

No. _____

IN THE
Supreme Court of the United States

IN RE BELINDA PARKER BROWN,

PETITIONER,

v.

STATE OF LOUISIANA

RESPONDENT.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
LOUISIANA COURT OF APPEAL, FIRST CIRCUIT**

APPENDIX
TO PETITION FOR WRIT OF CERTIORARI

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Counsel for Petitioner

TABLE OF CONTENTS

Page (Appx.)

APPENDIX A: Decision under Review: Decision in the Matter of <i>State of Louisiana v. India Armani Ratliff</i> , 2023 KW 0989 (La. App. 1 Cir. Mar. 28, 2024).....	1
APPENDIX B1: Minutes of Contempt of Court Proceedings, <i>State of Louisiana v. India Armani Ratliff</i> , 3163-M-2022 (La. 22 nd J.D.C. Sept. 7, 2023).....	3
APPENDIX B2: Decision in the Matter of <i>State of Louisiana v. India Armani Ratliff</i> , 2023 KW 0989 (La. App. 1 Cir. Jan. 11, 2024).....	7
APPENDIX B3: Decision in the Matter of <i>State of Louisiana v. India Armani Ratliff</i> , 2024 KK 00539 (La. S. Ct. Sep. 17, 2024).....	9
APPENDIX C: Constitutional and Statutory Provisions.....	10
APPENDIX D1: Minutes of Proceedings, <i>State of Louisiana v. India Armani Ratliff</i> , 3163-M-2022 (La. 22 nd J.D.C. May 11, 2023).....	11
APPENDIX D2: Excerpt of Petitioner’s Initial Application for Supervisory Review to the Louisiana First Circuit Court of Appeal.....	14

TABLE OF CONTENTS
(continued)

Page (Appx.)

APPENDIX D3: Excerpt of Petitioner’s
Application for Rehearing to the Louisiana
First Circuit Court of Appeal.....30

**[APPENDIX A: Decision under Review:
Decision in the Matter of *State of Louisiana v.
India Armani Ratliff*, 2023 KW 0989 (La. App. 1
Cir. Mar. 28, 2024)]**

**STATE OF LOUISIANA COURT OF APPEAL,
FIRST CIRCUIT**

STATE OF LOUISIANA NO. 2023 KW 0989

VERSUS

INDIA ARMANI RATLIFF MARCH 28, 2024

In Re: Belinda Parker Brown, applying for
rehearing, 22nd Judicial District Court, Parish of St.
Tammany, No. 3163-M-2022

**BEFORE: McCLENDON, HESTER, AND
MILLER, JJ.**

**REHEARING APPLICATION GRANTED. WRIT
GRANTED IN PART AND DENIED IN PART.** A
court possesses inherently all powers necessary for
the exercise of its jurisdiction and the enforcement of
its lawful orders. It has the duty to require that
criminal proceedings shall be conducted with dignity
and in an orderly and expeditious manner and to so
control the proceedings that justice is done. A court
has the power to punish for contempt. See La. Code
Crim. P. art. 17. Where the law is silent, the court
has the inherent authority to fashion a remedy
which will promote the orderly administration of
justice. **State v. Mims**, 329 So.2d 686, 688 (La.
1976); **State v. Dennis**, 55,462 (La. App. 2d Cir.
1/10/24), __ So.3d __, 2024 WL 105015. However,

the Code provides that a court may punish a person adjudged guilty of contempt of court in connection with a criminal proceeding by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or both. La. Code Crim. P. art. 25(B). Thus, the law is not silent on this issue. Accordingly, given the facts of this case, the trial court erred by permanently banning Belinda Parker Brown, under its contempt power, from Division E and the misdemeanor courtrooms, unless subpoenaed as a witness, as a party, or unless specific written authorization from the presiding judge was obtained.

Therefore, that portion of the ruling permanently banning Ms. Parker from the courtrooms is reversed. In all other respects, the writ application is denied as the record shows the evidence adduced at the contempt proceedings was sufficient for a rational trier of fact to conclude that every element of the criminal constructive contempt charge was proven beyond a reasonable doubt. **State in Interest of R.J.S.**, 493 So.2d 1199 (La. 1986). See also **Rogers v. Dickens**, 2006-0898 (La. App. 1st Cir. 2/9/07), 959 So.2d 940, 945.

PMc
CHH

Miller, J., concurs.

