

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA

NUMBER:

SECTION:

THE STATE OF LOUISIANA THROUGH JEFF LANDRY, IN HIS OFFICIAL CAPACITY
AS ATTORNEY GENERAL AND CHIEF LEGAL OFFICER OF THE STATE OF
LOUISIANA

VERSUS

THE LOUISIANA BOARD OF PARDONS, SHERYL M. RANATZA, TONY MARABELLA,
BONNIE JACKSON, CURTIS "PETE" FREMIN, AND ALVIN ROCHÉ, JR.

**PETITION FOR DECLARATORY JUDGMENT, INJUNCTIVE RELIEF, AND
ENFORCEMENT ACTION**

NOW INTO COURT, through undersigned counsel, comes the STATE OF LOUISIANA through ATTORNEY GENERAL JEFF LANDRY, who respectfully petitions this court for declaratory and injunctive relief and who brings enforcement proceedings under the Louisiana Open Meetings Law.

INTRODUCTION

Willie Tart murdered 70-year-old William Quenan and his 66-year-old wife Lillian in a prolonged struggle that lasted 15 to 30 minutes and left their bedroom strewn with blood. *State v. Tart*, 93-0772 (La. 2/9/96), 672 So.2d 116, 119-20. Using a stolen hunting knife, Tart cut their carotid arteries and jugular veins, as well as their larynxes, which would have prevented them from screaming. *Id.* Autopsy reports showed Mrs. Quenan was stabbed 21 times in her head, neck, chest, and abdomen; Mr. Quenan was stabbed 14 times. *Id.* at 120. A unanimous jury found Willie Tart guilty of the first-degree murder of William and Lillian Quenan and sentenced Willie Tart to death. *Id.* at 123. The Louisiana Supreme Court affirmed the conviction and sentence in 1996. *Id.* at 135.

Antoine Tate was a shooter "in a violent, gangland-style ambush and shooting in East Baton Rouge Parish on the night of January 14, 1997," which left three men dead: Chonner Jackson, Joseph Billie, and Sylvester Rowe. *State v. Tate*, 01-1658 (La. 5/20/03), 851 So.2d 921, 926-27. A jury found Antoine Tate guilty of the first-degree murders of those men and sentenced

Antoine Tate to death. *Id.* The Louisiana Supreme Court affirmed the conviction and sentence in 2003. *Id.* at 943.

Now these two men, along with eighteen others who are guilty of some of the most heinous acts known to the law, are scheduled for clemency hearings before the Louisiana Board of Pardons on October 13, 2023, November 8, 2023, November 13, 2023, and November 27, 2023. In order to set these hearings on an expedited basis, the Louisiana Board of Pardons was forced to cast aside the law, its administrative rules, and procedure, all at the behest of the outgoing governor who only recently announced his anti-death penalty stance. Indeed, the only way for these clemency requests to reach Governor John Bel Edwards' desk before his term expires in January 2024 was for the Board to ignore notice rules, unlawfully waive timeliness requirements, skip critical steps in the clemency review process, and conduct proceedings outside of the public view. For any or all of these reasons, this Court should enjoin the October 13, 2023, November 8, 2023, November 13, 2023, and November 27, 2023 clemency hearings and require the Defendants to handle these applications in the manner prescribed by law and rule and in compliance with the Louisiana Open Meetings Law.

PLAINTIFF

1.

Plaintiff herein is the State of Louisiana through Attorney General Jeff Landry.

2.

The Attorney General is the chief legal officer of the State charged with the assertion and protection of the rights and interests of the State of Louisiana, its taxpayers, and citizens, and he has a sworn duty to uphold the Constitution and laws of this State. The Attorney General has the authority to institute, prosecute, or intervene in any civil action or proceeding as necessary for the assertion or protection of any right or interest of the State of Louisiana. La. Const. art. IV, § 8; *see also* La. R.S. 13:5036.

3.

The Attorney General is also specifically authorized to enforce the Louisiana Open Meetings Law, La. R.S. 42:11–28. La. R.S. 42:25(A). The Attorney General is required to institute an enforcement action upon a complaint filed with him by any person, unless written reasons are given as to why the suit should not be filed. *Id.*

4.

