemeanor track  
03:13:36 11 leader. Initially, for me, that was good because we had a big,  
03:13:41 12 huge backlog from COVID because at that point it did last a while.

03:13:46 13 Q. And you said that Mr. Landry said pretrial was going to be  
03:13:50 14 opened up. Just briefly explain to the jury what you mean by that.

03:13:54 15 A. Well, it wasn't necessarily going to be open. Mr. Landry  
03:13:55 16 didn't say that.

03:13:56 17 Q. That was your term?

03:13:57 18 A. Well, I describe it as more of he came in and said that he  
03:14:05 19 introduced to -- the first time I really met Mr. Haynes and Mr.  
03:14:12 20 Guidry. He said that they were going to be running the program.  
03:14:15 21 And Don kind of said, Well, we're going to try to allow more  
03:14:18 22 flexibility on some aspects of the case.

03:14:23 23 Q. And I think you told me, when we talked a couple weeks ago,  
03:14:29 24 that under Mr. Stutes the PTI program was more structured and  
03:14:32 25 limited whereas under Mr. Landry it became where more people were

03:14:37 1 allowed to get in the program. Am I correct?

03:14:39 2 A. Some of the standards were relaxed from Mr. Stutes. So just  
03:14:44 3 depending on the time, from what I remember. Like, so if somebody  
03:14:47 4 hadn't been in trouble in five or six years, under Mr. Stutes they  
03:14:51 5 may not have qualified. But if it was a previous misdemeanor, may  
03:14:54 6 have been somebody they could allow to go through.

03:14:58 7 Q. And the standards being relaxed resulted in more people getting  
03:15:01 8 into the program; correct?

03:15:02 9 A. Yes. Because at that point it was either trying to push the  
03:15:08 10 dockets to either be dismissed with court costs sometimes.  
03:15:12 11 Sometimes it's just more economical for me to refer to PTI,  
03:15:17 12 especially if there's a restitution involved and things of that  
03:15:19 13 nature.

03:15:20 14 Q. Also, I think, correct me if I'm wrong, that some cases you  
03:15:23 15 would review and if you thought they qualified -- a 20-year-old UL  
03:15:30 16 student, you know, did something stupid on a Saturday night after  
03:15:33 17 the game -- you would review the case and you would just send it to  
03:15:36 18 PTI after you screened it, correct, without anybody asking you to  
03:15:39 19 do it; right?

03:15:40 20 A. I've never been asked. At that point -- the decision initially  
03:15:44 21 was always to refer at that point. But we had no power to put  
03:15:47 22 anybody in PTI. We would refer the case to PTI to make sure that  
03:15:52 23 they also met their standards, also.

03:15:55 24 Q. Right. And maybe I misspoke. Won't be the first time or the  
03:15:59 25 last time. But that's what I intended to say, is that you would

03:16:02 1 review a case. Young person, UL, bar fight after the homecoming.

03:16:07 2 You would review it, and you could -- and you would refer some of

03:16:09 3 those cases directly to PTI without an attorney coming in or

03:16:13 4 somebody coming in and asking you to do it. You would do it just

03:16:16 5 after screening and refer it to PTI; correct?

03:16:19 6 A. Yeah, for the minor offenses, the ones that are usually payable

03:16:23 7 offenses, like disturbing the peace by fighting, intoxication,

03:16:28 8 typical stuff, Saturday night Lafayette. We would refer those if

03:16:32 9 those are first-time offenders.

03:16:34 10 Q. And also being January '21 -- you might have alluded to this,

03:16:39 11 but did your docket have a huge backlog because of COVID?

03:16:43 12 A. Yeah. Because we had not had a trial or court date really in

03:16:47 13 almost a year at that point.

03:16:50 14 Q. Okay. And so you did have the backlog?

03:16:52 15 A. Yes.

03:16:55 16 Q. Okay. And --

03:16:57 17 A. And we still have a backlog.

03:17:00 18 Q. Believe me, I understand. I certainly understand, Mr. Beal.

03:17:05 19 Now, as far as Gary Haynes and his interaction with PTI, you did

03:17:09 20 not see him doing anything illegal or immoral as related to PTI,

03:17:13 21 did you?

03:17:14 22 A. I directly did not see anything.

03:17:16 23 Q. I'm sorry?

03:17:17 24 A. I did not see anything.

03:17:19 25 Q. And as a part of this investigation, did the FBI or any federal

03:17:22 1 agents come to speak to you and say, Mr. Beal, we would like to  
03:17:25 2 talk to you about this case?

03:17:27 3 A. Not to my knowledge, no.

03:17:30 4 Q. I think you would know if they spoke to you; right?

03:17:34 5 A. Yeah. Nobody. Like, I don't remember speaking to anybody  
03:17:35 6 about this case.

03:17:35 7 Q. Okay. I thought --

03:17:38 8 A. It was a very hot topic around when it had occurred. So I'm  
03:17:43 9 pretty positive I never spoke to anybody.

03:17:45 10 Q. Yeah, I'm sure it was. But as far as you sitting down with an  
03:17:49 11 agent and interviewing --

03:17:49 12 A. No, I don't have no --

03:17:50 13 Q. -- you have no record?

03:17:51 14 A. No, no. Never anything like that.

03:17:53 15 **MR. CLEMONS:** Thank you. I tender the witness, Judge.

03:17:57 16 **CROSS-EXAMINATION BY MR. NICKEL:**

03:17:59 17 Q. Mr. Beal, how are you?

03:18:01 18 A. Good. Thank you.

03:18:02 19 Q. I'm a prosecutor, so I might not be too good at this part of  
03:18:06 20 it. I'll try my best. You get it.

03:18:09 21 So at this meeting where it was told to all of you that  
03:18:11 22 PTI was going to be pushed, correct, that you were going to expand  
03:18:15 23 the parameters of PTI at the office under Mr. Landry; correct?

03:18:18 24 A. Correct.

03:18:19 25 Q. Mr. Guidry was at this meeting, Dusty Guidry?

03:18:21 1 A. From my remembrance, yes.

03:18:23 2 Q. Mr. Haynes was at this meeting; correct?

03:18:26 3 A. Yes.

03:18:26 4 Q. And Mr. Don Landry essentially labeled them or picked them to  
03:18:29 5 lead this pretrial front, right, to lead this? We're going to be  
03:18:33 6 more open, we're going to let more people in, and it's going to get  
03:18:37 7 rid of the backlog; correct?

03:18:39 8 A. Yes.

03:18:39 9 Q. And until this investigation started, Mr. Haynes remained the  
03:18:42 10 head of PTI; correct?

03:18:44 11 A. Yes.

03:18:45 12 Q. PTI generates a lot of money; right?

03:18:47 13 A. That's not my area, but --

03:18:49 14 Q. Let me see how much you do know about it. Do you know that  
03:18:54 15 there's an enrollment fee?

03:18:56 16 A. Yes.

03:18:56 17 Q. Do you know that there's a fee paid to vendors, i.e., the  
03:18:59 18 defendant, somebody that you think should go to pretrial, they go  
03:19:01 19 to take a class and they pay that vendor; correct?

03:19:05 20 A. I would not know the inner workings of that aspect of it, but I  
03:19:08 21 do know that you do pay and a lot of times that payment of -- I  
03:19:13 22 don't know if it's a bulk fee or however that's paid, but I do know  
03:19:18 23 that there is a payment for enrollment, administrative fee, and  
03:19:21 24 then based on the classes. But I don't know who or where that's  
03:19:25 25 paid to or anything of that nature.

03:19:26 1 Q. Sure. So you would agree that if there's a payment being made  
03:19:30 2 per defendant, there's a lot more money being generated by the PTI  
03:19:33 3 program; correct?

03:19:34 4 A. Yes.

03:19:35 5 Q. Okay. Is there a scholarship program for PTI?

03:19:38 6 A. From my understanding, that's one of the things that was spoken  
03:19:42 7 about, was there was supposed to be a scholarship for people who --  
03:19:47 8 because what was happening is previously, is it was so expensive  
03:19:52 9 that a lot of people could not afford to do it, especially some of  
03:19:55 10 your lower income aspects could not. So it wasn't very fair in  
03:20:02 11 that sense. And the scholarship was supposed to allow people from  
03:20:07 12 lesser means to be able to have that same opportunity.

03:20:10 13 Q. Do you know if any of the defendants that you referred to  
03:20:13 14 pretrial ever got scholarships?

03:20:16 15 A. I do not know, but I know a couple of times that there were  
03:20:18 16 people who were rejected that would have qualified previously.

03:20:23 17 Q. I just want to make sure I have this straight. You can refer a  
03:20:26 18 case to PTI, but it has to get accepted by someone in PTI?

03:20:30 19 A. Correct.

03:20:31 20 Q. Start there. Do you know who had that final say? Who had to  
03:20:33 21 accept it?

03:20:35 22 A. From my understanding, when we would write the slip it would  
03:20:39 23 end up with Mr. Haynes.

03:20:40 24 Q. Was he the only attorney in the pretrial diversion program?

03:20:46 25 A. To my knowledge, yes.

03:20:48 1 Q. A case without merit, can you explain to the jury -- you're a  
03:20:53 2 prosecutor, you screen a case. Can you explain what screening is?  
03:20:57 3 A. Screening is, it's you get the police report. It's a fact  
03:21:00 4 pattern of -- it looks like going through a law school exam, saying  
03:21:06 5 what crimes are here. Was there probable cause for the initial  
03:21:11 6 arrest? You're looking at everything from: Was the search proper?  
03:21:15 7 Was there a proper arrest warrant? And just are these facts  
03:21:19 8 sufficient that rise beyond a reasonable doubt compared to just the  
03:21:23 9 probable cause aspect?  
03:21:24 10 Q. And if I would say a case that you screened doesn't have merit,  
03:21:28 11 what would that mean to you?  
03:21:29 12 A. It would not have merit, that means it would be a dismissal or  
03:21:33 13 a refusal. Not a dismissal, a refusal. A dismissal only occurs if  
03:21:38 14 there is actually a bill of information filed.  
03:21:41 15 Q. Were cases without merit supposed to go to PTI?  
03:21:43 16 A. No. They should have been refused.  
03:21:46 17 Q. Why?  
03:21:46 18 A. Because at that point there's no merit to it.  
03:21:50 19 Q. Would it be unfair for you to require a defendant who was never  
03:21:53 20 going to get prosecuted in the first place because it was a weak  
03:21:57 21 case to go pay more fees to PTI and to vendors?  
03:22:00 22 A. Yes.  
03:22:01 23 **MR. NICKEL:** One second, Your Honor. Nothing else, Your  
03:22:05 24 Honor. Thank you.  
03:22:08 25 **REDIRECT EXAMINATION BY MR. CLEMONS:**

03:22:08 1 Q. Now, Mr. Beal, let's talk about a case without merit. There  
03:22:13 2 could be a multitude of reasons why a case would not have merit;  
03:22:18 3 correct?

03:22:18 4 A. Yes.

03:22:19 5 Q. And in a court of law in what you do and what I used to do as a  
03:22:23 6 prosecutor, there is a very, very high bar to get  
03:22:25 7 beyond-a-reasonable-doubt proof; correct?

03:22:27 8 A. Correct.

03:22:27 9 Q. So you could believe that the person, quote, did it, but you  
03:22:30 10 can't prove it, then the case doesn't have merit; correct?

03:22:34 11 A. Correct.

03:22:36 12 Q. It's what we call nonprosecutable; correct?

03:22:39 13 A. Correct.

03:22:41 14 Q. And so those nonprosecutable cases, for whatever reason, should  
03:22:45 15 never go to PTI, should they? The cases that you feel like as a  
03:22:48 16 prosecutor you can't prove guilt beyond a reasonable doubt, you  
03:22:53 17 shouldn't send those cases to PTI, should you?

03:22:55 18 A. If it was me, my charging, like, I would refuse those off the  
03:22:59 19 bat.

03:23:01 20 **MR. CLEMONS:** Thank you, sir.

03:23:02 21 **THE COURT:** Mr. Beal. May this witness be released?

03:23:06 22 **MR. CLEMONS:** He can by us, Judge.

03:23:08 23 **THE COURT:** By the Government?

03:23:10 24 **MR. NICKEL:** Yes, Your Honor.

03:23:11 25 **THE COURT:** Thank you, Mr. Beal. You may step down. You

03:23:11 1 are released from your subpoena.

03:23:24 2 **MR. M. CLEMONS:** At this time, Your Honor, we will call  
03:23:27 3 Mr. Glynn Maturin.

03:23:51 4 **THE DEPUTY CLERK:** Raise your right hand, please, sir.  
03:24:06 5 Do you solemnly swear or affirm that the testimony you give in this  
03:24:06 6 matter will be the truth, the whole truth, and nothing but the  
03:24:10 7 truth, so help you God?

03:24:10 8 **THE WITNESS:** I do.

03:24:13 9 **THE DEPUTY CLERK:** Thank you. Be seated.

03:24:15 10 **GLYNN SHELLY MATURIN II,**  
03:24:16 11 after having first been duly sworn, did testify as follows:

03:24:16 12 **DIRECT EXAMINATION BY MR. M. CLEMONS:**

03:24:17 13 Q. Good afternoon, Mr. Maturin. My name is Micah Clemons. I have  
03:24:21 14 a few questions for you.

03:24:21 15 A. Yes, sir.

03:24:23 16 Q. Can you state your full name for the record?

03:24:25 17 A. Sure. It's Glynn Shelly Maturin II.

03:24:28 18 Q. And where are you currently employed?

03:24:29 19 A. Welborn and Hargett.

03:24:32 20 Q. And is that a private firm? Or do you work for the State?

03:24:34 21 A. It's a private firm.

03:24:36 22 Q. What type of practice of law do you participate in?

03:24:39 23 A. Primarily personal injury and some civil rights work.

03:24:43 24 Q. And Mr. Maturin, are you familiar with a person by the name of  
03:24:45 25 Dusty Guidry?

03:24:46 1 A. Yes, I am.

03:24:47 2 Q. And how long have you known Mr. Guidry?

03:24:48 3 A. Mr. Guidry and I graduated from high school together back in  
03:24:53 4 1989, so quite a while. I lost track with him for about 30 years.  
03:25:01 5 So I've known him for a while.

