

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

DIVISION J, SECTION 8

. . . . .

STATE OF LOUISIANA .

V. . DOCKET NO. 11-06-0398

LARRY L. CLARK .

. . . . .

TUESDAY, AUGUST 24, 2010

SENTENCING

THE HONORABLE TRUDY M. WHITE, JUDGE PRESIDING

APPEARANCES:

SUE BERNIE

JOHN CALMES

FOR:

STATE OF LOUISIANA

THE DEFENDANT

REPORTED BY: TAPESTRY SMITH, CCR

TRANSCRIBED BY: PAMELA V. MANUEL, CCR

**AUGUST 24, 2010**

(THE DEFENDANT WAS PRESENT IN COURT AND REPRESENTED BY COUNSEL.)

**THE COURT:** IS THE STATE AND DEFENSE READY IN THE MATTER STYLED **STATE OF LOUISIANA VERSUS LARRY LIONEL CLARK, II**?

**MR. CALMES:** YES, MA'AM.

**THE COURT:** ALL RIGHT. WOULD YOU LIKE TO MAKE APPEARANCES FOR THE RECORD, MS. BERNIE, MR. CALMES?

**MS. BERNIE:** SUE BERNIE ON BEHALF OF THE STATE.

**MR. CALMES:** JOHN CALMES ON BEHALF OF DEFENSE, YOUR HONOR.

**THE COURT:** ALL RIGHT. THIS IS **STATE OF LOUISIANA VERSUS LARRY LIONEL CLARK, II**, NUMBER 11-06-398. AND I HAVE A FEW OPENING REMARKS BEFORE I SENTENCE YOU TODAY, MR. CLARK. I WILL GIVE YOU AN OPPORTUNITY, AND/OR YOUR ATTORNEY AN OPPORTUNITY TO SPEAK, AND LIKEWISE WILL GIVE THE STATE AN OPPORTUNITY TO RESPOND. LARRY LIONEL CLARK, II, ON FEBRUARY 28TH OF 2010, YOU WERE FOUND GUILTY BY UNANIMOUS VOTE OF THE JURY OF THE RESPONSIVE VERDICT OF FORCIBLE RAPE AND SECOND DEGREE KIDNAPPING. WHOEVER COMMITS THE CRIME OF FORCIBLE RAPE PURSUANT TO REVISED STATUTE 14:42.1 SHALL BE IMPRISONED AT HARD LABOR FOR NOT LESS THAN FIVE NOR MORE THAN FORTY YEARS. AT LEAST TWO YEARS OF THE SENTENCE IMPOSED SHALL BE WITHOUT BENEFIT OF PROBATION, PAROLE, OR SUSPENSION OF SENTENCE. WHOEVER COMMITS THE CRIME OF SECOND DEGREE KIDNAPPING PURSUANT TO REVISED STATUTE

