

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ADRIAN CALISTE AND BRIAN GISCLAIR,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED

v.

HARRY E. CANTRELL, MAGISTRATE JUDGE
OF ORLEANS PARISH CRIMINAL DISTRICT
COURT

CIVIL ACTION NO. 17-6197

(CLASS ACTION)

JUDGE FALLON

MAGISTRATE NORTH

Magistrate Judge Harry E. Cantrell's FRCP 12 b(1) Motion to Dismiss

Comes, Magistrate Judge Harry E. Cantrell, through undersigned counsel, and moves this court for an order dismissing this suit in its entirety for the reasons that (1) plaintiffs lack standing because some state criminal proceedings have concluded (2) the principles of *Younger v. Harris* apply to those plaintiffs who are still involved in an on-going state criminal proceeding. This motion is supported by the Memorandum in Support along with Exhibits from the state court suits referenced in the Complaint Rec. Doc. 1.

Respectfully submitted,

/s/ Celeste Brustowicz

Burglass and Tankersley, LLC

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Attorneys for: Magistrate Judge Harry E. Cantrell

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 2017, a copy of the foregoing pleading has been forwarded to all counsel of record via CM/ECF filing through the United States District Court system, email and/or United States Mail.

/s/ Celeste Brustowicz

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ADRIAN CALISTE AND BRIAN GISCLAIR,
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED

v.

HARRY E. CANTRELL, MAGISTRATE JUDGE
OF ORLEANS PARISH CRIMINAL DISTRICT
COURT

CIVIL ACTION NO. 17-6197

(CLASS ACTION)

JUDGE FALLON

MAGISTRATE NORTH

Memorandum Supporting Magistrate Judge Harry E. Cantrell's FRCP
12 b (1) Motion to Dismiss

May It Please The Court:

I. WHY THIS MOTION HAS MERIT

Federal question jurisdiction is invoked via 42 USC §1983 by two named plaintiffs but the suit also identifies the state criminal cases of eleven others who may also be plaintiffs or potential class members.¹ The question raised by this motion is whether subject-matter jurisdiction exists, a prerequisite to proceeding.² There are two concerns -- standing³ and abstention, as federal courts may not entertain actions that seek to impose a federal audit of ongoing state criminal proceedings.⁴ As an Article III court and in a case seeking declaratory relief, a “case” or “controversy” brought by a person alleging facts showing a substantial and continuing controversy between the parties must

¹ Rec. Doc. 1.

² *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 93–102 (1998) (before a court addresses the merits of a case, it must have subject-matter jurisdiction).

³ *Id.* Subject matter jurisdiction includes finding that plaintiff has standing.

⁴ *O'Shea v. Littleton*, 414 U.S. 488, 500 (1974); *Gardner v. Lucky*, 500 F.2d 712, 715 (5th Cir.1974).

exist at all stages of the suit.⁵ Plaintiffs must show adverse legal interests with the defendant.⁶ As some of the criminal proceedings have been concluded, the defendants in those concluded proceedings lack standing.

For the other plaintiffs, their state criminal proceedings remain ongoing. That, coupled with the fact that the defendant is a sitting state court judge, requires this Court to decline jurisdiction.⁷ Admittedly, this Court has an unflagging obligation to adjudicate controversies before it.⁸ This obligation is, however, tempered by the more important considerations of comity and federalism when, as here, important state interests are involved.⁹ The state concerns are its criminal law, its ability to enforce its criminal laws, and the right of its courts to issue orders and judgments without interference from federal courts.¹⁰ Ongoing criminal proceedings have always been deemed an exceptional and important state interest requiring abstention.¹¹

II. OPERATIVE FACTS AND STATE COURT CRIMINAL RECORDS

Plaintiffs are two named individuals: and perhaps eleven others. They claim that Magistrate Judge Harry E. Cantrell is violating their civil rights (1) by refusing to lower or eliminate plaintiffs' bonds in the state court criminal proceeding and unconstitutionally keeping them in jail because they are too poor to pay for their release and (2) by having an "executive" interest in the commercial surety tax imposed by state law and used by the Orleans Criminal District Court as a whole to partially court operations in accordance with state law.¹² Plaintiffs want a class certified of:

⁵ *Ruiz v. Estelle*, 161 F.3d 814, 829 (5th Cir.1998).

⁶ *Bauer v. Texas*, 341 F.3d 352, 375 (5th Cir.2003).

⁷ *Younger v. Harris*, 401 U.S. 37, (1971); *Bice v. Louisiana Pub. Def. Bd.*, 677 F.3d 712 (5th Cir.2012).

⁸ *Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706 (1996).

⁹ *Younger*, 401 U.S. at 43-45; *Bice*, 677 F.3d at 718.

¹⁰ *Id.*; *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1 (1987).

¹¹ *Sprint Commc'ns, Inc. v. Jacobs*, 134 S.Ct. 584, 588 (2013), citing *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 367-368 (1989).

¹² LSA R.S. 13:1381.4

[A]ll presumptively innocent arrestees who are now before or who will come before Defendant for proceedings concerning pretrial release or detention and who are unable to pay the financial condition that Defendant Cantrell imposes as a requirement for their immediate release. Rec. Doc. 1 p. 20.

They further seek the following declaratory relief:

- a. A declaratory judgment that the Defendant violates the named Plaintiffs' and Class members' constitutional rights by promulgating and enforcing policies that result in jailing Plaintiff and Class members and keeping them in jail solely because they are poor and cannot afford to pay an amount of money to secure release.
- b. A declaratory judgment that Defendant Cantrell has a conflict of interest that violates the Due Process rights of defendants appearing before him where he imposes commercial surety bonds as a condition of release, fees on such commercial surety bonds generate substantial revenue for the Orleans Parish Criminal District Court, and Cantrell has executive authority of the fund in which those fees are deposited.¹³

Plaintiffs have not alleged any facts suggesting, or even hinting, that the state court criminal action was brought in bad faith or with the purpose of harassing the federal plaintiffs.¹⁴ Nor have they pled or suggested that any state statute is “flagrantly and patently violative of express constitutional prohibitions in every clause, sentence, and paragraph, and in whatever manner and against whomever an effort might be made to apply it”, or that Magistrate Judge Cantrell has waived the *Younger* Doctrine.¹⁵

¹³ Rec. Doc. 1, p. 26.

