

1 IN THE FOURTEENTH JUDICIAL DISTRICT COURT
2 IN AND FOR THE PARISH OF CALCASIEU
3 STATE OF LOUISIANA
4

5 STATE OF LOUISIANA

6 VERSUS

NO. 20179-01

7 JASON REEVES
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11

12 April 18, 2017

13 HONORABLE MICHAEL CANADAY
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20

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Fourteenth Judicial District Court

Lake Charles, Louisiana

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BY THE STATE:

Your Honor, Carla Sigler and
Karen McLellan on behalf of the State
in *State versus Jason Reeves*, 14th
Judicial District Docket No.
20179-01.

The Defendant was charged and
convicted of capital murder. We are
here today on a final resolution of
the post-conviction relief claims.

BY MR. FREEDMAN:

Alan Freedman representing the
Petitioner.

BY MR. CLEMENTS:

Gary Clements representing the
Petitioner.

BY MR. MAGRISSO:

Good morning, Your Honor. John
Magrisso with Mr Freedman.

BY THE COURT:

Do you want to spell the last
name for me.

BY MR. MAGRISSO:

M-A-G-R-I-S-S-O.

BY THE COURT:

Also let the record reflect that
the Defendant is present in court
today.

All right. Mr. Freedman, are
you taking the lead or Mr. Clements?

BY MR. FREEDMAN:

I will be doing the lead from

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you.

BY THE COURT:

All right, sir.

BY MR. FREEDMAN:

We were going to put on
Judge Ware, first. If not, we have
Attorney Cuccia. We can put him on.
It doesn't matter.

BY THE STATE:

I do want the Rule invoked.
They have two witnesses. We have two
witnesses. They need to be
sequestered.

BY MR. FREEDMAN:

I have no objection.

BY THE COURT:

All right. At this time we will
invoke the Code of Evidence Rule 615.
All witnesses will be required to
remain out of the courtroom. They
will not talk about the case from
this point forward other than with
counsel if they so desire. We will
call you in when we need you.

BY MR. CLEMENTS:

If we can put on Cuccia, first.

BY THE COURT:

Sure.

KERRY CUCCIA,

having been first duly sworn,
was examined and testified as
follows:

1 EXAMINATION

2 BY MR. FREEDMAN:

3 Q State your name for the record.

4 A Kerry Cuccia.

5 Q Could you give me the name of your office
6 address.

7 A I am the director of the Capital Defense
8 Project of Southeast Louisiana. My office
9 address is 3801 Canal Street, New Orleans,
10 Louisiana 70119.

11 BY THE COURT:

12 Spell your name for us, please.

13 BY THE WITNESS:

14 First name, K-E-R-R-Y. Last
15 name, C-U-C-C-I-A.

16 BY THE COURT:

17 And if I mispronounce it because
18 I've always said, "Cuccia." I don't
19 know why, but I have always said that
20 from the beginning. So I apologize.

21 BY THE WITNESS:

22 You probably say it correctly,
23 Judge.

24 BY MR. FREEDMAN:

25 Q Can you tell the Court your occupation.

26 A I am an attorney and primarily involved with
27 the defense of capital cases.

28 Q Can you give me a brief description of your
29 professional background.

30 A I have been practicing law for 41 years. I
31 first began doing primarily criminal law. I
32 began doing a general civil practice or general

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1 practice law, civil law, along with criminal law.
2 In about 1996, I returned to doing public defense
3 focusing on the defense of capital litigation in
4 connection with the Orleans Public Defender's
5 Office at the time.

6 In 2002 what was the predecessor to the
7 Louisiana Public Defender Board, the Louisiana
8 Indigent Defender Assistance Board formed three
9 independent organizations to assist the local
10 public defenders in the defense of capital cases
11 throughout the State.

12 And at that time in February of 2002, I was
13 fortunate enough to be selected as a director of
14 one of those three programs which became known as
15 the Capital Defense Project of Southeast
16 Louisiana.

17 Q Did you represent Jason Reeves in the first
18 trial?

19 A I did.

20 Q And what was your strategy to get a not
21 guilty verdict if you recall?

22 A The strategy that we had was that we were
23 going to try and raise reasonable doubt in the
24 minds of the jurors by pointing to the flaws that
25 we found in the State's evidence.

26 In order to do that, we -- let me back up if
27 I may. We recognized that there were two big --
28 three main areas of evidence that the State had
29 against Mr. Reeves.

30 One was a DNA analysis. One was testimony
31 that Mr. Reeves had been seen in the trailer park
32 around the time that MJT disappeared, and the

1 third one was an inculpatory statement made by
2 Mr. Reeves after about two-and-a-half days of
3 interrogation.

4 Q In the case, did you use experts as part of
5 your defense?

6 A Yes. As I said, we wanted to point out the
7 flaws to the Jury in the hopes that that would
8 raise reasonable doubt in their mind. In order
9 to do that we picked -- we decided to use experts
10 in each of the fields on each of the areas that
11 we could to point out what we felt were the
12 deficiencies and the flaws in that case.

13 Q Do you recall why you used Dr. Marc Zimmerman
14 for an expert?

15 A Yes.

16 Q Can you explain why you used him.

17 A Yes. As I said, one of the main items of
18 evidence against the State was the statement that
19 Mr. Reeves had made after what was a pretty
20 intensive interrogation under conditions that we
21 felt could lend itself to a false confession.

22 And we knew through our investigation that
23 Mr. Reeves functioned at an intellectual level
24 that was lower than average. I would say
25 considerably lower than average and also that he
26 had other forms of brain dysfunction that we felt
27 could contribute to -- to make him susceptible to
28 suggestion to maybe confess and admit to doing
29 something that he really had not done.

30 The interrogation technique used in the case
31 appeared to be a very classic Reid interrogation
32 technique, which is a psychological technique.

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1 And we felt that the Jury had to -- we felt that
2 the Jury had to understand Jason Reeves' level of
3 mental functioning and the difficulties that
4 Jason Reeves had with his mental capacity in
5 order to assess the reliability of the statement
6 that he ultimately makes, as I said, after about
7 two-and-a-half days of very intensive
8 interrogation.

9 Q Did you ultimately use an expert, a
10 Dr. Shields?

11 A Yes. We --

12 Q Back up. How did using Marc Zimmerman's
13 testimony assist you in your closing argument?

14 A Well, it gave me the basis, a scientific --
15 an expert opinion and basis for me to argue to
16 the Jury and explain to them that when Jason
17 Reeves gave that statement, ladies and gentlemen,
18 you should have reason to doubt whether it is
19 true, whether reliable.

20 Because as opposed to Kerry Cuccia just
21 standing up there and arguing to them that
22 someone after two-and-a-half days of intensive
23 interrogation might give in. We had a
24 professional, who talked about Jason Reeves in
25 particular; Jason Reeves' level of mental
26 function in particular; Jason Reeves'
27 intellectual deficiencies or brain dysfunction
28 that would lend him and make him susceptible to
29 suggestion, perhaps susceptible to giving in when
30 the truth was not what he said. It gave us a
31 solid foundation, not some lawyer rhetoric that
32 some lawyer talked about.

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1 Q Did you ultimately use an expert named
2 Dr. Shields?

3 A Yes.

4 Q What was the purpose of using him as an
5 expert?

6 A Dr. Shields was our expert that helped us
7 attack and show the flaws and the deficiency in
8 the DNA evidence. Dr. Shields was critical in
9 helping us make the case to the Jury in pointing
10 out to the Jury that there was a problem with
11 this evidence, and there was a glaring problem
12 with this evidence.

13 Again, DNA evidence is something that strikes
14 fear in the hearts of defense lawyers and is
15 generally very powerful in the minds of lay
16 people because they don't understand just how
17 involved the process is and the nature of the
18 process.

19 So we felt that it was critical to have an
20 unassailable expert, and Dr. Shields is one. A
21 national expert, professor at the Syracuse
22 University to come in and explain -- not only
23 explain the nature of DNA science so that the
24 Jurors could understand it but then graphically
25 illustrate the deficiencies that he detected or
26 the problem that he detected with the evidence in
27 this case.

28 Q How did that assist you in making the closing
29 argument?

30 A And it's the same thing. It wasn't
31 Kerry Cuccia saying, Look, Ladies and Gentlemen,
32 we have talked about degradation as an issue and

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1 relying on what I'm telling you, it should be --
2 it gave me a solid footing. Someone who was --
3 as I said, unassailable, his credentials, as well
4 in his testimony about the nature of the
5 deficiency in this evidence.

6 If I may, Judge. What the problem was, this
7 sample that they said was the unknown. It was a
8 sample that was taken purportedly from the anal
9 cavity of MJT after the body had been in the
10 forest for several days.

11 But that sample, when tested and run through
12 the machine, was pristine. It had absolute --
13 showed no level, virtually no level of
14 degradation whatsoever. Now what I mean by that
15 is -- and I'm not sure how familiar you are with
16 DNA analysis.

17 But if you take a swab from your cheek or
18 from my cheek or you take blood from my arm, and
19 you would run it through the machine. What you
20 get out at the end of the machine is an
21 electropherogram, like a cardiogram. It's a
22 graph with a bunch of peaks and valleys and
23 lines.

24 If you get a sample that is fresh and pure,
25 what will happen along the spectrum, and I will
26 explain the spectrum in a minute.

27 BY THE STATE:

28 I'm going to object. He's not a
29 DNA expert. He's not being offered
30 as such or qualified as such.

31 BY THE COURT:

32 Mr. Freedman?

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1 BY MR. FREEDMAN:

2 Q Just answer the question. Did you basically
3 argue, yes or no, argue that the DNA was too
4 good?

5 BY THE COURT:

6 I assume he is rephrasing the
7 question, so we'll go from there.

8 A Yes. What Dr. Shields testified to is that
9 the sample that supposedly came from MJT's body
10 -- and I think he shot away from the phrase, "Too
11 good," what I used to do -- looked pristine. It
12 did not have the signs of degradation that a
13 sample taken from an anal cavity of a body that
14 had been in the woods for two to two-and-a-half
15 days should have.

16 BY MR. FREEDMAN:

17 Q Did you ultimately use a fingerprint expert?

18 A Yes.

19 Q Why?

20 A Well, again, for the same thing. It is one
21 thing for a lawyer to argue about -- argue to the
22 Jury points based upon what the lawyer thinks or
23 when the lawyer relies on, come on y'all know
24 about this kind of stuff.

25 It is a much more powerful argument when the
26 lawyer is basing the things that he says on
27 testimony from an expert. And the better and
28 more qualified the expert, generally speaking,
29 the more powerful the argument is made.

30 So what happened in this case is shortly
31 before the trial, we were notified by the State
32 for the first time that there were fingerprints

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1 that had been found on MJT'S body. I think they
2 were on her arm and wrist -- and for me, most
3 importantly -- on the upper/inner portion of her
4 right thigh.

5 Now, the State said that they gave -- they
6 were not suitable for making an identification.
7 We hired what we felt to be an unassailable
8 fingerprint expert, Ms. Guidry, who had worked
9 for the State Police, I believe, for 25 years.
10 She had been the chief fingerprint examiner for
11 this Louisiana State Police for 20 years.

12 She examined them and agreed that you
13 couldn't make an identification, but she could
14 make an exclusion. You need a lot less
15 information to make an exclusion on fingerprints.

16 Q How did that assist you in your closing
17 argument?

18 A Again, it raised doubts about here is the
19 body in the woods with fingerprints from someone
20 other than Jason Reeves. Fingerprints on a place
21 on the body that would suggest that it was the
22 assailant, the arm and the inner right thigh.

23 Q Did you ultimately use an expert in traffic?

24 A Yes. Mr. Tekell from Lafayette as a traffic
25 engineer.

26 Q Why did you use him if you can recall?

27 A Well, as I've been talking about the various
28 flaws, we felt that there were flaws in the
29 evidence. Reason -- once the Jury was educated
30 based on science and the true stuff, that they
31 would see that the evidence that maybe at first
32 value looked good. When you examined it and you

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1 see it, there's flaws there. And if there's
2 flaws there, then you have reason to doubt how
3 much weight to put in, how reliable it is, and
4 that's the source of reasonable doubt.

5 All of these were different items apportioned
6 to the evidence; but the biggest problem that I
7 felt, the biggest flaw in the State's evidence is
8 what I've referred to is the timeline.

9 Ray LaViolet, a Lake Charles Sheriff's Office
10 detective or Lake Charles Police Department
11 detective, testified that on the day MJT
12 disappeared from the trailer park, he went to the
13 LeBleu Cemetery to meet with a confidential
14 informant.

15 He arrived there at 4:15. When he arrived
16 there, Jason Reeves' car was parked in the
17 parking lot. He searched the area to see if
18 anybody was close by because he was meeting there
19 with a confidential informant. He didn't see
20 anyone at the time.

21 He went back and met with his confidential
22 informant. About a half-hour later, he see Jason
23 Reeves in the cemetery; and Mr. Reeves comes to
24 his car, gets in it, drives past him, looks him
25 right in the eye, and he knows -- identifies him.
26 So he puts Jason Reeves in the LeBleu Cemetery at
27 4:15.

28 The significance of that is that a witness,
29 Tammy Lavergne places MJT in the trailer park at
30 4:15 or 4:20 -- 4:15 also. And the trailer park
31 is some distance from the LeBleu Cemetery. So we
32 wanted to make it clear to the Jury that there is

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1 a problem here, that Jason Reeves could not have
2 been in the trailer park at 4:15 when -- if he
3 was the person who did the kidnapping, he could
4 not have been there at 4:15 because the distance
5 between the two.

6 And rather than, again, just taking some map
7 or trying to argue it and some kind of thing, we
8 hired a traffic engineer from Lafayette, who
9 studied -- I believe there were three routes,
10 possible routes to go. He drove each of them at
11 different times of the day and came with a range
12 of time that it would take to get from the
13 trailer park to the cemetery. I think the lowest
14 time he had was 13 minutes.

15 Q How did that assist you in making your
16 closing argument for reasonable doubt?

17 A Again, I think it added tremendous punch to
18 the testimony of -- to the argument that it was
19 not Jason Reeves who kidnapped MJT from that
20 trailer park. Because at the time when MJT is
21 already in the trailer park -- is still in the
22 trailer park based upon the testimony of Tammy
23 Lavergne, as well as the testimony of Ms. CT,
24 MJT's mother. I will explain that in detail in a
25 minute if you'd like -- that Jason Reeves could
26 not have been the person who kidnapped MJT
27 because according to Ray LaViolet, he's in the
28 trailer park. The trailer park is at least
29 13 minutes away from the cemetery. There is too
30 much of a time difference in order for it to have
31 occurred.

32 And I'll explain to you why I get that Ms. CT

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1 has MJT in the trailer park about the same time.
2 Her testimony -- undisputedly, the 911 call came
3 in at 5:02. She testified that she had been
4 searching for MJT for about 20 minutes before she
5 made the 911 call.

6 I asked her how long had it been from the
7 time you had last seen MJT to when you started
8 looking for her. She said five to ten minutes.
9 So if you take those times and you back them up
10 from 5:02, you get yourself at around 4:30. If
11 you back it up another five or ten minutes for
12 imprecision, then you get CT putting MJT in the
13 trailer park right about the same time that
14 Tammy Lavergne said, 4:15.

15 There's something also very important about
16 Tammy Lavergne's testimony. There was a lot of
17 testimony about a blue car that matched Jason
18 Reeves' car being in the trailer park earlier
19 that day and in the vicinity at a nearby school
20 and about the time that MJT disappeared.

21 And the people who saw Jason Reeves at the
22 nearby school identified him correctly,
23 physically. A man with a short -- almost a
24 military haircut. CT when she saw the car the
25 first time described it as a guy having a similar
26 type of haircut.

27 Tammy Lavergne said it was a faded blue car,
28 but it was a guy with shoulder-length blond hair,
29 and that's the car she saw going to the trailer
30 park closest in time to when she saw MJT. So I
31 felt that with that information from Ms. Lavergne
32 -- maybe it's Ms. LaVeen (PS) -- in establishing

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very clearly that distance between the two sites, any rational person would have to have some doubts about whether Jason Reeves was, in fact, the person who could've kidnapped MJT; and it all works together.

Now, we have the fingerprints of someone who is not Jason Reeves at the place where you would believe the assailant's fingerprints would be. You have all of the other evidence that you would think would be there if Jason Reeves were the assailant; such as blood, hair, fiber, bodily fluids in his car, on his clothes, somewhere. None of that existed.

BY MR. FREEDMAN:

May I approach the witness.

BY THE COURT:

If you'll share with counsel.

BY THE STATE:

Your Honor, at this time the State is objecting to these next two items of evidence that the Defense is trying to use.

These are transcripts from the first trial which we were never provided, the original post-conviction relief -- well, let's just say, the amended post-conviction relief petition was filed back in 2013.

This is the first time that I'm seeing these. They were never attached to the appendix of exhibits.

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They included 35 exhibits with their initial amended post-conviction documentation, and I just received these this morning. So we object.

BY THE COURT:

Let me get you to the podium for me, Mr. Freedman.

BY MR. FREEDMAN:

First of all, these are transcripts of the first trial and the judicial notice -- it's all part of the same proceeding ultimately.

BY THE STATE:

If --

BY MR. FREEDMAN:

Let me just finish, then you can object.

If you look at the record that went up to the Louisiana Supreme Court, it is 44 volumes; and they have all of the documents that Mr. Cuccia filed and all of these documents. They didn't have the transcripts, but nevertheless they're transcripts.

We referred to what these transcripts are, this is opening and closing statement, which was referred to in the pleadings and the testimony of the experts in which he just testified. So I think this Court -- these are not magical documents.

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They are a part of the case.

BY THE COURT:

Ms. Sigler.

BY THE STATE:

Again, he just admitted they weren't part of the Louisiana Supreme Court record. We are not here on the first trial. We are here on the second trial and whether or not those attorneys were ineffective. This was not part of the record that the Louisiana Supreme Court ever received.

BY THE COURT:

Is there any reason they were not shared with counsel?

BY MR. FREEDMAN:

I thought they were aware of it. I thought they had copies of all of the transcripts. I am kind of shocked that they haven't seen it.

BY THE COURT:

I think you can elicit the information from Mr. Cuccia. I'll allow you to proffer them since they weren't given to them properly for them to be able to respond. I think you can get what you need from them, from the witness without the transcripts; but I will allow you to proffer them in the record and make it a part of it.

