

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

1 UNITED STATES OF AMERICA ) CRIMINAL ACTION NO. 6:24-206  
2 )  
3 vs. ) JUDGE JOSEPH  
4 )  
5 GARY HAYNES ) MAGISTRATE JUDGE WHITEHURST  
6 )  
7 SENTENCING

8 Transcript of Proceedings before The Honorable  
9 David C. Joseph, United States District Judge,  
10 Lafayette, Lafayette Parish, Louisiana, commencing  
11 on December 12, 2025.

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1 (Lafayette, Lafayette Parish, Louisiana; December 12,  
2 2025, in open court.)

3 THE CSO: All rise. United States District Court for  
4 the Western District of Louisiana is now in session. Honorable  
5 Judge David C. Joseph presiding. God save the United States and  
6 this Honorable Court.

7 THE COURT: Thank you, please be seated. Good  
8 afternoon. We're set for a sentencing hearing today in  
9 24-cr-206, United States versus Gary Haynes. The defendant,  
10 Mr. Haynes, is present in court with his attorneys.

11 Counsel, please make your appearance.

12 MR. CLEMONS: Good afternoon, Judge. Todd Clemons here  
13 on behalf of Mr. Haynes, Adam Johnson and Micah Clemons. As you  
14 mentioned, Mr. Haynes is present in court.

15 THE COURT: Okay. Good afternoon.

16 MR. CLEMONS: Good afternoon, Judge.

17 MR. WALKER: Your Honor, Luke Walker on behalf of the  
18 United States, along with Steven Loew and John Nickel.

19 THE COURT: Good afternoon to you as well.  
20 We have a number of objections which we will address  
21 momentarily. At this time, though, I ask, Mr. Haynes, will you  
22 approach the front podium at this time with your attorney.

23 Ms. LaCombe, please swear in the defendant.

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

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

3 THE WITNESS: I do.

4 COURTROOM DEPUTY: Thank you.

5 THE COURT: Mr. Haynes, have you read your presentence  
6 report?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Okay. And have you had a chance to discuss  
9 that with your attorneys in this matter?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Okay. Do you understand everything in it?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Okay. I also attached to that report the  
14 Notice of Conditions of Supervision which are the standard  
15 conditions of supervision that are normally given in this  
16 district. Did you also read that document?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: Mr. Clemons, did you have enough time and  
19 opportunity to discuss the presentence report with your client?

20 MR. CLEMONS: Yes, Judge, we had enough time and we  
21 certainly discussed it.

22 THE COURT: Do you feel like he understands the nature  
23 of that report?

24 MR. CLEMONS: He understands it, Judge.

25 THE COURT: Okay. I've reviewed the Presentence

1 Investigation Report as well. I note for the record that the  
2 government filed two factual objections which have been resolved  
3 in an amended report.

4 There are three guideline objections that the  
5 government filed which I've read as well and which the Probation  
6 Office responded to. Would the government like to address those  
7 objections?

8 MR. CLEMONS: You want us to go back to the --

9 THE COURT: You can go back to your seats, yes.

10 MR LOEW: Your Honor, one of them regarding the  
11 two-level enhancement for obstruction when he was convicted of a  
12 count of obstruction, your very smart probation officer corrected  
13 me, told me to read a little further down in the Guidelines.

14 THE COURT: Right, he is correct. Objection Number  
15 1 is overruled. The Probation Office is correct. Paragraph  
16 3C1.1, note 8, states a two-point adjustment should be added  
17 since the obstruction count was grouped with other underlying  
18 counts.

19 MR LOEW: Yes. So addressing the aggravating role,  
20 defendant clearly was a leader in this conspiracy. He was the  
21 head of the pretrial intervention program. He determined who got  
22 in and who got out. He determined what classes they'd take.  
23 Factually, in the office -- I'm sorry -- during the trial --

24 THE COURT: Let's take them in order, Mr. Loew. So  
25 your guideline objection number 2 was with the grouping analysis,

1 and I believe the Probation Office agreed with you on that one .

2 MR LOEW: Yes, on the money laundering count being  
3 separate and adding two levels.

4 THE COURT: Because that had a higher base offense.

5 MR LOEW: Because you add the two levels to the base  
6 offense that was given.

7 THE COURT: Right.

8 MR LOEW: So it's two levels higher than originally, and  
9 the probation officer agreed with that.

10 THE COURT: Right, and the presentence report has been  
11 amended. So now moving onto Objection Number 3.

12 And I agree that it should have been amended. So  
13 that's sustained.

14 Okay. Guideline objection number 3. Go ahead,  
15 Mr. Loew.

16 MR LOEW: See my letter to see if that was the  
17 aggravating role one.

18 THE COURT: That is.

19 MR LOEW: So, Your Honor, during trial the defendant --  
20 evidence of the defendant ordering people to do things or not to  
21 do things are clearly the -- it's the kind of classic leadership  
22 position. He told Zoila in the January 12, 2022, meeting, he  
23 actually called her during that meeting and said, If I am  
24 ordering CBTs, no one can deviate from that. If I say you have  
25 to take the CBTs, no one can deviate. And in fact, Dusty then

1 tells him to -- Gary, to make sure that they can't deviate, and  
2 it's Gary Haynes who is saying "you can't deviate."

3 Also, we heard how, when people disagreed with what  
4 Mr. Haynes did as the leader of PTI, he would label them  
5 insubordinate because he was the boss, and there were  
6 consequences for that.

7 There was testimony about how they would go to this  
8 annual conference for the pretrial intervention workers, and he  
9 could determine whether or not they got to go. That's a  
10 leadership role.

11 He talked about how he was going to push all the CBT  
12 courses to Leonard, but he was going to do it in a different way  
13 than Dusty. He was going to be more subtle about it so people  
14 wouldn't question it because he was the leader. He was going to  
15 do it the right way, he said.

16 He's the one who recommended Leonard Franques as the  
17 vendor to Don Landry, and Don Landry testified to that. And  
18 there's text messages where they are trying to get a similar  
19 program in Lafayette City Court, and he is sending text messages  
20 with Greg Logan where he's also recommending Joseph Prejean and  
21 Leonard Franques as the vendors, cause those are the vendors he's  
22 going to get kickbacks from. So I think the --

23 THE COURT: Isn't that a different scheme that never  
24 got off the ground, though, and isn't that related to his role as  
25 a city prosecutor?

1 MR LOEW: So yes and no. So it didn't get off the  
2 ground, meaning they didn't -- it didn't actually get to be  
3 working, yeah, but it still shows his leadership role.

4 THE COURT: As the city prosecutor.

5 MR LOEW: So he would have been handling them as the  
6 city prosecutor, but it's the same scheme. It's the same vendors  
7 who he's going to be getting the kickbacks from, and it's still  
8 pretrial intervention.

9 THE COURT: It was never approved by the city, though,  
10 correct?

11 MR LOEW: I think that the testimony was that they did  
12 not get it off the ground yet.

13 THE COURT: Okay. And also, I think, how would you  
14 distinguish between -- and I think the evidence was clear at  
15 trial that Mr. Haynes did have a certain leadership role within  
16 the Office of the District Attorney. That's different, I think,  
17 than his role in this conspiracy. Would you care to talk about  
18 that?

19 MR LOEW: Sure. So there were two interesting things  
20 that came up at trial. One was from a witness who said that they  
21 thought that he was the first assistant based on how close in  
22 proximity he was with Mr. Landry and that he needed more respect  
23 because of that. But, no, in being appointed as the head of  
24 pretrial intervention, he was the leader of pretrial  
25 intervention, but that let him be the leader of the conspiracy,

1 because he was the only lawyer, he was the one who approved  
2 everything about the legalities of getting into and getting out  
3 of pretrial intervention. He was the one who said this person  
4 can come in, and he did that because he was the head of PTI.  
5 There were lots of lawyers in the office, but he was the only  
6 one who was in charge of PTI. Who gets in, what classes they  
7 have to take, and signing off on when they get out.

