

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

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF APPLICATION
FOR POST-CONVICTION RELIEF AND REQUEST FOR THE VACATUR OF MR.
SIMMONS'S CONVICTION AND DISMISSAL OF HIS INDICTMENT OR NEW
TRIAL. SEE La. CCRP §§ 930.3(1) & (6). AT THE VERY LEAST, MR. SIMMONS IS
ENTITLED TO A HEARING UNDER La. CCRP §§ 928 & 929.**

NOW INTO COURT, through undersigned counsel, comes Petitioner Vincent Simmons, DOC #85188, respectfully submitting this Supplemental Memorandum in Support of Application for Post-Conviction Relief. Petitioner supplements his Petition and memorandum of law with respect to POINTS I, II, III, IV, V, VII as there is new evidence that was just discovered that his conviction must be vacated and the indictment dismissed or a new trial ordered or, at the very least, the following claims must be heard on the merits: the May 21, 2021 hearing provided sworn testimony from Michael Kelly and District Attorney Charles Riddle that the Avoyelles Parish District Attorney's Office (here in referred to as ("APDAO")) provided virtually no discovery to Vincent Simmons's defense team prior to trial. See Exhibit A – Hearing transcript dated May 21, 2021. This evidence is newly discovered and causes all of the documents turned over by the APDAO to be newly discovered. Vincent Simmons had not a snowball's chance in hell at trial in this case. This was clearly a violation of his rights under both the United State and Louisiana State Constitutions. Based upon the grounds of double jeopardy due to egregious prosecutorial misconduct and the suppression of the identification in the case at bar, this Court should vacate the conviction and dismiss the indictment. Alternatively, this Court should order a new trial. At a minimum, a hearing should be held to test the veracity of all the claims filed by Mr. Simmons in his pleadings on October 20, 2020, October 23, 2020 and January 19, 2021.

THE TESTIMONY OF MICHAEL KELLY AND CHARLES RIDDLE AND THE EVIDENCE SUBMITTED AS EXHIBITS DURING THE MAY 21, 2021 HEARING CONSTITUTE NEWLY DISCOVERED EVIDENCE AND BRADY VIOLATIONS BY THE AVOYELLES' PARISH DISTRICT ATTORNEY'S OFFICE.

Michael Kelly's Testimony Establishes that the State Failed to Turn Over Exculpatory Evidence (Basically the Entire File) that Was Material with Regard to Proving Vincent Simmons's Innocence.

On May 21, 2021, an evidentiary hearing was held before this Court wherein Michael Kelly, Vincent Simmons's trial attorney and member of the APDAO for approximately 25 years, testified to the following: (See Exhibit A)¹

Q. And with respect to that letter did [Harold Brouillette] speak to you about the fact that medical reports weren't turned over?

A. Yes, sir.

Q. And how did he feel about that?

A. He was upset.

...

Q. Well do you recall, besides what's covered in the letter, do you recall receiving any witness statements prior to trial?

A. I recall that we did not receive witness statements.

Q. O.K. And you recall conducting a preliminary hearing in this case?

A. Yeah, actually Harold Brouillette conducted it but yes I was there throughout.

Q. And ...

A. We did not have witness statements, that you've told me in the last three or four months existed. Apparently the file had ... the witnesses had been interviewed on tape and those tape recordings were transcribed. And we didn't have of that. There were issues about identification, which we were unaware of when we walked into the preliminary exam the three main witnesses, the two victims actually there were three victims I guess there was a kidnapping involved. All pointed at Mr. Simmons without any hesitation. We didn't know, based on what you're telling me because I had never seen the State's file, I want you to understand that. That there were some differing descriptions that did not fit Mr. Simmons. That one of the girls had made the statement, this is what you told me, that one racial epithet looks like another racial epithet and I can't tell the difference. And had we known those things I guarantee you Harold Brouillette and myself would have told the jury that.

Because it indicated not only bias but the fact that the identification was at issue. We didn't ... identification was at issue at all. And the lineup picture, I think it was put in the paper, I kind of remember that.

...

A. Exhibit 3 that this is what appeared in the paper. We weren't even aware there was a lineup.

...

Q. So I mean and this goes to some of the things you were talking about during trial, so you recall that at least one of the girls and in this instance it would be Karen that she had been raped orally, anally, and vaginally, do you recall that one of the girls said that at trial?

A. What I recall is Mr. Knoll's closing statements to the jury. In which he urged the jury that both victims had been raped orally, anally and vaginally. It was very, very powerful and I remember it. Now that I remember. Can I tell you what each of the victims said, no. I can't tell you that, you'll have to look at the record, whatever it says it says.

Q. Yeah. So you wouldn't recall then that Sharon Sanders had stated that at trial she said that Mr. Simmons had not been able to insert his penis into her vagina, you wouldn't recall that. But that would matter right if you had received the statement from Sharon Sanders where she talked a thirty minute vaginal rape where she bled, that would matter right?

A. Absolutely.

Q. Absolutely. Do you recall that both Karen and Sharon and Keith both said that they heard the name Simmons?

A. I can't recall it but I know there was a reason why we didn't think identification was an issue. But to sit her and tell you I remember that no, I don't. But ...

Q. But it would matter to you if you saw the original statements?

A. That they didn't know who he was?

¹ Pages of the hearing testimony will be delineated by "HT".

Q. Yes.

A. Absolutely.

Q. And they didn't know his name?

A. Absolutely.

Q. Including Keith?

A. Absolutely.

Q. O.K.

A. Those are things that any competent defense attorney would leap to. And if we knew and we didn't do it we'd be guilty of ineffective assistance of counsel.

...

A. Everybody in this room except for his family is proceeding on the theory that Mr. Simmons is guilty. None of us are God, and none of us know, we'll never know the real truth, in my opinion. We rely on the jury to come up with a verdict, it's not the judge, it's not the prosecutor, it's not the defense attorneys. And what we have here is evidence which we as defense attorneys as part of his right to counsel were not given, for whatever reason. And there might be other explanations I don't understand. But that verdict, the reliability of that verdict that said Mr. Simmons was guilty of these crimes is undermined by the total lack of transparency as far as the discovery in this case. And that's not ... I'm not attacking Mr. Knoll or Ms. Knoll I'm not. And I don't know exactly ... we didn't have a formal discovery procedure, I wasn't aware of any office procedure. But I can tell you this Judge, Harold Brouillette and Mike Kelly would have used those things that are in the State's file in Mr. Simmons' defense. We were not conspirators trying to deny a man his right to a fair trial.

...

Q. Were you aware that Mr. Papale testified in front of Judge Johnson I think it was Michael Johnson in 1994?

A. No.

Q. O.K. So...

A. I know that it was supposedly Tommy that had copied the file.

Q. O.K. And you had never seen this file before?

A. No. To this day I haven't seen the file.

Q. So you weren't aware that each girl gave an audio taped statement?

A. No. No that was something actually I learned from you.

Q. O.K. You weren't aware that there was a photo lineup?

A. No.

Q. Were you aware that Keith gave a statement to police?

A. No.

Q. Were you aware that there ... the medical reports from Dr. Bordelon?

A. No.

Q. Were you aware that there were multiple supplemental reports from the officers in this case detailing the witness statements, Mr. Simmons arrest and lineup?

A. No.

...

Q...Were you aware that Sharon Sanders told police that she gave her bloody underwear to her grandmother to wash?

A. I can't remember. I don't really ...

Q. So if it was a part of the statement so you haven't ...

A. No, no if it's not in the record of the testimony at the preliminary hearing or the trial no. Then the answer is no if it's not in there.

Q. So you weren't aware of the fact obviously you weren't aware of the fact that Sharon Sanders referred to Mr. Simmons as the 'N' word?

A. No.

Q. You weren't aware of the fact that Sharon Sanders said during ... to the police that all blacks look alike?

A. No.

Q. Were you aware that Karen Sanders ... that the girls didn't know the actual date of the rape, alleged rape?

A. If ... all I know is what was in ...

Q. In the trial...

A. Would have been in the trial transcripts. If there was something different reflected from those pre-trial statements no.

Q. But that would have made a difference right, because you ...

A. There's no question about it.

Q. O.K.

A. We tried to establish an alibi and it's very difficult to do, we tried. But we were not successful.

Q. That was one of your defenses right, that he an alibi.

A. Yeah and that kind of went by the way side, it just ... it didn't ... I don't know if we actually called any of the witnesses or not but you now, then it just became a question of trying to attack the girls story, anything that we had and the only thing we really had was whether it was internal to the story as well as any prior statements, that being the preliminary hearing, if the story changed.

Q. From the preliminary hearing?

A. Correct.

Q. So the only thing you had at trial was the preliminary hearing?

A. Yes.

Q. And with regard to if basically at least the girls statements to police that they didn't know Vincent's name, they didn't know the perpetrator's name, that would have been a big deal to you to have a trial when they said they knew his name, isn't that correct?

A. Yes.

Q. And called the ...

A. Yes.

Q. So you weren't aware that Mr. Simmons was subjected to a lineup with three witnesses that viewed the lineup at the same time?

A. No. Wasn't really the lineup.

Q. So did you ever look at the lineup with him in the handcuffs?

A. Just in that photo.

Q. Just from what you saw?

A. Right.

Q. And if you'd seen that ...

A. Without doubt, if we had known there had been a lineup, it would have sparked a hundred questions.

Q. Yeah. How about an evidentiary hearing?

A. Oh absolutely.

Q. Because what Wade was in 67, correct?

A. We knew what the law was then and it would have sparked an entire line of inquiry as to how it was that they were now identifying him if they couldn't have identified him initially.

...

Q...And would it have mattered to you if you'd read those medical reports and you saw that neither Sharon nor Karen suffered any physical injuries?

A. Tremendously.

Q. Would you have called the doctor ...

A. We were ... yes. We weren't aware there had been an examination.

Q. O.K. And obviously with Sharon her hymen being intact that's ... that would highly discredit Sharon's testimony, correct?

A. It would go some distance, not completely. But it's anything ... any port in the storm when you have as little as we had to work with.

Q. So you know but it would cause you to call a doctor basically?

A. Yes.

Q. All right. So the impeachment material that we've spoken about though these are obviously you need those to defend your client, right?

A. Absolutely.

Q. Cross examination you need those?

A. Effective cross examination as a defense attorney requires you to have those prior statements on hand when you making the examination.

Q. And even in 77 you were entitled to that material, right?

A. Yes.

Q. And Brady requires the district attorney to turn over those specific items, right?

A. Yes.

...

Q. Did you ever tell Charles Riddle or Tony Salario that you didn't receive discovery?

A. I didn't tell Tony that but I've told Charles that, especially recently.

Q. O.K. So you told Charles Riddle that you and Harold Brouillette didn't receive discovery in this case?

A. Right. The things that you've told me, the witness statements, the recorded statements, the use of the 'N' word, the lineup I said you know we didn't get that. He didn't argue with me. But I don't know what that means.

Q. O.K. So there was no response basically from Mr. Riddle?

A. No.
Q. How far back do you think you told Mr. Riddle about this? In passing or whatever.
A. Really I would say it's probably all within the past six months.
Q. Six months?
A. Whenever it was that you started whatever you filed and when you came to see me...

HT: 27-31, 33, 34-39.

The Court offered a few questions as well to close out the blockbuster testimony of Michael Kelly:

Q. I was under the impression coming in here today that the complaint of lack of exculpatory evidence being provided to the defense as required by law only consisted of that medical report, you're telling me today and from Mr. Bonus' questions there was a great deal of potential exculpatory evidence that was not delivered in addition to that. Is that correct?
A. Based on what Mr. Bonus has told me, exists in the file.
Q. So subject to prove that those statements were taken prior to trial...
A. Yes.
Q. In the passion of the district attorney, subject to what Mr. Bonus has questioned you about ...
A. Correct.
Q. These are all items that as an attorney you believe consist of exculpatory evidence that should have been provided to the defense?
A. One hundred per cent.
Q. And was not?
A. Correct.

HT: 39-40.

As such, Michael Kelly's testimony is newly discovered – it was shocking and heard for the first time ever. Not only did Mr. Kelly testify about what was not turned over, he also testified to the materiality of the evidence that the defense did not receive. See Weary v. Cain, 136 S.Ct. 1002, 1006-1008 (2016); State v. Kang, ___ So. 3d ___, 2019 WL 150635, *4-5 (La. App. 2019); Alvarez v. State, ___ So. 3d ___, 2018 WL 4354727, *3 (La. App. 2018); State v. Crawford, 2017 La. App. LEXIS 1676, * 6-7. As is elucidated in La. CCRP 930.4 & 8, when there is evidence that the previous attorneys or trial attorneys did not have access to this evidence, namely the discovery file in the case at bar, the hearing court must grant the petition for relief under the PCR petition's POINTS I, II, III, V and VII.

The Avoyelles Parish District Attorney's Office, by Way of Charles Riddle's Hearing Testimony, Conceded that the First Time Vincent Simmons Received his Discovery File was in December of 1993. Even After Conceding to this Egregious Misconduct, Charles Riddle Refused to Even Consent to a New Trial or Hearing.

On May 21, 2021, Charles Riddles's testimony produced the following newly discovered evidence for the record:

Q. And in 2004 at the very least you knew that Harold Brouillette had written a letter in 1998 saying that at the very least that they didn't get medical records, right?
A. I think that that is when I first became aware of it and ...
Q. So in 2004 you became aware of this?
A. Yeah, I was in office for about a year.
Q. And you didn't speak to Michael Kelly about the fact that Harold Brouillette made this allegation?

A. Again, during that time period while Mike was first assistant we avoided other than who did he think or who did I think should be the person handling it instead of him. Because normally he would have handled those cases.

Q. Would you have ... you didn't tell Laurie White hey you should talk to Mike Kelly in my office, he might know something, did you?

A. No, because Mike and I didn't talk about what he knew or didn't know.

Q. But you knew that Harold Brouillette had written a letter in 1998 that he didn't get discovery, so you thought that that ...

A. But he didn't ... I think if I'm not mistaken that letter was referring to a specific item of discovery, the doctor's report. And at the end he talked about how his report was a little bit different and maybe it wouldn't have been as good as he had thought, because slightest penetration and it was attempted rape, not aggravated rape.

Q. But you already knew he had said that Harold ...

A. That he didn't have it, yes. I knew that.

Q. All right.

A. I knew that Harold had said he didn't have it, yes.

...

Q. And so you knew that he was ... obviously Mike Kelly is utmost integrity and honest, right?

A. Yeah.

Q. And you knew that he would have told you the truth about the discovery file, right?

A. I knew that he would have told me the truth as much as he would have known.

Q. O.K. And don't you think it would have done some justice for Vincent Simmons to get to the bottom of whether Mike Kelly had any discovery in this case?

A. Again, I have to make decisions based upon what I am faced with. I was aware of other crimes that he had committed and I made the decision that we would continue to proceed procedurally if we could deny it that we would deny it or that the courts would ultimately deny it.

Q. It didn't matter that the attorneys at trial didn't get to the statements of the witnesses, right, it didn't matter about that right?

A. I didn't know that, okay. And when it was brought up then the courts felt like that wasn't important enough for whatever reason.

...

Q. And you're aware with regards to Ms. White's motion and in my motion we're alleging constitutional violations with discovery issues, right?

A. I think that you are alleging that, yes.

Q. And then it's true isn't it that Mike Kelly in the past at least six – seven months has told you that he didn't receive discovery, right?

A. He ... I'll tell you what I can remember him telling me. He knows he didn't receive all discovery, and he knows that if one thing he mentioned was that if Harold Brouillette would have received some of the discovery would have been able to ask more questions.

Q. So once you heard that, why oppose? Isn't it your duty to seek justice at this point?

A. Yes.

Q. Isn't it your duty to let the man have his right to due process and present this evidence that was never presented?

A. If he's legally able to do so then yes.

Q. You're interested in the truth, right?

A. Absolutely. You know that's one reason why we made that offer.

...

Q. But you don't believe he should have received discovery?

A. Yes I believe he should have received discovery.

Q. You were a defense attorney, right?

A. Yes.

Q. You were a defense attorney during Mr. Knoll's time?

A. Yes.

Q. Isn't it true that Mr. Knoll was known not to turn over discovery all the time, or all of discovery?

A. This is my memory of how discovery worked with Mr. Knoll, I had to go to his office and look at the file.

Q. But you don't know whether that file's complete at the time that you look at it, right?

A. Well I can only trust that it is. I would hope that he wouldn't have held back stuff.

Q. We all hope as defense attorneys for that. Well you're not a defense attorney anymore but when you were, you hoped that they would be honest with you, right?

A. Yes.

...

Q. Isn't it true that if Vincent Simmons didn't receive discovery in this case, that he's entitled to a new trial? Isn't that true?

A. Not necessarily.

Q. Are you familiar with Weary V. Caine?

A. I'm familiar with the fact that that has been brought up before and has been denied.

Q. No, no. I asked you are you familiar with Weary V. Caine?

A. Not specifically. But I'm familiar with the principles you're talking about.

Q. Are you aware that the supreme court changed the standard by which this State uses newly discovered evidence and Brady material that it's not all that the defendant has to show is that the evidence that they didn't get at trial undermines the conviction?

A. Mr. Bonus, let me make it clear.

Q. I'm just asking if you're aware...

A. If Judge Bennett, no not new interpretation. If Judge Bennett or another judge agrees with your interpretation of his right to a new trial, he will get a new trial. You're asking me if I'm going to grant it, no. And if I'm going to consent, the answer is no.

...

Q. So based upon ... you'd believe Mike Kelly if he said that he'd never seen those documents right?

A. Yes.

Q. So that would mean that Mike Kelly is saying that Vincent didn't receive a fair trial, right?

A. Ask Mike Kelly.

Q. So you're saying that if the defense attorney says that he didn't receive documents that were exculpatory then your position is it doesn't matter, I'm not going to give ... I'm not going to concede to anything?

A. You're asking me if I am going to consent to a new trial the answer is no.

Q. Even if Vincent didn't receive a fair trial?

A. That's your interpretation.

Q. So your position is after being a defense attorney that if the defendant doesn't receive all the discovery that it doesn't matter that he ... what is our position, I mean if a defendant doesn't receive discovery and he didn't receive a fair trial right?

A. My position is that after looking at all the factors involved in this case I am not going to consent to a new trial. If a court orders it...

Q. That's not my question. My question is if the defendant...

BY THE COURT:

Do you believe Vincent Simmons had a fair trial,

that's the question.

BY MR. BONUS:

Yes,

A. I have no idea.

BY MR. BONUS

Q. And it doesn't matter that he didn't receive discovery?

A. I think if a court says it matters, then it matters. If a court rules that he didn't receive fair trial, then he's going to get a fair trial.

Q. You're aware that ... maybe you're not. But neither twin Sharon or Karen or Keith said that they knew his name when they first went to the police, you're aware of that, right?

A. I believe that is correct.

Q. So their testimony at trial that they knew his name was a lie, right?

A. I'm not going to say that it was a lie.

Q. Are you aware on page 57 of the preliminary hearing that Karen Sanders actually said the reason why we didn't go to the police was because we didn't know the man's name? Are you aware of that?

A. No I'm not.

...

Q. So you're aware though that any time that there's a lineup or an identification procedure, since 1967 it's appropriate to have an identification hearing, right?

A. Yes.

Q. One wasn't had in this case, right?

A. I don't know.

Q. And there's no evidence in this case that Kelly or Brouillette used the photographic lineup?

A. Not that one for sure.

Q. Or not the original statements right?

A. That based on what Mike Kelly testified to yes.

Q. All right. It's pretty shocking that Mike Kelly didn't even know there was a lineup in this case, isn't it?

A. I was surprised, yes.

Q. Are you concerned about that with regard to my client's rights?

A. Yeah I'm concerned.

Q. That still doesn't change your position...

A. I'm not going to change my position as to whether I'm going to consent to a new trial.

Q. It's pretty shocking that neither defense attorney used the exculpatory material in this case, isn't it?

A. You're talking about the doctor's reports?

Q. No, everything, I'm talking about all of this stuff? It's pretty shocking that their questions, they were not able to use any of the discovery, isn't that ... for you as a former defense attorney, would you not be upset about that?

A. Yeah I'd be ... I'd definitely be upset, yeah.

Q. But your position now is changed because you're a prosecutor, isn't it?

A. No. I'm not changing it, I'm just telling you the circumstances of this case, I'm not going to consent to a new trial. A judge can order it.

...

Q. No? So do you believe Mike Kelly definitely didn't get those documents?

A. I believe that Mike Kelly did not receive those documents.

HT: 80-82, 87, 88, 91-93, 94-96.

Here, the APDAO has, for the first time ever, conceded that the evidence turned over to Vincent Simmons and the Court on December 7, 1993 by the APDAO is newly discovered evidence that constitutes a severe Brady violation. The evidence submitted as exhibits 2 & 3 of the hearing record constituted *the entire discovery file*. As Michael Kelly testified under oath at the May 21, 2021 hearing, Simmons did not receive *any discovery* prior to trial.²

The Evidence Entered into the Records As Exhibits 1, 2 and 3 Constitute Newly Discovered Evidence and Brady Material that Support Mr. Simmons's Innocence.

Attached hereto as Exhibit B, Exhibit 1 of the May 21, 2021 Recusal hearing was a transcript of a contradictory hearing that took place on December 6, 1994. During that hearing, the APDAO entered into the court record *all* of the evidence that it turned over on December 7, 1993 in an answer to Vincent Simmons's mandamus that was filed in 1993. See Exhibit C – the State's answer to Vincent Simmons's mandamus, dated December 7, 1993. As is evidence in the APDAO's file, the Court file, testified to by Michael Kelly and conceded to by Charles Riddle, all of the evidence that was turned over by the State on December 7, 1993 was not provided to Mr. Simmons's defense team in 1977. In other words, the first time anyone laid eyes on these documents other than the police and Eddie and Jeanette Knoll was on December 7, 1993 when the State answered Mr. Simmons's mandamus. Former First Assistant Thomas Papale testified during the contradictory hearing that the only documents that the State provided to Vincent after his trial was the trial transcript. See Exhibit B, page 8.

² Specifically, Kelly testified that the only statements that the defense team had were the preliminary testimony of Karen and Sharon Sanders. Nothing else was provided to the defense.

The following evidence was disclosed for the first time in 1993 and entered into the Court's record in 1994: (See Exhibits B, pages 10-13 & C)^{3 4}

1. F.P. Bordelon's June 10, 1977 report on KAREN and SHARON. See Exhibit C, B-082-083.
2. KAREN's May 22, 1977 audio taped transcript with the Sheriff's Department. See Exhibit C, B-012-028.
3. SHARON's May 22, 1977 audio taped transcript with the Sheriff's Department. See Exhibit C, B-029-038.
4. Keith Laborde's May 23, 1977 statements (including in reference to lineup), handwritten and typed. See Exhibit C, B-047, 058-062.
5. The May 23, 1977 typed and handwritten reports of SHARON's statements regarding the alleged incident and the lineup. See Exhibit C, B-042-046, 048-050.
6. The May 23, 1977 typed and handwritten reports of KAREN's statements regarding the alleged incident and the lineup. See Exhibit C, B-051-057.
7. Barbara DeCuir reports (handwritten and typed) dated May 25, 1977 – documented the lineup as seen by witnesses. See Exhibit C, B-068-073.
8. May 25, 1977 reports (handwritten and typed) of Robert Laborde – documented the unlawful arrest of Vincent Simmons and the lineup as seen by the witnesses. See Exhibit C, B-074-79.
9. Photograph of the lineup. See Exhibit C, B-084-093; see also Exhibit D – Blown up copy of the lineup that was conducted on May 23, 1977.
10. May 23, 1977 arrest report by Robert Laborde which proves that Laborde and Det. Juneau arrested Vincent Simmons “on site”, See Exhibit C, B-111.

Without belaboring the Court with repetition,⁵ the above material proves that (1) Vincent Simmons was arrested without probable cause, (2) the “victims” in this case could not even describe the “black man” that raped and kidnapped them, (3) Karen's and Sharon's description of this “perpetrator” differed from one another, (4) Sharon, Karen and Keith were only able to identify Vincent Simmons after he was placed in a ridiculously suggestive lineup with handcuffs on, (5) neither girl had any physical injury, including Sharon's hymen was intact, even though both girls described a brutal rape with penetration in their statements to police, (6) none of the physical evidence was even slightly considered or gathered to corroborate the girls, (7) Sharon actually admitted that she could not identify the “perpetrator” by stating that “all blacks look alike”, (8) investigators actually provided the date that this “crime” allegedly happened on, and (9) the preliminary hearing and trial testimony that Karen, Sharon and Keith knew the “perpetrator's” name was a lie.

Here, the above material was not turned over and it was wholly material – all of this evidence would have severely undermined the State's case. In fact, there would not have been a trial had hearings been held in the case at bar.

³ Much of the State's December 7, 1993 response to Simmons's mandamus is embodied in exhibits B, E, C, I, CC, BB, G, H, U, DD, V, AA of Simmons's October 20, 2020 Post-Conviction Petition.

⁴ The following documents mentioned are marked by Bate Stamped Numbers B-001-B-123.

⁵ For a full recitation of the facts *and all of the evidence* that supports this motion, this Court should refer to pages 5-29 of Mr. Simmons's initial memorandum of law in support of his post-conviction petition dated October 20, 2020.

POINT I

PURSUANT TO La. CCRP §§ 930.3(1), RELIEF SHALL BE GRANTED IN THE CASE AT BAR BECAUSE VINCENT SIMMONS' "CONVICTION WAS OBTAINED IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES [AND] THE STATE OF LOUISIANA".

The above facts firmly establish that there is clear and convincing newly discovered evidence that supports Vincent Simmons innocence, the State Committed a Brady violation and Vincent Simmons did not receive any semblance of a fair trial. In fact, nothing that occurred prior to or during trial could be considered fair. Mr. Simmons' defense team was "shotgunned" into trial in less than 60 days and forced to litigate completely in the dark with no discovery. This conviction is tailor made to be vacated immediately under La. CCRP §§ 930.3(1).

POINT II

THE BRADY VIOLATIONS IN THE CASE AT BAR ARE SO EGREGIOUS THAT RETRIAL SHOULD BE BARRED UNDER THE DOUBLE JEOPARDY CLAUSE.

When a prosecutor commits prosecutorial misconduct⁶ with the intentions of causing a mistrial to have a "second bite at the apple", courts around the country have held that a retrial should be barred based upon Double Jeopardy grounds. This Court should find that the conduct by the APDAO committed such egregious prosecutorial misconduct that this case should be vacated and dismissed, as the actions of the State was a willful act to deprive Vincent Simmons of a fair trial. Vincent Simmons was provided absolutely no discovery – this was a blatant attempt to hide what the discovery would have shown: that Vincent Simmons is innocent.

The Louisiana state courts and the United State Court of Appeals, 5th Circuit, have followed the holding in the case Oregon v. Kennedy, 456 U.S. 667, 673-674 (U.S. 1982).⁷ Kennedy held that:

Since one of the principal threads making up the protection embodied in the Double Jeopardy Clause is the right of the defendant to have his trial completed before the first jury empaneled to try him, it may be wondered as a matter of original inquiry why the defendant's election to terminate the first trial by his own motion should not be deemed a renunciation of that right for all purposes. We have recognized, however, that there would be great difficulty in applying such a rule where the prosecutor's actions giving rise to the motion for mistrial were done "in order to goad the [defendant] into requesting a mistrial." In such a case, the defendant's valued right to complete his trial before the first jury would be a hollow shell if the inevitable motion for mistrial were held to prevent a later invocation of the bar of double jeopardy in all circumstances. But the precise phrasing of the circumstances which *will* allow a defendant to interpose the defense of double jeopardy to a second prosecution where the first has terminated on his own motion for a mistrial have been stated with less than crystal clarity in our cases which deal with this area of the law.

In United States v. Dinitz, 424 U.S. 600, 611 (1976), we said:

⁶ And make no mistake about it, the investigators in this case were just as involved as the prosecutor in their intentions to railroad Vincent Simmons.

⁷ See e.g. State v. Odowd, 2013 1107 (La. App. 1 Cir. 03/24/2014); State v. Sizemore, 129 S.3d 860 (La. App. 3 Cir. 2013).

“The Double Jeopardy Clause does protect a defendant against governmental actions intended to provoke mistrial requests and thereby to subject defendants to the substantial burdens imposed by multiple prosecutions.”

This language would seem to follow the rule of United States v. Tateo, 377 U.S. 463, 468, n. 3 (1964), in limiting the exception to cases of governmental actions intended to provoke mistrial requests. But immediately following the quoted language we went on to say:

"[The Double Jeopardy Clause] bars retrials where 'bad-faith conduct by judge or prosecutor,' threatens the '[harassment] of an accused by successive prosecutions or declaration of a mistrial so as to afford the prosecution a more favorable opportunity to convict' the defendant."

United States v. Dinitz, 424 U.S. at 611 (citation omitted).

The United States Court of Appeals, Second Circuit, in the seminal case, U.S. v. Wallach, 979 F.2d 912 (2d Cir. 1992), took the Supreme Court’s decision in Kennedy further, finding that discovery violations found post-conviction can be grounds to prevent a retrial based upon the Double Jeopardy Clause. The Second Circuit held:

If any extension of Kennedy beyond the mistrial context is warranted, it would be a bar to retrial only where the misconduct of the prosecutor is undertaken, not simply to prevent an acquittal, but to prevent an acquittal that the prosecutor believed at the time was likely to occur in the absence of his misconduct. If jeopardy bars a retrial where a prosecutor commits an act of misconduct with the intention of provoking a mistrial motion by the defendant, there is a plausible argument that the same result should obtain where he does so with the intent to avoid an acquittal he then believes is likely. The prosecutor who acts with the intention of goading the defendant into making a mistrial motion presumably does so because he believes that completion of the trial will likely result in an acquittal. That aspect of the Kennedy rationale suggests precluding retrial where a prosecutor apprehends an acquittal and, instead of provoking a mistrial, avoids the acquittal by an act of deliberate misconduct. Indeed, if Kennedy is not extended to this limited degree, a prosecutor apprehending an acquittal encounters the jeopardy bar to retrial when he engages in misconduct of sufficient visibility to precipitate a mistrial motion, but not when he fends off the anticipated acquittal by misconduct of which the defendant is unaware until after the verdict. There is no justification for that distinction.

In states such as Texas, Pennsylvania and Arizona, amongst others, courts have taken Wallach a little further, finding that not only does a motion for a mistrial based upon the bad faith actions of a prosecutor violate the Double Jeopardy Clause, but also severe discovery violations do as well. Here, we will evaluate the reasoning withing the Pennsylvania state court system.⁸

In Commonwealth v. Smith, the Pennsylvania Supreme Court held that the Pennsylvania Double Jeopardy Clause provides criminal defendants with even further protection than Oregon v.

⁸ See e.g. State v. Minnitt, 55 P.3d 774, 782-83 (Ariz. 2003) for a similar analysis to Pennsylvania; see e.g. Ex Parte Masonheimer, 220 3d 494 (Ct. Crim. App. 2007) (The State filed a cross-petition for discretionary review. The State argued that further prosecution of defendant was not jeopardy-barred because the trial court should have continued the second trial instead of terminating it. The trial court found that the offense was barred by the Double Jeopardy Clause. The court held that the evidence supported a finding that defendant's mistrial motions, which resulted in the termination of the first two proceedings prior to verdict, were provoked primarily by the State's intentional failure to disclose exculpatory evidence that was available prior to defendant's first trial with the specific intent to avoid an acquittal at the first proceeding. Defendant did not discover all of the undisclosed exculpatory evidence until the second proceeding. The court was persuaded that, in a case such as the one at bar, a defendant suffered the same harm as when the State intentionally "goaded" or provoked the defendant into moving for a mistrial. Accordingly, the court concluded that, under the unique facts of the case, a third prosecution of defendant was jeopardy-barred under the state and federal constitutions).

Kennedy. The Pennsylvania Supreme Court held in Smith that the Pennsylvania Double Jeopardy Clause precludes retrial “not only when prosecutorial misconduct is intended to provoke the defendant into moving for a mistrial, but also when the conduct of the prosecutor is intentionally undertaken to prejudice the defendant to the point of the denial of a fair trial.” Commonwealth v. Smith, 615 A.2d 321, 325 (Pa. 1992).

In Commonwealth v. Martorano, the Pennsylvania Supreme Court reiterated that the standard set forth by the United States Supreme Court in Oregon v. Kennedy, 456 U.S. 667 (U.S. 1982), was inadequate to protect a defendant's rights under the Pennsylvania Constitution and that Pennsylvania's Double Jeopardy Clause bars retrial where the prosecutor specifically undertakes to prejudice a defendant to the point of denying him a fair trial. Commonwealth v. Martorano, 741 A.2d 1221 (Pa. 1999). Under both Smith and Martorano, although prosecutorial error is not a per se bar to retrial, where the prosecutor's conduct changes from mere error to intentionally subverting the court process to prejudice the defendant to the point of the denial of a fair trial, then retrial is barred. Commonwealth v. Burke, 781 A.2d 1136, 1144 (Pa. 2001).

In Smith, the prosecution deliberately withheld evidence from a capital defendant. Commonwealth v. Smith, 615 A.2d 321, 324 (Pa. 1992). The withheld evidence included an agreement with the Commonwealth's chief witness that he would receive favorable treatment at sentencing on unrelated charges in exchange for his testimony and physical evidence that suggested that the murder took place in a location different from the prosecution's theory. Id. at 323. Specifically, the physical evidence consisted of grains of sand found between the toes of the murder victim during her autopsy. The sand was significant because it was inconsistent with the prosecution's theory and supported the defendant's claim that someone else committed the crime in Cape May, New Jersey. Id.

The Pennsylvania Supreme Court found that this prosecutorial misconduct constituted “egregious prosecutorial tactics” that were intended to prejudice the defendant and deny him a fair trial. Id. at 323, 325. Accordingly, the court held that the Double Jeopardy Clause of the Pennsylvania Constitution barred a retrial. Id. at 325. Later, the Pennsylvania Supreme Court explained that the Smith standard applied to other forms of prosecutorial misconduct beyond the out-of-court concealment of exculpatory evidence, holding that it covers “any number of scenarios in which prosecutorial overreaching is designed to harass the defendant through successive prosecutions or otherwise deprive him of his constitutional rights. Commonwealth v. Martorano, 741 A.2d 1221, 1223 (Pa. 1999). The Pennsylvania Superior Court held that the Smith standard

applies not only to the intentional misconduct of prosecutors, but also to the intentional misconduct of police officers who are part of the prosecution team. Commonwealth v. Adams, 177 A.3d 359, 372-73 (Pa. Super. 2017).

Most recently, on May 19, 2020, the Pennsylvania Supreme Court decided Commonwealth v. Johnson, 231 A.3d 807 (Pa. 2020). In that case a red baseball cap was found at the scene of a shooting, photographed, and assigned a property receipt number. A companion of the victim who was with him at the time of the shooting subsequently gave a statement at the police station and handed a detective the victim's black baseball cap, which had a bullet hole in it. The witness had picked the cap up at the scene of the crime. The cap was assigned a separate property receipt number, and testing at the crime lab revealed the presence of the victim's blood under the brim of the cap.

After police received information from a jailhouse informant that the Appellant had implicated himself in the murder, they obtained a sample of the Appellant's DNA. Testing revealed that Appellant was a contributor to the DNA found on the sweatband of the red baseball cap. The prosecution proceeded to trial with the understanding that there was only one baseball cap involved - the red one - and that it contained both the victim's blood and the Appellant's DNA. At trial, the prosecution's crucial piece of evidence was the red baseball cap. The prosecutor, who was unaware that there were two baseball caps, emphasized that the cap with the Appellant's DNA on it also had the victim's blood on it. The jury convicted the defendant and sentenced him to death.

The defendant subsequently filed a post-conviction motion in Pennsylvania. In response to a defense open records request, a forensics report was generated that reflected that two hats, a red one and a black one, each with a distinct property receipt number, had been analyzed in connection with the prosecution's case, and that the victim's blood was only found on the black hat. The prosecution agreed that the defendant was entitled to a new trial, and the post-conviction court entered an order to that effect.

At a later hearing, the court allowed the defendant to develop evidence to support a potential motion to bar retrial based on double jeopardy grounds. The hearing revealed that the prosecution misunderstood its own evidence and conflated the findings relating to the red and black caps. Despite the existence of separate property receipt numbers, the prosecution did not realize at trial that there were two caps involved. In ruling from the bench, the hearing court expressed that it was "more than mere negligence" that the Commonwealth took a capital case to trial "without even awaiting a full criminalistics DNA analysis." The post-conviction court characterized the

prosecution's handling of the evidence as "extremely negligent, perhaps even reckless." Nonetheless, the court credited the prosecutor's testimony that the errors did not reflect bad faith or intentional misconduct, which the court held were required to bar retrial. Accordingly, the court denied the defendant's motion to bar retrial.

On interlocutory appeal, an appellate court affirmed in a non-precedential decision. The Court relied on its prior decision in Commonwealth v. Adams, 177 A.3d 359 (Pa. Super. 2017) for the position that double jeopardy principals only bar retrial where there is proof that the prosecutorial misconduct was committed with an intent to either provoke a mistrial or deny the defendant a fair trial. The appellate court characterized the prosecution's actions as "egregious" and "intolerable," and stated that the prosecution acted with "deliberate indifference." Nevertheless, the appellate court concluded that the conduct "did not rise to the level of intentionality required to bar further prosecution."

On discretionary review, the Pennsylvania Supreme Court noted, "The prosecution's failure to grasp, during the trial or the proceedings leading up to it, that there were two hats involved in this matter does appear to have been the result of an accumulation of a series of mistakes." The Pennsylvania Supreme Court pointed out that there was little of record to suggest that the prosecution was aware of the mistakes or that there was a conspiracy by the prosecution's witnesses to conceal such awareness from the lower court. The Pennsylvania Supreme Court also noted the lower court's finding that the prosecutor's testimony that he should have noticed that the property receipts were different and that his mistake was unintentional was credible. The Court then extensively documented the evolution of Double Jeopardy jurisprudence in Pennsylvania leading up to its holding in Commonwealth v. Smith, 532 Pa. 177, 615 A.2d 321 (Pa. 1992), where, as discussed, the Supreme Court held that the prosecution's conduct of intentionally withholding exculpatory evidence and denying the existence of an agreement with one of its main witnesses violated the defendant's double jeopardy rights.

The Supreme Court explained that "later case law clarified that not all intentional misconduct is sufficiently egregious to be classified as overreaching and, as such, to invoke the jeopardy bar." (citing Commonwealth v. Burke, 566 Pa. 402, 417, 781 A.2d 1136, 1145 (Pa. 2001)). Specifically, the Pennsylvania Supreme Court noted that:

Dismissal of criminal charges punishes not only the prosecutor ... but also the public at large, since the public has a reasonable expectation that those who have been charged with crimes will be fairly prosecuted to the full extent of the law. Thus, the sanction of dismissal of criminal charges should be utilized only in the most blatant cases. Given the public policy goal of protecting the public from criminal conduct, a trial court should consider dismissal

of charges where the actions of the Commonwealth are egregious and where demonstrable prejudice will be suffered by the defendant if the charges are not dismissed.

Commonwealth v. Johnson, 231 A.3d 807, 822 (Pa. 2020) (citing Commonwealth v. Burke, 566 Pa. 402, 416, 781 A.2d 1136, 1144 (Pa. 2001)).

In Johnson, *supra*, the defendant characterized the prosecution's misconduct "as tantamount to bad faith in that the entire prosecution team was extremely careless in its handling of a capital case, with the result that [defendant] was confined to death row, with its attendant risk of execution, for nine years before the mistakes were discovered." The defendant referenced the American Bar Association's standards, which state that prosecutors have a duty to seek justice and not merely convict. The defendant also argued that other jurisdictions formulated double jeopardy tests that take into account whether the prosecutorial misconduct entailed intentionality or indifference to the possibility of mistrial or reversal on appeal. The defendant argued to the Pennsylvania Supreme Court that the application of those principles would result in immunity from retrial.

In its opinion, the Pennsylvania Supreme Court stated, "The question thus becomes whether the type of misconduct which qualifies as overreaching is broad enough, under our state constitution, to encompass governmental errors that occur absent a specific intent by the prosecutor to deny the defendant his constitutional rights." After reviewing case law from other jurisdictions, the Pennsylvania Supreme Court concluded:

We agree with the observations of our sister states. It is established that the jeopardy prohibition is not primarily intended to penalize prosecutorial error, but to protect citizens from the "embarrassment, expense, and ordeal" of a second trial for the same offense and from "compelling [them] to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent [they] may be found guilty." . . . When the government engages in improper actions sufficiently damaging to undercut the fairness of a trial, it matters little to the accused whether such course of conduct was undertaken with an express purpose to have that effect or with a less culpable mental state. Either way, the conduct imposes upon the defendant the very "Hobson's choice" which double jeopardy seeks to prevent.

Therefore, we ultimately conclude as follows. Under Article I, Section 10 of the Pennsylvania Constitution, prosecutorial overreaching sufficient to invoke double jeopardy protections includes misconduct which not only deprives the defendant of his right to a fair trial, but is undertaken recklessly, that is, with a conscious disregard for a substantial risk that such will be the result. This, of course, is in addition to the behavior described in Smith, relating to tactics specifically designed to provoke a mistrial or deny the defendant a fair trial. In reaching our present holding, we do not suggest that all situations involving serious prosecutorial error implicate double jeopardy under the state Charter. To the contrary, we bear in mind the countervailing societal interests mentioned above regarding the need for effective law enforcement . . . and highlight again that, in accordance with long-established double-jeopardy precepts, retrial is only precluded where there is prosecutorial overreaching - which, in turn, implies some sort of conscious act or omission. Notably, however, this Court has explained, albeit in a different context, that reckless conduct subsumes conscious behavior. See Taylor v. Camelback Ski Corp. Inc., 616 Pa. 385, 402 (Pa. 2012) (indicating that recklessness, as distinguished from negligence, "requires conscious action or inaction which creates a substantial risk of harm to others").

Commonwealth v. Johnson, 231 A.3d 807, 826 (Pa. 2020).

The Pennsylvania Supreme Court then held that the prosecuting attorney made “almost unimaginable” mistakes by not realizing that two different baseball caps were involved despite the presence of two separate property receipt numbers. The Court explained that his mistakes were compounded by the fact that the detective who received the black baseball cap with the bullet hole that the victim had been wearing apparently forgot that information as the investigation ensued. In addition, the lead crime scene investigator testified that he saw fresh drops of blood under the brim of the red baseball cap, when that would have been impossible.

While the record supported the finding that these acts were not done intentionally or with a specific purpose to deprive the defendant of his rights, the Pennsylvania Supreme Court held that they were “strongly suggestive of a reckless disregard for consequences and for the very real possibility of harm stemming from the lack of thoroughness in preparing for a first-degree murder trial.” The Court concluded that the defendant suffered “prejudice ... to the point of the denial of a fair trial,” and held that Article I Section 10 of the Pennsylvania Constitution immunized the defendant from being put in jeopardy a second time. Commonwealth v. Johnson, 231 A.3d 807, 827-28 (Pa. 2020).