1 BY MR. FREEDMAN:
2 So that at least the Federal
3 court might review them. As long as
4 they are proffered so that a future
5 review of a Court can see them.
6 BY THE COURT:
7 They'll be part of the
8 proceedings.
9 BY MR. FREEDMAN:
10 Should I just mark them as
11 Petitioner's Exhibit 1 and 2 of these
12 proceedings.
13 BY THE COURT:
14 We will call it Reeves
15 Post-Conviction Proffer 1. Is that
16 satisfactory, Ms. Sigler?
17 BY THE STATE:
18 Yes.
19 BY THE COURT:
20 Tell me, there's two of them
21 there. Do you want to distinguish
22 them?
23 BY MR. FREEDMAN:
24 One is the Opening and Closing
25 Statement of Mr. Cuccia, that would
26 be No. 1 Proffer; and Proffer 2 would
27 be the actual testimony that he
28 referred to.
29 BY THE COURT:
30 Of more than one or all of the
31 witnesses that he has referred to?
32 BY MR. FREEDMAN:

1 handling the presentations in
2 segments but not double-teaming, and
3 I won't allow the State to do either.
4 BY MR. CLEMENTS:
5 Thank you.
6 BY THE COURT:
7 So we will reference the Reeves
8 PCR-1 in globo. PCR Proffer 1 is the
9 transcript of the Opening and
10 Closings of the first trial.
11 BY MR. FREEDMAN:
12 Right. And the other ones are
13 all of the expert witnesses that he
14 referred to.
15 BY THE COURT:
16 Same designation but Proffer 2
17 is all of the experts that were
18 referenced.
19 BY MR. FREEDMAN:
20 I'm new in -- I'm an outsider
21 here. Should I have him identify
22 them to say that he saw them, that
23 they are accurate?
24 BY THE COURT:
25 Are they certified? They are
26 transcripts prepared by court
27 reporters, I assume here in --
28 Do you have any issue with
29 regard to their authenticity,
30 Ms. Sigler?
31 BY THE STATE:
32 I mean, there's no -- let me

1 check and see. I don't think that
2 there's a certification document on
3 the back of these excerpts. That's
4 my other problem. We have got like
5 -- just excerpts and no
6 certification.

7 BY MR. FREEDMAN:
8 Like, I'm going to make up
9 phoney transcripts.

10 BY THE WITNESS:
11 Judge, I'll be glad to look at
12 them.

13 BY THE STATE:
14 Just note my objection for the
15 record, please. It's a proffer.
16 That's fine. I just want to note for
17 the record there is no certifications
18 from the court reporter as is
19 required for transcripts to be
20 admissible and authentic.

21 BY THE COURT:
22 Do you have a copy of them now?

23 BY THE STATE:
24 I have a copy with no
25 certification is my point.

26 BY THE COURT:
27 If you wish to review and make
28 any other statements for the record
29 with regard to the proffer because
30 the Court is not considering them
31 because they weren't shared before,
32 but they are becoming part of the

1 proceedings.
2 BY THE STATE:
3 Yes, Your Honor.
4 BY THE COURT:
5 If you want him to review those,
6 you can; but I don't think that
7 there's an issue at this point.
8 BY MR. FREEDMAN:
9 Okay. Thank you, Your Honor.
10 BY THE COURT:
11 Ms. Sigler.
12 BY MR. FREEDMAN:
13 I have one more question.
14 BY THE COURT:
15 She wanted to make sure that the
16 record reflects that your objection
17 was noted for the record.
18 BY THE STATE:
19 Okay. Thank you.
20 BY MR. FREEDMAN:
21 Q In the first trial, you were involved in
22 picking the Jury; is that correct?
23 A Yes, sir.
24 Q Do you recall the racial breakdown of the
25 first Jury?
26 A I do.
27 Q And what was that?
28 A It was six African-Americans and six -- five
29 whites and one Asian-Indian.
30 BY MR. FREEDMAN:
31 I have no more questions. Your
32 witness.

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1 EXAMINATION

2 BY THE STATE:

3 Q Mr. Cuccia, you made a lot recently on your
4 testimony about the timeline of events, correct?
5 That was critical to your case; is that what you
6 testified to?

7 A I testified that all of the things that I
8 talked about were part of what we felt were
9 deficiencies and flaws in the State's case and
10 were a legitimate source of reasonable doubt for
11 the Jurors to find; and that's why we presented
12 it and that's why felt that it was critical to
13 have as much as we could, the flaws in those
14 cases, my assessment of the flaws, my argument
15 that they were flaws sufficient for reasonable
16 doubt supported by expert testimony.

17 Q Isn't it true that during cross-examination
18 in the first trial, Assistant District Attorney
19 Killingsworth pointed out with your expert,
20 Mr. Tekell, that you couldn't possibly reproduce
21 or know with any exact specificity the road
22 conditions on the date in question of the murder,
23 correct?

24 A Well, I don't remember that question. If you
25 have it, I will be glad to look at it. But if
26 you had listened -- let me -- that is why we
27 asked Mr. Tekell -- why Mr. Tekell drove. I
28 believe there were three possible reasonable
29 routes from the trailer park to the cemetery and
30 that he drove all of the routes or he drove the
31 routes that you would go more than once. So
32 depending on traffic and that type of stuff, he

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1 could make a reasonable assessment of the time.
2 Q But your client confessed, did he not?
3 A There was an inculpatory statement made by
4 him after two-and-a-half days of intensive
5 interrogation.
6 Q Okay. Well, let's talk about that for a
7 little bit.
8 A And let me say, let me say, I call it an
9 inculpatory statement. You have to really look
10 at what Mr. Reeves was saying. At the time he
11 responded in a way that you -- I think you would
12 refer to it as a confession. The language of it
13 is very important to understand if you are going
14 to describe it as a confession and perhaps you
15 want to bring it up.
16 Q That's fine. We can call it inculpatory
17 statements; is that better terminology?
18 A That is how I would refer to it, yeah.
19 Q Okay. It was deemed admissible by a court of
20 law, and that was upheld all the way through the
21 Louisiana Supreme Court, was it not, the
22 statements as they were?
23 A We filed -- we had a Motion to Suppress
24 hearing, and it was denied, and it was admitted
25 into evidence.
26 Q And with regard -- let's go back to the
27 timeline for a second. With regard to the
28 timeline in question, your client --
29 A But if may, that --
30 BY THE COURT:
31 Wait, wait. I just need one of
32 y'all to speak at a time.

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BY THE WITNESS:

I just feel like I have to explain the answer. She asked me was it admitted -- was it ruled admissible. Yes, it was admissible. That doesn't mean it didn't have flaws.

BY THE STATE:

But --

BY THE COURT:

I think this is when I -- when I have two attorneys probably talking to one another. But you responded, and then something else comes to your mind, and you started, and she started her next question.

So we need to try and keep that separate. I mean, you can answer that; and you say, I need to go back to that other question because I have some additional information. But I just want the record to not have conflicts.

BY THE WITNESS:

Thank you, Judge, I'll do that. I'm sorry for not --

BY THE COURT:

Not a problem.

BY THE STATE:

Q All right. Let's go back to the timeline.

BY THE COURT:

While I had the interruption, I

1 don't know that it was Ms. Sigler's
2 objection. I actually sustained her
3 objection with regard to him placing
4 it into evidence. It would have been
5 Mr. Freedman's objection that I only
6 allowed him to proffer, that he
7 wanted it to become part of these
8 proceedings for this Court; is that
9 correct?

10 BY MR. FREEDMAN:

11 That's correct.

12 BY THE COURT:

13 So I just wanted that to be
14 clear because yours was that you
15 hadn't been submitted it, so it
16 wasn't allowed to be introduced into
17 these proceedings.

18 BY THE STATE:

19 No, I understand. But I still
20 think that I'm entitled to ask a few
21 questions about -- he did go over the
22 timeline at length. I'm not going to
23 go into it with any specificity
24 beyond what I'm about to ask.

25 BY THE COURT:

26 I don't know if we are on the
27 same page right now. I'm talking
28 about the documents that Mr. Freedman
29 just placed in there. You objected.

30 BY THE STATE:

31 I did.

32 BY THE COURT:

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1 I sustained it. So there was
2 nothing for me to recognize on your
3 behalf.

4 BY THE STATE:

5 Correct.

6 BY THE COURT:

7 My sustaining would have been
8 against Mr. Freedman because he
9 wanted it a part of these
10 proceedings.

11 If you objected, it would be me
12 allowing it to be proffered. I don't
13 know that -- you can object. I don't
14 know that that's something that needs
15 to be recognized.

16 BY THE STATE:

17 Yeah. I don't think I can
18 object to a proffer.

19 BY THE COURT:

20 So anyway, I just the record to
21 be clear.

22 BY THE CLERK:

23 I'm confused now.

24 BY THE STATE:

25 A proffer always come in is my
26 understanding, Your Honor.

27 BY THE COURT:

28 Mr. Freedman wanted to submit
29 the documents. She objected. I
30 sustained it. So it is his objection
31 that it is contemporaneous, not hers.

32 BY THE CLERK:

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1 So it is not -- okay.
2 BY THE COURT:
3 I ruled against Mr. Freedman.
4 BY THE CLERK:
5 Okay.
6 BY THE COURT:
7 That is all I am trying to say
8 as far as these proceedings. It's in
9 there, but I'm just saying as far as
10 it being a part of these because it
11 was not contemporaneously shared with
12 counsel.
13 All right. Now, you and
14 Mr. Cuccia, y'all can --
15 BY THE STATE:
16 Q Okay. Let me get back in the flow here.
17 Mr. Cuccia, is it correct to say that your client
18 never gave a specific inculpatory statement about
19 the route he took to LeBleu Cemetery that day?
20 BY MR. FREEDMAN:
21 I'm going to object. She is
22 arguing with the witness about --
23 he's entitled to make arguments of
24 creating reasonable doubt. She is
25 now arguing whether he did the crime
26 or not. I think it's inappropriate.
27 I just want to place that objection
28 for the record.
29 BY THE STATE:
30 Your whole premise is that --
31 Your Honor, let me address the Court.
32 His whole premise is that second

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trial counsel was ineffective because they did not present the case the precise way that Mr. Cuccia did.

I am entitled to explore the strength of the State's case with the first and second trial because it directly relates to his argument.

You cannot view ineffective assistance of counsel in a vacuum. The facts of this case are particularly relevant when you are going to question an attorney's performance. That is what we are here for.

BY THE COURT:

You get last word. It was your objection.

BY MR. FREEDMAN:

I think she is arguing with him. The first trial ended in a hung Jury. We are entitled to compare witnesses that were used in the first trial that weren't used in the second trial. And then going back and arguing, well, did he really confess, did he really do this, is arguing with the lawyer.

BY THE COURT:

If the witness' testimony would have been superficial, I would have agreed; but he went into great detail with regard to certain timelines and

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such. I think she is entitled to cross within those parameters.

I would note your objection for the record.

BY MR. FREEDMAN:

Thank you.

BY THE STATE:

Q Okay. Let me see if I can get back to where I was. Let's see. Again, you talked about Marc Zimmerman, correct, on your testimony just a few minutes ago? You talked on Direct Examination about your use of Marc Zimmerman as a witness?

A Yes.

Q Are you aware that he was used as a witness twice at the second trial?

A Let me say, am I aware; I believe they called him as a witness.

Q Okay. Let's talk about the fact that your theory was degraded DNA at the first trial, correct?

A No, ma'am. That was -- when you say, my theory, it was a fact established through the testimony of Dr. Shields and unchallenged by the State's expert that the sample -- let me back up -- the unknown sample that purportedly came from MJT's body did not show signs of degradation. That was the problem with that particular item of evidence.

Q Okay. And let me be clear here. I believe that your theory was that it should have been degraded; you would have expected to see degradation, correct?

1 A Not my theory, ma'am, the science.

2 Q Okay. Is that -- that is what you argued to
3 the Jury. Let's not split hairs here. That is
4 what you argued to the Jury, correct? That what
5 you testified to.

6 A Let me see if I can tell you what I argued to
7 the Jury. What I argued to the Jury was a theme
8 that we started out with in voir dire, and it's
9 talking about reasonable doubt because as you
10 know but perhaps the Jurors aren't quite familiar
11 with it. They know the word, but they don't
12 understand the concept. But it is your
13 responsibility, your burden to prove beyond a
14 reasonable doubt each and every element of a
15 crime before they could find someone guilty.

16 Now, we have to discuss what is reasonable
17 doubt. And we began discussing with the Jurors
18 in voir dire what are the potential sources of
19 reasonable doubt. Because I knew what the
20 evidence was going to show; and during voir dire,
21 as well as in opening statement, we talked about
22 what might give you a doubt. A doubt that's
23 reasonable doubt and that is if the things that
24 should exist if a statement is true, do not
25 exist.

26 Someone could doubt, for example, if I said I
27 just ran in from the rain without a raincoat and
28 umbrella and I was not wet, you would have -- it
29 would be reasonable for you to doubt whether I
30 just came in from the rain because I should be
31 wet.

32 So the theme, kind of the model, the

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1 construct of the Defense was that because
2 throughout the situation, throughout the case and
3 in almost every aspect of the State's case, there
4 were things that if the State's position were
5 true -- in this particular instance, if that
6 sample had come from the anal cavity of MJT, it
7 should have shown signs of degradation. It did
8 not.

9 Q Okay. Let me be a little more specific
10 because I understand that you have a lot to say
11 and you're expounding on what your theory of the
12 case was, and I totally understand that that's
13 why you are here. Let me be specific. Your
14 theory was that DNA should have been degraded,
15 correct?

16 A The flaw that we found in the DNA evidence
17 that the State intended to present was that the
18 science says if this sample, in fact, came from
19 MJT's anal cavity and had been in the woods for
20 two-and-a-half days, there should have been signs
21 of degradation; and there was not.

22 Q Are you suggesting or did you mean to suggest
23 to the Jury that this DNA evidence was somehow
24 planted or faked?

25 A Well, that's a -- I think someone could draw
26 it as a reasonable inference or somebody could
27 draw the reasonable inference that a mistake was
28 made in the testing lab, the samples got
29 confused.

30 My argument was -- because it's not my
31 responsible to prove to the Jury what happened.
32 It's the State's responsibility. And as the Jury

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1 agreed with me during voir dire and the theme
2 that we kept throughout the Cross-Examination
3 into the Closing Argument, that if the State said
4 something happened and the things that should
5 exist if that statement were true, do not, then
6 it is reasonable doubt to doubt the truthfulness
7 of the position that the State took.

8 So we didn't go any farther in my argument,
9 than where's the deal. This sample supposedly
10 came from MJT's anal cavity, and the body had
11 been in the woods for two-and-a-half days. If
12 that is the case, the science says there should
13 be signs of degradation. The results of the
14 tests run by the State's experts do not show any
15 signs of degradation.

16 Q Isn't it true that your own witness,
17 Dr. Shields, refused to -- basically state more
18 than the fact that you would have expected to see
19 degradation?

20 A Could you ask the question again.

21 Q Sure. Didn't Dr. Shields essentially just
22 say that this was unusual because you didn't see
23 degradation?

24 A I would not say that simply. What
25 Dr. Shields did was, first, he educated to the
26 Jury the nature of it. He then took with
27 demonstrative exhibits to make the point of
28 electropherograms, showing electropherograms that
29 showed degradation and a decline in the slope as
30 you move across the spec- -- I talked about the
31 spectrum, the different locations to show
32 degradation.

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1 And he used -- and he showed them exhibits of
2 a pristine sample. One that had no degradation
3 where you had these very clean lines and even
4 peaks. And then he compared what was the State's
5 -- excuse me -- electropherogram and pointed out
6 that the signs of degradation that should be
7 there, if in fact that's where that sample came
8 from, did not exist.

9 Q Didn't the Jury also hear testimony from the
10 State's DNA expert that there was a one in
11 256-trillion chance that this was somebody other
12 than Jason Reeves based on the DNA results?

13 A Well, without being exactly precise to the
14 number -- okay -- because that sounds like the
15 number. That was the statistical computation
16 that the State's expert made between the known
17 sample of Jason Reeves' DNA and this pristine
18 unknown. So it's like if you -- so they did this
19 -- that's not a statistical computation based
20 upon the known sample and the degraded sample.
21 It's a statistical computation of the known
22 sample and a non-degraded sample, a pristine
23 sample.

24 Q Okay.

25 A It would be like if you took two samples from
26 me, you would expect to get a very high -- I
27 guess it's a very low statistical likelihood that
28 it would be anybody else.

29 Q Let's talk a little bit about the false
30 confession theory that you discussed a few
31 minutes ago. We didn't just have the DNA
32 evidence, did we, in this case?

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1 A You had testimony of people -- you had a
2 number of items of evidence. Do you want me to
3 list them all, or do you want to ask me about a
4 specific one?

5 Q No. I'm going to ask you -- well, let's just
6 say this. You're an experienced defense
7 attorney, are you not? I mean, I believe you
8 testified.

9 A I consider myself experienced, yes.

10 Q Objectively speaking, as a defense attorney,
11 would you not characterize the case, the State's
12 case as strong?

13 BY MR. FREEDMAN:

14 I'm going to object, Your Honor.
15 You are asking him to characterize
16 the strength of the case against his
17 client's interest. He should not
18 have to make that admission for that
19 analysis.

20 BY THE STATE:

21 First of all, any
22 attorney/client privilege of theory
23 of the case is waived the minute that
24 they raised ineffective assistance of
25 counsel. That is according to the
26 Code of Evidence and the PCR
27 statutes.

28 Furthermore, again, we are
29 claiming that the subsequent defense
30 attorneys were ineffective. The
31 relative strength of the State's case
32 is vital to that determination.

1 You cannot say that any attorney
2 could've come in and won this case
3 when the State's evidence in this
4 case was, in fact, overwhelming. I
5 am entitled to explore this issue.

6 BY THE COURT:

7 I don't have a problem with you
8 asking, but I do have a problem with
9 the foundation as to what constitutes
10 strong. I don't know that we have
11 anything at this point to give me any
12 type of calibration level or
13 something. So I would sustain it
14 with regard to lack of foundation at
15 this point.

16 BY THE STATE;

17 Let me build a foundation very
18 quickly, and I'm going to move on
19 from this.

20 BY THE STATE:

21 Q These are yes or no que- -- I understand you
22 need to --

23 A I'm going to answer the question the way I
24 (1 WORD/INAUDIBLE.) Go ahead, ask a question.

25 Q Okay. Did we have DNA evidence placing him
26 -- let's just say, placing his semen in MJT's
27 anal cavity?

28 A Ask the question again.

29 Q Did we have DNA evidence placing Jason
30 Reeves' semen in MJT's anal cavity?

31 A You had a DNA result that you purported, you
32 presented to be to establish that. That DNA

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1 sample, that evidence was flawed; and it was
2 flawed in the way that I just described it to
3 you. That if, in fact -- the science says that
4 if, in fact, that were the case, then that sample
5 should have been degraded. It was not. It was
6 flawed.

