

STATE OF LOUISIANA

* 2ND JUDICIAL DISTRICT COURT

VS. NO. 45,012

* PARISH OF JACKSON

WILLIE JOSEPH

* STATE OF LOUISIANA

*

FILED

MAY 20 2013

BY: PH
DUSTY HAMPTON, DY. CLERK

REASONS FOR JUDGMENT

This matter was tried on May 8, 2013, wherein the defendant herein was tried for a charge of simple battery. After the trial the Court took this matter under advisement to review the video (DVD) that was introduced by the defendant and CD that was introduced by the State.

After reviewing the video the Court has determined that there was some serious discrepancies in the testimony of some of the witnesses.

The council meeting started at approximately 6:00 p.m. on August 14, 2012. The video (DVD) shows that Mrs. Janice Simmons doesn't enter the meeting room until approximately 42:10 (DVD) and sits up toward the front left, a couple of rows back from the front.

The meeting was over at approximately 1:44:10 (DVD), The video (DVD) indicates that at approximately 1:45:16 Dusty Hampton shook Willie Joseph's hand while they were still in the meeting room. The video (DVD) indicates that at approximately 1:45:16 Mrs. Simmons was still sitting in her chair. At approximately 1:45:21 the video (DVD) shows Willie Joseph leaving the meeting room directly behind D. J. Allen and Don Essmeier. A few seconds later, according to the (CD) that was introduced by the State, is when the altercation between Willie Joseph and D. J. Allen occurred. At approximately 1:45:38 the video (DVD) shows Renee Stringer coming into the meeting room and getting Wesley Horton and they both immediately leave the meeting room. At approximately 1:47 the video (DVD) shows Mrs. Simmons is still sitting in the

chair in the meeting room and has never gotten up out of the chair and left the meeting room. At approximately 1:46:31 the video (DVD) shows Franciscus Jackson in the video (DVD) in the bottom right corner which indicates that he had not left the meeting room either and could not have been at the water cooler as he testified.

At approximately 1:47:41 the video (DVD) shows Franciscus Jackson hugging Mayor Thompson on the video (DVD) which indicates that Mr. Jackson still has not left the meeting room. At approximately 1:49 the video (DVD) shows Mrs. Simmons is still sitting in her chair in the meeting room and still has not left the meeting room.

According to the CD you can hear Willie Joseph telling D. J. Allen "you know you ain't shit" on more than one occasion. According to the CD you can hear D. J. Allen saying "hey, hey you want an assault charge" and in response you can hear what appears to be Willie Joseph's voice saying ". . . Momma . . ." and in response you can hear D. J. Allen say "my Mom just died, you are a terrible, terrible person", which would be consistent with the testimony given by D. J. Allen and Dusty Hampton.

At approximately 1:49:42 the video (DVD) shows Willie Joseph returns to the meeting room after the altercation and begins to talk to several other individuals that are still in the meeting room. At approximately 1:51 the video (DVD) shows Mrs. Simmons is still in the meeting room, at this time appearing to have a discussion with her husband, Herbert Simmons, and Sam Lamkin. At approximately 1:51:41 the video (DVD) shows Willie Joseph leaves the meeting room for the second time and the video (DVD) indicates that at approximately 1:52:07 Mrs. Simmons exits the room with Devin Flowers. At the time Mrs.

Simmons leaves the room with Devin Flowers the video (DVD) shows Willie Joseph returning to the meeting room and it appears he is talking to David Dill.

As the testimony of Dusty Hampton would show he had no reason to come into this Court to not tell the truth about what he saw and heard. He testified that he had known Willie Joseph for probably twelve years and they had numerous discussions at the video store about videos and he considered them to be friends. Even Mr. Joseph testified that he knew Dusty Hampton and they seemed to be friends. As a matter of fact, the night of the meeting when it was over, Dusty Hampton and Willie Joseph are shown on the video (DVD) shaking hands.

