



FIRST DISTRICT COURT OF LOUISIANA
PARISH OF CADDO
COURTHOUSE
501 TEXAS STREET - 300-A
SHREVEPORT, LOUISIANA 71101-5403

ERIN LEIGH WADDELL GARRETT
DISTRICT JUDGE

October 7, 2022

TEL 318-629-1124
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Justice Scott Crichton
Louisiana Supreme Court
400 Royal Street, Suite 4200
New Orleans, LA 70130-8102

Justice Crichton:

I am in receipt of your letter dated September 30, 2022. Please accept this as my formal response thereto.

The taxpayers, including myself, appreciate your due diligence, but it seems as though you've placed reliance on incorrect information. I am not sure who has provided you with said information, but based upon the contents of your letter, it almost seems deliberately fraudulent. That said, I will try to take each of your allegations one by one and address them thoroughly herein.

I am aware of the numbers of pre-trial detainees at Caddo Correctional Center (CCC), and I have been following the numbers for several years now. I recall a telephone conference that you placed to me, right after COVID began, regarding the number of pre-trial detainees at CCC, particularly Section 5 inmates. At that time, you indicated that the Sheriff was extremely upset and had "turned me in" as non-compliant with his request to blanket release Section 5 detainees, however, I had never heard from the Sheriff, by any form of communication. Furthermore, although Governor Edwards had issued a two (2) month mandatory shutdown, I was working daily, via Zoom, with Section 5 Assistant District Attorneys to comb through my list of inmates and release bonds, implement tracking devices, and the like, as I saw fit. I will also note that I had to start from scratch, with the implementation of

forms/orders/procedures for most everything, particularly the tracking monitors, as we were experiencing a whole new world, for which none of us were properly set up to function in (specifically technically related). As I stated then, just as now, I do not believe in a blanket release of inmates, and it has nothing to do with my lack of job performance. I work diligently, alongside my Section 5 Assistant District Attorneys, combing the list of inmates in order to make sure that the defendants that I release, are, in my opinion, appropriate for same. It appears that your position, per your letter, is that I should have the lowest number of pre-trial detainees because most Section 5 inmates have not been charged with a crime of violence under La. R. S.14:2 (at least in his/her Section 5 case). More aptly put, it seems your position is if the Defendant is not in for a crime of violence, then most of the time, they should be released. I do NOT agree with this position, as I believe that the majority, if not ALL criminal cases, have drugs deeply interwoven. Although I treat "drug users" very differently, my position is that the "protection of the illegal drug trafficking enterprise" most often causes the "non-violent" drug crimes to go awry, which does lead to the more violent offences of armed robbery, homicide and carjacking, among other crimes. This letter, however, isn't meant to be a rebuttal to our obvious contrasting legal theories, so I will stay on point.

I would like to point out that as of October 4, 2022, the open number of cases, in each of the 5 sections, were as follows:

Section 1 - 1264

Section 2 - 1754

Section 3 - 1450

Section 4 - 1551

Section 5 - 2281

As you can see from these numbers, Section 5 has almost double the caseload of other criminal sections. The closest margin between Section 5 and any other section, being Section 2, is still a difference of over 500 cases. When Section 5 is compared to Section 1, a huge difference of more than fifty-five (55%) percent more cases, if my math is correct. That said,

also, as of October 4, 2022, the number of pretrial detainees, in each of the five (5) sections, were as follows:

Section 1 – 193
Section 2 – 202
Section 3 – 184
Section 4 – 232
Section 5 - 237

Accordingly, based on the number of open cases to pretrial detainees in each of the five (5) criminal sections, it would stand to reason that Section 5 should actually be much higher than what they presently are. For more concise review, I have taken the number of open cases in each of the five (5) criminal sections, and determined the percentage of the pretrial detainees in each one; they are as follows:

Section 1 – 15%
Section 2 – 12%
Section 3 – 13%
Section 4 – 15%
Section 5 – 10%

As evident hereinabove, the actual percentage of pretrial detainees in Section 5, based on the volume of my cases, is the **lowest of any of the five (5) criminal sections**. I would also like to note that my number of pre-trial detainees is actually at least six (6) less detainees than listed, based on recusals that haven't been properly reallotted within the Sheriff's system. I have called the jail, asking that they rectify the same. That said, at present, those pre-trial detainees are still allocated to Section 5, so they are included in the percentage above; but for the record, my percentage, properly reflected, would be even lower than ten (10%) percent.

