



Brett L. Grayson LLC
ATTORNEY AT LAW

November 2, 2020

Honorable Louis J. Perret
Lafayette Parish Clerk of Court
Lafayette Parish Courthouse Building
Post Office Box 2009
Lafayette, Louisiana 70502-2009

Re: ***State of Louisiana***
Vs. ***Brian L. Pope***
No. ***2016-CR-159455***

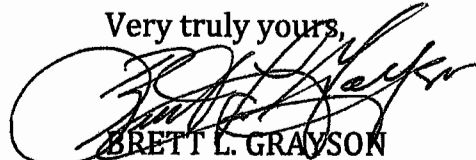
Dear Sir:

In reference to the above captioned matter, please find enclosed herewith the following document(s) for filing and recording with your office:

1. **RULE FOR WRIT OF MANDAMUS OR IN THE ALTERNATIVE, MOTION FOR RE-SENTENCING**
2. **ORDER**
3. **MOTION TO DELAY COMMENCEMENT OF SENTENCE, OR IN THE ALTERNATIVE, TO DESIGNATE TO SERVE SENTENCE IN DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS CUSTODY AT DAVID WADE CORRECTIONAL CENTER**
4. **ORDER**
5. **MOTION FOR SUBPOENAS DUCES TECUM**
6. **ORDER FOR THE ISSUANCE OF SUBPOENAS DUCES TECUM**

HONORABLE LOUIS PERRET
Lafayette Parish Clerk of Court
November 2, 2020
Page 2 of 2

Very truly yours,



BRETT L. GRAYSON
ATTORNEY AT LAW

BLG/cmb

Enclosure(s)

cc: Honorable David Smith
Mr. Alan Haney, ADA
Mr. Brian L. Pope

STATE OF LOUISIANA : 15TH JUDICIAL DISTRICT COURT
VS. DOCKET NO.: 16-CR-159455 : PARISH OF LAFAYETTE
BRIAN L. POPE : STATE OF LOUISIANA

**RULE FOR WRIT OF MANDAMUS OR IN THE ALTERNATIVE,
MOTION FOR RE-SENTENCING**

NOW INTO COURT, through undersigned counsel, comes **BRIAN L. POPE**, mover in rule herein and an individual of the full age of majority and a resident of and domiciled in the Parish of Lafayette, State of Louisiana, who respectfully represents the following:

1.

Made defendants in rule herein are the LAFAYETTE PARISH SHERIFF'S OFFICE and MARK GARBER, in his official capacity as Sheriff of Lafayette Parish and Custodian of Records.

2.

On June 19, 2019, this Honorable Court sentenced mover-in-rule to a sentence of three (3) years confinement in the parish jail, with all being suspended except for one (1) year.

3.

Further, on June 28, 2019, mover in rule, **BRIAN L. POPE**, reported to the Lafayette Parish Sheriff's Office to begin his sentence. Within hours of reporting to the Lafayette Parish Correctional Center, mover-in-rule was released to the custody of Louisiana Home Detention Services, Inc., to serve his sentence under home detention per the attached Exhibit "A" (LPCC form) and Exhibit "B" (LPSO Letter of Incarceration).

4.

Mover in rule further shows that he began his period of home detention on June 28, 2019 and completed said period on June 27, 2020 per the attached Home Incarceration/Electronic Monitoring Offender Information” from the Louisiana Department of Public Safety and Corrections attached hereto as Exhibit “C”.

5.

Pursuant to LA C. Cr. P. Art. 894.2, mover in rule was supervised and/or electronically monitored, with such information being submitted to the Lafayette Parish Sheriff’s Office and the Department of Public Safety and Corrections as is evidenced by Exhibit “C” referenced immediately herein above.

6.

Mover in rule further shows that, while under the supervision and monitoring by Louisiana Home Detention Service, Inc., he was routinely subjected to random drug screens, copies of which are attached hereto as Exhibit “D”.

7.

The State of Louisiana, through its Assistant District Attorney, Alan Haney, cited LA C.Cr.P. Art. 880 at the re-sentencing hearing, in that the State alleges that mover in rule is not entitled to credit for his time served under home detention, however, the State fails to note that Art. 880 refers to credit for prior custody PRIOR to the imposition of sentence, not subsequent to sentencing.

8.