8 THE COURT: Right, and there was some other evidence  
9 that maybe he didn't -- wasn't the only person that could let  
10 people into the program, that Mr. Guidry actually did on occasion  
11 as well, correct?

12 MR LOEW: So he definitely let them in, but there's  
13 numerous text messages and emails where he always says, but I'm  
14 going to run it by Gary. This is okay, but I'm going to run it  
15 by Gary. He still, even with the issue with Barry Salinger and  
16 how they diverted all those cases to Barry Salinger because of  
17 the feud between the defendant and Mr. Salinger, Dusty would  
18 still say, I'm going to clear it with Gary.

19 So there's no doubt that Dusty Guidry was a harder  
20 worker. He was -- and had his hands in many different schemes,  
21 but in this scheme in particular, being a harder worker doesn't  
22 make you the leader or the supervisor. He was working hard, but  
23 the defendant was approving the people in and the people out and  
24 giving everyone else the orders. Every single person from the  
25 Pretrial Intervention Program who testified said Gary was the

1 leader, he was the boss, that's who we listened to.

2 THE COURT: Okay. Mr. Clemons, would you like to  
3 respond?

4 Thank you, Mr. Loew.

5 MR. CLEMONS: Yes, I do. Thank you, Judge.

6 THE COURT: And also, if you want to respond to any of  
7 the other objections you can as well.

8 MR. CLEMONS: Okay. Judge, in this particular case, I  
9 certainly think probation and parole in overruling this objection  
10 got it right. I think the government is -- this is a PTI program  
11 alleged scheme, and so I think they are conflating the PTI  
12 program with the scheme. The scheme is to get kickbacks. It's  
13 not the PTI program itself. We all know PTI is a legal program.

14 But the scheme, according to the government and what  
15 the jury found, was to get kickbacks. And so therefore the  
16 question becomes, who is the leader organizer in that scheme, and  
17 I think the evidence on whether my client was the leader or  
18 organizer, and I think the evidence is very, very clear that his  
19 role in the so-called scheme was not as a leader or organizer.  
20 We think the evidence is abundantly clear that Dusty Guidry is  
21 the one who initiated the scheme. He's the one who organized the  
22 scheme. So he clearly had a leadership role in the so-called  
23 scheme.

24 I think the government -- for example, they always say  
25 that my client had the ultimate authority on who got into the

1 program, but that's just not true. The evidence is clear that  
2 Mr. Landry had the ultimate authority. He admitted that himself.  
3 It's on his website that he had the ultimate authority. Now he  
4 certainly delegated some authority to our client, but he's the  
5 one who implemented the program, and he's the one who had  
6 ultimate authority. But the question as far as focusing on the  
7 scheme, which is what I think the Court should do, and I hope  
8 that's -- I think that's what the Court is doing, is my client  
9 did not have a leadership role.

10 For example, Mr. Loew talks about people being able to  
11 go on conferences, or whatever, and so therefore he had the  
12 leadership role. No, that just meant he was a supervisor within  
13 the DA's office, and there's no evidence that anybody was  
14 punished. Same thing about being insubordinate. There was no  
15 evidence that Mr. Haynes punished anybody for being  
16 insubordinate, Judge.

17 So when we focus on the enhancement, and I think the  
18 Sentencing Guidelines are clear, the enhancement has to be fact  
19 specific, and it has to be based on the facts in this case and  
20 the crime involved, and we think the evidence does not support an  
21 enhancement for Gary Haynes for being a leader/organizer in the  
22 scheme in which our position is very, very clear that Dusty  
23 Guidry was the leader.

24 As far as Mr. Franques being a vendor, Mr. Prejean  
25 being a vendor, Mr. Haynes didn't set that up. Those people were

1 selected as vendors by Don Landry. Now part of his job was  
2 making sure people took certain classes. That was a part of the  
3 program, but he did not select those people as vendors, Judge.  
4 So we think that enhancement is not applicable, based on the  
5 facts of this case, and the notes in the case law is very, very  
6 clear that these enhancements are very, very fact specific, case  
7 specific.

8 THE COURT: Okay. Thank you, Mr. Clemons. I concur  
9 with respect to the Government's Objection Number 3 that -- I  
10 concur with probation, that while Mr. Haynes was certainly an  
11 integral part of the DA kickback scheme, his conduct did not rise  
12 to the level of a leader, organizer, or manager as contemplated  
13 by 3B1.1(c). Based on the evidence that the Court heard at  
14 trial, that objection is overruled.

15 Now the defendant filed five guideline objections to  
16 the presentence report. I've read those objections.

17 Mr. Clemons, would you like to address each in turn further?

18 MR. CLEMONS: I will, Your Honor, thank you.

19 THE COURT: And then I'll hear from the government in  
20 response after Mr. Clemons finishes his.

21 MR. CLEMONS: Your Honor, I want to start with  
22 paragraphs 25 and 39 because those two are connected. Those are  
23 the two that deal with the loss amount and the level of the loss  
24 amount. And Probation and Parole found that the amount was  
25 219,500 that our client intended to recover. Going back to the

1 facts, of course, he did not recover anything, so the Probation  
2 and Parole and you, of course, as the sentencing court, you have  
3 to look at what you deemed appropriate that he intended to  
4 recover.

5 And we disagree, with all due respect to Mr. Christy,  
6 in finding that amount of 219,500, because in the initial report  
7 it wasn't clear where that figure came from. So that's why we  
8 filed the objection and we were speculating. But when we got the  
9 addendum, that's where we found out Mr. Christy got that amount  
10 from, and of course it includes \$137,500 that involved the  
11 Wildlife & Fisheries so-called scheme. And, Judge, that's the  
12 tenor of all of our objections is that the Wildlife & Fisheries  
13 scheme and any money that our client -- our position is he  
14 invested money to get into it.

15 I know the government has a different position, but our  
16 position is, you let in the Wildlife & Fisheries' evidence, which  
17 I think even the Court found that it was extrinsic evidence. You  
18 let it in under 404(b). But we feel like in calculating the  
19 guidelines, you must consider the offense of conviction. The  
20 offense of conviction, Judge, and I'll keep coming back to this,  
21 is what's in the indictment, and that's the PTI scheme. The  
22 Wildlife & Fisheries evidence came in as 404(b).

23 But there's nowhere -- if you read that indictment  
24 upside down and sideways is Wildlife & Fisheries mentioned. Jack  
25 Montoucet is not mentioned. So the offense that they convicted

1 him of involves solely the wild -- I'm sorry, the PTI so-called  
2 scheme. So therefore we feel like the money, and we think it's a  
3 137,500, should not be included in reaching that amount because  
4 that amount dealt with a separate so-called scheme that was not a  
5 part of the offense that our client was actually convicted of,  
6 Judge. So that's why we feel like it's inappropriate to use that  
7 amount.

8 Also, we feel like that amount is purely speculative.  
9 I think the rationale is, okay, if he spent \$219,000, then  
10 apparently intended to receive \$219,000. But Judge, we feel like  
11 that's a speculative calculation. So therefore, Judge, that's  
12 why we feel like that amount is inflated, and we think if that  
13 amount is deducted, then our client would reap the benefit of a  
14 two-level reduction from a 10 down to an 8. So that's our  
15 position on Objection Number 1. You want to --

16 THE COURT: Yeah, actually, let's take them one at a  
17 time.

18 MR. CLEMONS: Okay. That's what I thought, Judge,  
19 thank you.

20 THE COURT: Okay.

21 MR LOEW: Your Honor, the amount of loss is the offense  
22 of conviction plus all relevant conduct. So the issue is, is the  
23 buying into the Fish & Wildlife scheme relevant conduct? There's  
24 many reasons why it's relevant conduct. We address it in our  
25 404(b) motion, and we address it at prior sentencings. It's the

1 same reason why Leonard Franques got enhancement for multiple  
2 bribes; bribes in the Fish & Wildlife scheme, bribes in the PTI  
3 scheme. It's the same people. One person different in the  
4 Fish & Wildlife scheme, Jack Montoucet. It's over the same time  
5 period, the schemes overlap, and we have the same victims, the  
6 people of Louisiana.