¹⁴ Many lawsuits have been filed by a variety of public-interest lawyers; we are unaware of any suit involving these plaintiffs as federal plaintiffs.

¹⁵ These are the so-called narrow exceptions to *Younger*; *Younger*, 401 U.S. at 49; *Trainor v. Hernandez*, 431 U.S. 434, 446 (1977); *DeSpain v. Johnston*, 731 F.2d 1171, 1180 (5th Cir.1984).

Docket Masters for each named and mentioned individual are attached as Exhibit 1.¹⁶ A summary follows:

Name	State suit number	Open/completed
Adrian Caliste	564-440	Open
Brian Gisclair	564-456	Open, probable cause 07/18/17
Angie Williams	534-184	Open, continued without date
Chinette Armstead	559-278	Open, PTC set for 07/17/17
Eddie Green	533-382	Closed
Gavin Morgan	532-105	Open, Trial set for 10/19/17
Jameal Williams	564-315	Open
Jermaine Thomas	532-420	Open, continued to 07/27/17
Jesus Medel	532-956	Closed
Lakeisha Myles	561-626	Closed
Lorenzo Cortrina	523-941	Open, motions set for 09/14/17
Mishana Johnson	560-023	Open
Joseph Dunckley	559-319	Closed

III. STANDARDS FOR FRCP 12(B)(1) MOTION

Motions pursuant to FRCP 12(b)1 allow a party to challenge subject matter jurisdiction. Lack of subject matter jurisdiction may be found in any one of three instances: (1) the complaint alone; (2) the complaint supplemented by undisputed facts evidenced in the record; or (3) the complaint supplemented by undisputed facts plus the Court's resolution of disputed facts.¹⁷ Plaintiffs have the burden of proving jurisdiction exists and this burden is constant throughout the litigation.¹⁸ Since standing is jurisdictional it is properly raised via FRCP 12 (b)(1). The same is true for *Younger* Abstention.¹⁹

¹⁶ Although courts are generally not permitted to review materials outside of the pleadings in a FRCP motion, there are exceptions, as here, when plaintiffs refer to documents that are central to the claim. Additionally, these are state court records and are matters of public record and this Court may take judicial notice of them. *Collins v. Morgan Stanley Dean Witter*, 224 F.3d 496, 498–99 (5th Cir.2000); *Causey v. Sewell Cadillac-Chevrolet, Inc.*, 394 F.3d 285, 288 (5th Cir.2004).

¹⁷ *Barrera-Montenegro v. United States*, 74 F.3d 657, 659 (5th Cir.1996).

¹⁸ *United States v. Goncalves*, 613 F.3d 601, 608 (5th Cir.2010).

¹⁹ *M.D. v. Perry*, 799 F.Supp.2d 712, 715 n. 3 (S.D. Tex.2011).

IV. STANDING REQUIRES A PERSON WITH AN INTEREST IN THE CLAIM

Standing must exist at all phases of the litigation, whether the plaintiff seeks damages or, as here, declaratory relief. In *Bauer*, 341 F.3d 352,²⁰ plaintiff had a pending probate proceeding and sought declaratory relief regarding certain Texas probate requirements. The probate proceeding concluded before the declaratory judgment action ended; a motion was filed urging no standing. The Fifth Circuit granted the motion on grounds that plaintiff no longer faced any threat of injury. In *Society of Separationist, Inc. v. Herman*,²¹ plaintiff, a prospective juror, sought declaratory relief on First Amendment grounds after refusing to take the oath during voir dire. The Fifth Circuit dismissed for want of standing because plaintiff faced no real or immediate threat that she would ever encounter the judge again. “This Court and others have often held that plaintiffs lack standing to seek prospective relief against judges because the likelihood of future encounters is speculative.”²²

In *Cain v. City of New Orleans*,²³ ongoing litigation in which Magistrate Judge Cantrell and the other judges of the Orleans Parish Criminal District Court are defendants, claim is made that the plaintiffs, who owed court-assessed costs and fees after pleading guilty to crimes, were treated unconstitutionally. Judge Vance held that two of the named plaintiffs, who had paid their debts and no longer owed them, lacked standing to proceed, as their interest was too speculative for the Court to assume that in the future any one of them might be arrested, convicted, and assessed costs they could not pay and consequently be imprisoned for nonpayment:

Any prospect of future injury assumes that Variste and Long will again be charged with violations of Louisiana criminal law, will again be assessed with court costs that they cannot pay, and will again be arrested and imprisoned for nonpayment. But the Court must assume that the plaintiffs “will

²⁰ *Bauer*, 341 F.3d 352.

²¹ *Soc'y of Separationists, Inc. v. Herman*, 959 F.2d 1283, 1284–85 (5th Cir.1992).

²² *id.*

²³ *Alana Cain, et al v. The City of New Orleans et al*, USDC Eastern District of Louisiana, Civil Action No. 15-4479

conduct their activities within the law and so avoid prosecution and conviction as well as exposure to the challenged course of conduct.”²⁴

A plaintiff bringing a lawsuit bears the burden of demonstrating three separate elements of standing: plaintiff must: (1) have an injury in fact that is concrete and particularized and actual or imminent; (2) establish a causal connection between the injury and the defendant's conduct; and (3) demonstrate a likelihood, not merely a speculation or conjecture, that the injury will be redressed if it prevails in the action.²⁵ Plaintiffs with no ongoing state criminal case cannot, as a matter of law, meet this burden. No other interest they might express is sufficient, as a person not charged or threatened with prosecution has no standing to compel or enjoin enforcement of state penal laws.²⁶ A claim to have the government act in accordance with law or the personal satisfaction from seeing the government comply with law does not create standing.²⁷ A claim for reimbursement of litigation costs will not suffice.²⁸ “A plaintiff's purely academic interest or abstract disagreement with governmental policy does not establish the requisite particularized and concrete injury.”²⁹ Plaintiffs cannot show a concrete and particularized injury; they do not have standing.