Defendant in rule, SHERIFF MARK GARBER, as the custodian of records for the LAFAYETTE PARISH SHERIFF’S OFFICE, is responsible for calculating a parish inmate’s release date, regardless on whether that sentence is served physically in the parish jail or under home detention.

9.

Mover in rule shows that he should be given credit for the time he spent in home detention, being monitored and supervised by Louisiana Home Detention Services, Inc., or, in the alternative, why the sentence should not be set aside and re-fixed for re-sentencing to clarify and credit **BRIAN L. POPE** with the time he served under home detention.

WHEREFORE, **BRIAN L. POPE**, mover in rule herein, prays, that:

1. An alternative writ of mandamus be issued to defendants in rule, LAFAYETTE PARISH SHERIFF'S OFFICE and MARK GARBER, in his official capacity as Sheriff of Lafayette Parish and Custodian of Records, to properly reflect that he be given credit for the time he spent in home detention, being monitored and supervised by Louisiana Home Detention Services, Inc., or, in the alternative, why the sentence should not be set aside and re-fixed for re-sentencing to clarify and credit **BRIAN L. POPE** with the time he served under home detention.

MOVER IN RULE FURTHER PRAYS for full general and equitable relief and for all orders and decrees which are necessary or proper in the premises.

Respectfully Submitted,

By: 

BRETT L. GRAYSON, (#06268)

850 Kaliste Saloom Rd., Suite 120
Lafayette, Louisiana 70508-4230

Telephone: (337) 706-7646

Facsimile: (337) 706-7648

Email: brett.grayson@blgraysonesq.com

ATTORNEY FOR BRIAN L. POPE

PLEASE SERVE:

**LAFAYETTE PARISH SHERIFF'S OFFICE and
SHERIFF MARK GARBER**

316 West Main Street
Lafayette, LA

STATE OF LOUISIANA : 15TH JUDICIAL DISTRICT COURT
VS. DOCKET NO.: 16-CR-159455 : PARISH OF LAFAYETTE
BRIAN L. POPE : STATE OF LOUISIANA

VERIFICATION

STATE OF LOUISIANA
PARISH OF LAFAYETTE

BEFORE ME, the undersigned Notary Public, personally came and appeared:

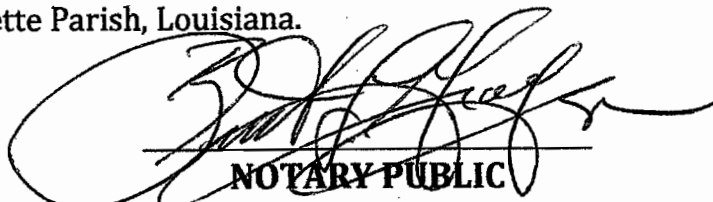
BRIAN L. POPE

who, after being duly sworn, did depose and say that he is the mover in rule in the above captioned action; that he has read the foregoing *Rule for Writ of Mandamus, or in the Alternative, Motion for Re-Sentencing*, and that all of the allegations contained therein are true and correct to the best of his knowledge, information and belief.



BRIAN L. POPE

SWORN TO AND SUBSCRIBED before me this 2nd day of November, 2020 at Lafayette, Lafayette Parish, Louisiana.



NOTARY PUBLIC



STATE OF LOUISIANA : 15TH JUDICIAL DISTRICT COURT
VS. DOCKET NO.: 16-CR-159455 : PARISH OF LAFAYETTE
BRIAN L. POPE : STATE OF LOUISIANA

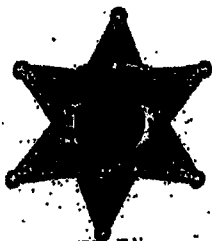
ORDER

Considering the foregoing *Rule for Writ of Mandamus, or in the Alternative, Motion for Re-Sentencing*:

IT IS ORDERED that an alternative writ of mandamus issue herein, directing the defendants, the LAFAYETTE PARISH SHERIFF'S OFFICE and MARK GARBER, in his official capacity as Sheriff of Lafayette Parish and Custodian of Records, to properly reflect that he be given credit for the time he spent in home detention, being monitored and supervised by Louisiana Home Detention Services, Inc., or, in the alternative, why the sentence should not be set aside and re-fixed for re-sentencing on the ____ day of _____, 2020 to clarify and credit **BRIAN L. POPE** with the time he served under home detention.

