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## Law Professor's Sabbatical in District Attorney's Office

Bobby Marzine Harges

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## Law Professor's Sabbatical in District Attorney's Office

Cover Page Footnote

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## LAW PROFESSOR'S SABBATICAL IN DISTRICT ATTORNEY'S OFFICE

Bobby Marzine Harges<sup>1</sup>

*It must be clear to law school administrators and faculty that the basic goal of law school is to prepare law students for the legal profession . . . . Because the law teacher plays such an important role in the training of lawyers, I wish to make a proposal that will help to "narrow the gap" between the academic law teacher and the practicing lawyer . . . . The best students, of course, are likely to be tomorrow's law professors, and many of them may begin teaching without ever having practiced law. It is for the law professor with no prior practice experience that I propose a new sabbatical – a sabbatical in a law office. There the law teacher will learn about the daily practice of law, and the practical aspects of the trial and appeal of cases. The duration may be a semester, or preferably a year, but there ought to be a full devotion of time and effort during the period of the sabbatical . . . . What the teacher learns during a law office sabbatical will not only be passed on to students, it can also be shared with faculty colleagues, in informal conversations or even in seminars or colloquia. Everyone would benefit; lawyers, law teachers, and the law students who are tomorrow's teachers, lawyers and judges.<sup>2</sup>*

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<sup>1</sup> Professor of Law Loyola University New Orleans. I am grateful first of all to my wife, Gaynell Williams, Assistant United States Attorney for the Eastern District of Louisiana, who continues to provide me with much knowledge of evidence, criminal law and procedure and who reviewed earlier drafts of this article. I am also grateful to Jefferson Parish, Louisiana District Attorney Paul D. Connick, who allowed me to enter his office as an assistant district attorney and gave me the freedom and flexibility to learn the valuable information I learned during my sabbatical. Further, I thank the assistant district attorneys in the Jefferson Parish District Attorney's office who worked with me and were patient enough to allow me to enter their lives as a colleague for a short period of time. Finally, I thank Jefferson Parish Assistant District Attorney Ron Austin who reviewed an earlier draft of this article.

<sup>2</sup> Edward D. Re, *Law Office Sabbaticals for Law Professors*, 45 J. LEGAL EDUC. 95 (1995).

## I. INTRODUCTION

It was with these thoughts in mind that I worked full time during my sabbatical from Loyola University New Orleans with the Jefferson Parish District Attorney's Office as an assistant district attorney in the metropolitan New Orleans, Louisiana area. The semester-long sabbatical allowed me to get hands on experience in the field as a prosecutor performing a wide variety of activities, from the initial screening of cases (interviewing victims and witnesses before deciding which suspects to charge), to plea bargaining, to trying cases, to working with the appeals section. During the sabbatical, I also had the opportunity to watch numerous other cases being tried by excellent prosecutors and defense attorneys.

I went to the Jefferson Parish District Attorney's Office after having taught Criminal Procedure, Criminal Law and Evidence for more than seven years. Although I practiced law for three years prior to becoming a law teacher, I had never practiced criminal law prior to the sabbatical. During my seven years of teaching those courses, I learned much of the aspects of criminal law and procedure vicariously from my wife, who has been a prosecutor for the past thirteen years. Whenever I had a question about some aspect of motion practice, pretrial or trial practice, sentencing or appeals, I would simply ask her. She provided me with a vast amount of background information that made the teaching of courses, for which I had no experience practicing law, a much easier task.

Additionally, in order to get different perspectives in the subject areas I teach, during my first seven years of teaching I changed the textbooks in all my courses several times. Although I had to prepare for a new textbook quite often, I found the perspectives of different law teachers helpful to me as I learned Criminal Law, Criminal Procedure and Evidence. Although one can learn a great deal from reading and extended study, "skills are best acquired by experience, and . . . there is no substitute for it."<sup>3</sup>

The sabbatical leave at Loyola University New Orleans is designed to "enhance the academic quality of the University by

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<sup>3</sup> See, *supra* note 2, at 96.

