

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
11 VOLUME VII OF IX (PAGES 1188-1191, 1207-1318, 1327-1367)
12 HEARD BEFORE THE HONORABLE DAVID C. JOSEPH
13 UNITED STATES DISTRICT JUDGE

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY. TRANSCRIPT
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COURT PROCEEDINGS

SEPTEMBER 16, 2025

(On the record at 8:09 a.m. in chambers.)

THE COURT: I think counsel wanted to talk to me. But Mr. Haynes, I do want to confirm -- I usually do this at the beginning of trial -- that you have received, through counsel, plea offers from the Government in this case.

THE DEFENDANT: I'm trying to think.

THE COURT: Was there a plea offer from the Government in this case?

THE DEFENDANT: Yes.

THE COURT: And did you communicate that to defense counsel?

MR. WALKER: I communicated in detail and met with him face-to-face.

MR. CLEMONS: And I conveyed it.

THE DEFENDANT: Yes, my attorney did convey that.

THE COURT: You decided to not accept that and go to trial; correct?

THE DEFENDANT: Yes, sir.

(A sealed conference was held and filed under separate cover.)

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(Resumed at 9:07 a.m. in Courtroom 1.)

THE COURT: Thank you. Please be seated. Good morning, everybody. We're on the record again in 24-cv-206 [SIC]. Did counsel want to discuss today's proceedings before we start?

MR. CLEMONS: Yes, we do, Judge. And we spoke briefly in chambers. And I can let you know, and I let the Government know who we intend to call today. Mr. David Burton, who we just found out is not even here -- and I'll let Mr. Johnson address that; Grady Abraham; Chris Nelson; Randy Menard; Josh Guillory; Michelle Odinet. In the afternoon we're looking at, Judge, Ms. Zoila Perez; Ms. Sonya Anderson; Mr. Chris Quebedeaux; Perry Nicosia; Chad Vallo; and Susan Austin this afternoon.

THE COURT: Okay.

1 **MR. CLEMONS:** And then Mr. Johnson will give the Court an
2 update on Mr. Burton if you want at this time, Judge.

3 **THE COURT:** Okay. Yes, sir.

4 **MR. JOHNSON:** Good morning, again, Your Honor. I did
5 talk to his attorney. He is advising him to plead the Fifth. His
6 attorney thought he was going to be here this morning. His
7 attorney said somehow, talking to me -- the attorney talking to him
8 last night -- he got the impression that he didn't need to be here
9 this morning. So David Burton is on his way. But inasmuch as he
10 plans on pleading the Fifth, I'd just like to probably just send a
11 text or something to his attorney, saying he doesn't need to be
12 here; I think you can be released. Unless you want to go through
13 some formality of just making sure he's going to plead the Fifth.
14 But his attorney tells me he is going to plead the Fifth. He is
15 going to follow his advice.

16 **THE COURT:** Is there any kind of foundational testimony
17 that you would want to get out of him?

18 **MR. CLEMONS:** Judge, that's why I jumped up. We don't
19 want to release him. We want to get as much information off -- not
20 off the record but not in front of this jury about this recording
21 that he made. So while he may not be testifying, we certainly
22 don't want anybody at the front door to tell him, no, he can leave.
23 We want him to come here. We want to talk to him at a recess and
24 then we need to get some foundation --

25 **THE COURT:** If he's on his way, then he needs to come and

1 he is subject to the court subpoena and needs to be here. And then
2 we'll decide. You know, it's not proper, as I mentioned to you in
3 chambers, to call a witness that you know is going to plead the
4 Fifth just for the effect that has on the jury. That's not proper.
5 So we have to make sure that there is something he can answer
6 before we actually call him to the witness stand.

7 **MR. CLEMONS:** We just want to be able to talk to him
8 while he's here about this recorded statement that he gave but not
9 to put him in front of the jury to take the Fifth at all. He is
10 under subpoena, as the Court said.

11 **THE COURT:** Okay. Very good.

12 **MR. JOHNSON:** Thank you, Judge.

13 **THE COURT:** Anything else?

14 **MR. WALKER:** We're ready, Your Honor, whenever you are.

15 **THE COURT:** All right. Let's call the jury in.

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

17 (Jury present.)

18 **THE COURT:** Please be seated. Good morning, ladies and
19 gentlemen. We are ready to start testimony today. I know I told
20 you 8:30 yesterday. I apologize it's later than that. A number of
21 matters came up this morning that we had to deal with. So we have
22 been working even though you haven't had to yet. But we are ready
23 to start now. When we broke yesterday, the defendant was
24 presenting evidence. That will continue today.

25 So I will ask the defense to please call its next

1 witness.

2 **MR. JOHNSON:** Yes, Your Honor. Defense calls Grady
3 Abraham.

4 **THE DEPUTY CLERK:** Raise your right hand, please, sir.
5 Do you solemnly swear or affirm that the testimony you give in this
6 matter will be the truth, the whole truth, and nothing but the
7 truth, so help you God?

8 **THE WITNESS:** I do.

9 **THE DEPUTY CLERK:** Thank you be seated.

10 **GRADY ABRAHAM,**
11 after having first been duly sworn, did testify as follows:

12 **DIRECT EXAMINATION BY MR. JOHNSON:**

13 Q. Mr. Abraham, we spoke briefly on the phone. My name is Adam
14 Johnson. I have a few questions for you if that's okay.

15 A. That's fine.

16 Q. Please state your name for the record, please.

17 A. My name is Grady Abraham.

18 Q. Mr. Grady, what do you do?

19 A. I'm an attorney.

20 Q. And what type of law do you practice?

21 A. I do a combination of personal injury, legacy cases, more oil
22 field cases, and some criminal.

23 Q. Okay. Now, I want to talk to you about how cases that you
24 handle sort of come through the system, so to speak. Do sometimes
25 you get hired after a person has been arraigned?

1 A. Yes.

2 Q. In a situation where a prosecutor has already been assigned to
3 the file, how do you go about resolving that case and those cases
4 where you're looking for pretrial diversion agreement?

5 A. So you're talking about after arraignment occurs or before an
6 arraignment?

7 Q. After it's assigned to a prosecutor. Let's start there.

8 A. Well, it just depends. You know, many times after arraignment
9 we send out pretrial discovery. We try to obtain that discovery
10 sometimes ahead of time. If we get that discovery in and we look
11 at it, depending upon the client's needs, maybe the best avenue
12 would be a pretrial diversion. Maybe it would be pleading him to
13 an 894. It just depends on the circumstances that you're dealing
14 with in each case.

15 Q. And if the case has been assigned to a prosecutor, explain the
16 track system, for instance at the Lafayette District Attorney's
17 Office, as best you can.

18 A. Well, my understanding is that depending upon the nature of the
19 crime, it goes to different tracks where different judges would get
20 it. So it's kind of a random allotment based on the type of crime
21 that you have. When it goes to that division, it would get
22 assigned to a particular DA who typically works in that division.
23 That DA would be in control of that particular case, and you would
24 deal with that district attorney or that assistant DA.

25 Q. So in that situation, you would deal with that specific

1 attorney, whoever the attorney is assigned to the case; correct?

2 A. Yes.

3 Q. In the event that your client was eligible for pretrial, what
4 is your understanding of what happens next?

5 A. Well, you would get approval from that district attorney on
6 that case. He would either send it to pretrial. Sometimes you
7 would do it ahead of time and talk to someone about would they be
8 eligible or not. It depends on whether or not that client
9 financially was able, what his needs were, if you believe that he
10 didn't have the type of economic resources available to him to be
11 able to make that decision. You know, it's all about the client.
12 You want to try to help the client the best way you can.

13 Q. Sure. And in terms of how it works, the prosecutor you're
14 dealing with and the track that he's been assigned to, the case has
15 been assigned to, what is your understanding of what happens
16 whenever that prosecutor approves to refer the case to pretrial?
17 Where does the file go?

18 A. It goes to pretrial.

19 Q. And who is the person, point of contact, there?

20 A. It would either be -- it would have been Dusty Guidry or would
21 have been Zoila. It would have been Mia. I think there was a girl
22 named Mia there, also.

23 Q. Okay. And then at that point, they get with you and the client
24 and an appointment is made and you sign up, so to speak?

25 A. Well, they would make an appointment for the client.

1 Typically, from my understanding, is that they would set up an
2 appointment with the pretrial division coordinator. They would go
3 in and they would fill out some paperwork, pay an initial
4 consultation fee, or whatever, and they would schedule them to take
5 all these programs that are required in the pretrial diversion,
6 depending upon the nature of the crime and whatever they determined
7 are the factors.

8 Q. Okay. Now, certain cases, are you hired immediately after the
9 client is arrested or given a citation?

10 A. I'm hired at all different facets of it. Sometimes the day
11 they are arrested, they call. Sometimes after they pled.
12 Sometimes right before trial. It depends on the case.

13 Q. And in some of those cases, are you looking to resolve the case
14 even before their first court date or before they had been assigned
15 to a prosecutor?

16 A. Well, it depends, but yes, the answer to that is yes. It
17 depends on -- like I said, if it's a young kid and he's expressed
18 to me, "Hey, I'm guilty," or something to that factor, then you
19 would take that into consideration. And you're looking for the
20 best way to preserve -- say it's a young man with no prior
21 convictions, he's in school. You don't want it to tarnish his
22 future, so you're going to do what it takes to try to get a
23 resolution as quickly as possible.

24 Q. And if you thought the case was a good case for pretrial, in
25 that instance where you're acting before the case has been assigned

1 to a specific prosecutor, who would you reach out to in that
2 situation?

3 A. I could reach out to just about anybody. I could reach out to,
4 at the time would have been Dusty. You could reach out to Mia.
5 You could reach out to Zoila. You could reach out to a DA. It's a
6 number of people you can talk to.

7 Q. Okay. And what did you understand Dusty's role to be at the
8 DA's office?

9 A. I thought he was the coordinator of the program.

10 Q. Okay. Now, when you were dealing -- in that instance, where
11 you're dealing with a prosecutor after the case has been assigned
12 to a track prosecutor and you negotiated with that prosecutor --
13 you recall talking about that?

14 A. Yes.

15 Q. Did you understand that if he referred it to pretrial, that it
16 went through some secondary review by Gary Haynes? Or it just went
17 directly to Zoila?

18 A. No. I would think it would go directly to pretrial.

19 **MR. JOHNSON:** Okay. I tender the witness, Your Honor.

20 **THE COURT:** Any cross-examination?

21 **CROSS-EXAMINATION BY MR. LOEW:**

22 Q. Good morning, Mr. Abraham.

23 A. Good morning.

24 Q. In your direct exam I think you were talking about what's in
25 the best interest of the client is what you want to do when they

1 get arrested for whatever and that pretrial diversion is a good
2 option for certain people.

3 A. Correct.

4 Q. So if the person qualifies, if they can afford it, and if you
5 think it's proper, you want to get them into pretrial diversion?

6 A. Correct.

7 Q. And throughout that entire conversation about pretrial
8 diversion, you mentioned several people; but I never heard you
9 mention Gary Haynes. You know Gary Haynes, don't you?

10 A. I do.

11 Q. But when you testified, you said here are the people I know in
12 pretrial diversion and here are the people I go to. And you never
13 said Gary Haynes, did you?

14 A. Well, I said DA. Gary is a district attorney and he's a city
15 prosecutor. So I'm not trying to walk away from that. I'm trying
16 to express that he is a DA along with other DAs.

17 Q. So I mean, you may just be using it colloquially, but Don
18 Landry is the DA, isn't he?

19 A. He is.

20 Q. And Gary Haynes is an assistant DA?

21 A. Yes, sir.

22 Q. All right. So you did reach out to Gary Haynes in cases that
23 you wanted to get into pretrial diversion, didn't you?

24 A. Yes. In some cases, yes.

25 Q. In fact, one case that you worked with Alfred Boustany was

1 Treylon Barrow. Do you remember that case?

2 A. I know the name.

3 Q. If I showed you an e-mail exchange between you and Dusty and
4 Gary, would it refresh your memory about this specific case?

5 A. It could.

6 **MR. LOEW:** I'm going to try to get on this.

7 **THE DEPUTY CLERK:** Has it previously been introduced?

8 **MR. LOEW:** It's not. Just for the witness.

9 **THE COURT:** Just for the witness.

10 **BY MR. LOEW:**

11 Q. Can you just take a second and read that?

12 A. Okay.

13 Q. Do you remember Mr. Barrow?

14 A. I do remember, yes.

15 Q. And Mr. Barrow had some drug issues; right? He was a drug
16 addict?

17 A. Well, he had a drug issue. I wouldn't call him an addict. I
18 mean, he did have drug issues.

19 Q. So he was in pretrial diversion back in 2016; correct?

20 A. That's correct.

21 Q. And then in 2019 he got arrested with 34 pills?

22 A. I don't know what he got arrested with, but if it was 34, I'll
23 take your word for it.

24 Q. So it's in your e-mail in the first paragraph: Arrested for
25 approximately 34 pills in March of 2019.

1 A. Okay.

2 Q. So okay, yes?

3 A. Yes.

4 Q. And in January of 2020 he got a summons for less than 14 grams
5 of marijuana; correct?

6 A. Yes.

7 Q. And you said to them that he stayed clean for three years. Do
8 you remember that in your e-mail?

9 A. I see it in the e-mail, yes, sir.

10 Q. You don't really know that he stayed clean. You just know that
11 he wasn't arrested for three years?

12 A. I had a lot of interaction with Mr. Barrow.

13 Q. You did or did not?

14 A. I did over a period of time. I helped the young man out. I
15 had given him a TV. I kind of felt a little compassion for the
16 young man because he was really a talented little artist and he was
17 trying to get his life straight and I was trying to mentor him.

18 Q. That's really good and I'm glad you did that. Did you drug
19 test him?

20 A. I didn't, personally, drug test him.

21 Q. So you don't know that he stayed clean; you just know that he
22 wasn't arrested for three years?

23 A. If I would have written that, I would have thought we would
24 have had some basis to say that he was clean over that time.

25 **MR. JOHNSON:** Judge, I want to object just because he is

1 asking him about an e-mail that appears to be written by Alfred
2 Boustany.

3 **THE COURT:** I noticed that. It says, "Grady and I
4 represent him."

5 **THE WITNESS:** Right. So I'm --

6 **THE COURT:** Hold on a second.

7 **MR. JOHNSON:** I just want the record to be clear.

8 **THE COURT:** Is that right, Mr. Loew?

9 **MR. LOEW:** So it's written by Alfred Boustany. If you
10 look at the top, --

11 **THE COURT:** He's on the e-mail exchange.

12 **MR. LOEW:** -- he's on the e-mail.

13 **MR. JOHNSON:** He's just saying, "You said, you said."

14 **THE COURT:** Right. Just to be clear. Correct.

15 **MR. LOEW:** Yes. I'm going to move on.

16 **BY MR. LOEW:**

17 Q. You and the defendant, Mr. Haynes, had a pretty decent working
18 relationship; correct?

19 A. He was a good friend, yes.

20 Q. So not only a good friend, but also, like, you worked together
21 well?

22 A. Absolutely, yes.

23 Q. And you liked him, you trusted him?

24 A. I do. I did, yes.

25 Q. So when you wanted to get clients into PTI, you could have a

1 civil conversation with Mr. Haynes about the case and oftentimes
2 you'd be successful in getting your client into PTI?

3 A. I could, yes.

4 Q. And you knew that defendant did not get along with Barry
5 Sallinger; correct?

6 A. I did, yes.

7 Q. And you know that Barry Sallinger could not have that kind of
8 civil conversation with the defendant about anything?

9 A. No, that's not true.

10 Q. You know that Barry Sallinger had a hard time getting his
11 clients into pretrial intervention, didn't you?

12 A. No, I don't. I don't know. I don't know what his outcome was,
13 if he could or he couldn't.

14 Q. I'd like to point your attention to the top part of Mr.
15 Guidry's reply. Let me make sure you can read it. I'll try to
16 focus in on it.

17 What was Dusty Guidry's first sentence that he said about
18 letting in Mr. Barrow into pretrial intervention?

19 A. Where am I looking?

20 Q. The first sentence.

21 A. "Gary and Dusty," starting there?

22 Q. No. That's the e-mail you sent to him. I'm asking you about
23 Dusty's reply. It's the first sentence on the top of the e-mail
24 chain. In replay to your request to get Mr. Barrow into pretrial
25 intervention, what did Dusty Guidry reply to you? Starts with

1 "Although..."

2 A. I'm sorry. I'm looking for it. I don't see it.

3 Q. It's the first sentence at the top of the page.

4 A. I'm sorry. I see it now. [As read] "Although it is 100
5 percent Gary's call, unfortunately the statistics reflect on
6 average a person relapses 9 times before they get it right."

7 **MR. LOEW:** That's all I have.

8 **THE COURT:** Any redirect?

9 **MR. CLEMONS:** Just one minute, Judge.

10 **REDIRECT EXAMINATION BY MR. JOHNSON:**

11 Q. Mr. Grady, had you heard Dusty brag about manipulating Gary in
12 the past?

13 **MR. LOEW:** Objection.

14 **THE COURT:** What's the objection?

15 **MR. LOEW:** Leading.

16 **THE COURT:** Can you rephrase the question?

17 **BY MR. JOHNSON:**

18 Q. Sure. Have you heard -- I'm sorry. Ever heard Dusty brag
19 about manipulating or finagling things with Gary?

20 A. Yeah, I've heard him brag a little about himself and how he can
21 communicate with Gary. And I don't know if manipulation is the
22 right word, but there's definitely -- there was something going on.
23 I don't know what it was.

24 **MR. JOHNSON:** Sure. Okay. Thank you, Mr. Grady.

25 **THE COURT:** Mr. Grady, you may step down. Thank you,

1 sir.

2 **THE WITNESS:** Thank you.

3 **MR. JOHNSON:** The defense would next call Chris Nelson.

4 **THE COURT:** Okay.

5 **THE DEPUTY CLERK:** Raise your right hand, please, sir.

6 Do you solemnly swear or affirm that the testimony you give in this
7 matter will be the truth, the whole truth, and nothing but the
8 truth, so help you God?

9 **THE WITNESS:** Yes, ma'am.

10 **THE DEPUTY CLERK:** Thank you, be seated. Pull that mic
11 close to your mouth.

12 **CHRISTOPHER NELSON,**
13 after having first been duly sworn, did testify as follows:

14 **DIRECT EXAMINATION BY MR. JOHNSON:**

15 Q. Good morning, Mr. Nelson.

16 A. Good morning.

17 Q. My name is Adam Johnson. I have a few questions for you.

18 A. Sure.

19 Q. Could you please state your full name for the record, please.

20 A. Christopher Douglas Nelson.

21 Q. Mr. Nelson, do you run or own GPP?

22 A. Yes.

23 Q. How long have you been doing that for?

24 A. I think since '15 or '16, 2015 or '16.

25 Q. Are there some other DAs in Louisiana that are associated with

1 GPP?

2 A. Yes.

3 Q. Who are they?

4 A. Let's see. 15th JDC. I think as far as DAs, that's it. We
5 deal with other sheriff's departments and whatnot.

6 Q. Do you have other district attorneys that are investors in GPP?

7 A. No.

8 Q. You had dealings with Dusty Guidry; is that correct?

9 A. Yes.

10 Q. Explain that.

11 A. I met Dusty Guidry in the course of doing business. Just in
12 the course of business, I met him.

13 Q. Okay. Did Dusty Guidry have a relationship with your business
14 where he received commissions?

15 A. No.

16 Q. Never received a commission?

17 A. No.

18 Q. Did Dusty Guidry ever inform you that my client had invested in
19 GPP?

20 A. No, sir.

21 Q. Did he ever inform you that Perry Nicosia had invested in GPP?

22 A. No, sir.

23 Q. What about Joe Waitz?

24 A. No, sir.

25 Q. You ever met my client?

1 A. I met him at lunch one time several years ago.

2 Q. By happenstance?

3 A. I'm sorry?

4 Q. By happenstance?

5 A. A mutual friend of ours suggested that we meet. I was trying
6 to get other contacts in the industry.

7 Q. Did my client receive any money through GPP?

8 A. No, sir.

9 Q. Through Dusty or otherwise?

10 A. Not to my knowledge.

11 Q. People that invested in GPP, did they have to pay money up
12 front in order to invest in GPP?

13 A. I had a business -- I mean, I've had business partners, but I
14 don't really understand your question.

15 Q. Who were your business partners?

16 A. Brett Lala, Greg Lala, and Steven Guidry.

17 Q. Was Dusty a business partner?

18 A. No.

19 Q. Was my client a business partner?

20 A. No.

21 Q. Did Dusty ever inform you that my client had invested money
22 with him to invest in GPP?

23 A. No.

24 Q. Did Mr. Nicosia or Mr. Waitz invest money?

25 A. No.

1 Q. With GPP?

2 A. No, sir.

3 **MR. JOHNSON:** No further questions, Your Honor.

4 **CROSS-EXAMINATION BY MR. NICKEL:**

5 Q. Hey, Mr. Nelson. How are you? My name is John Nickel. I'm an
6 AUSA.

7 A. Good.

8 Q. Just a few questions.

9 A. Sure.

10 Q. So can you explain to us what GPP is?

11 A. It started out as a credit card processing company.

12 Q. Meaning that, for example, if I go to the store and I buy
13 something with a credit card, you provide the service of that
14 transaction happening; correct?

15 A. Yes.

16 Q. And you may not -- your item or your technology isn't owned by
17 the store. You're a third party that provides that service to that
18 store; correct?