THUS ORDERED this ____ day of _____, 2020 at Lafayette, Lafayette Parish, Louisiana.

DISTRICT JUDGE
15TH JUDICIAL DISTRICT COURT



Lafayette Parish Correctional Center

Name Inmate: Brian Pope

Address Inmate: _____

Date of Birth: 12/11/64 SID Number: _____

Type of Offense: Marijuana in ARJ

Arrest/Docket Number: _____

Terms/Length of Sentence: 1 year

Other Comments: _____

Pursuant to an Order of the Court dated _____, the above named Inmate/Client is to be placed on a home detention program under the supervision of Louisiana Home Detention Services, Inc.

By his/her signature below, Inmate/Client agrees to be subject to home detention under the supervision of Louisiana Home Detention Services, Inc. Inmate/client acknowledges that Louisiana Home Detention Services, Inc. is not operated by, or under the direction of, the Lafayette Parish Sheriff, but is a private company operating a home detention custody service.

[Signature]
Inmate/Client

6-28-19
Date

[Signature]
LPCC Releasing Deputy

6-28-19
Date

Date of Release: _____ Time of Release: _____

10:30 ✓

**A-05-012-B****01 December 2011**

Home Incarceration/Electronic Monitoring Offender Information

Status:Inactive**Provider/Company Name**

Louisiana Home Detention Services, Inc.

Offender Name**Last Name:** Pope**First Name:** Brian**Date of Birth (mm/dd/yyyy)**

12/11/64

Race / Sex

White / Male

DOC/SID Number**DOC Number (if applicable):****SID Number (if applicable):****Offense**

MALFEASANCE IN OFFICE

Conviction? Yes**Court Docket Number**

159455 / SMITH

Comments**Parish of Conviction**

Lafayette

Length of Time Ordered to Serve*(Enter number) Days (Enter Unit)***Type of Supervision***Use control key to select more than one type*

Electronic Monitoring

Describe if Other**Date Supervision Began (mm/dd/yyyy)**

06/28/2019

Monthly Fee for Supervision*(Numbers only)***Set Up Fee***(Numbers only)***Date Supervision Ended (mm/dd/yyyy)**

06/27/2020

Reason for Termination*Use control key to select more than one reason*

Scheduled Release - Program Completion

Defendant's Exhibit C Page 1 of 1



LOUISIANA HOME DETENTION SERVICE, INC.

(337) 237-7327 - FAX (337) 233-0332 - P.O. BOX 2571 - LAFAYETTE, LA 70502

URINE DRUG/BREATH ALCOHOL TEST FORM

DATE 6/28/19 TIME 1:35p

COURT DKT. # _____

CLIENT'S NAME Brian Pope

ADDRESS 315 Norcross Drive, Lafayette, LA 70508

	POSITIVE	NEGATIVE	REMARKS
ALCOHOL (BREATH)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
MARIJUANA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
COCAINE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
OPIATES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
AMPHETAMINE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
METH-AMPHETAMINE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
BENZODIAZEPINES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
OXYCODONE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

[Signature]
CLIENT'S SIGNATURE

6/28/19
DATE & TIME

[Signature]
REPRESENTATIVE'S SIGNATURE

6/28/19
DATE & TIME



825 Kaliste Saloom Suite 100
 Brandywine I Office Building
 Lafayette, LA 70508
 337-235-3712

Drug Test Report

Louisiana Home Detention (NON-DOT)
 819 W. Congress
 Lafayette La 70502
 John Cormier Sr

Collection Site: 13491
 SECON-Lafayette
 825 Kaliste Saloom Road, Suite 100 Brandywine I
 Office Building
 Lafayette, LA 70508
 Phone: 337-235-3712
 Fax: 337-232-9995

Alere Toxicology Services
 1111 Newton Street
 Gretna LA 70053
 (504) 361-8989

Donor: POPE, BRIAN
 Donor ID: 434043370
 Panel: 3654
 Reason: FOLLOW UP
 Lab: Alere
Drug Test Result: NEGATIVE

Account Number: 25966
 Facility Number: K25966004
 Accession Number: 55933660
 Chain / Specimen ID: AA10230676
 Date Collected: 08-Jan-2020
 Date Lab Received: 10-Jan-2020
 Date Lab Reported: 10-Jan-2020

Drugs:
 Notes: COLLECTOR REMARKS - OBSERVED BY ROY NARCISSE
 [OBSERVED BY: ROY NARCISSE]. CERTIFYING SCIENTIST - Edna Johnson.