providing the faculty member with an opportunity for professional growth over an extended and uninterrupted period.”<sup>4</sup> As a result of the positive experience I had with the Jefferson Parish District Attorney’s Office, I would have to say that my professional growth during the four-month sabbatical definitely enhanced the academic quality of the University. By working as a prosecutor, I was able to learn how a district attorney’s office functions, how the criminal courts operate, and the issues and concerns that plague both prosecutors and defense attorneys. By working closely with police officers on the street, as well as detectives and investigators, I was able to learn first-hand how a large metropolitan police department works.<sup>5</sup>

## II. FIRST CONSTITUTIONAL ISSUE

On my first day on the job, I was faced with a constitutional issue – the legality of a drug screen. The personnel department informed me that I had to submit a urine sample for a drug test. What immediately came to mind was the constitutionality of such a request. Did the drug test violate the Fourth Amendment of the United States Constitution’s guarantee against unreasonable searches?<sup>6</sup> Did it violate a similar provision under the Louisiana Constitution?<sup>7</sup> These were interesting questions. However, since my sabbatical was designed to enhance the academic quality of my employer, and because I wanted to get the most out of the sabbatical by working in the district attorney’s office, I decided to submit to the drug screen. I decided to leave to someone else the opportunity to challenge the constitutionality of a drug screen.<sup>8</sup>

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<sup>4</sup> LOYOLA UNIVERSITY NEW ORLEANS FACULTY HANDBOOK 5-6 (1999).

<sup>5</sup> I worked closely with the Jefferson Parish Sheriff’s Office along with a few smaller police agencies that enforce the laws in Jefferson Parish.

<sup>6</sup> U.S. CONST. amend. IV stating in pertinent part, “[t]he right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . .” *Id.*

<sup>7</sup> LA. CONST. art. I, § 5, stating in pertinent part, “[e]very person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy.” *Id.*

<sup>8</sup> *See, e.g., Skinner v. Railway Labor Executives’ Ass’n*, 489 U.S. 602, 628-29 (1989) (holding that while the collection of urine constitutes a search within the

### III. FIRST CRIMINAL TRIAL

My first trial at the district attorney's office began on the morning of my first day. After being sworn in as an assistant district attorney, I joined a felony trial team in the prosecution of Allen Nguyen for attempted second degree murder.<sup>9</sup> When I joined the trial team, they had just completed a pretrial suppression motion<sup>10</sup> where the judge ruled that Nguyen's prior bad acts<sup>11</sup> were admissible at the trial to show his intent and motive. The State's theory was that Allen Nguyen and the victim, Edward Lavigne, were both purchasing gas at a convenience store late one night when Nguyen asked Lavigne, "What are you looking at?" Lavigne then raised his hands in the air as if to say, "Come and get me." Lavigne then left the convenience store in his vehicle, and a high-speed chase began as Nguyen followed Lavigne in his vehicle. Lavigne stopped his vehicle after a few miles and asked Nguyen

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meaning of the Fourth Amendment, the government's compelling interest in testing public employees for drug use outweighs the employee's reasonable expectation of privacy).

<sup>9</sup> See 18 U.S.C. § 1111 (a) & (b) stating in pertinent part:

[m]urder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate . . . premeditated killing; or committed in the perpetration of . . . any [felony] . . . or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree . . . [any] other murder is murder in the second degree . . . . Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

*Id.* (emphasis added). See also, LA. REV. STAT. § 14:30.1(A)(1)-(4) (2000).

<sup>10</sup> LA. CODE CRIM. PROC. ANN. art. 703 (A) (2000) permitting a defendant "adversely affected" to "move to suppress any evidence from use at the trial on the merits on the ground that it was unconstitutionally obtained"; see also, FED. R. CRIM. P. 5.1, 12, and 41.

<sup>11</sup> See FED. R. EVID. 608 permitting cross examination of the witness regarding specific instances of conduct "if probative of truthfulness"; see also, LA. CODE EVID. art. 609.1 (2000) subjecting testifying witnesses to "examination relative to his criminal convictions" with exceptions. *But see*, LA. CODE EVID. art. 609 (2000) excluding evidence "of the details of the crime of which [the witness] was convicted" in civil cases.

why he was following him. At this point, with the vehicles parked in the middle of the street, Nguyen shot Lavigne twice.