19 A. That is correct.

20 Q. And the only store you provided a service to was the 15th
21 Judicial District; correct?

22 A. No, sir.

23 Q. As far as district attorney's offices go.

24 A. Yes.

25 Q. Are you aware that Mr. Haynes is an ADA there?

1 A. I was told that.

2 Q. Do you know the term "conflict of interest"?

3 A. Yes, sir.

4 Q. So are you getting paid for every transaction at the -- let's
5 say for the 15th JDC, for every person going and signing up for an
6 enrollment fee, would you get paid a percentage of that?

7 A. We charged a convenience fee, and it's a portion of that.

8 Q. Okay. So not a percentage, just a portion?

9 A. It is a percentage, 3.99 percent.

10 Q. And you would agree that if an ADA or an employee of the 15th
11 JDC did invest with you, any money they got from that percentage
12 would be improper; correct?

13 A. Yes, sir.

14 **THE COURT:** Any redirect?

15 **REDIRECT EXAMINATION BY MR. JOHNSON:**

16 Q. At the time that you were doing business with the -- when did
17 you first start doing business with the Lafayette District
18 Attorney's Office?

19 A. It's been several years.

20 Q. It was prior to Don Landry coming into office?

21 A. I'm not really familiar with who Don Landry is.

22 Q. Okay. You were retained, I guess, to do the processing for the
23 Lafayette District Attorney's Office. Did my client have anything
24 to do with that?

25 A. No, sir.

1 **MR. JOHNSON:** No further questions, Your Honor.

2 **THE COURT:** How did you get the contract for the 15th
3 District Court, sir?

4 **THE WITNESS:** We have a sales guy that worked for us that
5 set up a presentation with an elderly lady -- I don't recall her
6 name -- and another employee Zoila. I don't remember her last
7 name, either. I believe she's still there. But we presented our
8 services, and the elderly lady signed our agreement.

9 **THE COURT:** Okay. Any follow-up questions based on that?
10 Sir, you may step down. Thank you.

11 Are you due, Mr. Johnson? The defendant may call its
12 next witness.

13 **MR. JOHNSON:** Your Honor, we're waiting on one to arrive.
14 I apologize. Can we approach, Your Honor?
15 (Begin bench conference.)

16 **MR. JOHNSON:** So Mr. Menard is about ten minutes away.
17 He's on his way.

18 **THE COURT:** We've been going about 20 minutes this
19 morning and you're out of witnesses.

20 **MR. JOHNSON:** Well, I apologize. I thought David was
21 going to be -- I thought we were going to have time with David.

22 **THE COURT:** Nobody else here you can call?

23 **MR. JOHNSON:** I don't believe so. We've got them all en
24 route.

25 **MR. CLEMONS:** Odinet is en route as well as Josh

1 Guillory, the mayor.

2 **MR. WALKER:** Former mayor.

3 **MR. CLEMONS:** Former mayor, I'm sorry. Former mayor.

4 Judge, we can just take early recess and then we'll be ready.

5 **THE COURT:** We've only been going for 20 minutes.

6 **MR. CLEMONS:** I understand.

7 **MR. JOHNSON:** As you can see, I wasn't trying to drag
8 them out.

9 **THE COURT:** Okay. Well, make sure we don't have anymore
10 lapses like this.

11 **MR. JOHNSON:** Yes, sir.

12 (End bench conference.)

13 **THE COURT:** Ladies and gentlemen, we're going to take a
14 brief recess at this time to take care of some matters. We'll call
15 you back when we're ready for you.

16 All rise for the jury.

17 (Jury not present.)

18 **THE COURT:** Let me know when the next witness arrives.

19 **MR. JOHNSON:** Yes, Your Honor.

20 (Off the record at 9:39 a.m.; resumed at 9:52 a.m.)

21 **THE COURT:** Please be seated. So who's the next witness,
22 Mr. Clemons/Mr. Johnson?

23 **MR. JOHNSON:** Mr. Randy Menard.

24 **THE COURT:** So I didn't know if it was the other person
25 we discussed.

1 A. All right.

2 Q. Can you please state your full name for the record, please?

3 A. Randal L. Menard.

4 Q. And Mr. Menard, are you an attorney?

5 A. I am.

6 Q. How long have you been practicing law?

7 A. Thirty-four years.

8 Q. Have you worked at the prosecutor's office?

9 A. I did for 14 months or so.

10 Q. And was that when Mr. Landry came into office?

11 A. It was.

12 Q. Okay. So 14 months from January to April of -- January '21 to
13 April of 2022, about?

14 A. Yes. I quit on April 1st.

15 Q. Tell me, have you ever worked in another profession?

16 A. Before I was an attorney?

17 Q. Yes.

18 A. I was a police officer for ten years: five years at the
19 sheriff's office when Carlo Listi was sheriff and five years at
20 City Police of Lafayette.

21 Q. In what capacities did you work in?

22 A. At the sheriff's office I was a road deputy, working the
23 parish, you know, whatever zone I was in. And then probably a
24 year, year and a half in, I became a detective, working property
25 crimes.

1 Q. Okay.

2 A. And then I left and went to the city police. And I always
3 worked the road. And I did my undergraduate work while I was at
4 the city police. So I ended up -- I had a captain who allowed me
5 to take off whatever time I needed. We had K-time because you'd
6 work overtime. I'd then come back so I didn't have to take full
7 half day or a day. And then I ended up transferring to ATAC, which
8 is Alcohol Traffic Action Campaign, which allowed me to work at
9 night and go to school in the morning.

10 Q. Never too late to invest in yourself; right?

11 A. I'm sorry?

12 Q. I said, "Never too late to invest in yourself." So you went
13 back to law school after graduating college?

14 A. Yeah, I went to UL from summer of '84 to May of '88, and then
15 in August of '88 I moved to Baton Rouge to go to law school at LSU.

16 Q. Okay. Now, how did you come to work for the Landry
17 Administration?

18 A. I had supported Don during his election and I knew Gary. And
19 Gary, you know, worked for Don in the campaign. And so I did what
20 I could to help. I told him, "I might be interested in doing some
21 prosecutorial work," because I was a policeman for ten years and
22 I'm on the verge of retiring and I thought I've never done
23 prosecution so it might be a good way to end my career.

24 Q. And you had been practicing law for how long at that period of
25 time?

1 A. Well, that's, what, four years ago? And I been in now 34
2 years, so 30 years.

3 Q. Okay. And where were you sort of assigned once you came to
4 work for -- in January of 2021 for the DA's office?

5 A. It was felony prosecutions, and I was track leader of Track 3.
6 There were five tracks. Track 1 was all drugs; 2 to 5 was all
7 other felonies, not drugs.

8 Q. And tell me how did -- so you considered Mr. Haynes a friend?

9 A. Yeah.

10 Q. Okay. Tell me about the track system and how cases were
11 assigned to the track division.

12 A. How cases were assigned?

13 Q. Yes.

14 A. Track 2 through 5 each take a week of the month, and whatever
15 crimes are committed -- felony crimes that aren't drugs --
16 committed during that week, it goes to the track, whoever is the
17 track of the week. The exception to that is felony follows felony,
18 which means if a perpetrator is already in the systems, already
19 have a prosecution open on him, then this new felony follows the
20 old one; so it would go to whoever is handling the original stay
21 with the same prosecutor, same judge.

22 Q. Okay. Now, so they come in by week, whatever week it is, and
23 they go to the track if they're not drugs; correct?

24 A. Correct.

25 Q. And what track specifically did you work in?

1 A. Track 3. It was Judge Castle's track.

2 Q. And so did you handle all types of cases?

3 A. Yes.

4 Q. And if you wanted to consider a case for pretrial, tell me how
5 that process went.

6 A. Well, I knew of pretrial because we had a brief presentation
7 not long after we started to remind everybody about the pretrial
8 program. And if you had somebody that was not convicted of
9 anything that is, you know, first offense, they would deserve a --
10 maybe deserve a second chance, then we could set it to pretrial
11 diversion, which my understanding they do classes and other things
12 to rehabilitate or whatever. And once that's done, then if charges
13 were accepted, then they are dismissed.

14 Q. Okay. All right. So you're assigned the file. You screen the
15 file, as it's called?

16 A. Yes.

17 Q. And if you wanted to send it to pretrial, what is your
18 understanding that happens after that point?

19 A. If I wanted to send it to pretrial, I told my secretary or
20 paralegal, say, "Send it to pretrial and see if they qualify."
21 Based on something we may not see -- I mean, based on what we see.
22 We get the rap sheet, so we know if there are any convictions or
23 anything. So she would send it to pretrial diversion, the person I
24 think who was in charge under Gary. I think Gary is in charge of
25 pretrial diversion. He was the ADA in charge. Zoila was kind of I

1 think the supervisor there, and they had other ladies that worked
2 under her who would get assigned cases. So it would go to them,
3 and then they would review it and let you know if they qualify or
4 not.

5 Q. By "go to them," do you mean Zoila and the --

6 A. Yeah. Zoila, and I don't know -- I don't know if it goes to
7 Zoila first and she assigns it or, you know, how they divide the
8 cases. I don't know.

9 Q. Okay. And if they rejected the case, you would be sent the
10 case back? Is that how it worked?

11 A. Yeah. We would get a notification from them that it doesn't
12 qualify or rejected for whatever reason. Then we would put it back
13 on the track for prosecution.

14 Q. Understood. And you said specifically what track were you?

15 A. Three.

16 Q. Okay. And on average, how many cases did you have assigned to
17 you at one time?

18 A. Well, I can tell you when I started, the guy that I took his
19 place was 100-150 cases behind. So, you know, I worked day and
20 night to go through all of them and review them and get them into
21 the system. I think between Johnny and I we each had about a
22 thousand cases, active cases.

23 Q. And when you came to work for the Landry Administration, was
24 there also a backlog of cases that existed at the time from the
25 previous administration or from COVID?

1 A. Well, like I said, when I walked in --

2 **MR. WALKER:** Your Honor, the only reason I'm objecting,
3 this is really cumulative. I think we have had half the
4 prosecution witnesses, as well as half the defense witnesses, have
5 all testified about the fact that there was a backlog of cases. If
6 this is what this witness has come to testify about, I think it's
7 cumulative and I don't think there's any need for it.

8 **MR. JOHNSON:** We're talking about -- may I respond, Your
9 Honor? I'm sorry. We're just talking about the flow of cases. If
10 everybody is willing to stipulate there was a backlog of cases from
11 COVID, I can move on.

12 **THE COURT:** There has been a lot of testimony about that,
13 Mr. Johnson, that's true.

14 **MR. JOHNSON:** Sure.

15 **BY MR. JOHNSON:**

16 Q. So threw me off. I apologize.

17 All right. Now, while you were there working for Don
18 Landry, did my client ever pressure you to put a case in pretrial?

19 A. No.

20 Q. Did he ever come by and say --

21 A. I don't think he -- look, I knew Gary. From time to time -- we
22 were two doors down or so -- I would go run things by him, you
23 know, with a case I was reviewing or something. I considered him a
24 friend. He never came -- as far as I recall, he has never asked me
25 to put anybody in pretrial.

1 Q. Okay. Was he going by -- sorry. Let's go back to this meeting
2 initially. You said there was an initial meeting with all the ADAs
3 shortly after Mr. Landry came in office?

4 A. Correct.

5 Q. Okay. And who was at that meeting?

6 A. Well, all the ADAs that were there that day and Mr. Landry and
7 Gary and Dusty Guidry.

8 Q. Okay. Do you recall who did most of the talking at that
9 meeting?

10 A. Well, I think Gary might have kind of introduced Dusty and told
11 us why we were there, talked about the pretrial diversion and then
12 turned it over to Dusty. So probably Dusty did most of the talking
13 about pretrial.

14 Q. And the idea was if you have a case that's eligible --

15 **MR. WALKER:** Excuse me. There's no way he can take what
16 he's doing right now and turn it into a nonleading question, with
17 hands and everything going.

18 **THE COURT:** Can you direct the witness to testify about
19 what you want him to say?

20 **MR. JOHNSON:** Sure.

21 **BY MR. JOHNSON:**

22 Q. And what was the purpose of that meeting as you understood it?

23 A. It was to remind everyone of the pretrial diversion program. I
24 think a comment was made that it was probably underutilized with
25 the previous DA, and they wanted to utilize it more. And they had

1 brought Dusty in, who I think he worked in Baton Rouge in pretrial
2 diversion or something. And I think he had worked maybe in the
3 Harson Administration. And they wanted us to remember about it and
4 consider that when you reviewed cases if anybody qualified to get
5 them in.

6 Q. Beyond that initial conversation, did my client ever talk to
7 you about pretrial diversion?

8 A. No.

9 Q. Did he ever interfere with your review of cases?

10 A. No.

11 Q. Now, I'm sorry, were you contacted by the FBI to give an
12 interview?

13 A. No.

14 **MR. JOHNSON:** No further questions, Your Honor.

15 **THE COURT:** All right.

16 **CROSS-EXAMINATION BY MR. WALKER:**

17 Q. Doesn't sound like you really -- Hi. I'm Luke Walker.

18 A. Hey, Luke. How are you?

19 Q. Good. It doesn't sound like you really know a whole lot about
20 the pretrial diversion program.

21 A. I wasn't in the pretrial diversion. I didn't know a whole
22 bunch about it other than, you know, it's to give people a second
23 chance and avoid prosecution if they qualified for it.

24 Q. But in terms of, like, the internal working of it, it sounds
25 like you said that basically cases go to them, they do whatever

1 they are going to do. And if the case fits, then they can have it;
2 and if not, it gets sent back to you.

3 A. True.

4 Q. By the way, if I ask a question like that and it's confusing,
5 please ask. I'll break it down into pieces.

6 A. Yes, sir.

7 Q. Do you know about, like, the rules about pretrial diversion in
8 terms of if a person is in pretrial diversion what they have to do?

9 A. No. I know they're monitored. I think it depends on the
10 cases. I don't know what the requirements for all of them, but I
11 know there's screening, there's drug screening. If it's an OWI, I
12 think they put one of those things in your car that you have to
13 blow in before your car will start. I think there are courses and
14 I think a lot of those courses are online. That's all I know.

15 Q. So the people who put on the online course -- have you ever
16 heard somebody described as a vendor?

17 A. I'm not sure. I'm not sure -- I was going to say I have heard
18 it a lot since all of this happened, but I'm not sure that I had
19 heard that before.

20 Q. So let me ask you a question. We're not going to call them
21 vendors because it sounds like you don't really know that name very
22 well. The people that put on the online courses, okay?

23 A. Yeah.

24 Q. Who we're talking about. Can an assistant district attorney
25 take money from the people who are putting on the online courses?

1 **MR. JOHNSON:** Objection, Your Honor. He's asking for a
2 legal conclusion.

3 **MR. WALKER:** It's not a legal -- I'm just asking what he
4 knows. I mean, if he knows. He's taken courses. He's an
5 assistant district attorney, or he was.

6 **THE COURT:** I'll allow it.

7 **BY MR. WALKER:**

8 Q. Can an assistant district attorney take money from the people
9 putting on the courses in return for his official duties?

10 A. The question is: Can an ADA collect money from a vendor for
11 personally or for the office?

12 Q. Personally.

13 A. I don't think so. I mean, my understanding is all the money
14 that came in went to the office.

15 Q. Right. And you didn't know about Gary Haynes discussing,
16 considering taking money from people who were the vendors; right?

17 A. I had no firsthand knowledge of that other than what I read in
18 the press.

19 Q. Because if you had known that, you would have told the district
20 attorney and said, "Man, this man is way off the reservation. We
21 need to do something"; right?

22 **MR. JOHNSON:** Judge, we left the land of his personal
23 knowledge and now entering the land of full speculation from a lack
24 of knowledge. I think it's inappropriate.

25 **THE COURT:** Sustained.

1 **BY MR. WALKER:**

2 Q. You talked about Gary Haynes and you talked about Dusty Guidry
3 and the pretrial intervention in that meeting that you had at the
4 beginning.

5 A. Toward the beginning of when I started, yes.

6 Q. Correct. You knew that Gary Haynes was the assistant district
7 attorney over the pretrial intervention program.

8 A. Correct.

9 Q. He was the person who made decisions about who got into
10 pretrial intervention?

11 A. Well, I don't know about that. He's in charge of the division
12 and he has people under him that work. I don't think Gary reviews
13 any of the cases on his own, for any reason, unless his staff
14 brings it up to him or something. That's speculation on my part.
15 But I don't think Gary was reviewing cases.

16 Q. So if you saw a bunch of cases that had his initials on the
17 bottom of them and it said "Approved, Gary Haynes," you just
18 recognized that you just didn't know that part of his job?

19 A. Yeah, and I didn't see any of those.

20 Q. You didn't really see much of anything about the pretrial
21 intervention paperwork; correct?

22 A. Correct.

23 **MR. WALKER:** Can I have a moment, Your Honor? Thank you.

24 **REDIRECT EXAMINATION BY MR. JOHNSON:**

25 Q. You had no reason to believe there was -- that the file, when

1 you sent it to pretrial, was just not going to Zoila; correct?

2 A. Did I have any reason to believe it was not going to Zoila?

3 Q. Right.

4 A. Yeah, I don't know who it went to. What my thought was, it
5 went to the ladies that worked pretrial diversion.

6 Q. Correct. When you were answering questions by the Government,
7 what you're saying was, is you were not under the impression that
8 Mr. Gary reviewed every case you sent?

9 **MR. WALKER:** He is leading the witness and he also talked
10 about his impression.

11 **THE COURT:** Okay. You are leading the witness.
12 Mr. Menard, did you know how the inner workings of the
13 PTI program worked?

14 **THE WITNESS:** No.

15 **THE COURT:** Do you know that?

16 **THE WITNESS:** Other than --

17 **THE COURT:** I think he said a lot of different ways to
18 both counsel that he didn't really know how it worked, so let's
19 move on.

20 **MR. JOHNSON:** I can't ask him about --

21 **THE COURT:** You can ask him again if you have a
22 clarifying question about that.

23 **BY MR. JOHNSON:**

24 Q. Sure. I was just going to ask: When you sent a case to
25 pretrial, it was not your understanding that another attorney

1 reviewed the file before it went to Zoila?

2 **MR. WALKER:** I object, Your Honor.

3 **THE COURT:** He can answer the question if he knows.

4 **THE WITNESS:** No. It was not my understanding that it
5 went to another attorney.

6 **BY MR. JOHNSON:**

7 Q. What you were saying in response to the Government was, is that
8 if they had, you know, legal questions or something like that, they
9 would then take those up to Gary. Is that what you were trying to
10 explain?

11 A. Well, yeah. I suspected that if Zoila and them had any
12 questions, they would talk to Gary about it.

13 **MR. JOHNSON:** Thank you.

14 **THE COURT:** All right. Mr. Menard, you may step down.

15 **THE WITNESS:** Thank you.

16 **MR. M. CLEMONS:** At this time, Your Honor, we will call
17 Sonya Anderson.

18 **THE COURT:** Sonya Anderson, okay.

19 **THE DEPUTY CLERK:** Raise your right hand, please, ma'am.

20 Do you solemnly swear or affirm that the testimony you give in this
21 matter will be the truth, the whole truth, and nothing but the
22 truth, so help you God?

23 **THE WITNESS:** Yes.

24 **THE DEPUTY CLERK:** Thank you.

25 **SONYA ANDERSON,**

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

2 **DIRECT EXAMINATION BY MR. M. CLEMONS:**

3 Q. Good morning, Ms. Anderson. Can you state your full name for
4 the record?

5 A. Sonya Anderson.

6 Q. And how are you doing today, Ms. Anderson?

7 A. I'm doing well. How about yourself?

8 Q. Good, as well.

9 Ms. Anderson, were you ever employed at the -- I say the
10 Lafayette Parish District Attorney's Office, the 15th District
11 Attorney's Office, I'm referring to the same thing. Were you
12 employed with the Lafayette Parish District Attorney's Office?

13 A. Yes.

14 Q. For about how long would you say?

15 A. Thirty-three years.

16 Q. And when did you start?

17 A. In 1990.

18 Q. And because of that, have you worked under various district
19 attorneys?

20 A. Yes.

21 Q. And you were employed at the Lafayette District Attorney's
22 Office under Mr. Don Landry; is that correct?

23 A. Yes.

24 Q. And what was your role at the district attorney's office under
25 Mr. Landry?

1 A. I was a pretrial intervention coordinator.

2 Q. And as a coordinator, it's my understanding, was there
3 coordinators and then there was a director for pretrial
4 intervention?

5 A. Yes.

6 Q. And who was the director for pretrial intervention?

7 A. Zoila Perez.

8 Q. And was Ms. Perez your supervisor?

9 A. Yes.

10 Q. And could you explain the process of how cases would get into
11 pretrial intervention? Would it start with the prosecutor who was
12 over the case?

13 A. The cases would come into the office and it would go through
14 the file room. And then they do the rap sheets and all that. And
15 then it would go through the prosecutor. And then the prosecutor
16 would refer the case to pretrial.

17 Q. And so the case would go to y'all's office; correct?

18 A. Uh-huh.

19 Q. Or the DA's office. And then the prosecutor would receive the
20 file. And I'm assuming, would they review the file?

21 A. Yes.

22 Q. And would they determine whether they believe a person was
23 eligible for pretrial intervention?

24 A. Yes.

25 Q. And if they did determine that a person was eligible for

1 pretrial intervention, they would refer the case to y'all's office?

2 A. Correct, and it would go to Zoila Perez.

3 Q. And it would go to the pretrial department; correct?

4 A. Correct.

5 Q. And then, so the first person it would go to was Zoila?

6 A. Yes.

7 Q. And where would it go from there?

8 A. Once she would review the case and see if the person was
9 actually qualified to do the program, then she would assign the
10 cases to one of the coordinators.