V. ABSTENTION BASED ON YOUNGER V. HARRIS

The Fifth Circuit holds that the *Younger* doctrine applies when three conditions are met and, once satisfied, the federal court must abstain and decline jurisdiction: “(1) the federal proceeding interferes with an ongoing state judicial proceeding; (2) the state has an important interest in regulating the subject matter of the claim; and (3) the plaintiff has an adequate opportunity in the

²⁴ *Alana Cain, et al v. The City of New Orleans et al*, USDC Eastern District of Louisiana, Civil Action No. 15-4479, Rec. Doc. 109 pp 18-21.

²⁵ *Warth v. Seldin*, 422 U.S. 490, 498 (1975); *Summers v. Earth Island Inst.*, 555 U.S. 488 (2009)

²⁶ *Diamond v. Charles*, 476 U.S. 54 (1986).

²⁷ *Steel Co.*, 523 U.S. at 107.

²⁸ *Id.*

²⁹ *Hollingsworth v. Perry*, 133 S.Ct. 2652 (2013); *Ashcroft v. Mattis*, 431 U.S. 171, 173 (1977).

state proceeding to raise constitutional challenges”.³⁰ “Ultimately, *Younger* and its progeny have established that, absent extraordinary circumstances, federal courts should not enjoin pending state criminal prosecutions.”³¹

a. ONGOING STATE COURT PROCEEDING

The first requirement is satisfied—there are ongoing state court criminal proceedings as to the named plaintiffs/putative class representatives and, by extension, the proposed class members.³² A federal proceeding must not interfere with an ongoing state judicial proceeding. Interference exists whenever the requested relief would interfere with the state court’s ability to conduct procedural proceedings, regardless of whether the relief targets the conduct of the proceeding directly.³³ *Younger* involved a criminal proceeding and held that a federal court cannot interfere with a pending state court proceeding absent extraordinary circumstances.³⁴

b. ENFORCEMENT OF STATE CRIMINAL LAWS ARE IMPORTANT STATE INTERESTS

The second inquiry is whether the state has an important interest in regulating the subject matter of the claim. Louisiana has a strong interest in enforcing its criminal laws. The Fifth Circuit has held that abstention is required when state criminal proceedings are currently pending against a federal plaintiff.³⁵ The Fifth Circuit holds abstention is proper.³⁶

³⁰ *Bice*, 677 F.3d at 716; quoting *Middlesex Cty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 432 (1982).

³¹ *Gibson v. Orleans Par. Sheriff*, 971 F.Supp.2d 625, 629–630 (E.D. La.2013), citing *New Orleans Public Service, Inc.*, 491 U.S. at 364.

³² *Bice*, 677 F.3d 712

³³ *Bice*, 677 F.3d 712

³⁴ *Younger v. Harris*, 401 U. S. 37, 45 (1971). *Younger* has been extended to include state civil enforcement proceedings and civil proceedings involving certain orders... uniquely in furtherance of the state courts’ ability to perform their judicial functions. *Sprint Commc’ns. Inc. v. Sprint Communications, Inc.*, 134 S.Ct. 584.

³⁵ *Bice*, 677 F.3d 712

³⁶ *Boyd v. Farrin*, 575 Fed.Appx. 517 (5th Cir.2014); *Celestine v. 27th Judicial Dist. Court*, 70 Fed.Appx. 232 (5th Cir.2003); *DeSpain*, 731 F.2d 1171; *Gibson*, 971 F.Supp.2d 625; *Lewis v. Beddingfield*, 20 F.3d 123 (5th Cir.1994).

c. OPPORTUNITY TO REDUCE/ELIMINATE BAIL EXISTS IN THE STATE PROCEEDING

The third inquiry is whether the federal plaintiff has an adequate opportunity in the state proceeding to raise their constitutional challenge. “Adequate” refers to whether the state tribunal affords an opportunity for presentation of the federal claim, not whether that claim will prevail.³⁷ Louisiana affords a variety of ways in which the issue may be addressed. There is no question that these plaintiffs have viable remedies under state law and that they are taking advantage of them.

The recent case of *El v. Louisiana*³⁸ is directly on point. El was charged by the Jefferson Parish District Attorney with certain crimes. El maintained he was sovereign and not subject to state law. He sued the Governor, the State, and the District Attorney. His case did not survive a FRCP 12(b)(6) motion. His claim against the District Attorney, like the claim against Magistrate Judge Cantrell, was specifically subject to *Younger v. Harris* because of the ongoing state criminal proceeding where he had the right and ability to urge his constitutional issues

Finally, to the extent that plaintiff asks this Court to enjoin state criminal proceedings pending against him, the request is denied. It appears that there is an ongoing state judicial proceeding in the Twenty-Fourth Judicial District Court for the Parish of Jefferson, Louisiana, against plaintiff, the state has an important interest in adjudicating plaintiff's criminal charges, and any viable constitutional challenges plaintiff may have may be raised in the state proceeding. Finally, plaintiff shall not be permitted leave to file an amended complaint against defendant Connick.³⁹

VI. CONCLUSION AND RELIEF REQUESTED

Subject-matter jurisdiction is required before this Court can proceed to the merits. The burden to prove subject matter jurisdiction rests with plaintiffs. Those plaintiffs who are not defendants in ongoing state criminal proceedings lack standing for lack of concrete interest and

³⁷ *Ballard v. Wilson*, 856 F.2d 1568 (5th Cir.1988).

³⁸ *El v. Louisiana*, CV 16-2125, 2017 WL 1969552 (E.D. La. May 12, 2017).

³⁹ *Id.*

injury. For the two named plaintiffs and the other identified individuals who are currently defendants in ongoing state criminal proceedings, their claims must also be dismissed under *Younger v. Harris*. The instant motion has merit; it should be granted and plaintiffs' suit should be dismissed with prejudice.