COURT OF APPEAL, FIRST CIRCUIT

s/Ayesha Wilkins
DEPUTY CLERK OF COURT
FOR THE COURT

[APPENDIX B1: Minutes of Contempt of Court Proceedings, *State of Louisiana v. India Armani Ratliff*, 3163-M-2022 (La. 22nd J.D.C. Sept. 7, 2023)]

**Louisiana 22nd Judicial District Court,
Parish of St. Tammany
Minutes, 09/07/2023**

**STATE OF LOUISIANA
vs.
RATLIFF, INDIA ARMANI**

Case#: 3163-M-2022

Hearing Type: *Hearing Order for Hearing for Citation for Constructive Contempt*

Citation#

Hearing Date: September 07, 2023 at 1:30 PM

Location: Division E

Heard by: Hon. William H. Burris

Minute/Deputy Clerk: Angel Mouton

Court Reporter: Kathleen Wells

Bailiff: Seth Slawson

Court Interpreter: N/A

ADA: Luke Lancaster

PROCEEDINGS:

This matter being on assignment for Order for Hearing for Citation for Constructive Contempt. Court noted it is filed under Docket 3163-M-2022 State of Louisiana v. India Ratliff, however it is an ancillary proceeding against Belinda Parker-Brown for constructive contempt. Court further noted there will be no video recordings allowed and all rules of

the court shall be followed.

Mrs. Parker-Brown informed the Court she was waiting on her counsel Claiborne Brown; Court allowed her to step outside and contact her attorney. Counsel Claiborne Brown stated he does not represent Mrs. Parker-Brown and was only there to request a continuance on her behalf, Court denied the continuance. Mrs. Parker-Brown requested continuance stating she has filed an order in Federal Court to have the case moved, Court denied the request for continuance.

Evidence was heard on behalf of the Court with the following witness being sworn and giving testimony:

- 1) Attorney Gavin Richard

Mrs. Parker-Brown cross examines witness.

Court re-direct.

Evidence continues to be heard on behalf of the Court with the following witness being sworn and giving testimony:

- 2) Attorney Cameron Mary

No cross

Evidence was heard on behalf of the Court with the following witness being sworn and giving testimony:

- 3) India Ratliff

Mrs. Parker-Brown cross examines witness.

Court re-direct.

[Case Number: 3163-M-2022 Page 2 of 2]

Evidence was heard on behalf of the Court with the following witness being sworn and giving testimony:

4) Dy. Tyler Matte

Mrs. Parker-Brown cross examines witness.

Court informed Mrs. Parker-Brown she can give testimony, and was sworn in. Prior to giving testimony Mrs. Parker-Brown requested to call witnesses to testify before giving her testimony.

Mrs. Parker-Brown request to call Attorney Claiborne Brown as a witness. Court informed Mrs. Parker-Brown of proper court procedures that need to take place in order to have an attorney testify. Court asked if there were any other witnesses. Mrs. Parker-Brown requested to call Rita McDowell, Court informed Mrs. Parker-Brown of proper court procedures. Mrs. Parker-Brown requested to call his Honor as a witness and again Court informed Mrs. Parker-Brown of the proper court procedures.

Belinda Parker-Brown gives testimony.

Court calls rebuttal witness being sworn and giving testimony:

5) Kristen Coco

Mrs. Parker-Brown cross examines witness.

Court at this time finds Belinda Parker-Brown in contempt and imposes the following sentence:

Pay a fine in the amount of \$1000.00 and court cost; and permanently banned Belinda Parker- Brown from the misdemeanor courtroom as well as Div E courtroom unless subpoenaed to testify in a case in those divisions. Mrs. Parker-Brown objected; Court noted the objection.

Court allowed Mrs. Parker-Brown to file into the record a copy of the pleading which she has filed in Federal Court.

CALENDAR SETTINGS:

October 09, 2023 9:00 AM Execution of Sentence
Division E
Burris, William H.

A TRUE EXTRACT OF THE MINUTES OF THIS
COURT

s/Amy Novotny, Deputy Clerk
DEPUTY CLERK
22ND JUDICIAL DISTRICT COURT ST.
TAMMANY PARISH, LOUISIANA

[APPENDIX B2: Decision in the Matter of *State of Louisiana v. India Armani Ratliff*, 2023 KW 0989 (La. App. 1 Cir. Jan. 11, 2024)]

**STATE OF LOUISIANA COURT OF APPEAL,
FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2023 KW 0989

VERSUS

INDIA ARMANI RATLIFF

JANUARY 11, 2024

In Re: Belinda Parker Brown, applying for rehearing, 22nd Judicial District Court, Parish of St. Tammany, No. 3163-M-2022

**BEFORE: McCLENDON, HESTER, AND
MILLER, JJ.**

WRIT DENIED IN PART AND GRANTED IN PART. There is no indication that relator requested that the district court stay the execution of the fine nor is there a record showing that payment was made under protest or that it was made with any reservation. See **State v. Malone**, 2008-2253 (La. 12/1/09), 25 So.3d 113, 124. The satisfaction of a sentence by payment of the fine imposed renders subsequent appellate review of the judgment moot. **Malone**, 25 So.3d at 115. Therefore, the writ application is denied regarding review of the contempt judgment. The imposition of a one thousand dollar (\$1000.00) fine exceeds the maximum penalty permitted by law. See La. Code Crim. P. art. 25(B). Accordingly, the fine is vacated and this matter is remanded to the district court for

resentencing within the statutory limits.