Attached to these reasons for judgment is the transcript of the testimony of Franciscus Jackson and Janice Simmons. If you review the testimony of Mrs. Simmons her testimony is completely contrary to the video (DVD) that was introduced into evidence by the defendant as D-1. If you look at page nine of Mrs. Simmons' testimony, line ten she states that we (Mrs. Simmons and Willie Joseph) walked out together. If you review the video (DVD) it clearly shows that Mrs. Simmons never exited the meeting room with Willie Joseph at any time, whether it be right after the meeting was over or even when she exited the meeting room at approximately 1:52:07 according to the video (DVD), which would've been approximately six minutes after the incident actually occurred in the foyer. At the time the incident actually occurred the video (DVD) clearly indicates that Janice Simmons was either still sitting in the chair she took when she came to the meeting or after she got up out of her chair the video (DVD) clearly shows her having a conversation with Sam Lamkin and/or her husband, Herbert Simmons. I will now refer to page twelve of the attached transcript where Mrs. Simmons' is under cross examination and refer to line twenty through

twenty-two where Mrs. Simmons testifies under oath that as far as she was concerned, if I didn't see it so it didn't happen. Again, if you concentrate on the video (DVD) that the defendant introduced into evidence it clearly shows that Mrs. Simmons could not have seen or heard anything that happened because she was not where she's testified she was because she was still either in her chair in the meeting room or still in the meeting room, this Court has already referred to, at least six minutes after the incident occurred.

As to the testimony of Franciscus Jackson he also testified under oath that he immediately after the meeting walked out into the hallway by the water fountain and testified that at that time he saw Willie Joseph in the hallway next to the water fountain right in his proximity. (See lines four through ten). He also continued in his testimony to indicate that if anything would have happened next to the water fountain as alleged he would've saw it and as a matter of fact testified under oath that he never saw it. If you again clearly look at the video (DVD) that was introduced by the defendant at approximately 1:46:31 of the video (DVD) it shows Franciscus Jackson appear from the bottom right corner of the video (DVD) which clearly indicates he had not ever left the meeting room after the meeting was over which is totally contrary to his testimony under oath. He disappeared from the video (DVD) back into the bottom right corner of the video (DVD) where he came from and at approximately 1:47:41 the video (DVD) shows Franciscus Jackson reappearing in the video (DVD) hugging Mayor Thompson which again indicates that Franciscus Jackson had not left the meeting room as he had testified to under oath.

If you review the testimony of the witnesses, D. J. Allen and Dusty Hampton their testimony clearly is corroborated by either the video (DVD) and/or the CD audio that was introduced by the State. If you review the testimony of

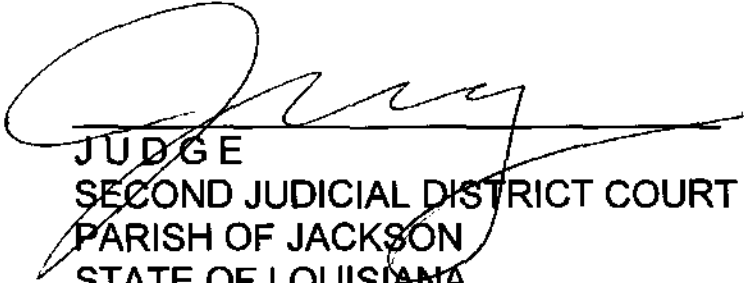
Janice Simmons and Franciscus Jackson it is clear that nothing they testified to is corroborated by either the video (DVD) and/or the CD.

Also, Mr. Willie Joseph's testimony is extremely contrary to the video (DVD) and to the CD.

It is this Court's opinion that when you take into consideration the totality of the testimony, defense exhibit D-1, and State exhibit S-1, it is clear that the State of Louisiana has carried its burden of proving the defendant's guilt beyond a reasonable doubt and therefore the Defendant is found guilty of simple battery.

A notice shall issue to the Defendant and his attorney, Mr. Louis Scott, that Mr. Joseph is to return to this Court on June 12, 2013 at 9:30 a.m. for sentencing.

THUS DONE AND SIGNED this 20th day of May, 2013.