Description	Screen Level	Confirmation Level	Result
AMPHETAMINE / METHAMPHETAMINE	500 ng/ml		NEGATIVE
BARBITURATES	300 ng/ml		NEGATIVE
BENZODIAZEPINES	300 ng/ml		NEGATIVE
BENZOYLECGONINE-COCAINE METABOLITE	300 ng/ml		NEGATIVE
BUPRENORPHINE	5 ng/ml		NEGATIVE
CODEINE / MORPHINE	300 ng/ml		NEGATIVE
ETHANOL	0.02 GMS%		NEGATIVE
MARIJUANA METABOLITE	50 ng/ml		NEGATIVE
METHADONE	300 ng/ml		NEGATIVE
PHENCYCLIDINE	25 ng/ml		NEGATIVE
PROPOXYPHENE	300 ng/ml		NEGATIVE
SYNTHETIC CANNABINOIDS			NEGATIVE



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 Lafayette, LA 70508
 337-235-3712

Drug Test Report

Louisiana Home Detention (NON-DOT)
 819 W. Congress
 Lafayette La 70502
 John Cormier Sr

Collection Site: 13491
 SECON-Lafayette
 825 Kalista Saloom Road, Suite 100 Brandywine I
 Office Building
 Lafayette, LA 70508
 Phone: 337-235-3712
 Fax: 337-232-9995

Alere Toxicology Services
 1111 Newton Street
 Gretna LA 70053
 (504) 361-8989

Donor: POPE, BRIAN
 Donor ID: 434043370
 Panel: 3654
 Reason: FOLLOW UP
 Lab: Alere
 Drug Test Result: **NEGATIVE**

Account Number: 25986
 Facility Number: K25966001
 Accession Number: 55933860
 Chain / Specimen ID: AA10230676
 Date Collected: 08-Jan-2020
 Date Lab Received: 10-Jan-2020
 Date Lab Reported: 10-Jan-2020

Drugs:
 Notes: COLLECTOR REMARKS - OBSERVED BY ROY NARCISSE
 [OBSERVED BY: ROY NARCISSE]. CERTIFYING SCIENTIST - Edna Johnson.

Description	Screen Level	Confirmation Level	Result
AMPHETAMINE / METHAMPHETAMINE	500 ng/ml		NEGATIVE
BARBITURATES	300 ng/ml		NEGATIVE
BENZODIAZEPINES	300 ng/ml		NEGATIVE
BENZOYLECGONINE-COCAINE METABOLITE	300 ng/ml		NEGATIVE
BUPRENORPHINE	5 ng/ml		NEGATIVE
CODEINE / MORPHINE	300 ng/ml		NEGATIVE
ETHANOL	0.02 GMS%		NEGATIVE
MARIJUANA METABOLITE	50 ng/ml		NEGATIVE
METHADONE	300 ng/ml		NEGATIVE
PHENCYCLIDINE	25 ng/ml		NEGATIVE
PROPOXYPHENE	300 ng/ml		NEGATIVE
SYNTHETIC CANNABINOIDS			NEGATIVE





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Drug Test Report

Louisiana Home Detention (NON-DOT)
 819 W. Congress
 Lafayette La 70502
 John Cormier Sr

Collection Site: 13491
 SECON-Lafayette
 825 Kaliste Saloom Road, Suite 100 Brandywine I
 Office Building
 Lafayette, LA 70508
 Phone: 337-235-3712
 Fax: 337-232-9995

Alere Toxicology Services
 1111 Newton Street
 Gretna LA 70053
 (504) 361-8989

Donor: **POPE, BRIAN L**
 Donor ID: 434043370
 Panel: 3654
 Reason: OTHER
 Lab: Alere
Drug Test Result: NEGATIVE

Account Number: 25966
 Facility Number: K25966001
 Accession Number: 54817977
 Chain / Specimen ID: AA08887282
 Date Collected: 13-Aug-2019
 Date Lab Received: 15-Aug-2019
 Date Lab Reported: 15-Aug-2019

Drugs:
 Notes: COLLECTOR REMARKS - OBSERVED BY ROY NARCISSE
 [OBSERVED BY: ROY NARCISSE]. CERTIFYING SCIENTIST - Edna Johnson.

