

STATE OF LOUISIANA * EAST BATON ROUGE PARISH * 19TH JDC

JACOB BROWN

FILED: _____

VS.

STATE OF LOUISIANA

CLERK: _____

PETITION FOR ATTORNEY FEES

NOW INTO COURT, through undersigned counsel, comes Petitioner, Jacob Brown, who petitions this Honorable Court for the reimbursement of attorney’s fees pursuant to LSA-R.S. 42:1442. In support thereof, Mr. Brown respectfully avers:

1. Made defendant herein is the State of Louisiana, through the Department of Public Safety and Corrections, Louisiana State Police.
2. This instant Petition is brought pursuant to LSA-R.S. 42:1442, which provides, in pertinent part:

(A)When (1) a law enforcement officer, employed by the state or an agency thereof or by a political subdivision, as that term is defined in Article VI, Section 44 of the Constitution of Louisiana, has been subjected to an institution of prosecution for an alleged criminal act committed when the law enforcement officer is acting in good faith in the performance or in furtherance of the course and scope of his employment as defined by law and the policies and procedures of the law enforcement agency employing him, and (2) he is acquitted of the charge, the prosecution has been dismissed by the district attorney, or the periods of time have expired in which he could be brought to trial and convicted, the officer shall be reimbursed for reasonable attorney's fees incurred by him on account of the institution of prosecution. No reimbursement shall take place under the provisions of this Section until the suit is dismissed or finally adjudicated by a court of competent jurisdiction and the period for taking an appeal has expired. Reimbursement shall be from the governing authority by whom the officer was employed at the time of the alleged crime. (Emphasis added)

3. Mr. Brown served as a Louisiana State Police (“LSP”) Trooper from the years 2015 to 2021.
4. On or about September 23, 2021, criminal charges were brought against Mr. Brown in the U.S. District Court, Western District of Louisiana, Monroe Division, for an incident which occurred while he was acting within the scope of his duties as a Trooper with LSP.
5. Mr. Brown successfully defended himself at the trial of that matter, resulting in his acquittal.
6. A criminal charge was also brought against Mr. Brown in the 5th Judicial District in another matter involving an incident which occurred while Mr.

Brown was acting within the scope of his duties as a Trooper with LSP. The State dismissed this charge.¹

7. Following the resolution of these matters, counsel for Mr. Brown mailed correspondence to LSP requesting that, pursuant to LSA-R.S. 42:1442, Mr. Brown be reimbursed \$210,813.40 for his attorney's fees which he incurred in the defense of the aforementioned. LSP denied this request.
8. As seen above, LSA-R.S. 42:1442 sets forth certain conditions which, when met, require the governing authority who employed the officer at the time to reimburse the officer for his attorney's fees. These conditions require: 1) That the alleged criminal act must have occurred when the law enforcement was acting in good faith in the performance or in further of the course and scope of his employment; and 2) That the prosecution was terminated by dismissal, acquittal, or prescription.
9. At all relevant times, Mr. Brown acted in good faith in the performance or in furtherance of the course and scope of his employment with LSP. Furthermore, the aforementioned criminal charges all resulted in acquittal or dismissal by the State.
10. Accordingly, Mr. Brown is entitled to reimbursement of the reasonable attorney's fees he incurred pursuant to LSA-R.S. 42:1442.
11. Consequently, Mr. Brown seeks a judgment awarding him reimbursement in the amount of \$210,813.40, with legal interest from the date of judicial demand until paid, and for all costs of this proceeding.

WHEREFORE Petitioner, Jacob Brown, prays that the Defendant, State of Louisiana, through the Department of Public Safety, Louisiana State Police, be served with a copy of the instant Petition, that it be cited to appear and answer same and after legal delays and due proceedings had, that there be a Judgment herein in favor of Petitioner, Jacob Brown, and against Defendant, State of Louisiana, through the Department of Public Safety and Corrections, Louisiana State Police, with legal interest from the date of judicial demand until paid and for all costs of this proceeding. Petitioner further prays for any other relief to which he may be entitled, whether in law or in equity.

Respectfully Submitted by Plaintiff's Counsel on 8.1.24:

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SERVICE INSTRUCTIONS ON FOLLOWING PAGE

¹ Two criminal matters against Mr. Brown also arose in the 4th JDC. Mr. Brown was never indicted on these charges, and the State dismissed both matters.

SERVICE INSTRUCTIONS

PLEASE SERVE:

State of Louisiana, through
Attorney General Elizabeth Murrill
Louisiana Office of the Attorney General
1885 North Third Street
Baton Rouge, LA 70802

State of Louisiana, through
Department of Public Safety and Corrections,
Through its Secretary,
James M. LeBlanc
504 Mayflower Street
Baton Rouge, LA 70802

State of Louisiana, through
Louisiana State Police
Colonel Robert P. Hodges, Superintendent
7919 Independence Blvd.
Baton Rouge, LA 70806