In the case at bar, there is no question that the APDAO’s and the Sheriff’s Office’s actions were intentional and done to deprive Vincent of a fair trial.⁹ In fact, the misconduct in this case far exceeds the other cases cited herein. With the discovery now before the Court, it is difficult to see how the prosecution could have even made it through a pretrial hearing let alone a trial. The evidence here shows that Karen, Sharon and Keith were lying at trial and that neither girl was injured at the time of their sexual assault examination. The evidence belies all of the witnesses’ testimony in the case at bar. As such, any re-prosecution of Mr. Simmons would be a violation the Double Jeopardy Clause of the United States and Louisiana Constitution.

POINT III

A RETRIAL IS BARRED BASED UPON THE STATE’S FAILURE TO HAVE PROBABLE CAUSE WHEN OFFICERS ARRESTED VINCENT SIMMONS AND THE RIDICULOUSLY SUGGESTIVE LINEUP THAT THE STATE EXPOSED SHARON SANDERS, KAREN SANDERS AND KEITH LABORDE TO. MOREOVER, BECAUSE NONE OF THE WITNESS KNEW MR. SIMMONS’S NAME NOR COULD THEY DESCRIBE HIM, THERE IS NOT AN INDEPENDENT SOURCE OF IDENTIFICATION THAT WOULD ALLOW ANY OF THE WITNESSES HERE TO IDENTIFY MR. SIMMONS IN COURT.

⁹Leading the witnesses during their initial statements and putting only one man in handcuffs during a lineup does not even need to be explained to the Court – this was egregious. Just like shooting him in the chest right after the identification. Incredibly, Mr. Simmons could have been charged with many other crimes in this case but was not. I wonder why? The stench of corruption and a complete disregard for Mr. Simmons’ life and justice in this case is appalling.

All of the Evidence that was Gathered as A Result of Vincent Simmons' Unlawful Arrest was the Fruit of the Poisonous Tree and Required Suppression.

First, Vincent Simmons was arrested without any probable cause. This is proven by the arrest report that Robert Laborde filled out *before the lineups*. That report stated that Vincent Simmons was arrested “on view”. See Exhibit C, B-111. This means that Laborde and Floyd Juneau arrested Vincent Simmons without a warrant and surely without any probable cause. In fact, Laborde’s report, dated May 25, 1977, specifically detailed how he and Floyd Juneau arrested Vincent Simmons’ at 9AM on May 23, 1977, based upon Juneau’s investigation. See Exhibit C, B-077. The problem was that on May 23, 1977 at 9AM, all the police had were the statements of Karen and Sharon Sanders. Neither girl knew the “perpetrator’s” name, they gave conflicting descriptions and the slight description that they gave was of a husky short man, which did not fit the description of Simmons (who was 5’9”, 160lbs). In other words, the twins’ statements did not provide Juneau or Laborde with the basis to arrest Simmons randomly on the street like they did. State v. Fischer, 720 2d 1179, 1184 (1998) (citing State v. Thomas, 349 So. 2d 270, 272 (La. 1977)). See also Hunter v. Bryant, 502 U.S. 224, 228, 116 L. Ed. 2d 589, 112 S. Ct. 534 (1991) (Probable cause to arrest exists when the facts and circumstances, either personally known to the arresting officer or of which he has reasonable and trustworthy information, are sufficient to justify a man of ordinary caution in believing that the person to be arrested has committed a crime).

The State of Louisiana has long followed the precedent of Wong Sun v. United States, 371 U.S. 471 (1963) (evidence following the unlawful arrest and seizure of a suspect under the 4th Amendment causes any evidence that has a nexus to that arrest to be considered “fruits of the poisonous tree” therefore requiring suppression). Here, the lineup that Karen, Sharon and Keith were exposed to was the direct result of Mr. Simmons’ arrest. As such, it must be suppressed.

The Lineup in the case at bar was Ridiculously Suggestive and, Therefore, Must Be Suppressed.

Here, the make-up of the lineup, with men of all shapes, ages and races, caused this lineup to be ridiculously suggestive.¹⁰ But there is more: Vincent Simmons was the only man with a ring on in the lineup *and in shackles*. This was abhorrent. The Louisiana Supreme Court has long followed United States v. Wade, 388 U.S. 218 (1967). In Wade the Supreme Court of the United States gave several examples of suggestive procedures used by investigators:

What facts have been disclosed in specific cases about the conduct of pretrial confrontations for identification illustrate both the potential for substantial prejudice to the accused at that

¹⁰ For a full recitation of how bad this identification procedure was, see Dr. Michael Leippe’s expert report attached to Vincent Simmons’ October 20, 2020 post-conviction motion as Exhibit J.

stage and the need for its revelation at trial. A commentator provides some striking examples:

"In a Canadian case . . . the defendant had been picked out of a line-up of six men, of which he was the only Oriental. In other cases, a black-haired suspect was placed among a group of light-haired persons, tall suspects have been made to stand with short non-suspects, and, in a case where the perpetrator of the crime was known to be a youth, a suspect under twenty was placed in a line-up with five other persons, all of whom were forty or over."

Similarly state reports, in the course of describing prior identifications admitted as evidence of guilt, reveal numerous instances of suggestive procedures, for example, that all in the lineup but the suspect were known to the identifying witness, that the other participants in a lineup were grossly dissimilar in appearance to the suspect, that only the suspect was required to wear distinctive clothing which the culprit allegedly wore, that the witness is told by the police that they have caught the culprit after which the defendant is brought before the witness alone or is viewed in jail, that the suspect is pointed out before or during a lineup, and that the participants in the lineup are asked to try on an article of clothing which fits only the suspect.

Id. at 232-233.

Here Vincent Simmons' lineup blows past any example of suggestion: he was in the lineup with handcuffs!¹¹ As such, the lineup identification procedure and the subsequent in-court identification must be suppressed.

The In-court Identification of Vincent Simmons Must Be Suppressed Because the Independent Source of Keith Larborde's, and Karen's and Sharon's Identification has no Indicia of Reliability

Once an identification procedure has been determined to be suggestive, only an in-court identification purged of its primary taint allows a witness to come in and identify a suspect. State v. Frisco, 411 So. 2d 37, 40 (La. 1982). Unfortunately for the State, here, Sharon and Karen offer conflicting descriptions of the "perpetrator" and Keith offered *no description at all*. And what is worse is that Karen's and Sharon's erroneous identification at trial was bolstered by their suggestive identification of Mr. Simmons at the defense table during the preliminary hearing.

In Perry v. New Hampshire, 565 U.S. 228, 248 (2012), the United States Supreme court held: "The Due Process Clause does not require a preliminary judicial inquiry into the reliability of an eye-witness identification when the identification procured under unnecessarily suggestive circumstances arranged by law enforcement." The Court went on to note that "The Constitution protects a defendant against a conviction based on evidence of questionable reliability, not by prohibiting introduction of the evidence, but by affording the defendant means to persuade the jury that the evidence should be discounted as unworthy of credit." Only when evidence "is so extremely unfair that its admission violates fundamental conceptions of justice, Dowling v. United States, 493 U.S. 342, 352 (1990), does the Due process Clause preclude its admission."

¹¹ It also should be noted that Karen Sanders, in her book, Raped Beyond a Shadow of a Doubt, stated that the police told her that the perpetrator would be in the lineup. And it also appears from the statements of Keith, Sharon and Karen that the police suggested that number 4, who was Vincent Simmons, was *the* subject.

In United States v. Wade, 388 U.S. 218 (1967), the United States Supreme Court emphasized an in-court identification by a witness to whom the accused was exhibited before the trial in the absence of counsel must be excluded unless it can be established that such evidence had an independent origin or that error in its admission was harmless. Here, it is evident that Vincent Simmons was placed in a wholly suggestive line-up and then exposed to Karen and Sharon Sanders once more before trial and to all three witnesses during trial at the defense table. Such procedures have been identified by the judiciary as inherently suggestive.¹² See Foster v. California, 394 U.S. 440 (1969).

In Foster, the fact that the defendant was the only person who had appeared in the first line-up, in the final line-up, those factors were identified as suggestive procedures that warranted suppression. The Supreme Court of the United States and Louisiana have held that “in the absence of clear and convincing proof of an independent source, free from the taint of the [lineup], the victim’s in-court identification must also be suppressed.” See Manson v. Braithwaite, 432 U.S. 98 (1977); Neil v. Biggers, 409 U.S. 188, 199-200 (1972).

“Factors which can establish an independent basis for the identification include: the circumstances existing when the witness saw the criminal; the length and extent of the observation; lack of discrepancies between the initial description and the defendant; absence of conflicting identifications; photographic selection prior to the physical lineup; the certainty of the witness; a short interval between the crime and the lineup; prior acquaintance of the parties; and conduct of the lineup in a proper manner. State v. Frisco, 411 So. 2d at 40 (citing Wade, *supra*; State v. Frank, 344 So.2d 1039 (La. 1977); State v. Kenner, 384 So.2d 413 (La. 1980); Manson v. Braithwaite, 432 U.S. 98, 97 S.Ct. 2243, 53 L.Ed.2d 140 (1977) (In the event there are questions with the actions of law enforcement, the court will analyze the “totality of the circumstances” to ensure the reliability of an identification: 1. the victims opportunity to view the perpetrator, 2. the degree of attention by the victim during the commission of the crime, 3. accuracy of the description, 4. witnesses level of certainty, 5. the time between the crime and the identification procedure); Neil v. Biggers, 409 U.S. 188, 93 S.Ct. 375, 34 L.Ed.2d 401 (1972)).

Here, one might objectively state that these witnesses had a long time to view the perpetrator because they were with him for approximately, on-and-off, for three hours. The problem here is that

¹² In fact, Simmons v. United States, 390 U.S. 377, 383 (1969) made it clear that the danger of a misidentification “will be increased if the police display to the witness only the picture of a single individual who generally resembles the person he saw, or if they show him the pictures of several persons among which the photograph of a single such individual recurs or is in some way emphasized.” Keith was shown Vincent in handcuffs once before trial, but Karen and Sharon Sanders were exposed to Vincent twice before their in-court identification of him.

Sharon and Karen did not even remotely describe the mystery man similarly. In fact, the little description they did provide of him did *not match Vincent Simmons*. And, significantly, Keith provided no description of the man he said allegedly committed these crimes. None of the three were asked their certainty after they identified Simmons – no documentation whatsoever. Compounding the impossibility of a real identification in this case, all three were not exposed to an identification procedure until two weeks after the crime – which is an incredibly long time interval between the initial viewing by a witness and an identification procedure.¹³

But one thing is for sure, Sharon Sanders admitted that “all blacks look alike” to her, which is why she could not identify or describe her alleged rapist. Over two weeks passed before the three were subjected to a lineup wherein all three were in the room at the same time while the identification procedure took place – wholly improper. Finally, it should be noted that Keith, Sharon and Karen had never seen Vincent Simmons before and did not know his name at the time of the lineup. This story about knowing Simmons’ name only came about during the preliminary examination. Quite simply, the preliminary hearing testimony and trial testimony showed the efforts of law enforcement and the State to fabricate and bolster the witnesses’ identification in this case to hide the horribly suggestive procedures.

As such, there was no independent source here – any in-court identification should be suppressed.

WHEREFORE, in light of the foregoing, this Court should issue an Order granting this petition, thereby vacating the conviction and dismissing the indictment or ordering a new trial, or alternatively scheduling a hearing thereon, and granting such other and further relief to petitioner as it may deem just and proper.

Dated: June 8, 2021
Alexandria, LA

Respectfully submitted,

LARVADAIN LAW

By: /s/ Malcolm Larvadain
Malcolm Larvadain Bar No.
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.

¹³ For a full recitation of the length in time intervals and the effects on eyewitness identification, see Dr. Michael Leippe’s expert report attached to Vincent Simmons’ October 20, 2020 post-conviction motion as Exhibit J.

Of Counsel: Jonathan I. Edelstein

Attorneys for Petitioner

Cc;
The Honorable William Bennett
Twelfth Judicial District Court – Division B
PO Box 84
312 North Main Street
Avoyelles Parish Courthouse
Marksville, LA 71351
EMAIL: (judgeb@12thjdc.org)

Grant Willis
Office of Attorney General Jeff Landry
Post Office Box 94005
Baton Rouge, LA 70804

EXHIBIT A

TWELFTH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

PARISH OF AVOYELLES

-o0o-

VINCENT SIMMONS

DOCKET #37596-A

VERSUS

HONORABLE WILLIAM J. BENNETT

DARRELL VANNOY

JUDGE PRESIDING

MOTION TO RECUSE DISTRICT ATTORNEY

APPEARANCES BY:

HONORABLE CHARLES A. RIDDLE, III

MR. ANTHONY SALARIO AND

MR. DEREK MANUEL

DISTRICT ATTORNEY AND ASSISTANT DISTRICT ATTORNEYS

P.O. BOX 1200

MARKSVILLE, LA 71351

REPRESENTING STATE OF LA

MR. JUSTIN BONUS

ATTORNEY AT LAW

118-35M QUEENS BLVD-STE 400

FOREST HILLS, NEW YOUR 11375

REPRESENTING VINCENT
SIMMONS

MR. MALCOLM LARVARDAIN

ATTORNEY AT LAW

626 EIGHTH STREET

ALEXANDRIA, LA 71301

RECORDED BY

TRANSCRIBED BY

SHARON M. CHENEVERT

CDREPORTER & DY CLERK

12TH JUDICIAL DISTRICT COURT

P.O. BOX 219

MARKSVILLE, LA 71351

ROSE L. BATISTE

OFFICIAL COURT REPORTER

12TH JUDICIAL DISTRICT COURT

P.O. BOX 1301

MARKSVILLE, LA 71351

DATE OF HEARING

MAY 21, 2021

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BY THE COURT:

Before we are officially on the record, oh no you can go on the record, on the hearing on the Motion to Recuse there are a couple of issues I wish to discuss in the nature of a pre-trial pre-hearing conference and status conference of the case, any objection?

BY MR. BONUS:

No objection.

BY THE COURT:

Very good. First thing I want to make sure that the record is clear is before Judge Spruill was recused at my suggestion, discussions were begun in an effort to resolve this case, to put it to sleep, and to give you credit for time served to where you would released. There were some discussion as to whether or not if that was done, you would have to register as a sex offender. I researched it extensively and it was my opinion you would have to.

Since then I have been told but I have not seen and if fact this happened a couple of days ago, that an attorney in Rapides parish named Mike Small, all he does is criminal work had a very similar case in Rapides parish and convinced the judge that registration was not required for someone that at the time of conviction or plea was not required to register. So I don't know what the basis that was for, I can tell you in my opinion forcing you to register when in 1977 you were not ... is not fair. But my appreciation of the law is that you would have to. But I throw

that out there in case counsel would want to based on what Mike Small to see ...

BY MR. BONUS:

I would, Your Honor.

BY THE COURT:

O.K. Because you know as I've documented to both sides I've been judge twenty-four years in a matter of five minutes I researched and found two cases and I know I can find more where people were convicted of forcible rape, not attempted, or convicted of another rape charge and have already served their time and are out and that's with a ... I've been judge twenty-four years and you've been in forty-four years and the State has agreed that to vacate your previously imposed sentences of fifty-years consecutive on each count and give you forty-four years or whatever time served you've had in concurrent on each count to where you would be released. Of course the issue of the sex offender registration was the problem, okay.

Which I understand and I respect that decision, but I don't want any misunderstanding as to where we stand with that and if there is an avenue to where he would not have to register as I've in my opinion he should not have to.

But my research indicates otherwise. All right, Mr. Bonus.

BY MR. BONUS:

Yeah I did extensive research too and I think that the appellate reasons the circuit courts are split and when you get to the supreme

court it's almost an operation of law that's outside of the court's jurisdiction from what I've seen because Louisiana like in other places have a sex offender registry board that implements this, so it is an operation of law. Now I thought ... I have ... I talked to Mike Small and I know some people that might know Mike Small or maybe have contacted and see exactly what he did to enable that type of procedure to happen...

BY THE COURT:

And this is just second hand information that I've received, I want you to know that, from another attorney who said he was in the courtroom when the same issue was brought up.

BY MR. BONUS:

Yes, I'll see if I can reach out to him.

BY THE COURT:

Very good.

BY MR. BONUS:

I am in agreement with Your Honor and also

...

BY THE COURT:

But there is ... a kink in this is it's my understanding that part of the offer of the State is a requirement, I don't know if that ... registration ... I don't know if that is because of the law as explained as appreciated or if that's part of the request of the district attorney.

BY MR. RIDDLE:

I think that's it, Your Honor. Because it was a requirement of law, I informed the victims of that and they said look, whether that would

void the agreement if it happens to turn how the supreme court would rule differently, I am not sure but I think it's pretty clear that the supreme court has ruled that he's got to register as a sex offender.

BY THE COURT:

O.K. Well I just wanted to throw that as Mr. Simmons, as I've told you before I don't hide the ball, okay.

The next issue I want to talk about is since the last time ya'll were here, I have had multiple, let me just put it that way, contacts with Keri Laborde Desoto or whatever her last name is now and Keith Laborde. Totally unrelated to this case in that there were no discussions or dealing with alleged criminal activity. Well we had ... I've already had the protective order hearing but since then there's Ms. Laborde appeared to me for the purpose of executing a warrant and affidavit against someone which I have found out she held, and then Mr. Laborde came to me for a warrant and affidavit against someone, although not directly related about this case that has a peripheral involvement. And I want to tell you that I've offered from day one you let me off this case, you're not going to get any hesitation. If you think I have, okay.

Current playtime

I personally want you to know and this is all in the nature of a pre-trial conference while your case has been pending all these years, I didn't pay much attention to it, I must admit. I

never watched the film, I knew about it certainly. Since I have been on this case the public knows I'm on this case. I ... in a grocery store last week a lady came up to me and says you're Judge Bennett and I said when I have my dress on. And she says you know Vincent Simmons didn't do that. I said no ma'am, I don't know that. She said it was his brother Bruce. I said no ma'am, I don't know that. I've had other people come up to me and say he didn't do it or that you did do it or things of this nature.

I will not ... I don't operate ... I don't make decisions on what's outside of the courtroom, I make it on here. But this is a small area, rural area, this is a popular case and I have had people even come to my house if they want to talk about your case. And of course I've told them no I will not. But people do ... their friends out to me. And I want you to know that, okay. I don't want everything is going to be at this table all right, I want you to know everything that is going on with me. Because if you don't want me on this case, I understand, you want somebody from out of here I understand and respect that. You want me on it, hey I'm ready I'm not going to jump off for no reason, okay. You understand that, I want that clear from day one, okay. Got it?

BY DEFENDANT:

Yes, sir.

BY THE COURT:

Ya'll need a moment to talk, or you all right.

BY MR. BONUS:

Yes I do and I just need to talk to Vincent on a couple of things. Number one, March 19, 2021 I asked for certain files from the district attorney and then to the sheriff's department by Kerri Laborde. Should have gave to me the video taped statement you know, alleging that her father had raped her. I also gave video recordings of family members that they just seen two things. I'm not sure of the name Shawn or I don't know his last name. But Shawn Morris is his name, I think. With threats to Kerri so she might ... that might be what you are specifically talking about and yes some of the information that you're talking about is actually inner twined in this case because indeed it goes to past history of Keith Laborde.

I just want to keep you know...

BY THE COURT:

In my opinion Mr. Bonus, anything involving Keith and Kerri Laborde has somewhat of a connection to this case. I've already explained to ya'll the involvement with them for the ... over the years and years having been a judge on Ms. Desoto's divorce case back in 2004 and on. Even when Judge Spruill was representing her I was the judge on the case. My involvement with then since then and in my opinion the issues that are involving Keith and Kerri Laborde do have a connection to this case, okay.

BY MR. BONUS:

The only thing I wanted to ask Your Honor, is just would be able ... in the event that we you know move to recuse you, would ... would we be able to get the recusal hearing done today for Mr. Riddle and then afterwards your honor how ... I just want to give Mr. Simmons the most information possible before I go forward, procedurally how do you perceive that?

BY THE COURT:

Procedurally what I see if ya'll want me off, ya'll need to do it now because once I start making ... I'm not ... I mean you can always file a Motion to Recuse but then you'll have to come up with a definite ground and I don't know because as you know from me, I'm going to tell you what I know.

It would, it would be in my opinion it would need to be now, okay. Because the way I look at it is this, if I rule don't recuse the district or do recuse the district attorney and then if I don't recuse him and he says well now I want him off the case, you know. It's certainly looking like impropriety is existing, okay.

BY MR. BONUS:

I understand that, I'm just for the sake of finally getting this done because this has been hanging on us since January and we just want to get the ball rolling. So if I could talk to Mr. Simmons?

BY THE COURT:

Sure, and you know we also have the issue of your request for protective order which we need to discuss because there is some law that I believe that applies there that needs to be in my opinion regarding those protective orders I couldn't find anything in the law that allows you on behalf of Mr. Simmons to get me to order non-parties, non witnesses to keep still. What I did find is the allegations that you have made may clearly fit the definition of public intimidation or witness tampering in our statute. And that the proper thing would probably be to have someone swear out an affidavit and warrant to where a condition of the bond could be no Facebook, no social media, no discussion of this case things of that nature.

BY MR. BONUS:

Let me be clear and I want to be clear to everybody here that I don't care what Susan Laborde says and I'll be clear that she's the one. She is crazy of that, absolutely. I don't care what she posts on Facebook. I don't care what she posts ... I don't care what Keith Laborde posts on Facebook, I don't care what anyone posts on Facebook, all right. But when you message a witness, when you privately message a witness, when you drive in front of their house, take pictures of them and then send pictures to them that you're taking pictures of them that's what I have a problem with it. That's a threat, okay. That's a threat. And then when a man comes outside of his house with a gun and I'm going to

talk to a witness two doors down, that's a threat. I mean I really don't care but at the end of the day if I was on the other side those people would be arrested. They would be, they would be charged with intimidating a witness, they would be charged with with obstruction of justice.

BY THE COURT:

Well someone needs to ask ... and I'd sign a warrant in a heartbeat, somebody signs an affidavit to what you have explained.

BY MR. BONUS:

I ... the procedure.

BY THE COURT:

R.S. 14:129.1 says no person shall intentionally intimidate or impede by threat of force or force or attempt to any witness or member of the witness' family with intent to influence the witness' testimony or the witness' appearance at a judicial proceeding. 14:122 public intimidation says no person shall use force, violence, extortion, threats, or true threats upon a witness with the intent to influence the conduct of the witness in relation to his position, employment or duty.

The bottom line is the statute that you cited for the protective order doesn't apply. It's the dating violence, domestic abuse violence act. But these do apply.

BY MR. BONUS

O.K.

BY THE COURT:

And if someone were to swear out an affidavit and I sign a warrant I'm going to put as a condition of bond a protective order, okay.

BY MR. BONUS:

O.K.

BY THE COURT:

Which I do all the time, all right.

BY MR. BONUS:

O.K., understood.

BY THE COURT:

So with those discussions in mind Mr. Bonus, we'll take a recess and allow you and Mr. Simmons and if you want his family to be part of the discussion what we're going to do is get everybody out of the courtroom and let ya'll stay in the courtroom. If you want to be just with Mr. Simmons we'll give you a private room.

BY MR. BONUS:

O.K.

BY THE COURT:

Would you rather that? All right everybody except the ... Mr. Simmons, members of his family please step outside and Mr. Bonus let us know when you're ready ...

RECESS - RESUMED

BY THE COURT:

We conducted a pre-trial conference ... good morning, Mr. Larvadain.

BY MR. LARVADAIN:

Good morning, Judge.

BY THE COURT:

We had conducted a pre-trial conference concerning many issues in State versus Vincent Simmons and recess was taken for counsel to meet privately with Mr. Simmons and members of his family. Mr. Bonus?

BY MR. BONUS:

I spoke to Mr. Simmons and he would like to move forward and proceed.

BY THE COURT:

All right, very good. The matter before the court is the Motion to Recuse the District Attorney and we are ready to proceed.

BY MR. BONUS:

Correct.

BY THE COURT:

O.K.

BY MR. MANUEL:

Your Honor, for the record Derek Manuel on behalf of the State.

BY THE COURT:

O.K. The law says the Motion to Recuse the defendant bears the burden of showing by a preponderance of the evidence, so it's your Motion, Mr. Bonus you may proceed. You want to make an opening statement or simple proceed with the evidence?

BY MR. BONUS:

Just really ... I mean this comes down to Mr. Spruill ... this is going to be just a brief opening statement, Your Honor.

BY THE COURT:

Mr. Riddle, Mr. Riddle?

BY MR. BONUS:

Oh Mr. Riddle, it's Judge Spruill, thank you. Just briefly with regard to this I think this whole thing comes down to his role as a witness in this case the statements that he made to Allen Holmes, which you'll hear from Allen Holmes and then you know his knowledge of his office for the past twenty ... I guess it would be almost twenty years at this point, eighteen, seventeen years I think it is.

And then his knowledge of the prior administration and then the cross over from that prior administration aimed in fact that Mike Kelly was his first assistant. And I think ... I know that you'll hear today from Mike Kelly that Mike Kelly number one didn't even know there was a lineup in this case. They received no discovery, okay. I mean they received some discovery but it appears that the only discovery that they had in this case came from the preliminary hearing that was conducted I believe on July 7, 1977. And that Mike Kelly informed Mr. Riddle that in fact ...it might have been a casual conversation in fact, but Mr. Simmons never received discovery.

The other thing that you're going to hear is that for what ... I believe was it 2003 you were elected?

BY MR. RIDDLE:

Yes.

BY MR. BONUS:

So January 1st, 2003 and Mike Kelly was the first assistant and even during Eddie Knoll's time right, Mike Kelly was an assistant DA he was Vincent Simmons lawyer and he was the district attorney. And you know when you look at motions to recuse in other words, there's two prongs I believe it's Louisiana Rules of Criminal Procedure 680 I think it is, which is the motion ... the standards to recuse district attorney and what you have is with regards to that is the DA can either be an interested person you know, and then when you look at the rules of professional responsibility whether it's the ADA or even Louisiana if you know personal interest comes down to if you're a witness; if you have a relationship with people, right?

Well all of that matters in the framework here with regards to Mr. Riddle and people in his office. And so but he had a personal relation... this man's attorney was in his office and one of the other prongs of recusing a district attorney is if the formerly represented a defendant.

So from Mike Kelly might have been employed from 1993 in the DA's office, I'm not totally sure but I'm sure he'll tell us today. But you know from 1993 on this office had a conflict. And over and over again they opposed Mr. Simmons' motion with the person that could have told them what exactly happened in 1977, right. And then what do we know about prosecutors, the prior judicial officers, right, they have discretion, they are the ones that determine whether a case

goes forward, right. They are the arbiter, they are the vendor, they vet the cases the police brings them. So their obligation is not just to seek a conviction, it's to do justice.

They also have an obligation of candor to the court but also fairness to the accused. And when those things don't happen then we have to start back. And that's what we're asking for here. Really as somebody else, a new set of eyes, somebody and we appreciate your honor's offer, somebody from outside the parish to come in and look this evidence. Because Mr. Riddle is ... he's an interested person, you're going to hear some things about what I think his interest and I think it kind of dog tails with what was going on with Judge Spruill in relationship to people in this case. But also you know the fact that he made a statement, he Freudian slipped to Allen Holmes. And that's what you're going to hear. Yes, sir.

BY THE COURT:

Let me be frank, the basis I thought the motion to recuse was simply ... I didn't know it had these other issues so it's ... why did you pick ...

BY MR. BONUS:

Because if you read the motion it is about being an interested party, he's a party now. And I think when he makes the statement to Allen Holmes now, his (UNINTELLIGIBLE...) is having to defend the...

BY THE COURT:

Well I thought the only issue involved the statement.

BY MR. BONUS:

No, it's not.

BY THE COURT:

Or alleged statement with Allen Holmes, but there's more to it which I'm glad you're making your opening statement to bring out the issues so I can be attuned..

BY MR. BONUS:

..Absolutely.

BY THE COURT:

...regarding Mr. Kelly.

BY MR. BONUS:

Absolutely.

BY THE COURT:

Does the State wish to make an opening ... anything else, Mr. Bonus?

BY MR. BONUS:

And I wanted to just clarify, if you look in the motion that's one of the things that we talk about, is Mr. Riddle's knowledge of the history of his office.

BY THE COURT:

All right. Does the State wish to make an opening?

BY MR. MANUEL:

Yes, Your Honor. As you noted the only issue that Mr. Bonus raised in his motion was the alleged statement that was made or allegedly to Allen Holmes, is a statement that if made is not relevant. Mr. Riddle was as he said elected DA

in 2003, Mr. Simmons was convicted in 1977 and but apparently they're trying to attribute some knowledge of the history of the office to somebody who came in decades later.

The conflict of interest argument that he raises and it was not made in the motion regarding Mike Kelly but no ... because Mike Kelly didn't handle this case in the DA's office. Mr. Riddle was not an attorney for Vincent Simmons.

And again the alleged statement could not have been made for any personal knowledge, if it was in fact made at all. It doesn't matter, and we'd ask that the Motion to Recuse be denied.

BY THE COURT:

All right, very good. All right, Mr. Bonus you may call your first witness, sir.

BY MR. BONUS:

I'd like to call Mr. Mike Kelly.

BY THE COURT:

Mr. Kelly.

BY MR. BONUS:

Your Honor, if I could have Mr. Holmes to step outside I guess so he's not ...

BY THE COURT:

Rev. Holmes, there's a request made that you be placed under the Rule of Sequestration, you are to remain outside until your time to testify. Do not discuss any of your testimony with anyone except the attorneys if you wish to. Very good, sir. Mr. Kelly.

BY MR. BONUS:

Your Honor, I'd also to just briefly discuss an evidentiary issue with regard to previous filings from the DA's office. It's a transcript from December 6, 1994 that I had actually submitted to the court. And I submitted it to the DA's office from 1994. I'd ask to enter those into evidence.

BY THE COURT:

Any objection, Mr. Manuel?

BY MR. MANUEL:

No, Your Honor.

BY THE COURT:

All right, those will be admitted. That will be Motion to Recuse DA -1 will be the transcript of the 1994, that will be Motion to Recuse DA-1 for Mr. Simmons. And number 2 will be this number 2 is Answers to Application of Writ of Mandamus filed by the district attorney in that matter, that will be number 2. Any other filings prior to the taking of testimony.

BY MR. BONUS:

And then on also Your Honor, the photograph of the lineup.

BY THE COURT:

Any objection, Mr. Manuel?

BY MR. MANUEL:

Yes, sir, Your Honor.

BY MR. RIDDLE:

Your Honor, I'll state the objection. He keeps referring to a photograph of the lineup and we have the only person alive today that can

identify that and apparently he's not here, who says that was taken after the lineup.

BY THE COURT:

Well the photograph itself can be introduced into evidence subject to evidence to be presented as to when it was taken, who took it all that kind of mess but it is ... yes, sir.

BY MR. BONUS:

That transcript in there actually states that's a photo of a lineup. They stipulated to admitting evidence that this is a photograph that was turned over during the contradictory hearing that happened in ... on December 6th of 1994. This is the photograph.

BY THE COURT:

Certainly. Was that placed into evidence then?

BY MR. BONUS:

Yes it was.

BY THE COURT:

All right. It will be allowed into evidence today. That will be Motion to Recuse DA #3. All right, any other filings prior to the taking of evidence? All right, Mr. Kelly, would you raise your right hand please, sir.

BY CLERK:

Do you swear the testimony you're about to give in this matter will be the truth, the whole truth and nothing but the truth so help you God?

BY WITNESS:

I do.

BY CLERK:

Thank you, you maybe seated.

BY MR. BONUS:

Give me one second, Your Honor. You ready?

BY THE COURT:

When you're ready.

BY MR. BONUS:

Good morning, Mr. Kelly. If you could just speak up a little bit because I'm a little hard of hearing. Mr. Kelly, how old are you right now?

BY THE COURT:

First identify yourself for the record.

BY WITNESS:

I'm Michael Kelly, Judge. I was born in 1949 I'm 71 and I've been a member of the Louisiana State Bar since October 1973.

MICHAEL KELLY, who after first Having been duly sworn, testified under oath, under Direct Examination, at the instance of and by counsel Mr. Justin Bonus, which testimony is as follows, to-wit:

BY MR. BONUS

Q. And what's your present occupation?

A. Attorney, I'm semi-retired but I'm still an attorney.

Q. When did you semi-retire?

A. January of 2018.

Q. And how long have you been an attorney?

A. I think it's ... thirty-seven years.

Q. What type of law did you practice?

A. I practiced criminal law, municipal law, family law, that's basically it.

Q. And when did you begin your practice of criminal law?

A. Almost immediately, at the time Judge Edwards was the judge here and I was one of five or six attorneys that was appointed periodically on indigent cases.

Q. So that would have been in by 77 you had been practicing for what, four years?

A. Three or four years, right.

Q. And you were essentially appointed every once in awhile I guess to represent...

A. Correct.

Q. Did you work for anybody at that point?

A. Yeah I was working for Laborde, C.E. Laborde and Edwin Lafargue, it Laborde, Lafargue and Kelly at that time, it was a law firm here.

Q. And at some point did you ever become a prosecutor?

A. yes.

Q. When did that occur?

A. I think it was 1992.

Q. For what office?

A. Eddie Knoll's office, Twelfth JDC.

Q. So that would be Avoyelles Parish District Attorney?

A. Correct.

Q. So you worked for Eddie Knoll?

A. yes.

Q. And what was your role in Eddie Knoll's office?

A. I was an assistant district attorney.

Q. When you were in Mr. Knoll's office what was Mr. Knoll's policy with regard to discovery?

A. Well I don't really know that there was a specific policy. And I was never told there was a specific policy. When I got there seem like most ... mostly the defense attorneys would file a motion for bill of particulars, which is very little information. And pretty much on my own I started just copying

the file and said your answers are in the file. And he didn't object to that and that's what I started doing. And I kept that procedure up when I was with Mr. Riddle's office as first assistant basically in every case the arraignments would come through my office, my private office and we would copy every file and submit it to the defense attorneys.

Q. So ...

A. But to get back I don't really know what Mr. Knoll's actual policy was.

Q. But they weren't copying the file like you before you?

A. No.

Q. So you were the first person in that office to do that?

A. Yes.

Q. Did you ever tell Mr. Riddle, that you had sort of change the policy in Mr. Knoll's office?

A. I don't know if we really discussed it.

Q. O.K.

A. It's just something I did.

Q. And Mr. Riddle adopted that policy?

A. Right.

Q. And you know obviously now Mr. ... you worked for Mr. Riddle as well?

A. Right.

Q. And then what was your role in that office?

A. I was first assistant district attorney from whenever we took office in 2003 until December 31, 2017.

Q. Did you ever talk to Mr. Riddle about some of Eddie Knoll's practices before Mr. Riddle started to work there?

A. No.

Q. You remember Mr. Simmons' case?

A. Absolutely. And I'll tell you I remember have to recall while I'm sitting here talking about events that happened whatever it is forty-five years ago, something like that. I have certain things that I can recall very, very clearly and other things I have to kind of give you this is what I remember and then give an explanation.

Q. And when you ... you were his defense attorney, right?

A. Yes.

Q. Were you co-counsel right?

A. Yes, I was second chair to Harold Brouillette, who was twenty years older than I and was the senior attorney in that defense.

Q. O.K. Are you aware of any films that covered the Vincent Simmons case?

A. Not The Farm, no. I didn't watch it.

Q. O...

A. I think my position probably after Mr. Simmons was convicted I recall us preparing at the time the appeal went to the Louisiana Supreme Court. We were in the process of preparing the appeal and Mr. Simmons filed against everybody including us and we were out. After that point in time I followed some of the events, I was aware of some things but I did not want to watch The Farm and because frankly it's too upsetting. We weren't part of it and I understood too that we were the scapegoats too, that we had been ... that we were somehow part of conspiracy and deprived Mr. Simmons of his rights.

Q. O.K. Did anyone attempt to approach you or Mr. Brouillette, that you know of at least with Mr. Brouillette, as far as that film or ...

A. No, that was a black guy, Robert Frank was that his name?

Q. Yeah, Jonathan Stack.

A. Jonathan Stack, the guy showed up with a camera in my office and I said no cameras, I didn't want to have anything to do with that.

BY MR. BONUS:

Your Honor, I'd like to have this marked for identification.

BY THE COURT:

Yes, sir it would be Motion to Recuse DA #4.

Mark it and then show it to the witness.

BY MR. BONUS

Q. If you could Mr. Kelly, please take a look at what's been marked as Exhibit #4.

A. Yes I see it.

Q. Are you able to identify the signature on that?

A. Yes, it's Judge Brouillette's signature.

Q. All right.

A. And he actually showed me this letter before he mailed it.

Q. O.K. We have spoken about this before correct?

A. Correct.

Q. We've met a couple of times?

A. Right.

Q. Just to put that out there.

A. I want to put that out there too because that's when I learned things about the case that I did not know.

Q. O.K. But this letter may...

A. No, talking to you.

Q. Oh okay. So before you met me had you ever seen this letter?

A. Yes.

Q. You had seen this letter?

A. Yes.

Q. You spoke to Mr. Brouillette about this letter?

A. Absolutely.

Q. O.K.

A. We had discussed it.

BY MR. BONUS:

And Your Honor, I'd move that into evidence
as Exhibit #4.

BY THE COURT:

Any objection?

BY MR. MANUEL:

No objection, Your Honor.

BY THE COURT:

Without objection.

BY MR. BONUS

Q. And with respect to that letter did he speak to you
about the fact that medical reports weren't turned over?

A. Yes, sir.

Q. And how did he feel about that?

A. He was upset.

Q. It saddened him?

A. no, upset.

Q. Upset, okay.

A. And you know I'd be happy to go on about that. The
case initially was charged ... Mr. Simmons was charged with two
counts of aggravated rape which at the time had the death
penalty. And the court was considering I think Freeman versus
Georgia, the supreme court was. And the death penalty was off
the table because of hiatus. We believed at the time that the
State had reduced the charges from aggravated rape to attempted
aggravated rape to circumvent the penalty issue. We did not ...
and when the case was presented to the jury, it was presented as
if there were two completed rapes, including a vaginal rape.

And this letter at least would have gone some distance to possibly discredit that version of events. So yes, I'd say upset would be the word.

Q. Yes. It refutes at least one of the girl's accounts, correct?

A. It didn't necessarily refute it but it discredits it.

Q. Yes.

A. In the sense that the crime was ... the facts were still not exaggerated and upgraded, which of course inflames juries. Before you get to any of the other issues.

Q. Well do you recall, besides what's covered in the letter, do you recall receiving any witness statements prior to trial?

A. I recall that we did not receive witness statements.

Q. O.K. And you recall conducting a preliminary hearing in this case?

A. Yeah, actually Harold Brouillette conducted it but yes I was there throughout.

Q. And ...

A. We did not have witness statements, that you've told me in the last three or four months existed. Apparently the file had ... the witnesses had been interviewed on tape and those tape recordings were transcribed. And we didn't have of that. There were issues about identification, which we were unaware of when we walked into the preliminary exam the three main witnesses, the two victims actually there were three victims I guess there was a kidnapping involved. All pointed at Mr. Simmons without any hesitation. We didn't know, based on what you're telling me because I had never seen the State's file, I want you to understand that. That there were some differing descriptions that did not fit Mr. Simmons. That one of the girls had made the statement, this is what you told me, that one

racial epithet looks like another racial epithet and I can't tell the difference. And had we known those things I guarantee you Harold Brouillette and myself would have told the jury that. Because it indicated not only bias but the fact that the identification was at issue. We didn't ... identification was at issue at all. And the lineup picture, I think it was put in the paper, I kind of remember that.

Q. Would you like to take a look at that?

A. I've seen it but yes I'll identify it sure if you want me to.

Q. It is an exhibit, take a look at it.

A. Yeah. This exhibit I can't read it.

Q. It's on the...

BY THE COURT:

It's three.

A. Exhibit 3 that this is what appeared in the paper. We weren't even aware there was a lineup. Now some of that you know is a communication between Mr. Simmons and ourselves.

BY MR. BONUS

Q. Yeah.

A. But we did not know there was a lineup. And as your honor might understand, in Avoyelles parish we don't have many lineup cases. But someone says it's Mike Kelly, Mike Kelly is they say yes, Billy Bennett, they know who Billy Bennett is. But so that was something that Harold Brouillette and I had discussed that we did not know. And we were waiting for somebody to come so that at some point this day would come, when we set the record straight.

Q. Yeah.

A. We weren't somehow sloppy lawyers that didn't know our way around the courthouse.

Q. So I mean and this goes to some of the things you were talking about during trial, so you recall that at least one of the girls and in this instance it would be Karen that she had been raped orally, anally, and vaginally, do you recall that one of the girls said that at trial?

A. What I recall is Mr. Knoll's closing statements to the jury. In which he urged the jury that both victims had been raped orally, anally and vaginally. It was very, very powerful and I remember it. Now that I remember. Can I tell you what each of the victims said, no. I can't tell you that, you'll have to look at the record, whatever it says it says.

Q. Yeah. So you wouldn't recall then that Sharon Sanders had stated that at trial she said that Mr. Simmons had not been able to insert his penis into her vagina, you wouldn't recall that. But that would matter right if you had received the statement from Sharon Sanders where she talked a thirty minute vaginal rape where she bled, that would matter right?

A. Absolutely.

Q. Absolutely. Do you recall that both Karen and Sharon and Keith both said that they heard the name Simmons?

A. I can't recall it but I know there was a reason why we didn't think identification was an issue. But to sit her and tell you I remember that no, I don't. But ...

Q. But it would matter to you if you saw the original statements?

A. That they didn't know who he was?

Q. Yes.

A. Absolutely.

Q. And they didn't know his name?

A. Absolutely.

Q. Including Keith?

A. Absolutely.

Q. O.K.

A. Those are things that any competent defense attorney would leap to. And if we knew and we didn't do it we'd be guilty of ineffective assistance of counsel. Bear in mind the whole idea of whether a person is guilty or not, Mr. Manuel, I understand you're going to object but I want to have a say.

BY MR. MANUEL:

Listen my objection ...

BY THE COURT:

Whoa, whoa ... go ahead continue.

A. All right, I'm seventy-one and I want ...

BY THE COURT:

Go ahead, have your say.