Description	Screen Level	Confirmation Level	Result
AMPHETAMINE / METHAMPHETAMINE	500 ng/ml		NEGATIVE
BARBITURATES	300 ng/ml		NEGATIVE
BENZODIAZEPINES	300 ng/ml		NEGATIVE
BENZOYLECGONINE-COCAINE METABOLITE	300 ng/ml		NEGATIVE
BUPRENORPHINE	5 ng/ml		NEGATIVE
CODEINE / MORPHINE	300 ng/ml		NEGATIVE
ETHANOL	0.02 GMS%		NEGATIVE
MARIJUANA METABOLITE	50 ng/ml		NEGATIVE
METHADONE	300 ng/ml		NEGATIVE
PHENCYCLIDINE	25 ng/ml		NEGATIVE
PROPOXYPHENE	300 ng/ml		NEGATIVE
SYNTHETIC CANNABINOIDS			NEGATIVE

STATE OF LOUISIANA : 15TH JUDICIAL DISTRICT COURT
VS. DOCKET NO.: 16-CR-159455 : PARISH OF LAFAYETTE
BRIAN L. POPE : STATE OF LOUISIANA

**MOTION TO DELAY COMMENCEMENT OF SENTENCE, OR IN THE
ALTERNATIVE, TO DESIGNATE TO SERVE SENTENCE IN
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS CUSTODY
AT DAVID WADE CORRECTIONAL CENTER**

NOW INTO COURT, through undersigned counsel, comes the defendant, **BRIAN L. POPE**, who respectfully represents the following:

1.

Pursuant to an *Order* issued by this Honorable Court on October 15, 2020, defendant, **BRIAN L. POPE**, was sentenced to serve three (3) years in the parish jail, all suspended except one (1) year, three (3) years Active Supervised Probation, each to run concurrent with the others, conditions of probation through the Department of Probation and Parole, and the execution of sentence is delayed until November 4, 2020 at 12:00 p.m.

2.

Defendant, **BRIAN L. POPE**, seeks to delay the commencement of his sentence in connection with a *Rule for Writ of Mandamus* and *Motion for Subpoena Duces Tecum*, both filed simultaneously herein.

3.

In the alternative, Defendant, **BRIAN L. POPE**, seeks to have designation that his sentence be served in the custody of the Louisiana Department of Public Safety and Corrections at the David Wade Correctional Center in Homer, Louisiana. This facility affords protection to former police officers and government employees not available in parish prisons.

WHEREFORE, DEFENDANT, **BRIAN L. POPE** prays that this Honorable Court delay the commencement of his sentence pending the hearing on the *Rule for Writ of Mandamus*.

DEFENDANT FURTHER PRAYS for full general and equitable relief and for all orders and decrees which are necessary or proper in the premises.

Respectfully Submitted,

By: 

BRETT L. GRAYSON, (#06268)

850 Kaliste Saloom Rd., Suite 120

Lafayette, Louisiana 70508-4230

Telephone: (337) 706-7646

Facsimile: (337) 706-7648

Email: brett.grayson@blgraysonesq.com

ATTORNEY FOR BRIAN L. POPE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion, and proposed orders, has been forwarded to the Honorable Judge David Smith, P.O. Box 503, Crowley, La. 70527-0503, facsimile (337) 783-1017, email: mmeaux@15thjdc.org and to ADA Alan Haney, Office of the District Attorney, 15th Judicial District, P.O. Box 3306, Lafayette, LA 70502-3306, email: ahaney@15thjdcda.org on this ____ day of November, 2020, by depositing same in the United States Mail, postage prepaid and properly addressed, in addition to facsimile and/or email transmission.



BRETT L. GRAYSON

Attorney for BRIAN L. POPE

STATE OF LOUISIANA : 15TH JUDICIAL DISTRICT COURT
VS. DOCKET NO.: 16-CR-159455 : PARISH OF LAFAYETTE
BRIAN L. POPE : STATE OF LOUISIANA

ORDER

Considering the foregoing *Motion to Delay Commencement of Sentence, or in the Alternative, to Designate to Serve Sentence in Department of Public Safety and Corrections Custody at David Wade Correctional Center*:

IT IS ORDERED that the commencement of defendant's sentence be delayed to a date and time after the hearing on the *Rule for Writ of Mandamus*.

