

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

SEP 18 2024

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

DANIEL J. MCCOY, CLERK

BY: _____

LAFAYETTE DIVISION

UNITED STATES OF AMERICA

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CRIMINAL NO.

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18 U.S.C. § 371

VERSUS

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18 U.S.C. § 666(a)(1)(B)

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18 U.S.C. § 1952(a)(3)

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18 U.S.C. § 1956(h)

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18 U.S.C. § 1512(b)(2)(B)

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GARY HAYNES

6:24-CR-00206-01

Judge Summerhays

Magistrate Judge Whitehurst

INDICTMENT

THE GRAND JURY CHARGES:

AT ALL TIMES MATERIAL TO THE INDICTMENT:

The Pretrial Intervention Program

1. The 15th Judicial District Attorney's Office (the "D.A.'s Office"), located within the Western District of Louisiana, was responsible for enforcing state law within its jurisdiction, including by charging and prosecuting defendants with crimes.

2. The D.A.'s Office was an agency of the State of Louisiana that received, in both 2021 and 2022, benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of federal assistance.

3. The Pretrial Intervention Program (also known as Pretrial Diversion) (the "PTI Program"), was administered by the D.A.'s Office and provided an alternative to criminal prosecution. Defendants with pending criminal charges who

completed the PTI Program would have those charges dismissed – thus avoiding the potential penalties associated with a criminal conviction, such as imprisonment.

4. Entry into the PTI Program was at the discretion of the District Attorney or of those employees at the D.A.'s Office with authority for administering the PTI Program. The D.A.'s Office had guidelines for those employees concerning the types of defendants eligible for the PTI Program.

5. The PTI Program was individualized to each participant, but in general participants were required to submit to a combination of drug and alcohol testing, counseling and behavioral therapy, and/or other rehabilitative and training courses.

6. The D.A.'s Office approved certain vendors to provide these services to participants in the PTI Program, and those vendors were paid for their services by the PTI Program participants.

The Conspirators

7. The Defendant, GARY HAYNES, was an Assistant District Attorney and agent of the D.A.'s Office with authority over the PTI Program.

8. Dusty Guidry was a contract employee and agent of the D.A.'s Office who also had authority over the PTI Program.

9. Leonard Franques co-owned and/or operated various companies that were vendors providing both in-person services and online courses, including behavior therapy courses, to the PTI Program participants.

COUNT 1

**18 U.S.C. § 371
CONSPIRACY TO ENGAGE IN
BRIBERY CONCERNING PROGRAMS
RECEIVING FEDERAL FUNDS**

The Conspiracy

10. The introductory allegations set forth in paragraphs 1 through 9 are realleged and incorporated by reference as though fully set forth herein.

11. Beginning on a date unknown, but not before on or about January 11, 2021, and continuing until on or about May 9, 2022, the Defendant, GARY HAYNES, did knowingly combine, conspire, confederate, and agree with others, both known and unknown to the Grand Jury, to commit a crime against the United States, that is, to solicit bribes and kickbacks, and agree to accept a thing of value, as an agent of a government agency receiving federal benefits, in violation of Title 18, United States Code, Section 666(a)(1)(B).

Purposes of the Conspiracy

12. The purpose of the conspiracy was for the Defendant, GARY HAYNES, and Guidry to enrich themselves by soliciting and accepting money, property, and things of value from Franques in exchange for providing and agreeing to provide favorable official action to companies he owned and/or operated, in relation to the PTI Program.

13. It was also a purpose of the conspiracy to hide, conceal, and cover up its true nature and existence, including by concealing the source and nature of the conspiracy's illicit proceeds.

Manner and Means of the Conspiracy

14. The conspiracy was carried out through the following manner and means, among others:

A. The Defendant, GARY HAYNES, and Guidry required participants in the PTI Program to obtain services from companies co-owned and/or operated by Franques in exchange for money, property, and things of value from Franques.

B. The Defendant, GARY HAYNES, and/or co-conspirator Guidry, approved additional participants in the PTI Program to increase the referrals to companies owned and/or operated by Franques to generate more illicit proceeds.

Overt Acts

15. In furtherance of the conspiracy and to affect its objects, one or more of the conspirators committed and caused to be committed the following overt acts, among others, within the Western District of Louisiana, and elsewhere:

A. On or about May 13, 2021, the Defendant, GARY HAYNES, reactivated M.D. at Law, LLC, a company registered in his own name, with the Louisiana Secretary of State.

B. On or about June 28, 2021, the Defendant, GARY HAYNES, opened a bank account for M.D. at Law, LLC and funded the account with \$15,000.

C. On or about October 16, 2021, Guidry informed the Defendant, GARY HAYNES, that Franques planned to obtain a truck worth approximately \$81,000 for HAYNES as payment for HAYNES having assigned participants in the PTI Program to take courses from companies owned and/or operated by Franques.

D. On or about November 10, 2021, the Defendant, GARY HAYNES, authorized the enrollment of Person #1 into the PTI Program – even though HAYNES knew that Person #1 had been charged with sexual assault and would not previously have been eligible for the PTI Program.

E. On or about November 12, 2021, the Defendant, GARY HAYNES, and Guidry discussed the number of classes and the cost per session for Person #1 for courses provided by a company owned and/or operated by Franques.

F. On or about November 18, 2021, the Defendant, GARY HAYNES, and Guidry discussed how to handle the case of Person #2, a criminal defendant who had recently been charged by the D.A.'s Office with his/her third Operating a Vehicle While Intoxicated ("OWI") offense. Person #2 was already in the PTI Program from the previous OWI charge. During the conversation, Guidry stated, "there's some meat on the bone" if HAYNES and Guidry could keep Person #2 in the PTI Program.