11 Q. So she would determine whether the person was eligible and then
12 assign it to you guys?

13 A. Yes.

14 Q. And who all were the other coordinators, as well, in the office
15 besides you?

16 A. There was Elisia Osei, Sunny Robinson, Vanessa Bobb, Mia --
17 jeez, I can't even think of her last name -- Colomb. And then,
18 well the other person came after, after --

19 Q. Got you.

20 A. -- everything else.

21 Q. And so when Ms. Perez would refer to the coordinators, what
22 would you guys do from there?

23 A. Then we would send an acceptance form to the prosecutor, and
24 then we would reach out to the defendant.

25 Q. And in some circumstances -- so would you say that was the

1 standard procedures of y'all's office?

2 A. Yes.

3 Q. And would there be some circumstances where Mr. Haynes or Mr.
4 Dusty Guidry, they would not even review the file; it would go to
5 Zoila, to the coordinators, and then back to the prosecutor?

6 A. Yes.

7 **MR. M. CLEMONS:** And one second, Your Honor. I'm going
8 to show an exhibit to the witness.

9 **THE COURT:** Okay.

10 **MR. M. CLEMONS:** Defense Exhibit 16, solely to the
11 witness.

12 **BY MR. M. CLEMONS:**

13 Q. Is it on your screen? Do you see it?

14 A. Oh, I'm sorry. Yes.

15 Q. Do you see a note, it's a handwritten note in front of you?

16 A. Yes.

17 Q. And is this your handwriting?

18 A. Yes.

19 Q. And you wrote this note?

20 A. Yes.

21 **MR. M. CLEMONS:** At this time, Your Honor, I'll offer,
22 file, and introduce Defense Exhibit 6.

23 **MR. LOEW:** Your Honor, the United States ultimately is
24 not going to object, but he hasn't laid a foundation enough to get
25 this exhibit in.

1 **THE COURT:** That's true.

2 **BY MR. M. CLEMONS:**

3 Q. Ms. Anderson, you said that this is your note?

4 A. Yes.

5 Q. And is there a date at the top of the note?

6 A. December 9th of 2021.

7 Q. And you wrote this note on December 9th of 2021?

8 A. Yes.

9 Q. And is it referring to pretrial intervention matters?

10 A. Yes.

11 **THE COURT:** Did you write the note as part of your
12 regular job responsibilities? In other words, were you writing
13 this note to help you perform your job and it's something you would
14 normally do?

15 **THE WITNESS:** Yes, and to remember, like, what I was
16 told. Yes.

17 **THE COURT:** To remember what was happening at that
18 moment?

19 **THE WITNESS:** I don't -- to be honest with you, I don't
20 know why I wrote it, but there was the instruction, so I just made
21 a note of it.

22 **THE COURT:** You likely made this note right around the
23 time the instruction was given; correct?

24 **THE WITNESS:** I would have written it the day that it was
25 given, yes.

1 **THE COURT:** Any objection?

2 **MR. LOEW:** No, Your Honor.

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

4 **MR. M. CLEMONS:** Thank you, Your Honor.

5 **BY MR. M. CLEMONS:**

6 Q. And would you routinely take notes --

7 A. On everything, yes.

8 Q. -- as part of your job? What was your response?

9 A. I said, "On everything, yes." Every case that I had, yeah.

10 Q. And I'm referring to the top of the note where it says

11 "December 9, 2021."

12 **MR. M. CLEMONS:** And may I publish it to the jury?

13 **THE COURT:** Yes.

14 **BY MR. M. CLEMONS:**

15 Q. What does your note say at the top, the very first line?

16 A. [As read] "Per Gary Haynes, no OWI second program." Do you
17 want me to read the whole thing?

18 Q. We can stop for now. DWI second, that's an offense that
19 somebody can be charged with?

20 A. Yes.

21 Q. And in your understanding, is a DWI second a misdemeanor or a
22 felony?

23 A. I don't remember. I think at one point it was a felony and
24 then they changed it to a misdemeanor. I don't remember honestly.

25 Q. And when you wrote this down, this would have been per Mr.

1 Haynes' instruction?

2 A. Yes.

3 Q. And is that referring to him -- y'all not accepting DWI second
4 offenses into the pretrial diversion program?

5 A. I don't know if it meant that or if it was just, like, no DWI
6 program, second program. I don't recall why I wrote it down, but I
7 did.

8 Q. But would that have been referring to the pretrial
9 intervention?

10 A. Correct.

11 Q. And Ms. Anderson, do you see the part there where it says
12 "December 15th of 2021" towards the bottom?

13 A. Yes.

14 Q. And does that reflect that per Zoila, Mr. Dusty Guidry will
15 remain in the office?

16 A. Yes. Well, not that he was -- wait. He's still a part of the
17 office. He wasn't in the office. He was still a part of the
18 office.

19 Q. Right. And at this time, he wasn't physically inside the
20 office building; correct?

21 A. Not that I recall.

22 Q. But it shows that he was still part of the office?

23 A. Correct.

24 Q. And do you know if Mr. Dusty Guidry was arrested around this
25 time?

1 A. I believe that that was around the time, yes.

2 Q. And do you believe that this was after Mr. Dusty Guidry was
3 arrested?

4 A. I think so. I think that's why I wrote the note down.

5 **MR. M. CLEMONS:** That's all I have, Your Honor. I tender
6 the witness.

7 **THE COURT:** Okay. Thank you.

8 **MR. LOEW:** Can we just leave this exhibit up for now and
9 I'll use that?

10 **THE COURT:** Yes.

11 **THE WITNESS:** Good morning.

12 **CROSS-EXAMINATION BY MR. LOEW:**

13 Q. Good morning. Do you remember back in May of 2022, shortly
14 after the FBI searched your -- the district attorney's office, that
15 you spoke with the FBI?

16 A. Yes.

17 Q. So if through any of my questions, if you don't remember
18 something, they wrote a report, a summary, and if you need that to
19 refresh your recollection, just let me know and I'll give you a
20 copy, because that was more than three years ago.

21 A. Okay. Thank you.

22 Q. Do you remember that once District Attorney Landry took over,
23 that there were lots of changes in the PTI program?

24 A. Yes.

25 Q. For one, he put the defendant, Gary Haynes, in charge of the

1 program; right?

2 A. Yes.

3 Q. And he hired Dusty Guidry as a consultant?

4 A. Yes.

5 Q. And those were two different positions; right? You didn't go
6 to Gary for -- you went to Gary for certain things; you went to
7 Dusty for other things?

8 A. Correct.

9 Q. But Gary was the boss?

10 A. Correct.

11 Q. In fact, you told the FBI -- do you remember that the changes
12 in the PTI program came from Gary Haynes and you didn't even think
13 that Don Landry knew about them?

14 A. Yes.

15 **MR. LOEW:** I don't think I have anymore questions.

16 **THE COURT:** Okay. Any redirect?

17 **MR. M. CLEMONS:** No further questions.

18 **THE COURT:** Thank you, ma'am. You may step down.

19 **THE WITNESS:** Am I free to leave?

20 **THE COURT:** Yes. Thank you.

21 **MR. JOHNSON:** May we approach for just one second, Your
22 Honor.

23 (Begin bench conference.)

24 **MR. JOHNSON:** Michelle Odinet is our next witness. She
25 resigned I think at the end of 2021. I don't want that brought up,

1 but I want to discuss that with you before.

2 **MR. WALKER:** We can ask --

3 **MR. CLEMONS:** One at a time.

4 **MR. JOHNSON:** I told her I wasn't going to discuss that.

5 **THE COURT REPORTER:** I'm sorry. I can't hear you.

6 **MR. JOHNSON:** I'm sorry, Judge. I told her I would sort
7 of bring that up. She was -- it was sort of, you know, put in the
8 news. She resigned. I think it was some video released from her
9 house or something where she says something inappropriate. And so
10 she's sort of released. I kind of wanted to get an idea. She
11 obviously doesn't want to, you know, relive that, you know, moment
12 for obvious reasons.

13 **THE COURT:** Why would that be relevant to our trial?

14 **MR. JOHNSON:** I don't think it's relevant, but I just
15 wanted to cover it beforehand so I assure it wouldn't be brought
16 up.

17 **MR. CLEMONS:** We're not bringing it up, Judge.

18 **MR. LOEW:** I think it might be relevant.

19 **THE COURT:** Why?

20 **MR. LOEW:** I don't know what's going to come out on
21 direct exam, but there's some conversations between Gary and his
22 coconspirators where he talks about conversations he had with the
23 judge and that they frequently delete their conversations after
24 they have them over text messages. I mean, I can see the effect of
25 them doing that going both ways in this case, but if the

1 conversations -- I think I can get into that about them deleting
2 conversations. Like, why did you delete these conversations?
3 Maybe they were about bad stuff she was doing for why she had to
4 resign. I don't know.

5 **THE COURT:** That seems thin, Mr. Loew, frankly. I mean,
6 you know, obviously, you can cross-examine her about deleting
7 conversations with the defendant; but, you know, a video taken at
8 her home where she said some really inflammatory comments that the
9 jury probably already knows about, frankly -- some of them probably
10 already know about it -- I don't see how that's more relevant than
11 it is prejudicial to the jury.

12 **MR. LOEW:** Mainly, I want to get into the issue of
13 deleting the text.

14 **THE COURT:** Yeah, of course.

15 **MR. LOEW:** I mean, I don't know what was -- obviously,
16 they're deleted. I don't know what was on them. This may be a
17 silly question, but when a judge resigns, do we still call her
18 Judge Odinet?

19 **THE COURT:** I would just call her Ms. Odinet.

20 **MR. CLEMONS:** Yeah, she's not here as a judge. She's
21 here as a witness.

22 **MR. LOEW:** I just wanted to be respectful.

23 **THE COURT:** I don't know. I mean, I think certainly if
24 you retire. Yeah, you would still call her judge, I think. I know
25 -- I don't know. I mean, she probably doesn't insist people call

1 her.

2 **MR. LOEW:** Are you going to call her judge?

3 **MR. JOHNSON:** Ms. Odinet.

4 **MR. LOEW:** That's what I'll call her.

5 **THE COURT:** You're going to call her what?

6 **MR. JOHNSON:** Ms. Odinet.

7 **THE COURT:** That's good.

8 **MR. CLEMONS:** If you slip up and say judge, I don't think
9 she's going to --

10 **MR. JOHNSON:** One additional question. You're not saying
11 there's calls between my client and her that were recorded?

12 **MR. LOEW:** No. Yeah, correct. That's not what I'm
13 saying. It's your client talking to Dusty and Leonard about that.

14 **MR. CLEMONS:** Judge, may I just interject this.
15 Everybody in the world knew about what happened to her and why she
16 was forced to resign.

17 **MR. LOEW:** I didn't know.

18 **MR. CLEMONS:** But that's not something somebody would
19 delete texts about. Why would they --

20 **THE COURT:** Yeah, it's pretty thin.

21 **MR. CLEMONS:** That's my point.

22 **THE COURT:** I think that's opening a whole different --

23 **MR. CLEMONS:** Right. That's what I wanted to say.

24 **THE COURT:** -- topic that doesn't need to be brought up.

25 (End bench conference.)

1 **THE COURT:** All right. The defendant may call its next
2 witness.

3 **MR. JOHNSON:** Sure, Your Honor. The defense calls
4 Michelle Odinet.

5 I apologize, Your Honor. She's en route. We thought she
6 was here.

7 We'll call Zoila Perez.

8 **THE COURT:** Okay. Let's swear Ms. Perez in again.

9 **THE DEPUTY CLERK:** Do you solemnly swear or affirm that
10 the testimony you give in this matter will be the truth, the whole
11 truth, and nothing but the truth, so help you God?

12 **THE WITNESS:** I do.

13 **THE DEPUTY CLERK:** Thank you.

14 **ZOILA PEREZ,**
15 after having first been duly sworn, did testify as follows:

16 **DIRECT EXAMINATION BY MR. JOHNSON:**

17 Q. Good morning, Ms. Zoila.

18 A. Good morning.

19 Q. How are you?

20 A. I'm doing fine. Thank you.

21 Q. Good to see you again.

22 A. You, too.

23 Q. My name is Adam Johnson, as you know. I have a few questions
24 for you.

25 A. Yes, sir.

1 Q. Now, as part of your duties as the pretrial department
2 director, did you and others compile numbers of cases that you
3 rejected or accepted into pretrial?

4 A. I would actually keep a list of -- yes, sir. Once I assigned
5 cases, I would keep a chart on each coordinator. And if we were to
6 accept it, we would put the date -- I would actually put the date
7 of enrollment or rejection/termination to keep track of cases that
8 way.

9 Q. And these were numbers kept by each coordinator?

10 A. Actually, I kept that record. They may have kept their own
11 record, but for me to see a case was being processed, not just
12 sitting, I would review that and make sure something was done on
13 the case.

14 Q. Okay. Now, you indicated that when the -- previous testimony
15 that when the Government came and searched the DA's office, that
16 they had a list of names; isn't that correct?

17 A. A list of names of who, sir?

18 Q. Of files that they wanted. Do you recall that?

19 A. Oh, yes, sir.

20 Q. And you said that you were able to locate about approximately
21 40 of those files?

22 **MR. WALKER:** Your Honor, my only objection is especially
23 considering the last time she testified, I would ask that the
24 defense ask nonleading questions.

25 **THE COURT:** That's correct. You have to ask nonleading

1 questions, Mr. Johnson.

2 **MR. JOHNSON:** Your Honor, she's a witness that was
3 associated with the Government's case. Under the adversarial
4 witness rule, she doesn't -- I don't -- my understanding is she
5 doesn't have to be hostile for me to -- in order to lead her.

6 **MR. WALKER:** She's not associated with either case. We
7 did call her. The defense is calling her. I couldn't lead her
8 when she was my witness in my case. Defense, I submit --

9 **THE COURT:** That's correct. I don't think she's
10 affiliated with the Government. She was certainly subpoenaed by
11 the Government and she was subpoenaed by you, as well, Mr. Johnson.

12 **MR. JOHNSON:** And she got a Kastigar letter.

13 **THE COURT:** That was discussed previously?

14 **MR. JOHNSON:** I believe so.

15 **MR. WALKER:** She didn't get a Kastigar.

16 **THE COURT:** I don't remember that, Mr. Johnson.

17 **MR. JOHNSON:** I'll get clarity on that. My understanding
18 was, is that she had; but if I misspoke, I'll clarify that.

19 **THE COURT:** Ask nonleading questions.

20 **MR. JOHNSON:** Sure.

21 **BY MR. JOHNSON:**

22 Q. So do you recall the search warrant and them wanting a number
23 of names?

24 A. Yes, sir.

25 Q. And do you remember how many, approximately, names it was?

1 A. I really can't remember. It was a few files, quite a few.
2 Over 20 probably.

3 Q. Okay. So was it over a hundred?

4 A. I don't think it was that number, no.

5 Q. And could you locate all the files?

6 A. Yes. I believe we located every one that they did ask for.

7 Q. Okay. So every file that they asked for, you were able to
8 pinpoint?

9 A. Yes, sir.

10 Q. Now, as part of Mr. Landry's administration, did y'all shorten
11 the amount of time that you could complete pretrial?

12 A. As far as shorten their probation time? Or are you speaking of
13 what made a person eligible? In other words, the time period of if
14 they had a conviction three to ten -- three to five years ago,
15 that, yes.

16 Q. Fair question. What I mean is, is once they were approved for
17 pretrial, did you -- were coordinators given parameters where they
18 could early complete someone if they complied with all their
19 conditions?

20 A. No. There were certain cases that had a probation time period
21 of 9 months to 12 months. There were some that did not have a
22 probation time, like the misdemeanors and the felonies. Once those
23 completed -- it could be in a month-two months they would complete.
24 But the OWIs, the felony drugs, there was a mandatory probation
25 time.

1 Q. So for certain files it was as soon as you get your conditions
2 done, we'll complete you?

3 A. Yes, sir.

4 Q. With other files, it was mandatory 9 to 12 months, or whatever
5 it was?

6 A. Yes, sir.

7 Q. And sometimes that was set by the coordinator?

8 A. That was -- no. It was not set by the coordinator. It was set
9 for all cases equally the same. That was the rules.

10 Q. I understand. So on this list of cases that you track who
11 comes in, what is the information that you track on this? You know
12 what document I'm kind of referring to that you keep?

13 A. Yes. I do know. I created it in order to be able to keep
14 track of what was going on with each case. Every month I assigned
15 the cases to the coordinators. I keep a chart and has the
16 defendant's name, the report number, the date we received it from
17 the ADA, and then the disposition. If it was accepted, rejected,
18 terminated, completed, I would put a date. On every coordinator, I
19 kept that.

20 Q. And do you also track when the pretrial diversion letter was
21 sent to the person?

22 A. That is for the coordinator to send out. So once I received
23 the case back once it's completed, that's when I review everything.

24 **MR. JOHNSON:** Okay. I'd like to show just the witness
25 Government's Exhibit 6.

1 **BY MR. JOHNSON:**

2 Q. Do you recognize that document?

3 A. Yes, sir.

4 Q. And that's just the first page of the document; correct?

5 A. Yes.

6 Q. But is that the document that we've been referring to here?

7 A. Yes, sir.

8 Q. Okay. And this is the document that you kept on every
9 coordinator; correct?

10 A. Yes.

11 Q. And this document tracks when you received it, when the person
12 was enrolled, when the case was rejected, if it was rejected;
13 right?

14 A. Yes, sir.

15 Q. If they completed, when they completed?

16 A. Yes.

17 Q. And if they were terminated, the date they were terminated;
18 correct?

19 A. Yes, sir.

20 Q. And correct me if I'm wrong, but certain cases, their pretrial
21 diversion program, like with respect to traffic or something, might
22 only be take one class and you're done; correct?

23 A. I don't handle the traffic cases.

24 Q. Do you track those with the coordinator, though?

25 A. Not the traffic cases, only the OWIs because we do not handle

1 traffic except for OWI cases.

2 Q. Fair point. But some of the programs would have less
3 conditions than other programs; correct?

4 A. Yes, sir. Correct.

5 Q. Depending on the seriousness of the charge; correct?

6 A. Yes, sir.

7 **MR. JOHNSON:** Your Honor, I would like to offer, file,
8 and introduce Government's Exhibit 6.

9 **MR. WALKER:** Your Honor, Government Exhibit 6 is a
10 142-page document. He has a single page.

11 **MR. JOHNSON:** Sure. I can flip through it if you want,
12 Your Honor.

13 **MR. WALKER:** If it's the Government exhibit, if you
14 intend to offer the 142-page document, which is Exhibit 6, we don't
15 object to it.

16 **THE COURT:** All right. Without objection, I'll admit it.

17 **MR. WALKER:** And we don't have an opposition to it being
18 Government's Exhibit 6. It's marked as Government Exhibit 6.

19 **MR. JOHNSON:** I'm going to give a copy of it, Your Honor.
20 I don't want to unnecessarily dilute the record. I just want this
21 list. So if it's less pages than the full 142, then I'm just going
22 to look at it.

23 **THE COURT:** We'll just admit the Government exhibit. It
24 is already labelled as such. We will just admit it as that.

25 **MR. JOHNSON:** Can you publish that now, please?

1 **BY MR. JOHNSON:**

2 Q. So that's the list we're referring to; correct?

3 A. Yes, sir.

4 Q. And you see in the column it says, on the first column, it has
5 the person's name; is that correct?

6 A. Yes, sir.

7 Q. It has the report number; correct?

8 A. Yes.

9 Q. It has the date received?

10 A. Yes.

11 Q. The date enrolled?

12 A. Yes.

13 Q. And it has date rejected; correct?

14 A. Yes, sir.

15 Q. And then date complete?

16 A. Yes.

17 Q. And then if they were terminated, it has date terminated?

18 A. Yes.

19 Q. Is that right?

20 A. Yes, sir.

21 **MR. JOHNSON:** Can we scroll through that? On that first

22 -- I'm sorry. Go back to the first page. My bad.

23 **BY MR. JOHNSON:**

24 Q. So that's for OWI Lafayette Parish Reports Received; correct?

25 A. Yes, sir.

1 Q. And "January 2021" is at the top there; correct?

2 A. Yes, sir.

3 Q. And so that's for Vanessa?

4 A. Yes.

5 Q. And that's Vanessa Bobb; correct?

6 A. Yes, sir.

7 Q. And you see a number of rejections there; is that correct?

8 A. Yes, sir.

9 Q. I count -- 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 -- 11; is that
10 correct?

11 A. Yes, sir.

12 Q. And then for February there's a good number of rejections
13 there, as well; correct?

14 A. Yes, sir.

15 Q. There's also people that have enrolled; right?

16 A. Yes, sir.

17 Q. Completed?

18 A. Yes, sir.

19 Q. As well as been terminated; correct?

20 A. Yes, sir.

21 **MR. JOHNSON:** Continue.

22 **MR. WALKER:** Your Honor, I'm not sure if the defense
23 intends to go through all 142 pages of this document.

24 **MR. JOHNSON:** I don't, but that's why I was going to look
25 at it later, Your Honor. But I want to go until I get to a place

1 where I'm comfortable.

2 **THE COURT:** Please proceed.

3 **MR. JOHNSON:** Thank you.

4 **BY MR. JOHNSON:**

5 Q. Ms. Zoila, that's March?

6 A. Yes, sir.

7 Q. Again, a lot of rejections; correct?

8 A. Yes.

9 **MR. JOHNSON:** Continue.

10 **BY MR. JOHNSON:**

11 Q. April, two rejections; is that correct?

12 A. Yes.

13 Q. It continues on to the next list. See that? It continues on
14 to the next page? Not next list, I'm sorry.

15 A. Yes.

16 Q. A number of rejections; correct?

17 A. Yes, sir.

18 Q. Okay. The next one's in May?

19 A. Yes.

20 Q. And, again, cases are -- some are being accepted, some are
21 being rejected; correct?

22 A. Yes, sir.

23 Q. And we tracked these cases throughout the months of January all
24 the way to December, on into the next year of 2022; correct?