03:25:03 6 Q. And when did you get in contact with him again after you lost  
03:25:07 7 track with him, would you say?

03:25:08 8 A. I ran for district judge here in 2019 -- actually 2020, but I  
03:25:14 9 declared in 2019. And I was told by everybody that he was the  
03:25:18 10 person to get in touch with to help me with my campaign.

03:25:22 11 Q. And did you reach out to him about helping you with your  
03:25:25 12 campaign?

03:25:26 13 A. I did.

03:25:26 14 Q. And did he serve with any role within your campaign?

03:25:29 15 A. I guess he was the campaign manager, he and his wife.

03:25:34 16 Q. And you said that was in 2020?

03:25:38 17 A. I declared in 2019, but the election was in 2020.

03:25:42 18 Q. And what were the results of that election?

03:25:44 19 A. There were three of us in the race. I tell everybody I got the  
03:25:50 20 bronze medal.

03:25:52 21 Q. Nothing wrong with that.

03:25:53 22 And then were you ever employed at the 15<sup>th</sup> Judicial  
03:25:57 23 District Attorney's Office?

03:25:58 24 A. Yes, out of Acadia Parish.

03:26:00 25 Q. And when was that?

03:26:01 1 A. July 2022 through July 2023.

03:26:04 2 Q. And just to be clear, what all parishes does the 15<sup>th</sup> JDC cover?

03:26:11 3 A. Acadia, Vermilion, and Lafayette.

03:26:16 4 **MR. M. CLEMONS:** One second, Your Honor. I tender the  
03:26:19 5 witness, Your Honor.

03:26:21 6 **THE COURT:** Okay.

03:26:21 7 **MR. NICKEL:** I got nothing, Judge.

03:26:31 8 **MR. CLEMONS:** You could have said that from there.

03:26:33 9 **THE COURT:** Mr. Maturin can be released from his  
03:26:39 10 subpoena? Thank you for your testimony, sir. You may step down.

03:26:41 11 **MR. JOHNSON:** Defense next calls Katie Colvin, Your  
03:26:45 12 Honor.

03:26:45 13 **THE COURT:** Okay.

03:27:39 14 **THE DEPUTY CLERK:** Raise your right hand, please, ma'am.  
03:28:04 15 Do you solemnly swear or affirm that the testimony you give in this  
03:28:04 16 matter will be the truth, the whole truth, and nothing but the  
03:28:07 17 truth, so help you God?

03:28:07 18 **THE WITNESS:** Yes, I do.

03:28:09 19 **THE DEPUTY CLERK:** Thank you, be seated.

03:28:12 20 **KATIE COLVIN,**  
03:28:12 21 after having first been duly sworn, did testify as follows:

03:28:12 22 **DIRECT EXAMINATION BY MR. JOHNSON:**

03:28:13 23 Q. Ms. Katie, good afternoon.

03:28:14 24 A. Hello.

03:28:15 25 Q. How are you?

03:28:16 1 A. Well. How are you?

03:28:18 2 Q. I'm doing good. You a little nervous?

03:28:19 3 A. I'll be all right.

03:28:21 4 Q. All right. Can you state your full name for the record,  
03:28:23 5 please?

03:28:23 6 A. It's Katie Marie Colvin.

03:28:25 7 Q. Katie, did you work at the Lafayette Parish District Attorney's  
03:28:30 8 Office? If I say Lafayette District Attorney's Office and 15<sup>th</sup>  
03:28:34 9 Judicial District Attorney's Office, I'm going to use those  
03:28:35 10 interchangeably. Did you work there?

03:28:37 11 A. I did.

03:28:38 12 Q. Did you come to work there under Keith Stutes' Administration?

03:28:42 13 A. Yes.

03:28:43 14 Q. Did you ultimately come to work with a prosecutor by the name  
03:28:47 15 of Amanda Rogers?

03:28:49 16 A. I did.

03:28:50 17 Q. Describe to me which track Amanda was involved in.

03:28:54 18 A. We were in traffic.

03:28:55 19 Q. And did you continue that work into Mr. Landry's  
03:29:01 20 Administration?

03:29:01 21 A. I did.

03:29:02 22 Q. And you stayed paired up with Amanda?

03:29:05 23 A. Correct.

03:29:06 24 Q. Now, once a case arrived in your track, give me sort of an  
03:29:13 25 explanation of the screening process.

03:29:15 1 A. Okay. So I would receive it from the file room. It was just a  
03:29:21 2 sheet of paper with the defendant's information on it. I would  
03:29:26 3 make sure everything was in the file that we needed in Karpel and  
03:29:29 4 everything was entered in correctly. And then I would screen it  
03:29:33 5 for the PTI program. And if it were eligible, I would put it in a  
03:29:39 6 stack and wait for Amanda to sign off on the sheet of paper that  
03:29:43 7 needed to go with the pretrial files. And then all the ones that  
03:29:46 8 weren't eligible I would put in a stack to bill.

03:29:50 9 Q. Okay. And once you determined that they were eligible, where  
03:29:53 10 did you send those?

03:29:55 11 A. I would put them in a basket in her office labelled "PTI."

03:30:00 12 Q. And would those -- would you send those ultimately to Zoila?

03:30:04 13 A. Yes.

03:30:04 14 Q. And your understanding of the process is, is once Zoila got  
03:30:10 15 them she'd either --

03:30:10 16 **MR. LOEW:** Objection. Leading.

03:30:10 17 **BY MR. JOHNSON:**

03:30:12 18 Q. What's your understanding of how the process worked next with  
03:30:15 19 Zoila?

03:30:15 20 A. She would assign it to one of the girls in that -- in the  
03:30:21 21 program. And what they did from there, I'm not really sure.

03:30:24 22 Q. Sure. And if she rejected it, she would -- would she send it  
03:30:28 23 back to Amanda?

03:30:29 24 A. Yes.

03:30:30 25 Q. Okay. All right. Now, during your time working in the Landry

03:30:34 1 Administration, did you ever see my client do anything improper  
03:30:38 2 with respect to pretrial diversion?

03:30:40 3 **MR. LOEW:** Objection. May we approach sidebar, Your  
03:30:44 4 Honor?

03:30:45 5 (Begin bench conference.)

03:31:06 6 **MR. LOEW:** So, Your Honor, I was trying to figure out why  
03:31:09 7 they had so many witnesses on their list. And someone smarter than  
03:31:14 8 me in the office -- not Luke -- I think figured it out. And it  
03:31:18 9 seems like they're going to try to elicit information, based on  
03:31:22 10 this last question, that Gary Haynes did lots of things properly;  
03:31:26 11 that there was a routine and on a daily routine he did everything  
03:31:30 12 like he was supposed to do, like the way pretrial diversion is  
03:31:33 13 supposed to work.

03:31:34 14 And there's two Fifth Circuit cases right on point that  
03:31:39 15 says evidence of noncriminal conduct is irrelevant to get any  
03:31:43 16 information about whether he committed criminal conduct. I have  
03:31:48 17 those cases. I'm happy to give them to you. I'm happy to give  
03:31:52 18 them to defense counsel. It's essentially evidence of good acts.

03:31:56 19 **THE COURT:** It's essentially character evidence by  
03:31:59 20 another name.

03:32:00 21 **MR. LOEW:** It's character evidence but more importantly,  
03:32:03 22 it's not relevant. Sometimes character evidence can be relevant,  
03:32:07 23 but this isn't relevant to prove criminal conduct. Noncriminal  
03:32:08 24 conduct cannot be used to prove criminal -- to disprove criminal  
03:32:12 25 conduct. I walked by so many businesses today and I didn't rob any

03:32:16 1 of them, so I'm not a robber.

03:32:18 2 **THE COURT:** What's your response?

03:32:19 3 **MR. JOHNSON:** Your Honor, I think we're allowed to call  
03:32:21 4 witnesses who worked routinely with the pretrial diversion program,  
03:32:26 5 all right, who saw our client do nothing improper to testify in  
03:32:31 6 this case. They worked in the office. For the same reason the  
03:32:34 7 State is allowed to call witnesses to testify to the opposite if  
03:32:37 8 they are able to testify to that. These are people. These are not  
03:32:39 9 just random strangers on the street. I'm not calling his aunt or  
03:32:44 10 his grandma. I'm calling people who worked inside of that office  
03:32:46 11 and who can explain, one, the flow of cases and how the cases  
03:32:48 12 flowed --

03:32:48 13 **THE COURT:** This witness did not work inside the office.

03:32:51 14 **MR. JOHNSON:** She worked with Amanda Rogers and she can  
03:32:55 15 explain how cases flowed --

03:32:56 16 **THE COURT:** She testified she didn't know what happened  
03:32:58 17 to the files after they left the basket.

03:33:01 18 **MR. JOHNSON:** She knows she sent them to Zoila, Your  
03:33:03 19 Honor, and she knows that Zoila, if she rejected them, sent them  
03:33:05 20 back to her. But she also can talk about how the flow of cases  
03:33:08 21 worked. Look, the Government has put on evidence that, oh, he  
03:33:11 22 would come to, you know, prosecutors and pressure them to take away  
03:33:14 23 files. She can testify about whether or not that happened. That's  
03:33:19 24 -- they've called multiple witnesses to suggest that.

03:33:22 25 **MR. LOEW:** That's exactly what the cases say you cannot

03:33:24 1 do. She can testify about the process if that's relevant, but the  
03:33:30 2 fact that she didn't see Gary do anything wrong is exactly what he  
03:33:34 3 cannot do.

03:33:36 4 **MR. WALKER:** You have a copy of the Fifth Circuit cases?

03:33:39 5 **MR. CLEMONS:** Judge, we can certainly defend that --

03:33:42 6 **THE COURT:** I would like to see the cases you're talking  
03:33:45 7 about.

03:33:46 8 **MR. CLEMONS:** Judge, also part of their case in theory is  
03:33:48 9 that Gary was pushing cases to PTI. We have several witnesses,  
03:33:52 10 including ADAs, who are going to say just the opposite. He did not  
03:33:56 11 push my cases to PTI. So just like they have a right to allege it,  
03:33:59 12 we have a right to defend that.

03:34:01 13 **THE COURT:** And that's the other side of the coin. I see  
03:34:04 14 that because it's a scheme that went on for a while that took a lot  
03:34:17 15 of -- a high-volume scheme, in order to work, that maybe there's  
03:34:25 16 some marginal relevance to somebody that worked with him saying he  
03:34:29 17 did anything improper. But it has to be established the person  
03:34:32 18 would see something improper. And this witness -- there's no  
03:34:35 19 evidence this witness would see anything improper given her role.  
03:34:40 20 I'm going to send the jury out. I want to read the cases.

03:34:43 21 **MR. LOEW:** I'll direct you. This one is very long, so I  
03:34:47 22 will direct you to both of the relevant portions. So the first one  
03:34:51 23 I gave you --

03:34:53 24 **THE COURT:** Let's finish this witness and then we'll take  
03:34:56 25 a little, short break and I'll do it.

03:34:57 1 **MR. LOEW:** So what's the ruling?

03:35:01 2 **THE COURT:** Any other questions?

03:35:02 3 **MR. LOEW:** What's the ruling on the objection regarding  
03:35:04 4 good acts?

03:35:06 5 **MR. JOHNSON:** I have my computer.

03:35:07 6 **MR. CLEMONS:** We can ask other questions so we can finish  
03:35:10 7 up the witness.

03:35:12 8 **THE COURT:** Move on from the topic and I'll read these  
03:35:15 9 cases.

03:35:16 10 (End bench conference.)

03:35:42 11 **BY MR. JOHNSON:**

03:35:43 12 Q. So you were talking about how cases are screened; isn't that  
03:35:48 13 correct?

03:35:48 14 A. Yes.

03:35:48 15 Q. Give me a breakdown of that so I can find my place in these  
03:35:52 16 notes, if you don't mind.

03:35:52 17 A. I'm sorry. Of how it flows?

03:35:54 18 Q. Yes.

03:35:54 19 A. So the file room gets the report from the Lafayette Police  
03:36:01 20 Department Records Division through ShareFile. And then once they  
03:36:03 21 get that information, the file -- our file room sends it to each  
03:36:08 22 track. So I was in the traffic track. And then I would get the  
03:36:11 23 report --

03:36:14 24 **MR. CLEMONS:** I'm sorry.

03:36:16 25 **THE WITNESS:** That's okay.

03:36:16 1 A. -- and screen it for eligibility. And then once I determined  
03:36:21 2 that it was, I would put it in a basket in Amanda Rogers' office.

03:36:21 3 **BY MR. JOHNSON:**

03:36:26 4 Q. For her to sign off on the referral?

03:36:28 5 A. For her to sign off on the referral, correct.

03:36:30 6 Q. And that would be sort of like a memo where you were referring  
03:36:33 7 it to pretrial diversion; correct? Or Amanda was signing off on it  
03:36:36 8 being referred to pretrial diversion?

03:36:38 9 A. Yes.

03:36:39 10 Q. And then your understanding is that would go to Zoila; is that  
03:36:42 11 right?

03:36:42 12 A. Yes. I'm sorry. It was actually a stamp.

03:36:47 13 Q. And Amanda -- correct me if I'm wrong, but a lot of the  
03:36:51 14 prosecutors that worked at the Lafayette District Attorney's  
03:36:55 15 Office, they were part-time; is that correct?

03:36:57 16 A. Yes.

03:36:58 17 Q. Which meant what in your interpretation?

03:37:02 18 A. They just really would come and go as they pleased.

03:37:08 19 Q. It's okay. And they would be allowed to maintain a civil  
03:37:11 20 practice or have a private office; is that correct?

03:37:14 21 A. Yes. Uh-huh.

03:37:15 22 Q. Did Amanda maintain a private practice?

03:37:22 23 A. I think she just kind of -- yes, yes.

03:37:25 24 Q. Now, did -- what was the typical process if Amanda had a  
03:37:32 25 question on a file? Did she go to Don Landry?

03:37:35 1 A. Yes.

03:37:37 2 Q. Okay. She would go directly to him?

03:37:39 3 A. Uh-huh. If it was something she didn't feel comfortable making

03:37:43 4 a decision on.

03:37:44 5 Q. Right. And that wasn't ever an issue? Had an open-door, sort

03:37:49 6 of, policy?

