

THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR THE PARISH OF UNION
STATE OF LOUISIANA

STATE OF LOUISIANA

VERSUS

JOHN CLARY

FILED
Union Parish Clerk of Court

JUL 27 2023

Monet Frazier, Deputy Clerk
Third Judicial District Court

NO: 60600

DIVISION B

COMPLETE
TRANSCRIPT
OF
THE JOHN CLARY PROCEEDING
HELD ON
JUNE 23, 2023

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STATE OF LOUISIANA

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NO: 60600

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DIVISION B

JOHN CLARY

Proceedings were had in Union Parish before the
Honorable Thomas W. Rogers, one of the Judges of the Third
Judicial District Court, at Farmerville, Louisiana, on the
23rd day of June, 2023.

APPEARANCES:

REPRESENTING THE STATE OF LOUISIANA:

JOHN BELTON
DISTRICT ATTORNEY
HUGO A. HOLLAND, JR.
ASSISTANT DISTRICT ATTORNEY

REPRESENTING THE DEFENDANT, CHRIS HARPIN:

W. KYLE GREEN
ATTORNEY AT LAW

REPORTED BY:

Weita Zeagler Gaskin, C.C.R, C.D.R.
Official Court Reporter
Third Judicial District
Lincoln and Union Parishes

1 **MR. HOLLAND:**
2 Good afternoon, Your Honor. Hugo Holland and
3 John Belton for the State. I understand you want
4 to take these in order on the docket so that would
5 be State versus John Clary, 60600.
6 **MR. GREEN:**
7 Afternoon, Your Honor, Kyle Green, I represent
8 John Clary and John Clary is also present in this
9 matter.
10 **MR. HOLLAND:**
11 Judge, I'm assuming as these are defense
12 motions, so, if you'd like to hear from Mr. Green
13 first.
14 **THE COURT:**
15 Yeah, let me just get organized, Mr. Holland.
16 And Mr. Clary is present, is that right?
17 **MR. GREEN:**
18 Yes, Your Honor.
19 **THE COURT:**
20 In Mr. Clary's matter I believe the -- you're
21 not challenging the sufficiency of the Bill of
22 Particulars, is that right, Mr. Green?
23 **MR. GREEN:**
24 Your Honor, Mr. Small and Mr. Cicardo had an
25 objection to the Bill of Particulars. We did not
26 object to that. We're objecting to the Bill of
27 Particulars combined with the Amended Indictment.
28 So -- under 485.
29 **THE COURT:**
30 And so the only thing we're hearing on Mr.
31 Clary's case is your Motion to Quash?
32 **MR. GREEN:**

1 That's correct, Your Honor.
2 **THE COURT:**
3 All right. You can begin your argument.
4 **MR. GREEN:**
5 Your Honor, could I be seated for my argument,
6 this may take a little while?
7 **THE COURT:**
8 You may.
9 **MR. GREEN:**
10 Your Honor, as I indicated, my name is Kyle
11 Green and I represent Trooper Clary in this matter.
12 As we discussed in our pretrial conference, there's
13 several documents that I would like to offer at
14 this time and I don't believe Mr. Holland has an
15 objection to it.
16 **MR. HOLLAND:**
17 I do not.
18 **MR. GREEN:**
19 One is the original Bill of Indictment filed on
20 December 15th, 2022 which I would ask be admitted
21 into evidence as D-1. The amended Bill of
22 Indictment which was filed on January 4th, 2023
23 which I would ask be filed into evidence as D-2.
24 John Clary's request for a Bill of Particulars
25 filed on February 13th, 2023 which is D-3. The
26 State's response to the Bill of Particulars filed
27 on May 9th, 2023 which I would ask be marked as D-4.
28 The Motion to Quash filed by John Clary on June 7th,
29 2023 which I would ask be marked as D-5. And
30 finally the State's opposition to the Motion to
31 Quash filed by John Clary on June 8th, 2023 which I
32 would ask be marked as D-6. I would offer, D-1, 2,

1 3, 4, 5 and 6 in connection with this argument
2 only.