25 A. Yes, sir.

1 Q. Okay. And this was standard practice; correct?

2 A. Yes.

3 Q. Is this what you referred to as, like, sort of your master
4 list?

5 A. Yes. This is how I kept track of cases.

6 **MR. JOHNSON:** Continue.

7 **BY MR. JOHNSON:**

8 Q. And this is just OWI cases; correct?

9 A. Yes, sir, only.

10 Q. And the pretrial coordinators, to be clear, the pretrial
11 coordinators, y'all had a pretrial office; right?

12 A. Yes, sir.

13 Q. And did y'all handle pretrial for all three of the offices?

14 A. All three parishes?

15 Q. Yes.

16 A. Yes.

17 Q. So you had -- it wasn't that there was a -- because the DA's
18 office had three different offices; correct?

19 A. There's three different parishes we handle, but the
20 coordinators -- Vanessa Bobb would go to Acadia Parish and handle
21 Acadia Parish cases. Mia Colomb would handle Vermilion Parish.
22 But those cases would come to Lafayette.

23 Q. And so the way I understand the case -- the typical way a case
24 would come in is it would come in through intake; is that right?

25 A. Yes, sir.

1 Q. And then it would be --

2 **MR. WALKER:** Your Honor, respectfully, if he could just
3 stop leading the witness.

4 **THE COURT:** She can explain how the case would come in,
5 Mr. Johnson.

6 **BY MR. JOHNSON:**

7 Q. What happens next? After case comes in to intake, what
8 happens?

9 A. Once I receive the case? Once I receive it from an ADA, I
10 review the rap sheet and make sure the offense is an eligible
11 offense. And then I assign it to a coordinator, or I reject it if
12 it's not.

13 Q. Okay. But before -- just to be clear, before that, when the
14 case first gets to the DA's office, just initially arrives, meaning
15 it hasn't gone to the ADA -- do you understand what I'm saying?

16 A. It's in the file room?

17 Q. Yeah.

18 A. Yes.

19 Q. What happens next? It's assigned to an ADA?

20 A. Yes. For the file room, I'm not exactly certain how they
21 process everything; but it goes to the track leader. And then the
22 track leader assigns it to who they want to assign it to, the ADA,
23 and then I receive it from the ADA.

24 Q. And then from you, it goes to one of the coordinators it is
25 assigned; right?

1 A. Yes, sir.

2 Q. And what you're doing is, is it that you are just trying to
3 manage how many cases each one of them has?

4 A. Yes, try to make sure it is equal.

5 Q. But that's how the flow of cases operated at the district
6 attorney's office; correct?

7 A. Yes, that's correct.

8 **MR. JOHNSON:** Okay. Your Honor, can I show the witness
9 Defense Exhibit 16?

10 **THE DEPUTY CLERK:** Only the witness?

11 **MR. JOHNSON:** Just to her.

12 **BY MR. JOHNSON:**

13 Q. Do you remember me showing this note to you?

14 A. I do remember.

15 **MR. JOHNSON:** It can be published now. It's been
16 introduced into evidence.

17 **BY MR. JOHNSON:**

18 Q. And so you recall me asking you about that the first time you
19 came and testified?

20 A. Yes, sir.

21 Q. And you said -- I think you recognized Sonya Anderson's
22 handwriting?

23 A. Yes.

24 Q. Right, you were.

25 **MR. WALKER:** Objection, Your Honor. One, he is making

1 statements; and, two, he is, again, leading the witness.

2 **THE COURT:** Mr. Johnson, just ask the witness what you
3 want to about this exhibit.

4 **BY MR. JOHNSON:**

5 Q. So do these appear, in your estimation, to be notes taken by
6 Sonya?

7 A. Yes.

8 Q. And do they appear to be notes taken by Sonya following the
9 events that occurred in December of 2021?

10 A. Yes. It states December of 2021.

11 Q. Okay.

12 A. So sorry.

13 Q. No problem. And the DWI-second program, that was put into
14 place; is that right?

15 A. Yes, sir.

16 Q. And this appears to be notes suggesting it's going to be
17 cancelled; correct?

18 A. I didn't read everything. I just read the date.

19 Q. Well, take your time.

20 A. Yes, sir.

21 Q. And is it your understanding that the DWI second offense
22 program was cancelled?

23 A. Yes.

24 Q. Okay. Do you see Sonya's note at the bottom of the page
25 regarding "as per Zoila"?

1 A. Yes.

2 Q. And is that note accurate?

3 A. Yes, sir.

4 Q. That you did speak with Don?

5 A. Yes.

6 Q. And that he instructed you that Gary would be taking Dusty's
7 place; is that right?

8 A. That's what it states, yes.

9 Q. But also that Dusty was still with our office. He wasn't at
10 the office, but he was still a consultant with the office; correct?

11 A. Yes, sir.

12 Q. So during that period of time where afterwards he was
13 suspended, was he just suspended -- what was your understanding of
14 him being suspended?

15 A. The way we understood it, he was suspended and that if we still
16 had to talk to him, we could still contact him.

17 Q. Meaning he could -- you could still get in touch with him;
18 right?

19 A. Yes, sir.

20 Q. But he just wasn't going to be physically at the office?

21 A. Exactly.

22 Q. Okay. He did eventually come back to the office, though, and
23 start working; right?

24 A. Yes, sir.

25 Q. In March?

1 A. I believe so, yes.

2 Q. So, and people were in contact with Dusty during that period of
3 time in between December and May?

4 A. Yes.

5 Q. And to be clear, your understanding was that Dusty was arrested
6 December 10th of 2021?

7 A. Yes, sir.

8 Q. So this note that we're looking at here from December 15th --

9 A. Yes.

10 Q. -- appears to be from after he was arrested; right?

11 A. Yes, sir.

12 Q. And after he was placed on suspension?

13 A. Yes.

14 Q. Correct?

15 A. Yes.

16 **MR. JOHNSON:** One second, Your Honor. Can I show just
17 the witness Defense Exhibit 13? I'm sorry, 151. Just the witness.

18 **BY MR. JOHNSON:**

19 Q. Okay. You recall me asking you about a file with Richard
20 Walker?

21 A. Yes, sir.

22 Q. And that was a file -- explain to me what happened with Richard
23 Walker's file. When did you find that file? And how did you come
24 to find it?

25 A. That was regarding the defendant that we -- he spoke to us

1 about having to pay \$7,000 to Joseph Prejean for a program that he
2 came through for an OWI and he had finished very quickly. And so
3 that was brought to our attention that he paid \$7,000 through Mr.
4 Prejean for going through the OWI program real quickly.

5 Q. And you discovered that Dusty Guidry enrolled this person?

6 **MR. WALKER:** Objection, Your Honor. He can't lead the
7 witness.

8 **BY MR. JOHNSON:**

9 Q. Who enrolled this person?

10 A. Dusty Guidry.

11 Q. And you located this file; is that right?

12 A. Yes, sir.

13 Q. This file was not initially located as part -- I'm sorry. Was
14 this file initially located as part of the initial search by the --

15 A. I really can't recall that, but it should have been. I don't
16 know. I'm so sorry. I can't remember that.

17 Q. It's okay. But ultimately, you did find this file; is that
18 right?

19 A. Yes, sir.

20 Q. And you brought this file to the attention of the Government?

21 A. Yes, sir.

22 Q. Do you recognize that document in front of you?

23 A. Yes, sir.

24 Q. And is that from Richard Walker's PTI file?

25 **THE COURT:** Mr. Johnson, please stop leading the witness.

1 You just have to ask her questions that she can answer based on her
2 understanding. Don't suggest the answer in your questions.

3 **MR. JOHNSON:** Sure. I'm sorry.

4 **BY MR. JOHNSON:**

5 Q. Where did you locate this?

6 A. It should have been with all of the other files when we were
7 looking for them.

8 Q. What file was this in relation to?

9 A. Richard Walker.

10 Q. And is this document from that file?

11 A. Yes, sir.

12 **MR. JOHNSON:** Your Honor, I'd like to offer, file, and
13 introduce this as Defense Exhibit 151.

14 **MR. WALKER:** No objection.

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

16 **MR. JOHNSON:** Sure. And publish that. Just give it a
17 little more time. It's kind of a long paragraph.

18 **THE COURT:** Ms. Perez, let us know when you're finished
19 reading it.

20 **THE WITNESS:** Oh, yes, sir. Thank you. Actually, I'm
21 familiar with it. I was just rereading it again.

22 **THE COURT:** I think she is familiar with it, Mr. Johnson.

23 **MR. JOHNSON:** Thank you, Judge.

24 **BY MR. JOHNSON:**

25 Q. Read that second page, as well.

1 A. Yes, sir.

2 **MR. JOHNSON:** Now, I'd like to show just the witness
3 Defense Exhibit 11.

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

5 **BY MR. JOHNSON:**

6 Q. Now, you recognize this form?

7 A. Yes, sir.

8 **MR. JOHNSON:** If we could, don't show the jury, but flip
9 through these forms.

10 **MR. WALKER:** Your Honor, this defense exhibit is 999
11 pages long. I'm not sure if the intent is to go through all 999
12 pages. I'm not sure what's relevant.

13 **MR. JOHNSON:** No, Your Honor.

14 **THE COURT:** Are you seeking to offer this exhibit?

15 **MR. JOHNSON:** I am, Your Honor, but not all 990 pages.

16 **THE COURT:** Okay. What pages are you seeking to offer?

17 **MR. JOHNSON:** So just the years from January of 2021 to
18 March -- I mean to May of 2022.

19 **MR. WALKER:** This is a pretrial intervention program
20 document. It's not --

21 **MR. CLEMONS:** Judge, can we just approach the sidebar
22 instead of doing this in front of the jury?

23 **THE COURT:** Yeah.

24 (Begin bench conference.)

25 **THE COURT:** So this is a lengthy exhibit. And what is it

1 exactly, Mr. Johnson?

2 **MR. JOHNSON:** It's basically all of the PTI rejection
3 memos that were sent to all of the attorneys at the office.

4 **THE COURT:** ADAs sent them over there?

5 **MR. JOHNSON:** Right, that Zoila tracked and had copies of
6 and y'all got as part of the search of the office.

7 **MR. WALKER:** So are you just generally going to introduce
8 it? Or are you talking --

9 **MR. JOHNSON:** Yeah, I was planning on showing her --

10 **MR. WALKER:** -- about all 999 pages?

11 **MR. JOHNSON:** No.

12 **MR. WALKER:** Because that's what I'm trying to figure
13 out. She can testify to the fact of the rejections, but are you
14 planning on going through all 999 pages in front of the jury?

15 **MR. JOHNSON:** No, no. My plan was, is just to show her,
16 like, the first, like, month that we just went through. Recognize
17 these are these documents. You produced documents to the
18 Government, and then I'll produce -- you know, I'll introduce --

19 **MR. WALKER:** You want to introduce all 999?

20 **MR. JOHNSON:** I want to introduce from January until, you
21 know --

22 **THE COURT:** January of '21?

23 **MR. JOHNSON:** -- to May.

24 **THE COURT:** To May of '22?

25 **MR. JOHNSON:** That's right.

1 **MR. WALKER:** How many pages is that?

2 **MR. JOHNSON:** I think it's several hundred pages. I can
3 call it, though, and I can just have her identify the exhibit.
4 She's the one that kept the records.

5 **MR. WALKER:** The difficulty is, and, Your Honor, maybe
6 I'm wrong and maybe this Court is different. But in federal court,
7 if you're going to introduce a document that's going to be sent
8 back to the jury or used, everything has to be published to the
9 jury. That's my understanding of the way the Court works. And I
10 don't know that you have those documents in such a way that you
11 know where to stop. I mean, I know it's 999 pages.

12 **MR. JOHNSON:** We can -- I can get her to introduce it,
13 lay the foundation, introduce. We just don't have to publish it
14 right now. We can publish it after lunch, and I can call it down.

15 **THE COURT:** Yeah, I don't know necessarily that it has to
16 be published to the jury in court. I mean, bank records are
17 offered all the time, and they're just offered in globo and summary
18 charts attached to the top that's discussed with the jury. I don't
19 know that that's true. Certainly, it's a business record.

20 Does the Government have any reason to dispute that these
21 are, in fact, authentic documents?

22 **MR. WALKER:** I don't have a reason.

23 **THE COURT:** Or that they leave something out from them?

24 **MR. WALKER:** I don't have any reason to dispute those
25 things. I'm just trying to --

1 **THE COURT:** Have you looked through them? Are you
2 comfortable what's in this exhibit?

3 **MR. WALKER:** I have not looked through that entire
4 exhibit, but I recognize the pages and what they are that I've seen
5 so far.

6 **MR. CLEMONS:** And we got them from the Government.
7 Judge, can I just suggest this; that we just make a clear record of
8 what they are so that the jury will know exactly -- similar to the
9 bank records. The jury don't want to see 10,000 pages of bank
10 records. You just got to tell them what they are so they know I
11 don't want to see that.

12 **THE COURT:** That's fair. That's right. What we'll do is
13 after you know which pages you're offering and the Government has
14 actually looked through those, we won't introduce them at this
15 point. We'll have her talk about it and we'll introduce it later.

16 **MR. JOHNSON:** Okay. That sounds good.

17 **MR. CLEMONS:** Just make a clear record so the witness can
18 tell the jury what they are.

19 **THE COURT:** Lay the foundation.

20 Mr. Walker, anything?

21 **MR. WALKER:** I may move to introduce the entire document,
22 all 999 pages of it.

23 **THE COURT:** We can address that. Yeah, that's fine.

24 (End bench conference.)

25 **BY MR. JOHNSON:**

1 Q. Ms. Zoila, you recognize these documents?

2 A. Yes.

3 Q. And I have just shown you just a few of them; correct?

4 A. Yes.

5 Q. Now, what are these documents that I'm referring you to?

6 A. Those are rejection forms.

7 Q. And y'all tracked rejection forms?

8 A. I do. Yes, sir.

9 Q. And you kept copies of them?

10 A. Yes. I keep copies of every year.

11 Q. By year?

12 A. Yes.

13 Q. Okay. And those documents were requested from you by the
14 Government?

15 A. Yes.

16 Q. And you produced those documents?

17 A. Yes.

18 **MR. JOHNSON:** Okay. Judge, subject to our discussion,
19 I'm not going to introduce those at that point; but that completes
20 my foundation for these documents with this witness.

21 **THE COURT:** And we can show the jury at this time what
22 the document looks like if you would like to do so.

23 **MR. JOHNSON:** Sure. You can put that one document. Just
24 show the witness or the jury?

25 **THE COURT:** You can show the jury.

1 **MR. JOHNSON:** Sure.

2 **THE COURT:** We're just showing it to them right now.
3 We're going to admit the globo document later.

4 **THE DEPUTY CLERK:** Thank you, Judge.

5 **BY MR. JOHNSON:**

6 Q. And so these records, you tracked them by year; right?

7 A. Yes, sir.

8 Q. So you would have, if we wanted to introduce, from January
9 until May of 2022; right?

10 A. Yes.

11 **MR. JOHNSON:** Okay. No further questions, Your Honor.

12 **THE COURT:** Okay.

13 **CROSS-EXAMINATION BY MR. WALKER:**

14 Q. Hello.

15 A. Hi.

16 Q. So the defense put up a whole lot of rejection letters. You
17 saw those?

18 A. Yes.

19 Q. And you identified them?

20 A. Yes, sir.

21 **MR. WALKER:** Could you pull up, I believe it's Defense
22 Exhibit 11 and I think it's page 34. Is that the last page that
23 was up? It's been introduced, so I'd ask that it be published.

24 **THE DEPUTY CLERK:** It wasn't introduced the judge said.

25 **THE COURT:** You can publish it again, the page that was

1 shown to the jury.

2 **MR. WALKER:** It was published, so I would ask that it be
3 shown.

4 **THE DEPUTY CLERK:** Same page.

5 **MR. WALKER:** Same page. Could you blow up the bottom
6 half of that page.

7 **BY MR. WALKER:**

8 Q. First of all, does it show why he was rejected?

9 A. Yes, sir. When we mark an X, that's the reason defendant
10 failed to appear for scheduled appointment.

11 Q. So every time a defendant fails to appear for a scheduled
12 appointment, you kind of have to reject them; right?

13 A. Yes.

14 **MR. WALKER:** And now, can you blow up the top of that
15 document?

16 **BY MR. WALKER:**

17 Q. This guy was possession of a Schedule IV, which is a type of
18 drug; correct? An illegal drug?

19 A. Yes.

20 Q. And he was taking contraband into a penal institution?

21 A. Yes.

22 Q. Even with that crime, they offered pretrial intervention?

23 A. Yes.

24 Q. And he just didn't show up?

25 A. Yes.

1 Q. So as a result of that, he was rejected?

2 A. Yes.

3 Q. And actually, rejections happen -- big old stack of rejections
4 you saw, a case will be rejected if a defense attorney says, "Hey,
5 I want to look at discovery"; right?

6 A. Yes.

7 Q. And so he says, "I want to look at discovery." It gets
8 rejected. It may get put back on the docket later; right?

9 A. Yes.

10 Q. But when you look at the document, when you look at that big
11 document that's got a list of all those cases, you might have a
12 case that gets rejected, rejected, rejected, accepted?

13 A. Yes.

14 Q. Just depending on if he has a private attorney who wants to
15 look at discovery or if he didn't get there in time. Are those all
16 reasons why a person might have rejected -- have multiple rejected
17 pretrial intervention notations on that document?

18 A. Yes.

19 Q. So really the pretrial intervention rejected doesn't tell you a
20 whole lot in terms of if he was rejected because the crime was too
21 serious or because Gary Haynes had determined he should be
22 rejected?

23 A. Correct.

24 Q. In fact, Gary Haynes, is he the person typically who does the
25 rejection? Or is that something that's done inside of the pretrial

1 intervention office?

2 A. It's either going to be the coordinator or myself.

3 Q. So in this case, Elisia Osei, she rejected it because of the
4 fact that the guy never showed up?

5 A. Correct.

6 Q. The defense talked about -- hang on one second. The defense
7 talked about the Walker case. Remember that?

8 A. Yes, sir.

9 Q. And you saw that, based on your review, that Joe Prejean had
10 gotten \$7,000 from that person?

11 A. Yes.

12 Q. And apparently Dusty Guidry got a portion of that?

13 A. Yes.

14 Q. And both of them have pled guilty in federal court; is that
15 right?

16 A. Yes, sir.

17 Q. Do you know if Gary Haynes got any money?

18 A. No, sir.

19 Q. You just don't know?

20 A. No, sir.

21 Q. He may or may not have?

22 A. I don't know.

23 Q. The defense asked you about these rejections and showed you
24 this big stack of rejections. During the time '21 to '22, did
25 y'all get an award from the District Attorney's Association of

1 putting more people through pretrial intervention than any other
2 judicial district in the state of Louisiana?

3 A. Yes, sir.

4 Q. And, in fact, y'all have a plaque on your wall right now that
5 shows y'all push more people through pretrial intervention than
6 anybody else in the state of Louisiana?

7 A. Yes, sir.

8 Q. At the time that that was going on, did you know that Leonard
9 Franques was paying kickbacks?

10 A. No, sir.

11 Q. Did he pay you kickbacks?

12 A. No, sir.

13 Q. Did he pay any of your other people kickbacks that you're aware
14 of?

15 A. No, sir.

16 Q. So that's a thing you didn't know about?

17 A. No.

18 Q. The defense talked about the fact that there's a document that
19 shows Gary Haynes had not been fired from the office. You remember
20 that handwritten note?

21 A. Yes, sir.

22 Q. Okay. So what we do know is that --

23 A. Dusty Guidry.

24 Q. I'm sorry. Dusty Guidry.

25 A. I understood.

1 Q. My apology. I'm terrible with names and I do it all the time.

2 And thankfully, Mr. Nickel corrected me.

3 Dusty Guidry got arrested for drugs; correct?

4 A. Yes.

5 Q. And he was put on administrative leave?

6 A. Yes.

7 Q. And he remained on administrative leave?

8 A. Yes.

9 Q. Until March?

10 A. Yes.

11 Q. Between December, when he was placed on administrative leave,
12 and March, according to the note -- and I'm asking you according to
13 you, as well -- Gary Haynes had to take on all of his job and also
14 all of the job of Dusty Guidry?

15 A. Yes.

16 **MR. JOHNSON:** Your Honor, just for the record --

17 **MR. WALKER:** That's what the note says.

18 **MR. JOHNSON:** He objected to me leading the witness. I
19 understand he's on cross. But at the outset of his reason for
20 objecting to my leading the witness was him specifically
21 referencing the incident that occurred with her prior testimony,
22 which I think was referenced to me asking her leading questions and
23 her just saying yes, you know, over and over again. So what's good
24 for the goose is good for the gander.

25 **THE COURT:** I didn't pick that up.

1 Ms. Perez, I'll just ask you. Please make sure, before
2 you answer any question, that you have knowledge of the answer
3 before you say it.

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

5 **THE COURT:** When we're under oath in federal court, we
6 can't just be agreeable. We have to make sure that our answers are
7 100 percent solid.

8 **THE WITNESS:** I'm sorry. It's my first time I've ever
9 done this.

10 **THE COURT:** You're doing fine.

11 **BY MR. WALKER:**

12 Q. You remember the note itself? It was put on the screen in
13 front of you.

14 A. Yes, sir.

15 Q. And on the note itself, it said that Gary Haynes was having to
16 do his duties as well as Dusty Guidry's duties.

17 A. Yes.

18 Q. Would you agree that he did, in fact, have to do double duty
19 during that entire time between December and March?