03:37:50 7 A. Yes.

03:37:51 8 Q. Okay. If you had a specific question or like a legal question

03:37:54 9 or something like that, could you go to Gary Haynes and ask him

03:37:57 10 questions, too?

03:37:58 11 A. Yes.

03:37:58 12 Q. Was he there?

03:37:59 13 A. Yes. Gary was there a lot.

03:38:01 14 Q. And were you ever pressured by my client to put somebody in

03:38:05 15 pretrial?

03:38:05 16 A. No.

03:38:07 17 Q. Never saw --

03:38:10 18 **MR. LOEW:** Same objection, Your Honor.

03:38:11 19 **MR. JOHNSON:** I didn't finish it.

03:38:13 20 **THE COURT:** I'm going to overrule it for now, and we'll

03:38:16 21 address it after this witness.

03:38:16 22 **BY MR. JOHNSON:**

03:38:20 23 Q. You never witnessed --

03:38:20 24 **MR. LOEW:** Objection. Leading.

03:38:22 25 **THE COURT:** Sustained.

03:38:23 1 **MR. JOHNSON:** I hadn't finished it yet, Your Honor.

03:38:23 2 **BY MR. JOHNSON:**

03:38:28 3 Q. Now, at the time that Don Landry came into office, there was a  
03:38:33 4 pretty substantial backlog of cases. Is that accurate?

03:38:36 5 A. Yes.

03:38:37 6 Q. Why was that?

03:38:38 7 A. Amanda Rogers wasn't in the office a lot and so things just  
03:38:45 8 kind of got backed up.

03:38:48 9 Q. And were there any other factors that played into the backlog?  
03:38:56 10 COVID play into the backlog at all?

03:38:59 11 A. COVID. Oh, yeah, COVID. I forgot about COVID, yes.

03:39:02 12 Q. Yeah. Okay. And also just having a part-time prosecutor  
03:39:06 13 sometimes delayed the process?

03:39:07 14 A. Yes. And we were in court two days a week pretty much like all  
03:39:11 15 day long.

03:39:13 16 Q. Did Gary like trying cases?

03:39:15 17 A. Yes.

03:39:15 18 Q. While you were there?

03:39:16 19 A. Uh-huh.

03:39:18 20 Q. Was he extremely lenient?

03:39:21 21 A. Like, during trial?

03:39:24 22 Q. No, no. Just, like, in general.

03:39:27 23 A. No.

03:39:29 24 Q. Okay. Did he -- he liked trying people on DWI cases. Is that  
03:39:33 25 accurate?

03:39:34 1 A. Uh-huh. We went to trial a lot when Gary was at the  
03:39:38 2 prosecutor's office.

03:39:44 3 Q. Whenever you recall Mr. Landry coming into office, is it true  
03:39:48 4 that there was an effort to clear this backlog of cases?

03:39:52 5 A. Yes.

03:39:53 6 Q. Okay. And Amanda specifically, in terms of the cases that she  
03:39:59 7 would give to you, she trusted you to do the initial screening. Is  
03:40:03 8 that accurate?

03:40:04 9 A. Yes.

03:40:04 10 Q. You trusted yourself to do the initial screening?

03:40:07 11 A. I did.

03:40:07 12 Q. And would you prepare sort of like a memo to her on what you  
03:40:11 13 thought about the facts of the case?

03:40:13 14 A. Yes.

03:40:13 15 Q. And you were pretty good at that?

03:40:15 16 A. Yes. She would agree with me most of the time.

03:40:18 17 Q. Okay. And was it typical that if you sent a case to pretrial  
03:40:22 18 that you would often go to Gary and ask questions?

03:40:25 19 **MR. LOEW:** Objection. Leading.

03:40:26 20 **THE COURT:** Sustained.

03:40:26 21 **BY MR. JOHNSON:**

03:40:27 22 Q. Did you consult Gary often on pretrial cases?

03:40:31 23 A. Whenever Gary started working?

03:40:33 24 Q. Yes.

03:40:34 25 A. Yes.

03:40:35 1 Q. Would go to him with questions?

03:40:36 2 A. Yes.

03:40:37 3 Q. Was he available to answer those questions?

03:40:39 4 A. Always.

03:40:40 5 Q. All right. Did he ever act inappropriately?

03:40:42 6 A. No.

03:40:43 7 Q. Did you ever see him, like, man, he's trying to sign up a bunch

03:40:47 8 of people in pretrial?

03:40:48 9 A. I mean, they were all eligible.

03:40:52 10 Q. Okay. So the ones that were eligible, he approved?

03:40:55 11 A. Uh-huh.

03:40:57 12 Q. Okay. Now, did -- you know Judge Saloom? When I say that

03:41:00 13 name, you know who I'm referring to?

03:41:02 14 A. Yes.

03:41:03 15 Q. What about Judge Hebert? I mean, I'm sorry, Odinet?

03:41:12 16 A. Yes, I know her.

03:41:13 17 Q. Did they have sort of different styles?

03:41:14 18 A. Yes.

03:41:14 19 Q. Did they have different styles with respect to how they allowed

03:41:16 20 cases to be continued or not continued?

03:41:17 21 A. Judge Saloom pushed them. The cases would linger.

03:41:21 22 Q. I'm sorry?

03:41:23 23 A. The cases would linger a little bit longer on his dockets.

03:41:27 24 Q. Right.

03:41:27 25 A. And I think Michelle's were a little, like she wanted to get

03:41:31 1 them in and out.

03:41:32 2 Q. Right. She didn't want them continued multiple times?

03:41:34 3 A. Yes.

03:41:35 4 Q. And so would -- do you recall there initially being a policy in  
03:41:44 5 place where y'all would send out -- if you send out letters or if  
03:41:48 6 you referred cases to pretrial, they only had so long to accept or  
03:41:52 7 deny pretrial? Do you recall that?

03:41:54 8 A. You're talking about, like, as far as, like, what Michelle  
03:41:57 9 wanted us to do?

03:41:59 10 Q. Yes.

03:42:00 11 A. Yes.

03:42:00 12 Q. So it differed by which style of judge you had; is that  
03:42:05 13 correct?

03:42:05 14 A. Yes.

03:42:05 15 Q. Do you recall Mr. Haynes being in favor of putting a deadline  
03:42:09 16 on it?

03:42:10 17 A. Yes.

03:42:11 18 Q. And is that because, as far as you understood it, he didn't  
03:42:14 19 want a bunch of prosecutors doing a bunch of work and then at the  
03:42:18 20 last minute them coming in and taking pretrial?

03:42:22 21 **MR. LOEW:** Objection.

03:42:22 22 **THE COURT:** Sustained.

03:42:22 23 **BY MR. JOHNSON:**

03:42:24 24 Q. What was your understanding of why he supported the deadline?

03:42:26 25 A. We just -- honestly, we just wanted -- he wanted to keep things

03:42:28 1 moving. It was very -- like, the dockets would get really stagnant  
03:42:32 2 and just we really didn't get anywhere.

03:42:32 3 Q. Right.

03:42:35 4 A. We just wanted to keep it moving.

03:42:40 5 Q. Would Gary occasionally have to stand in for attorneys that  
03:42:44 6 missed court or weren't there?

03:42:48 7 A. Like prosecutors?

03:42:50 8 Q. Uh-huh.

03:42:53 9 A. I don't recall that.

03:43:00 10 Q. Okay. Did you notice certain lawyers dragged cases out for  
03:43:04 11 longer than other lawyers?

03:43:05 12 A. In the, like, tracks?

03:43:05 13 Q. Yeah.

03:43:07 14 A. The felony tracks?

03:43:08 15 Q. No, defense lawyers. I should have said defense lawyers, my  
03:43:12 16 bad.

03:43:12 17 A. Yes.

03:43:13 18 Q. Tell me about that.

03:43:15 19 A. I guess they were just, like, hoping for a better outcome, and  
03:43:18 20 I guess they thought if they just prolonged it maybe they would get  
03:43:22 21 what they wanted.

03:43:24 22 Q. Okay. And is that another reason Gary wanted to make sure that  
03:43:27 23 there was a deadline --

03:43:29 24 A. Gary didn't like that.

03:43:29 25 Q. -- on pretrial?

03:43:30 1 A. Gary did not like that.

03:43:32 2 Q. Right. Were some of those lawyers ones with bigger practices?

03:43:37 3 A. Yes.

03:43:39 4 Q. Okay. Did you see Gary reject, routinely, PTI cases?

03:43:55 5 **MR. LOEW:** Objection. Leading.

03:43:56 6 **BY MR. JOHNSON:**

03:43:57 7 Q. Did Gary reject PTI cases?

03:44:00 8 **MR. LOEW:** Objection. Leading.

03:44:02 9 **MR. JOHNSON:** I don't believe that's leading.

03:44:04 10 **THE COURT:** Overruled.

03:44:07 11 **THE WITNESS:** Yes.

03:44:07 12 **BY MR. JOHNSON:**

03:44:08 13 Q. Did he reject a number of PTI cases?

03:44:10 14 A. Yes.

03:44:11 15 Q. Was Gary pretty bureaucratic?

03:44:14 16 A. Uh-huh, yes.

03:44:15 17 Q. So he didn't have a problem rejecting PTI cases?

03:44:20 18 A. No.

03:44:24 19 Q. And by "reject," I mean deny PTI cases.

03:44:28 20 A. Correct.

03:44:29 21 Q. That was not an uncommon occurrence at all?

03:44:32 22 A. No.

03:44:46 23 **MR. JOHNSON:** No further questions. Thank you, Ms.

03:44:51 24 Colvin.

03:44:52 25 **THE WITNESS:** You're welcome.

03:44:55 1 **CROSS-EXAMINATION BY MR. LOEW:**

03:44:59 2 Q. Good afternoon.

03:45:01 3 A. Hello.

03:45:03 4 Q. Do you remember back when this case started back in 2022 that  
03:45:11 5 you spoke with the FBI?

03:45:12 6 A. I do.

03:45:14 7 Q. So I'm going to ask you questions, and if you don't remember  
03:45:17 8 something, I can show you a report that can refresh your memory.

03:45:21 9 A. Okay.

03:45:21 10 Q. So if you are just not sure, just ask me and I can show you the  
03:45:25 11 report. Okay?

03:45:26 12 A. Okay.

03:45:27 13 Q. Do you remember that once Gary and Dusty kind of took over PTI,  
03:45:33 14 that people got in and out a lot faster?

03:45:37 15 A. Yes.

03:45:38 16 Q. Some people would enter the program and be done in two weeks?

03:45:42 17 A. Yes.

03:45:45 18 Q. Do you remember these cases go through into PTI without the  
03:45:53 19 lawyers ever seeing them, without the ADAs seeing them?

03:45:58 20 A. Yes.

03:45:59 21 Q. So do you know whether cases that should be refused shouldn't  
03:46:03 22 go into PTI?

03:46:10 23 A. I don't recall that.

03:46:14 24 Q. So how long did you work in the DA's office?

03:46:16 25 A. I think I -- I'm pretty sure I started, like, in like the

03:46:21 1 latter part of the year of 2018.

03:46:23 2 Q. And for how long?

03:46:24 3 A. I resigned in April of 2024.

03:46:27 4 Q. So almost six years?

03:46:28 5 A. Yes.

03:46:29 6 Q. So then you know what it means to refuse a case; right?

03:46:32 7 A. Yes.

03:46:32 8 Q. It means it has no merit?

03:46:34 9 A. Correct.

03:46:34 10 Q. And shouldn't be prosecuted?

03:46:37 11 A. Yes.

03:46:37 12 Q. And if you refuse a case, that case should not go into PTI;  
03:46:41 13 right?

03:46:41 14 A. Yes.

03:46:46 15 Q. Do you remember the defendant telling you that he put one woman  
03:46:51 16 into PTI because he knew her husband?

03:46:55 17 A. Yes.

03:46:56 18 Q. Do you know that that woman was Tara Wells?

03:47:01 19 A. I don't remember her name, but I do remember that.

03:47:09 20 Q. Do you remember a case involving a woman named Paige Hebert,  
03:47:17 21 H-e-b-e-r-t?

03:47:17 22 A. Yes.

03:47:18 23 Q. Tell me how you pronounce that.

03:47:20 24 A. Hebert.

03:47:21 25 Q. All right. And her attorney was Grady Abraham?

03:47:32 1 A. Yes.

03:47:35 2 Q. Do you remember talking to Mr. Abraham and he was talking to  
03:47:39 3 you about the case, whether the case was a good case or bad case?

03:47:42 4 A. Yes.

03:47:43 5 Q. Of course, defense counsel is going to say it was a bad case;  
03:47:48 6 right?

03:47:48 7 A. Correct.

03:47:52 8 Q. Do you remember defendant telling you that he was putting Paige  
03:47:54 9 into PTI?

03:47:56 10 A. Yes.

03:47:57 11 Q. And then right after that, he told you that you should write a  
03:48:02 12 refusal letter for that case?

03:48:05 13 A. Yeah, I think we did refuse that case.

03:48:11 14 Q. Were you surprised when the FBI came to the 15<sup>th</sup> District DA's  
03:48:18 15 office and searched the office?

03:48:19 16 A. I wasn't there that day. I think I had left early, maybe, but,  
03:48:24 17 yeah, I was surprised.

03:48:26 18 Q. Were you surprised when you heard about it?

03:48:28 19 A. Yes.

03:48:29 20 Q. So do you remember telling the FBI that you weren't surprised  
03:48:34 21 at all based on what was going on?

03:48:36 22 A. I don't recall.

03:48:37 23 Q. You want to look at your report just to refresh your memory?

03:48:41 24 A. Sure.

03:49:05 25 **MR. LOEW:** May I approach the witness, Your Honor?

03:49:08 1           **THE COURT:** Yes.

03:49:18 2           **MR. LOEW:** Just skimming, trying to point you in the  
03:49:20 3 right direction.

03:49:21 4           **THE WITNESS:** Sure.

03:49:23 5           **MR. LOEW:** It's the last sentence on page 4.

03:49:43 6           **THE WITNESS:** Okay. I did say that.

03:49:45 7 **BY MR. LOEW:**

03:49:45 8 Q. I'm not saying whether you said it or not. But having read  
03:49:49 9 that report, did that refresh your memory about talking to them?