THUS ORDERED this ____ day of _____, 2020 at Lafayette, Lafayette Parish, Louisiana.

DISTRICT JUDGE
15TH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA : 15TH JUDICIAL DISTRICT COURT
VS. DOCKET NO.: 16-CR-159455 : PARISH OF LAFAYETTE
BRIAN L. POPE : STATE OF LOUISIANA

MOTION FOR SUBPOENAS DUCES TECUM

NOW INTO COURT, through undersigned counsel, comes the defendant, **BRIAN L. POPE**, who respectfully moves this Honorable Court to enter an Order directing the Clerk of Court to issue, and the Sheriff of Lafayette Parish to serve, Subpoenas Duces Tecum in anticipation of a hearing set on defendant's *Rule for Writ of Mandamus* and *Motion to Delay Commencement of Sentence*.

1.

On or about October 15, 2020, defendant, **BRIAN L. POPE**, was sentenced to serve three (3) years in the parish jail, all suspended except one (1), three (3) years Active Supervised Probation, each to run concurrent with others, condition of probation through Department of Probation and Parole, and execution of sentence delayed until November 4, 2020 at 12:00 p.m., by the Honorable David Smith, District Judge.

2.

BRIAN L. POPE files simultaneously herewith a *Rule for Writ of Mandamus*, or in the Alternative, *Motion for Re-Sentencing* and *Motion to Delay Commencement of Sentence*, or in the Alternative, *to Designate to Serve Sentence in Department of Public Safety and Corrections Custody at David Wade Correctional Center*.

3.

The subpoenas sought by the defense satisfy all of the criteria adopted by the Louisiana Supreme Court in *State v. Marcelin*, 10-2036 (La. 10/15/10), 46 So.3d 191, from the U.S. Supreme Court's decision in *United States v. Nixon*, 418 U.S. 683, 94 S.Ct. 3090, 41 L.Ed.2d 1039 (1974), for the issuing of subpoenas duces tecum to non-parties in advance of any hearing.

4.

Accordingly, the defense requests that this Honorable Court authorize the issuance of Subpoenas Duces Tecum as set out below to allow Defendant to obtain the following evidence and documents:

- a. **Deputy Secretary Captain Lamar A. Davis, Louisiana Department of Public Safety and Corrections, 504 Mayflower Street, Baton Rouge, Louisiana 70802, as custodian of records for the Louisiana Department of Public Safety and Corrections, Office of Probation and Parole:**

Provide a copy of all records of defendant, BRIAN L. POPE's home incarceration and/or electronic monitoring offender information and satisfaction of sentence.

- b. **Sheriff Mark Garber, Lafayette Parish Sheriff's Office, 316 West Main Street, Lafayette, Louisiana 70501, as custodian of records for the Lafayette Parish Sheriff's Office and Lafayette Parish Correctional Center:**

All records relating to home incarceration pursuant to the Sheriff's Tracking Offender Program and/or the Alternative Sentencing Program which were in existence during the calendar year 2019, including those administered or monitored by the Lafayette Parish Sheriff's Office or by outside agencies or organizations, and specifically including those related to Mark Knight.

- c. **Louisiana Home Incarceration Services, Inc., through Gilbert G. Williams, Registered Agent, 819 W. Congress Street, Lafayette, Louisiana 70501:**

All records in their care, custody and control regarding the home confinement of Brian L. Pope, including to whom such information was provided, pursuant to LA Code of Criminal Procedure Article 894.2(B)(1).

5.

The above described documents are highly relevant and are essential to the defense litigation of the *Rule for Writ of Mandamus and Motion to Delay Commencement of Sentence*.

6.

The undersigned counsel has good faith basis in presenting this Motion to the Court.

7.

The documents requested in this Motion cannot be obtained through normal discovery prior to the hearing of the above captioned matter.

WHEREFORE, DEFENDANT respectfully requests that this Honorable Court enter an Order directing the Clerk of Court for the 15th Judicial District Court to issue the requested Subpoenas Duces Tecum.