3 **MR. HOLLAND:**

4 No objection to any of that, Judge.

5 **THE COURT:**

6 Let all those offerings be received without
7 objection.

8 **MR. GREEN:**

9 Your Honor, I'm gonna try to be as brief as I
10 possibly can in my arguments here today but,
11 Trooper Clary is charged with the crimes of
12 Malfeasance in Office and also Obstruction of
13 Justice. Mr. Clary was initially indicted on
14 December 15th, 2022 in Union Parish by a Grand Jury
15 Indictment with the crimes of Malfeasance in Office
16 and also Obstruction of Justice. This was later
17 replaced on January 4th, 2023 with an amended Bill
18 of Indictment charging Mr. Clary with Malfeasance
19 in Office and Obstruction of Justice in Counts 15
20 and 16. As Your Honor's aware, all pleas or
21 defenses raised before trial have to be urged by a
22 Motion to Quash so, today we're only talking about
23 Counts 15 and 16 of the Amended Indictment.

24 Article 532 of the Code of Crim- -- Criminal
25 Procedure provides the grounds for a Motion to
26 Quash which includes, When an indictment fails to
27 charge an offense punishable under a valid statute,
28 the District Attorney failed to furnish a
29 sufficient Bill of Particulars when ordered to do
30 so by the Court and that the Bill of Particulars
31 has shown a ground for quashing an indictment under
32 Code of Criminal Procedure Article 485. And while

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we're not here today challenging the sufficiency of the Bill of Particulars, we are challenging the validity of the response to the Bill of Particulars in connection with the Amended Indictment. Code of Criminal Procedure Article 485 provides, in pertinent part that, If it appears in the Bill of Particulars furnished under Article 484 together with any particulars appearing in the indictment, that the offense charged in the indictment was not committed or that the Defendant did not commit it or that there is a ground for quashing an indictment, the Court may on its own motion and on motion of the Defendant shall order that the indictment be quashed. And that's the purpose of the Motion to Quash that we're here on today.

The first thing that I'd like to address is the charge of Malfeasance in Office. Malfeasance in Office can be found in Revised Statute 14:134. On January 4th, 2023, the amended Bill of Indictment replaced the original Bill of Indictment which was issued on December 15, 2022. Here's how the amended Bill of Indictment reads. It alleges that Mr. Clary committed the offense of Malfeasance in Office as defined by Revised Statute 14:134(A)(1) or (A)(2) or (A)(3) in that he in Count 15, being a public officer or public employee did commit malfeasance in office by intentionally refusing or failing to perform any lawful -- any duty lawfully required of him as such officer employee and/or intentionally performing any such duty in an unlawful manner, and/or knowingly permitted any other public officer or public employee under his

1 authority to intentionally refuse or fail to
2 perform any duty lawfully required of him or to
3 perform any such duty in an unlawful manner in that
4 he negligently injured Ronald Greene by criminal
5 negligence by forcing him or allowing him to remain
6 in a prone restraint and/or committed a simple
7 battery on Ronald Greene and/or knowingly permitted
8 any other public officer or public employee under
9 his authority to negligently injure Ronald Greene
10 by criminal negligence by forcing and/or allowing
11 him to remain in the prone position and/or
12 knowingly permitted any other public officer or
13 public employee under his authority to commit a
14 simple battery on Ronald Greene. Your Honor, as
15 charged, the Malfeasance in Office charge is
16 required to be dismissed with prejudice because it
17 charges Mr. Clary with crimes disjunctively. If
18 you look at Louisiana Code of Criminal Procedure
19 Article 480, it provides that conjunctive charging
20 is what has to occur. There's a case, State versus
21 Sullivan, 125 La. 560 that says, An indictment or
22 information must not charge a party jus- --
23 disjunctively or alternatively in such manner as to
24 leave it uncertain as to what is relied on as to
25 the accusation against him. Your Honor, we would
26 submit that as we sit here today, we still don't
27 know what we're charged with under -- under the
28 indictment because there's negligence that's in the
29 indictment which is clearly under State versus
30 Potito not allowed to be charged. Negligence
31 cannot form the basis of a Malfeasance in Office
32 charge. The Amended Indictment with disjunctive