03:49:53 10 A. Yes.

03:49:53 11 Q. And do you now remember that you weren't surprised that the FBI  
03:49:58 12 came?

03:49:59 13 A. Yes.

03:50:01 14           **MR. LOEW:** I don't have anything further. May I approach  
03:50:04 15 and get that?

03:50:06 16           **THE COURT:** Yes.

03:50:07 17 **REDIRECT EXAMINATION BY MR. JOHNSON:**

03:50:24 18 Q. Paige was refused based on merit; is that correct? Hebert?

03:50:29 19 A. I think so, yes.

03:50:30 20 Q. And to be clear, you never saw my client do anything improper?

03:50:34 21           **MR. LOEW:** Objection. Leading.

03:50:36 22           **MR. JOHNSON:** He brought it out, Your Honor. He asked a  
03:50:37 23 general question.

03:50:39 24           **THE COURT:** Objection is to the form of the question,  
03:50:40 25 leading. You still can't lead the witness.

03:50:42 1 **MR. JOHNSON:** On redirect?

03:50:43 2 **THE COURT:** You still can't lead the witness.

03:50:47 3 **MR. JOHNSON:** All right.

03:50:47 4 **BY MR. JOHNSON:**

03:50:50 5 Q. How do I ask this question? You didn't associate any of my  
03:50:54 6 client's actions with why the FBI was coming to the DA's office,  
03:50:58 7 did you?

03:50:58 8 **MR. LOEW:** Objection. Leading.

03:51:00 9 **THE COURT:** Sustained.

03:51:00 10 **BY MR. JOHNSON:**

03:51:03 11 Q. Did you see my client do anything that would cause you to  
03:51:06 12 believe the FBI should be coming?

03:51:10 13 **THE COURT:** You can answer that question, if you know.

03:51:13 14 **THE WITNESS:** I -- whenever Gary came in, things did get  
03:51:18 15 a little bit more fast paced as far as like the program went, but,  
03:51:24 16 I mean, I read the report, so I don't want to lie. I guess I was  
03:51:29 17 not shocked at the time, I guess.

03:51:29 18 **BY MR. JOHNSON:**

03:51:33 19 Q. And you associated that with Gary or with Dusty? Or...

03:51:37 20 A. I mean, Dusty was -- Dusty was -- gave me very bad anxiety.

03:51:45 21 Q. Understood.

03:51:48 22 **MR. JOHNSON:** Thank you, Ms. Colvin.

03:51:53 23 **THE WITNESS:** You're welcome.

03:51:54 24 **THE COURT:** Thank you. You may step down. You are  
03:51:56 25 released from your subpoena. Go out the way you came.

03:52:03 1 Ladies and gentlemen, we're going to take a ten-minute  
03:52:06 2 break to discuss an issue among Counsel. So we will excuse you and  
03:52:10 3 get you in about ten minutes. All rise for the jury.

03:52:35 4 (Jury not present.)

03:52:39 5 **THE COURT:** Please be seated. Okay. So Mr. Loew, it's  
03:52:49 6 your issue that you brought to the attention of the Court. I read  
03:52:53 7 the *United States versus Lambert* case, and certainly the Court's  
03:52:58 8 aware that general proposition that evidence of noncriminal  
03:53:03 9 behavior is not generally admissible to prove conformity therewith  
03:53:08 10 on a particular occasion charged by the Government. I have not  
03:53:12 11 found in *Whitfield* where the Court discusses that issue.

03:53:15 12 **MR. LOEW:** So *Whitfield* is actually a much more relevant  
03:53:21 13 case based on the facts.

03:53:23 14 **THE COURT:** Because it is a 666 case. I get it.

03:53:28 15 **MR. LOEW:** Exactly. So on page 361, so 36 pages in, it  
03:53:33 16 essentially quotes the same holdings, same theory. But this case  
03:53:41 17 is more relevant because of the bribery schemes which is what we  
03:53:46 18 have here.

03:54:14 19 **THE COURT:** Does the defense counsel have a copy of those  
03:54:17 20 two cases?

03:54:18 21 **MR. JOHNSON:** I do, Your Honor.

03:54:19 22 **THE COURT:** What's your response to that?

03:54:21 23 **MR. JOHNSON:** I'm sorry, Your Honor. I'm trying to find  
03:54:22 24 out where we are on page --

03:54:26 25 **THE COURT:** Look at page 361 of *Whitfield* which involved

03:54:30 1 members of the Mississippi State Judiciary that were engaged in a  
03:54:33 2 bribery scheme.

03:54:35 3 **MR. LOEW:** And it's Headnote 54 and 55.

03:54:53 4 **MR. JOHNSON:** I've just gotten it, Your Honor. I was  
03:54:57 5 questioning the witness, so I'm playing catch up.

03:55:00 6 **THE COURT:** Okay.

03:55:27 7 **MR. JOHNSON:** It seems to be incredibly smack specific to  
03:55:35 8 this case, Your Honor. My reading of 54, I don't see its relevance  
03:55:42 9 here at all.

03:55:43 10 **THE COURT:** Okay. Well, I think it is relevant in a  
03:55:47 11 sense. I'm going to rule as follows:

03:55:51 12 First, I'm going to note that evidence of noncriminal  
03:55:54 13 conduct to negate inference of criminal conduct is generally  
03:55:57 14 irrelevant. That's true and that will apply to all witnesses in  
03:56:01 15 the case. However, there's a caveat to that. And at issue in this  
03:56:08 16 case is the normal flow of cases and the conduct of the defendant  
03:56:13 17 in relation to the flow of cases through the pretrial diversion  
03:56:18 18 program in the 15<sup>th</sup> JDC. So witnesses can speak to that.

03:56:24 19 Of course, the scheme charged by the Government involves,  
03:56:29 20 of course, they have highlighted certain cases which exhibit the  
03:56:31 21 point, but it involves Mr. Haynes making decisions to put certain  
03:56:38 22 defendants into pretrial intervention and then, of course, direct  
03:56:45 23 those individuals to Mr. Franques' company in exchange for  
03:56:51 24 receiving kickbacks. So in that sense, the normal conduct of how  
03:56:57 25 files flow through the office is at issue in this case. And the

03:57:01 1 defense can present evidence as to that.

03:57:04 2 Does that make sense to everybody?

03:57:06 3 **MR. CLEMONS:** Makes sense to us.

03:57:07 4 **MR. JOHNSON:** Yes, Your Honor.

03:57:08 5 **MR. LOEW:** Yes, Your Honor.

03:57:10 6 **THE COURT:** But the question -- again, as to actually  
03:57:18 7 him, you know, not, you know, acting wrongfully with respect to a  
03:57:24 8 particular case that a witness may or may not have seen is not, in  
03:57:30 9 itself, relevant. I will further say that Rule 403 does apply to  
03:57:35 10 this and we're not going to have cumulative evidence on that point.  
03:57:39 11 So at a certain point, that's going to be, you know, we're not  
03:57:43 12 going to present cumulative evidence to the jury. Okay? So that's  
03:57:50 13 my ruling. Is it understood by everybody?

03:57:52 14 **MR. LOEW:** Yes, Your Honor. And the last point that you  
03:57:55 15 made regarding what they can't say is what the United States was  
03:57:58 16 objecting to about you never saw my client do anything wrong.  
03:58:03 17 That's what we're objecting to.

03:58:04 18 **THE COURT:** And insofar as that, I sustain it. I think  
03:58:09 19 that's what I was trying to say. But as far as, you know, did you  
03:58:13 20 ever feel pressured to put a case in pretrial diversion, that would  
03:58:19 21 be okay, as far as I'm concerned.

03:58:22 22 Does anybody need a break other than that?

03:58:25 23 **MR. LOEW:** No, Your Honor.

03:58:27 24 **THE COURT:** All right. We'll bring the jury back in.

03:59:42 25 **THE COURTROOM SECURITY OFFICER:** All rise for the jury.

04:00:06 1 (Jury present.)

04:00:09 2 **THE COURT:** Please be seated. The defendant may call his  
04:00:13 3 next witness.

04:00:16 4 **MR. M. CLEMONS:** Your Honor, at this time we'll call Ms.  
04:00:19 5 Olga Hebert.

6 **THE DEPUTY CLERK:** Raise your right hand, please, ma'am.  
7 Do you solemnly swear or affirm that the testimony you give in this  
8 matter will be the truth, the whole truth, nothing but the truth,  
9 so help you God?

10 **THE WITNESS:** I do.

11 **THE DEPUTY CLERK:** Thanks.

12 **THE WITNESS:** You're welcome.

13 **OLGA HEBERT,**  
04:00:58 14 after having first been duly sworn, did testify as follows:

04:00:58 15 **DIRECT EXAMINATION BY MR. M. CLEMONS:**

04:00:58 16 Q. Good afternoon, Ms. Hebert. Please state your full name for  
04:01:00 17 the record.

04:01:00 18 A. Olga Valdez Hebert.

04:01:01 19 Q. And where are you currently employed?

04:01:02 20 A. At the district attorney's office in Lafayette.

04:01:04 21 Q. Right down the street; correct?

04:01:06 22 A. Yes.

04:01:06 23 Q. And how long have you worked there?

04:01:08 24 A. I'm going on 19 years in October.

04:01:11 25 Q. And what is your role at the Lafayette District Attorney's

04:01:13 1 office?

04:01:14 2 A. I'm an assistant to Ms. Halli Kennerson. She's an ADA there.

04:01:22 3 Q. And ADA stands for assistant district attorney?

04:01:29 4 A. Assistant district attorney, correct.

04:01:30 5 Q. And does she handle a certain type of cases?

04:01:32 6 A. Yes. OWIs and traffic matters.

04:01:34 7 Q. And what does OWI stand for?

04:01:36 8 A. Operating while intoxicated.

04:01:38 9 Q. And is it also synonymous with DWI?

04:01:40 10 A. Correct.

04:01:40 11 Q. And so if I use those terms interchangeably, I'm referring to

04:01:44 12 the same thing.

04:01:45 13 A. Correct.

04:01:48 14 Q. And how long have you been employed at the Lafayette District

04:01:51 15 Attorney's Office you said?

04:01:52 16 A. Eighteen years. It will be nineteen in October.

04:01:55 17 Q. And you've worked under various district attorneys?

04:01:58 18 A. Correct.

04:01:59 19 Q. What all district attorneys have you worked for?

04:02:01 20 A. Let's see. It will take me a minute to remember. One was

04:02:08 21 David Smith. He's a judge now. Also Stuart Bowie. And before

04:02:16 22 that I worked in pretrial intervention for maybe five years or so

04:02:23 23 as a secretary.

04:02:24 24 Q. And so you worked for various assistant district attorneys;

04:02:30 25 right?

04:02:30 1 A. Correct.

04:02:30 2 Q. But you also worked under, you know, different district

04:02:33 3 attorneys; correct?

04:02:33 4 A. Yes, correct.

04:02:35 5 Q. And you currently work for Mr. Don Landry?

04:02:38 6 A. Yes.

04:02:38 7 Q. Who is the district attorney?

04:02:39 8 A. Correct.

04:02:41 9 Q. Are you familiar with Mr. Gary Haynes?

04:02:44 10 A. Yes.

04:02:45 11 Q. And how do you know Mr. Haynes?

04:02:46 12 A. We worked together for about a year. He was assisting Ms.

04:02:53 13 Halli Kennerson with some of her cases, being that she was a new

04:02:56 14 attorney.

04:02:57 15 Q. And do you know about what time period that was?

04:02:59 16 A. I would say probably around May 2021 until May of '22.

04:03:06 17 Q. And did you work closely with Mr. Haynes?

04:03:10 18 A. Yes. Pretty much every day.

04:03:11 19 Q. And so you would interact with him every day, as well?

04:03:14 20 A. Correct.

04:03:18 21 Q. And Ms. Kennerson, do you know when she got there at the DA's

04:03:22 22 office?

04:03:24 23 A. I'm not exactly sure. I believe January of 2022.

04:03:31 24 Q. And so before Ms. Kennerson started working there as a

04:03:35 25 prosecutor, you were still working closely with Mr. Haynes before

04:03:38 1 that?

04:03:38 2 A. It was with Stuart Bowie. I did see Mr. Haynes in the office,  
04:03:42 3 but we didn't work together as closely until Ms. Kennerson started.

04:03:51 4 Q. Okay. And when -- so Mr. Haynes would fill in for Ms.  
04:03:56 5 Kennerson?

04:03:56 6 A. He did a few -- are you talking about like in court for trials?

04:04:01 7 Q. Yes.

04:04:02 8 A. Yes. He would fill in sometimes, and other times she would be  
04:04:07 9 there and he would assist her.

04:04:09 10 Q. And would Mr. Haynes assist when prosecuting certain cases?

04:04:15 11 A. Yes.

04:04:16 12 Q. And did he have a certain manner in the way he prosecuted  
04:04:20 13 certain cases?

04:04:22 14 A. What do you mean?

04:04:24 15 Q. As in, so explain to the jury. Would some cases go to pretrial  
04:04:29 16 diversion? And then would some cases not go to pretrial diversion?

04:04:33 17 A. That is correct. Cases that were eligible for pretrial

04:04:39 18 intervention are the ones that were referred to pretrial  
04:04:42 19 intervention, but the others were sometimes tried or they, you  
04:04:46 20 know, took the plea agreement.

04:04:47 21 Q. And so if a case wasn't referred to pretrial diversion or it  
04:04:52 22 wasn't eligible for pretrial diversion, the case would either go to  
04:04:55 23 trial or it would lead to a plea or a dismissal possibly?

04:05:00 24 A. Correct.

04:05:00 25 Q. And would Mr. Haynes try cases?

04:05:03 1 A. Yes.

04:05:03 2 Q. And have you witnessed Mr. Haynes try any cases?

04:05:06 3 A. I did.

04:05:08 4 Q. In cases that didn't go to trial, would he prosecute those, as  
04:05:12 5 well?

04:05:12 6 A. Cases that didn't go to trial, like for just pretrial?

04:05:17 7 Q. No. If a case didn't go to trial, would he offer plea deals in  
04:05:23 8 certain cases or any things of those nature?

04:05:26 9 A. I don't recall.