A. Everybody in this room except for his family is proceeding on the theory that Mr. Simmons is guilty. None of us are God, and none of us know, we'll never know the real truth, in my opinion. We rely on the jury to come up with a verdict, it's not the judge, it's not the prosecutor, it's not the defense attorneys. And what we have here is evidence which we as defense attorneys as part of his right to counsel were not given, for whatever reason. And there might be other explanations I don't understand. But that verdict, the reliability of that verdict that said Mr. Simmons was guilty of these crimes is undermined by the total lack of transparency as far as the discovery in this case. And that's not ... I'm not attacking Mr. Knoll or Ms. Knoll I'm not. And I don't know exactly ... we didn't have a formal discovery procedure, I wasn't aware of any office procedure. But I can tell you this Judge, Harold Brouillette and Mike Kelly would have used those things that are in the State's file in Mr. Simmons' defense. We were not conspirators trying to deny a man his right to a fair trial.

BY MR. BONUS

Q. And back to the issue with regard to the lineup...

BY MR. MANUEL:

Your Honor, I'm going to object at this point we're going way outside of the Motion to Recuse the DA's Office, this is going to the merits of post conviction relief application. We're here right now on a hearing on a Motion to Recuse the DA's Office.

BY MR. BONUS:

I absolutely don't ... this is going to this man's knowledge, this man worked for him for eighteen years.

BY THE COURT:

But it ... this goes to his knowledge of what the district attorney's office did or did not do in 1997 ... 77, I'm sorry, 1977 which certainly is important to the operation of the district attorney's office and continued involvement through this date. So the objection is overruled.

BY MR. BONUS

Q. And with regard to ... with regard to a lineup and the testimony at trial, a lineup would have been important had obviously a lineup becomes important when you know when the witnesses testify at trial that they've never seen the man before, so this is a stranger identification, the lineup is paramount, correct?

A. Correct.

Q. Were you aware that Mr. Simmons filed a Mandamus in 1993?

A. Somehow or another, yeah I became aware.

Q. Tommy Papale.

A. Yes, sir.

Q. Were you aware that Mr. Papale testified in front of Judge Johnson I think it was Michael Johnson in 1994?

A. No.

Q. O.K. So...

A. I know that it was supposedly Tommy that had copied the file.

Q. O.K. And you had never seen this file before?

A. No. To this day I haven't seen the file.

Q. So you weren't aware that each girl gave an audio taped statement?

A. No. No that was something actually I learned from you.

Q. O.K. You weren't aware that there was a photo lineup?

A. No.

Q. Were you aware that Keith gave a statement to police?

A. No.

Q. Were you aware that there ... the medical reports from Dr. Bordelon?

A. No.

Q. Were you aware that there were multiple supplemental reports from the officers in this case detailing the witness statements, Mr. Simmons arrest and lineup?

A. No.

Q. Were you aware that there was an arrest report that said Mr. Simmons was arrested on view?

A. Usually they would give you the arrest report. So I can't say that. I would have thought there were a few pieces of paper we would get was an arrest report.

Q. O.K. Were arrest reports in this case after the girls identified Mr. Simmons in the lineup and Mr. Laborde and then there was one before that?

A. Right.

Q. You wouldn't ... you can't remember?

A. No I cannot.

Q. That's fine. But if you would have seen an arrest report that said arrest on view would you have asked for a probably cause hearing?

A. I don't know.

Q. So you know you haven't seen any of those original statements?

A. No.

BY MR. BONUS:

One moment Your Honor, just going through.

BY THE COURT:

Yes, sir.

BY MR. BONUS

Q. Just from what I told you ... we covered that. Were you aware that Sharon Sanders testified that she ... strike that, Your Honor. Were you aware that Sharon Sanders told police that she gave her bloody underwear to her grandmother to wash?

A. I can't remember. I don't really ...

Q. So if it was a part of the statement so you haven't ...

A. No, no if it's not in the record of the testimony at the preliminary hearing or the trial no. Then the answer is no if it's not in there.

Q. So you weren't aware of the fact obviously you weren't aware of the fact that Sharon Sanders referred to Mr. Simmons as the 'N' word?

A. No.

Q. You weren't aware of the fact that Sharon Sanders said during ... to the police that all blacks look alike?

A. No.

Q. Were you aware that Karen Sanders ... that the girls didn't know the actual date of the rape, alleged rape?

A. If ... all I know is what was in ...

Q. In the trial...

A. Would have been in the trial transcripts. If there was something different reflected from those pre-trial statements no.

Q. But that would have made a difference right, because you ...

A. There's no question about it.

Q. O.K.

A. We tried to establish an alibi and it's very difficult to do, we tried. But we were not successful.

Q. That was one of your defenses right, that he an alibi.

A. Yeah and that kind of went by the way side, it just ... it didn't ... I don't know if we actually called any of the witnesses or not but you now, then it just became a question of trying to attack the girls story, anything that we had and the only thing we really had was whether it was internal to the story as well as any prior statements, that being the preliminary hearing, if the story changed.

Q. From the preliminary hearing?

A. Correct.

Q. So the only thing you had at trial was the preliminary hearing?

A. Yes.

Q. And with regard to if basically at least the girls statements to police that they didn't know Vincent's name, they didn't know the perpetrator's name, that would have been a big deal to you to have a trial when they said they knew his name, isn't that correct?

A. Yes.

Q. And called the ...

A. Yes.

Q. So you weren't aware that Mr. Simmons was subjected to a lineup with three witnesses that viewed the lineup at the same time?

A. No. Wasn't really the lineup.

Q. So did you ever look at the lineup with him in the handcuffs?

A. Just in that photo.

Q. Just from what you saw?

A. Right.

Q. And if you'd seen that ...

A. Without doubt, if we had known there had been a lineup, it would have sparked a hundred questions.

Q. Yeah. How about an evidentiary hearing?

A. Oh absolutely.

Q. Because what Wade was in 67, correct?

A. We knew what the law was then and it would have sparked an entire line of inquiry as to how it was that they were now identifying him if they couldn't have identified him initially.

Q. And do you believe Mr. Brouillette's ... obviously do you believe Mr. Brouillette's claims in the letter that you guys never saw the report?

A. Yeah, and that was my claim too.

Q. You did testify that you read the letter...

A. We discussed it.

Q. I just wanted to make sure, checking off my boxes. And would it have mattered to you if you'd read those medical reports and you saw that neither Sharon nor Karen suffered any physical injuries?

A. Tremendously.

Q. Would you have called the doctor ...

A. We were ... yes. We weren't aware there had been an examination.

Q. O.K. And obviously with Sharon her hymen being intact that's ... that would highly discredit Sharon's testimony, correct?

A. It would go some distance, not completely. But it's anything ... any port in the storm when you have as little as we had to work with.

Q. So you know but it would cause you to call a doctor basically?

A. Yes.

Q. All right. So the impeachment material that we've spoken about though these are obviously you need those to defend your client, right?

A. Absolutely.

Q. Cross examination you need those?

A. Effective cross examination as a defense attorney requires you to have those prior statements on hand when you making the examination.

Q. And even in 77 you were entitled to that material, right?

A. Yes.

Q. And Brady requires the district attorney to turn over those specific items, right?

A. Yes.

Q. It's not just open file discovery right?

A. No, open file I know what it means, because the file as you know Judge, changes from time to time. We might not have a report, sometimes your file is after the trial is supplemented after the trial. That's why I'm not casting dispersions, I don't know what would have been in "the file" at some time when

supposedly it was presented. I know it wasn't presented for my view. And Harold Brouillette had he seen it he would have been talking about those issues that we're talking about today.

Q. Did you ever discuss Harold Brouillette's letter with Eddie Knoll?

A. No.

Q. Have you ever discussed what we're talking about with Eddie Knoll?

A. No.

Q. Would that have been a pleasant conversation?

A. No.

Q. Did you ever discuss the letter with Tony Salarico or Charles Riddle?

A. Not the letter no.

Q. Did you ever tell Charles Riddle or Tony Salarico that you didn't receive discovery?

A. I didn't tell Tony that but I've told Charles that, especially recently.

Q. O.K. So you told Charles Riddle that you and Harold Brouillette didn't receive discovery in this case?

A. Right. The things that you've told me, the witness statements, the recorded statements, the use of the 'N' word, the lineup I said you know we didn't get that. He didn't argue with me. But I don't know what that means.

Q. O.K. So there was no response basically from Mr. Riddle?

A. No.

Q. How far back do you think you told Mr. Riddle about this? In passing or whatever.

A. Really I would say it's probably all within the past six months.

Q. Six months?

A. Whenever it was that you started whatever you filed and when you came to see me.

Q. Did you ever tell him back in 2004 or early 2000, did you ever speak about this case?

A. Not really. I stayed away from it.

Q. O.K.

A. Because I didn't think it was proper for me to say anything about it.

BY MR. BONUS:

Nothing further. Actually one moment, Your Honor. Nothing further Your Honor, thank you.

BY THE COURT:

Any questions of Mr. Kelly?

BY MR. MANUEL:

No, Your Honor.

INTERROGATION BY THE COURT

BY THE COURT

Q. Mr. Kelly, ...

BY MR. BONUS:

Nothing, Your Honor.

BY THE COURT:

I have a question.

BY MR. BONUS:

Oh okay.

BY THE COURT

Q. I was under the impression coming in here today that the complaint of lack of exculpatory evidence being provided to the defense as required by law only consisted of that medical report, you're telling me today and from Mr. Bonus' questions there was a great deal of potential exculpatory evidence that was not delivered in addition to that. Is that correct?

A. Based on what Mr. Bonus has told me, exists in the file.

Q. So subject to prove that those statements were taken prior to trial...

A. Yes.

Q. In the passion of the district attorney, subject to what Mr. Bonus has questioned you about ...

A. Correct.

Q. These are all items that as an attorney you believe consist of exculpatory evidence that should have been provided to the defense?

A. One hundred per cent.

Q. And was not?

A. Correct.

BY THE COURT:

O.K. Anything else of Mr. Kelly?

BY MR. BONUS:

No, sir.

BY THE COURT:

I congratulate you on your bravery.

BY MR. KELLY:

On what?

BY THE COURT:

Your bravery on your being here today and testifying.

BY MR. KELLY:

Thank you, Judge.

BY THE COURT:

Next witness, Mr. Bonus.

BY MR. BONUS:

I'd call Mr. Holmes, it think he's outside.

BY THE COURT:

Yes.

BY MR. BONUS:

Shall I get him?

BY THE COURT:

Yes please do.

BY CLERK:

Please raise your right hand. Do you swear that the testimony you're about to give in this matter is the truth, the whole truth and nothing but the truth so help you God?

BY WITNESS:

Yes I do.

BY CLERK:

Thank you, you may be seated.

BY THE COURT:

You may de-mask if you are comfortable.

BY MR. BONUS:

Mr. Holmes, if you could ... I was going to have him state his name.

BY THE COURT:

Yes.

BY MR. BONUS:

Where I'm from the clerk always asks that.

BY THE COURT:

Not here, the attorney always have them identify themselves.

BY MR. BONUS:

Got you, that's what I was getting ready to do.

BY THE COURT:

All right, very good.

BY MR. BONUS:

I'm catching on. Mr. Holmes, if you could state your name for the record please.

BY WITNESS:

My name is Allen R. Holmes.

ALLEN R. HOLMES, who after first being duly sworn, testified under oath under Direct Examination at the instance of and by counsel Mr. Justin Bonus, which testimony is as follows, to-wit:

BY MR. BONUS

Q. What is your middle name?

A. Ray.

Q. Ray?

A. Yes.

Q. Not Raymond, just Ray?

A. Just Ray.

Q. How old are you, sir?

A. I'm sixty-eight years old, I will be sixty-nine next month on the 11th.

Q. And where are you from?

A. Little place called Hickory Hill, Louisiana, five miles outside of Marksville.

Q. And what's your present occupation?

A. I'm retired now, I worked two different jobs. I worked at International Paper Company and then I went to work with Louis Berry and ... attorney Louis Berry, civil rights attorney and I was president of the NAACP and also on the State Board of the NAACP.

Q. And what's your role in Avoyelles parish in the community.

A. I received a preacher's degree back in the eighties, myself Rev. Porterie, Rev. Sampson, from Bunkie we had took night classes Louisiana College offered. And that was part of

that situation along with attorney Louis Berry who taught law at Southern University. And I was his chauffeur. I'd take him on Tuesdays and Thursdays to his law class and ended up spending eight years in his law class.

Q. And do you know Judge Bennett?

A. Yes, sir. Avoyelles parish is a very small parish, I know Judge Bennett, I know the district attorney. We're all around the same age, I might be a little bit older than them.

Q. And how do you know Judge Bennett specifically?

A. Well I knew his father, I knew his father. You know Judge Bennett and I knew each other because of his father. His father was the mayor ... I mean the city judge for Marksville and then he moved up to be district judge. And we were very good friends.

Q. How long have you known Mr. Riddle?

A. I've been knowing my brother for almost forty some years.

Q. What's your relationship like with Mr. Riddle?

A. We ... his mother and we'd used to tell each other that we were brothers. And we made each other very supposedly happy with those type situations.

Q. And Mr. Holmes, you ever testified in court before?

A. Oh my God thirty-eight years in the federal court along with David Lafargue, Eddie Knoll district attorney and seventeen years with Charlie Riddle's the present district attorney. We had three federal judges; Judge Little, Judge Scott and Judge Dee Drell.

Q. And in what capacity were you involved in that federal court case? Is it the same case first of all?

A. Yes, it was the same case. Deseg cases usually run ten, fifteen, twenty, thirty years before you reach an agreement to where you ... both sides come together, well all three sides,

the federal government, the State I mean the local parish and the defendant. My part in that was that Mr. Berry, Louis Berry the attorney, he died in 1998, we went back to court because there were some filings that needed to be filed and Judge Nauman Scott asked to get a lawyer to represent myself in the court on the deseg care. I went around looking in New Orleans and Baton Rouge and came back with paperwork that showed that they wanted to charge five thousand dollars for each court appearance and we had some years, three, four, five court years. Which would have added up to a whole lot of money.

Q. O.K.

A. And so that's when Judge Nauman Scott to me that look, you represent yourself. And so we did that with David Lafargue, almost twenty years and eighteen years with Charlie Riddle.

Q. So how long did you represent yourself, was it over twenty years?

A. Thirty some years.

Q. All right.

A. And I'm not a lawyer, I don't have a law degree, I just stayed in the law class.

Q. I understand. No where near that amount of time, but ... so were you present for conversation between myself, you and Charles Riddle?

A. Yes, sir.

Q. And what was the subject of that conversation?

A. We went and got coffee in the study and you asked a question. Could have been somewhere around 11:05, 11:03. We had just filed the papers in the clerk's office downstairs. And you asked him casually you said 'Charlie, you know that they didn't present all the evidence in the Simmons case.' And he said I know. And moved on. Well you know being thirty-eight years in the federal court, and asking witness different

questions because I got a chance to ask superintendents and finance directors for the school system questions. And a light bulb went off but I didn't say anything, I just sat there real quiet. And that's set off a light bulb, that set me off to go into the courthouse and start pulling files and folders and going talk to people.

Q. And so you said that Mr. Riddle said when I asked him whether he ... that Vincent received discovery?

A. He said no.

Q. He said no.

A. He said you know and the way in which you framed it was casually.

Q. Well what did you take that to mean when he answered my question?

A. Well ...

Q. Did you misunderstand what he was saying in other words?

A. Now one of the first things I wanted to do you know that was a casual conversation because I've been knowing Charlie for a bunch of years. And so I wanted to go and start pulling the papers in the courthouse. And then start looking for jury members and looking for who were the lawyers on the case. And I found out that a very good friend of mine was the lawyer on the case. And ...

Q. Who was that friend?

A. That was retired judge from Avoyelles parish and he and Mike Kelly were the lawyers on the case, Harold Brouillette, Judge Brouillette.

BY MR. BONUS:

Your Honor, may I approach?

BY THE COURT:

Yes.

A. That's the statement.

BY MR. BONUS

Q. That's your statement?

A. Yes.

Q. If you could just read it at this point, read it.

A. Number one, I witnessed an event in the above captioned matter on October 20th, 2020 I was inside the district attorney's office with Justin Bonus. Mr. Bonus and I spoke with Charlie Riddle the district attorney, Charlie Riddle admitted to Justin that Vincent Simmons trial attorney Harold Brouillette never received the discovery file prior to the trial. I made this statement on my own free will and certified the subject to the penalty of perjury.

Q. Is that your signature there?

A. Yes.

Q. And is that statement, that affidavit is that accurate, true and accurate?

A. Yes.

BY MR. BONUS:

Your Honor, I'd move that into evidence.

BY THE COURT:

Any objection?

BY MR. MANUEL:

No objection.

BY THE COURT:

Without objection, admitted.

BY MR. BONUS:

May I approach, Your Honor?

BY THE COURT:

Yes.

BY MR. BONUS

Q. Mr. Holmes, if you could, do you recognize that document?

A. Yes, I recognize it.

Q. Could you read that in, starting at number one, in the record?

A. I am a witness to event of the above captioned matter. I reviewed the State response to Mr. Simmons supplemental memorandum of law. I also received an affidavit of Charlie Riddle. The affidavit from Mr. Riddle is untrue and the statement that response that there was any misrepresentation or inaccuracies about the recollection and the conversation between Mr. Riddle and Mr. Bonus. On October 20, precisely at 11:05 and that's the day I looked at my watch, Charlie Riddle has admitted to Mr. Bonus and I that Vincent Simmons trial attorney, Harold Brouillette, never received the discovery file prior to trial. I witnessed on to these factors, I made a statement of my own free will and certify subject to the penalty of perjury this statement is true and correct.

Q. Is that your signature on the bottom?

A. Yes, sir.

Q. Is that a true and accurate copy of your statement?

A. That is a true and accurate statement because when we left from the office I was really shocked because Mr. Howard Desselle died in 2018 and he told me about this case. And I hadn't did anything or checked on anything on this case until 2018, Mr. Howard Desselle was dying and I went to his house and he told me he said you've got to promise to me that you're going to use the NAACP to do the research and find the truth on this case. And he died in 2018 on the 23rd of November. And that stayed with me and that's what put me six months into the clerk's office downstairs.

Q. And from my conversation with Mr. Riddle, it was clear to you that Vincent Simmons' trial team did not receive the discovery in this case, is that right?

A. That made it absolutely clear.

Q. And Mr. Riddle knew that?

A. From what he indicated. And set up light bulbs in my head to the fact that I had to go and start doing some research and I went and pulled the records, looked for jury members, looked for the ... I didn't know that Judge Harold Brouillette was the lawyer, I didn't know that Mike Kelly was the lawyer and when I found out from one of the jury members she gave me a description of what happened at an eight hour trial. And she was horrified.

BY MR. BONUS:

Your Honor, I'd move Exhibit #6 into evidence.

BY THE COURT:

Without objection.

BY MR. MANUEL:

No objection, Your Honor.

BY MR. BONUS:

Nothing further, Your Honor.

BY THE COURT:

You have any questions, Mr. Manuel?

BY MR. MANUEL:

Yes, Your Honor.

CROSS EXAMINATION BY MR. DEREK MANUEL

BY MR. MANUELL

Q. Good morning, Mr. Holmes.

A. How you doing this morning.

Q. I learned something new about you this morning, you said you got a preacher's degree from Louisiana College?

A. Yeah.

Q. I'm an alumni of Louisiana College myself. I just have a few questions for you. I'm sure that appreciate the very specific ways in which words matter in issues like this.

A. Yes.

Q. You testified earlier that you were in the conversation where you were present in Mr. Riddle's office with Mr. Bonus, you said and I wrote it down Mr. Bonus said you know that they didn't present all the evidence in the Simmons case?

A. Yes.

Q. And Mr. Riddle responded I know?

A. Yes.

Q. Then Mr. Bonus asked you a follow up question where he asked you heard me ask Mr. Riddle you know that Mr. Simmons defense attorneys didn't get discovery before trial and then you said you heard that?

A. Right.

Q. But those are two different questions aren't they?

A. Well they were worded differently. But that actually was same thing.

Q. Well not really though. One is you know that they didn't present all the evidence in the Simmons case; the other one was you know that they didn't get discovery in the Simmons case? Now was there one question or were there a series of questions?

A. There was one question, you know, there was some conversation before we went into the coffee room where some statement was made by Mr. Riddle and we went into the coffee room and took a seat, and I want you to know I'd just met Mr. Bonus. And he wanted me to take him to the DA's office and I obliged to do that. Now I was sitting there quiet listening, didn't participate to try to convince anybody of anything. My

only purpose was to be there to show him where the district attorney's office was. That basically was ... that's what it was. But I sat there and I listened and I made notes in my mind at 11:05 and I just sat back and I said ... and that's what sent me on to talk to Ms. Prater in Cottonport and then back to going and meet with Mike Kelly and talking to them. Because a light bulb went off in my head.

Q. Sure.

A. That you've been in the court system for thirty-eight years and something just don't match.

Q. O.K. So Rev. Holmes, let me ask you you said that obviously the discussion was longer than that question.

A. Yeah.

Q. Were there other specific questions that were asked about discovery, were there specific statements that were made about specific items of discovery?

A. One statement that was made which was horrified ... horrifying to me was the discussion between Mr. Bonus. And I want you to know I had just met him a couple of weeks before but when my good friend Mr. Riddle said you know there's some public hair to those girls. And I'm like oh my God.

Q. And that was discussed at this meeting?

A. Yes. And look being around the court if you don't do a DNA on the subject or anything you know, people could say that you know I could fly an airplane, I can't fly an airplane. But without DNA testing you just don't make those statements.

Q. O.K. But my question is did Mr. Bonus ask Mr. Riddle if he knew that Vincent Simmons' lawyers did not receive discovery or was it as you said the first time you know that they didn't present all the evidence in the Simmons case? Which question was it?

A. It would be they did not present all the evidence in that case.

Q. There wasn't ... thank you. It was not your understanding that Mr. Riddle was admitting that no discovery was received?

A. From the statement that he was making it was that there wasn't no discovery given to Harold Brouillette and Mike Kelly.

Q. So your understanding was that Harold Brouillette and Mike Kelly did not receive discovery, not that they didn't receive all the discovery they may have been entitled to but that they didn't receive discovery period?

A. Well my understanding and you have two statements there and which is kind of that when he said ... he asked him politely did they receive evidence material in this case. And Charlie politely said I know, no. That's basically what it was. And remember this is October 2020 and that ... you know.

Q. Yes Rev. Holmes, I know it was October 2020 are you saying that you don't ... are you saying that because you don't remember all of the specific details of the conversation as well right now or ...

A. I remember the statement.

Q. O.K. Because your affidavit was written in October of 2020 and in your affidavit number four you said Charlie Riddle ... I'm sorry, Charles Riddle admitted to Mr. Bonus and I that Vincent Simmons trial attorney Harold Brouillette never received the discovery file prior to trial. So I'm trying to nail down exactly what was said because ...

BY MR. BONUS:

Objection, Your Honor. I mean this has been asked and answered probably about five times.

And I mean it was six months ago the affidavit is

not a verbatim ... it's not a verbatim quote.

BY THE COURT:

Let me stop it now with something that just came to my mind. Regardless of what Mr. Riddle said or didn't say, the issue appears to be to me what does the district attorney's file show or not show that was divulged to the defense counsel at the time.

BY MR. BONUS:

Correct.

BY THE COURT:

And if ... it doesn't matter what he said to Rev. Holmes but if the file does that make the district attorney or members of his staff a potential witness on the issue of failure to provide exculpatory evidence, regardless of what he said. So I think we're chasing our tail here as to what Rev. Holmes recalls, what Mr. Riddle recalls. Mr. Manuel, to me and I just wrote this down after hearing Rev. Holmes' testimony. If the district attorney's office's review of the file concludes that discovery and/or exculpatory evidence was or was not provided, does that in and of itself make the district attorney and/or his associates a potential witness. That's something I never considered until during this testimony, regardless of what Mr. Riddle stated or did not state. If you right now reviewed that file, would you have that file, the State vs. Vincent Simmons file at the district attorney's office and you conclude that discovery and/or exculpatory evidence that the law was or was not

complied with Brady versus Maryland, does that make you a witness? That's the issue. And if it does, then you have to be recused. It's as simple as that.

BY MR. MANUEL:

And Your Honor, I don't disagree with you that that's potentially an issue, that's not the issue that Mr. Bonus raised in his motion though.

BY THE COURT:

But it is because the motion is not based solely on the motion ... is not based solely on the conversation between Mr. Bonus, Mr. Riddle, and Rev. Holmes. It's based on ... and especially considering the testimony of Mr. Kelly, it's based on what the district attorney's file has or doesn't have. And of course Mr. Riddle wasn't district attorney in 1977 so what happened, what the district attorney's office did in 1977 is not personal as to Mr. Riddle, but as district attorney the keeper of the file does that make you a witness, okay. You have the testimony of Mr. Kelly as to what was not given and Mr. Bonus has told him has now been produced. So if in the post-conviction relief application that a central issue is in your file, does that make you a witness, regardless of what Mr. Riddle told Rev. Holmes of didn't tell Rev. Holmes.

BY MR. BONUS:

I don't think that's very important right here...

BY MR. MANUEL:

Your Honor, I would argue that it does not make the district attorney or the DA's office a witness as to ... it would be as to the DA or the DA's office mental impressions of or conclusions about a file from the previous DA's administration...

BY THE COURT:

No, but if the file reflects on such and such a date this was provided to the defendant such and such a day, or it doesn't reflect anything. Let's say the file you know was filed today and there's nothing in there about anything being given to the defense. Does that mean it wasn't given, not necessarily. But is that a fact to be considered in the claim and post-conviction relief of the failure to provide exculpatory evidence, it's a factor but that's not what makes you a witness. I think this whole issue about what was or was not said because Mr. Riddle clearly cannot be held to what happened in 1977, he wasn't the DA. But the question to me is can the current district attorney's staff be held for what's in that file as a witness, that's the question you're going to answer to me when this is all said and done. You know, I've been looking at cases while we've been doing this and that's an essential ... that's the question to me on the recusal.

Yes, sir, Mr. Bonus?

BY MR. BONUS:

And I wanted to bring up this point. Why argument that Mr. Riddle is not interested is why

are we not consenting to (UNINTELLIGIBLE) why.

If he ... I understand ...

BY MR. MANUEL:

But that's...

BY THE COURT:

Let's not get into that. As you quoted in your motion the district attorney's job is to seek justice not simply to prosecute people, okay. If ... it is not ... that he is not responsible for then, it is clearly indicated that no discovery not total discovery and/or exculpatory evidence was provided for the defense, he has a duty to divulge that may make him a witness. So all of this testimony by Rev. Holmes about what Mr. Riddle said or did not say is not going to answer the ultimate question in my opinion. The ultimate question is ... and it's not Mr. Riddle personally. It has nothing to do with him personally. But you or Mr. Salaro or any assistant DA, what it has to do with is if you're in possession of evidence that that goes to the issue before the court in the post-conviction relief application does that make you a witness. I believe the answer to that is obvious but I'm going to give you the opportunity to convince me otherwise. Did I think that coming in here this morning, absolutely not. But I wrote this down, I wrote down if district attorney's review of file concludes that discovery and/or exculpatory evidence was not provided or was provided does that make you a witness in that post-conviction relief

application. That is the issue. Not what was said or not said. And it's not personal to Mr. Riddle or to anybody. It's to me whoever the DA, if Mr. Riddle was not DA today, whoever the DA was and they have the file and they can answer the question, was discover and/or exculpatory evidence provided to the defendant, does that make you a witness. Had Mr. Kelly and unfortunately Judge Brouillette is not with us, had Mr. Kelly unfortunately could not be with us also, who can provide that evidence. Only the district attorney's file can.

BY MR. MANUEL:

That's correct, Your Honor. But only the ...

BY THE COURT:

Does that make you a witness?

BY MR. MANUEL:

I don't think it does.

BY THE COURT:

Well you're going to have to answer that with some legal authority. I mean that's the question. And again in preparing for today, that was not in my mind. And we've spoken about the recusal motion that was not in my mind. But what is it in my mind now is in any case, not just Mr. Simmons, in any case where a defendant on a post-conviction relief application is claiming hey, the prosecutor didn't give me what he was supposed to give me, does that make the current prosecutor a witness because he had potentially the answer in his hand. And if it was not given and it was supposed to, that's a Brady violation.

So to me that's ... that solves everything. But again I can try to simplify things sometimes too much. But that to me is the issue in any case, not just Mr. Simmons. And this is raise in post-conviction, okay.

BY MR. MANUEL:

Yes, Your Honor.

BY THE COURT:

Because Mr. Kelly has testified quite credibly that based on what Mr. Bonus has told him was divulged and you look at that 1994 transcript what I just glanced through, there are some stuff in there in just glancing I was not aware of. If that stuff is correct and the district attorney's file does not indicate otherwise there's a problem. So you either are a witness for or against failure to provide exculpatory evidence and proper discovery. It appears to be simple.

Again, but if you want to question Rev. Holmes further cross examine, that's fine but I'm going to tell you ...

BY MR. MANUEL:

No Your Honor, I think ...

BY THE COURT:

I'm going to tell you based on my ... what was said between Rev. Holmes and Mr. Riddle and Mr. Bonus about what Mr. Riddle said is not really important. It's not. Mr. Riddle today could say I said it or didn't say it, it was given, was not given, the question is I think your witness is what's in your file, not what he said.

BY MR. MANUEL:

Thank you, Your Honor.

BY THE COURT:

Any other questions?

BY MR. MANUEL:

No.

BY THE COURT:

Based on that Mr. Bonus, any re-direct of
Rev. Holmes?

BY MR. BONUS:

Just one question.

BY THE COURT:

Proceed.

RE-DIRECT EXAMINATION BY MR. JUSTIN BONUS

BY MR. BONUS

Q. From our conversation, me, Mr. Riddle and you sitting
there listening, ultimately was it your understanding that Mr.
Riddle admitted that Mike Kelly and Harold Brouillette didn't
get discovery in this case?

A. That was the assumption that I made.

Q. That's what you got?

A. Yes.

BY MR. BONUS:

Nothing further.

BY THE COURT:

Thank you. Is he released? He's released
from the rule of sequestration?

BY MR. BONUS:

I have no other witnesses, Your Honor.

BY THE COURT:

Is he released from the rule?

BY MR. MANUEL:

Yes, Your Honor.

BY THE COURT:

You can remain in the courtroom.

BY REV. HOLMES;

Thank you, Your Honor.

BY THE COURT:

No other evidence for Mr. Simmons, any evidence for the district attorney?

BY MR. MANUEL:

Yes, Your Honor, I'll call Charles Riddle.

BY THE COURT:

All right, Mr. Riddle come forth.

BY CLERK:

Raise your right hand. Do you swear the testimony you're about to give in this matter is the truth, the whole truth and nothing but the truth so help you God?

BY WITNESS:

Yes I do.

BY CLERK:

Thank you, you maybe seated.

BY MR. MANUEL:

Mr. Riddle, please state your full name for the record.

BY WITNESS:

Charles Addison Riddle, III.

CHARLES ADDISON RIDDLE, III
who after first being duly sworn testified under oath under Direct Examination at the instance of and by counsel Mr. Derek Manuel which testimony is as follows, to-wit:

BY MR. MANUEL

Q. And how old are you?

A. I'll be 66 next month, about three days before Allen turns 69.

BY THE COURT:

And 8 days before I turn 66.

A. Yes.

BY MR. MANUEL

Q. And you're the district attorney of Avoyelles parish?

A. Yes.

Q. How long have you been in that role?

A. January 13, 2003.

Q. You are generally aware of the history of the Vincent Simmons case at least since you came into office?

A. Yes.

Q. And we're here today on a motion to recuse the district attorney's office from further post-conviction relief consideration of the case. And the motion has been somewhat enlarged and our focus has been kind of redirected but the motion was based on conversation that happened between yourself, counsel Justin Bonus and Allen Holmes that occurred on October 20, 2020, correct?

A. Correct.

Q. And ...

A. And the other things that have come up as Judge Bennett stated.

Q. And you were present for that conversation?

A. Yes.

Q. Do you recall that conversation?

A. Yeah, it was quite lengthy and I had coffee, I think Mr. Holmes might have had coffee too.

Q. When you say it was quite lengthy do you recall about how long it lasted?

A. No, not really. The original intent was for a delivery of the file or whatever filing Mr. Bonus was going to file. In fact, I think Allen had called me to set up the meeting I said yeah, ya'll come now. And we sat in what we call the copy room which is where the copying machines is, the postage meter and the coffee and he handed me a stack of stuff that he's filed. And we just started talking about the case in general, and he started actually talking about some of the merits of the case, Mr. Bonus did.

BY MR. BONUS:

Mr. Riddle, if you could just speak up a little bit.

BY MR. RIDDLE:

Sure, I'll talk louder.

BY MR. BONUS:

I apologize.

BY MR. MANUEL

Q. Mr. Riddle, at some point, did Mr. Bonus make assertions to you or ask questions of you about whether discovery was provided to Vincent Simmons or about whether specific items of discovery were provided?

A. He brought up a lot of issues.

Q. O.K. what...

A. Including ... including items of discovery, okay. And of course as Judge Bennett said I was in law school and I don't have any direct knowledge of what was actually provided by then district attorney, and we discussed that at length. He talked about things and I kept bringing up all of this had been brought up in over fifteen motions that have been filed in the past. Including when he said some of the ... I don't even remember the exact words he said, well you know that some discovery has not been brought up and my answer as Mr. Holmes said I know, was in

reference to the fact that's been brought up countless times. I think there's a total of twenty-eight decisions by this court, the appellate court and the Louisiana Supreme Court and the Federal Fifth Circuit on these same issues that are being brought up today. And personally I do not know what was actually given to Mr. Kelly and to Judge Brouillette, I do know that in our file everything that they have claimed has not been given to them has been given since in all of these motions beginning in 1980. And 1994 was a big one where a lot of the stuff that they are bringing up today was actually given to them. And as Mr. Kelly said we tried to avoid talking about the case, and it wasn't until Mr. Bonus got involved in the case that he actually brought it up to me ...

Q. And that was after Mr. Kelly retired?

A. Oh yeah, that was within the last few months. I don't know if we were riding bikes or ... well we weren't running because I haven't run since the election. But we discussed it very generally and I brought up the doctor's report, that Dr. ... that Judge Brouillette because that seemed to be a big one, and we talked about things, slightest penetration and all that kind of stuff. But just not specifics because Mr. Kelly was very good about staying out of the case while he was an assistant district attorney. We made that very clear because I think there was a filing in 2003 right after I took office and at that time I discussed with Mr. Kelly and he brought up he said he's got to stay out of it. And it was at that time that Mr. Salario became involved as the ADA who handled the case. Not talking to Mr. Kelly was crucial, okay, and so when the judge brings up the issue of the fact of what we know, what I do know is that in every motion that has been denied on every court that has been brought before all of these issues that are being brought up now were brought up before. So the question is much more whether I

have knowledge of discovery not being presented or not but whether it has been brought up as an issue before. That ... Judge Bennett would not be aware of. He's not aware that there's been fifteen ...

BY MR. BONUS:

...specific as to what you're aware of...

BY THE COURT:

I'll make note that I'm not aware of ... but I'm going to ask those questions when I have the opportunity but that objection is noted and is legally correct and sound and we're going to get to that but I was not aware of that. You may continue.

BY MR. MANUEL

Q. Mr. Riddle, in the conversation of October 20th, you said Mr. Bonus raised numerous issues with you, specifically with regard to items of evidence, items of discovery, exculpatory evidence that he alleges were not turned over to Mr. Simmons, was any of that shocking to you or new?

A. It wasn't ... no was not shocking to me at all. I know, I know it had been brought up multiple times.

Q. All of those issues that he raised...

A. Every issue that he raised, including what he refers to as the lineup picture, which is not a lineup picture but that's going to be handled at another time. Including that was brought up.

Q. And when you say all of those issues had been raised not just to you but those issues had been raised before the court and ruled upon, correct?

A. Correct, and in the previous administration.

Q. O.K. Anything else?

A. That's it.

BY MR. MANUEL:

Thank you, Mr. Riddle.

BY THE COURT:

All right. Mr. Bonus?

CROSS EXAMINATION BY MR. JUSTIN BONUS

BY MR. BONUS

Q. Good morning, Mr. Riddle.

A. Good morning.

Q. You're really familiar with how all of the issues have been raises, aren't you? You just said you're very familiar with the file, right?

A. I'm familiar with the file to the extent that we've had the post-conviction relief, yes.

Q. You're very certain as to what's been raised?

A. No, no not very certain as to what's been raised in every one of these no I'm not. I read the transcript, I read Dr. FP's report and I've looked at some of the post-conviction relief.

Q. So you read the transcript and you've read the reports?

A. Yes.

Q. Doctor's reports?

BY THE COURT:

Which transcripts?

A. The original transcript, the trial transcript.

BY THE COURT:

All right.

A. Because there were some allegations about that book talking about what was said and nobody mentioned certain witnesses that testified and I wanted to see for myself.

BY THE COURT:

Yes, sir.

BY MR. BONUS

Q. And it's clear that no one every brought ... called the doctor in this case, correct?

A. I don't know if anybody ... no.

Q. You read ... you said you read the transcript?

A. Yes. That doctor was not called.

Q. No (INAUDIBLE) hearing in this case, right?

A. Not that I know, I didn't ...

Q. No probable cause cause...

A. I didn't look at all the filings during the trial.

Q. Well you just said you read the transcripts.

A. I read the transcript, the transcript of the trial to look at what the witnesses said because there were questions about what the girls said and what Keith Laborde said. And it only mentions, nobody would ever talk about what Keith Laborde testified to.

Q. And did you look at the transcripts in comparison to the discovery file?

A. No.

Q. Are you aware that your office answered a Mandamus in 1993?

A. You mean the previous administration, yes. Yep, they sure did.

Q. Just let us know what you're looking at.

A. This is a history of filed pleadings of Vincent Simmons dating from July 28th, 1980 through the Supreme Court, Louisiana Supreme Court in 1995 and ... I'm sorry. The last one that we had was 2017, July 25th. They're just a list of all the things.

Q. So you're aware that certain ... well essentially the discovery file was turned over by Eddie Knoll's administration in 1993?

A. Whatever files he gave or whatever he gave was this stuff.

Q. Are you aware that there was a contradictory hearing in 1994?

A. Yes, I think there was.

Q. And are you aware that Mr. Simmons filed a motion under your post-conviction statute, Louisiana Post-Conviction Statute in 1994, right after he got the discovery in 1993?

A. Motion and Order for Writ of Habeas Corpus and Uniform Application for Post-Conviction Relief, both of those were filed in 1994.

Q. And are you aware that that motion was summarily denied without anyone hearing the merits on that motion?

A. Yes and affirmed by the supreme court.

Q. No one has ever heard the merits on he claims that Michael Kelly just testified to, correct?

A. I don't think there was a merit hearing, correct for various legal reasons.

Q. All right. There was never a merit hearing, in 1996 I think it was the Third Circuit denied it under 930.8, isn't that correct? You can look at your procedural list right there.

A. I'm just looking at the July 9, 1996 Motion to Quash or Petition for Writ of Habeas Corpus.

Q. That's something Whitley or something ... with it?

A. OK. Whitley would have been the warden of Angola at the time.

Q. He was the warden. So ... but anyway it was denied, it was affirmed by the appellate division?

A. Yeah whatever the decision was, yeah.

Q. It said there was no ...

A. I know that none have been granted by the courts.

Q. There was no decision on the merits with regard to Mr. Simmons' motion in 1994?

A. You mean no hearing on the merits, there's a big difference.

Q. Is either ... the only way you get to the merits is with a hearing, Mr. Riddle, are you aware of that?

A. Yeah, you can't have a hearing on the merits without having a hearing on the merits, I agree with that.

Q. So you ...

A. But if they deny his right to have that hearing, it was denied.

Q. So he was procedurally barred under 930.8?

A. Yes.

Q. So there was no hearing on the merits?

A. Correct.

Q. Do you know if your office even responded to that motion?

A. You're talking about before I took office no I'm not aware.

Q. Well you reviewed the file, you're certain about how many filings he made and decisions...

A. I know how many filings have been made because I have the list of those filings. I have not reviewed all of them. They're all public record and you have a complete copy of those. And the judge will too.

Q. O.K. Just going back to Mr. Holmes and my conversation with you, I guess Mr. Holmes was watching, you don't dispute we had one, right?

A. No not at all.

Q. O.K. And we definitely had a conversation, again this is up to your interpretation, but we definitely had a conversation about the discovery issues in this case?

A. Yes, some of them.

Q. And your position is you said I know that these are issues ...

A. I said I know, that was my response. And Mr. Holmes is correct when he first said that, my response was I know. Because you asked repeated ... repetitive questions and I kept telling you all this has been discovered before.

Q. You didn't think I would have known that if I'd filed the motion?

A. I have no idea what you knew about since 1980. Obviously because some of them have been heard before.

Q. So are you aware of in ... so I think it was with regard to ... we'll get to that in a second. Do you dispute the fact that you discussed allegedly a pubic hair that was sent...

A. Yeah I brought that up and you made it public. I don't know why you would have done that, I just brought that up to just let you know things that had been going on; and the fact I had been in touch with the victims in the case.

Q. So you're aware though that Vincent's mail was screened at Angola?

A. No I'm not aware of that.

Q. You're not aware of that?

A. That's their policy yes.

Q. O.K. So you are aware of that?

A. I'm aware that that's their policy, your question was whether I was aware that his mail was screened. I can't tell you affirmatively that that particular piece of mail was screened.

Q. So then their policy is to screen mail of inmates but you're not aware of where ... is he special?

A. I have no idea. Are you suggesting that no inmate can ever mail anything without it ever ... without it being screened, that they never made a mistake?

Q. Did you DNA test it?

A. No we didn't, we decided not to do that because we didn't think it was that relevant.

Q. And are you aware of the fact that inmates that have been accused of violent crimes against victims they don't have access to victim's addresses, you're aware of that though, right?

A. You're joking, correct?

Q. No I'm not.

A. You know inmates have addresses believe me, they have cell phones in prisons, they find them everyday. And they find peoples addresses because they able to access internet in many cases.

Q. But you don't have any proof this actually happened?

A. No, I'm trying to tell you, you're the one who keeps bringing it up. I just talked to ya'll privately about that and you made it public.

Q. Well no, I ... I ... I didn't make it public, you brought it up to me when I ...

BY THE COURT:

Ask the question and answer the question...

A. I discussed it with you ...

BY THE COURT:

Let him answer, no arguing, question and answer.

BY MR. BONUS

Q. Why did bring it up in the middle of when I filed ... when I was bringing the motion?

A. You don't remember how many things we talked about, about the entire case? We talked, and we talked and we talked and you kept ... well actually you got kind of loud you got kind of pumped up and excited like you were in the courtroom. You even stood up and I understood that and I kept bringing up things that I knew about the case. But again no, I don't know about every motion that has been filed. But I do know that they have been filed and every piece of evidence you're talking about and all the testimony that you have been taking about has been brought up in previous filings.

Q. You went to ... what's your relationship with the Laborde's?

A. Which Laborde's?

Q. Susan, Keith, John Laborde?

A. I knew their father and mother really well. The father worked at the assessor's office, Keith was a singer in a band in a play we had in 2009 that sang a Cajun rap song.