20 A. Yes, sir.

21 Q. Did y'all still have a whole lot of PTI cases coming in?

22 A. Yes, sir.

23 Q. Was he still signing off on PTI cases?

24 A. The ones he had to approve, yes.

25 **MR. WALKER:** Can I have a moment, Your Honor?

1 **THE COURT:** Yes.

2 **MR. WALKER:** Thank you very much.

3 **THE WITNESS:** Thank you.

4 **REDIRECT EXAMINATION BY MR. JOHNSON:**

5 Q. Ms. Zoila --

6 A. Yes.

7 Q. -- that award that y'all got --

8 A. Yes.

9 Q. -- it was issued by PIPS; correct?

10 A. Yes.

11 Q. At the time that that award was given, you were on the board at
12 PIPS?

13 A. Yes.

14 Q. Vanessa Bobb was on the board --

15 A. Yes.

16 Q. -- at PIPS?

17 A. Yes, sir.

18 Q. What was Dusty Guidry's role? What position did he have?

19 A. I think at that time he was vice president.

20 Q. Okay. And was it Dusty that recommended the program for the
21 award?

22 A. Yes.

23 Q. In fact, was it Dusty that typed up the award on his own
24 computer?

25 A. I don't know. I do not know that.

1 Q. Have you seen the draft of the copy of the award that was
2 given?

3 A. I don't recall him doing that on my computer.

4 Q. And the award was for most improved; correct?

5 A. Yes.

6 Q. Did it specifically say in the award that y'all have put the
7 most people in the state of Louisiana through the pretrial
8 diversion, like the Government said? Or did it just say "most
9 improved"?

10 **MR. WALKER:** Again, as always, he's leading.

11 **THE COURT:** Do we have a copy of it to refresh the
12 witness' recollection? Does anybody have a copy of the award?

13 **MR. JOHNSON:** I do, Your Honor. I just -- it would take
14 me a bit to find it. I can probably get it in through another
15 witness, or we can pause and I can find it. It was just a plaque,
16 though, Your Honor, is what I'm referring to.

17 **THE COURT:** Ms. Perez, do you know if the award said --
18 whether the award said "most improved" or if it said "most
19 productive"? What was the award for exactly?

20 **THE WITNESS:** If I recall, it said "most improved."

21 **BY MR. JOHNSON:**

22 Q. Did it say you put the most people through pretrial?

23 A. No, sir.

24 Q. So the prosecution's description of it was not accurate?

25 A. He described for the reasons that we got the most improved.

1 Q. And what were -- was that part of the reason? Was that all of
2 the reason? Do you know?

3 A. I can't tell you what all the reasons were. I can just say it
4 may have been one of the reasons that we got most improved.

5 Q. And at a board meeting, it was Dusty that recommended the
6 award?

7 A. Yes.

8 Q. Do you know who had the plaque made?

9 A. The PIPS board.

10 Q. They made the plaque?

11 A. From what I understand, the PIPS.

12 Q. Do you know whose duty that specifically fell to, to actually
13 have the plaque made?

14 **MR. WALKER:** Objection, Your Honor.

15 **THE WITNESS:** I'm sorry. I don't know who actually made
16 the plaque.

17 **THE COURT:** What's the objection?

18 **MR. WALKER:** It's okay. I have withdrawn it now.

19 **BY MR. JOHNSON:**

20 Q. Were you responsible for typing up the minutes --

21 A. Yes.

22 Q. -- of the PIP meetings?

23 A. Yes, sir.

24 Q. And you have seen those in discovery, the minute meetings? Or
25 no?

1 A. If I typed that into the minute -- I don't think I would have
2 typed who made the plaque. We'd just talk about the conferences
3 that we're preparing for.

4 Q. But you kept the minutes from the PIPS?

5 A. Yes, sir.

6 Q. Okay. Gary Haynes wasn't on the PIPS board, was he?

7 A. No, sir.

8 **MR. JOHNSON:** No further questions, Your Honor.

9 **THE COURT:** All right. Ms. Perez, thank you for your
10 testimony.

11 May this witness be released?

12 **MR. WALKER:** It's fine with us.

13 **THE COURT:** Mr. Johnson?

14 **MR. JOHNSON:** No objection, Your Honor.

15 **THE COURT:** You may step down, Ms. Perez. You are
16 released from your subpoena. You may go about your normal
17 business.

18 **MR. CLEMONS:** Judge, we call Mr. Josh Guillory.

19 **THE DEPUTY CLERK:** Raise your right hand, please, sir.

20 Do you solemnly swear or affirm that the testimony you give in this
21 matter will be the truth, the whole truth, and nothing but the
22 truth, so help you God?

23 **THE WITNESS:** I do.

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

25 **MR. CLEMONS:** Proceed Judge?

1 **THE COURT:** Yes, sir.

2 **JOSH GUILLORY,**

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

4 **DIRECT EXAMINATION BY MR. CLEMONS:**

5 Q. Good morning, Mr. Guillory.

6 A. Good morning, sir.

7 Q. I appreciate you coming over. I know you're playing hurt. You
8 feeling better?

9 A. Much. Thank you for your courtesies.

10 Q. No problem. No problem.

11 I just have a few questions for you, Mr. Guillory. First
12 of all, let us know when you served as mayor for the --

13 A. January 2020 until December 2023.

14 Q. So January '20 to December '23?

15 A. Four-year term, yes, sir.

16 Q. And correct me if I'm wrong -- I'm from Lake Charles where we
17 got a mayor -- but here in Lafayette you're on the mayor-president,
18 different system?

19 A. That's correct.

20 Q. Help me briefly understand that to make sure I don't ask any --

21 A. Two jobs, one salary.

22 Q. What's the difference between a mayor of Lake Charles and a
23 mayor -- and it's called a mayor or parish president?

24 A. Mayor-president.

25 Q. -- mayor-president?

1 A. It was once city parish president.

2 Q. What's a mayor-president?

3 A. Two functions, a parish president and a mayor, very simple.

4 Just that.

5 Q. Combined into one?

6 A. Yep. So in the function of mayor, you would operate as mayor.

7 As the function as parish president, you would act as parish

8 president.

9 Q. And your role as it relates to city court, is that the mayor
10 hat or the mayor-president hat? Or does it matter?

11 A. I would say that's more of the -- well, it's the
12 mayor-president is the role, so I can't split the role. So by
13 charter, that's part of the functions. But city court is actually
14 a separate entity.

15 Q. Right.

16 A. It's an autonomous entity. There's a city prosecutor that's
17 appointed by the mayor-president that answers to the city parish
18 attorney.

19 Q. And city court, does it cover the Lafayette city jurisdiction
20 boundaries? Or does it cover, like in Lake Charles, it's called
21 city court, but it's actually Ward 3 Court. Explain that to me.

22 A. Good explanation. So to my knowledge, best of my knowledge, it
23 covers -- the jurisdiction city court is all of city of Lafayette
24 and I think two wards outside the city, but I could be wrong on
25 that.

1 Q. Okay. But definitely the city limits?

2 A. Yes, sir.

3 Q. Okay. Bring your attention to January of '21. Did you -- or
4 at any point around that time -- I think I have my dates right --
5 did you reappointment Mr. Haynes as city attorney?

6 A. I don't remember the date, but I did reappoint him.

7 Q. And my understanding, he was already in office and you just
8 reappointed him -- I'm sorry. I think I said city -- I meant city
9 prosecutor. I think I said city attorney.

10 A. City prosecutor.

11 Q. Right. But he was in office, and my understanding you
12 reappointed him to the office he was already in?

13 A. That's correct.

14 Q. Okay. Now, I want to talk to you about the pretrial
15 intervention program. And it's my understanding from the trial and
16 speaking with you, bringing your attention to '21, you didn't have
17 a pretrial intervention program in city court at that time in just
18 say September-October timeframe of '21. Am I right?

19 A. That's correct. I don't think city court has one now.

20 Q. And isn't it true that you desired to get one in city court?

21 A. Yes.

22 Q. And tell the jury just briefly why it was your strong desire to
23 get one in city court.

24 A. Well, just looking for solutions. You know, you look around
25 the state and there's a lot of courts that have -- and excuse me.

1 I'm under the weather, so I apologize if I sound a little off. But
2 if you look around the state, there is a ton of pretrial diversion
3 programs that help a lot of people, a lot of communities. I feel
4 like in this situation, being a mayor-president, I had the unique
5 capacity to look at both the city's well-being and also the
6 parish's well-being. And pretrial diversion could have helped us a
7 lot on the parish side, especially in those type of times, 2021,
8 2020. I don't know if you recall in Lafayette there was armed
9 protests that came in; our jails were over flooded; we had COVID
10 backlog. It could have helped the parish. And I believe it could
11 have helped the city, too.

12 Further, my knowledge is in the parish jail we had people
13 sitting in jail for more than the maximum amount of time that they
14 would have been sentenced had they pled. That was my
15 understanding. That was what was briefed to me.

16 And so I see all this, and I said, "Why the heck?" It's
17 2021, I believe you said. Why in 2021 does the City of Lafayette,
18 the fourth largest city in the state, not have a pretrial diversion
19 program? I was actually very frustrated at the time.

20 Q. And I think you alluded to it, but just to be clear, for those
21 multitude of reasons there was a severe backlog of cases in city
22 court?

23 A. Yes, sir.

24 Q. But you also knew, from your experience and working with
25 colleagues, that PTI programs could be lucrative, as well,

1 financially?

2 A. I don't know about that.

3 Q. You didn't have any information that PTI could be lucrative or
4 profitable?

5 A. In what regard?

6 Q. I'm sorry?

7 A. In what regard?

8 Q. In generating revenue --

9 A. Oh, yeah.

10 Q. -- in excess of --

11 A. Well, you --

12 Q. Mr. Guillory, let me finish my question.

13 A. Oh, sorry.

14 Q. What I mean lucrative, I mean generating revenue in excess of
15 the expenses that it costs to run the program. That's what I mean.

16 A. Well, you shouldn't run the program if it's going to cost your
17 city money that you don't have. That would be my position.

18 But yes, I think -- and I said that on the phone to you.

19 I think that's an indirect impact of pretrial diversion. Many

20 people have a lot of motivations as far as bringing pretrial

21 diversion. I wanted my jails cleared. I didn't want people

22 sitting in jail for longer than they needed to be. I felt like the

23 courts were backlogged. Although, city court, pretty efficient.

24 I'll give them that. But even city court could probably be a

25 little bit more efficient with the pretrial diversion program.

1 That's my opinion, but there are people that disagree with me.

2 Q. Right.

3 A. And it's not around right now, so those people probably outrank
4 me.

5 Q. Right.

6 A. Or outnumber me.

7 Q. And it's come to the attention in this trial that -- are you
8 familiar with Dusty Guidry?

9 A. Yes.

10 Q. And it's come to the attention of the jury that Dusty Guidry
11 made the comment to two different people in October of '21 that if
12 Gary didn't get the program started immediately, he would be fired,
13 per you.

14 **MR. NICKEL:** Objection, Judge, to the attorney saying
15 something that was previously mentioned in here. This witness has
16 been sequestered. There is no way he can know what was said
17 previously to this jury.

18 **THE COURT:** I'll sustain the objection, and I'll sustain
19 it based on the leading question, Mr. Clemons.

20 **BY MR. CLEMONS:**

21 Q. But did you make the comment that Gary would be fired if the
22 PTI program wasn't started promptly?

23 A. Yes. I made that in a meeting. I quickly walked that back
24 probably two or three days later when my very wise CAO and city
25 parish attorney got with our very, very learned CFO and explained

1 to me how difficult it is; that you can't just snap your fingers to
2 create a pretrial diversion program. So I think that was a good
3 leadership move to back off. And obviously, Mr. Haynes was not
4 fired and we don't have a pretrial diversion program.

5 Q. Leonard Franques, do you know Mr. Franques?

6 A. I do.

7 Q. And do you know if he was a vendor with a program in city court
8 in 2021?

9 A. My understanding is --

10 Q. Sure. Based on what you know.

11 A. This is the best I know because I wasn't involved in, you know,
12 how the contracts and all that stuff. There was a process for
13 that. My understanding is that the pretrial diversion program had
14 started to get legs, like started to -- we tried to do it. And I
15 believe that Mr. Franques was awarded some kind of a contract to do
16 pretrial diversion, but I don't -- it didn't get off its -- it
17 didn't start. It didn't get completed.

18 Q. It never got off the ground?

19 A. Correct.

20 Q. Are you aware of whether he was a vendor in city court outside
21 of the pretrial diversion program? In other words, if the judge
22 may order somebody to probation and they have to take certain
23 courses, do you know if he provided any of those courses for city
24 court, separate -- let me finish my question -- separate from the
25 PTI program? Do you know anything about that?

1 A. I wouldn't know, no.

2 Q. Okay. Just one moment.

3 A. Let me make sure I understand. Are you asking me if Leonard
4 Franques was involved in pretrial diversions outside of Lafayette?

5 Q. No. I'm talking strictly in Lafayette City Court.

6 A. Yeah, I don't have any knowledge of that.

7 Q. I'm limiting my question to city court here in Lafayette.

8 A. Thank you.

9 **MR. CLEMONS:** Just one minute, Judge.

10 **THE COURT:** Sure.

11 **BY MR. CLEMONS:**

12 Q. Mr. Guillory, did you appoint Dusty Guillory to the Cajun Town
13 [SIC] Commission?

14 A. Dusty Guidry?

15 Q. Dusty Guillory [SIC], yeah, I'm sorry.

16 A. I believe I did, yes.

17 Q. I got my Guillory and my Guidrys. I know I'm in Acadiana for
18 sure.

19 A. South Louisiana.

20 Q. Do you remember about when that was?

21 A. I don't.

22 Q. And do you know why you appointed Dusty? Why he was qualified?
23 Whether it was a favor for somebody? Do you have any recollection?

24 A. Commissions, I did not give much attention to. I leaned

25 heavily on recommendations. I do not recall who recommended this

1 person, but I did appoint him.

2 Q. So you didn't know him from Adam, so it would be safe to assume
3 somebody recommended him to you, is what I'm hearing.

4 A. Can you repeat?

5 Q. You didn't really know him, and so what I'm hearing is somebody
6 recommended him.

7 A. I knew of him, but --

8 Q. Right. Not personally.

9 A. -- in full candor, I'm a very introverted person. I don't know
10 if I know too many people too well, period. But I definitely did
11 not hang out with him.

12 Q. Right. So it was somebody that somebody recommended that you
13 appoint, as far as you recall?

14 A. If you knew how much commissions I appointed as
15 mayor-president, you would believe me when I said I don't remember.
16 I don't remember who recommended. It's probably --

17 Q. But that's my point. It was probably a recommendation, though,
18 is the point?

19 A. Oh, it was, 100 percent. Look, I don't know -- I don't recall
20 a commission that I appointed. I was worried about governing. So
21 we have all these commissions and a lot of them are political. So
22 I just let people that I trusted that had good ethics to give me a
23 recommendation on who to put in. They might have missed that one.

24 Q. Right. And you follow their recommendations?

25 A. That's correct. Yes, sir.

1 Q. Thank you, sir. You're going to get me in trouble because
2 we're talking at the same time.

3 A. I should know better. I'm sorry.

4 **MR. CLEMONS:** Thank you, Mayor.

5 **THE WITNESS:** Thank you.

6 **CROSS-EXAMINATION BY MR. NICKEL:**

7 Q. How's it going, Mr. Guillory?

8 A. Good morning.

9 Q. Good morning. I just have a few questions for you. I want to
10 follow up on the want to get PTI into city court. All right?

11 A. Yes, sir.

12 Q. So there's no doubt it's good for the City from a moral
13 standpoint; right? We want to get people out of jail? We want to
14 get them out of jail if they shouldn't be there; correct?

15 A. Well, let me state my position correctly.

16 Q. Sure.

17 A. All violent criminals should be in jail. Everybody that has
18 committed a crime should be prosecuted and held accountable.

19 Q. Sure. So PTI, from a moral standpoint, it was going to be a
20 beneficial thing to city court; correct?

21 A. In multiple ways.

22 Q. It was also going to be a financially beneficial thing to city
23 court; correct?

24 A. I believe the financial consequence would have maybe lessened
25 the revenue to city court but could have overcompensated with lack

1 of work. So maybe they could have been more efficient on how they
2 ran it. I don't know. I don't run city court. But I believe the
3 financial benefit, if you want to call it that way -- to me, I just
4 see a balancing on a big \$770 million budget. When I was there,
5 770 million. But there would be a probably -- more than likely, an
6 increase to the City general fund. But again, that might mean more
7 -- I don't know -- I don't know if -- I wouldn't make those
8 decisions based on revenue because the revenue is going to be there
9 either way. It's just: Where does it go?

10 Q. You would agree that a PTI program does generate money;
11 correct?

12 A. Oh, yeah.

13 Q. Through enrollment fees?

14 A. Just like when -- in a plea agreement, there is revenue, yes.
15 There is revenue that is generated.

16 Q. Okay. Perfect. You were going to use Leonard Franques'
17 company in city court; correct?

18 A. The Lafayette Consolidated Government has a process that picks
19 out their vendors. I sign contracts and letters.

20 Q. And you would vet these vendors; correct?

21 A. I personally would not vet them, no.

22 Q. Someone would vet these vendors; correct?

23 A. Many people, yes.

24 Q. And for making sure they are honest, make sure they do things
25 the right way; correct?

1 A. Oh, I wouldn't -- I hope that honesty is in the decision-making
2 factor going forward. I don't know if we looked that well, looking
3 back.

4 Q. All right. Were you aware of some of the other vendors that --
5 I guess if PTI would have gotten started in city court, who were
6 some of the other vendors that you were going to use?

7 A. No clue.

8 Q. Were you aware that Mr. Haynes and Mr. Franques had a financial
9 arrangement?

10 A. No.

11 Q. Do you know who Dusty Guidry is?

12 A. Yes, sir.

13 Q. Did you ever go to Dusty Guidry to get PTI into city court?

14 A. Oh, no, sir.

15 Q. You were aware that Mr. Franques' pretrial courses were called
16 CBT; correct?

17 A. And let me go back to the Dusty Guidry. I believe that there
18 were some discussions with Dusty Guidry that kind of circulated.
19 In the nanosecond that that happened, my city parish attorney
20 pulled the plugs on every single thing associated with that dude.
21 Like, I -- no.

22 Q. But you don't know of any financial arrangements between Mr.
23 Franques and Mr. Haynes; correct?

24 A. I don't know of any, no.

25 Q. Nor of any financial arrangements between Mr. Franques and Mr.

1 Guidry; correct?

2 A. No, sir.

3 Q. Are you aware of Mr. Haynes getting any checks from Mr.
4 Franques in January of 2022?

5 A. No, sir.

6 **MR. NICKEL:** One second, Your Honor, if that's okay.
7 I'll tender the witness, Judge.

8 **REDIRECT EXAMINATION BY MR. CLEMONS:**

9 Q. Mr. Guillory, the last thing -- one of the last things you said
10 is that as soon as you got wind that Dusty Guidry would have any
11 involvement, you immediately pulled the plug on that thing. Why
12 did you do that?

13 A. No, no. My city parish attorney was wise and said: Hey, I
14 don't know about this guy, but anything he's associated with, this
15 city and parish can't be associated with.

16 Like, that was -- I'm summarizing.

17 Q. Thank you, sir. You summarized it very well.

18 **THE COURT:** All right. Mayor, thank you for your
19 testimony. I think you're done here. You may be released from
20 your subpoena and may step down.

21 **THE WITNESS:** Thank you, Your Honor.

22 **THE COURT:** All right.

23 **MR. JOHNSON:** You want me to start my next witness,
24 Judge?

25 **MR. CLEMONS:** Do you want to approach?

1 Q. Good morning, Ms. Odinet. How are you?

2 A. Good morning. Good.

3 Q. My name is Adam Johnson. We spoke briefly.

4 A. Yes, sir.

5 Q. Can you please state your full name for the record, please?

6 A. Michelle Miller Odinet.

7 Q. And are you a lawyer, Ms. Odinet?

8 A. Yes, sir.

9 Q. Now, were you elected as city court judge sometime in 2020?

10 A. Yes, sir.

11 Q. When were you sworn in? Did you take the bench?

12 A. I was sworn in January of 2021.

13 Q. And can you describe for us sort of the state of the court
14 system as it existed when you came into office?

15 A. When I came into office, there was an incredible backlog of
16 cases. And so that was my first priority, is to start moving
17 cases, move my docket.

18 Q. Did you make any changes to how things worked in your division
19 of the court?

20 A. I did. I made changes. Everything from, you know, the order
21 of the docket. I added court dates to alleviate some of the
22 backlog. So I made more court dates to move the cases.

23 Q. Okay. Did you make any changes with respect to continuances or
24 anything like that?

25 A. I did. So the defense attorneys and the state, or the city

1 prosecutor, they were used to a lot of continuances. So I called
2 everybody back, introduced myself, first time being a judge, and
3 just explained to them that we were going to have each side gets
4 one continuance, that's it. And we are going to move the docket.
5 We're going to move the cases. We're going to work together.
6 We're going to come to court prepared. And that's the way I'd like
7 for it to work.

8 Q. Sure. Now, as a city court judge, you have several different
9 dockets; correct?

10 A. Yes, sir.

11 Q. Can you explain to the jury what that means?

12 A. On different days you have different dockets. One day you
13 would have -- and it was weekly and biweekly. So one day you would
14 have city criminal, city traffic. Another day you would have DWI,
15 motions, and arraignments, maybe some trials in there. You had a
16 civil docket, a civil eviction docket. I had a civil case docket.
17 We had a juvenile docket. I also had, I believe, once a month a
18 state traffic docket, a criminal docket. But we had a lot of
19 different dockets.