PMc
CHH

Miller, J., I respectfully dissent in part. In **Malone**, the court held that the defendant's voluntary payment of the fine imposed as a misdemeanor sentence prior to applying for appellate review, and without recording any objection to the fine, renders any subsequent review of the conviction or sentence moot. **State v. Malone**, 2008-2253 (La. 12/1/09), 25 So.3d 113. However, in **Malone**, the payment of the fine satisfied the sentence. Here, the sentence is not satisfied as the finding of contempt resulted in the defendant being permanently banned from the courtroom. I believe we can review the contempt finding without running afoul of the principles established in **Malone**.

COURT OF APPEAL, FIRST CIRCUIT

s/Ayesha Wilkins
DEPUTY CLERK OF COURT
FOR THE COURT

[APPENDIX B3: Decision in the Matter of *State of Louisiana v. India Armani Ratliff*, 2024 KK 00539 (La. S. Ct. Sep. 17, 2024)]

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KK-00539

VS.

INDIA ARMANI RATLIFF

IN RE: Belinda Parker Brown - Applicant Other;
Applying For Supervisory Writ, Parish of St.
Tammany, 22nd Judicial District Court Number(s)
3163-M-2022, Court of Appeal, First Circuit,
Number(s) 2023 KW 0989;

September 17, 2024

Writ application denied.

PDG
JLW
SJC
JTK

Hughes, J., would grant.
Crain, J., would grant.
McCallum, J., would grant.

Supreme Court of Louisiana
s/Katie Marjanovic
Chief Deputy Clerk of Court
For the Court

[APPENDIX C: Constitutional and Statutory Provisions]

1. United States Constitution:

Amendment I (1791)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

**[APPENDIX D1: Minutes of Proceedings,
*State of Louisiana v. India Armani
Ratliff*, 3163-M-2022 (La. 22nd J.D.C. May
11, 2023)]**

**Louisiana 22nd Judicial District Court,
Parish of St. Tammany
Minutes, 05/11/2023**

**STATE OF LOUISIANA
vs.
RATLIFF, INDIA ARMANI**

Case#: 3163-M-2022
Hearing Type: Judge Trial
Citation#
Hearing Date: May 11, 2023 at 8:30 AM
Location: Misdemeanor Courtroom
Heard by: Hon. William H. Burris
Minute/Deputy Clerk: Amie Wood
Court Reporter: Donna L. Heath
Bailiff: Tyler Matte
Court Interpreter: N/A
ADA: Darryl R. Sims; Patricia Amos

CHARGES:

1. SIMPLE CRIMINAL DAMAGE TO PROPERTY
LESS THAN \$1,000
December 03, 2021 (Misdemeanor) 14:56(A)(B)(l)
(1456AB1)

APPEARANCES:

INDIA RATLIFF, Defendant, present
GAVIN RICHARD, Attorney, present
STATE OF LOUISIANA, State, present

PROCEEDINGS:

Defense Continued.

Defense Counsel informed the Court of an interaction regarding Belinda Parker-Brown and her interference with his client. Court ordered Belinda Parker-Brown be banned from the Courtroom unless she is given written authority by the Court, and he will be filing a rule for indirect contempt. Court requested all present parties that were present during the incident be noted so that they may be subpoenaed for a hearing. Attorneys Cameron Mary and James Flammang made statements to the Court regarding the incident.

Later in the day, Belinda Parker-Brown and Attorney, Muriel Van horn were present in the Courtroom and Ms. Van hourn made statements to the Court regarding the involvement of Ms. Parker-Brown in a civil matter in Division A. Court questioned Counsel as to her representation of Ms. Parker Brown in this matter and Ms. Van horn stepped down. Court ordered Belinda Parker Brown be banished from this Courtroom as well as the Division E Courtroom. Court informed Ms. Parker-Brown that a rule for indirect contempt will be filed and the possible sentence. Court informed Ms. Parker-Brown to obtain Counsel by said hearing date if she desires representation. Ms. Parker-Brown stated her address on the record as 1622 11th Street, Slidell, LA 70458. Ms. Van horn objected for the record and Court warned her as to her representation of Ms. Parker-Brown if she does so on the record and said objection was withdrawn. Ms. Parker- Brown objected and Court noted said

objection.

[Case Number: 3163-M-2022 Page 2 of 2]

CALENDAR SETTINGS:

July 13, 2023 8:30 AM Judge Trial Misdemeanor
Courtroom

A TRUE EXTRACT OF THE MINUTES OF THIS
COURT

s/Erik Barthels, Deputy Clerk

DEPUTY CLERK

22ND JUDICIAL DISTRICT COURT ST.
TAMMANY PARISH, LOUISIANA

**[APPENDIX D2: Excerpt of Petitioner's Initial
Application for Supervisory Review to the
Louisiana First Circuit Court of Appeal]**

