

APPENDIX

The Supreme Court of the State of Louisiana

**STATE OF LOUISIANA VS. GARRETT J.
WARD**

No. 2026-K-00004

IN RE: Garrett J. Ward - Applicant Defendant; Applying For Writ Of Certiorari,
Parish of Orleans Criminal, Criminal District Court Number(s) 541-639, Court of
Appeal, Fourth Circuit, Number(s) 2023-KA-0524;

June 16, 2026

Writ application denied.

PDG

JLW

JBM

JMG

CRC

AHP

Hughes, J., would grant.

Supreme Court of Louisiana
June 16, 2026



Chief Deputy Clerk of Court
For the Court

STATE OF LOUISIANA	*	NO. 2023-KA-0524
VERSUS	*	
		COURT OF APPEAL
GARRETT J. WARD	*	
		FOURTH CIRCUIT
	*	
		STATE OF LOUISIANA
* * * * *		

APPEAL FROM
 CRIMINAL DISTRICT COURT ORLEANS PARISH
 NO. 541-639, SECTION “F”
 Honorable Robin D. Pittman, Judge
 * * * * *

Judge Nakisha Ervin-Knott
 * * * * *

(Court composed of Judge Daniel L. Dysart, Judge Nakisha Ervin-Knott, Judge Monique G. Morial)

ON REMAND FROM THE LOUISIANA SUPREME COURT

DYSART, J., DISSENTS WITH REASONS

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AFFIRMED
DECEMBER 3, 2025

This is a criminal appeal on remand from the Louisiana Supreme Court concerning the manslaughter conviction and sentence of defendant, Garrett Ward (“Defendant”).

STATEMENT OF THE FACTS

The factual background of this case was previously set forth in *State v. Ward*, 2023-0524, — So.3d at —, —, 2025 WL 1135095, at *1 (La. App. 4 Cir. 4/17/25):

On the evening of January 5, 2018, Defendant attended a dinner party with his girlfriend, Katy Kelly (“Ms. Kelly”), and her work colleagues at Chop House in New Orleans, Louisiana. After dinner, Defendant, Ms. Kelly, Ms. Kelly’s co-workers – Jonathan Guy (“Mr. Guy”) and Jamie Yorsch (“Ms. Yorsch”) – and Ms. Yorsch’s husband relocated to the Hot Tin bar atop the Pontchartrain Hotel on St. Charles Avenue in New Orleans, Louisiana.

In the early morning hours, around 1:00 A.M. the next day, a verbal altercation between Defendant and Ms. Kelly ensued at the bar, and Defendant slapped Ms. Kelly in the face. Defendant left the bar and had an encounter with Arnold Jackson (“Mr. Jackson”) outside the bar in which he attacked Mr. Jackson – striking Mr. Jackson with his hands and feet. After the attack, Defendant fled to a nearby parking garage.

Kerrie Williamson (“Ms. Williamson”), an eye-witness to the attack, called 911, and upon arriving on the scene, New Orleans Police Department (“NOPD”) officers found Mr. Jackson lying on the ground, conscious, with severe blunt force trauma to the head and face. The NOPD officers located Defendant at the nearby parking garage, where he appeared intoxicated, and arrested him for simple battery.

When the paramedics arrived on the scene, they transported Mr. Jackson to University Medical Center (“UMC”). At UMC, Mr. Jackson’s condition declined, and he required emergency brain surgery. Ultimately, Mr. Jackson succumbed to his injuries on January 18, 2018.

PROCEDURAL HISTORY

On June 7, 2018, Defendant was charged by grand jury indictment with second degree murder, a violation of La. R.S. 14:30.1, and ultimately pled not guilty to the charge. During trial, several witnesses testified including Kerrie Williamson (“Ms. Williamson”). Pertinent to this remand, the State questioned Ms. Williamson about Defendant’s comments towards Mr. Jackson during the attack. At the conclusion of Ms. Williamson’s testimony, outside the presence of the jury, defense counsel made an oral motion for mistrial on grounds that the State failed to provide notice of its intent to introduce Ms. Williamson’s racially-charged testimony that she heard Defendant call Mr. Jackson the “n-word.” The State responded by asserting it had no prior knowledge of Ms. Williamson’s testimony. Relying on the State’s representation, the trial court denied the motion for mistrial.

After a six-day jury trial, the jury returned a responsive verdict of guilty of manslaughter. Prior to sentencing, Defendant filed a motion for post-verdict judgment of acquittal, which was denied, and the trial court sentenced him to thirty years imprisonment at hard labor with credit for time served. After sentencing, he filed a motion to reconsider sentence that was also denied by the trial court. Defendant appealed his conviction and sentence.

On appellate review, Defendant assigned five errors for this Court’s review: (1) there is insufficient evidence to support Garrett Ward’s manslaughter conviction; (2) the trial court erred by refusing to grant a mistrial and the repeated injections of racially charged testimony deprived Garrett Ward of his right to due process; (3) the

trial court erroneously permitted the introduction of other crimes evidence; (4) the trial court erroneously permitted Detective Haw to testify about blood splatter without being qualified as an expert; and (5) the trial court erred when it imposed an unconstitutionally excessive sentence of thirty years on a first offender. *Ward*, 2023-0524, — So.3d at —, 2025 WL 1135095, at *2. This Court determined that there was one error patent as the trial court sentenced Defendant less than twenty-four hours after denying his motion for post-verdict judgment of acquittal. *Id.*, 2023-0524, — So.3d at —, 2025 WL 1135095, at *1. We concluded that although the trial court erred in failing to observe the twenty-four hour delay required by La. C.Cr.P. art. 873, the error was harmless because Defendant waived the twenty-four hour sentencing delay when he expressly waived the delay in open court following the denial of his motion for post-verdict judgment of acquittal. *Id.* Additionally, this Court found that there was sufficient evidence to support Defendant’s manslaughter conviction, however, the trial court erred in denying Defendant’s motion for mistrial. Specifically, this Court “acknowledge[d] that the State solicited a racially charged comment from Ms. Williamson – her testimony that Defendant used a racial epithet during his attack of Mr. Jackson; therefore, the trial court should have granted Defendant’s motion for mistrial.” *Id.*, 2023-0524, — So.3d at —, 2025 WL 1135095, at *9. This Court pretermitted discussion of Defendant’s remaining assignments of error; reversed Defendant’s conviction and sentence; and remanded the matter to the trial court for a new trial. The State sought review by the Louisiana Supreme Court.

In its writ application to the Supreme Court, the State contended that Ms. Williamson’s testimony of Defendant’s use of racial epithets during the attack

cannot serve as the basis for a mandatory mistrial. The Supreme Court, in its *per curiam*, granted the State's writ and explained:

The trial court correctly denied the defendant's motion for a mistrial pursuant to La.C.Cr.P. art. 770(1). The defense sought a mistrial on the basis of purportedly racially-charged comments by an eyewitness during her testimony; however, the witness's challenged statements merely recounted defendant's own words and actions during the charged offense. As such, the references to race were not attributable to the prosecutor, and were in fact material and relevant to establishing the defendant's specific intent to commit the charged offense of second degree murder in violation of La. R.S. 14:30.1 and establishing that the defendant did not act in self defense. Thus, no mistrial was warranted pursuant to La.C.Cr.P. art. 770.

The ruling of the court of appeal, which vacated the conviction and sentence and pretermitted all remaining assignments of error, is reversed. The conviction and sentence are reinstated, and the matter is remanded to the court of appeal for consideration of the pretermitted claims.

State v. Ward, 2025-00633, — So.3d at — , — , 2025 WL 2910581, at *1 (La. 10/14/25).

DISCUSSION

On remand, we address Defendant's remaining assignments of error in regard to his conviction and sentence for manslaughter. For the reasons that follow, we affirm the Defendant's manslaughter conviction and sentence.

Assignment of Error Number Two: The trial court erred by refusing to grant a mistrial and the repeated injections of racially charged testimony deprived Garrett Ward of his right to due process.

In addition to Defendant's argument that the trial court erred by refusing to grant a mistrial due to the repeated injections of racially charged testimony, which was rejected by the Louisiana Supreme Court in its *per curiam*, he also asserts that the trial court erred in not granting a mistrial based on the State's failure to provide defense counsel with exculpatory evidence in violation of *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963). The Defendant's argument

concerning the State's failure to provide defense counsel with exculpatory evidence in violation of *Brady* is based on Ms. Williamson's trial testimony that after the attack, Defendant may have stated he was the victim of a robbery. During direct examination, the State asked Ms. Williamson the following:

At any point in time, any point in time – we can tell by that 9-1-1 call that you're out there for all this -- at any point in time, do you hear Garrett Ward say that he was the victim, or that someone tried to mug him or take his phone or hold a knife or anything like that?

Ms. Williamson responded, "I want to say, he did." During defense counsel's argument in support of his oral motion for mistrial, he utilized Ms. Williamson's testimony to assert that this information – the fact that she may have heard Defendant say he was robbed – is *Brady* material in light of Defendant's asserted self-defense claim, and this information should have been disclosed to the defense prior to trial.

The State responded to defense counsel's argument by stating, in part:

Judge, I'll respond in reverse order. With regards to witness, Kerrie Williamson's statement that yes, she does recall him saying something like maybe, he was robbed, and she laughed at it, because, she knew he was lying about it, because she saw what happened before it happened. And she saw him raise his hand out and ask for some change.

And furthermore Judge, this, is the first time, that she had stated that to the State as well. I met Ms. Williamson today. I asked the question expecting her to say, no. She [didn't] hear Garrett Ward say anything with regards to being robbed. But she said, yes, she heard it and she dismissed it and she laughed at it, because she knew it was not true, because she saw how the incident started. And she was offended by him trying to find some collegiality with her after seeing what he had done. I think if was also in connection with another statement about "you know how these people are always begging us[.]"

In *Brady*, the United States Supreme Court developed the rule that suppression by the prosecution of evidence favorable to the accused violates a defendant's due process rights where it is material either to guilt or punishment, without regard to the good or bad faith of the prosecution. 373 U.S. at 87, 83 S.Ct.

1194. “The U.S. Supreme Court has explained that ‘[t]here are three components of a true *Brady* violation: The evidence at issue must be favorable to the accused, either because it is exculpatory, or because it is impeaching; that evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have ensued.’” *State v. Louviere*, 2000-2085, p. 12 (La. 9/4/02), 833 So.2d 885, 896 (citing *Strickler v. Greene*, 527 U.S. 263, 281-82, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999)). As it relates to the second component – suppression, the record supports the finding that the State did not suppress information regarding Defendant’s alleged statement to Ms. Williamson that he was robbed. During the motion for mistrial, the crux of the State’s argument was that it had just met with Ms. Williamson the morning of her trial testimony and had no prior knowledge of her testimony that she may have heard Defendant say he was robbed. Even the following day, before the trial court ruled on the motion for mistrial, the State reiterated that it did not know what Ms. Williamson’s response would be to the question of whether she heard Defendant say anything about being robbed.

“The Supreme Court has stated that even though the prosecution does not possess or have knowledge of evidence, this does not necessarily absolve the state of its responsibilities under *Brady* because ‘the individual prosecutor has a duty to learn of any favorable evidence known to the others acting on the government’s behalf in the case, including the police.’” *Id.* at p. 13, 833 So.2d at 896 (citing *Kyles v. Whitley*, 514 U.S. 419, 437, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995)). The record does not contain any evidence that the NOPD knew that Ms. Williamson may have heard Defendant say anything about being robbed. Predicated on the State’s statements to the trial court, under oath, that it had no prior knowledge – personally, as an office, or from the NOPD – of Ms. Williamson’s testimony of hearing the

Defendant say anything about being robbed, we find that no *Brady* violation exists as the State complied with its discovery obligations.

Additionally, Defendant maintains the State's failure to correct Ms. Williamson's testimony that it should have known was false violated its obligations under *Napue v. Illinois*, 360 U.S. 264, 3 L.Ed.2d 1217 (1959); therefore, a new trial was warranted. "The granting of a new trial based upon a *Napue* violation is proper only if: (1) the statements at issue are shown to be actually false; (2) the prosecution knew they were false; and (3) the statements were material." *State v. Riley*, 2023-0040, p. 22 (La. App. 4 Cir. 8/31/23), 372 So.3d 77, 91 (citing *Napue*, 360 U.S. at 269, 79 S. Ct. at 1177. Defendant avers that much of Ms. Williamson's trial testimony was demonstrably false. Consequently, the State should have known that her claims that he used a racial epithet were untrue especially in light of the fact that her testimony was uncorroborated by any of the other eye witnesses to the attack. Nevertheless, during the motion for mistrial, the State stated that it was unaware of Defendant's alleged use of a racial epithet prior to Ms. Williamson's testimony. The State was not in a position to know whether Ms. Williamson's testimony was false as it heard this testimony for the first time at trial. Moreover, there was no evidence suggesting that Ms. Williamson's testimony was actually false. Accordingly, under *Napue*, we find Defendant was not entitled to a new trial.

Last, Defendant argues the State's failure to provide pretrial notice of his alleged use of a racial epithet heard by Ms. Williamson violated La. C.Cr.P. art. 716. We find this argument to be without merit. Louisiana Code of Criminal Procedure Article 716(B) provides, in pertinent part:

...[U]pon written motion of the defendant, the court shall order the district attorney to inform the defendant of the existence, but not the contents, of any oral confession or statement of any nature made by the

defendant or any codefendant which the district attorney intends to offer in its case in chief at the trial, with the information as to when, where, and to whom such oral confession or statement was made.

“Louisiana’s criminal discovery rules, La. C.Cr.P. art. 716 *et seq.*, are ‘intended to eliminate unwarranted prejudice arising from surprise testimony and evidence, to permit the defense to respond to the State’s case, and to allow a proper assessment of the strength of the State’s case.’” *State v. Hudson*, 2019-0761, p. 8 (La. App. 4 Cir. 4/22/20), 299 So.3d 131, 136-37 (citing *State v. Girard*, 2012-0790, p. 4 (La. App. 4 Cir. 3/6/13), 110 So.3d 687, 690). “Generally, discovery violations do not provide grounds for reversal unless they have actually prejudiced the defendant.” *Id.* at p. 8, 299 So.3d at 137(citing *State v. Garrick*, 03-0137, p. 5 (La. 4/14/04), 870 So.2d 990, 993). Again, the State has always maintained the position that it was not aware of Ms. Williamson’s testimony regarding Defendant’s use of a racial epithet prior to her trial testimony. Because it was not aware of Defendant’s alleged use of a racial epithet until Ms. Williamson’s testimony, the State could not have provided Defendant with this information prior to trial. As such, the State did not violate La. C.Cr.P. art. 716.

For the foregoing reasons, we find that Defendant’s remaining argument under assignment of error two lacks merit.

Assignment of Error Number Three: The trial court erroneously permitted the introduction of other crimes evidence.

In his assignment of error three, Defendant asserts the trial court erred in granting the State’s motion in limine to introduce evidence of Defendant slapping his girlfriend at the time, Ms. Kelly, shortly before his encounter with Mr. Jackson. A district court’s ruling on the admissibility of other crimes evidence will not be overturned absent an abuse of discretion. *State v. Taylor*, 2016-1124, p. 18 (La.

12/1/16), 217 So.3d 283, 296. The introduction of other crimes evidence is governed by La. C.E. art. 404(B)(1), which provides:

Except as provided in Article 412, evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, of the nature of any such evidence it intends to introduce at trial for such purposes, or when it relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

Res gestae events constituting other crimes are deemed admissible because they are so nearly connected to the charged offense that the State could not accurately present its case without reference to them. *State v. Taylor*, 2001-1638, p. 10 (La. 1/14/03), 838 So.2d 729, 741. Using *res gestae*, the state completes the story of the crime on trial by proving its immediate context of happenings near in time and place. *Id.* The *res gestae* doctrine is designed to allow the story of the crime to be told in its entirety, by proving its immediate context of happenings in time and place. *Taylor*, 2001-1638, pp. 10-11, 838 So.2d. at 742.

In *State v. Colomb*, 1998-2813 (La. 10/1/99), 747 So.2d 1074, 1076, the Louisiana Supreme Court held:

The test of integral act evidence is therefore not simply whether the state might somehow structure its case to avoid any mention of the uncharged act or conduct but whether doing so would deprive its case of narrative momentum and cohesiveness, “with power not only to support conclusions but to sustain the willingness of jurors to draw the inferences, whatever they may be, necessary to reach an honest verdict.”

The Louisiana Supreme Court cautioned in *Taylor, supra* “even when the other crimes evidence is offered for a purpose allowed under Article 404(B)(1), the evidence must have substantial relevance independent from showing defendant's

general criminal character and thus is not admissible unless it tends to prove a material fact at issue or to rebut a defendant's defense.” 2016-1124, p. 12, 217 So.3d at 292. In offering grounds for the admissibility of other crimes evidence, “the state cannot simply rely on a boilerplate recitation” from La. C.E. art. 404(B)(1). *Id.* In ruling on the admissibility of the other crimes evidence, the district court must determine the independent relevancy of that evidence to the charges against the defendant. “The district court must also balance the probative value of the other crimes, wrongs, or acts evidence against its prejudicial effects before the evidence can be admitted.” *Taylor*, 16-1124, p. 12, 217 So.3d at 292; *citing State v. Henderson*, 12-2422 (La. 1/4/13), 107 So.3d 566, 567-68.

Defendant contends the trial court erred in finding his argument with Ms. Kelly inside the bar – which resulted in him slapping her in the face – was admissible as an integral act to the subsequent attack of Mr. Jackson because the two incidents are not connected in time. Defendant testified that after his argument with Ms. Kelly, he left the bar; sat outside the Pontchartrain Hotel on a tree planter; gave Ms. Kelly her phone; and fell asleep before his encounter with Mr. Jackson. However, the only evidence of this lapse in time between the argument with Ms. Kelly and Mr. Jackson’s attack is Defendant’s self-serving, uncorroborated testimony. Ms. Kelly testified that after the argument/slap incident, Defendant left the bar and went outside, and it is undisputed that once Defendant was outside, he encountered Mr. Jackson. The story of Mr. Jackson’s attack cannot be told without explaining Defendant’s reason for being outside at that moment in time. The argument/slap was an integral part of Mr. Jackson’s attack – but for the argument between Defendant and Ms. Kelly, Defendant would not have left the bar when he did and arguably would not have encountered Mr. Jackson.

Moreover, the argument/slap provided a motive for Mr. Jackson's attack. Both Defendant and Ms. Kelly testified that prior to the argument at the bar, Defendant had never put his hands on her in a negative manner, and he was upset by the incident. The slap provided a motive for Defendant's aggressive behavior towards Mr. Jackson.

Finally, the probative value of the slap outweighed any prejudice to the Defendant. The argument/slap provided context for Mr. Jackson's attack – Defendant was outside the Pontchartrain Hotel because he had an argument with Ms. Kelly inside the bar, which resulted in him slapping her in the face. Based on the record, we find no abuse of the trial court's discretion in allowing evidence of the slap to be presented to the jury. Therefore, Defendant's assignment of error three is meritless.

Assignment of Error Number Four: The trial court erroneously permitted Detective Haw to testify about blood splatter without being qualified as an expert.

In his assignment of error four, Defendant argues the trial court erred in allowing Detective Charles Haw ("Detective Haw") to provide unqualified expert opinion on blood splatter found at the crime scene. A lay witness "may draw reasonable inferences from his or her personal observations." *State v. Riley*, 2023-0040, p. 14 (La. App. 4 Cir. 8/31/23), 372 So.3d 77, 87 (quoting *State v. D.D.*, 2018-0891, p. 67 (La. App. 4 Cir. 12/27/19), 288 So.3d 808, 855). Further, "[i]t is well-settled that [a] law officer may testify as to matters within his personal knowledge acquired through experience without first being qualified as an expert." *State v. Jackson*, 2015-0809, p. 20 (La. App. 4 Cir. 5/25/16), 193 So.3d 425, 437-38 (citing *State v. Griffin*, 2014-251, p. 21 (La. App. 5 Cir. 3/11/15), 169 So.3d 473, 487). "The [trial] court is vested with much discretion in determining which opinion

testimony shall be received into evidence as lay or expert testimony.” *Riley*, 2023-0040, p. 14, 372 So.3d at 87 (quoting *State v. Handy*, 2016-1071, p. 23 (La. App. 4 Cir. 9/13/17), 226 So.3d 1182, 1198 (citations omitted)). This Court, in *Riley*, further provided:

On appeal, a reviewing court must ask two pertinent questions to determine whether the district court properly allowed lay opinion testimony: (1) was the testimony speculative opinion evidence or simply a recitation of or inferences from fact based upon the witness’s observations; and (2) if erroneously admitted, was the testimony so prejudicial to the defense as to constitute reversible error.”