20 Q. Okay. Did you have a city prosecutor that was assigned to your
21 division?

22 A. Yes, sir.

23 Q. Who was that?

24 A. I had Gary Haynes and another gentleman, and I can't recall his
25 name.

1 Q. Okay. Did you also have cases that you handled -- so that was
2 for city prosecutor cases?

3 A. Yes.

4 Q. And did you also have an assistant district attorney assigned
5 to your court for DA matters?

6 A. Yes, I did.

7 Q. Who was that?

8 A. Amanda Rogers.

9 Q. And can you explain, as best you can, the dynamic between the
10 two? What makes the difference between whether it's a city
11 prosecutor prosecuted ticket or one handled by the assistant
12 district attorney assigned to your court?

13 A. So a city prosecutor is going to handle all the city cases.
14 The DA's office handles -- Ms. Rogers handled my OWIs, which were
15 -- they're not mine, but the City's OWIs that were state -- a state
16 statute that she's prosecuting. So that's the difference.

17 Q. Does the term "superarraignment" mean anything to you?

18 A. Yes.

19 Q. Can you describe it, please?

20 A. So when I was -- as I was trying to get rid of the backlog from
21 the OWIs, the DA's office deposited roughly in excess of 150 new
22 cases. Part of my job was, according to the Supreme Court, is I
23 need to report to them how many cases, you know, we move through.
24 They monitor how many cases are adjudicated in the year. And I
25 felt like I was doing a pretty good job getting my numbers sort of

1 down. And the DA's office dropped 150 cases, and I was very
2 frustrated. And instead of scheduling them for arraignments -- you
3 know, 20 this week, 20 two weeks from now, 20 two weeks from then
4 -- I decided that we're going to arraign -- if you're going to drop
5 these on me, we're going to arraign all of them at the same time
6 and we're going to be prepared; and that these OWIs are not going
7 to sit on my docket for more than 6 to 9 months. There's no reason
8 for it to happen. And so I had two arraignment dates. I wanted to
9 do it in one, but we were coming off of COVID, and I couldn't get
10 the big courtroom. So we had two dates where we arraigned all of
11 the DWIs and put them in motion.

12 Q. Okay. Now, in some instances, how did pretrial sort of work or
13 coordinate with the superarraignment-type situation that you put in
14 place?

15 A. I had nothing to do with pretrial. That was with the state.
16 So they make all the decisions. But, being a judge, you know what
17 happens. It was my understanding that when they get a file, they
18 send a letter to the defendant: Hey, you're eligible for pretrial
19 diversion. Contact us.

20 If they don't contact them, then they file the bill of
21 information. So, you know, when the bill of information is filed
22 and those people show up, if the DA's office hadn't been able to
23 get in touch with them, the DA's office would contact them there.
24 So on those two dates, pretrial diversion was present.

25 Q. Okay. And who was present in the courtroom, handling the

1 pretrial cases?

2 A. Oh, Dusty Guidry.

3 Q. And during those days, what was he doing? Do you know
4 specifically?

5 A. He was in pretrial diversion.

6 Q. Okay. And was he signing cases up for pretrial diversion?

7 A. It was my understanding that he sort of put pretrial diversion
8 together for the district attorney's office. In what capacity he
9 worked specifically, I don't know.

10 Q. Okay. Now, did you make any other changes with respect to
11 sentencing?

12 A. So I did depart from the traditional sentencing in city court.
13 I felt like it was my duty to follow the law, so I sentenced
14 according to the law. At the time, it was COVID. Again, we're
15 coming off the heels of COVID. So some second-offense DWIs, you
16 know, required jail time, but instead we would offer: If you want
17 to go to inpatient treatment -- offer other things for them.

18 Additionally, I saw that -- before I sentenced, I would
19 always ask for a rap sheet. I would always have a presentence
20 investigation done by either an MSW or an LEC just to get an idea
21 of where these guys are coming from, what's going to help serve
22 them, what's going to be in their best interest, right. And so
23 there were some that should -- for whatever reason, their record
24 was more extensive than what a second-offense OWI would be, and I
25 sentenced them according to their rap sheet. So I did send some

1 people to jail.

2 Q. Okay. And in addition to the superarraignments, did you also
3 make supertrial dockets? Does that term sound familiar?

4 A. I mean, they may have called them supertrial dockets. I added
5 trial dockets. So on those dates, because I was frustrated and
6 cases weren't getting tried, especially with my private attorneys,
7 I would just set a date: one o'clock, you know, after our regular
8 docket. If you're unable to work this out with the State, we're
9 going to try this case. This case has been sitting on the docket
10 for way too long. We've had way too many continuances. All
11 discovery has been satisfied. We are going to move this case.

12 Q. Now, hold one second. You referenced a private attorney and
13 continuances in reference to that supertrial thing I referred to.
14 Can you explain more about that?

15 A. Well, the private attorneys had a lot of cases, so, you know,
16 one thing would come up or another thing would come up. My public
17 defender, he -- I mean, it's a part-time job for him, so he was
18 able to work everything out, and I think he was just more in
19 contact with the State every week whenever we had court. And so
20 those were dates that were for my private attorneys to accommodate
21 them -- this is when we're going to trial; this is how it's going
22 to happen -- so that they knew that if you showed up in the morning
23 and the case wasn't resolved, I had a spot open in the afternoon
24 and we're going to try the case.

25 Q. Right. It was designed -- the way I'm interpreting it is to

1 get rid of sort of clusters of cases by private attorneys who
2 represent more than one person?

3 A. Correct.

4 Q. Okay.

5 A. And to accommodate their schedule.

6 Q. Now, at any point in time did you encourage either the
7 prosecutor or the assistant district attorney or the city
8 prosecutor to have enrollments done prior -- into pretrial prior to
9 arraignment so as to lessen the dockets?

10 A. No. That wasn't anything that I was supposed to do. I mean, I
11 encouraged them to come to court prepared, ready for their docket,
12 having known all their witnesses, spoken to everybody, and ready to
13 rule.

14 Q. Okay. And to know what they wanted to do with the case?

15 A. Yeah, to have worked it out with, you know, their public
16 defender or the defense attorneys. I encouraged them to come to
17 court prepared. And that was one of the things that was holding
18 everything up.

19 Q. What's your understanding of the DA's office and their
20 assistant prosecutors in terms of employment? Are they part-time?

21 A. Yes.

22 Q. Do you think that contributes to the issue?

23 A. I mean, in my opinion, yeah.

24 **MR. JOHNSON:** No further questions, Your Honor.

25 **THE COURT:** Any cross-examination? Mr. Loew?

1 **CROSS-EXAMINATION BY MR. LOEW:**

2 Q. Good afternoon, Ms. Odinet.

3 A. Hi.

4 Q. So you talked about the defendant, Mr. Haynes, being in your
5 courtroom. And that was part of his job; right?

6 A. Yes, sir.

7 Q. You also knew him outside the courtroom; right?

8 A. Yes, sir.

9 Q. And you had been friends for a while?

10 A. Yes, sir.

11 Q. About how long do you think you were friends?

12 A. I met him when I first moved to Lafayette 30 years ago and I
13 was working in the district attorney's office. Then, I mean, I had
14 children and hadn't seen him for years, and we reconnected probably
15 before 2021. I was working as a public defender in city court.

16 Q. So where were you working in May of '22 when the FBI did the
17 search warrant on the DA's office?

18 A. May of '22, I don't think I was working. Probably in my
19 husband's office, maybe.

20 Q. So you know that this case, this indictment involves an
21 investigation by the FBI; right?

22 A. Yes, sir.

23 Q. And you know, as part of that investigation, that they had
24 wiretaps in the investigation?

25 A. Yes, sir.

1 Q. Prior to the indictment and everything becoming public about
2 the investigation, you had conversations with the defendant about
3 the FBI maybe wiretapping other places, too, that you were
4 concerned about; right?

5 A. That I was -- I'm sorry. Repeat that question again.

6 Q. So even before it became public about this investigation and
7 the FBI wiretapping certain people's phones in this case, back in
8 2021 you had conversations with the defendant about being concerned
9 the FBI was listening to other conversations?

10 A. Correct.

11 Q. And some of those conversations you thought maybe you were in?

12 A. I'm sorry?

13 Q. You thought maybe the FBI was listening to your calls and Mr.
14 Haynes' calls?

15 A. I thought that the FBI was probably listening to my calls. I
16 felt like the -- I felt like when you walked in there, that it
17 would be crazy if they weren't. I just --

18 **THE COURT:** You're saying when you walked into a new
19 judgeship, you're saying?

20 **THE WITNESS:** Yes, sir. Yes, sir. It was just a feeling
21 you got.

22 **BY MR. LOEW:**

23 Q. So I'm sorry. I don't understand that. You're saying when you
24 walked into your new job as a judge, that the FBI was listening to
25 your calls because you were a judge?

1 A. No, just because it would be ludicrous for them not to because
2 it's what they do.

3 Q. So you think that the FBI just gets wiretaps for whatever they
4 want?

5 A. No, sir. I know that they have to follow the law and they have
6 to have probable cause.

7 Q. So what exactly are you talking about that you think the FBI
8 was listening to, that it would be crazy not to think? What
9 exactly are you saying that they were listening to?

10 A. Conversations.

11 Q. On your phone?

12 A. So nothing was private. When you walk through the halls of the
13 courthouse, everything is recorded. Everything is recorded. Video
14 and audio everywhere you go. So I mean they listen on your phones.
15 I mean, not the FBI. But I mean, even marketing listens on your
16 phone. So it was just a feeling that I had.

17 Q. All right. So you were concerned that people were listening to
18 your phone and Gary's phones? And you discussed --

19 A. Not specifically Gary's phone. Everybody's phones.

20 Q. So you were concerned that everybody's phone was being listened
21 to, so you were concerned about what you talked to Gary about on
22 the phone?

23 A. No.

24 Q. How about text messages? You spent --

25 A. No.

1 Q. So --

2 A. Because if they were listening to my phone, then they would
3 have heard what I said, and I was fine with that.

4 Q. My question is: You thought that the FBI might get your text
5 messages, as well, didn't you?

6 A. No.

7 Q. Didn't you have discussions with Gary Haynes about deleting
8 your texts after you had your text correspondence between each
9 other?

10 A. I don't recall. I can't imagine that there was anything that
11 would need -- that I would need to delete, but I don't recall.

12 Q. Can you explain the difference between a city prosecutor and an
13 ADA?

14 A. Okay. A city prosecutor is hired by the City to prosecute City
15 offenses. An ADA is hired by the district attorney, and they are
16 paid with a warrant. I believe that the legislature gives the DA's
17 office so many warrants, and they fill those with assistant
18 district attorney's office, district attorneys.

19 Q. So when you were the city court judge, the defendant was both?

20 A. Yes.

21 Q. So he appeared in your court and handled cases in city court?

22 A. Yes.

23 Q. And if there was a trial in city court, that would be before
24 you?

25 A. Yes, sir.

1 Q. Not a jury trial like this?

2 A. No. No, sir.

3 Q. And as an ADA, during this time that you were the city court
4 judge, he was in charge of the PTI program at the DA's office;
5 right?

6 A. That was one of the areas that he worked in.

7 Q. He worked in the DA's office with the PTI program?

8 A. He did that. He was training other assistants. He was -- he
9 did other things in there. I want to say maybe he did a grand jury
10 hearing, maybe. I don't know.

11 Q. As a city court judge, you could assign defendants in your
12 cases to take certain classes as part of their resolution of their
13 charges; right?

14 A. Yes, sir, as part of sentencing.

15 Q. And you discussed that with the defendant about different types
16 of classes that you had and maybe some different types of classes
17 that you could develop?

18 A. Correct.

19 Q. And some of those classes -- I don't know -- did you use the
20 term CBT? Do you know what that is?

21 A. No, sir.

22 Q. Online training classes.

23 A. Okay.

24 Q. Were some of your classes potentially online training classes?

25 A. No. I had a criteria. So my main concern was being able to

1 help the poorest of the poor and to have something that was
2 actually interactive with the defendants when you're talking about
3 your criminal cases. So my requirements were, like I said before,
4 for the presentence investigation, I wanted an MSW or an LEC to
5 evaluate them, look at their rap sheet. All of the courses, I
6 wanted them to be live. And while you're limited with live and
7 people getting from Point A to Point B, I did have one class that
8 was via Zoom, but it had to be taught live. It was no recording or
9 signing up. And there was interaction via the computer. I didn't
10 like the online stuff that they did, that historically other people
11 had used. I really felt like the interaction was necessary.

12 Q. For these classes that you made a part of the sentence for the
13 participants in your courtroom, did they have to pay for those
14 classes?

15 A. They paid. Yes, they did.

16 Q. So we've heard a lot in this case about vendors. Do the people
17 who supplied the classes for these people who had to take them, did
18 you call them vendors?

19 A. I didn't think of them as vendors. It was services. So they
20 would go and get the presentence investigation, and they had to pay
21 for that. And then based on what was brought to me -- like if
22 you're going to talk about OWIs, let's talk about OWIs. The
23 defense attorneys, the private attorneys may have wanted them to go
24 elsewhere than -- I think it was Woodlake. Woodlake basically took
25 Medicaid cases or would provide services for them. So if the

1 defense wanted them to go to another place, that was fine.

2 And then what we also did with the city court, they had
3 two ladies in there that were like probation officers, sort of
4 probation officers, right, and they would provide them with other
5 resources. I was working towards providing the defendants with
6 resources so that they could go elsewhere because the indigent
7 services were saturated. And so we were looking at other places
8 that they could go; that they could take their Medicaid money and
9 go and get really good services.

10 Q. Tell me one class that you recommended the participants or the
11 defendants in your courtroom that they would have to go to to take
12 the class as part of their sentence that they had to pay for.

13 A. Okay. The name of the class?

14 Q. Just tell me the name of the class or the name of the service
15 provider.

16 A. Well, there was Woodlake, and there was -- Joe Prejean had a
17 class for, like, the reckless op-- like they blew 0.1 -- classes.

18 Q. Let's talk about Mr. Prejean.

19 A. Okay.

20 Q. If you recommended defendants in your courtroom to take Mr.
21 Prejean's class, would you take a kickback from Mr. Prejean?

22 A. No. And he would never --

23 Q. Why not?

24 A. Because he would never offer it to me. It's illegal.

25 **MR. LOEW:** I don't have anything further.

1 **THE COURT:** Any redirect?

2 **MR. JOHNSON:** No, Your Honor.

3 **THE COURT:** Thank you, Ms. Odinet. You may step down and
4 you're released from your subpoena.

5 **THE WITNESS:** Thank you.

6 **THE COURT:** All right. Ladies and gentlemen, let's take
7 our lunch break. We'll recess until 1:25, an hour and 15 minutes,
8 and we will continue with the defendant's case at that point.

9 All rise for the jury.

10 (Jury not present.)

11 **THE COURT:** Please be seated. We are I think in a
12 position, just for your information, that we're going to hand out
13 draft jury instructions at the end of the day today so that --

14 **MR. CLEMONS:** You said end of the day?

15 **THE COURT:** Yeah. So that counsel will have enough time
16 to really look at them before we do our charging conference. I
17 think we'll figure out the best time to do that, but I do want to
18 make sure that everybody has a lot of time to look at the jury
19 instructions. They're longer than in a normal case, both because
20 there are six counts in the indictment and because the instructions
21 -- the substantive instructions are longer than usual and we have a
22 lot of other instructions that are included based on things that
23 have happened in the trial. So I do want to ask counsel to please
24 look carefully at the instructions and be prepared when we do have
25 our charging conference, which I think we will do at the end of the

1 defendant's case, whenever that is.

2 Anything else we need to talk about?

3 **MR. CLEMONS:** Judge, at the end of our case, we
4 anticipate it being tomorrow. It may not even -- I don't want to
5 oversell. It may not even take the whole day tomorrow, but we're
6 certainly trending to wrap up our case tomorrow.

7 **THE COURT:** That's what I'm kind of projecting, that way
8 you have tonight to look at the draft jury instructions and that
9 way we can have our charging conference tomorrow at whatever time
10 that may be. And then assuming, you know, I think I'm projecting
11 that we do instruct the jury first thing on Thursday morning and
12 then we have closing arguments and then send them out to
13 deliberation on Thursday. That's my plan.

14 **MR. WALKER:** Good plan.

15 **THE COURT:** And I guess the Government doesn't know if
16 there's going to be any rebuttal case yet.

17 **MR. WALKER:** At this point, there's not.

18 **THE COURT:** If something changes where you think you
19 might, just let me know for planning purposes. Okay?

20 **MR. WALKER:** Sure. Today I've got -- it looks like --
21 I'm not sure we have a lot of witnesses this afternoon. I know
22 Chris Quebedeaux, I know he was a maybe or a maybe not.

23 **MR. CLEMONS:** He's on the list.

24 **MR. WALKER:** I just didn't know if he was here. And then
25 Nicosia and Vallo and Austin.

1 **MR. CLEMONS:** Right.

2 **MR. WALKER:** Is that it?

3 **MR. CLEMONS:** And we have a couple of more short
4 witnesses we're going to call this evening, this afternoon, but
5 we've got four set for this afternoon, Judge. We're going to call
6 -- see if we have a couple of more, but either way we're certainly
7 wrapping it up tomorrow.

8 **THE COURT:** Okay. All right. Let's just see if we can
9 -- we need to fill this afternoon to the extent we can.

10 **MR. CLEMONS:** That's what we're going to work on, Judge.

11 **THE COURT:** We'll see you at 1:25. One moment. Mr.
12 Clemons, is he here?

13 **MR. CLEMONS:** He's out in the lobby, Judge.

14 **THE COURT:** Beth, can you come to my conference room? We
15 will reconvene court in my conference room with the defense's next
16 witness.

17 (Off the record at 12:13 p.m.)

18 (Sealed conference held and filed under a separate cover.)

19 CITIZENS FOR A

20 New Louisiana

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(Resumed at 1:30 p.m. in chambers.)

4

THE COURT: We have a problem in a sense. The courtroom deputy Lisa was contacted by a juror and told that someone who had been sitting in the audience made contact with that juror during lunch when he was walking to lunch to get in his car. And it started with asking if he was a UL student, what his major was, and ended up asking what his view on the jury was.

10

MR. WALKER: Oh, my gosh.

11

THE COURT: Yeah. And the person was in the courtroom. We're going to pull the videotape and see if we can figure out who it was. Red shirt is all that he told Lisa. Lisa didn't ask anything further than that, including whether or not that juror answered the question. I don't think the juror did. But it's Alternate Juror Number 3, so it's the gentleman that walked in first from the jury room.

18

MR. WALKER: I figured it was him just because he is the only one who looks like he would go to UL.

20

MR. LOEW: Dad's a deceased police officer.

21

MR. CLEMONS: What's our plan, Judge?

22

THE COURT: Well, I mean, I'm going to suggest my inclination would be even though, of course, the juror didn't say anything about -- I mean, the problem is the contact being made, right, and the effect that may or may not have had on that juror.

23

24

25

1 **MR. CLEMONS:** Can I suggest we just start by talking to
2 him to find out directly what happened?

3 **THE COURT:** Well --

4 **MR. WALKER:** He's a third alternate. I don't think -- I
5 guess I need to talk to my cocounsel, but it seems like --

6 **MR. CLEMONS:** We still need to nip the problem in the
7 bud. Third alternate, we need to get to the source of the problem
8 without putting him on the spot.

9 **THE DEPUTY CLERK:** The person that he described is still
10 not in the courtroom. I can go back and check.

11 **THE COURT:** There's no one with a red shirt in the
12 courtroom? Does anybody know who this person was or may have been?
13 You're looking at the courtroom, he's on the left side.

14 **MR. CLEMONS:** So from the bench.

15 **THE COURT:** To my left.

16 **MR. CLEMONS:** With a red shirt.

17 **THE DEPUTY CLERK:** And it was a male.

18 **MR. CLEMONS:** I have no idea, Judge. I don't recall
19 seeing anybody with a red shirt.

20 **MR. WALKER:** We can ask our agents and see if they know
21 who it was.

22 **THE COURT:** We'll pull the videotape and maybe it will be
23 obvious at that point. I mean, I don't really like questioning a
24 juror individually especially when the question of -- the question
25 directly relates to his impression of the trial.

1 **MR. CLEMONS:** Judge --

2 **THE COURT:** Is there any objection to me questioning him
3 and then relating what he says?

4 **MR. CLEMONS:** I certainly wouldn't. I certainly would
5 like to be here. I think you can question him without going into
6 the detail about his opinion about the case and whether he answered
7 that.

8 **THE COURT:** Is there any objection from the Government or
9 the defendant to bringing the gentleman in here and just asking?

10 **MR. CLEMONS:** No, no.

11 **THE COURT:** I mean, I'm inclined to release him either
12 way because, again, he has been, quote/unquote, touched by someone
13 out in the audience about what his impressions are of the trial.
14 That may have an effect on him.

15 **MR. CLEMONS:** That's even more important that we confirm
16 it first directly from him.

17 **THE COURT:** It happened, yes. All right. Let's get him.
18 It's Mr. Green; correct?

19 **THE DEPUTY CLERK:** Yes, sir.

20 **MR. LOEW:** Also, I think it is important, even if you are
21 going to dismiss him, to see if he talked to any other jurors about
22 that contact.

23 **THE COURT:** I think he probably did.

24 **MR. CLEMONS:** Either way, let's start with finding out
25 what happened.

1 **THE COURT:** He probably did. That's the main problem.

2 **THE DEPUTY CLERK:** Do you want me to have the CSOs pull
3 that footage, or wait on that?

4 **THE COURT:** Yeah, we do want to do that.

5 **THE DEPUTY CLERK:** Thank you, Judge. I'll be back
6 shortly.

7 **THE COURT:** That may be another proceeding.

