

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

**ALEXANDRIA DIVISION**

**UNITED STATES OF AMERICA \* CRIMINAL NO. 1:17-CR-00204-001**  
**VERSUS \* CHIEF JUDGE DRELL**  
**NATHAN BURL CAIN, II, et al \* MAGISTRATE JUDGE PEREZ-MONTES**

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**JOINT MOTION TO SUPPRESS**

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NOW INTO COURT, through undersigned counsel, come the Defendants Nathan Burl Cain, II and Tonia Bandy Cain, who move this Court for the following relief:

1.

In this case, the Defendants were indicted on August 11<sup>th</sup>, 2017 in the above captioned matter in a 6 Count, 10 page Indictment alleging wire fraud. The Indictment also contains a forfeiture count. (See Rec. Doc. 1)

2.

The Defendants bring this Motion pursuant to Federal Rule of Criminal Procedure 12(b), as well as the Fourth Amendment to the United States Constitution, seeking to suppress evidence obtained illegally in this matter. The Defendants seek an Order from this Court suppressing the evidence and prohibiting the Government from introducing into evidence any tangible objects, or information, or statements obtained in violation of Mr. and Mrs. Cain's Constitutional and statutory rights.

3.

The Defendants request an Evidentiary Hearing on this Motion.

4.

A Memorandum of Authorities is attached.

WHEREFORE THE DEFENDANTS PRAY that the Court, after considering the law, evidence, and arguments of counsel, enter an Order suppressing all evidence obtained in violation of Mr. and Mrs. Cain's Constitutional and statutory rights.

**RESPECTFULLY SUBMITTED  
BY ATTORNEYS:**

**WALTERS PAPILLION THOMAS  
CULLEN, LLC**

/s/John S. McLindon  
**JOHN S. McLINDON, Of Counsel**  
Bar Number 19703  
12345 Perkins Road, Bldg. 2, Ste. 202  
Baton Rouge, LA 70810  
225-236-3636, Telephone  
225-236-3650, Facsimile  
E-mail: [mclindon@lawbr.net](mailto:mclindon@lawbr.net)  
*Counsel for Nathan Burl Cain, II*

**REBECCA L. HUDSMITH, FEDERAL  
PUBLIC DEFENDER FOR THE  
MIDDLE & WESTERN DISTRICTS OF  
LOUISIANA**

/s/Cristie Gautreaux Gibbens  
**CRISTIE GAUTREAUX GIBBENS**  
Assistant Federal Public Defender  
Bar Number 24102  
102 Versailles Blvd., Suite 816  
Lafayette, Louisiana 70501  
337-262-6636, Telephone  
337-262-6605, Facsimile  
Email: [Cristie\\_gibbens@FD.org](mailto:Cristie_gibbens@FD.org)  
*Counsel for Tonia Bandy Cain*

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

**ALEXANDRIA DIVISION**

**UNITED STATES OF AMERICA      \*    CRIMINAL NO. 1:17-CR-00204-001**  
**VERSUS                                      \*    CHIEF JUDGE DRELL**  
**NATHAN BURL CAIN, II, et al        \*    MAGISTRATE JUDGE PEREZ-MONTES**

## CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2018, a copy of the foregoing Motion was filed electronically with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all counsel of record by operation of the court's electronic filing system.

/s/ John S. McLindon

**JOHN S. McLINDON**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION**

**UNITED STATES OF AMERICA      \*    CRIMINAL NO. 1:17-CR-00204-001**

**VERSUS                                      \*    CHIEF JUDGE DRELL**

**NATHAN BURL CAIN, II and        \*    MAGISTRATE JUDGE PEREZ-MONTES**  
**TONIA BANDY CAIN**

**MEMORANDUM IN SUPPORT OF JOINT MOTION TO  
SUPPRESS ON BEHALF OF DEFENDANTS NATHAN B.  
CAIN, II AND TONIA B. CAIN**

Nathan Cain and Tonia Cain move to suppress any and all evidence obtained and/or seized by the State of Louisiana, Office of the Inspector General (OIG). As will be discussed in this Memorandum, the OIG exceeded their statutory authority in executing a search warrant and seizing certain evidence. This evidence has been turned over to the United States Attorney's Office for the Western District of Louisiana, who is using it to prosecute Tonia and Nathan Cain. The Silver Platter Doctrine enunciated in *Elkins v. United States*, 364 U.S. 206 (1960), prohibits federal prosecutors from using evidence illegally obtained by State officials.

## BACKGROUND

The Avoyelles Correctional Center (ACC) is a medium security adult correctional center located in Cottonport, Louisiana. It is one of 9 State correctional facilities operated by the Louisiana Department of Public Safety and Corrections. Defendant Nathan B. Cain began serving as Warden of ACC on June 13<sup>th</sup>, 2012. He retired on May 24<sup>th</sup>, 2016.

Tonia Cain was an employee of ACC. She retired on May 21<sup>st</sup>, 2016.

On June 8<sup>th</sup>, 2016, Nicole S. Compton, a criminal investigator with the Louisiana Office of the State Inspector General presented an “Application for Search Warrant” to the Judges of the 12<sup>th</sup> Judicial District, State of Louisiana. A search warrant was signed by one of the Judges on the same date, June 8<sup>th</sup>, 2016 at approximately 8:35 a.m. The search warrant was executed and carried out later that day at the residence of Nate and Tonia Cain. The evidence obtained in this search and seizure was eventually turned over to the United States Attorney’s Office for the Western District of Louisiana, who in turn, used it to obtain an indictment in the above captioned matter against the Defendants Nathan and Tonia Cain.

Because the Louisiana Office of the Inspector General does not have authority to obtain and execute search warrants, all of the evidence obtained must be suppressed and held inadmissible at the Trial of this matter.