1 charges combined with the State's response to the
2 Bill of Particulars provides all the clarity that's
3 needed to know that this charge should be dismissed
4 because essentially the State said, We don't know
5 what the Grand Jury's thinking. Well if the State
6 doesn't know what the Grand Jury's thinking, Mr.
7 Clary certainly can't be asked to guess what the
8 Grand Jury was thinking as far as the charges are
9 concerned. So, it's our position that under --
10 under 480 and also 485 and other statutes that I've
11 mentioned because of the disjunctive charging,
12 Count number 15 should be dismissed.

13 And, Your Honor, if you have questions for me
14 at any time, please stop me and I'll be happy to
15 answer them.

16 So, that's one reason why Count 15 should be
17 dismissed. The second reason is Malfeasance in
18 Office requires specific intent. It's my
19 understanding in reading the State's response that
20 they've conceded that negligence can't form the
21 basis for the charge of Malfeasance in Office. The
22 cases that are out there talk about it has to be
23 intentional. There has to be specific intent to
24 commit the crime. You've got to have the requisite
25 mens rae in order to commit the crime and be found
26 guilty of Malfeasance in Office. So, if you look
27 at the malfeasance statute it requires two things.
28 It requires specific intent and also it requires a
29 duty lawfully required of the public employee.
30 State versus Potito as I mentioned is a case which
31 specifically says negligence can't form the basis
32 for a charge of criminal negligence. State versus

1 Potito cite, Your Honor, if you need it is 59
2 So.3d. It's a Louisiana Supreme Court case.
3 There's other cases --

4 **THE COURT:**

5 Page -- page?

6 **MR. GREEN:**

7 Well that's the whole case. Let's see, 1251
8 through 52. But State versus Potito does stand for
9 the proposition that a public employee can't be
10 found guilty of -- of Malfeasance in Office because
11 of their negligent acts. And of course this makes
12 sense because if a public employee's driving down
13 the road in a car and rear ends somebody by
14 accident, they shouldn't be charged with a crime.
15 So, this is why specific intent is required. Also,
16 if you look at State versus Thompson, it's another
17 Supreme Court case from 2017, it's 233 So.3d 529.
18 It stands for the proposition that mere
19 inadvertence or negligence or even criminal
20 negligence will not support a violation of the
21 malfeasance statute. So, there has to be specific
22 intent and, Your Honor, I go back to one of the
23 things that I said earlier, in the State's
24 memorandum they said, We can't gleam from the
25 indictment whether the Grand Jury thought it was
26 negligence or intentional acts. So, for that
27 reason which is the second reason that we think
28 Count 15 of the indictment should be dismissed.
29 Quoting directly from the State's brief and not
30 picking on the State but, it says, On the
31 indictment charges disjunctively so, it admits that
32 there's a disjunctive charge in Count 15. The

1 State is unable to specific whether the Grand Jury
2 which returned the questioned indictment found that
3 the act of Defendants in relation to Greene being
4 placed in the prone position were negligent or
5 intentional. So, for that reason, the specific
6 intent element of malfeasance is not supported.

7 Also it's worth pointing out that there's no
8 statute in Louisiana prohibiting law enforcement
9 officers from placing individuals in prone
10 restraint therefore there's not an offense that's
11 punishable under a valid statute. The whole -- the
12 whole purpose is to put public officials on notice
13 of what types of activities are prescribed that
14 they can't participate in. In order -- in order to
15 -- in order to -- for instance, theft. Theft might
16 be an issue. A public employee who steals gas from
17 a gas tank, that's a statute but here we talking
18 about something that's not even in the statute or
19 policy or anything else. So, we would submit that
20 since the State can't tell us how we committed the
21 crime that it should be quashed because they can't
22 say whether it's negligence under Potito or whether
23 it's intentional.