Respectfully Submitted

By: 

BRETT L. GRAYSON, (#06268)

850 Kaliste Saloom Rd., Suite 120

Lafayette, Louisiana 70508-4230

Telephone: (337) 706-7646

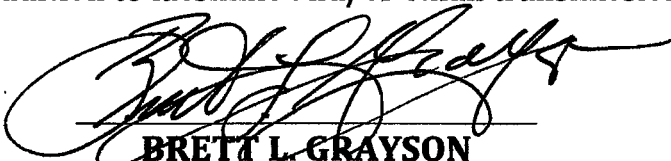
Facsimile: (337) 706-7648

Email: brett.grayson@blgraysonesq.com

ATTORNEY FOR BRIAN L. POPE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion, and proposed orders, has been forwarded to the Honorable Judge David Smith, P.O. Box 503, Crowley, La. 70527-0503, facsimile (337) 783-1017, email: mmeaux@15thjdc.org and to ADA Alan Haney, Office of the District Attorney, 15th Judicial District, P.O. Box 3306, Lafayette, LA 70502-3306, email: ahaney@15thjdcda.org on this 2nd day of November, 2020, by depositing same in the United States Mail, postage prepaid and properly addressed, in addition to facsimile and/or email transmission.



BRETT L. GRAYSON
Attorney for BRIAN L. POPE

STATE OF LOUISIANA : 15TH JUDICIAL DISTRICT COURT
VS. DOCKET NO.: 16-CR-159455 : PARISH OF LAFAYETTE
BRIAN L. POPE : STATE OF LOUISIANA

ORDER FOR THE ISSUANCE OF SUBPOENAS DUCES TECUM

Defendant's *Motion for Subpoenas Duces Tecum* in anticipation of the hearing on the *Writ of Mandamus* and *Motion to Delay Commencement of Sentence* is this ____ day of November, 2020, GRANTED.

The Court has considered the application and has determined the Defense has made a satisfactory showing that the material being sought is necessary to an adequate defense of this case and the litigation of the hearing on the *Writ of Mandamus* and *Motion to Delay Commencement of Sentence*.

Therefore, it is hereby ORDERED:

That Subpoenas Duces Tecum be issued by the Clerk of Court of the 15th Judicial District Court, Parish of Lafayette, for:

- a. **Deputy Secretary Captain Lamar A. Davis, Louisiana Department of Public Safety and Corrections, 504 Mayflower Street, Baton Rouge, Louisiana 70802, as custodian of records for the Louisiana Department of Public Safety and Corrections, Office of Probation and Parole:**

Provide a copy of all records of defendant, BRIAN L. POPE's home incarceration and/or electronic monitoring offender information and satisfaction of sentence.

- b. **Sheriff Mark Garber, Lafayette Parish Sheriff's Office, 316 West Main Street, Lafayette, Louisiana 70501, as custodian of records for the Lafayette Parish Sheriff's Office and Lafayette Parish Correctional Center:**

All records relating to home incarceration pursuant to the Sheriff's Tracking Offender Program and/or the Alternative Sentencing Program which were in existence during the

calendar year 2019, including those administered or monitored by the Lafayette Parish Sheriff's Office or by outside agencies or organizations, and specifically including those related to Mark Knight.

- c. **Louisiana Home Incarceration Services, Inc., through Gilbert G. Williams, Registered Agent, 819 W. Congress Street, Lafayette, Louisiana 70501:**

All records in their care, custody and control regarding the home confinement of Brian L. Pope, including to whom such information was provided, pursuant to LA Code of Criminal Procedure Article 894.2(B)(1).

FURTHER ORDERED the aforesaid subpoenas duces tecum shall direct the witnesses to appear and to produce documentary evidence on the ____ day of _____, 20____, at _____ o'clock __.M. and continuing every day thereafter until his or her testimony is complete.

FURTHER ORDERED that the subpoenas duces tecum shall be served expeditiously and in accordance with the law by the Sheriff for the Parish of Lafayette, State of Louisiana or his designee.

DISTRICT JUDGE
15TH JUDICIAL DISTRICT COURT

Please mail a copy to:

- a. ADA Alan Haney, Office of the District Attorney, P.O. Box 3306, Lafayette, LA 70502-3306
- b. Brett L. Grayson, 850 Kaliste Saloom Road, Suite 120, Lafayette, LA 70508-4230