

FILED
2017 MAY 12 A 8:50
CIVIL
DISTRICT COURT

May 7, 2015

Attn: Custodian of Records
Orleans Parish District Attorney
619 South White Street
New Orleans, Louisiana 70119

Via Certified Mail

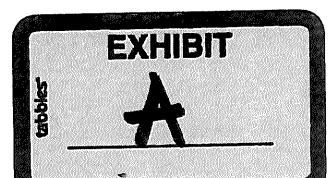
RE: Public Records Request

Dear Custodian of Records:

I am writing to request a copy of the following records and documents in the custody and control of the Orleans Parish District Attorney, pursuant to the Louisiana Public Records Law, La. R.S. 44:1 et seq.:

From January 2013 to the present, all records of any subpoenas and subpoenas duces tecum sought by the Orleans Parish District Attorney pursuant to the power granted by Article 66 of the Louisiana Code of Criminal Procedure. This request includes but is not limited to

1. any motion or request for subpoenas or subpoenas duces tecum sought pursuant to Art. 66 and/or presented to any section of the Orleans Parish municipal court, magistrate court, or criminal district court;
2. any subpoenas or subpoenas duces tecum issued pursuant to Art. 66 by the clerk of any section of the Orleans Parish municipal court, magistrate court, or criminal district court or issued by the Office of the Clerk of Court for Orleans Parish municipal court, magistrate court, or criminal district court;
3. any records of service of subpoenas or subpoenas duces tecum issued pursuant to Art. 66 and served by representatives/commissioned investigators of the Orleans Parish District Attorney, by representative/commissioned investigators of the Louisiana Office of Attorney General, or by the Orleans Parish Sheriff's Office;
4. any records of the return of subpoenas or subpoenas duces tecum issued pursuant to Art. 66;
5. any records of the Orleans Parish District Attorney moving for contempt of court for failure or refusal to comply with a subpoena or subpoena duces tecum issued and served pursuant to Art. 66.



If different divisions or departments of your agency maintain separate custody of records or documents, I request that you direct each division or department that may have records responsive to this request to make those items available to me within the time provided for by the Public Records Act.

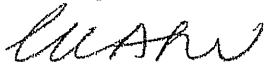
I request that copies of the requested information be provided. Payment for such copies will be made immediately upon provision of an invoice. Should expected copying costs exceed \$50.00, please contact me for approval before incurring this expense.

If you remove any part of the records requested, I would ask that you provide me with a list containing a general description of each part of the records exempted from public disclosure and the reason for the exemption. La. R.S. 44:31 (B)(3).

Under the Public Records Law, your office has five business days from the date of this request to provide access to or copies of the records requested. La. R.S. 44:35(A). Should you wish to raise any question as to whether the requested material is a public record subject to disclosure, you must notify me in writing within three business days of the basis for holding any such record exempt. La. R.S. 44:32(D).

Please contact me at (626) 818-5014 or emily.washington@gmail.com with any questions. All responsive records may be sent via electronic mail attachment or to my attention at 4400 S. Carrollton Avenue, New Orleans, LA 70119.

Sincerely,

A handwritten signature in dark ink, appearing to read "EWASHINGTON", written in a cursive style.

Emily Washington

June 10, 2015

FILED

2017 MAY 12 A 8:50

Attn: John Rohr or Custodian of Records
Orleans Parish District Attorney
619 South White Street
New Orleans, Louisiana 70119

CIVIL
DISTRICT COURT

Via First Class Mail

RE: Public Records Request

Dear Mr. Rohr or Custodian of Records:

On May 7, 2015, I wrote to request access to records of any subpoenas or subpoenas duces tecum sought by the Orleans Parish District Attorney pursuant to the power granted by Article 66 of the Louisiana Code of Criminal Procedure from January 2013 to the present. I was informed by letter – dated May 11, 2015 – that the Orleans Parish District Attorney does not maintain any database or case management system by which such records could be isolated for my review.

After speaking with you by telephone, it is my understanding that you maintain all closed case files (including refusals) in your capacity as Records Manager. Pursuant to my original request for records, I would like to establish a schedule by which I could review the case files for those cases which the Orleans Parish District Attorney closed or refused, beginning in January 2013.

I understand that this will be a large number of case files, and I am happy to work with you and your office to set up review times that will be manageable and convenient for both parties.

Please contact me at (626) 818-5014 to schedule times for this record review.

Sincerely,

Emily Washington



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CIVIL
Office of the Orleans Parish District Attorney
DISTRICT COURT

Leon A. Cannizzaro, Jr.
DISTRICT ATTORNEY

June 24, 2015

Emily Washington
4400 South Carrollton Avenue
New Orleans, Louisiana 70119

Re: Public Records Request

Dear Ms. Washington:

This correspondence comes in response to your June 10, 2015 letter requesting any subpoenas or subpoenas duces tecum sought by the Orleans Parish District Attorney pursuant to the power granted by Article 66 of the Louisiana Code of Criminal Procedure from January 2013 to the present.