Q. You shared that on your You Tube, right?

A. Yeah, absolutely. I promoted the play a lot.

Q. I think did they play at your wedding?

A. No, no.

Q. You never hired the ... I don't know, is it the Cypress City Band?

A. Cypress City Band, no I never hired them and they actually performed in the play like everybody else for free in 2009.

Q. And Susan are you friends with her on Facebook?

A. Yeah, friends with ten thousand different people. And they love to bring it up when they come to the DA's office, I'm friends with them on Facebook.

Q. I stop with the Facebook stuff, I don't do it. Let me ask you one other question that maybe you don't remember because it's been six months, well it's been more than that at this point. But do you remember commenting on your understanding that the relationships ... the relationship that Kerri had with her family, Kerri Laborde had with her family?

A. Yeah we talked about that.

Q. That she couldn't be trusted?

A. And you said that she couldn't be trusted?

Q. I'm asking you, do you recall saying she couldn't be trusted?

A. I believe that. And I probably said it then and I say it today.

Q. Since our conversation you've been aware that members of her family have been harassing her, right?

A. No, I'm not aware that they've been harassing her.

Q. Did you remember getting tagged by Kerri on Facebook?

A. Oh Kerri sends me a lot of stuff on Facebook and I have no idea where it comes from.

Q. And you told her you couldn't help her and that...

A. Wait, wait hold up no, no. I didn't tell her I couldn't help her. I told her this is how I would help. By telling her that is she has a criminal charge, she's got to go to the police department and file a criminal charge, which is what I tell everybody. People tend to think that the DA's office is the originator of criminal charges. Like you said at the beginning when you gave your argument that if you were on this side that you would have filed charges, it doesn't work like that. You go to a police department, law enforcement, they take the charge, I prosecute. And I explained that to her and that wasn't the first time I've ever explained that to her.

Q. I don't know that.

A. She's been a victim also.

Q. Are you familiar with safe house law? I might be saying it wrong, is it safe house it's Article 46 I think.

BY THE COURT:

That's the domestic violence ...

A. Oh yes, very familiar with that. In fact we actually give an office to Faith House, Faith House is what you're saying.

Q. Yes.

A. And they handle Title 46.

Q. Mitzi ...

BY THE COURT:

Mitzi Smith.

BY MR. BONUS

Q. There you go, that's it.

A. That's it.

Q. Did you tell Kerri to go to Mitzi?

A. I don't remember specifically but I've told a lot of people and I probably would have told her that if she felt like a family member was harassing her she should go and file what we call a Title 46.

Q. You did tell her that on Facebook though?

A. I don't remember. If I did again, I get Facebook messages ... Judge Bennett thinks I ought to get off of Facebook because I'm constantly answering Facebook messages.

Q. And do you recall getting notification back on March 19th of 2021 of Kerri's allegations about her father?

A. Notification from whom, I remember something.

Q. You know what, I could give you something to refresh your memory.

A. O.K., fine.

BY MR. BONUS:

May I approach?

BY THE COURT:

Yes.

BY MR. BONUS

Q. Do you ...

A. Yeah the letter from you.

Q. And that is a true and accurate copy of a letter your received?

A. Yes. I don't know ...

BY MR. BONUS:

Your Honor, I'd move ...

A. Did you send me the video taped statement also?

Q. I sent it to you by mail and by email.

A. So there's a DVD or something on it?

Q. Yes.

A. O.K.

Q. And maybe it was Google linked, it might have been a Google drive link, so I don't know if you could open or not. Because ...

A. Sometimes I can open Google drives, sometimes I can't.

BY MR. BONUS:

Your Honor, I'd move that into evidence.

BY THE COURT:

Any objection?

BY MR. MANUEL:

No, Your Honor.

BY THE COURT:

All right, without objection. (Motion to Recuse D.A. #7)

BY MR. BONUS

Q. Do you never listened to the audio recording?

A. No I did not.

Q. Did you call Keri up about this?

A. No, no.

Q. All right.

A. Again when somebody has a problem with a criminal matter they should go to law enforcement, the agency that...

Q. So you don't ...

A. We don't ...

Q. You're aware...

A. ... take charges.

Q. ... of the issues that Kerri has with her father, correct?

A. I'm aware of a lot of the issues that they have against each other, yes.

Q. Don't you think it's pretty sensitive when somebody says somebody raped them, that you should have law enforcement go to them and ask them what's the problem?

A. She should ...

Q. Isn't that one of your jobs as a prosecutor?

A. No. One of my jobs is to inform them to go to law enforcement.

Q. So you're going to dismiss everything that's said and tell them to go to law enforcement? I'll rephrase it like this, if your son came to you and said that he was beaten up and he was afraid to go to the police, you would just not get the police involved?

A. I would drive him to the police, he's my son. I'm not going drive every victim to the police department.

Q. So you treated Kerri Laborde differently than your son, right?

A. Absolutely, yeah.

Q. O.K.

A. I would take a special interest in my son and not get involved in the investigation of an individual police then I'd have to recuse myself, as I would if my son was a victim, but not if Kerri is a victim. In fact she's been a victim and we've prosecuted people who have victimized her.

Q. But isn't it your duty as a quasi-judicial officer to decide ...

A. Like I told Kerri, go to the police department, file charges.

Q. Do you communicate with the police often?

A. Yeah.

Q. Do you tell them to go interview witnesses?

A. When we get a case and they haven't interviewed witnesses that we believe should be occurring, we ask them to go interview them, yes.

Q. So then you didn't believe that Kerri should be heard?

A. There was no charge filed, we don't have a file. You're mistaken on how the district attorney's office works in this State.

Q. No I'm aware. So you are aware that rape victims are ... they're sensitive victims?

A. Sure absolutely, we have a special victim section in our office to be able to handle that and a special victim's person who takes care of those things.

Q. So you don't think you could have done anything more to help Kerri Laborde?

A. If Kerri doesn't want to file charges there's not much I can do.

Q. Are you aware that she's afraid of members of the Avoyelles parish sheriff's office and the Marksville Police Department?

A. No I'm not aware of that.

Q. Did you ever call her up, did you ever have a detective call her up or anybody call her up to check on her?

BY MR. MANUEL:

Objection, asked and answered.

A. And just ...

BY THE COURT:

That's sustained. That would be the first ...

BY MR. BONUS:

Thank you, Your Honor.

Q. You're familiar with Mike Kelly and Harold Brouillette, correct?

A. Absolutely, I have high respect for both of them as great attorneys.

Q. So...

A. And a judge, one of them was a judge.

Q. So I found out.

A. Yeah.

Q. Are you ... you're aware of this letter that Harold Brouillette wrote in 1998 correct?

A. Yes.

Q. You saw Laurie White's 2004 filing, right?

A. Oh yes.

Q. And your office still opposed Vincent Simmons' motion on procedural grounds, right?

A. Yes.

Q. And your office also in that motion to oppose on procedural grounds never ad... never alleged that Vincent's trial attorneys had the discovery file, correct?

A. No, I can't answer that. Other than what...

Q. But you still opposed on procedural grounds?

A. Yes we opposed his motions on procedural grounds, that is correct.

Q. Are you aware that in the interest of justice a court can hear any motion that's been heard before?

A. Sure, yes as long as we don't object to it.

Q. So why wouldn't your office allow Vincent to come into court...

A. I'll explain it this way, Mr. Bonus.

Q. Please do.

A. When I have to make a decision that involves the interest of justice, I have to look at all the factors, including the victims, and what they would have to go through.

Q. The victims rights trumps due process for a defendant?

A. Wait, whoa, whoa, whoa, your talking about procedural grounds. You asked me about procedural grounds and whether I should overlook that.

Q. I'm asking you about ...

A. Yeah I think that victims rights are important absolutely, yes. And I have to make those decisions when we oppose motions that are made.

Q. So when you speak to the victims, do you then go look at the discovery? Did you ever look at the discovery after talking to the victims in this case?

A. When you say look at the discovery you're talking about whether there was a formal discovery filed or something like that, is that what you're talking about? Because I don't know what Mr. Knoll gave to them other than what Mr. Kelly said recently to me.

Q. So for forty... for twenty years you didn't look at the file at all?

A. Oh my goodness.

Q. You copied it and gave it to me didn't you?

A. I've told you that when I first got elected I looked at the trial transcript and since Mr. Salaris has been handling

this he is the one most involved in that, but he does discuss it with me.

Q. O.K.

A. O.K. We've discussed the issues and whether they were relevant or not. And there is no new evidence that you're bringing up that hasn't been discussed in previous motions. Yes they were defeated on procedural grounds, that is a correct statement. There was a lot more to this case than just the alleged attempted rapes, as you well know.

Q. Oh I'm aware.

A. And none of those can be tried again today because of prescription. So when you talk about the interest of justice I looked at all of the factors.

BY MR. BONUS:

Your Honor, can we take a moment because Mr. Simmons has to go to the bathroom?

BY THE COURT:

Sure. Take a short recess.

BY MR. BONUS:

I'm sorry.

BY MR. RIDDLE:

No, that's okay I was going to ask the judge myself.

BY MR. BONUS:

Just take a break in maybe five or ten.

BY THE COURT:

Sure.

RECESS - RESUMED

BY THE COURT:

You ready, Mr. Bonus?

BY MR. BONUS:

Yes I am.

BY THE COURT:

All right. We're back on the record State versus Vincent Simmons continuing your cross examination of Mr. Riddle.

BY MR. BONUS

Q. Yes or no Mr. Riddle, in 2004 you were aware that Laurie White filed a motion on behalf of Mr. Simmons?

A. Yes, I think it was Laurie White.

Q. And she alleged much of the same things that I alleged, with regard to the discovery?

A. Correct.

Q. Obviously my motion, there's more affidavits and things like that but specifically with regard to discovery she said the same things?

A. Yes.

Q. And your office responded again with the position of a procedural bar, right?

A. Yes.

Q. Isn't it your duty as a prosecutor to explore whether that discovery was turned over or not just dismiss it on procedural grounds?

A. It's my duty to look at every case to see whether justice is served or not, yes.

Q. So specifically with regard to this, where your office disclosed for the first time in December of 1993 an entire discovery file, isn't it your duty then to let Mr. Simmons proceed to get his day in court, isn't that your duty?

A. I believe he had his day in court.

Q. That's not what?

A. I believe he had his day in court when the motion was denied and the writ was ultimately denied by the supreme court.

Q. You knew Harold Brouillette, didn't you?

A. Yes I had a lot of respect for him.

Q. You respected him?

A. Very much.

Q. O.K. So you respected him as an attorney and as a judge?

A. Both.

Q. How about Mike Kelly?

A. Very much.

Q. Trusted first assistant, right?

A. Absolutely.

Q. You knew that Mike Kelly was co-counsel with Harold Brouillette, right?

A. Yes.

Q. And in 2004 at the very least you knew that Harold Brouillette had written a letter in 1998 saying that at the very least that they didn't get medical records, right?

A. I think that that is when I first became aware of it and ...

Q. So in 2004 you became aware of this?

A. Yeah, I was in office for about a year.

Q. And you didn't speak to Michael Kelly about the fact that Harold Brouillette made this allegation?

A. Again, during that time period while Mike was first assistant we avoided other than who did he think or who did I think should be the person handling it instead of him. Because normally he would have handled those cases.

Q. Would you have ... you didn't tell Laurie White hey you should talk to Mike Kelly in my office, he might know something, did you?

A. No, because Mike and I didn't talk about what he knew or didn't know.

Q. But you knew that Harold Brouillette had written a letter in 1998 that he didn't get discovery, so you thought that that ...

A. But he didn't ... I think if I'm not mistaken that letter was referring to a specific item of discovery, the doctor's report. And at the end he talked about how his report was a little bit different and maybe it wouldn't have been as good as he had thought, because slightest penetration and it was attempted rape, not aggravated rape.

Q. But you already knew he had said that Harold ...

A. That he didn't have it, yes. I knew that.

Q. All right.

A. I knew that Harold had said he didn't have it, yes.

Q. And what measures did you take, you specifically did you take in your office to ensure that Mike Kelly wasn't involved in the discussions in this case?

A. Mike is one of the most ethical attorneys I've ever met, okay. And he made sure that he stayed away from it. He would sometimes say things like well I wish I could be involved you know to let us know more. But until after he retired he didn't go into any ... and it wasn't much of a detail, but he didn't go into much detail until after he retired.

q. And so you knew that he was ... obviously Mike Kelly is utmost integrity and honest, right?

A. Yeah.

Q. And you knew that he would have told you the truth about the discovery file, right?

A. I knew that he would have told me the truth as much as he would have known.

Q. O.K. And don't you think it would have done some justice for Vincent Simmons to get to the bottom of whether Mike Kelly had any discovery in this case?

A. Again, I have to make decisions based upon what I am faced with. I was aware of other crimes that he had committed and I made the decision that we would continue to proceed procedurally if we could deny it that we would deny it or that the courts would ultimately deny it.

Q. It didn't matter that the attorneys at trial didn't get to the statements of the witnesses, right, it didn't matter about that right?

A. I didn't know that, okay. And when it was brought up then the courts felt like that wasn't important enough for whatever reason.

Q. Never heard from his lawyers though, right?

A. Say that again.

Q. But the courts never heard from his lawyers, correct?

A. You mean Mike Kelly and Brouillette?

Q. Mike Kelly and Harold Brouillette?

A. No, they heard from the lawyers that were filing the writs.

Q. And who was it, Mark Jeansonne heard the motion?

A. In 2004 it would have been Mark Jeansonne.

Q. You were aware of some of the statements that Mark Jeansonne has made in this case in court and outside of court?

A. I am aware of some of the statements that you said he made and some of the statements that he actually made, yes.

Q. O.K. So you are aware in 2014 that Mark Jeansonne brought up allegations on the record in 2014 about the photo of the lineup wasn't actually a photo of the lineup, that he spoke to police. Are you aware of that?

A. No I'm not aware of that specific statement. But I do know that the photo you're referring to was not the photo lineup.

Q. You do ... you are aware of the fact that there were multiple police reports from Barbara Lacour and Robert Laborde...

A. Um hum...

Q. That that is a photo lineup, are you aware of that?

A. No, I talked to Robert Laborde myself at the very beginning...

Q. I want ...

BY THE COURT:

Whoa, whoa, whoa. Now we're getting out of...

A. And he specifically...

BY THE COURT:

Whoa, whoa, whoa now we getting outside the Motion to recuse.

A. O.K.

BY THE COURT:

And I'm thumbing through the 1994 filing, there are multiple photo and charts, diagrams, showing with numbers who is who that was filed by the district attorney's office in response indicating it was a photo lineup. Now what Mr. Riddle talked about with Robert Laborde doesn't matter, none of that matters in what the issue before the court on the recusal of the district attorney's office but that is in the record filed by Mr. Knoll's office in 1994. But I just thumbed through it so that's ... so no need to go there.

BY MR. BONUS:

Understood, Your Honor.

BY THE COURT:

O.K.

BY MR. BONUS:

I apologize.

BY THE COURT:

That's okay.

BY MR. BONUS:

I apologize.

BY THE COURT:

O.K.

BY MR. BONUS

Q. You do realize with Mike Kelly in your office from I guess 2003 to whenever he retired that there was really a potential for conflict with your office, right?

A. When you say potential for conflict, absolutely there's always a potential for conflict. In fact most of the assistant district attorneys that work for me were previously defense attorneys.

Q. And yet you were aware that Mike Kelly had an obligation to protect his client's interests, right? Vincent?

A. Yes. I'm questioning why the other lawyers never talked to Mike Kelly.

Q. And you know just with regard to history, you have ... specifically you have a history of recusing yourself?

A. Yes, if I have a conflict I recuse myself.

Q. In the (UNINTELLIGIBLE ...BOTH WITNESS AND ATTORNEY SPEAKING AT SAME TIME) case?

A. Yes absolutely.

Q. Norris Greenhouse?

A. Absolutely, Norris was working for me.

Q. So you actually recused yourself in Norris Greenhouse's case because one of your assistants was related, was the father of a suspect?

A. Absolutely.

Q. So you didn't think it was important to recuse your office when one of your assistants represented the defendant in this case?

A. He's not his son and absolutely not. Because if I had to recuse us in every case that every assistant district attorney worked in as a defense lawyer, we'd be recusing ourselves constantly, we just don't let them participate in the trial.

Q. So you think ...

A. Or in any part of the ...

Q. You thought the conflict in your office was more pervasive in the Norris Greenhouse case than it was with Vincent Simmons...

A. He was the son of my assistant, absolutely do I think it's a lot different. Again assistant district attorneys who were previously defense attorneys are not necessarily going to recuse our office. If I was their attorney I would have to recuse myself.

BY THE COURT:

For the benefit of Mr. Bonus ...

BY MR. BONUS:

Excuse me.

BY THE COURT

For your benefit, Assistant District Attorney Norris Greenhouse was a potential witness in the case as to some events that happened right after and that was another reason why Mr. Riddle's office was recused as was related to me at the time.

BY MR. BONUS:

O.K.

BY MR. BONUS

Q. And Mike Kelly actually was a potential witness in this case, wasn't he?

A. I don't know. I mean ...

Q. But he was Vincent's trial attorney and Vincent was claiming that Brady material...

A. O.K. So if he would have been a witness perhaps our office would have been recused if he was called as a witness.

Q. How about the Armondo Frank case?

A. Armondo Frank, what about it?

Q. You recused yourself in that case as well?

A. I attempted to but did not get to recuse ourselves.

Q. So you did move to recuse yourself?

A. Yes.

Q. To remove all ...

A. Appearances of impropriety, correct.

Q. You didn't want to seem partial, right?

A. Correct.

Q. Didn't your father work with Eddie Knoll at some point?

A. When Eddie Knoll got out of law school my father hired him as a private attorney and actually they became partners.

Q. Riddle and Knoll, right?

A. Riddle and Knoll that's right.

Q. So you do have a relationship with Eddie Knoll as well?

A. Oh yeah, but it may not be what you're thinking. I will say that in the last couple of years my relationship with Mr. Knoll has been very good, but prior to that I wouldn't describe it as great. I ran against him in 1990 and he beat me pretty bad.

Q. Friendly opposition?

A. Yeah.

BY MR. BONUS:

Give me one moment, You Honor.

BY THE COURT:

All right.

BY MR. BONUS:

Cutting it down a little bit.

BY THE COURT:

That would be wise.

BY MR. BONUS

Q. And you're aware with regards to Ms. White's motion and in my motion we're alleging constitutional violations with discovery issues, right?

A. I think that you are alleging that, yes.

Q. And then it's true isn't it that Mike Kelly in the past at least six - seven months has told you that he didn't receive discovery, right?

A. He ... I'll tell you what I can remember him telling me. He knows he didn't receive all discovery, and he knows that if one thing he mentioned was that if Harold Brouillette would have received some of the discovery would have been able to ask more questions.

Q. So once you heard that, why oppose? Isn't it your duty to seek justice at this point?

A. Yes.

Q. Isn't it your duty to let the man have his right to due process and present this evidence that was never presented?

A. If he's legally able to do so then yes.

Q. You're interested in the truth, right?

A. Absolutely. You know that's one reason why we made that offer.

Q. Because he might be innocent?

A. No, no, no. Because he's served enough time.

Q. Because he didn't receive a fair trial.

A. Because he's served enough time.

Q. You just said another reason ... you actually just said that one of the reasons why you made the offer ...

A. Is in the interest of justice.

Q. Because ... issues in this case?

A. I said because of the interest of justice. I personally believe the sentence was too strong.

Q. But you don't believe he should have received discovery?

A. Yes I believe he should have received discovery.

Q. You were a defense attorney, right?

A. Yes.

Q. You were a defense attorney during Mr. Knoll's time?

A. Yes.

Q. Isn't it true that Mr. Knoll was known not to turn over discovery all the time, or all of discovery?

A. This is my memory of how discovery worked with Mr. Knoll, I had to go to his office and look at the file.

Q. But you don't know whether that file's complete at the time that you look at it, right?

A. Well I can only trust that it is. I would hope that he wouldn't have held back stuff.

Q. We all hope as defense attorneys for that. Well you're not a defense attorney anymore but when you were, you hoped that they would be honest with you, right?

A. Yes.

Q. Do you remember telling KALB that you would interview witnesses in this case?

A. Yes.

Q. Did you ever go talk to Dana Brouillette?

A. No.

Q. Why not?

A. There are a lot of reasons why. I do not want to be accused of interfering with your witnesses, for one thing.

Q. Did you ever call me to talk to Dana Brouillette?

A. No, nope.

Q. You ever heard of conviction review unit that exist all around the ...

A. Absolutely, yes.

Q. You do realize that conviction review units work with defense attorneys that give them witnesses to ...

A. Yes.

Q. You do realize that, right?

A. Yes.

Q. Have you ever talked to Brian Andress, my investigator?

A. No, I'm not going to talk to your investigator.

Q. You ever talked to Dianne Prater in this case?

A. Who is Dianne Prater?

Q. Dianne Prater is the juror.

A. The juror, no I didn't talk to her.

Q. Did you ever call me to interview the experts in this case?

A. No, I'm not impressed with your experts, but that's a whole other statement.

Q. Identification was a big issue in this case, wasn't it?

A. Yes they had to ID him.

Q. They said they didn't know the man, correct?

A. I don't know that. No, that they did not know him, I think Keith said that he recognized him.

Q. Where did Keith say he recognized him?

A. Transcript as far as I remember. Oh I'm not going to find it right now. You're talking about the original trial transcript really?

Q. Absolutely.

BY THE COURT:

As we discussed at the bench we resumed after the recess we're getting a little bit far.

BY MR. BONUS:

I just want to clarify something for Mr. Riddle.

BY MR. BONUS

Q. Are you aware, this is just to refresh your memory because you might not remember.

A. Absolutely.

Q. Are you aware, and this goes to I think it was trial transcript page 36, give me one moment Your Honor. And Mr Knoll questions, this is a question by Mr. Knoll. 'Okay let me ask You this, did you know the defendant before that night?' Answer by Keith Laborde, 'No, sir, I never saw him before, I didn't even know him.'

A. O.K.

Q. Would that change your analysis with regard to Keith Laborde?

A. No. No.

Q. It wouldn't change your analysis?

A. No.

Q. Well you were just under the misassumption that you thought he did recognize him.

A. I thought that he thought he knew him, yes.

Q. So that ... your analysis with regard to the identification...

A. No it doesn't.

BY THE COURT:

Any other questions?

BY MR. BONUS:

I'm going, I'm almost done.

BY THE COURT:

That's three times.

BY MR. BONUS

Q. Isn't it true that if Vincent Simmons didn't receive discovery in this case, that he's entitled to a new trial? Isn't that true?

A. Not necessarily.

Q. Are you familiar with Weary V. Caine?

A. I'm familiar with the fact that that has been brought up before and has been denied.

Q. No, no. I asked you are you familiar with Weary V. Caine?

A. Not specifically. But I'm familiar with the principles you're talking about.

Q. Are you aware that the supreme court changed the standard by which this State uses newly discovered evidence and Brady material that it's not all that the defendant has to show is that the evidence that they didn't get at trial undermines the conviction?

A. Mr. Bonus, let me make it clear.

Q. I'm just asking if you're aware...

A. If Judge Bennett, no not new interpretation. If Judge Bennett or another judge agrees with your interpretation of his right to a new trial, he will get a new trial. You're asking me if I'm going to grant it, no. And if I'm going to consent, the answer is no.

Q. Just a quick question, you provided me with discovery files in January of this past year, I think you gave me two boxes or something like that.

A. Yes.

Q. Is there another box?

A. Does that ... was that ... the two boxes that I gave you, was that when I called you and said hey I found the old file that we thought was missing?

Q. Yeah.

A. Yeah.

Q. Is that the only stuff that's left?

A. Oh my God yeah. We've given you a couple thousand pages I think. And a lot of it you said you already have. But you're welcome to come to our office and look through everything to make sure you do.

Q. I know, you guys are very hospitable. And there was nothing in those files that ever indicated that Eddie Knoll ever turned those ... the documents with regard to discovery over to Vincent, correct?

A. You mean in a formal motion?

Q. Yes.

A. Not that I saw.

Q. So based upon ... you'd believe Mike Kelly if he said that he'd never seen those documents right?

A. Yes.

Q. So that would mean that Mike Kelly is saying that Vincent didn't receive a fair trial, right?

A. Ask Mike Kelly.

Q. So you're saying that if the defense attorney says that he didn't receive documents that were exculpatory then your position is it doesn't matter, I'm not going to give ... I'm not going to concede to anything?

A. You're asking me if I am going to consent to a new trial the answer is no.

Q. Even if Vincent didn't receive a fair trial?

A. That's your interpretation.

Q. So your position is after being a defense attorney that if the defendant doesn't receive all the discovery that it doesn't matter that he ... what is our position, I mean if a defendant doesn't receive discovery and he didn't receive a fair trial right?

A. My position is that after looking at all the factors involved in this case I am not going to consent to a new trial. If a court orders it..

Q. That's not my question. My question is if the defendant...

BY THE COURT:

Do you believe Vincent Simmons had a fair trial, that's the question.

BY MR. BONUS:

Yes,

A. I have no idea.

BY MR. BONUS

Q. And it doesn't matter that he didn't receive discovery?

A. I think if a court says it matters, then it matters. If a court rules that he didn't receive fair trial, then he's going to get a fair trial.

Q. You're aware that ... maybe you're not. But neither twin Sharon or Karen or Keith said that they knew his name when they first went to the police, you're aware of that, right?

A. I believe that is correct.

Q. So their testimony at trial that they knew his name was a lie, right?

A. I'm not going to say that it was a lie.

Q. Are you aware on page 57 of the preliminary hearing that Karen Sanders actually said the reason why we didn't go to the police was because we didn't know the man's name? Are you aware of that?

A. No I'm not.

Q. O.K. It's in the motion.

A. O.K.

Q. And your position with the photo lineup is that that's not a photo lineup?

A. The particular photo with him in handcuffs is not the photo lineup.

Q. Have you ever seen Barbara Decuir I think I'm saying her name right.

BY THE COURT:

Decuir.

BY MR. BONUS

Q. Have you ever seen Barbara Decuir and Robert Laborde's supplemental reports where they say that's a photo lineup?

A. I think what I remember is them saying that that was taken immediately after the photo lineup.

Q. That's what you remember?

A. That's what I remember.

Q. I could just tell you that's not what it said would that change ...

A. Well that's ... no that's not going to change my opinion because I have spoken to Robert Laborde, he told me who took the photo, who took the photo, why he took the photo and unfortunately that man is deceased.

Q. So you're aware though that any time that there's a lineup or an identification procedure, since 1967 it's appropriate to have an identification hearing, right?

A. Yes.

Q. One wasn't had in this case, right?

A. I don't know.

Q. And there's no evidence in this case that Kelly or Brouillette used the photographic lineup?

A. Not that one for sure.

Q. Or not the original statements right?

A. That based on what Mike Kelly testified to yes.

Q. All right. It's pretty shocking that Mike Kelly didn't even know there was a lineup in this case, isn't it?

A. I was surprised, yes.

Q. Are you concerned about that with regard to my client's rights?

A. Yeah I'm concerned.

Q. That still doesn't change your position...

A. I'm not going to change my position as to whether I'm going to consent to a new trial.

Q. It's pretty shocking that neither defense attorney used the exculpatory material in this case, isn't it?

A. You're talking about the doctor's reports?

Q. No, everything, I'm talking about all of this stuff? It's pretty shocking that their questions, they were not able to use any of the discovery, isn't that ... for you as a former defense attorney, would you not be upset about that?

A. Yeah I'd be ... I'd definitely be upset, yeah.

Q. But your position now is changed because you're a prosecutor, isn't it?

A. No. I'm not changing it, I'm just telling you the circumstances of this case, I'm not going to consent to a new trial. A judge can order it.

Q. O.K. Over the ... you oversee to... So let me ask you something, do you believe that Harold Brouillette and Mike Kelly threw this trial?

A. Absolutely not. I think they did the best that they could do. I think that they did the best that they could do.

Q. The did..

A. The best that they could do.

Q. So if I told you that they used none of the discovery in this case your position is what?

A. That they did the best that they could do, what are you asking me.

Q. So if they had the discovery and they didn't use it that ...

A. Which discovery are you talking about, the witness, the eye witness or an alibi or what?

Q. The statements, the witness statements.

A. I don't understand.

Q. The lineup, if they didn't use the discovery in this case then they would have essentially thrown the trial in this case, wouldn't they?

A. No.

Q. No? So do you believe Mike Kelly definitely didn't get those documents?

A. I believe that Mike Kelly did not receive those documents.

Q. And you oversee your assistants whenever there's filings in a case, correct?

A. Yes.

Q. You're aware of what they write?

A. Not everything. No I can't approve everything that they write. But I'm responsible for it and take the hit when something is not done right.

Q. So at least in the past six months your position is, just so we're clear, because I'm almost done. I have two more questions. Your position is clear that even though there's a strong possibility with Mike Kelly's testimony today, that Vincent Simmons didn't receive any discovery, your position is clear that you will oppose even a hearing in this case, correct?

A. Yes.

Q. You're aware in this case that Kerry Spruill ... it's going to be more than two questions. You're aware in this case that Kerry Spruill already granted a hearing correct?

A. No I'm not aware of that.

Q. October 20, 2020, do you want me to give you the filing?

A. No I think what he was going to do was have the hearing on the exceptions on that day.

Q. So ...

A. I think what you're talking about because I think he later changed it because we had filed exceptions.

Q. On October 20th, after I filed the motion, I filed the motion also asking for hearing under 928 and 929, Kerry Spruill set a date on October 20, 2020 of February 17th, 2021.

A. O.K.

Q. Are you aware of that?

A. Again I'm disagreeing with your interpretation of what he signed, regardless of what it says on there, I know Judge Spruill, sometimes he'll set a hearing until we talk to him and then he realize oh no I didn't mean a hearing on that. So if you show me an order where he says he set a hearing, I believe he signed it. But we had filed exceptions.

Q. O.K. Are you aware that 930, Article 930 specifically states that a hearing cannot be scheduled until exceptions are filed, are you aware of that?

A. Specifically no, but yeah I know that that's the law.

Q. So if Judge Spruill, isn't it Judge Spruill's common practice when he scheduled a hearing to call both parties before he schedules a hearing?

A. No, not necessarily he usually does it on criminal days. Let me ask you this, did you file that contemporaneously with your order? Because we wouldn't have had time to ... when did he sign it compared to when you filed it?

Q.. It says October 20, 2020.

A. So he signed it at that time before we had an opportunity to file exceptions, right.

Q. Maybe.

A. Well I don't think we could have filed them the same day.

Q. I don't know exactly. And isn't it true that your office on November 4th, a day after you were elected district attorney filed this substantive opposition to our supplemental motion, correct?

A. I'm aware that we filed the supplemental yes. I don't remember ...

Q. You remember ...

A. I don't remember the dates.

Q. You remember the affidavit that you signed?

A. The one that I signed concerning our conversations?

Q. Yes.

A. Yes.

Q. That was November 4th, 2020.

A. All right.

Q. So you substantively responded to our supplemental motion, correct?

A. O.K, yes, all right.

Q. Now isn't that true in Louisiana procedure that once you substantively respond you waive any objections, isn't that correct?

A. No. And if the judge disagrees with me, get the ruling.

Q. You consider Allen Holmes to be a truthful man?

A. Yes.

Q. Would Allen Holmes lie about something that you said?

A. No I think he correctly stated that I said I know. All the other stuff that he said was his interpretation of what I know meant.

Q. But you're sure he would not lie or not?

A. No he won't lie.

BY THE COURT:

Asked and answered.

BY MR. BONUS:

Nothing further, Your Honor, thank you so much.

BY THE COURT:

Any re-direct?

BY MR. MANUEL:

No, Your Honor.

BY THE COURT:

All right, thank you, Mr. Riddle you may step down.

BY MR. RIDDLE:

Thank you, you don't have any questions?

BY THE COURT:

You kind of ... I do have one.

BY MR. RIDDLE:

Oh shoot.

INTERROGATION BY THE COURT

BY THE COURT

Q. Our constitution gives rights to victims?

A. Yes.

Q. And the district attorney has duties to victims?

A. Yes.

Q. Right?

A. Yes.

Q. When you have a duty to a victim, and in this case obviously you met with the victims you said and you made a decision you're not going to acquiesce in Mr. Simmons' request, does that present a conflict if you find that something constitutionally wrong occurred in this case and you have a duty to a victim, does that create a conflict for you? Because you follow my question, if you're presented with evidence that convinces you that the prior district attorney didn't turn over what they were supposed to turn over and they had a duty to, and they didn't and now you have a duty to a victim, does that create a conflict for you? Because on one hand you've got to admit that Mr. Simmons attorneys didn't receive discovery.

A. Right.

Q. From the prior DA, and right now you have a duty to the victim..

A. Um hum.

Q. To try to prevent them from having to go through this again.

A. I think that probably any prosecutor would have that same whoever would be appointed if I was recused would have that same issue as to whether they would consent to it or not. And then the question would be why did the courts through all this time not grant that right in the past. It's got to be reasons why. And you know reading those decisions may help.

Q. Well the 2004 appears to be simply on that it was time barred.

A. O.K.

Q. So here you have information as a district attorney that certain constitutional violations potentially occurred and you have a duty to the victim, you said that if you are recused whoever is appointed would have that same duty. But isn't the overall interest...

A. The interest of justice.

Q. The interest of justice is what you have. And ...

A. I can see where you ... where it would be a conflict.

Q. Because I didn't think of any of that until ...

A. After eighteen years or almost eighteen years of dealing with this, yeah.

BY THE COURT:

O.K. Very good. All right anything else for Mr. Riddle? Thank you, sir.

Any further evidence from the State?

BY MR. MANUEL:

No, Your Honor.

BY THE COURT:

Any rebuttal evidence, Mr. Bonus.

BY MR. BONUS:

No, we rest.

COURT'S RULING

BY THE COURT:

I've got to tell ya'll that I came in here this morning under the impression that the only thing that was going to be considered was whether or not Mr. Riddle should be recused based on the potential conversation or the potential based on

the conversation with Rev. Holmes. That is so not important to me any longer.

It is abundantly clear to me and what was put in Mr. Simmons' motion he says the district attorney has the duty to acknowledge the truth, that Vincent Simmons did not receive the discovery that he was entitled to. That's been acknowledged by the prior district attorney in 1994.

In 2004 there was a filing alleging those issues, that was summarily dismissed as being time logged. As corny as it sounds, I mean this a court of justice. And whether Mr. Simmons is guilty or not guilty I mean he's been found guilty by a court though without the total picture.

The district attorney nothing personal, it could be whoever the district attorney is has this material in his file as confirmation that in 1994 something that should have been given in 1997 was not, that makes the district attorney and every assistant in that office a witness.

But the question becomes a new district attorney or appointed district attorney if Mr. Riddle is recused does that put him in the same situation? You follow me, okay, I mean it's a quandary, isn't it. Because and then you add to that the duty that Mr. Riddle has to the victim and what he's obviously followed that duty, does that present a conflict? He said it may.

So if he's recused what does it do to the next whoever is appointed, does it put them in

that same situation. Because whoever is appointed has a duty to the victims and has a duty in my opinion to acknowledge that the prior district attorney's office didn't turn over the discovery, does that put them in a witness situation too.

BY MR. BONUS:

No

BY THE COURT:

Why not?

BY MR. BONUS:

Because first of all I understand the people have a duty to the victim, I understand the district attorney has a duty to the victims. But above all, they have a duty for justice, right. That is their utmost duty. That is the first duty, we ... listen the innocence project is (INAUDIBLE) right, seventy percent of wrongful convictions are misidentifications. Let's just say this was a misidentification...

BY THE COURT:

We don't need ...

BY MR. BONUS:

I understand ...

BY THE COURT:

No, no I'm going to stop you, once you get cranked up you just tend to go.

BY MR. BONUS:

I understand. But I mean I've to say though there's a possibility specifically in this case if Mr. Riddle looked at this file, and this is

why I think we need a new set of eyes on it. Go ahead, I actually like that side.

BY THE COURT:

You want the other side? I've been pretty opinionated in this case from the beginning that I got it but in all fairness to Mr. Simmons he should have a fresh DA and a fresh judge. Nobody ... however that doesn't mean automatic recusal.

But in this case on the issue of whether or not discovery was given, it's clear the district attorney and his assistants will have position to ... for witnesses. That being said, that answer has already been given, it was not provided by the ... at least until 1994. In my opinion that makes the Avoyelles Parish District Attorneys Office a witness on that and mandates recusal.

I was going to order briefs, I was going to order all kind of stuff. I came in here thinking only issue is what did Mr. Riddle say or not say which really doesn't matter. Because what he said whether he believes it was given or not, the filings confirm it in 1994.

So the Motion to Recuse the District Attorney is granted.

BY MR. BONUS:

Thank you.

BY THE COURT:

Now the issue becomes what am I going to do, am I going to appoint an attorney who has the qualifications, a district attorney of adjoining district or the attorney general's office. I don't know what your wishes would be, I would

assume the attorney general's office, you know, which is my inclination. Because ... and I don't use the word burden, I don't want to burden another assistant ... a district attorney's office from another parish that has their own things and the attorney general's office is here.

So if that is your request I will order the attorney general be appointed to represent the State further in this proceeding.

And I want it known in this, this isn't a finding that Mr. Riddle did anything improper or any member of his staff, they did not. What Mr. Riddle is relying on he has the complete right to do was to say in 1994 Mr. Simmons filed and said my constitutional rights were violated and that matter was disposed of.

What my finding is it was disposed of summarily without the right to be heard simply on the issue and listen, I'll tell you as judges we get these post-conviction relief applications first thing I look at is it time barred. I don't even read it, is it time barred. And that was granted which says ... and listen, corny as it sounds again, justice, the issue has not been litigated, okay.

So with that and on another matter the Motion for Protective Order they have no dog in that hunt, so without the attorney general it's dismissed as moot because I've explained to you the proper procedure is for those individuals to seek the filing of affidavit and a warrant on

criminal charges and I gave you those statutes,
okay.

BY MR. BONUS:

Thank you, Your Honor. That's it, Your
Honor.

END OF RECORDING..

STATE OF LOUISIANA

PARISH OF AVOYELLES

COURT REPORTER'S CERTIFICATE

I, ROSE L. BATISTE, Official Court Reporter Twelfth
Judicial District Court, Marksville, Avoyelles Parish,
Louisiana, do hereby certify as follows to-wit:

That the above and foregoing was recorded by:

SHARON M. CHENEVERT

Certified Digital Reporter and Deputy Clerk, by FTR Gold Digital
Recording System, before the:

HONORABLE WILLIAM J. BENNETT

Judge presiding, 12th Judicial District Court, Marksville,
Avoyelles Parish, Louisiana.

That was same was transcribed by me to the best of my
knowledge, ability and understanding.

That I am not an attorney, not related to any of the
parties, and not interested in the outcome of the case.

That the attorneys, as per cover sheet attached hereto,
made part hereto, were present throughout the entire proceeding.

MARKSVILLE, AVOYELLES PARISH, LOUISIANA, this 30TH day of
the month of MAY, 2021.

ROSE L. BATISTE #91305
OFFICIAL COURT REPORTER

EXHIBIT B

TWELFTH JUDICIAL DISTRICT COURT
PARISH OF AVOYELLES
STATE OF LOUISIANA

VINCENT SIMMONS : CIVIL DOCKET #93-98
V : HON MICHAEL J JOHNSON
EDDIE KNOLL, D.A. : JUDGE PRESIDING

---o0o---

HEARING AS TO WHETHER ANY DOCUMENTS
ARE PRIVILEGED
(Ordered by Supreme Court)

Mr.. Vincent Simmons
Angola, LA..... In Proper Person

Mr. J. Eddie Knoll
DISTRICT ATTORNEY
P. O. Box 426
Marksville, LA 71351..... In Proper Person

RECORDED BY: : TRANSCRIBED BY:
Mrs. Rose L. Batiste : Mrs. Helen D. Ducey
COURT RECORDER & DY CLERK : COURT REPORTER & DY
12th Judicial District Court : 12th Judicial Distri
Marksville, LA 71351 : Marksville, LA 7135

H E A R I N G..... December 6, 1994

I N D E X

THOMAS PAPALE Direct Exam / Mr. Knoll.....

MR SIMMONS INFORMING COURT WHAT
NEEDS TO BE PROVIDED TO HIM; and
INTERROGATION BY THE COURT OF MR
PAPALE..... 1

1. ORDER (By the court)..... 1
2. ORDER (By the court)..... 1
3. ORDER (By the court)..... 1
4. ORDER (By the court)..... 1
5. ORDER (By the court)..... 1
6. ORDER (By the court)..... 2
7. ORDER (By the court)..... 2

BY THE COURT:

This is Civil Suit #93-9848, entitled Vincent Simmons v Eddie Knoll, District Attorney. This comes before the court date, by virtue of an Order of the Louisiana Supreme Court, September 30, 1994, directing this court to conduct a hearing to determine whether any of the documents, which the applicant, Simmons, has requested, but not received, are privileged. That is the extent of this hearing, Mr. Simmons. It's only to determine whether documents you requested, but have not received, are privileged. You have a number of people that have been subpoenaed. I see no relevance in any of these people, because the determination is strictly a legal determination as to whether the documents are privileged or not. Do you understand that?

BY MR SIMMONS:

I understand that. According to a purpose for my subpoena of these individuals is to establish, from the record, that I have not received from the State of Louisiana, that statements have been given by these particular individuals, or that reference has been made that statements were given to certain officials involved in the arrest and trial in the conviction of Mr. Simmons. Therefore, I have the right to put them on the stand to establish that.

BY THE COURT:

The fact that they gave statements?

BY MR SIMMONS:

That they gave statements to the State of Louisiana regarding my arrest, trial and conviction; and that those statements were in the possession of the State of Louisiana. And, I requested those statements. I requested through the public records that they provide me with a copy of those statements.

BY THE COURT:

The state will have an opportunity to either agree or disagree that the statements were given. If they say a statement was given, then, we'll approach it from that angle, I guess, which will determine it...

BY MR SIMMONS:

That was the purpose for me calling certain witnesses alleged in these reports that they did give statements.

BY THE COURT:

But, you've got to understand, Mr. Simmons, I'm direct the Supreme Court, only to determine whether the District A has in his files certain items that were not provided to you are privileged or not privileged. Do you understand that?

BY MR SIMMONS:

Right.

BY THE COURT:

Mr. Knoll, you may proceed.

BY MR KNOLL:

Thank you, your honor. Your honor, the state, in connection with the -- or in keeping with the Order of this court and remand by the Supreme Court of the State of Louisiana, I would like to call Mr. Tommy Papale to the stand, please.

BY THE COURT:

All right, Mr. Papale, raise your right hand. Do you solemnly swear or affirm that the testimony you will give in this matter will be the truth, the whole truth, and nothing but the truth, so help you GOD?