The defendant's theory of the case was misidentification<sup>12</sup> – that Nguyen was not the shooter. The victim was not able to identify the defendant as the shooter. The key witness for the State was Christa Perez. Perez, a passenger in Lavigne's vehicle, was an eyewitness to the shooting and positively identified Nguyen as the shooter in a photographic lineup.<sup>13</sup> Perez had known the defendant as "Chino" for three years. Although we had met with and prepared the eyewitness and the victim for trial during the lunch break, we decided that we wanted to visit the convenience store and the scene of the crime that night before trial resumed the next day. However, before we could visit the crime scene, we learned that the defendant had filed a supervisory writ application to the state court of appeals alleging that the trial judge had erred in his ruling earlier in the day that the defendant's other crimes were admissible.<sup>14</sup> At the end of the day, the state appeals court informed us that it wanted a response from the district attorney's office that evening. The trial recessed at 6:00 p.m. on the first day. It took us several hours to prepare a response to the writ application. Because of the time involved with preparing the response, we could not meet with Perez, the eyewitness, until 9:00 p.m.

However, locating Perez was not as easy as we thought. We had been informed earlier in the day by the sheriff's investigators that we would have no trouble locating her because she was sentenced to home incarceration under the Jefferson Parish

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<sup>12</sup> See BLACK'S LAW DICTIONARY 589 (6<sup>th</sup> ed. 1990), which defines "Eyewitness identification" as: "Type of evidence by which one who has seen the event testifies as to the person or persons involved from his own memory of the event." *Id.* Misidentification would be a "mistake concerning the identity" of the person or persons involved. See *Wayne v. Jarvis*, 197 F.3d 1098, 1103 (11<sup>th</sup> Cir. 1999), *cert. denied*, 120 S. Ct. 1974 (2000).

<sup>13</sup> A "lineup" is a "police identification procedure by which the suspect in a crime is exhibited, along with others with similar physical characteristics, before the victim or witness to determine if he can be identified as having committed the offense. To be . . . valid, the lineup must meet certain standards and be free of undue suggestiveness". BLACK'S LAW DICTIONARY 929 (6<sup>th</sup> ed. 1990). See also *U.S. v. Wade*, 388 U.S. 218 (1967).

<sup>14</sup> Louisiana has a writ process that allows a criminal defendant to immediately appeal adverse rulings during the trial. LA. CONST. art. 5 § 10.

Home Incarceration Program,<sup>15</sup> as a result of a conviction for a battery. However, when we went to Perez's home at 9:00 p.m., we discovered that she was not there. Unbeknownst to us, she had been granted permission by the program's administrator to leave her home that night. When we finally tracked her down, it was 10:30 p.m. After Perez took us to the scene of the crime and explained to us exactly how the incidents occurred on the night of the shooting, we were finally able to get a better understanding of the convenience store setting and the site of the shooting. Our hard work paid off. Nguyen was later found guilty of attempted second degree murder as charged in the bill of information.<sup>16</sup>

From this trial I learned that, because of the large number of cases that are set for trial on a given day and the uncertainty as to which cases will be tried and which ones will result in a plea agreement, it is not always possible to thoroughly investigate each case before trial.<sup>17</sup> Much of the investigation of a case is done during the trial. I also learned of the Jefferson Parish Home Incarceration Program. Most of the people who participate in the program have been convicted and sentenced. Other people participate in the program while they await trial – this assures that they show up for court at the designated time.

#### IV. SCREENING CASES

The screening section of the Jefferson Parish District Attorney's office is staffed by four prosecutors, whose responsibility it is to decide whether an offense has been committed, whether a criminal prosecution must be instituted and the appropriate charge to bring. Prosecutions are instituted in Louisiana criminal district courts by either a grand jury indictment or an information.<sup>18</sup> A prosecution for an offense punishable by

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<sup>15</sup> Jefferson Parish has a home incarceration program that is designed to help ease jail overcrowding. LA. CODE CRIM. PROC. art. 894.2 (2000).