JUDGE
SECOND JUDICIAL DISTRICT COURT
PARISH OF JACKSON
STATE OF LOUISIANA

1 STATE OF LOUISIANA * 2ND JUDICIAL DISTRICT COURT
2 VS. NO. 45,012 * PARISH OF JACKSON
3 WILLIE JOSEPH * STATE OF LOUISIANA
4

5 NOTE OF EVIDENCE taken on the partial transcript,
6 testimony of Franciscus Jackson, Mrs. Janice Simmons in
7 the above foregoing entitled and numbered case before the
8 Honorable Jimmy Teat, one of the Judges of the Second
9 Judicial District Court for Jackson Parish, Louisiana, on
10 the 8th day of May, 2013.
11

12 A P P E A R A N C E S:
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14

15 FOR THE STATE MR. B. JAY DURRETT
16 ASSISTANT DISTRICT ATTORNEY
17 COURTHOUSE BUILDING
18 JONESBORO, LA 71251
19

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21 FOR THE DEFENDANT MR. LOUIS SCOTT
22 ATTORNEY AT LAW
23 510 PINE ST.
24 MONROE, LA 71201
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1 BY MR. SCOTT,

2 OF COUNSEL FOR DEFENDANT:

3 Mr. Jackson. I can't think of his first name at this
4 time. Franciscus, something - -

5 FRANCISCUS JACKSON,

6 HAVING BEEN CALLED TO TESTIFY ON BEHALF OF THE
7 DEFENDANT, AFTER HAVING BEEN DULY AND LEGALLY SWORN,
8 TESTIFIED AS FOLLOWS:

9 DIRECT EXAMINATION:

10 BY MR. SCOTT,

11 OF COUNSEL FOR DEFENDANT:

12 Q. Would you please state your name?

13 A. Franciscus Jackson.

14 Q. Okay. And what town do you live in?

15 A. Jonesboro.

16 Q. And did you attend a city council meeting on or
17 about August the 14th of 2012?

18 A. Yes.

19 Q. And were you at the city council meeting after it was
20 -uh- after it was over?

21 A. Correct.

22 Q. And what did you do after the city council meeting
23 was over?

24 A. Well we normally -uh- you know, you talk to who you
25 know or whatever, -uh- and everybody started congregating
26 different places. People going out and I was -uh- walking
27 out the way everybody does.

28 Q. Okay, and was that city council meeting pretty well
29 attended?

30 A. Uh - here lately it be quite a bit of people there.
31 I don't know the exact number but -

32 Q. Was it a pretty good number of people there on

1 August the 14th?
2 A. Uh - as I can recall.
3 Q. Okay, and -uh- after the meeting, where did you go?
4 A. Uh - in the hallway by the water fountain as you're
5 walking out. That's where I was.
6 Q. And -uh- while there at the water fountain, did you
7 see -uh- Mr. Willie Joseph when he came through that area?
8 A. Did I see him?
9 Q. Yes.
10 A. I can remember seeing him.
11 Q. Okay. And did you see Mr. D. J. Allen when he came
12 through the area?
13 A. I can recall seeing him.
14 Q. Okay, and do you recall anyone else who specifically
15 who came through the area after the meeting?
16 A. Uh - man, there was a bunch of people, I don't - have
17 exact names of the people but it was about six months ago
18 so I really can't tell you exact people.
19 Q. Okay. Did anything -uh- was there any physical
20 contact between Mr. Willie Joseph and Mr. D. J. Allen that
21 occurred in that hallway?
22 A. Uh - No, I never saw any. Uh - I look at it like
23 this, -uh- concerning the things that have been going on
24 in this city if there was a physical altercation it would
25 be haywire up in there. So I don't - I didn't - there was
26 no physical altercation at all. I would have seen it.
27 Q. Okay. And -uh- what was the position, where was your
28 position after the meeting?
29 A. Uh - well I came through by the water fountain right
30 there and I guess that's called a foyer that everybody's
31 in. Uh - and you go through by the water fountain.
32 That's the part - I guess it's called a foyer that you,

1 everybody's in so when I came out, you know, it's kind of
2 hard to get out because you know everybody got to go
3 through that way to get out so I was kind of like stuck
4 right there.

5 Q. Okay. And so did you stand at that location for a
6 while?

7 A. Well I don't know how, what the actual time limit was
8 but you know it was enough to - it was, you know, I was
9 just standing there. Everybody was. Those who hadn't
10 went out yet.

11 Q. Okay.

12 A. You know, some people was already out.

13 Q. Okay, some people had already gone out?

14 A. Yes.

15 Q. Some people were still -

16 A. Correct, cause everybody was talking about whatever
17 they want to talk about, so -

18 Q. So as - so during - so you were standing in the hall
19 when you saw Mr. -uh- Mr. Joseph come into the foyer, is
20 that right?