Further, the Attorney General’s Office assumed representation of the State upon district attorney recusals in the Tate and Tart cases, pursuant to La. Const. art. IV, § 8.

DEFENDANTS

5.

Made defendants are:

A. The LOUISIANA BOARD OF PARDONS (the “Board”), a public body of the State of Louisiana domiciled in Baton Rouge, Louisiana, and subject to the Open Meetings Law;¹

B. SHERYL M. RANATZA, a person of the age of majority, in her official capacity as a member and the Chairman of the Louisiana Board of Parole;

C. TONY MARABELLA, a person of the age of majority, in his official capacity as a member and the Vice Chair of the Louisiana Board of Parole;

D. BONNIE JACKSON, a person of the age of majority, in her official capacity as a member of the Louisiana Board of Parole;

E. CURTIS “PETE” FREMIN, a person of the age of majority in his official capacity as a member of the Louisiana Board of Parole; and

F. ALVIN ROCHÈ, JR. a person of the age of majority in his official capacity as a member of the Louisiana Board of Parole.

¹ *Hoffpauir v. State, Dep't of Pub. Safety & Corr.*, 99-1089 (La. App. 1 Cir. 6/23/00), 762 So.2d 1219, 1221, writ denied, 00-2230 (La. 10/27/00), 772 So.2d 652.

JURISDICTION AND VENUE

6.

This Court has jurisdiction over this action pursuant to La. Const. art. V, § 16(A).

7.

Venue for this action is proper in East Baton Rouge Parish pursuant to La. R.S. 13:5104(A) and La. R.S.42:27. Enforcement proceedings brought under the Open Meetings Law shall be instituted in the district court for the parish in which the meeting took place.

THE BOARD AND THE CLEMENCY PROCESS

8.

The Board is a constitutionally created body consisting of five members, each of whom is appointed by the governor and confirmed by the senate to serve a term concurrent with the governor appointing them. La. Const. art. IV, § 5(E)(2); La. R.S. 15:572.1. The Board exists within the Department of Public Safety and Corrections. La. R.S. 36:409(C)(5).

9.

Upon favorable recommendation of the Board, the governor may commute sentences and pardon those convicted of offenses against the state. La. Const. art. IV, § 5(E)(1). Absent such a recommendation, the governor lacks legal authority to commute any sentence. *Id.*

10.

The Board convenes at 504 Mayflower Street in Baton Rouge, Louisiana, to review and act upon pardon and commutation applications.

11.

In addition to the statutes that control the Board's operations and the consideration of clemency applications, La. R.S. 15:572.4 instructs the Board to adopt rules, regulations, and procedures for the consideration of clemency applications, in accordance with the Louisiana Administrative Procedure Act, La. R.S. 49:950, *et seq.*

12.

Louisiana Revised Statute 15:574 requires that the Board adopt written rules, regulations, and procedures for clemency applications in accordance with the Louisiana Administrative Procedure Act, La. R.S. 49:950, et seq.

13.

The Board's administrative rules, adopted pursuant to the Administrative Procedure Act, have the full force and effect of law and the Board is bound to follow the rules it adopts.²

14.

The process for clemency applications and hearings is set forth in statute and administrative rules. The procedural steps most relevant to this case are summarized below:

1. To be eligible for clemency consideration, an applicant must meet the eligibility requirements in §203 and submit an application in accordance with the filing procedures set forth in §205. LAC 22.V.203(B).
 - a. Additional eligibility criteria for capital cases is set forth in §203(E). Offenders in capital cases can only apply for clemency within one year of the date of their direct appeal denial. LAC.22:V.203(E) and Board Policy 02-203(E).³
2. The application is not processed by the Board, unless and until, it is determined by the Board to be complete. LAC 22:V.205(A)(1)-(2).
3. Notice of the application for clemency must be published three times within 30 days in the official parish journal where the offense occurred. The Board may not set a clemency hearing until this publication is complete. La. R.S. 15:572.4(C).
4. The Board conducts an administrative review of the application to determine if it will grant, deny, or return the applicant's request for a clemency hearing.⁴
 - a. The application for hearing is typically placed on the next available docket for administrative review by the Board.⁵ This administrative review should take place in an open meeting. La. R.S. 15:573, La. R.S.15:573.1(D), and La. R.S. 42:14.
 - b. The Board must also give the district attorney ample opportunity to attend the meeting at which the Board will consider the application for hearing

² *Gainer v. Dept. of Health and Hosps.*, 610 So.2d 936 (La.App. 1 Cir. 1992) (citing *Dept. of Health and Hum. Res., Off. Of Fam. Sec. v. Perry*, 423 So.2d 1266 (La.App. 1 Cir. 1982); *Central Louisiana Elec. Co., Inc. v. Louisiana Public Service Commission*, 377 So.2d 1188, 1195 (La. 1977)).