I would be remiss if I also didn't point out the actual guilty pleas of each of the 5 criminal sections, as listed hereinbelow:

2021

Section 1 - 583

Section 2 - 766

Section 3 - 744

Section 4 - 768

Section 5 - 10652022 (to date)

Section 1 - 536

Section 2 - 467

Section 3 - 568

Section 4 - 502

Section 5 - 669

As you can see from the above comparison, during 2021, I presided over ONE THOUSAND SIXTY-FIVE (1065) guilty pleas in Section 5. I took almost **double** the number of guilty pleas as Section 1. Section 4 had the closest number of guilty pleas, which was still nearly three hundred (300) less than Section 5 at close of business 2021. As of October 1, 2022, I have presided over Six hundred sixty-nine (669) guilty pleas this year, which means I am on track to finish this year with about the same number of guilty pleas as I adjudicated in 2021. That said, to date, Section 3 is second in terms of guilty pleas, behind **Section 5**, and it is still has over one hundred (100) less guilty pleas than Section 5. As you can see, the number of guilty pleas that I have taken, in both 2021 and 2022, would be impossible if your allegations had any basis at all. Not only am I working my docket extremely well, alongside my fabulous ADAs, who work tirelessly with an extremely large caseload, but I am also outperforming any other criminal section.

You, with no minced words, accuse me of not presiding over my docket, therefore not doing "my job," because I had only two (2) jury trials in 2021 and have had only four (4) jury trials in 2022, so far. I would first point out that as you are aware, judges do not set their own dockets, and as far as I know, they never have. The passionately diligent Section 5 Assistant District Attorneys (ADA) determine if they file a Bill of Information, which cases are set on what day and how urgent those matters are in a trial setting. I am not particularly in tune with what factors each of the ADA's juggle in determining priority, but I believe it is in accordance with age of the file, nature of the crime, criminal history of the Defendant, etc., but they make those decisions without any input from me. I would also bring to your attention that over the past two years alone, there has been great turnover in the Section 5 Public Defenders, with at

least eleven (11) Public Defenders in, and out, of Section 5: two of them got terrible cancer diagnosis within months of each other, at least two have been hired by the District Attorney's office, at least one had a debilitating health condition, and most of the others lasted less than three months. In a situation where a Defendant has had, in a period of less than two years, more than four or five (4/5) attorneys, it is most definitely not in proper posture for trial. I cannot force a Public Defender to try a case when they have just been assigned the case and have never met the Defendant; this would be improper for a multitude of reasons, even if the case has been pending for over twelve (12) months. Over the years, I have met with and spoken to Michelle Andrepont, Caddo Parish Public Defender, on multiple occasions, and her response is always the same: no money for the office, not enough applications and she will properly staff Section 5 when she can do so. They are overworked and underpaid, but they are trying. I will say, however, we have had the same public defenders in Section 5 for almost three months, and things are moving more smoothly in that department.

Specifically referencing the jury trial issue, you are correct, I had only two (2) jury trials in 2021, and in 2022, to date, I have had only four (4). Although I am offended by most all your allegations within your "cautionary letter," I will detail the past two years of my jury weeks for you. As you are aware, during January, February and March 2021, there was a moratorium, issued by the Louisiana Supreme Court, regarding jury trials. *Res Ipsa Loquitor*. As you may not be aware, in Section 5, I use "Jury Monday" to facilitate pleas, so, even if we do not have a jury trial that goes to trial, my Jury Monday docket usually results in at least ten (10) to fifteen (15) guilty pleas. The reasoning behind Jury Monday is that in the majority of Section 5 cases (as you pointed out in the reason why you would argue that Section 5 pre-trial detainees should be the lowest), Defendants are not normally facing hard labor sentences in excess of twenty (20) years, so in many instances, the accept or reject dates just need to be firm, without ability for continuance, in order to facilitate a plea. That is why my "Jury Mondays" result in the large guilty plea numbers that they do, which incidentally, by virtue of what they are, also reduce the number of pre-trial detainees at Caddo Correctional Center.