7 One thing that's even more important in Mr. Haynes'  
8 case than in Mr. Franques', is the bogus bank account, MD@Law was  
9 set up to take the proceeds from both schemes. So there's more  
10 intertwining now of the schemes because the money from both  
11 schemes were going to go into that fake bank account. And you  
12 only need at least one common factor, and we have many common  
13 factors. So Fish & Wildlife should come in as relevant conduct.

14 As far as the amount, if he invested \$219,500 into two  
15 different schemes to buy into those schemes, he wanted at least  
16 that much back. That's the minimum, and that's why I think we  
17 took a conservative number of \$219,500 as relevant conduct or  
18 total loss because clearly he wanted to get at least that much  
19 back.

20 THE COURT: Okay. While I don't necessarily dispute  
21 that, if we had a hard number on the Wildlife & Fisheries scheme,  
22 it might be credited towards the intended loss for this  
23 defendant. Based on the information presented at trial, there's  
24 not a good measure of intended loss in this case beyond the two  
25 \$10,000 checks that Mr. Haynes received, the half of the

1 \$40,000 that was referenced, and the \$81,000 truck.

2 Therefore the Court will sustain the defendant's  
3 objection, and set the amount of loss at \$121,000 and amend the  
4 presentence report to an 8-level increase under Guideline  
5 2b1.1(b)(1)(E). I think anything beyond that is simply too  
6 speculative based on the evidence that I've heard.

7 All right, Mr. Clemons, you want to address your second  
8 objection?

9 MR. CLEMONS: And Judge, I'm counting on you to keep  
10 track of the numbers, because in my mind I've just got the  
11 objections. So I want to deal Judge, with the 2C1.1(b)(3) which  
12 I think is number 3 objection, but it's the four-level increase  
13 because of Jack Montoucet's role.

14 THE COURT: The next one, Objection Number 2 is the  
15 two-level increase based on the defendant's role in the offense.  
16 Probation already accepted that one.

17 MR. CLEMONS: Right.

18 THE COURT: And I concur with probation, so we can move  
19 on to Number 3, which is the four-level enhancement.

20 MR. CLEMONS: Yeah, I thought they'd already --

21 THE COURT: Okay. Go ahead with number 3.

22 MR. CLEMONS: Thank you, Judge, and our position,  
23 Judge, and again, it's related to the central theme you'll see in  
24 our objections is the Wildlife & Fisheries so-called scheme,  
25 again, is too speculative, Judge, to be included, and also

1 because it should not be included in relevant conduct, because  
2 the Court has a broader standard for 404(b). But to be included  
3 as relevant conduct, the case law is clear, that's a higher  
4 standard.

5 So just because the Court let it in as 404(b), the  
6 Court does not have to find that that amount is included as  
7 relevant conduct because that's a higher standard, and we feel  
8 like it shouldn't be included as relevant conduct.

9 But getting to Mr. Montoucet, the record is clear, Gary  
10 Haynes -- there's no evidence -- Let's put it this way. There's  
11 no evidence in the record that Gary Haynes ever met  
12 Mr. Montoucet, no evidence in the record that he ever dealt with  
13 Mr. Montoucet.

14 THE COURT: That was a question mark that I had. I  
15 don't remember any evidence that your client knew that  
16 Mr. Montoucet was involved. Was there any evidences? I'm going  
17 to ask the government the same thing.

18 MR. CLEMONS: Absolutely there was no evidence  
19 whatsoever that he knew that Mr. Montoucet had some type  
20 involvement going on with some illicit scheme, Judge. There's no  
21 evidence that we saw. Our client's position was he was invested  
22 in the software that he knew was involved in getting these  
23 programs that Mr. Franques had for the rules violations and the  
24 online classes to develop the software.

25 But there's no evidence in the record that he knew

1 Mr. Montoucet had any involvement whatsoever in this operation.  
2 So we feel like to include a four-level increase because of  
3 Mr. Montoucet, whether he was in a high-ranking position or had a  
4 sensitive position is irrelevant, Judge, because you'll go back  
5 to the offense that you are going to sentence him on.

6 You're going to sentence this man in a few minutes  
7 because of what the jury found he did with the PTI program. The  
8 404(b) was just used to help prove his intent, but the 404(b),  
9 the Wildlife & Fisheries is not the charged offense. You are  
10 going to sentence Mr. Haynes based on the charged offense which  
11 is the PTI program.

12 So Mr. Montoucet's role with Wildlife & Fisheries,  
13 whether he had a high ranking position or he had a sensitive  
14 position, that is of no moment, because his position in  
15 Wildlife & Fisheries had absolutely nothing to do with PTI. It  
16 had absolutely nothing to do with maybe putting people into PTI  
17 who weren't qualified to be in PTI. It has nothing to do with  
18 maybe sending more people to the vendors, Mr. Prajean and  
19 Mr. Franques, than he normally would have.

20 Mr. Montoucet's position had nothing to do with that,  
21 so, therefore, that's why we feel like that four-level  
22 enhancement is totally inapplicable to this case because  
23 Mr. Montoucet is more ancillary to this case. He came in as  
24 404(b).

25 But the charged offense, again, the indictment is very

1 clear on what the charged offense is. The charged offense has  
2 nothing to do with Wildlife & Fisheries, has absolutely nothing  
3 to do with Mr. Montoucet, Judge. So therefore that's why we feel  
4 like that four-level enhancement is totally inapplicable to the  
5 facts of this case.

6 And, again, all these enhancements, all these  
7 sentencing things that you have to consider are case specific,  
8 are case specific, and so we think the record is clear that that  
9 should not be included for those reasons, Judge.

10 THE COURT: Okay. Thank you, Mr. Clemons.

11 MR. CLEMONS: Thank you, Judge.

12 MR LOEW: Your Honor, I think this one is the easiest  
13 because the enhancement is not based on Jack Montoucet, it's  
14 based on the defendant. He gets a four-level enhancement because  
15 he is the public official that this is talking about, and it very  
16 specifically says that prosecuting attorneys count as public  
17 officials. So he gets the enhancement because he is a public  
18 official.

19 THE COURT: Right. So the history of this objection  
20 was that Mr. Clemons originally objected because he objected  
21 essentially to double counting Mr. Haynes' role.

22 MR LOEW: Right.

23 THE COURT: The probation office responded saying,  
24 actually, that enhancement applies because of his involvement  
25 with the Wildlife & Fisheries scheme which involved another

1 public official.

2 MR LOEW: Right, but because of that, he also took away  
3 the two levels for abuse of position of trust, which he should do  
4 because it would be double counting because he is the public  
5 official.

6 If Jack Montoucet is the public official, then you  
7 should add additional two points because it wouldn't be double  
8 counting, if you say that Jack Montoucet is the public official,  
9 but we're not saying that. We're saying the defendant is the  
10 public official.

11 So the probation officer was correct in taking the  
12 abuse of position of trust out under 3B1.3, the additional two  
13 points, but the four points is very clearly applicable in this  
14 case. And in fact, in defendant's objection he agrees that the  
15 defendant is a public official under 2C1.1, and that's why he  
16 said it was double counting.

17 THE COURT: Okay.

18 MR LOEW: So we agree with the report as far as the  
19 calculation goes, just not who the public official is.

20 MR. CLEMONS: And Judge, I'd like to be heard, if I  
21 could, just whenever.

22 THE COURT: Yes, go ahead, you can stay there real  
23 quick. So am I correct, your objection was originally to double  
24 counting?

25 MR. CLEMONS: That is correct, Judge.

1 THE COURT: What's your response to what Mr. Loew now  
2 is asserting that actually the four-point enhancement is because  
3 of your client's own position of trust?