04:05:30 10 Q. And you appeared in court with Mr. Haynes?

04:05:32 11 A. I did.

04:05:34 12 Q. Would you guess about how many times? Or was it often?

04:05:37 13 A. To say how many times, I don't know, but he was there pretty  
04:05:45 14 much for a good bit of the trials.

04:05:51 15 Q. And would Mr. Haynes have any policies towards pretrial  
04:05:55 16 diversion or whether, you know, he would offer extensions for  
04:05:59 17 people to enter into pretrial diversion?

04:06:02 18 A. Typically if someone was eligible, what we did was look over  
04:06:07 19 the ones that were eligible. Of course, per Halli Kennerson, as  
04:06:12 20 well. And if they were eligible, they would go. And if not, they  
04:06:16 21 would just go to court, go to -- well, not necessarily trial but  
04:06:21 22 just go to court for the hearing, whether it be a pretrial,  
04:06:23 23 arraignment, or anything that it was scheduled for.

04:06:26 24 Q. And were there any deadlines that Mr. Haynes would give defense  
04:06:30 25 attorneys as to whether their client would accept pretrial

04:06:33 1 diversion or not?

04:06:34 2 A. So what he would do is offer pretrial intervention. And if  
04:06:40 3 they wouldn't take it, he would say that they're not going to be  
04:06:44 4 offered that again in court for the defendants who had attorneys.

04:06:51 5 Q. And so essentially, he wasn't leaving open-ended offer to  
04:06:57 6 pretrial diversion; correct?

04:06:58 7 A. Can you rephrase that?

04:06:59 8 Q. He wouldn't offer pretrial diversion indefinitely. You know,  
04:07:02 9 you would either have to make a decision whether you wanted to do  
04:07:05 10 pretrial diversion or not?

04:07:05 11 A. It was an option.

04:07:14 12 Q. And as far as preparing cases for trial, what all would Mr.  
04:07:17 13 Haynes do in that regard?

04:07:18 14 A. So he would look over the cases and, you know, review videos,  
04:07:25 15 look at what the client -- what they do is a BAC to see if they  
04:07:32 16 blew or if there was a blood draw, just anything that comes with  
04:07:35 17 the OWI, DWI, that sort of thing.

04:07:37 18 Q. And so were many of the cases that Mr. Haynes reviewed, were  
04:07:42 19 many of those not referred to pretrial diversion?

04:07:47 20 A. There were some. Some were referred and some weren't. What do  
04:07:51 21 you mean exactly?

04:07:53 22 Q. Were many of those cases not referred to pretrial diversion by  
04:07:56 23 Mr. Haynes, that he would handle?

04:07:59 24 A. I'm trying to understand the question. Sorry.

04:08:03 25 Q. So Mr. Haynes, would he recommend that some cases go to

04:08:07 1 pretrial diversion?

04:08:07 2 A. Yes, yes. If they were eligible, correct.

04:08:11 3 Q. And were there some cases that he would not recommend go to  
04:08:13 4 pretrial diversion?

04:08:14 5 A. That is correct, because there are some that he would not  
04:08:17 6 approve.

04:08:18 7 Q. And do you know why that is?

04:08:19 8 A. The person wasn't eligible because of maybe their rap. Because  
04:08:24 9 we would run a rap, the background to see what they had. And if  
04:08:28 10 they had a prior conviction that kept them from going to pretrial  
04:08:31 11 intervention, then they weren't eligible for some cases.

04:08:37 12 Q. And was there a backlog of cases?

04:08:39 13 A. Yes, there were a backlog of cases whenever he arrived because  
04:08:45 14 Stuart Bowie was there before Halli Kennerson and he had a backlog  
04:08:49 15 and it fell onto Ms. Kennerson. And Mr. Haynes helped with some of  
04:08:53 16 that backlog to help catch us up.

04:08:56 17 Q. And do you know about how that backlog came about, of cases?

04:09:01 18 A. How did he find out about it, is what you're asking?

04:09:05 19 Q. What caused the backlog of cases? Do you know?

04:09:08 20 A. Stuart -- I'm not sure. I can't speak for him, but he just  
04:09:13 21 didn't work on them.

04:09:15 22 Q. And so Mr. Haynes would review some of those cases? And when I  
04:09:19 23 say "review," would he determine whether charges would be filed in  
04:09:23 24 some of those cases?

04:09:25 25 A. Yes, he would.

04:09:27 1 Q. Would Mr. Haynes also, like you said, he would recommend some  
04:09:31 2 cases go to pretrial diversion. Would he have to get approval to  
04:09:34 3 recommend some cases for pretrial diversion?

04:09:35 4 A. He would have to speak to Mr. Don Landry for some of the cases  
04:09:39 5 that he was unsure of.

04:09:40 6 Q. And do you know why that is?

04:09:43 7 A. Because it was -- I don't know it specifically, but there were  
04:09:48 8 just some cases that came up that he just wasn't sure if they were  
04:09:52 9 eligible. So he had to get Don Landry's approval.

04:09:56 10 Q. And so he would seek Mr. Landry's approval for some cases?

04:09:59 11 A. Yes. He would tell me that he was going to go and talk to Don  
04:10:02 12 about it and see what he had to say before moving along with it.

04:10:06 13 Q. Okay. And as far as pretrial diversion goes or just cases in  
04:10:12 14 general, did Mr. Haynes have any certain viewpoints for certain  
04:10:17 15 attorneys or how they handled cases?

04:10:19 16 **MR. LOEW:** Objection. Leading, but it's also irrelevant  
04:10:25 17 and there's no foundation for her to answer this question.

04:10:30 18 **MR. M. CLEMONS:** He either has a viewpoint or he doesn't.  
04:10:35 19 She worked with Mr. Haynes hand-in-hand, Your Honor. She can  
04:10:37 20 easily answer the question.

04:10:38 21 **THE COURT:** Right. Well, what's the relevance other than  
04:10:40 22 a hearsay statement by your client?

04:10:43 23 **MR. M. CLEMONS:** It's not a statement I'm referring to,  
04:10:44 24 Your Honor. It's just how he felt about certain clients. And it  
04:10:47 25 goes to show you that he was in court, handling certain cases,

04:10:50 1 whether they were being tried or whether they were being fully  
04:10:51 2 prosecuted, Your Honor, as opposed to being sent to pretrial  
04:10:55 3 diversion.

04:10:55 4 **THE COURT:** Okay. Read the question back to me, Beth.

04:10:55 5 (The court reporter read back the question.)

04:10:57 6 **THE COURT:** Do you know the answer to that question?

04:11:27 7 **THE WITNESS:** Would it be defense attorneys or  
04:11:30 8 prosecutors?

04:11:31 9 **MR. M. CLEMONS:** Defense attorneys.

04:11:32 10 **THE COURT:** Okay, defense attorneys. Do you know the  
04:11:34 11 answer to that question?

04:11:36 12 **THE WITNESS:** Well, is he meaning, like, how he felt  
04:11:38 13 toward certain attorneys? Like if he disliked them?

04:11:40 14 **THE COURT:** Is that what you mean?

04:11:44 15 **MR. M. CLEMONS:** That and how they chose to go about  
04:11:46 16 defending certain cases that Mr. Haynes was over.

04:11:48 17 **MR. LOEW:** My objection is if she knows it must be  
04:11:51 18 because the defendant told her --

04:11:53 19 **THE COURT:** Right.

04:11:54 20 **MR. LOEW:** -- which is hearsay.

04:11:56 21 **THE COURT:** That wasn't your original objection. That  
04:11:58 22 was what I pointed out.

04:12:00 23 **MR. M. CLEMONS:** But she was also present in court with  
04:12:01 24 Mr. Haynes with these attorneys, as well.

04:12:03 25 **THE COURT:** All right. I'll sustain the objection.

04:12:03 1 **BY MR. M. CLEMONS:**

04:12:10 2 Q. Ms. Hebert, were you present when the FBI came to the Lafayette  
04:12:14 3 Parish District Attorney's office?

04:12:15 4 A. Yes, I was there that day.

04:12:17 5 Q. Okay. And were you interviewed by any federal agents?

04:12:21 6 A. No, I wasn't.

04:12:23 7 Q. But you were inside the building when it occurred?

04:12:25 8 A. Yes.

04:12:26 9 Q. Did any federal agents reach out to you for an interview in  
04:12:30 10 this case?

04:12:30 11 A. No, never.

04:12:39 12 **MR. M. CLEMONS:** I tender the witness, Your Honor.

04:12:41 13 **THE COURT:** Okay.

04:12:42 14 **CROSS-EXAMINATION BY MR. LOEW:**

04:12:49 15 Q. Good afternoon.

04:12:50 16 A. Good afternoon.

04:12:51 17 Q. Just a couple questions.

04:12:53 18 A. Sure.

04:12:53 19 Q. These trials that you saw, they were misdemeanor trials;  
04:12:57 20 correct?

04:12:57 21 A. Correct.

04:12:57 22 Q. And they were in front of a judge, not a jury; right?

04:13:01 23 A. Correct.

04:13:02 24 **MR. LOEW:** I don't have anything further.

04:13:04 25 **THE COURT:** Any redirect?

04:13:06 1 **MR. M. CLEMONS:** Nothing further, Your Honor.

04:13:08 2 **MR. CLEMONS:** About to call the next witness, Judge.

04:13:11 3 **THE COURT:** Thank you. You may step down.

04:13:29 4 **MR. CLEMONS:** Ready for the next one, Judge?

04:13:31 5 **THE COURT:** I'm ready.

04:13:32 6 **MR. CLEMONS:** I didn't want to overstep my bounds, Judge.

04:13:35 7 Mr. Eric Neuman.

04:14:10 8 **THE DEPUTY CLERK:** Raise your right hand, please, sir.

04:14:15 9 Do you solemnly swear or affirm that the testimony you give in this

04:14:15 10 matter will be the truth, the whole truth, and nothing but the

04:14:20 11 truth, so help you God?

04:14:20 12 **THE WITNESS:** Yes, ma'am.

04:14:23 13 **THE DEPUTY CLERK:** Thank you. Be seated.

04:14:26 14 **ERIC NEUMAN,**

04:14:28 15 after having first been duly sworn, did testify as follows:

04:14:28 16 **DIRECT EXAMINATION BY MR. CLEMONS:**

04:14:28 17 Q. Please state your name and occupation.

04:14:30 18 A. Eric Neuman. I'm an assistant district attorney with the 15<sup>th</sup>

04:14:35 19 JDC here in Lafayette Parish and I run a private practice.

04:14:39 20 Q. Good afternoon, Mr. Neuman. I'm Todd Clemons. We spoke on the

04:14:41 21 phone a couple of times, but --

04:14:41 22 A. Yes, sir.

04:14:42 23 Q. -- I don't think we had the pleasure of meeting. I represent

04:14:43 24 Mr. Haynes. I have a few questions for you, Mr. Neuman. And my

04:14:50 25 client, Gary Haynes, you know Mr. Haynes?

04:14:51 1 A. Yes, sir.

04:14:52 2 Q. Point to Mr. Haynes and identify what he's got on for the  
04:14:55 3 record, Mr. Neuman.

04:14:55 4 A. He's right there, sir (indicating).

04:14:58 5 Q. And could you just describe -- there's a couple of people.  
04:15:00 6 Just describe what he's got on just for the record.

04:15:01 7 A. He's got a blue suit on with a red tie.

04:15:05 8 Q. Now, let's talk about you're currently an ADA and you have a  
04:15:08 9 private practice.

04:15:10 10 A. That's correct.

04:15:12 11 Q. Let's start with the DA's office. When did you start? How  
04:15:12 12 long you been there? And I think there was a break, then you came  
04:15:16 13 back. Just tell us briefly about your history with the local DA's  
04:15:21 14 office.

04:15:21 15 A. I started in February of 2016. I was there until the end of  
04:15:26 16 December of 2023. I came back to the DA's office May 5<sup>th</sup> of this  
04:15:32 17 year.

04:15:36 18 Q. So gone from about a year, year and a half, year and five  
04:15:41 19 months?

04:15:42 20 A. Year and four months.

04:15:44 21 Q. Bring your attention to January of '21. I think you were there  
04:15:52 22 when Mr. Landry Administration took oath and he took office?

04:15:56 23 A. That's correct.

04:15:57 24 Q. And were you present for the meeting Mr. Landry had with all  
04:16:00 25 his DAs -- ADAs, I'm sorry, in which he talked about the pretrial

04:16:05 1 intervention program and looking to get more cases involved in that  
04:16:08 2 program?

04:16:09 3 A. There were more than one meeting, yes, sir.

04:16:14 4 Q. Okay. Can you just tell us about how many meetings y'all had  
04:16:17 5 about PTI, just about?

04:16:18 6 A. We would have monthly meetings and PTI was a topic of  
04:16:22 7 discussion in most of those monthly meetings.

04:16:27 8 Q. And let me dive back in my memory. So y'all would have monthly  
04:16:31 9 meetings with the ADAs and the DA on various topics?

04:16:36 10 A. Yes, sir.

04:16:36 11 Q. And one of those topics you said every month would be pretrial  
04:16:41 12 intervention?

04:16:41 13 A. Yes, sir.

04:16:41 14 Q. So I want to roll you back to that first meeting or that  
04:16:45 15 initial meeting in January of '21. Do you remember that one in  
04:16:49 16 which Mr. Landry initially talked about revitalizing the program,  
04:16:53 17 getting more people in the program?

04:16:55 18 A. I don't necessarily have a specific recollection of that  
04:16:58 19 meeting.

04:17:00 20 Q. Okay. Because you had several meetings?

04:17:02 21 A. Yes, sir.

04:17:03 22 Q. Okay. But isn't it true that Mr. Landry made it clear that he  
04:17:06 23 wanted the --

04:17:07 24 **MR. WALKER:** Objection, Your Honor. He's leading the  
04:17:07 25 witness.

04:17:07 1 **THE COURT:** Can't lead the witness.

04:17:10 2 **MR. WALKER:** And he's also asking for hearsay.

04:17:12 3 **BY MR. CLEMONS:**

04:17:13 4 Q. Did Mr. Landry make it clear that he wanted more cases in PTI?

04:17:16 5 **MR. WALKER:** Didn't hear my first objection, apparently.