Id. (quoting *D.D.*, 2018-0891, p. 67, 288 So.3d at 855) (citation omitted).

Detective Haw was a NOPD detective assigned to investigate the attack on Mr. Jackson. Detective Haw offered the following testimony regarding the blood splatter at the crime scene:

DETECTIVE HAW:

...I saw the blood splatter up on the fence, which was kinda odd to me, because if somebody is beating someone in a downward direction, how did the blood get up; right....So it was determined that, throughout the investigation, that the – Mr. Jackson was being struck in the head via by foot, or fist, in an upward directions [sic] splattering, hitting his head against the fence, and the iron gate, and making it splatter up.

Detective Haw further expounded on his observations regarding the blood splatter:

DETECTIVE HAW:

The blood I see here, obviously from what I could tell, through my experience, and just common sense, that the blood is hitting up against the gate, and it has enough force to go into the grooves of the iron gate, not just up against the bar, and dripping down.

STATE:

How high was the blood on the gate based on your experience?

DETECTIVE HAW:

It was as tall as I am. Which, I’m not very tall so. I would say anywhere from 5’5”, 5’8”.

STATE:

Was it blood splatter on the gate?

DETECTIVE HAW:

It was blood splatter on the gate. There was [sic] also pools of blood dripping down, and also splatter, which I've seen on [h]omicides when somebody has been shot. That's just through my experience.

STATE:

So, on homicides, when people have been shot, you've seen blood splatter, but never when beaten to death.

DETECTIVE HAW:

[In] my experience of twenty years, I have never seen blood splatter of that magnitude, just from somebody being hit [by someone's] bare hands.

In this case, Detective Haw's testimony regarding the blood splatter was a reasonable inference drawn from his personal observation of Mr. Jackson's blood on the fence outside the Pontchartrain Hotel. Detective Haw's testimony – that in his twenty-year career, such a large amount of blood splatter was generally associated with a gunshot wound, rather than a beating – was within his personal knowledge acquired through his experience. Therefore, we find the trial did not abuse its discretion in allowing Detective Haw to offer the above-referenced testimony.

Even assuming that Detective Haw's testimony was admitted in error, his testimony was not so prejudicial as to warrant reversal of Defendant's conviction. As stated above, others – Ms. Williamson and Mr. and Mrs. Rainge – witnessed Defendant inflict multiple punches and kicks upon Mr. Jackson. Additionally, Detective Haw and Mr. Jackson's daughter, Kenyada Schnyder (Ms. Schnyder), both of whom visited Mr. Jackson in the hospital, testified that his face was

unrecognizable. This testimony definitely established that the beating was horrendous. Detective Haw's testimony – that the beating consisted of upward punches, resulting in a magnitude of blood splatter generally associated with a gunshot, rather than a beating – was insignificant considering the eye-witness testimony of the incident and testimony about Mr. Jackson's face after the incident. Accordingly, Defendant's fourth assignment of error is meritless.

Assignment of Error Number Five: The trial court erred when it imposed an unconstitutionally excessive sentence of thirty years on a first offender.

In his final assignment of error, Defendant maintains that the imposition of a thirty-year sentence for manslaughter is excessive. Defendant argues that the evidence does not support the imposition of the sentence. As such, he argues that the trial court erred in denying his motion to reconsider sentence.

Under the Eighth Amendment of the United States Constitution and Article I, §20 of the Louisiana Constitution, the imposition of excessive and cruel punishments are prohibited. *State v. Wilson*, 2014-1267, p. 23 (La. App. 4 Cir. 4/29/15), 165 So.3d 1150, 1165. “The excessiveness of a sentence is a question of law, and a reviewing court will not set aside a sentence [for excessiveness] absent a manifest abuse of discretion by the trial [judge].” *State v. Alridge*, 2017-0231, p. 39 (La. App. 4 Cir. 5/23/18), 249 So.3d 260, 288, *writ denied*, 2018-1046 (La. 1/8/19), 259 So. 3d 1021. “The trial judge is afforded wide discretion in determining sentences, and the court of appeal will not set aside a sentence for excessiveness if the record supports the sentence imposed.” *State v. Bradley*, 2018-0734, p. 8 (La. App. 4 Cir. 5/15/19), 272 So.3d 94, 99-100 (quoting *State v. Williams*, 2015-0866, pp. 12-13 (La. App. 4 Cir. 1/20/16), 186 So.3d 242, 250); *see also* La. C.Cr.P. art. 881.4(D). Although a sentence is within the applicable statutory range, a sentence may be

deemed unconstitutionally excessive if the reviewing court determines that the sentence does not serve to complete the acceptable goals of punishment, constitutes purposeful imposition of pain and suffering, and is disproportionate to the severity of the offense committed. *See State v. Kennon*, 2019-0998, 2020 WL 5405710, at * 5 (La. 9/1/20), — So.3d —, — (citing *State v. Dorthey*, 623 So.2d 1276 (La.1993); *State v. Johnson*, 709 So.2d 672 (La. 1998)). Therefore, “[t]he relevant question is whether the trial court abused its broad sentencing discretion, not whether another sentence might have been more appropriate.” *State v. Mathieu*, 2018-964, p. 4 (La. App. 3 Cir. 11/6/19), 283 So.3d 1041, 1045 (citing *State v. Cook*, 95-2784 (La. 5/31/96), 674 So.2d 957). We will review this matter to determine whether the sentences imposed are grossly disproportionate to the severity of the crime committed and whether the trial court abused its vast discretion in imposing Defendant's sentences.

When reviewing a claim that a sentence is excessive, our Court must determine whether the trial court adequately complied with the statutory guidelines in La. C.Cr.P. art. 894.1 and whether the facts of the case warrant the sentence imposed. *State v. Rouser*, 2014-0613, p. 18 (La. App. 4 Cir. 1/7/15), 158 So.3d 860, 872 (citation omitted). “If adequate compliance with La. C.Cr.P. art. 894.1 is found, the reviewing court must determine whether the sentence imposed is too severe in light of the particular defendant and the circumstances of the case....” *Id.*, 2014-0613, p. 18, 158 So.3d at 872-73.

An examination of the record reflects that the trial court complied with La. C.Cr.P. art. 894.1 regarding Defendant’s sentencing for manslaughter. Both the State and Defendant were afforded the opportunity to be heard regarding his sentence, and Defendant and his parents testified at the sentencing hearing. Additionally, the trial

court took into consideration mitigating and aggravating circumstances to sentencing. Specifically, the trial court explained:

So, the Court would like to start off with the sentencing guidelines which are under Code of Criminal Procedure, Article 894.1. And I particularly want to start there because in the defense's sentencing memorandum, they have provided to the Court, several mitigating factors including trying to go back to what was or was not proven to the trier of fact during the trial. But I'm going to take it further because I was present during the trial, and go on to those mitigating [factors] that are listed under Article 894.1.

So, in particular, the defense says that one mitigating factor that this court should consider is that the defendant has no history of prior delinquency, or criminal activity, or has led a law abiding life for a substantial period of time before the commission of the crime, which is specifically under [Article 894.1(28)]; and the Court has taken that into consideration. And it has taken into consideration that for the past four-years, or four and a half years while this case has been pending before me, this court has found that there has not been any further criminal activity by the defendant.

In addition, the defense has included a mitigating factor which is listed [in] Section 29 under Article 894.1, which is defendant's criminal conduct was the result of circumstances unlikely to reoccur. And they specifically indicate that this is evident from both the way Mr. Ward has acted during the pendency of the case while out on bond, as well as from the substantial strides he has made in his sobriety and mental health from the date of [the] incident until today. And so, the Court has taken that into consideration.

In addition, they state or they cite Section[s] 30 and 32 [of Article 894.1], which read respectively, "The defendant is particularly likely to respond affirmatively to probationary treatment," and then 32, "The defendant has voluntarily participated in a pre-trial drug testing program," as you've already heard me discuss that. And it goes on to talk about Mr. Ward's family and work life, and about him being remorseful for his events.

And so now the Court wants to go over some aggravating factors that the Court finds should be stated for the record, as well. One, the Court believes that the sentence that will be imposed, that any lesser sentence would basically deprecate the seriousness of the defendant's crime. The Court believes that the offender's conduct during the commission of the offense manifested deliberate cruelty to the victim. Seeing the age, and the fragileness of Mr. Jackson, I truly believe that that is an aggravating factor.

In addition, the Court believes that the offender knew or should have known that the victim of this offense was particularly vulnerable, or incapable of resistance due to his advanced age, size, and absolutely a big difference in weight, and other factors comparing Mr. Ward to Mr. Jackson. He was absolutely vulnerable to Mr. Ward.

In addition, the Court wants to point out that the offender used actual violence in the commission of the offense. Although it may not have been a weapon, his weapon were [sic] fists.

Subsequent to the offense, and I'm going little by little down the sentencing guidelines, the offender used, as I said before, violence and force on this victim, Mr. Jackson. The offense resulted in a significant, permanent injury to the victim, or his family. In this case it was both. It resulted in his death.

And so, those are a few of the aggravating factors that the Court has considered in this matter along with the defense's mitigating factors....

In this case, the record supports the thirty-year sentence imposed on the Defendant. Defendant brutally attacked Mr. Jackson, ultimately resulting in his demise. Although Defendant claimed he acted in self-defense, none of the evidence supported his claim or the fact that this beating was somehow justifiable. None of the witnesses to the attack saw Mr. Jackson with a knife, and no one found a knife in the area where the attack occurred. Moreover, the injuries to Mr. Jackson's head were so severe that when Detective Haw and Ms. Schnyder visited Mr. Jackson in the hospital, they testified that his face was unrecognizable.

A presentencing investigation report was requested in this matter, which recommended a sentence of ten to twenty years. However, the trial court observed that this report is not binding on the court. Additionally, the trial court voiced its disappointment in Defendant's testimony at sentencing and expressed:

[T]he most important part of everything you said was that you believed, or rather what the Court gathered is that you believe that you were defending yourself. As I said earlier, the reason why I denied the defense's Motion for Post-Verdict Judgment of Acquittal is that the evidence adduced at trial did show the trier of fact that you were guilty of manslaughter of Arnold Jackson.

I did not say that you were not. I did not say that it showed the jurors that you were defending yourself because that is not what the verdict reflects. And so, I sit here concerned about the fact that Mr. Ward, members of the family, friends of the family still believe to this day that there was justification, but that is not the evidence that was adduced at the trial.

The court further stated:

I so wish I would have heard a different Garrett Ward in the sense not justifying your behavior on that unfortunate night.

Based on the record, we find adequate evidence that the trial court complied with the statutory guidelines in La. C.Cr.P. art. 894.1 and find that the trial court did not abuse its discretion in sentencing Defendant to thirty years imprisonment for the manslaughter conviction. Accordingly, Defendant's assignment of error five is without merit.

CONCLUSION

For the foregoing reasons, we affirm the Defendant's manslaughter conviction and sentence.

AFFIRMED

in light of the particular defendant and the circumstances of this case....” *Id.*, 2014-0613, p. 18, 158 So.3d at 872-73.

On January 5, 2018, Mr. Ward attended a belated holiday dinner with his girlfriend and her work colleagues. After a dinner which lasted four hours, the party relocated to a bar on St. Charles Avenue. At approximately 1:00 a.m., Mr. Ward argued with his girlfriend, left the bar, and passed out at the base of a tree. He woke up to find the victim, Arnold Jackson, “going through [his] pockets” and felt something sharp poke his hand. Mr. Ward responded by striking Mr. Jackson.

The investigating officer, Sgt. Williams testified he was assigned the case on January 22, 2018, but was unable to secure any surveillance video of the incident. He decided to charge Mr. Ward with murder because he determined that Mr. Jackson was “walking down the street minding his business” when Mr. Ward removed his jacket and beat Mr. Jackson “[f]or no reason.” Sgt. Williams further stated that “if it was a robbery, the people that was with the defendant would have come up and told us that[.]” Sgt. Williams testified that when Mr. Jackson was admitted to UMC he had two razor blades and a pocketknife on his person. He also testified that Mr. Jackson had a lengthy rap sheet, including 27 arrests and six felony convictions for crimes such as simple burglary, theft, aggravated battery, purse snatching and attempted simple burglary.

At the time of this incident, Mr. Ward was 25 years old without any history of criminal record.

The trial court ordered a presentence investigation report through the Office of Probation and Parole, which “recommended that Mr. Ward receive a sentence in the range of 10 to 20 years in the Department of Corrections.” The report noted that Mr. Ward was previously diagnosed with Attention Deficit Disorder and depression and participated in bi-monthly therapy sessions with Dr. Alan Taylor in Baton Rouge.

Considering that the defendant had no previous criminal record and was awakened by someone going through his pockets while he was passed out in an intoxicated state, a thirty-year sentence appears constitutionally excessive.

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-K-00640

VS.

GARRETT J. WARD

IN RE: Garrett J. Ward - Applicant Defendant; Applying For Writ Of Certiorari,
Parish of Orleans Criminal, Criminal District Court Number(s) 541-639, Court of
Appeal, Fourth Circuit, Number(s) 2023-KA-0524;

October 14, 2025

Writ application denied.

PDG

JLW

JDH

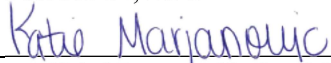
WJC

JBM

JMG

CRC

Supreme Court of Louisiana
October 14, 2025



Chief Deputy Clerk of Court
For the Court

State v. Ward

Supreme Court of Louisiana

October 14, 2025, Decided

No. 2025-K-00633

Reporter

2025 La. LEXIS 1372 *; 420 So. 3d 675; 2025 LX 471135; 2025-00633 (La. 10/14/25)

STATE OF LOUISIANA VS. GARRETT J. WARD

Notice: THIS DECISION IS NOT FINAL UNTIL EXPIRATION OF THE FOURTEEN DAY REHEARING PERIOD.

Subsequent History: Rehearing denied by State v. Ward, 2026 La. LEXIS 18 (Jan. 21, 2026)

Prior History: [*1] IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of Orleans Criminal, Criminal District Court Number(s) 541-639, Court of Appeal, Fourth Circuit, Number(s) 2023-KA-0524.

State v. Ward, 421 So. 3d 102, 2025 La. App. LEXIS 718 (Apr. 17, 2025)

Disposition: Writ application granted.

Judges: Piper D. Griffin, John L. Weimer, Jefferson D. Hughes, III, William J. Crain, Jay B. McCallum, John Michael Guidry, Cade R. Cole.

Opinion

PER CURIAM:

Writ granted. For the reasons discussed below, we conclude that the court of appeal erred by reversing the trial court's judgment, vacating the defendant's conviction and sentence, and remanding for a new trial.

The trial court correctly denied the defendant's motion for a mistrial pursuant to La.C.Cr.P. art. 770(1). The defense sought a mistrial on the basis of purportedly racially-charged comments by an eyewitness during her testimony; however, the witness's challenged statements merely recounted defendant's own words and actions during the charged offense. As such, the references to race were not attributable to the prosecutor, and were in fact material and relevant to establishing the defendant's specific intent to commit the charged offense of second degree murder in violation of La. R.S. 14:30.1 and establishing that the defendant did not act in self [*2] defense. Thus, no mistrial was warranted pursuant to La.C.Cr.P. art. 770.

The ruling of the court of appeal, which vacated the conviction and sentence and pretermitted all remaining assignments of error, is reversed. The conviction and sentence are reinstated, and the matter is remanded to the court of appeal for consideration of the pretermitted claims.

REVERSED AND REMANDED.

End of Document

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-K-00633

VS.

GARRETT J. WARD

IN RE: Garrett Ward - Applicant Defendant; Applying for Rehearing, Parish of Orleans Criminal, Criminal District Court Number(s) 541-639, Court of Appeal, Fourth Circuit, Number(s) 2023-KA-0524;

January 21, 2026

Application for rehearing denied.

JLW

JBM

PDG

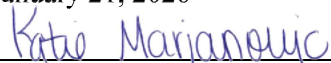
JMG

CRC

AHP

Hughes, J., would grant and docket.

Supreme Court of Louisiana
January 21, 2026



Chief Deputy Clerk of Court
For the Court

STATE OF LOUISIANA	*	NO. 2023-KA-0524
VERSUS	*	
GARRETT J. WARD	*	COURT OF APPEAL
	*	FOURTH CIRCUIT
	*	STATE OF LOUISIANA
* * * * *		

APPEAL FROM
 CRIMINAL DISTRICT COURT ORLEANS PARISH
 NO. 541-639, SECTION "F"
 Honorable Robin D. Pittman, Judge
 * * * * *
Judge Nakisha Ervin-Knott
 * * * * *

(Court composed of Judge Daniel L. Dysart, Judge Nakisha Ervin-Knott, Judge Monique G. Morial)

Jason Rogers Williams
 District Attorney
 Brad Scott
 Chief of Appeals
 Zachary M. Phillips
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COUNSEL FOR DEFENDANT/APPELLANT

REVERSED, VACATED, AND REMANDED
APRIL 17, 2025

NEK
DLD
MGM

The defendant, Garrett Ward (“Defendant”), seeks review of his conviction and sentence for manslaughter. For the reasons that follow, we reverse the judgment of the trial court, vacate Defendant’s manslaughter conviction and sentence, and remand this matter to the trial court for a new trial.

STATEMENT OF THE FACTS

On the evening of January 5, 2018, Defendant attended a dinner party with his girlfriend, Katy Kelly (“Ms. Kelly”), and her work colleagues at Chophouse in New Orleans, Louisiana. After dinner, Defendant, Ms. Kelly, Ms. Kelly’s co-workers – Jonathan Guy (“Mr. Guy”) and Jamie Yorsch (“Ms. Yorsch”) – and Ms. Yorsch’s husband relocated to the Hot Tin bar atop the Pontchartrain Hotel on St. Charles Avenue in New Orleans, Louisiana.

In the early morning hours, around 1:00 A.M. the next day, a verbal altercation between Defendant and Ms. Kelly ensued at the bar wherein Defendant slapped Ms. Kelly in the face. Defendant left the bar and had an encounter with Arnold Jackson (“Mr. Jackson”) outside of the Pontchartrain Hotel, which resulted in Defendant attacking Mr. Jackson. According to several eyewitnesses to the attack, Defendant

used his hands and feet to repeatedly strike Mr. Jackson in the head. After the attack, Defendant fled to a nearby parking garage.

Kerrie Williamson (“Ms. Williamson”), an eye-witness to the attack, called 911, and upon arriving on the scene, New Orleans Police Department (“NOPD”) officers found Mr. Jackson lying on the ground, conscious, with severe blunt force trauma to the head and face. The NOPD officers located Defendant at the nearby parking garage, where he appeared intoxicated, and arrested him for simple battery.

When the paramedics arrived on the scene, they transported Mr. Jackson to University Medical Center (“UMC”). At UMC, Mr. Jackson’s condition declined, and he required emergency brain surgery. Ultimately, Mr. Jackson succumbed to his injuries on January 18, 2018.

PROCEDURAL HISTORY

On June 7, 2018, Defendant was charged by grand jury indictment with second degree murder, a violation of La. R.S. 14:30.1. On June 11, 2018, Defendant pled not guilty to the charge.