³ Exhibit B. Louisiana Board of Pardons Policy 02-203-POL "Eligibility for Clemency Consideration."

⁴ Exhibit C. Louisiana Board of Pardons Application for Pardon Consideration; Exhibit D 2022 Annual Report Board of Pardons, "Clemency Process" Excerpt.

⁵ *Id.*

and make reasonable efforts to contact the victim or the surviving family members of the victim. La. R.S. 15:574(B)(1)-(2).

5. If four members of the Board vote to grant the applicant a clemency hearing then a clemency investigation is conducted by the Department of Public Safety & Corrections and the case will be placed on the Board's agenda. La. R.S. 15:572.1(E) and LAC 22:V.203(A)(2).
 - a. A clemency hearing is scheduled only *after* all the documents required by §203 and the clemency investigation are furnished to the Board. LAC 22:V.211(B).
6. The Board must provide notice of the clemency hearing to relevant parties, including the district attorney at least 60 days prior to the scheduled hearing. LAC 22:V.211(1); La. R.S. 15:574.

Only after all of these requirements are satisfied is a clemency hearing appropriate.

DEFENDANTS' ACTIONS

15.

In June of 2023, 56 inmates on Louisiana's death row, including Willie Tart and Antoine Tate, filed clemency applications (hereinafter "Capital Clemency Applications") with the Board. None of these inmates has an execution date scheduled.

16.

Initially, the Defendants intended to conduct an administrative review of all of the Capital Clemency Applications. On July 5, 2023, in a letter to the District Attorney's Association Chairman Ranatza stated:

It is the duty of the Board to review all clemency applications received. . . . Fifty-one of the applications submitted were received on June 13, 2023, so our normal process would be to conduct administrative review of all of those applications in July 2023. . . . Due to the volume of these capital filings, considering all of them in July was not deemed feasible or appropriate. Even though we are unable to review all the capital filings in July, I believe it is most important to process the applications as quickly as possible.

Should any of the capital cases clear the administrative review process, they will be docketed for hearing during one of those weeks⁶

⁶ Exhibit E. July 5, 2023 Correspondence from Chairman Sheryl M. Ranatza to Loren Lampert.

17.

On July 19, 2023, the Defendants adopted a resolution to request a legal opinion from the Attorney General on whether the Board could waive the one-year eligibility period for capital cases in §203(E).⁷

18.

The resolution submitted to the Attorney General noted that “there is no specific language in §203 “that allows the Defendants to waive any provision of that section.”⁸

19.

On July 19, 2023, the Attorney General issued the requested opinion and confirmed that the law prohibits the Defendants from waiving the one-year eligibility period contained in §203(E) without following the requirements of the Louisiana Administrative Procedure Act.⁹

20.

On July 24, 2023, the Defendants (excluding Alvin Rochè, Jr.) held an open meeting to consider waiving the one-year eligibility period for capital clemency applications in §203(E).¹⁰

21.

Chairman Ranatza called the agenda item and stated, “For those of you who are here for our New Business, our items under New Business this morning considerations of waivers of board rules and board policy, we will go ahead and take that matter first.”¹¹

22.

The Defendants, (excluding Alvin Rochè, Jr.) considered public comment and the opinion of the Attorney General. At the conclusion of the public comment period, and after an executive session, a unanimous Board voted to remove the agenda item “Consideration of Waivers,” and Chairman Rantaza stated, “[W]e will set the applications we have received aside pending further review of our rules and possible revision.”¹²

⁷ Exhibit F. Louisiana Board of Pardons Resolution 1 of 2023.

⁸ *Id.*

⁹ Exhibit G. Louisiana Attorney General Opinion 23-0083.

¹⁰ Exhibit H. Louisiana Board of Pardons July 24, 2023 Agenda and Notice with original attachments.