Respectfully submitted,

/s/ Celeste Brustowicz

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Attorneys for: Magistrate Judge Harry E. Cantrell

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of July, 2017, a copy of the foregoing pleading has been forwarded to all counsel of record via CM/ECF filing through the United States District Court system, email and/or United States Mail.

/s/ Celeste Brustowicz

MAG#: 564440

D O C K E T M A S T E R

Date: 07/14/2017

Time: 08:41:58

ORLEANS PARISH MAGISTRATE COURT

=====

DEFENDANT(S): CNTS CHARGE(S):

=====

CALISTE, ADRIAN A

1	RS 40 966	A05P	BOND:	0.00
	POSS MARIJUANA			
1	RS 40 967(C)(2)	A40P	BOND:	2,500.00
	POSSESSION OF COCAINE (CRACK)			
1	RS 40 1023		BOND:	2,500.00
	POSS OF DRUG PARAPHERNALIA			

=====

DATE PROCEEDINGS

=====

06/20/2017

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
 BOND SET FOR \$5,000.00
 RESULT-RULE TO SHOW CAUSE FOR 7/18/2017 AT 3:00 PM
 SCHEDULED -PROGRESS REPORT ON 7/18/2017 AT 3:00 PM, SECT M3
 SCHEDULED -RULE TO SHOW CAUSE ON 8/18/2017 AT 3:00 PM, SECT M5
 OPD APPOINTED, DEFENDANT SERVED FOR HEARING
 THE COURT FOUND NO PROBABLE CAUSE FOR POSS. MARIJUANA
 THE COURT ISSUED A RELEASE FOR THIS COUNT ONLY
 THIS DEFENDANT IS ORDERED TO REPORT TO CDCS PRETRIAL SERVICE

07/05/2017

NELSONCA *

UNSCHEDULED ACTIVITY IN MAGISTRATE COURT SECTION M1
 RESULT-DEFENSE FILED MOTIONS
 SCHEDULED -BOND REDUCTION HEARING ON 7/10/2017 AT 10:00 AM, SECT
 M1
 JAN FENNELL OPD ATTY FOR THIS DEFENDANT
 FILED MOTION FOR BOND REDUCTION
 STATE SERVED WITH MOTION
 PLACE THIS DEFENDANT ON THE JAIL LIST FOR HEARING

=====

END OF DOCKET MASTER

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Disclaimer:

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MAG#: 564456

D O C K E T M A S T E R

Date: 07/14/2017

Time: 08:42:51

ORLEANS PARISH MAGISTRATE COURT

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DEFENDANT(S): CNTS CHARGE(S):

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GISCLAIR, BRIAN A

1 RS 40 967(C)(2) A40P BOND: 2,500.00
 POSSESSION OF COCAINE (CRACK)

=====

DATE PROCEEDINGS

=====

06/20/2017

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1

BOND SET FOR \$2,500.00

RESULT-COURT FINDS PROBABLE CAUSE FOR 7/18/2017 AT 3:00 PM

SCHEDULED -PROGRESS REPORT ON 7/18/2017 AT 3:00 PM, SECT M3

SCHEDULED -RULE TO SHOW CAUSE ON 8/18/2017 AT 3:00 PM, SECT M5

OPD APPOINTED,DEFENDANT SERVED FOR HEARING

THIS DEFENDANT IS ORDERED TO REPORT TO CDCS PRETRIAL SERVICES

=====

END OF DOCKET MASTER

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MAG#: 561958

D O C K E T M A S T E R

Date: 07/13/2017

Time: 16:44:27

ORLEANS PARISH MAGISTRATE COURT

=====

DEFENDANT(S): CNTS CHARGE(S):

=====

WILLIAMS, ANGIE

1 RS 14 35.3
DOMESTIC ABUSE BATTERY

BOND: 2,500.00

=====

DATE PROCEEDINGS

=====

03/20/2017

WRIGHTD *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
BOND SET FOR \$2,500.00
RESULT-RULE TO SHOW CAUSE FOR 5/17/2017 AT 10:00 AM
SCHEDULED -RULE TO SHOW CAUSE ON 5/17/2017 AT 10:00 AM, SECT M1
SCHEDULED -PROGRESS REPORT ON 4/17/2017 AT 10:00 AM, SECT M1
THE COURT FOUND PC FOR DOMESTIC ABUSE AND ORDERED THE DEFENDANT
TO DOMESTIC VIOLENCE COURT.

03/21/2017

WRIGHTD *

UNSCHEDULED JUDICIAL ACTIVITY IN MAGISTRATE COURT SECTION M1
SCHEDULED -STATUS HEARING ON 4/07/2017 AT 10:00 AM, SECT M1
THE DEFENSE FILED:
-NOTICE OF INTENT TO APPLY FOR SUPERVISORY WRITS.
PDOJL

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END OF DOCKET MASTER

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MAG#: 559278

D O C K E T M A S T E R

Date: 07/13/2017

Time: 16:42:30

ORLEANS PARISH MAGISTRATE COURT

=====

DEFENDANT(S): CNTS CHARGE(S):

=====

ARMSTEAD, CHINETTE M

1 RS 14 69(B)(1) BOND: 0.00
ILL POSS STOLEN THINGS > \$1500

ARMSTEAD, CHINETTE M

1 RS 14 67.10(B)(1) BOND: 2,500.00
THEFT OF GOODS \$1500 OR MORE

ARMSTEAD, CHINETTE M

1 RS 14 67.10(B)(2) BOND: 2,500.00
THEFT OF GOODS \$500 TO \$1499

=====

DATE PROCEEDINGS

=====

12/08/2016

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
BOND SET FOR \$7,500.00
RESULT-COURT FINDS PROBABLE CAUSE FOR 1/05/2017 AT 10:00 AM
SCHEDULED -PROGRESS REPORT ON 1/05/2017 AT 10:00 AM, SECT M1
SCHEDULED -RULE TO SHOW CAUSE ON 2/05/2017 AT 10:00 AM, SECT M5
OPD APPOINTED, DEFENDANT SERVED FOR HEARING
THIS DEFENDANT HAS MUNICIPAL CHARGES PENDING
THIS DEFENDANT HAS PRIOR CONVICTIONS
NO ROR ISSUED