#### **LOUISIANA OFFICE OF INSPECTOR GENERAL**

The Office of the State Inspector General was established by the Louisiana Legislature in 2008. The statutes establishing the OIG can be found at La. R.S. 49:220.21 through La. R.S. 49:220.26. The OIG is a “body corporate” domiciled in Baton Rouge. (See La. R.S. 49:220.22)

The authority, duties, powers, and functions of the OIG are set forth in § 220.24. A reading of subparagraph (J) of § 220.24 would initially lead one to believe that the OIG can execute search warrants. That paragraph reads:

“The Office of the State Inspector General is designated as a law enforcement agency and conferred all investigative powers and privileges appurtenant to a law enforcement agency under state law as necessary and in furtherance of the authority, duties, powers, and functions set forth in this part. These powers and privileges shall not include arrest powers but shall include access to computer systems, information obtained for the use of law enforcement personal, and any information contained in the criminal history record and identification file of the Louisiana Bureau of Criminal Identification and Information.”

Upon further review of this statute and others, it is clear that the Legislature never gave

search warrant authority to the OIG.

Although the above quoted statute says that the OIG is designated as a law enforcement agency, the Legislature specifically *denied* arrest powers to the OIG. Likewise, when the Legislature gave the OIG subpoena power [see § 220.24 (F)(2)], the Legislature required the OIG to go through specific steps which a regular law enforcement agency would not have to go through. For example, a subpoena or subpoena duces tecum can only be issued upon approval of the Judge of the District Court of the Parish in which the Office of the OIG is domiciled (East Baton Rouge Parish—19<sup>th</sup> Judicial District Court) upon application in writing by the Inspector General. The 19<sup>th</sup> Judicial District Court has exclusive jurisdiction to issue subpoenas. No other Court in the State of Louisiana is authorized to issue subpoenas for the Louisiana Inspector General. Additionally, a Judge at the 19<sup>th</sup> Judicial District Court, who might authorize a subpoena, is required to issue a written decision within 72 hours after receipt of such application for a subpoena. No regular law enforcement agency is required to do this.

Nowhere does the enabling statute give the OIG search warrant power.

The law on search warrants in Louisiana can be found at La. C.Cr.P. Art. 161 through 167. These articles set forth, among other things, who can issue search warrants, who can obtain search warrants, and when search warrants can be issued. Important to this case is Art. 163, which provides:

“(A) a search warrant shall be directed to any peace officer, who shall execute it and bring property seized into the Court issuing the warrant.” (Emphasis added)

Neither the Inspector General himself, nor any of his employees are peace officers as defined and contemplated by Louisiana Law. “Peace officer” is defined at La. R.S. 14:112.1(B)(3) as follows:

“Peace officers shall include commissioned police officers, sheriffs, deputy sheriffs,

marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, park wardens, livestock brand inspectors, forestry officers, military police, fire marshal investigators, probation and parole officers, attorney general investigators, and district attorney investigators.”

This is a lengthy and detailed list of what constitutes a peace officer. Noticeably absent is any mention of the Louisiana Office of the Inspector General or any of its employees.<sup>1</sup> Clearly, if the Louisiana Legislature wanted to give search warrant authority to a “livestock brand inspector”, as they did, they could have included employees or investigators with the Office of the Inspector General. They chose not to do so.

Additional statutes regarding peace officers can be found at La. R.S. 40:2401-2406. §2402 is the definition section, and gives a lengthy and detailed definition of peace officer. Nowhere is the Louisiana OIG or its employees included in those definitions. In fact, the definition given in §2402 (3)(a) provides that a peace officer is any full time employee of the State...or public agency whose permanent duties include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants...” As noted above, the OIG specifically denied arrest power to the OIG.

It is clear that the Legislature limited the OIG’s power and authority to what is necessary for investigation. For example, although not an issue in this case, the OIG can only investigate executive branches of the Louisiana State Government. They do not have the power or authority to investigate the Judicial Branch, the Legislative Branch, or any private citizen. The Legislature saw fit to limit their authority to investigations of Executive Branch agencies.<sup>2</sup>

Beyond the Executive Branch, the OIG has no power. This is not characteristic of a

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<sup>1</sup> Recall that the OIG was established in 2008. The OIG has had nine years during which it could have asked the Legislature to give it search warrant authority.

<sup>2</sup> Here, the Louisiana Department of Corrections is a part of the Executive Branch.

traditional law enforcement agency. Moreover, throughout the statutes, it is clear that the OIG was intended to work with other law enforcement agencies in doing anything further beyond examining records. For example, § 220.24 (K) provides that upon credible information of corruption or fraud, the Office of the State Inspector General **shall notify the appropriate law enforcement agencies**. *Subsequent* to notifying the appropriate law enforcement agency, the Inspector General may assist the law enforcement agency in conducting the investigation.

§ 220.24 (L) provides that the Office of the State Inspector General may conduct joint investigations and projects with other oversight or law enforcement agencies.

While the OIG is to investigate the management and affairs of Executive Branch agencies, nothing in the statute authorizes the OIG to engage in the intrusive conduct of entering into an agency's property and seizing items.

As noted above, the enabling statute states that the OIG is a law enforcement agency and conferred all investigative powers and privileges appurtenant to a law enforcement agency. However, immediately after making this statement, the Legislature limits and defines the powers of the OIG. First, the OIG is specifically denied arrest powers. Then, in the last sentence of subparagraph (J) the Legislature gives the Inspector General the authority and privilege to access criminal databases.

The statute purports to confer all investigative powers and privileges pertinent to a law enforcement agency on the OIG; however, when the Legislature lists those powers and privileges, in the last sentence of Paragraph J, they appear to give the Inspector General the authority and privilege to access criminal databases. The statute reads that the Inspector General can access computer systems, information obtained for the use of law enforcement, and any information in the Louisiana Bureau of Criminal and Identification.