4 MR. CLEMONS: I take the position that probation got it  
5 right in the addendum when they say the four level is because of  
6 Mr. Jack Montoucet, Judge. And going back to Mr. Loew's original  
7 point. Yes, the notes do say "prosecuting attorneys," but the  
8 Court could construe that to mean the elected prosecuting  
9 attorney or the district attorney because right after that it's  
10 judges.

11 All prosecuting attorneys are not created equal. A  
12 young prosecuting attorney who is just out of law school is not  
13 the same as the first assistant. So I just want to point that  
14 out because they are putting him in the category of judges and  
15 other public officials. So I think that's a very, very important  
16 distinction that I would like to make because, also, I want to go  
17 back to the original point, Judge.

18 Mr. Haynes' job as an assistant district attorney over  
19 the so-called PTI program, the program itself was legal. But as  
20 far as the scheme, that has nothing to do with it, Judge. So our  
21 position is, just because it says prosecuting attorney, you still  
22 have to look at the facts of this case to see whether Mr. Haynes'  
23 position rises to the level to be considered.

24 So that's why I wanted to take that position because  
25 Probation and Parole said the four level was based on

1 Mr. Montoucet, and I certainly wanted to make a strenuous  
2 objection to that because of Mr. Montoucet's role. But I think  
3 that's where it leaves the Court because you are absolutely spot  
4 on. That's why our -- because it didn't say who the official  
5 was, so that's why the original objection was made, Your Honor.

6 THE COURT: Okay. So defendant's second objection was  
7 to the role in the offense based on the abuse of a position of  
8 trust.

9 MR. CLEMONS: Correct.

10 THE COURT: Which would apply more broadly to any  
11 person with some sort of fiduciary responsibility. And fraud  
12 cases under 2B1.1 it applies to people who have more of a role.  
13 2C1.1 does involve specifically elected public officials or any  
14 public official in a high level decision-making or sensitive  
15 position, and it's a four-level increase.

16 The defendant's objection to the two-level increase was  
17 granted. The guidelines were amended to take that out, correct,  
18 Mr. Christy?

19 PROBATION OFFICER: Yes, Your Honor.

20 THE COURT: In that case the original objection was to  
21 double counting by the defendant. Since that is no longer the  
22 case and because certainly the defendant was in a -- was a public  
23 official in a decision-making, high level decision-making or  
24 sensitive position as a prosecutor with authority over the  
25 Pretrial Intervention Program, I will overrule that objection,

1 and I will include the four-level increase under 2C1.1(b)(3), but  
2 not for the reasons cited by the Probation Office because, in  
3 fact, it's not double counting anymore, and that is an  
4 appropriate enhancement given the facts of the case.

5 MR. CLEMONS: And Judge, your reason is because he was  
6 an assistant district attorney?

7 THE COURT: He was the prosecutor with authority over  
8 the Pretrial Intervention Program which was integral to the  
9 scheme.

10 MR. CLEMONS: Okay. I just wanted to be clear on the  
11 ruling, Judge.

12 THE COURT: All right. And then the fourth objection  
13 is to the role in the offense, Mr. Clemons; is that correct?

14 MR. CLEMONS: That is correct, Judge.

15 THE COURT: You are advocating for a three-level  
16 reduction based on a mitigating role under 3B1.2; is that  
17 correct?

18 MR. CLEMONS: That is correct, Judge.

19 THE COURT: Would you like to address that one further?

20 MR. CLEMONS: Sure. And Judge, our position on the  
21 mitigating role is, again, just like the aggravating role, they  
22 are very fact specific, but you have to compare the defendant's  
23 role in the scheme to the other participants, and I think when  
24 you compare Mr. Haynes' role to the roles of the other  
25 participants, we feel like it falls somewhere between a minimal

1 and a minor participant because he had a limited role, in our  
2 opinion, Judge.

3 Mr. Dusty Guidry clearly created the scheme. He  
4 brought our client into the scheme. He brought Mr. Franques into  
5 the scheme, but we feel like both of them had much larger roles  
6 in the scheme. Mr. Franques had the programs that funneled the  
7 money in the scheme, and of course Mr. Dusty Guidry had the  
8 biggest role because, one, it was his idea. Secondly, sounds  
9 like he could generate the people to put into the program. The  
10 evidence is clear he had authority to put people in the program,  
11 and he certainly solicited people into the program. He did the  
12 same thing in other places. By his own admission he started the  
13 scheme in Baton Rouge, and brought it over here with him, Judge.

14 So we believe based on the facts and circumstances, our  
15 client is entitled to the role reduction because his position,  
16 his role, his conduct, his level of culpability is what the Court  
17 looks at, is somewhere between a minor and minimal participant,  
18 and we think that is applicable to this particular facts of the  
19 case, Judge.

20 THE COURT: Thank you, Mr. Clemons.

21 MR. CLEMONS: Thank you, Judge.

22 THE COURT: I don't think I need to hear from the  
23 government on this one. Based on my appreciation of the evidence  
24 at trial, I will overrule that objection. The defendant's role  
25 in this conspiracy and kickback scheme was central, and he was an

1 important player in making the scheme work as designed, again,  
2 based on my appreciation of evidence at trial.

3 After considering the totality of the circumstances and  
4 the number of factors listed in the comments, a mitigating role  
5 adjustment under 3B1.2 does not apply to this defendant.

6 The last objection, Mr. Clemons, is basically the  
7 offense level, the resulting offense level. I'm going to confer  
8 momentarily with Mr. Christy based on my rulings.

9 MR. CLEMONS: We also objected to the fine amount,  
10 Judge, but that's also contingent upon what the ultimate offense  
11 level is.

12 THE COURT: The fine amount, correct, right.

13 (Court conferring with probation officer.)

14 THE COURT: So Guideline Objection Number 5 is  
15 sustained in part. I'm ordering the Probation Office to file an  
16 amended report after today's hearing, listing the amended offense  
17 level consistent with the Court's rulings today, which is as  
18 follows:

19 Count 1 would be 60 months, which is the statutory cap.  
20 Count 2 would be 97 to 120 months. The top end is the statutory  
21 cap. Count 3 would be 60 months as would Count 4 because that's  
22 the statutory cap, and Counts 5 and 6 would be 97 to 121 month  
23 range. The fine for Count 1 through 5 results in a maximum fine  
24 of \$250,000 and as to Count 6, maximum fine of \$300,000. Is that  
25 consistent with what counsel has calculated as well?

1 MR. LOEW: Yes, Your Honor.

2 MR. CLEMONS: I didn't have a chance to calculate it,  
3 but I do think that's consistent with your ruling, Judge.

4 THE COURT: We're taking two months off the latest  
5 version of the presentence report, is that correct, or the one  
6 that was disseminated to counsel?

7 MR LOEW: Two levels.

8 MR. CLEMONS: Two levels, Judge.

9 THE COURT: That's what I said.

10 MR. CLEMONS: You said two months.

11 THE COURT: Two levels off the presentence report,  
12 correct?

13 PROBATION OFFICER: The original, yes, Your Honor.

14 THE COURT: Okay. And it would be offense level of 30  
15 and a Criminal History Category Number I. All right. Based on  
16 the Court's rulings and as amended, the Court will adopt the  
17 Presentence Report, and it will form the factual basis for the  
18 sentence today.

19 All right. In calculating an appropriate sentence,  
20 Mr. Haynes, there's two steps, two primary steps I have to go  
21 through, the first of which is to calculate the appropriate  
22 sentencing Guideline range. We have gone through that at length  
23 with ruling on the objections that have been filed by the parties  
24 in this matter.

25 Based on my -- again, on my rulings, your offense level

1 under the guidelines is 30, and your Criminal History Category I,  
2 which again results in a Guideline range of 60 months for Count  
3 1, 97 to 120 months for Count 2, 60 months for Count 3, 60 months  
4 for Count 4, and 97 to 121 months for Counts 5 and 6. And again,  
5 the fine range for Counts 1 through 5 is \$30,000 to \$250,000, and  
6 as to Count 6, \$30,000 to \$300,000.