¹¹ July 24, 2023 Board of Parole Meeting.

¹² July 24, 2023 Board of Parole Meeting.

23.

That same day, the Executive Director for the Board issued a statement that the Board was forced to return 56 commutation applications for offenders serving death sentences in Louisiana pending further review of the Board's administrative rules and any possible revision that may result.

24.

Since July 24, 2023, the Defendants have not convened in an open meeting to further consider any of the Capital Clemency Applications, the waiver of §203(E), or revisions to the Board's administrative rules.

25.

On August 9, 2023, Governor Edwards asked the Board to set hearings for the 56 Capital Clemency Applications.¹³

26.

On August 10, 2023, in direct response to the Governor's request, the Defendants scheduled 20 of the Capital Clemency Applications for clemency hearings on October 13, 2023, November 8, 2023, November 13, 2023, and November 27, 2023.¹⁴ Willie Tart is scheduled for a clemency hearing on November 8, 2023, and Antoine Tate is scheduled for a clemency hearing on November 13, 2023.

27.

The scheduling of these hearings is contrary to state law and the rules adopted by the Board, which have the force and effect of law.

¹³ Exhibit J. August 9, 2023 Correspondence from Governor Edwards to Defendant Board Members.

¹⁴ Exhibit K. Louisiana Board of Pardons, Death Row Hearing Schedule.

**VIOLATIONS OF THE OPEN MEETINGS LAW, LA. R.S. 42:11–28,
LAC 22:V.205(A)(2), LA. R.S. 15:15573, AND LA. R.S. 15:572.1**

28.

In spite of Board rules requiring an administrative review of all clemency applications prior to the scheduling of a hearing on the merits of the application, no such review took place in a properly noticed open meeting.

29.

Nevertheless, one day after the Governor's letter asking that the Capital Clemency Applications be set for hearing, the Defendants scheduled actual clemency hearings for 20 of the 56 capital clemency applicants.¹⁵

30.

The Defendants did not conduct an administrative review of any of the applications set for hearing on October 13, 2023, November 8, 2023, November 13, 2023, and November 27, 2023, or in the event such a review did take place, it transpired outside the purview of an open meeting, thereby violating Louisiana's Open Meetings Law.

31.

Such actions also violate La. R.S. 15:573 and 15:572.1(D), which require that all sessions of the Board of Pardons be open to the public. La. R.S. 15:573 prohibits the Board from taking any action on an application other than during an open meeting.

32.

On September 11, 2023, the Attorney General asked for copies of all minutes and agendas where the Board considered the clemency applications of Willie Tart and Antoine Tate. On September 18, 2023, the executive director for the Board responded, advising that no such records exist.

¹⁵ Exhibit J. August 9, 2023 Correspondence from Governor Edwards to Defendant Board Members; Exhibit K. Louisiana Board of Pardons, Death Row Hearing Schedule.

33.

The public was not afforded the opportunity to participate in the administrative review of the Capital Clemency Applications, and the Attorney General was unjustly deprived of the opportunity to engage in the administrative review of Willie Tart's and Antoine Tate's application for hearing.

34.

In addition, on August 16, 2023, the Attorney General, in his capacity as an enforcer of the Open Meetings Law, received a complaint from Gracie Richard Armstead.¹⁶ Ms. Armstead is a surviving victim of Larry Roy, dubbed by the media as the "Cheneyville Slasher."

35.

Ms. Armstead indicates she was relieved when the Board voted on July 24, 2023, to set aside the applications and the waiver of §203(E), only to be informed days later that her attacker, Larry Roy was now scheduled for a clemency hearing on November 8, 2023.¹⁷

36.

In her complaint, Ms. Armstead notes that the Board did not hold subsequent meetings to reconsider the applications that were set aside on July 24, 2023, and asks the Attorney General to investigate the scheduling of the Capital Clemency Applications for hearing.

37.

Upon the review of all the agendas and minutes published by the Board since July 24, 2023, the Attorney General can find no evidence that the Defendants noticed or held any subsequent meetings to reconsider the applications, or to reverse the motion adopted by the Board on July 24, 2023.

38.

On September 11, 2023, the Attorney General asked for all records that show how the Board chose which of the 56 clemency applications would or would not, be granted a hearing.