7 Q What about -- was the fiber evidence
8 introduced at your trial, the first trial?

9 A No.

10 Q Are you aware in the second trial there was
11 fiber evidence linking the defendant's car with
12 MJT's clothing?

13 A I'll tell you my understanding of it.

14 BY MR. FREEDMAN:

15 Your Honor --

16 BY THE STATE:

17 Q This is a yes or -- if we didn't present.
18 You know what, if we didn't present it at the
19 first trial, you can't answer that question.
20 That's not a fair question. I'll withdraw it.

21 You talked a little bit earlier about the ID
22 by KT. Is it not correct that KT ID'd Jason
23 Reeves in the trailer park where MJT was abducted
24 from the day of the murder?

25 A Let me say that I'm not certain, but I
26 believe it probably is true. She certainly
27 described a car that matched the description of
28 Jason Reeves' car driven by a man who fit Jason
29 Reeves' physical description.

30 Q And would the record be the own best evidence
31 of what KT testified to at the first and second
32 trials?

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1 A Certainly better than my recollection from
2 14 years ago or 15 years ago.

3 Q That's fair enough. You talked about
4 Ray LaViolet ID'ing --

5 A But if I may, get back to the -- if I may,
6 Judge, going back to this idea of the ID. My
7 recollection of CT, she saw the vehicle going
8 through the trailer park prior to the time that
9 MJT disappeared.

10 It's really the description that I thought
11 was important as I talk about the flaws in the
12 State's case and how we built the flaws; that the
13 person who also saw MJT in the thing,
14 Ms. LaVeen (PS), saw a car that was similar,
15 faded blue car but driven by somebody who did not
16 fit Jason Reeves' description. A man with
17 shoulder-length blond hair; not the clean
18 military cut as I believe all of the other
19 witnesses and, in fact, Jason Reeves did have at
20 the time.

21 Q Well, let me just ask you a question about
22 that. Aren't there several individuals out there
23 who drive faded blue cars? Jason Reeves is
24 hardly unique for that vehicle, is he?

25 BY THE WITNESS:

26 Your witness just came in the
27 courtroom.

28 BY THE STATE:

29 We are sequestered, Rule of
30 Sequestration.

31 BY THE STATE:

32 Q Can you answer the question please. Jason

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1 Reeves is not exactly the only man in America to
2 drive a faded blue car, is he?
3 A I believe that there was testimony that it
4 was a very common type of car; and, in fact, I
5 believe that Ms. T's brother-in-law or a T cousin
6 had a car similar, that's why she felt familiar
7 with it.
8 Q Okay. Let's talk a little bit about the
9 fingerprints and, specifically, you did testify
10 that the fingerprint on MJT's inner thigh was the
11 one that concerned you, correct? Does that
12 correctly state what your testimony was a minute
13 ago?
14 A I don't think that that's a fair description
15 of what I said. I talked about the fingerprint
16 on the body; and certainly, the one that's in the
17 upper right, upper/inner right thigh from someone
18 who evidence indicates was raped would be
19 something of concern. But equally, when we are
20 talking about someone who had been kid- --
21 supposedly kidnapped. I think there was a
22 fingerprint on the arm as well. So it's not that
23 that's the one that gave me concern.
24 The fact is that there were fingerprints on
25 this young lady's body that ultimately turned out
26 to exclude Jason Reeves. Somebody else's
27 fingerprints were on that young lady's body, and
28 that was of grave concern to me, and I think that
29 the Juror in accessing the weight of the evidence
30 against Jason Reeves had to know about it and
31 reasonably took it into consideration because if
32 -- we talked about the theme. I will back up .

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1 now. I'll stop.

2 Q Okay. Sure. What I'm asking you is wasn't
3 she four years old at the time of the murder?

4 A I believe four or four-and-a-half.

5 Q Don't most four-year-old children need
6 assistance with dressing, sometimes even using
7 the bathroom; is that reasonable to suspect in
8 this case?

9 A You are asking me to speculate? I mean, I'm
10 not -- I've never had any children, so I don't
11 know.

12 Q A lot of what you've been doing here today is
13 sort of the armchair quarterbacking, is it not?
14 I mean, that's what you're here for, right?

15 A No. I'm trying here to see explain the flaws
16 that I saw in the State's case, the way that I
17 presented those flaws to the Jury, and the way
18 that I argued the case to the Jury in defense of
19 Jason Reeves.

20 Q So you are not here to pass judgment on what
21 you think the performance was of the second trial
22 attorneys then?

23 A That question was not asked of me.

24 Q Okay. As a defense attorney with
25 considerable experience, isn't it true that no
26 two defense attorneys will necessarily present a
27 case in the same way?

28 BY MR. FREEDMAN:
29 Objection to relevancy at this
30 point.

31 BY THE COURT:
32 Sir? Basis? I heard you say

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object. I didn't hear your basis.

BY MR. FREEDMAN:

I have not -- I've given leeway here, but I have not qualified him as an expert. I had him talk about what he did. I don't think he should be required to comment on other people's activities if he's not certified as an expert.

BY THE STATE:

I really can't even believe that objection was just lodged when our whole argument here today is ineffective assistance of counsel. He talked about his experience at length, I'm asking him one question about how defense attorneys present a case. That's what he's been testifying about this whole time is how he presented this case. It's a reasonable question. It's highly relevant.

BY THE COURT:

Maybe if you ask it within the context of his representation other than other counsel. I don't know that him talking about other attorneys and such. He's only opined on basically what his theory was in the first trial.

BY THE STATE:

Well, let me try to rephrase

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this.

BY THE STATE:

Q As a defense attorney, isn't it true that there is more than one way to effectively present a case to a Jury; is that a fair assessment?

A I don't think that question can be answered in the way that you asked it because you put in a qualifier of effectively. I felt that we presented this defense in an effective way; and, in fact, the most effective way that it could be presented other than some -- most effective way that it could be presented.

I don't feel comfortable in making a broad statement in general about things that there's more ways to do things effectively than others. I can talk to you -- I can tell you what I thought happened here. You know, I had this case, and I worked on it for a long time, and we worked real hard on it. We put in a lot of time and effort. We found what we felt was an effective way to present the defense, and that's what we did.

Q Well, as an attorney, you are familiar with the standards governing effective assistance of counsel; you would have to be, correct? Strickland v. Washington and progeny, we all know that case, correct?

A I'm not a post-conviction lawyer, but I have a very -- let me just say, general understanding of the Strickland standing.

BY MR. FREEDMAN:

Once again, I have not put him

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1 on to talk about the ineffectiveness
2 of another attorney. I've not put
3 him on as an expert. I put on what
4 he did in this trial and why he did
5 it. Simple.

6 BY THE STATE:

7 I have one question on this.
8 It's a question that any lawyer in
9 this courtroom should be able to
10 answer.

11 BY THE WITNESS:

12 If I may, Judge, I'm --

13 BY THE COURT:

14 Wait. You don't get to play
15 yet.

16 BY THE WITNESS:

17 No, wait, Judge. I'm going to
18 say something. I just explained --
19 I'm going to ask --

20 BY THE COURT:

21 You are a fact witness, so I
22 really don't need you to assist
23 either in objecting or supporting it.
24 I think that she can ask that
25 question if he's familiar with that
26 case.

27 I understand you didn't put him
28 on other than to show what he had
29 been involved with. I think she can
30 ask him if he's familiar with a
31 certain case or that type of thing as
32 a practicing attorney. I don't know

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where it's going.

BY MR. FREEDMAN:

I don't want to keep interrupting. I just want a continuing objection. He should not have to comment on ineffective assistance.

We asked him what he did, and it's not relevant. What he even believes another lawyer should have done because I didn't ask him to do that, and I didn't qualify him as an expert saying that.

So that is my objection, and the Court obviously is going to make a ruling, and I will be quiet.

BY THE COURT:

I think the question with regard if he's familiar with the standards of a certain case, I think he can respond and then he can answer his response. I don't have a problem with that.

I don't know that -- I mean, we are getting into this in theoretic -- I mean, this is not a subjective evaluation regardless. It's an objective evaluation. So we will go forward from that point.

Mr. Sigler, you can ask that question if it was important to your position.

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BY THE STATE:

Q Mr. Cuccia, isn't it correct that the United States Supreme Court in Strickland versus Washington and progeny has stated that there is more than one way for a defense attorney to effectively present a case?

A Again, I'm not -- I can't answer that question because I don't feel conversed enough with Strickland. However, I can give you my general understanding; but, again, it's really just a general idea, Judge. It's not a -- I'm not a post-conviction lawyer. I think that with the Strickland what I might say Strickland recognized that a lawyer is required to employ sound, educated, informed strategies in representing someone which is what I feel we did.

BY THE STATE:

Just a moment, please. I have no further questions at this time.

BY THE STATE:

I have no Redirect.

BY THE COURT:

You may step down. Is he excused, or do you wish to maintain him?

BY MR. FREEDMAN:

I'm not planing on putting him on again.

BY THE COURT:

I'm sorry. I didn't --

BY MR. FREEDMAN:

I'm not planning on putting him

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So I assume, Mr. Freedman, you called Judge Ware to the stand.

BY MR. FREEDMAN:

That's correct.

JUDGE RONALD WARE,

having been first duly sworn, was examined and testified as follows:

BY MR. FREEDMAN:

Q Judge, could you state your name and address at work for the record.

A Yes. Ronald F. Ware, District Court Judge, Division H, 14th Judicial District Court, 1001 Lakeshore Drive, Lake Charles, Louisiana 70601.

Q What was your occupation at the time of Jason Reeves' second trial?

A I was a criminal defense attorney. I was the executive director of the local Calcasieu Parish Public Defender's Office.

Q What's your present occupation?

A I'm a District Court Judge here in the 14th Judicial District Court.

Q How long did you work as an attorney?

A Oh, I graduated from law school in December of 1980. I returned home in March of '81. I took the bar in July of '81, passed the bar and worked with the District Attorney's Office from that point up to January 1st, 1986.

On that date, at that time I then left the District Attorney's Office and began working with the newly formed Public Defender's Office. That office opened on January 1st, 1986. I was one of

1 the four staff attorneys that opened the office.

2 Q In your work experience as an attorney, can
3 you recall a number of how many felony jury
4 trials you did?

5 A Yes, about a hundred.

6 Q Do you recall from the time you were
7 appointed to do these hundred cases to the time
8 you went to trial on approximately these hundred
9 cases, how many months you had to prepare, you
10 had the ability to prepare for these trials?

11 A The pretrial prep period or the pretrial
12 periods varied obviously; but anywhere from nine
13 months to two-and-a-half-years, I guess,
14 something along that range.

15 Q What was your experience with the death
16 penalty as an attorney?

17 A The death penalty, I was lead counsel in
18 State versus Matt Larson in 91 or 92, I am not
19 sure. John Crochet was co-counsel. That case
20 involved the death of a 17-month-old child, and
21 it was a -- as they all are -- highly contested
22 matter and resulted in a manslaughter conviction
23 at the guilt phase. Obviously, obviating the
24 need to have a death penalty.

25 I tried -- I was second chair with Mr. John
26 Lavergne -- Robert Arthurs in 92 or so. That
27 case went to penalty phase, and the Jury returned
28 a nine/three death verdict -- Robert Arthurs.

29 I tried -- I can't think of the gentleman's
30 name right now, Mitchell. I tried that case
31 twice. The first trial resulted in a mistrial.
32 Eddie Mitchell, Jr. The second trial resulted in

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1 a death sentence but was later reduced to a life
2 sentence pursuant to the Atkins decision.

3 Q How did you get training to do death penalty
4 cases?

5 A On-the-job training. Just got thrown into
6 the mix and dealt with it and a lot of -- some of
7 those cases, most of those cases were
8 precertification cases. I later became certified
9 and received different training at various death
10 penalty training seminars conducted by LCL,
11 Louisiana Criminal Defense Lawyers Association,
12 and other outfits.

13 Q You ultimately got to represent Jason Reeves
14 in the second trial; is that correct?

15 A That is correct.

16 Q How did you get involved in that case?

17 A My appointment by virtue of me being -- and I
18 think at that time -- I am fairly certain I'm
19 correct -- being the only certified capital
20 counsel in Lake Charles or Calcasieu Parish.
21 There may have been others; but it was in
22 connection with my office as the director of the
23 Public Defender's Office, indigent counsel.

24 But I think that appointment occurred in
25 March of 2004. And in looking at some notes just
26 recently, I did represent Jason in an attempted
27 escape charge, simple escape charge that per my
28 notes, I think fairly certain around February of
29 04 with Judge Canaday down in Jefferson Parish.

30 I was appointed to represent Jason in this
31 matter in March of 04 so that attempted simple
32 escape trial predated the appointment. I thought

1 that was a bit unusual, but that's what my notes
2 have indicated to me. But anyway, I was
3 appointed to represent Mr. Reeves in a second
4 trial in March of 2004.

5 Q What was your role in that trial?

6 A Lead counsel.

7 Q Did you at any time attempt to withdraw from
8 the case?

9 A Yes, sir, absolutely, many times.

10 Q Why?

11 A I know what kind of work goes into these
12 kinds of cases. This is an extremely complex,
13 complicated case on many different levels. And I
14 knew the work -- I knew what it would take to
15 effectively represent anyone charged with this
16 type of offense under the circumstances
17 presented, and I just knew that it was something
18 beyond the capabilities of my office.

19 And I think I am the one that recruited
20 Mr. Cuccia to take the case. When he did, we
21 were at a seminar, a death penalty training
22 seminar. I met Mr. Cuccia for the first time in
23 one of the sessions involved these kinds of
24 brainstorming cases, pending cases.

25 And I had been previously appointed to
26 represent Mr. -- excuse me -- let me back up. I
27 was previously appointed to represent Mr. Reeves
28 in 01. I'm not certain, but I did. I was. I
29 forget the year but anyway.

30 Long before the first trial, I met Mr. Cuccia
31 and I explained to him that I had a very
32 difficult case, and I needed assistance, and we

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1 met. We met on that one occasion, and we talked
2 several other times, and Mr. Cuccia agreed to
3 take on the case.

4 Q You were -- one of the reasons that you tried
5 to withdraw from the case is that you wanted
6 Mr. Cuccia and his staff to continue to represent
7 Jason for the second trial?

8 A That is correct, yes, sir.

9 Q Is that correct?

10 A Right.

11 Q Were there any other reasons?

12 A Just the inadequacies of the office. I had a
13 caseload of my own involving mandatory life
14 cases. I was the director of the Public
15 Defender's Office with enormous responsibilities,
16 obligations, and duties.

17 I had to manage the legal staff at my office.
18 We had young attorneys. I am trying to recall
19 the number, probably nine or twelve. I'm not
20 certain, but it's a fair number of attorneys.
21 Not enough but just the same.

22 I had to manage those attorneys, misdemeanor
23 and felony attorneys. I made court appearances
24 on the cases that I was primarily responsible
25 for. I was involved in the budgeting process. I
26 was involved in some legislative efforts.

27 At the time of the appointment I was already
28 involved in the Wilbert Rideau case, which was
29 going on parallel to this case.

30 My trial with Mr. Reeves concluded in
31 December of 2004. Then in January of 2005, we
32 began the Rideau trial, which was a very

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1 significant trial, very complicated, difficult
2 trial that involved a homicide that occurred in
3 1961; and this was the third trial of the Rideau
4 case; and I had counsel from New York. I was
5 appointed lead counsel in the Rideau case as well
6 over my objections.

7 Q And during the five or six months that you
8 were appointed and ultimately went to trial, in
9 the second trial, approximately how much time did
10 you spend not on the Reeves' case if you can
11 recall?

12 A Not on the Reeves' case? I probably spent
13 about 15 to 20 percent on the Rideau case. The
14 bulk of my time was spent just managing my own
15 caseload and doing the work necessary for that,
16 and I spent a tremendous amount of time just
17 doing office work and responsibilities and
18 executive director things, preparing for board
19 meetings, participating in monthly board
20 meetings, doing the minutes after the monthly
21 board meetings. I was extremely busy.

22 Q Did there ever come a time when you and your
23 co-counsel attempted to gain a continuance for
24 the trial?

25 A Yes, sir. And I'm a little foggy on --
26 probably on more than one occasion but I know not
27 long before the trial commenced in -- I think the
28 trial commenced in October. September maybe,
29 weeks before the October trial date, we moved for
30 a continuance. I may have done that on a prior
31 occasion. I don't recall.

32 Q And these other duties that you were

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1 functioning on along with the Reeves case, you
2 couldn't delegate those duties; could you have
3 delegated those duties to anyone else?

4 A No, sir, not at all. Mr. Freedman, I had
5 young somewhat young attorneys; and I would get
6 calls from the attorneys while I was in my
7 office. They wanted me to come over to help talk
8 to a client of ours. That was constant.

9 I supervised their trial work. I supervised
10 their trial prep. I did random inspections of
11 their files for several different reasons; to
12 close the ones that needed to be closed, and file
13 motions in the ones that I thought motions should
14 be filed. This was just an everyday obligation,
15 and that's what -- I spent a lot of time doing
16 those things as well.

17 Q How did you prepare for the trial, for the
18 second trial?

19 A For the second trial, we had twelve boxes of
20 material from Mr. Cuccia's office regarding the
21 first trial. I tried to read all of the
22 materials in those boxes, trial transcripts,
23 motion transcripts, reports. I tried to organize
24 those boxes of material.

25 I read a lot of documents that were in the
26 files, the transcripts; and, of course, I talked
27 to Jason from time to time and visited him. I
28 tried to brainstorm with co-counsel, that didn't
29 work out well. We didn't have the time to sit
30 down together on a regular basis because these
31 other lawyers had other things going on too.
32 They were overwhelmed as well. It was just very

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1 difficult. The time I spent on the trial, I
2 don't know it was spotty. It was very difficult
3 to give blocks of time to concentrate solely on
4 Jason's case.

5 I was preparing trials in other matters. I
6 had several trials right following Jason's case,
7 which included in December of 04, I had Rideau in
8 January of 05. I just made a couple of notes. I
9 had a second-degree murder that I tried in
10 February of 05. That prep was going on. Julius
11 Fontenot.

12 I had Clifton Smith with Judge Canaday, March
13 of 05, aggravated rape. I had Willie Allen in
14 May of 05, sexual battery, molestation. Nicholas
15 Petry in June of 05, aggravated rape, second
16 degree kidnapping. All of those cases were
17 pending during -- maybe Petry wasn't. Maybe he
18 was. I'm not certain. I spent time on those
19 cases as well. I was going from pillar to post.

20 Q Did you review the witnesses in the first
21 trial, the transcript of the first trial?

22 A I'm sure I did. I just don't have an
23 independent recollection of who those witnesses
24 were or what their contribution to the case was,
25 what the statements consisted of. I feel certain
26 that I did. I am sure I did.

27 Q Now, Professor Shields testified in the first
28 trial. Do you recall why you didn't put
29 Professor Shields on in the second trial?