7 After calculating and considering the guidelines, which  
8 I just discussed, I also have to consider the statutory  
9 sentencing factors that Congress set out in 18 U.S.C. § 3553(a)  
10 to ensure that I impose a sentence that is sufficient, but not  
11 greater than necessary to comply with the purposes of sentencing.

12 I have reviewed the government's sentencing memorandum  
13 in this case. Does the government wish to address this matter  
14 further?

15 MR. NICKEL: We do, Your Honor.

16 THE COURT: Okay. You can approach the podium,  
17 Mr. Nickel.

18 MR. NICKEL: Thank you. Judge, we're going to ask for  
19 a sentence at the very top of the guidelines, 121 months, and we  
20 go through each of those sentencing factors more briefly than I  
21 intended today because Your Honor sat through a nine-day trial.  
22 Your Honor litigated both pre and post trial motions very  
23 heavily, and the government appreciates that, and this case has  
24 been very well vetted before this Court.

25 But the first thing we have to look at is the nature

1 and circumstances of this case. The nature of the case is a  
2 bribery scandal that began at the inception of Don Landry's  
3 tenure as the district attorney.

4 If the FBI had not investigated the case and stopped  
5 the scheme when they did, this conspiracy could have generated  
6 millions of dollars in illicit proceeds.

7 The 15th Judicial District Court, District Attorney's  
8 Office, covers Lafayette, Acadia, and Vermilion Parishes. The  
9 population of these parishes combined is about 362,000 people.  
10 Now the reason I point this out is to say that this did not  
11 happen in a small rural parish. It did not happen in a small  
12 city court. This happened in an office that was responsible for  
13 administering justice to over a quarter of a million people.

14 The crime preyed on the citizens of this community who  
15 were at their lowest. Defendants who got arrested for DUIs,  
16 sometimes multiple DUIs, drug crimes, sex crimes and found  
17 themselves in the PTI program at the District Attorney's Office.  
18 They were often in jeopardy of losing their jobs and sometimes  
19 their professional licenses.

20 This became a pay to play scheme. Decisions on who to  
21 let into the PTI program were often made on how much money that  
22 person could pay. Defendants often had no choice but to pay the  
23 enormous amounts of money to vendors. They were at the mercy of  
24 Gary Haynes and Dusty Guidry.

25 The second thing we have to look at is the history and

1 characteristics of the defendant. In this case, while Mr. Haynes  
2 has no criminal history, there was evidence presented at trial to  
3 reflect negatively on his character.

4 In their sentencing memo, the defense points out that  
5 he has been an upstanding citizen for his entire life, and I  
6 would propose to you that that's not true. For example, in the  
7 government's case-in-chief, we played a clip from Jason's Deli.  
8 He was meeting with Mr. Franques, and he told Mr. Franques, he  
9 acknowledged that, under the Harson administration, that he,  
10 quote, carried money, \$10,000, for one supporter. In the same  
11 breath he tells Leonard Franques, I trust you because we're in  
12 this together.

13 He then goes on to say, (reading:) I'm serious. I've  
14 carried for a constituent \$10,000 cash, and it's supposed to be a  
15 campaign contribution, right? On a wiretap call with Dusty  
16 Guidry, he also gets very, very excited about getting alligator  
17 hides from a member of a defendant's family. Now, of course,  
18 prosecutors can't accept gifts from defendants. Prosecutors  
19 can't accept gifts from victims.

20 Throughout this case it became clear that Mr. Haynes  
21 had zero concerns about the ethical rules that are imposed on  
22 prosecutors. He broke these rules. He did not tell Dusty Guidry  
23 that all of this was wrong. He did not say, Let's pump the  
24 brakes. He did not say, We have to behave in a manner that's in  
25 the best interest of the community. He spat in the face of

1 ethics. He ruptured the public trust of an institution that  
2 should be the beacon for transparency, fairness, and justice.

3 Another characteristic of the defendant is his  
4 position. Of all the defendants, Mr. Haynes is the only lawyer  
5 in this case. He was not just a lawyer, but he was an assistant  
6 district attorney, and he was not just an assistant district  
7 attorney, but he was a supervising assistant district attorney.

8 Next we look at the need for the sentence imposed to  
9 reflect the seriousness of this offense. First, the six crimes  
10 that Mr. Haynes was convicted of were all felonies. Some were  
11 even punishable of up to 20 years in prison. This offense  
12 involved both the District Attorney's Office, which is a local  
13 government agency, and the Louisiana Department of Wildlife &  
14 Fisheries, which is a statewide agency.

15 Mr. Haynes was eager to join Guidry and Franques in  
16 their schemes. In fact Guidry and Franques pled to their role in  
17 the Louisiana Department of Wildlife & Fisheries offense, and  
18 Mr. Jack Montoucet is set to be tried for his role in that  
19 scheme.

20 Paragraph 6 correctly states that Mr. Haynes was to  
21 split the proceeds from that scheme with Mr. Guidry. We would  
22 argue that two corruption schemes involving bribery of two  
23 different public offices warrants a substantial sentence.

24 Next is the need for the sentence imposed to provide  
25 just punishment for the offense. Judge, public corruption erodes

1 the trust we have in the public sector to act in our best  
2 interest. The scheme corrupted a program that was meant to give  
3 low level offenders a second chance. In other words, it took  
4 something good and made it bad, and this was done by the  
5 individual who is in charge of the program.

6 Haynes didn't just look the other way when this  
7 conspiracy began. He joined in willingly. He paid Guidry and  
8 Frances thousands of dollars to do so, and he was excited at the  
9 prospect of getting a truck from Franques. He constantly talked  
10 about the best way to hide a paper trail for the truck, and he  
11 opened a bogus bank account to hide money that was to come from  
12 the scheme.

13 Judge, we also need to look at the need for unwanted  
14 sentence disparities among defendants with similar records who  
15 have been found guilty of similar conduct. I think what's  
16 prudent in this case is to compare Mr. Haynes to other public  
17 officials who have engaged in similar conduct.

18 For example, there's a former Arkansas state court  
19 judge, Michael Maggio who was sentenced to 10 years for accepting  
20 bribes in exchange for reducing a negligent verdict against a  
21 company in Arkansas. There's former member of the Virginia House  
22 of Delegates, Phillip Hamilton, who was sentenced to  
23 nine-and-a-half years for soliciting employees of Old Dominion  
24 University for paid position exchange, for introducing a budget  
25 amendment to fund the position.

1           There's former speaker of the Illinois House of  
2 Representatives, Michael Madigan, was sentenced to 7.5 years  
3 following a conviction at trial for conspiracy, wire fraud, and  
4 bribery.

5           The last, Judge, I'm going to talk about is the need  
6 for the sentence imposed to promote respect for the law. And I  
7 really think what sets this case apart and a unique factor that  
8 we have to consider is the 2013 case. And Judge, as you know,  
9 there was a specific bribery scandal involving the District  
10 Attorney's Office here in 2013. That scheme involved federal  
11 charges against individuals both inside and outside of the  
12 District Attorney's Office.

13           In that scheme, Barna Haynes, as you know, the wife of  
14 the defendant, was convicted of taking bribes to fix cases. Less  
15 than 10 years later FBI Special Agent Doug Herman began  
16 investigating the events that led to this case. This case showed  
17 that Mr. Haynes was not deterred from the events of the past.  
18 Rather he learned from those events.

19           Mr. Haynes coached other defendants to stay off the  
20 phone, to meet up in person and talk about the scheme. From the  
21 previous case, he knew that wiretaps were a possibility. None of  
22 this stopped him. He still did it. The community deserves a  
23 District Attorney's Office that is not plagued with corruption.  
24 In order to restore the public's trust in the District Attorney's  
25 Office, Mr. Haynes is owed a substantial sentence. A message

1 needs to be sent that this type of behavior will not be tolerated  
2 at the District Attorney's Office or any other public institution  
3 in this state.