24 Also, just briefly hitting on the duty lawfully
25 required provision, Your Honor, it is State versus
26 Potito and State versus Perez -- I'll give you a
27 new cite, State versus Perez is 464 So.2d 737,
28 should be on page 741, The duty has to be expressly
29 imposed by law upon the official because the
30 official was entitled to know exactly what conduct
31 is expected of him in his official capacity and
32 what conduct will subject him to criminal charges.

1 In this instance there is no -- there is no
2 specific statute. There is no -- there is no duty
3 that's expressly imposed by law. Now we all know,
4 looking at the discovery that was furnished, which
5 was extensive, Mr. Clary never -- never touched Mr.
6 Greene, never touched him or Mr. Greene's garment
7 so, while the State doesn't have the obligation to
8 prove all of the elements of the charge at a
9 preliminary hearing on the Motion to Quash, it must
10 pro- -- produce a prima facie showing of charges
11 against the Defendant and we submit that it's not
12 done so with regards to Count 15 so, we'd ask that
13 that charge be dismissed.

14 Do you have any specific questions related to
15 the malfeasance charge, Your Honor?

16 **THE COURT:**

17 I'm gonna wait until Mr. Holland makes his
18 argument then I'll come back to you, Mr. Green.
19 Thank you.

20 **MR. GREEN:**

21 If we go to the Obstruction of Justice charge,
22 that's Count 16 of the Amended Indictment and
23 that's on the January 4th, 2023 indictment. So, if
24 you look at the cases and you look at the statute,
25 which is found in 14:130.1, in order for there to
26 be a valid charge of Obstruction of Justice, there
27 have to be allegations either in the indictment or
28 the Bill of Particulars that evidence has been
29 tampered with and it's very specific about what
30 tampered with means. Tampering with is defined as
31 evidence which has been altered, evidence which has
32 been moved, evidence which has been removed or

1 evidence which is added to. There's no allegation
2 by the State in either the original indictment of
3 December 15th or the January 4th Amended Indictment
4 or the response to the Bill of Particulars that the
5 evidence which John Clary clearly downloaded to
6 Axon before his shift ended was altered, moved,
7 removed or added to. So, if you assume for a
8 second what the State says is true that Mr. Clary
9 intentionally failed to provide criminal
10 investigators with his video as alleged by the
11 State and you disregard the voluminous amount of
12 evidence that is in discovery which shows that Mr.
13 Clary downloaded the video to the State Police
14 evidence dot com website prior to the shift change,
15 the intentional failure to provide video does not
16 meet the definition of tampering with the evidence.
17 You know we -- we submit that the video was
18 immediately downloaded before his shift ended and
19 that's what the evidence has indicated. But
20 there's no response that Mr. Clary tampered with
21 the evidence by altering it, moving it, removing --
22 removing it or otherwise adding to it. So, we are
23 asking that the Court dismiss with prejudice the
24 claim or the charge of Obstruction of Justice.
25 Your Honor, in the State's response they cite the
26 case, State versus Matthews which is a very
27 different case than what we have here. In the case
28 of the State versus Matthews, and I'll give you the
29 cite, it's 200 So.3d 89- --

