

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

STATE OF LOUISIANA

NO: 60600

VERSUS

DIVISION B

CHRIS HARPIN

FILED
Union Parish Clerk of Court

JUL 27 2023

Monet Frezler, Deputy Clerk
Third Judicial District Court

PARTIAL TRANSCRIPT
OF
PROCEEDING
HELD ON
JUNE 23, 2023

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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:

EUGENE CICARDO
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 (THE FOLLOWING IS A PARTIAL TRANSCRIPT OF THE ENTIRE
2 PROCEEDING IN THE ABOVE STYLED CASE(S) AS THE UNDERSIGNED
3 COURT REPORTER WAS SPECIFICALLY ASKED TO TRANSCRIBE JUST THE
4 FOLLOWING.)

5 * * *

6 MR. BELTON:

7 And, Your Honor, I was -- I was part of the
8 Grand Jury presentation. We did not physically
9 give it to the Grand Jury but we did -- it was --

10 THE COURT:

11 The report? The report, Mr. Belton?

12 MR. BELTON:

13 We did not physically give it to them during
14 the deliberation but in terms of presentation the
15 report was -- the report was referred to on
16 PowerPoint presentation but they did not have a
17 physical copy of it in deliberation. And if I
18 might add during the -- during the presentation,
19 supporting what Mr. Holland said, every allegation
20 was presented with photographs frame by frame by
21 the expert witness and during his testimony. And
22 so it was very clear as to what -- very clear as to
23 what they based their decisions on based upon the -
24 - not just testimony of the investigators but also
25 testimony by the expert witness.

26 THE COURT:

27 Yes, that was gonna be my next question, can
28 you tell us what my follow up question, can you
29 actually tell us what frame the Grand Jury decided
30 was the basis of this charge?

31 MR. HOLLAND:

32 Judge, I think the answer is, we could but I

1 don't think that we should have to because the
2 Defendant's got the information. In other words,
3 that's doing his job for him. I mean, look -- he
4 needs to read all this stuff just like we did and
5 come to his own conclusions about what the State
6 can prove and the defenses should be. That's all
7 the purpose of giving discovery. And again, you
8 and I disagree about the whole open file thing but,
9 once the -- the amendment to the discovery articles
10 were made in 2013[sic] but for Mr. Belton's promise
11 to give these defendants a Bill of Particulars, I'm
12 gonna suggest to the Court legally it was a dead
13 animal. So, once you get a long form indictment
14 which the defendants have and you give discovery,
15 we're done. And so, what I would suggest we've
16 done is go over and above by living up to Mr.
17 Belton's --

18 **THE COURT:**

19 And -- and I -- I disagree completely, all
20 right, on that. I guess my question remains, isn't
21 the Defendant entitled to know what the Grand Jury
22 decided was the instant in which that offense
23 occurred so that we don't have an -- we don't have
24 a conviction based on a finding by the Jury, Petit
25 Jury, inconsistent with the charge by the Grand
26 Jury.

27 **MR. HOLLAND:**

28 No, sir. I think that is a -- there is
29 absolutely nothing that I am aware of in thirty-
30 four years of doing nothing but criminal law which
31 establishes the proposition that that is the case.
32 The -- the Petit Jury takes the Indictment, they

1 look at the evidence, if we've proven it beyond a
2 reasonable doubt, regardless of what the Grand Jury
3 based their decision on, it's a Guilty and if we
4 don't prove it, it's a Not Guilty.