BY WITNESS:

I do.

BY MR KNOLL:

Mr. Papale, would you state your name for the record, please, sir?

BY WITNESS:

Thomas E. Papale.

THOMAS E PAPALE, who, after first being duly sworn, testified, under oath, under direct examination, at the instance of and by counsel, Mr. J. Eddie Knoll, which testimony is, as follows, to-wit:

BY MR KNOLL:

I live at P. O. Box 450, here, in Marksville, LA.

Q. What is your occupation, sir?

A. I'm the First Assistant District Attorney for the Twelfth Judicial District.

Q. And, how long have you held that position?

A. I was sworn in on December 31, 1982.

Q. In that capacity, sir, did you have an occasion to work with me in responding to various type Writ Applications that have been filed by the Plaintiff in this case, Vincent A. Simmons?

A. Yes sir.

Q. First of all, from the record, sir, can you tell me when and where Mr. Simmons was formally charged, and, if so, how and where?

A. He was charged on June 10, 1977, having been indicted by the Avoyelles Parish Grand Jury on two counts of AGGRAVATED RAPE, one against victim Sharon Sanders, and the other against Karla Sanders.

Q. What date did those offenses exactly occur?

A. Those offenses occurred on May 9, 1977.

Q. Subsequent to the indictment by the Avoyelles Parish Grand Jury, but prior to trial, are you familiar with the Supreme Court of the United States, holding that the death penalty punishment was unconstitutional?

A. That's correct. There had been a pronouncement that the death penalty, I believe, for AGGRAVATED RAPE, was not proper. It was considered, I think, cruel and unusual punishment, or something of that nature.

Q. So, as a result, from the record that you have reviewed, do you determine whether or not an amendment was filed to the original Bill of Indictment?

A. That's correct. The record in this case indicates that on July 14, 1977, the state moved to amend the indictment to the reduced charge of two counts of ATTEMPTED AGGRAVATED RAPE; and that amended indictment was granted without objection.

Q. Did you determine, from the record, whether or not Mr. Simmons was represented, and, if so, by whom, at the trial of the case?

A. At his trial, he was represented by, at that time, Attorney Harold J. Brouillette, who was, at that time, Chief Indigent Defender for this district--of course, now, he's the current judge of Division B of this court; was also represented and by Mr. Michael Kelly, who, at that time, was the Assistant Indigent Defender for the Twelfth Judicial District; he later became Indigent Defender, and now as an Assistant District Attorney office.

Q. Can you tell me, sir, whether or not, for the record, a preliminary examination was conducted?

A. Yes, there was a preliminary exam conducted on July 7, after which the court held that there was probable cause, or sufficient evidence to hold the defendant, Vincent Simmons, trial.

Q. And, from your records, when did the trial actually commence?

A. The trial commenced on July 18, 1977, and was concluded July 20, 1977, with a unanimous verdict of guilty of ATTEMPT AGGRAVATED RAPE, on both counts.

Q. When was the defendant sentenced?

A. He was sentenced on July 28, 1977 to FIFTY YEARS on each with those sentences to run consecutive.

Q. And, that was in the custody of the Louisiana State Department of Corrections?

A. That's correct.

Q. Are you aware, from the record, whether or not a motion was filed to substitute counsel?

A. That's correct. The petitioner in this case, Mr. Simmons at that time, on August 11, 1977, retained, evidently, private counsel, Mr. Steven Young, I, I believe, from Alexandria, to handle an appeal.

Q. Can you tell me whether or not the matter was appealed?

A. It was appealed to the State Supreme Court, which, at that time, entered all direct appeals of criminal matters; the Supreme Court-- the State Supreme Court affirmed the conviction on April 1978, and was recorded in a written opinion, found and recorded.

357 So2d, 517.

Q. And, that's Louisiana, 1978?

A. That's correct.

Q. Now, since his conviction, would you tell me, sir, whether or not you are familiar with whether or not Mr. Simmons has filed a Post Conviction -- a Petition for Post Conviction Relief?

A. Yes. Since his conviction he's filed numerous Applications for Post Conviction or Habeas Corpus, with both, in the case of the State Court, several different applications, which were appealed to, either the Court of Appeals, or the State Supreme Court, such as this one. And, then, also, he's filed, I believe two Applications with the Western District of Louisiana, in Federal Court, one of which was appealed to the US Fifth Circuit.

Q. And, those appeals that were taken in the Federal Court -- do you know what results have been rendered by the Federal Court?

A. He first, in Civil Action 80-1165A, which was filed in the U.S. District Court, Western District of Louisiana, on a Petition for Writ of Habeas Corpus, which was filed on July 28, 1980. He alleged claims that were similar to those on this direct appeal with the Louisiana Supreme Court, as well as some additional allegations that he was beaten and shot by the arresting officers and further, that the principals of double jeopardy were applied to his case. And, that petition was dismissed without an evidentiary hearing by an Order dated July 29, 1983, by the Hon. Norman M. Chief, U. S. District Judge, Western District of Louisiana. He filed another application with the Western District of Louisiana in Civil Action 91-1115. That was before the Hon. Judge F. I don't have the records to indicate exactly the date of that that are in our files. But, that was subsequently, after a complete review of the record, and an adoption of the Magistrate's report was denied. And the petitioner took an appeal to the Fifth Circuit Court of Appeals in New Orleans. And, after briefs by both parties, the matter was dismissed by a non-published

Q. Now, are you familiar, sir, with a petition being filed

instant case, wherein the defendant was asking for all of the documents from the State's files in keeping with the Public Records Doctrine, well, in regards to the Public Records Doctrine.

A. Correct. The civil petition that was a matter of record today, was filed, I think, initially, to seek a Mandamus to state provide copies of his file.

Q. Let me just ask you this: Through the numerous -- let me ask about before this, in the other Writs, and so forth, that he filed, have you had an occasion, sir, to provide records and documents, and so forth, of this case to the defendant, or to the petitioner, in this case, Mr. Simmons?

A. By the natural process of most of these proceedings, he has been provided in some fashion or another with various records. Going back to a civil action that he filed in this court, back in 1986, bearing Docket #86,8618, he filed a Motion for Production of Documents; an Answer was filed at that time, at which time a complete copy of the record in this case, was furnished to him. Now, I believe, at that time, that might have been the trial transcript record in the court's public records, not necessarily in the District Attorney's file, because, I believe, at that time, the Public Records Law was not being applicable to DA's files.

Q. So, essentially, what you did, was, at that time, in '86, to provide to him the entire record of the case, is that correct?

A. I believe that's correct. And, of course, he had privately retained counsel, too, for his appeal. So, he certainly would have been able to obtain that through his privately retained counsel. But, we gave him, at one time, I'm almost certain, a transcript or whatever we had in possession, involving his trial.

Q. Now, in addition to that record, and you're essentially asking about the record that would have been lodged with the Supreme Court of the State of Louisiana?

A. That's correct.

Q. Trial case.

A. Trial transcript and various motions and indictments and

-- as such.

Q. Now, Mr. Papale, in reference to the Application for Writ of Mandamus that was filed in this particular case, specifically under the Public Records Doctrine, Mr. Simmons was requesting documents that were actually contained in the State's files. Did you prepare for me, for my signature, an Answer to the Application for Writ of Mandamus?

A. That's correct, I did. I believe that's in this docket 93-9848A.

Q. I'm going to show you my yellow copy and I'll ask you, would you please just take a look over here, and see if those -- I mean, to, first of all, show you, in the record of this case, an Answer to Application for Writ of Mandamus, that was actually filed on December 7, 1993. Are you familiar with that particular document, sir?

A. Yes, I prepared that for your signature, as I prepared all of the Post Convictions and Responses on this particular case.

Q. And, attached thereto, you had a number of documents that were actually reproduced from the District Attorney's files, attached to that particular Answer, is that correct?

A. That's correct. We listed them one through twenty-six although those are 26 separate general categories of documents, not necessarily 26 pages.

Q. OK, we're going to go through and discuss that in just a moment. I'm going to show you an exhibit filed here, and I'll ask you, are those the exhibits that are reflected 1-26 of the Answer to the Writ of Mandamus?

A. Yes, I, personally, made copies of everything. I believe I made them, actually, in, at least in triplicates, one for the court, one for the Answer to the Original Application, as we usually do; one for the State's service to the Petitioner or Defendant, Mr. Simmons, and then one to keep as a true reflection of what we filed, we that we'd list three complete photo copies, the original, copy to the petitioner and a copy for our files. And, as I said, I, personally, prepared

each of these records.

Q. Now, Mr. Papale, I just want to go through it with you I want to establish, sir, whether or not these are, in fact documents that were attached to the Answer that was filed in case, and was also provided to the defendant:

First of all, Bill of Indictment in Criminal Docket #3:

A. That's the original Bill of Indictment.

Q. The Motion for Preliminary Hearing?

A. That, also, was contained in our file, and is the copy the Motion for Preliminary Hearing.

Q. The Motion to Substitute Counsel to Mr. Young?

A. That was, also, filed.

Q. OK, the Arrest Report, together with the Rights Statement?

A. That was filed, as well.

Q. The Affidavit and Warrant, in regards to the rape of Karen Sanders?

A. Yes, there were separate Affidavits and separate Warrants both, Karen Sanders and Sharon Sanders, which is #6.

Q. And, also, was there -- so that was #5 and #6, is that correct?

A. That's correct.

Q. Did you also provide, in the Answer, an Affidavit of Search Warrant?

A. That's correct. There was an Affidavit of a Search Warrant contained in our State's File; we've provided.

Q. And, then the transcript of the taped statement of Karen Sanders?

A. That was provided. It's a typed transcript of, apparently, a taped statement, possibly taken by the Sheriff's Office; and the tape was retained by somebody. We don't get the tapes.

Q. And, also, of Sharon Sanders?

A. That's correct.

Q. Was there also a Voluntary Statement given by Karen Sanders?

A. Yes, there was also a Voluntary written Statement, or, a typed statement, I don't know which, of Karen Sanders.

- Q. And then the Voluntary Statement of Sharen Sanders.
- A. That's correct. There was a Voluntary Statement of Sharen Sanders. I think there actually was a written, hand written and then the Sheriff's Office retyped the handwritten copy. actually, there was kind of a duplicate.
- Q. A duplication, there, right?
- A. Right.
- Q. Also, the Voluntary Statement of Keith Laborde.
- A. There was only a written statement, I believe, of Keith Laborde. We had no transcript of any taped statement, but there was a voluntary written or typed statement of Keith Laborde.
- Q. And, then a Supplementary Report involving the investigation and shooting of Vincent Simmons.
- A. That was provided; that was prepared by the Sheriff's Office at that time.
- Q. Also, a Supplementary Report of the rape.
- A. That was also provided.
- Q. And a Supplementary Report of the AGGRAVATED RAPE, Two Counts and ATTEMPTED MURDER, Two Counts.
- A. Yes, they were very detailed and voluminous reports, I think several pages for each report.
- Q. A Voluntary Statement from Albert Fruge, Jr.
- A. Yes, that was provided.
- Q. A Voluntary Statement from Richard Perry.
- A. That was also incorporated in our Answer.
- Q. The Coroner's Report dated June 10, 1977.
- A. Right, I believe there was a separate report for each of the girls.
- Q. The photographs and the relating documents in connection with the lineup.
- A. Right, there was a photo lineup done of the defendant, which was contained in the State's file, the Sheriff's Office, at that time. I think they apparently sent it with the file, photographs of various people in the lineup, including, I think, the defendant, Vincent Simmons.

They photographed not only the front, but, I believe, any o back and the nubmers and cards, and the whole lineup proces provided by the Sheriff's Office.

Q. So, the back and the front...

A. Everything involved in photo lineup was copied and pro him.

Q. The FBI Criminal History.

A. That was, also, provided.

Q. The Louisiana Department of Public Safety Criminal His

A. All of the teletype information on his criminal histor provided.

Q. State of Louisiana Department of Public Safety DPS-Form dated July 18, 1977.

A. That was some more transmittal of his, I think, offici criminal history that was printed by the Department of Publ Safety that was provided.

Q. The teletype reference of Vincent Simmons to Avoyelles Sheriff's Office from the Louisiana State Police, Bureau of Identification dated Aopril 5, 1983.

A. Right, there were some other type computer printouts, that we provided as part of our Answers.

Q. And the letter dated July 13, 1977 from Ms. Chrystal S. Clerk of City Court of the Town of Marksville, attaching vari affidavits and minutes involving convictions in the Marksvil Court.

A. Yes, I believe there were some various convictions in t City Court that the defendant, Vincent Simmons, had that we termed that he was entitled to; and we made copies of them

Q. Number 26, the Bill of Information and Court Minutes t to various convictions of Vincent Simmons in the Twelfth Juc District Court.

A. Likewise, all of the convictions and minutes involving convictions he had in the District Court, were provided, as

Q. So, then, did you, in fact, make a very copious review

State's file and provide any and everything from that file conceivably could be encompassed within the Public Records

A. That's correct. We did that together on at least one to compile this.

Q. When you're talking about "we," you're talking about.

A. You, as District Attorney, and me as your Assistant.

Q. Do you know of any other documents that the State would that the State can, in fact, produce and provide to Mr. Simmons in compliance with the Public Records Doctrine?

A. Not as far as I see. The only thing there could be, is apparently, some perfunctory documents, like the subpoena and subpoena lists, and some work product, possibly, of the State and the prosecution, which -- I've taken the opinion, I believe, is the opinion of most people, that that would not be part of the Public Records Doctrine.

Q. Now, you, as a member of the District Attorney's Staff, if the court would so elect to make an in camera inspection of the State's file, do you have any objection to the court making inspection of the file to see if there's anything else in it that should be produced and provided to Mr. Simmons?

A. Absolutely not. The file is in the original condition it first came upon it, I guess, sometime in '83, '84, whenever I first was filing -- I was involved in this -- that might not be the file is, surprisingly, in good condition, in view of the fact that it was part of a singed group of files as a result of a fire in your office had sometime in early '80 before I got here. The file is singed. In fact, some of the documents that are provided actually show that they're singed in the copy. The indictment, for instance, has a burnt edge. Several of the documents have burnt edges. The file, though, contains everything, and has, you know, been tampered with, other than for use of providing copies.

Q. And, that file was salvaged by the District Attorney's

A. That was a salvaged file. That's one of the lucky ones.

we've had so much involved on this particular case.

BY MR KNOLL:

I tender.

BY THE COURT:

Mr. Simmons, in order to assist you through thing, what I'd ask is if you could inform me, or Mr. Papale, specifically, what you feel has not been provided.

BY MR SIMMONS:

OK, I have a police report that states that two officers, the arresting officers, and Mr. Villemarette, gave statements to the Sheriff's Department, regarding the shooting of Mr. Simmons. Mr. Villemarette's -- a copy of Mr. Villemarette's report was submitted in the request -- in the Answer to the Mandamus. Mr. Villemarette, no one but Mr. Villemarette's report was submitted. I mean, Mr. Laborde's report was submitted. Mr. Villemarette gave a statement, according to that report. No statement of his was submitted.

BY THE COURT:

Let's just ask: Mr. Papale, to your knowledge, is there a statement from Mr. Melvin Villemarette?

A. No, I'm not aware of any that's contained in the file. Of course, you know, he could have made an oral statement. He was the sheriff's deputy, I believe, at that time. He would have been one of the sheriff's office involved in his investigation of...

BY THE COURT:

It's your testimony that Mr. Melvin Villemarette did not make a written statement, or a transcription of a statement, attributed to him, is that correct?

A. Not that I know of, cause what's contained in the file is what that I'm aware of.

BY MR SIMMONS:

Your honor, also, I have a statement where Mr. Villemarette

and Mr. Laborde gave Dr. Bordelon a statement pertaining to shooting and the arrest of Mr. Simmons. That statement was provided.

BY THE COURT:

All right, do you know, sir, if that statement was in writing or was it oral?

BY MR SIMMONS:

They just say that they gave a statement to the doctor.

BY THE COURT:

They made a statement. Mr. Papale, do you have any written statement made by either Mr. Villemarette or Mr. Laborde to F. P. Bordelon?

A. Your honor, in my diligent review of that file, I've not seen any specific statement of that nature.

ORDER

BY THE COURT:

It will be the order of the court, Mr. Simmons, that if a written statement does exist, it's to be provided to you.

BY MR SIMMONS:

Yes sir.

BY MR SIMMONS:

I also have in these documents, that a statement was provided to Sheriff Didier by a Mr. John Bordelon; and, also, that a conversation or communication was conducted with Mr. Freeman Ford.

BY THE COURT:

OK, but are these written statements which would form a part of the District Attorney's file?

BY MR SIMMONS:

According to the information, the statement was given. I don't know how the statement, written or whatever type of statement according to the information, that I've been provided, statements were given.

BY THE COURT:

OK, Mr. Simmons, you have to understand that all I can

produced, are written statements, or transcripts of recorded statements. Do you understand that?

BY MR SIMMONS:

Yes sir.

BY THE COURT:

Mr. Papale, do you have any written statements or transcripts of recorded statements made to either Sheriff F. O. Didier, Mr. Freeman Ford in this case?

A. None whatsoever involving any of that testimony.

O R D E R

BY THE COURT:

The court will order that if any such statements do appear as such written statements or transcripts of verbal statements found by the District Attorney, they're to be provided to the defendant.

BY THE COURT:

What else, Mr. Simmons?

BY MR SIMMONS:

OK, I also have here...

BY MR KNOLL:

Your honor indicated one in regards to a John Bordelon said? Cover that one, too, Judge.

BY THE COURT:

Mr. Bordelon made the statement to whom, Mr. Simmons?

BY MR SIMMONS:

To the sheriff. That's how the alleged crime was reported.

BY THE COURT:

OK.

O R D E R

BY THE COURT:

If there are any written statements by Mr. John Bordelon or transcripts of recorded statements from Mr. John Bordelon or notations of statements made by Mr. John Bordelon to Sheriff F. O. Didier, it is to be provided to the defendant.

BY THE COURT:

What else, Mr. Simmons?

BY MR SIMMONS:

We also have a statement where Mr. Keith Laborde gave a statement, and a taped recorded statement to the Sheriff's Department.

BY THE COURT:

All right, one minute; I saw something in here by Keith Laborde. Yes, there has been a statement, I believe, provided you, dated May 23, 197...something; I can't see the type. It is by Mr. Keith Laborde, which would be a transcription of the recorded statement he gave. Do you...

BY MR SIMMONS:

Mr. Laborde gave a written statement and a taped recorded statement...

BY THE COURT:

Yes sir; there's a written statement as well. You don't have that?

BY MR SIMMONS:

No, I don't have that.

BY THE COURT:

OK, I have it in this packet that the state filed. If it is handwritten and dated May 23rd, of whatever year, I'll order it typed.

BY MR SIMMONS:

They don't have a taped recorded statement of...

BY THE COURT:

There are two statements from Mr. Keith Laborde, Mr. Simmons. One is -- there are two statements: One is handwritten, and the other one is typed. I do not know the origin of each.

A. Your honor, may I make....

BY THE COURT:

Yes, you may.

A. It is my understanding that the sheriff's office, at the time, had on all of these written statements by various -- the two vic

Keith Laborde, who was present at the scene of these offenses, was interviewed and his statement was written; they allowed, apparently, the witness to write out his statement, and then the Sheriff's Office, apparently, retyped the statement word-for-word, what was done, so it could be read, easily, and, apparently, they deciphered each handwriting.

BY THE COURT:

You have no other statements, either oral or transcript, or an oral statement, from Mr. Keith Laborde, other than these that have been provided?

- A. None, your honor. Apparently, the only recorded transcripts were of the two victims, Karen and Sharen Laborde, I believe Sanders, and was not -- there was, apparently, from what I could see in the record, there's no record to -- nothing in the record, or sheriff's record, to indicate that they took a taped statement from him that would have been transcribable.

O R D E R

BY THE COURT:

If any such statement exists, the court orders that it be provided to the defendant.

BY MR SIMMONS:

Your honor, I, also, had requested that a copy of the Jury Voir Dire transcript be provided.

BY THE COURT:

Jury Voir Dire?

BY MR SIMMONS:

Yes sir. It was never provided by the State.

BY THE COURT:

Was that a part of the original trial transcript, Mr. P. Sanders, that was provided on appeal?

- A. Your honor, we'd have to check with the court reporter. The original record was lodged with the Supreme Court. They had direct appeal authority at that time. It didn't go through the Court of Appeal; it went right to the Supreme Court. The Su

Court had the original transcript. I believe, at one point we requested a copy of that. I think we got a copy of it, transmitted whatever was part of the record, sent up and the appeal, was provided to the defendant. We don't know if he requested Voir Dire. Your honor, I'm sure, at this time, that -- any tapes of the Voir Dire, if they were made, are probably available from the court reporter. I don't think we had requested Voir Dire. We never made special request of the -- I'm sure that time, they didn't make a request that the Voir Dire be transcribed. It would have been incumbent upon the defendant or counsel, to have gotten the Court Reporter to do the Voir Dire. If it exists or we have it, we'll certainly give it to him.

O R D E R

BY THE COURT:

The State will conduct an examination to determine whether the record contains a transcript of Voir Dire; if so, it is provided to the defendant. If it is not part of the original record, the state will ascertain whether the tape of the voir dire exists. If so, it is to be transcribed to be provided to the defendant.

BY THE COURT:

All right, Mr. Simmons.

BY MR SIMMONS:

I also requested that a copy of the Jury Foreman transcript

BY THE COURT:

You mean the Grand Jury?

BY MR SIMMONS:

The Grand Jury foreman to determine whether we have had a black Grand Jury representative in this parish within the last 10 years.

BY THE COURT:

That would be the subject of another motion.

BY MR SIMMONS:

It was contained in the Motion that went to the Supreme Court

And, that was to determine whether I was entitled to a copy
race of the individuals that was, you know, selected.

BY THE COURT:

Does the state have a record of...

BY MR KNOLL:

Oh no, Judge, I don't have any record of that in the f

BY THE COURT:

I think it's outside the scope of this application. A
next matter.

BY MR SIMMONS:

Would I be entitled to any doctor's report? Cause it
stated that Dr. Bordelon, by him being a Coroner, represent
state, that he was given various statements.

BY THE COURT:

I believe Dr. Bordelon's report is in the response. Th
one dated January 10, 1977, two of them: one in reference
Sharon Sanders and the other in reference to Karen Sanders.

BY MR SIMMONS:

Your honor, you know, Dr. Bordelon, he did an investig
as to the shooting...and statements were provided to him. S
did an investigation, and it was stated that statements was

BY THE COURT:

That's what we were talking about earlier, from Officer
Laborde and Villemarette, I believe...

O R D E R

BY THE COURT:

If there are any written statements, or transcripts of
statements, made to Dr Bordelon, or notes that the state pos
of about statements, that they be provided to you.

BY THE COURT:

But, at this time, they're saying they don't exist.

BY MR SIMMONS:

Am I entitled to a clear photo of the lineup, and each

dividual that was in the line up, your honor? I remake that
I ask that I be given a clear photo copy of that line up, an
individual that was a party of that lineup.

BY THE COURT:

The state has provided... These are photo copies?

A. Yes, these are photo copies of the photographs; those
of the scene. And, the line up, I believe, a polaroid picture
your honor. I think there's only one group of-- maybe, there
some few negatives in there, but I don't think they're of the
up, your honor. I believe the Sheriff's Office, possibly, was
using polaroids at that time. I don't think there'd be any
tives. I'm sure they could be..

O R D E R

BY THE COURT:

Those photocopies of pictures are useless. The court will
order that a clear copy of the photographs be sent. And, if
encompasses taking a picture of the photograph, then take a
of the photograph. But, these copies here, it's impossible
discern anything from it.

BY THE COURT:

All right, Mr. Simmons, what else?

BY MR SIMMONS:

I would ask that the court order any and all other relevant
information that may be, that's not privileged to the DA, that
be submitted, as well.

BY THE COURT:

Mr. Simmons, it is their position that they've done that.
Now, if you have something specific that you...

BY MR SIMMONS:

Well, this is my request. I have no further request.

BY THE COURT:

Very well.

BY MR SIMMONS:

I would ask that the court make a ruling -- is it the ruling that I be provided with these documents?

BY THE COURT:

The ones I've delineated here, today. Yes sir. If they now. I can't order these people to produce something that exist. For example, if there is no written statement; if there is no transcript of a recorded statement, I can't order them to produce it. My order is, that if it exists it is to be produced. I do order that they produce clear photographs of the lineup.

BY MR SIMMONS:

And a copy of the Voir Dire transcript.

BY THE COURT:

Yes sir, if that exists. Anything else, Mr. Simmons?

BY MR SIMMONS:

Well, you already told me that's the only purpose that here, today, for, is to determine whether I'm entitled to the records.

BY THE COURT:

Yes sir, that is the order of the Supreme Court.

BY MR SIMMONS:

A contradictory hearing is to determine, you know, put witnesses on, but since we are going to alleviate that, I have no further requests at this time.

BY THE COURT:

For purposes of the record, the court was ordered to conduct a hearing as to whether anything was privileged. The court has actually gone beyond that, and ordered certain items produced without the necessity of Contradictory Hearing, obviously, without the necessity of any witnesses based, simply, on the defendant's assertions, itself.

That will be the ruling of the court.

E N D

STATE OF LOUISIANA :
PARISH OF AVOYELLES :

REPORTER'S CERTIFICATE

I, HELEN D DUCEY, Court Reporter & Deputy Clerk, Twelfth Judicial District Court, Marksville, Avoyelles Parish, LA, do hereby certify, as follows, to-wit:

THAT the above and foregoing was recorded by Mrs. Rose Batiste, Court Recorder and Deputy Clerk, by Sony Recording before the Hon. Michael J. Johnson, Judge, presiding, Twelfth Judicial District Court, Marksville, Avoyelles Parish, LA.

THAT same was transcribed by me, to the best of my knowledge, ability and understanding.

THAT I am not an attorney, not related to any of the parties and not interested in the outcome of the case.

THAT the attorneys, as per coversheet attached hereto and made part hereof, were present throughout the entire proceedings.

MARKSVILLE, AVOYELLES PARISH, LA, this 13th day of the month of December, 1994.

(S E A L)

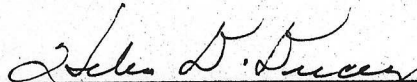

HELEN D DUCEY
COURT REPORTER & DEPUTY CLERK

EXHIBIT C

VINCENT A. SIMMONS

* 12TH JUDICIAL DISTRICT COURT

VS.

* PARISH OF AVOYELLES

JEROLD E. KNOLL,
DISTRICT ATTORNEY FOR
THE PARISH OF AVOYELLES

* STATE OF LOUISIANA

FILED: _____

* BY: _____

ANSWER TO APPLICATION FOR WRIT OF MANDAMUS

TO THE HONORABLE, THE JUDGES OF THE TWELFTH JUDICIAL DISTRICT COURT, IN AND FOR THE PARISH OF AVOYELLES, STATE OF LOUISIANA.

NOW INTO COURT, comes EDDIE KNOLL, District Attorney, in and for the Twelfth Judicial District, Parish of Avoyelles, Marksville, Louisiana, who in answer to the above captioned Writ of Mandamus seeking to produce a copy of the District Attorney's record in connection with the defendant's prosecution and conviction in Criminal Docket No. 37,596 on a charge of two (2) counts of Aggravated Rape, with respect shows:

1.


Respondent attaches hereto and makes a part hereof a copy of the following documents contained in the District Attorney's files as follows, to-wit:

1. Bill of Indictment in Criminal Docket No. 37,596;
2. Motion for Preliminary Hearing;
3. Motion to Substitute Counsel;
4. Arrest Report, together with Rights Statement;
5. Affidavit and Warrant - Rape on Karen Sanders;
6. Affidavit and Warrant - Rape on Sharon Sanders;
7. Affidavit of Search Warrant;
8. Transcript of taped statement - Karen Sanders;
9. Transcript of taped statement - Sharon Sanders;
10. Voluntary Statement - Karen Sanders;
11. Voluntary Statement - Sharon Sanders;
12. Voluntary Statement - Keith Laborde;
13. Supplementary Report, investigation and shooting of Vincent Simmons;
14. Supplementary Report, rape;
15. Supplementary Report, Aggravated Rape (2 counts) and Attempted Murder (2 counts);

16. Voluntary Statement - Albert Fruge, Jr.;
17. Voluntary Statement - Richard Perry;
18. Coroner Report dated June 10, 1977;
19. Photographs and related documents in connection with line-up;
20. The back and front of nine (9) photographs;
21. FBI Criminal History;
22. Louisiana Department of Public Safety Criminal History;
23. State of Louisiana, Department of Public Safety DPS Form 11-1 dated July 18, 1977;
24. Teletype Reference Vincent Simmons to Avoyelles Parish Sheriff's Office from the Louisiana State Police Bureau of Identification dated April 15, 1983;
25. Letter dated July 13, 1977, from Ms. Christel S. Lonzo, Clerk, City Court of the Town of Marksville, attaching various Affidavits and Minutes involving convictions in the Marksville City Court; and
26. Bills of Information and Court Minutes relating to various convictions of Vincent Simmons in the Twelfth Judicial District Court.

WHEREFORE, respondent prays that this Answer to petitioner's Application for Writ of Mandamus be deemed good and sufficient, and that it be relieved from further answering.

RESPECTFULLY SUBMITTED:



EDDIE KNOLL
DISTRICT ATTORNEY

* * * * *

C E R T I F I C A T E

I hereby certify that I have this day forwarded a copy of the above and foregoing Answer to Application for Writ of Mandamus to Vincent A. Simmons, DOC No. 85188, Louisiana State Penitentiary, Camp P-J-Cuda 2-R8, Angola, Louisiana, 70712, by depositing a copy of same in the U.S. Mail with proper postage affixed thereto.

Marksville, Louisiana, this 7th day of December, 1993.



EDDIE KNOELL

596

STATE OF LOUISIANA
PARISH OF AVOYELLES

JUNE Term 19 77

IN THE TWELFTH JUDICIAL DISTRICT COURT

In the name and by authority of the State of Louisiana, the GRAND JURORS of the State of Louisiana, duly elected, empanelled, sworn and charged to inquire into and for the body of the Parish of Avoyelles in the Twelfth Judicial District and State aforesaid, at a District Court begun and held in and for said Parish on the 10 day of June A. D., 19 77 upon their oath, present:

THAT Vincent Simmons
Marksville, Louisiana

of the Parish aforesaid, on or about the 9 day May A. D., 1977 with force and arms, in the Parish, District and State, aforesaid, and within the jurisdiction of the Twelfth Judicial District Court, did wilfully, maliciously and feloniously, committ the following, to-wit:

Count 1: Violate the provisions of La. R.S. 14:42 entitled "Aggravated Rape" in that he did have sexual intercourse with one, Sharon Sanders, without her lawful consent under circumstances where she was prevented from resisting the act by threats of great and immediate bodily harm, accompanied by the apparent power of execution by said Vincent Simmons,

Count 2: Violate the provisions of La. R.S. 14:42 entitled "Aggravated Rape" in that he did have sexual intercourse with one, Karen Sanders, without her lawful consent under circumstances where she was prevented from resisting the act by threats of great and immediate bodily harm, accompanied by the apparent power of execution by said Vincent Simmons,

Contrary to the form of the Statute of the State of Louisiana, in such case made and provided and against the peace and dignity of the same.


District Attorney 12th Judicial District La.

B-003

Ruling of the Court: denied; insufficient evidence to hold a trial, grand jury indictment along w/ testimony of several more than adequate to handle & charged w/ offense.

CRIMINAL DOCKET NO. 37596

STATE OF LOUISIANA

12TH JUDICIAL DISTRICT COURT

VS.

PARISH OF AVOYELLES

VINCENT SIMMONS

STATE OF LOUISIANA

FILED: 6-23-77

S. B. M. C. DY. CLK.

MOTION FOR PRELIMINARY HEARING

NOW INTO COURT, through undersigned court-appointed counsel, comes VINCENT SIMMONS, who on suggesting to the court that he has been charged with two counts of aggravated rape in these proceedings and who on further suggesting to the court that he is entitled to and desires to have a preliminary hearing of the evidence against him of these charges:

IT IS ORDERED that a preliminary hearing be held in the case of State of Louisiana vs. Vincent Simmons on the two counts of aggravated rape on the 7 day of July, 1977, at 1 o'clock P.M.

Marksville, Louisiana this 23 day of June, 1977.

S. Earl Edwards
J U D G E

Submitted By:

HAROLD J. BROUILLETTE
P. O. BOX 125
MARKSVILLE, LOUISIANA 71351
Court appointed attorney for
Vincent Simmons

ILLETTE
LAW
ISIANA

C E R T I F I C A T E

This certifies that a copy of the above and foregoing motion has been served on the District Attorney for the Parish of Avoyelles, State of Louisiana.

Marksville, Louisiana this _____ day of June, 1977.

HAROLD J. BROUILLETTE

.LETTE
.AW
SIANA

STATE OF LOUISIANA
VERSUS
VINCENT SIMMONS

TWELTH JUDICIAL DISTRICT COURT
PARISH OF AVOYELLES
STATE OF LOUISIANA

MOTION TO SUBSTITUTE COUNSEL

ON Joint Motion of Harold Brouillette, present court appointed counsel of record and Steven Young, I, substituting counsel, and on suggesting to this Honorable Court that they wish to substitute Steven Young, I, as counsel of record to represent Vincent Simmons, defendant herein in place of Harold Brouillette in all further proceedings herein and they hereby request that Harold Brouillette be removed as counsel of record and Steven Young, I, be entered instead.

*I Vincent Simmons
approve of attorney Steven
young handling my
Case at this trial
Vincent A. Simmons
witness:
+ Steven A. Young
Sept Pat Theobald*

Harold Brouillette
HAROLD BROUILLETTE
MARKSVILLE, LOUISIANA
Steven Young, I
STEVEN YOUNG, I
1406 NINTH STREET
Alexandria, Louisiana 71301

O R D E R

Let Steven Young, I, be enrolled as counsel of record represent Vincent Simmons, Defendant herein, to substitute Harold Brouillette.

Marksville, Louisiana, This 11 day of August, 1977.

Earl Edwards
Judge Earl Edwards

YOUR RIGHTS

Vincent Simmons
(Name)

Place Avoyelles Parish Sheriff's
Date 5/23/77
Time 9:00 A.M.

Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

- 5. If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.
- 6. If you desire to answer questions now without a lawyer present, you will still have the right to stop answering at any time until you talk to a lawyer.
- 7. Do you understand each of these rights I have explained to you? Yes (X) No ().
- 8. Having these rights in mind, do you wish to talk to us now? Yes (X) No ().

WAIVER OF RIGHTS

I have read this statement.

I understand all of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

I do not know how to read and this statement has been read and explained to me.

Robert J. Leboeuf
Witness

Vincent Simmons
Signed

Witness

STATE OF LOUISIANA
DISTRICT COURT—PARISH OF AVOYELLES

Capt. Floyd Juneau

BEFORE ME, the undersigned authority, personally came and appeared

_____, resident of the Parish of Avoyelles, State aforesaid, who being by me duly sworn according to law, deposes and says that on or about the 9th day of May 1977 one Vincent Simmons

late of the Parish of Avoyelles, at or near Marksville, La. in the Parish of Avoyelles and within the jurisdiction of the 12th Judicial District did wilfully, maliciously and feloniously

CHARGE: Rape on Karen Sanders Age 14

NAMES OF ALL WITNESSES

Address

contrary to the form and statute of the State of Louisiana, in such case made and provided against the peace and dignity of the same.

Wherefore affiant prays that a warrant issues for the arrest of the said accused and that he be further dealt with according to law.

Sworn to and subscribed before me on this

23 day of May A. D. 1977
Earl Edwards

Justice of the Peace - Judge

Filed _____, 19 ____ and warrant issued.

Committing Magistrate

B-008

UNITED STATES OF AMERICA
STATE OF LOUISIANA - PARISH OF AVOYELLES
TWELFTH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA Vincent Simmons

To The Sheriff of the Parish of Avoyelles, GREETINGS:

You are hereby commanded in the name of the State of Louisiana and the Twelfth Judicial District Court of the Parish of Avoyelles, to arrest the body of Vincent Simmons and bring him before said Court to answer the charge of Rape on Sharon Sanders Age 14

as lately preferred against him by Capt. Floyd Juneau in and for said Parish.

WITNESS, the Honorable Earl Edwards, Judge of said Court, this 25rd day of May in the Year of Our Lord, One Thousand Nine Hundred and seventy-seven

Earl Edwards
Committing Magistrate or Deputy Clerk.

ORDER

Let the accused in this case be released upon his furnishing bond in the sum of _____ Dollars, conditioned as the law directs.

Granted in Chambers at Marksville, Louisiana, on this _____ day of _____ A. D., 197_____.

Judge or Justice of The Peace.

BAYOU PRINT MARKSVILLE, LA.

23 day of May A. D. 1977
Earl Edwards
Justice of the Peace - Judge

Filed _____, 19 _____ and warrant issued.

Committing Magistrate

BEFORE ME, the undersigned authority, personally came and appeared, Capt. Juneau & Lt. Laborde, to me known to be a credible person, who, after being first duly sworn, did depose and say:

THAT on or about the 9th day of Mayn, 1977, he became aware of the following facts and circumstances existing within the jurisdiction of this Court, to-wit:

Vincent Simmons did rape two female juveniles, age 14 and at the time was wearing maroon trousers, silk looking shirt with tassel like appendages, and also was in the possession of a brown handle pistol about six or seven inches long that said Simmons has been arrested but the above which was in his possession at the time of the rape, were ^{Not recovered; affiant believe and allege} same are in the residence of ^{Olivia Simmons & Arthur L. Williams} Margaret Malbrough, 309 Ferdinand St., Marksville, La. where Vincent Simmons was living; that the above items are necessary evidence in the trial of the defendant.

*Connected by the Court
Earl Edwards
Judge*

THAT the foregoing give affiant reason to believe that the above said articles are concealed in the premises described as: 315 Ferdinand St., belonging to or occupied by Margaret Malbrough

believed to be owned or in the possession of ^{Margaret Malbrough} ~~Olivia Simmons and~~ ^{Arthur L. Williams}

And affiant also alleges that the said articles, or a portion thereof, may be concealed in ~~an motor vehicle~~ ^{premises} described as:

the above residence, which is believed to be owned or in the possession of Same, also within the jurisdiction of this Court, and that the issuance of a search warrant is necessary at this time, directing F. O. Didier, Jr. or his assigned deputies to diligently search the above described premises ~~and motor vehicle~~ in order to locate the articles hereinabove described.

FURTHER, the person or persons searching should be authorized and directed by this Court to seize and take into his (their) possession, any and all of the foregoing articles located pursuant to this search, and to arrest the person or persons in possession of same.

Earl Edwards

SWORN to and subscribed before me on this 24 day of the month of May, A. D., 1977.

Earl Edwards
J U D G E

Black shirt with ruffles
pair maroon jeans
pair double knit pants (maroon in color)

Arthur Lualaba

Flora Lualaba

-25-77
2:30 PM

Sheriff: What is your full name?

Complainant: Karen Sanders.

Sheriff: aren... K A R A N (spelling)

Complainant: E N (Spelling)

Sheriff: K A R E N (Spelling) S A N D E R S (Spelling) Karen Sanders.

Karen, this is Sunday, May 22nd, 1977 at five minutes after six (6:05) and I got a call this afternoon from your Uncle John. He's your Uncle? Your Uncle John Laborde. Ah, telling me about something that happened to you and your sister. And to Keith. So, in your own words, we want you to first relax (Laughing) Ah, I'm going to ask... you say you've been living here how long now?

Karen: Three months.

Sheriff: Three months. Where do you live?

Karen: Ah, down Brouillette.

Sheriff: Okay, where did you... where do you go to school now?

Karen: Middle School.

Sheriff: What grade are you in?

Karen: Seventh.

Sheriff: And where were you going to school... where did you live besides living in Marksville? Where were you living before?

Karen: Alexandria.

Sheriff: You lived in Alexandria? What school did you go to over there?

Karen: Brame Jr. High.

Sheriff: It's supposed to be a good school.

Karen: Ya, it is.

Sheriff: Then ya'll moved here and your daddy and mama are seperated?

Karen: Yes.

Sheriff: How long have they been seperated?

Karen: Since I was about 5 years old.

Sheriff: Oh, it's been a long time. They are divorced in other words?

Karen: Yes.

Sheriff: Oh, I see. And are you the only two children. Just you and your sister?

Karen: No, Sir. I have a little brother and I have a step sister.

Sheriff: How old is your little brother?

Karen: Five.

Sheriff: And how old is your older brother? He's a stepbrother you say?

Karen: No, ah, my little sister, I have a little sister she's dead.

Sheriff: How old is she?

karen: She's ten.

Sheriff: She's ten. So you are four children in the family all together?

Karen: Five

Sheriff: Five, well, we missed one. Who's the oldest?

Karen: You want his name?

Sheriff: Yes.

Karen: Jody.

Sheriff: Jody, jody what?

Karen: Jody Sanders.

Sheriff: Jody Sanders, and he is your full brother, right?

Karen: Yes

Sheriff: And how old is Jody?

Karen: Fifteen.

Sheriff: Jody's fifteen and you're fourteen?

Karen: Yes.

Sheriff: Okay. Now, we understand that a couple of weeks ago that ya'll went to a certain place in Marksville and ya'll met up with a dude. I want you to try to remember what date was that on?

Karen: I don't know, it was two weeks ago. Ah, I don't know which date it was.

Sheriff: It doesn't matter. What two weeks...

Karen: It was Monday, I know that. Two weeks ago.

Sheriff: It was on a Monday two weeks ago. Today is the 22nd if it was two weeks ago. That would be on Monday, May the 9th? That could be right? But it was on a Monday night?

Karen: Yes.

Sheriff: And it wasn't the past Monday, right? It wasn't the 16th which was last Monday, was it? It was the Monday before that. That would be May the 9th. Okay, now I want you to take off from there and tell it to me in your own words. Ah, what ya'll did. You and Keith and your sister's name is ah, Sharon.

STATEMENT

Well you want us to begin to walk from my brother-in-law's house to Keith's house and all that other stuff.

SHERIFF: Yes, you give us all of that.

Karen: Okay.

Sheriff: Give us all of that in your own words.

Karen: Alright.