There are at least three different legal principles to help in the interpretation of this statute. The first is the principle of *noscitur a sociis*—“a word is known by the company it keeps”. See *Gustafson v. Alloyd*, 513 US 561 (1995). This legal principle avoids ascribing to one word, a meaning that is inconsistent with the accompanying words, thus giving it unintended breadth. The accompanying words (or phrases) in this statute, all give the Inspector General power to look into databases. Without this power, it would be illegal for the IG to examine these criminal databases. Accordingly, the statute provides that the Inspector General is a law enforcement agency, but then goes on to define and limit its powers under that statute. The powers are limited to review of criminal databases. It clearly denies them arrest power, which is normally a law enforcement agency power.

It appears that the Legislature wanted the OIG to examine and investigate. In fact, La. R.S. 49:220.21 states that just that:

“In view of the responsibility of the State, it is the purpose of this part to establish an independent office of the State Inspector General and the Office of the Governor to **examine and investigate** the management and affairs of covered agencies.” (Emphasis added)

In §220.24 (B), the Legislature stated that the Inspector General is authorized to examine and investigate the management affairs of covered agencies. There is no authority for the OIG to enter into anyone’s property and seize items.

A second statutory interpretation principle is *ejusdem generis*, which provides: “Where general words follow specific words in a statutory enumeration, the general words are usually construed to embrace only objects similar in nature to those objects enumerated by the proceeding specific words”. See *Washington State Department v. Guardianship Estate of Keffler*, 537 US 371 (2003). In our case, the specific words or phrases set forth in the statute have to do with accessing and examining information and computer databases. Therefore, the general

word—“a law enforcement agency” conferred with all investigative powers and privileges” should be construed to embrace only the specific ones. Simply put, had the Louisiana Legislature wanted to give the Inspector General search warrant power, they could have done so, much like they did with giving them subpoena power. In fact, it would be an absurd interpretation of the statute to say that the Legislature took the time to draft a statute giving the Inspector General subpoena power, but did not address the search warrant power. This makes no sense, as customarily, search warrants are far more invasive than subpoenas.

Likewise, it would make no sense for the Legislature would grant exclusive jurisdiction to the Judges of the 19<sup>th</sup> Judicial District Court to issues subpoenas, and then allow any District Court throughout the State to issue far more intrusive search warrants.

In sum, the Legislature gave the Inspector General subpoena power, but spelled out exactly what they must do to get the subpoena. The Legislature gave the Inspector General power to access various criminal databases. The Legislature was silent in this enabling statute when it came to the power to obtain search warrants. They were not silent in Article 163 of the Louisiana Code of Criminal Procedure which states that search warrants shall be directed to any peace officer.

Because the statute at issue here is a Louisiana Revised Statute, this Court can refer to the Louisiana Civil Code provisions on interpretations of laws. Article 9 of the Louisiana Civil Code provides that when a law is clear and unambiguous, and its application does not lead to absurd consequences, the law shall be applied as written and no further interpretation may be made in search of the intent of the Legislature. As noted above, it would indeed be an absurd interpretation of this particular statute to believe that the Inspector General has search warrant power, when the Legislature expressly gave the IG restricted subpoena powers, but was

completely silent to search warrant power.

Finally, in *Abramski v. United States*, 134 S. Ct. 2259 (2014), the Supreme Court, discussing statutory interpretation said: “In answering that inquiry, we must (as usual) interpret the relevant words, not in a vacuum, but with reference to the statutory context, structure, history, and purpose.”

The logical conclusion is that the Inspector General does not have the power to obtain search warrants. Accordingly, any and all evidence obtained via this search warrant was obtained illegally and should be held inadmissible at Trial.

### **SILVER PLATTER DOCTRINE**

In *Elkins v. United States*, the Supreme Court was called to decide the question: “May articles obtained as the result of an unreasonable search and seizure by state officers, without involvement of federal officers, be introduced in evidence against a defendant over his timely objection in a federal criminal trial?”<sup>3</sup> In essence, the Court re-examined the validity of what had come to be called the silver platter doctrine.<sup>4</sup>

The Fourth Amendment prohibits unreasonable searches and seizures.<sup>5</sup> Since *Weeks v. United States*, evidence obtained by federal agents in violation of a defendant’s Fourth Amendment rights has been excluded in subsequent criminal proceedings in federal court.<sup>6</sup> *Byars v. United States* expanded the exclusionary rule to situations in which federal and state agents acted in cooperation to violate a defendant’s Fourth Amendment rights.<sup>7</sup> *Gambino v. United States* expanded the exclusionary rule to situations in which state agents violate a defendant’s Fourth Amendment rights

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<sup>3</sup> *Elkins v. United States*, 364 U.S. 206, 208 (1960).

<sup>4</sup> *Id.* at 208.

<sup>5</sup> U.S. CONST. amend. IV.

<sup>6</sup> *Weeks v. United States*, 232 U.S. 383 (1914).

<sup>7</sup> *Byars v. United States*, 273 U.S. 28 (1927).

solely on behalf the United States.<sup>8</sup>

Then came *Wolf v. Colorado*, which determined that the Fourth Amendment protections against unreasonable searches and seizures are applicable to the states by virtue of the Due Process Clause of the Fourteenth Amendment.<sup>9</sup> Yet, in effect, *Wolf* granted a right without a remedy. The Court pronounced that the Due Process Clause does not necessarily require states to adopt the exclusionary rule in state court proceedings.<sup>10</sup> In *Lustig v. United States*, Justice Frankfurter coined the silver platter doctrine, ruling that evidence gathered in violation of a defendant's Fourth Amendment rights was nonetheless admissible in federal criminal proceedings if state agents gave the evidence to the federal agents on a "silver platter," without any participation on the part of the federal agents.<sup>11</sup>

In *Elkins*, Justice Stewart promulgates that the exclusionary rule "is calculated to prevent, not to repair,"<sup>12</sup> elaborating that the purpose of the exclusionary rule is "to deter – to compel respect for the constitutional guaranty in the only effectively available way – by removing the incentive to disregard it."<sup>13</sup> Resurrecting a basic principle from the Court's decision in *McNabb v. United States*,<sup>14</sup> Justice Stewart argues that allowing such flagrant disregard of the Fourth Amendment through an acceptance of the silver platter doctrine has the effect to make federal courts "accomplices in the willful disobedience of a Constitution they are sworn to uphold."<sup>15</sup>

In *Elkins*, the Court ultimately held that "evidence obtained by state officers during a search which, if conducted by federal officers, would have violated the defendant's immunity from

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<sup>8</sup> *Gambino v. United States*, 275 U.S. 310 (1927).