<sup>16</sup> See LA. CODE CRIM. PROC. art. 382 (A) (2000) stating in pertinent part, "[a] prosecution for an offense punishable by death, or for an offense punishable by life imprisonment, shall be instituted by indictment by a grand jury. Other criminal prosecutions in a district court shall be instituted by indictment or by information." *Id.* (emphasis added).

<sup>17</sup> See *infra* Section VII.

<sup>18</sup> See *supra* note 16; see also *infra* note 20.



death or life imprisonment must be instituted by indictment by a grand jury.<sup>19</sup> All other criminal prosecutions in a district court must be instituted by indictment or by information.<sup>20</sup> Because it is easier to institute a criminal prosecution by information and since most criminal prosecutions can be instituted this way, most criminal prosecutions are brought by the appropriate screening district attorney who completes and signs the information and files it with the clerk of court's office or in open court.

I had the opportunity to screen several cases during my tenure at the district attorney's office. Having a working knowledge of the Louisiana Criminal Code was very helpful to me as I decided what crime should be charged. When I teach Criminal Law at Loyola University New Orleans School of Law, I teach the Louisiana Criminal Code instead of the Model Penal Code or some other criminal code. Each student in my Criminal Law class is required to have a copy of the Louisiana Criminal Code handy as we discuss the substantive criminal laws.

In screening cases, I had access to all police reports prepared by the appropriate law enforcement agency, as well as the ability to meet with and interview victims and witnesses. After reading the police report and interviewing the witnesses, I would then determine the appropriate charge to bring, if any, and discuss the case with the appropriate screening prosecutor. If a prosecution is instituted, either an information or grand jury indictment is filed in the office of the clerk of court or in open court.

## V. SELECTION OF GRAND JURY

During the sabbatical, I had the rare opportunity to assist in selecting the grand jury for Jefferson Parish for the next term. As in most states, the procedure for selecting the grand jury is regulated by statute. The selection of the grand jury and the grand jury's responsibilities are topics that I cover in my Criminal Procedure class each semester. However, because grand jury

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<sup>19</sup> See *supra* note 16.

<sup>20</sup> LA. CODE CRIM. PROC. art. 384 (2000). "An information is a written accusation of crime made by the district attorney or the city prosecutor and signed by him." *Id.*

proceedings are secret, and because only the prosecutors, grand jurors, stenographer, witnesses and the interpreter are allowed to be present,<sup>21</sup> I did not have an accurate picture of the grand jury prior to the time I assisted in selecting the grand jury. Additionally, because of this secrecy, I cannot comment on what I witnessed during my time with the grand jury. However, I can comment on some interesting aspects of the grand jury as stated in the Louisiana statutory law, some of which were unknown to me prior to my sabbatical.

In Louisiana, the grand jury consists of twelve persons plus a first and second alternate for a total of fourteen persons.<sup>22</sup> Nine grand jurors constitute a quorum,<sup>23</sup> and nine grand jurors must concur to find an indictment.<sup>24</sup> In Jefferson Parish, a grand jury is impaneled twice a year and serves no more than eight months and no less than four months.<sup>25</sup> One aspect of the grand jury that was

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<sup>21</sup> LA. CODE CRIM. PROC. art. 433(A)(1):

*Persons present during grand jury sessions*

Only the following persons may be present at the sessions of the grand jury:

The district attorney and assistant district attorneys or any one or more of them;

The attorney general and assistant attorneys general or any one or more of them;

The witness under examination;

A person sworn to record the proceedings of and the testimony given before the grand jury; and

An interpreter sworn to translate the testimony of a witness who is unable to speak the English language.

*Id.*

<sup>22</sup> LA. CODE CRIM. PROC. art. 413(A) (2000), states: "The grand jury shall consist of twelve persons plus a first and second alternate for a total of fourteen persons to serve as jurors, selected or drawn from the grand jury venire." *Id.*

<sup>23</sup> LA. CODE CRIM. PROC. art. 435 (2000) states: "The grand jury shall meet as directed by the court, or may meet on its own initiative at the direction of nine of its members, at any time and place within the parish. Nine grand jurors shall constitute a quorum, and nine grand jurors must concur to find an indictment."