A six-day jury trial commenced with jury selection on May 2, 2022, and concluded on May 10, 2022, with the jury returning a responsive verdict of guilty of manslaughter. Prior to sentencing, on June 27, 2022, Defendant filed a motion for post-verdict judgment of acquittal, which was denied. On the same day, the trial court sentenced Defendant to thirty years imprisonment at hard labor with credit for time served. After sentencing, on July 22, 2022, Defendant filed a motion to reconsider sentence that was denied by the trial court following a hearing on December 15, 2022. This appeal followed.

ERRORS PATENT

In accordance with La. C.Cr.P. art. 920(2), all appeals are reviewed for errors patent on the face of the record. A review of the record reveals one error patent.

The record evidences that the trial court sentenced Defendant less than twenty-four hours after denying his motion for post-verdict judgment of acquittal. Thus, the trial court erred in failing to observe the twenty-four hour delay required by La. C.Cr.P. art. 873. Louisiana Code of Criminal Procedure Article 873 states that if “a motion for new trial, or in arrest of judgment, is filed, sentence shall not be imposed until at least twenty-four hours after the motion is overruled,” unless the defendant “expressly waives” the delay or pleads guilty. Nevertheless, if a defendant waives the twenty-four hour sentencing delay, then the trial court’s failure to wait at least twenty-four hours after a motion for new trial constitutes harmless error. *State v. Robinson*, 2021-0254, p. 21 (La. App. 4 Cir. 2/18/22), 336 So.3d 567, 580.

Defendant was convicted by jury on May 10, 2022. Defendant filed a motion for post-verdict judgment of acquittal, which the trial court denied at a hearing on June 27, 2022. Following the denial of the motion for post-verdict judgment of acquittal, the trial court asked defense counsel whether Defendant was invoking his right to a sentencing delay, to which defense counsel responded that Defendant was waiving the delay. The trial court proceeded to sentence Defendant. When the trial court sentenced Defendant on the same day as the denial of the motion for post-verdict judgment of acquittal, the trial court failed to comply with the twenty-four hour sentencing delay found in La. C.Cr.P. art. 873. However, Defendant waived the twenty-four hour sentencing delay when he expressly waived the delay in open court following the denial of his motion for post-verdict judgment of acquittal.

Accordingly, although the trial court erred in failing to observe the twenty-four hour delay required by La. C.Cr.P. art. 873, we conclude the error was harmless.

DISCUSSION

On appeal, Defendant assigns five errors for this Court's review: (1) there is insufficient evidence to support Garrett Ward's manslaughter conviction; (2) the trial court erred by refusing to grant a mistrial and the repeated injection of racially charged testimony deprived Garrett Ward of his right to due process; (3) the trial court erroneously permitted the introduction of other crimes evidence; (4) the trial court erroneously permitted Detective Haw to testify about blood splatter without being qualified as an expert; and (5) the trial court erred when it imposed an unconstitutionally excessive sentence of thirty years on a first offender.

Assignment of Error Number One: There is insufficient evidence to support Garrett Ward's manslaughter conviction.

In his assignment of error one, Defendant contends there is insufficient evidence to support his manslaughter conviction. We first determine whether sufficient evidence exists to support the conviction of manslaughter. *State v. Hearold*, 603 So.2d 731, 734 (La. 1992) ("When issues are raised on appeal both as to the sufficiency of the evidence and as to one or more trial errors, the reviewing court should first determine the sufficiency of the evidence. The reason for reviewing sufficiency first is that the accused may be entitled to an acquittal....").

Pursuant to *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979), this Court must determine that the evidence, viewed in the light most favorable to the prosecution, "was sufficient to convince a rational trier of fact that all the elements of the crime had been proved beyond a reasonable doubt." *State v. Neal*, 2000-0674, p. 9 (La. 6/29/01), 796 So.2d 649, 657 (citations omitted). The

statutory test of La. R.S. 15:438¹ “works with the *Jackson* constitutional sufficiency test to evaluate whether all the evidence, direct and circumstantial, is sufficient to prove guilt beyond a reasonable doubt to a rational jury.” *Id.*

This Court has previously set forth the applicable standard of review for sufficiency of the evidence:

In evaluating whether evidence is constitutionally sufficient to support a conviction, an appellate court must determine whether, viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the defendant guilty beyond a reasonable doubt. *Jackson v. Virginia*, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979); *State v. Green*, 588 So.2d 757 (La.App. 4 Cir.1991). However, the reviewing court may not disregard this duty simply because the record contains evidence that tends to support each fact necessary to constitute the crime. *State v. Mussall*, 523 So.2d 1305 (La. 1988). The reviewing court must consider the record as a whole since that is what a rational trier of fact would do. If rational triers of fact could disagree as to the interpretation of the evidence, the rational trier's view of all the evidence most favorable to the prosecution must be adopted. The fact finder's discretion will be impinged upon only to the extent necessary to guarantee the fundamental protection of due process of law. *Mussall; Green; supra*. “[A] reviewing court is not called upon to decide whether it believes the witnesses or whether the conviction is contrary to the weight of the evidence.” *State v. Smith*, 600 So.2d 1319 [at 1324] (La. 1992) at 1324.

State v. Huckabay, 2000-1082, p. 32 (La.App. 4 Cir. 2/6/02), 809 So.2d 1093, 1111.

The State charged Defendant with the second degree murder of Mr. Jackson, a violation of La. R.S. 14:30.1, and the jury found him guilty of manslaughter, a violation of La. R.S. 14:31, and a statutory responsive verdict to second degree murder pursuant to La. C.Cr.P. art. 814(A)(3). Louisiana Revised Statute 14:31(A)(1) defines manslaughter as:

A homicide which would be murder under either Article 30 (first degree murder) or Article 30.1 (second degree murder), but the offense is committed in sudden passion or heat of blood immediately caused by

¹ Louisiana Revised Statutes 15:438 provides, “The rule as to circumstantial evidence is: assuming every fact to be proved that the evidence tends to prove, in order to convict, it must exclude every reasonable hypothesis of innocence.”

provocation sufficient to deprive an average person of his self-control and cool reflection. Provocation shall not reduce a homicide to manslaughter if the jury finds that the offender's blood had actually cooled, or that an average person's blood would have cooled, at the time the offense was committed.²

“[A]n appellate court will not reverse a jury's return of a responsive verdict, whether or not supported by the evidence, as long as the evidence is sufficient to support a conviction for the charged offense.” *State v. Harris*, 2002-1589, p. 4 (La. 5/20/03), 846 So.2d 709, 712-13. Defendant argues that there is insufficient evidence for his conviction of manslaughter because the State failed to prove that the attack was not the result of self-defense. Defendant argues that he acted in self-defense when he attacked Mr. Jackson, thus, his actions were legally justified.

A homicide is justifiable “[w]hen committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from that danger.” La. R.S. 14:20(A)(1). “In a homicide case in which the defendant asserts he acted in self-defense, the State has the burden of establishing beyond a reasonable doubt that the defendant did not act in self-defense.” *State v. Kirk*, 2011-1218, pp. 6-7 (La. App. 4 Cir. 8/8/12), 98 So.3d 934, 939-40 (citing *State v. Taylor*, 2003-1834, p. 7 (La. 5/25/04), 875 So.2d 58, 63).

Turning to the facts of this case, Defendant asserts the State failed to prove that he did not act in self-defense because there was clear evidence that Mr. Jackson attempted to rob him with a knife. Defendant also asserts the amount of force he used was reasonable because he was unarmed and suffered stab wounds.

² Under La. R.S. 14:31, there are several definitions of manslaughter. However, La. R.S. 14:31(A)(1) was the only definition the trial court read to the jury.

Defendant testified at trial concerning the events that preceded the attack. Defendant testified that he, along with Ms. Kelly and her co-workers, caught an Uber to Hot Tin bar after dinner with her work colleagues. While in the Uber, Ms. Kelly sat in the front seat – on Mr. Guy’s lap – and Defendant stated he thought Mr. Guy’s actions were inappropriate. Once at the bar, Defendant noticed Mr. Guy’s continued inappropriate behavior towards Ms. Kelly – putting his hand on her lower back while looking at the rooftop view and privately talking to her in the corner – and confronted her about it. This verbal altercation resulted in Defendant slapping Ms. Kelly in the face. Defendant stated that he was not proud of what he did.

Following the incident between Defendant and Ms. Kelly, Defendant testified that he proceeded downstairs to call a ride home and had Ms. Kelly’s phone in his possession because his phone was dead. He was sitting on a tree planter outside the Pontchartrain Hotel when Ms. Kelly’s mother called, and he gave Ms. Kelly her phone. Defendant further testified that he fell asleep outside and woke up to a man – Mr. Jackson – attempting to rob him.

The only testimony supporting Defendant’s claim that he was being robbed and stabbed when he began attacking Mr. Jackson was Defendant’s self-serving testimony. Specifically, Defendant testified that the victim was “going through my pockets” and “I noticed my hand had a sharp – something sharp over me....” There were three eye-witnesses at the scene of the attack who testified at trial – (1) Kerrie Williamson (“Ms. Williamson”); (2) Detrick Rainge (“Mr. Rainge”); and (3) Deondria Rainge (“Mrs. Rainge”). The fact that none of these eye-witnesses to the attack corroborated Defendant’s testimony regarding Mr. Jackson allegedly trying to rob him is quite telling.

At trial, Ms. Williamson testified that she was right in front of “Red Zone” – a convenience store located next to the Pontchartrain Hotel – at the time of the attack and saw Defendant walk out of the Pontchartrain Hotel; she also saw Mr. Jackson in the area. Ms. Williamson testified that at no point did she see Mr. Jackson with a knife nor did she see Mr. Jackson attempt to rob Defendant. Rather, Ms. Williamson attested to the fact that she saw Mr. Jackson walk towards Defendant – maybe to ask him for some money – and when Mr. Jackson put his hand out, Defendant punched him in the face. Ms. Williamson witnessed Mr. Jackson falling to the ground, due the Defendant’s punches, where Defendant began kicking him. Although she could not recall how many times Defendant hit Mr. Jackson, she recalled Mr. Jackson not retaliating with any violence.

Mr. Rainge, a valet at the Pontchartrain Hotel at the time of the attack, also testified at trial. He testified that his then-girlfriend now wife, Mrs. Rainge, visited him at work on the morning of the attack. According to Mr. Rainge, they were sitting in her vehicle, which was parked in front the hotel, when she noticed the attack. Mr. Rainge exited the vehicle and noticed Defendant punching Mr. Jackson. As he approached the two men, he also noticed Defendant kicking Mr. Jackson. Eventually, Mr. Rainge pulled Defendant off of Mr. Jackson. Mr. Rainge testified that he did not notice Mr. Jackson with a knife or any type of sharp object, nor did he see a knife or sharp object on the ground where the attack took place.

Additionally, Mrs. Rainge testified at trial about what she observed on the morning of the attack. She testified that she witnessed Defendant punching Mr. Jackson in the face, which prompted her to alert her then-boyfriend, Mr. Rainge, of the attack. After Mr. Rainge exited her vehicle, but before he reached the two men, Mrs. Rainge observed Defendant kicking Mr. Jackson in the face. Once Mr. Rainge

separated the two men, Defendant walked down the street and turned into a parking garage. On the morning of the attack, Mrs. Rainge gave a recorded statement on one of the police officer's body-worn cameras, in which she stated that Mr. Jackson was "minding his own business" when the Defendant, who she described as an "angry drunk," "got up and just started beating him up."

Further undermining Defendant's self-defense claim was his own trial testimony that he did not tell anyone at the scene that he was fearful due to Mr. Jackson's alleged robbery. Defendant admitted that he did not tell his grandmother, whom he called while detained in lockup, that he was robbed even though she asked him if he was hurt and Defendant responded in the negative. Additionally, Ms. Kelly was not aware that Defendant had allegedly been robbed. Defendant also testified that on the morning of the attack he declined offers of medical assistance at the scene. Defendant further admitted that at no time following this incident did he seek any medical attention in connection with his alleged knife wound. At the time of trial, there were no scars present on Defendant's palms. Moreover, an enlarged photograph of Defendant with his hands up – taken at the time he was apprehended by police shortly after the attack occurred – showed the blood on his palms was dry, and there was no blood dripping from Defendant's palms as one would expect shortly following a stabbing.

Even assuming Mr. Jackson was the aggressor, Defendant's claim that the amount of force he used was reasonable is not supported by the evidence. All three eye-witnesses recounted Defendant repeatedly punching and kicking Mr. Jackson, to the point that he landed on the ground, while Mr. Jackson never retaliated with physical force. At trial, when asked whether he saw a knife in Mr. Jackson's hands, Defendant initially responded that he did not see a knife in his hands. When he was

asked the same question again, Defendant conceded “I don’t know.” The amount of force Defendant used on Mr. Jackson was especially unreasonable considering the fact that no one saw Mr. Jackson physically threaten Defendant nor did anyone, including the Defendant, see him with a knife in his hands.

Admittedly, Mr. Jackson had pre-existing medical conditions – hepatitis, diabetes, and cirrhosis – that negatively impacted his ability to recover from his injuries sustained as a result of the attack. Dr. Gabriel Tender (“Dr. Tender”), a neurosurgeon and Mr. Jackson’s treating physician at UMC, testified at trial and was qualified as an expert in the treatment of Mr. Jackson in his neurosurgeon capacity. He attested to these medical conditions, along with the fact that Mr. Jackson had cocaine and opiates in his system when he was admitted to the hospital. Dr. Tender testified that Mr. Jackson had a subdural hematoma, which required surgery, and while the hematoma was able to be removed, he suffered a stroke. Dr. Tender opined that if Mr. Jackson had not experienced the trauma to his brain and the swelling hematoma, he would not have required surgery; and, if he had not received these injuries, Mr. Jackson would not have required intubation and suffered a stroke, which lead to his death.

Dr. Kelly Scrantz (“Dr. Scrantz”), a neurosurgeon employed at the Neuro-Medical Center in Baton Rouge, Louisiana, also testified at trial and was qualified as an expert in neurosurgery. Dr. Scrantz acknowledged that Mr. Jackson’s pre-existing medical conditions would increase his chances of having “a more negative outcome.” However, Dr. Scantz opined that the blows to Mr. Jackson’s head “set off the process,” which led to his death.

After a review of the evidence before this Court, we find that the jury made reasonable credibility determinations in favor of the State and rationally rejected

Defendant's assertion of self-defense. The record reveals sufficient evidence to conclude that any rational trier of fact could have found that the State proved beyond a reasonable doubt all the elements of manslaughter. Accordingly, we conclude that this assignment of error, regarding the manslaughter conviction, is without merit.

Assignment of Error Number Two: The trial court erred by refusing to grant a mistrial and the repeated injection of racially charged testimony deprived Garrett Ward of his right to due process.

Having determined that the evidence is sufficient to support Defendant's manslaughter conviction, we now turn to Defendant's remaining assignments of error. In his assignment of error two, Defendant maintains the trial court erred by refusing to grant a mistrial as the repeated injection of racially charged testimony deprived him of his right to due process. Defendant's argument is based on Ms. Williamson's trial testimony, in which the State questioned her about Defendant's comments towards Mr. Jackson during the attack.

During direct examination, the following exchange occurred:

MR. WILLIAMS:

Let me ask you this. You told us what Mr. Jackson was saying. What was Mr. Ward [Defendant] saying?

MS. WILLIAMSON:

"Nigger".

MR. WILLIAMS:

Just --

MS. WILLIAMSON:

And he told me something.

MR. WILLIAMS:

Just the word?

MS. WILLIAMSON:

“You fucking nigger; get a job; you fucking bum.” And then not just that. For some reason, him being drunk, I guess he thought for some reason, I was being friendly to him; because then he started putting me and him in the same boat.

MR. WILLIAMS:

What do you mean?

MS. WILLIAMSON:

Like saying, “You know how they are; they’re not like us.”

Later on in her direct examination, the exchange continued:

MR. WILLIAMS:

And what were the words that he [Defendant] used during the attack of Mr. Jackson?

MS. WILLIAMSON:

That’s what was so strange. He shouldn’t have gone toward him. I tried to push him off. I wasn’t strong enough to hurt him, but I tried, and Mr. Jackson wasn’t doing anything, nothing.

MR. WILLIAMS:

And what were his words, though?

MS. WILLIAMSON:

“You fucking nigger; you fucking bum.” And then he hit him, and at first he tried to stopped [sic] himself from falling and he grabbed Mr. Arnold’s arm, and he flung him off.

MR. WILLIAMS:

And that was before he started kicking?

MS. WILLIAMSON:

Yeah. That’s before.

MR. WILLIAMS:

And what did Mr. Ward [Defendant] say to you as he was leaving? You said he tried to...?

MS. WILLIAMSON:

He tried – he said something about, “I know how they are; you know how they are; they’re not like us.”

At the conclusion of Ms. Williamson’s testimony, outside the presence of the jury, defense counsel made an oral motion for mistrial on grounds that the State failed to provide notice of its intent to introduce Ms. Williamson’s racially-charged testimony that she heard Defendant call Mr. Jackson the “n-word.” The State responded by asserting it had no prior knowledge of Ms. Williamson’s testimony and stated, “We made the Defense aware of everything we knew when we knew it.” Relying on the State’s representation, the trial court denied the motion for mistrial.

Louisiana Code of Criminal Procedure Article 775 provides, in pertinent part, “...a mistrial shall be ordered, and in a jury case the jury dismissed, when prejudicial conduct in or outside the courtroom makes it impossible for the defendant to obtain a fair trial, or when authorized by Article 770 or 771.” According to La. C.Cr.P. art. 770, the trial court must grant a mistrial, once requested by a defendant, “when a remark or comment, made within the hearing of the jury by the judge, district attorney, or a court official, during the trial or in argument, refers directly or indirectly to: (1) Race, religion, color or national origin, if the remark or comment is not material and relevant and might create prejudice against the defendant in the mind of the jury; ...An admonition to the jury to disregard the remark or comment shall not be sufficient to prevent a mistrial.” “Clearly, under Louisiana law, a mistrial is mandatory when a prosecutor refers directly or indirectly to race or color and the remark or comment is not material and not relevant and might create prejudice against the defendant in the mind of the jury.” *State v. Thompson*, 2015-0886, p. 48

(La. 9/18/17), 233 So.3d 529, 559 (citing *State v. Wilson*, 404 So.2d 968, 970 (La. 1981)).

In the matter herein, the State contends La. C.Cr.P. art. 770 is not applicable to this case because the racially-charged comment was made by Ms. Williamson, who is not a court official, judge, or district attorney, and the prosecutor had no prior knowledge of her comment. Contrary to the State's argument, a reading of the passage shows that while the prosecutor may not have initially been aware of Ms. Williamson's racially-charged comment when he first inquired about Defendant's statements during the attack, based on Ms. Williamson's answer to his initial question, the prosecutor was aware of her racially-charged testimony – yet solicited this testimony – when he repeated the same question. “Because the [racially-charged testimony] was solicited by the prosecutor, the statement can be imputed to the district attorney, and the trial court should have granted the mistrial under article 770.” *State v. Genter*, 2003-1987, p. 27 (La. App. 4 Cir. 4/7/04), 872 So.2d 552, 567. Consequently, under the specific facts of this case, we find the trial court erroneously denied Defendant's motion for mistrial pursuant to the mandatory mistrial provision of La. C.Cr.P. art. 770(1).

This Court has applied the harmless error analysis in several cases where the trial court erred in denying a motion for mistrial based on La. C.Cr.P. art. 770. In *State v. Juarbe*, this Court applied the harmless error analysis when the trial court erred in denying a motion for mistrial under La. C.Cr.P. art. 770(2). 2001-2250, p. 8 (La. App. 4 Cir. 7/31/02), 824 So.2d 1240, 1247. Similarly, in *State v. Genter*, this Court applied the harmless error analysis when the trial court erroneously denied a motion for mistrial pursuant to La. C.Cr.P. art. 770(2). *Genter*, 2003-1987, pp. 26-27, 872 So.2d at 566-67.