12/15/2016

NELSONCA *

UNSCHEDULED ACTIVITY IN MAGISTRATE COURT SECTION M1
RESULT-DEFENSE FILED MOTIONS
SCHEDULED -BOND REDUCTION HEARING ON 12/19/2016 AT 10:00 AM, SECT
M1
MARY ANDERSON OPD ATTY FOR THIS DEFENDANT
FILED MOTION FOR BOND REDUCTION
STATE SERVED WITH MOTION
PLACE THIS DEFENDANT ON THE JAIL LIST FOR HEARING

12/19/2016

NELSONCA *

BOND REDUCTION HEARING IN MAGISTRATE COURT SECTION M1
RESULT-COURT DENIED MOTION(S)
JIMMY MILLER OPD ATTY PRESENT WITH THIS DEFENDANT

=====

END OF DOCKET MASTER

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EXHIBIT 1

ORLEANS PARISH CRIMINAL DISTRICT COURT

=====

F# DEFENDANT(S): CNTS CHARGE(S):

=====

1 GREEN, EDDIE

1 RS 14 56(A)(1) BOND: 2,500.00
SIMPLE CRIMINAL DAMAGE TO PROPERTY
1 RS 14 103 BOND: .00
DISTURBING THE PEACE

=====

DATE PROCEEDINGS

=====

3/15/2017

FILED BILL OF INFORMATION RODRIGUEZA
CAPIAS ISSUED
BOND SET \$2,500.00
MAGISTRATE PAPERWORK FILED (M-561572, DOB: 06/09/62, F#2447265)

ALOTTED. ARRAIGNMENT SET FOR 03/20/17. PDOJL

3/20/2017

>THE DEFENDANT, EDDIE GREEN APPEARED FOR ARRAIGNMENT. WARREN
APPOINTED, OPD. >MICHAEL MAGNER STOOD IN FOR ARRAIGNMENT ONLY. COURT
>BILL OF INFORMATION READ. >DEFENDANT ENTERED PLEA OF NOT
GUILTY. >DEFENDANT INFORMED OF RIGHT TO TRIAL BY JUDGE OR JURY.
COURT ORDER THE DEFENDANT TO INPATIENT DRUG TREATMENT AT ODYSSEY
HOUSE. THE DEFENDANT EDDIE GREEN HAS TO COMPLETE INTAKE FOR
ODYSSEY HOUSE FOR TREATMENT. COURT WILL ALLOW THE DEFENDANT
RELEASE ON ROR BOND. STATE FILE STAY AWAY ORDER. >HRG TO
DETERMINE COUNSEL SET FOR 03/29/17 >NOTIFY DEF.COUNSEL. >PDOJL

3/29/2017

>THE DEFENDANT, EDDIE GREEN APPEARED FOR HRG TO DETERMINE WARREN
COUNSEL WITH COUNSEL, MATT VOGEL COURT ORDER DEFENDANT RELEASE
TO OPD REPRESENTATIVE TO BE TRANSPORT TO ODYSSEY HOUSE WHERE
THERE IS A BED AWAITING FOR INPATIENT DRUG TREATMENT. COURT
ALLOW DEFENDANT RELEASE ON \$2500.00 ROR BOND #10672. >RELEASE
ISSUED. >COURT RECALLED THE ALIAS CAPIAS. >TRIAL SET FOR
04/26/17 >SEND NOTICES. >NOTIFY DEF.COUNSEL. >DNOC.

4/03/2017

FILED ROR BOND, \$2,500.00, DATE OF BOND: 03/29/17. (GREEN) RODRIGUEZA

4/26/2017

>DEFENDANT, EDDIE GREEN APPEARED WITHOUT COUNSEL FOR TRIAL WARREN
>CONTINUED ON STATE MOTION TRIAL IN PROGRESS IN SECTION "A",
525-332, TAVIS LEONARD. STATE HAS PLEA OFFER, DEFENDANT IS
EXPECTED TO ACCEPT PLEA. >PRE-TRIAL CONFERENCE SET FOR 06/05/17
>NOTIFY DEF.COUNSEL. >DNOC.

6/05/2017

>THE DEFENDANT, EDDIE GREEN APPEARED FOR PRE-TRIAL CONFERENCE WARREN
WITH COUNSEL, LAURA BIXBY >COUNT 1 AMENDED TO RS 14 103
DISTURBING THE PEACE >DEFENDANT PLED GUILTY >FOR COUNT 1 RS 14
103 DISTURBING THE PEACE PLED GUILTY PURSUANT TO ARTICLE 894.
>EDDIE GREEN DEFENDANT WAIVED DELAYS. >IMPOSITION OF SENTENCE
SUSPENDED UNDER 894. >AS TO COUNT 1, >90 DAYS, SUSPENDED AND
DEFERRED UNDER LA.C.CR.P.ART.894. >90 DAYS, INACTIVE
PROBATION. >CONCURRENT WITH THESE CASES: ANY AND ALL OTHER
SENTENCES. >THE DEFENDANT IS GIVEN CREDIT FOR ALL TIME SERVED.
>COURT ORDER DEFENDANT TO COMPLETE (40) HOURS OF COMMUNITY SERVIC
DEFENDANT HAS ELECTED TO COMPLETE COMMUNITY SERVICE AT SIX
DISTRICT POLICE STATION. DEFENDANT MUST PROVIDE THE COURT WITH
PROOF OF SERVICES PROVIDED. THESE ARE THE SPECIAL CONDITIONS:
>JUDGE ISSUED AN ORDER PROHIBITING THE DEFENDANT FROM POSSESSING
OR PURCHASING A FIREARM DURING PROBATION (ART. 895A(6)) >FINES
AND FEES ARE WAIVED. >COURT RECALLED THE ALIAS CAPIAS. >CASE
CLOSED, THIS DEFENDANT.