**COURT OF APPEAL FIRST CIRCUIT
STATE OF LOUISIANA**

*** * * * ***

DOCKET NUMBER: _____

*** * * * ***

STATE OF LOUISIANA

versus

INDIA ARMANI RATLIFF

IN RE: BELINDA PARKER BROWN

*** * * * ***

**APPLICATION FOR SUPERVISORY REVIEW
BY BELINDA PARKER BROWN FROM THE
JUDGMENT OF THE 22nd JUDICIAL DISTRICT
COURT PARISH OF ST. TAMMANY, STATE OF
LOUISIANA DOCKET NO. 3163-M-2022,
THE HONORABLE WILLIAM H. BURRIS
PRESIDING**

*** * * * ***

**ORIGINAL APPLICATION OF PETITIONER
BELINDA PARKER BROWN**

Defendant/Appellant

*** * * * ***

**Respectfully submitted,
CLAIBORNE W. BROWN (25594)
1070-B West Causeway Approach
Mandeville, LA 70471
Telephone: (985) 845-2824
Facsimile: (985) 246-3199**

LIST OF EXHIBITS

<u>Exhibit</u>	<u>Document</u>	<u>Appx.</u>
Exhibit “WA 1”	Minutes of May 11, 2023 Hearing.....	1
Exhibit “WA 2”	Transcript of May 11, 2023 Hearing.....	3
Exhibit “WA 3”	Notice of Contempt Hearing.....	15
Exhibit “WA 4”	Exhibit 1 to Contempt Hearing: Notice of Removal.....	18
Exhibit “WA 5”	Minutes of Sept. 7, 2023 Contempt Hearing.....	37
Exhibit “WA 6”	Transcript of Sept. 7, 2023 Contempt Hearing.....	39
Exhibit “WA 7”	Notice of Intent.....	111

JURISDICTION OF THE COURT

Supervisory Jurisdiction is vested in the Courts of Appeal by virtue of the authority granted in Article V, Section 10 of the 1974 Constitution of the State of Louisiana.

STATEMENT OF THE CASE

Applicant herein, Mrs. Belinda Parker Brown, is the head of Louisiana United International (“LUI”), a civil rights organization that provides general assistance for individuals involved in the criminal justice system in the geographic area of southeastern Louisiana and St. Tammany Parish in particular. On May 11, 2023, a hearing was scheduled in the misdemeanor criminal case of one of LUI’s members and a family friend of Mrs. Brown, Ms. India Ratliff (hereinafter, “Defendant Ratliff”), who had been charged by bill of information with a violation of La. R.S. 14:56A, simple criminal damage to property less than \$1,000. Appx. 1, 69. Prior to her hearing, Defendant Ratliff had a discussion with her criminal defense attorney with the 22nd Judicial District Public Defender’s Office (“22nd JDPDO”) regarding her case. Defendant Ratliff’s attorney, Mr. Gavin Richard (hereinafter, “Defense Attorney Richard”), had recommended to Defendant Ratliff that she plead guilty to the misdemeanor charges at that time. Appx. 10-11, 66-67. Apparently due to a misunderstanding, Defendant Ratliff, feeling that she was being

pressured to plead guilty to the misdemeanor charges, contacted Mrs. Brown and requested her assistance in her discussions with Defense Attorney Richard. Appx. 66-67, 69. At Defendant Ratliff's specific invitation, Mrs. Brown did intervene in the discussions between Defendant Ratliff and her attorney, Defense Attorney Richard, regarding the plea deal in Defendant Ratliff's matter. *Id.* During those discussions, again which took place during a recess outside of the presence of the Court, a loud verbal disagreement took place between Defense Attorney Richard and Mrs. Brown, in

[Appx D2: Exrpt. Init. App. to La. 1 Cir., Pg. 2]

which Mrs. Brown told Defense Attorney Richard that he was "badgering" Defendant Ratliff. Appx. 4, 5, 49. Additionally, Mrs. Brown also spoke with a prosecutor, requesting that Defendant Ratliff's case be continued because "[Defendant Ratliff's] lawyer was railroading her". Appx. 58. Again, both the discussions between Mrs. Brown and Defense Attorney Richard regarding Defense Attorney Richard's purported "badgering" of Defendant Ratliff, and Mrs. Brown's statements to the prosecutor regarding the need for a continuance occurred during a recess and outside the presence of the Court. Appx. 1, 4-5, 16.

When court was back in session and when Defendant Ratliff's matter was called, Defense Attorney Richard, unencumbered at that time by his interaction with Mrs. Brown, appeared on Defendant Ratliff's behalf and requested and obtained a

continuance of her matter. Appx. 4. At that time, Defense Attorney Richard informed the Court of his interaction with Mrs. Brown, requesting that she be barred from the courtroom. Appx. 4-5. In addition to barring Mrs. Brown from the courtroom, the Court advised Mrs. Brown that it would be filing a rule against her for constructive contempt of court. Appx. 5.