<sup>9</sup> *Wolf v. Colorado*, 338 U.S. 25 (1949).

<sup>10</sup> *Id.* at 33.

<sup>11</sup> *Lustig v. United States*, 338 U.S. 74, 79 (1949).

<sup>12</sup> *Elkins*, 364 U.S. at 217.

<sup>13</sup> *Id.*

<sup>14</sup> *McNabb v. United States*, 318 U.S. 332 (1943).

<sup>15</sup> *Elkins*, 364 U.S. at 223.

unreasonable searches and seizures under the Fourth Amendment is inadmissible over the defendant's timely objection in a federal criminal trial." 16 Federal courts must make an independent inquiry whether there has been an unreasonable search and seizure by state officers, regardless of any state court inquiry and irrespective of the outcome of any state court inquiry. 17

**RESPECTFULLY SUBMITTED  
BY ATTORNEYS:**

**WALTERS PAPILLION THOMAS  
CULLENS, LLC**

/s/John S. McLindon  
**JOHN S. McLINDON, Of Counsel**  
Bar Number 19703  
12345 Perkins Road, Bldg. 2, Ste. 202  
Baton Rouge, LA 70810  
225-236-3636, Telephone  
1-877-241-2631, Facsimile  
E-mail: [mclindon@lawbr.net](mailto:mclindon@lawbr.net)  
*Counsel for Nathan Burl Cain, II*

**REBECCA L. HUDSMITH, FEDERAL  
PUBLIC DEFENDER FOR THE  
MIDDLE & WESTERN DISTRICTS OF  
LOUISIANA**

/s/Cristie Gautreaux Gibbens  
**CRISTIE GAUTREAUX GIBBENS**  
Assistant Federal Public Defender  
Bar Number 24102  
102 Versailles Blvd., Suite 816  
Lafayette, Louisiana 70501  
337-262-6636, Telephone  
337-262-6605, Facsimile  
Email: [Cristie\\_gibbens@FD.org](mailto:Cristie_gibbens@FD.org)  
*Counsel for Tonia Bandy Cain*

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16 *Id.*

17 *Id.* at 223-24.

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

**APPLICATION FOR SEARCH WARRANT**CLERK AND RECORDER  
PARISH LA.

OIG CASE NUMBER 16-0027-I

2016 JUL -6 A 9:49

STATE OF LOUISIANA

PARISH OF AVOYELLES

FILE NO. \_\_\_\_\_  
FILED AND RECORDED

BEFORE ME, Kerry Spruiell, Judge of the 12<sup>th</sup> Judicial District Court in and for the State and Parish aforesaid, personally came and appeared Nicole S. Compton, Criminal Investigator for the Office of State Inspector General, a law enforcement officer in and for the State of Louisiana, who being duly sworn by me deposed and said:

That probable cause exists for the issuance of a search warrant authorizing the search of the single-family dwelling customarily used as the personal residence of the Warden of Avoyelles Correctional Center (ACC), together with a metal building and dog house/pen, all located within the immediate vicinity of the described dwelling and all on the property of the Avoyelles Correctional Center which is located in Avoyelles Parish at 1630 Prison Road, Cottonport, Louisiana, within the jurisdiction of this court. The residence, metal building and dog house/pen to be searched are described as follows: a single-family dwelling with cream-colored siding and a green metal roof with a walkway leading to the front door, the dwelling having flower beds, crêpe myrtle trees and a basketball goal in the front. The nearby metal building is tan with corrugated metal walls and a metal roof and has a large white bay door on its front. The dog house/pen has green metal walls and a green metal roof and is enclosed partially by a chain-link fence. (Photo showing all three structures attached and made part of this affidavit). The above described premises is a place where evidence of the offenses of Theft (La. R.S. 14:67) and Mafesance in Office (La. R.S. 14:134) may be located, to wit:

Items (list attached and made part of this affidavit) purchased using a State of Louisiana La Carte purchasing account as well as the computers and/or other electronic devices that are typically used in the online purchase of goods and services in connection with these accounts.

Affiant is currently assigned to the Office of the State Inspector General (OIG) as a Criminal Investigator. The Office of the State Inspector General of the State of Louisiana is a law enforcement agency possessing all investigative powers and privileges appurtenant to a law enforcement agency under state law as necessary and in furtherance of the authority, duties, powers and functions granted to the OIG. The OIG is domiciled in Baton Rouge. La. R.S. 49:220.21 through La. R.S. 49:220.25.

The Inspector General is authorized to examine and investigate the management and affairs of all departments, offices, agencies, boards, commissions, task forces, authorities and divisions of the executive branch of state government ("covered agencies") concerning waste, inefficiencies, mismanagement, misconduct, abuse, fraud, and corruption, and to conduct all necessary investigations into the same. La. R.S. 49:220.21; La. R.S. 49:220.24B. The Department of Corrections, a department of the executive branch, is a "covered agency" and within the jurisdiction of OIG.