5 **THE COURT:**

6 All right, Mr. Cicardo?

7 **MR. CICARDO:**

8 Couple of things, Judge. I do concur with you
9 in State versus Jacobs which is a 2018 case that
10 says, Yes, when the Court orders a Bill of
11 Particulars regardless of the open file discovery,
12 they have to answer it. And you control the Bill
13 of Particulars so, I agree with the Court and
14 there's your -- that's the case law on it. It's
15 very important in the Warren case which I'm gonna
16 read some language out of the Warren case about
17 this plethora of documents that we're supposed to
18 ferret through to find out and guess what these
19 charges are. When the Court said the State's
20 written response to Defense motion added nothing,
21 the large assortment of documents and reports
22 including a partial transcript of a 1990 hearing
23 before the State Commission of Conservation, did
24 not served the function of the Bill of Particulars
25 despite the production of the documents by the
26 State and their incorporation by reference into the
27 State's written response to the Motion for a Bill
28 of Particulars. There was no particularity in the
29 referenced mass of discovery documents which would
30 inform the Defendants regarding what the State
31 intends to prove or allow the Court to regulate the
32 evidence at trial. See State versus Linkletter is

1 the cite. Where the Court stated that, quote,
2 Defendants are not required to ferret out this
3 seventy-odd page transcript the simple answer to
4 their questions. Now that's a seventy page
5 transcript, we've got a million two hundred and
6 fifty thousand documents. So, that's the case law;
7 that's the Supreme Court. We're not supposed to go
8 fishing. There supposed to tell us and why
9 wouldn't they? Why wouldn't they? They want --
10 why wouldn't they tell us very simply, This is what
11 he did and we're gonna prove it. Is it because
12 they can't? If they could, wouldn't they put it up
13 there and say, Yeah, this is what he did and when
14 he did it. Here it is. Let's go. Tee it up. But
15 they can't and that's why they don't want to do it,
16 they want to just throw out this vast ball of all
17 of this looking back and that's not the way our law
18 is set up. Tell the man what he's accused of
19 doing. Go up there, tee it up if that's what it
20 is, tee it up and say, I'm gonna prove this beyond
21 a reasonable doubt that he did this, he did that or
22 he did the other. Not, Oh, we gonna play hide the
23 ball and we're gonna play pick this or pick that.
24 So, I agree with the Court, they need to tell us.
25 That's your function. You need to be able to
26 control, the evidence. You need to say, Yes, this
27 is what we're dealing with. We're not dealing with
28 these far out fetched things. Be a man, stand up.
29 Our law says be a -- be a prosecutor. Stand up and
30 tell us what you did. That's what we're asking for
31 so we can get started and get this man to his trial
32 and get him acquitted.

1 **MR. HOLLAND:**

2 Will you give me thirty seconds to --

3 **THE COURT:**

4 Absolutely, Mr. Holland.

5 **MR. HOLLAND:**

6 -- just to finish up? I hope that the Court
7 understands that if -- if I see an issue and I'm
8 supposed to lose, I'll tell you I'm supposed to
9 lose and I've done that today. But also, if the
10 Court understands that if I oppose something,
11 there's a good reason for it. And I'm -- I'm
12 opposing this for a couple reasons. First of all,
13 do you think -- does the Court think for a moment
14 that we're playing hide the ball? I mean, there's
15 nothing in my file that the Defendant doesn't have.
16 And as far as controlling the evidence, I don't
17 understand exactly what counsel means by that. I
18 suppose that what counsel means is that if I
19 identify on a portion of the -- the video where the
20 State alleges that Deputy Harpin committed a
21 battery by using excessive force, then somehow the
22 Court can keep the rest of the video out. Look,
23 that's what counsel's suggesting. The Court knows
24 that's gonna happen. I mean, this is -- Judge,
25 this is res gestae. Any Jury that hears that is
26 gonna see the whole -- whole thing. So, I -- to me
27 that's not a valid argument. Obviously, I'm gonna
28 do what you tell me to do but I think that we have
29 complied with what we have to do based on what the
30 Court has in front of it.

31 **THE COURT:**

32 All right. Mr. Cicardo, just a very brief

1 comment if you have any.
2 **MR. CICARDO:**
3 We just want to know.
4 **THE COURT:**
5 I understand.
6 **MR. CICARDO:**
7 The public wants to know. The law says we need
8 to know.
9 Just making sure we were discussing everything
10 while we were here, Judge.
11 **THE COURT:**
12 Okay.
13 **MR. CICARDO:**
14 Those were -- he brought up the other motions
15 that we were dealing with that the Court already
16 granted about --
17 **MR. HOLLAND:**
18 Experts and that sort of thing.
19 **MR. CICARDO:**
20 -- experts and so forth.
21 **THE COURT:**
22 Had I not already ruled on those previously?
23 **MR. HOLLAND:**
24 Judge, if you did, my apologies.
25 **THE COURT:**
26 Those are basic, automatic --
27 **MR. CICARDO:**
28 They are. They were, Judge.
29 **MR. BELTON:**
30 Your Honor, may I address the Court?
31 **THE COURT:**
32 You may.