8 **MR. WALKER:** You mean, proceeding to have that guy caught
9 and locked up.

10 **THE COURT:** Maybe a different proceeding.

11 **MR. CLEMONS:** Judge, I guess at some point we need to
12 pull the record that my client is not here for this proceeding.

13 **THE COURT:** You want him here?

14 **MR. CLEMONS:** No. I'm just saying we need to put on the
15 record he is not; otherwise, the record is going to be ambiguous.

16 **THE COURT:** Do you want him here for this?

17 **MR. CLEMONS:** I want him here at some point, though,
18 Judge. I mean, I guess whenever you're thinking about your
19 decision if there's something for us to discuss, I certainly want
20 to get his input.

21 **THE COURT:** I want you to do that, too, but, you know, we
22 are pulling this individual juror to talk to him.

23 **MR. CLEMONS:** I agree with that. I'm saying before you
24 make the decision, we need to at least get some input from him.

25 **THE COURT:** I agree. And absolutely, I want that to

1 happen.

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

3 **MR. JOHNSON:** You're not going to release him to his face
4 if you decide to release him; right? You're just going to question
5 him and then we're going to talk about it potentially?

6 **THE COURT:** Correct. When it rains it pours.

7 **MR. CLEMONS:** At least we have several alternates.

8 **MR. NICKEL:** But he is an alternate; right?

9 **MR. CLEMONS:** Right.

10 **MR. NICKEL:** We have two and a half days of trial left.
11 Two is enough.

12 (Alternate Juror Number 3 present.)

13 **THE DEPUTY CLERK:** This is Mr. Green. Mr. Green, sit
14 closer to the Judge. We don't have a microphone in here, so we
15 want to make sure Beth can read your lips. We don't have any
16 audio.

17 **THE COURT:** We wanted to bring you in because I
18 understand that you contacted Ms. Lacombe here and mentioned that
19 someone had spoken to you, both in the elevator and on your way to
20 your car; is that right?

21 **ALTERNATE JUROR 3:** No. I walked to where Ton's is. Do
22 you know where Ton's is? So I was walking. I went this way
23 (indicating) and then straight down and all the way up.

24 **THE COURT:** You were walking to get lunch?

25 **ALTERNATE JUROR 3:** Uh-huh.

1 **THE DEPUTY CLERK:** Tell him what you told me. Were you
2 alone?

3 **ALTERNATE JUROR 3:** So I was in the elevator with one of
4 the other jurors. The guy got in the elevator with us. I didn't
5 know if he was part of anything else. First thing he asked me is,
6 "Do you go to UL? You look familiar."

7 I was like, "Yeah, I go to UL."

8 He was like, "What's your major?"

9 I was like, "I'm majoring in med science."

10 And then he starts -- we get to the bottom of the
11 elevator, we walk out and get to the door right there. And he
12 starts following me, asking me about, like, what happened last
13 Thursday, like did they see, like, a verdict or something. I'm
14 like, "Not that I know of."

15 And then he's like, "So what all is going on with the
16 trial? Like, what happened last week? I wasn't here last week."

17 And I'm like, "I have nothing to tell you."

18 **THE COURT:** You didn't tell him anything?

19 **ALTERNATE JUROR 3:** But then, like, he got down there and
20 I tried to get him to, like, walk away. I started feeding him a
21 load of BS, like. So there was a point when he asked, "Do you
22 think Dusty is guilty? Or do you think, like, Gary is guilty?"

23 And I'm like, "I don't exactly know. We haven't reached
24 anything. We don't know yet."

25 And then I get to where Ton's is, like right across the

1 street from it. And then he's like, "What's your name?"

2 And I'm like, "Should I tell you my name?"

3 And I just walk across the street to Ton's and I get my
4 gumbo.

5 **THE COURT:** So substantively, about the jury
6 deliberations, you told him, "I don't know. We haven't gotten
7 there yet," essentially? That was what you told him? Did you give
8 any other opinions about the trial other than that to the
9 gentleman?

10 **ALTERNATE JUROR 3:** He said, "I think he's guilty."

11 And then I was like, "I don't know."

12 Like, I had nothing more to tell him at that point.

13 **THE COURT:** So I think you told Lisa he was wearing a red
14 shirt; is that right?

15 **ALTERNATE JUROR 3:** Red shirt. He sits on the left side
16 behind where the defense is. And I think it's like the third row
17 or so. There was a lady that was in the corner, I was telling her,
18 like, on this side. He sits in front of her.

19 **THE COURT:** If we pull the video, would you be able to
20 identify him for us?

21 **ALTERNATE JUROR 3:** Yeah.

22 **THE COURT:** We're going to work on that.

23 **ALTERNATE JUROR 3:** He's, like, a darker-skinned guy, a
24 little bit, like, chubbier, red shirt. He had, like, some jeans
25 and some weird-looking shoes on.

1 **THE COURT:** Okay. All right. We're going to pull --

2 **ALTERNATE JUROR 3:** If you can pull front video, you can
3 see him walking out of the courthouse with me. Like, he got out of
4 the elevator with me and the other juror. He walked past
5 turnstiles with us. One juror went to the other side where the
6 parking lot is and then I went where the person is.

7 **THE COURT:** Let me ask you this: Do you feel like he was
8 trying to influence you?

9 **ALTERNATE JUROR 3:** I feel like he was more like a press
10 figure. I'm not exactly sure. I don't feel like he was trying to
11 influence. I just feel like he was trying to get a whole bunch of
12 information.

13 **THE COURT:** He volunteered the information that he
14 thought he was guilty?

15 **ALTERNATE JUROR 3:** He was like, "As far as I can see, I
16 feel like he is guilty; but, like, I don't know because I wasn't
17 here last week." That's what he told me.

18 **THE COURT:** So it was in the context of him trying to get
19 filled in about what had happened while he was gone?

20 **ALTERNATE JUROR 3:** He started asking questions like,
21 "What do y'all do as far as jurors?"

22 I'm like, "We're jurors."

23 **THE COURT:** The next part of the question is: What did
24 you tell the other jurors about your contact?

25 **ALTERNATE JUROR 3:** I walked in.

1 **THE COURT:** There was a person in the elevator with you
2 when he was talking about you go to UL; right?

3 **ALTERNATE JUROR 3:** Yeah. It's the same guy, like the
4 same guy followed me from here all the way to Downtown to get food.

5 **THE COURT:** But the other jurors weren't with you; right?

6 **ALTERNATE JUROR 3:** It was just one guy that came down
7 towards the entrance with us, and he went his separate ways.

8 **THE COURT:** So when he started asking about the trial,
9 the other guy wasn't with you?

10 **ALTERNATE JUROR 3:** We had gotten to the corner by the
11 attorney's office, and then he started asking me a whole bunch of
12 stuff.

13 **THE COURT:** Obviously, nothing I'm asking is to say you
14 did anything wrong. You didn't do anything wrong. I'm just trying
15 to get the information. What did you tell the rest of the jury
16 members when you got back from lunch?

17 **ALTERNATE JUROR 3:** So when I got back, I walked in and I
18 was like, "Hey, if you guys see a guy in a red shirt that's asking
19 you a lot of questions, don't be surprised because he just walked
20 pretty much all the way Downtown with me whenever I was going to
21 get food."

22 And they were like, "You want to, like, call Ms. Lisa
23 about it?"

24 And I was like, "Yeah, go ahead because I don't know if
25 he was, like, press or if he's just, like, somebody in the gallery

1 just there."

2 **THE COURT:** Did you tell them what he asked you
3 specifically?

4 **ALTERNATE JUROR 3:** Yeah, I was like, "He had asked me
5 about my schooling and he asked about the Thursday and last week
6 because he apparently wasn't here."

7 **THE COURT:** Did you tell the jury what his opinion of the
8 trial was?

9 **ALTERNATE JUROR 3:** Yeah. I told them, I was like, "He
10 thinks they're guilty, but that's pure speculation."

11 **THE COURT:** Because he wasn't here. Mr. Green, well, I
12 think -- that was when y'all were all back from lunch and you were
13 just talking to the group in the deliberation room?

14 **ALTERNATE JUROR 3:** Uh-huh.

15 **THE COURT:** All right. Well, we will follow up with you
16 later. We are going to discuss internally what, if anything, we
17 need to do. We'll get back with you. Thank you for bringing it to
18 our attention.

19 **MR. CLEMONS:** Just one question to help clarify. Had you
20 seen this gentleman in court before? Or was this the first time?

21 **ALTERNATE JUROR 3:** No. I did see him walk in this
22 morning.

23 **MR. CLEMONS:** That's the first time you saw him was
24 today, was my question.

25 **ALTERNATE JUROR 3:** There's a guy in front of him that

1 looks almost exactly like him. I saw him, like, last week.

2 **THE COURT:** This guy indicated he had been there before?

3 **ALTERNATE JUROR 3:** The guy that was talking today said
4 he wasn't even here last week. He said he comes on Tuesdays and
5 Thursdays, but I hadn't seen him at all.

6 **THE COURT:** Well, we'll see if we can drill down on it.
7 Thank you, Mr. Green.

8 (Alternate Juror 3 not present; Deputy Marshal Farrish
9 present.)

10 **THE COURT:** This is John Farrish. He is one of our
11 deputy marshals here. We have had some contact of one of our
12 jurors by someone in the gallery. We need to identify the video.
13 He described him as a person in a red shirt, sitting in about the
14 third row of the gallery, darker-skin individual who was wearing a
15 red shirt. And he was here today. The juror doesn't think he was
16 here before. But I want to figure out if we can see who this
17 person is.

18 **MR. CLEMONS:** Judge, he also said he walked out with him
19 out the front --

20 **THE COURT:** Good point. He walked out of the front of
21 the building with -- former prosecutor. The juror is Mr. Green.
22 He's a taller, young, African-American man.

23 **MR. NICKEL:** The guy was on the defense side of the
24 gallery.

25 **THE DEPUTY MARSHAL:** We'll take a look at the footage.

1 We've got footage of the lobby area before you get in the elevator
2 and then there's some footage available in the courtroom gallery.
3 If he's there --

4 **MR. LOEW:** What about in the elevator?

5 **THE DEPUTY MARSHAL:** Not in the elevator, no.

6 **MR. CLEMONS:** Certainly footage walking out the building.

7 **THE DEPUTY MARSHAL:** We'll be able to look at that. Are
8 you going to want copies?

9 **THE COURT:** If you can run a copy for us to look at, just
10 any video you see. Really what we are trying to do is identify
11 this person in case we need to do something about it.

12 **THE DEPUTY MARSHAL:** We'll see what we can do. Getting
13 copies may be an issue. We'll do our best.

14 **THE COURT:** First of all, let's just see. How will we
15 look at it? On your laptop or something?

16 **THE DEPUTY MARSHAL:** Yes, sir. There is a --

17 **THE COURT:** We can go to the station right there?

18 **THE DEPUTY MARSHAL:** It would have to be in the control
19 room downstairs.

20 **THE COURT:** We may have to take a recess.

21 **THE DEPUTY CLERK:** Could you video it on your phone and
22 bring your phone up to us and let y'all see it in here?

23 **THE DEPUTY MARSHAL:** That's a possibility.

24 **THE COURT:** Think about it, however you think the best
25 way.

1 **MR. CLEMONS:** Judge, while we got him, do you want to
2 give them any guidance on prohibiting anybody who fits that
3 description from coming into the trial until you get to the bottom
4 of it? because we don't want him coming back, doing something
5 similar again while they investigate it.

6 **THE COURT:** Yeah, that's true.

7 **THE DEPUTY CLERK:** That person is not in the courtroom
8 right now and I have been monitoring it, and I don't see anyone in
9 the halls with that description.

10 **MR. WALKER:** You never know.

11 **THE DEPUTY CLERK:** No, no. But as of right now at this
12 moment.

13 **THE COURT:** You can ask CSOs to be on the lookout for
14 someone who meets that description: red shirt, darker skin.

15 **MR. CLEMONS:** He said weird shoes.

16 **THE COURT:** Weird shoes.

17 **MR. LOEW:** I think he said jeans, too.

18 **THE COURT:** Jeans and weird shoes.

19 **THE DEPUTY MARSHAL:** If he's on video, we should have him
20 pretty good.

21 **THE COURT:** Y'all go figure it out.

22 **MR. JOHNSON:** Do we know who the other juror was who was
23 in the elevator? We didn't ask him that.

24 **THE COURT:** Well, that's true, but at that point he
25 hadn't asked anything about the case. It was about being a UL

1 student and what's his major. So I'm not concerned about that
2 contact. So any suggestions?

3 **MR. JOHNSON:** Waiting on the video, watch it.

4 **MR. LOEW:** The video is just going to say who it is.
5 Even when we find the guy, he's not going to give us any more
6 information than the juror did.

7 **MR. CLEMONS:** We don't know that.

8 **MR. WALKER:** I would think, at a minimum, you need to
9 bring the jurors -- I believe you need to bring the jurors in and
10 you need to tell them because he's given them information. So you
11 need to make sure they can disregard whatever information there is
12 so that we still have a jury.

13 **THE COURT:** Yeah, and I don't have a strong opinion about
14 dismissing him or not dismissing him at this point. Frankly, he
15 probably won't be on the jury. So really the concern is whether he
16 shares anymore information. And he won't be in their
17 deliberations. After the case is over, the jury deliberates and
18 alternate goes somewhere else.

19 **MR. WALKER:** As long as they all understand they need to
20 disregard that information and make a decision based on evidence, I
21 think we are okay.

22 **THE COURT:** Yeah, I think the contact -- you know, the
23 reason I want to identify the person is for administration of this
24 court. That's a different issue. But I think the juror was
25 absolutely telling us everything he knew about it. I feel like he

1 was credible and was just trying to make sure that we knew
2 everything we needed to know. So I'm not going to dismiss him.
3 I'm going to instruct the jury, as suggested by counsel, that they
4 are to -- that, you know, I understand there's been contact. And
5 I'm going to admonish the gallery to not make contact with anybody
6 in the jury.

7 **THE DEPUTY CLERK:** Is this part of the transcript sealed?

8 **THE COURT:** I don't think this has to be sealed.

9 **THE DEPUTY CLERK:** Thank you, Judge.

10 (Off the record at 1:47 p.m.; resumed at 2:02 p.m. in
11 Courtroom 1.)

12 **THE COURT:** Let's bring the jury in.

13 **THE COURTROOM SECURITY OFFICER:** All rise.

14 (Jury present.)

15 **THE COURT:** Please be seated. Ladies and gentlemen,
16 thank you for being back on time. I know that we are starting a
17 little later this afternoon than I told you. I was informed by one
18 member of the jury that there was contact made with him during the
19 lunch break by a person that had been sitting in the gallery. I'm
20 going to instruct each of you at this time to disregard the fact
21 that he was contacted, anything that was told to him by this
22 person, any questions that were asked to him by this person, any
23 response that juror may have given to that person. The fact that
24 it happened at all should be removed from your minds, removed from
25 your consideration. Okay?

1 I am going to instruct the gallery and anybody watching
2 this trial that any contact with our jury will be dealt with in a
3 very serious manner and it will not be pleasant. I'm not accusing
4 anybody here, but it's a very serious matter. I mentioned it
5 numerous times throughout the course of this trial that anybody in
6 the building should not approach a juror, should not question a
7 juror. And I promise you, I know how to deal with that when that
8 happens. So we are investigating the incident and it will be
9 addressed at a later time.

10 For now, we will continue our jury trial. When we left,
11 the defendant was calling -- was still presenting his case in
12 chief. We are going to continue that.

13 Mr. Clemons?

14 **MR. CLEMONS:** Call Mr. Chad Vallo, Judge.

15 **THE DEPUTY CLERK:** Raise your right hand, please, sir.
16 Do you solemnly swear or affirm that the testimony you give in this
17 matter will be the truth, the whole truth, and nothing but the
18 truth, so help you God?

19 **THE WITNESS:** I do.

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

21 **CHAD VALLO,**

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

23 **DIRECT EXAMINATION BY MR. CLEMONS:**

24 Q. Please state your name for the record.

25 A. My name is Chad Vallo.

1 Q. And how do you spell Vallo?

2 A. V-a-l-l-o.

3 Q. And where are you from, Mr. Vallo?

4 A. Gueydan, Louisiana.

5 Q. Vermilion Parish?

6 A. Yes, sir.

7 Q. Born and raised down in Gueydan, in Vermilion Parish?

8 A. Yes, sir.

9 Q. And do you currently serve on the police jury? Are you a
10 former police juror?

11 A. I currently serve.

12 Q. How long you been on the police jury?

13 A. Six years.

14 Q. And when is your next election?

15 A. '27.

16 Q. Okay. And you know Mr. Don Landry?

17 A. Yes.

18 Q. And did you support him when he was running for DA?

19 A. Yes, I did.

20 Q. Did you work on his Vermilion Parish campaign? Did you work on
21 the campaign committee for Vermilion Parish for Mr. Landry?

22 A. Not really on a committee, just been to functions with people
23 that were on committees. But I wasn't officially on a committee,
24 an election committee.

25 Q. Okay. I mean campaign committee.

1 A. Campaign committee, yes.

2 Q. But you were helping him in Vermilion Parish?

3 A. Yes, very much.

4 Q. Okay. And you know Mr. Barry Pitry?

5 A. Yes.

6 Q. I'm sorry. Mr. Pitry is deceased now.

7 A. Yes, he is.

8 Q. I'm sorry. Did you know Mr. Pitry?

9 A. I did.

10 Q. And about when did Mr. Pitry pass? because we heard he passed,
11 but I don't know if we got any context.

12 A. Four years, maybe.

13 Q. And tell us who Mr. Pitry was.

14 A. He was my dentist.

15 Q. And where did he practice?

16 A. In Jennings.

17 Q. So even though his office and practice in Jennings and you
18 lived in Gueydan, he was your dentist?

19 A. Yes. Family friends, as well.

20 Q. So he was your dentist and also a friend?

21 A. Yes, sir.

22 Q. And do you know that he got some legal trouble around, and
23 accused of a crime, I think around '21-'22 timeframe?

24 A. Yes, sir.

25 Q. Okay. And did you contact anybody to assist him with those

1 charges, if they could?

2 A. District Attorney Don Landry.

3 Q. And do you recall what the charge was against -- do you call
4 him Mr. Pitry or Dr. Pitry? Or did you call him?

5 A. I just called him Barry.

6 Q. Do you remember what the accusation or the charge was against
7 Dr. Pitry?

8 A. I want to -- sexual battery, maybe. A sexual battery charge.

9 Q. And when you contacted Mr. Landry, can you just tell of the
10 nature of why you contacted Mr. Landry to assist?

11 A. Well, Dr. Pitry also had a Quarter Horse, racing horses, and he
12 was in some kind of Quarter Horse club. So he was afraid having
13 criminal charges on him might affect his Quarter Horse thing. So I
14 called Mr. Landry and asked if he could look into that for Barry
15 Pitry, if there was anything that could be done.

16 Q. And did Mr. Landry also ultimately provide some assistance to
17 Mr. Pitry by allowing him into the pretrial intervention program?

18 A. That's what I understood from Dr. Pitry.

19 **MR. CLEMONS:** Just one minute, Judge. Tender the
20 witness, Your Honor.

21 **CROSS-EXAMINATION BY MR. WALKER:**

22 Q. Hi. How are you doing?

23 A. Fine, sir.

24 Q. Good. Do you know Gary Haynes?

25 A. Yes, sir. I know Gary Haynes, yes, sir.

1 Q. And he worked -- did you know he was working for the DA in the
2 pretrial intervention program?

3 A. Yes, I did.

4 Q. Okay. You talked to Don Landry. Have you ever talked to Gary
5 Haynes about this case?

6 A. I don't remember if I talked to Gary, but I told Barry that
7 someone from the DA's office would be contacting him and it's
8 possibly going to be Gary Haynes.

9 Q. So you understood that Gary Haynes was the head of the PTI
10 program?

11 A. I didn't know he was the head of it. I knew he was in it.

12 **MR. WALKER:** Okay. Thank you.

13 **MR. CLEMONS:** Thank you for coming over, Mr. Vallo.
14 No questions, Judge.

15 **THE COURT:** You are released from your subpoena. You may
16 step down. Thank you, sir. You're finished.

17 **MR. JOHNSON:** Your Honor, defense would call Chris
18 Quebedeaux.

19 **THE COURT:** Mr. Quebedeaux, you can come up here to the
20 witness stand, sir.

21 **THE DEPUTY CLERK:** Raise your right hand, please, sir.

22 Do you solemnly swear or affirm that the testimony you give in this
23 matter will be the truth, the whole truth, and nothing but the
24 truth, so help you God?

25 **THE WITNESS:** I do.

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

2 **CHRIS QUEBEDEAUX,**

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

4 **DIRECT EXAMINATION BY MR. JOHNSON:**

5 Q. Good afternoon, Mr. Chris. How are you?

6 A. Very good. And yourself?

7 Q. Good. Adam Johnson. We spoke briefly earlier.

8 I have a few questions for you. Is that okay?

9 A. Yes, sir.

10 Q. All right. Bring your attention to 2021-2022 timeframe. Did
11 you have occasion to see Dusty Guidry at an event you were at?

12 A. I did.

13 Q. Okay. Tell us what occurred at that -- what type of event was
14 it?

15 A. It was either a fundraiser or a Mardi Gras ball. I don't
16 remember exactly which one.

17 Q. When about was this event?

18 A. I don't know the exact date, but it was after he had gotten
19 busted.

20 Q. Okay. And by busted, do you mean the arrest?

21 A. Yeah, the arrest for intent to distribute and a couple other
22 things.

23 Q. Okay. And what happened when you interacted with Mr. Guidry?

24 A. He asked me to buy his share of a deal that they had, which was
25 with Wildlife and Fisheries, for 700,000.

1 Q. For how much?

2 A. 700,000.

3 Q. And this deal that was presented to you, was it presented as an
4 underhanded deal or dirty? Or was it presented --

5 A. No. It was -- actually, he said it was an open-bid contract.
6 They had a contract and they got a percentage for every license,
7 continuing education, or anything that they had done.