Several years later, in *State v. Marlowe*, this Court applied the harmless error analysis to the trial court's denial of a motion for mistrial under La. C.Cr.P. art. 770(1). 2010-1116, pp. 36-37 (La. App. 4 Cir. 12/22/11), 81 So.3d 944, 966 (citations omitted) ("A trial court's erroneous denial of a motion for mistrial based on one of the provisions of La. C.Cr.P. art. 770 is subject to the harmless error analysis."). In *Marlowe*, the defendant – a black male – was charged with attempted second-degree murder of a white male. *Id.* at p. 1, 81 So.3d at 948. The defendant was working security at a New Orleans hotel, and the victim and his companion were guests at the hotel. *Id.* at p. 4, 81 So.3d at 949-50. An argument between the defendant and victim ensued, escalated – with the defendant pulling out his ASP baton and the parties struggling for control of the baton, and ultimately ended with defendant shooting the victim in his face. *Id.* at pp. 8-10, 81 So.3d at 952-53. During closing arguments, the prosecution made a comment that referenced getting "the fire hoses out." *Id.* at p. 33, 81 So.3d at 964. The defendant asserted this comment constituted an indirect racial reference and moved for a mistrial, which the trial court denied. *Id.* at p. 33, 81 So.3d at 965. On appeal, defendant asserted the trial erred in denying his motion for mistrial. *Id.* at p. 31, 81 So.3d at 964. This Court, in describing the prosecutor's comment, recognized:

The prosecutor stated that he remembered a day when the police told one to do something and if one did not they pulled "this thing" out, apparently referring/gesturing to the ASP baton in evidence, followed by the comment, "[w]hat we going [sic] to get next, the fire hoses out." *Supra*. This reference could not have been anything other than a reference to the use of fire hoses by authorities to control and/or disperse primarily black Americans peacefully protesting the continued systemic deprivation of their civil rights in the segregated South. That image of protestors being pummeled and knocked down by water coming from high-pressure fire hoses is integral to any complete historical film footage record of the civil rights movement.

Id. at p. 40, 81 So.3d at 968. This Court admitted the fire hose comment “raised the specter of race”, however, went on to find:

[E]ven assuming the comment was of such a nature that it might have created prejudice against defendant in the mind of the jury, and thus that the trial court should have granted the motion for mistrial under La.Cr.P. art. 770, any such error would have been harmless because, based on the record, the verdict was surely unattributable to any such error. See *State v. Higginbotham*, 2011-0564, p. 3 (La. 5/16/11), 60 So.3d 621, 623 (harmless error exists where the guilty verdict actually rendered was surely unattributable to the error.).

Id. at pp. 41-42, 81 So.3d at 969.

Despite our court’s application of the harmless error analysis, more recent jurisprudence from our superior court instructs us that the harmless error analysis should not be applied in this present matter. In *State v. Thompson*, the Louisiana Supreme Court found the appellate court erred in applying the harmless error analysis to evaluate the effect of the trial court’s erroneous ruling in denying defendant’s motion for mistrial pursuant to La. C.Cr.P. art. 770(1). 2015-0886, p. 55, 233 So.3d at 563. There is “the unbroken line of jurisprudence holding that an improper appeal to racial prejudice in violation of La. C.Cr.P. art. 770(1) is *per se* prejudicial and a mistrial is mandatory.” *Id.* at p. 52, 233 So.3d at 561. “When an improper appeal to racial prejudice infects a proceeding, ...a substantial right of the defendant is violated, prejudice is presumed, and reversal is required.” *Id.* at p. 55, 233 So.3d at 563.

In *Thompson*, the defendant was the mayor of Jonesboro, Louisiana, and during his second term in office was charged with three counts of malfeasance in office. *Id.* at p. 2, 233 So.3d at 532. The case ultimately proceeded to a jury trial. In his opening statement and during examination of one of the state’s witnesses, the prosecutor made statements directly referring to race in connection with the case. *Id.*

at p. 49, 233 So.3d at 559. Specifically, during the examination of one of the state’s witnesses, the prosecutor stated, “Mr. Purpera, there’s been allegation made...[that] the Mayor has been harried by various conservative and or white people....” *Id.* at p. 45, 233 So.3d at 557. The defendant moved for a mistrial, but the trial court denied the motion. *Id.* at p. 47, 233 So.3d at 558. On appeal, the appellate court determined that considering the injection of race into the proceedings, the trial court erred in not granting the mistrial though such error was subject to the harmless error analysis. *Id.* at p. 50, 233 So.3d at 560. The Louisiana Supreme Court agreed with the appellate court that the trial court erred in not granting defendant’s motion for mistrial, yet determined that such error was a structural error, not subject to a harmless error analysis. *Id.* at p. 55, 233 So.3d at 565.

Louisiana Code of Criminal Procedure Article 921 provides, “A judgment or ruling shall not be reversed by an appellate court because of any error, defect, irregularity, or variance which does not affect substantial rights of the accused.” In determining whether the substantial rights of the accused have been violated, the Louisiana Supreme Court has adopted the harmless error test announced in *Chapman v. California*, 386 U.S. 18, 87 S.Ct. 824, 17 L.Ed.2d 705 (1967), and refined by *Sullivan v. Louisiana*, 508 U.S. 275, 113 S.Ct. 2078, 124 L.Ed.2d 182 (1993). *Id.* at p. 52, 233 So.3d at 561. Under the harmless error test, “the inquiry ‘is not whether, in a trial that occurred without the error, a guilty verdict would surely have been rendered, but whether the guilty verdict actually rendered in *this* trial was surely unattributable to the error.’” *Id.* at p. 52-53, 233 So.3d at 561. However, there are exceptions to the harmless error test that are known as structural errors. *Id.* at p. 53, 233 So.3d at 56. ““The purpose of the structural error doctrine is to ensure insistence on certain basic, constitutional guarantees that should define the

framework of any criminal trial.” *Id.* A structural error “‘affect[s] the framework with which the trial proceeds,’ rather than being ‘simply an error in the trial process itself,’” and therefore “‘infects the entire proceeding, thereby ‘def[ying] analysis by harmless error standards.’” *Id.* at p. 53, 233 So.3d at 561-62.

The Louisiana Supreme Court observed:

While the [United States] Supreme Court has not expressly ruled that an appeal to racial prejudice during the presentation of evidence or argument to the jury constitutes structural error, in our view, such an appeal carries the indicia of structural error in that racial bias implicates the defendant's right to trial before an impartial jury. Like racial discrimination in the selection of grand jurors (a structural error pursuant to *Vasquez v. Hillery*, 474 U.S. 254, 263-64, 106 S.Ct. 617, 88 L.Ed.2d 598 (1986)), the injection of racial considerations during the presentation of evidence harms not only the defendant, but “‘undermine[s] public confidence in the fairness of our system of justice.” *Alex v. Rayne Concrete Service*, [20]05-1457, [20]05-2344, [20]05-2520, pp. 23-24 (La. 1/26/07), 951 So.2d 138, 155-56 (citing *Batson v. Kentucky*, 476 U.S. 79, 87, 106 S.Ct. 1712, 90 L.Ed.2d 69 (1986), and *Edmonson v. Leesville Concrete Co., Inc.*, 500 U.S. 614, 629, 111 S.Ct. 2077, 114 L.Ed.2d 660 (1991)). Such considerations are among those that prompted this court, in *Alex*, *supra*, to reject a harmless error analysis in connection with a challenge to the discriminatory exercise of peremptory challenges pursuant to *Batson/Edmonson*. See *Alex*, [20]05-1457 at 22-24, 951 So.2d at 155-56. They are among the considerations that prompt us to conclude that an improper appeal to racial prejudice during the presentation of evidence is not susceptible to harmless error review. The right to a fair trial that is free from improper racial implications is one that serves not only to protect the defendant from a conviction founded on prejudice, but also to protect the public's confidence in the integrity of the judicial process and the administration of justice. Where the jury is improperly exposed to an appeal to racial prejudice, the impartiality of the jury as a factfinder is compromised.

Id. at p. 54-55, 233 So.3d at 562-63.

In the present case, we acknowledge that the State solicited a racially charged comment from Ms. Williamson – her testimony that Defendant used a racial epithet during his attack of Mr. Jackson; therefore, the trial court should have granted Defendant’s motion for mistrial. Although it was a single occurrence, our courts

have recognized that “race is such a sensitive matter that a single appeal to racial prejudice furnishes grounds for a mistrial...” *Id.* at p. 50, 233 So.3d at 560. Accordingly, we find the trial court erred in denying Defendant’s motion for mistrial, and the harmless error test should not be utilized to analyze the effect of the trial court’s erroneous ruling denying Defendant’s motion for mistrial based on La. C.Cr.P. art. 770(1). Defendant’s manslaughter conviction must be vacated, and Defendant must be afforded a new trial. In light of this, we pretermitt discussion of the remaining assignments of error and remand this matter back to the trial court for a new trial.

CONCLUSION

For the foregoing reasons, we reverse the judgment of the trial court, vacate Defendant’s manslaughter conviction and sentence, and remand this matter to the trial court for a new trial.

REVERSED, VACATED, AND REMANDED

CRIMINAL DISTRICT COURT
FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

STATE OF LOUISIANA

SECTION: "F"

VERSUS

CASE NO.: 541-639

GARRETT J. WARD

Transcript of TRIAL TESTIMONY OF
WITNESS, KERRIE WILLIAMSON and MOTION FOR
MISTRIAL AND ARGUMENT in the above -
mentioned matter, before the Honorable
Robin D. Pittman, Judge presiding, on the
3rd day of May, 2022.

APPEARANCES:

FOR THE STATE:

JASON WILLIAMS, ESQ., D.A.
ANDRE GAUDIN, JR., ESQ., A.D.A.
CHRISTIAN HEBERT-PRIOR, ESQ., A.D.A.

FOR THE DEFENSE:

JOHN T. FULLER, ESQ.
ANDREW BEVINETTO, ESQ.
ROBBY GILL, ESQ.

REPORTED BY:

ALICIA N. PRITCHETT
OFFICIAL COURT REPORTER

CRIMINAL DISTRICT COURT, SECTION F

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PROCEEDINGS

THE COURT:

State, call your next witness.

MR. WILLIAMS:

Thank you, Your Honor. The State would call Kerrie Williamson to the stand.

KERRIE WILLIAMSON WAS FIRST DULY SWORN AND TESTIFIED ON HER OATH AS FOLLOWS:

DIRECT EXAMINATION

BY MR. WILLIAMS:

Q. Good afternoon, Ms. Williamson.

A. Good afternoon.

Q. How are you?

A. Good.

Q. I'm going to ask if you don't mind, just so the jury can understand you very clearly -- we've got a little distance here; we've got the glass here; and the glass there -- if you could take the mask off, because sometime we read lips, and just so it's not muffled, so the jury can keep up with you. And I want you to talk into the microphone right there. It picks up only when you're close to it.

A. Okay.

Q. Okay, that's perfect. Introduce yourself to the ladies and gentlemen of the jury.

A. I'm Kerrie Williamson.

Q. Okay. And Ms. Williamson, do you live here in Orleans Parish?

A. Yes, I do.

Q. How long have you lived here?

A. All my life except I lived in LA for a

CRIMINAL DISTRICT COURT, SECTION F

1 short time and moved back here.

2 Q. And I want to take you back to the night
3 time darkness hours of January 5th of 2018 on Friday
4 going into early morning that Saturday at about 1
5 o'clock. Do you remember what part of the city you
6 were in that day?

7 A. On St. Charles. I think it was St. Charles
8 in front of Red Zone.

9 Q. Say it one more time.

10 A. Right in front of Red Zone, like I guess
11 around where Straya's was and before that it was
12 another restaurant.

13 Q. There's a Red Zone there; there's an old
14 Copeland's; Straya; Cheesecake Bistro type?

15 A. Yes.

16 Q. And across the street you've got, maybe the
17 Ifle Tower thing and then --

18 A. Tourist Center.

19 Q. Tourist Center. And when you were there,
20 were you walking; were you driving a car?

21 A. Riding my bike.

22 Q. Riding your bike. Were you on St. Charles,
23 or were you coming down a side street?

24 A. I was on St. Charles coming towards the Red
25 Zone.

26 Q. And where coming downtown heading further
27 uptown on St. Charles?

28 A. Yes, coming from a friend's house about
29 four blocks from where I live, which is two blocks
30 from where I was.

31 Q. And what if anything out of the ordinary
32 did you witness that night, and tell the jury.

CRIMINAL DISTRICT COURT, SECTION F

1 A. I don't know why I did what I did, but I
2 ran my bike into him.

3 Q. All right. Let's talk about who "him" is;
4 and let's try to stay away from pronouns. Let's use
5 some descriptions and use names.

6 A. He came out. He had a jacket --

7 Q. Let me ask you this. Do you recognize the
8 young man sitting at the table today, the defendant?

9 A. Yeah.

10 Q. And how do you recognize Garrett Ward?

11 A. I just do. I don't know how.

12 Q. You remember him from the night when you
13 were riding your bike down St. Charles.

14 A. He was dressed nice.

15 Q. He was dressed nice?

16 A. Yeah.

17 Q. When you were driving down St. Charles
18 coming from downtown heading uptown, and you saw
19 Garrett Ward, what did you see him doing and who did
20 you see him with?

21 A. He was by himself, yeah. He -- my
22 peripheral saw him after the fact. I saw
23 Mr. Jackson first.

24 Q. That's Mr. Arnold Jackson?

25 A. Yes. I had known him, you know, not like
26 we had conversations, but we'd say, "hello; hello".
27 And he'd ask for change and stuff a couple times.

28 Q. And when you said you'd see him and say,
29 "hello" say from time to time, was that at the Red
30 Zone?

31 A. Yeah, there, and sometimes he'd go all
32 around that area.

CRIMINAL DISTRICT COURT, SECTION F

1 Q. In that St. Charles, Central City
2 neighborhood?

3 A. Yes.

4 Q. Okay.

5 A. And my peripheral caught Mr. Ward walking
6 out of the Pontchartrain, like from the bar area.
7 And he had that drunk stamper.

8 Q. You said, "drunk stamper", like a way of
9 walking?

10 A. Uh-huh (affirmative).

11 Q. Okay.

12 A. And something told me, the way he was
13 looking at Mr. Jackson that it wasn't going to be
14 good.

15 Q. Did you -- I want to be real clear on this
16 point, and I want to ask you specifically, at any
17 point in time on your bike when you see Mr. Ward and
18 when you see Mr. Jackson, do you ever see
19 Mr. Jackson holding a knife or brandishing a knife
20 at any point in time?

21 A. Never.

22 Q. At any point in time, did you see
23 Mr. Jackson or anyone matching the description of
24 Mr. Jackson accost, provoke, push, or take anything
25 from that man?

26 A. He was sitting down. He was sitting down.

27 Q. Now describe the actions that you saw this
28 man take, what you saw him do that night.

29 A. I saw him come out of the bar from my
30 peripheral at first. And I don't know what made me
31 think he was going to go -- I knew he was walking
32 toward him, but I didn't know he was going to go to

CRIMINAL DISTRICT COURT, SECTION F

1. him at first. And he picked up speed a little, not
2. like he was rushing to go to him, nothing like that,
3. but was looking at him. I guess he was coming
4. asking for change or something. He hit him. He hit
5. (inaudible, not on mic) -- when he put his hand out
6. to ask for change.

7. Q. When you say, "he hit him" --

8. A. Mr. Ward hit Mr. Jackson.

9. Q. And what did he hit him with?

10. A. I think he had a phone or a case or
11. something, but he didn't hit him with that. He hit
12. him with his hand.

13. Q. And do you remember how many times? If you
14. can't count, that's fine.

15. A. I don't know.

16. Q. At any point in time, did you see
17. Mr. Jackson hit Mr. Ward back?

18. A. He never had a chance.

19. Q. So after he's hitting him -- and when you
20. say Mr. Ward is punching and striking Mr. Jackson,
21. where on his body was Mr. Ward's fist making
22. contact?

23. A. His face. When someone's drunk, they don't
24. always make, you know, it may seem (inaudible, not
25. on mic) -- when fighting, but it seems like he was
26. making a lot of sloppy swings, you know.

27. Q. A lot of sloppy swings.

28. A. And a couple good ones made contact.

29. Q. Did you see Mr. Jackson fall to the ground
30. from the punches?

31. A. Yeah.

32. Q. And when he fell to the ground -- let me

CRIMINAL DISTRICT COURT, SECTION F

1 back up a little bit. When he was getting struck
2 with the fist about the head and the face, was -- it
3 might help if I could show you a picture -- was
4 there a wrought iron fence or something behind where
5 Mr. Jackson --

6 A. To the right of him.

7 Q. To the right of him.

8 A. Uh-huh (affirmative).

9 Q. And could you tell whether or not Mr. Ward
10 was knocking Mr. Jackson back into that fence?

11 A. I can't be sure. I don't know for sure,
12 but

13 Q. I'm going to show you some pictures. You'll
14 be able to see.

15 MR. WILLIAMS:

16 Judge, may I ask the Court if you would
17 allow the witness to come down and look at State's
18 Exhibit 3 In Globo, A through D?

19 THE COURT:

20 Ma'am, you may step down.

21 BY MR. WILLIAMS:

22 Q. Ms. Williamson, can you come here and take
23 a look?

24 A. (The witness complies)

25 Q. Take your time. Do you recognize those
26 pictures?

27 A. Uh-huh (affirmative).

28 Q. Answer "yes" or "no" for the court
29 reporter.

30 A. Yes.

31 Q. And how do you recognize those? What are
32 those a picture of?

CRIMINAL DISTRICT COURT, SECTION F

1 A. That's the Red Zone there; that's the fence
2 you're talking about --

3 THE COURT REPORTER:

4 I can't hear.

5 MR. WILLIAMS:

6 Let me get you a microphone. Hold
7 tight. Hold tight.

8 BY MR. WILLIAMS:

9 Q. And how do you recognize those pictures?
10 What are those pictures of?

11 A. That's the Red Zone on the right, and
12 that's the wrought iron fence that we were talking
13 about, to the -- right there (Indicating).

14 Q. Okay, all right. You can take a seat.

15 A. (Witness complies)

16 Q. And when Mr. Williams -- Mr. Jackson fell
17 from those punches and strikes, Ms. Williamson, what
18 did Garrett Ward do after that?

19 A. I can't remember if it was the first, or
20 the second time. Mr. Jackson got up, you know, and
21 he was still being nice to him, to Mr. Ward saying,
22 "I forgave you anyway"; because he's drunk, too.
23 And but he told him -- he wasn't hearing anything.

24 He didn't -- I didn't phase him. I ran into him.

25 Q. Did he ever strike Mr. Jackson with
26 anything else other than his feet -- I mean other
27 than his hands? I apologize.

28 A. His foot.

29 Q. And how did he do that?

30 A. Do you want me to tell you, or just answer
31 your questions, or tell you what happened?

32 Q. Tell me; tell me in your words.

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1 A. It was like as I'm passing -- that's how I
2 saw him -- he was drunk and mad.

3 Q. You said -- I missed that. You said he was
4 drunk, and what was the second one you said?

5 A. Mad.

6 Q. Mad. And when you say, "he", you're
7 talking about Garrett Ward?

8 A. Yes.

9 Q. Okay.

10 A. And he couldn't be mad at Mr. Jackson.

11 Q. You said he could not have been mad at
12 Mr. Jackson?

13 A. No. He didn't know him. So there was a
14 couple of times where Mr. Ward -- I mean Mr. Jackson
15 refused to stay down. He was not going to stay
16 down. But he wasn't getting up to be aggressive.
17 He kept getting up and saying, "I forgive you
18 anyway; I forgave you anyway". Mr. Ward would not
19 stop kicking him. I was cursing, screaming at him,
20 hitting him, throwing myself at him to get his
21 attention on me.

22 Q. Let me ask you this. You told us what
23 Mr. Jackson was saying. What was Mr. Ward saying?

24 A. "Nigger".

25 Q. Just --

26 A. And he told me something.

27 Q. Just the word?

28 A. "You fucking nigger; get a job; you fucking
29 bum". And then not just that. For some reason, him
30 being drunk, I guess he thought for some reason, I
31 was being friendly to him; because then he started
32 putting me and him in the same boat.