14:44.1 SHALL BE IMPRISONED AT HARD LABOR FOR NOT LESS THAN FIVE NOR FORTY YEARS. AT LEAST TWO YEARS OF THE SENTENCE SHALL BE IMPOSED WITHOUT BENEFIT OF PROBATION, PAROLE, OR SUSPENSION OF SENTENCE. THE COURT ORDERED A PRESENTENCE INVESTIGATION AND REPORT INTO YOUR BACKGROUND AND THE CIRCUMSTANCES OF THE OFFENSE AS AN AID TO THE COURT. THE PROSECUTOR, SUE BERNIE, AND YOUR DEFENSE COUNSEL, JOHN CALMES, HAD AN OPPORTUNITY TO REVIEW THE PRESENTENCE REPORT PRIOR TO TODAY. THE COURT IS REQUIRED UNDER CODE OF CRIMINAL PROCEDURE ARTICLE 894.1 TO STATE FOR THE RECORD THE CONSIDERATIONS TAKEN INTO ACCOUNT AND THE FACTUAL BASIS FOR THE IMPOSITION OF ITS SENTENCE. LET ME SAY AT THE OUTSET THAT THE STATE AND THE DEFENDANT BOTH SEEK JUSTICE. AS THE DEFENDANT IN THIS CASE, SIR, YOU HAVE A VIEWPOINT OF WHAT IS JUST. THE VICTIM HAS A DIFFERENT VIEWPOINT ON WHAT IS JUST. IT IS THE COURT'S RESPONSIBILITY TO WEIGH THE FACTS IN YOUR CASE AGAINST ANY AGGRAVATING OR MITIGATING FACTORS AND TO VIEW THE FACTS IN LIGHT OF THE HARM DONE TO SOCIETY. THE COURT FINDS NO PLEASURE WITH SENTENCING ANY OFFENDER. IT GOES WITHOUT SAYING THAT THIS DAY IS DIFFICULT FOR YOU, FOR YOUR FAMILY, AND FOR THE VICTIM AND HIS FAMILY. IT IS IMPORTANT THAT YOU UNDERSTAND THAT YOUR FAMILY'S CONCERN, YOUR CHURCH FAMILY'S CONCERN DOES NOT OVERSHADOW THE SERIOUSNESS OF THE CRIME THAT A UNANIMOUS JURY FOUND THAT YOU HAD COMMITTED. THE FACTS PROVEN AT TRIAL WERE THAT ON OR ABOUT NOVEMBER THE 13TH OF 2006 THAT LARRY LIONEL CLARK, II, AFTER

IDENTIFYING YOURSELF AS A CITY POLICE OFFICER, RAY WILLIAMS, YOU STOPPED A 16-YEAR-OLD AT A BUS STOP ON ST. GERARD STREET AND ASKED HIM TO LOOK AT A YEARBOOK, A YEARBOOK THAT YOU RETRIEVED FROM THE BACK OF YOUR MOTHER'S CAR. THE CAR WAS A SILVER IMPALA, THE TYPE OF CAR THAT UNDERCOVER POLICE COMMONLY USE. IN FURTHERANCE OF THE COMMISSION OF THE CRIME, YOU REPRESENTED YOURSELF AS A PLAIN CLOTHES POLICE OFFICER. IN THE BACK OF YOUR VEHICLE WAS VARIED POLICE GEAR. SOME OF THE ITEMS OF POLICE GEAR INCLUDED -- INTRODUCED INTO EVIDENCE INCLUDED A SHOULDER GUN HOLSTER, AN ANKLE GUN HOLSTER, A BULLETPROOF VEST, A GUN BELT, BLACK METAL HANDCUFFS, SILVER METAL HANDCUFFS, BLACK AND GRAY .38 PISTOL, A GRAY AND BLACK SMITH AND WESSON 9 MILLIMETER, BULLETS, AND TWO MAGAZINES, JUST TO NAME A FEW. AFTER VIEWING THE POLICE GEAR IN THE BACK OF THE VEHICLE, THE 16-YEAR-OLD WAS INSTRUCTED TO GET IN THE CAR, WHERE HE WAS THEN HANDCUFFED. THE RECORD REFLECTS THAT YOU DROVE TO QUIDA MAE DRIVE. WHILE DRIVING, AND WHILE THE 16-YEAR-OLD WAS HANDCUFFED, YOU HAD A GUN ON YOUR LAP. ONCE YOU ARRIVED AT THE ABANDONED APARTMENTS ON QUIDA MAE DRIVE, YOU ORDERED THE VICTIM TO DROP HIS PANTS. WHEN THE 16-YEAR-OLD REFUSED, HE TESTIFIED THAT YOU STRUCK HIM IN THE HEAD WITH THE BUTT OF THE GUN. THE 16-YEAR-OLD THEN PULLED HIS PANTS DOWN, AND ORAL SEX WAS PERFORMED. AT THE TIME OF THIS OFFENSE, SIR, YOU WERE 21 YEARS OLD. AFTER THE QUIDA MAE DRIVE OFFENSE, THE FACTS THAT WERE PROVEN IN COURT WAS THAT YOU THEN DROVE THE 16-YEAR-OLD VICTIM TO YOUR FAMILY HOME IN THE GLEN