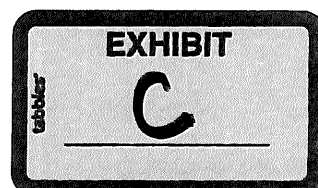
Under the Public Records Law, a public official is relieved of the obligation to make a public record available for inspection when doing so would be unreasonably burdensome or expensive. In this regard, LSA-R.S. 44:33 provides as follows:

Availability of records

A. (1) When a request is made for a public record to which the public is entitled, the official, clerks of court and the custodian of notarial records in and for the parish of Orleans excepted, who has responsibility for the record shall have the record segregated from other records under his custody so that the public can reasonably view the record.

(2) If, however, segregating the record would be **unreasonably burdensome or expensive**, or if the record requested is maintained in a fashion that makes it readily identifiable and renders further segregation unnecessary, the official shall so state in writing and shall state the location of the requested record.

It is well established that the examination of public records or requests for reproduction cannot be so burdensome as to interfere with the operation of the custodian's constitutional and legal duties. Beckett v. Serpas, 112 So.3d 348, 353 (La. App. 4th Cir. 2013); Vandenweghe v. Parish of Jefferson, 70 So.3d 51, 58 (La. App. 5th Cir. 2011), writ denied, 71 So.3d 289 (La. 2011); Elliott v. Dist. Attorney of Baton Rouge, 664 So.2d 122 (La. App. 1st Cir. 1995), writ denied, 664 So.2d 440 (La. 1995).



In the present case, the request for two and a half years of subpoenas and subpoenas duces tecum sought by the District Attorney's Office is overly broad, particularly in light of the fact that the request involves a review of literally thousands of closed files, a substantial number of which are stored off-site. Therefore, compliance with your request would require that this Office manually review thousands of files stored on premises and off-site, the retrieval fee for which is \$8.10 per file. Given the volume of the records requested, the fact that the records cannot be readily identifiable and locatable, and the retrieval costs involved, the District Attorney's Office submits that obtaining the records requested by you and preparing them for public review, including redacting and removing privileged information and documentation therefrom, would be unreasonably burdensome. The subpoenas/subpoenas duces tecum issued at the request of the Orleans Parish District Attorney's Office are a part of the criminal court record, and therefore, the Clerk of Court of the Orleans Parish Criminal District Court is the proper custodian of these records.

Respectfully submitted,

A handwritten signature in cursive script, reading "Scott G. Vincent", written over a horizontal line.

Scott G. Vincent,
Assistant District Attorney

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05/12/2015 13:36 96589441

COLLECTIONS

PAGE 01/01

CIVIL
DISTRICT COURT



ROBERT J. KAZIK
JUDICIAL ADMINISTRATOR

SHANNON C. SIMS
DEPUTY JUDICIAL ADMINISTRATOR

Criminal District Court

PARISH OF ORLEANS
OFFICE OF THE
JUDICIAL ADMINISTRATOR

2700 TULANE AVENUE, SUITE 200
NEW ORLEANS, LA 70119
TEL: (504) 658-9100
FAX: (504) 658-9113

May 11, 2015

Emily Washington
4400 S. Carrollton Avenue
New Orleans, LA 70119

Dear Ms. Washington:

In response to your public records request dated May 7, 2015, whereas you requested information from all of the individual judges and commissioners of Criminal District Court, as relating to,

"...all records of any subpoenas and subpoena duces tecum sought by the Orleans Parish District Attorney pursuant to the power granted by Article 66 of the Louisiana Code of Criminal Procedures from January 2013 to present."

These records are not in our custody.

If you have any questions or concerns, please do not hesitate to call.

Regards,

Robert Kazik
Judicial Administrator

RJK/eed

Cc: Chief Judge Benedict Willard, Section C
Judge Laurie A. White, Section A
Judge Tracey Flemings-Davillier, Section B
Judge Calvin Johnson, (ad hoc) for Judge Frank A. Marullo, Jr., Section D
Judge Keva Landrum-Johnson, Section E
Judge Robin D. Pittman, Section F
Judge Byron C. Williams, Section G
Judge Camille Buras, Section H
Judge Karen K. Herman, Section I
Judge Darryl A. Derbigny, Section J
Judge Arthur L. Hunter, Jr., Section K
Judge Franz Zibilich, Section L
Judge Harry E. Cantrell, Magistrate & All Magistrate Commissioners

EXHIBIT

D



ARTHUR A. MORRELL
CLERK OF COURT



FILED

2017 MAY 12 A 8:50

CIVIL
DISTRICT COURT

2700 Tulane Ave. #114
New Orleans, LA 70119

CLERK'S OFFICE
CRIMINAL DISTRICT COURT
CHIEF ELECTIONS OFFICER

OFFICE (504) 658-9000
FAX (504) 658-9183

June 3, 2015

Emily Washington
4400 S. Carrollton Ave.
New Orleans LA 70119

Re: Response to your public records request dated May 18, 2015

Dear Ms. Washington:

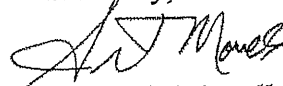
The clerk's office is in receipt of your letter dated May 18th 2015, however, your request for public records based on Louisiana law R.S. 44: 1st seq.: cannot be met. In order to obtain the subpoena information requested, it would be necessary for us to review all records from January 2013 to this current date. The Clerk's office receives roughly 6,000 cases per year into the Orleans Parish district criminal court system. This request would require us to review over 15,000 cases. There is no set number of subpoenas per case. For example, case number 514-448 has 76 subpoenas issued. The cost of 76 copies for this one case would be \$114.00. The cost per page is \$1.50. If each case has only one subpoena, the cost would be \$22,500 for copies. No case has only one subpoena in the file, most cases have multiple subpoenas.

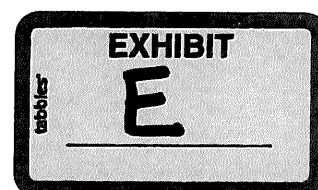
Your letter said to contact you first if the fees associated with this request would exceed \$50. As you can see, this will be an insufficient amount to complete your request. In addition to the cost of copies, there will be an additional after hours charge for staff work on your request. This staff cost is necessary because of the volume and the unusual nature of this request.

This letter serves to notify you that we are unable to complete your public records request as requested in your May 18th letter. However, you may come into the office to review any and all files at your convenience during office hours. The Clerk's office hours for public view are from 8:00am until 3:00pm.

Please feel free to contact this office for further information.

Sincerely,


Arthur A. Morrell



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CIVIL
DISTRICT COURT



SUBPOENA

A FINE AND IMPRISONMENT MAY BE IMPOSED
FOR FAILURE TO OBEY THIS NOTICE.

Office of the Orleans Parish District Attorney
CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS

To: Fayona Bailey

You Are Hereby Notified pursuant to
LSA-CCRP art. 66 to appear before the
District Attorney for the Parish of Orleans, to
testify to the truth according to your knowledge
in such matters as may be required of you.

on March 16, 2017

at 9:00 AM

to Assistant District Attorney:

Inga Petrovich

phone #: 827-6302

at 619 South White Street

In the case of:

State of LA vs. Janero McBride

Item # E-16377-15

Case # 526-096, D

Charge(s): 14:30.1

Instructions:

Contact the above named Assistant District
Attorney upon receipt of this subpoena.

Bring this subpoena with you to the District
Attorney's Office when you appear to testify.

RETURN OF PERSONAL SERVICE

THIS IS TO CERTIFY that on

I received the process of Court of which this is a duplicate.

Recipient of Service

THIS IS TO CERTIFY that on

I made due Personal Service thereof by leaving same in the hands of
the aforesigned Recipient

(please write Recipient's name),

the person to whom the process is directed.

Server of Process

RETURN OF DOMICILIARY SERVICE

THIS IS TO CERTIFY that on

I received the process of Court of which this is a duplicate.

-Recipient of Service

THIS IS TO CERTIFY that on

I made due Personal Service thereof by leaving same in the hands of
the aforesigned Recipient

(please write Recipient's name),

a person of suitable age and discretion, residing at the domicile of the
person to whom the said process of Court was issued, who was absent
at the time, which fact I learned by interrogating the person in whose
hands the said process was left.

Server of Process

EX. 1

EXHIBIT

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SUBPOENA

A FINE AND IMPRISONMENT MAY BE IMPOSED
FOR FAILURE TO OBEY THIS NOTICE.

Office of the Orleans Parish District Attorney

CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS

FILED
2017 MAY 12 A 8:51

CIVIL
DISTRICT COURT

To: Tiffany Lacroix

You Are Hereby Notified pursuant to
LSA-CCRP art. 66 to appear before the
District Attorney for the Parish of Orleans, to
testify to the truth according to your knowledge
in such matters as may be required of you.

on 11-29-16
at DAAA 12 noon

to Assistant District Attorney:

Laura Rodrigue

phone #: 822-2414

at 619 South White Street

In the case of:

State of LA vs. Cardell Hayes

Item # D-10616-16

Case # 528-975

Charge(s): 14:30.1

Instructions:

Contact the above named Assistant District
Attorney upon receipt of this subpoena.
Bring this subpoena with you to the District
Attorney's Office when you appear to testify.

RETURN OF PERSONAL SERVICE

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Recipient of Service

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Server of Process

RETURN OF DOMICILIARY SERVICE

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Recipient of Service

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(please write Recipient's name),

a person of suitable age and discretion, residing at the domicile of the
person to whom the said process of Court was issued, who was absent
at the time, which fact I learned by interrogating the person in whose
hands the said process was left.

Server of Process

Ex. 1

EXHIBIT

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