*Id.*

<sup>24</sup> *Id.*

<sup>25</sup> LA. CODE CRIM. PROC. art. 414 (2000), states in pertinent part:

A grand jury shall be impaneled twice a year in each parish, except in the parish of Cameron in which at least one grand jury shall be impaneled each year. In parishes other than Orleans, the court shall fix the time at which a grand jury shall

unknown to me is the fact that each grand juror impaneled has the duty to inspect every prison, place of detention, asylum and hospital in the parish and report to the district judge how the prisoners and inmates of every such institution are treated.<sup>26</sup> I suspect one purpose of this law is to impress upon the grand jurors the importance of their work and the implications of an indictment. Perhaps another purpose of this law is to allow the district court to monitor the conditions under which prisoners are confined and the treatment they receive in order to comply with the Eighth Amendment to the United States Constitution's prohibition against cruel and unusual punishment,<sup>27</sup> as well as a similar provision in the Louisiana Constitution.<sup>28</sup>

## VI. MOTIONS TO SUPPRESS

Motions to suppress<sup>29</sup> are part of the defense attorney's regular customary pretrial practice. Such motions are filed as a matter of course in almost every criminal case. By filing a motion to suppress, the defendant is seeking to suppress such things as witness identifications, confessions, searches of premises, and

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be impaneled, but no grand jury shall be impaneled for more than eight months, nor less than four months, except in the parish of Cameron in which the grand jury may be impaneled for a year.

*Id.*

<sup>26</sup> LA. REV. STAT. ANN. § 121 (2000), states:

Each Grand jury, except those impaneled to Code of Criminal Procedure Article 415.1, shall inspect every prison, place of detention, asylum, and hospital within the parish and report to the district judge how the prisoners and inmates of every such institution are treated. Every such report shall state the number of prisoners and inmates in every such public institution, and the costs of maintenance, and shall state the length of time that each prisoner awaiting trial, at the time of said report, has been so held for trial.

*Id.*

<sup>27</sup> U.S. CONST. amend. VIII states in pertinent part: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." *Id.*

<sup>28</sup> LA. CONST. art. 1 § 20 states in pertinent part: "No law shall subject any person to euthanasia, to torture, or to cruel and unusual punishment." *Id.*

<sup>29</sup> LA. CODE CRIM. PROC. ANN. art. 703(A) (2000). *See also supra* note 10.

seizures of evidence.<sup>30</sup> An advance ruling by the trial judge on a motion to suppress allows both the prosecution and defense to know in advance what evidence is admissible and what is not.<sup>31</sup>

I was able to observe many motions to suppress being argued. The vast majority of the ones I observed were denied, thereby allowing for the admissibility of the challenged evidence. It was a rare occasion for a motion to suppress to be granted. Was this because of excellent police work that complied with the Constitution<sup>32</sup> or was it the pro-prosecution mindset of the trial judges? In my opinion, the former is true. I found that for the most part, field officers and investigators from the Jefferson Parish Sheriff's Office were thoroughly prepared and performed their duties with the Constitution in mind. Of course, occasionally an officer would make a mistake in the field that would lead to a motion to suppress being granted, but by and large, this rarely occurred.

## VII. CRIMINAL TRIAL WEEK (INCLUDING PLEA BARGAINING)

In the Twenty-fourth Judicial District Court for the Parish of Jefferson, judges preside over both civil and criminal cases. The judges divide their time between hearing both types of cases – civil cases one week, criminal cases one week, etc. On any given “criminal week,” it is not unusual for a criminal docket to contain

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<sup>30</sup> See LA. CODE CRIM. PROC. ANN. art. 703 (2000).

<sup>31</sup> *Id.*

<sup>32</sup> LA CONST. art 1 § 2. This section provides: “No person shall be deprived of life, liberty, or property, except by due process of law.” *Id.* See also LA. CONST. art. 1 § 13 which provides:

When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for the arrest or detention, his right to remain silent, his right against self incrimination, his right to assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him.. At each stage of the proceeding, every person is entitled to assistance of counsel of his choice, or appointed by the court . . . .