21 A. Yes.

22 Q. Okay. And you were standing in the hall when you saw
23 Mr. Allen, -uh- D. J. Allen come through the foyer, is
24 that right?

25 A. Correct.

26 Q. And at neither time did you, I mean, not neither time
27 at no time did you see Mr. Allen and Mr. -uh- and Mr.
28 Joseph have any physical contact, is that right?

29 A. Not at all.

30 Q. And would you have been in a position where if they
31 would have had any type of physical contact in the hall
32 you would have been in a position to see it?

1 A. Absolutely.
2 Q. And it's your testimony that they did not?
3 A. Absolutely.
4 BY MR. SCOTT,
5 OF COUNSEL FOR DEFENDANT:
6 I tender.
7 **CROSS EXAMINATION:**
8 BY MR. DURRETT,
9 OF COUNSEL FOR STATE:
10 Q. Do you know Mr. D. J. Allen?
11 A. I don't know him like super personally. I know him
12 as a banker.
13 Q. Okay. Do you know Mr. Joseph?
14 A. Now I know him a little bit better than I know D. J.
15 Allen.
16 Q. Okay, how little bit better, what do you mean?
17 A. I mean, only thing I have with D. J. Allen is
18 financial but you know we kind of grew up together, kind
19 of a little bit.
20 Q. You'd say y'all are friends?
21 A. Uh - if that's what you call a friend, I mean, we
22 grew up, I mean, we been here for quite some time so you
23 know we interacted a lot.
24 Q. Okay. How many times have y'all discussed the night
25 of August the 14th of 2012?
26 A. I really don't know. We don't talk that often.
27 Q. Five, ten?
28 A. I can't remember, I don't know.
29 Q. Okay.
30 A. At very little.
31 Q. Okay.
32 BY MR. DURRETT,

1 OF COUNSEL FOR STATE:

2 That's all the questions I have.

3 REDIRECT EXAMINATION:

4 BY MR. SCOTT,

5 OF COUNSEL FOR DEFENDANT:

6 Q. Do y'all talk on a regular basis socially?

7 A. Yea, just hey, how you doing. You know, he see me
8 at somewhere, something like that, you know. Uh - matter
9 of fact he does it -uh- at the same church we go before so
10 that's how I know him, know him. You know, we went to the
11 same church at some point a time, not any more but we did.

12 Q. Okay. About how long ago was that?

13 A. I don't know -

14 Q. Was it years, months?

15 A. Maybe, maybe a year, maybe a year ago, maybe.

16 Q. Okay. And if you all don't see each other out, do
17 y'all visit each other's home on a regular basis?

18 A. No.

19 BY MR. SCOTT,

20 OF COUNSEL FOR DEFENDANT:

21 That's all the questions.

22 BY THE COURT:

23 Mr. Jackson free to go?

24 BY MR. SCOTT,

25 OF COUNSEL FOR DEFENDANT:

26 Uh - yes.

27 BY THE COURT:

28 You're released, Mr. Jackson, you're free to go.

29 A. Thank you so much.

30 By THE COURT:

31 Yes sir.

32 A. This way?

1 BY THE COURT:

2 Any way you want to go, if you want - if you're
3 going home you can leave to go.

4 - - - - -
5 WITNESS EXCUSED
6 - - - - -

7 BY MR. SCOTT,

8 OF COUNSEL FOR DEFENDANT:

9 We'd call Mrs. Janice Simmons.

10 JANICE SIMMONS,

11 HAVING BEEN CALLED TO TESTIFY ON BEHALF OF THE
12 DEFENDANT, AFTER HAVING BEEN DULY AND LEGALLY SWORN,
13 TESTIFIED AS FOLLOWS:

14 DIRECT EXAMINATION:

15 BY MR. SCOTT,

16 OF COUNSEL FOR DEFENDANT:

17 Q. Would you please state your name?

18 A. Janice Simmons.

19 Q. And Ms. Simmons, did you attend a city council
20 meeting on August the 14th of 2012?

21 A. I did.

22 Q. And did you stay at the meeting until it was over?

23 A. Yes.

24 Q. After the meeting was over, what do you remember
25 occurring?

26 A. When the meeting was over, immediately I saw D. J.
27 go up to the front where the tables are.

28 Q. And when you say, D. J., are you talking about D. J.
29 Allen?

30 A. D. J. Allen, yes.

31 Q. Okay.

32 A. Uh - during the course of the meeting he had out of

1 order shouted to the mayor, when you gonna stop doing
2 something, when are you gonna spending money on lawsuits
3 and that was a little bit of an exchange and the mayor had
4 said something he apparently didn't like so he went up
5 there and was shaking his finger in the mayor's face, just
6 shaking his finger, shaking his finger in the mayor's face
7 as I stood up there to watch it and -uh- then Willie came
8 into the - came to the front where I was standing. It was
9 actually my husband and I and then we turned around to
10 walk out and he then said to me, Don Essmeier talking
11 about putting a bullet in the mayor's head. Uh - and I
12 said, really, and he said, yeah, you know, he said -

13 BY MR. DURRETT,

14 OF COUNSEL FOR STATE:

15 Your Honor, I'm gonna stop the witness at this point,
16 it's calling for a narrative. If he wants to ask
17 questions of his witness, he's entitled to but he's
18 offered narrative testimony.

19 BY THE COURT:

20 Speak up a little Mr. Durrett, I can't hear you,
21 what's your objection?

22 BY MR. DURRETT,

23 OF COUNSEL FOR STATE:

24 He's called for a narrative testimony. I'd ask that
25 counsel be instructed to ask her specific questions.

26 BY THE COURT:

27 I think you -

28 A. He was asking, he asked what happened after the
29 meeting was over.

30 BY THE COURT:

31 Ms. Simmons, Ms. Simmons, you have to ask her,
32 if you have her direct, you have to ask her

1 questions, Mr. Scott.

2 BY MR. SCOTT,

3 OF COUNSEL FOR DEFENDANT:

4 Q. Uh - now do you remember walking into the foyer

5 outside of the city council room?

6 A. Yes.

7 Q. And when you went out into the foyer of the city

8 council room, did you see - were you able to see Mr.

9 Joseph?

10 A. We walked out together.

11 Q. Okay. And after you walked out, did you see any

12 touching or any contact between Mr. D. J. Allen and Mr.

13 Willie Joseph?

14 A. I did not.

15 Q. And would you have been in a position to have seen

16 any contact between Mr. Joseph and Mr. Allen?

17 A. Absolutely.

18 Q. And is it your testimony that there was no contact

19 between Mr. Allen and Mr. Willie Joseph?

20 A. It is.

21 Q. And do you remember what you did after you got into

22 the foyer?

23 A. What who did?

24 Q. What you did?

25 A. Oh, we walked out and -uh- then went outside of the

26 door and just stood up in the huddle of everybody talking

27 about what had happened at the meeting that night.

28 Q. And so you had paused for a while in the foyer?

29 A. Yeah, we walked out, you know, just a very leisurely

30 pace, walking out and you know there was a crowd in the

31 foyer so we kind of stood around and waited for people to

32 clear out so that we could exit.

1 Q. And do you know Mr. D. J. Allen by sight?
2 A. Yes.
3 Q. And do you remember whether or not there was any
4 talk between Mr. Allen and Mr. Joseph in the foyer?
5 A. I did not see that.
6 Q. Uh - did you see any kind of pushing or shoving or
7 hitting or touching between Mr. Joseph and Mr. Allen?
8 A. No, I didn't.
9 BY MR. SCOTT,
10 OF COUNSEL FOR DEFENDANT:
11 I tender.
12 CROSS EXAMINATION:
13 BY MR. DURRETT,
14 OF COUNSEL FOR STATE:
15 Q. So your testimony is that you were walking out along
16 side Mr. Joseph?
17 A. We walked out together.
18 Q. Okay. Were you by his side the entire time from the
19 actual meeting room to the doors?
20 A. Yes.
21 Q. Okay. And your testimony is that not only did he
22 not touch Mr. Allen, that they didn't even speak, is that
23 right?
24 A. I didn't observe that they spoke and I certainly know
25 that he didn't touch him.
26 Q. Okay. Now would you have noticed if they would have
27 spoken?
28 A. I may have. Like I said, there were quite a few
29 people there. I may have. I think I probably would have
30 noticed. But -uh- you know, I don't recall that they did
31 speak.
32 Q. Okay. Well if a short speaking exchange would have

1 occurred, say 20, 30, 40 seconds, did you do anything from
2 the time you left the room to exiting the building that
3 deterred your attention that that could have occurred
4 during that time window?