¹⁶ Exhibit L. Complaint from Ms. Gracie Richard Armstead dated August 16, 2023.

¹⁷ *Id.*

39.

On September 18, 2023, the executive director of the Board responded that no such records exist.

40.

The Defendants' actions in scheduling clemency hearings for the Capital Clemency Applications have effectively reversed the motion adopted by the Defendants on July 24, 2023, to set the applications aside and remove the agenda item for consideration of the waiver of § 203(E). These are acts over which the Board has control and jurisdiction that should have taken place in an open meeting. The Defendants' actions circumvent and violate the Louisiana Open Meetings Law. La. R.S. 42:11–28.

VIOLATIONS OF LA. R.S. 15:572.4(C)

41.

Louisiana Revised Statute 15:572.4(C) requires a publication of “notice of submission of clemency application” before the Board can set a clemency hearing. The notice must be published on three separate days within a thirty-day period in the official journal of the parish where the applicant was convicted.

42.

On September 11, 2023, the Attorney General asked the Board for evidence of the publication of Willie Tart and Antoine Tate's clemency application submissions.

43.

On September 18, 2023, the executive director of the Board responded that the Board had not received evidence of the publications.

44.

The Defendants scheduled clemency hearings for both Willie Tart and Antoine Tate before the publication of notice as mandated by La. R.S. 15:572(C).

45.

The scheduled clemency hearing for Willie Tart on November 8, 2023 is in violation of La. R.S. 15:572.4(C).

46.

The scheduled clemency hearing for Antoine Tate on November 13, 2023 is in violation of La. R.S. 15:572.4(C).

VIOLATION OF LAC 22:V.203(E)

47.

§203(E) expressly provides that if an offender sentenced to death chooses to submit an application for commutation of their sentence, the offender must do so within one year of the date of the direct appeal denial.

48.

The 20 Capital Clemency Applications now scheduled for hearing were not submitted within one year from their date of the direct appeal denial, as required by §203(E), and are therefore ineligible for clemency hearings.

49.

Accordingly, the action taken by the Defendants in scheduling the 20 applications for clemency hearings is in direct violation of §203(E).

VIOLATIONS OF LA. R.S. 15:574 (B)(1)

50.

The Board of Pardons is prohibited from considering any “application for a hearing or for a pardon, clemency, or commutation until the district attorney of the parish in which the person applying for the pardon, commutation, or clemency was convicted has been notified, and has had ample opportunity to attend.” La. R.S. 15:574(B)(1).

51.

The Attorney General takes the role of the district attorney in recusal cases, pursuant to La. Const. art. IV, § 8, and the Attorney General must receive notice and an opportunity to attend the meeting where the administrative review of the application is considered.

52.

The Defendants considered Willie Tart and Antoine Tate's applications for hearing without any notification to the Attorney General, and the Attorney General was deprived of an opportunity to attend the meeting where the applications were considered.

VIOLATIONS OF LAC 22:V.211(B)

53.

Pursuant to §211(B), a clemency hearing is scheduled only after the Board has received the clemency investigation from the appropriate probation and parole district and all documents required by §203.

54.

On August 10, 2023, the Defendants scheduled Willie Tart's clemency hearing for November 8, 2023.

55.

On August 30, 2023, Probation and Parole sent an email to an administrative assistant at the Attorney General's Office.¹⁸ Attached to the August 30, 2023 email was a letter incorrectly addressed to Judge Larry Jefferson, dated August 18, 2023. The letter stated that Willie Tart was applying for commutation of sentence and mentioned an ongoing clemency investigation by the Department of Public Safety and Corrections.¹⁹

56.

The Defendants scheduled Willie Tart's hearing before his clemency investigation was complete, and the scheduled clemency hearing for Willie Tart on November 8, 2023, is in violation of §211(B).

¹⁸ Exhibit O. August 30, 2023 email from Probation and Parole to Louisiana Attorney General's Office employee; Exhibit P. Correspondence dated August 18, 2023 attached to the August 30, 2023 email from Probation and Parole to Louisiana Attorney General's Office employee.

¹⁹ Exhibit P. Correspondence dated August 18, 2023, attached to the August 30, 2023 email from Probation and Parole to a Louisiana Attorney General's Office employee.