30 **THE COURT:**

31 It's in Mr. Holland's?

32 **MR. GREEN:**

1 Yes, sir.

2 It's a very, very different case. You had a
3 pawn shop on -- pawn shop owner who was confronted
4 by a person that felt like money was owed. The
5 pawn shop owner hit the victim with a shovel in the
6 parking lot. Police showed up. Ultimately the
7 Defendant in Matthews was convicted and here's why.
8 Because he repeatedly lied to three officers about
9 the cameras being inoperable. Then he told his
10 employees, Don't let the police in my place of
11 business. Then he took the surveillance equipment
12 and disconnected it from the wires and removed the
13 surveillance equipment. I believe he also asked
14 his employees to move the surveillance equipment.
15 Then he failed to disclose the location of the
16 surveillance equipment and then he later destroyed
17 the evidence such that a forensic specialist had to
18 recovery the video that was brought to him after
19 great difficulty. This is much different in our
20 case. And if you look at -- if you look at the
21 discovery responses provided, the Axon evidence
22 trail shows that Mr. Clary uploaded his video on
23 May 10th at four-thirty-six a.m. in accordance with
24 the Louisiana State Police procedures and Louisiana
25 State Police had that video at that time. The
26 video was available for access by anybody at State
27 Police with those credentials who were able to view
28 it. So, we're asking that the Obstruction of
29 Justice charge be dismissed for the reasons that
30 I've enumerated not only in my brief but also in
31 argument today.

32 **THE COURT:**

1 Thank you, Mr. Green.

2 I know I saw it in all the other records, Mr.
3 Holland. I can't find your response to the Motion
4 to Quash in the record.

5 **MR. HOLLAND:**

6 It was filed on June the 8th.

7 **THE COURT:**

8 I mean it's essentially what -- and I know that
9 particular case we used in -- for one of the other
10 Defendants as well.

11 **MR. HOLLAND:**

12 Yes, sir. Do you need to look at my response
13 while I'm talking, Judge? If you do I would have
14 to go get another one. I do need to quote from my
15 response. I'm not gonna take very long but I'm
16 happy to forward it up there to you.

17 **(Off record comments looking for a copy for the Court.)**

18 **THE COURT:**

19 Go ahead, Mr. Holland.

20 **MR. HOLLAND:**

21 So, Judge, there's no law that counsel cited
22 that's not accurate. What I can do concerning the
23 malfeasance charge is say that I wish that I could
24 fix it but I can't because I don't know what the
25 Grand Jury's thoughts were as far as negligence or
26 intent. And because malfeasance is a specific
27 intent crime -- if I was to follow Article 480
28 which requires conjunctive charging versus
29 disjunctive then the indictment would read either
30 intentional and negligent which obviously doesn't
31 fit the malfeasance statute. And since I don't
32 know the answer to that I cannot fix it. I don't

1 know what else to tell you. It is what it is and
2 this Defendant is not the only one that has filed a
3 Motion to Quash because of that language. There're
4 a couple of others that you're gonna look at. The
5 law is accurate and again, I wish I could fix it, I
6 can't fix it.

7 As to the obstruction, there are a couple of
8 things I do want to say about that. The -- counsel
9 has properly cited all the relevant law. What I'm
10 asking the Court to do -- actually there is
11 something I disagree with that counsel wrote and
12 while it may not have a bearing necessarily on the
13 legal issue before the Court I just want to correct
14 this. Counsel wrote in his brief that the Union
15 Parish Grand Jury returned said indictment and
16 amended indictment without any legal evidence
17 presented on which to validly return said
18 indictment as to Count 15. Well, with that I
19 disagree. The reason I say that is because the
20 existence of probable cause is conclusively
21 presumed, not just presumed but conclusively
22 presumed if an indictment is returned by a validly
23 constituted Grand Jury. I cited the cases for
24 that. Now let me get to the obstruction, there's
25 absolutely no case on all fours with what we got
26 here. The closest that I could find was Matthews
27 where a defendant refused to turn over a tape but I
28 agree with counsel that there are additional facts
29 in Matthews and that is that the offender, the
30 defendant, looks like actually did take the tape
31 machine and get rid of it. So, it's not on all
32 fours. What I would like to point out for the

1 Court in relation to the statute concerning
2 obstruction though is the language of the statute.
3 And again, let me be clear, Judge, everything that
4 was cited is accurate law. There's no two ways
5 about that. All the Defendant's cases about
6 statutory construction, the cases about the --
7 that's all correct. I would note that the very
8 words though of the obstruction statute defined
9 tampering as that it shall include intentional
10 alteration, movement, removal or addition of an
11 object or other substance. The reason that I point
12 that out is because the statute says shall include
13 which to me means that's not an exhaustive list.
14 Now, that still puts the Court back in the position
15 of having to interpret the statute in relation to
16 all the cases that say they gotta be strictly
17 construed. I'm not -- I'm not arguing against
18 that. I'm not asking for a change in the law.
19 What I'm suggesting is that all the cases that are
20 cited under the tampering statute in relation to
21 that definition of tampering just because they all
22 require movement doesn't mean that's the only thing
23 that would constitute a tampering under the
24 statute.