You see Keith came to my grandmother's house and wanted us to go clean his house cause his wife is in the hospital. So we said we would go. So first off, we let our grandmother give us permission. We left anyway. And so we went and we cleaned his house and it was about 8:30 maybe a little bit before 9:00 and we went to 7-11 to get some gas. And, ah, a colored guy, and he was not really in the way, but, I didn't think Keith almost hit him, but he said he did. So ah, Keith got out of the car and said he was sorry and opened his door and all this stuff with it so ah, so they started talking and everything so I went pay for the gas and he says the lady over there at the counter says did ya'll get ya'll gas? and he said ya. And so the colored guy made me go in the store with him ah tell her that Keith did not get his gas you know so that we would get four dollars instead of two. So we got thatso ah we stayed out there for a little while talking so he said can I can I have... can I sit in your car or something. And Keith was scared cause he had a gun and a knife and ah, so Keith was scared so he said ya, I guess so. So he said well Kieth why don't ya'll bring me home. and So Keith said he would. And so he started making us trun down all these little roads and all fo a sudden they ran out and so he stopped. And he put Keith... first of all he told us to get undressed and I wouldn't do it and so my sister was scared and everything so she went ahead and did it and I wouldn't so he put me in the trunk and he raped her and ah after awhile he put all three of us in the trunk and he was trying to close it and trying to keep our knees up so the keys fell in the trunk but he got it closed. So he kept going down these dirt roads you know and the dirt was coming through the trunk and everything and we were having a hard time breathing. Then he stopped somewhere and he took me out and ah, he raped me.

Sheriff: With you sister, he put her back in the trunk and he went riding all over again down dirt roads and everything else. And the trunk, the dirt was coming in the trunk and all that. Then he stopped, right? He went and he opened the trunk again, right? Alright, right there what did he say when he opened the trunk, again, what did he say?

Karen: He opened the trunk and he said you, and he pointed to me and I said, who me? and he said yes and he said get out. So I got out and ah he said get in the back seat. So I got in and he said undress, and I said no. And, ah, the first time he tried, I tried to run, then I figured if I'd run then I'd be taking their lives. So, ah, you know, I decided, so I started to run and he grabbed me and so he put the gun on top of the roof, you know, I mean, he just laid it right there, And he looked at me, he said undress so, ah, I got scared so I undresses and then that's when he raped me and, ah, after that when I was getting out of the car he/^{ah}had a switch blade, you know, and, ah, he put it to my neck and he said if you ever had your neck cut and I started crying, you know, and I said no. And then, ah, I started all the things he did to me, you know, I mean he made me, you know.

Sheriff: Tell me what he did.

Karen: Okay, He gave it to me through the back too, I mean, you know, the rear end. Then he made me, you know, put my mouth, you know, So after that happened that's when he _____. And so, he went and, ah, he opened the trunk and, ah, he got the gas out Keith's trunk, you know, and he spilled it or something, you know, cause it was where the light, and then, ah, he put it back in the trunk, for some reason, I thought he was going to burn me or something, you know, and the others in the trunk. And then he stabbed the tire and so he, he looked at me, he says you're going to ride up front with me. So he closed the trunk and I don't know where we went but, you know, where ever it was, you know, ended. We were going by Black Beard's, but we ended up coming off the, ah, Tunica Drive, you know. That's where we ended up. And then he turned and, ah, we talked something he was telling about he had a brother married to a white girl and all this stuff and about we could, you know, we could do that too, you know, and all that stuff. And so, ah, we, ah, you know, ah we talked, you know and everything and he

didn't bother me, you know, he was kind, he was getting nice, you know. But he had on a necklace and chain, you know, with a cross on it and ah, the whole time I'd just kind of hold it and kissed the cross and everything and hold it. And, ah, let's see, then he pulled off into the graveyard and he opened the trunk and he let Sharon and Keith out. And he says, ah, ya'll just look at all these dead people or something, ya'll could be one of these. And the whole time he kept saying, you know, to us, he kept saying if ya'll go tell anybody and ya'll let this out, he says, ah, you gonna, after I get out of here, you know, I'm gonna call my buddies, he says, and I'm gonna let them in on what went down tonight and all this stuff and, ah, that they may give me and put me in jail for the rest of my life, he says ah, but then ya'll have my buddies and all those other people to worry about. And he says we can make it easier on ya'll or he says we can make it hard he says that's really ya'lls decision. So we were riding on a flat tire so, you know where the bus station is over there, well, the man was over there and he was supposed to ^{steal} a tire for Keith and Keith didn't want to, you know, so he did it. He made us drop him off there and we had to ride all the way down to Brouillette, on that, on that tire, you know, the tire was out.

Sheriff: Karen, you said that he, ah, had a gun and a knife?

Karen: That's right.

Sheriff: When, ah, when he show this gun and this knife?

When was the first time that he showed it?

Karen; Ah, after he took me out of the trunk and he says you, you know.

That's when he was making me undress. that's when, then he was making me undress..

Sheriff: And where was the gun?

Karen: It was on top of the, ah, you know he placed it on top of....

Sheriff: No, before he placed it on top, where was the gun? Where did he remove the gun from?

Karen: Right here.

Sheriff: He had it in his belt?

Karen: In his pants like.

Sheriff: His pants? And his shirt was over the gun?

Karen: Yes, Sir, just did like this, ah, about this far down.

Sheriff: Uhuh.

Karen: But, ah, I think well you'd have to ask Keith about this if he saw it or not, but, I think he did because, you know, ah, I guess he did I don't really know.

ah, Do you...

Sheriff: Did he/.. Was it a big gun to you or was it a small gun? You know anything about guns at all?

Karen: No, Sir.

Sheriff: You don't know if it was a .22 or a .38?

Karen: I don't know.

Sheriff: Was it a small gun or was it a pretty nice size gun? Was it 6 inches?

I mean

Karen: About like this/ you know, it had a handle. And it was, I don't know. Well I'd say it's about like this , you know, and it had a handle on it, you know, and, ah, that's all I can tell you, I don't know .

Sheriff: Okay, and what about the knife?

Karen: All I saw was , ah, he had that, I don't know where he had that. But, all I know was when...I didn't see him take it out cause I was putting on my clothes. But he grabbed me and, ah, around the neck and, ah,...

Sheriff: That was after he had an affair with you?
but

Karen: Right, Ah,/he had, you know, the gun out on the car and the knife next to me, you know, he did that and, ah, that's when he, ah, you know, took out the knife.

Sheriff: Okay. Now we're going to go back to the part where you had an affair. He took you out of the trunk and he told you to get undressed. What else did he tell you at that time? Get undressed.

Karen: That was all, he just told me to get undressed and that he didn't say nothing to me.

Sheriff: And you started undressing?

Karen: Not at first, but, then, I started undressing.

Sheriff: What were you wearing that night?

Karen: Ah, I was wearing some blue jeans and, ah, I think the Shirt Sharon has on, no, it was one of these two shirts that we had on I'm not sure. No, I know what shirt it was. It was a knit shirt that had, you know, orange and yellow and the like and it was knit.

Sheriff: And you had panties on?

Karen: Yes, Sir.

Sheriff: You had a brassier on also?

B-017

Karen: Yes, Sir, but I, see he ah, the panties were somewhere over there whereever we were.

Sheriff: Oh you, you, Did you throw them away or you just....

Karen: He, ah, made me, you know, he has don't peak and all this stuff, you know, that my cousin gave me. And, ah, he just took them and threw them like this, you know and kept telling me to get dressed. So I didn't go on and get them I just got dressed.

Sheriff: Yes. Karen, after you had an affair with ah, did you bleed?

Karen: No, Sir, I wasn't a virgin.

Sheriff: You're not a.....

Karen: She was.

Sheriff: Okay, you didn't bleed.

Karen: No Sir.

Sheriff: Did he ejacualate in you? Did he come in you? We have to use these terms. Did...did this white stuff come in you he let some white stuff into you?

Karen: I know what you-'retalking about.

Sheriff: Yes. Sperm, sperm . We naturally call it come and things like that . And he came in you, whenever he reached his climax.

Karen: Yes, Sir.

Sheriff: Okay. Then ^{you} ~~he~~ said something about he made you do something, ah, what... this was after you had an affair with him?

Karen: That was the first time, see, he did it to me twice.

Sheriff: The first time he made you do what?

Karen: The first time was when he took me out of the trunk and he just, you know, he told me to undress and then he did it then...

Sheriff: Where, in the back of the car?

Karen: In the back seat.

Sheriff: Alright.

Karen: Then, ah, he made me get in the fron with him so, in the front, and ah, then he started... he asked me if I had ever done it on my knees and I looked at him. I didn't know what he was talking about. I said no. He says, well you're going to now.

And so, he made me, ah, you know, on the seat and everything, get on my knees and he did it that way and then, ah, after that, he did it through the front. And then, and then, ah, he made me, you know, do ya'll want me to say it...

Sheriff: Please, darling, go on..

Karen: Well he made me, ah, suck him, you know...

Sheriff: Go on, right...suck him... right.

Karen: Yes.

Sheriff: How many times? ... did you suck him. I mean once before you had an affair, ah, ah, a sexual affair with him?

Karen: yes.

Sheriff: One time before.

Karen: Right and after... he...

Sheriff: Then after then, then you had an affair with him, ah, sexual affair with him, ah, bodily, I mean, and then you had an oral affair with him where he, where he made you suck him again.

Karen: Well, that was the first time.

Sheriff: Ah, on the first time. That was before he had the affair with you.

Karen: Right.

Sheriff: Well, When you had the oral sex with him. This is what we're going to call it. When you had the oral sex with him, did come in you mouth? Or he didn't come?

Karen: No, he didn't.

Sheriff: Okay, then after, after you sucked him awhile, he got on top of you, right, or you got on top of him.

Karen: It was before, it was after that, see, it was after, after he did it through his rear, through his front again then.

loyd: It was after your sexual intercourse then you had oral sex but after the first sexual intercourse.

Sheriff: Is that correct, Karen?

Karen: Yes, Sir

Sheriff: Okay, Okay, well then when he got through then, what did he do?

Karen: Ah, he just, let's see after, he went and opened the trunk, I believe, and that's when he threw the gas, you know, he poured it out or something, then he put it back in the trunk.

Sheriff: The can, he put the can back in the trunk?

Karen: Right, then, ah, he looked at me and i said you want me to get back in the trunk. He said, no I want you to ride up there with me, so that's when.....

Sheriff: Well, did he make them get out the trunk? He left them in the trunk? And you wereriding up front with him by yourself. What did ya'll talk about, when you were riding around?

Karen: Let's see. Once we talked about you.

Sheriff: About What?

Karen: About you.

Sheriff: Cheese.

Karen: You.

Sheriff: About me, Oh! Okay. Alright, what did he say about me.

Karen: Nothing, ah, he said that you and him were pretty tight and all that stuff and that, ah, I don't know, ah, all he said was that, ah you and him were pretty tight and about and then he brought up , you know, the two cops that got killed in Texas, something about that and then that fire we had over there at that motor place, you know. And, ah, he said that his buddies were down here that other friends of theirs you know, up there, took care of them. And then he said that, ah,

Elaine Lachney, you know, Elaine Lachney, well he asked us, well, yes, that's when they got in the car. After we were going home he asked us Elaine Lachney. We said yes. And he says well, me and her are pretty tight too. He says, ah, that I watched her do something and I'll put it this way he says, I'm not going to pimp on her. And, ah, then , and so, then we talked about, ah, you know, some white girls living with a guy, you know, some black boys and all that stuff, you know. And about, he says if only we could do that and all that stuff, you know, and livetogether and all that stuff , he said. And then he asked where we lived I just said down Brouilletteand, ah, he, ah, and I, you know, we just talked about Alex. and, you know, ah, he asked if I knew some people in Alex, you know, and I said no and then he was asking where I lived before and all this stuff about if I had some, little brothers and stuff like that.

Sheriff: (Cough) Did you ever hear Keith call his name? Or did he ever tell you his name, Karen:

Karen: No, sir. At first when we were over there Keith was calling him something, but me and Sharon can't remember, he was calling him something, but we were calling him that too, but I can't remember, ah, what we were calling him, you know, but, Sharon, I said something about his name or something, and he says, look, , he says no, this is when he was telling us not to say nothing, you know, he says look, ah, as far as ya'll concerned, my name is Jessie James. As far ya'll know, he says....

Sheriff: You know who Jessie James is?

Karen: I've heard of him.

Sheriff: What is he (laughing)? He's an outlaw, huh?

Karen: Yes.

Sheriff: Yes, Okay. But he said as far as ya'll know, my name is Jessie James.

Karen: Right.

Sheriff: But you did hear Keith call him something?

Karen: But, I don't know what Keith was calling him.

Sheriff: How was this dude dressed?

Karen: He had on some maroon pants and some boots and a belt, black hat, you know, no it's not one that covers the head, you know, you know how they make those blue jean caps with blue jeans, okay, one like that. And he had on a shirt, no sleeves, and , ah, it had some green in it, I think it had, yes, it had a little collar, and it had some green in it also it had some red and I think it had a picture or something, you know.....

Sheriff: Karen, you mentioned that he said that he had a brother that was married to a white woman?

Uncle John that

Karen: I told/~~him~~ and he went to talk to Freeman and he told Freeman that , ah, that if there was something that needed to be done he was going to call _____ and Freeman knows pretty much who it is.

Sheriff: Freeman? Who's Freeman? Oh, say this about Freeman again.

Karen: Well, my Uncle, after he heard about it, he was all upset and everything....

Sheriff: He talked to Freeman about it. When was that, today or yesterday? or What?

Karen: Today, today. Cause this is the first day . And, ah, he went to talk to Freeman and, ah, you know, and he told Freeman that if they didn't do something about it, you know, he was going, he was

going, you know, to get some of the Laborde's Cookie and Bookie and all them....

Sheriff: They were going to take the law in their own hands? This has got to be beautiful. That's what we're here for.

Karen: (Laughs) Well, I don't think he meant it. I just think he was upset.

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Karen: Yes, Sir. And then he said he was gonna, you know, first call you after you came back and then he said that he was calling you and he called you.

Sheriff: Is there anything else that you may have left out that you wanna.....

Karen: Hesaïd, well, you knew Keith before, ah, before this happened you knew Keith, ah, I mean Keith didn't know him, but he knew him because he kept saying how's Blackie & _____ and he called you by name. And when we first saw him you called him by name. Let's see, that's about all.

Sheriff: Karen, did he smoke? Did he smoke?

Karen: That's right.

Sheriff: He smoked ya'll cigarette's or his?

Karen: Ours.

Sheriff: Did he talk about grass or dope or if he could get some or did he want to know if ya'll had some or what?

Karen: That part.

Sheriff: Yes, be frank. I mean, I this is going to help us.

Karen: Okay, alright. okay, let's see we stopped and I had, ah, you know, this was at the filling station, it wasn't two whole joints, you know, it was two roaches, you know, and I had them in my bra and, ah, he asked if we had any, you know, and Keith pointed to me and said she does, you know, and ah he took them then we stopped, ah, he handed them to me/~~XXXXXX~~ light and I wouldn't do it. So, ah, I think they either got threw out the window or he got them, either one. And, ah, let's see but then they... Keith kept asking names of people if he knew them and he kept, and he knew all of them. He knew all the people Keith knew. but, so.....

Sheriff: About time, about what time did you get home that night?

Karen: Twelve O'clock (12:00)

Sheriff: Twelve o'clock (12:00).

Karen: About Twelve O'clock (12:00)

Sheriff: What time did you say ya'll, ya'll went to get gas about?

Karen: Ah, about 8:30 or a little bit before nine, it wasn't quite 9:00 o'clock yet.

Sheriff: Around, Around Nine., Nine Thirty you said? Maybe Nine Thirty?

Karen: Yes, Sir. No, About eight-thirty or nine. It wasn't past that.

Sheriff: Good, Okay. Now, since ya'll came back to Marksville, since ya'll moved to Marksville, and Keith is your first cousin, has he been playing, has he been going pick ya'll up and taking ya'll for a little ride and all that?

Karen: Not really. He comes over some times, you know, to see his grandparents and all every once and awhile, you know, we'll go somewhere with him like maybe to the store and back _____ every once and awhile we'll go and clean his house for him when we can. And that's about it other times we see him it's been at his house or my grandparents house or our house or something.

Sheriff: You play it cool, you know that. You, you really have to go into it, you really are cool, that's great. That's great. It's just a hard thing. This is a hard thing to face, it's it's ah, you know. And, ah...

Karen: I'll tell you, it would have been alright today, except everybody's elses like mama and all them they all gotta break down, you know, I mean, then that makes us join in with them and everything.

Sheriff: What was your mother's reaction to them? I am going to ask you a very personal question. You've been very, very truthful you've been very, very truthful with us and this is going to seem like a cruel question, but I know you're going to tell me the truth. Have you and Keith ever had an affair?

Karen: No, Sir, not me and Keith.

Sheriff: No. Okay. That's all I wanted to know. It's a routine question.

Sheriff: Ask the question over, Floyd.

Floyd: How old is that black dude?

Karen: He's about, ah nineteen or twenty. Somewhere around in there

maybe, ah, he might be a little older, but, Sharon thinks he's at least twenty-four, but I don't think he's that old maybe he's about nineteen.

Floyd: Is he very dark?

Karen: Well, he's not light, he's not a light color and he's not real pitch dark...

Floyd: Chocolate?

Karen: Yes, yes. He's a kinda of short person.

Floyd: You know if he goes to school here in Marksville?

Karen: He's out of school, I think. Well, ah, I think he's out. I don't think he's going to school.

Floyd: Did he mention what kind of work he's doing?

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Floyd: What, what kind of car he had?

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Floyd: Karen, ah, his hair was it, ah, grizzly afro, medium afro, short, short hair or what?

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Floyd: Yes, Did he have it parted? Do you remember?

That they were raped by a black subject, name unknown at this time, a couple of weeks ago, we don't have the exact date yet. We are just about ready to start interrogating one of the subjects.

You're telling us the truth. Now, ah, they called me and told me about this and this is one of the reasons why we want to talk to you and we're going to ask you questions and they're going to be personal questions but, that, we want you to answer like we're one of you. You musn't be afraid of us. We have been through this alot of times before. We think we know what we're doing and, ah, we want to get to the bottom of it. And first of all we're going to start off by asking you,

SHERIFF: What is your name?

COMPLAINANT: Sharon Sanders.

SHERIFF: What is your first name?

COMPLAINANT: Sharon.

Sheriff: Sharon... S H A R R O N or S H A R O N? (Spelling)

Complainant: S H A R O N (Spelling)

Sheriff: S A N D E R S (Spelling) Sanders? And what's your address, San?

Complainant: In Marksville?

Sheriff: Yes.

Complainant: Ah... I don't even know. I live with my grandparents.

Sheriff: What street so you live on?

Complainant: Brouillette.

Sheriff: You live on Brouillette Street?

Complainant: Yes.

Sheriff: How long have you lived in Marksville?

Complainant: About three (3) or Four (4) months.

Sheriff: Three (3) or Four (4) months. Where did you live before this?

Complainant: In Alex.

Sheriff: You lived in Alexandria?

Complainant: Yes, Sir.

Sheriff: Did...do your Mama and Daddy still together?

Complainant: No, Sir.

Sheriff: They're seperated..Are they divorced? Or are they getting a Divorce?

Complainant: They're divorced, I think.

Sheriff: They've been divorced. You go to school here. In Marksville?
What grade are you in?

Complainant: The seventh.

Sheriff: In the seventh grade. And how old are you?

Complainant: Fourteen (14)

Sheriff: Your's fourteen (14)... Okay. Now, we want you to start in your own words and don't feel afraid to tell us anything. We are... We are here to protect you... not to hurt you. This is our job is to protect people... not to hurt them. Any and we want you to start in your own words as to exactly what happened. Would you go ahead and tell us what's...we're going to interupt you every once and awhile and ask you a question or make you repeat something and, ah, go ahead in your own words and tell us what happened

STATEMENT

Okay, me and Keith and my sister we stopped at 7-11 to get some gas and when we were going up there and there was this black man. Keith and them were (Teasing) or Ting him. And so when Keith got out the car, you know, that Nigger, that black man, went up there and ah he acted mad and Keith made friends with him and he sat there and we talked to him a long time and he put Keith, he got Keith Two/Dollars (\$2.00) gas free and he asked Keith if he could sit in his car and Keith said ya. So we all four of us got in the car and, ah, he kept/~~SM~~ like this, you know, pointing to like he had something. Me and Keith and Karen were all scared and so he made us go down the highway you, know, by T G & Y , that highway. Well, and he made us stop at a dirt road and he kept talking to us and everything and he made Keith go down further and he came... he stopped by a lake and the car was going down like that and he put Keith and my sister in the trunk and, ah, he made me take off my clothes and everything and so, you know. (Sheriff: You said he put Keith in the trunk?) and my sister. (Sheriff: and your sister. What is your sister's name?) Karen. (Sheriff: Karen? C A R (Spelling) K A R E N (spelling) (Sheriff: K...)...Spell it.) K A R E N (Spelling) (Sheriff: KAREN (Spelling) good, sometime we do this to make you feel at ease. We want (cough) you know, we want you to feel at ease and we want you to talk to us in any way. We're use to all of this and we can.. you can talk to us in any language that you want. Don't be afraid... Don't bite your fingernails, darling. Let me go over this with you. Ya'll went to 7-11 and Keith, that is your first cousin? Keith, his name is Keith Laborde. (Another voice answers) Yes, Sir.

Sheriff: And Keith had taken him where he wanted to go?

Sharon: Yes, Sir.

Sheriff: And where was this?

Sharon: Oh God only even knows. We were on the highway by T G & Y
and then we went down a dirt road and I don't even know.

Sheriff: You went down a dirt road from T G & Y?

Sharon: It was going, it was on the highway to T G & Y.

Sheriff: Uh uh.

Sharon: And then we kept going on and then we go down a dirt road and I
don't even remember where the dirt road was.

Sheriff: Is it... Was it out of Town or in Town?

Sharon: I think it was in Town.

Sheriff: You think it was in Town.

Sharon: I ain't sure, I don't even.

Sheriff: Okay, were there any houses around?

Sharon: No, Sir.

Sheriff: Did he tell Keith how to get there or Keith just went there?

Sharon: He told Keith how to get there.

Sheriff: What was he going there for? What did he tell Keith he wanted
to go there for?

Sharon: First, something about a party. It was a party down the road.

Sheriff: And ya'll were going to the party?

Sharon: We were going to drop him off.

Sheriff: Drop him off at the party. Ah, okay, go on when/ya'll finally
drove around ya'll went down this dirt, dirt road. Was it a gravel
road or a dirt road?

Sharon: It was a gravel road.

Sheriff: It was a gravel road. Ya'll went down this gravel road. And ya'll
and then ya'll, then what did he tell Keith?

Sharon: Well he made Keith get out the car.

Sheriff: Well he made.. ~~MM~~ he asked him to stop the car?

Sharon: Yes, Sir.

Sheriff: How did he... What did he say?

Sharon: He goes, Keith, stop here. ~~KXIXKXKXKX~~ So Keith stopped.

Sheriff: Okay.

Sharon: And the only thing on the road was sort of like

it was old and everything ~~KXKXK~~ that **B-002** was the only thing on the road

And then we stopped a little while there and then he goes keep go further down. So Keith went further down and there was this lake like and Keith wanted to know where we were going to. And then we were all sitting in the car and then he said Keith come out side and he ~~XXXXXX~~ took Keith's car keys and put Keith in the trunk. So he told me and my sister to take off our clothes and my sister was, you know, she was sort of giving him a little bit of trouble. She opened the car door like she was going to run off. So he put her in the back in the trunk with Keith and made me take off all my clothes and everything. So.

Sheriff: Okay, so he made you take all your clothes off? What about Karen, did he make her take her clothes off.

Sharon: Yes, sir, after, after I put all my clothes on.

Sheriff: No, wait, let's you're....

he took her somewhere else.

Sharon: It wasn't right there, ~~XXXXXX~~/somewhere else

Sheriff: Mam?

Sharon: He took her somewhere else

Shaeriff: Well, let's go, let's finish with you, first. He, he, you told us that he told ya'll to take off your clothes? But, Karen was giving him some kind of trouble, right?

So then he told you to take off your clothes? Right?

Sharon: And he put Karen in the trunk.

Sheriff: Oh, he put, he put Karen in the trunk with Keith. He already had Keith in the trunk?

Sharon: Yes.

Sheriff: And then he put Karen in the trunk with Keith.

Sharon: Yes.

Sheriff: Why did he say he was going to put Karen in the trunk?

Sharon: Cause Karen was giving him a little bit of trouble.

Sheriff: Okay, had you, had you taken your clothes off by that time before he put Karen

Sharon: No, Sir, I just had my shirt ~~XXXXXX~~ unbuttoned.

Sheriff: Mam?

Sharon: Just had my shirt unbuttoned.

Sheriff: You just had your shirt unbuttoned? Okay, then, after he put Karen in the trunk then what happened?

Sharon: Okay, I took off all my clothes and got in the back seat.

Sheriff: Did he tell you to get in the back seat with him?

Sharon; Yes. He said just get in the back seat.

Sheriff: Alright, now what, what else did he tell you? He told you to take off your clothes and what did he tell you besides that?

Sharon: Nothing.

Sheriff: Just take off your clothes?

Sharon: Yes, Sir. And then he goes, get in the back seat.

Sheriff: And then he said get in the back seat? And you got in the back seat. Alright, did he threaten you ~~with~~ in any kind of way?

Sharon: No, Sir.

Sheriff: He didn't threaten you? Did he, he have any kind of a weapon with him?

Sharon: Well, I didn't see it but Karen said she saw it, but he kept telling us that if we opened our mouth to anybody that he was going to call ^{some of his} ~~his~~ buddies and he was going to have us killed and all this stuff.

Sheriff: When did he tell you all of this? Before, he had an affair with you or ...

Sharon : After.

Sheriff: After he had an affair with you. But you did not see any weapon? You did not see a knife, you did not see a gun, you did not see a stick, you did not see brass knuckles, you did not see any kind of a weapon? Nothing at all? Okay, okay, so then you got in the back seat with him?

Sharon: Yes, Sir.

Sheriff: And did he, did he, ah remove all of his clothes?

Sharon: No, Sir. He just unzipped his pants.

Sheriff: Just unzipped his pants. But you were completely nude you had taken all your clothes...what clothes did you have on you that night?

Sharon: Everything.

Sheriff: Well, yes, everything that you had? Describe the type of clothes that you had on that night.

Sharon: Well, I had on a blue long sleeve shirt and it had an embroidered and I had on some Levi's. And I didn't have on any shoes or socks. And I had on...

Sheriff: You, you didn't have any shoes on?

Sharon: No, Sir.

Sheriff: Did you have a brassier on?

Sharon: Yes.

Sheriff: Did you have any panties on?

Sharon: Yes.

Sheriff: Okay, and you ~~was~~ completely disrobed?

Sharon: Yes.

Sheriff: You took all your clothes off? Okay, ^{so} then he gets in the back seat with you. And what did he tell you when he got in the back seat?

Sharon: He didn't say nothing to me.

Sheriff: Just, ah, started having an affair he just ah.

Sharon: I asked him... I kept begging him not to do... hurt us or anything. And he told us it wouldn't hurt us or anything.

Sheriff: He was going to let you go. He wasn't going to hurt you in anyway.

Sharon: Except if we gave him ~~trouble~~ trouble.

Sheriff: If you gave him trouble... ah... How long of an affair was it that you and he had?

Sharon: About 30 minutes.

Sheriff: Now, like I told you, we, we going to have to talk straight talk here. Did he come in you?

Sharon: No, Sir.

Sheriff: Did he ejaculate in you? Did he reach a climax? Was there any white stuff that came out of his penis. This is what I'm trying to say. ~~XXXX~~ He came in you or did he pull out before he came in you?

Sharon: He came in me.

Sheriff: He came in you. Okay, then after ya'll got through, then what?

Sharon: I put on my clothes and he opened the trunk. And he made me get in the trunk with Keith and Karen. Then he started the car and we were going down the highway or something... I don't even know where we are. Then he was taking us down the gravel road. Another one and, ah, he stopped the car and he made my sister get out.

Sheriff: Uhuh, Did he know her by name?

Sharon: No, Sir.

Sheriff: How did he... when he stopped the car and opened the trunk what did he say?

Sharon: He said the other one get out.

Sheriff: The other one get out?

Sharon: Yes, Sir. So she got out and he locked me and Keith back up in the trunk.

Sheriff: Okay, now we don't want to say anything about her now. That's

her story. Okay, then what happened after he and Karen got through.
What happened then?

Sharon: Then he started the car and he took us to the graveyard and he
let us...

Sheriff: He was driving? all this time?

Sharon: Yes. And he took us to the graveyard and he let us out and he kept
saying there is a lot of dead people over here. I said yes. Ya'll
just might just be one of them, if ya'll even just smile. And so
after that he told us to bring him home. So Keith was bringing him
home and he dropped he made Keith drop him off by the bus station.
He got off by the bus station.

Sheriff: Okay, what did he do with Keith at any time. Did he do anything
to Keith at anytime?

Sharon: No, Sir.

Sheriff: Did he make you do any ~~XXXXX~~ other type of sex acts towards him?

Sharon: No, Sir.

Sheriff: You didn't do any other type of sex... you had an affair with him
just once?

Sharon: Yes.

Sheriff: Just one time.

Sharon: He said he knew about some shooting of police in Texas or something
and he said he knew about _____. And he asked if we knew Elaine.

Sheriff: Elaine?

Sharon: Elaine Lachney.

Sheriff: Elaine Lachney.

Sharon: We told him, well I don't know her, but I've heard of her. Heard
of her... ~~Dexy~~ He said do ya'll know her _____ We said ya. _____
He told us about He goes somebody going off where I can shot him.
About the two policemen from Texas.

Sheriff: Well, of course.. he was going to do ah... What did he tell you
he was going to do to ya'll if you told anybody?

Sharon: He was going to kill us. He was going to go home and he was
going to call some of his buddies. And he said it could go good or
it could go bad. He said if we ever opened our mouths.

Sheriff: After you had the affair with him did you bleed any?

Sharon: Yes.

Sheriff: You Bled. Like you were menstruating?

Sharon: Yes, Sir.

Sheriff: The panties you had on that night, what did you do with those?
Did you put them back on?

Sharon: Yes, Sir.

Sheriff: Now what did you do with those panties?

Sharon: I put them back on.

Sheriff: Yes, alright, after when you got home?

Sharon: I put them in the dirty clothes.

Sheriff: You put them in the dirty clothes?

Sharon: Yes, Sir.

Sheriff: Who washes the clothes?

Sharon: My grandmother.

Sheriff: Your grandmother. And those, have those panties been washed
since? Been Washed?

Sharon: Yes.

Sheriff: Are there any blood stains on them?

Sharon: I don't know.

Sheriff: How long after did she wash the panties? Do you know?

Sharon: It was the next day.

Sheriff: She washes clothes nearly every day?

Sharon: Yes, Sir.

Sheriff: She has a washing machine and she has a dryer?

Sharon: Yes, Sir.

Sheriff: Okay, Let me ask you this one question. Did ya'll, did you
ever hear Keith call this dude's name?

Sharon: Yes, Sir, he was calling this nut, his name at the filling station.
But, I don't remember what it was and he got mad at him and he kept
telling Keith that wasn't his name.

Sheriff: What did Keith call him?

Sharon: I don't even remember.

Sheriff: Could you describe him for me?

Sharon: The black man?

Sheriff: Yes, mam.

Sharon: He was sorta of short and he was husky, he was husky and all blacks
look alike to me so that I would know him if I ever saw him. And he was
husky.

Sheriff: What was he wearing *darling?*

Sharon: Oh, he had on some maroon pants and a black hat, know the ones that puff up right there.

Sheriff: What, tell me again?

Sharon: You know, the ones that fit tight right there and they puff up right there.

Sheriff: Yes.

Sharon: He had on a black hat like that and he had on a suit shirt.

Sheriff: He had on what?

Sharon: A silk shirt.

Sheriff: A silk shirt. And they were maroon pants. You didn't notice his shoes?

Sharon: No.

Sheriff: Have you seen this black dude since then? You have not seen him since then?

Sharon: No.

Sheriff: How long did you tell me ya'll stayed at the 7-11?

Sharon: About 30 minutes.

Sheriff: About 30 minutes. You say ya'll got there at about 9:30.

Sharon: About 9:00 o'clock.

Sheriff: About 9:00 o'clock. Let me ask you this. Talk about... did this dude smoke? He didn't smoke at all?

Sharon: Well, we had a pack of cigarettes in the car and he took it. I don't know if he smokes or not.

Sheriff: Were ya'll smoking any grass that night?

Sharon: No, Sir.

Sheriff: Did he talk to you about grass? You know what I'm talking about when I say grass?

Sharon: No, Sir. All he would talk... al he said was about you and you go and kind of/do as you want to.

Sheriff: He could steal any kind of booze that you wanted? I believe him to. Cause I say ah ah. Okay, Floyd, you may want to ask her some questions, go ahead.

Floyd: No, I was only curious about if she knew if this dude was dark black or what.

Sheriff: Was he dark black? Barbara you wanna ask her anything that might have come to your mind while we were talking?

Barbara: I'd rather not,

B-038

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

Sharon Sanders

am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dy. Decuir, Floyd Juneau & Major Didier without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

am 14 years of age, and I live at Brouillette St., Marksville, La.

I, Sharon Sanders along with my twin sister came to the Sheriff's Office on Monday, 22nd of May, 1977 to report a rape that happen to me on Monday, May 21st 1977 by a c/m. After talking to Sheriff Didier, Det. Floyd Juneau, Major Didier and Dy. Barbara Decuir, we gave a description of the black male. This subject was arrested the following day which was May 23, 1977 in the morning. We were accompanied to the Sheriff's Office by Dy. Decuir & Floyd Juneau. This was referred to identify the subject who rape me. I Sharon, looked at eight males, seven blacks and one white. Each subject had a number, wearing a number in the position that they were line up. After looking at the subject, I wrote the number down on a pad. The number I wrote down was number 4, as being the subject who raped me.

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, and I certify that the facts contained herein are true and correct.

at Avoy. Parish S. O., this 23rd day of May, 19 77.

WITNESSES: s/Dy. Barbara Decuir

S/Sharon Sanders

WITNESSES: s/Floyd Juneau

Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Sharon Sanders, am not under arrest for, nor am I being detained for any offenses concerning the events I am about to make known to Dep. DeCuir, Floyd Juncos & Major. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St.

I, Sharon Sanders, along with my twin sister, came to the Sheriff's office on Sunday 22, of May 1977 to report a rape that happen to me on Monday May 9th, 1977 by a C/M. After talking to Sheriff Dider, Det. Floyd Juncos, Major Dider and Dep. Barbara DeCuir, we gave a description of the black male. This subject was arrested the following day which was May 23, 1977 in the morning we were accompanied to the Sheriff's office by Dep. DeCuir and Floyd Juncos. This was reference to identify the subject who rape me. I, Sharon, looked at eight males, seven black, one white. Each subject had a number, wearing a number in the position that they were line up. After looking at the subject, I write the number down on a pad. The number I write down was number 4, as being the subject who raped me.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, bear my initials, and I certify that the facts contained herein are true and correct.

Witnessed at APSO, this 23 day of May 19 77

WITNESS: Dep. Barbara DeCuir

WITNESS: Floyd Juncos

Sharon Sanders
Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Sharon Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dy. Barbara Decuir, Capt. Juneau & Dilie. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St., Marksville, La.

trying to get air when he hit the top of the trunk to make us be quite. Me and Keith were quite when we heard Karen say no man please don't hurt us. Few minutes later we kept hearing Karen sayed, it hurt. When the black man made me take off my clothes and put one leg on the back of the front seat and the other leg on the back wind shield and then he the black man got on top of me and stayed there for about 30 minutes. Me and Keith stayed in the trunk about an hour and a half. Then we started to go. Karen and the black man were in the front seat and me and Keith in the back of the trunk. We were fiding about 20 min. when we stopped and he let us me and Keith out. When we got out we were at the Josephs grave yare (no. 1). The black man told us if he went down we went down with him and if we said anything his friends were going to kill us. He said we could play it hard are easy. Me Keith and Karen kept thanking him for not killing us. And we kept begging him not to kill us. Then he told Keith to bring home and we did we brought him to his house the street right next to the bus station. Before he got out the car he asked us if we knew about the ford place he told us a few of his friends were there the day of the shooting with them cops in Texas. We let him off at his house. And then we went home going miles on a flat tire. We got home at twelve o'clock that same night. And next three days I was sore and ~~xxx~~ could hardly walk. We me Keith and Karen this it to ourselves for two weeks. Then we finally came to the sheriff's department on May 22 and told them Sheriff Didier, Major Didier, Capt. Floyd, Dy. Barbara Decuir and me and my sister and cousin Keith told them of the of me and my sister because we were tired of holding it in and we didn't the black man running lose and doing what he did to us to someone else. When home my underware had blood and they were washed the next day. On May 23 identified the black man. Who had rapped us. The black man was short, husky and dark black color. He had on a diamond ring and a cross on his neck. His voice was in between soft and loud and his hair was cut close to his head. He

each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, and I certify that the facts contained herein are true and correct.

Avoy. Parish S. O., this 23rd day of May, 1977.

Dy. Barbara Decuir

S/Sharon Sanders

Signature of person giving voluntary statement.

B-044

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Sharon Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to By. Decuir, Capt. Juneau & Major Didier. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St., Marksville, La.

I Sharon and my twin sister Karen and my first cousin Keith stopped at 7-Eleven on Tunica Drive on May 9, 1977 to get \$2.00 worth of gas. A black man was standing by the gas pump when he started to pick a fight with my cousin Keith. Keith told him the black man he didn't want to fight but the black man said he didn't fight he just shoots. Then the black man shock hands with Keith and we all talked awhile. When we got the gas the black man went in 7-11 and told the lady working that we didn't get our class but we did so we put 2 more dollars of gas without paying. When he came out the store he asked Keith to take him to a party down the road. Keith said yes he would. Keith and me and Karen were arrested. So we took the black man where he wanted to go. Which was Little California Road. There we stopped and told Keith to get out of the car. Him and Keith got in the trunk of the car and put him in the trunk. He told me and my twin sister Karen if we reached for a gun he had one too. He told me and my sister Keith to take off our clothes. My sister Karen started to run. So he put her in the trunk with Keith and told me to take off everything so I did. Then he told me to get in the back seat. He only had his pants undone. He had an affair with me for thirty minutes. Then he let me put back on my clothes and put me in the trunk with Keith and Karen. The black man took us for a ride in the trunk which we couldn't breathe. Everytime Keith would try and open the trunk. The black man would stop and knock on the trunk. So we would be quite. All three of us me, Karen and Keith stayed in the trunk about five or ten minutes. We went down a road where dust and everything was getting in the trunk and we could hardly breathe. Then we stopped and he opened the trunk and told us if we opened our mouths a few of his friends was going to kill us. And he said he was thinking about shooting us or just letting the car roll down in the lake with us in the trunk. Then he asked for my twin sister to get out of the trunk. He also said that Keith and Karen were real tight. Then he closed the trunk and me and Keith were still in the trunk. And my twin sister was in the car. Me and Keith kept moving

I have signed each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, and my initials, and I certify that the facts contained herein are true and correct.

Avoy, Parish S. O., this 23th day of May, 19 77.

s/Dy. Barbara Decuir

S/ Sharon Sanders

Signature of person giving voluntary statement.

B-045

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Sharon Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dy. Decuir, Capt. Juneau & Major Didier. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St., Marksville, La.
had bacroone paints and a diffreent a colored silk shirt. He had on a black
sade hat.

each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, by initials, and I certify that the facts contained herein are true and correct.

Avoy. Parish S. O., this 23rd day of May, 1977.

/Dy. Barbara Decuir

S/Sharon Sanders
Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Keith Laborde, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dep. Delciv, Floyd Gursau, Major Didier. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 18 years of age, and I live at Rt 2 Box 263 Marksville, La.

kill us. But she talked him out of it. I don't know how, but she did. The black subject finally stopped. He let Sharon and I out of the trunk. It was at the graveyard. It was St. Josephs graveyard. The Black drove all the way from the last place we stopped to the graveyard on a flat. We took him to Felix St. We went all the way down and came back up. We stopped about 3 houses from the beginning of the street. He got out and ran towards the back of the street. We went to my grandparents house. We got there at about 10 min. after 12 O'clock. We didn't say what happened.

On the 22nd day of May, Karen told my sister what happened, then my sister told my father, mother, the whole family. They then came over to the Sheriff's department and reported it. On the 23rd day Fabius Didier Jr. picked me up at work. He brought me to the Dept. to make out who the Black was in a line up. Sharon and Karen came too. We all picked out the Black. There were 8 males, 7 Black and one white. They all had numbers on their shirts. When I identified the Black subject I wrote his number on a pad. The number was 4.

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

I at APSO, this 23 day of May, 1977.

ESS: Dep. Barbara Delciv
ESS: Floyd Gursau

Keith Laborde
Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Sharon Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dep. Delier, Floyd Gussow + Majors. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brevillette St. Marksville, La.

I Sharon, ~~my~~ and my twin sister Karen and my first cousin Keith stopped at 7-Eleven on Junica Dr, on May 9th to get \$2.00 worth of gas. A black man was standing ~~my~~ By the gas pump when he started to pick a fight with my cousin Keith. Keith told him the black man he didn't want to fight but the black man said he didn't fight he just shoots. Then the black ^{man} shook hands with Keith and we all talked awhile when we got the gas the black man went in 7-11 and told the lady working that we didn't get our class but we did so we put 2 more dollars of gas without paying. When he came out the store he asked Keith to take him & a party down the road. Keith said as he would. Keith and me and Karen were scared so we took the black man where he wanted to go, which was Littlefield Road. There we stopped and told Keith get out of the car. Him and Keith went to the trunk of the car and put him in a trunk. He told me and my twin sister when if we reached for a gun he had too. He told me and my sister Karen take off our clothes. My sister Karen tried to run so he put her in the trunk with Keith. And told me to take

I have signed each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, and I certify that the facts contained herein are true and correct.

APSO, this 23 day of May 19 77.

Dep. Barbara Delier

Sharon Sanders

Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Darius Andrew, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Sgt. Belin, Floyd Jenson, Majas Qid. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 4 years of age, and I live at Brookside St. Marksville La.

to get air when he hit the top of the trunk to make us be quiet. Me and Keith were quiet when we heard Karen say no man please dont hurt us. Few min later we kept hearing Karen sayid it hurt when ~~we~~ the black man made me take off my clothes and put one leg on the back of the front seat and the other leg on the back wind shield and then ~~he~~ he black man got on top of me and stay here for about ~~10~~ 30 mins. Me and Karen each stayed in the trunk about an hour and hour and a half. Then we started to go. Karen and the black man were in the front seat and me and Keith in the back of the trunk. We were riding out 20 mins. when we stopped and he hit us me and Keith out ~~we~~ when we got out we were at the St. Joseph House (no. 11). The black man told us if he went in we went down with him and if we did anything his friends was going to kill us and we could play it hard as easy. Me Keith and Karen kept thanking him for not hurting us. And we kept begging him not to go. Then he told Keith to bring him home we did we brought him to his house the street next to the bus station. Before he got

I each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any initials, and I certify that the facts contained herein are true and correct.

APSC, this 23 day of May 19 77.

Sgt. Lawrence Belin

Sharon Sanders

Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

Sharon Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dep. Delun, Floyd Jurnan, Major Lidier out being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

14 years of age, and I live at Smellitt St. Meriside La.