04:17:17 6 I object. He's leading the witness and he's also asking for

04:17:19 7 hearsay.

04:17:20 8 **MR. CLEMONS:** Your Honor, I'm not leading. That's a very

04:17:22 9 direct question.

04:17:23 10 **THE COURT:** You're suggesting the answer, I think, Mr.

04:17:26 11 Clemons, which is what the leading question is. I will sustain the

04:17:30 12 form of the question, and I'll reserve ruling on the other part of

04:17:34 13 the objection.

04:17:34 14 **BY MR. CLEMONS:**

04:17:35 15 Q. After Mr. Landry came in, did more cases start going to

04:17:38 16 pretrial intervention under his administration?

04:17:40 17 A. Yes, sir.

04:17:42 18 Q. And when I say more, I'm talking about more than the Stutes'

04:17:45 19 Administration?

04:17:46 20 A. Yes, sir.

04:17:48 21 Q. Okay. And Mr. Landry was aware that more cases were going in

04:17:52 22 under his administration?

04:17:53 23 A. He was what, sir?

04:17:54 24 Q. He was aware that more cases were going to PTI?

04:17:57 25 A. Yes, sir.

04:18:00 1 Q. Now, bringing your attention, Mr. Neuman, to January of '21  
04:18:06 2 when Mr. Landry took over, what track were you in or what  
04:18:10 3 department were you in? Help us understand that.

04:18:13 4 A. I was in Track 1, which was the felony drug prosecution track  
04:18:18 5 in Lafayette Parish. And then I assumed the responsibility of  
04:18:24 6 running drug court, which was a different component to Track 1.

04:18:31 7 Q. Okay. And we'll get to drug court. Let's take them separately  
04:18:35 8 just to make sure the jury understands. Your office is set up on a  
04:18:41 9 track system. Just briefly explain to them and to us how exactly  
04:18:45 10 how that track system works, because it's different from what we do  
04:18:47 11 in Lake Charles.

04:18:48 12 A. Yes, sir. There are five felony tracks in Lafayette Parish.  
04:18:53 13 The Track 1 is designated as the drug track for drug prosecution.  
04:18:59 14 Tracks 2 through 5 are for regular felonies: the murders, rapes,  
04:19:06 15 armed robberies, things of that nature. The way the system works  
04:19:10 16 is if a particular alleged offense has a drug component, say  
04:19:20 17 someone was -- had drugs on them at the time that they were  
04:19:24 18 arrested --

04:19:26 19 Q. For a burglary or something?

04:19:29 20 A. Sir?

04:19:29 21 Q. Just use burglary for an example.

04:19:29 22 A. For whatever it is, they would be sent to Track 1 for review to  
04:19:33 23 determine whether or not it was a drug case or whether or not it  
04:19:37 24 would be more properly prosecuted in one of the other tracks.

04:19:40 25 Q. So it had to go to one track or another?

04:19:43 1 A. That's correct.

04:19:43 2 Q. And tell us what happened at that point.

04:19:46 3 A. And then the other four tracks, they are essentially assigned  
04:19:49 4 cases by date of offense. And so what we would do in Track 1 is we  
04:19:54 5 would review all of the drug offenses as well as other crimes that  
04:19:58 6 may have had a drug component.

04:20:03 7 Q. Did you have other ADAs in Track 1? Or were you the only ADA  
04:20:08 8 in Track 1? Track 1 or the drug track. I may use drug track, but  
04:20:13 9 either way I'm talking about Track 1.

04:20:13 10 A. Yes, sir.

04:20:15 11 Q. Any other ADAs in that track?

04:20:17 12 A. There were two other ADAs at that point in time.

04:20:20 13 Q. Tell us who they were.

04:20:22 14 A. Holden Hoggatt and Chase Edwards.

04:20:27 15 Q. And were you also maintaining a private practice at that time?

04:20:32 16 A. Yes, sir.

04:20:33 17 Q. And here in Lafayette?

04:20:34 18 A. Yes, sir. Well, the office is in Lafayette.

04:20:39 19 Q. That's what I mean, your private practice office.

04:20:42 20 A. Yes, sir.

04:20:42 21 Q. And I think the jury knows this, but just to be safe, just tell  
04:20:44 22 the jury briefly -- because as attorneys we throw the term "private  
04:20:48 23 practice" around like the whole world knows what that means. Just  
04:20:51 24 tell the jury briefly what that means.

04:20:53 25 A. I handle in my particular practice domestic cases, divorces,

04:21:00 1 child custody, things of that nature, which are civil in nature.

04:21:04 2 Private practice could also be, in my history has been doing

04:21:09 3 bankruptcy work. Some private practices do criminal defense work,

04:21:13 4 which is what I did, as well.

04:21:15 5 Q. And do most --

04:21:16 6 A. I don't do that now. I don't do criminal defense work now.

04:21:19 7 Q. Right. That would be a conflict.

04:21:21 8 A. Correct.

04:21:22 9 Q. That would be a slight conflict.

04:21:24 10 But do most of your colleagues in the DA's office, also

04:21:27 11 ADAs, have private practices? You with me? You calculating?

04:21:40 12 A. I'm thinking about the proper answer. I don't know the exact

04:21:44 13 number. I know that there are fewer individuals in private

04:21:48 14 practice now than there were when Mr. Stutes was the district

04:21:52 15 attorney.

04:21:53 16 Q. Okay. But many have private practices?

04:21:59 17 A. Probably half of the assistants here in Lafayette Parish have

04:22:04 18 private practices.

04:22:04 19 Q. And there is no prohibition, by the DA Landry or under Stutes,

04:22:10 20 there was not prohibition against that; correct?

04:22:11 21 A. No, sir.

04:22:12 22 Q. And there is a policy about how many days you have to be in the

04:22:15 23 DA's office versus your private practice? Or it's based on your

04:22:19 24 discretion and getting the job done?

04:22:21 25 A. In either administration I've never been provided with any type

04:22:26 1 of policy statement, number of hours I'm supposed to work, nothing  
04:22:35 2 along those lines as far as days in the office, things of that  
04:22:38 3 nature. It was essentially work at my pace, whatever that may be.

04:22:44 4 Q. Handle your cases and then you got the discretion to deal with  
04:22:47 5 your private practice. As long as you took care of your business  
04:22:50 6 in the office and in court, basically?

04:22:52 7 A. Yes, sir.

04:22:53 8 Q. Let's talk, Mr. Neuman, about possession with intent to  
04:22:58 9 distribute --

04:22:59 10 A. Yes, sir.

04:23:00 11 Q. -- cases. What vernacular do attorneys normally use for those?

04:23:05 12 A. PWIT.

04:23:07 13 Q. And that's just an acronym for possession with intent to  
04:23:10 14 distribute?

04:23:10 15 A. Yes, sir.

04:23:11 16 Q. All my questions now are focused on '21-'22 time frame. At  
04:23:16 17 that time did the office have any policy against PWIT, possession  
04:23:21 18 with intent, cases being eligible and not eligible for PTI? Was  
04:23:25 19 there a policy regarding those?

04:23:27 20 A. Once Mr. Landry became the district attorney, yes, sir.

04:23:31 21 Q. Okay. And what was that policy?

04:23:32 22 A. That PWIT cases were not to be sent to pretrial intervention.

04:23:38 23 Q. And isn't it also true that my client, Mr. Landry -- Mr. Guidry  
04:23:45 24 -- Mr. Haynes also opposed PWIT cases coming into intervention?

04:23:50 25 **MR. WALKER:** Necessarily calls for hearsay.

04:23:50 1 MR. CLEMONS: Judge, that he opposes --

04:23:52 2 MR. WALKER: And it's also leading.

04:23:53 3 THE COURT: It's a leading question.

04:23:54 4 MR. CLEMONS: I'll rephrase it, Judge.

04:23:54 5 BY MR. CLEMONS:

04:23:58 6 Q. Did Mr. Haynes oppose PWIT cases coming into pretrial  
04:24:04 7 intervention?

04:24:04 8 MR. WALKER: My objection is it necessarily calls for  
04:24:06 9 hearsay.

04:24:09 10 MR. CLEMONS: It doesn't call for hearsay. He worked  
04:24:12 11 with him on a daily -- on a regular basis, Judge.

04:24:13 12 THE COURT: What's the relevance if it's not being for  
04:24:17 13 the truth?

04:24:17 14 MR. CLEMONS: Well, it's not hearsay, Judge, but the  
04:24:19 15 relevance is the Government's theory is that my client was pushing  
04:24:22 16 cases --

04:24:23 17 MR. WALKER: Objection. He's making --

04:24:23 18 MR. CLEMONS: Judge, you're asking me a question.

04:24:25 19 MR. WALKER: -- a speaking objection.

04:24:26 20 MR. CLEMONS: The Judge asked me a question.

04:24:28 21 MR. WALKER: Right. And I object to him making  
04:24:30 22 statements about his theory in front of the jury.

04:24:32 23 THE COURT: Let me consider it.

04:24:38 24 Sustained.

04:24:38 25 BY MR. CLEMONS:

04:24:42 1 Q. Did any -- are you aware of any PWIT cases going into diversion  
04:24:47 2 under Mr. Haynes while he was over the pretrial diversion -- when I  
04:24:52 3 use diversion, intervention, using those interchangeably. Are you  
04:24:56 4 aware of any of your cases going to pretrial intervention?

04:25:00 5 A. None, sir.

04:25:04 6 Q. Are you aware of Mr. Haynes ever trying to solicit any of your  
04:25:09 7 cases, regardless of the type, for pretrial? To get your cases and  
04:25:15 8 push them to pretrial?

04:25:16 9 A. No, sir.

04:25:17 10 Q. Are you aware of Mr. Haynes ever trying to take any of your  
04:25:20 11 cases without your knowledge and put them in pretrial?

04:25:23 12 **MR. WALKER:** Your Honor, he's just asking one leading  
04:25:26 13 question after another.

04:25:27 14 **THE COURT:** I know that this is difficult, given your  
04:25:30 15 respective roles, but you have to -- these are your witnesses. You  
04:25:33 16 have to ask them open, nonleading questions.

04:25:33 17 **BY MR. CLEMONS:**

04:25:38 18 Q. Do you have any knowledge of Mr. Haynes ever taking a case of  
04:25:44 19 yours without your knowledge?

04:25:46 20 A. No, sir.

04:25:52 21 Q. Now, bringing your attention to May of '22. You're employed at  
04:26:02 22 the office when the FBI raided the office?

04:26:04 23 A. Yes, sir.

04:26:05 24 Q. Where were you at the time they came in contact with my client?

04:26:08 25 A. I was in Mr. Haynes' office.

04:26:10 1 Q. What were y'all doing?

04:26:11 2 A. We were discussing a case.

04:26:17 3 Q. At any time has the FBI interviewed you about this detailed  
04:26:23 4 investigation they did?

04:26:25 5 A. No, sir.

04:26:25 6 Q. At any time, Mr. Neuman, have you gotten information that they  
04:26:29 7 wanted to speak to you about this investigation that they did?

04:26:33 8 A. No, sir.

04:26:35 9 **MR. CLEMONS:** That's all I have, Your Honor.

04:26:40 10 **CROSS-EXAMINATION BY MR. WALKER:**

04:26:42 11 Q. Hello.

04:26:44 12 A. Hi, sir. How are you doing?

04:26:45 13 Q. Good. I'm Luke Walker. I'm an assistant U.S. attorney. I  
04:26:48 14 don't think I have ever met you, have I?

04:26:50 15 A. No, sir.

04:26:51 16 Q. So there were multiple meetings about pretrial intervention;  
04:26:56 17 correct?

04:26:56 18 A. There were multiple meetings, multiple staff meetings where all  
04:27:00 19 of the assistants met with Mr. Landry, who was the district  
04:27:05 20 attorney, and then there was meetings about pretrial intervention  
04:27:08 21 -- it was discussed, pretrial intervention was discussed during  
04:27:12 22 those meetings.

04:27:13 23 Q. And Gary Haynes was the head of pretrial intervention; is that  
04:27:17 24 correct?

04:27:17 25 A. Yes, sir.

04:27:19 1 Q. And the defense brought up the fact, there was a policy under  
04:27:23 2 Keith Stutes, was there not, that possession with intent to  
04:27:26 3 distribute drugs weren't put in pretrial intervention?

04:27:29 4 A. There was no prohibition. That's correct.

04:27:33 5 Q. But were they actively bringing possession with intent to  
04:27:36 6 distribute drugs into pretrial intervention under Keith Stutes?

04:27:39 7 A. Yes, sir.

04:27:40 8 Q. So you did have some come in?

04:27:41 9 A. Yes, sir.

04:27:43 10 Q. Okay. Who was it that made the decision not to have cases come  
04:27:46 11 into pretrial intervention? Was it Don Landry?

04:27:50 12 A. I'm not privy to the decision making as to who was the one who  
04:27:56 13 made that decision. I was called into a meeting specifically with  
04:28:01 14 Mr. Haynes and Mr. Landry about my role in drug court Track 1. And  
04:28:10 15 I was given instructions to not have any cases that were PWIT cases  
04:28:18 16 brought before or brought into pretrial intervention.

04:28:20 17 Q. As a result of that, you didn't have that much -- in terms of  
04:28:24 18 PWIT -- I'm sorry. In terms of pretrial intervention, you didn't  
04:28:26 19 have a whole lot of interaction with Gary Haynes; right?

04:28:34 20 A. Define a whole lot.

04:28:36 21 Q. Well, if you can't bring possession with intent to distribute  
04:28:40 22 drugs into the pretrial intervention program, per rule, then would  
04:28:46 23 you have reason to be having a lot of interaction with Mr. Haynes  
04:28:52 24 as it relates to pretrial intervention?

04:28:54 25 A. Yes, sir, I would have a lot of interaction with Mr. Haynes.

04:28:58 1 Q. Was that because of possession cases that you had in your  
04:29:02 2 track?

04:29:02 3 A. Correct. Yes, sir.

04:29:03 4 Q. And would he actively allow possession of cases -- possession  
04:29:06 5 of drugs cases to come in?

04:29:09 6 A. He would, yes, sir.

04:29:13 7 Q. So there was a rule against possession with intent. But  
04:29:17 8 possession of drugs, he was allowing them to come in regularly?