5 A. No. Uh - we walked out from the table of the meeting
6 room into the foyer where we waited for the crowd to clear
7 out so that we could exit.

8 Q. Okay. If I were to play you an audio recording that
9 captured an exchange, a heated exchange between Mr. Allen
10 and Mr. Joseph, would that change your testimony today?

11 A. No.

12 Q. If I told you that we got three officers, an officer
13 of the Court, two other business people in the community
14 that have already testified, not only was there a verbal
15 altercation, also a physical altercation, would that
16 change your testimony?

17 A. Absolutely not.

18 Q. Okay. So do you think there's any other explanation
19 for that discrepancy or can you tell me those five people
20 that have already taken the stand are lying today?

21 A. Uh -

22 BY MR. SCOTT,

23 OF COUNSEL FOR DEFENDANT:

24 I object. That's the Court's - that's the Court's
25 job to make that, - make that determination.

26 BY MR. DURRETT,

27 OF COUNSEL FOR STATE:

28 Q. How do you know Mr. Joseph, I'll withdraw that
29 question. How do you know Mr. Joseph?

30 A. I just kind of know him from being in the community
31 you know.

32 Q. Okay.

1 A. I don't know him, know him, know him.
2 Q. Did y'all ride to the meeting together?
3 A. No, we didn't.
4 Q. Did you leave the meeting together?
5 A. No, we didn't.
6 Q. Why is it that you were with him from the meeting
7 room then to exit the building the entire time?
8 A. Because we were engaged in conversation as many
9 people do after the meeting talking about you know the
10 course of events that happened through out the meeting,
11 talking about what's happening here in Jonesboro. Just
12 the whole scenario and certainly if - if - if there had
13 been an altercation, let me just say this to you, that
14 with the racial tensions and the stuff that's going on in
15 Jonesboro there would have been a lot more confusion than
16 we ever could imagine.
17 Q. Well I'm not worried what would have been. I'm
18 trying to determine what actually happened.
19 A. Well I'm telling you that -
20 Q. Let's concentrate on that.
21 A. That as far as I'm concerned, I didn't see it so it
22 didn't happen.
23 Q. Okay. Well y'all, y'all were engaged in a
24 conversation according to your testimony, from when you
25 left the room to the doors, was there ever a break in that
26 conversation where something could have happened that
27 deterred your attention?
28 A. Not that I recall.
29 Q. Okay -
30 BY MR. DURRETT,
31 OF COUNSEL FOR STATE:
32 No further questions.

1 REDIRECT EXAMINATION:

2 BY MR. SCOTT,

3 OF COUNSEL FOR DEFENDANT:

4 Q. Who else was with you in the foyer?

5 A. Who was with me?

6 Q. Yes.

7 A. It was my husband, Willie and I who walked out
8 together into the foyer.

9 BY MR. SCOTT,

10 OF COUNSEL FOR DEFENDANT:

11 Okay. That's all the questions.

12 BY THE COURT:

13 Is she free from the rule?

14 BY MR. DURRETT,

15 OF COUNSEL FOR STATE;

16 Yes.

17 BY MR. SCOTT,

18 OF COUNSEL FOR DEFENDANT:

19 As far as I'm concerned, yes.

20 BY THE COURT:

21 Ms. Simmons, you're released from having to be
22 in the back. You can sit in the Courtroom or
23 you're free to go.

24 A. As soon as what?

25 BY THE COURT:

26 I said, you're free to go from the rule. You
27 can either sit in the Courtroom or you're free
28 to go home, whatever you want to do.

29 A. Okay.

30 -----
31 WITNESS EXCUSED
32 -----

1 STATE OF LOUISIANA
2 PARISH OF JACKSON
3

4 This is to certify that the above pages are a true
5 and correct partial transcript, testimony of Franciscus
6 Jackson, testimony of Janice Simmons, of the evidence
7 taken in the foregoing entitled and numbered case.
8

9 This the 14th day of May, 2013.
10

11 
12

13 ALMA B. BRASHEAR
14

15 COURT REPORTER
16

17 JACKSON PARISH, LOUISIANA
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