On July 18, 2023, the Court issued notice of a rule for constructive contempt of court against Mrs. Brown. In that notice, the Court advised Mrs. Brown that the bases of the contempt rule, as follows:

Specifically, Belinda Parker Brown, on May 11, 2023, interceded in the above criminal matter and interfered with the ability of Gavin Richard, the defense attorney, to represent his client and to communicate effectively with said client, physically prevented communication between attorney and his client, causing disruption during a recess in misdemeanor proceedings while in the courtroom and attempting to cause disrepute to the defendant's attorney and did further unlawfully offer legal advice without a license to practice law.

[Appx D2: Exrpt. Init. App. to La. 1 Cir., Pg. 3]

Appx. 16. Per the notice, the rule for contempt was set for September 7, 2023. Appx. 17.

On September 7, 2023, applicant, Mrs. Brown, representing herself pro se, attempted to obtain a

continuance of the hearing pending a Notice of Removal that she had filed in the United States District Court for the Eastern District of Louisiana. Appx. 37-39. The Court denied Mrs. Brown's request for a continuance, at which time, Mrs. Brown filed a copy of the Notice of Removal into the record of the contempt proceedings. Appx. 37-38, 42-44. While undersigned counsel herein does not adopt the legal arguments contained in that notice, and, in particular, does not assume any representation of a co-filer of that notice, Defendant Ratliff; it is of particular note that the Notice of Removal did raise Mrs. Brown's rights under the First Amendment of the United States Constitution as a defense against the contempt charges brought by the District Court in this matter. Appx. 19-21.

Additionally, during the evidence and testimony elicited in the September 7, 2023 hearing, the following facts were established.

- a) All of Mrs. Brown's verbal interactions with Defense Attorney Richard and the prosecutor on May 11, 2023 concerning Defendant Ratliff's case occurred during a recess and outside the presence of the Court, Appx. 4-5, 16;
- b) Mrs. Brown's verbal interactions with Defense Attorney Richard and the prosecutor on May 11, 2023 were within the context of Defendant Ratliff's decision as to whether to accept a potential plea offer from the State of Louisiana in Defendant Ratliff's case, Appx. 48-49, 66-67; and

- c) Most importantly, Defendant Ratliff specifically requested Mrs. Brown's involvement in her matter and all verbal interactions that Mrs. Brown had with Defense Attorney Richard and the prosecutor on May 11, 2023 were done at Defendant Ratliff's specific invitation, Appx. 66-67, 69.

[Appx D2: Exrpt. Init. App. to La. 1 Cir., Pg. 4]

Those facts notwithstanding, the Court found Mrs. Brown in constructive contempt of court, issuing a fine of \$1,000.00 and permanently banning Mrs. Brown from Division E of the 22nd Judicial District Court. Appx. 38. This writ application follows seeking a reversal of the District Court's September 7, 2023 judgment finding Mrs. Brown in constructive contempt of court and a ruling of this Court vacating said judgment.

ISSUES TO BE CONSIDERED

- (1) Did the District Court's Finding of Mrs. Brown in Contempt of Court for Verbal Interactions with Defense Attorney Richard and the Prosecutor on May 11, 2023, which Interactions Took Place During Recess and Outside of the Court's Presence, Violate Mrs. Brown's First Amendment Rights Under the United States Constitution?**

SPECIFICATIONS OF ERROR

(1) The District Court's Finding of Mrs. Brown in Contempt of Court for Verbal Interactions with Defense Attorney Richard and the Prosecutor on May 11, 2023, which Interactions Took Place During Recess and Outside of the Court's Presence, Violates Mrs. Brown's First Amendment Rights Under the United States Constitution.

SUMMARY OF ARGUMENT

Specification No. 1: The District Court's finding of Mrs. Brown in contempt of Court for what amounted to nothing more than verbal interactions with Defense Attorney Richard and the prosecutor on Defendant Ratliff's case on May 11, 2023 constituted a violation of Mrs. Brown's rights under the First Amendment of the United States Constitution. The evidence in this matter falls well short of establishing a clear and present danger of an obstruction of the administration of justice necessary for a finding of a constructive contempt of court to overcome free speech protections under the First Amendment. Specifically, in this case, all of Mrs. Brown's verbal interactions were within the context of Defendant Ratliff's Sixth Amendment right to determine the objectives of her representation, in general, and

[Appx D2: Exrpt. Init. App. to La. 1 Cir., Pg. 5]

her specific right to determine whether or not to accept a plea offer in a criminal matter. As such, Mrs. Brown's verbal interactions on May 11, 2023 cannot

be the basis of a finding of constructive contempt without violating her rights under the First Amendment of the United States Constitution.

ARGUMENT

(1) The District Court's Finding of Mrs. Brown in Contempt of Court for Verbal Interactions with Defense Attorney Richard and the Prosecutor on May 11, 2023, which Interactions Took Place During Recess and Outside of the Court's Presence, Violates Mrs. Brown's First Amendment Rights Under the United States Constitution.