=====

END OF DOCKET MASTER

=====

Clerk's Office 7-13 2017
A True Copy
by Deputy Clerk
Hon. Arthur A. Morrell
Clerk of Criminal District Court
Orleans Parish

MAG#: 559682

D O C K E T M A S T E R

Date: 07/13/2017

Time: 16:47:10

ORLEANS PARISH MAGISTRATE COURT

=====

DEFENDANT(S): CNTS CHARGE(S):

=====

MORGAN, GAVIN P

1 RS 14 35.3
DOMESTIC ABUSE BATTERY

BOND: 5,000.00

=====

DATE PROCEEDINGS

=====

12/27/2016

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1

BOND SET FOR \$5,000.00

RESULT-COURT FINDS PROBABLE CAUSE FOR 1/24/2017 AT 10:00 AM

SCHEDULED -PROGRESS REPORT ON 1/24/2017 AT 10:00 AM, SECT M1

SCHEDULED -RULE TO SHOW CAUSE ON 2/24/2017 AT 3:00 PM, SECT M4

OPD APPOINTED, DEFENDANT SERVED FOR HEARING

THIS DEFENDANT WAS ISSUED AND SIGNED A PROTECTIVE ORDER, ORDER

FILED INTO COURT'S RECORD

THIS DEFENDANT IS ORDERED TO REPORT TO CDCS DOMESTIC VIOLENCE CRT

=====

END OF DOCKET MASTER

=====

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MAG#: 564315

D O C K E T M A S T E R

Date: 07/14/2017

Time: 08:47:36

ORLEANS PARISH MAGISTRATE COURT

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DEFENDANT(S):	CNTS CHARGE(S):
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=====

WILLIAMS, JAMEAL

1 RS 14 95 BOND: 0.00

ILLEGAL CARRYING WEAPONS

1 RS 14 37.4 BOND: 0.00

AGG ASSAULT WITH A FIREARM

WILLIAMS, JAMEAL

1 RS 14 108 BOND: 5,000.00

RESISTING AN OFFICER

WILLIAMS, JAMEAL

1 RS 14 37.2 BOND: 10,000.00

AGG ASSAULT UPON PEACE OFFICER W/FIREARM

=====

DATE	PROCEEDINGS
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06/15/2017

WILSONTH *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1

BOND SET FOR \$25,000.00

RESULT-RULE TO SHOW CAUSE FOR 7/13/2017 AT 3:00 PM

SCHEDULED -PROGRESS REPORT ON 7/13/2017 AT 3:00 PM, SECT M5

SCHEDULED -RULE TO SHOW CAUSE ON 8/14/2017 AT 3:00 PM, SECT M2

STARVOS PANAGOULOPOULOS, ATTY FOR THE DEFENDANT, APPEARED ON THE

DEFENDANT'S BEHALF.

06/16/2017

WILSONTH *

UNSCHEDULED ACTIVITY IN MAGISTRATE COURT SECTION M1

RESULT-SATISFIED

SCHEDULED -PRELIMINARY HEARING ON 6/28/2017 AT 10:00 AM, SECT M1

STAVROS PANAGOULOPOULOS, ATTY OF RECORD, APPEARED BEFORE THE

COURT AND FILED A MOTION FOR PRELIMINARY HEARING AS WELL AS A

MOTION TO REDUCE BOND.

COURT GRANTED THE MOTIONS AND STATE WAS SERVED WITH COPY OF THE

MOTIONS. PDOJL

07/05/2017

TAMBORELL *

STATUS HEARING IN MAGISTRATE COURT SECTION M3

RESULT-HELD

DEFENSE ATTY : STAVROS PANAGOULOPOULOS FILED THE FOLLOWING MOTION

IN TO THE RECORD.

1. NOTICE OF INTENT TO SEEK A SUPERVISORY WRIT

=====

END OF DOCKET MASTER

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EXHIBIT 1

ORLEANS PARISH CRIMINAL DISTRICT COURT

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DF#	DEFENDANT(S):	CNTS	CHARGE(S):
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1	THOMAS, JERMAINE M	1	RS 14 39 NEGLIGENT INJURING	BOND:	15,000.00
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DATE	PROCEEDINGS
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2/02/2017	FILED BILL OF INFORMATION CAPIAS ISSUED BOND SET \$ 15,000 MAGISTRATE PAPERWORK FILED (M# 559871, DOB 1/29/80, F# 2444106) ***** ALLOTTED. ARRAIGNMENT SET FOR 02/16/2017 AT 10 A.M. FILED SURETY BOND, \$ 15,00	LEWISRO
-----------	--	---------

2/16/2017	>DEFENDANT JERMAINE M THOMAS , DID NOT APPEAR FOR ARRAIGNMENT >COURT RESET ARRAIGNMENT. >HRG TO DETERMINE COUNSEL SET FOR 03/10/17 IN SECTION M1. >ARRAIGNMENT SET FOR 03/10/17 IN SECTION M1. >DNOC.	NELSONCA
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3/10/2017	>REPRESENTED BY PVT. ATTY >READING OF BILL OF INFORMATION WAIVED. >DEFENDANT ENTERED PLEA OF NOT GUILTY. >DISCOVERY HEARING SET FOR 04/07/17 IN SECTION M1. >NOTIFY DEFENDANT. >NOTIFY SURETY. >DNOC.	NELSONCA
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4/07/2017	>THE DEFENDANT, JERMAINE M THOMAS APPEARED FOR DISCOVERY HEARING WITH COUNSEL, BOBBY SMITH THE STATE TENDER DISCOVERY TO DEFENSE >TRIAL SET FOR 06/29/17 IN SECTION M1. >NOTIFY DEF.COUNSEL. >NOTIFY SURETY. >DNOC.	NELSONCA
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6/29/2017	>DEFENDANT, JERMAINE M THOMAS APPEARED WITH COUNSEL, BOBBY SMITH FOR TRIAL >THE COURT RESET THIS TRIAL, >TRIAL CONTINUED TO 07/27/17 IN SECTION M1. >NOTIFY DEF.COUNSEL. >DNOC.	NELSONCA
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END OF DOCKET MASTER