Out the car he asked us if we knew a lot the ford place. And he told us few of his friends were there the day the shooting with them the cops in Texas. He hit him off at his house. And then we went home going five miles on a flat tire we got home at twelve o'clock that one night. And the next three days I was there and could hardly walk. We me Keith & Karen kept this to our selfs for the sake. Then we finally come to the sheriff department on May 22 and told them Sheriff Lidier, Major Lidier, Captain Floyd Jurnan, Lie. Barbara. And me and my sister and cousin Keith told them of the rape of me and my sister cause we were tired of holding it in and I didnt want the black man running loose I doing what he did to us to someone. When I got home my underwear had blood and they were washed the next day. May 23 we identified the Black man who had raped us. The Black man was short, husky and a dark Black color. He had on a diamond ring and a cross on his neck. His voice was in between soft and loud. And his hair was cut close to his head. He had baritone pants and a different colored silk shirt. He had on a black saddle hat.

I read each page of this statement consisting of 4 page(s), each page of which bears my signature, and corrections, if any, or my initials, and I certify that the facts contained herein are true and correct.

APSC, this 23 day of May 1977.

Dep. Barbara Delun

Sharon Sanders

Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

Karen Sanders

I, Karen Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dy. Decuir, Floyd Juneau & Major Didier. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St., Marksville, La.

I Karen Sanders and my twin sister Sharon along with my first cousin Keith drove up to 7-11 on Tunica Dr. there stood a black man at the pumps. Keith then almost hit him with the car Keith and the black man started fussing back and forth then made friends while I was paying for the gas like we had went to do in the first place. Then walked outside and the lady in the store came over the speaker and said "sir did you get your gas yet." Keith then answered "yes we did" the black guy "said" ~~xmm~~ ya'll crazy who paid for the gas? I the replied "I did" the black man said, good come on. So the black man and I walked into the store" he said to the lady that was in charge of the store "This lady here didn't meaning no harm, get her gas." The lady turn to me and said "you didn't get you gas?" I said "no" Then she turned on the pumps for us to get 2 dollars of gas we already had. Then after that we all stood talking, the black man then asked we could take him to a party then to his house. Keith said says. He then start giving direction down all kinds of roads but, I remember passing Black Beards Puen about 15 mins. of turning down roads he made Keith pull over. He took the keys from Keith and made him get in the trunk. He over to where me and sister were he told us to undress, my sister did like told. I tried to run but decide not to endanger their lives. for trying to run he put, me in the trunk with Keith and then raped my sister. After raping my sister he put all three of us in the trunk and began driving down the street a little way and stopped again. Opened the trunk and made me get out. Then closed the trunk again. Thats when I saw him move a gun from his pants and place it on the hood then into his boot. He told to undress so I did he raped me through the front then through the rectum the rough mouth before he asked me "have you ever blew off anyone? I said "no". then he replied "you have now and made me then suck him. After that while getin essed he pulled a knife asking me it I ever had my neck cut. I said no. start crying and begging him to leave me alone so he did. Then opened the trunk and moved a large tank with a little bit of gas and ~~xxx~~ pour it on the ground. For

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, and I certify that the facts contained herein are true and correct.

Made at Avoy. Parish S. O., this 23rd day of May, 19 77.

WITNESS: s/Dy. Barbara Decuir S/Karen Sanders

WITNESS: _____ Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Karen Sanders

am not under arrest for, nor am I being detained for any criminal

offenses concerning the events I am about to make known to Dy. Decuir, Capt. Juneau & Major Didier. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St., Marksville, La.

what reason I don't know. Then closed the trunk leaving me out. And making me ride in front with him all the way to the St. Joseph No. 1 grace yard and stopp
he got out and open the trunk and let Keith and Sharon out, telling us if we
told anybody he might go down but, his buddy's would get us. So two weeks went
by scared to go to school before telling anyone. Then when we did they made us
go to the Sheriff's Dept. on May 22, 1977. On May 23, 1977 we went to the
Sheriff's Office for a line up we picked the guy out a kind of short husky guy
tattoo on his arm his hair was cut close to his head. We let him off by the bus
station and began home.

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Witnessed at Avoy. Parish S. O., this 23rd day of May, 1977

NESS: s/Dy. Barbara Decuir S/Karen L. Sanders

NESS: _____ Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

Karen Sanders

I, Karen Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dy. Decuir & Floyd Juneau without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St., Marksville, La.

I, Karen Sanders, along with my twin sister came to the Sheriff's Office on Monday, 22nd of May, 1977 to report a rape that happen to me on Monday, May 9th, 1977 by a c/m after talking to Sheriff Didier, Det. Floyd Juneau, Chief Didier and Dy. Barbara Decuir. After the interview we gave a description of the black male. This subject was arrested the following day which was May 23, 1977. We were accompanied to the Sheriff's Office by Dy. Decuir and Floyd Juneau. This was for reference to identify the subject who rape me. I Karen, looked at eight males, seven blacks, one white. Each subject had a number. Wearing a number in the position that they line up after looking at the subject, I wrote down on a pad. The number I wrote down was number 4 as being the subject who raped me. In addition to the statement this was the subject who put the knife to my throat.

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, near my initials, and I certify that the facts contained herein are true and correct.

at Avoy. Parish S. O., this 23rd day of May 19 77.

WSS: s/ Dy. Barbara Decuir

S/ Karen L. Sanders

WSS: s/ Floyd Juneau

Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Karen Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dep. Delciv, Floyd Juneau, Mass. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St. Marksville, La.

I Karen Sanders and my twin sister Sharon along with my first cousin Keith drove up to 7-11 on Tunica. There stood a Black man at the pumps. Keith then almost hit him with the car. Keith and the Black man started fussing back and forth. Then made friends while I was paying for the gas like we had went to do in the first place. Then walked out side and the lady in the store came over the speaker and said "sir did you get your gas yet" Keith then answered "yes we did". The black guy said "ya'll crazy who paid for the gas?" I then replied "I did". The black man said "good come on. so the Black man and I walked into the store". He said to the lady that was in charged of the store "This lady here didn't get her gas". The lady turn to me and said "you didn't get your gas?" I said "no". Then she turned on the pumps for us to get 2 dollars of gas we already had. Then after that we all stood talking, the Black man then asked if we could take him to a party then to his house. Keith said says. He then started giving direction down all kinds of roads but, I remember passing Black Beards Pub. Then about 15 mins of turning down roads he made Keith pull over. He took the keys from Keith and made him get in the trunk. He over to where me and sister where he told us to undress my sister did like told. I tried to run but decided not to endanger their lives.

I read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

I at APSO, this 23 day of May 19 77.

WITNESSED BY: Dep. Barbara Delciv

Karen L. Sanders

Signature of person giving voluntary statement.

WITNESSED BY: _____

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Karen Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dep. DeCuir, Floyd Jumeau, Mayor Dick. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St. Marksville, La.
for trying to run he put me in the trunk with Keith. And then raped my sister. After raping my sister he put all three of us in the trunk and began driving down the street a little way and stopped again. opened the trunk and made me get out. Then closed the trunk again. That's when I saw him remove a gun from his pants and place it on the hood then into his boot. He told me to undress so I did he raped me through the front then through the rectum then through mouth before he asked me "have you ever blew off anyone?" I said "no" Then he replied "you have now and, made me then suck him. After that while getting dressed he pulled a knife asking me if I ever had my neck cut. I said no, started crying and begging him to leave me alone so he did. Then opened the trunk and removed a ~~big~~ large tank with a little bit of gas and pour it on the ground. For ~~what~~ what reason I don't know. Then closed the trunk leaving me out. and making me ride in ~~the~~ front with him all the way to the St. Joseph ^{number} grave yard and stopped he got out and open the trunk and let Keith and Sharon out, telling us if we told anybody he might go down but, his ~~best~~ buddy's would get us. So two weeks went by scared to go to school

I read each page of this statement consisting of 2 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

I at APSO, this 23 day of May, 19 77.

WITNESSED BY: Dep. Barbara DeCuir

Karen L. Sanders

Signature of person giving voluntary statement.

WITNESSED BY: _____

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Karen Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dep. DeCuir, Floyd Juneau, Major D.D. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St. Marksville La before telling anyone. Then ~~we~~ when we did they made us go to the sheriff's office on May 22, 1977. On May 23, 1977 we went to the Sheriff's office for a line up we picked the guy out a kind of short husky guy tattoo on his arm his hair was cut close to his head. we let him off by the bus station and began home.

He also had cross on his neck a ring on his finger he was wearing macron pants Brown Boots his shirt was cut all around with no sleeves. I ~~to~~ all so left my underwear the place of the raping.

I have read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, near my initials, and I certify that the facts contained herein are true and correct.

at APSO, this 23 day of May, 1977.

SS: Dep. Genevieve DeCuir

Karen L. Sanders

SS: _____

Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

Karen Sanders

I, Karen Sanders, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dep. DeCuir + Floyd Gurnea without being accused of or questioned about any criminal offenses regarding the facts I am about to state. I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 14 years of age, and I live at Brouillette St. Marksville.

I, Karen Sanders, along with my twin sister came to the Sheriff's office on Sunday 22 of May 1977 to report a rape that happen to me on Monday May 9th, 1977 by a C/M after talking to Sheriff Didier, Det. Floyd Gurnea, Chief Didier and Dep. Barbara DeCuir. After the interview we gave a description of the black male. This subject was arrested the following day which was May 23, 1977. We were accompanied to the Sheriff's office by Dep. DeCuir and Floyd Gurnea. This was reference to identify the subject who rape me. I, Karen, looked at eight males, seven black, one white. Each subject had a number, wearing a number in the position that they were line up. After looking at the subject, I wrote it down on a pad. The number I wrote down was number 4 as being the subject who raped me. In a condition to the statement this was the subject who put the knife to my throat.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Dated at APSO, this 23 day of May, 1977

WITNESS: Dep. Barbara DeCuir

KAREN L. Sanders

Signature of person giving voluntary statement.

WITNESS: Floyd Gurnea

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

Keith Laborde am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dv. Decuir, Floyd Juneau & Chief Didier without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

am 18 years of age, and I live at Rt. 2 Box 263, Marksville, La.

On the 9th day of May I went to my grandparents down Brouillette road. I stayed there a while and then we left. Sharon and Karen came with me to my house in the Fifth Ward to help me clean up. We left from the house at approximately 9:00 and stopped at 7-11 on the way back to get some gas. As I drove up, the black person stood there starring at me as if he wanted to fight. I got down and said "What's going on?" He said, "you". I asked, "What's wrong man?", if you want to fight I will I guess, but I don't feel like it right now." He said, "I don't fight, I don't shoot. We talked a while and shook hands. I got 2 dollars of gas. The lady cashier in the store asked me through the microphone if I got the gas so I told her yes. We talked a while and the black subject said, why don't you get yourself 2 more dollars of gas. I told him no. He, the black subject, went and told the lady that I didn't get my gas so I put 2 more dollars of gas. The black subject wanted us to go to a party someone was having, but we told him no. The black subject wanted a ride home so I said, "well there's no harm in that." So he got in the car. He sat in the back and the girls and I sat in the front. I was driving. We drove down Tunica Drive and turned right at Rodger's Used Car Lot. I saw the road on the right which connects the Hessmer highway. We turned left onto the Hessmer highway. As we were going, he asked us if we smoked pot. We said sometimes. He asked us if we had any. Karen said yes. She had 2 small roaches and took the tobacco out of a cigarette paper and put the pot in it. It wasn't even enough to light. Well it was very little. We didn't smoke it. The black subject told us to turn right on the Little California road. I turned right. We pulled over in a driveway on the left side of the road. I think it was a driveway to a camp. We stopped there and the black started telling me that he could bust me and that the Sheriff was watching me and that I could get 10 years in prison for contributing to a minor and that I could get in trouble for being with Sharon and Karen. He told me to go farther down the road. I said no and he said Keith go further down the road. I said what for. He just said, "Go." He kept reaching

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Witnessed at Avoy. Parish S. O., this 23rd day of May, 1977.

WITNESS: s/Dv. Barbara Decuir _____

s/Keith Laborde _____

WITNESS: s/Floyd Juneau _____

Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

Keith Laborde

am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dy. Decuir, Floyd Juneau & Major Didier without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

am 18 years of age, and I live at Rt. 2 Box 263, Marksville, La.

his hand in the back of his pants. He had a gun. I didn't see the whole gun, but I saw part of the handle. I wasn't gonna argue with him so I did what he said. We went farther down the road and turned off to the right. He made me get out and get into the trunk. I heard him tell Sharon to take them off. Take them off. Karen started screaming so he put her in the trunk with me and he raped Sharon. After Sharon, he raped Karen. After he finished he put us all in the trunk. He took us to some gravel road. I don't know where it was. He stopped and asked for a siphoning hose to drain the gas out. He took the lug wrench and put it in my gas tank. He took Karen out of the trunk and raped her again. He kept Karen with him. I heard him tell Karen that he would have kill us. But she talked him out of it. I don't know how, but she did. The black subject finally stopped. He let Sharon and I out of the trunk. It was at the graveyard. It was St. Josephs grav eyard. The black drove all the way from the last place we stopped to the greaveyard on a flat. We took him to Felix St. We went all the way down and came back up. We stopped about 3 houses from the beginning of the street. He got out and ran towards the back of the street. We went to my grand parents house. We got there at about 10 minutes after 12:00. We didn't say what happened. On the 22nd day of May, Karen tole my sister what happened, then my sister told my father, mother the whole family. They then came over to the Sheriff's Dept. and reported it. On the 23rd day, Fabius Didier picked me up at work. He brought me to the Dept. to make out who the black was in a line up. Sharon and Karen came too. We all picked out the black. There were 8 males, 7 blacks and one white. They all had numbers on there shirts. When I identified the black subject I wrote his number on a pad. The number was 4.

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Witnessed at Avoy. Parish S. O. this 23rd day of May 1977.

WITNESS: S/Dy. Barbara Decuir

S/Keith Laborde

WITNESS: s/Floyd Juneau

Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Keith Labarde, am not under arrest for, nor am I being detained for any criminal offenses concerning the events I am about to make known to Dep DeCuir, Floyd, Jumaan & Chief Sidner. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 18 years of age, and I live at Rt 2 Box 263 Marksville, La.

On the 9th day of May I went to my grandparents house down Brouillette road. I stayed there a while and then we left. Sharon and Karen came with me to my house in Fifth Ward to help me clean up. We left from the house at approx. 9:00. We stopped at 7-11 on the way back to get some gas. As I drove up, the black person stood there staring at me as if he wanted to fight. I got down and said, "What's going on?" He said, "You." I asked, "What's wrong man?" He said, "If you want to fight I will I guess, but I don't feel like it right now." He said, "I don't fight & shoot." We talked a while and shook hands. I got 2 dollars of gas. The lady worker in the store asked me through the microphone if I got the gas, so I told her yes. I talked a while and the black subject said why don't you get yourself 2 more dollars of gas. I told him no. He, the black subject, went and told the lady that I didn't get my gas, so I put 2 more dollars of gas. The black subject wanted us to go to the a party someone was having, but we told him no. The black subject wanted a ride home, so I said, "well there's no harm in that." So he got in the car. He sat in the back and the girls and I sat in the front. I was driving. We drove down Tunica and turned right at Rodger's Used Car Lot. I mean the road on the right which connects the Hessmer Highway. We turned left on the Hessmer highway. As we were going, he asked if we smoked pot. We said sometimes. He asked us if we

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if any, bear my initials, and I certify that the facts contained herein are true and correct.

Witnessed at APSO, this 23 day of May, 19 77.

WITNESS: Dep Barbara DeCuir

WITNESS: Floyd Jumaan

Keith Labarde
Signature of person giving voluntary statement.

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

I, Keith Laborde, am not under arrest for, nor am I being detained for any crimina

offenses concerning the events I am about to make known to Dep. DeCuir, Floyd Jansou, Major Didier. Without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the following information of my own free will, for whatever purposes it may serve.

I am 18 years of age, and I live at Rt 2 Box 263 Marksville, La.

kill us. But she talked him out of it. I don't know how, but she did. The black subject finally stopped. He let Sharon and I out of the trunk. It was at the graveyard. It was St. Josephs graveyard. The Black drove all the way from the last place we stopped to the graveyard on a flat. We took him to Felix St. We went all the way down and came back up. We stopped about 3 houses from the beginning of the street. He got out and ran towards the back of the street. We went to my grandparents house. We got there at about 10 min. after 12 o'clock. We didn't say what happened.

On the 22nd day of May, Karen told my sister what happened, then my sister told my father, mother, the whole family. They then came over to the Sheriff's department and reported it. On the 23rd day Felix Didier Jr. picked me up at work. He brought me to the Dept. to make out who the Black was in a line up. Sharon and Karen came too. We all picked out the Black. There were 8 males, 7 Black and one white. They all had numbers on their shirts. When I identified the Black subject I wrote his number on a pad. The number was 4.

I read each page of this statement consisting of 3 page(s), each page of which bears my signature, and corrections, if any, and I certify that the facts contained herein are true and correct.

at APSO, this 23 day of May, 1977.

SS: Dep. Barbara DeCuir

SS: Floyd Jansou

Keith Laborde

Signature of person giving voluntary statement.

SUPPLEMENTARY REPORT

Investigation & Shooting of Vincent Simmons

NO.

Classification

Name of Complainant

Address

Phone No.

Avoyelles Parish Sheriff's Dept., Marksville, La.

Investigation & Shooting of Vincent Simmons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Case No. 1

Date 5-23 1977

On May 23, 1977 approximately 7:00 a.m. I, Deputy Robert J. Laborde, Jr. of Avoyelles Parish Sheriff's Dept. was assigned to assist Capt. Floyd Juneau in investigation of two aggravated rape victims.

Approximately 9:00 a.m. this date, Capt. Juneau and I arrested Vincent Simmons in connection with this case. He was advised of his rights and waiver was signed by Vincent Simmons. A line up was established consisting of eight subjects. Simmons was identified by two victims. He (Simmons) was taken to our I.D. room for fingerprinting and mug shots (pictures). He had been advised of the charges against him which was 2 cts. of aggravated rape. Inside of the I.D. room were Vincent Simmons, Melvin Villemarette, Burton Dauzat and myself. I was filling out the reports in reference to this case. Melvin Villemarette was also filling out forms. I was seated behind Capt. Dauzat's desk, Melvin was seated to my left. Capt. Dauzat walked out of the room. Vincent Simmons was pacing the floor saying he would not take the rap for these charges. He said "you can take my life but I want to take this rap." We said nothing and were filling out our reports. All of a sudden we heard a scuffle and I saw Vincent Simmons with Melvin's gun. He had it in his right hand pointing it at Melvin and I. He (Simmons) shouted "I ain't going to take this god Damn rap" He (Simmons) was backing up facing Melvin and I pointing the gun at us. He backed up against the front (hall) door. Melvin went for him attempting to take the gun away. I shouted to Melvin telling him to move out of the way. By this time I had my gun .38 Smith & Wesson police special, out of my holster. Vincent had Melvin's (mm) semi automatic gun in his hand. Melvin leaned to the left and I saw Vincent's left shoulder was clear from Melvin. I fired and hit Simmons on the left shoulder. Simmons dropped in Melvin's arms and dropped the gun at the same time. I got on the intercom and buzzed Capt. Kimble and told him to get an ambulance right away that I had just shot Vincent

INVESTIGATING OFFICER(S) Villemarette & Laborde 26 REPORT MADE BY Robert J. Laborde DATE 5-23-

CASE FILED

28 THIS CASE IS

29 APPROVED BY

Yes [] No []

Cleared by arrest []

Unfounded []

Inactive []

Other []

SUPPLEMENTARY REPORT

Investigation & Shooting of Vincent Simmons

NO. _____ Classification _____ NO. _____

Name of Complainant _____ Address _____ Phone No. _____
Avoy. Parish Sheriff's Dept., Marksville, La.

Offense _____
Investigation & Shooting of Vincent Simmons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Page No. 2 Date 5-23 1971

Simmons. Sheriff Didier, Capt. Floyd Juneau, Burton Dauzat, Fabius Didier, Jasper Williams, Morris Ravare, Henry Ponthier came up right after the shooting. Sheriff Didier called Dr. F. P. Bordelon right away. Dr. F. P. Bordelon examined Vincent Simmons and requested he be taken to a hospital. Melvin and I gave statements reference to this incident to Dr. F. P. Bordelon.

I want to make note that after Capt. Floyd Juneau and I arrested Vincent Simmons and arrived on ~~out~~ lot, Avoy Parish Sheriff Dept. I asked Vincent if he had a knife. He was out of the unit at this time. He said "yes I have my piece in my hand." I opened his left hand and saw a pocket knife. I told him to release it to me. He said no, that he would release it once he got upstairs and found out all the details were. I forced his hand open and took the knife away from him.

The Supplementary report was written by, myself, Robert J. Laborde, Jr. This report is consisting of the experience of this incident by Melvin Villemarette and Robert J. Laborde, Jr.

INVESTIGATING OFFICER(S) Villemarette & Laborde 26 REPORT MADE BY Robert Laborde DATE 5-23-71

CASE FILED _____ 28 THIS CASE IS _____ 29 APPROVED BY _____
Yes No Cleared by arrest Unfounded Inactive Other

SUPPLEMENTARY REPORT

Investigation & Shooting of Vincent Simmons

NO.

Classification

Name of Complainant

Address

Phone No.

Woyelles Parish Sheriff Dept. Marksville, La.

Investigation and Shooting of Vincent Simmons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Case No. 012

Date 5/23 1977

On May 23, 1977 approx. 7:00 A.M. I Deputy Robert Faloud Jr. of the Woyelles Parish Sheriff Dept. was assigned to assist Capt. Floyd Jureau in the investigation of two agg. Rape Victims.

Approx. 9:00 A.M. this date Capt. Jureau & I arrested Vincent Simmons in connection with this case. He was advised of his rights and a waiver was signed by Simmons. A lineup was established consisting of eight subjects. Simmons was identified by two victims. He (Simmons) was taken to the I.D. room for fingerprinting and mug shots (pictures). He had been advised of the charges against him which was 2 acts of agg. Rape.

Inside of the I.D. room were Vincent Simmons, Melvin Villmarquette, Brenta Douzat and myself. I was filling out the reports ref. to this case. Melvin Villmarquette was also filling out forms. I was seated behind Capt. Douzat's desk, Melvin was seated to my left. Capt. Douzat had walked out of the room.

~~At this time~~ Vincent Simmons was facing the floor saying he would not take the rap for these charges. He said "you can take my life but I won't take this rap." we said nothing and were filling out our reports. All of a sudden I heard a scuffle and I saw Vincent Simmons with Melvin's gun. He had it in his right hand pointing it at Melvin.

INVESTIGATING OFFICER(S)

26 REPORT MADE BY

Melvin Villmarquette DATE 5/23
Robert Faloud Jr.

CASE FILED

28 THIS CASE IS

29 APPROVED BY

Yes No Cleared by arrest Unfounded Inactive Other

SUPPLEMENTARY REPORT

Investigation & Shooting of Vincent Simons

Classification

NO.

Name of Complainant

7 Voyageur Parish Sheriff Dept.

Address

Phone No.

Offense

Investigation & Shooting of Vincent Simons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:

(Investigating Officer must sign)

Two

Page No.

Date

5/23

1972

and I. He (Simons) shouted "I ain't going to take this god damn rap" He (Simons) was backing up facing Melvin and I pointed the gun at us. He backed up against the front (Hall) door. Melvin went for him, attempting to take the gun away. I shouted to Melvin telling him to move out of the way. By this time I had my gun, .38 Smith and Wesson Police Special, out of my holster. Vincent had Melvin's 9MM semi auto watic gun in his hand. Melvin leaped to the left and I saw Vincent. His shoulder was close from Melvin. I fired one round hit Simons on the left shoulder. Simons dropped ~~in~~ in Melvin's arms and dropped the gun at the same time. I got on the intercom and buzzed Capt. Kimble's office and told him to get an ambulance right away that I had just shot Vincent Simons. Sheriff Dedin, Capt. Floyd Bureau, Lt. Daurat, Fabiane Dedin, Jasper Williams, Morris Bavaie, Henry Duthier came up to the shooting. Sheriff Dedin called Dr. F. P. Bordelon right away. Dr. F. P. examined Vincent Simons and requested he be taken to a Hospital. Melvin and I gave statements reference to this incident to Dr. F. P. Bordelon.

Melvin Villemaire
Robert Fabrice

Investigating Officer(s)

26 REPORT MADE BY

DATE 5/23/72

27 CASE FILED

28 THIS CASE IS

29 APPROVED BY

Yes No Cleared by arrest Unfounded Inactive Other

SUPPLEMENTARY REPORT

Investigation & Shooting of Vincent Simons

NO. _____

Classification

NO. _____

Name of Complainant

Address

Phone No.

Avoyle's Parish Sheriff Dept.

Offense

Investigation & Shooting of Vincent Simons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Page No.

Three

Date

5/23 1972

I want to make note that after Capt. Floyd Juvenal and I arrested Vincent Simons and arrived on our lot, Avoyle's Parish Sheriff Dept I asked Vincent if he had a knife. He was out of the unit at this time. He said "yes I have my piece in my hand" I opened his left hand and saw a pocket knife. I told him to please it to me. He said no, that he would release it once he got upstairs and found out what all the details were. I forced his hand open and took the knife away from him.

This supplementary report was written by myself, Robert J. Labadie. This report is consisting of the experience of this incident by Melvin Villamarie and I Robert J. Labadie.

25 INVESTIGATING OFFICER(S)

26 REPORT MADE BY

Melvin Villamarie
Robert J. Labadie DATE 5/23

27 CASE FILED

28 THIS CASE IS

29 APPROVED BY

Yes No Cleared by arrest Unfounded Inactive Other

SUPPLEMENTARY REPORT

RAPE
Classification

NO. _____

Complainant REN + SHARON SANDERS Address Brouillette Rd. Phone No. 253-956

RAPE

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Date 5-25 1977

On Sunday, May 22, 1977, I was called in to assist in the investigation of a possible rape case. The victims were Karen and Sharon Sanders who live on Brouillette Rd., in Marksville. Keith Laborde was also a witness. Karen + Sharon Sanders is 14 yrs. old Keith is 18 yrs. old. On the 22nd of May, the two girls reported being raped on Monday, May 22nd, 1977 at about 9:00 P.M. Karen and Sharon came to the S.O. about 5:30 P.M. on the 22nd of May after their Uncle, John Labord called the Sheriff and told him what had happened. Det. Floyd Juneau, Major Didier, and myself were called in to investigate the case. On the 22nd of May, I had the girls come in the Sheriff's office and had each girl tell their story, one by one and each was tape recorded. Keith Laborde came to the S.O. later that night and he also gave his story and it was recorded on tape. Major Didier took Keith to go see the place where the rape had taken place. Major Didier took some pictures of the place. The place was about 2 1/2 mi. off LA 115 known as the Little Calif. Keith, Karen and Sharon had gone to the 7-11 on Juncea Drive to get some gas. Vincent Simmons C/M who was later identified as the suspect, was standing by the gas pump looked like he wanted to fight with Keith. Keith got out of his car and ask the suspect what was

INVESTIGATING OFFICER(S) Capt. Juneau, Major Didier, Det. Delina REPORT MADE BY Det. Barbara Delina DATE 5-25-77

FILED 28 THIS CASE IS 29 APPROVED BY
 No Cleared by arrest Unfounded Inactive Other

SUPPLEMENTARY REPORT

NO. _____

Rape

Classification

NO. _____

Name of Complainant

Karen + Sharon Sanders

Address

Brouillette Rd.

Phone No.

253-9569

Offense

Rape

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Page No. 2

Date 5-25 1975

the matter. The suspect told him "you." Keith told Vincent Simmons he didn't want to fight; Simmons said, "don't fight, I shoot." Keith got to talk to Simmons and Simmons became friendly. Keith had put \$2.00 of gas and had gone and paid it. Simmons told them that they could get \$2.00 more dollars of gas because it was easy to steal from this store. Simmons asked them who paid for the gas, Karen said she had. Simmons told Karen to go in the store with him. Simmons told the lady in the store that Karen hadn't got her gas yet. So they got \$2.00 of gas again. Simmons asked Keith if he would take him to a party. Keith told him yes. Keith, Karen and Sharon was up front and Simmons sat in the back seat. They passed Blackbeard's going on LA 1 S. of Marksville. turning on the Action Rd in Marksville going all the way down Action road meeting the Deshaussier Hwy. Then they turned off of LA 115 on the Little Calif. Rd. Simmons told Keith to stop after they had gone on the Little Calif. Rd. Simmons told Keith how he could get into trouble being with the two girls. Keith could see Simmons reach his hands in his back pants like he had a gun. Simmons told Keith to drive farther down and. Keith asked what for. Simmons told him just to go. When they stopped Simmons made Keith get into the trunk of the car. He told the girls to get undress. Sharon

INVESTIGATING OFFICER(S) Capt. Gansau, Major Dickey, Dep. DeCuir REPORT MADE BY Dep Barbara DeCuir DATE 5-25-75

FILED

28 THIS CASE IS

29 APPROVED BY

No Cleared by arrest Unfounded Inactive Other

SUPPLEMENTARY REPORT

RaPE
Classification

NO. _____

Name of Complainant

Address

Phone No.

Karen and Sharon Sanders

Brouillette Rd

253-9569

Offense

RaPE

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Case No. 3

Date 5-25 1972

undress because she was scared. Karen tried to run but decided not to. Simmons then put Karen into the trunk with Keith. Simmons made Sharon get into the back seat with all her clothes off. Then raped her. Then he put Sharon in the trunk with Karen and Keith. Simmons drove a little ways with all 3 people in the trunk. They were going on a dirt road because all 3 people couldn't breathe because dust was coming in through the trunk and they couldn't breathe. After Simmons drove for about 10 minutes he stopped again and made Karen get out of the trunk leaving the other 2 in the trunk. When he got Karen out he put his gun on top of the car then he put the gun in his boot. Simmons told Karen to undress and made her get into the car. Simmons had oral sex with her, then in the rectum and then he made her suck him off. After Simmons did all of this, he told Karen to get dressed. While she was getting dressed, Simmons placed a knife at her neck and asked her if she had ever been cut. Karen said no and started crying and Simmons left her alone. Karen left her panties at the scene, but when Major Didier went ~~back~~ to the scene the panties weren't there. This was a 2 weeks period between the time the rape was committed and it being reported to the Sheriff's office. Simmons cut ~~the~~ one of the tires on the car. He made Karen sit up front with him and left

INVESTIGATING OFFICER(S) Capt. Gannon, Major Didier, Dep. Delaur 26 REPORT MADE BY Dep. Barbara Delaur DATE 5-25-72

27 CASE FILED Yes No 28 THIS CASE IS Cleared by arrest Unfounded Inactive Other 29 APPROVED BY _____

SUPPLEMENTARY REPORT

Rape

Classification

NO. _____

Name of Complainant

Address

Phone No.

Offense

Rape

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Page No. 4

Date 5-25 1971

Sharon and Keith in the trunk and drove to the St. Joseph Cemetery No. 1 in Marksville. There he let Keith and Sharon out of the trunk. He told them if they told what happen and he went to jail, his buddies would take care of them. He also asked them if they heard about the killing in Texas. He told them some of his friends were there. He asked them if they knew about Lewis Roy Motors burning down. He told them he was in good with the Sheriff. Keith, Karen and Sharon give us a description of Vicent Simmons Sunday the 22nd of May. He had big shoulders, had a tattoo on his right arm, had a light mustache, was about 5'8 or 5'9, had a silver chain with cross, was wearing a diamond ring had a black hat on. Wore macaron pants with a silk shirt on. Wore boots. Subject also had knife and gun. After Simmons had drove to the cemetery and threaten them, he made them drive him to Felix St. where they ~~dropped~~ dropped Simmons by the third house and he ran toward the back of the street. Keith and the girls went home on a flat tire. They got home around 12:00 midnight. They didn't tell anyone for 2 weeks because they were scared. On Monday May 23rd, the suspect was picked up and placed in a line-up. Capt. Juneau and myself went to pick the girls up at school to come and identify the suspect. Major Didier picked up Keith from work and brought him to the Sheriff's office. In the line-up we had eight male subjects, seven were black and one white. Each subject had a number on their shirts according

INVESTIGATING OFFICER(S) Capt. Juneau, Major Didier, Dep. DeKun REPORT MADE BY Dep. Barbara Velour DATE 5-25-71

7 CASE FILED

28 THIS CASE IS

29 APPROVED BY

Yes No

Cleared by arrest

Unfounded

Inactive

Other

SUPPLEMENTARY REPORT

NO. _____

Classification _____

Name of Complainant _____

Address _____

Phone No. _____

Case No. _____

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Case No. 5

Date 5-25 1977

To the way they were lined up. Each witness was taken one by one to look at the line-up. Each witness could not talk to one another. Sharon, Karen and Keith's names were placed on three different sheets of paper and as they identified the suspect they were asked to place to number ~~on~~ by their name. Pictures were taken of the line-up by Capt. Burton Daugatz. After looking at the paper where each witness wrote the number of the suspect each witness had wrote down number 4, which was the number of Vicent Simmons C/m. The time of suspect's identification was 9:16 A.M on Monday May 23, 1977. Vicent Simmons was brought into the identification room in the Sheriff's office to be fingerprinted and ^{two} picture taken. This was done by Robert Labode, Melvin Villermastte and Capt. Burton Daugatz. After identification of suspect I took statements from the 3 witness reference to the identification. (See statements on same day I took statement from Keith Labode from the night of Rape to the identification of suspect. See Keith's statement). While I was taking Keith's statement in the Sheriff's office on the second floor, sometime between 9:30 AM + 10:00, right after the suspect had been taken to the identification room on third floor, Capt. Burton Daugatz ran into the room I was ~~in~~ taking a statement from Keith, trying to get one of the shotguns in the Cabinet I asked him what was the matter. He said "He" meaning Vicent Simmons was shooting upstairs. (See report from Robert Labode). Later during

INVESTIGATING OFFICER(S) _____

26 REPORT MADE BY Dep Barbara Delier DATE 5-25-

CASE FILED

28 THIS CASE IS

29 APPROVED BY _____

Yes No

Cleared by arrest

Unfounded

Inactive

Other

SUPPLEMENTARY REPORT

Rape
Classification

NO. _____

Name of Complainant

Address

Phone No.

Karen + Sharon Sanders

Brevillette Rd.

Case

Rape

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

No. 6

Date 5-25 1971

the day I took statements from Karen + Sharon Sanders from the night of the rape to the identification of suspect. (See statements). On Tuesday May 24, I had an appointment made with Dr. F.P. Bardlow at 1:30 P.M. to examine the girl (See Dr. Bardlow's report) Suspect Vincent Simmons was shot in his shoulders and was brought to the Charity Hospital in Pineville. Pictures were taken of all 3 people in the trunk of the car.

INVESTIGATING OFFICER(S) Capt. Gunnan, Major Didier, Det. P. Delin REPORT MADE BY Det. Barbara Delin DATE 5-25-71

FILED No 28 THIS CASE IS Cleared by arrest Unfounded Inactive Other 29 APPROVED BY _____

SUPPLEMENTARY REPORT

Agg. Rape (2 etc)
Classification
Attempt. Murder (2 etc)

NO. _____

Complainant: Sharon & Karen Sanders - Avoyelles Parish Sheriff Dept.
Address: _____
Phone No.: _____
Rape 2 etc - Attempt. Murder 2 etc - Vincent Simons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Ole

Date 5/25 1977

On May 23rd 1977 I Robert J. Sabode Jr.,
Sutty Sheriff of Avoyelles Parish was assigned
assist Capt. Lloyd Jureau in conducting an
investigation concerning Sharon & Karen Sanders, two
females age 14, who claimed that a black male
raped them the night of May 7th, 1977. Capt.
Jureau instructed me that he had knowledge of
this on May 22nd 1977. He (Capt. Jureau) and Sheriff
Jureau along with Fabienne Didier and Barbara
Jureau had interviewed Sharon and Sharon Sunday
on 5/22/77.

On May 23rd 1977, approximately 8:00 A.M.,
Capt. Jureau and myself had, thru Capt. Jureau's
investigation, decided to arrest Vincent Simons, a
black male, in connection with this case.

approx. 9:00 A.M. Capt. Jureau and I located
Simons on Merick St. in Marksville, La. Near
Cemetery. Vincent Simons was advised of
rights and given his rights. We took Simons
to court house. One out of the unit I asked
Simons if he had a knife. Simons said "yes man
I have my piece in my hand" I looked in his
hand and saw a knife. Simons closed his fist
and said he would give it to me when we got upstairs
after he would know for sure what we had against

REPORTING OFFICER(S) Sabode/Jureau 26 REPORT MADE BY Robert J. Sabode Jr. DATE 5/25/77

28 THIS CASE IS: No Cleared by arrest Unfounded Inactive Other
29 APPROVED BY _____

SUPPLEMENTARY REPORT

Agg. Rape 2 cts.
attemp Murder 2 cts.

NO. _____

Name of Complainant

Address

Phone No.

Karon & Karen Saunders - A Voyelles Parish Sheriff Dept.
Agg. Rape 2 cts. - attemp Murder 2 cts. - Vincent Simmons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:

(Investigating Officer must sign)

No. Two

Date _____ 19__

in (charges). I forced open his hand and took the wife away telling him that he had to release the wife then and there. I recovered the knife, it is being held as evidence.

Sheriff Didier instructed Capt. Melvin V. Eldridge to select seven males from our jail, one white male and six black males and give each of these males a number by writing the number on one side of the card and the name of the person wearing it on the other side of the card. Then bring this card with the number only showing, on a person with the number assigned to the individuals. This was done to establish a line up. Vincent Simmons also to be included as the eighth subject. Numbers assigned are as follows: Joseph Sampson # 1, Charles Albert # 2, Malone Alexander # 3, Vincent Simmons # 4, Eve Williams # 5, Peter Johnson # 6, Melvin Eldridge # 7, Raymond Gauthier # 8. Pictures of this line-up were taken by Capt. Burton Dargatz. All eight subjects taken in the waiting room on the second floor of the courthouse. This waiting room is next to Capt. Charles Kimble's office, Warrant Dept. There is a door going from this waiting room to Capt. Kimble's office. This door has a two-way glass to it, upper section of this door. The eight males of the line-up group were placed in the waiting room and Karon & Karen Saunders and Keith Saboury were placed

REPORTING OFFICER(S) Saboury / Jurean 26 REPORT MADE BY Robert Saboury DATE 5/25/77

ED 28 THIS CASE IS 29 APPROVED BY
No Cleared by arrest Unfounded Inactive Other

SUPPLEMENTARY REPORT

Agg Rape 2 cts.
attemp. murder 2 cts.

NO. _____

complainant son & Karen Saunders - Advocates Parish Sheriff Dept.
Address _____
Phone No. _____
Rape 2 cts. - attemp. Murder 2 cts. - Vincent Simons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

Three

Date 5/25 1977

Capt. Kimble's office. Person in the waiting room cannot see the person in Capt. Kimble's office. Person in Capt. Kimble's office can see the person in the waiting room. Officers in the waiting room with the line up group were Sgt. Melvin Villenette, _____

and Sheriff Didier. Person present in Capt. Kimble's office were Capt. Floyd Jensen, Det Kimble, Barbara Decun, Burton Dausat and self, along with Sharon & Karen Saunders and Lt Laborde. The line up party was made to see the two way glass. Then one at a time, went response, except to place a number on pad, Karen, Sharon and Keith were taken to two way glass door in order to identify the subject who Karen & Sharon claim raped them. Three subjects, Karen, Sharon and Keith, I identified & wrote the number 4 on a pad, Number four referring to Vincent Simons. All other subjects in line-up were taken back to their cells and Vincent Simons was taken to the third floor for fingerprinting pictures. Once in the I D room _____ Simons said, "Man - IT's me isn't it." I told Simons the presence of Burton Dausat and Melvin Villenette

REPORTING OFFICER(S) Laborde / Jensen 26 REPORT MADE BY Robert J. Laborde DATE 5/25/77

D 28 THIS CASE IS 29 APPROVED BY
Cleared by arrest Unfounded Inactive Other

SUPPLEMENTARY REPORT

Agg. Rape (2 cts.) & Attempt Murder (2 cts.)

Classification

NO.

Complainant

Address

Phone No.

& Karen Sanders/ Avoy. Parish S. O., Marksville, La.

Rape (2 cts.) & Attempted Murder (2 cts.)

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

1

Date 5-25 1977

On May 23, 1977, I Robert Laborde, Jr., Deputy Sheriff of Avoy. Parish was called to assist Capt. Floyd Juneau in conducting an investigation concerning & Karen Sanders, two white females age 14 who claimed that a black male had raped them the night of May 9, 1977. Capt. Juneau instructed me that he had known of this on May 22, 1977. He (Capt. Juneau) and Sheriff Didier along with Sheriff Didier and Barbara Decuir had interviewed Karen and Sharon Sunday evening May 22, 1977.

On May 23, 1977, approximately 8:00 a.m., after Capt. Juneau and myself had reviewed Capt. Juneau's investigation, decided to arrest Vincent Simmons, a black male in connection with this case. At approximately 9:00 a.m., Capt. Juneau and I arrested Simmons on Merrick St., in Marksville, La. near the cementary. Vincent Simmons was advised of charges and given his rights. We took Simmons to the police house. Once out of the unit I asked Simmons if he had a knife. Simmons said "I have my piece in my hand". I looked in his left hand and saw a knife. Simmons closed his fist and said he would give it to me when he got upstairs and we would know for sure what we had against him (charges). I forced open his fist and took the knife away telling him that he had to release the knife and then we were. I recovered the knife it is being held as evidence.

Sheriff Didier instructed Capt. Melvin Villemarette to select seven males from the county jail, one white male and six black males and give each of these males a card by writing the number on one side of the card and the name of the person on the other side of the card. Then pinning this card with pushpins only showing on the person with the number assigned to the individuals.

This was done to establish a line up. Vincent Simmons also to be included as eighth subject. Number assigned are as follows: Joseph Sampson # 1, Charles # 2, Malone Alexander # 3, Vincent Simmons # 4, Steve Williams # 5, Peter # 6, Steve Williams # 7, Vincent Simmons # 8.

REPORTING OFFICER(S) Laborde & Juneau 26 REPORT MADE BY Robert Laborde DATE 5-25-77

28 THIS CASE IS

29 APPROVED BY

No [] Cleared by arrest [X] Unfounded [] Inactive [] Other []

SUPPLEMENTARY REPORT

Agg. Rape (2 cts.) & Attempted Murder (2 cts.)

Classification

Complainant: Karen Sanders/ Avoy. Parish Sheriff's Dept., Marksville, La. Address: Phone No.