30 A Professor Shields, was he the DNA person?

31 Q Yeah, the molecular genetics.

32 A I'm sorry?

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1 Q He was an expert in molecular genetics. Yes.
2 A Mr. Freedman, I don't know. I don't recall.
3 Q You don't recall why you didn't put him on?
4 A No, I don't.
5 Q Okay. You don't recall any strategy reasons
6 for not putting him, do you?
7 A Oh, no. It wasn't a strategy decision not to
8 call him.
9 Q Do you recall any reason why you didn't put
10 the fingerprint expert that testified in the
11 first trial, Sybil Guidry; why that witness was
12 not put on to testify?
13 A I do not. Mr. Freedman, I seem to recall
14 that one, a particular witness was -- we couldn't
15 locate, or we had difficulty locating him or her.
16 I don't know if that was the witness or not, no
17 longer avail- -- something -- that is about the
18 best I can offer.
19 Q You don't recall any strategy reasons for not
20 putting that witness on?
21 A Absolutely, no. That was not a strategy.
22 Q The last one is there was a traffic
23 transportation engineer who testified in the
24 first trial, Dean Tekell. Do you recall any
25 reason why he did not testify in the second
26 trial?
27 A That name rings a bell. I simply don't
28 recall. I don't know why.
29 Q You don't recall any strategy reasons why you
30 didn't call him?
31 A No, sir, I don't.
32 Q Do you know what your strategies were to try

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1 to attain a not guilty verdict?
2 A It was to test the State's case and to
3 establish reasonable doubt on the various
4 elements of the offense charged and just cast a
5 reasonable doubt over the -- concerning
6 Mr. Reeves' guilt.
7 Q And one way to create reasonable doubt is to
8 call into question that the State's theory of the
9 timeframe of the death of MJT?
10 A Yes, sir. Absolutely, yes, sir.
11 Q Another way would be to create reasonable
12 doubt was whether another suspicious individual
13 was observed at the trailer camp where Mary Jean
14 lived?
15 A Yes.
16 Q And that would have been consistent with your
17 strategy to not -- to try to obtain a not guilty
18 verdict; is that correct?
19 A Oh, yes, sir.
20 Q Do you recall that you were the lawyer who
21 cross-examined Detective Michael Carpenter?
22 A Now that I have looked at some of the
23 transcripts, I do recall that. Yes, sir.
24 Q Do you recall that you questioned Detective
25 Carpenter about the interviews of three people he
26 interviewed on the night of November 12th?
27 A Are those the individuals that went to the
28 Eckerd's drugstore?
29 Q Yes.
30 A The two ladies, I think a woman and her
31 mother and the lady's boyfriend. I'm sorry.
32 What was the question? I recall --

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1 Q Do you recall you asked the names of the
2 people he had interviewed, Detective Carpenter,
3 that you asked the question; do you recall that?
4 A Yes, sir.
5 Q Do you recall that you got the answer; one
6 was the mother and the two other individuals were
7 Faith Watson, the other one was Michelle Mathis?
8 A Yes, sir.
9 Q When you did the Cross-Examination, did you
10 have the statements of Faith Watson or Michelle
11 Mathis before you?
12 A I don't recall having those statements with
13 me at the time of the Cross-Examination.
14 Q Do you recall the reason why you didn't have
15 those statements?
16 A I don't. I don't know if I had them or not
17 or had them and didn't know it. I do not.
18 Q Was one of the reasons were that you were so
19 busy, you were not fully prepared for the
20 Cross-Examination?
21 A Yes. Time was compressed. I did not have
22 time to go through all of the material that I had
23 and sit down and develop -- really a feeling for
24 the case. It takes time to get into a case and
25 explore the possibilities and think about what
26 you're doing and what you need and where you're
27 going. I didn't have that luxury. I did not
28 have that time.
29 BY THE COURT:
30 Just so the record is clear,
31 Defense Counsel and the State have
32 been talking about an exhibit that I

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1 assume he's going to show that
2 they've now electronically reproduced
3 here on the screens in the courtroom.

4 BY MR. FREEDMAN:

5 This is Faith Watson.

6 BY THE COURT:

7 I need you at a microphone if
8 you're going to speak. She can't
9 pick you up if you're walking.

10 BY MR. FREEDMAN:

11 Q You didn't see this document at the time of
12 your Cross concerning Faith Watson?

13 A I don't recall seeing this. This is
14 something I had seen post-trial. Mr. Freedman,
15 in talking with you and the others, I do
16 recognize this document as something that I
17 reviewed after the trial. I don't recall having
18 it in my possession during the trial.

19 Q If you had Faith Watson's statement, would
20 you have used it on Cross-Examination?

21 A Well, yes, sir. To the extent that I could,
22 may have interviewed her and possibly called her
23 as a witness, you know, if I had pursued that
24 course.

25 Q You could have used that statement because it
26 would have shown that Faith Watson saw her at
27 4:00 p.m., a three- to 4-year-old girl, wearing a
28 blue/purple colored sweatpants coming out of
29 Eckerd's all by herself, who looked like she had
30 been crying; is that correct?

31 A Yes, sir. I can read portions that looks
32 like at the -- the last statement that you made,

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1 that looked like she was crying. I'm sorry? I
2 don't see that. I see it. Okay. I see it now.
3 "Had been crying because her eyes were puffy and
4 red." I see that now. But, yes, I could have
5 used this in Cross-Examination of Mr. Carpenter
6 or actually gotten her called as a witness.
7 Q On looking at the other statement, we'll call
8 it No. 4.
9 A This is Michelle Mathis --
10 BY THE STATE:
11 We will scroll up to that. Up
12 one.
13 BY THE WITNESS:
14 I have a more legible copy here
15 with me.
16 A I have that here with me.
17 BY MR. FREEDMAN:
18 Q You didn't have that statement, you didn't
19 observe or see that statement before, during or
20 before trial; is that correct?
21 A I don't recall having this statement before
22 trial.
23 Q And if you had it, would you have used it in
24 cross-examining Detective Carpenter?
25 A Again, to the extent that I could because
26 this is Ms. Mathis statement which would -- if in
27 talking to Mr. Carpenter as a witness, concerning
28 this statement, a lot of this would have been
29 hearsay. But to the extent that I could have,
30 yes. I probably could have gotten in a
31 non-hearsay question on Cross-Examination. But,
32 again, this is a potential witness that I did not

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1 interview or call.

2 Q And you could have considered using it for
3 the complete investigation of the officer, or you
4 could have called her as a witness?

5 A Yes, sir.

6 Q And you could have called Michelle Mathis as
7 a witness to testify that she saw between 4:30
8 and 5:00 p.m. somebody that went into Eckerd's
9 store, a little girl between three and five years
10 old with blond hair, wearing purplish/blue sweat
11 suit and white shoes, correct?

12 A Yes, sir. It's very -- you know, hindsight
13 is 20/20, I guess. But it's very interesting
14 that we have two ladies who are saying -- who
15 were corroborating one another as to having seen
16 someone they thought may have been MJT.

17 Q Yeah. And those two statements, either by
18 putting them on or cross-examining the detective
19 in a non-hearsay manner could have helped create
20 reasonable doubt for your client?

21 A Yes. Yes, sir. You never know what effect;
22 but that would be the intention and the strategy.
23 Yes.

24 Q And certainly you didn't have a strategy
25 reason not to use those statements if you had
26 them?

27 A Absolutely, not.

28 Q Do you recall you were the lawyer
29 cross-examining Shannon Daughenbaugh; is that the
30 way you pronounce her name?

31 BY THE COURT:

32 Before you get off on another

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area, is this something, I mean, the record won't reflect these documents. They are not introduced, at least with regard to his testimony.

BY MR. FREEDMAN:

Well, I would offer them as Exhibits -- we offered 2 for proffer. We would offer 3 and 4 as exhibits for the Petitioner.

BY THE STATE:

Technically, they would 1 and 2, I think.

BY THE COURT:

It would be. It would be distinct from the Proffer.

BY MR. FREEDMAN:

Whatever numbering this Court wants.

BY THE COURT:

That's up to you if you want to offer them. I'm just saying that my record is going to reflect that he looked at something, but I don't have it in there.

BY MR. FREEDMAN:

All right. We would offer them as 1 and 2. Faith Watson is No. 1, and Michelle Mathis is 2.

BY THE STATE:

No objection. They are in the appendix of exhibits to their post-conviction relief application as

1 Exhibits 15 and 16; but they are also
2 attached to Exhibit 10, which is
3 Judge Ware's affidavit. So they are
4 in the appendage of exhibits twice.
5 No objection.
6 BY THE COURT:
7 Then we'll just reference these
8 Reeves PCR-1. Are they both single
9 page documents?
10 BY MR. FREEDMAN:
11 Yes.
12 BY THE STATE:
13 They are.
14 BY THE COURT:
15 So Watson will be Reeves PCR-1,
16 and Mathis will be Reeves PCR-2. I'm
17 sorry. Now, you can go on. You were
18 going on to a different individual,
19 that's why I interrupted you,
20 Mr. Freedman.
21 BY MR. FREEDMAN:
22 Yes. We are going to go on to
23 another individual.
24 BY MR. FREEDMAN:
25 Q Do you recall that you were the lawyer who
26 cross-examined Shannon --
27 BY THE COURT:
28 A little closer to the mic,
29 Mr. Freedman.
30 BY MR. FREEDMAN:
31 Oh, I'm sorry.
32 BY MR. FREEDMAN:

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1 Q Do you recall that you were the lawyer who
2 cross-examined Shannon Daughenbaugh?

3 A Yes, sir. I now have reviewed some of the
4 documents within the last couple of days. I just
5 looked at my declaration. I think that was made
6 in February of 2013. Looking at those, at that
7 -- this transcript that I did. I have no just
8 absolutely independent recollection; but now my
9 memory has been refreshed to the point to where,
10 yes, I can affirmatively state that I did
11 cross-examine her.

12 Q Do you recall that you cross-examined the
13 Detective Daughenbaugh about individuals she gave
14 a formal lineup?

15 A Yes, sir, at the trailer park.

16 Q And I see you listed some people that had
17 identified Jason on Direct, being seen in the
18 trailer camp; is that right?

19 A Right. As I appreciate what happened was
20 that she went out with a photographic lineup,
21 commonly referred to as a six-pack, a single
22 document or a page or paper that contained six
23 photos, six different photos. As I understand
24 it, she showed that photographic lineup to
25 certain individuals at the trailer park, five or
26 six of them if I'm not mistaken.

27 Q Do you recall after refreshing your memory
28 and looking at transcripts, that you asked her
29 did they show the lineup cards to anybody else?

30 A Yes, sir. Just those that she encountered in
31 the trailer -- I think she knocked on doors
32 looking for folks, and some were home and some

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1 were not. She may have found somebody milling
2 around in the park. But anyway, those that she
3 could make contact with, she did, and asked them
4 did they recognize any of the photographs of
5 someone they may have seen in the trailer park
6 around this critical time of MJT'S disappearance.
7 Q Do you recall that you asked her if there was
8 anybody else that she showed her formal lineup
9 to?
10 A I recall asking that question.
11 Q And she said that she also gave the photo
12 lineup to Floyd Simpson (sic); do you recall
13 that?
14 A Yes, sir.
15 Q And I'm going to move forward and show you
16 the document, make this Petitioner's Exhibit
17 No. 3.
18 BY THE COURT:
19 Do you have a copy, Ms. Sigler?
20 BY THE STATE:
21 I do. I'm just making sure,
22 he's got two pages in his hand. I'm
23 making sure we're just looking at
24 Daughenbaugh right now.
25 A Yes, sir. This is a one-page document with
26 the complaint number, dated April 16th, 2002,
27 2:18 p.m., statement of Detective Sharon (sic)
28 Daughenbaugh.
29 BY MR. FREEDMAN:
30 Q Do you recall whether you had that statement
31 before the Cross-Examination?
32 A I don't have an independent recollection of

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1 that, but it would be equally difficult to say
2 that I did not have it. I don't recall having it
3 with me at the time that I conducted the
4 Cross-Examination.

5 Q That document indicated that she had showed
6 the photo lineup to Floyd Simpson, and he
7 actually identified somebody else other than
8 Jason?

9 A That is correct. That's part of her
10 statement or the contents of her statement here.

11 Q And he also said he wasn't completely sure,
12 but he identified somebody else other than Jason,
13 correct?

14 A Yes, sir. That's correct.

15 Q Do you have any strategy reason for not
16 impeaching Shannon Daughenbaugh with that
17 statement?

18 A No, sir. In all fairness to you,
19 Mr. Freedman, I don't know if it would be an
20 impeachment tool. It suggests something that
21 would be -- I could ask her certain questions
22 about that; but, again, I'm not developing this
23 person as a potential witness.

24 Q You using that document and cross-examining
25 Detective Shannon Daughenbaugh would be
26 consistent with the strategy creating reasonable
27 doubt?

28 A Yes, sir.

29 BY MR. FREEDMAN:

30 I'm going to offer this as
31 Petitioner's Exhibit No. 3 for this
32 hearing.

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1 BY THE COURT:
2 Reeves PCR-3, Ms. Sigler?
3 BY THE STATE:
4 No objection.
5 BY THE COURT:
6 It will be received and filed.
7 BY THE WITNESS:
8 Do you need these, Mr. Freedman?
9 These are 1 and 2.
10 BY THE COURT:
11 We have those already filed.
12 Those are, I guess, your work copies.
13 I have the ones that are in evidence.
14 BY MR. FREEDMAN:
15 Q At trial do you recall raising a Batson
16 challenge, alleging the State used the peremptory
17 challenges in a purposefully discriminatory
18 manner against African-Americans?
19 A Yes, sir.
20 Q You tried to establish the prima facie case
21 of Batson violation again the State by arguing
22 that the State used seven of their peremptory --
23 seven of their of their twelve peremptory
24 challenges against African-Americans; do you
25 recall that?
26 A Yes, sir.
27 Q You did not compare any of the seven
28 African-American jurors struck by the prosecutor
29 with any of the white selected jurors, did you?
30 A I did not.
31 Q Am I safe to say that when one prospective
32 juror makes a statement saying, this statement:

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1 "In a case in which the defendant is convicted of
2 rape and murder of a child, in which the death
3 penalty is requested, you would always vote to
4 impose the death penalty." Is that statement
5 favorable to the State?
6 A Well, yes.
7 Q Am I safe to say when the same -- a
8 prospective juror says traumatic childhood is not
9 a mitigating factor is a statement that is
10 favorable to the State in this case?
11 A I'm sorry? That a child -- would you repeat
12 that.
13 Q Am I safe to say that when the same
14 prospective juror says a traumatic childhood is
15 not a mitigating factor; is the statement
16 favorable to the State in this case?
17 A That is a statement favorable to the State?
18 Q Yes.
19 A Yes, sir. That is correct. That is my
20 response. It is.
21 Q Am I safe to say that when one prospective
22 juror says confessions are not a hundred percent
23 reliable and that sleep deprivation and a
24 person's state of mind and the skill and
25 experience of an interrogator could be a factor
26 in determining the reliability of the confession
27 is a statement that's favorable to the Defense in
28 this case?
29 A Yes, sir. That is correct. I would agree
30 with that.
31 Q Am I safe to say when the same prospective --
32 BY THE STATE:

1 I'm going to object. What are
2 you quoting from?
3 BY MR. FREEDMAN:
4 What?
5 BY THE STATE:
6 What source are you quoting?
7 What are you quoting?
8 BY MR. FREEDMAN:
9 I am quoting some voir dire.
10 BY THE STATE:
11 Are you going to give me the
12 exhibit that you are quoting from
13 because I don't have it.
14 BY MR. FREEDMAN:
15 But you have the whole record.
16 BY THE STATE:
17 Okay. So let me have the
18 excerpts that you are quoting from.
19 BY MR. FREEDMAN:
20 Okay.
21 BY THE STATE:
22 I mean, you can't just -- if you
23 are going to quote from a court
24 record, I need to have a copy of it.
25 I am going to object to the lack
26 of foundation. None of this was
27 included -- what they are referring
28 to, the record excerpt listed in
29 their post-conviction relief
30 application does not list anyone
31 specifically as of this nature, and I
32 have not been provided these exhibits

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1 that he's quoting from.
2 BY THE COURT:
3 Response, Mr. Freedman?
4 BY MR. FREEDMAN:
5 (SHOWS DOCUMENTS.) Here they
6 are.
7 BY THE STATE:
8 Where is the indication of the
9 race?
10 BY MR. FREEDMAN:
11 We know what they are. They are
12 in the record.
13 BY THE STATE:
14 Well, where from the record? I
15 mean --
16 BY MR. FREEDMAN:
17 Am I supposed to --
18 BY THE COURT:
19 Wait, one at a time. What is
20 your objection?
21 BY THE STATE:
22 Foundation. I object to the
23 foundation. If you are going to
24 claim that these people are
25 African-American jurors, then I need
26 to see some evidence of that. I
27 don't have anything indicating the
28 race right here.
29 If they have got something to
30 prove to me, that these were, in
31 fact, African-American jurors, then I
32 need to see it. Otherwise, this is

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not a valid Batson claim at all.

BY THE COURT:

Are you using this for Batson or that there was a failure to use challenges for cause under isolated statements?

BY MR. FREEDMAN:

I am using it that they didn't compare -- I'm using it, and it's in the pleadings. We mentioned Craig Phillips is white. The listing, I'll give you the sections in the record. Am I supposed to tender the whole transcript, Your Honor? I mean, in the argument --

BY THE COURT:

I have your amended application for post-conviction here. Where does it talk about the individual's statements that we have? I am not sure where -- first, just tell me where we are going. Is this part of Batson?

BY MR. FREEDMAN:

Yes. That's correct. I want to compare two jurors; Craig Phillips which is mentioned in our pleadings. And also we mentioned the names of who the black jurors were in our pleadings and cited that in our record in Claim 6.

BY THE COURT:

1 Can you point that out to me so
2 I can tell Ms. Sigler where they are
3 at. You said you pointed them out in
4 your pleadings.

5 BY MR. FREEDMAN:

6 Yes.

7 BY THE STATE:

8 The Batson claim starts at page
9 37. And even within this document,
10 Your Honor, our objection is
11 continuing. We did relate race --

12 BY THE COURT:

13 Let's just deal with one
14 objection at a time.

15 BY THE STATE:

16 Sure.

17 BY THE COURT:

18 Let's get through this one, and
19 then we'll go to the next one.

20 I'm referencing -- I see at the
21 bottom of page 38 where you said that
22 five of the excluded
23 African-Americans are Webb, Guidry,
24 Sanford, Brown, and Joseph.

25 BY MR. FREEDMAN:

26 That's correct.

27 BY THE COURT:

28 Is that what you are referencing
29 to?

30 BY MR. FREEDMAN:

31 Yes. And now we are just
32 comparing Sanford and Craig Phillips,

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1 which is a white juror that's on page
2 -- at the top of page 39.