OAKS AREA. THERE YOU GAVE HIM A TOWEL TO PLACE ON HIS HEAD, AS HIS HEAD WAS STILL BLEEDING FROM BEING HIT WITH THE BUTT OF THE GUN. THE VICTIM TESTIFIED THAT YOU LAY ON YOUR BACK IN THE FAMILY KITCHEN AND HAD HIM TO DO PUSHUPS AS ORAL SEX WAS PERFORMED FOR A SECOND TIME. AFTER THE SECOND OFFENSE IN YOUR FAMILY HOME, THE 16-YEAR-OLD VICTIM TESTIFIED THAT YOU THEN DROPPED HIM OFF NEAR HIS HOUSE ON ST. GERARD. A POLICE OFFICER WAS AT THE VICTIM'S RESIDENCE WHEN THE VICTIM ARRIVED HOME, AS HIS GRANDMOTHER HAD REPORTED HIM MISSING. THE VICTIM REMEMBERED THE LICENSE PLATE NUMBER OF THE SILVER IMPALA YOU WERE DRIVING, ONJ 583, AND HE GAVE THE LICENSE PLATE NUMBER TO THE OFFICER AS SOON AS HE WALKED INTO THE HOUSE. THE VICTIM ALSO DESCRIBED THE TATTOOS ON YOUR CHEST AND ARMS TO THE INITIAL OFFICER. HE DESCRIBED THE INTERIOR OF YOUR HOME, YOUR CARPORT, AND BACKYARD WITH GREAT SPECIFICITY. WHEN THE INITIAL RESPONDING OFFICER LEARNED IT WAS NOT A MISSING PERSONS CASE, IT WAS THEN TURNED OVER TO THE SEX CRIMES DIVISION TO INVESTIGATE THE SEXUAL ASSAULT. THE VICTIM WAS TAKEN TO OUR LADY OF THE LAKE HOSPITAL FOR TREATMENT OF THE HEAD WOUND AND TO TAKE PHOTOGRAPHS OF HIS INJURIES, WHICH INCLUDED MARKS ON HIS WRISTS FROM THE HANDCUFFS. THERE WAS A SIX-PERSON PHOTOGRAPHIC LINEUP WHERE THE VICTIM IMMEDIATELY IDENTIFIED YOU, MR. CLARK, AS THE PERPETRATOR. JUDGE FIELDS SIGNED A SEARCH AND ARREST WARRANT. YOUR FAMILY HOME WAS THEN SEARCHED AND PHOTOGRAPHS WERE TAKEN. CITY POLICE OFFICER RAY WILLIAMS TESTIFIED THAT HE GAVE YOU

HIS BUSINESS CARD AT YOUR CHURCH AS HE REGULARLY PROVIDED SECURITY AT THE CHURCH. HIS BUSINESS CARD WAS USED TO SUPPORT YOUR STATEMENTS TO THE VICTIM THAT YOU WERE A POLICE OFFICER, YOU HAD A POLICE BADGE, YOU HAD GUNS, A BULLETPROOF VEST, AND OTHER POLICE ITEMS IN THE TRUNK OF YOUR CAR WHICH WERE SHOWN TO THE VICTIM. TWO DAYS AFTER THE ASSAULT, YOUR MOTHER'S SILVER IMPALA WAS SEIZED, AND THE ITEMS DESCRIBED BY THE VICTIM WHEN HE RETURNED HOME AFTER THE INCIDENT WERE FOUND IN THE TRUNK OF THE VEHICLE. THIS IS NOT A CASE WHERE THE VICTIM CREATED THE SITUATION. THIS IS A CASE WHERE YOU IMPERSONATED A POLICE OFFICER AND DID A TREMENDOUS AMOUNT OF PLANNING TO FACILITATE THE COMMISSION OF THE CRIME. AT TRIAL, YOU EXERCISED YOUR RIGHT TO TESTIFY IN YOUR DEFENSE. YOU TESTIFIED IN COURT ABOUT AN ALIBI WITNESS WHO REPORTEDLY SOMETIMES USED YOUR VEHICLE SEVERAL TIMES A WEEK. THAT WITNESS DID NOT TESTIFY IN COURT AND WAS NEVER SUBPOENAED TO COME TO COURT IF I RECALL CORRECTLY. AT TRIAL, YOU EVEN DENIED EVER SEEING THE VICTIM BEFORE, DESPITE OVERWHELMING EVIDENCE TO THE CONTRARY. THE COURT IS OF THE OPINION THAT YOU WERE NOT TRUTHFUL, ESPECIALLY SINCE THE EVIDENCE PROVEN AT TRIAL FOUND YOUR DNA ON THE VICTIM'S UNDERWEAR. THE FORENSIC SCIENTIST TESTIFIED THAT THE DNA PROFILE OBTAINED FROM THE T2 SAMPLE OF THE VICTIM'S UNDERWEAR WAS A MIXTURE OF DNA FROM AT LEAST TWO INDIVIDUALS, ONE MAJOR CONTRIBUTOR AND ONE MINOR CONTRIBUTOR. LARRY LIONEL CLARK, II, YOU COULD NOT BE EXCLUDED AS THE MAJOR CONTRIBUTOR IN THE