Agg. Rape (2 cts.) & Attempted Murder (2 cts.) - Vincent Simmons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.: (Investigating Officer must sign)

2 Date: 5-25 19 77

6, Melvin Eldridge # 7, Raymond Gauthier # 8. Pictures of this line up by Capt. Dauzat. All eight subjects taken to the waiting room on the second of the courthouse. This waiting room is next to Capt. Charles Kimble's warrant Dept. There is a door going from this waiting room to Capt. Kimble's office. This door has a two way glass to it, upper section of this door. Eight males of the line up group were placed in the waiting room and Karen Sanders and Keith Laborde were placed in Capt. Kimble's office. Person's waiting room cannot see the persons in Capt. Kimble's office. Person's in Kimble's office can see the person's in the waiting room. Officers in the room with the line up group were Capt. Melvin Villemarette and Sheriff

Persons present in Capt. Kimble's office were Capt. Floyd Juneau, Charles Barbara Decuir, Hurton Dauzat and myself along with Sharon & Karen Sanders with Laborde. The line up party was made to face the two way glass. Then one by one, without response except to place a number on a pad, Karen, Sharon and Keith were taken to the two way glass door in order to identify the subject who had raped them. All three subjects, Karen, Sharon and Keith identified and wrote the number 4 on a pad. Number four belonging to Vincent Simmons. All other subjects in the line up were taken back to their cells and Vincent Simmons was taken to the third floor for fingerprinting and pictures. Once in the I. D. room Simmons told me "man. It's me isn't it." I told Simmons in the presence of Burton Dauzat and Melvin Villemarette that he was going to be charged on Agg. Rape (2 cts.) Simmons said he would not take the rap. I sat behind Burton Dauzat's desk filling out forms, Melvin sat to my left. Burton had finished fingerprinting and getting a picture of Simmons. Burton stepped out of the I.D. room. Simmons said again that he would not take the rap and kept pacing up and down the I.D. room. All of a sudden Simmons got around Melvin Villemarette and

REPORTING OFFICER(S) Laborde & Juneau 26 REPORT MADE BY Robert Laborde DATE 5-25-77

28 THIS CASE IS: No [] Cleared by arrest [x] Unfounded [] Inactive [] Other [] 29 APPROVED BY

SUPPLEMENTARY REPORT

Agg. Rape (2 cts.) & Attempted Murder (2 cts.) NO. _____

Classification

Complainant _____ Address _____ Phone No. _____
n & Karen Sanders/ Avoy. Parish Sheriff's Dept., Marksville, La.

Rape (2 cts.) & Attempted Mufder (2 cts.) - Vincent Simmons

DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.:
(Investigating Officer must sign)

3

Date 5-25 19 77

Melvin's gun out of his holster, a 9 mm Semi Automatic hand gun. Simmons
up towards the front door of the I. D. room saying we would never take him
that he would not take the rap. Melvin went for Simmons. I stood up pulling
(.38 cal. Smith & Wesson police special) out of my holster and shouted to
for him to move out of the way. Simmons was pointing the gun in his right ~~hand~~
at Melvin and I. He pointed it in Melvin's chest. Melvin leaned over to the
and Simmons pointed the 9mm at me. I then fired one shot hitting Simmons on
ft shoulder. Simmons dropped to the floor dropping the 9mm handgun. I
for assistance. Dr. F. P. Bordelon, Coroner ~~came~~. Simmons was taken to
r in Pineville for treatment. I released my gun to Charles Kimble for
igation.

REPORTING OFFICER(S) Juneau & Laborde 26 REPORT MADE BY Robert Laborde DATE 5-25-77

28 THIS CASE IS

29 APPROVED BY

No Cleared by arrest Unfounded Inactive Other

VOLUNTARY STATEMENT
(NOT UNDER ARREST)

Albert Fouge, Jr.

am not under arrest for, nor am I being detained for any criminal

offenses concerning the events I am about to make known to Kenny D. Bordelon D.A. Investigator,
but being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the fol-
lowing information of my own free will, for whatever purposes it may serve.

26 years of age, and I live at 2309 C Tugelo, Alexandria, LA.

On or about the first week of May I
Albert Fouge Jr. saw Vincent Simmons wearing
maroon slacks dress like pants. and a black
shirt with maroon color in it a mit type shirt. and
some black boots zipp up type.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if
any, and I certify that the facts contained herein are true and correct.

Witnessed at Harrison, La. this 19th day of July, 1971.

WITNESSES:
Kenny D. Bordelon
W. S. Autster

Albert Fouge Jr.
Signature of person giving voluntary statement.

VOLUNTARY STATEMENT

(NOT UNDER ARREST)

Richard Perry

am not under arrest for, nor am I being detained for any crimina

nuses concerning the events I am about to make known to Ronny D. Bordelon (D.A. Investigator)
without being accused of or questioned about any criminal offenses regarding the facts I am about to state, I volunteer the fol-
lowing information of my own free will, for whatever purposes it may serve.

I am 30 years of age, and I live at P.O. Box 421, Mansura, La.

On or about the first week of
May, 1977, I saw Vincent Simmons leaving
the court house with solid maroon pants,
black boots, a knitted, slip-over shirt with
no sleeves, black with maroon in it. He had
the shirt in his pants.

I have read each page of this statement consisting of 1 page(s), each page of which bears my signature, and corrections, if
any, bear my initials, and I certify that the facts contained herein are true and correct.

Witnessed at Marksville, La., this 19th day of July, 1977.

WITNESS: Ronny D. Bordelon

Richard Perry

Signature of person giving voluntary statement.

WITNESS: [Signature]

PHONES: OFFICE 253-7800
RESIDENCE 253-7792

F. P. BORDELON, JR., M. D.

MARKSVILLE, LA. 71351

June 10, 1977

Mr. J. Eddie Knoll
District Attorney
403 South Main Street
Marksville, Louisiana 71351

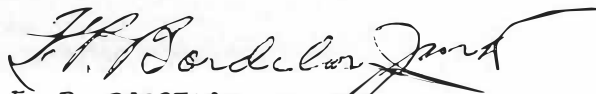
RE: SHARON SANDERS

Dear Mr. Knoll:

On 5-24-77, accompanied by Sheriff's Deputy Barbara Decuir, Sharon Sanders was in my office with her twin sister to be examined. She stated that on the night of May 9, 1977 she was raped by a person known as Vincent Simmons. She said that he drove to an area known as Little California and made her remove her clothes while her sister Karen and her cousin, Keith Laborde were locked in the trunk of the car. She stated that after she removed her clothing, he raped her and she had vaginal bleeding and pain on intercourse. After this act, he placed her in the trunk of the car and removed her twin sister, Karen from the trunk, at which time he raped Karen. The person known as Vincent Simmons then drove them to St. Joseph's Cemetery #1 and let them out of the trunk of the car. They then drove him to Felix Street in Marksville and let him out of the car. I am told by Sharon and Karen that they did not report this incident until 2 weeks later.

Sharon stated that her last menstrual period ended the day she was raped. Her menses usually last 5 days and she has no pain with periods. She admits never having had intercourse before this. The physical examination showed that her breasts were normal and her development was normal for a 14 year old female. There were no bruises on her body. The vaginal examination showed that the hymen was intact and I was unable to insert one examining finger. (She states that she really does not know if he put the penis in her vagina all the way.) I was unable to complete the examination because of the hymen being intact. A Gram stain was made and this was negative. A 2 hour UCG test for pregnancy was found to be negative at this time.

Sincerely,


F. P. BORDELON, JR. MD
CORONER-AVOUELLES PARISH

B-082

F. P. BORDELON, JR., M. D.
MARKSVILLE, LA. 71351

June 10, 1977

Mr. J. Eddie Knoll
District Attorney
403 South Main Street
Marksville, Louisiana 71351

RE: KAREN SANDERS

Dear Mr. Knoll:

Karen Sanders, accompanied by Sheriff's Deputy Barbara Decuir came to my office with her twin sister on 5-24-77 to be examined. She stated that she has been a resident of Marksville for 2 months. She said that she was raped on May 9, 1977 in a car. A person known as Vincent Simmons pulled a gun on Keith Laborde, her 18 year old cousin, at 9:00 PM at the 7-11 store. He made them drive down a road known as Little California. He first put her and Keith in the trunk of the car while he raped Sharon.

She stated that she first had intercourse 9 months ago with Robert Jackson of Alexandria. She said that it hurt and she bled the first time she had intercourse. She did not bleed on May 9, 1977, but it hurt.

She told me that they did not report the incidents until 2 weeks later when they told her first cousin who told her aunt and uncle. Their mother and father are divorced and the mother lives in Alexandria and the father lives in Shreveport.

Her last menstrual period was one week before the rape and she has had no period since. She states that the person known as Vincent Simmons made her have oral sex with him after the rape. The physical examination showed her breasts to be normal and her development was normal for a 14 year old female. There were no bruises on her body. The vaginal examination showed a discharge which I diagnosed as being yeast and epithelial cells. A Gram stain was done and it was negative. A 2 hour UCG test for pregnancy was done and it is negative at this time. I was able to do a vaginal examination on Karen in the usual manner, that is, manually and with a speculum.

Sincerely,



F. P. BORDELON, JR. MD
CORONER-AVOUELLES PARISH



5-23-77

- 1- Joseph Simpson
- 2- Charles Hubbard
- 3- Malone Alexander
- 4- Vincent Simmons
- 5- Steve Williams

BPK

5-23-77

- 4- Vincent Simmons
- 5- Steve Williams
- 6- Peter Johnson
- 7- Melvin Eldridge
- 8- Raymond Gauthier

BPK

2

1

4

3

Charles
Herbert

Joseph
SAMPSON

Vincent Simmons

Malone
Alexander

6

5

8

7

Peter
Johnson

Steve
Wellen

Raymond
Gauthier

Melvin
Eldridge

5-23-77

- 1 Joseph Sampson
- 2 Charles Hubbert
- 3 Melba Alexander
- 4 Vincent Simms
- 5 Steve William
- 6 Peter Johnson
- 7 Melvin Eldridge
- 8 Raymond Santhier

Above are subjects presented as a
line up group this date 5-23-77.
Time 9:14 A.M. Reference to
agg. Rape 2 Ets.

Dpty. Robert J. Labadie

Keith
4

Sharon

4

~~Handwritten scribble~~

~~Handwritten scribble~~

4/ Kanan

LALSP0004 04886
0047 13:17 15APR83
0095 13:17 15APR83
JA, BR
0000000000

TO: SO MARKSVILLE
ATTN: LT RABALAIS
FOR OFFICIAL USE ONLY

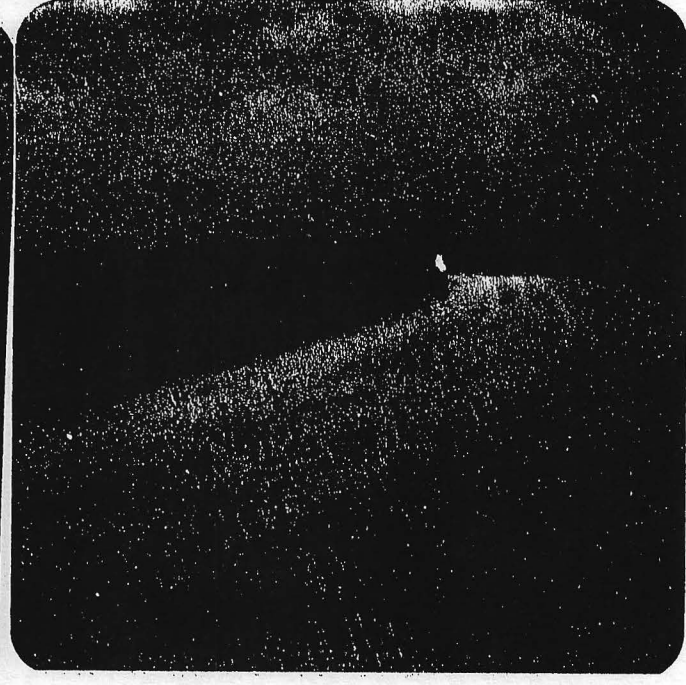
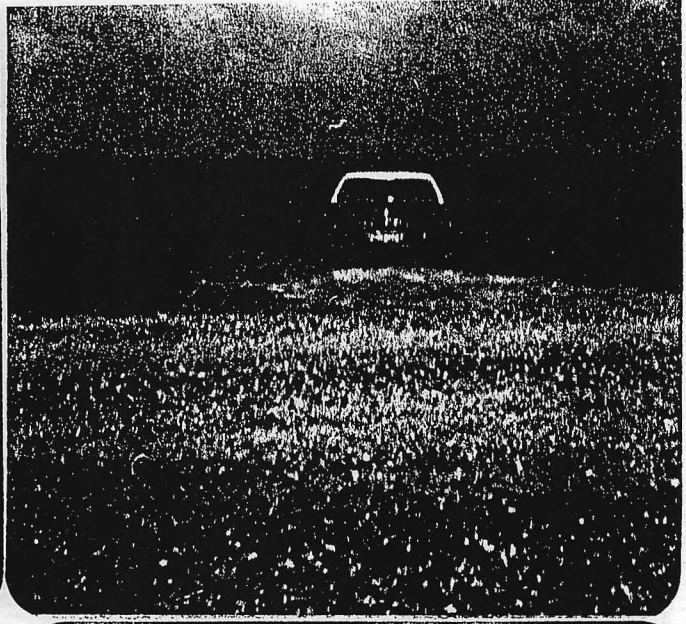
REF: VINCENT SIMMONS BM 024752 MAYBE SAME AS OUR SP885-188
SUBJ ARRESTS OUR FILES: SO ALEX, LA 8-20-68 CAR THEFT; SO MARKSVI
LA 5-13-69 IND BEH W/JUV; SO MARKSVILLE 5-25-70 BURG; ELSH JACKSON
10-29-70 CRIM INSANE; SPEN ANGOLA 2-3-74 S/BURG (15 MONTHS DISCH
4-24-74); SO MARKSVILLE 7-31-74 BURG; SO OPELOUSAS 8-13-74 AUTO TH
NDL; PD PHOENIX, AZ 2-19-72 THEFT FR PERSON; SO GALVESTON, TX 8-24
BURG; SO HOUSTON, TX 8-16-72 BURG, F/THEFT, FUG FROM LA & GALVESTO

SO WHARTON, TX 1-26-74 LARC-PARTS FROM VEH; SO MARKSVILLE 5-23-77
2 CTS AGG RAPE, 2 CTS ATT MURDER ON POLICE; SPEN ANGOLA 8-15-77 AT
AGG RAPE 2 CTS (ONE HUNDRED (50-50-CS) YEARS;
NO WANT OUR FILES

AUTH LSPBOI
BATON ROUGE, LA ANGIE

LA0550000 02424
0049 13:24 15APR83

B-094



B-096

Same as #1

Picture of Capt Floyd Jureau
unit - unit #9 - Indicating
location of alleged rape
of Karen and Sharon Sanders
by Vincent Simora.
Little California Road

Date Picture Take 5/23/77

Robert Schrade Jr. / Floyd Jureau
Fabiana Didier

Picture taken by Floyd Jureau

Picture near scene of
alleged rape of Sharon and
Karen Sanders by Vincent
Simora. Road which leads
the right of this picture is
a length of a normal drive-
way. Car belonging to Keith Sabode
is parked on this drive on
an island. Date of picture
5/23/77

Robert Schrade Jr. / Floyd Jureau
Fabiana Didier

Picture taken by Floyd Jureau

#3 Little California Road
Near scene of
alleged rape of Sharon
and Karen Sanders by
Vincent Simora

Date of picture
5/23/77

Robert Schrade Jr. / Floyd Jureau
Fabiana Didier

Picture taken by
Floyd Jureau

Picture of Floyd Jureau's
unit AP-4 Indicating
location of alleged rape of
Karen & Sharon Sanders by
Vincent Simora. This picture
shows the approx. length
of the turn around

Robert Schrade Jr. / Floyd Jureau
Fabiana Didier

Date of picture 5/23/77

#4 Picture taken by Floyd Jureau

Rear picture of Keith
Sabode's
Car

Showing Lic # 9K926

Date of picture 5/23/77

Floyd Jureau

#5 Picture taken by
Floyd Jureau

Picture of Keith Sabode's
car

Date of picture 5/23/77

Picture taken by Floyd Jureau

Picture of Floyd Jureau's
Car AP-4 Indicating
location of alleged rape
of Karen and Sharon Sanders
by Vincent Simora. To the
left of the car in this picture
is a small bridge.

Robert Schrade Jr. / Floyd Jureau
Fabiana Didier



B-098

6 - Picture taken by
Floyd Jureau

Picture same as
1 - Showing the
Three people in
the Trunk.

Date of Picture 5/23/77

Floyd Jureau

LSP 6996 UNITED STATES DEPARTMENT OF JUSTICE
 FEDERAL BUREAU OF INVESTIGATION
 WASHINGTON, D.C. 20537

884 171 G

The following FBI record, NUMBER _____, is furnished FOR OFFICIAL USE ONLY.
 Information shown on this Identification Record represents data furnished FBI by fingerprint contributors. WHERE
 FINAL DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE IS DESIRED, COMMUNICATE
 WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
SO Alexandria La	Vincent A. Simmons #41 134	8-20-68	car theft	
SO Marksville La	Vincent Simmons #1050	5-13-69	ind behavior with a juvenile	
Marksville La	Vincent Simmons #1050	5-25-70	burglary	
A Angola La	Vincent Simmons #71200	2-3-71	Simple Burglary	Fifteen (15) Months
elousas La	Vincent A. Simmons #0852	8-13-71	Auto T & No Drivers Lic	
PD Phoenix Ariz	Alfred Simmons Jr #708341 710941	2-19-72	Theft fr person	
D Galveston exas	Vincent Alfred Simmons #9677	8-21-72	burg 2270	
O Houston exas	Vincent Alfred Simmons 113 451 SID 438 92 3155	8-16-72	burg & fel T Fug from La & Galveston	

ions indicated by * are NOT based on fingerprints in FBI files but are listed only as investigative leads as possibly identical with subject of this record.

IDENTIFICATION DIVISION

**UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537**

Following FBI record, NUMBER **884 171 0**, is furnished FOR OFFICIAL USE ONLY.
Information shown on this Identification Record represents data furnished FBI by fingerprint contributors. WHERE
DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE IS DESIRED, COMMUNICATE
AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
	WANTED: Vincent 12-24-71 Notify inf rec 1-4-72	Simmons, for escape on SO Marksville, La. 71351		

*When you do longer check your report (or file)
1-1-72*

Information indicated by * are NOT based on fingerprints in FBI files but are listed only as investigative leads as
possibly identical with subject of this record.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20537

3

884 171 G

The following FBI record, NUMBER _____, is furnished FOR OFFICIAL USE OF
information shown on this Identification Record represents data furnished FBI by fingerprint contribu-
WHERE DISPOSITION IS NOT SHOWN OR FURTHER EXPLANATION OF CHARGE OR DISPOSITION
DESIRED, COMMUNICATE WITH AGENCY CONTRIBUTING THOSE FINGERPRINTS.

CONTRIBUTOR OF FINGERPRINTS	NAME AND NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
CC- SO Marksville La	71351			

IDENTIFICATION DIVISION

STATE OF LOUISIANA
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF IDENTIFICATION

BUREAU OF IDENTIFICATION
BATON ROUGE

LA. PEN FILE
NO. 71230

This is the record of State Police No. 699660

SS4 171 G

NAME AND NUMBER	DATE RECEIVED	OFFENSE	DISPOSITION
Andria, La. Vincent A. Simmons #41134	8-20-68	Car theft	Pending
osville, La. Vincent Simmons #1050	5-13-69	Indecent behavior with a juvenile	
osville, La. Vincent Simmons #1050	5-25-70	Burglary	
son, La. Vincent Simmons # 68,236	10-29-70	Crim. insane	
gola La es Parish Vincent Simmons #71230	3-3-71	Simple burglary	15 months Disc: 7-21-71
osville La Vincent Simmons #1050	7-31-71	Burglary	
usas La Vincent A Simmons #0852	8-13-71	Auto theft, NDL	
osville, La. Vincent Simmons # 1050	5-23-77	2cts agg rape; 2cts Att murder on police off.	

STATE OF LOUISIANA
 DEPARTMENT OF PUBLIC SAFETY
 BUREAU OF IDENTIFICATION
 BATON ROUGE



Following is the record of State Police No. 699 660

No. 884 171 G

DATE OF RECEIPT	NAME AND NUMBER	AGENCY OR SOURCE	CHARGE	DISPOSITION
-----------------	-----------------	------------------	--------	-------------

Maybe same as wanted: S. escape Auth SO Marksville
 Item #3522 3-9-71
 APP: SO Opelousas 8-16-71

If arrested prior to 4-4-75 notify Chief Prob & Parole Office
 Baton Rouge La per inf rec 10-24-73 from Crowley La

CITY COURT
OF THE
TOWN OF MARKSVILLE

(SECOND WARD—AVOYELLES PARISH)
MARKSVILLE, LOUISIANA 71351

July 13, 1977

B. C. BENNETT, JR.
JUDGE

MARVIN BROU
MARSHAL
CHRISTEL S. LONZO
CLERK

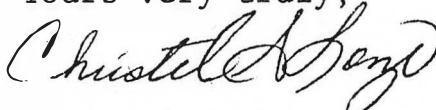
Hon. Jerold Knoll
District Attorney
403 S. Main
Marksville La. 71351

RE: Vincent Simmons

Dear Mr. Knoll

Enclosed are copies of the outstanding charges we have on
Vincent Simmons, also a copy of his record as requested by
your office.

Yours very truly,



Christel S. Lonzo
Clerk

enclosures:

STATE OF LOUISIANA
DISTRICT COURT—PARISH OF AVOYELLES

BEFORE ME, the undersigned authority, personally came and appeared Neumont
Jules, resident of the Parish of Avoyelles, State aforesaid, who being by me duly
sworn according to law, deposes and says that on or about the 2 day of MAY 1977
one Vernant Simmons

late of the Parish of Avoyelles, at or near Avoyelles in the Parish of Avoyelles
and within the jurisdiction of the 12th Judicial District did wilfully, maliciously and feloniously

Resisting Arrest

NAMES OF ALL WITNESSES

Address

contrary to the form and statute of the State of Louisiana, in such case made and provided against the peace
and dignity of the same.

Wherefore affiant prays that a warrant issues for the arrest of the said accused and that he be further dealt
with according to law.

Sworn to and subscribed before me on this Neumont Jules
3rd day of May A. D. 19 77
Christell Lemoine
Clerk Judge

Filed 5-3- 19 77 and warrant issued.

A TRUE COPY
By Christell Lemoine
Clerk
City Court of

Committing Magistrate

STATE OF LOUISIANA
DISTRICT COURT—PARISH OF AVOYELLES

BEFORE ME, the undersigned authority, personally came and appeared Richard C. Martin, resident of the Parish of Avoyelles, State aforesaid, who being by me duly sworn according to law, deposes and says that on or about the 2 day of May 19 77 one Vincent Simmons

late of the Parish of Avoyelles, at or near Avoyelles in the Parish of Avoyelles and within the jurisdiction of the 12th Judicial District did wilfully, maliciously and feloniously

Theft By Shoplifting a CAP from 7-11 on Preston St. Total cost \$3.98

NAMES OF ALL WITNESSES

Address

Phillip Wittington

Andrew St.

contrary to the form and statute of the State of Louisiana, in such case made and provided against the peace and dignity of the same.

Wherefore affiant prays that a warrant issues for the arrest of the said accused and that he be further dealt with according to law.

Richard C. Martin
Matthew D. Dugot

Sworn to and subscribed before me on this

3rd day of May A. D. 19 77

Christel Shamp
JUDGE

Filed 5:30 19 77 and warrant issued.

By Christel Shamp
Clerk

Committing Magistrate

City Court of the Town of
Marksville, Second Ward
Avoyelles Parish, Louisiana

- 13-69 Indecent Behavior with Juveniles; Referred to Parish, Greenhouse.
- 4-70 Disturbing the Peace, \$10.50 Pd., Greenhouse.
- 2-76 Discharging Firearm in City Limits, Not Guilty. Greenhouse.
- 2-76 Simple Battery, Not Guilty, Greenhouse

A TRUE COPY

By Christel A. Longo
Clerk

City Court of the Town of
Marksville, Second Ward
Avoyelles Parish, Louisiana

STATE OF LOUISIANA

PARISH OF AVOYELLES

June

Term 19 70

IN THE TWELFTH JUDICIAL DISTRICT COURT

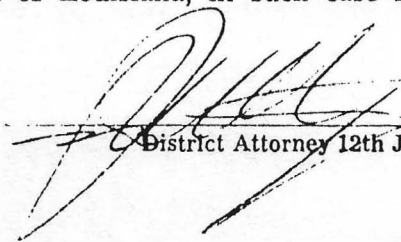
Now upon this the 9th day of June 1970 into the Honorable, the Twelfth Judicial District Court of Louisiana, sitting in and for the Parish of Avoyelles, comes Charles A. Riddle, Jr., District Attorney of the Twelfth Judicial District of Louisiana, duly elected, commissioned and qualified according to law, prosecuting in his person, for and on behalf and in the name and by authority of the State of Louisiana and with leave of said Court first had and obtained, gives the Honorable the Twelfth Judicial District Court sitting as aforesaid to know, to be informed and to understand

THAT VINCENT SIMONS (SIMMONS)

late of the Parish aforesaid, on or about the 22nd day of May A. D., 1970 with force and arms, in the Parish, District and State aforesaid, and within the jurisdiction of the Twelfth Judicial District Court, did wilfully, maliciously and feloniously,

VIOLATE ARTICLE # 62 OF THE LOUISIANA CRIMINAL CODE ENTITLED: "SIMPLE BURGLARY" in that he did commit simple burglary of the home of Albert Wiley with the intent to commit a theft therein

Contrary to the form of the Statute of the State of Louisiana, in such case made and provided against the peace and dignity of the same.


District Attorney 12th Judicial District La.

WEEKLY NEWS PRINT MARKSVILLE LA

A TRUE COPY
ATTEST: 
Clerk of Court

26297

12th DISTRICT COURT

PARISH OF AVOUELLES

No. 70489

STATE OF LOUISIANA

vs.

VINCENT SIMONS

"SIMPLE BURGLARY"

INFORMATION

Filed this 16 day of June 19 70
Bessie L. Houy Clerk

WITNESSES

R 1574
B-110

COMMITMENT TO PENITENTIARY

STATE OF LOUISIANA

VEHICLE NO. 20,397

VINCENT SIMMONS

12TH JUDICIAL DISTRICT COURT
PARISH OF AVOYELLES
STATE OF LOUISIANA

F. O. DIDIER, JR.

SHERIFF OF THE PARISH OF AVOYELLES

NO. _____

NO. _____

NO. _____

NO. _____

ARREST REPORT

NAME OF PERSON ARRESTED Vincent Simmons						ALIAS OR NICKNAME(S)			ARREST DATE 5-23-77			RT. THUMB PRINT	
ADDRESS OF SUSPECT Merick St., Marksville, La.						OCCUPATION Unemployed			TIME <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM				
SOCIAL SECURITY NO. 438 / 92 / 3155			STATE			DRIVER'S LICENSE INFORMATION LICENSE NUMBER			TYPE				EXPIRES
AGE 25	RACE B	SEX M	EYES Brn	HAIR Blk	HEIGHT 5'0"	WEIGHT 160	DATE OF BIRTH 7-2-52	PLACE OF BIRTH Mansura, La.	TATTOOS OR ID. MARKS Rt. & lf. arm				
WHERE ARRESTED Waddill St., Marksville, La.						HOW ARREST MADE: <input checked="" type="checkbox"/> ON VIEW <input type="checkbox"/> CALL <input type="checkbox"/> WARRANT							
OFFENSE(S) SUSPECTED OR CHARGED Aggravated Rape (2 cts.)						WARRANT NO.						WARRANT DATE	
DATE OFFENSE COMMITTED 5-9-77			TIME			<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.			COURT 12th Judicial District				
WHERE OFFENSE COMMITTED Avoyelles Parish, See Report						TYPE PREMISES			BUSINESS TRAI				
ARMED <input type="checkbox"/> YES <input type="checkbox"/> NO						CHECK ALL ITEMS WHICH APPLY							
TYPE WEAPON Pocket knife						<input type="checkbox"/> DRUNK <input type="checkbox"/> DRINKING <input type="checkbox"/> CURSED <input type="checkbox"/> RESISTED <input type="checkbox"/>							
PREVIOUS ARRESTS Indecent behavior w/juvenile 7 Burglary						OTHER PERSONS ARRESTED FOR SAME OFFENSE None							
VEHICLE INVOLVED	YEAR	MAKE	MODEL	STYLE	COLOR	LICENSE #	STATE	EXP.	IMPOUNDED WHERE				
PROPERTY PLACED IN PROPERTY ROOM													
NAME OF COMPLAINANT See Report						RELATION OF COMPLAINANT & SUSPECT - IF ANY? None							
ADDRESS OF COMPLAINANT						BEST PHONE			OTHER P				
WITNESSES NAME,			BEST CONTACT ADDRESS			AGE	BEST PHONE		OTHER PHONE		PARENT O		
1													
2													
NOTE FACTS OF ARREST NOT INCLUDED ABOVE. Subject arrested on Waddell St. for above said charges. Rights given tab Avoy. Parish Jail-													
ARRESTEE'S RIGHTS GIVEN BY R. Laborde				DATE 5-23-77		TIME 9:29 a.m.		PLACE Waddil St., Marks					
RESULTS OF INVESTIGATION										NCIC #			
ARRESTING OFFICERS Juneau & Laborde						REPORT MADE BY R. Laborde			FINAL DISPOSITION				

Use supplementary report for additional information not covered above.

B-111

-oOo-

STATE OF LOUISIANA: SIMPLE BURGLARY & THEFT

: In the presence of the defendant, the Court this day
: appointed Mr. Jude St. Romain, Attorney of the Marks-
: ville Bar, to advise and consult with this defendant,
: in this cause, & accordingly, arraignment deferred.

VINCENT SIMMONS

26397 ✓
26398 ✓

VS.

12TH JUDICIAL DISTRICT COURT
Markville, Louisiana

STATE OF LOUISIANA

CHARGE: SIMPLE BURGLARY & THEFT NO. 29,237
(THREE COUNTS EACH) 29,238
29,239

VS.

JEROME THOMAS & VINCENT SIMONS

FILED: 11-21-72

DATE	COURT MINUTES
11-21-72	The accused, JEROME THOMAS, was present in Court, accompanied by Court-appointed counsel, HAROLD J. BROUILLETTE, waived formal arraignment and pleaded NOT GUILTY. Case assigned for December 5, 1972 9:30 o'clock A.M.
12-5-72	The accused, JEROME THOMAS, was present in Court, accompanied by Court-appointed counsel, HAROLD J. BROUILLETTE. By joint motion district attorney and counsel for defendant, the charges of SIMPLE BURGLARY filed under docket number 29,238 and 29,239 were NOLLE and the charge of SIMPLE BURGLARY & THEFT under docket number 29,237 were also NOLLE PROSEQUI. In the presence of his Court-appointed counsel, the defendant informed the Court that he wished to withdraw his plea of NOT GUILTY previously entered and enter a plea of GUILTY to two(2) counts of THEFT under numbers, 29,238 & 29,239, which charges of the district attorney had been reduced to RECEIVING STOLEN THINGS.

A TRUE COPY

ATTEST: *Delbra D. Helbert*
Clerk of Court

COMMIT: JEROME THOMAS & VINCENT SIMONS
SIMPLE BURGLARY & THEFT (THREE COUNTS EACH) 29,237

1-12-72-----Before accepting the defendant's plea of GUILTY, the Court advised of his rights and privileges under the law; questions were answered by the Court and answers given by the defendant, which colloquy was recorded & same made part of these Minutes by reference. Pursuant to interrogation by the Court and answers given by the defendant, that the Court ruled that he could intelligently waive his rights as set to him and accepted the plea of GUILTY. The Court deferred the sentencing to a later date.

1-12-73 The accused, Jerome Thomas, having previously entered pleas of GUILTY to two charges of RECEIVING STOLEN THINGS, was this day present in Court, accompanied by his Court-appointed counsel, HAROLD J. BROUILLETTE and was this day sentenced to two years, on each count, with the Department of Corrections, Baton Rouge, Louisiana, said sentence concurrent. He is given credit for time served in the Avoyelles Parish Jail.

STATE OF LOUISIANA

PARISH OF AVOYELLES

NOVEMBER

Term 19 72

IN THE TWELFTH JUDICIAL DISTRICT COURT

Now upon this the 21st day of November 19 72 into the Honorable, the Twelfth Judicial District Court of Louisiana, sitting in and for the Parish of Avoyelles, comes Charles A. Riddle, Jr., District Attorney of the Twelfth Judicial District of Louisiana, duly elected, commissioned and qualified according to law, prosecuting in his person, for and on behalf and in the name and by authority of the State of Louisiana and with leave of said Court first had and obtained, gives the Honorable the Twelfth Judicial District Court sitting as aforesaid to know, to be informed and to understand

THAT JEROME THOMAS and
VINCENT SIMONS

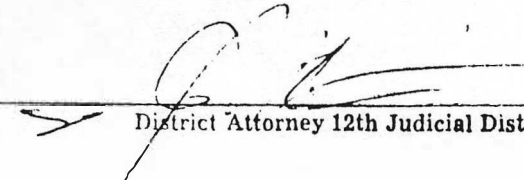
late of the Parish aforesaid, on or about the 5th day of July A. D., 1972 with force and arms, in the Parish, District and State aforesaid, and within the jurisdiction of the Twelfth Judicial District Court, did wilfully, maliciously and feloniously,

ARTICLE 402 OF THE LOUISIANA CRIMINAL CODE ENTITLED: "SIMPLE BURGLARY" in that they did commit a simple burglary of the building known as Jr. Ed Dubroc's Company, belonging to one Ed Dubroc, with the intent to steal therein

ALL THE GOODS THEREIN

ARTICLE 403 OF THE LOUISIANA CRIMINAL CODE ENTITLED: "THEFT" in that they did commit a theft of merchandise valued at in excess of \$100.00 in the lawful money of the United States of America, belonging to one Ed Dubroc, Jr.

in conformity with the form of the Statute of the State of Louisiana, in such case made and provided against the peace and dignity of the same.


District Attorney 12th Judicial District La.

A TRUE COPY
Debra D. Hebert
of Court

57, 833

12th DISTRICT COURT

PARISH OF AVOYELLES

No. _____

STATE OF LOUISIANA

vs.

JEROME THOMAS and VINCENT SIMMONS

"Simple Burglary" and "Theft"

INFORMATION

Filed this 21 day of Nov. 19 72

Beverly M. Beaulieu Clerk

WITNESSES

u f 146

STATE OF LOUISIANA

PARISH OF AVOYELLES

Term 19 72

IN THE TWELFTH JUDICIAL DISTRICT COURT

Now upon this the 1st day of November 19 72 into the Honorable, the Twelfth Judicial District Court of Louisiana, sitting in and for the Parish of Avoyelles, comes Charles A. Riddle, Jr., District Attorney of the Twelfth Judicial District of Louisiana, duly elected, commissioned and qualified according to law, prosecuting in his person, for and on behalf and in the name and by authority of the State of Louisiana and with leave of said Court first had and obtained, gives the Honorable the Twelfth Judicial District Court sitting as aforesaid to know, to be informed and to understand

THAT GEORGE THOMAS and
VICENTE LEBLANC

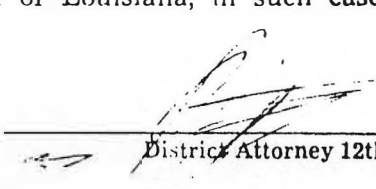
late of the Parish aforesaid, on or about the 2nd day of July A. D., 1972 with force and arms, in the Parish, District and State aforesaid, and within the jurisdiction of the Twelfth Judicial District Court, did wilfully, maliciously and feloniously,

VIOLATE ARTICLE # 62 OF THE LOUISIANA CRIMINAL CODE ENTITLED: "SIMPLE BURGLARY" in that they did commit a simple burglary of the building known as Dubroc's Supply Company, belonging to one Ed Dubroc, with the intent to commit a theft therein

AND DID THEM AND THERE

VIOLATE ARTICLE # 67 OF THE LOUISIANA CRIMINAL CODE ENTITLED: "THEFT" in that they did commit a theft of merchandise valued at in excess of \$100.00 in the lawful money of the United States of America, belonging to one Ed Dubroc, Jr.

contrary to the form of the Statute of the State of Louisiana, in such case made and provided against the peace and dignity of the same.


District Attorney 12th Judicial District La.

A TRUE COPY

ATTEST:

Delma D. Hebert
Clerk of Court

27, 238

12th DISTRICT COURT

PARISH OF AVOUELLES

No. _____

STATE OF LOUISIANA

vs.

JEROME THOMAS and VINCENT SIMMONS

"SIMPLE BURGLARY" and "THEFT"

INFORMATION

Filed this 27 day of Nov 1972

Riverlynn Hamilton & Clerk

WITNESSES

u f 146

B-117

STATE OF LOUISIANA

PARISH OF AVOYELLES

REVENUES

Term 19 72

IN THE TWELFTH JUDICIAL DISTRICT COURT

Now upon this the 21st day of November 19 72 into the Honorable, the Twelfth Judicial District Court of Louisiana, sitting in and for the Parish of Avoyelles, comes Charles A. Riddle, Jr., District Attorney of the Twelfth Judicial District of Louisiana, duly elected, commissioned and qualified according to law, prosecuting in his person, for and on behalf and in the name and by authority of the State of Louisiana and with leave of said Court first had and obtained, gives the Honorable the Twelfth Judicial District Court sitting as aforesaid to know, to be informed and to understand

THAT HEROEN THOMAS and

VINCENT SIMONS

late of the Parish aforesaid, on or about the 5th day of August A. D., 1972 with force and arms, in the Parish, District and State aforesaid, and within the jurisdiction of the Twelfth Judicial District Court, did wilfully, maliciously and feloniously,

VIOLATE ARTICLE # 62 OF THE LOUISIANA CRIMINAL CODE ENTITLED: "SIMPLE BURGLARY" in that they did commit simple burglary of the building known as Dubroc's Supply Company, belonging to one Ed Dubroc, Jr. with the intent to commit a theft therein

AND DID THEN AND THERE

VIOLATE ARTICLE # 67 OF THE LOUISIANA CRIMINAL CODE ENTITLED: "THEFT" in that they did commit a theft of merchandise valued at in excess of \$100.00 in the lawful money of the United States of America, belonging to one Ed Dubroc, Jr.

contrary to the form of the Statute of the State of Louisiana, in such case made and provided against the peace and dignity of the same.


District Attorney 12th Judicial District La.

A TRUE COPY

ATTEST: Debra D. Hebert

Clerk of Court

27 227

12th DISTRICT COURT

PARISH OF AVOYELLES

No. _____

STATE OF LOUISIANA

vs.

JEROME THOMAS AND VINCENT SIMONS

"Simple Burglary" and "Theft"

INFORMATION

Filed this 31 day of Nov 1972

Beverly M. (Clerk) Clerk

WITNESSES

u of 147

-oOo-

STATE OF LOUISIANA: AGGRAVATED BATTERY

✓
VS. : The Court this day appointed Mr. Jude St. Romain, at-
: torney of the Marksville Bar, to advise, consult with
: and represent this defendant in this matter and arr-
VINCENT SIMMONS : aignment deferred until a later date.

26 519

-oOo-

-oOo-

STATE OF LOUISIANA: AGGRAVATED BATTERY (JUDE ST. ROMAIN, COURT APPOINTED

VS. : ATTORNEY)
: The accused, being present in Court accompanied by his
: court appointed counsel, upon formal arraignment plead-
VINCENT SIMMONS : ed NOT GUILTY to the above charge.

26 519

A True Copy
Willie G. Romain

STATE OF LOUISIANA

PARISH OF AVOYELLES

July

Term 1970

IN THE TWELFTH JUDICIAL DISTRICT COURT

Now upon this the 28th day of July 1970 into the Honorable, the Twelfth Judicial District Court of Louisiana, sitting in and for the Parish of Avoyelles, comes Charles A. Riddle, Jr., District Attorney of the Twelfth Judicial District of Louisiana, duly elected, commissioned and qualified according to law, prosecuting in his person, for and on behalf and in the name and by authority of the State of Louisiana and with leave of said Court first had and obtained, gives the Honorable the Twelfth Judicial District Court sitting as aforesaid to know, to be informed and to understand

THAT *VINCENT SIMMONS*

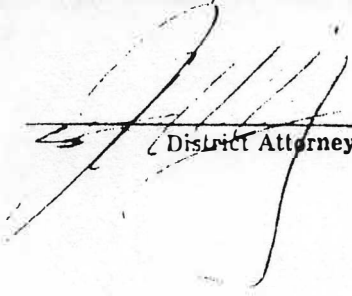
late of the Parish aforesaid, on or about the 10th day of July A. D., 1970 with force and arms, in the Parish, District and State aforesaid, and within the jurisdiction of the Twelfth Judicial District Court, did wilfully, maliciously and feloniously,

VIOLATE ARTICLE # 34 OF THE LOUISIANA CRIMINAL CODE ENTITLED:

"AGGRAVATED BATTERY" in that he did commit a battery upon one

George Thomas with a dangerous weapon to-wit: a sharp metal rod

contrary to the form of the Statute of the State of Louisiana, in such case made and provided against the peace and dignity of the same.


District Attorney 12th Judicial District La.

A TRUE COPY

ATTEST: *Delma D. Hebert*
Clerk of Court

16 2/9

12th DISTRICT COURT

PARISH OF AVOYELLES

No. _____

STATE OF LOUISIANA

vs.

VINCENT SIMMONS

AGGRAVATED BATTERY

INFORMATION

Filed this 10 day of Aug 19 20

Bessie R. Hourigan Clerk

WITNESSES

R 1634

Forensic Division
November 23, 1970

Honorable Earl Edwards, Judge
12th Judicial District Court
Parish of Avoyelles
Parksville, Louisiana 71351

RE: Vincent Simmons
ELSH #68,236
Docket No. 26,519

Dear Judge Edwards:

The above named was admitted to the Forensic Division on the date of October 29, 1970.


After observation, examination and tests, it is the opinion of our staff that Vincent Simmons is mentally competent to stand trial and should be returned to your court for further disposition as soon as possible.

You may send authorities, with your written permission, for us to release this man from the Forensic Division and return him to the jurisdiction of your court.

Thank you for your kind attention in this matter.

Respectfully yours,

FOR THE SUPERINTENDENT
T. N. ARMISTEAD, M.D.


James H. Hill, M.D., Director
Forensic Division

JEN:GAI

cc: Mr. Armistead
District Attorney
Clerk of Court

(Reported in triplicate)

A TRUE COPY

ATTEST: Debra D. Hebert
Clerk of Court

EXHIBIT D

Six-bit
6-D-8

By...



Photograph line-up

ATTACHMENT 4



Exhibits
6-D-6



↑ Photograph Line up