4 We can't say definitely how to stop bad actors from  
5 getting into positions of public trust, but we do know a  
6 substantial sentence today will send a message that, whenever you  
7 take an oath as a lawyer or a prosecutor, you will be held to a  
8 higher standard, and if you use that position to break the law,  
9 you will be punished more harshly. Judge, for all these reasons,  
10 we're asking for a sentence at the very top of the guidelines of  
11 120 months.

12 THE COURT: Thank you, Mr. Nickel.

13 Mr. Clemons, will you and your client approach the  
14 podium at this time. Mr. Clemons, I've reviewed your sentencing  
15 memorandum. What else do you have to add on behalf of your  
16 client?

17 MR. CLEMONS: Judge, on behalf of my client, I just  
18 want to let the Court know that we strongly oppose the  
19 government's position that you should sentence him to the top end  
20 of the guidelines. Judge, our position is very, very clear, and  
21 I appreciate you reading the memo, and we've attached some  
22 character letters from family members.

23 We feel like this case cries out for a downward  
24 variance under the facts and circumstances of this case, Judge.  
25 Judge, Mr. Haynes is a very good and honorable man. He served

1 the City of Lafayette, as well as the District attorney's Office  
2 as a prosecutor for many, many years.

3 Judge, the evidence is very, very clear that our client  
4 is the primary caregiver for his wife. The evidence is clear and  
5 we've attached the doctor's report that she now, because of her  
6 medical condition, requires 24/7 care at a live-in nursing home.  
7 I think this is a factor that the Court certainly can and should  
8 take in consideration in deciding whether this case is  
9 appropriate for a downward variance. So we certainly want to ask  
10 the Court to take that into consideration.

11 Judge, also, as far as the character of Mr. Gary  
12 Haynes, we feel like the people that know him best who submitted  
13 those 60 letters to the Court, we certainly feel like they know  
14 him best and they can clearly speak on what the character of  
15 Mr. Haynes is. Under the circumstances of this case, Judge, we  
16 feel like a downward variance is appropriate.

17 Judge, I want to point out in our memo, as we said,  
18 looking at people similarly situated with Mr. Haynes, people with  
19 a level 32 with no criminal history. And I want to point out,  
20 Judge, in this case now Mr. Haynes has a level 30 that you have  
21 to sentence him on.

22 Based upon the research as submitted by Mr. Christy,  
23 the average length of imprisonment 73 months, and the median  
24 sentence was 60 months under those circumstances, and of course,  
25 each and every case is different, Judge.

1           Also, we want the Court to take in consideration the  
2 collateral consequences that Mr. Haynes has to suffer because of  
3 these convictions. His career as an attorney is over with, and  
4 that's certainly something the Court can take in consideration in  
5 imposing an appropriate punishment in this particular case.

6           Also, Judge, we want the Court to strongly take in  
7 consideration the sentences that his codefendants received, and  
8 we think the record is clear that those sentences vary from 48  
9 months for Mr. Guidry, down to 12 months and a day for  
10 Mr. Franques. These are people who participated in the same  
11 scheme that Mr. Haynes was convicted of.

12           Mr. Haynes exercised his constitutional right to trial,  
13 and of course, he didn't get the reduction for acceptance of  
14 responsibility because he exercised his right, but we certainly  
15 feel like he shouldn't be punished any further because he  
16 exercised his right to trial, Judge.

17           But when you look at people who he was convicted of  
18 being in the scheme with, I think the Court has to take in  
19 consideration the sentences that those people received, and I  
20 understand that those people chose to cooperate with the  
21 government and my client didn't, our client didn't, and that is a  
22 big difference, but also the Court can take in consideration only  
23 one of those people actually testified in this trial. Only  
24 one of those people, Mr. Dusty Guidry, actually testified in this  
25 trial.

1           So I know one of the obligations of the Court and the  
2 Sentencing Guidelines and the code of procedure considers is  
3 unwarranted sentence disparities. We certainly want the Court to  
4 take that in consideration in imposing the sentence in this case  
5 that the Court deems is appropriate.

6           Also, Judge, we submitted and we filed our memo about  
7 Mr. Haynes' health condition. I don't want to discuss that in  
8 much detail in a public courtroom, but we certainly discussed  
9 that in our memo, and I know the Court read our memo, but  
10 certainly think that's another reason that the Court should  
11 strongly consider a downward variance because of that particular  
12 situation, Judge.

13           We just want the Court to sentence Mr. Haynes upon all  
14 the information. Nine days of testimony. We know he's going to  
15 be sentenced on that, but that does not in and of itself make who  
16 Gary Haynes is. That was one aspect of Gary Haynes, and we're  
17 just asking the Court to take a holistic approach when you  
18 sentence Mr. Haynes, to consider the entire person, to sentence  
19 the entire person based on his conviction, but the entire person,  
20 Judge, and we think based upon that, we feel like a downward  
21 variance, something more commensurate with what his codefendants  
22 received would be appropriate in this particular case, Judge, and  
23 we just ask the Court to consider that.

24           THE COURT: Thank you, Mr. Clemons.

25           MR. CLEMONS: Thank you.

1 THE COURT: Mr. Haynes, understanding you are still  
2 under oath, would you like to make a statement on your own  
3 behalf?

4 THE DEFENDANT: Your Honor, I'm going to defer all the  
5 comments to my attorney at this time.

6 THE COURT: Mr. Haynes, I've given a lot of thought, as  
7 I do every sentencing, to your case. I did sit through the trial  
8 of this matter. There was a lot of evidence, a lot of testimony  
9 that was put on. I've considered that. I've also considered the  
10 information in the presentence report and the advisory range in  
11 the presentence report.

12 I've considered the positions of counsel, of  
13 government's counsel, as well as your counsel, and I've also  
14 strongly and deeply thought about the sentencing factors under  
15 18 U.S.C. 3553(a) which is what Congress has set as the metric  
16 for determining an appropriate sentence. I also, again, listened  
17 carefully to the testimony and the evidence at trial.

18 The American public gives district attorneys and  
19 prosecutors an enormous amount of power. They give them trust;  
20 they give them responsibility. This is true across the country,  
21 but especially true here in Louisiana where each DA is  
22 essentially his own boss, his or her own boss.

23 Here in Louisiana, district attorneys and prosecutors  
24 have an almost unchecked power to decide whether to bring charges  
25 against somebody for an alleged violation of law. You were not

1 just an attorney. Attorneys do have a big obligation in the  
2 legal system, but you were a prosecutor. You had a heightened  
3 responsibility. You were given power by the people to protect  
4 the public safety, to seek justice for criminal victims, to make  
5 sure the criminals are punished for their behavior, and to deter  
6 others from committing the same crime. The job of a prosecutor  
7 is the encapsulation of perhaps the most fundamental role of  
8 government, protecting public safety. It's a position of extreme  
9 public trust.

10 But you let your greed take over, and this struck at  
11 the heart of our criminal justice system here in Lafayette and  
12 throughout the 15th Judicial District Court. It absolutely  
13 corrupted the pretrial diversion program here in Lafayette and  
14 through the 15th, and it undermined the public's confidence in  
15 the fairness of the system that we have here in the 15th JDC.

16 As you knew and you exploited, pretrial diversion  
17 programs in Louisiana provide DAs with almost unbridled  
18 discretion and financial incentives to place defendants in those  
19 programs, but the fact that this is and was and still is a system  
20 that's ripe for abuse does not excuse your behavior in exploiting  
21 it.

22 Our nation and our state cannot accept or tolerate  
23 public corruption among our public servants. This is especially  
24 true in prosecutors and DA's offices who have been entrusted,  
25 again, with the grave responsibility of fairly and faithfully

1 enforcing the law and protecting public safety. This is a  
2 serious matter.