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Clerk's Office 7-11 20 17
A True Copy
by [Signature] Deputy Clerk
Hon. Arthur A. Morrell
Clerk of Criminal District Court
Orleans Parish

MAG#: 561052

D O C K E T M A S T E R

Date: 07/13/2017

Time: 16:48:11

ORLEANS PARISH MAGISTRATE COURT

=====

DEFENDANT(S): CNTS CHARGE(S):

=====

MEDEL, JESUS

1	RS 14 35	BOND:	0.00
	SIMPLE BATTERY		
1	RS 14 35.3	BOND:	5,000.00
	DOMESTIC ABUSE BATTERY		

=====

DATE PROCEEDINGS

=====

02/15/2017

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
 RESULT-RESET FOR 3/15/2017 AT 10:00 AM
 SCHEDULED -PROGRESS REPORT ON 3/15/2017 AT 10:00 AM, SECT M1
 SCHEDULED -RULE TO SHOW CAUSE ON 4/15/2017 AT 3:00 PM, SECT M3
 SCHEDULED -FIRST APPEARANCE HEARING ON 2/16/2017 AT 10:00 AM, SEC
 T M1
 THIS DEFENDANT REQUIRES A SPANISH INTERPETER
 PLACE THIS DEFENDANT ON THE JAIL LIST FOR HEARING

02/16/2017

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
 BOND SET FOR \$5,000.00
 RESULT-COURT FINDS PROBABLE CAUSE FOR AT
 MATTHEW VOGEL OPD ATTY FOR THIS PROCEEDING
 STEPHANIE LADY, SPANISH INTERPETER PRESENT FOR THIS PROCEEDING
 THIS DEFENDANT WAS ISSUED AND SIGNED A PROTECTIVE ORDER
 THIS DEFENDANT IS ORDERED TO REPORT TO CDCS DOMESTIC VIOLENCE CRT

=====

END OF DOCKET MASTER

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MAG#: 561626

D O C K E T M A S T E R

Date: 07/13/2017

Time: 16:45:49

ORLEANS PARISH MAGISTRATE COURT

DEFENDANT(S): CNTS CHARGE(S):

MYLES, LAKIESHA

1 RS 14 82
PROSTITUTION

BOND: 2,500.00

1 RS 14 103
DISTURBING THE PEACE

BOND: 0.00

DATE	PROCEEDINGS
11/1/78	11/1/78
11/2/78	11/2/78
11/3/78	11/3/78
11/4/78	11/4/78
11/5/78	11/5/78
11/6/78	11/6/78
11/7/78	11/7/78
11/8/78	11/8/78
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2/29/79	2/29/79
2/30/79	

03/08/2017

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
RESULT-RESET FOR 5/05/2017 AT 3:00 PM
SCHEDULED -RULE TO SHOW CAUSE ON 5/05/2017 AT 3:00 PM, SECT M3
SCHEDULED -PROGRESS REPORT ON 4/05/2017 AT 10:00 AM, SECT M1
SCHEDULED -FIRST APPEARANCE HEARING ON 3/09/2017 AT 10:00 AM, SECT M1
THIS DEFENDANT REQUIRES A HEARING IMPAIRED TRANSLATOR
PLACE THIS DEFENDANT ON THE JAIL LIST FOR HEARING

03/09/2017

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
BOND SET FOR \$2,500.00
RESULT-COURT FINDS PROBABLE CAUSE FOR AT
OPD APPOINTED
JENNIFER GUERRIERI HEARING IMPAIRED INTERPETER PRESENT FOR THIS
PROCEEDING
THE COURT HAS SET BOND ACCORDINGLY
THIS DEFENDANT IS HOMELESS, NO ROR ISSUED

03/10/2017

NELSONCA *

UNSCHEДУED ACTIVITY IN MAGISTRATE COURT SECTION M1
RESULT-DEFENSE FILED MOTIONS
DEFENSE FILED NOTICE TO SEEK WRITS

END OF DOCKET MASTER

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MAG#: 561047

D O C K E T M A S T E R

Date: 07/13/2017

Time: 16:49:29

ORLEANS PARISH MAGISTRATE COURT

=====

DEFENDANT(S): CNTS CHARGE(S):

=====

CORTINA, LORENZO L

1 RS 14 35.3
DOMESTIC ABUSE BATTERY

BOND: 2,500.00

=====

DATE PROCEEDINGS

=====

02/15/2017

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
 RESULT-RESET FOR 3/15/2017 AT 10:00 AM
 SCHEDULED -PROGRESS REPORT ON 3/15/2017 AT 10:00 AM, SECT M1
 SCHEDULED -RULE TO SHOW CAUSE ON 4/15/2017 AT 3:00 PM, SECT M3
 SCHEDULED -FIRST APPEARANCE HEARING ON 2/16/2017 AT 10:00 AM, SEC
 T M1
 OPD APPOINTED, DEFENDANT SERVED FOR HEARING
 THIS DEFENDANT WAS ISSUED AND SIGNED A PROTECTIVE ORDER
 THIS DEFENDANT IS ORDERED TO REPORT TO CDCS DOMESTIC VIOLENCE CRT
 THIS DEFENDANT REQUIRES A SPANISH INTERPETER
 PLACE THIS DEFENDANT ON THE JAIL LIST FOR HEARING

02/16/2017

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
 BOND SET FOR \$2,500.00
 RESULT-COURT FINDS PROBABLE CAUSE FOR 2/22/2017 AT 10:00 AM
 SCHEDULED -HEARING ON DOMESTIC MATTER ON 2/22/2017 AT 10:00 AM, S
 ECT M1
 JACK MUSE OPD ATTY PRESENT FOR THIS DEFENDANT
 PLACE THIS DEFENDANT ON THE JAIL LIST FOR HEARING