25 **THE COURT:**

26 All right. Mr. Holland, I guess my first
27 question to you is if on the malfeasance charge
28 you're telling me it can't be fixed, it sounds like
29 you're telling me it's invalid.

30 **MR. HOLLAND:**

31 No, sir. Let me repeat again -- what do you
32 mean by invalid, I guess that's my question?

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THE COURT:

Well, you -- you say it can't be fixed and you're saying its contrary to the disjunctive billing.

MR. HOLLAND:

Well, you've got a couple of things that are going on here, Judge. First, let me reiterate that it's not -- it's not invalid because it was found by a validly constituted Grand Jury so, it's a valid indictment. What I'm suggesting to you is this, had the District Attorney himself, and I promised these lawyers that we would provide a Bill of Particulars and I understand why he did, that was the right thing to do. We wouldn't even be sitting here today because the law is that if you get full discovery you don't get a Bill of Particulars. Had we not responded to the request for a Bill of Particulars --

THE COURT:

That's -- that's an overstatement of the law as I appreciate it, Mr. Holland.

MR. HOLLAND:

All right. Which part did I get wrong?

THE COURT:

That open file discovery eliminates the availability of a Bill of Particulars.

MR. HOLLAND:

Then you and I would just have to disagree about that. Of course, it doesn't matter what my opinion is, it's your opinion that matters.

THE COURT:

Okay.

1 **MR. HOLLAND:**

2 What I'm telling you is that we've got a valid
3 charge that based on the current state of the law
4 and the request of the Defendant, I cannot fix. I
5 -- there's no way for me to fix it. I can't charge
6 conjunctively and I can't get into the minds of the
7 Grand Jurors to figure out what they were thinking
8 when they issued that count. And I might --

9 **THE COURT:**

10 Mr. Holland, we're not talking about just a
11 Code of Criminal Procedure requirement, we're
12 talking about a constitutional requirement so that
13 Mr. Clary knows exactly what it is he's charged
14 with and what he did that violated the statute.
15 It's not just a nicety of the Code of Criminal
16 Procedure, it's a constitutional protection.

17 **MR. HOLLAND:**

18 I get that.

19 **THE COURT:**

20 Okay.

21 **MR. HOLLAND:**

22 And so, is there a question that follows that
23 because I'm being -- I am fulfilling my obligation
24 in my obligation to candor towards the Court and
25 I'm telling you I cannot fix the count.

26 **THE COURT:**

27 And I appreciate that.

28 **MR. HOLLAND:**

29 What el- -- what else can I tell you?

30 **THE COURT:**

31 Mr. Green, a couple of questions I have. First
32 of all on the Obstruction of Justice, you went --

1 you cited a number of examples in the discovery as
2 to evidence. I can't take into consideration
3 evidence. I have to look at the Bill of
4 Particulars, assume those facts to be correct and I
5 can't look into the discovery.