When the Louisiana Supreme Court's moratorium was lifted, in April 2021, not only did I preside over a ten (10) page jury docket, taking at least twelve (12) guilty pleas, I also presided over a jury trial. In May 2021, I presided over a nine (9) page jury docket, closing at least twelve (12) cases, again. In June, I had another jury trial, after presiding over a thirteen (13) page jury docket, that resulted in at least thirteen (13) guilty pleas. In July 2021, I presided over a ten (10) page jury docket, which resulted in at least thirteen (13) pleas. In August, September, October, and November 2021, I presided over about eight (8) pages each month, with at least six (6) pleas each month. In December 2021, I presided over a five (5) page jury docket that resulted in at least ten (10) guilty pleas. In January of 2022, I was forced to cancel my jury docket because the Chief ADA tested positive for COVID (the Saturday before Jury Monday) and had inadvertently exposed the only other ADA in Section 5. In February 2022, I presided over a sixteen (16) page jury trial docket, which resulted in at least five (5) pleas (based on the notes in my docket, COVID exposure was extremely high that month, so there were many continuances). In March 2022, I presided over an eleven (11) page jury docket and took at least seventeen (17) pleas. In April, I presided over a fourteen (14) page jury docket, which resulted in at least nineteen (19) pleas, and I also presided over a jury trial. In May 2022, I presided over a nine (9) page jury docket and took at least seventeen (17) guilty pleas. In June 2022, I presided over a seven (7) page jury docket, which resulted in at least nine (9) guilty pleas, and I also had a jury trial. In July, I presided over a seven (7) page jury trial docket, which resulted in at least nine (9) guilty pleas, and I also presided over a jury trial. In August 2022, I presided over an eight (8) page jury docket, which resulted in at least nine (9) guilty pleas. In September 2022, I presided over a seven (7) page jury docket, which resulted in at least six (6) guilty pleas, and I also presided over a jury trial. I say "at least" in each of the months listed hereinabove, because I am combing back through my dockets, and using my notes as a guide for a general number. Due to the sheer number of cases I hear, I do not have the time or resources to log every single guilty plea, after a review of the minutes or transcripts for each of these months, within your ten (10) day allotted response time. As an aside, I am not allowing for any dismissals,

warrants, warrant recalls, review dates, continuances, motions, any other hearing or even, failure to transport despite writs, or failure of appearance for Preliminary Examination, that may also be included in these dockets; the above numbers are strictly my guilty pleas, which I believe are impressive numbers. The numbers listed hereinabove also do not include any matters handled later in the jury trial week, wherein Section 5 will sometimes reconvene, taking pleas, checking status or otherwise addressing matters in attempts to minimize future dockets as well. All my dockets are readily available for your review, upon request.

I believe I clarified the jury trial situation hereinabove, so let me now focus on your allegation that I "rarely hold court past noon." First, it is a rare occasion that I am OUT OF COURT BEFORE NOON. I start my docket at 9:00 a.m. or 9:30 a.m., and I preside over that docket until it is complete, without a break for lunch, snacks or even, usually, the bathroom. Because of the extremely high volume of cases in Section 5, my staff and I agreed that working straight through lunch would be the most efficient use of everyone's time. Despite us working straight through the lunch hour, it is very seldom that we are ever out of court before 1:00 p.m. or 1:30 p.m. Should you wish to verify this information, please consult the certified court minutes which will reflect same. Secondly, again, due to the large volume of cases in Section 5, my dockets would not allow me to "rarely hold court past noon." I went back through every single one of my dockets for 2022, and I was able to conclude that over sixty-six (66%) percent of my dockets have been between ten (10) and fifteen (15) pages. Just by the sheer volume of cases on a ten (10) to fifteen (15) page docket, there is no way that I could be done hearing it within three (3) hours or less. Furthermore, although about twenty-one (21%) percent of my dockets are between six (6) and nine (9) pages, it would be extremely surprising if I were able to work through one of those dockets within three (3) hour time period either. Less than one (1%) percent of my dockets are five (5) pages or under, but even some of those dockets have multiple hearings, thus, merely because there are less pages/cases, does not mean that the docket will take less time. That said, one of my 2022 dockets was twenty-seven (27) pages, so there are days with a more sizable docket that would obviously take a great deal of time as well. True, there are days when I am

done with court before noon, but those days are few and far between. All that to say, even if you do not take me at my word, logistically, the dockets alone prove there is no way that your statement that I "rarely hold court past noon" could be accurate. Again, all my dockets are readily available for your review, upon request.