CRIMINAL DISTRICT COURT, SECTION F

1 Q. What do you mean?

2 A. Like saying, "you know how they are;
3 they're not like us".

4 Q. At some point, you called the police; you
5 called 9-1-1?

6 A. First I called two guys that I saw coming
7 out the bar, and I asked them to help me, because he
8 wasn't giving up; and they did. They actually -- I
9 think they slammed Mr. Ward against the fence to
10 hold him back.

11 Q. And when did you call the police -- or when
12 did you call 9-1-1?

13 A. Finally when Mr. Ward backed up, when he
14 backed up for a second to talk to me and talk down
15 to me and tell me what was what. I don't remember
16 the whole conversation.

17 Q. I understand that. Did you use your cell
18 phone, or did you go inside the building and make
19 the call?

20 A. I used my own.

21 Q. Used your cell phone. Would you recognize
22 your voice if I played the recording for you?

23 A. Uh-huh (affirmative).

24 MR. WILLIAMS:

25 And for the record, Judge, State's
26 Exhibit 1 has already been offered, filed,
27 and introduced. I'd ask that I be allowed
28 to publish it for the jury and for the
29 witness, Ms. Williamson.

30 THE COURT:

31 All right. Previously, there was no
32 objection by the Defense. Any objections?

1 MR. FULLER:
2 No, ma'am.
3 THE COURT:
4 All right. It can be published to the
5 jury.
6 MR. WILLIAMS:
7 Now I'll do this while he's getting
8 that video together.
9 BY MR. WILLIAMS:
10 Q. This is -- in court, the State gets to ask
11 you a few questions, and then the Defense is going
12 to have some questions for you as well, and then
13 I'll get to ask you some more questions. You
14 understand that?
15 A. Okay.
16 Q. And I'm more than sure, I imagine that
17 someone from that defense table is going to want to
18 ask you questions about whether or not you've ever
19 had any problems with the law, ever had any cases,
20 right?
21 A. Uh-huh (affirmative).
22 Q. So I'd rather get that out of the way right
23 now.
24 MR. FULLER:
25 Objection to the commentary.
26 THE COURT:
27 Sustained.
28 BY MR. WILLIAMS:
29 Q. Ms. Williamson, do you have any
30 convictions?
31 A. Sure.
32 Q. Okay. Would you tell the ladies and

CRIMINAL DISTRICT COURT, SECTION F

1 gentlemen of the jury about your convictions, so we
2 can talk about that during Direct.

3 A. I wasn't always an angel, but I am now. I
4 had a problem with drugs a little bit.

5 Q. Okay.

6 A. Struggled, but I'm good, yeah.

7 Q. So you had a couple previous convictions
8 for possession of drugs and --

9 A. There's a couple that are mine and a couple
10 on there that's not mine.

11 Q. Okay.

12 A. So there's another Kerrie Williamson, trust
13 me, I know.

14 Q. I see that. I see that on here, a
15 different spelling. But you had a conviction for
16 possession, I think, of cocaine; is that right?

17 A. Never cocaine.

18 Q. What was it?

19 A. I had paraphernalia.

20 Q. Paraphernalia.

21 A. .62; you know what that is?

22 Q. It sounds small, but I don't know what it
23 is.

24 A. That; meth, and I've never done meth in my
25 life.

26 Q. Okay. But you have convictions?

27 A. Uh-huh (affirmative).

28 Q. And I think you have like a worthless
29 check, something like that?

30 A. Ex-boyfriend.

31 Q. Okay.

32 A. I got all the other ones down --

CRIMINAL DISTRICT COURT, SECTION F

1 Q. All right, but you admit to that. There's
2 nothing to hide?

3 A. No.

4 MR. WILLIAMS:

5 I'm going to place this recording and
6 tell me if you recognize it, the voice.

7 (PLAYING RECORDING)

8 BY MR. WILLIAMS:

9 Q. Is that your voice, Ms. Williamson, talking
10 to the 9-1-1 operator?

11 A. Yes.

12 Q. Okay.

13 MR. WILLIAMS:

14 I want you to listen to this call and
15 I'll ask you a few questions about it in a
16 minute.

17 (PLAYING RECORDING)

18 BY MR. WILLIAMS:

19 Q. Were you talking to Mr. Garrett Ward there?

20 A. Yes.

21 (PLAYING RECORDING)

22 BY MR. WILLIAMS:

23 Q. Now it sounds like I hear you say that you
24 thought, maybe you needed to get off the phone with
25 calling the police to Mr. Ward to make sure that
26 there was an ambulance coming as well? And is that
27 because you could see the horrible condition that
28 Mr. Jackson was in?

29 A. I heard the kick --

30 Q. You have to get on that microphone. I'm
31 sorry.

32 A. I --

CRIMINAL DISTRICT COURT, SECTION F

1 Q. Please take the -- so the jury can catch
2 it, get right on that microphone. I know this is
3 difficult, but I need any and every word.

4 THE COURT:

5 Can you guys see with that television?

6 Can everybody see the witness?

7 THE JURORS:

8 (Acknowledged with head nods)

9 BY MR. WILLIAMS:

10 Q. Ms. Williamson, I'll repeat that question.
11 It sounded like you thought, maybe you needed to
12 call for an ambulance as well to get someone there
13 to render aid to Mr. Jackson; is that right?

14 A. Yes.

15 Q. All right. And you said you had worked in
16 the medical field?

17 A. Yes.

18 Q. Okay. Please continue what you were
19 saying.

20 A. I heard the kick; I saw the kick. And I
21 know that if you do that to somebody you can kill
22 somebody. And I didn't even think he (Inaudible,
23 not on mic)

24 (PLAYING RECORDING)

25 BY MR. WILLIAMS:

26 Q. You said a lot of people saw this. That's
27 referring to there's a number of other civilians and
28 folks who observed what happened and observed
29 Mr. Ward fleeing to that parking garage. Is that
30 what you're talking about?

31 A. Some people saw the kick.

32 Q. Okay.

CRIMINAL DISTRICT COURT, SECTION F

1 A. Nobody saw the very beginning. It was
2 weird. It was a ghost town that night. All of a
3 sudden, people came out.

4 Q. So for you, you're on your bike. You're
5 outside and you see these two, and --

6 A. There was nobody. I was trying to get help
7 and I looked around and there was nobody.

8 Q. Now --

9 (PLAYING RECORDING)

10 BY MR. WILLIAMS:

11 Q. Okay, we got it. That was it. Now you
12 stayed there and you saw the police arrive?

13 A. Uh-huh (affirmative).

14 Q. You have to say, "yes" or "no" for the
15 court reporter.

16 A. Yes.

17 Q. And the person that they brought out of
18 that parking garage who was hiding was the same
19 person you saw punch, strike, and kick Mr. Jackson?

20 A. Yes.

21 Q. And that is the same person you see in that
22 blue tie here today?

23 A. Yes.

24 Q. At any point in time, any point in time --
25 we can tell by that 9-1-1 call that you're out there
26 for all this -- at any point in time, do you hear
27 Garrett Ward say that he was the victim, or that
28 someone tried to mug him or take his phone or hold a
29 knife or anything like that?

30 A. I want to say, he did.

31 Q. Okay. Because you saw the whole thing?

32 A. Yeah. I was there from the beginning.

CRIMINAL DISTRICT COURT, SECTION F

1 Q. And what were the words that he used during
2 the attack of Mr. Jackson?

3 A. That's what was so strange. He shouldn't
4 have gone toward him. I tried to push him off. I
5 wasn't strong enough to hurt him, but I tried, and
6 Mr. Jackson wasn't doing anything, nothing.

7 Q. And what were his words, though?

8 A. "You fucking nigger; you fucking bum". And
9 then he hit him, and at first he tried to
10 stopped himself from falling and he grabbed
11 Mr. Arnold's arm, and he flung him off.

12 Q. And that was before he started kicking?

13 A. Yeah. That's before.

14 Q. And what did Mr. Ward say to you as he was
15 leaving? You said he tried to...?

16 A. He tried -- he said something about, "I
17 know how they are; you know how they are; they're
18 not like us".

19 Q. And at one point in time -- Defense could
20 have questions for you about, maybe about
21 Mr. Jackson's actions. Please describe if you can,
22 how you said Mr. Jackson was before he was being
23 attacked.

24 A. He was sitting down. He looked peaceful.
25 I guess that's what made me worry, because I saw
26 Mr. Ward coming. There was something about the way
27 --

28 Q. You said he was mad.

29 A. Yeah. He was mad. And you've seen people
30 before, they like -- that drunken stamper or
31 whatever. And something -- I just knew.

32 MR. WILLIAMS:

CRIMINAL DISTRICT COURT, SECTION F

1 Thank you, Ms. Williamson. The Defense
2 will have some questions for you.

3 CROSS EXAMINATION

4 BY MR. FULLER:

5 Q. Good afternoon, Ms. Williamson.

6 A. Good afternoon.

7 Q. Now I know you recognize my client,
8 Garrett, right?

9 A. Yes.

10 Q. And you recognize the people at the
11 District Attorney's office -- at the District
12 Attorney's table, right, these gentlemen
13 (Indicating)?

14 A. Yes.

15 Q. All right. And you met with them obviously
16 before today, right?

17 A. Yesterday.

18 Q. Okay. And yesterday was your first time
19 meeting with them?

20 A. Yeah.

21 Q. Okay. Besides the gentlemen at the
22 District Attorney's table and Mr. Ward, anyone else
23 in the courtroom look familiar to you? You can look
24 around if you want to.

25 A. No.

26 Q. Now you stated that you know -- you knew
27 Mr. Jackson.

28 A. I'll say I didn't know him, but I knew
29 who he was. I didn't even know his name, right,
30 just from, "hi", because he's there a lot, and I
31 went to that store a lot. It's a convenient store.

32 Q. You said you did not know his name?

CRIMINAL DISTRICT COURT, SECTION F

1 A. I did not know his name.

2 Q. Okay. Now since you've been on this stand,
3 you told us that his name was Mr. Jackson. You
4 remember you did that?

5 A. I wanted to know who I was referring to.

6 Q. Okay. So the State told you that his name
7 was Mr. Jackson?

8 A. Yes.

9 Q. Okay. And you said you know him from
10 seeing him around, "hi" and "by"?

11 A. I know him

12 Q. Okay. And what was his nickname?

13 A. Don't know.

14 Q. And you agree that obviously, in this
15 particular, you want Mr. Ward to be convicted,
16 right?

17 A. Yes.

18 Q. And because you want Mr. Ward to be
19 convicted, would you come before the members of the
20 jury and testify to saying something you did not
21 see?

22 A. Would I "what"? Say it again.

23 Q. Would you lie to the members of the jury?

24 A. I have no reason to. He did enough
25 himself.

26 Q. Okay. So everything you testify to
27 according to you, Ms. Williamson, is honest
28 testimony, right?

29 A. Yes.

30 Q. And even though by your own admission, you
31 want Mr. Ward to be convicted, you haven't made up
32 anything?

CRIMINAL DISTRICT COURT, SECTION F

1 A. Whether or not that means jail, I think he
2 should be punished somehow, not necessarily jail,
3 but something.

4 Q. Right. But my question is, even though
5 you've acknowledged that you want Mr. Ward to be
6 convicted, you haven't made up anything today or in
7 the past, right?

8 A. No.

9 Q. Okay. So you were outside the Red Zone?

10 A. Outside the Red Zone, yes.

11 Q. Okay.

12 A. Well they were -- Mr. Jackson was. Mr.
13 Ward and I ended up there.

14 Q. Okay. So Mr. Jackson's outside the Red
15 Zone, right?

16 A. Uh-huh (affirmative)

17 Q. And you're where?

18 A. I was -- I don't know. I was over there.

19 Q. You just said you ended up at the Red Zone,
20 so where were you?

21 A. I was riding my bike.

22 Q. Okay. Were you riding towards Canal, or
23 were you riding towards Carrollton?

24 A. Not towards Carrollton. I was riding
25 towards the Zoo.

26 Q. Okay. So you were riding towards Uptown,
27 right?

28 A. Is that Uptown, the Zoo?

29 Q. Yes, ma'am.

30 A. Okay, then yeah.

31 Q. Okay. And Mr. Ward, Mr. Jackson is
32 standing outside the Red Zone according to you.

CRIMINAL DISTRICT COURT, SECTION F

1 A. Sitting.

2 Q. He's sitting outside the Red Zone? And
3 like where's he sitting? Is he sitting on a plant
4 vase?

5 A. There was one next to him.

6 Q. I'm sorry?

7 A. There was one next to him.

8 Q. So he's sitting on the ground next to the
9 plant vase?

10 A. Uh-huh (affirmative).

11 Q. All right.

12 MR. FULLER:

13 Judge, may I approach?

14 THE COURT:

15 Yes, sir.

16 MR. FULLER:

17 And I'll show Ms. Williamson what I've
18 already marked as D3 In Globo, A through C.
19 May I approach, Judge?

20 THE COURT:

21 Yes.

22 BY MR. FULLER:

23 Q. Ms. Williamson, you recognize the
24 Pontchartrain?

25 A. Yes, I do.

26 Q. And you recognize the Red Zone?

27 A. Yes, I do.

28 Q. And do you see the flower vase in front of
29 the Red Zone?

30 A. Yes.

31 Q. And it's your testimony that Mr. Jackson
32 was sitting next to that flower vase?

CRIMINAL DISTRICT COURT, SECTION F

1 A. I can explain it. I remember the flower
2 pot, and when you mentioned, I remembered it.
3 That's probably why I said it. It was actually --

4 Q. Do me a favor. Would you put an "X" right
5 there?

6 A. Where?

7 Q. Where you said Mr. Jackson was.

8 A. (Witness complies)

9 Q. All right, thank you. And you say as
10 you're riding towards the Zoo, you see Mr. Jackson
11 seated by the Red Zone, right?

12 A. Yes.

13 Q. And you see Mr. Ward -- and the whole time
14 you're riding your bike, right?

15 A. Uh-huh (affirmative).

16 Q. And what color was it?

17 A. At that time, I think it was my racing
18 bike. It was my red bike, I think.

19 Q. Okay, so a red bike.

20 A. It got stolen a lot, so I can't remember at
21 the time.

22 Q. Okay. And you said you're driving -- or
23 riding your bike and getting closer, you see Mr.
24 Ward leaving out of the Pontchartrain Hotel?

25 A. Uh-huh (affirmative), yes.

26 Q. And when Mr. Ward leaves out of the
27 Pontchartrain Hotel, what does he do?

28 A. When Mr. Ward left out?

29 Q. Uh-huh (affirmative).

30 A. I don't know immediately what he did. I
31 know that when I finally saw him he was cursing and
32 swinging his arm back. You know what I mean.

CRIMINAL DISTRICT COURT, SECTION F

1 Q. Okay. But remember when you said you were
2 paying attention to Mr. Ward for the reasons you
3 stated to the members of the jury?

4 A. That was after I saw Mr. Jackson. I said I
5 saw Mr. Jackson first.

6 Q. Okay. And then you saw Mr. Ward, right?

7 A. Yeah.

8 Q. Because he left the hotel?

9 A. Yes.

10 Q. So what did Mr. Ward do when he left the
11 hotel when he walked outside the hotel?

12 A. When I saw him and when I had my eyes on
13 him, he was doing like that, cursing or whatever at
14 somebody.

15 Q. Okay. So Mr. Ward --

16 A. I want to say somebody grabbed his arm when
17 he was coming out. I'm not sure. I think I saw
18 that. I'm not sure.

19 Q. All right. So before Mr. Ward, according
20 to you, attacked Mr. Jackson, you see somebody grab
21 Mr. Ward's arm?

22 A. When he came out the hotel. He was a ways
23 from Mr. Jackson.

24 Q. Okay. So someone grabbed his arm; you
25 think someone grabbed his arm.

26 A. I want to say when someone's grabbing
27 you and you want to let go.

28 Q. Okay. And what did this person look like
29 that was grabbing his arm?

30 A. I didn't see it. I didn't see the person.
31 I said from the gesture, that's what I think
32 happened.

CRIMINAL DISTRICT COURT, SECTION F

1 Q. So you didn't actually see anybody grab his
2 arm?

3 A. No.

4 Q. All right. And then what does he do?

5 A. He was looking at Mr. Jackson, walking
6 toward him.

7 Q. All right. So he comes out the hotel; you
8 see him make a gesture that makes you think
9 somebody's grabbing his arm; then he walks to
10 Mr. Jackson?

11 A. Yes, toward him. I didn't know for a fact
12 that he was walking to him. He walked toward him.

13 Q. Okay. And then what happened?

14 A. He walked to him.

15 Q. All right. So --

16 A. I was already ready for something to
17 happen, and I don't know why. I've already
18 explained that. I don't know why I knew.

19 Q. Yeah, because you were getting closer and
20 closer on your bike. So Mr. Ward walks out of the
21 hotel, he makes some gesture that makes you believe
22 that someone --

23 A. Was trying to stop him or something.

24 Q. Okay. Then he walks toward Mr. Jackson,
25 right?

26 A. In that direction.

27 Q. And then I asked you what happened after
28 that, and you said he walked to him, right?

29 A. Yes.

30 Q. Who's Mr. Jackson with?

31 A. Nobody.

32 Q. So Mr. Jackson's by himself sitting down?

CRIMINAL DISTRICT COURT, SECTION F

1 A. Yes.

2 Q. Okay. And then Mr. Ward walks up to
3 Mr. Jackson and does what?

4 A. Well Mr. Jackson gets up and walked up to
5 him. Mr. Jackson was asking for change, you know.
6 I can't honestly say I heard him ask for change. I
7 don't know. But I see this all the time. I live
8 right there. He put his hand out as if asking for
9 change, and I know he mouthed something to him. And
10 Mr. Ward began hitting him.

11 Q. While Mr. Jackson was still down?

12 A. Yeah.

13 Q. Okay. So then what happened?

14 A. I rode my bike into him.

15 Q. All right. And then what happened?

16 A. Mr. Jackson was getting up. And I can't
17 remember if he grabbed Mr. Ward's arm or something
18 and he like flipped him off, because he's kind of
19 tall. That's the only thing he did towards
20 Mr. Ward. I said he that he didn't touch him. He
21 did touch Mr. Ward when he tried to stop from
22 falling.

23 Q. All right. So Mr. Jackson gets up. At
24 some point after he gets up, he almost falls and he
25 reaches at Mr. Ward --

26 A. He fell.

27 Q. I'm sorry?

28 A. He fell.

29 Q. Okay. So when he's falling, he reaches for
30 Mr. Ward?

31 A. From being hit.

32 Q. Okay. And that's the only time that

CRIMINAL DISTRICT COURT, SECTION F

1 Mr. Jackson put his hands on Mr. Ward?

2 A. Yes.

3 Q. Then what happens?

4 A. I started to try to get his attention by
5 being obnoxious, and he just was not seeing me. I
6 tried everything.

7 Q. Okay.

8 A. And he started hitting him.

9 Q. All right. And at no point did Mr. Jackson
10 or Mr. Jackson's friend get a lick in?

11 A. Who's Mr. Jackson's friend?

12 Q. Well that's a question I can't answer for
13 you.

14 MR. WILLIAMS:

15 Judge, that's improper.

16 MR. FULLER:

17 How can I answer that question? I
18 mean, I can answer it if she wants me to.

19 MR. WILLIAMS:

20 Judge?

21 THE COURT:

22 Grounds for the objection.

23 MR. WILLIAMS:

24 The witness has not mentioned another
25 person being with Mr. Jackson.

26 THE COURT:

27 Correct. Your objection is sustained.

28 MR. WILLIAMS:

29 Thank you, Your Honor.

30 BY MR. FULLER:

31 Q. So you agree that Mr. Jackson was by
32 himself the whole time, right?

CRIMINAL DISTRICT COURT, SECTION F

1 A. I'm trying to figure out what you're
2 talking about.

3 Q. Why you're trying to figure out what I'm
4 talking about? You're here to tell the truth.

5 A. Because I was there that night. That's
6 why.

7 Q. So you said you know who I'm talking about.
8 That person --

9 A. I said, "I think I know who you're talking
10 about".

11 Q. Okay. Let me ask my question. So since
12 you think you know who I'm talking about, that
13 person didn't get a lick in on Mr. Ward either?