*Id.*

over forty cases that are set for trial. The prosecutor assigned to a specific section of court must be prepared to try any of the cases on the docket. Over the course of seven trials and many docket calls, I gained much insight about plea-bargaining<sup>33</sup> and the trial process.

During criminal trial week, the courtroom is usually filled with witnesses and the victims who have been subpoenaed to trial.<sup>34</sup> The defendants and their lawyers are also present. The prosecutor's initial responsibility during criminal trial week is to call the criminal docket in open court. "Calling the docket" consists of the prosecutor calling the case name and number orally in open court with the defendant and his attorney stating their appearance, or their non-appearance is noted for the record. This allows the judge to determine if the defendant is present in court and ready for trial. If a defendant who had received notice of the trial is not present, the trial judge will issue an attachment for his arrest. After the prosecutor has "called the docket," the judge usually recesses the court and proceeds to hold pretrial conferences in his chambers with the prosecutor and the appropriate defense attorney. The pretrial discussions in the judge's chambers are nothing more than plea discussions between the prosecutor and defense attorney. This plea-bargaining results in the overwhelming number of defendants pleading guilty. Naturally, some defendants will choose to go to trial.

After the plea conferences in the judge's chambers, which may last from two to four hours, the judge reconvenes court and

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<sup>33</sup> "Plea Bargaining" is defined as:

the process whereby the accused and the prosecutor in a criminal case work out a mutually satisfactory disposition of the case subject to court approval. It usually involves the defendant's pleading guilty to a lesser offense or to only one or some . . . counts of a multi-count indictment in return for a lighter sentence than that possible for the graver charge.

BLACK'S LAW DICTIONARY 1152 (6<sup>th</sup> ed. 1990). *See also* FED. R. CRIM. P. 11(e).

<sup>34</sup> *See* State v. Nicholas, 97-1991 (La. App. 4 Cir. 4/28/99), \*16, 735 So.2d 790, 798-9: "The right of a defendant to compulsory process is the right to demand subpoenas for witnesses and the right to have those subpoenas served." *Id.*; *see also* U.S. CONST. AMEND. VI: "In all criminal prosecutions, the accused shall enjoy the right . . . to have compulsory process for obtaining witnesses in his favor . . ." *Id.*; and *also* LA. CONST. art. I., § 16: "An accused is entitled . . . to compel the attendance of witnesses . . ." *Id.*

takes pleas from the defendants who chose to plead guilty. Any witnesses, victims and officers who have been subpoenaed for those cases are then released. After the pleas have been accepted by the trial judge, the prosecutor then informs the judge which cases will proceed to trial that week.

During my seven trials I conducted voir dire examinations of jurors,<sup>35</sup> gave opening statements and closing arguments, introduced evidence, made numerous objections and arguments, as well as performed direct and cross-examinations of victims, fact witnesses, expert witnesses and law enforcement officers.<sup>36</sup> Knowledge of the Louisiana Code of Evidence helped me to make appropriate objections and arguments during pretrial motions and during trial. I found that most judges, prosecutors, and defense lawyers do not necessarily cite a particular article of the Louisiana Code of Evidence when making objections and arguments. However, when I made objections, I could not help but supply the court and opposing counsel with a lesson in Louisiana evidence law. When I recited the appropriate code section with explanation during the trial, I could tell that many of the judges and lawyers were not accustomed to someone objecting with such specificity. Some judges viewed my evidentiary arguments as nothing more than “academic” and ruled against me while other judges were impressed with my arguments and ruled for the State.