04:29:21 9 A. Yes, sir.

04:29:22 10 Q. Were you ever aware of cases that went into pretrial  
04:29:25 11 intervention where you were unaware that the case had been taken  
04:29:29 12 into pretrial intervention?

04:29:31 13 A. No, sir.

04:29:33 14 **MR. WALKER:** Okay. That's all I have. Thank you.

04:29:37 15 **REDIRECT EXAMINATION BY MR. CLEMONS:**

04:29:41 16 Q. Mr. Neuman, isn't it true that possession with intent is just  
04:29:45 17 one type of drug case that a DA's office prosecutes?

04:29:49 18 A. Yes, sir.

04:29:52 19 Q. So for example, somebody gets caught with a couple of grams of  
04:29:54 20 methamphetamine, that could be a case that could theoretically get  
04:29:59 21 in pretrial; correct?

04:30:02 22 A. Depending upon the amount of -- the quantity of the drug.

04:30:05 23 Q. Right.

04:30:05 24 A. Depending upon the criminal history of the defendant, those  
04:30:12 25 types of cases could potentially go into pretrial intervention.

04:30:17 1 Q. And that would be what we call, in the vernacular, simple  
04:30:21 2 possession of methamphetamine; correct?

04:30:22 3 A. Yes, sir.

04:30:23 4 Q. Simple possession of cocaine, a first offender, that  
04:30:28 5 theoretically could be considered for pretrial; correct?

04:30:31 6 A. Yes, sir.

04:30:31 7 Q. And so there's a multitude of type of drug cases you could  
04:30:37 8 consult with Mr. Haynes about, about whether they qualify for  
04:30:40 9 pretrial; right?

04:30:41 10 A. Significant numbers of cases.

04:30:44 11 **MR. CLEMONS:** Thank you, Mr. Neuman. Appreciate you.

04:30:46 12 **THE COURT:** All right. Mr. Neuman, you may step down.

04:30:50 13 **THE WITNESS:** Thank you, sir.

04:31:02 14 **MR. CLEMONS:** Mr. Alfred Boustany, Your Honor.

04:31:49 15 **THE DEPUTY CLERK:** Raise your right hand, please, sir.

04:31:59 16 Do you solemnly swear or affirm that the testimony you give in this  
04:31:59 17 matter will be the truth, the whole truth, and nothing but the  
04:32:02 18 truth, so help you God?

04:32:02 19 **THE WITNESS:** I do.

04:32:06 20 **THE DEPUTY CLERK:** Thank you. Be seated.

04:32:06 21 **MR. CLEMONS:** Proceed, Judge?

04:32:08 22 **THE COURT:** Yes, sir.

04:32:08 23 **ALFRED BOUSTANY III,**

04:32:10 24 after having first been duly sworn, did testify as follows:

04:32:10 25 **DIRECT EXAMINATION BY MR. CLEMONS:**

04:32:13 1 Q. Good afternoon, Mr. Boustany.

04:32:13 2 A. Hi, Mr. Clemons. How are you doing?

04:32:19 3 Q. I'm doing good, Mr. Boustany. Getting a little tired, so if my  
04:32:22 4 speech gets a little slurred or something, just blame it on

04:32:24 5 fatigue. But I just have a few topics I want to discuss with you.

04:32:28 6 Tell the jury your occupation, what you do for a living.

04:32:29 7 A. Sure. My name is Alfred Boustany. I'm a criminal defense,  
04:32:33 8 mainly criminal defense attorney here in Lafayette, Louisiana. And  
04:32:37 9 that's what I do. I've been a lawyer.

04:32:39 10 Q. Who do you practice with?

04:32:40 11 A. With my father.

04:32:41 12 Q. We got to get that in. How long have you been practicing?

04:32:44 13 A. Let's see, I got out in '12. So whatever that math is, 12-13  
04:32:50 14 years, something like that.

04:32:51 15 Q. And I know criminal defense is a big part of y'all's practice.  
04:32:55 16 Is it more than that? I mean --

04:32:58 17 A. So we do personal injury, as well. So we do, you know, your  
04:33:03 18 run-of-the-mill car accident cases and stuff like that, but  
04:33:08 19 criminal defense is mainly what we do.

04:33:09 20 Q. That's kind of the bread and butter?

04:33:11 21 A. Yes, sir.

04:33:12 22 Q. And you do that in state court and federal court?

04:33:15 23 A. Yes, sir.

04:33:15 24 Q. And since you have been out of law school, you have been with  
04:33:19 25 your father?

04:33:20 1 A. Yes, sir.

04:33:21 2 Q. And I know he is prominent criminal defense, so you've been  
04:33:26 3 doing a lot of criminal defense ever since you got barred?

04:33:28 4 A. That's it. Yes, sir.

04:33:30 5 Q. Bring your attention to the local district attorney's office.  
04:33:33 6 When you started practicing, Mr. Boustany, who was the DA at that  
04:33:37 7 time?

04:33:38 8 A. So before I started with my father, I interned at the DA's  
04:33:44 9 office and it was Mike Harson. And I don't remember if Mike --  
04:33:50 10 Mike, was the -- Mike Harson was the district attorney when I got  
04:33:53 11 out. So, yes, sir, Mike Harson.

04:33:56 12 Q. Okay. And so after that, it was Stutes, Mr. Keith Stutes?

04:34:01 13 A. Stutes, yes, sir.

04:34:03 14 Q. And then, of course, Mr. Landry?

04:34:05 15 A. That's correct.

04:34:08 16 Q. And I want to bring your attention now to the pretrial  
04:34:12 17 intervention program here in Lafayette. Bring your attention  
04:34:17 18 primarily, Mr. Boustany, to the -- because this case involved the  
04:34:22 19 '21-'22 time frame. At that time, as a defense attorney, office  
04:34:27 20 right around the corner from the DA's office, were you pretty  
04:34:31 21 familiar with the pretrial intervention program in Lafayette, how  
04:34:34 22 it was set up, generally speaking?

04:34:36 23 A. I was. Yes, sir. I was familiar with the intervention  
04:34:42 24 program, yep.

04:34:43 25 Q. Once Mr. Landry took office in January of '21, tell the jury

04:34:48 1 who operated the program, for lack of a better term.

04:34:53 2 A. So the -- I guess you could say the administrator was Zoila  
04:35:00 3 Perez, who was -- she was like your main administrator. But Dusty  
04:35:07 4 Guidry and Gary Haynes operated the pretrial diversion program.

04:35:12 5 Q. And you're familiar with both Dusty Guidry and Gary Haynes?

04:35:16 6 A. Yes, sir.

04:35:16 7 Q. You see Mr. Haynes here in the courtroom?

04:35:19 8 A. I do.

04:35:20 9 Q. Point to Mr. Haynes and describe what he has on for the record.

04:35:23 10 A. Sure. He has on -- and I'm sorry, I didn't bring glasses --  
04:35:26 11 but he's got I think a blue suit and a red tie.

04:35:26 12 Q. Thank you, Mr. Boustany.

04:35:30 13 A. Sitting next to Mr. Johnson.

04:35:31 14 Q. Thank you, Mr. Boustany.

04:35:33 15 Now, I want to bring -- because one of your client's case  
04:35:36 16 has been discussed in this trial so I just want to get some clarity  
04:35:40 17 on it. Tara Wells. You represented Ms. Tara Wells?

04:35:44 18 A. I did represent Ms. Wells.

04:35:46 19 Q. And did you ultimately get Ms. Wells -- did Ms. Wells get in  
04:35:52 20 the PTI program? Let me back it up.

04:35:54 21 A. She did get into the program. Yes, sir.

04:35:56 22 Q. And was that based on your request?

04:36:00 23 A. Yes. I did -- I believe I would send e-mails to Dusty and Gary  
04:36:09 24 and request that somebody get into the pretrial diversion program.

04:36:13 25 Q. And I'm going to show you an exhibit that's already been

04:36:15 1 introduced, Mr. Boustany.

04:36:17 2 **MR. CLEMONS:** If we can, Government's Exhibit 7, Judge,  
04:36:17 3 has already been admitted.

04:36:17 4 **THE COURT:** Okay.

04:36:23 5 **MR. CLEMONS:** I would like to get it pulled up and  
04:36:25 6 publish for Mr. Boustany, as well as the jury and for myself.

04:36:37 7 And if we could, Mr. Douget, if we could go down to the  
04:36:38 8 bottom and then we could scroll up. I'm sorry. I got to give you  
04:36:44 9 a page number. I think it starts on page 4 of the actual e-mail  
04:36:46 10 from Mr. Boustany. There we go. Can you go to the bottom? There  
04:36:55 11 we go. That's the one I'm looking for.

04:36:55 12 **BY MR. CLEMONS:**

04:36:58 13 Q. Take a minute. Mr. Boustany, have you read that e-mail lately?

04:37:04 14 A. No, sir, I really haven't. I can take a look at it.

04:37:06 15 Q. Yeah. I'm going to give you a minute to look at it. I just  
04:37:09 16 have a couple of questions about it. And that is you and your  
04:37:12 17 e-mail; right?

04:37:13 18 A. Yes, sir. That's my e-mail signature at the bottom.

04:37:39 19 Q. Okay.

04:37:39 20 A. Yes, sir. I recognize that e-mail.

04:37:40 21 Q. And who is that e-mail addressed to?

04:37:46 22 A. It says Gary and Dusty on it. I don't see -- you know how  
04:37:51 23 usually at the top it will say the e-mail addresses. There we go.  
04:37:55 24 It looks like I have -- it's hard to tell from the document, but I  
04:38:06 25 mean, it is addressed Gary and Dusty. I just don't know.

04:38:10 1 Q. Yeah, I'm not talking about Dusty's reply. I'm talking about  
04:38:13 2 your e-mail. Based upon that, who are the Gary and Dusty you think  
04:38:17 3 you're referring to?

04:38:17 4 A. I'm speaking of Gary Haynes and Dusty Guidry.

04:38:21 5 Q. Okay. That's what I just wanted the record to be clear.

04:38:23 6 A. Yes, sir.

04:38:23 7 Q. And you're talking about your client Tara Wells?

04:38:27 8 A. Yes, sir.

04:38:27 9 Q. And your request -- and are you requesting from them some  
04:38:32 10 assistance from them possibly getting into their program based on  
04:38:38 11 -- for your client?

04:38:39 12 A. Yes, sir, I was. And I guess just a little background about  
04:38:43 13 it.

04:38:43 14 Q. Sure.

04:38:44 15 A. If that's okay. There was a DWI second-offender program that  
04:38:50 16 was started at the district attorney's office which was something  
04:38:53 17 that was new and not -- you know, not really something I had seen  
04:39:03 18 before. But it was something that was new and was getting started.

04:39:07 19 Q. Under the Landry Administration?

04:39:08 20 A. That's correct, yes.

04:39:09 21 Q. Go ahead.

04:39:11 22 A. And so that was -- that program was created. And because it  
04:39:18 23 was created, I asked that Ms. Wells be put in it.

04:39:22 24 Q. Okay. And as a part of your request, are you sharing with them  
04:39:26 25 basically her criminal history as well as she's in drug court

04:39:31 1 already in I think St. Martin; correct?

04:39:33 2 A. That's correct. Yes, sir.

04:39:35 3 Q. Why are you being so forthcoming writing your initial e-mail?

04:39:39 4 Help me understand that.

04:39:40 5 A. Well, I want them to know what's going on. I'm trying to get  
04:39:44 6 her into the program. I'm trying to do what's best for the client.

04:39:47 7 And so just I guess some background is when Michelle Odinet was on  
04:39:53 8 the bench in city court, as second offense, many lawyers were

04:39:58 9 worried that she would sentence someone to six months in jail for a  
04:40:02 10 second-offense DWI if they were convicted or if they pled. And so

04:40:07 11 whenever I was made aware that this program was going to start, I  
04:40:10 12 thought it would be a great fit for Ms. Wells. So that's why I was

04:40:15 13 asking. And I just put in the e-mail why I thought she would be a  
04:40:19 14 good fit for the program.

04:40:21 15 Q. And isn't it true, based on your experience, some judges are  
04:40:25 16 tougher at sentencing than other judges?

04:40:28 17 A. No doubt. Yes, sir.

04:40:30 18 Q. And that's a part of their discretion?

04:40:31 19 A. Yes, sir.

04:40:32 20 Q. And from your experience, Mr. Boustany, district attorneys have  
04:40:35 21 wide latitude and discretion on who they may ultimately allow into  
04:40:41 22 their pretrial intervention programs; correct?

04:40:44 23 A. Yes, sir. Yeah, they do.

04:40:46 24 Q. And so you're requesting that they consider Ms. Wells for the  
04:40:52 25 pretrial intervention program, and this was shortly after you

04:40:56 1 believe the DWI second program had been initiated?

04:40:59 2 A. Yes, sir.

04:41:00 3 Q. Was there a DWI second program under Mr. Stutes?

04:41:04 4 A. No, sir.

04:41:04 5 Q. Was there ever a DWI second program from January up until  
04:41:09 6 September, October under Mr. Landry? In other words, before he  
04:41:12 7 started his pilot program, had he had one when he first took  
04:41:16 8 office?

04:41:16 9 A. For second offenders?

04:41:19 10 Q. For second.

04:41:19 11 A. No, sir. No.

04:41:22 12 Q. And were you ultimately successful in getting Ms. Wells into  
04:41:25 13 the program?

04:41:27 14 A. I was. I think I recall attending a meeting at the district  
04:41:31 15 attorney's office where myself and I think Bill Goode were present.  
04:41:43 16 Bill Goode is another criminal defense attorney here in Lafayette.  
04:41:47 17 And she got into the program, but I don't know if I'm confusing her  
04:41:52 18 with another one of my clients with the DWI offender, second  
04:41:56 19 offender program.

04:41:57 20 Q. But the meeting you're talking about, that was to do what,  
04:42:00 21 though? The meeting you're referring to, whether it's this case.

04:42:04 22 A. So pretrial diversion generally has certain parameters that the  
04:42:07 23 individual will have to do. And because the DWI second offender  
04:42:12 24 program was something that was so new and kind of unknown, we  
04:42:17 25 didn't know what the participants would have to do. And so we were

04:42:21 1 going to that program to get --

04:42:24 2 Q. To the meeting?

