

CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

IN RE: SHERIFF SUSAN HUTSON

FILED: _____

DEPUTY CLERK

EN BANC JUDGMENT OF CONTEMPT

Considering the foregoing contempt hearing held on Wednesday, July 16, 2025, the Orleans Parish Criminal District Court En Banc hereby holds Sheriff Susan Hutson, Sheriff of the Orleans Parish Sheriff's Office, in Contempt of Court for the following reasons.

Pursuant to Louisiana Code of Criminal Procedure Art. 23. "Constructive contempt":

A constructive contempt of court is any contempt other than a direct one.

A constructive contempt includes, but is not limited to any of the following acts:

- (1) Willful neglect or violation of duty by a clerk, sheriff, or other person elected, appointed, or employed to assist the court in the administration of justice;
- (2) Willful disobedience of any lawful judgment, order, mandate, writ, or process of court;

As per La C.C.P. Art. 24, “Procedure for punishing constructive contempt”,

A. When a person is charged with committing a constructive contempt, he shall be tried by the judge on a rule to show cause alleging the facts constituting the contempt. The rule may be issued by the court on its own motion or on motion of the district attorney.

B. A certified copy of the motion and of the rule shall be served on the person charged in the manner of a subpoena not less than forty-eight hours prior to the time assigned for trial of the rule.

La C.C.P. Art. 25. “Penalties for contempt” reads as follows:

A. A person may not be adjudged guilty of a contempt of court except for misconduct defined as such, or made punishable as such, expressly by law.

B. Except as otherwise provided in this Article, a court may punish a person adjudged guilty of contempt of court in connection with a criminal proceeding by a fine of not more than five hundred dollars, or by imprisonment for not more than six months, or both....

E. When a contempt of court consists of the omission to perform an act which is yet in the power of the person charged with contempt to perform, he may be imprisoned until he performs it, and in such a case this shall be specified in the court's order.

Under Louisiana District Court Rule 5.2 “the sheriff or his designated deputies shall provide security for the courtrooms, chambers, judicial offices and hallways within the courthouse. Security procedures shall be approved by the Chief Judge of the district court”

Under LA RS 15:704 – “Sheriff keeper of jail”, “Each sheriff shall be the keeper of the public jail of his parish....”

Criminal District Court has held in-person First Appearances in Magistrate Court since 1974. Specifically, prior to the Covid-19 Pandemic, this Court held First Appearance Hearings in Magistrate Court seven days a week, including weekends and holidays. These hearings were open to the public and held in open court.

During the Covid-19 Pandemic, in compliance with Orders issued by the Federal, State and Local Governments, as well as the Louisiana Supreme Court, the Court temporarily suspended in-person court hearings. Subsequently, when Covid-19 restrictions were lifted, the Court resumed in-person court hearings in all Sections of Court, including Magistrate Court.

Over the past three years, since May 2022, Orleans Parish Criminal District Court has worked diligently with the Orleans Parish Sheriff's Office to resume in-person First Appearances in Magistrate Court. Eventually, at the Court's continued insistence, pursuant to a phased-in approach, in-person First Appearances resumed for the afternoon session of Magistrate Court on May 15, 2023 and for the morning session of Magistrate Court on August 1, 2023. Based on meetings with OPSO, Sheriff Hutson was working on a plan to resume in-person First Appearances on weekends and holidays.

For approximately two years, Orleans Parish Criminal District Court has reiterated its request, both verbally in meetings and in writing (see attached letters dated May 11, 2023, September 6, 2024, June 18, 2025 and July 11, 2025) that OPSO transport in-custody defendants to Magistrate Court for weekend and holiday sessions.

Based on OPSO's responses, the Court was led to believe that the OPSO was working on a plan to comply, but to no avail.

Given OPSO's repeated failure to comply, Orleans Parish Criminal District Court issued an Order dated June 18, 2025 as follows:

The Orleans Parish Sheriff's Office is mandated and shall, effective Saturday, July 12, 2025, transport any and all in-custody

defendants to Criminal District Court for all scheduled proceedings, including but not limited to all Magistrate sessions seven days a week, including weekend and holiday Magistrate sessions.

The Order was served upon Sheriff Hutson on June 20, 2025. The Court did not receive any acknowledgement of said Order or any response to the Order from Sheriff Hutson, nor did the Sheriff request a meeting to discuss said Order.

To ensure the smooth transition to an in-person docket for weekend Magistrate Court, the Court issued a follow-up letter dated July 11, 2025 to Sheriff Hutson. The Sheriff then provided a written response to the Court's June 18th Order that evening on July 11, 2025 at approximately 4:02 pm, advising that OPSO would not be transporting in-custody defendants for the weekend First Appearances.

On both Saturday, July 12, 2025 and Sunday, July 13, 2025, the Magistrate Commissioner on duty was present, along with the Magistrate Court staff, at Criminal District Court in person for the Magistrate Court sessions; however, Sheriff Hutson failed to transport in-custody defendants to Magistrate Court for First Appearance Hearings on both days.

In addition, on Saturday, July 12, 2025 and Sunday, July 13, 2025, Sheriff Hutson failed to provide security for the Courthouse, specifically related to Magistrate Court, and the Commissioner and staff, the attorneys, including the Orleans Parish Public Defenders and Attorneys from the Attorney General's Office, as well as the public.

The Court En Banc notes that in an effort to resolve this matter, the Court agreed to and met with Sheriff Hutson and her counsel the morning of the Contempt Hearing. However, Sheriff Hutson did not present a plan to resolve this matter and instead advised that she was ready to proceed with the contempt hearing that afternoon.

During the Contempt Hearing, the Court En Banc received, accepted and took judicial notice of the following Motions lodged by Sheriff Hutson: Motion to Stay

Mandate and Motion to Vacate Order and Opposition Brief on Rule to Show Cause on Constructive Contempt with Exhibits A - G.

Pursuant to the Contempt Hearing and after argument by Counsel for Sheriff Hutson, the Court En Banc hereby holds Sheriff Susan Hutson, Sheriff of the Orleans Parish Sheriff's Office, in contempt of court as per [La.C.Cr.P. Arts. 23, 24 and 25](#) for the following:

- (1) Willful neglect and violation of her duty as Sheriff; and
- (2) Willful disobedience of the lawful Order dated June 18, 2025 issued by Orleans Parish Criminal District Court.

The Court En Banc sets sentencing in this matter for Monday, August 4, 2025 at 3 pm in Section B.

New Orleans, Louisiana, this 17th day of July, 2025.

On behalf of the Court En Banc,

Tracey Flemings-Davillier

TRACEY FLEMINGS-DAVILLIER
CHIEF JUDGE

CERTIFICATE OF SERVICE

I do hereby certify that a copy of this response has been provided to counsel of record, John Williams via email at williamsjo@opso.us and Tracey Comeaux via email at comeauxt@opso.us on this 17th day of July, 2025.

/s/
SHANNON C. SIMS
Chief Deputy Judicial Administrator