8 Q. Did he make any mention of Gary Haynes?

9 A. No, none.

10 Q. But he was presenting it to you as a legitimate deal?

11 A. Absolutely.

12 Q. Did you take him up on it?

13 A. No.

14 Q. Why?

15 A. Well, first, I'm in the securities business, so everything
16 would have to be approved by my broker-dealer. And second of all,
17 he had just got busted, so I didn't trust him.

18 **MR. JOHNSON:** No further questions, Your Honor.

19 **CROSS-EXAMINATION BY MR. LOEW:**

20 Q. Good afternoon.

21 A. How are you?

22 Q. I'm doing fine. Thank you. You okay?

23 A. I'm great.

24 Q. Good. At this fundraiser when you spoke with Mr. Guidry, did
25 he tell you that he was a commissioner in the Wildlife and

1 Fisheries?

2 A. I knew that he was.

3 Q. Did he tell you that -- did you know Jack Montoucet was the
4 secretary?

5 A. Tell me again. I'm sorry.

6 Q. Jack Montoucet, did you know that he was the secretary of
7 Wildlife and Fisheries?

8 A. I did not. I don't remember any other names.

9 Q. Did he tell you that he was getting a kickback?

10 A. Yeah, they weren't described as a kickback. They had the
11 contract. So they got a percentage for every license that they
12 sold or continuing education, stuff like that.

13 Q. Did he tell you that Jack Montoucet was getting a kickback?

14 A. No, sir.

15 Q. And I don't remember you saying, but did you know Dusty Guidry
16 before this?

17 A. I did. I knew of Dusty.

18 Q. Had you ever done any business with him before that?

19 A. No, sir.

20 Q. So your suspicion of him was based on his recent drug arrest?

21 A. Correct. Yes, sir.

22 Q. That was smart.

23 **MR. LOEW:** Nothing further.

24 **MR. CLEMONS:** I'm going to object to the commentary. I
25 mean, the Court has gotten on me about making comments, but this is

1 the second time he's made a comment clearly for the jury to hear.

2 He said, "That was smart." That's not appropriate.

3 **THE COURT:** Okay. It was an innocuous comment, I think.

4 Any redirect?

5 **MR. JOHNSON:** No, Your Honor. Thank you.

6 **THE COURT:** Mr. Quebedeaux, you are released. You may

7 step down. Thank you, sir.

8 **MR. CLEMONS:** Call Ms. Susan Austin, Your Honor.

9 **THE COURT:** Ma'am, you can come up here and the witness
10 stand is to my right.

11 **THE DEPUTY CLERK:** Raise your right hand, please, Do you
12 solemnly swear or affirm that the testimony you give in this matter
13 will be the truth, the whole truth, and nothing but the truth, so
14 help you God?

15 **THE WITNESS:** I do.

16 **THE DEPUTY CLERK:** Thank you.

17 **SUSAN AUSTIN,**

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

19 **DIRECT EXAMINATION BY MR. CLEMONS:**

20 Q. Please state your name for the record.

21 A. Susan Austin.

22 Q. And what is your profession, Ms. Austin?

23 A. Attorney.

24 Q. I want to bring your attention just prior to 2021, when you

25 worked here in Lafayette. Just give us briefly your career

1 background prior to getting in Lafayette, just briefly where you
2 worked prior to that.

3 A. I started in -- I was an AG in twenty --

4 Q. AG means what?

5 A. I was a Louisiana State AG, attorney general.

6 Q. Okay.

7 A. And then from there --

8 **THE COURT:** The attorney general? You were an assistant
9 attorney general?

10 **THE WITNESS:** Assistant attorney general. Sorry about
11 that.

12 I was assistant attorney general from 2010 until 2016.

13 **BY MR. CLEMONS:**

14 Q. Okay.

15 A. And then from there I moved up to Virginia, and I did contract
16 work for the DOJ.

17 Q. In Virginia? In Virginia?

18 A. In Virginia.

19 Q. Okay.

20 A. From 2016 until 2020. And then moved back here.

21 Q. And what caused you to move back -- when you say here, you mean
22 Lafayette?

23 A. Lafayette.

24 Q. Is this home?

25 A. This is home.

1 Q. What caused you to -- let me finish my question. We don't want
2 to step on each other.

3 What caused you to move back to Lafayette in 2020?

4 A. My parents are elderly, so I wanted to help with them.

5 Q. Okay. Was that also the time of COVID?

6 A. Yes.

7 Q. Bring your attention to early January of 2021. Did you go to
8 work, become employed at the local district attorney's office here
9 in Lafayette?

10 A. I'm sorry?

11 Q. Did you go to work at the local DA's office here in Lafayette?

12 A. Yes.

13 Q. And how did that come about?

14 A. My dad knows Don Landry.

15 Q. Okay.

16 A. And from there, I was able to get a position.

17 Q. What position were you in?

18 A. Assistant DA in the felony division.

19 Q. And we've heard about the track system here in Lafayette;
20 correct?

21 A. Correct.

22 Q. Were you in a track?

23 A. My track was Track 5.

24 Q. Speak up a little bit. You're real soft spoken, so make sure
25 you project into the mic and speak up.

1 A. My track was Track 5.

2 Q. Who else was in that track with you?

3 A. Fritz Welter.

4 Q. Just you two, only two attorneys?

5 A. Only two.

6 Q. Was he the track leader?

7 A. Yes.

8 Q. And just briefly tell the jury what that meant, he was the
9 track leader.

10 A. The track leader was sort of like the supervisor. The track
11 leader would divvy out the cases.

12 Q. So he would assign the cases to the people inside his track?

13 A. Inside the track, correct.

14 Q. Okay. And shortly after taking over, did Mr. Landry have a
15 meeting with the assistant DAs regarding the -- and if I use the
16 term pretrial intervention or pretrial diversion, I'm using those
17 terms interchangeably. But did Mr. Landry have a meeting with his
18 assistant DAs about the pretrial intervention program shortly after
19 taking office?

20 A. Yes, he did.

21 Q. And what was the nature of the meeting?

22 A. The nature of the meeting was to -- when we came in, there was
23 an over -- for lack of a better word, there was an abundance of
24 cases that were -- needed to be taken care of.

25 Q. Some people call it a backlog.

1 A. A backlog, thank you. And he wanted us to get rid of those
2 cases as efficiently as we could. And by that, he said use PTI as
3 often as we could to get rid of them.

4 Q. Okay. And did you-all -- when I say you-all, I mean the
5 attorneys, the ADAs. Did you-all have regular meetings on a
6 monthly basis with the DA in which this topic came up?

7 A. Yes.

8 Q. So this wasn't just a one-time subject?

9 A. No.

10 Q. And was it also discussed that PTI could generate revenue?

11 A. Correct.

12 Q. And who discussed that?

13 A. Excuse me?

14 Q. Who discussed that it was a revenue generator?

15 A. Don Landry.

16 Q. And did you have any concern about felony cases going into the
17 pretrial intervention program?

18 A. Yes, I did.

19 Q. And just tell the jury briefly about your concerns.

20 A. It's my concern because pretrial intervention is a program for
21 people who are first-time offenders and misdemeanors. They're not
22 for felonies. Felonies are -- people who commit felonies usually
23 are not a first-time offender.

24 Q. Okay. And did you voice your concern to Mr. Landry about
25 putting felonies or people with records in pretrial intervention?

1 A. Multiple times.

2 Q. And multiple times did you get overruled and he told you
3 basically to do it?

4 A. Told me to do it.

5 Q. Now, at some point did you get demoted?

6 A. Yes, I did.

7 Q. And tell the jury briefly about that.

8 A. I was demoted to misdemeanor track. Another attorney was
9 brought in to take over my position as a felony prosecutor.
10 Basically, I wasn't told. I was just -- "Take your stuff out of
11 your office. We have another attorney who's taking your position.
12 You're going to be a misdemeanor attorney now," basically that day.

13 Q. Okay. Bring your attention now to June of '22. Did you have a
14 medical situation?

15 A. Yes, I did.

16 Q. Tell the jury what happened to you in '22.

17 A. I was in the office and I had a stroke inside the office.

18 Q. Did you go on leave? Did you go on medical leave?

19 A. I went on medical leave after that.

20 Q. And for how long?

21 A. I was on medical leave until November.

22 Q. And were you scheduled to return to the DA's office after your
23 medical leave in November?

24 A. Yes.

25 Q. And what happened in November when you tried to return?

1 A. When I tried to return, I was told that my position had already
2 -- was filled; that I had no job to come back to.

3 Q. And so, therefore, were you ever able to go back to the DA's
4 office?

5 A. No.

6 Q. Bring your attention to June of '22. Were you interviewed by
7 FBI agents in this case?

8 A. Yes.

9 Q. Okay. And do you recall where that interview took place?

10 A. At my house.

11 Q. And do you remember how many agents came to the house?

12 A. Two.

13 Q. Doug Herman one of those agents?

14 A. Excuse me?

15 Q. Was Doug Herman one of those agents?

16 A. Yes, sir.

17 Q. And did you talk to them about the PTI program and what you
18 told the jury about your concerns about how it was used?

19 A. Yes, I did.

20 Q. Did you ever mention Gary Haynes in relation to that interview,
21 if you recall, that you did?

22 A. No, I did not.

23 Q. Did the agents try to steer the conversation towards Mr.
24 Haynes?

25 A. Yes, they did.

1 Q. How did they do that?

2 A. They kept -- they asked me who required me to put my cases into
3 PTI. And I would tell them my supervisor, Don Landry, and my track
4 leader, Fritz Welter. Then they would ask me again: Who would
5 request you to put your cases into PTI? And I would say Don Landry
6 and Fritz Welter. Then they would ask the question again. And I
7 would say Don Landry and Fritz Welter.

8 Q. Would they ask the same question in different forms but
9 basically the same question?

10 A. Same question.

11 Q. And you also told them about the meeting that Don Landry had
12 with ADAs about pushing cases to pretrial?

13 A. Yes, I did.

14 Q. Did they serve you with a grand jury subpoena, Ms. --

15 A. Yes, they did.

16 Q. -- Susan Austin, at that time?

17 A. They did.

18 Q. And what did they tell you about that subpoena? I mean, when
19 they gave it to you, did they give you instructions saying this is
20 where the grand jury is, this is what time you meet? Or they just
21 said, hey, this is your grand jury subpoena? Do you recall what
22 happened when Mr. Herman gave you the subpoena?

23 A. They just handed me the subpoena. I guess they assumed that I
24 knew what it was.

25 Q. As an attorney, they figured you could figure it out?

1 A. Yes.

2 Q. Did you testify in front of the grand jury?

3 A. No, I did not.

4 Q. Did you get a call from Mr. Herman telling you that your
5 testimony was not needed?

6 A. Yes, I did.

7 Q. When did you get that call?

8 A. About two days before the grand jury was supposed to convene.

9 Q. Mr. Herman told you your services were not needed?

10 A. Yes.

11 **MR. CLEMONS:** Thank you, ma'am. I tender the witness,
12 Your Honor.

13 **CROSS-EXAMINATION BY MR. LOEW:**

14 Q. Hi, Ms. Austin. Thanks for coming.

15 When you were a felony prosecutor, did you ever deal with
16 any vendors?

17 A. No.

18 Q. Do you know what a vendor is?

19 A. I would guess a vendor is somebody you buy something from.

20 Q. Do you know of any vendors that worked with the DA's office?

21 A. A PTI vendor.

22 Q. Right. So that's what I'm asking about. Do you know about PTI
23 vendors who worked with the DA's office?

24 A. I've never met them.

25 Q. Do you know what services they provided?

1 A. They would provide services for -- if you sent somebody to PTI,
2 you would send them through the courtroom. I've never -- I've
3 never sent anybody to -- backtrack.

4 I've sent very few people to PTI.

5 Q. And when you say sent, you mean cases that you were handling,
6 very few of your cases that you handled went to PTI?

7 A. Correct.

8 Q. And back to this conversation with the FBI. They were trying
9 to figure out when you sent cases to PTI, who you dealt with?

10 **MR. CLEMONS:** Objection, Your Honor. She doesn't know
11 what they were, quote, trying to figure out.

12 **THE COURT:** I'm sorry. I didn't hear your objection.

13 **MR. CLEMONS:** She would have no way of knowing what the
14 FBI, quote, was trying to figure out. He asked her weren't they
15 trying to figure out. That's calling for her to speculate.

16 **THE COURT:** Well, I think your direct examination opened
17 that question, so I'll allow it.

18 Repeat the question, please, Mr. Loew.

19 **BY MR. LOEW:**

20 Q. So when the FBI came and interviewed and they kept asking you
21 questions about how your cases were going to PTI, they were trying
22 to figure out what was going on with your cases and who was getting
23 you to send them and questions about that? And defense counsel,
24 with his questions, led you to say Gary Haynes. That's what they
25 wanted to hear about; right? Gary Haynes?

1 A. I'm sorry. Repeat that. I don't understand your question.

2 Q. So in your direct examination, defense counsel asked you
3 multiple times about questions from the FBI regarding how your
4 cases were sent to FBI, who in the office was getting you to send
5 your cases to PTI; correct?

6 A. Correct.

7 Q. And you didn't send many cases to PTI?

8 A. Correct.

9 Q. So you didn't really know much about PTI?

10 A. Correct.

11 Q. So this case is all about PTI, and you don't really know much
12 about it; correct?

13 A. I know that you have to have -- I know that PTI is for
14 first-time offenders, and felonies are not for first-time
15 offenders.

16 Q. And you were a felony prosecutor?

17 A. Correct.

18 Q. So you didn't have a lot of cases that you thought should go to
19 PTI?

20 A. I knew that I was being asked to send my felonies to PTI, and I
21 was not -- I was pushing back on that.

22 Q. Because you thought that felonies shouldn't be in PTI?

23 A. Correct.

24 Q. And as a felony prosecutor, that seems like a perfectly logical
25 thing for you to think?

1 A. Correct.

2 Q. So did that change when -- you say you were demoted, but when
3 you became a misdemeanor prosecutor? Did you send a lot of cases
4 when you were a misdemeanor prosecutor?

5 A. Not many.

6 Q. What types of misdemeanors did you prosecute?

7 A. I wasn't -- when I became a misdemeanor prosecutor, that's when
8 I had my stroke.

9 Q. So you weren't there very long as a misdemeanor prosecutor?

10 A. Correct.

11 Q. When you were a misdemeanor prosecutor, did you deal with the
12 PTI vendors?

13 A. Again, it was a very short time period.

14 Q. Did you know any of the vendors? Did you know, like, their
15 businesses or their names or what their companies were called?

16 A. No.

17 Q. Since you didn't even know that, I think it's fair that you
18 probably never took any kickbacks from them; is that right?

19 A. No, I didn't.

20 **MR. LOEW:** I don't have anything further.

21 **REDIRECT EXAMINATION BY MR. CLEMONS:**

22 Q. Ms. Austin, Mr. Loew asked you a couple of times and you said
23 that you were asked to send cases to PTI. Do you remember saying
24 that?

25 A. Yes.

1 Q. You were asked by Mr. Landry?

2 A. Correct.

3 Q. Did my client ever ask you to send cases to PTI?

4 A. No.

5 **MR. CLEMONS:** Thank you. That's all I have, Your Honor.

6 **THE COURT:** Thank you for your testimony, ma'am. You may
7 step down. You're released from your subpoena.

8 **MR. CLEMONS:** Judge, you did say she was released; right?

9 **THE COURT:** Unless you need her.

10 **MR. CLEMONS:** No. I thought that's what you said. She
11 was making sure, but I thought you said she's released. We don't
12 need her.

13 You're released.

14 **THE COURT:** You're released.
15 Defense may call their next witness.

16 **MR. JOHNSON:** We call Vanessa Bobb, Your Honor.

17 **THE DEPUTY CLERK:** Raise your right hand. Do you
18 solemnly swear or affirm that the testimony you give in this matter
19 will be the truth, the whole truth, and nothing but the truth, so
20 help you God?

21 **THE WITNESS:** I do.

22 **THE DEPUTY CLERK:** Thank you.

23 **VANESSA BOBB,**

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

25 **DIRECT EXAMINATION BY MR. JOHNSON:**

1 Q. Hello, Ms. Bobb.

2 A. Hello.

3 Q. How are you?

4 A. Fine.

5 Q. My name is Adam Johnson. I have a few questions for you. Is
6 that okay?

7 A. Yes.

8 Q. Do you recall discussing in your direct testimony a file, Barry
9 Pitry file?

10 A. I don't recall that name.

11 Q. Did you have any involvement in Mr. Pitry's file?

12 A. I don't recall that name.

13 Q. Do you recall a case about a dentist that was accused of a
14 misdemeanor sexual battery?

15 A. No.

16 **MR. JOHNSON:** Okay. Do you mind if I show -- I would
17 like to show Government's Exhibit 10, just the witness, Your Honor.

18 **THE COURT:** Okay.

19 **MR. JOHNSON:** It is in evidence, but I'm just going to
20 show it to the witness to see if it refreshes her recollection.

21 **BY MR. JOHNSON:**

22 Q. It's okay. I'm going to try and help you. If you can recall,
23 great. If you can't, no big deal.

24 A. Okay.

25 **MR. JOHNSON:** Go down. Go up. Go up. There you go.

1 One second.

2 **BY MR. JOHNSON:**

3 Q. Now, do you recognize this file at all?

4 A. No, I don't.

5 Q. Not at all. Just appears that Zoila was the one that dealt
6 with it?

7 A. According to this, Zoila was the supervisor. She would have
8 gotten the referral and assigned it. And it was assigned to
9 another coordinator, not myself.

10 Q. Do you recall at any point -- you don't remember this file at
11 all. You don't remember Barry Petry, a dentist charged with
12 misdemeanor sexual battery? No memory of that at all?

13 A. No, I didn't deal with those.

14 **MR. JOHNSON:** Then I'm not going to ask more questions
15 about it. Thank you.

16 **CROSS-EXAMINATION BY MR. NICKEL:**

17 Q. Hey, Ms. Bobb.

18 A. Hi.

19 Q. How are you?

20 A. Fine. And yourself?

21 Q. You were in what division in PTI?

22 A. OWI.

23 Q. You had been the OWI coordinator for quite a while now?

24 A. Approximately nine years.

25 Q. So you wouldn't do anything with a sex crime?

1 A. No.

2 Q. Okay. That file you were just shown, was that a sex crime?

3 A. Yes.

4 Q. So does it make sense that you didn't know anything about that
5 case?

6 A. Yeah. I didn't have anything to do with it. I don't know
7 anything about it.

8 **MR. NICKEL:** Thank you, Ms. Bobb.

9 **THE COURT:** Any redirect?

10 **MR. JOHNSON:** No, Your Honor.

11 **THE COURT:** May Ms. Bobb be released from her subpoena?

12 **MR. JOHNSON:** She can be, Your Honor.

13 **THE COURT:** Ms. Bobb, you may step down. You are
14 released from your subpoena.

15 **THE WITNESS:** Thank you.

16 **MR. CLEMONS:** Can we approach sidebar, Judge?

17 (A discussion was held off the record.)

18 **THE COURT:** Ladies and gentlemen, we are getting close to
19 the close of evidence in the case. We have about maybe three more
20 witnesses, maybe more, that are going to come tomorrow morning.
21 But today I think we have done all that we can do. I have some
22 business to take care of with the attorneys, so I think it's
23 appropriate at this time to let you go and come back tomorrow
24 morning at nine o'clock for nine o'clock start. And we will
25 complete the evidence tomorrow.

1 Depending on what time we complete the evidence tomorrow,
2 we will either have time to roll into closing arguments and my
3 instructions to you, possibly. We have to see how long the
4 witnesses take. But certainly we'll finish -- of course, how long
5 you deliberate is going to be up to you, but you will have the case
6 to consider no later than Thursday, possibly tomorrow, but no later
7 than Thursday. Just for planning purposes. We will see you
8 tomorrow morning at nine o'clock.

9 All rise for the jury.

10 (Jury not present.)

11 **THE COURT:** Please be seated. If counsel can hang around
12 for a few minutes, we will hand out copies of the draft jury
13 instructions and the verdict form. Is two copies for each side
14 sufficient?

15 **MR. CLEMONS:** That's fine, Judge.

16 **MR. WALKER:** It is. Thank you.

17 **THE COURT:** We will be back. Kaleb is going to be in
18 charge of that aspect of this case, so please report to me any
19 dereliction of his duty.

20 Court will be in recess until 8:30 tomorrow morning.

21 **MR. CLEMONS:** Judge, we are going to meet in here for the
22 brief conference in the morning? Or do you want us to go to
23 chambers?

24 **THE COURT:** We'll do it in here.

25 I'll have an update on what's going on with the contact.

1 If there's anything we learn, I'll let you know tomorrow.

2 **MR. WALKER:** Thank you, Your Honor.

3 **THE COURTROOM SECURITY OFFICER:** All rise.

4 (Whereupon the proceedings recessed at 2:45 p.m.)

5 **REPORTER'S CERTIFICATE**

6
7 I, Beth Delatte, Registered Professional Reporter, Certified
8 Court Reporter in and for the State of Louisiana, Official Court
9 Reporter for the United States District Court, Western District of
10 Louisiana, do hereby certify that the foregoing is a true and
11 correct transcript, to the best of my ability and understanding,
12 from the record of the proceedings in the above-entitled and
13 numbered matter.

14
15
16 /s/Beth Delatte

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