3 BY THE COURT:

4 You have to give me that last
5 name. I am trying to get a spelling
6 for my court reporter.

7 BY MR. FREEDMAN:

8 Ian Joseph and Craig Phillips.

9 BY THE COURT:

10 Craig. Now, you want to
11 reiterate your objection.

12 BY THE STATE:

13 Yes. I want to reiterate my
14 objection. I did object to this in
15 our procedural objection, and I'm
16 objecting here today. All I have is
17 his statement that these people are
18 white or black. I do not have
19 anything indicating that to be
20 correct.

21 These record excerpts that he is
22 citing to you don't state, hi, I am
23 Craig Phillips, white person. You
24 can't raise a Batson objection
25 without establishing the race of
26 these jurors, and he hasn't done so.

27 Where is the document
28 establishing that his allegations
29 regarding the race is correct. He
30 hasn't referred to anything in the
31 record that states that. Without
32 that, we are not even -- Batson

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challenge, first of all, it's untimely. I understand that they are doing it in the guise of ineffective assistance of counsel. But if you are going to raise Batson, you still have to establish the race of these jurors, and there is nothing in these pleadings or his amended exhibits -- sorry -- his appendix of exhibits that does that.

BY THE COURT:

Mr. Freedman, I understand your argument; but do you have something, a foundation or something that you can give that would establish the positions of these individuals, at least what their race is?

BY MR. FREEDMAN:

Yes, Your Honor. Here it is, pages 931 through 948 was the discussion of the Batson claim which states -- the African-American jurors that were on the Jury.

Now, it's safe to say that the record is accurate; or am I going to have to assume that I have to find these people, bring them into the courtroom and show them. Look at them, Your Honor. They are black or they are white. They are listed here. Their race is listed in the pleadings in the Court transcripts.

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BY THE COURT:

Is that a transcript or that something where they filled out Jury questionnaires?

BY MR. FREEDMAN:

Transcripts.

BY THE COURT:

I don't know what you have in your hand is what I'm saying.

BY MR. FREEDMAN:

I have the transcripts.

BY THE STATE:

The transcript does not identify these jurors by race. Neither do the minutes. There is no indication in the record that these jurors that they are claiming were these particular races were, in fact, those races. Nothing.

BY MR. FREEDMAN:

We stand on our position that when Ware had argued that claim in front of the Court, which you were the Judge on that Jury, talking about what blacks and whites were, I stand on assuming that the record is correct.

BY THE COURT:

When you say, the record, you are going to have to show me what you have. I don't know. She says -- you said the record says one thing. She

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says it says something different. I
can't -- just so that the record is
clear, I think I have already
sustained a substantive objection
with regard to the issue of Batson
since that's gone on appeal all the
way up to the Supreme Court.

BY MR. FREEDMAN:

That's correct.

BY THE COURT:

With regard to counsel's
performance and involving the Batson
is what we are here about today.

BY MR. FREEDMAN:

That is correct. And I am
referring to pages 931 to 948.

BY THE COURT:

You have to understand, I don't
have a transcript of the entire Jury
selection up here.

BY THE STATE:

I do. I have capital voir dire
on here, and I'm telling you
Ms. McLellan and I have gone through
these voir dire transcripts. There
is nothing -- that was part of the
problem in being able to argue
against this after the fact on
post-conviction is because nothing
identifies these people by race
within the entirety of the record.

BY THE COURT:

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So --

BY MR. FREEDMAN:

It was not disputed at the time of the trial who were the African-Americans and who wasn't.

BY THE COURT:

When you say, "Not disputed at the time of trial," the transcript indicates the race of these individuals. That seems to be the issue. Ms. Sigler says the documents do not indicate any type of race, only names and statements. And she is asking you to establish that these individuals fall within a protected class.

BY MR. FREEDMAN:

That's correct.

BY THE COURT:

And I don't know that I've got that yet. You tell me that the --

BY MR FREEDMAN:

Well, they're all over this section of the transcripts. I assume that the transcripts are already in the record, Your Honor. Let me sit down so they can hear me, Your Honor. I will offer this as Exhibit No. 4.

BY THE COURT:

So you are saying the inference is the fact that they are discussed in that part of the transcript that

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has to do with the Batson challenge
and arguments of counsel that you
assume that they are of a minority
position?

BY MR. FREEDMAN:

That's correct. And the Court
did so too in making its ruling.

BY THE COURT:

And do you understand that he's
just making that assumption based on
where they are located in the
transcript, and he doesn't have
anything specific that would indicate
one way or the other.

BY THE STATE:

I do understand which is the
basis for my objection; but if you
just want to note my objection for
the record, I understand.

BY THE COURT:

I will. Now that we know what
the ground rules are, we can at least
go forward because I think at some
point that can either be established,
yay or nay, with regard to Jury
Questionnaires that may have been
filled out with those individual that
should be part of the proceedings
somewhere else, but not in this
colloquy.

BY MR. FREEDMAN:

That's correct.

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BY THE COURT:

So go forward. We know where the objection is, it's noted; and the areas of deficiency the State's arguing. So we are back to you, I hope.

BY MR. FREEDMAN:

Q In your argument to establish a Batson claim, you never compared Craig Phillips, the white juror who was on the Jury with Ian Joseph, an African-American that was excluded by the State?

A Mr. Freedman, I did not prepare the responses -- I don't -- quite naturally, I'm making assumptions about these two individuals, the race of these two individuals, one was white and one was -- or is white and one is black. But, no, I did not make a comparat- -- a side-by-side comparative analysis of the responses of the voir dire examination of a white juror as opposed to a black juror on any particular occasion.

I did not compare what I knew to be a voir dire of a white prospective juror and a black prospective juror. No, I did not make a comparative analysis of their responses during the voir dire.

Q Between a white juror on the Jury versus a struck peremptory challenge, black juror?

A That is correct.

Q There was no strategy reason not to do that?

A No. There was no strategy reason decision not to do that. It is probably something that should have been done; but, no, that was not part

1 of the strategy to not do that.

2 Q Do I recall that the State played and offered
3 into evidence a video statement of the defendant?

4 A I'm sorry. What now?

5 Q Do you recall that the State played and
6 offered evidence of a video statement of the
7 defendant?

8 A Yes, sir. I distinctively recall that.

9 Q Do you recall the inappropriate portions of
10 the video statement that was supposed to be
11 redacted in accordance with the Court's pretrial
12 ruling?

13 A Yes, sir. Several minutes into the video,
14 inadmissible, things that had been agreed upon
15 that would be redacted from the publication of
16 the video which had been declared inadmissible in
17 pretrial were still included in the video during
18 the question-and-answer interrogation between
19 Mr. Reeves and I don't know the officer
20 conducting the interrogation or the examination
21 but, yes. The tape did contain things that
22 should have been omitted, should have been
23 redacted. And as I understood the case to be
24 that they were redacted and were not on the tape
25 that was ultimately published to the Jury.

26 Q Do you know why that occurred?

27 A I do not. No, I do not. I was astounded
28 when it happened.

29 Q Did you have an opportunity to review the
30 statement to make sure that it was redacted?

31 A I did. I had a -- we didn't have the CDs. I
32 think we might have had -- I forgot on which

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1 device, the VCR or whatever it was, the
2 recordings were. But, yes, I did have that. And
3 I looked at portions of the recorded interview.
4 I read the transcript of the interview and
5 noticed in certain locations quite a bit was
6 redacted. There were lines drawn through some of
7 the questions and answers that took place during
8 the interrogation.

9 In that portion of the transcript with the
10 lines drawn through the sentences, those portions
11 of the transcript that was supposed to be
12 redacted. And I was satisfied having looked at
13 the trans -- I read the transcript -- that the
14 inappropriate items were redacted and not still
15 on the tape.

16 Q Is there any -- did you have time to review
17 the tape?

18 A I did have time to review the tape. Well, I
19 had the tape. I was trying to spend the time to
20 review the tape, but I never did sit and watch
21 the tape in its entirety from beginning to end.
22 I did not.

23 Q Why was that?

24 A Mr. Freedman, I don't know. I guess it was
25 time and just the inability to devote the time
26 necessary to the trial prep.

27 Q There was no reasonable strategy reason not
28 to review the tape?

29 A No, sir. In fact, I was convinced that the
30 tape had been properly redacted, but I was mis-
31 -- well, I don't know. I don't know if it was a
32 mistake on the DA's part and picked up the wrong

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1 tape and that was inadvertent, which I imagine
2 was probably the case. I just don't know. But,
3 yes, I did have that tape available for my
4 inspection. I never did completely look at the
5 tape in its entirety.

6 Q I want to go to the last area that I want to
7 question you on. Do you recall that they used a
8 man-trailing canine testimony?

9 A I do recall that.

10 Q Do you recall the purpose of the testimony?

11 A Yes, sir.

12 Q Were you the attorney who examined,
13 cross-examined the detective, who brought the
14 testimony in?

15 A Yes, sir.

16 Q And that was Detectives Holmes; is that
17 correct?

18 A That is correct.

19 Q How did you prepare for that examination, for
20 Cross-Examination?

21 A I recall reading his testimony from the prior
22 trial. That was about the extent of it.

23 Q If I told you that the review of the first
24 trial, he didn't testify, would that surprise
25 you?

26 A He did not testify?

27 Q No.

28 A Then I'm in error, obviously. Mr. Freedman,
29 I don't know. I don't recall.

30 Q You didn't obtain your own expert; is that
31 correct?

32 A That is correct. We did not.

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1 Q Do you know why?
2 A Mr. Freedman, I don't know why specifically.
3 We may have just conceded that issue, but we did
4 not consult an expert.
5 Q Was funding an issue?
6 A I don't know if it was an issue with regards
7 to this specific area of this issue. Funding is
8 always an issue, let me just say that. That is
9 just an overriding concern in every major trial
10 and especially this one. I can't recall an
11 instance and it -- now, I could just be unable to
12 recall where a request was made for funding and
13 denied. It may have happened. I just do not
14 recall.
15 BY THE COURT:
16 Refresh my memory, Ms. Sigler,
17 because I had the hearings outside
18 the presence of the DA. Were they
19 filed under seal?
20 BY THE STATE:
21 They were. The indigent defense
22 funding --
23 BY THE COURT:
24 I didn't know if he had those --
25 BY THE STATE:
26 There are some things that I
27 have never seen with regard to the
28 indigent defense fund request.
29 BY THE WITNESS:
30 I don't know if I made an
31 application for funding on that
32 issue. I don't know. I don't

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recall.

BY THE COURT:

I mean, because I recall that issue, but I don't know if Mr. Freedman is aware that we had a unique funding vehicle that the local PDO used at the time. I don't know if he's familiar with that. I am just trying to bring him up to speed.

BY MR. FREEDMAN:

I know I have seen some of that stuff.

BY THE COURT:

Okay. I want to make sure that those records were available because we did have a hearing specifically on that issue.

BY THE STATE:

I would note that the Louisiana Supreme Court had those documents under seal for the appeal.

BY MR. FREEDMAN:

Q Were you aware that you were to look at the dog's handling and training to evaluate the dog's reliability to determine whether he was competent?

A In a very broad sense, I am familiar with that process or that evaluation; but, yes, I know that those things are done in certain cases.

Q Did you cross-examine on that point?

A I did not.

Q Was there any reasonable strategy reasons to

1 not to do so?

2 A No, sir.

3 Q No training records of the canine was used in
4 the case or presented to the Jury. Was there any
5 strategy reason for that?

6 BY THE STATE:

7 I am going to object. That's a
8 falsehood. If you want me to cover
9 it on Cross, I will; but they were
10 introduced.

11 BY MR. FREEDMAN:

12 Well, bring them in then.

13 BY THE WITNESS:

14 I --

15 BY THE COURT:

16 Let me get past the objection.

17 BY THE STATE:

18 That is a complete misstatement
19 of the record in this case. The
20 trial transcript is right here. He
21 clearly goes over the dog's
22 certifications at great length.

23 BY MR. FREEDMAN:

24 But there are no training
25 records in the record, and our expert
26 indicated that you need to see the
27 training records. We've got the --
28 indicating that the dog went to
29 certain programs, but there were no
30 records itself, how the dog
31 performed. So we may be splitting
32 hairs here, but I am entitled to

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1 cross-examine on that point since he
2 never brought his own expert.

3 BY THE COURT:

4 You can establish that he has
5 some recollection of that. If not,
6 then the record would speak for
7 itself.

8 BY MR. FREEDMAN:

9 That's exactly right, Your
10 Honor.

11 BY THE COURT:

12 And you can deal with that on
13 Cross also, Ms. Sigler.

14 BY MR. FREEDMAN:

15 Q There were no health records reviewed
16 concerning the canine, was there?

17 A No, sir. I don't recall the health records
18 or training records.

19 Q No strategy reason to Cross on that; is that
20 right?

21 A That's correct.

22 Q There was no evidence presented to the Jury
23 about blind search techniques as used in the
24 local enforcement community, was there?

25 A I'm sorry?

26 Q There was no evidence presented to the Jury
27 about what the blind search techniques were used
28 by the local law enforcement community by canine
29 officers to (1 WORD/INAUDIBLE) possible handle of
30 bias during a search during a man-trailing canine
31 investigation; is that correct?

32 A That is correct.

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1 Q And you never Crossed on that; is that right?
2 A I don't recall Crossing on that.
3 Q You had no strategy reason for that, did you?
4 A No, sir.
5 Q As to the merits of Detective Holmes'
6 testimony, you never cross-examined Detective
7 Holmes that it's possible for a -- it's
8 impossible for a man-trailing canine to provide
9 any information as to how long a scent was left
10 in the area before the canine began to search for
11 the scent; is that correct?
12 A That is correct.
13 Q There was no strategy reason not to
14 cross-examine on that; is that right?
15 A No, sir. That it also correct. There was
16 not a strategy decision.
17 Q And, in fact, it would have been a good
18 strategy to do that because Jason in the past had
19 visited the cemetery to visit his sister's grave;
20 is that true?
21 A Yes, sir. That's true.
22 Q So his scent could have been there from
23 another time?
24 A Absolutely.
25 Q In cross-examining Detective Holmes, you
26 didn't point out that there was an inconsistency
27 between Detective Holmes' report that he knew
28 about where the location of the victim's body was
29 and then he said that in his report. You never
30 cross-examined him on that, is that right?
31 A That is correct. I don't recall
32 cross-examining him on that.

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1 Q And there was no reasonable strategy for
2 that; is that right?
3 A That's right.
4 Q You were not aware of the Jury make-up in the
5 first trial?

6 A No, sir.

7 BY MR. FREEDMAN:

8 I have no more questions.

9 EXAMINATION

10 BY THE STATE:

11 Q Judge Ware.

12 A Yes, ma'am.

13 Q We have got a lot of ground to cover, and I
14 apologize, but I'm going to go in reverse order
15 because I need to read my notes that I've just
16 written.

17 A I understand.

18 Q So let's talk about Marc Holmes' testimony,
19 the man-trailing canine dog handler if we can.

20 A Okay.

21 BY THE STATE:

22 Permission to approach,

23 Your Honor.

24 BY THE COURT:

25 Show counsel what you have.

26 BY THE STATE:

27 This is Marc Holmes' trial
28 testimony. I can pull it up on the
29 Elmo if you would like.

30 BY MR. FREEDMAN:

31 No. I have a copy of it. Thank
32 you.

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BY THE COURT:

You may approach.

BY THE STATE:

I'm sorry. I have the trial transcripts on the computer, but it would just take forever to get to this.

BY THE STATE:

Q Judge (Ware), can you read right here where it talks about these exhibits that were introduced with regard to Bo Diddley, who was the canine dog in question.

A Yes, ma'am. This appears to be comments made by Mr. Bryant, stating:

(READING) Excuse me, Your Honor, I am going to mark S-82, Your Honor, at this time, which is a certified pedigree of Mark's, in quote, Bo Diddley. I'm sorry. S-82 will be the training, the certification for Mark Holmes and canine Bo from the *TASK - Alliance of Search K-9's*, 2000 Bloodhound Invitational Seminar, that's S-82. S-83 is the pedigree of Mark's Bo Diddley; S-84 which is a synopsis of the training seminar that was held again with Marc Holmes; S-85, which is a two-page document with a certificate awarded to Marc Holmes for his completion of the bloodhound training school seminar tasks, Jacksboro Police Department. I have marked all of those at this time, and I would proffer to the Defense at this time.

(END READING)

Q Judge (Ware), is that not the training

1 certificates with regard to the dog in question,
2 as well as the trainer?

3 A It appears to be the training certificates
4 for both the dog and the handler.

5 Q Let's look at your --

6 BY THE COURT:

7 I'm going to interrupt. On the
8 transcript whenever she says,
9 "Judge," if she is talking to
10 Judge Ware, write, "Judge Ware,"
11 because the transcript could be a
12 cold piece of paper that looks like
13 she may be talking with me so there's
14 a distinction because she just
15 referenced him as, "Judge."

16 BY THE STATE:

17 Yeah, I'm sorry. I'm more
18 comfortable calling him, "Judge
19 Ware."

20 BY THE COURT:

21 I just want the record to be
22 clear.

23 BY THE STATE:

24 Q Your Honor, with regard -- this Your Honor.
25 (QUESTION TO JUDGE WARE.)

26 With regard to your traversal examination,
27 can you take a look at that for a second.
28 Doesn't it look like you asked him a number of
29 questions about the qualifications of the dog and
30 his own qualifications.

31 You can just review that for a second. And
32 for the record, that is page 59 of -- that was on

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1 November 3rd, 2004, the trial is where your
2 traversal begins.

3 A Yes, ma'am. I did ask him a couple of
4 questions of -- one that strikes -- it's worth
5 noting and I asked:

6 "All of your training where you were the --
7 all of the time that you were the instructor was
8 subsequent to your participation in this case,
9 right?" And he answers, "That is correct."

10 I did ask him about some of his training and
11 the dog's training. Let me just look a little
12 bit more. Yes, ma'am. What is the question now?

13 Q My next question is on Direct, there was a
14 claim that y'all didn't establish on
15 cross-examination that there was a blind testing
16 hair for the scent.

17 I want you to look through this and tell me
18 if you cannot fairly categorize that as being
19 covered on the Direct Examination by Mr. Bryant.
20 There is a reference to the scent being separated
21 out for the dog and two separate -- in separate
22 baggies to try to not have any contamination -- I
23 guess that's probably not the right word -- but
24 to make sure that the dog was given what's
25 called, like, a blind scent test in this case?

26 A I don't recall all of that. I have the
27 transcript here.

28 Q Sure. But the transcript would be the best
29 indication of what was actually established with
30 regard to the dog and the trainer?