14 A. No. Except for me.

15 Q. With your bike, right?

16 A. No.

17 Q. You punched Mr. Ward also?

18 A. I tried.

19 Q. Where did you hit him at?

20 A. I

21 Q. Okay. Now --

22 A. He didn't push me or anything either. I
23 did not phase him.

24 Q. Okay. So at some point, according to you,
25 somebody else must show up, one of your friends?

26 A. Someone. I remember somebody knowing Mr.
27 Jackson and telling -- he said his name, but I don't
28 know what his name was. He was saying that was my
29 friend, "that's my friend". But I don't remember
30 him being there from the beginning. I don't know if
31 he was. I wasn't paying attention too much
32 attention.

CRIMINAL DISTRICT COURT, SECTION F

1 Q. Okay. So you basically stopped Garrett
2 from attacking Mr. Jackson?

3 A. No, I did not.

4 Q. All right.

5 A. I tried though.

6 Q. All right. So why did he stop?

7 A. Because he was drunk, I guess. I don't
8 know, because he started again.

9 Q. All right. So you didn't stop him; you
10 didn't grab him.

11 A. I tried.

12 Q. He just stopped on his own?

13 MR. WILLIAMS:

14 Objection, cutting the witness off,
15 Judge.

16 MR. FULLER:

17 I apologize.

18 MR. WILLIAMS:

19 He didn't allow her to finish.

20 THE COURT:

21 Sustained.

22 BY MR. FULLER:

23 Q. He stopped on his own?

24 A. When the other men -- when he saw the other
25 guys come out.

26 Q. Okay. And what did the other guys look
27 like?

28 A. Two white guys.

29 Q. Two white guys?

30 A. Yep. That's all I can tell you.

31 Q. Okay. So after Garrett stops, because he
32 sees the two white guys, what does he do next?

CRIMINAL DISTRICT COURT, SECTION F

1 A. Now there's two different stops. Remember
2 I told you, first and second time?

3 Q. Uh-huh (affirmative).

4 A. He stopped one time before that to tell me
5 about "how niggers are to us".

6 Q. Which you'd agree, you never said on the
7 9-1-1 tape?

8 A. I can't hear you.

9 Q. Which you'd agree, you never said on the
10 9-1-1 tape?

11 A. Did I say that on the 9-1-1 --

12 Q. Yes.

13 A. Why would I?

14 Q. So you agree that you did not, right?

15 A. That I did not say that he called him a
16 nigger?

17 Q. Yes.

18 A. I don't remember. I don't know, I don't
19 see why it's important.

20 Q. Okay. I'm sure you don't. And you'd agree
21 that you were on the 9-1-1 tape for --

22 A. That's me, yes.

23 Q. -- a significant period of time, right?

24 A. Yeah, too long.

25 Q. The 9-1-1 operator asked you different
26 questions, right?

27 A. Yes.

28 Q. And you provided different answers, right?

29 A. Yes.

30 Q. And at not point did you ever hear yourself
31 say anything about the young man using the word
32 "nigger"?

CRIMINAL DISTRICT COURT, SECTION F

1 A. Did they need to know that?
2 Q. That's for the jury to decide.
3 A. They needed to know the man was hit --
4 MR. FULLER:
5 Judge, at this point, I'm --
6 MR. WILLIAMS:
7 Objection, cutting the witness off.
8 She has --
9 THE COURT:
10 Sustained. So Ms. Williamson, the
11 attorney will ask a question. It requires
12 a "yes" or "no" answer, okay. Look, I'm
13 behind you.
14 THE WITNESS:
15 Oh.
16 THE COURT:
17 It requires a "yes" or "no" answer,
18 either/or, whichever's correct. And then
19 you are allowed to explain your answer,
20 okay?
21 THE WITNESS:
22 Okay, thank you.
23 BY MR. FULLER:
24 Q. You'd agree that at no point on the 9-1-1
25 tape, do you ever hear yourself say that he used the
26 word "nigger"?
27 A. No.
28 Q. Or "bum"?
29 A. No.
30 Q. And we can actually hear Garrett talking to
31 you on the 9-1-1 call, right?
32 A. "Jared"?

CRIMINAL DISTRICT COURT, SECTION F

1 Q. "Garrett, Mr. Ward".

2 A. Okay. Yes, you can.

3 Q. And he's not saying "nigger" then, either.

4 A. I don't know, was he?

5 Q. I mean, it's recorded, ma'am. He's --

6 A. I'm deaf in one ear, first of all. I don't
7 know what he's saying. I don't care.

8 Q. How long you've been deaf in one ear?

9 A. Forever. And it's not completely deaf;
10 it's 20 percent.

11 Q. I'm confused.

12 A. I just can't tell where sounds coming from
13 sometimes.

14 Q. Okay. So after he stops the second time,
15 who stops him then? It's the same two white guys?

16 A. Once he kicked him, he knew it was enough.

17 Q. All right. And the same two white guys
18 were there, right?

19 A. No. The white didn't come out until --
20 they came out after, I think. I'm not sure, so I'm
21 not going to tell you that they were there for the
22 kick, or not. I don't remember whether or not they
23 were, but I know he stopped when I asked those white
24 guys to stop him.

25 Q. All right. So he may have stopped the
26 second time before the white guys even came out
27 there?

28 A. Possibly.

29 Q. And then what does he do?

30 A. What?

31 Q. What does Mr. Ward do then, after he stops
32 the second time?

CRIMINAL DISTRICT COURT, SECTION F

1 A. He tried walking around. It's been a long
2 time. I was cursing him out a little bit, and he
3 tried to walk off; and then I believe some white guy
4 tried to stop him, an elderly man. The two white
5 guys had to leave, or they said they had to leave,
6 because it took the cops forever to get there. I
7 don't even know how long it took me to make the
8 call.

9 Q. And you would agree that he walked down --
10 Mr. Ward walked down towards the Cheesecake Factory,
11 right?

12 A. Yes.

13 Q. Okay. And he went to that garage?

14 A. Yep.

15 Q. All right. And --

16 A. No. First he tried to get in the car with
17 some people.

18 Q. Okay.

19 A. Yeah. They were parked right -- the
20 Pontchartrain has like this outside bar where the
21 patio is, and then they have the hotel front doors.
22 The car was parked in front of the patio part, which
23 is right to the left of us if you're facing it. And
24 I thought that the strange thing is he was trying to
25 go.

26 Q. Okay. And you talked about him going to
27 the garage. But do you remember at one point, you
28 told Garrett, "fuck off"?

29 A. Yep.

30 Q. Right. Doesn't "fuck off" mean "get away
31 from me"?

32 A. No. It's telling him to stop talking to

CRIMINAL DISTRICT COURT, SECTION F

1 me.

2 Q. Okay. And he ended up walking to the
3 garage, right?

4 A. Fast-paced, yes.

5 Q. Okay. And like so according to you, you
6 hit my client; you hit him with the bike, etcetera,
7 etcetera. You're 5'2", right?

8 A. 5'2 1/2".

9 Q. 5'2 1/2". I'm sorry I didn't give you the
10 1/2. And you'd agree that at no point does Mr. Ward
11 attack you, right?

12 A. He didn't.

13 Q. And you'd agree that you also, as we just
14 talked about, said "fuck off", things of that
15 nature, he still doesn't attack you, right? He
16 doesn't put his hands on you?

17 A. He never did.

18 Q. Who else, besides yourself and Mr. Jackson,
19 who else do you see Mr. Ward talking to, if anybody?

20 A. I didn't see anybody.

21 Q. Okay. So as best as you can remember, it
22 was just yourself and Mr. Jackson, right?

23 A. I mean, he spoke -- he said something to
24 the white guys who were there, but I don't know
25 what. I think they were saying like, "Say dude, you
26 are wrong man; calm down", and he may have answered
27 them or something.

28 Q. All right. When you say "the white guys
29 that were keeping him there", you mean on St.
30 Charles, or you mean in the garage area?

31 A. They kept him by that fence, that wrought
32 iron gate, first. And then he -- so I followed

CRIMINAL DISTRICT COURT, SECTION F

1 him, and he turned into there. I think I got --
2 that's when I called and told the police I needed
3 help.

4 Q. Okay. Do you remember you said that a
5 gentleman -- that you think a gentleman, I guess,
6 came on the scene eventually and said that he
7 recognized Mr. Jackson; you said there was someone
8 else?

9 A. Yeah. I do, tall skinny black man.

10 Q. Okay.

11 A. I only remembered since you mentioned it.

12 Q. Okay. So you remembered it when I
13 mentioned it to you?

14 A. Yeah. But I don't know when he got there.

15 Q. Okay. You heard the District Attorney ask
16 you about blood splattered on the gate. Remember
17 him asking you about the gate?

18 A. I don't remember him mentioning the blood.

19 Q. Do you remember him asking you about the
20 gate?

21 A. Yeah.

22 Q. Do you remember someone actually holding
23 Mr. Jackson against the gate?

24 A. No. I think

25 Q. Right. So Mr. Jackson is bleeding and one
26 of his friends is holding him against the gate, then
27 it's obvious that Mr. Jackson would get blood on the
28 gate, right?

29 A. Nobody held him against that gate. He went
30 up by the gate and fell.

31 Q. Okay.

32 A. He was knocked into the gate.

CRIMINAL DISTRICT COURT, SECTION F

1 Q. Now at some point you leave there, right?
2 A. (No verbal response)
3 Q. All right. Are you there when the police
4 arrive?
5 A. Uh-huh (affirmative).
6 Q. I'm sorry. You have to answer "yes" or
7 "no".
8 A. Yes.
9 Q. Okay. You know where the Gus is, right?
10 A. The "what"?
11 Q. The Gus, the housing project?
12 A. The "Gus"?
13 Q. Uh-huh (affirmative).
14 A. I don't know what the Gus is.
15 Q. Okay. You know where Lac Blaire
16 (phonetically spelled)
17 A. Yes.
18 Q. Okay. And if you were coming from Lac
19 Blaire up St. Charles, you'd agree that you would
20 get to the Red Zone before you got to the
21 Pontchartrain, right?
22 A. Yep.
23 Q. As a matter of fact, when you were riding
24 your bike, you definitely, you know, if you
25 continued all the way to the Zoo, you would have
26 passed Red Zone, and then you would pass
27 Pontchartrain?
28 A. Right.
29 Q. Did my client ever take his jacket off,
30 while this --
31 A. I want to say he did.
32 Q. Okay.

CRIMINAL DISTRICT COURT, SECTION F

1 A. But I'm not sure.

2 Q. And remember the District Attorney asked
3 you if you saw a knife, if you saw Mr. Jackson
4 holding a knife, and your answer was "no", right?

5 A. Absolutely now.

6 Q. Okay. And the District Attorney asked you
7 something about whether you heard Mr. Ward say that
8 someone was robbing him or trying to rob him. And
9 what was your answer to that?

10 A. I think he did.

11 Q. Okay. Now the Walgreens that's in the
12 area, is that one of those 24-hour Walgreens?

13 A. Yes.

14 Q. And what intersection is that on?

15 A. Sir?

16 Q. St. Charles and what?

17 A. St. Charles and Felicity.

18 Q. Okay.

19 MR. FULLER:

20 Give me a few seconds. I have at least
21 one more question for you. Let me check.
22 Last few questions, Ms. Williamson.

23 BY MR. FULLER:

24 Q. One of the things you said during your
25 testimony is that besides yourself, no one saw the
26 beginning of the incident, right?

27 A. Right. That I recall.

28 Q. That you recall. And on this particular
29 night, were you drinking? Do you remember?

30 A. I don't drink.

31 Q. All right. Or were you using any
32 narcotics?

CRIMINAL DISTRICT COURT, SECTION F

1 A. No, I wasn't. And I know, because I was
2 doing outpatient.

3 Q. Okay. And if I were to ask you if your
4 testimony is a hundred percent accurate, you would
5 agree that it's a hundred percent accurate?

6 A. As far as I can remember. I gave you the
7 truth of everything I remember.

8 Q. I'm sorry, again?

9 A. As far as I remember, I told the 100
10 percent truth of everything I remember.

11 Q. So as far as you remember or know, your
12 testimony has been a hundred percent accurate?

13 A. Yeah. Yes.

14 Q. All right. Thank you.

15 REDIRECT EXAMINATION

16 BY MR. WILLIAMS:

17 Q. Ms. Williamson, your testimony was a
18 hundred percent accurate as far as you can recall,
19 because you have no reason to lie; is that right?

20 MR. FULLER:

21 Objection, leading.

22 THE COURT:

23 Overruled.

24 BY MR. WILLIAMS:

25 Q. Do you have any reason to lie to the ladies
26 and gentlemen of the jury about what you saw happen
27 between Garrett Ward and Arnold Jackson in front of
28 the Pontchartrain Hotel and the Red Zone that night?
29 Do you have any reason at all to lie?

30 A. No. Remember when I said on the phone, "a
31 lot of people saw this"?

32 Q. Yes.

CRIMINAL DISTRICT COURT, SECTION F

1 A. So no, I haven't.

2 Q. And Mr. Fuller asked you about whether or
3 not you had been drinking; and you said, "no",
4 because you don't drink?

5 A. Never.

6 Q. And he asked you if you were on any drugs
7 at the time; and you said, "no", because you
8 remember being an outpatient at that time?

9 A. Yes.

10 Q. And he also asked you some questions about
11 no one else seeing the beginning of this incident;
12 and you said, not that you could recall, because you
13 didn't remember any other pedestrians or cyclists,
14 except for you and Mr. Ward and Mr. Jackson?

15 A. I remember I was being obnoxious at the
16 time. I was into what I was into.

17 Q. You were focused?

18 A. Yes.

19 Q. But there were cars parked on the street?

20 A. Yes.

21 Q. And Mr. Fuller asked you the question about
22 whether Mr. Ward said anything about there being a
23 potential mugging or robbery, anything. And he left
24 it like that.

25 A. He threw it in there for a quick second to
26 give it a try.

27 Q. Right. And you said it made you

28 A. Uh-huh (affirmative).

29 Q. And that's because you saw the whole
30 interaction before he came into contact?

31 A. Yes.

32 Q. And there was an interesting question that

CRIMINAL DISTRICT COURT, SECTION F

1 Mr. Fuller asked you about whether or not --

2 MR. FULLER:

3 Objection to the commentary. Doesn't
4 matter whether my questions are interesting
5 or not.

6 THE COURT:

7 Sustained. Sustained.

8 BY MR. WILLIAMS;

9 Q. There was a specific question that
10 Mr. Fuller asked about Garrett Ward taking his
11 jacket off before he proceeded to attack
12 Mr. Jackson. Do you remember that question?

13 A. Yes.

14 Q. And you said, "Now that you say it,
15 Mr. Fuller -- ", you seem to recall him taking his
16 jacket off before he started throwing punches.

17 A. Yes.

18 Q. I believe you said earlier, he was nicely
19 dressed, like a nice jacket, huh?

20 A. Yes.

21 MR. WILLIAMS:

22 Thank you, Ms. Williamson for your
23 testimony today, and thank you for stopping
24 that night.

25 THE COURT:

26 All right. Is Ms. Williamson released
27 from her subpoena from both sides?

28 MR. FULLER:

29 Not by us, Judge.

30 THE COURT:

31 All right. So State, you can talk to
32 Ms. Williamson. Ms. Williamson, we're

CRIMINAL DISTRICT COURT, SECTION F

1 going to keep you under subpoena. We may
2 need you this week or maybe a day next
3 week.

4 THE WITNESS:

5 Okay.

6 THE COURT:

7 Thank you.
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CRIMINAL DISTRICT COURT, SECTION F

MOTION FOR MISTRIAL AND ARGUMENT

THE COURT:

What is it that Defense wants to put on the record before we retire for the night? And we are outside the presence of the jury.

MR. FULLER:

Judge, under U.S. versus Kyles (phonetically spelled) and Brady versus Maryland, John Fuller on behalf of Mr. Ward, we move for a mistrial in light of the fact that today, a witness by the name of Ms. Williamson testified --

THE COURT:

By the name of Ms.?

MR. FULLER:

Williamson.

THE COURT:

Williamson.

MR. FULLER:

Kerrie Williamson testified. She made reference to my client saying the word "nigger". That information was never provided to us by the State. And the State met with her yesterday, so they had all day yesterday, all last night, and all this morning to provide that to us. They failed to, which means they failed to, which means they failed to honor our bill of particulars, which may not seemed to affect us, because the trial started. But -- so

CRIMINAL DISTRICT COURT, SECTION F

1 that's the grounds of the motion for a
2 mistrial, one. Grounds for the motion for
3 a mistrial, two are the fact -- is the
4 facts that Ms. Williamson on Direct and
5 Cross said that she thinks she heard my
6 client say that he got robbed.

7 That's certainly Brady material in
8 light of the fact for what my client is
9 charged with. What my client is charged
10 with, justification of the defense. And
11 the justification laws say that on a
12 forceable offense against a person, one
13 have the right to defend themselves. That's
14 exculpatory information. That's
15 information contradictory to the
16 information we had about Ms. Williamson,
17 and as information that should have
18 provided via notice of disclosure, none of
19 which has happened. Mr. Ward was
20 prejudiced by it.

21 THE COURT:

22 State?

23 MR. WILLIAMS:

24 Judge, I'll respond in reverse order.
25 With regards to witness, Kerrie
26 Williamson's statement that yes, she does
27 recall him saying something like maybe he
28 was robbed, and she laughed at it, because
29 she knew he was lying about it, because she
30 saw what happened before it happened. And
31 she saw him raise his hand out and ask for
32 some change.

CRIMINAL DISTRICT COURT, SECTION F

1 And furthermore Judge, this is the
2 first time that she had stated that to the
3 State as well. I met Ms. Williamson today.
4 I asked the question expecting her to say,
5 no. She did hear Garrett Ward say anything
6 with regards to being robbed. But she said,
7 yes, she heard it and she dismissed it and
8 she laughed at it, because she knew it was
9 not true, because she saw how the incident
10 started. And she was offended by him
11 trying to find some collegiality with her
12 after seeing what he had done. I think it
13 was also in connection with another
14 statement about "you know how these people
15 are always begging us".

16 And Judge, furthermore, Mr. Fuller and
17 the Defense is entitled to and has been
18 well aware of Kerrie Williamson's presence,
19 the fact that she was the 9-1-1 caller, the
20 first reporter of this incident. And the
21 State has completely followed with fidelity
22 its obligation in regards to Brady.

23 THE COURT:

24 So the last part, Mr. Williams, Defense
25 is fully aware of --

26 MR. WILLIAMS:

27 Kerrie Williamson.

28 THE COURT:

29 Say it again.

30 MR. WILLIAMS:

31 Everything that we knew with regards to
32 Kerrie Williamson and the police report.

CRIMINAL DISTRICT COURT, SECTION F

1 They knew that she was the 9-1-1 caller.
2 They knew that she would be relevant to
3 this case. Nothing was hidden with regards
4 to who that 9-1-1 was or who that first
5 reporter was. There's no surprise.

6 MR. FULLER:

7 Judge, so it's not the witness; it's
8 the testimony that's our surprise. She
9 said, "I think I hear him say, he was
10 robbed or mugged". And the first time she
11 said, she didn't mention anything about
12 "laughed it off". That was after Cross
13 Examination.

14 MR. WILLIAMS:

15 False.

16 MR. FULLER:

17 And additionally, the idea that you're
18 going to parade someone in here during
19 trial with nine black jurors and a white
20 defendant, and then have her say -- I'm
21 assuming she wasn't going to say that I'm
22 going to get on stand and say that I heard
23 him use the word "nigger" yesterday
24 evening. I guess y'all just found out
25 about that today, too?

26 THE COURT:

27 That is my understanding.

28 MR. WILLIAMS:

29 He knew when we knew, Judge.

30 MR. FULLER:

31 Wait, wait, no. So the State's saying
32 to us that the first time they heard her

CRIMINAL DISTRICT COURT, SECTION F

1 use the word "nigger" is to -- in
2 describing Garrett is today in court?