3 Mr. Haynes, you appear before the Court today for the  
4 purpose of sentencing, having previously been found guilty by a  
5 jury of your peers in Counts 1 through 6 of the Indictment. In  
6 accordance with Title 18, Section 3553(a) of the Federal Criminal  
7 Code, as well as the factors articulated by the Court, it's the  
8 order and judgment of the Court that you are committed to the  
9 Bureau of Prisons, to be imprisoned for a term of 60 months as to  
10 Counts 1, 3, and 4, and 84 months as to Counts 2, 5, and 6 to run  
11 concurrently for a total of 84 months.

12 Mr. Clemons, is there a placement request for your  
13 client?

14 MR. CLEMONS: Yes, Judge, there is and we appreciate  
15 you asking. We would request that you make a recommendation to  
16 Bureau of Prisons that our client be housed at the facility in  
17 Oakdale, Louisiana, and he understands that is just a request  
18 from the Court. That is not an order.

19 THE COURT: I will make that request to facilitate  
20 family visitation during his term of incarceration.

21 Mr. Haynes, in determining the need to impose a term of  
22 supervised release and the length and conditions of that term, I  
23 have considered the factors set out in 18 U.S.C. § 3583(c).  
24 Based on your personal history and the characteristics and nature  
25 of the circumstances of these offenses, including payment of

1 financial obligations and to deter future criminal conduct, it's  
2 the Court's assessment that a term of supervised release is  
3 appropriate, and the defendant shall be placed on supervised  
4 release for a term of two years per count to run concurrently for  
5 a total of two years. Should that term be revoked, an additional  
6 term of imprisonment up to the full term of supervised release  
7 may be imposed at revocation.

8 While on supervised release, you must comply with the  
9 following mandatory conditions of supervision: You must not  
10 commit another federal, state, or local crime. You must not  
11 unlawfully possess controlled substances. You must refrain from  
12 any unlawful use of controlled substances.

13 Because the Presentence Report indicates a low risk of  
14 substance abuse, I'm suspending any drug testing requirement, but  
15 I am requiring a DNA sample to be entered into The Combined DNA  
16 Index System, as directed by the Probation Office.

17 You shall also comply with the standard conditions of  
18 supervision that was listed in the notice attached to your  
19 presentence report, which does list the basic expectations and  
20 requirements of the Court for the term of supervised release.  
21 They are designed to ensure that your behavior does not revert to  
22 anything unlawful, and that the Court is aware of what's going on  
23 with your situation.

24 Based on the information provided in the presentence  
25 report, I'm also ordering the following special conditions of

1 supervision. You shall not incurring any new credit charges or  
2 open any new lines of credit without the approval of the  
3 Probation Office until the Court ordered fine is paid in full.  
4 You shall provide the Probation Office with any requested  
5 financial information throughout the period of supervised  
6 release, and you shall apply all income tax refunds toward any  
7 outstanding Court ordered financial obligations.

8 I'm also ordering, based on the information in the  
9 presentence report and my evaluation of the 3553(a) factors, that  
10 you pay a fine in the amount of \$200,000 which is due within 60  
11 days of entry of judgment. It's further ordered that you pay a  
12 special assessment of a hundred dollars per count, for a total of  
13 \$600 to be paid immediately to the Clerk of Court here in the  
14 Western District.

15 I do understand that the Sentencing Guidelines are  
16 advisory, not mandatory, but I have considered the sentencing  
17 guidelines and the calculations contained in the presentence  
18 report. I've also considered the nature and circumstances of the  
19 offenses, as well as the history and characteristics of the  
20 defendant, and the factors set forth in 18 U.S.C. § 3553(a). In  
21 varying downward from the sentencing guideline range, I have  
22 considered the need to avoid any unwarranted sentencing  
23 disparities among the codefendants and this defendant. I would  
24 also note that the defendant's sentence would remain the same,  
25 even if there is an error in the calculation of the guidelines.

1 Mr. Haynes, I have a duty to advise you, you have the  
2 right to appeal the sentence that has been imposed. Any appeal  
3 must be filed within 14 days of my entry of judgment in your  
4 case.

5 I've also considered, Mr. Clemons, your request that  
6 you made in your sentencing memorandum for the defendant to be  
7 released pending appeal. I've considered the statutory criteria  
8 for that request set forth in 18 U.S.C. § 3143(b)(1)(B) and do  
9 not find that criteria is met, and therefore I deny that request.

10 I'm ordering that you report, Mr. Haynes, to marshal  
11 service to begin your term of incarceration on January 6th of  
12 next year at 2 p.m.

13 Is there any anything further from the government?  
14 Mr. Walker, anything further from the government?

15 MR. WALKER: Your Honor, may I speak very briefly?

16 THE COURT: Yes, of course, go ahead.

17 MR. WALKER: So the Court was correct, I absolutely  
18 agree with the Court that the defense has not demonstrated  
19 evidence that would justify the defendant remaining out pending  
20 appeal. Rule 3143 talks about the fact that after a person has  
21 been found guilty and sentenced, he is to be detained absent a  
22 finding.

23 The reason why I object to the self-report date is,  
24 one, when you look at the length of the sentence, the defendant's  
25 age, he's almost 68 years old. He has a net worth of over

1 \$6 million. He has significant interests in companies in  
2 Louisiana, Texas, and Florida, and he has significant ties to  
3 foreign countries. As evidenced he's got significant ties to  
4 Panama evidenced by frequent trips to Panama through the time of  
5 the conspiracy and prior.

6 THE COURT: So you're worried about a risk of flight,  
7 Mr. Walker, is that what you are saying?

8 MR. WALKER: I am, and I must -- at the time of his  
9 initial appearance, the defense attorney asked that the defendant  
10 be allowed to keep his passport and be allowed to travel to  
11 Panama because he had business ventures in that country. Between  
12 the time of his arrest, which has been a year ago, and today --  
13 or his time of conviction, he hadn't been sentenced, he hadn't  
14 been convicted, and now he's been sentenced and now he knows what  
15 that sentence is, and he's got significant amounts of money. He  
16 has \$6 million in assets that he has access to that he can use to  
17 travel to another country.

18 The idea that he has to have a passport to get outside  
19 the United States, I submit, is not reasonable under the  
20 circumstances. He simply has to get south of the United States.  
21 Under the circumstances of this case, I submit that he is a  
22 significant risk of flight because now he has to serve -- he's 68  
23 years old, essentially. He'll be over 68 at the time that you  
24 have submitted that he should be allowed to report, and he has to  
25 serve seven years in jail, which means he's going to be well into

1 his 70s at that point.

2 Under those circumstances, I submit that he should be  
3 detained today, and I know that the defense would say, and I  
4 understand he would say that he should get his affairs in order.  
5 This defendant was indicted on September 18th of 2024, and he was  
6 tried oddly enough September 18th of 2025, so it's been almost a  
7 year and a half since the time of his indictment that he's had to  
8 get his affairs in order.

9 Under these circumstances, considering everything in  
10 the Presentence Investigation Report and specifically considering  
11 his ties to other countries, and the amazing -- the six million  
12 dollars that he has that he can use for the purpose of evading, I  
13 submit the defense has not overcome their burden because it's  
14 their burden to prove he's not a risk of flight. They have  
15 failed to overcome their burden proving he's not, and he should  
16 be detained today.

17 THE COURT: Okay. Thank you, Mr. Walker.

18 Mr. Clemons, do you have clear and convincing evidence  
19 that your client is not a risk of flight?

20 MR. CLEMONS: Yes, I do, Judge, my client was 68 years  
21 old when this jury convicted him, if he was going to flee, if he  
22 was going to run from the sentence, he would have done so at that  
23 time. If he has \$6 million, Judge, he had \$6 million back in  
24 September. The man did not flee. The man is here before you  
25 just like he has been every time you ordered him to be here

1 because the man is not afraid of taking the punishment for what  
2 he's been convicted of, Judge.