At all times material herein, Nathan B. Cain II served as Warden of the ACC, a correctional facility within the Louisiana Department of Corrections (DOC), and at all times material herein, Tonia R. Cain (Warden Cain's wife), served as manager of the Business Office of the same correctional facility.

FILED 7-6-16  
ATTEST  
A TRUE COPY  
[Signature]  
Dy. Clerk

001263



The LaCarte Purchasing Card Program assists in the management of purchasing, payment and accounting on behalf of the State of Louisiana. The LaCarte purchasing card (P-card) is a Visa card issued by Bank of America for the State of Louisiana. The program establishes minimum standards for possession and use of a LaCarte purchasing card by an authorized state employee. The card enables an employee to purchase items with the convenience of a credit card while providing management with a means of maintaining control over those purchases. The appropriate state agency must approve issuance of a card to an employee. DOC approved issuance of P-cards to certain employees of ACC including Tonia Cain and other current and former employees of ACC who may be cooperating with this OIG investigation.

Affiant has been assigned to investigate allegations that a number of illegal purchases were made using state funds by the staff of the ACC at the direction of Warden Nathan Cain and his wife, Tonia Cain. The allegations indicate that this activity took place from early 2013 to early 2016 and involved the purchase of multiple items for personal use of state employees and specific acts to conceal and/or falsely represent purchases so that they would appear to be for authorized use.

In recent months OIG investigators have obtained a number of purchasing records from the ACC that indicate that numerous items were purchased that do not appear to be intended to provide for the operational needs of the correctional facility but rather were for the personal use of employees.


Investigators have interviewed a number of cooperating witnesses who are both current and former employees of the ACC. These witnesses hold or have held positions at the correctional facility that would provide them open access to the day-to-day operation of the prison including the administration, purchasing, and records. These witnesses report personal knowledge that Nathan Cain and Tonia Cain had been using state funds for their own benefit in that they had either made or directed that purchases be made for personal items.

The witnesses reported that it had become commonplace at the facility for then Warden Cain and his wife, Tonia Cain, to direct that purchases be made using various employees state La Carte Purchasing Cards (P-cards) for their own personal use and benefit. These witnesses discussed specific purchases with investigators and described them as having been purchased with state funds for personal use by Nathan Cain and/or Tonia Cain. The attached list include many of the items reported by witnesses to have been purchased for the probable personal use of Nathan and/or Tonia Cain but have not yet been accounted for.

Since the initiation of this investigation Warden Nathan Cain and his wife, Tonia Cain, are no longer in positions of authority at the prison and have partially vacated the residence described herein as the location to be searched. It should be noted that the property to be searched is the property of the State of Louisiana which is customarily provided to the facility's Warden and his family as personal housing.

Based on the above, it is believed that items may be located in the search of the single-family dwelling customarily used as the ACC Warden's personal residence, together with a metal building and dog house/pen all located within the immediate vicinity of the described dwelling and all on the property of the ACC, that prove to be evidence of the offense of Theft (La. R.S. 14:67) and Malfeasance in Office (La. R.S. 14:134) may be located.

THAT writ to search the aforesaid single-family dwelling customarily used as the ACC Warden's personal residence, together with a metal building and dog house/pen all located within the immediate vicinity of the described dwelling and all on the property of the ACC, is requested and when the thing to be searched is a dwelling or other structure, that the writ to search include all other structures, vehicles, and places of concealment on the premises where the thing(s) may be found.

  
\_\_\_\_\_  
Nicole S. Compton, Criminal Investigator  
Louisiana Office of State Inspector General

SWORN TO AND SUBSCRIBED before me on this 8 day of  
June, 2016 at Marksville, Louisiana.

Time: 8:35 AM.

  
\_\_\_\_\_  
JUDGE, 12<sup>th</sup> JUDICIAL DISTRICT COURT



Items sought in connection with Search Warrant but not limited to:	SERIAL NUMBERS/PRODUCT CODE	Office of Inspector General 16-0027-J Affidavit attachment #2
Wildgame Innovations Trail Pad	Not known	
Powerbeats 2 wireless headphones	Not known	
Bose SoundLink on ear headphones	Not known	
Bose AE2W Bluetooth headphones	Not known	
Catalina Steel Rocker/Recliner	4310512278	
Catalina Steel Sofa	4311122728	
Doyle Collection end tables	3891	
Doyle Collection sofa table	3893	
Black Futon Sofa Bed	300238	
Amelia Wingback Chair	7009	
Jessica Place Dune Sectional	3980266	
SD2000 King Mattress Set	6/6 King	
Victor Ambler Rocker Recliner	U558-Amb	
Futon	Not known	
65inch Vizio HDTV	LWJASDAR1800929	
TV	LTT3THAR0705925	
TV	LTT6PQGR0602907	
TV	LTT6TGAR1506126	
TV	LTT6SLRB2306964	
TV	LTTUTB8R2305855	
Ipod Nano	SDCYP19RFJQ1	
Ipod	SCCQPQ00XG22Q	
Dog and Cat food	N/A	
Cat Litter	N/A	
Tennis shoes/boots/decorative socks	N/A	
Consumables	N/A	
Assorted Christmas Lights/Decorations	N/A	
Yeti Coolers	N/A	
Cameras	N/A	
Firearm uppers, barrels, accessories	N/A	
1630 Prison Rd., Cottonport, Louisiana		
Search of The Avoyelles Correctional Facility Warden's Residence, Storage Building and Dog Pen.		

001266

Affidavit attachment #1  
DIG 16-0027-I



BOOK PAGE  
CLERK AND RECORDER  
AVOYELLES PARISH, LA.