31 A Oh, yes, ma'am. Absolutely. Right.

32 Q Your Honor, (JUDGE WARE) I think that is all

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1 I have on the dog at this time. Just one second.
2 Okay.

3 Now, let's go back to sort of the beginning
4 of when you started to testify. I know you have
5 been on the stand awhile. You talked about the
6 Rideau and the Reeves case being fairly close in
7 time together, correct?

8 A Yes, ma'am.

9 Q Okay. Rideau, you said that it was the third
10 trial, but isn't it true that that was actually
11 the fourth trial of Rideau? You and I worked on
12 that case on different sides. Wasn't it the
13 fourth trial?

14 A It may have been, Ms. Sigler. That sounds
15 accurate.

16 Q Let me just ask you this. In your experience
17 as a defense attorney, can it be somewhat easier
18 to retry a case, as opposed to try it for the
19 first time?

20 A Well, if you're the person that tried the
21 first case, participated in the first trial and
22 then in the second or subsequent trial, yes. But
23 getting a case for the first time that was tried
24 by someone else is much different. I guess you
25 do have the benefit of trial transcripts and
26 things of that sort. There is some advantage to
27 say for that in favor of it being a little bit
28 better.

29 Q Okay. And the retrial in Reeves, you did
30 have the materials as you indicated earlier from
31 Mr. Cuccia and Graham du Ponte; is that correct?

32 A That is correct.

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1 Q Let's talk a little bit about some of the
2 specifics that y'all just went over. But before
3 I do that, I just want to ask you a question.
4 You were the head of the Public Defender at the
5 time, right?

6 A Yes, ma'am. That's right.

7 Q And you did talk a lot about the
8 responsibilities that you had which were
9 substantial, were they not?

10 A I was very busy.

11 Q I understand that. Is it also fair to say
12 that you could to some extent allocate your case
13 preparation time maybe with a little bit more
14 flexibility than your division attorneys; is that
15 a fair assessment?

16 A I imagine I could have but I -- I was pretty
17 hands on with my -- I guess I could have
18 delegated to other attorneys, but I didn't
19 because they were overloaded themselves. There
20 was -- just to have help on the Bench.

21 Q Let's talk a little bit about the timeline in
22 question. There was some conversation on Direct
23 Examination of you about maybe the timeline
24 involved in this case. Isn't it a fair
25 assessment that none of us know exactly what
26 happened and when in this case, other than
27 arguably the defendant?

28 A I'm sorry? Timeline into the conduct of the
29 --

30 Q With regard to what happened when, who was
31 where, at what time exactly?

32 A What witness?

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1 Q Yes, sir.

2 A Okay. Yes. Sure. What are you -- I don't.

3 I wouldn't know those things.

4 Q Well, and let me just say this. With regard

5 to identifying the precise time of death, that's

6 never an exact science, is it?

7 A No, ma'am. It's not an exact science. It's

8 an approximation. That was done in this case

9 with the Blow Fly testimony and things of that

10 sort. Yes, ma'am. It's an imprecise moment, I

11 guess.

12 Q With regard to the identification of

13 Jason Reeves at the trailer park, didn't CT ID

14 him at the trailer park the day MJT went missing?

15 A I don't recall.

16 Q Would the record be the best statement of

17 that?

18 A I do not recall having an independent

19 recollection of that. The record would -- the

20 transcript would be, yes, ma'am.

21 Q Well, with regard to the trailer park itself,

22 do you recall whether or not it was a rather

23 sizable trailer park? There was more than one

24 trailer there, correct, it was a collection of

25 trailers?

26 A Right. I live not far from the trailer park.

27 When I got the case, I went to the trailer park

28 probably on two different occasions to just ride

29 through and look around. That trailer park is

30 maybe 100 yards or 150 yards in size. There are

31 different -- the trailers are staggered. Some

32 are side-by-side and some are in front and behind

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1 each other. There's an entrance, and you can
2 drive around and through the trailer park where
3 trailers are inhabited throughout the park.
4 Q So it would not be unusual if some people had
5 seen certain things on the day in question, other
6 people didn't?
7 A That is very, very plausible, yes, ma'am.
8 Q Let's talk a little bit about the exhibits
9 that you were shown earlier, Your Honor, (JUDGE
10 WARE) the statement of Michelle Mathis; and what
11 is that other lady's name?
12 A Watson.
13 Q Faith Watson.
14 BY THE COURT:
15 Do you still have your copies?
16 BY THE WITNESS:
17 I do not.
18 BY THE COURT:
19 Do you want me to give these to
20 him?
21 BY THE STATE:
22 Sure, sure. Well, actually, he
23 doesn't need to review them for what
24 I'm about to ask him.
25 BY THE STATE:
26 Q Your Honor (JUDGE WARE), do you know whether
27 or not the record reflects that the Defense was
28 provided that supplemental report that contained
29 those witness statements back in April of 2002,
30 and it's noted in the minutes?
31 A I don't know -- I didn't know that.
32 Q At that time, who had this case in April of

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1 2002?
2 A In April of 2002, Mr. Cuccia had the case.
3 Q When this case was tried for the first time,
4 it was back on -- it was in November of 2003,
5 correct?
6 A I don't recall. Ms. Sigler, let me just say
7 this. In 2002, I think I -- Mr. Cuccia had
8 enrolled because I did have the case for a period
9 of time.
10 Q A very brief period of time though, correct?
11 A Months or -- yes. So if that was a
12 supplemental discovery item in 2002, I'm fairly
13 certain Mr. Cuccia had the case at that time.
14 Q And the record would be the best indication
15 of that, would it not?
16 A Sure.
17 Q Your Honor (JUDGE WARE), if I told you the
18 first trial was tried in early November of 2003,
19 would that ring any bells with you or would you
20 state that the record would reflect?
21 A I would have no reason to contest that.
22 Q Are you aware of the fact that these
23 witnesses, Michelle Mathis and Faith Watson, were
24 never called by the Defense at the first trial?
25 A I don't have a recollection of that.
26 Q Okay. Are you aware of the fact that
27 Michelle Watson and Faith Watson referred to the
28 little girl that they saw as a little blond girl?
29 A Yes, I recall seeing that. Yes.
30 Q Do you recall that MJT was a brunette child?
31 A I do.
32 Q With regard to some of the questions you were

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1 asked about voir dire, you tried about how many
2 cases in the course of your considerable career,
3 can you estimate for us?

4 A 100 felony Jury trials.

5 Q Is it true that any one statement of a juror
6 cannot be viewed in a vacuum with regard to
7 whether or not you would want to take that juror
8 for your particular case; is that a fair
9 assessment?

10 A Not necessarily. It depends on what the
11 statement is. If it's something so devastating,
12 that alone could in my mind be challenging the
13 peremptory -- for cause.

14 Q Okay. And that's a fair assessment certainly
15 if the statement is devastating. But let's say
16 if the statement would be perhaps to some
17 people's mind favorable. Is one favorable
18 statement a reason to accept any one juror?

19 A It depends on -- you're looking at the
20 questionnaires of all of the jurors.

21 Q Yes, sir.

22 A And you know who is coming up next and you
23 looked at their questionnaires, and you have a
24 rating of some sort, which we did in this case,
25 we had the assistance of a jury consultant. One,
26 you maybe wanted to take a chance with a
27 particular juror because you know you don't want
28 to take any chances with one that's coming up
29 later.

30 I hope I'm making some sense, Ms. Sigler.
31 But I think your statement -- the question was --
32 would you give it to me again? Would one

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1 statement be dispositive?

2 Q Let me ask the question a little bit
3 differently. Don't you have to view their
4 questions, their answers as a whole --

5 A Sure.

6 Q -- when deciding whether or not you want them
7 as a juror?

8 A Yes, sir. (sic)

9 Q Let's go just -- I'm going to touch a little
10 bit on this Batson claim that I don't think has
11 been established. Do you recall Mr. Bryant
12 stated that he could have filed a reversed Batson
13 challenge against you?

14 A I saw that in the transcript, and I was
15 looking at it just the other day. I think I did
16 eleven to one or something.

17 Q Yes, Your Honor (JUDGE WARE.) It says here
18 that you challenged eleven white jurors and only
19 one black juror. If the record stated that, do
20 you have any reason to question that?

21 A I do not have any reason to question that.

22 Q Okay. Isn't it true that one favorable
23 statement -- let me withdraw that. I think you
24 have already covered that.

25 Now, let's talk about who helped you on this
26 case. What two attorneys did you have helping
27 you because I don't think we've talked about that
28 yet.

29 A I had Mr. Richard White, who was staff
30 attorney with the Public Defender's Office at the
31 time and Mr. Charlie St. Dizier, who was --
32 Richard was handling the experts. Mr. Dizier was

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1 doing the penalty phase, he was the third
2 counsel.

3 Q I am glad that you mentioned that Mr. White
4 handled the experts because that was a
5 considerable part of the defense strategy, was it
6 not, attacking the experts -- or let's just not
7 say attack -- let's say challenging the experts?

8 A Well, yes, ma'am, sure.

9 Q Mr. White, you employed him, did you not?
10 You were his supervisor at the time.

11 A I am employed him. Yes, ma'am.

12 Q I'm assuming your assessment of his abilities
13 as an attorney are that they are considerable,
14 are they not?

15 A They were -- he did have a considerable
16 criminal trial practice prior to coming to the
17 Public Defender's Office. Mr. White was and is
18 an intelligent man. He's got good lawyer skills.
19 He did have a lot of experience, that was his
20 first capital case. As well as Mr. St. Dizier,
21 that was his first capital case. I chose him
22 almost out of necessity. I didn't have others to
23 go to, and I thought he was the more appropriate
24 person in the office to assist me.

25 Q Is it fair to say that he spent a
26 considerable amount of time preparing for the
27 cross-examination of these experts?

28 A Well, I know he spent some time.
29 Considerable is a relative term, and it's
30 somewhat vague in some respects. I know that he
31 spent a lot of time doing that. I do know that
32 he -- when we talked, and he would always ask,

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1 just wanted more time.

2 Q Is it fair to say that in a case like this,
3 you always feel like you could use more time?

4 A Well, that's a fair statement in a case like
5 -- this. This is an extraordinary complex,
6 complicated set of facts. The defendant,
7 Mr. Reeves, is a -- has complex issues and has
8 had for many, many years, all of his life
9 perhaps.

10 I had some idea of the family structure and
11 dynamics. I know that Mr. Reeves would go to the
12 grave site in LeBleu Settlement for his younger
13 sister who was killed at their home. I recall
14 specifically -- I don't need to elaborate but
15 involving an 18-wheeler tractor/trailer that his
16 -- that their dad.

17 I represented Mr. Reeves' brother, Ronald,
18 five to six years prior to this trial or
19 something along those lines. So I know the
20 Reeves -- I knew the Reeves family; and it was
21 terribly dysfunctional, very complicated.

22 Q The penalty phase evidence that you were
23 talking about, the mitigation evidence, was that
24 the focus of Mr. St. Dizier in your trial
25 preparation, Your Honor, (JUDGE WARE.)

26 A Yes. Yes, it was.

27 Q And you focused on the guilt phase?

28 A That is correct.

29 Q Isn't it true that you filed a number of
30 motions before trial and litigated them on
31 Mr. Reeves' behalf?

32 A Yes, ma'am. I don't know the number or the

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1 nature; but yes, ma'am, I'm sure.

2 Q Let's go over those if you don't mind. This
3 is your motion -- I've got behind you if you'll
4 turn around, a motion that you filed -- you filed
5 this on May 28th, 2004. If we could scroll down
6 this.

7 This is entitled a Motion to Exclude Expert
8 Testimony Concerning Forensic Entomology Case
9 Study. And I believe that you or Mr. White
10 signed it. You signed this. This looks to be a
11 challenge to the entomology evidence. Does it
12 not?

13 A Yes, ma'am.

14 Q Do you recall this motion?

15 A I do.

16 Q Was that seeking to bar our introduction of
17 that evidence in the prosecution's case?

18 A Yes, ma'am.

19 Q And I'm assuming you filed this because you
20 felt that it was a meritorious motion?

21 A Yes, ma'am.

22 Q It is true that the Defense at the first
23 trial did not file this motion?

24 A I don't know.

25 Q But the record would bear that out, who filed
26 what?

27 A Yes, yes.

28 Q What you see now is a motion that you filed.
29 It says, motion to suppress the photographic
30 lineup identification of Mr. Reeves' automobile.
31 Do you recall filing this?

32 A I don't.

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1 Q But, obviously, this is a substantive motion
2 seeking to suppress the photo lineup of his
3 vehicle, that was a pretty important motion to
4 file, correct?

5 A Yes, ma'am.

6 Q Okay. This is another motion y'all filed,
7 entitled, motion to suppress Mr. Reeves'
8 statements to Deputy Mandy Taggart on
9 November 5th, 2003. Do you recall filing this
10 one?

11 A I do. Ms. Mandy Taggart, if I'm not
12 mistaken, was a courtroom security person and
13 something may have been said while Mr. Reeves was
14 at the Courthouse in the holding. I have vague
15 recollections, but I do recall.

16 Q Would it ring a bell if I told you it was
17 something, in effect, that if he was released, he
18 would kill again? And this was right towards the
19 end -- it was during the first trial when this
20 statement was made. Do you recall that? It was
21 a pretty damaging statement, correct, if you
22 recall?

23 A I have a recollection of that being the case.
24 Yes, ma'am.

25 Q So you filed this motion because you
26 obviously thought it was an important motion to
27 file to try and exclude that statement?

28 A Right. Yes, ma'am.

29 Q This one you filed is a notice of intention
30 to file other motions on 5-28-2004. Do you
31 recall filing this, Your Honor (JUDGE WARE)?

32 A Yes, ma'am.

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1 Q Is that just a prudent motion to file
2 whenever you want to preserve all of the
3 potential objections that the defendant has,
4 correct? Isn't this a good standard motion to
5 file?

6 A Yes, ma'am.

7 Q And I believe in here you even talk about,
8 look, if there's new case law that comes out or
9 anything else, we are going to preserve his
10 rights with regard to any objection?

11 A Did I make that --

12 Q You did.

13 A -- part of the body of the motion?

14 Q You did. You did. Yes.

15 A Okay. Yes.

16 Q Now, this is sort of -- can you scroll down
17 -- I think you filed this, Your Honor (JUDGE
18 WARE.)

19 This is a Peart motion regarding unethical
20 treatment. You testified to this earlier, but
21 you did try several different venues. Actually
22 this was filed by Christine Lehmann for Ron Ware.
23 This was on your behalf. This is when you were
24 trying to get Mr. Cuccia back on the case,
25 correct?

26 A Yes, ma'am.

27 Q Okay. This is something that you filed on
28 10-28-04. It's called a supplement motion to
29 exclude evidence of Jason Reeves' presence and
30 conduct at St. Theodore Holy Family Catholic
31 School. Do you remember filing this one, Your
32 Honor (JUDGE WARE)?

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1 A I do. Yes, ma'am.

2 Q I'm assuming it was important enough for you
3 to try to exclude the evidence that he had been
4 at Holy Family Catholic School that date of the
5 murder, trying to, really approach young girls;
6 is that correct?

7 A I recall the word, "Troll," was used.

8 Q We did use the word, "Troll."

9 A Yes, ma'am. I recall.

10 Q Okay. This is another -- it shows that we
11 received this on August 25th, 2004. This was a
12 supplement motion to suppress inculpatory
13 statements. Do you remember filing this, Your
14 Honor (JUDGE WARE)?

15 A I don't. Because I know there was a motion
16 to suppress filed in the previous -- by previous
17 counsel, prior counsel.

18 Q Do you recall relitigating that? That was
19 one of our objections at the time when the State
20 made it, if you recall, is that you actually went
21 in and attempted to relitigate this issue; do you
22 recall that?

23 A I do. But I think I was denied the -- my
24 efforts to relitigate.

25 Q But you at least tried, you definitely tried.
26 You definitely tried to re-urge the suppression
27 of his inculpatory statement.

28 A I did.

29 Q Okay. This was a pretty important motion.
30 Do you recall filing a motion to exclude expert
31 testimony concerning prepubescent fingerprints
32 and the use of cadaver dogs? Do you remember

1 filing this motion, Your Honor (JUDGE WARE)?

2 A Yes, ma'am, I do.

3 Q And so this was pretty significant, correct?

4 This was part of your strategy was to try to
5 exclude the fingerprint that we found -- well,
6 there was one on the inner thigh that couldn't be
7 matched and then, obviously, we had given you the
8 report with regard to Detective Holmes and Bo,
9 which we just discussed earlier in your
10 testimony. So you were trying to exclude that
11 before the trial, correct?

12 A Oh, yes, ma'am. I am trying to recall the
13 context of the prepubescent fingerprints. It
14 does --

15 Q Would it ring a bell if I told you that we
16 had testimony that indicated that sometimes you
17 are not going to necessarily have fingerprints of
18 a young child left on an item because of their
19 age and the nature of the fingerprints at that
20 age; does that ring any bells?

21 A Yes, ma'am, it does.

22 Q But, obviously, you felt that this was an
23 important motion, and it was part of your
24 strategy pretrial to file this and during trial
25 to attack this evidence?

26 A Yes, ma'am.

27 Q This is a motion that you filed to exclude
28 expert testimony concerning trace evidence
29 examinations. So this would be -- do you recall
30 if this was regarding the fiber evidence that we
31 had linking Mr. Reeves to -- actually there were
32 trace fibers from MJT's clothes in his car.

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1 correct?

2 A Yes, ma'am. I remember carpet fibers,
3 clothing fibers.

4 Q Yes, yes.

5 A Yes, ma'am. I remember attacking that
6 evidence, the admissibility or the admission of
7 that. Yes, ma'am, I recall contesting that.

8 Q Is it fair to say based on we've just
9 reviewed that you filed a number of pretrial
10 motions to try to mount a vigorous defense for
11 Mr. Reeves; is that correct?

12 A Yes, ma'am. I did file a number of motions.

13 Q The other question that I have, Your Honor
14 (JUDGE WARE), is regard -- with regard to an
15 offer that Judge Canaday gave you at an
16 August 4th, 2004, status conference. Do you
17 recall what that offer was?

18 A Oh, I do now.

19 Q Would it refresh your memory if you were
20 offered the services of Evelyn Oubre by Judge
21 Canaday at a particular time to help you with
22 regard to this case; do you remember that? I can
23 pull up the transcript if you would like, but I'm
24 just --

25 A I don't doubt it. I do not recall. Just
26 sitting here talking with you now, I don't deny
27 that offer was made. Even thinking about it for
28 a minute as I sit here and try to reflect -- I
29 forgot that. If it happened, I don't recall.

30 Q Okay. I want to lay a foundation. I just
31 have a few more questions, but I need to lay a
32 foundation before I go into really one of the

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1 final questions that I had that I have to ask
2 you. And these are fairly straightforward
3 questions. You obviously have just now reviewed
4 the motions that you filed in this case, so this
5 should help refresh your recollection. Did the
6 State have fiber evidence against Mr. Reeves in
7 this case?