02/22/2017

NELSONCA *

HEARING ON DOMESTIC MATTER IN MAGISTRATE COURT SECTION M1

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END OF DOCKET MASTER

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DOCKET MASTER

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=====
JOHNSON, MISHANA
1 RS 14 62(B) BOND: 0.00
SIMPLE BURGLARY
JOHNSON, MISHANA
1 RS 14 35 BOND: 2,500.00
SIMPLE BATTERY
JOHNSON, MISHANA
1 RS 14 56(B)(1) BOND: 2,500.00
SIMPLE CRIMINAL DAMAGE TO PROPTY < $500
JOHNSON, MISHANA
1 RS 14 62(B) BOND: 2,500.00
SIMPLE BURGLARY
=====
DATE PROCEEDINGS
=====
05/04/2017 NELSONCA *
FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
BOND SET FOR $7,500.00
RESULT-COURT FINDS PROBABLE CAUSE FOR 6/01/2017 AT 3:00 PM
SCHEDULED -PROGRESS REPORT ON 6/01/2017 AT 3:00 PM, SECT M5
SCHEDULED -RULE TO SHOW CAUSE ON 7/02/2017 AT 3:00 PM, SECT M3
DEIDRE PIERCE-KELLY PVT. ATTY FOR THIS DEFENDANT
DEFENDANT SERVED FOR HEARING
THIS DEFENDANT IS ORDERED TO REPORT CDCS DOMESTIC VIOLENCE CRT
THIS DEFENDANT WAS ISSUED AND SIGNED A PROTECTIVE ORDER
06/01/2017 SCHIAFFIN*
PROGRESS REPORT IN MAGISTRATE COURT SECTION M5
THE DEFENDANT FAILED TO APPEAR
THE BOND IS FORFEITABLE IF THE DEFENDANT FAILS TO APPEAR
FOR ARRAIGNMENT IF THIS MATTER IS
06/08/2017 SCHIAFFIN*
STATUS HEARING IN MAGISTRATE COURT SECTION M5
THE DEFENDANT APPEARED TODAY
THE COURT ADMONISHED THE DEFENDANT FOR MISSING COURT
AND NOTIFIED HER OF THE NEXT STEPS IN THIS MATTER
THIS WAS THE LAST PRE ACCEPTANCE APPEARANCE DATE
FOR THE DEFENDANT IN MAGISTRATE COURT
THE CHARGES HAVE NOT YET BEEN ACCEPTED OR REFUSED
THE RULE DATE HAS BEEN PREVIOUSLY SET
THE DEFENDANT DOES NOT NEED TO APPEAR IN THIS MAGISTRATE COURT
AGAIN UNLESS SUBPOENAED BY THIS MAGISTRATE COURT
THE COURT VERIFIED THE DEFENDANTS ADDRESS ON THE BOND ON THIS
DATE AS WELL
=====
END OF DOCKET MASTER
=====
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MAG#: 559319

D O C K E T M A S T E R

Date: 07/13/2017

Time: 16:51:14

ORLEANS PARISH MAGISTRATE COURT

=====

DEFENDANT(S): CNTS CHARGE(S):

=====

DUNCKLEY, JOSEPH L

1 RS 15 542.1.4(A)1 BOND: 0.00
 FAILS TO REGISTER PERIODICALLY RENEW AND

DUNCKLEY, JOSEPH L

1 RS 15 542.1.4(A)1 BOND: 0.00
 FAILS TO REGISTER PERIODICALLY RENEW AND

DUNCKLEY, JOSEPH L

1 RS 15 542.1.4(A)2 BOND: 0.00
 SECOND OR SUBSEQUENT CONVICTIONS

=====

DATE PROCEEDINGS

=====

12/09/2016

NELSONCA *

FIRST APPEARANCE HEARING IN MAGISTRATE COURT SECTION M1
 BOND SET FOR \$2,500.00
 RESULT-COURT FINDS PROBABLE CAUSE FOR 1/06/2017 AT 10:00 AM
 SCHEDULED -PROGRESS REPORT ON 1/06/2017 AT 10:00 AM, SECT M1
 SCHEDULED -RULE TO SHOW CAUSE ON 2/06/2017 AT 3:00 PM, SECT M2
 OPD APPOINTED, DEFENDANT SERVED FOR HEARING

12/13/2016

NELSONCA *

UNSCHEDULED ACTIVITY IN MAGISTRATE COURT SECTION M1
 RESULT-DEFENSE FILED MOTIONS
 SCHEDULED -BOND REDUCTION HEARING ON 12/19/2016 AT 10:00 AM, SECT
 M1
 DYLAN DUFFY OPD ATTY FOR THIS DEFENDANT
 FILED MOTION FOR BOND REDUCTION
 MICHEAL HENN ADA SERVED FOR HEARING
 PLACE THIS DEFENDANT ON THE JAIL LIST FOR HEARING

12/15/2016

NELSONCA *

UNSCHEDULED ACTIVITY IN MAGISTRATE COURT SECTION M1
 RESULT-STATE FILED MOTIONS
 SCHEDULED -BOND REDUCTION HEARING ON 12/19/2016 AT 10:00 AM, SECT
 M1
 STATE'S OPPOSITION TO DEFENDANT'S MOTION TO REDUCE BAIL AND
 MOTION TO INCREASE BAIL
 DEFENSE SERVED WITH MOTION

12/19/2016

NELSONCA *

BOND REDUCTION HEARING IN MAGISTRATE COURT SECTION M1
 SCHEDULED -STATUS HEARING ON 1/04/2017 AT 10:00 AM, SECT M1
 DYLAN DUFFY OPD ATTY PRESENT WITH THIS DEFENDANT
 ED MCCULLFIE ADA PRESENT FOR THIS PROCEEDING
 THE DENIED DEFENSE MOTION TO REDUCE BAIL
 THE COURT INCREASED THE BOND IN THIS MATTER
 DEFENSE, NOTICE OF INTENTION TO APPLY FOR SUPERVISORY WRITS

12/20/2016

NELSONCA *

UNSCHEDULED ACTIVITY IN MAGISTRATE COURT SECTION M1
 DEFENSE EMERENCT APPLICATION FOR SUPERVISORY WRIT

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END OF DOCKET MASTER

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The Orleans Parish Sheriff's Office provides computer services to both the Orleans Parish Clerk of Criminal District Court and the Orleans

EXHIBIT 1