57.

On August 10, 2023, the Board scheduled Antoine Tate's clemency hearing for November 13, 2023.

58.

On September 6, 2023, Probation and Parole sent correspondence to the Attorney General's Office. The correspondence stated that Antoine Tate was applying for commutation of sentence and gave the Attorney General until September 20 to submit comments for the clemency investigation of Antoine Tate.²⁰

59.

The Defendants scheduled Antoine Tate's hearing before his clemency investigation was complete, and the scheduled clemency hearing for Antoine Tate on November 13, 2023, is in violation of §211(B).

60.

Because the acts sought to be enjoined are unlawful it is not necessary to show irreparable harm. Additionally, preliminary injunction is a specifically authorized remedy to a violation of Louisiana's Open Meetings Law. La. R.S. 42:26.

61.

Moreover, irreparable harm will occur to the State, the victims, and the friends and family members of victims who have been given little time to prepare for the expedited hearings and who are unnecessarily forced to relive the trauma of these horrific crimes.

62.

Irreparable harm will occur because there is no appeal from the grant or denial of clemency. La. R.S. 15:572.6.

63.

The Court may order a shorter time for responses to Requests for Admission. La. C.C.P. art. 1467. Due to the expedited scheduling of the clemency hearings, the Attorney General asks

²⁰ Exhibit R. September 6, 2023 Correspondence from Probation and Parole to the Attorney General.

this Court to order the Defendants to respond to the attached Requests for Admission on a date set by this Honorable Court, but prior to the date of the hearing set for the Preliminary Injunction.

WHEREFORE, the State of Louisiana through Jeff Landry, in his official capacity as Attorney General, respectfully prays that

1. This Court place this matter on a preferential docket, hear the proceedings without delay, and render a decision as soon as practicable as prescribed by La. R.S. 42:27.
2. The State of Louisiana, through Attorney General Jeff Landry be granted leave to serve upon Defendants requests for admission as filed herein.
3. That this Court order the Defendants to answer or state reasons for objection to the requests for admission filed herein at a date prior to the date set for the Preliminary Injunction hearing.
4. This Court render a preliminary and in due course a permanent injunction pursuant to La. Code of Civil Procedure articles 3601 and 3602 enjoining the Defendants, their employees, agents, attorneys, and anyone working in concert with them, from:
 - a. Conducting any of the hearings scheduled on October 13, November 7, 13, and 27, 2023;
 - b. Further enjoining the Defendants from hearing or scheduling the 56 Capital Clemency Applications filed in June of 2023 until the Board in an open meeting considers whether the applications are complete, and whether the Board will grant or deny the applicant a clemency hearing;
 - c. Conducting the hearing scheduled for Willie Tart on November 8, 2023, and further enjoining the Defendants from hearing or scheduling Willie Tart's clemency application until the Defendants comply with the laws and administrative rules governing clemency applications and hearings;
 - d. Conducting the hearing scheduled for Antoine Tate on November 13, 2023, and further enjoining the Defendants from hearing or scheduling Antoine Tate's clemency application until the Defendants comply with the laws and administrative rules governing clemency applications and hearings; and

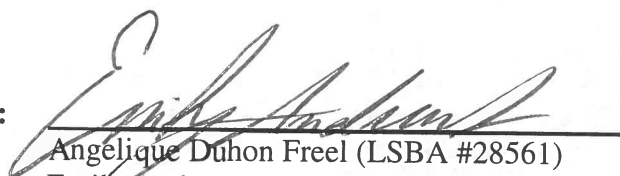
- e. Conducting the administrative review of any clemency application outside of an open meeting.
5. Defendants, the Louisiana Board of Pardons, Sheryl M. Ranatza, Tony Marabella, Bonnie Jackson, Curtis “Pete” Fremin, and Alvin Rochè, Jr. be ordered to show cause why the above requested preliminary injunctions should not be issued.
 6. This Court render judgment declaring that:
 - a. The Defendants violated the Open Meetings Law by setting the Capital Clemency Applications scheduled for October 13, November 8, November 13, and November 27, 2023, for hearing;
 - b. The Defendants actions of granting and scheduling hearings for the Capital Clemency Applications scheduled for October 13, November 8, November 13, and November 27, 2023, be declared null and void for failure to follow the Open Meetings Law;
 - c. The Defendants acted in violation of La. R.S. 15:572.4(C) by setting for hearing the applications of Willie Tart and Antione Tate without proof of advertisement;
 - d. The Defendants acted in violation of LAC V:203(E) by considering and scheduling clemency hearings for applications outside of the one-year preemptive deadline;
 - e. The Defendants failed to conduct an administrative review of the applications in violation of the Board’s policies and administrative rules.
 - f. The Defendants acted in violation of the Open Meetings Law, La. R.S. 15:572.1, and La. R.S. 15:573 by taking action on the clemency applications outside of an open meeting.
 - g. The Defendants acted in violation of La. R.S. 15:574(B)(1) by considering Willie Tart and Antoine Tate’s applications for hearing without notice to the Attorney General.
 - h. The Defendants acted in violation of LAC 22:V.211(B) by scheduling the hearings of Willie Tart and Antoine Tate before their clemency investigations were complete.