As for the knowledge and abilities of the trial judges, prosecutors and defense attorneys I worked with, I was impressed. I had no preconceived notions of their knowledge and abilities prior to the sabbatical. I simply had not given these things much thought. During my tenure as a prosecutor, some trial judges made rulings that were adverse to the position I espoused. However, I cannot legally disagree with most of their rulings. In my opinion, the judges listened to both sides and almost always ruled correctly on the issues before them. I also found that both the private defense lawyers and the public defenders in Jefferson Parish were exceptionally prepared. I cannot say that there is a secondary

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<sup>35</sup> LA. STAT. ANN. § 17 (2000). This section states in pertinent part: “. . . [t]he accused shall have the right to full voir dire examination of prospective jurors and to challenge jurors peremptorily.” *Id.*

<sup>36</sup> See LA CODE EVID. ANN. art. 611 (2000): Mode and order of interrogation and presentation.

system of justice for those criminal defendants represented by public defenders in Jefferson Parish. Finally, the men and women of the district attorney's office are top notch. My sense is that they are prosecutors because they believe in what they are doing. By working closely with many of them, I found that they work hard and thoroughly prepare their cases for trial. They are experienced, knowledgeable and, best of all, represent the people of Jefferson Parish and the State of Louisiana exceptionally well.

### VIII. WORKING IN THE INVESTIGATIONS BUREAU

After my first trial, I was assigned to the district attorney's office's Code Six Program, which identifies and targets violent multiple offenders.<sup>37</sup> In this program, when someone is arrested, a search for previous arrests and convictions is performed.<sup>38</sup> If the arrestee has a long rap sheet, he is labeled a multiple offender and a prosecutor is assigned to follow the case throughout the trial and sentencing.<sup>39</sup> Other felony prosecutors in the Jefferson Parish District Attorneys Office, unlike the Code Six prosecutors, are assigned cases after the screening section has decided the appropriate charges and after the defendant has been arraigned.<sup>40</sup>

The Code Six prosecutors' offices are not housed in the Jefferson Parish Courthouse, as are the offices of the other felony prosecutors. The Code Six prosecutors work in the Jefferson Parish Investigations Bureau, a division of the Jefferson Parish Sheriff's Office. Many of the sheriff's office detectives and investigators work in the investigations bureau. Additionally, the investigations bureau is the place where many of the arrests and bookings in the parish take place.

It was during my time spent in the investigations bureau that I had most of my interactions with law enforcement officials.

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<sup>37</sup> NEW ORLEANS TIMES-PICAYUNE, Oct. 7, 1999, at 1F2. The program is named Code Six because according to Jefferson Parish Sheriff Harry Lee, "studies show that 72 percent of all violent crimes in a community are committed by 6 percent of the population." The Code Six program is named for that 6 percent. In these cases, prosecutors will ask for "multiple billing," which carries a longer sentence.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *See supra* notes 18-20 and accompanying text.

While there, I was one of three prosecutors who patrolled the halls of the investigations bureau. This experience allowed me to interact daily with detectives who were investigating crimes, interviewing witnesses, making arrests and otherwise trying to solve crimes. On several occasions, detectives would pose legal questions to me about some case they were working on. Those questions ranged from, "Based on these facts, do I have enough probable cause to make an arrest?" to "What is the appropriate charge for this defendant based on these facts?" to "Do I need more evidence to make a case?" I found that the day to day contact with the detectives provided me with the best opportunity to learn about the daily experiences of law enforcement officials as they interact with suspects. Of course, many of the motions to suppress evidence filed by criminal defendants are based on the conduct of law enforcement officials who are investigating crimes.<sup>41</sup> This experience proved invaluable and gave me additional insight into the United States Supreme Court cases I cover from year to year in my Criminal Procedure course. I discovered that the detectives were very knowledgeable of the recent developments in constitutional criminal procedure and were simply asking me questions to ensure that they were complying with the Federal and state Constitutions.

## IX. FINAL THOUGHTS

As an assistant district attorney with the Jefferson Parish District Attorney's Office, I was able to narrow the gap between the academic law teacher and the practicing lawyer. By being exposed to the day to day life of a prosecutor, I was able to work closely with law enforcement officers as they sought to ferret out crime, and with prosecutors as they sought to bring to punishment those who have violated the criminal laws. I was also able to experience first hand the daily practice of criminal law, the practical aspects of criminal trials and appeal of criminal cases. I will attempt to, as much as possible, pass this wealth of information on to the students I teach.

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<sup>41</sup> See *supra* notes 10, 29-32 and accompanying text.