

Equal Justice Task Force

Minutes of Meeting
2021 Interim
November 30, 2021

I. CALL TO ORDER

Representative Randal L. Gaines, chairman of the House Committee on Judiciary, called the meeting to order at 10:04 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

LEGISLATIVE MEMBERS PRESENT:

Representative Randal L. Gaines, chairman
Representative Kathy Edmonston
Representative Edmond Jordan
Representative Charles "Chuck" Owen

LEGISLATIVE MEMBERS ABSENT:

Representative Jason Hughes
Representative Sherman Q. Mack
Representative Sam Jenkins

NON-LEGISLATIVE MEMBERS PRESENT:

Sheriff Greg Champagne, Louisiana Sheriffs' Association
Mr. Tony Clayton, Louisiana District Attorneys Association
Mr. Bobby James Lee, Jr., Division of Probation and Parole, Department of Public Safety and Corrections
Ms. Jamila Johnson, Promise of Justice Initiative
Mr. Ramie Starns, Louisiana Public Defender Board
Mr. Norris Henderson, Voice of the Experienced
Ms. Catalene B. Theriot, Voices of Innocent Citizens Empowered, Inc.

STAFF MEMBERS PRESENT:

Claire Stevenson, attorney
Zachary Gonzales, attorney
Diane Merritt, committee administrative assistant
Megan Sanders, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms
Danny Lemming, sergeant at arms

III. OPENING REMARKS

Chairman Gaines explained the mission of the Equal Justice Task Force which was created pursuant to House Resolution No. 197 of the 2021 Regular Session.

IV. BUSINESS

Jamila Johnson, deputy director, Promise of Justice Initiative, 1024 Elysian Fields, New Orleans, LA 70116, (504) 529-5955, provided information on the Promise of Justice Initiative and its work with non-unanimous jury issues. Ms. Johnson provided a timeline of non-unanimous jury verdict laws in Louisiana, Exhibit A, which is included in the committee records. Ms. Johnson summarized the recommendations that the Promise of Justice Initiative would be submitting. Ms. Johnson also provided a statement from Chief Justice Bernette Joshua Johnson (retired), Exhibit B, which is included in the committee records. Jamila Johnson discussed potential legislation regarding non-unanimous jury verdicts.

Representative Gaines discussed the unintended consequences of retrying all non-unanimous verdict cases. He also indicated that a solution that everyone could live with is the job of the task force.

Representative Charles "Chuck" Owen, 6673 Evans Street Rosepine, LA 70659, (337) 460-8726, relayed his strong feeling that something needed to be done and he committed to assisting the task force in finding remedies for the state.

Representative Edmond Jordan, 5763 Hooper Road, Suite B, Baton Rouge, LA 70811, (225) 359-9480, spoke about wanting justice and equality.

Representative Kathy Edmonston, 2115 S. Burnside, Suite C, Gonzales, LA 70737, (225) 647-5646, stated she also wanted to uphold justice. Representative Edmonston asked Ms. Johnson a question regarding the parole board process for inmates, to which Ms. Johnson responded.

Sheriff Gregory C. "Greg" Champagne, Louisiana Sheriffs' Association, 260 Judge Edward Dufresne Pkwy., Luling, LA 70070, (985) 783-6237, spoke on behalf of the Louisiana Sheriffs' Association. Sheriff Champagne gave an overview of the COVID-19 furlough process conducted by the association during the height of the COVID-19 pandemic. He stated that the overall concern of the Louisiana Sheriffs' Association is public safety.

Representative Gaines discussed the duty of the task force, justice for those who have been wrongfully convicted.

Bobby J. Lee, Jr., Division of Probation and Parole, Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804, (225) 342-6608, provided information about the Division of Probation and Parole and its willingness to investigate these cases if requested by the task force.

Tony Clayton, district attorney, Louisiana District Attorneys Association, 2525 Quail Drive, Baton Rouge, LA 70808, (225) 343-0171, spoke on behalf of the Louisiana District Attorneys Association. Mr. Clayton spoke about the overwhelming support for unanimous jury verdicts by the voters of Louisiana in 2018, but to be prospective only. He discussed how jury instruction could affect some of the cases described by Jamila Johnson. Mr. Clayton stated he did not want to release every offender based on a non-unanimous jury verdict alone, but would like to review the cases, discuss options, and take the necessary time needed. He suggested that the task force consider allocating money to the parole board to allow a review of the non-unanimous jury verdict cases. Mr. Clayton read a statement from the Louisiana District Attorneys Association.

Representative Gaines spoke about the capability to modify the solution the task force recommends. He also stated that the task force would vote on the recommendation.

Ramie Starns, Louisiana Public Defender Board, 301 Main Street, Suite 700, Baton Rouge, LA 70825, (225) 219-9305, stated that although there were differences in opinion among the task force, he was encouraged by how the task force was working together to discuss these different opinions and to find the best solution. Mr. Starns stated that over eighty-eight percent of individuals moving through the justice system are represented by the Louisiana Public Defender Board.

Catalene B. Theriot, president, Voices of Innocent Citizens Empowered, Inc., 300 Iberia St., Suite 200, New Iberia, LA 70560, (337) 577-5088, stated that Voices of the Innocent Citizens Empowered is a support group for victims of crime and their families. Ms. Theriot stated that the task force should consider the victims. She stated that Voices of Innocent Citizens Empowered is against retroactively applying this law as it will re-victimize all of those victims.

Representative Owen in the chair.

Norris Henderson, executive director, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 571-9599, spoke about his experience spending twenty-seven years in prison for a crime he did not commit based on a non-unanimous jury verdict. Mr. Henderson stated that when living in fair and just society laws should not be enacted based solely on feelings.

Representative Gaines in the chair.

Representative Gaines pointed out the fact that changing the unjust law regarding non-unanimous jury verdicts has taken over one hundred years.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 535-4912, spoke for information only. Ms. Lowery introduced herself as the crime survivor organizer for the Promise of Justice Initiative. She urged the task force to remember and be considerate of the victims and survivors when making recommendations.

Ronald Marshall, VOTE, 4830 Washington, New Orleans, LA 70117, (504) 547-5789, spoke for information only. Mr. Marshall stated that his parole process experience was hard and unfair, and he stressed his support for a new trial for those convicted based on non-unanimous jury verdicts.

Representative Jordan responded to Sheriff Champagne's earlier comments regarding public safety. He stated that not all convicted by a non-unanimous jury are innocent, but not all are guilty either. Representative Jordan spoke about the task force reaching a compromise while keeping in mind public safety.

Mr. Tony Clayton responded to Representative Jordan regarding maintaining an open dialog and working towards the same goals.

Ms. Theriot reminded the task force about the justice due to victims of crime.

Ms. Johnson reiterated that the remedy would be a new trial for all convicted by a non-unanimous verdict, keeping public safety in mind. She also spoke about the parole board and complications of using that preexisting structure for new trials.

V. OTHER BUSINESS

Representative Jordan offered a motion to appoint Representative Gaines as chairman of the Equal Justice Task Force. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Jordan, and C. Owen, Mr. Clayton, Sheriff Champagne, Mr. Lee, Jr., Ms. Johnson, Ms. Theriot, and Mr. Henderson voted yea.

VI. ANNOUNCEMENTS

Representative Gaines announced that a meeting would be held after receipt of recommendations from members of the task force. Representative Gaines requested that all recommendations be submitted by December 31, 2021.

VII. ADJOURNMENT

The meeting was adjourned at 11:26 a.m.

Respectfully submitted,

Chairman Randal L. Gaines
Equal Justice Task Force