In light of the record in this case, the District Court's finding that Mrs. Brown was in constructive contempt of court for her verbal interactions with Defense Attorney Richard and the prosecutor in Defendant Ratliff's criminal matter on May 11, 2023 was a violation of Mrs. Brown's First Amendment rights under the United States Constitution. Under both Louisiana and federal jurisprudence, a finding of constructive or indirect contempt of court stemming from the exercise of an individual's First Amendment rights is permissible only where the exercise of that right results in a clear and present danger of obstruction of the administration of justice. *See Economy Carpets Mfrs. & Distrib., Inc. v. Better Busi. Bureau of Baton Rouge Area, Inc.*, 330 So. 2d 301, 305-06 (La. 1976); *Coleman v. Caddo Parish Sch. Bd.*, 25, 617 (La. App. 2 Cir. 3/31/94), 635 So. 2d 1238, 1264; *Citizens Against Government Takeover v. Giarrusso*,

490 So. 2d 510, 512 (La. App. 4 Cir. 1986). The Louisiana Supreme Court in the case of *Economy Carpets Manufacturers and Distributors, Inc. v. Better Business Bureau of Baton Rouge Area, Inc.* fully explained the application of the jurisprudence as provided by the United States Supreme Court:

[Appx D2: Exrpt. Init. App. to La. 1 Cir., Pg. 6]

In *Wood v. Georgia*, 370 U.S. 375, 82 S. Ct. 1364, 8 L. Ed. 2d 569 (1962), the United States Supreme Court, in reviewing the principles evolved from the exercise of this judicial power in the context of the First Amendment protections, stated:

'We start with the premise that the right of courts to conduct their business in an untrammelled way lies at the foundation of our system of government and that courts necessarily must possess the means of punishing for contempt when conduct tends directly to prevent the discharge of their functions. While courts have continuously had the authority and power to maintain order in their courtrooms and to assure litigants a fair trial, the exercise of that bare contempt power is not what is questioned in this case. Here it is asserted that the exercise of the contempt power, to commit a person to jail for an utterance out of the presence of the court, has abridged the accused's liberty of free expression. In this situation the burden upon this Court is to define the limitations

upon the contempt power according to the terms of the Federal Constitution.

'In *Bridges v. California*, 314 U.S. 252, 62 S. Ct. 190, 86 L. Ed. 192, (159 A.L.R. 1346), this Court for the first time had occasion to review a State's exercise of the contempt power utilized to punish the publisher of an out-of-court statement. The accused contended that the exercise abridged his right of free speech guaranteed against state infringement by the Fourteenth Amendment. To determine the scope of this constitutional protection, the Court reviewed the history of the contempt power, both in England and in this country. It held that 'the only conclusion supported by (that) history is that the unqualified prohibitions laid down by the framers were intended to give to liberty of the press, as to the other liberties, the broadest scope that could be countenanced in an orderly society.' *Id.* (314 U.S.) at 265, 62 S. Ct. (190) at 194, 195. Thus clarifying the exercise of this judicial power in the context of the protections assured by the First Amendment, **the Court held that out-of-court publications were to be governed by the clear and present danger standard, described as 'a working principle that the substantive evil must be extremely serious and the degree of imminence extremely high before utterances can be punished.'** *Id.* (314 U.S.) at 263, 62 S. Ct. (190) at 194. Subsequently, in *Pennekamp v. Florida*, 328

U.S. 331, 66 S. Ct. 1029, 90 L. Ed. 1295, after noting that '(f)ree discussion of the problems of society is a cardinal principle of Americanism--a principle which all are zealous to preserve' (*id.*, (328 U.S.) at 346,

[Appx D2: Exrpt. Init. App. to La. 1 Cir., Pg. 7]

66 S. Ct. (1029) at 1037), the Court reaffirmed its belief that the 'essential right of the courts to be free of intimidation and coercion . . . (is) consonant with a recognition that freedom of the press must be allowed in the broadest scope compatible with the supremacy of order.' *Id.* (328 U.S.) at 334, 66 S. Ct. (1029) at 1031. The Court's last occasion to consider the application of the clear and present danger principle to a case of the type under review was in *Craig v. Harney*, 331 U.S. 367, 67 S. Ct. 1249, 91 L. Ed. 1546. **There the Court held that to warrant a sanction '(t)he fires which (the expression) kindles must constitute an imminent, not merely a likely, threat to the administration of justice. The danger must not be remote or even probable; it must immediately imperil.'** *Id.* (331 U.S.) at 376, 67 S. Ct. (1249) at 1255.' (Footnotes omitted.) 370 U.S. at 383, 82 S. Ct. at 1369, 8 L. Ed. 2d at 576, 577.

Economy Carpets Mfrs. & Distribs., 330 So. 2d at 305-06 (emphasis added). While the aforementioned

jurisprudence has generally been applied in situations in which a citizen is vocally critical of a particular court, judge or judge's ruling in a case; this jurisprudence unequivocally applies to this case, which involves a citizen being vocally critical of an officer of the court (in this case, the criminal defense attorney), or that court officer's actions in a particular case.