04:42:25 3 A. Yes, sir. To the meeting at the DA's office to get a sheet on  
04:42:28 4 basically, okay, because this program is new, what are these people  
04:42:32 5 going to have to do? so that I could walk a client through it.

04:42:36 6 Q. And was Mr. Landry at the meeting?

04:42:38 7 A. No, sir.

04:42:38 8 Q. Who did you meet with?

04:42:39 9 A. Dusty Guidry was in the meeting. I believe -- I know -- I  
04:42:47 10 think a female member of the -- I don't remember if it was Zoila  
04:42:52 11 Perez or someone else. But that's who was in the meeting.

04:42:56 12 Q. And they basically was just giving you the format, I guess, and  
04:43:00 13 guidelines for this new pilot program that they were rolling out?

04:43:03 14 A. That's correct.

04:43:04 15 Q. And you don't have any information that Mr. Landry wasn't aware  
04:43:07 16 of the program? He was aware of this new pilot program?

04:43:11 17 A. No. Actually, so it's a story that I have kind of joked about  
04:43:17 18 in the past. But, so we're in the -- we're at the DA's office. We  
04:43:23 19 are talking about this program. And I walk out and I see Mr.  
04:43:28 20 Landry. And I've known Mr. Landry for quite some time. He's known  
04:43:32 21 my dad for a long time.

04:43:34 22 So I say, "Don, I really appreciate -- " and this was  
04:43:38 23 more in regard to another client that I had, now that I'm thinking  
04:43:42 24 about it. It was a gentleman. I do not recall his name. I know  
04:43:46 25 he was a pharmacist. I don't remember exactly what his name was.

04:43:53 1 Q. Maybe Steven Lavergne? But anyway, he's a pharmacist?

04:43:58 2 A. So I walk out of the meeting and I see Mr. Landry. And I said,  
04:44:03 3 "Don, I really appreciate what you did for my client, this  
04:44:07 4 pharmacist. You're going to save his livelihood."

04:44:11 5 **MR. NICKEL:** Judge, I'm going to object. The answer is  
04:44:14 6 not responsive to the question. He's talking about a different  
04:44:16 7 client that he had now.

04:44:18 8 **THE COURT:** Which client are you talking about?

04:44:21 9 **THE WITNESS:** It was the pharmacist, Judge. And really  
04:44:23 10 the reason I'm talking about it is because of the DWI second  
04:44:25 11 offender program.

04:44:26 12 **THE COURT:** All right. You can finish answering the  
04:44:28 13 question.

04:44:28 14 **THE WITNESS:** Thank you.

04:44:29 15 I see Don Landry. And I say, "Don, I really appreciate  
04:44:32 16 what you're doing for this client. You're going to save his  
04:44:36 17 career."

04:44:36 18 He calls me Al. He says, "Al, I got no idea --"

04:44:40 19 **MR. NICKEL:** Objection. Hearsay, Judge.

04:44:42 20 **THE COURT:** I don't think it's being offered for the  
04:44:44 21 truth. Go ahead.

04:44:45 22 **THE WITNESS:** He said, "Al, I got no idea what you're  
04:44:47 23 talking about, but I'm glad we can help somebody." And so that's  
04:44:50 24 how that went. So I don't know that Mr. Landry knew about that  
04:44:56 25 program. He didn't seem to, but that's what we got, so...

04:45:00 1 **BY MR. CLEMONS :**

04:45:01 2 Q. But he was glad that you were able to -- his office was able to  
04:45:03 3 help somebody out?

04:45:04 4 A. That's correct.

04:45:05 5 Q. But you do know that as the district attorney he has wide  
04:45:08 6 latitude to implement a program if he chooses to or not choose to;  
04:45:13 7 right?

04:45:13 8 A. Sure, yeah.

04:45:14 9 Q. And you had other clients that you had in the pretrial  
04:45:18 10 intervention program at different points while Mr. Haynes and Mr.  
04:45:23 11 Guidry were in office; correct?

04:45:25 12 A. Yes, sir.

04:45:25 13 Q. And did you utilize basically this same process in getting  
04:45:30 14 those clients in the program, where you contact either Gary or  
04:45:35 15 Dusty, you give them the background: Hey, guys, this is this,  
04:45:37 16 that, this is what I have; will y'all consider him or her for  
04:45:41 17 pretrial? Correct?

04:45:42 18 A. Yes, sir.

04:45:43 19 Q. And at some point they would either say, Yeah, Boustany, we can  
04:45:48 20 do it, or, No, that person can't do it?

04:45:50 21 A. That's correct.

04:45:51 22 Q. Now, did the FBI ever come and speak to you about the Tara  
04:45:58 23 Wells case?

04:45:59 24 A. To me, no.

04:46:00 25 Q. Yeah, to you.

04:46:02 1 A. No, sir.

04:46:03 2 Q. Did they speak to you at all about any aspect of any clients

04:46:06 3 that you may have had in the PTI program?

04:46:10 4 A. To me, no.

04:46:11 5 Q. To you. And they haven't spoken to you in any aspect up until

04:46:15 6 this time about this investigation, have they?

04:46:18 7 A. Not to me, no, sir.

04:46:20 8 Q. Yeah. Just strictly to you.

04:46:22 9 A. Right.

04:46:22 10 **MR. CLEMONS:** Thank you. I tender the witness, Your

04:46:24 11 Honor.

04:46:24 12 **CROSS-EXAMINATION BY MR. NICKEL:**

04:46:29 13 Q. Mr. Boustany, how are you?

04:46:31 14 A. Mr. Nickel, how are you doing?

04:46:34 15 **MR. NICKEL:** Can we pull up Government's Exhibit 7, page

04:46:37 16 5?

04:46:40 17 **BY MR. NICKEL:**

04:46:40 18 Q. Mr. Boustany, you would agree with me that you always want

04:46:41 19 what's best for your clients; right?

04:46:43 20 A. Absolutely. That's my job.

04:46:45 21 Q. Ms. Wells was an individual who got charged with a DWI;

04:46:47 22 correct?

04:46:47 23 A. She did.

04:46:48 24 Q. DWI first with child endangerment; correct?

04:46:51 25 A. Yes, sir.

04:46:51 1 Q. At the same time -- or before that case could resolve, she  
04:46:53 2 actually got arrested for DWI second; correct?

04:46:56 3 A. Yes, sir.

04:46:56 4 Q. And she also had a pending drug charge in St. Martin; correct?

04:47:00 5 A. Yes, sir.

04:47:01 6 Q. And are you aware of whether she ever got into the PTI program?

04:47:06 7 A. This PTI program?

04:47:08 8 Q. Yeah.

04:47:08 9 A. She did.

04:47:10 10 Q. And did you know if she actually got any help in the PTI  
04:47:14 11 program?

04:47:14 12 A. I was under the impression that she got some help. But no, she  
04:47:21 13 -- I don't know that she got, you know -- now, sitting here today,  
04:47:26 14 I know that she's still having some issues. So, no, I don't know  
04:47:30 15 that.

04:47:31 16 Q. Thank you.

04:47:31 17 A. And I guess I would also have to ask you, Mr. Nickel, just  
04:47:34 18 what, as far as help, what you meant. Because I mean, you know...

04:47:37 19 Q. Sure. Did anyone from the -- were you ever made aware that she  
04:47:41 20 never went to any classes?

04:47:44 21 A. Later. But that was after all of this started.

04:47:50 22 Q. I believe on direct examination you said Mr. Landry had no idea  
04:47:59 23 that the DWI second was a program; correct?

04:48:00 24 A. That's true. Yes, sir.

04:48:01 25 Q. Can you see Government's Exhibit 7? You were just pulled it

04:48:01 1 up; correct?

04:48:01 2 A. Yes, sir.

04:48:03 3 Q. You just reviewed it. This is your e-mail; correct?

04:48:06 4 A. Yes, sir.

04:48:07 5 Q. Can you read what Mr. Guidry responded to your e-mail?

04:48:10 6 A. Let me see here. "Let's visit on this Thursday when --" no.

04:48:23 7 Am I reading the wrong thing?

04:48:23 8 Q. How about from Mr. Guidry to you?

04:48:26 9 A. Oh, I'm sorry. (As read), "Would inpatient affect her drug

04:48:30 10 court? Or would we be looking at an IOP with special conditions?

04:48:35 11 Ultimately up to Gary, so this is just a general question."

04:48:38 12 Q. It's your understanding that Mr. Guidry was not a lawyer;

04:48:41 13 correct?

04:48:41 14 A. Absolutely.

04:48:42 15 Q. Is it your understanding that Mr. Haynes was a lawyer?

04:48:44 16 A. He is, yes.

04:48:45 17 Q. Is it your understanding that the question was ultimately up to

04:48:48 18 Mr. Haynes as to whether your client, Ms. Wells, got into pretrial

04:48:54 19 diversion?

04:48:54 20 A. Yes, sir.

04:49:07 21 **MR. NICKEL:** That's all I got, Judge. Thanks.

04:49:09 22 **THE COURT:** All right.

04:49:10 23 **REDIRECT EXAMINATION BY MR. CLEMONS:**

04:49:13 24 Q. Mr. Boustany, your client had a drug addiction; correct?

04:49:19 25 A. Ms. Wells?

04:49:21 1 Q. Ms. Wells. I'm sorry.

04:49:22 2 A. Yes, sir.

04:49:22 3 Q. And just because she may still be struggling with drugs to this  
04:49:26 4 day, that, in and of itself, does not mean that the PTI program  
04:49:30 5 didn't do its job; correct? Just because she may still have a drug  
04:49:35 6 addiction.

04:49:39 7 A. Well, I don't know exactly. And this is me talking as I sit  
04:49:46 8 here today. I don't know exactly that she was required to do  
04:49:50 9 anything in the program. And so I really don't know. I don't know  
04:49:55 10 what all she did, if anything. And that's the hard part about it.

04:50:00 11 Q. But my question is: Even if the program did everything that  
04:50:03 12 the guidelines called for, that wouldn't necessarily solve her drug  
04:50:07 13 addiction, in the PTI program; right?

04:50:09 14 A. No. Just I know that for Ms. Wells she was supposed to have  
04:50:15 15 some individual counseling. I mean, it was really, it was set up  
04:50:19 16 for her to do a whole lot of stuff. And I don't know that she ever  
04:50:25 17 did any of that.

04:50:26 18 **MR. CLEMONS:** That's all. Thank you.

04:50:28 19 **THE COURT:** Mr. Boustany, thank you. You may step down.  
04:50:38 20 You're released from your subpoena. Any objection to that?

04:50:42 21 **MR. CLEMONS:** Released.

04:50:43 22 **THE COURT:** You're released, Mr. Boustany. Thank you.  
04:50:46 23 I think we'll call it a day, Mr. Clemons.

04:50:51 24 **MR. CLEMONS:** Not going to argue with you, Judge.

04:50:53 25 **THE COURT:** We will -- is 8:30 okay for everybody

04:50:57 1 tomorrow morning? Remember, please don't talk to anybody about the  
04:51:00 2 case still. Don't watch the news. Don't do any research. Just  
04:51:06 3 think about anything else until tomorrow morning. And we'll start  
04:51:10 4 again at 8:30. All rise for the jury.

04:51:36 5 (Jury not present.)

04:51:40 6 **THE COURT:** Please be seated. So looking at timing. Now  
04:51:54 7 that you kind of know the pace, Mr. Clemons, do you have any idea?  
04:51:56 8 You think we'll probably finish Wednesday?

04:51:58 9 **MR. CLEMONS:** With our case, that's a good estimate,  
04:52:01 10 Judge. Today is Monday. We got a full day tomorrow, full day  
04:52:09 11 Wednesday. I certainly think we'll finish Wednesday, Judge, with  
04:52:13 12 our case.

04:52:14 13 **THE COURT:** And then depending on whether there is a  
04:52:17 14 rebuttal case by the Government, at that point we'll be in a  
04:52:20 15 position to instruct the jury at that point?

04:52:23 16 **MR. CLEMONS:** Yeah, I think even if there is a rebuttal,  
04:52:27 17 Judge, I think it would be very, very short. I think they got a --  
04:52:29 18 anyway, that would be their decision.

04:52:31 19 **THE COURT:** So we'll tentatively plan on passing out  
04:52:35 20 proposed jury instructions on Wednesday. Well, maybe by tomorrow  
04:52:43 21 at the close of the case. We're waiting on a few things to  
04:52:47 22 determine the propriety of certain instructions. But once I feel  
04:52:52 23 comfortable with that, we will pass out draft instructions so  
04:52:56 24 counsel will have time to look at them before our charging  
04:52:58 25 conference.

04:52:59 1 Anything else we need to talk about?

04:53:00 2 **MR. WALKER:** The only thing I wanted to make sure of, I  
04:53:03 3 have a defense witness list. Is it going to be in the order that  
04:53:06 4 it's listed in the witness list?

04:53:08 5 **MR. CLEMONS:** It plans to be, Judge, but I don't think we  
04:53:10 6 need to discuss this on the record in front of the whole world.

04:53:12 7 **MR. WALKER:** I'm not going to name them now. I'm just  
04:53:14 8 going to ask.

04:53:14 9 **MR. CLEMONS:** We intend to follow our list, Judge. Once  
04:53:17 10 we review it, if we got any moving around, I'll let Mr. Walker  
04:53:22 11 know, Judge. But I need to look at it first. We need to see who  
04:53:24 12 is available for what times. But our intent is to follow the list  
04:53:28 13 in the order that's on there.

04:53:29 14 **THE COURT:** Okay. Can you please let the Government know  
04:53:41 15 who you plan on calling tomorrow when you know? Just let the  
04:53:47 16 Government know who you plan on calling tomorrow so they can  
04:53:49 17 prepare.

04:53:50 18 **MR. CLEMONS:** Yes, sir. We'll do that and we'll let them  
04:53:52 19 know as many as we think we can get to tomorrow.

04:53:55 20 **THE COURT:** All right. Court will be recessed until 8:30  
04:53:58 21 tomorrow morning.

04:54:00 22 **THE COURTROOM SECURITY OFFICER:** All rise.

04:54:01 23 (Whereupon the proceedings recessed at 4:54 p.m.)

24

\* \* \*

25

**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



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