- i. That the violations of the foregoing administrative rules and procedures of the Board of Pardons and state law are material and sufficient to invalidate the clemency hearings scheduled for October 13, November 7, 13, and 27, 2023.
 - j. That the Defendants must conduct the administrative review of any clemency applications in accordance with Louisiana's Open Meetings Law.
 - k. That the Defendants must decide whether they will hear, set aside, or return the Capital Clemency Applications in accordance with Louisiana's Open Meetings Law.
 - l. That any action by the Defendants concerning the waiver or revision of the one-year eligibility period in §203(E) be in accordance with Louisiana's Open Meetings Law.
7. This Court award costs of these proceedings and reasonable attorney's fees in favor of Plaintiff, Louisiana Attorney General Jeff Landry pursuant to La. R.S. 42:26(C)

Respectfully submitted,

JEFF LANDRY
ATTORNEY GENERAL

BY:



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NINETEENTH JUDICIAL DISTRICT COURT
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BONNIE JACKSON, CURTIS "PETE" FREMIN, AND ALVIN ROCHÈ, JR.

ORDER

Considering the foregoing Petition for Declaratory Judgment, Injunctive relief, and Enforcement action filed on behalf of the Plaintiff:

IT IS HEREBY ORDERED that the State of Louisiana, through Attorney General Jeff Landry is granted leave to serve upon the Louisiana Board of Pardons requests for admissions as filed herein.

IT IS FURTHER ORDERED that the Louisiana Board of Pardons answer or state reasons for objection to the requests for admission no later than the _____ day of _____ 2023, at _____.

IT IS FURTHER HEREBY ORDERED that Defendants, the Louisiana Board of Pardons, Sheryl M. Ranatza, Tony Marabella, Bonnie Jackson, Curtis "Pete" Fremin, and Alvin Rochè, Jr. appear on the _____ day of _____ 2023, at _____ and show cause why a preliminary injunction and in due course a permanent injunction pursuant to La. Code of Civil Procedure articles 3601 and 3602 should not issue enjoining the Defendants from:

- a. Conducting any of the hearings scheduled on October 13, 2023, November 7, 13, and 27, 2023;

- b. hearing or scheduling the fifty-six Capital Clemency Applications filed in June of 2023 until the Board in an open meeting considers whether the applications are complete, and whether the Board will grant or deny the applicant a clemency hearing; and
- c. Conducting the hearing scheduled for Willie Tart on November 8, 2023 and further enjoining the Defendants from hearing or scheduling Willie Tart's clemency application until the Defendants comply with the laws and administrative rules governing clemency applications and hearings;
- d. Conducting the hearing scheduled for Antoine Tate on November 13, 2023 and further enjoining the Defendants from hearing or scheduling Antoine Tate's clemency application until the Defendants comply with the laws and administrative rules governing clemency applications and hearings;
- e. Conducting the administrative review of any clemency application outside of an open meeting.

Baton Rouge, Louisiana this ____ day of September 2023.

Judge 19th Judicial District Court
State of Louisiana

SHERIFF PLEASE SERVE PETITION AND ORDER ON:

Louisiana Board of Pardons
504 Mayflower Street, Building 6
Baton Rouge, LA 70802

Curtis "Pete" Fremin
504 Mayflower Street, Building 6
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