

## Louisiana Board of Pardons Meeting Minutes

Date: Friday, September 29, 2023

Recorded by: Whitney Troxclair

### 1. Call to Order

- a. The Chair called the meeting to order at 4:25 p.m.

### 2. Roll Call

- Roll call was taken with 4 Member(s) present. A quorum was declared.

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Chair – Sheryl Ranatza      | <input checked="" type="checkbox"/> Pete Fremin  |
| <input checked="" type="checkbox"/> Vice Chair - Tony Marabella | <input checked="" type="checkbox"/> Alvin Roche' |
| <input type="checkbox"/> Bonnie Jackson                         |  |

Staff members present:

Francis Abbott	Denise Evans
Whitney Troxclair	Karla Williams

Also present (by ZOOM):

Joshua Force, Outside General Counsel for the Pardon Board  
Stuart Kottle, Outside General Counsel for the Pardon Board

### 3. Public Comment was allowed on request regarding action items.

### 4. Regular Business:

- The Chairman recognized those present at the meeting:
  - Mr. Hillar Moore, District Attorney, 19<sup>th</sup> JDC
  - Ms. Tracy Barbera, 1<sup>st</sup> Assistant District Attorney, 19<sup>th</sup> JDC
  - Mr. Zachary Daniels, LA District Attorneys' Association
  - Ms. Emily Andrews, LA Office of Attorney General
  - Mr. Michael Arata, Attorney, representing Interveners (all Death Row applicants) [by ZOOM]
- The Chairman called on Mr. Marabella. Mr. Marabella read language (case citations) from the Board's initial posting of twenty-four (24) hour advance Notice of Intent for Executive Session for today's meeting.
- Yesterday, following the publication of that notice, but less than twenty-four (24) hours before today's meeting, the Board added the following case to the list attached to the agenda:

*Hillar C. Moore, III, in his capacity as District Attorney for the Parish of East Baton Rouge v. Louisiana Board of Pardons,*" Case No. C-738912, in the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge;

- **Mr. Marabella** moved Pursuant to Louisiana Revised Statutes, Title 42 Section 19(A)(1)(b)(ii)(cc), to consider the lawsuit entitled *Hillar C. Moore, III, in his capacity as District Attorney for the*

*Parish of East Baton Rouge v. Louisiana Board of Pardons,*” Case No. C-738912, in the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge, at today’s meeting. Motion was seconded by Mr. Roche’ to consider the litigation *Hillar C. Moore, III, in his capacity of District Attorney for the Parish of East Baton Rouge versus the Louisiana Board of Pardons*. During public comment, Mr. Arata, on behalf on the Interveners, asked that the record reflect that he wishes to reserve the right to make additional comments. Without objection, the members present unanimously voted to pass the motion.

- The Chairman moved to the agenda item under Regular Business, Pending Litigation.
- The Chairman called on **Mr. Fremin** who stated that the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge, Chief Judge Johnson, has scheduled a hearing and preliminary injunction trial on all of the identified cases for Tuesday, October 3, 2023, at 1:00 p.m. Therefore, in addition to the Board’s prior unanimous vote to consider a matter not on the agenda and having published an agenda on September 28, 2023 that did identify *Hillar C. Moore, III, in his capacity as District Attorney for the Parish of East Baton Rouge v. Louisiana Board of Pardons.*” Case No. C-738912, as one of the cases to be considered, the Board also exercises its authority in cases of extraordinary emergency, pursuant to Louisiana Revised Statutes, Title 42, Section 19(A)(1)(b)(iv), to discuss all of the litigation concerning the Board that is pending in the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge today. **Mr. Fremin** moved that the Board to enter into executive session to discuss the following pending litigation.
  - *The State of Louisiana Through Jeff Landry, in his official capacity as Attorney General and Chief Legal Officer of the State of Louisiana v. The Louisiana Board of Pardons, et al.*,” Case No. C738241, in the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge;
  - *James E. Stewart, Sr., in his capacity as District Attorney for the Parish of Caddo v. Louisiana Board of Pardons,*” Case No. C-738255, in the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge;
  - *Phillip Terrell, in his capacity as District Attorney for the Parish of Rapides v. Louisiana Board of Pardons, et al.*” Case No. C-738238, in the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge;
  - *Billy Joe Harrington, in his capacity as District Attorney for the Parish of Natchitoches v. Louisiana Board of Pardons,*” Case No. C-738280, in the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge;
  - *Hillar C. Moore, III, in his capacity as District Attorney for the Parish of East Baton Rouge v. Louisiana Board of Pardons,*” Case No. C-738912, in the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge;
  - *State of Louisiana (DeSoto Parish) v. Louisiana Board of Pardons, et al.*,” Case No. C-738281, in the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge;
  - *Paul D. Connick, Jr., in his capacity as District Attorney for the Parish of Jefferson v. Louisiana Board of Pardons,*” Case No. C- 738262, on the 19<sup>th</sup> Judicial Court for the Parish of East Baton Rouge

The motion was seconded by **Mr. Roche’**. The Board unanimously voted to adopt the motion for an executive session to discuss litigation as stated in Mr. Fremin’s motion. The Executive Session reconvened at 4:35 p.m.

- Motion was made by **Mr. Marabella** to reconvene in regular session. **Mr. Roche'** seconded the motion and without objection, the motion passed. The Board reconvened at the regular meeting at 5:53 p.m.
- It was moved by **Mr. Fremin** to approve and authorize the chair on behalf of the Board and the members of the Board themselves to enter into a settlement agreement to resolve the cases listed on the agenda's notice of intent for executive session as amended today. Motion was seconded by **Mr. Roche'**. The Board unanimously voted to sign the settlement.
- During a public meeting comment period, Mr. Arata noted the concerns of his clients; his objection to the legal notice of this meeting; Article 1039 of Louisiana Code of Civil Procedure regarding intervention; applicants from Orleans and Ouachita Parishes have not objected to hearings set for October 13; asked the board to wait for the Court's determination on Tuesday; and questioned the independence of the Board's outside general counsel.

**5. Adjournment:**

- a. There being no further business, it was moved by **Mr. Roche'**, seconded by **Mr. Fremin**, to adjourn the meeting. Without objection, the meeting adjourned at **5:58 p.m.**

  
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Whitney Troxclair, Administrative Program Manager



**BOARD OF PARDONS**

Meeting date: 9/29/23

**MOTION FOR EXECUTIVE SESSION:**

I move that the Board go into Executive Session, the purpose of which is to discuss information contained in the record of each case on the morning/afternoon docket that is confidential and not subject to public disclosure.

Motion made by: Prate Fremin

Seconded by: Alvin Roche

**ROLL CALL VOTE:**

- | YES                              | NO                    |               |
|----------------------------------|-----------------------|---------------|
| <input type="radio"/>            | <input type="radio"/> | MRS. JACKSON  |
| <input checked="" type="radio"/> | <input type="radio"/> | MR. MARABELLA |
| <input checked="" type="radio"/> | <input type="radio"/> | MRS. RANATZA  |
| <input checked="" type="radio"/> | <input type="radio"/> | MR. ROCHE     |
| <input checked="" type="radio"/> | <input type="radio"/> | MR. FREMIN    |

The motion is:

**APPROVED**      **REJECTED**

       
Time Out: 4:35 P.M.  
Time Back: 5:53 P.M.

Whitney Traxler  
s/Recording Secretary