**SEARCH WARRANT**

2016 JUL -6 A 9:49

OIG CASE NUMBER: 16-0027-I

STATE OF LOUISIANA

FILE NO.  
FILED AND RECORDED

PARISH OF AVOYELLES

TO LAW ENFORCEMENT OFFICERS IN AND FOR THE PARISH AFORESAID:

WHEREAS an affidavit has been made before me upon the oath of Nicole S. Compton, Criminal Investigator for the Louisiana Office of State Inspector General, alleging that the single-family dwelling customarily used as the personal residence of the Warden of Avoyelles Correctional Center, together with a metal building and dog house/pen, all located within the immediate vicinity of the described dwelling and all on the property of the Avoyelles Correctional Center which is located in Avoyelles Parish at 1630 Prison Road, Cottonport, Louisiana, within the jurisdiction of this court. The residence, metal building and dog house/pen to be searched are described as follows: a single-family dwelling with cream-colored siding and a green metal roof with a walkway leading to the front door, the dwelling having flower beds, crepe myrtle trees and a basketball goal in the front. The nearby metal building is tan with corrugated metal walls and a metal roof and has a large white bay door on its front. The dog house/pen has green metal walls and a green metal roof and is enclosed partially by a chain-link fence (photo showing all three structures attached and made a part of this warrant). The above described premises is a place where evidence of the crimes of Theft, as defined in La. R.S. 14:67, and Malfeasance in Office, as defined in La. R.S. 14:134, may be located, to wit:

Items (list attached and made part of this warrant) purchased using a State of Louisiana La Carte purchasing account as well as the computers and/or other electronic devices that are typically used in the online purchase of goods and services in connection with these accounts and whereas the affidavit submitted in support of the request for this search warrant shows that the affiant has shown probable cause for its issuance,

**YOU ARE HEREBY ORDERED** to search the aforesaid named premises for the property specified, and when the thing to be searched is a dwelling or other structure, this writ includes all other structures, vehicles and places on the premises where the thing(s) may be found, serving this warrant and making the search any time of day or night, and if the things specified be found there, to seize and bring them before this Court.

And this shall be your warrant to which you are to make due return according to law.

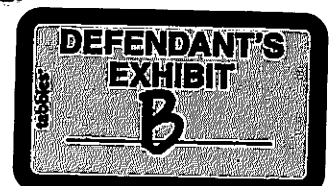
WITNESS my official signature on this 8 day of June, 2016.

Time: 8:35 A.M.

Kerry Spaulding  
JUDGE, 12<sup>th</sup> JUDICIAL DISTRICT COURT

FILED 7-6-16  
ATTEST  
A TRUE COPY  
Sylvia Burch  
Dy. Clerk

001268



Items sought in connection with Search Warrant but not limited to:	SERIAL NUMBERS/PRODUCT CODE	Office of Inspector General 16-0027-I Warrant attachment 2
Wildgame Innovations Trail Pad	Not known	
Powerbeats 2 wireless headphones	Not known	
Bose Soundlink on ear headphones	Not known	
Bose AE2W Bluetooth headphones	Not known	
Catalina Steel Rocker/Recliner	4310512278	
Catalina Steel Sofa	4311122728	
Doyle Collection end tables	3891	
Doyle Collection sofa table	3893	
Black Futon Sofa Bed	300238	
Amelia Wingback Chair	7009	
Jessica Place Dune Sectional	3980266	
SD2000 King Mattress Set	6/6 King	
Victor Amber Rocker Recliner	U558-Amb	
Futon	Not known	
65inch Vizio HDTV	LWJASDAR1800929	
TV	LTT3THAR0705925	
TV	LTT6PQGR0602907	
TV	LTT6TGAR1506126	
TV	LTT6SLR82306964	
TV	LTTUTB8R2305855	
Ipod Nano	SDCYP19RFJQ1	
Ipod	SCCQPQ00XG22Q	
Dog and Cat food	N/A	
Cat Litter	N/A	
Tennis shoes/boots/decorative socks	N/A	
Consumables	N/A	
Assorted Christmas Lights/Decorations	N/A	
Yeti Coolers	N/A	
Cameras	N/A	
Firearm uppers, barrels, accessories	N/A	
1630 Prison Rd., Cottonport, Louisiana		
Search of The Avoyelles Correctional Facility Warden's Residence,		
Storage Building and Dog Pen.		

001269

Warrant Attachment #1  
DIA 16-0027-I



**Return to Search Warrant**

Louisiana Office of Inspector General Investigator Nicole Compton conducted a search pursuant to the duly authorized search warrant described below:

In reference to: Nathan Burl Cain II and Tonia Cain

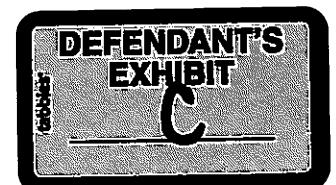
Issuing 12<sup>th</sup> Judicial District Court Criminal Court Judge: Kerry Spruill

Date of issuance: June 8, 2016

Date of service: June 8, 2016

**Items Seized**


Dog bed (small)  
Coleman sleeping bag  
Childs pink chair  
(2) Orange t-shirts  
Ledger  
Ladies Boots  
Bose headphones S/N 06522Z43051611AE  
Empty Bose Soundlink box S/N 065206Z5036057AE  
Bose earbuds blue/black S/N 345m  
Black unknown brand earbuds  
P-Tac lower receiver S/N 004903  
Stag Arms lower receiver S/N323846  
(2) 7.62 P-Mag 20 round  
(1) 5.56 P-Mag 30 round  
iPad Folio  
(7) 511 tactical bags (various styles, assorted chargers)  
(2) IHome radios ID38s, IDL45  
(1) Vizio TV S/N LTT3THAR0705925  
(1) Vizio TV S/N LAQKNLEN5129287  
Nikon D3200 Camera S/N 4197659 lens only  
(2) Beats by Dre cases one with partial cord  
Empty Streamlight box S/N 69230  
Empty Red Dot Sights box S/N 3021671  
Empty Lucid optic sight box  
(3) Palmetto 30 round magazines  
(1) P-mag 30 round  
(2) Pookie's receipts  
(1) Parsons 30 round magazine  
Simmons tripod  
Cannon Pistol Kit  
(1) P-mag 10 round  
Empty Garmin Montana box S/N 2JQ033647  
M4B airsoft gun w/ ammo in Christmas bag  
Colt .45 1911 S/N 205920 w/ evidence tag  
TLR 1 Streamlight S/N C4-422056-0814  
(1) P-mag 5.56 30 round magazine  
(1) Tapco 5.56 30 round magazine