8 A Yes, ma'am.

9 Q Did we have DNA evidence linking him to the
10 victim?

11 A Yes, ma'am.

12 Q Did the Defendant, in fact, confess to the
13 rape and murder of MJT?

14 A Yes, ma'am, he did.

15 Q Do you recall if the Defendant had a
16 significant criminal background, including a
17 prior molestation of a young girl?

18 A Significant background, I know that he had at
19 least that one conviction and maybe -- I don't
20 recall another. He may have had a CDS or a theft
21 or a -- there was, yes. Something, Ms. Sigler,
22 in this business, two or three convictions --

23 Q Is not bad?

24 A Is not significant.

25 Q I know. I'm sorry. I don't want to put
26 words in your mouth. Those of his experience in
27 the criminal justice system, two or three
28 convictions is not necessarily that significant?

29 A That's correct. And the nature of the
30 convictions, that doesn't -- you know, if I saw
31 his -- that rap sheet on a wall somewhere, I
32 would not say that that is a menace to society

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1 necessarily.

2 Q Do you recall if had a significant juvenile
3 history; if the record would bear that out, do
4 you recall that independently right now?

5 A I know that he had a juvenile history.

6 Q We also had evidence from Bo linking him to
7 his car with the victim's presence in the car
8 from the CPSO station; do you recall that as
9 well?

10 A Somewhat. It rings a faint bell. Yes,
11 ma'am, it does. The answer would be, yes, I do
12 recall that.

13 Q We also had the identification of Mr. Reeves
14 -- at the trailer park in question of the day MJT
15 was murdered -- by her mother, CT, correct?

16 A I heard that earlier. I don't recall that.
17 I don't.

18 Q Do you recall the testimony from
19 Detective Ray LaViolet, placing him at LeBleu
20 Cemetery the day that she was murdered?

21 A I do. Mr. LaViolet was out there with a CI
22 on that same date.

23 Q Same day. Yes, Your Honor (JUDGE WARE.)

24 A I do recall that. I do recall that.

25 Q And I guess the point of all of this is based
26 on everything that the State had, wouldn't you
27 consider the State's case objectively to be a
28 strong case?

29 BY MR. FREEDMAN:

30 Objection. As Defense counsel,
31 he's not to comment any interest
32 against the client.

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BY THE STATE:

Actually, ineffective assistance of counsel has been raised. Not only is there a specific exception with post-conviction relief application articles that allow him to comment, there is also Code of Evidence Articles that demand the same thing. We are here because this man has been accused by you of being ineffective. The relative strength of the State's case is, in fact, the crux of the issue.

BY MR. FREEDMAN:

The standard is the performance of reasonable probability and not necessarily does he have to comment on reasonable probability. He should testify on his performance. It is the Court's obligation to determine reasonable probability.

BY THE COURT:

I am going to overrule the objection. We've allowed his subjective opinion with regard to his performance, so he can also give us an objective opinion with regard to what he thought the State's case. It will go to the totality. So you can answer.

BY THE WITNESS:

Okay.

1 A On the guilt phase portion of the trial, the
2 evidence was quite substantial; and I don't mean
3 to imply in any way indefensible or
4 insurmountable, that's correct. Now, on the
5 penalty side of the trial, I think there was
6 significant mitigation.

7 And, unfortunately, I have learned posttrial
8 that there was mitigation that we missed of
9 considerable that could have influenced a
10 reasonable person as to whether or not the death
11 penalty should be imposed. Very difficult case.
12 The State had considerable evidence at both
13 phases.

14 Yes. In some respects, I can see that,
15 Ms. Sigler; but, again, that would not dictate
16 the way I would handle the case or the
17 expectations that I would have. That is the best
18 that I can answer that.

19 Q And that leads us to a cogent question.
20 Obviously, I have never been on the other side;
21 but I'm assuming that you put forth the best
22 effort that you can, given what you have; is that
23 correct? Is that a fair assessment? I mean, you
24 have to put forth reasonable efforts to defend
25 your client.

26 A Oh, sure. Right. Absolutely. Sure. I
27 mean, I am just not going to, you know, ignore
28 the preparation. It also comes back to a central
29 point in my mind is that I needed more time to
30 really develop a feel for the case, explore,
31 investigate, just what defense lawyers do. It
32 was -- six months was in this instance, in my

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1 mind, was a very short time period to try the
2 case. I was even chastised by Judge Canaday --
3 not necessarily chastised but I made the comment
4 within a week into the case, and I think it may
5 have been an unfair comment. Well, I think it
6 was an accurate comment.

7 I told Judge Canaday I think that you have an
8 ambitious schedule in trying to get this case
9 tried on the date that you want to. Judge
10 Canaday did remark back to me. He said
11 something, Mr. Ware, about using the word
12 ambitious. You know, I picked up the word
13 ambitious. I don't think it's ambitious.

14 There was some exchange of that sort between
15 the Judge and I within weeks of the scheduling
16 and things of that sort.

17 Q And I do recall that, Your Honor (JUDGE
18 WARE); but is it fair to say this case would have
19 been difficult one to try from a defense
20 perspective, no matter how much time you were
21 given?

22 A Yes, ma'am. It made it more difficult
23 because of the time involved.

24 BY THE STATE:

25 Thank you, Your Honor (JUDGE
26 WARE). I don't have any further
27 questions at this time.

28 BY THE WITNESS:

29 Yes, ma'am.

30 BY THE COURT:

31 Redirect.

32 BY MR. FREEDMAN:

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I have no questions.

BY THE COURT:

You may step down. We have the rule put in place. You weren't in the courtroom when we did, but we put all of the witnesses under the Rule with regard to discussion.

BY THE WITNESS:

I was told, yes, sir. Very well.

BY THE STATE:

He is released from me if he wants to be. We do have two witnesses. I don't know if you want to break for lunch and come back or what you want to do.

BY THE COURT:

I do want to break for lunch. Based on what I've seen from the last two witnesses, I don't think going to 3:00 or 4:00 is going to serve anybody's purpose without lunch.

BY THE STATE:

I think it would probably be best if we have a lunch break as well, Your Honor. These witnesses will not take long from the State, Your Honor.

BY MR. FREEDMAN:

We want to offer the deposition of St. Dizier that was taken recently.

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1 BY THE COURT:
2 Deposition of whom?
3 BY THE STATE:
4 St. Dizier, Charles St. Dizier.
5 We have no objection.
6 BY THE COURT:
7 And this will be -- I think this
8 will be Reeves PCR-3 in globo?
9 BY THE STATE:
10 4.
11 BY MR. FREEDMAN:
12 4, 4, 4.
13 BY THE COURT:
14 Yes, sir. 4 in globo. And for
15 the record, it was a deposition taken
16 of Mr. St. Dizier on what date?
17 BY MR. FREEDMAN:
18 March 10th.
19 BY THE COURT:
20 Of 2017. All right. We will
21 receive that. You may step down. I
22 think you are released from -- or
23 just you are available. I don't know
24 if they are going to call any more.
25 I know where you will be.
26 (COURT RECESSED FOR LUNCH)
27 BY THE COURT:
28 All right. Mr. Freedman,
29 anything?
30 BY MR. FREEDMAN:
31 No.
32 BY THE COURT:

1 I don't know that you ever said
2 that you rested or anything?
3 BY MR. FREEDMAN:
4 We rest.
5 BY THE COURT:
6 My understanding is that you
7 have two witnesses, Ms. Sigler?
8 BY THE STATE:
9 I do, Your Honor. The State
10 would call to the stand now
11 Rick Bryant.
12 BY THE COURT:
13 All right.
14 ROBERT (RICK) BRYANT,
15 having been first duly sworn,
16 was examined and testified as
17 follows:
18 EXAMINATION
19 BY THE STATE:
20 Q Please state your name and occupation for the
21 record.
22 A My real name is Robert Richard Bryant. I am
23 currently assisting the DA in charge of special
24 prosecutions.
25 Q And when you refer to your real name, is that
26 because you go by a nickname?
27 A Yes. Everyone calls me Rick Bryant.
28 Q Okay. And tell us how long you have been a
29 prosecutor.
30 A I came to work for Mr. Knapp in 1979. I
31 worked in the -- believe it or not, the child
32 support enforcement section; and then I became a

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1 felony prosecutor in 1980. I eventually became
2 chief of felony prosecutions. Eventually became
3 first assistant DA under Richard Ieyoub.

4 When he became attorney general, I was
5 elected to district attorney, which I served for
6 three terms. I was there a total of 27 years
7 before I ran for District Court Judge.

8 Q And did you get elected to the District Court
9 Bench?

10 A Yes, I did.

11 Q Tell us about that.

12 A I ran for office and won the seat. Filling a
13 term that was left by a former judge of only
14 three years. I only stayed three years. At the
15 end of that three year period of time, I decided
16 there was other things I would rather do.

17 Q At that time did you return to the District
18 Attorney's Office?

19 A No. I was in private practice for
20 approximately a year; and then Mr. DeRosier asked
21 me to come back and help train some of the new
22 assistants, as well as handle some of the special
23 prosecutions in his office.

24 Q In the course of your career, have you tried
25 capital cases?

26 A Yes, I have.

27 Q Can you list some of those cases for us
28 today. I know you can't do an exhaustive list,
29 list but if you can give us some.

30 A Well, obviously, the Jason Reeves' case is
31 one. I also tried Ricky Langley, accused of
32 killing a five-year-old child. I tried -- I

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1 wrote down a few of those because I can't
2 remember them all.

3 Q Was one of them Cisco?

4 A Yes. Thomas Frank Cisco, who was charged in
5 what is known locally as the K.K.'s Corner murder
6 case. I tried Lesley Dale Martin, the last
7 person who was executed out of Calcasieu Parish.
8 Woodrow Hamilton, I tried him. I tried Troy
9 Dugar. He was the youngest person on death row
10 in the Country. He was convicted and sentenced
11 to death on his 16th birthday. Later that was
12 overturned. Those are some of the more notorious
13 cases that I tried.

14 Q Is it fair to say that for Calcasieu Parish
15 you are one of -- or for the State of Louisiana,
16 you are one of the most experienced capital
17 prosecutors around?

18 A I don't know what the rest of the State does.
19 I know in Calcasieu Parish for some 20 years, I
20 handled all of the capital cases that came
21 through here except for one; and that was the
22 retrial of Ricky Langley. That was handled by
23 Ms. Killingsworth and Mr. Fry. But even as the
24 district attorney, I prosecuted the capital
25 cases.

26 Q But other than that particular case, when it
27 comes to at least Calcasieu Parish capital cases,
28 you are the person to go to; is that correct?

29 A I am.

30 Q Now, tell us a little bit about your work on
31 the case of State versus Jason Reeves.

32 A Well, it is the same as any other case. It

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1 is investigated solely by the law enforcement
2 agencies. In this particular case, it was the
3 FBI, as well as the Calcasieu Parish Sheriff's
4 Office, who were involved in this case.

5 Once they apprehended a suspect, they did all
6 of the leg work. We didn't get involved until
7 they presented us with the completed case at
8 which time it was presented to the Grand Jury in
9 which an indictment was obtained for first-degree
10 murder, based on the fact that MJT was under the
11 age of 12 at the time, which is one of the
12 qualifying requirements for a first-degree murder
13 case; and he was indicted and we proceeded to
14 trial.

15 Q Did you serve as lead counsel at both the
16 first and second trials?

17 A Yes, I did.

18 Q Tell us a little bit about how the first
19 trial ended please if you can recall.

20 A As I recall, it was a mistrial during the
21 guilt phase. It was an eleven to one vote. My
22 understanding, I -- obviously, it's hearsay. I
23 understood later on why -- what the one person
24 was up to. But we had to retry because we didn't
25 have a unanimous verdict on the guilt phase. We
26 never got to the penalty phase.

27 Q During that first trial, who were the
28 defendant's attorneys?

29 A I believe it was Kerry Cuccia, and I'm not
30 sure who else was with him. I remember him being
31 on the case. It has been so long that I don't
32 remember.

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1 Q If I mention the name, Graham du Ponte, does
2 that sound right?

3 A That sounds familiar.

4 Q Okay. And what about the second trial, do
5 you recall who the attorneys were at the second
6 trial?

7 A At the time, it was Ron Ware, currently Judge
8 Ron Ware, who was -- I believe at the time he was
9 head of the Public Defender's Office and Richard
10 White and Charles St. Dizier. I think there were
11 three attorneys involved.

12 Q Do you recall approximately how much time
13 there was between the first trial ending and
14 Mr. Ware, Mr. White, and Mr. St. Dizier being
15 appointed in the second trial?

16 A I don't. The records would indicate that.
17 But from memory, I don't recall. I would guess
18 six to eight months, but that is just a guess.

19 Q Have you ever had a capital case in which a
20 substantially shorter time period was allotted
21 for trial preparation?

22 A Yes, I did.

23 Q Can you speak about that briefly.

24 A Lesley Dale Martin who was convicted, the
25 attorneys in that case were appointed, and the
26 trial was six weeks later. In which time, he was
27 convicted, Bobby Petry is one of the attorneys on
28 that case.

29 It's not accurate to say they had six weeks
30 because other attorneys had been on the case for
31 some time prior to that, had worked the case and
32 done all of the motions. But the Court denied

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1 continuances and had it tried within six weeks.

2 This matter went all the way to the
3 US Supreme Court, I believe you were the one in
4 charge of that, arguing this period of time. The
5 Supreme Court upheld the conviction, and he was
6 ultimately executed.

7 Q Now, the fact that the defense attorneys in
8 this case were at a second trial instead of a
9 first trial situation, is that typically perhaps
10 something that most attorneys would consider to
11 be an advantage?

12 A I think it's a great advantage. While
13 discovery is allowed in every case, actually
14 seeing the witnesses testify, being
15 cross-examined, knowing what the case -- I think
16 the Defense knew what the State's case was; but
17 at least they had the opportunity to see all of
18 the witnesses, their demeanor on the witness
19 stand, any errors that they made.

20 They are also sort of tied into whatever they
21 say. If there is a second trial, then if they
22 change their testimony, obviously, they can be
23 impeached by anything they said in the first
24 trial.

25 So I think it's a great advantage to know
26 everything that everyone who is going to be
27 called and what order and what they have to say
28 during the trial. So it is a great advantage for
29 defense counsel.

30 Q Well, in the course of your career, and I am
31 thinking specifically about a case known as Davis
32 and Saltzman. Did you try those two ladies?

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1 A Yes, I did.

2 Q Were there the same defense attorneys on a
3 first trial in that case and a second trial?

4 A Correct.

5 Q Did they proceed with the exact same strategy
6 at the first trial at the second trial?

7 A Yes, they did.

8 Q But were there some variables? Can they vary
9 from trial to trial?

10 A Obviously, it can vary. There can be
11 evidence found, newly discovered evidence, there
12 can be a different trial strategy. There can be
13 a different way to approach the case. It is not
14 necessary that it be exactly the same as the
15 first case. Obviously, things change. Even in
16 the State's case, ours changed. We changed some
17 things in that case to the second time it was
18 being tried.

19 So it's not unusual to have changes. In
20 fact, as an obligation of the attorneys if they
21 come up with new evidence or new witnesses, or
22 new information to bring that forward in front of
23 the Jury.

24 Q Okay. And I know that you don't have an
25 accurate number on this. Can you at least maybe
26 give us an guesstimate of how many murder trials
27 you have tried over the course of your career?

28 A I would say 75 to 100. Now, those aren't all
29 first-degree. There are a lot of second-degree
30 murders in there. I was the lead prosecutor in
31 those cases since 1980. I did it for some
32 27 years. And while I say, you know, two a year,

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1 I remember one year I tried six. So I can't tell
2 you how many, but I know it is between 50 and
3 100, obviously, for sure.

4 Q Is it fair to say that those particular
5 cases, they vary in strength with regard to the
6 State's case?

7 A The Davis/Saltzman case, for instance, was
8 totally circumstantial. No eyewitnesses, no
9 physical evidence, no fingerprints, no
10 confession; and we had to go forward and
11 prosecute that, as opposed to a case like this or
12 some other cases where you have very strong
13 evidence or eye witnesses. Obviously, every case
14 varies in strength as to what you're going to do
15 at trial.

16 Q Well, let's talk a little bit about that.
17 Given the fact that you were lead prosecutor on
18 this case and that you have such an extensive
19 history of trying the most difficult cases, which
20 would be murder cases, what was your assessment,
21 objectively speaking, of the evidence that we had
22 to present?

23 A Overwhelming.

24 Q Can you just elaborate on that just a little
25 bit, please.

26 A Well, we had the defendant, first of all, who
27 was seen -- we had a four-year-old child who was
28 kidnapped. So obviously, law enforcement was in
29 full bore overload trying to find out who
30 committed such a heinous crime.

31 The defendant himself was seen at some point
32 at a school approaching some young girls there,

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1 and his license plate was taken down. The
2 description of the vehicle, the same vehicle
3 description was found at the site of where MJT
4 was kidnapped from her home of the trailer park.

5 So they had a suspect at this time. Days
6 later, law enforcement learned that he was a
7 convicted child molester; and that obviously
8 piqued their interest. They found him and
9 questioned him. He gave a lot of different
10 stories and initially denied what was going on.

11 Ultimately, he -- I don't know if you call it
12 a confession because he -- right up to the point
13 where the murder took place, he blacked out or
14 didn't remember or whatever; but he did admit to
15 picking this child up off -- like, he had a pet
16 or an animal or something in the car to entice
17 her to get into the vehicle that he drove her
18 around. He never admitted to killing her, just
19 admitted to picking her up.

20 We had DNA that was his DNA from the anal
21 cavity of the young victim. We had a law
22 enforcement officer -- who was doing a drug buy
23 out at the LeBleu Cemetery where the body was
24 found, who identified him and the vehicle out of
25 a photo lineup -- saw him coming out of the
26 cemetery roughly at the time of death.

27 Ultimately, he, as I stated, he made
28 statements concerning what he had done. So we
29 had -- he was seen in that area right prior to
30 the time that the child was abducted. He was
31 ultimately seen in leaving that area near the
32 time of death by a law enforcement officer. We

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1 had his DNA; and ultimately, we had a statement
2 that he had picked her up.

3 So it's a pretty overwhelming case. It
4 didn't take anyone of my expertise to try it. I
5 think any good prosecutor could've tried that
6 case because the evidence was so overwhelming.

7 Q Well, and let me ask you about this. Didn't
8 you also have fiber evidence placing the victim
9 in the defendant's car?