As an aside, even if I were out of court by 12:00 p.m. or 1:00 p.m. every single day, that would not mean that I am not working – it means that I completed my court docket for that day. As you are aware, my job entails much more than adjudicating a court docket. After completion of same, there are a number of office related tasks to address, just a few of which are: working orders, reviewing affidavits and researching Post Conviction Reliefs. Additionally, Section 5 is different than the other criminal sections in Caddo Parish, as you may know. I do not rotate on/off duty like the other 4 criminal sections. I am on "duty" twenty-four (24) hours a day, three hundred sixty five (365) days a year, and I have been since I took the Section 5 bench in January 2017. Regardless of where I am, what time of the day/night, I am on duty for consultations with officers/attorneys/staff, signing warrants, setting bonds, and the like. I do not mind these tasks, I quite enjoy them, however, I mention this merely to point out that just because I am not present in the courthouse doesn't mean I am not working.

In case you are not aware, shortly after I took over Section 5, I revamped the entire section. I visited a few courts around the state in order to get ideas on how to make Section 5 more efficient and effective. The most valuable visit was the one I made to Judge Jules Edwards, who is brilliant, but I digress. In any event, I spent a great deal of time, on my own, working out new practices, procedures and establishing relationships within the local facilities, including Probation and Parole, to improve community standards. I also set up protocols and procedures with area rehabilitation centers, allowing for a more streamlined approach for Defendant's suffering from addiction, behavioral disorders and the like. I have worked closely with Probation and Parole in setting up a pre-plea probation program that remained stagnant for decades before we re-implemented the program, together, with all the perks

related thereto. I have combed through statutes, making sure that the forms I implemented, were perfectly prepared. I have formulated community service standards, compiled inclusive lists of various kinds, and integrated new guidelines for the Section 5 Defendants, in attempts to allow a more particularized sentencing practice for each Defendant based on his/her particular needs, ultimately reducing recidivism and improving the community. I have individualized the process for first time offenders, for users, for attorneys and even for sellers within my courtroom – and I have changed lives. I have made it easier for everyone to understand the expectations, the requirements and the sentences within Section 5, and I have done all of this, basically, by myself. These are only a few examples and I have a long way to go (Covid was not kind to my progress), but Section 5 has come a long way from where it was when I stepped in. I include this paragraph, not as an ode to my accomplishments, but to give you a slight inclination of what I may also be doing when I am not working my docket. I have a particular process by which to accomplish each policy that I have implemented, but those things still require that protocols are followed (that were put in place by me). Most of those tasks require that I work alongside the Sheriff's office (very well, I may add), almost daily, as well as other judges and court officials. I invite you to visit Section 5, to verify any of this information, or, in general, just view the changes, so that you may see for yourself.

I'll move now to the portion of your "cautionary communication," alleging that I "defiantly refused to show up" for any meetings. First, I did not understand that my attendance at ANY of the meetings was mandatory, nor do I think it should have been, but I'll address that momentarily. For me to be termed boldly disobedient and directly "defiant," I believe I should have first had some sort of indication that there were people I was expected to obey or requirements I was expected to adhere to. Who, exactly, did I disobey? Second, I was never invited to or notified of the meeting in February 2022. I did hear, post meeting, that you held a meeting with Judge Craig Marcotte in attendance, but it was not the first meeting I'd heard of between you and Judge Marcotte around that time, so I assumed it was something similar. I was slightly baffled as to why I wasn't invited to a criminal judge's meeting, but I assumed there

was a reason I was excluded. In passing, I ran into Judge John Mosley, a day or so later, who informed me that I wasn't notified of the meeting because "they had it handled." I told him that I was concerned that I wasn't even made privy to the information, and he assured me that he would "fill me in." I am certain that he will verify this information, should you feel it necessary to contact him regarding same. Should you believe that I am being untruthful, I will gladly allow you access to my inbox, or any other communication transmission, by which you provided me notice. I would also add, that although I don't have immediate access to the numbers, if I remember correctly, Section 5 had the lowest or second lowest number of pre-trial detainees during January/February 2022.