6 **MR. GREEN:**

7 Yes, sir.

8 **THE COURT:**

9 So, it may be there but that's not a proper of
10 area of inquiry by me, I have to look at Mr.
11 Holland's Bill of Particulars and it says he did
12 this which would seem to meet the definition of
13 obstruction perhaps. Is there anything about his
14 response where he says -- he just simply says,
15 Clary intentionally failed to provide criminal
16 investigators with his BWC video knowing that the
17 video contained potentially inculpatory evidence
18 against the Louisiana State Police employees who
19 were under criminal investigation. Do you have any
20 res- --

21 **MR. GREEN:**

22 I do. I didn't know if you were through or
23 not. Your Honor, if you look at the cases and I'd
24 be happy to provide those to you in a supplemental
25 brief, there's things that the Court has said is
26 not obstruction of justice. So, if you assume --
27 and this is going on what Your Honor indicated
28 earlier that you can't look at other evidence, it
29 may have been presented in discovery -- if you
30 assume what the State has said is true for the
31 purposes of a Motion to Quash, there are things
32 like lying to police that are not considered

1 Obstruction of Justice so, those cases that are out
2 there that talk about Obstruction of Justice talk
3 about the movement, the removal, the addition or
4 the deletion of evidence but failure to provide --
5 and Your Honor, we don't concede that he failed to
6 provide it but for purposes of this hearing today
7 if we accept that as true, a failure to provide the
8 evidence is not tantamount to Obstruction of
9 Justice. It is -- because it's not the removal,
10 the addition, the deletion. We think that list is
11 exhausted and that's our position today. And it
12 does say, shall include -- the statute does. But
13 it doesn't say, it shall include the removal, the
14 addition, the deletion, the removal among other
15 things. It says these things and so, that would be
16 our position.

17 **THE COURT:**

18 Yeah, fortunately the legislature didn't say
19 shall include but not be limited to.

20 **MR. GREEN:**

21 Is that what it says?

22 **MR. HOLLAND:**

23 It doesn't say that.

24 **THE COURT:**

25 It doesn't say that, that's what I'm saying.

26 **MR. HOLLAND:**

27 And, Judge, again I'm telling you I -- I can
28 see that all the cases require movement. Now, I
29 didn't read the cases to say movement is the only
30 thing that constitutes but -- but that's what all
31 the cases -- all the cases say movement is
32 required.

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THE COURT:

They were basically, was it moved or not.

MR. HOLLAND:

Movement cases. Yes, sir. Yes, sir. and again, I'm just telling you as an officer of the Court I couldn't -- there's nothing directly on point to support my position other than my reading of the -- the statute with the shall include.

THE COURT:

And I'm sure as many good lawyers that we have involved in these cases, they would have found that case if it existed.

Anything else, Mr. Green?

MR. GREEN:

No, sir.

THE COURT:

Mr. Holland?

MR. HOLLAND:

No -- no, Your Honor.

THE COURT:

All right. I'm gonna take this under advisement and I appreciate y'all's hard work and Mr. Holland, I appreciate your candor too.

MR. GREEN:

Thank you, Your Honor.

(END OF PROCEEDING)

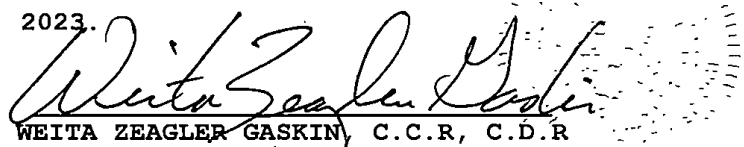
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C E R T I F I C A T E

This certificate is valid only for a transcript accompanied by my original signature and original required seal on this page.

I, Weita Zeagler Gaskin, Certified Digital Court Reporter in and for the State of Louisiana, employed as an official court reporter by the Third Judicial District Court for the State of Louisiana, am the officer before whom this testimony, set out on the foregoing twenty (20) pages, was taken, I do hereby certify that this testimony was reported by me in the official digital reporting method and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board or by the Supreme Court of Louisiana, and that I am not related to counsel or to the parties herein nor am I otherwise interested in the outcome of this matter.

DONE AND SIGNED at Ruston, Louisiana, this the 25th day of July, 2023.



WEITA ZEAGLER GASKIN, C.C.R, C.D.R
OFFICIAL COURT REPORTER #1042017
THIRD JUDICIAL DISTRICT COURT
LINCOLN & UNION PARISHES, LOUISIANA