(2) Colt .45 stainless magazines  
Lucid optic sight  
Diamondhead handguard  
(3) H&K magazines  
(3) Sig Sauer stainless magazines  
Diamondhead sights front 041515 rear 042015  
Anderson stripped lower S/N 15057291  
Leupold Scope with GG&G mounts S/N 679162W  
Leatherman mutt utility knife  
Simmons Scope

Items seized on 6/9/2016:

Items Seized  
Gentle Leader dog leash  
IHome radio  
(2) Lonestar Pro metal detectors  
(3) Coleman sleeping bags  
(1) Ledger with assorted papers

  
Affiant



**OFFICE OF STATE INSPECTOR GENERAL**  
**STATE OF LOUISIANA**  
 602 NORTH 5<sup>TH</sup> STREET, SUITE 621  
 BATON ROUGE, LA 70804

**Evidence Receipt**

I, Nicole Compton, obtained the items listed below on this 8<sup>th</sup> day of JUNE, 2016, from 1630 Prison Rd. of the per Search Warrant Cotton Port La Wardens Residence

- 1 (1) DOB BED (BOSS)
- 2 (1) COLEMAN SLEEPING BAG
- 3 (1) Childs pink High back chair
- 4 (2) ORANGE + Shorts
- 5 (1) Book/Ledger
- 6 LADIES BOOTS - 1PR -
- 7 BOSE HEADPHONE BOX - Empty
- 8 BOSE SOUND LINK BOX - Empty
- 9 BOSE EARBUDS - BLUE/BLACK
- 10 2 - D CELL 5-11 Flash Lights
- 11 1 - C CELL 5-11 Flashlight
- 12 1 - A CELL 5-11 Flashlight

Nicole Compton 8 JUNE 2016  
 Received by Date

Troy Ponet  
 Received from  
 Warden

8 JUNE 16  
 Date

Witness: JESSE SCOTT PERRY  
7-514

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Page 1 of 5

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OFFICE OF STATE INSPECTOR GENERAL  
STATE OF LOUISIANA  
602 NORTH 5<sup>TH</sup> STREET, SUITE 621  
BATON ROUGE, LA 70804

Evidence Receipt

1. Nicole Compton obtained the items listed below on this 8<sup>th</sup> day of June, 2016, from 1630 Prison Rd. of the Cotton Port la Warden's Residence per Search Warrant.

- 1 P-TAC - FIREARM ACCESSORY
- 2 STAB ARM FIRE ARM ACCESSORY
- 3 (2) 7.62 - P. MAG MAGAZINES - 20ND
- 4 (1) - 5.56 P-MAG MAGAZINE 30RD -
- 5 IPAD Folio
- 6 Black S-11- Gear Bags - (Six) Different Sizes -
- 7 (2) iPhone Radios -
- 8 (2) Visio TVs -
- 9 Empty Box - Nikon D3200 Camera
- 10 (2) Small Empty Cases Beats by Dre
- 11 Empty Box Streamlight Laser -
- 12 Empty Box Red Dot Sights, Fingerprint

Nicole Compton  
Received by

8 June 2016  
Date

TRAY FORET  
Received from  
WARDEN

8 JUNE 2016  
Date

WIT: J-SH

JESSE S. FERRY

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**OFFICE OF STATE INSPECTOR GENERAL**  
**STATE OF LOUISIANA**  
 602 NORTH 5<sup>TH</sup> STREET, SUITE 621  
 BATON ROUGE, LA 70804

**Evidence Receipt**

I, Nicole Compton, obtained the items listed below on this 8<sup>th</sup> day of June, 2016, from 1630 Prison Rd. of the Cotton Port La  
Wardens Residence  
for Search Warrant

- 1 Lucio Opt. Sites - Empty Box
- 2 (3) Palmetto 30 RD MAGAZINES
- 3 (1) PMAG 30 RD MAGAZINES
- 4 (1) PARSONS 30 RD MAGAZINE
- 5 SIMMONS TRIPOD
- 6 CANNON PISTOL DUMP POUCH
- 7 (1) PMAG 10 RD
- 8 Receipt Pookies # 0016333
- 9 GARMID BOX Empty
- 10 M4B Electric power Soft Am. 6MM Ansht 5000 CT
- 11 Colt 45 1911 SER- NO: 205920
- 12 TLR 1 STREAMLIGHT SER- C4-472056-0814

Nicole Compton 8 June 2016 Troy Ponet 8 June 2016  
 Received by Date Received from Date  
Warden

Wit. [Signature]  
Jesse S. Perry

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Page 3 of 5

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**OFFICE OF STATE INSPECTOR GENERAL**  
**STATE OF LOUISIANA**  
 602 NORTH 5<sup>TH</sup> STREET, SUITE 621  
 BATON ROUGE, LA 70804

**Evidence Receipt**

I, Nicole Compton, obtained the items listed below on this 8<sup>th</sup> day of June, 2016, from 1630 Prised Rd. of the Cotton Port in Warden's Residence for search warrant.