3 MR. WILLIAMS:

4 Judge, I will tell you that we've had
5 difficulty in finding Ms. Williamson. We
6 were able to find her at the last minute.
7 We made the Defense aware of everything we
8 knew when we knew it.

9 MR. FULLER:

10 That's not in her response. She said
11 she met with members of the District
12 Attorney's office yesterday.

13 THE COURT:

14 Yes, I heard that.

15 MR. FULLER:

16 Clearly we know she went over what she
17 would say yesterday. So my question is did
18 the State not know she was going to say the
19 word "nigger" before she said it on the
20 witness stand?

21 THE COURT:

22 And that's the Court's question. Did
23 you guys know?

24 MR. WILLIAMS:

25 Judge, I did not know what she was
26 going to say with regard -- my question to
27 her was "What were the words if any that
28 you heard from Garrett Ward?".

29 THE COURT:

30 Sure. And so I guess the Court's
31 question is again to look at what Defense
32 is asking, did Ms. Williamson express to

CRIMINAL DISTRICT COURT, SECTION F

1 the District Attorney's office at any time
2 prior to her taking the stand that she had
3 heard Garrett Ward use those words?

4 MR. WILLIAMS:

5 Judge if in fact the State was aware
6 that hate speech or racial slurs were used
7 while throwing blows and throughout this
8 case, we would have charged Mr. Ward with a
9 hate crime and referred this matter to the
10 Federal Government.

11 THE COURT:

12 So the answer's "no"?

13 MR. FULLER:

14 It's still not an answer, Judge.

15 MR. WILLIAMS:

16 Judge, you have my answer. I did not
17 know -- I knew that there would be comment,
18 because you could hear words coming out of
19 Garrett Ward's mouth --

20 THE COURT:

21 Sure.

22 MR. WILLIAMS:

23 But you can't make those words out. In
24 my opinion, I wanted to know what if she
25 could recall what those words were that we
26 heard. And I got the answer that
27 Mr. Fuller got.

28 MR. FULLER:

29 So she met with somebody yesterday. So
30 the question then becomes, did she meet
31 with Jason. She met with a representative
32 of the District Attorney's office

CRIMINAL DISTRICT COURT, SECTION F

1 yesterday. So the question becomes, when
2 she met with them, obviously they asked her
3 what she was going to say.

4 THE COURT:

5 Sure. And that's the question the
6 Court has asked. I didn't ask whether or
7 not Mr. Williams knew. I asked whether or
8 not that information was related to a
9 member of the State of Louisiana, the
10 District Attorney's office.

11 MR. WILLIAMS:

12 And just for the record -- and Judge,
13 this also does apply for the Uber ride as
14 well. Mr. Jonathan Guy stated that there
15 was what he described as questionable
16 language about a Hispanic driver. Now he
17 didn't go so far as to say what those words
18 were, whether it was because he didn't
19 recall, or because he wasn't comfortable.

20 THE COURT:

21 Sure, but he said that they were
22 offensive.

23 MR. WILLIAMS:

24 Right. Now --

25 THE COURT:

26 Did you guys know about that, Defense?

27 MR. FULLER:

28 I think we knew that there might be a
29 suggestion. There was no details.

30 MR. BEVENETTO:

31 And we didn't get that information from
32 the State, Your Honor. The State did not

CRIMINAL DISTRICT COURT, SECTION F

1 disclose that to us prior to Mr. Guy's
2 testimony.

3 MR. WILLIAMS:

4 Disclose "what"?

5 THE COURT:

6 Well State, just like Ms. Williamson,
7 he did not know that Johnathon Guy was
8 going to say what he said about the
9 information that was relayed -- allegedly
10 relayed by Mr. Ward during the Uber ride.

11 MR. FULLER:

12 May I respond?

13 THE COURT:

14 Sure.

15 MR. FULLER:

16 So there's no way they would know what
17 Mr. Guy's going to say relative to the Uber
18 driver, because they asked a very specific
19 question about whether Garrett made
20 comments relative to the Uber driver. So
21 they definitely knew about that, but that's
22 not our contention. Our contention is
23 Ms. Williamson knew yesterday --

24 THE COURT:

25 Sure.

26 MR. FULLER:

27 And what was said relative to the words
28 -- because nobody at this table looked
29 surprised from the State, nobody. They
30 looked surprised when we mentioned
31 "knife". They looked surprised when we
32 mentioned "self-defense" in jury selection;

CRIMINAL DISTRICT COURT, SECTION F

1 but nobody looked surprised when she said
2 she heard Garrett Ward use the word
3 "nigger".

4 MR. WILLIAMS:

5 Judge, the reason for that is that
6 anybody who does any training in courtroom
7 advocacy would never suggest that their
8 lawyer looked surprised when something
9 happens in court. Now whether or not
10 something happens -- this is a lot of
11 testimony.

12 THE COURT:

13 Sure.

14 MR. WILLIAMS:

15 What people recall and what people are
16 willing to say, versus what they say on a
17 9-1-1 tape, and what they have said over
18 any written or recorded material is very
19 different, but we have to live with what
20 comes from the witness stand.

21 THE COURT:

22 I am going to say that I agree with Mr.
23 Fuller and Defense in a sense that you have
24 an ongoing obligation to turn over that
25 kind of information. So again, the bottom
26 line is obviously present, anybody on the
27 Defense team wasn't present when you guys
28 met with Ms. Williamson. So it's just a
29 simple question. Did Ms. Williamson relay
30 that information to any member of the State
31 prior to taking the stand?

32 MR. WILLIAMS:

CRIMINAL DISTRICT COURT, SECTION F

1 And Judge, my understanding was the
2 same as Mr. Jonathan Guy that Mr. Ward said
3 things that they said to be offensive. I
4 did not have the words that Jonathan Guy
5 used today being questionable. And I did
6 not have the word "nigger". We turned over
7 everything that was in our possession and
8 everything that was relayed to us. Now
9 there's no ongoing obligation to call the
10 Defense bar and say, a witness says that
11 your client who's charged with 2nd degree
12 murder said offensive things. That's not
13 exculpatory. We met our obligation as laid
14 out by the law.

15 THE COURT:

16 So again, the State didn't know that
17 Ms. Williamson was going to use the
18 language that she used today as being a
19 statement of Mr. Ward's?

20 MR. WILLIAMS:

21 Judge, I'll say it again. I did not
22 know the exact words that she would use. I
23 knew of that the word "bum" had been used,
24 "people like that", and other offensive
25 language. Some people don't like using
26 that language, but I assume being in court,
27 the real live testimony is going to let
28 people say what they would call it.

29 MR. FULLER:

30 That's close enough, Judge, "people
31 like that".

32 THE COURT:

CRIMINAL DISTRICT COURT, SECTION F

1 I think it's different from the actual
2 language that she used.

3 MR. FULLER:

4 Of course it is. Did she tell anybody
5 with the District Attorney's office.
6 Doesn't have to be the D.A.; it could be
7 Andre Gaudin; it could be --

8 THE COURT:

9 Sure. And I had asked that. I had
10 asked that question of the District
11 Attorney as he is in fact the leader of
12 their office. So I don't need to clear
13 each and every member of the District
14 Attorney's office to find out whether or
15 not that language or that statement was
16 used when they met with Mr. Williamson. I
17 am relying on Mr. Williams as the District
18 Attorney of Orleans Parish to I guess in
19 good faith and as an officer of this court
20 to advise this court what took place in
21 meetings as he should know. And as you all
22 heard, Mr. Williams has indicated not on
23 one occasion, but on two and maybe on three
24 that he was not aware that Ms. Williamson
25 was going to use that language or suggest
26 those were words that Mr. Ward used on that
27 night.

28 So I'm going to think about this
29 overnight, because I hardly ever change my
30 mind about a ruling, but as we stand here
31 today, I am going to deny the motion for
32 mistrial on those grounds. Again, I'm

CRIMINAL DISTRICT COURT, SECTION F

1 going to think about this overnight.

2 MR. BEVENETTO:

3 Judge, please note objection. And I
4 would move Your Honor that the Court order
5 the District Attorney's office to have any
6 hand-written notes that were generated by
7 whoever met with Ms. Williamson the day
8 before her testimony to be preserved for
9 further inquiry.

10 MR. WILLIAMS:

11 We don't destroy evidence in the D.A.'s
12 office, Judge.

13 THE COURT:

14 Again, I'm going to think about this a
15 little further tonight. I'll see you guys
16 in the morning at 9:30.

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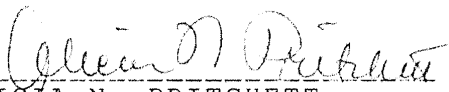
CRIMINAL DISTRICT COURT, SECTION F

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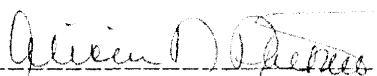

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CRIMINAL DISTRICT COURT, SECTION F

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ALICIA N. PRITCHETT
Certified Court Reporter
State of Louisiana
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CRIMINAL DISTRICT COURT, SECTION F

CRIMINAL DISTRICT COURT.
FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

STATE OF LOUISIANA
VERSUS
GARRETT J. WARD

SECTION: "F"
CASE NO: 541-639

Transcript of RULING ON MOTION FOR
MISTRIAL in the above-mentioned matter,
before the Honorable Robin D. Pittman, Judge
presiding, on the 4th day of May, 2022.

APPEARANCES:

FOR THE STATE:

JASON WILLIAMS, ESQ., D.A.
ANDRE GAUDIN, JR., ESQ., A.D.A.
CHRISTIAN HEBERT-PRYOR, ESQ., A.D.A.

FOR THE DEFENSE:

JOHN T. FULLER, ESQ.
ANDREW BEVINETTO, ESQ.
ROBBY GILL, ESQ.

REPORTED BY:

ALICIA N. PRITCHETT
OFFICIAL COURT REPORTER

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PROCEEDINGS

THE COURT:

I'm getting back on the record in regards to the Defense's Motion for Mistrial due to the State's violation of Brady versus Maryland, United States versus Bagley, and State versus Thompson. So if you guys remember how all this came up yesterday outside of the presence of the jury and it was an oral motion that was made by the Defense. I allowed the Defense to make its argument and reason for the oral motion for mistrial, and I allowed the State of Louisiana, primarily Mr. Williams, to reply.

And so this morning the Court was -- right before the jurors came down to continue the trial -- the Court was presented with the Defense's motion that I just stated. So I've indicated that I was going to take the time that I needed to review it to try and make a ruling today as this court's ruling in this matter is very important to both sides. And so I've had the opportunity to go back and review some of the testimony from the transcript taken -- the portions that were taken that are relevant to this motion.

And so I am going to, at this time, give the State of Louisiana an opportunity to respond as I am assuming that the

1 Defense's argument is all in the motion,
2 right?

3 MR. FULLER:

4 Yes, ma'am.

5 THE COURT:

6 All right. State?

7 MR. WILLIAMS:

8 Judge, if you refer to paragraph 3 of
9 the Defense's motion, it clearly states
10 that the statement of Kerrie Williamson was
11 disclosed to Defense in pretrial discovery,
12 in fact, a recording of her 9-1-1 call.
13 That 9-1-1 call was turned over and was
14 absolutely disclosed. It --

15 THE COURT:

16 Wait. I'm supposed to see this in
17 paragraph 3, or your response is based on
18 what you read in paragraph 3?

19 MR. WILLIAMS:

20 I'm referring to paragraph 3 of page 1,
21 line 4, the Defense Motion for Mistrial due
22 to State's violation of Brady, Bagley, and
23 Thompson. And it states, "The only
24 statement of Kerrie Williamson that was
25 disclosed to Defense in pretrial discovery
26 was a recording of her 9-1-1 call."

27 I am now stating to the Court and
28 emphasizing the fact that that statement,
29 when you listen to it, you can hear the
30 voice of Kerrie Williamson and you can hear
31 the voice of a man, who we've already heard
32 Mr. Fuller say and you've heard me state

1 that that was Garrett Ward, the defendant.
2 So the Defense was on notice that there
3 were words said and passed by Garrett Ward
4 to Kerrie Williamson as noticed by the
5 9-1-1 call with regards to --

6 THE COURT:

7 I would agree with that.

8 MR. WILLIAMS:

9 And in paragraph 1, 2, 3, 4, lines --
10 second sentence, the Defense says that the
11 statement in court, which is more detailed
12 than any statement provided to the State
13 prior to her being on the stand, was never
14 disclosed to the Defense and was
15 inconsistent with previous statements
16 turned over by the State of Louisiana. And
17 I would disagree with the fact that it was
18 inconsistent. It was more expansive than
19 what she ever said to the State in any
20 conversations.

21 There is no other formal statement of
22 Ms. Williamson. And just as she added on
23 the stand yesterday that she also saw the
24 Defendant take his jacket off. She never
25 at any point in time said that she saw him
26 take his jacket off before, in a statement
27 to the State, or in a statement to the
28 Police, or in that 9-1-1 call.

29 So the fact that a witness says more
30 than what they've said in a 9-1-1 call is
31 consistent with numerous 9-1-1 calls and
32 numerous cases that have been before this

1 court and other courts in general, Judge.
2 There is nothing that was inconsistent with
3 Ms. Williamson's statements compared to the
4 statement that was turned over to the
5 Defense prior to trial.

6 When I spoke on behalf of -- when I
7 spoke yesterday with regards to Defense's
8 questions and the Court's questions, I was
9 not speaking as Jason Williams. I was
10 speaking on behalf of the entire D.A.'s
11 Office, as the Court acknowledged. And
12 I've said then and I will say now that
13 Kerrie Williamson, at no point in time
14 prior to taking the stand, described exact
15 racial epithets, or said racial epithets.

16 She described the man as being
17 offensive, the same way that I believe
18 Jami Yorsch described offensive language in
19 the Uber Cab, the same way that Jonathan
20 Guy described the language being offensive.

21 So we have a duty to disclose anything
22 that we are aware of and that we have in
23 our custody; and we did that, Judge. I've
24 spent an excess of 20 years protecting
25 people's rights, and I interrupted the
26 cross examination when I thought there
27 might be something that was not turned over
28 to make sure that he had it before he
29 started.

30 THE COURT:

31 And you did. You did.

32 MR. WILLIAMS:

1 And so Judge, with regards to the
2 holdings in Brady versus Maryland, United
3 States versus Bagley, and State versus
4 Thompson, there's no duty to disclose what
5 may be in the mind of a witness that was
6 not in the custody and actual possession
7 and knowledge of the State of Louisiana or
8 the NOPD.

9 THE COURT:

10 Would the Defense like to be heard?

11 MR. FULLER:

12 Yes, ma'am.

13 THE COURT:

14 Okay.

15 MR. FULLER:

16 Judge, I wasn't a fly in the wall in
17 the District Attorney's Office when they
18 met with Ms. Williamson, but I do know
19 this; Deondria Rainge, when she testified
20 today, stated that members of the District
21 Attorney's Office asked her whether she
22 heard any racial epithets from my client.
23 She acknowledged that. Now --

24 THE COURT:

25 But we can agree that this is not about
26 that lady's testimony.

27 MR. FULLER:

28 It's not about her.

29 THE COURT:

30 Correct.

31 MR. FULLER:

32 I'm just showing you a pattern. I

1 think it's pretty safe for us to expect
2 that they asked all of the witnesses that,
3 including Ms. Williamson.

4 THE COURT:

5 Well I guess the Court would disagree
6 with that statement in light of the fact
7 that this did occur yesterday with Ms.
8 Williamson. The Court would take the
9 position that maybe they were being
10 cautious and asked this witness about that,
11 so that we wouldn't have what happened
12 yesterday, happen today. So that is
13 another way that the Court could look at
14 it.

15 MR. FULLER:

16 Judge, but the issue is --

17 MR. WILLIAMS:

18 And Judge --

19 MR. FULLER:

20 Come on --

21 THE COURT:

22 Yeah, let me let him finish.

23 MR. FULLER:

24 I didn't interrupt you. The issue is,
25 the State's motive or reasons they want to
26 attribute to Mr. Ward for his actions
27 throughout the first half of this trial
28 have been because he was in some type of
29 jealous rage during -- and you know, the
30 Court can just take judicial notice of
31 that. Seems that at some point yesterday
32 they change their theory to, well he did it

1 because he's racist. But as Mr. Williams
2 said himself, if he thought my client's
3 actions were racist or were driven by
4 racism that he would have charged him with
5 a hate crime. That's what came out of his
6 own mouth.

7 So the law states that no district
8 attorney's office can appeal to racial
9 prejudice. You have a white young man they
10 accused of killing a black man, and you
11 have a jury composed of 10 minorities. And
12 I don't see anything in here where it
13 states that it's okay to appeal to racial
14 prejudice if you didn't know the witness
15 was going to say that. Now you show me
16 that, I'll sit down, but that's not in
17 here.

18 It states that if an appeal is made to
19 racial prejudice and it is not relevant,
20 then under 770 and the case law that flows
21 from it, then the motion for a mistrial
22 shall be granted. And we've had an appeal
23 to racial prejudice. And apparently,
24 that's the State's new theory, because at
25 this point, they've presented two witnesses
26 who have said that Mr. Ward -- well she
27 didn't even say Mr. Ward said it -- she
28 said that something was said in the Uber
29 that made everybody uncomfortable. So
30 clearly, clearly we're making an appeal to
31 racial prejudice; because Mr. Williams
32 asked Jonathan -- Jonathan -- I think Jason

1 was directing him -- if not, I apologize --
2 but whoever directed Jonathan Guy asked
3 him, "well what was the race of the Uber
4 driver". So clearly, we have an appeal
5 toward racial biased by the State in this
6 case. It's clear. It's abundantly clear.

7 THE COURT:

8 All right. So I'm going to disagree
9 with the Defense's argument that it has
10 been abundantly clear, because I do not
11 believe that it has. And the way I
12 understand the law is that the State of
13 Louisiana has to have knowledge that a
14 witness is going to basically give this
15 type of racial information or talk about
16 racial slurs for the Court to grant your
17 motion.

18 And because it has not been clear based
19 on what Mr. Williams has -- or how Mr.
20 Williams has responded to this court's
21 question regarding whether not, not him or
22 any member of the District Attorney's
23 Office that's present in this court, but
24 whether or not anyone from the District
25 Attorney's Office was made aware that
26 Ms. Williamson was going to testify to
27 having heard Mr. Ward make a racial slur
28 and make the comments that he is alleged to
29 have made based on her testimony, I am
30 going to have to disagree. And so for
31 those reasons, I am going to deny the
32 Defense's Motion for a Mistrial.

1 MR. FULLER:

2 Judge, before you make your ruling, can
3 I quote a specific question asked by Jason
4 Williams of Ms. Williamson?

5 THE COURT:

6 I already did make my ruling. But
7 again, I know that you guys are going to
8 object, and I'm sure, going to ask to get a
9 return date to take a Writ, so I will allow
10 you to do that at this time, because I've
11 already ruled. I have -- I made you guys
12 aware of the fact that I spent my lunch
13 reading the entire transcript that is
14 relevant to Ms. Williamson's Direct, Cross,
15 and Redirect Testimony.

16 I've also gone back to review the
17 transcript of what was stated by Mr.
18 Williams as well as all of it on the
19 Defense side in regards to the oral motion
20 for a mistrial. So I am quite aware of
21 what was said yesterday by Ms. Williamson
22 and by the attorneys.

23 And having taken all those things into
24 consideration, I am going to once again,
25 deny the Defense's Motion for a Mistrial.
26 I do not believe that there has been proof
27 shown of any violation of Brady, Bagley, or
28 Thompson issues. I'm denying it.

