

12TH JUDICIAL DISTRICT COURT

PARISH OF AVOYELLES
STATE OF LOUISIANA

VINCENT SIMMONS
Petitioner

CASE No. 37,596

Versus

DARREL VANNOY, Warden
Louisiana State Penitentiary

FILED: _____

DEPUTY CLERK

MOTION TO RECUSE THE HONORABLE KERRY SPRUILL

NOW INTO COURT, through undersigned counsel, comes Petitioner Vincent Simmons, DOC #85188, respectfully submitting this motion to recuse The Honorable Kerry based upon the following:

As this Court knows, Keith John Laborde is a material witness that was presented by the State in its case in Chief against Vincent Simmons. As this Court also knows, in Vincent Simmons' request for protective orders for his witnesses and Mr. Simmons' supplemental motion dated January 14, 2021, Exhibit 4, Kerri Laborde was mentioned as a potential witness. Kerri Laborde is Keith Laborde's daughter.¹ On March 11, 2021, Ms. Laborde provided a videotaped statement detailing that she was raped by her father and her father's admission that Vincent Simmons was innocent of the crimes committed against Karen Sanders and Sharon Chism.

On or about February 26, 2021, Keith John Laborde filed a civil complaint against Kerri Laborde under docket number 2021-8697. In the civil complaint, Mr. Laborde requested a protective order against Kerri Laborde.

In an apparent application by the Court, Judge Kerry Spruill submitted a transfer order that transferred Docket Number 2021-8697 from Division "A", which is his division, to Judge William Bennett's Division. See Exhibit A. The basis for this order is that Judge Spruill "has had

¹ Based upon Mr. Simmons' filings, it is apparent that Keith Laborde has no problems with issuing threats and carrying firearms. He has threatened numerous people involved with this case and has threatened to kill the child and grandchildren of the people helping Vincent Simmons.

a long-standing relationship as attorney with the defendant in these proceedings, namely Kerri Lea Laborde, involving family matters of the party litigants, including but not limited to Case Number 2004 - 00005841 entitled "Kerri Laborde DeSoto et al vs Craig DeSoto", and transfer of this case from Division A to Division Bis required and proper." Upon information and belief, Keith Laborde hired Kerry Spruill to represent Kerri Laborde with respect to docket number 2004-00005841. The Court went on to hold that "[t]o avoid the appearance of impropriety and bias and pursuant to the provisions of Canon 3 of Judicial Ethics and Louisiana Code of Civil Procedure Article 151 and its provisions for recusation, the undersigned transfer(s) Civil Docket Number: 2021 - 8697, Division A to Division B for further proceedings."

Based upon the roles that Kerri Laborde and Keith Laborde play as witnesses in this case and the distinct possibility that both Keith Laborde and Kerri Laborde will testify at a hearing in the instant matter, Judge Spruill should recuse himself to avoid the appearance of impropriety. It is clear that the provisions of Canon 3 of Judicial Ethics and Louisiana Code of Civil Procedure Article 151 require him to do so.

WHEREFORE, in light of the foregoing, this Court should issue an Order recusing the Judge Kerry Spruill and granting such other and further relief to Petitioner as it may deem just and proper.

Dated: March 18, 2021
Alexandria, LA

Respectfully submitted,

LARVADAIN LAW

/s/ Malcolm Larvadain
Malcolm Larvadain
626 8th St
Alexandria, LA 71301

JUSTIN C. BONUS, ESQ.
118-35 Queens Blvd, Suite 400
Forest Hills, NY 11375

By: /s/Justin Bonus
Justin C. Bonus, Esq.

Of Counsel: Jonathan I. Edelstein

Attorneys for Petitioner

Exhibit A

fd
(me)

CIVIL DOCKET NUMBER: 2021 - 8697 - DIV A B ✓
2004 - 5841 B ✓

KEITH JOHN LABORDE

12TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF AVOYELLES

KERRI LEA LABORDE

STATE OF LOUISIANA

ORDER FOR TRANSFER OF CASE TO DIVISION B

As authorized by the rules of this Court and for reasons this day submitted,

Inasmuch as Kerry Spruill, Judge, Division A, has had a long-standing relationship as attorney with the defendant in these proceedings, namely Kerri Lea Laborde, involving family matters of the party litigants, including but not limited to Case Number 2004 - 00005841 entitled "Kerri Laborde DeSoto et al vs Craig DeSoto", and transfer of this case from Division A to Division B is required and proper; and


To avoid the appearance of impropriety and bias and pursuant to the provisions of Canon 3 of Judicial Ethics and Louisiana Code of Civil Procedure Article 151 and its provisions for recusation, the undersigned transfer(s) Civil Docket Number: 2021 - 8697, Division A to Division B for further proceedings,

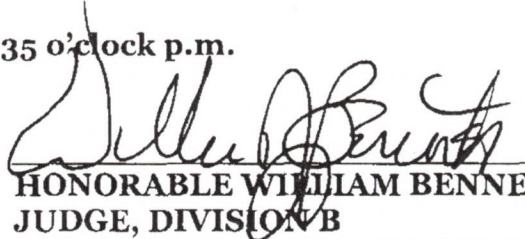
IT IS, THEREFORE, ORDERED that this cause of action be and same is hereby transferred from Division A to Division B for further proceedings and action.

THUS DONE AND SIGNED at Marksville, Avoyelles Parish, Louisiana,

COPY (S) on this 26th day of February, 2021 at 3:35 o'clock p.m.

SENT BY: TO:


HONORABLE KERRY SPRUILL
JUDGE, DIVISION A
12TH JUDICIAL DISTRICT COURT
AVOYELLES PARISH, LOUISIANA


HONORABLE WILLIAM BENNETT
JUDGE, DIVISION B
12TH JUDICIAL DISTRICT COURT
AVOYELLES PARISH, LOUISIANA

motion/ordertotransfercase(feb2021kerrilaborde)