In this case, there was no such "clear and present danger" to the administration of justice that had occurred as a result of any verbal interactions Mrs. Brown and Defense Attorney Richard and the prosecutor in Defendant Ratliff's case. The record undisputedly indicates that, at the May 11, 2023 hearing, Defense Attorney Richard had three options in his representation of Defendant Ratliff: 1) facilitate Defendant Ratliff's guilty plea to the charges; 2) prepare and execute trial of Defendant Ratliff's case; and 3) seek a continuance of Defendant Ratliff's case. The record indicates that Defense Attorney Richard chose to seek a continuance of Defendant Ratliff's case; that Defense Attorney Richard actually obtained a continuance of the case at that time; and that, as of the date of the hearing on the rule

[Appx D2: Exrpt. Init. App. to La. 1 Cir., Pg. 8]

for contempt, September 7, 2023, Defense Attorney Richard (and the 22nd JPPDO) was still counsel of record for Defendant Ratliff on her case. Appx. 4-5, 45.

Most significantly, all of the actions of Mrs. Brown with regard to her purported constructive

contempt of court occurred within the context of Defendant Ratliff's decision not to accept a plea offer in her criminal case. Both Louisiana and federal law are clear that, with respect to the relationship between Defense Attorney Richard and Defendant Ratliff, Defendant Ratliff has the unquestioned sole authority to determine whether or not to accept a plea offer in a criminal case, and Defense Attorney Richard is duty bound to abide by that decision. *See McCoy v. Louisiana*, 138 S. Ct. 1500, 1508, 200 L. Ed. 2d 821 (2018); La. R. Prof. Cond. 1.2. The autonomy of the client's decision whether or not to accept a plea offer in a criminal matter, in conjunction with the client's autonomy in determining the objectives of the representation, and the defense attorney's corresponding duty to abide by that determination; has been enshrined as a Sixth Amendment Right to assistance of counsel under the United State's Constitution. *McCoy*, 138 S. Ct. at 1510-12. A necessary corollary to a criminal defendant's autonomy as to the decision of whether to accept a plea offer in a criminal case is the right to seek counsel or advice, both legal and non-legal, from anyone else of the client's choosing, as to whether or not to accept that plea offer, or even to provide criticism of the defense attorney's handling of the case.

Given this, Defendant Ratliff's actions in unequivocally soliciting Mrs. Brown's assistance in dealing with her own attorney, Defense Attorney Richard; renders all of Mrs. Brown's actions on May 11, 2023 to be completely within Defendant Ratliff's exercise of her Sixth Amendment right to assistance of counsel vis-à-vis her relationship with Defense

Attorney Richard. More significantly, to allow the District Court to hold Mrs. Brown in contempt for acting in accordance

[Appx. D2: Exrpt. Init. App. to La. 1 Cir., Pg. 9]

with Defendant Ratliff's wishes with respect to her decision making process as to whether to accept or reject the plea offer in her case would create a troublesome scenario where criminal defense attorneys could potentially chill friends and family input into these decisions by subjecting such input to constructive contempt proceedings for "interfering" with the defense attorney's representation. While Mrs. Brown arguably cannot assert Defendant Ratliff's Sixth Amendment rights, the analysis is necessary here to show that the District Court was not able (and should not be able) to hold Mrs. Brown in constructive contempt of court for her verbal interactions on May 11, 2023, let alone that such interactions did not create a clear and present danger of obstruction of the administration of justice in Defendant Ratliff's criminal proceedings. As such, the District Court's finding of constructive contempt of court against Mrs. Brown should be vacated by this Court.

CONCLUSION and PRAYER

WHEREFORE, based on the above, applicant prays for, and is entitled to, a reversal of the September 7, 2023 ruling of the District Court holding Applicant, Mrs. Belinda Parker Brown, in

constructive contempt of court and to have said ruling vacated.

Respectfully Submitted,

s/Claiborne W. Brown

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**[APPENDIX D3: Excerpt of Petitioner's
Application for Rehearing to the Louisiana First
Circuit Court of Appeal]**

**COURT OF APPEAL FIRST CIRCUIT
STATE OF LOUISIANA**

*** * * * ***

DOCKET NUMBER: 2023-KW-0989

*** * * * ***

STATE OF LOUISIANA

versus

INDIA ARMANI RATLIFF

IN RE: BELINDA PARKER BROWN

*** * * * ***

**APPLICATION FOR SUPERVISORY REVIEW
BY BELINDA PARKER BROWN FROM THE
JUDGMENT OF THE 22nd JUDICIAL DISTRICT
COURT PARISH OF ST. TAMMANY, STATE OF
LOUISIANA DOCKET NO. 3163-M-2022,
THE HONORABLE WILLIAM H. BURRIS
PRESIDING**

*** * * * ***

**BRIEF IN SUPPORT OF
APPLICATION FOR REHEARING
OF PETITIONER, BELINDA PARKER BROWN
Defendant/Appellant**

*** * * * ***

**Respectfully submitted,
CLAIBORNE W. BROWN (25594)
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MAY IT PLEASE THE COURT:

Petitioner, Belinda Parker Brown, respectfully submits this Application for Rehearing regarding the January 11, 2024 judgment of this Court denying in pertinent part her writ application pertaining to a September 7, 2023 judgment of contempt in the matter of *State v. India Ratliff*, 22nd J.D.C. No. 3163-M-2022, on the grounds that the record did not indicate that defendant recorded an objection to the District Court's judgment prior to payment of the assessed fine, rendering the appeal moot as per the case of *State v. Malone*, 2008-2253 (La. 12/1/09), 25 So. 3d 113. In conjunction with this Application for Rehearing, petitioner hereby seeks to correct clerical errors in the original Writ Application, whereby a copy of the transcript of the September 7, 2023 proceedings, which did not contain an executed court reporter certificate, and an unsigned copy of the minutes of said hearing, were submitted into the record. Petitioner hereby submits the executed court reporter certificate and a certified copy of the minutes of the September 7, 2023 proceedings for submission into the record. For reasons more fully set forth in the accompanying Brief in Support, petitioner's Application for Rehearing should be granted and the September 7, 2023 contempt judgment should be reversed in its entirety.

STATEMENT IN SUPPORT OF REHEARING

On September 7, 2023, petitioner, Mrs. Belinda Parker Brown, was found in constructive contempt of court regarding circumstances occurring on May 11, 2023 adjacent to the Misdemeanor Court of the 22nd Judicial District Court. Pursuant to that finding, the District Court issued a fine of \$1,000.00 and permanently banned Mrs. Brown from Division E of the 22nd Judicial District Court. Appx. 38. On Monday, October 9, 2023, petitioner filed the underlying Writ Application requesting reversal of the District Court's September 7, 2023 judgment of contempt.

[Appx D3: Exrpt. App. Rehg. to La. 1 Cir., Pg. 2]

Within that Writ Application, petitioner submitted a copy of the verbatim transcript of the September 7, 2023 contempt proceedings. Due to oversight, the submitted transcript contained an unexecuted court reporter certificate. Petitioner hereby submits the executed court reporter certificate of that September 7, 2023 hearing transcript.

As per that transcript, immediately following the issuance of the District Court's ruling, the following occurred:

BY THE COURT:

Ms. Brown, would you like to note an objection for the record?

BY MS. PARKER BROWN:

Yes. I object for the record, Your Honor.
And I would also like to note that an appeal,
please.

Appx. 109. The certified copy of the minutes of the September 7, 2023 contempt proceedings also reflect petitioner's objections. Supp. Appx. 116.

On January 11, 2024, this Court granted in part and denied in part the petitioner's Writ Application. In its ruling, the Court, citing the Louisiana Supreme Court case of *State v. Malone*, 2008-2253 (La. 12/1/09), 25 So. 3d 113, denied the Writ Application pertaining to "review of the contempt judgment", noting that "[t]here is no indication that relator requested that the district court stay the execution of the fine nor is there a record showing that payment was made under protest or that it was made with any reservation." For reasons more fully set for the below, petitioner respectfully requests that her Application for Rehearing be granted and that the September 7, 2023 judgment of contempt be vacated.

ARGUMENT IN SUPPORT OF REHEARING

The case of *State v. Malone*, 2008-2253 (La. 12/1/09), 25 So. 3d 113 provides, in pertinent part, as follows:

[Appx D3: Exrpt. App. Rehg. to La. 1 Cir., Pg. 3]

Thus, relative to misdemeanor cases where the defendant's sentence consists of a fine, if the defendant demonstrates that he is

not acquiescing in the judgment, or abandoning his right to review, satisfaction of the sentence by payment of the imposed fine will not render subsequent review moot.

2008-2253, 25 So. 3d at 123-24. In this case, petitioner clearly demonstrated that she was not “acquiescing in the judgment” by explicitly and immediately noting her objection to said judgment in open court on September 7, 2023 and by explicitly referencing her right to appeal. As such, she is not precluded from review of the contempt judgment under *State v. Malone*.¹

CONCLUSION

Based on the above, petitioner is entitled to a rehearing on this matter and, after a rehearing is had, a reversal of the September 7, 2023 ruling of the District Court holding Applicant, Mrs. Belinda Parker Brown, in constructive contempt of court and to have said ruling vacated.

¹ To the extent that the Court’s January 11, 2024 ruling was based on the absence of an executed court reporter certificate accompanying the transcript of the September 7, 2023 proceedings and a certified copy of the minutes of said proceedings; petitioner respectfully requests that the Court, recognizing its discretion in the exercise of its supervisory jurisdiction, permit her leave to correct this oversight by admitting her filing of the executed court reporter certificate and certified copy of the minutes into the record of these proceedings. See *Stelluto v. Stelluto*, 2005-0075 (La. 6/29/05), 914 So. 2d 34, 39; *In re Chemical Release at Bogalusa*, 98-1122, pp. 1-2 (La. App. 1 Cir. 8/27/98), 718 So. 2d 1015, 1016.

Respectfully Submitted,

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