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MR. BELTON:

Just for the record, I don't like to be attacked and not be resp- -- and not give a response.

I'm fifty-nine years old. I'm not only a man of age --

THE COURT:

Mr. Belton, I think --

MR. BELTON:

But -- no, no, no, I'm -- I -- if you don't mind, Your Honor, can I -- can I just for the record? I'm not -- I'm not gonna argue, I just want to clear the record.

Not just fif- -- a man in age, but I'm also a man I believe in terms of maturity. I've been doing this job for thirty -- I'm in my thirty-second year, Your Honor. And I have never been so insulted in a open court like I have been today.

THE COURT:

Mr. Belton, that's not --

MR. BELTON:

But, Your Honor, I --

THE COURT:

-- the time or the place.

MR. BELTON:

But, Your Honor, if you don't mind, please --

THE COURT:

I do.

MR. BELTON:

If there's an allegation on the record, I'd like to clear my name because --

THE COURT:

1 I didn't hear anything but just --
2 **MR. BELTON:**
3 He said, Be a man and be a prosecutor. That's
4 what I am and he said it in a way that was
5 offensive as if we're not doing our job. That's
6 the way it came across and I think anybody in this
7 courtroom can conclude the same thing.
8 **THE COURT:**
9 Mr. Cicardo --
10 **MR. BELTON:**
11 But Mr. Car- -- Mr. Cicardo knows what his
12 client is charged with and why. He and I have had
13 private conversations --
14 **THE COURT:**
15 This is not argument, Mr. --
16 **MR. BELTON:**
17 But, Your Honor --
18 **THE COURT:**
19 -- Belton.
20 **MR. BELTON:**
21 -- it is an argument.
22 **THE COURT:**
23 Mr. Belton, that's all.
24 **MR. BELTON:**
25 He opened the door, Your Honor.
26 **THE COURT:**
27 This is all!
28 **MR. BELTON:**
29 Your Honor, I -- Your Honor, please don't --
30 **THE COURT:**
31 You're -- you're on the verge.
32 **MR. BELTON:**

1 On the verge of what, Your Honor?
2 **THE COURT:**
3 You know what you're on the verge of.
4 **MR. BELTON:**
5 Right now I'm being -- I'm being very
6 professional, Your Honor.
7 **THE COURT:**
8 And I've asked you to stop and you shall.
9 **MR. BELTON:**
10 After I clear my name.
11 **THE COURT:**
12 There's no name to clear. He was just making a
13 --
14 **MR. CICARDO:**
15 To the extent that what was --
16 **MR. BELTON:**
17 But, Your Honor -- Your Honor --
18 **MR. CICARDO:**
19 -- but for the record, to the extent that Mr.
20 Belton was offended or -- they were not intended to
21 have any offense toward him personally as a man or
22 anything and I wa- -- my comments weren't made as
23 to raise any offense --
24 **MR. BELTON:**
25 And I accept your apology.
26 **MR. CICARDO:**
27 -- and as to that I'll --
28 **MR. BELTON:**
29 And I accept your apology. Thank you.
30 **THE COURT:**
31 All right. Thank you.
32 **MR. BELTON:**

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And, Your Honor, thank you.

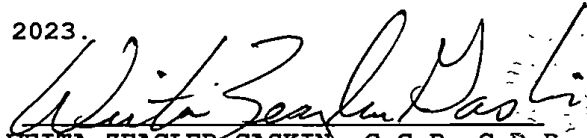
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C E R T I F I C A T E

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 this and the foregoing ten (10) 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 24th 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