G. On or about January 4, 2022, the Defendant, GARY HAYNES, instructed Franques not to tell the District Attorney that Franques had been paying money to Guidry for referrals to the PTI Program. During the same conversation, Franques informed HAYNES that he had paid Guidry \$40,000.00 in the last month. HAYNES responded that Guidry was supposed to split that money with him.

H. On or about January 12, 2022, the Defendant, GARY HAYNES, Guidry, and Franques met in person and discussed, among other things, how to increase profits to Franques's companies and how to conceal HAYNES' role in sending more participants in the PTI program to classes controlled by Franques. During the

same conversation HAYNES, Guidry, and Franques discussed how to conceal the kickbacks made from Franques to HAYNES, through Franques's purchase of a vehicle for HAYNES, and/or submission of checks from Franques to M.D. at Law.

All in violation of Title 18, United States Code, Section 371. [18 U.S.C. § 371].

COUNT 2

**18 U.S.C. § 666(a)(1)(B)
BRIBERY CONCERNING
PROGRAMS RECEIVING FEDERAL FUNDS**

16. The allegations set forth in paragraphs 1 through 15 of the Indictment are realleged and incorporated by reference as though fully set forth herein.

17. Beginning on an unknown date, but no later than on or about January 1, 2022, and continuing until on or about February 1, 2022, in the Western District of Louisiana, the Defendant, GARY HAYNES, did corruptly solicit, demand, accept and agree to accept a thing of value from a person, intending to be influenced and rewarded in connection with a transaction and series of transactions of the 15th Judicial District Attorney's Office involving five thousand dollars (\$5,000) or more, that is: that on or about January 11, 2022, and on or about February 1, 2022, HAYNES accepted and agreed to accept kickback payments of \$10,000 in exchange for HAYNES approving defendants' admission into the PTI Program, requiring participants in the PTI Program to obtain services from Franques's companies, and dismissing cases for defendants who completed the classes and other PTI Program requirements.

All in violation of Title 18, United States Code, Section 666(a)(1)(B). [18 U.S.C. § 666(a)(1)(B)].

COUNT 3

**18 U.S.C. § 1952(a)(3)
USE OF A FACILITY IN INTERSTATE COMMERCE
IN AID OF BRIBERY**

18. The allegations set forth in paragraphs 1 through 15 of the Indictment are realleged and incorporated by reference as though fully set forth herein.

19. On or about November 12, 2021, in the Western District of Louisiana, the Defendant, GARY HAYNES, used a facility in interstate commerce, namely a cell phone, with the intent to promote, manage, establish, and carry on, and facilitate the promotion, management, establishment and carrying on, of an unlawful activity, that is, public bribery, in violation of Louisiana Revised Statute, Section 14:118, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and facilitate the promotion, management, establishment and carrying on of such unlawful activity.

All in violation of Title 18, United States Code, Section 1952(a)(3). [18 U.S.C. § 1952(a)(3)].

COUNT 4

**18 U.S.C. § 1952(a)(3)
USE OF A FACILITY IN INTERSTATE COMMERCE
IN AID OF BRIBERY**

20. The allegations set forth in paragraphs 1 through 15 of the Indictment are realleged and incorporated by reference as though fully set forth herein.

21. On or about January 11, 2022, in the Western District of Louisiana, the Defendant, GARY HAYNES, used a facility in interstate commerce, namely a cell phone, with the intent to promote, manage, establish, and carry on, and facilitate the

promotion, management, establishment and carrying on, of an unlawful activity, that is, public bribery, in violation of Louisiana Revised Statute, Section 14:118, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and facilitate the promotion, management, establishment and carrying on of such unlawful activity.

All in violation of Title 18, United States Code, Section 1952(a)(3). [18 U.S.C. § 1952(a)(3)].

COUNT 5

**18 U.S.C. § 1956(h)
CONSPIRACY TO COMMIT
MONEY LAUNDERING**

22. The allegations set forth in paragraphs 1 through 15 of the Indictment are realleged and incorporated by reference as though fully set forth herein.

23. Beginning on a date unknown, but not before on or about January 11, 2021, and continuing until on or about May 12, 2022, the Defendant, GARY HAYNES, did knowingly combine, conspire, confederate, and agree with others, both known and unknown to the Grand Jury, to commit a crime against the United States, to wit: money laundering in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i).

All in violation of Title 18, United States Code, Section 1956(h). [18 U.S.C. § 1956(h)].

COUNT 6

**18 U.S.C. § 1512(b)(2)(B)
OBSTRUCTION OF JUSTICE**

24. On or about February 3, 2022, in the Western District of Louisiana, the Defendant, GARY HAYNES, did corruptly persuade another person, and attempted to do so, with the intent to cause or induce that person to alter, destroy, mutilate, and conceal a record, document, or other object, with the intent to impair the object's integrity or availability for use in an official proceeding.

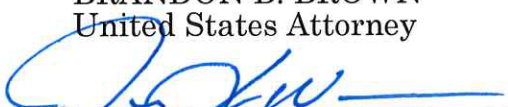
All in violation of Title 18, United States Code, Section 1512(b)(2)(B). [18 U.S.C. § 1512(b)(2)(B)].

A TRUE BILL

REDACTED

~~GRAND JURY FOREPERSON~~

BRANDON B. BROWN
United States Attorney



JOHN LUKE WALKER, LA Bar No. 18077
JOHN WOODLEY NICKEL La BAR No. 37819
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, LA 70501
Telephone: (337) 262-6618

COREY AMUNDSON
Chief, Public Integrity Section



STEVEN LOEW, WV Bar No. 7412
TREVOR WILMOT, GA Bar No. 936961
Trial Attorneys, Public Integrity Section
1301 NY Ave. NW, Tenth Floor
Washington, DC 20530
Telephone: (202) 305-3063