29 MR. FULLER:

30 Judge, out of an abundance of caution,
31 would you allow us to mark as D-10 for
32 record keeping purposes only, the

1 transcript --

2 THE COURT:

3 Mark it for what reason? I'm sorry.

4 MR. FULLER:

5 Because we're going to probably have to
6 send it to the 4th Circuit.

7 THE COURT:

8 So you don't have to mark it as
9 anything.

10 MR. FULLER:

11 I'll reverse it tomorrow.

12 THE COURT:

13 So what I'm saying is if you are just
14 wanting to give the transcript to the 4th
15 Circuit -- oh, they're going to want it.
16 It's doesn't have to be marked as an
17 exhibit. It doesn't. And I'm going to
18 send it to them anyway.

19 MR. FULLER:

20 Okay. Yes, ma'am.

21 THE COURT:

22 Yep.

23 MR. FULLER:

24 All right.

25 THE COURT:

26 So I'll see you guys at 9:30 tomorrow.
27 No one has asked for a return date. No one
28 has made an objection, so what are we
29 doing?

30 MR. FULLER:

31 Judge, note our objection again.

32 Notice our intent to seek a Writ.

1 THE COURT:
2 All right.
3 MR. FULLER:
4 We'd ask for a return date of Monday.
5 THE COURT:
6 A return date of "what"?
7 MR. FULLER:
8 Monday.
9 MR. WILLIAMS:
10 And Judge, if I could be heard on that
11 request. We would object to a Stay.
12 MR. FULLER:
13 We're not asking for a Stay.
14 THE COURT:
15 I haven't -- yeah -- well you guys
16 mentioned earlier, if I memory serves me
17 correctly, that you would ask for a return
18 date and ask for a Stay. So that request
19 is being formally withdrawn? No request
20 for a Stay?
21 MR. FULLER:
22 Yes, ma'am. We're going to get our
23 Stay when --
24 THE COURT:
25 So you are asking for a return date of
26 Monday?
27 MR. FULLER:
28 Yes, ma'am.
29 THE COURT:
30 May the 9th?
31 MR. FULLER:
32 Yes, ma'am.

1 THE COURT:
2 All right. How early can you have your
3 Writ done, because I'm about to give you a
4 return before 12?
5 MR. WILLIAMS:
6 And Judge, given the fact that we are
7 not in trial on Friday --
8 THE COURT:
9 I know what you're about to say.
10 MR. WILLIAMS:
11 -- and all of the argument is already
12 encompassed in a written document --
13 THE COURT:
14 And the transcript has already been
15 prepared.
16 MR. WILLIAMS:
17 -- and the transcript has already been
18 prepared, I would ask that we get a sooner
19 return date. And the only thing that I
20 would do is just ask to get a copy of the
21 transcript of Voir Dire in which it would
22 clearly show that the only lawyer that
23 brought up race in Voir Dire was Jonathan
24 Fuller.
25 MR. FULLER:
26 That was opening statements. And my
27 name is John.
28 MR. WILLIAMS:
29 I'm sorry. I'm sorry. I'm sorry. I
30 apologize for calling him out of his name.
31 THE COURT:
32 And the Court is quite aware of that.

1 That was one of the issues that I also
2 reviewed. Also, so gentlemen, I am going
3 to agree with the D.A.'s office.

4 MR. FULLER:

5 Judge, can I be heard.

6 THE COURT:

7 Let's hear me out, right. So you guys
8 are not requesting a Stay. That's the
9 first thing. We have these jurors coming
10 back tomorrow. They are not coming on
11 Friday. You guys are not coming on Friday.
12 Friday is your perfect day to file your
13 Writ. So I am going to give you until
14 Friday. Get it done.

15 We have those same jurors coming back
16 on Monday. And I think it is quite unfair
17 that I haul them back here not knowing if
18 the 4th Circuit is going issue a Stay while
19 they're already here. So I want your Writ
20 filed on Friday. How quickly can you get
21 it done on Friday before the close of
22 business? I'm giving y'all a chance to
23 give me a time.

24 MR. BEVINETTO:

25 By the close of business.

26 THE COURT:

27 How about 3 o'clock? Writ due 3
28 o'clock on Friday. Y'all got to move fast
29 when you're talking to me. Friday.

30 MR. WILLIAMS:

31 We just ask that we get it at 3, Judge,
32 so we can get our response in.

1 THE COURT:

2 Well the Court needs it at 3. If you
3 have a return day and time, I need to get a
4 courtesy copy. And your opposing counsel
5 should do the same, Friday at 3 o'clock.

6 MR. FULLER:

7 Judge, we can just email that to you?

8 THE COURT:

9 You can email it, but a physical copy
10 need to be dropped off. You can drop it
11 off on Monday. Email it on Friday and just
12 bring us a physical copy on Monday.

13 MR. FULLER:

14 Okay.

15 THE COURT:

16 And again, it's not about taking sides.
17 It's about me trying to consider what is
18 fair to those 14 people that have given us
19 all of these days this week and will
20 continue to give us a few more days,
21 because there has been no Stay granted in
22 the matter. So I am asking that you have
23 your Writ filed by Friday no later than 3
24 o'clock.

25 MR. FULLER:

26 Yes, ma'am.

27 THE COURT:

28 All right. I'll see y'all in morning
29 at 9:30.

30

31

32

R E P O R T E R ' S P A G E

I, ALICIA N. PRITCHETT, Certified Court Reporter, in and for the State of Louisiana, the officer before whom this sworn testimony was taken, do hereby state:

That due to the spontaneous discourse of this proceeding, where necessary, dashes (--) have been used to indicate pauses, changes in thought, and/or talkovers; that same is the proper method for a Court Reporter's transcription of a proceeding, and that dashes (--) do not indicate that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through reference material have been denoted with the phrase "(phonetically spelled)."

ALICIA N. PRITCHETT
Certified Court Reporter
Louisiana License #2014024

CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS
 STATE OF LOUISIANA
 NO. 841639
 DEPUTY CLERK
 CRIMINAL DISTRICT COURT
 DIVISION "F"
 FILED
 JUN 19 2018
 OFFICE of ARTHUR A. MORRELL
 CLERK of COURT

STATE OF LOUISIANA
 VERSUS
 GARRETT J. WARD

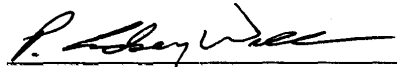
FILED: _____
 Deputy Clerk

OMNIBUS MOTIONS AND ORDER FOR PRE-TRIAL MOTIONS

The above named defendant, through undersigned counsel, informs the Court that these standard Pre-Trial Motions are hereby filed into this matter:

1. MOTION TO SUPPRESS THE STATEMENT(S);
2. DEFENDANT'S REQUEST FOR DISCOVERY AND BILL OF PARTICULARS;
3. MOTION FOR REASONABLE NOTICE OF TRIAL DATE;
4. MOTION TO SUPPRESS THE EVIDENCE;
5. MOTION TO SUPPRESS THE IDENTIFICATION;

Respectfully submitted,



P. Lindsey Williams #21405
 631 ST. CHARLES AVENUE
 NEW ORLEANS, LA 70130
 504-561-1222
 ATTORNEY FOR DEFENDANT Garrett J. Ward

ORDER

In consideration of the foregoing motion, it is HEREBY ORDERED that the State of Louisiana through the District Attorney's Office show cause on the _____ day of _____ of 2018 at _____ a.m. why the foregoing omnibus motions should not be granted.

New Orleans, State of Louisiana, this _____ day of _____, 2018.

 JUDGE

MOTION TO SUPPRESS THE STATEMENT(S)

NOW INTO COURT, through undersigned counsel, comes defendant, Garrett J. Ward, who represents that his constitutional rights, as guaranteed by the Constitutions of the United States and the State of Louisiana, have been violated, because the statement(s) allegedly made by the defendant have been illegally and unlawfully obtained. The defendant therefore moves that the statement evidence for which the prosecution seeks to use against him, be ordered suppressed in its entirety by the Court, and further moves that the State of Louisiana be prohibited from introducing the same or making reference thereto during the trial of this case.

DEFENDANTS REQUEST FOR DISCOVERY & BILL OF PARTICULARS

Defendant, Garrett J. Ward, respectfully files the following pretrial motions and specifically reserves the right to file such other motions as may become necessary upon further discovery. In accordance with Louisiana Code of Criminal Procedure, Article 729.3, Defendant requests that the state observe its continuing duty to disclose information should the state discover additional evidence, or decide to use additional evidence, and such evidence is or may be subject to discovery or inspection. Defendant further requests that the District Attorney for the Parish of Orleans respond to each request, in writing, and that this Honorable Court set all motions for hearing on the same date. Defendant moves that the state prepare written answers and/or produce the documents for the following requests, to-wit:

1. Pursuant to Louisiana Revised Statutes §44:3(a)(4), please produce any initial police reports relating to the offense(s) with which Defendant is charged. Any such police reports are public record under Revised Statute §44:3(a)(4).
2. Pursuant to Louisiana Code of Criminal Procedure, Article 717, please produce a copy of any records of the Defendant's criminal arrests and/or convictions that are in the control, possession, or custody of the state or any other relevant law enforcement agency.
3. Pursuant to Louisiana Code of Criminal Procedure, Article 720, please inform the Defendant of the state's intention to offer evidence of the commission of any other crime potentially admissible under Louisiana Code of Evidence, Article 404.
4. Pursuant to Louisiana Code of Criminal Procedure, Article 722, please produce, or authorize Defendant to inspect and copy, photograph or otherwise reproduce, any relevant written or recorded confessions or inculpatory statements made by any and all codefendants which either are intended for use at trial or are exculpatory in nature.
5. Please produce any evidence relating to any plea bargains or promises made to witnesses in any way related to the above captioned matter. See *State v. Williams*, 338 So.2d 672, 677 (La. 1976); *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972); *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 LEd.2d 215 (1963).
6. Please produce any evidence relating to any prior criminal record of arrests and/or convictions of such witnesses. See *LA C.Cr.P., Article 718*; *State v. Whitlock*, 454 So.2d

871, 873 (La.App. 4 Cir. 1984).

7. Please identify any persons, other than the Defendant, who were identified as the perpetrator or as a participant in the charged crime. See *State v. Falkins*, 356 So.2d 415, 417 (La. 1978).
8. Pursuant to Louisiana Code of Criminal Procedure, Articles 484-485, please provide the Defendant with a bill of particulars setting forth specifically the nature and cause of the charge(s) against the Defendant. Please include the time, date, and location of the charged offense(s) and the identities of any and all coconspirators, accessories and/or principals involved in or after the offense(s) charged.
9. Please state if this defendant was arrested pursuant to the execution of a search warrant or an arrest warrant. If the answer is "Yes," please provide the defendant with one copy of each of the applicable warrants(s), return on the warrant(s), and/or affidavit for obtaining the warrant (s).
10. If neither type of warrant is involved, please state whether the arresting police officer(s) arrested this defendant pursuant to his or her own personal knowledge or observation of the offense.
11. If the arresting police officer(s) did not have personal knowledge or observation of the offense, please state the manner in which he or she obtained the information which formed the basis of the arrest of the defendant.
12. Please provide this defendant with the name of each witness and victim of the alleged offense(s).
13. Please provide the arrest and/or conviction record(s) of each and every witness and victim of the alleged offense(s).
14. Please provide defendant with the local and FBI arrest and conviction record(s) of every defendant in this case.
15. Please advise whether this defendant made any statements to any law enforcement officer(s) either after arrest or prior to being arrested, while being detained as a suspect.
16. If this defendant did make a statement, please indicate whether the statements were verbal, written, typed, or taped and provide the defense with an accurate "gist" of the contents of the verbal statements, a copy of the written or typed statements and an accurate reproduction or transcription of the recorded or taped statements. *LA C.Cr.P., Article 716*.
17. Please advise this defendant of the existence of any oral statement(s) made to any person other than a law enforcement officer by this defendant or any codefendant. *LA C.Cr.P., Article 716*.
18. Has this defendant been identified as the perpetrator of the offense(s) upon which this prosecution is based?
19. If the answer to Request No. 18 is "Yes," please advise whether the identification resulted from an on-the-scene, photographic or physical lineup identification procedure and provide the name(s) of the individual(s) who have participated in an identification procedure, and either positively, tentatively, or negatively identified this defendant as the perpetrator of the alleged offense(s).
20. If a positive or tentative identification has occurred, please state the basis of the identification made by the person(s).
21. Was anything taken from the person of this defendant prior or incident to the arrest of this defendant? If "Yes," please describe and allow this defendant to view same.
22. Is the State of Louisiana aware, or in the possession, custody, or control of any results or reports of any physical, mental, or scientific tests or experiments material to or made in connection with this case? If "Yes," please provide this defendant with a copy of the results or reports.

23. Is the State of Louisiana aware, or in the possession of any information, knowledge or object, be it tangible or otherwise, which is favorable to this defendant or which is either material or relevant to the issue of the innocence or guilt of this defendant? If "Yes," please provide the defendant an opportunity to inspect the above information, knowledge or object.

24. Does the State of Louisiana possess evidence which has not been disclosed prior to this question and which is either intended for use by the State of Louisiana at trial of this matter or was obtained from or belonged to this defendant or a co-defendant? If so, please allow an opportunity to examine the said evidence, after the State provides this defendant with a detailed list of same. LA C.Cr.P., Article 718.

WHEREFORE, defendant prays that the State of Louisiana show cause why this Motion for Discovery should not be granted and that this Court require the State of Louisiana to answer the foregoing Motion.

MOTION FOR REASONABLE NOTICE OF TRIAL DATE

State v. Ray, 474 So.2d 954 (La. 1985);
State v. Simpson, 551 So.2d 1303 (La. 1989);
In Re Indigent Defendants, unpub.(91-K-1239, La. App. 4 Cir. June 28, 1991);
State v. McNeil, 613 So.2d 752 (La. App. 4 Cir. 1993); and
State v. Camp, 434 So.2d 436, (La. 1983).

NOW INTO COURT, through undersigned counsel comes accused, who respectfully requests to be notified of the order in which his case on the criminal docket will be called for trial, and in support thereof avers the following, to-wit:

1. Accused, recognizing that trial date actually means trial "the week of", respectfully requests that the district attorney or his duly designated assistant provide specific notice to undersigned indigent defense counsel, within a reasonable time before trial (but not less than 48 hours) of the order in which cases will be called for trial when more than one case is set for trial on a particular day, to-wit:

"Considering the Louisiana Supreme Court's decision in *State v. Simpson*, 551 So.2d 1303 (La. 1989), the prosecutor is ordered to notify indigent defense counsel within a reasonable time before trial (but not less than 48 hours) of the order in which the cases will be called for trial when more than one case is set for trial on a particular day." *In Re Indigent Defendants*, unpub. (91-K-1239, La. App. 4 Cir. June 28, 1991); *State v. McNeil*, 613 So.2d 752 (La.App. 4th Cir. 1993); and

2. The Supreme Court of Louisiana held in *State v. Simpson*, 551 So.2d 1303, (La. 1989)

"... the criminal docket for a particular day must indicate the order in which the cases are to be called for trial.";

AND

"... which permits the district attorney to call criminal cases for trial "in any order preferred by him," cannot be interpreted to grant that authority on the day of trial." *Simpson* at 1305; and

3. Further, it is respectfully requested that the District Attorney or his duly designated assistant notify undersigned indigent defense counsel ten day in advance of trial, of the order in which the charges against the accused will be tried, when the accused faces more than one pending charge. The Supreme Court of Louisiana held in *State v. Camp*, 435 So.2d 436 (La. 1983), "Granted. It is hereby ordered that the ruling of the District Court is reversed. It is further ordered that the case be remanded to the District Court and that the trial judge shall require the District Attorney to designate the order in which the charges against the defendant will be tried, giving the defendant 10 days notice in advance of trial. C.Cr.P. Art. 702." *Camp* at 436; and

4. Louisiana Code of Criminal Procedure Article 702 States, in pertinent part:

"The defendant shall be given notice of trial sufficiently in advance thereof so that he may summon witnesses." C.Cr.P. Art. 702; and,

5. Notice is hereby given, that in the event of failure by the District Attorney to provide proper notification to undersigned counsel, in accordance with the above law, undersigned will assume that all of undersigned cases appearing on the docket shall be ordered continued and such continuance charged to the State, to-wit:

"Granted. The District Attorney is ordered to designate for relator's defense counsel the order in which defense counsel's cases will be called to trial on Monday, September 16, by doing so no later than 5 P.M. Friday, September 13; otherwise the cases shall be ordered continued." *State v. Ray*, 474 So.2d 954 (La. 1985) and,

Considering the premises set forth, the law and jurisprudence as cited above, the Court should and ought to order the District Attorney to comply with the foregoing law, and IT IS SO MOVED.

MOTION TO SUPPRESS THE EVIDENCE

NOW INTO COURT, through undersigned counsel, comes defendant, Garrett J. Ward, who represents that his constitutional rights, as guaranteed by the Constitutions of the United States and the State of Louisiana, have been violated, because the evidence sought to be used against the defendant has been illegally and unlawfully obtained. The defendant therefore moves that the evidence for which the prosecution seeks to use against him, be ordered suppressed in its entirety by the Court, and further moves that the State of Louisiana be prohibited from introducing the same or making reference thereto during the trial of this case.

MOTION TO SUPPRESS THE IDENTIFICATION

NOW INTO COURT, through undersigned counsel, comes defendant, Garrett J. Ward, who represents that his constitutional rights, as guaranteed by the Constitutions of the United States and the State of Louisiana, have been violated, because the identification evidence sought to be used against the defendant has been illegally and unlawfully obtained. The defendant was viewed under circumstances which improperly suggested that the defendant was the perpetrator of the crime(s) with which the defendant is now charged herein and which circumstances violated the defendant's constitutional rights. The suggestion which is involved so tainted the identification as to cause any identification of the defendant to be in violation of the defendant's rights, all as prohibited by the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. The defendant therefore moves that the identification evidence for which the prosecution seeks to use against him, be ordered suppressed in its entirety by the Court, and further moves that the State of Louisiana be prohibited from introducing the same or making reference thereto during the trial of this case.

STATE OF LOUISIANA
VERSUS
GARRETT J. WARD

OFFICE OF ARTHUR A. MORRELL
CLERK OF COURT

PLEASE FILE IN RECORD
CRIMINAL DISTRICT COURT
PARISH OF ORLEANS

CASE NO. 541639 (F)

STATE'S NOTICE PURSUANT TO LA. C.C.R.P. ART. 767, & 768

NOW INTO COURT comes the State of Louisiana, through the undersigned Assistant District Attorney for the Parish of Orleans, who hereby gives notice to the defendants, of the following:

I.

Pursuant to La. C. Cr. P. art. 768, the State gives written notice of its intent to introduce into evidence, at trial, all confessions or inculpatory statements made by the defendant prior to his invocation of the right to counsel. The contents of the confessions or inculpatory statements were provided to the defense in pre-trial discovery.

The confessions or inculpatory statements by the defendant were:

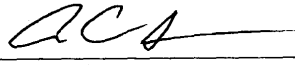
1. Made to: NOPD Officers John Roussel, Donald Wise and William Hery; On
Date: 1/6/2018; At or Near Location: 2000 Block of St Charles Ave, New
Orleans, LA 70130

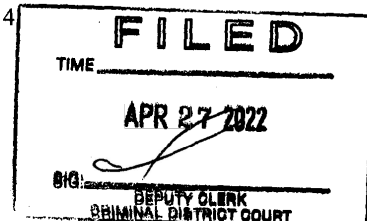
II.

Also, the State intends to use in its opening statement and introduce into evidence the defendant's confession or inculpatory statements to pursuant to La. C. Cr. P. art. 767. On October 5, 2018, defense counsel averred that no motions to suppress lie with respect the defendant's above referenced statements to law enforcement made prior to his invocation of the right to counsel (as identified above).

WHEREFORE, the State prays that the above said notice be deemed adequate and sufficient under the law.

Respectfully Submitted,


Andre Gaudin
Assistant District Attorney
Bar #33139
619 S. White St.
New Orleans, LA 70119
Phone: (504) 822-2414



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served by hand, facsimile or electronically, on all counsel of record simultaneous with its filing, this 27 of APRIL, 2022.



Andre Gaudin
Assistant District Attorney
Bar #33139
619 S. White St.
New Orleans, LA 70119
Phone: (504) 822-2414