10 A That's correct.

11 Q What about man-trailing/cadaver dog evidence
12 as well?

13 A Yes. The cadaver dog was brought in who
14 followed the trail and hit on the defendant's
15 vehicle, and it was qualified during the trial.
16 There was some objections to that. The cadaver
17 dog had a scent that was used. He hit on the --
18 he followed basically the path that this young
19 victim and the defendant took during this period
20 of time. That was also powerful evidence that
21 was there.

22 But with or without that, the case was
23 extremely strong. Obviously, when you have a
24 statement that I picked a child up and you have
25 that individual's DNA found in the child and the
26 fact that he was -- especially with his criminal
27 history, which never came out during the guilt
28 phase. It only came out during the penalty
29 phase. This was very strong evidence of who
30 committed that crime.

31 Q Is it fair to say that even given our burden
32 of proof beyond a reasonable doubt, you've been

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1 to trial with less and gotten convictions?
2 A Far less, far less. I mean, I think even the
3 -- anybody who's worked in the criminal justice
4 system or handles these types of cases, Mr. Ware
5 and Mr. St. Dizier all knew how strong these
6 cases are.

7 Most of the time, they are very strong cases.
8 Most of the time defense attorneys aren't focused
9 so much on the guilt phase as they are trying to
10 save the defendant's life. They focus more on
11 the penalty phase because of the strength of the
12 State's case.

13 Q And that leads us to some questions I need to
14 ask you about today. Did I ask you to review any
15 materials in preparations for today's testimony?

16 A Yes. I looked back over -- I glanced back
17 over the file of the penalty phase, the guilt
18 phase, just to refresh my recollection because it
19 has been quite a period of time.

20 Q I am going to put this up on the screen. I
21 am going to see if this accurately depicts
22 whatever I asked you to review for today's
23 testimony. Does this look familiar to you?

24 A It shows that I and Mr. Ware appeared for
25 something -- yeah, the penalty phase. Yes, I
26 reviewed that.

27 Q So when you reviewed the -- you reviewed the
28 entirety of the penalty phase proceedings, did
29 you not?

30 A Yes, I did.

31 Q And let's talk a little bit about what you
32 refer to the mitigation evidence. Do you recall

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1 what mitigation evidence was offered by the
2 Defendant in this case?

3 A After reviewing it, obviously, just saying
4 that I came into the Court today and if I hadn't
5 reviewed it, I couldn't say that. But in
6 reviewing it, yes, I did review the number of
7 witnesses that were called and what they were
8 called to testify to. That's correct.

9 Q Is it fair to say that the Defendant
10 presented as comprehensive a mitigation case as
11 one might?

12 A Well, I would say they put some work into it,
13 obviously, because they got Burt Foster, who is a
14 professor at ULL at the time, who came in to talk
15 about who can be pardoned and who can't be
16 pardoned, and how people who get life sentence
17 don't get out of jail. That's a lot of work to
18 find somebody like that.

19 Then, obviously, he brought the family in,
20 the members of the family. He brought a teacher
21 in who talked about his conduct when he was in
22 elementary school at J.I. Watson. And he called
23 in two doctors, Dr. Zimmerman and Dr. Santana, to
24 talk about whatever behavioral problems or mental
25 health problems he may have had. So it was a
26 fairly extensive penalty phase hearing presented
27 by the defense counsel.

28 Q Well, on that note, in comparison with other
29 capital penalty phase presentations that you've
30 been witness to in your career, did you feel that
31 it was fairly compelling?

32 A I thought it was as strong as you could do.

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1 I mean, this (2 WORDS/INAUDIBLE) as a prosecutor.
2 I thought our case was powerful. To be honest
3 with you, I didn't care what they presented. We
4 knew they were going to hear about his prior
5 sexual history with children. We knew they were
6 going to hear about him saying, don't let me out,
7 I will kill another child. And we knew that we
8 had a four-year-old child that had been raped and
9 murdered.

10 So to be honest with you, they could have
11 brought 20 people; and I don't think it would've
12 changed a verdict in this case because it was
13 such a gruesome and such a terrible case, that it
14 was powerful from its inception.

15 So having said that, I think they did all
16 they could've done. In other cases, you normally
17 see a family member, and you will see as is
18 required some mitigation expert.

19 In Ricky Langley, for instance, a
20 five-year-old boy that was murdered. This is
21 Clive Stafford Smith, one of the top capital
22 defense lawyers in the Country at the time. He
23 brought in a mental health expert, he brought in
24 family, and he brought in some doctors to testify
25 at the penalty phase; but that's the strongest
26 one I have ever seen. This is pretty close to
27 that; and, obviously, they put a lot of time and
28 effort into putting this all together. They even
29 brought Ronald Reeves who is in Angola
30 Penitentiary back to Lake Charles to testify at
31 the penalty phase.

32 Q But at the end of the day, is it fair to say

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1 that some cases due to the overwhelming nature of
2 the State's evidence and the horror of what the
3 Defendant has done, death is going to be the
4 result?

5 A There's no guarantees. I think in this case,
6 I felt very strongly about it; but it only takes
7 one. It takes one person to change their mind
8 or, you know, getting unanimous, the death
9 penalty is very difficult. And to be honest with
10 you, I tried Woodrow Hamilton, and we put on a
11 powerful case. But it was still eleven to one
12 for death, and one person held out, and he killed
13 a law enforcement officer. So that didn't
14 happen.

15 But I found in speaking -- for instance, with
16 Ricky Langley in this case, those are two of the
17 most emotionally powerful cases you can have.
18 And the Defendant did himself no favors by the
19 way he conducted himself in this case. So I felt
20 very strongly that -- as I argued in closing, if
21 not this case, then what case.

22 BY THE STATE:

23 No further questions,
24 Mr. Bryant. If you could, please
25 answer any that the defense attorney
26 has for you.

27 BY MR. FREEDMAN:

28 Could we have a minute to talk
29 to my co-counsel?

30 BY THE COURT:

31 Sure.

32 BY MR. FREEDMAN:

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1 No, no questions.
2 BY THE COURT:
3 You may step down, sir.
4 BY THE STATE:
5 Is he released from the Rule?
6 BY MR. FREEDMAN:
7 Oh, yeah.
8 BY THE STATE:
9 So he can stay if he wants?
10 BY MR. FREEDMAN:
11 Oh, yeah.
12 BY THE COURT:
13 Unless you think either of you
14 will call him back. Released?
15 BY THE STATE:
16 Yes. You are released. You can
17 stay if you want, or you can go.
18 BY THE COURT:
19 Who's your next witness?
20 BY THE STATE:
21 Ms. Killingsworth.
22 CYNTHIA KILLINGSWORTH,
23 having been first duly sworn,
24 was examined and testified as
25 follows:
26 EXAMINATION
27 BY THE STATE:
28 Q Good afternoon.
29 A Hi.
30 Q Please state your name and occupation for the
31 record.
32 A My name is Cynthia Killingsworth. I work for

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1 the District Attorney's Office. I am the First
2 Assistant District Attorney, currently.

3 Q How long have you been a prosecutor?

4 A 30 years.

5 Q Can you explain a little bit about your
6 career, where you started and how you ended up
7 here.

8 A Quite by accident. No. At the beginning it
9 was by accident. When I got out of law school, I
10 waited until I passed the Bar to search for
11 employment. So most of the jobs were gone.

12 So when I got started, it was with the
13 Attorney General's office in the Medicaid Fraud
14 Division; and I was stuck ever since in
15 prosecuting.

16 Q How long did you work for the AGs office
17 before you came here?

18 A For five years.

19 Q And then you came to the Calcasieu Parish
20 District Attorney's office to do felony
21 prosecutions, correct?

22 A Correct. In January of 1992.

23 Q Can you even approximate for us how many
24 felony trials you had in the course of your
25 career?

26 A I have no clue, no clue. Really, I have no
27 clue.

28 Q What about, have you tried capital cases over
29 the course of your career?

30 A I have.

31 Q Did you have occasion to work on the capital
32 case of State versus Jason Reeves?

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1 A I did.

2 Q Tell us a little bit about that. Did you
3 serve as co-counsel?

4 A Oh, yes. Well, let's see. We tried that one
5 a couple of times. I may have been lead counsel
6 at the end. I don't remember.

7 Q Did you handle a number of pretrial hearings
8 in Jason Reeves?

9 A I did.

10 Q Okay. Does that include the first trial and
11 the second trial?

12 A Yes.

13 Q And let's talk a little bit about the second
14 trial, pretrial matters. Do you recall who was
15 counsel at the second trial?

16 A I believe that was Ron Ware.

17 Q And do you have any recollection about any
18 pretrial motions that he may have filed as
19 counsel in that case for the second trial?

20 A Yes. In fact, I looked that up.

21 Q Can I show you -- let me just show you --
22 let's just do a couple of these. I am going to
23 go back over some exhibits that we went over with
24 Judge Ware. Does this look familiar?

25 A It does.

26 Q Is that a motion that was filed by now Judge
27 Ware in this case before the second trial?

28 A Yes, it was.

29 Q What about this?

30 A Yes. That was one of Judge Ware's as well.
31 In fact, I think that's his handwriting up there,
32 8-24-04.

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1 Q Yeah. I think it might be. Let's go to --
2 we are just going to go through a few more. Do
3 you recall this motion?
4 A I do.
5 Q Okay. Did it strike you as a little unusual
6 that they were relitigating the suppression issue
7 before trial, the second trial?
8 A I thought it was surprising that they
9 relitigated any of it in the second trial if you
10 want to know the truth.
11 Q Okay. Well, that leads us to a cogent point.
12 Is it somewhat unusual to see this number of
13 pretrial motions being filed before a second
14 trial even by a new counsel?
15 A Yes. Now, capital is different. We do know
16 this. So a lot of times we see this kind of
17 stuff, but still.
18 Q But is it fair to say that this was a pretty
19 vigorous pretrial defense by new counsel for a
20 second trial?
21 A Oh, absolutely. They tried to get rid of
22 every bit of expert testimony that we had by
23 filing separate motions.
24 Q And you seem to have a pretty good recall
25 about this case even, you know, independent from
26 these motions. Can you tell us why that is.
27 A Probably because we had a trial already, and
28 they knew what the experts were going to say.
29 That's what I would have done had I been the
30 Defense.
31 Q Well, would you consider that to be an
32 advantage of some sort?

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1 A Oh, absolutely. They had the advantage of
2 the whole trial the second time around.
3 Q Let's talk a little bit about an issue that
4 came up with regard to the videotape of the
5 inculpatory statement of the defendant.
6 A Yes.
7 Q Do you recall an issue with there being a
8 tape played that had some mention of urges that
9 was not supposed to mention urges.
10 A I was trying to think about that. I don't
11 remember exactly what was supposed to be out that
12 was not out. Because we had gone through that
13 and gone through it, to make sure we had excluded
14 everything that we needed to excluded.
15 Q Right.
16 A And I recall early in the statement that I
17 heard something that shouldn't have been in, and
18 I stopped the tape. And we took a break; and I
19 told the Court that there was a mistake, this
20 stuff shouldn't have been in there, and we needed
21 to make sure we had the whole thing redacted.
22 Q So in good conscience, you actually alerted
23 the Court to the issue?
24 A Yes, I did. I have been through that before.
25 Q And is it fair to say that that was just a
26 mistake. That was not anything calculated, and
27 there was no way that now Judge Ware could have
28 anticipated the mistake in the tape being played
29 to the Jury?
30 A No, because I didn't. And I would have hoped
31 that I would've. So it was very surprising to
32 me.

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1 Q Let's talk a little bit about the strength of
2 the State's case. You have been prosecuting for
3 how many years now?

4 A 30.

5 Q In comparison to other murder cases that you
6 have tried, how would you qualify the evidence
7 that we had against the defendant?

8 A I would have said that the only issue in this
9 case was penalty.

10 Q Okay.

11 A Which means I was convinced that the guilt
12 phase would be no problem.

13 Q And would you consider that to be the case no
14 matter who was representing this defendant?

15 A No matter who.

16 BY THE STATE:

17 Ms. Killingsworth, I don't have
18 any further questions for you at this
19 time. If you could please answer any
20 that the Defense counsel may have for
21 you.

22 BY THE WITNESS:

23 Not a problem.

24 BY MR. FREEDMAN:

25 No questions.

26 BY THE WITNESS:

27 Thanks. I appreciate that.

28 BY THE STATE:

29 Thank you, Ms. Killingsworth.

30 Your Honor, she is released, correct?

31 BY THE COURT:

32 Yes.

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1 BY THE COURT:
2 Ms. Sigler?
3 BY THE STATE:
4 The State has no further
5 witnesses. We do have argument. I
6 don't know if you want us to take
7 them claim by claim or how you want
8 us to do this, Your Honor.
9 BY MR. FREEDMAN:
10 You want a memo instead. What
11 does the Court want?
12 BY THE COURT:
13 What is your preference? I
14 mean, I have 28 --
15 BY MR. FREEDMAN:
16 A memo.
17 BY THE COURT:
18 A memo?
19 BY MR. FREEDMAN:
20 Rather than argument. Write up
21 the transcript and --
22 BY THE COURT:
23 Ms. Sigler:
24 BY THE STATE:
25 I don't have any objection. I
26 can write more.
27 BY MR. FREEDMAN:
28 Well, a short memo. I'm not
29 planning on more than 10 or 15 pages.
30 BY THE STATE:
31 The only thing, Ms. McLellan, as
32 always, remembers the details better

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than I do.

There was that ruling for the Supreme Court, which I have somewhere that has -- does everybody remember that? Obviously, it's been -- I had it somewhere for today. I'm sure You Honor has seen the one we're talking about where they resolved the intellectual disability issue against the Defendant and they said resolve everything else within 90 days. Does everybody remember that? Does anybody have a copy of it?

BY MR. FREEDMAN:

Just a moment.

BY THE COURT:

When we got the decision, they said they said want everything done within -- I guess it was 90 days. I think we had it fixed from the date that the decision came back.

BY MR. FREEDMAN:

Yeah.

BY THE COURT:

But I assume that they meant probably from a testimonial evidentiary standpoint.

BY MR. FREEDMAN:

Yeah. We're moving the case now, Your Honor.

BY THE STATE:

I'm assuming so, and yeah. I am

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just bringing it to you're -- I agree. I don't have any issue other than that. I just recall that.

BY THE COURT:

Do you prefer to have a briefing schedule?

BY MR. FREEDMAN:

Yeah. Yes, sir, after the transcript.

BY THE COURT:

We could probably do this today, but it would probably be better to have everything preserved with regard to referencing specific, I assume, items of testimony in conjunction with the evidentiary offerings and the argument that's been presented in the post-conviction. How long do you need, Mr. Freedman?

BY MR. FREEDMAN:

20 days after we get the transcript. 30 days. 30 days from the time of the transcript.

BY THE COURT:

Because if I give you 30, I need to give the Defense 30 -- or the State, I guess, in this case, the Respondent. And then you would have a chance for rebuttal, putting things off theoretically about 90 days by the time all of that would be done.

BY THE STATE:

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I don't need 30. I need 15.

BY THE MR. FREEDMAN:

Then give us 10 for the reply,
if any. 10 days for the reply if
there is one.

BY THE COURT:

We only had the four witnesses,
and then we already have the argument
prepared. I'm going to give you
until May the 10th, which is about
21 days to get the initial brief.
Then we will have basically the same
time. That's close of business on
May the 10th. It would be at 4:30.
That's a Wednesday. If there is some
undue reason that it can't be done,
you can send me a motion for
extension with a basis or whatever or
talk with Ms. Sigler. I think y'all
have been on a fairly good
communication.

BY MR. FREEDMAN:

We will try to get it done.

BY THE STATE:

Notwithstanding today, we've
been professionally courteous to each
other in other respects.

BY MR. FREEDMAN:

How long is the transcript?

BY THE COURT:

That way on May 31st, I'll have
the State's reply. And you said 10

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would be sufficient for the ultimate rebuttal?

BY MR. FREEDMAN:

Yeah.

BY THEN COURT:

And then I'll take that until June the 9th, which will be the Friday, which will be right after the ten days.

BY MR. FREEDMAN:

Close of business on Friday; or if you'd prefer, I will give you the Monday which will actually give you until the 12 days. Because if I get it at the end of the day on Friday, I won't look at it until Monday anyway.

So initial argument of the Mover on behalf of Mr. Reeves will be submitted to the Court by close of business May the 10th, 2017, at 4:30.

Response from the State or Opposition will be May 31, close of business 4:30. And then on June the 12th, close of business at 4:30, the rebuttal or reply brief will come. And then it will be in my lap.

BY THE STATE:

And we'll certainly, if we don't need until the 31st, we'll turn it into them before that, so they have more time.

BY THE COURT:

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So the days are in place, and as long as y'all are communicating.

BY MR. FREEDMAN:

How soon will we get the transcript?

BY THE COURT:

I gave you that time. We're going to have to have a -- I assume you want the transcript?

BY MR. FREEDMAN:

Yes.

BY THE COURT:

That's going to change all of those dates, Madam Clerk, because they can't -- I think it would be fair for them to have the transcript before I start the delays.

(DISCUSSION WITH COURT REPORTER REGARDING TRANSCRIPT)

BY THE COURT:

Then I'm going to move everything then back a week. Instead of the 10th, you have the 17th.

BY THE STATE:

And you know I'm not good at math, does that mean that I have until the 7th of June?

BY THE COURT:

It does. You found the formula. You have until the 7th, and they will have until the 19th of June for the rebuttal. Do y'all have those all

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written down?

BY MR. FREEDMAN:

And everything is close of business, 4:30. Whatever you file, make sure you fax it to the -- I would recommend that maybe the original go to the Clerk and then copies go to the DA and to the Court. That way the Clerk will have them. Don't send them to either me to file or for the DA to file. Sometimes that doesn't happen quite that way.

BY THE STATE:

I'll scan it in and e-file it. That's how I've been doing it too so everybody gets it as soon as possible with regard to --

BY THE COURT:

And I don't know -- I'm not familiar whether y'all are shorthanded or not. I don't know. I understand, I hear what's going on with the legislature. Then, again, that's probably next year. I don't know what's happening.

BY MR. FREEDMAN:

We'll see after the end of this --

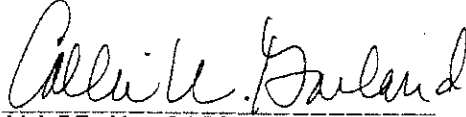
(PROCEEDINGS CONCLUDED)

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CERTIFICATE

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

I, CALLIE W. GARLAND, CCR, RPR, Official Court Reporter for the 14th Judicial District Court, Calcasieu Parish, Lake Charles, as the officer before whom this testimony was taken, do hereby certify that this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my direction supervision, and is a true and correct transcript to the best of my ability and understanding, that the transcript has been prepared in compliance with the transcript format guidelines required by statute or by the 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.


CALLIE W. GARLAND, CCR/RPR
14th Judicial District
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RPR Certification No. 34917