3 The evidence is very, very clear that he's not a risk  
4 of flight. This case has been pending several years. Judge,  
5 this man knew he was under investigation way before he was  
6 indicted, way before he was indicted. That's why he came and  
7 retained us. If he goes going to flee, Judge, he would not wait  
8 until now to flee. That makes absolutely no sense.

9 So there's no evidence whatsoever, including the fact  
10 that he has surrendered his passport. He does not have  
11 significant ties to Panama, Judge. The evidence is clear that  
12 he's visited Panama a few times, Judge, but he does not  
13 significant ties to, quote, Panama.

14 Also, he's also making plans for his appeal, Judge.  
15 He's already retained another firm to work with us on the appeal.  
16 So he would not spend significant assets to hire a firm to take  
17 an appeal if he was going to flee. If he was going to run he  
18 wouldn't need an appeal. Judge, the reason the man didn't  
19 allocute today is because he's standing on his innocence. He  
20 wants to have his case fully litigated. He wants to exercise all  
21 of his appellate rights. That's why he chose not to allocute  
22 today because he wants to have a clear record so that when we  
23 appeal it to the Fifth Circuit, he wants that to be abundantly  
24 clear.

25 So, Judge, there's no evidence that for one month, less

1 than a month. I think today is past December 6. So the fact hat  
2 you show grace to give the man three weeks to spend the holidays  
3 with his family, to spend the birthday with his family who is  
4 here to support him. The fact that you show enough grace to give  
5 the man three weeks, the government wants to object. Clear and  
6 convincing, Judge. I think you see clear and convincing right  
7 here. I think you've seen clear and convincing every time you  
8 said, Mr. Haynes, be in court, every time you adjourned court you  
9 said, I'll see you in the morning. Mr. Haynes was here before  
10 me. That's clear and convincing evidence, Judge, that he's not a  
11 flight risk.

12 That man heard those tapes, Judge. That man heard that  
13 video. He saw himself talking. He saw how the evidence was  
14 coming in. If he was going to flee, he would have left, Judge.  
15 So you have clear and convincing evidence that the man is not a  
16 flight risk, Judge, so we feel like the record is clear that he's  
17 not a flight risk and you showing him a small amount of grace --  
18 I'm sorry, you showing him grace to give him a small amount of  
19 time to spend the holidays with his family, with his wife, we  
20 certainly appreciate it, Judge, and we think the record is clear  
21 that he serves it.

22 THE COURT: Okay. I'm actually going to sustain the  
23 government's objection. Mr. Haynes, you are going to be taken  
24 into custody today and begin your sentence of imprisonment. Do  
25 we have a marshal here today?

1 MR. CLEMONS: And Judge, considering Mr. Haynes' career  
2 as a prosecutor, we just ask the Court and the marshal service  
3 take into consideration where he's going to be housed at until  
4 he's delegated to the Bureau of Prisons. I mean, the man was a  
5 prosecutor for many, many years.

6 THE COURT: Let's discuss that. What's the marshal  
7 service's plan as far as housing Mr. Haynes pending his  
8 designation?

9 THE MARSHAL: Sir, once detained he'll either be placed  
10 in Iberia or St. Martin today. As soon as we get an order from  
11 the BOP of where to place him, he'll be placed at that time.

12 THE COURT: And that's in the 16th JDC. Both of those  
13 jails are, correct, out of this jurisdiction?

14 THE MARSHAL: That is correct.

15 THE COURT: I want you to have a conversation with the  
16 warden wherever he's placed and make them aware of his situation  
17 as a former prosecutor.

18 THE MARSHAL: Yes, sir.

19 THE COURT: And try to get some assurance from them  
20 that he'll be protected.

21 THE MARSHAL: Absolutely, sir.

22 THE COURT: All right. Well, then, this matter is  
23 adjourned. Good luck to you, Mr. Haynes.

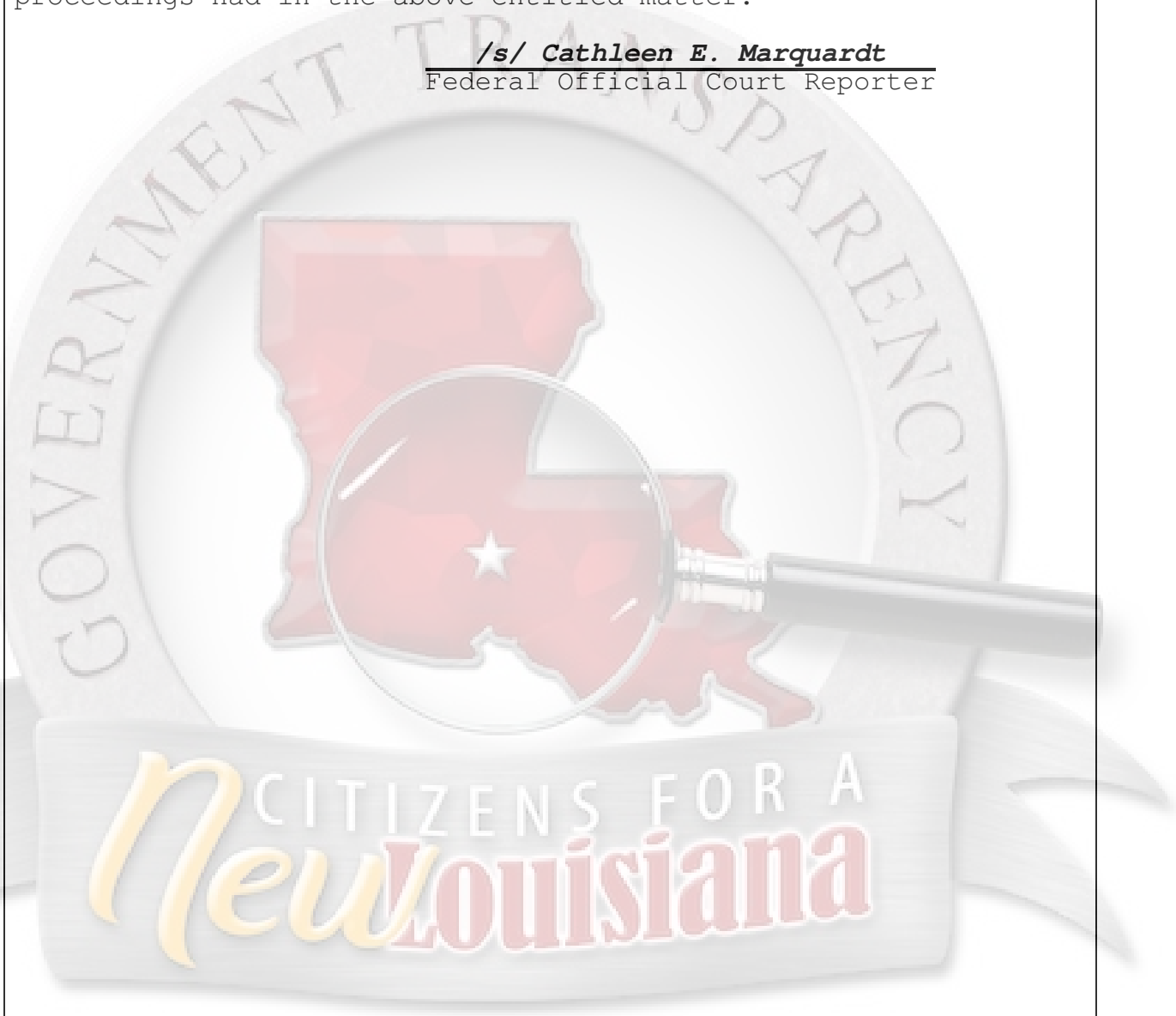
24 THE DEFENDANT: Thank you.

25 (Hearing concluded.)

**C E R T I F I C A T E**

I, Cathleen E. Marquardt, RMR, CRR, Federal Official Court Reporter, do hereby certify this 20th day of February, 2026, that the foregoing pages 1-46 constitute a true transcript of proceedings had in the above-entitled matter.

/s/ Cathleen E. Marquardt  
Federal Official Court Reporter



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