- 1 PMAG 5.56 30RD
- 2 TAPCO 5.56 30RD
- 3 (2) Colt 45 - Magazine - Stainless -
- 4 Delta Optic Sight
- 5 Diamond Head Fore Grip For Small
- 6 Pack's Receipt 0016947
- 7 3 H&H MAGS
- 8 3 SIG Sauer MAGS - Stainless
- 9 Diamond Head Sight REAR - 04/2015
- 10 Diamond Head Sight FRONT 04/1515
- 11 Stipped Lower Receiver - Anderson AM-15 #15057291
- 12 Leopold Scope W 66+6 mounts - #678/62 W

Nicole Compton  
 Received by

6/8/16  
 Date

Troy Post  
 Received from  
Warden

6/8/16  
 Date

Witness: J-SH  
Jesse S. Perry

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Page 4 of 5

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**OFFICE OF STATE INSPECTOR GENERAL**  
**STATE OF LOUISIANA**  
 602 NORTH 5<sup>TH</sup> STREET, SUITE 621  
 BATON ROUGE, LA 70804

**Evidence Receipt**

I, Nicole Compton, obtained the items listed below on this 8<sup>th</sup> day of June, 2016, from 1630 Prissal Rd. of the Cotton Port La Wardens Residence per Search Warrant.

- 1 LEATHERMAN MOTT Utility Knife
- 2 N/A
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_
- 5 \_\_\_\_\_
- 6 \_\_\_\_\_
- 7 \_\_\_\_\_
- 8 \_\_\_\_\_
- 9 \_\_\_\_\_
- 10 \_\_\_\_\_
- 11 \_\_\_\_\_
- 12 \_\_\_\_\_

Nicole Compton 6/8/16  
 Received by Date

Troy Laist 6/8/16  
 Received from Date

WITNESS: J-SB  
Tessa S. Perry

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OFFICE OF STATE INSPECTOR GENERAL  
STATE OF LOUISIANA  
602 NORTH 5<sup>TH</sup> STREET, SUITE 621  
BATON ROUGE, LA 70804

Evidence Receipt

1. Nicole Compton obtained the items listed below on this 9<sup>th</sup> day of  
June 2015, from 11630 Prison Rd of the  
Cottonport, LA - Storage Building

- 1 (2) Lonestar Pro metal detectors
- 2 (3) Coleman sleeping bags
- 3 (1) Gentle Leader Leash
- 4 (1) Home radio/docking station
- 5 \_\_\_\_\_
- 6 \_\_\_\_\_
- 7 \_\_\_\_\_
- 8 \_\_\_\_\_
- 9 \_\_\_\_\_
- 10 \_\_\_\_\_
- 11 \_\_\_\_\_
- 12 \_\_\_\_\_

Nicole Compton 6/10/16  
Received by Date

Received from

Date

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OFFICE OF STATE INSPECTOR GENERAL  
STATE OF LOUISIANA  
602 NORTH 5<sup>TH</sup> STREET, SUITE 621  
BATON ROUGE, LA 70804

Evidence Receipt

1. Nicole Compton obtained the items listed below on this 9<sup>th</sup> day of  
June 2015, from 11630 Prison Rd of the  
Cottonport, LA - Storage Building

- 1 (2) Xonestar Pro metal detectors
- 2 (3) Coleman sleeping bags
- 3 (1) Gentle Reader Xeast
- 4 (1) Home radio/ducking station

5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_

Nicole Compton 6/10/16 [Signature] 6-10-16  
Received by Date Received from Date

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OFFICE OF STATE INSPECTOR GENERAL  
STATE OF LOUISIANA  
602 NORTH 5<sup>TH</sup> STREET, SUITE 621  
BATON ROUGE, LA 70804

Evidence Receipt  
amendment

I, Nicole Compton, obtained the items listed below on this 8<sup>th</sup> day of  
June, 2016 from 11630 Prison Rd of the  
per Search Warrant Cottonport, La

- 1 Assorted Charging devices
- 2 Bose Headphones SN-06522743051611AE
- 3 Simmons Scope # 712060
- 4 Brown 511 bag (small)
- 5 Nikon D3200 lens
- 6 Beats by Dre partial cord
- 7 Black ear buds
- 8 Evidence bag
- 9 Blue Ledger w/ papers (Storage Building 6/9/16)
- 10 Nikon Binoculars SN-940297
- 11 \_\_\_\_\_
- 12 \_\_\_\_\_

Nicole Compton 6/10/16  
Received by Date

Received from

Date

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OFFICE OF STATE INSPECTOR GENERAL  
STATE OF LOUISIANA  
602 NORTH 5<sup>TH</sup> STREET, SUITE 621  
BATON ROUGE, LA 70804

Evidence Receipt  
amendment

1. Nicole Compton obtained the items listed below on this 8<sup>th</sup> day of  
June 2016 from 1630 Prison Rd of the  
per Search Warrant Cottierport, La

1. Assorted Charging devices
2. Bose Headphones SN-06522743051611AE
3. Simmons Scope # 712060
4. Brown 511 bag (small)
5. Nikon D3200 Lens
6. Beats by Dre partial cord
7. Black earbuds
8. Evidence bag
9. Blue Ledger w/ papers (Storage Building 6/9/16)
10. Nikon Binoculars SN-940297
11. \_\_\_\_\_
12. \_\_\_\_\_

Nicole Compton 6/16/16  
Received by Date

[Signature]  
Received from

6-17-16  
Date

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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA**

## ALEXANDRIA DIVISION

**UNITED STATES OF AMERICA      \*    CRIMINAL NO. 1:17-CR-00204-001**  
**VERSUS                                      \*    CHIEF JUDGE DRELL**  
**NATHAN BURL CAIN, II, et al       \*    MAGISTRATE JUDGE PEREZ-MONTES**

## ORDER

CONSIDERING THE FOREGOING MOTION, it is hereby ORDERED the U.S. Attorney's Office file a response on or before the \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_, Louisiana, this \_\_\_\_\_ day of February, 2018.

United States District Court Judge