Regarding the meeting September 27, 2022, I did not attend due to health reasons. Although I was out all day Monday and was still quite sick when I woke on Tuesday, I came to work, because I recognize my duties to the community and the taxpayers, regardless of my being "under the weather." I felt like I could put enough distance between myself and the staff to not infect them while I did my job. Due to the reallocation of the jail lists from the Monday docket (that I missed) and my awareness of CCC's overcrowding, I made the decision on that particular day, that it was more beneficial for me to preside over my thirteen (13) page docket, taking fourteen (14) guilty pleas in order to immediately provide relief to the issue of CCC's overcrowding as I could. Furthermore, had I attended the Sheriff's meeting on that date, I would have been in close proximity to the "majority of Caddo judges and about fifty other criminal justice stakeholders," to whom I would have spread the flu with ease.

I will, however, apologize for missing your meeting of September 29, 2022, because, if I am honest, I didn't realize it was a separate meeting from that of Tuesday, September 27, 2022. Due to my being sick and your involvement in, what I now know to be, both meetings, I didn't understand the distinction when my assistant asked. She is the one who sent correspondence from my email, with a salutation that says "Thanks, Erin Leigh." Although I did not write the correspondence, she acts as an extension of me, and does an incredible job, so the fact that I didn't give her time to properly articulate the meeting situation is not her fault; the

blame is all on me, and I will own that mistake. I didn't even realize there had been a meeting, in the courtroom next to mine, in which you provided lunch, until I received your letter. Again, for that I apologize. For what it's worth, I will note that over the past month, I have had several doctor's appointments. I have worked around every single docket, scheduling the appointments before and after court, such as not to impede my job performance. On the morning of your meeting, September 29, 2022, I had two (2) separate doctor's appointments which ran long. As a result, I was late for court, which consisted of a thirteen (13) page docket (within which ten (10) cases were closed, also reducing my pre-trial detainee numbers). I am not asking for your sympathy, I just want to make clear that I did not "defiantly" miss your meeting, or the Sheriff's for that matter; I had a few personal situations arise, yet, I still took care of my docket. I will absolutely try to attend any additional meetings within which you are involved, in the future.

I appreciate your inclusion of the Canons of the Code of Judicial Conduct. I am well aware of my duties and ethical obligations, and I stand by the decisions I have made, both personally and professionally. I don't believe it is necessary for you to bold type print certain portions of those Canons and include them in your "cautionary correspondence" for a variety of reasons, only some of which have I set forth herein. I believe I live by high standards of conduct; I also believe I perform my administrative responsibilities diligently, without bias or prejudice; and I also believe that I cooperate with other judges and court officials. I won't, however, compromise my own personal opinions, morals or convictions by which I was elected, in order to appease someone else's agenda. It concerns me that the judiciary appears to be facilitating meetings for the Sheriff and mandating my presence at the same - terming my non-attendance "defiant." While I will always do my part, personally and professionally, to help any community situation, dire or not, be it within my power, it feels improper to be pressured by another public official and I believe, interferes with the concept of separation of powers. The members of the judiciary, the District Attorney and the Sheriff, we are all elected separately, and although we all want, in theory, to better our community, our jobs are extremely different. The overcrowding of the jail

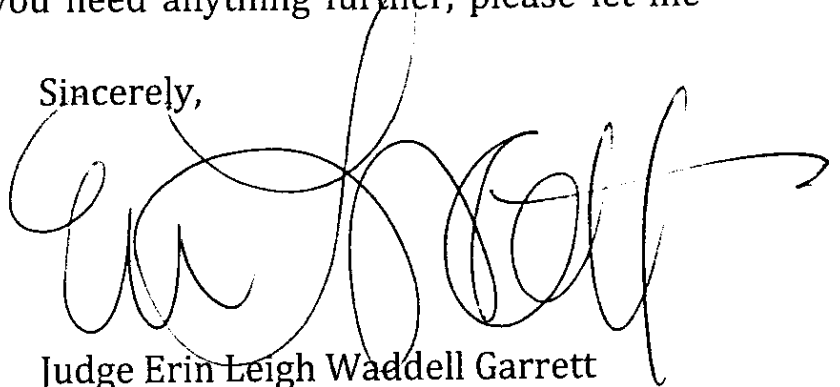
is a problem, I agree, and I will forever do my part to alleviate the burden on the taxpayers. I will not, however, release pre-trial detainees at the request, or "order," of the Sheriff, without having time to thoroughly consider the risk that the particular inmate represents, even if said inmate is currently only charged with a "non-violent" crime. As we know, that same defendant may have a non-violent crime in Section 5, but also may have a pending homicide, rape or other crime of violence in another section as well. I will continue to work as diligently and persistently to decrease the number of pre-trial detainees at Caddo Correctional Center, as a judge, and I will continue to move my dockets efficiently, work with local officials and accommodate requests that are in the best interest of this area, but I will not be made to feel as though I have no choice but to release inmates, based on a housing issue, at the risk of my community. I will continue to administer justice and follow the laws that I am trusted to uphold, however, I will not prioritize jail numbers over the safety of my citizens.

About the final allegation that I have made "numerous social media statements... that are totally inappropriate and glaringly inconsistent with these concepts." I would ask you to provide proof of these allegations. I am not certain what I did to cause you to question my ethics, morals or integrity, but I can assure you that whatever led to this allegation, most definitely does not exist. I take my job, my ethical responsibility and my own morality, extremely seriously and I would never compromise the respect of the system, the judiciary or my own personal reputation for any reason, especially some social media post. Furthermore, the only platform I regularly visit is Facebook, and I mostly, if ever, post about my children. The only exception of social media posts, which may not include my children, would have been during my recent campaign (January - March 2022). All posts made by me during my campaign were all made in accordance with the Code of Judicial Conduct, the Canons and ethical guidelines. The posts were never negative, and only in response to personal unfounded accusations against me. I believe that my Judge Erin Leigh Waddell Garrett Facebook page is public, so you can verify this at your leisure. Should you wish to peruse my private page, I am happy to allow you access to same as well.

In conclusion, I am not certain whether everyone within the parish is doing his/her job, but I do know that I am doing mine, and I am doing it in accordance with the Oath I took. I will put my job performance up against anyone, and I will match my integrity, ethics and code of professional conduct to just about anyone as well. I work hard and I do great work, and I do it with a passion that is hard to match, all for the benefit of my community. I am offended that I have to defend any of the false accusations that have been made against me, both personally and professionally, in your "cautionary correspondence," but I have spent a great deal of time rebutting all of the falsities anyway. All the while, I have been under the weather, but even so, I have also continued to take care of my dockets, work with judges and other officials, and do it all with professional competence.

I hope that I have clarified any inaccurate information within the contents of his letter. I have attached hereto, the documents that verify the numbers I used for all five (5) criminal sections in the first portion of this correspondence. Should you need anything further, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Waddell", with a long, sweeping horizontal line extending to the right.

Judge Erin Leigh Waddell Garrett
First Judicial District Court

Attachments

OPEN CASES PER SECTION

[illegible][illegible]

Total Cases for Section 5:

Total Open Cases:

NUMBER OF GUILTY PLEAS FOR SECTION 5 Year 2021 = 1065

NUMBER OF GUILTY PLEAS FOR SECTION 5 YEAR 2022 = 669

* All data extracted from Crimes Reports (ADA Case Load Summary) & Plea Disposition Report

Done **Summary of Guilty Pl...****YEAR 2021****GUILTY PLEAS SECTION 1 = 583****GUILTY PLEAS SECTION 2 = 766****GUILTY PLEAS SECTION 3 = 744****GUILTY PLEAS SECTION 4 = 768****YEAR 2022****GUILTY PLEAS SECTION 1 = 536****GUILTY PLEAS SECTION 2 = 467****GUILTY PLEAS SECTION 3 = 568****GUILTY PLEAS SECTION 4 = 502**

*Data extracted from Crimes Reports (Plea Disposition Report)
(details provided upon request)