MIXTURE, AND THE VICTIM COULD NOT BE EXCLUDED AS THE MINOR CONTRIBUTOR IN THE MIXTURE. IT WAS THE FORENSIC SCIENTIST'S EXPERT OPINION THAT THE DNA PROFILE FROM THE UNDERWEAR OF THE VICTIM WAS 104 MILLION TIMES MORE LIKELY TO BE A MIXTURE OF DNA FROM YOU AND THE VICTIM, RATHER THAN A RANDOMLY SELECTED INDIVIDUAL AND THE VICTIM. IN OTHER WORDS, THE FORENSIC SCIENTIST WHO WAS QUALIFIED AS AN EXPERT IN DNA ANALYSIS, PLACED YOU, THROUGH YOUR DISTINCT DNA WITH THE VICTIM. AS A RESULT OF THE SEXUAL ENCOUNTER THAT YOU HAD WITH THIS 16-YEAR-OLD VICTIM, HE DID NOT FINISH SCHOOL, HE HAD TO HAVE COUNSELING, HE HAD MENTAL HEALTH ISSUES, HE HAD THOUGHTS OF SUICIDE, HE SUFFERS FROM DEPRESSION, HE FEARS POLICE, HE HAS PROBLEMS WITH TRUSTING PEOPLE. IN SHORT, THE TRAUMA SUFFERED BY THE VICTIM WAS AND CONTINUES TO BE SIGNIFICANT. THOUGH YOUR CRIMINAL PAST APPEARS TO BE RELATIVELY NOMINAL, THE COURT DOES NOTE THAT IT INCLUDES A SINGLE DISTURBING THE PEACE CHARGE IN 2005 THAT WAS DISMISSED BECAUSE YOU COMPLETED A PRETRIAL DIVERSION PROGRAM. I REREAD 30-PLUS CHARACTER LETTERS THAT WAS WRITTEN IN 2007 FROM YOUR MOTHER, FROM A DAYCARE OWNER, FROM YOUR PASTOR, A FORMER PRINCIPAL, FRIENDS, NEIGHBORS AND CHURCH MEMBERS. THESE LETTERS WERE WRITTEN IN SUPPORT OF YOUR BOND REDUCTION. SOME OF THE LETTERS SAID THAT YOU WERE A MAN OF GREAT INTEGRITY, FAITHFUL, ACTIVE IN VARIOUS CHURCH AUXILIARIES, A ROLE MODEL, THAT YOU HAD AN INFECTIOUS PERSONALITY, THAT YOU WERE A WELL-BALANCED PERSON, STRONG CHRISTIAN BACKGROUND,

AND A GOD-FEARING MAN. THESE PERSONS WERE ABLE TO DESCRIBE FROM WHAT THEY SAW, THE OUTWARD MANIFESTATIONS OF YOUR CHARACTER. MITIGATING FACTORS CONSIDERED BY THIS COURT INCLUDE THE FACT THAT THIS IS YOUR FIRST FELONY, THAT YOU WERE 21 YEARS OF AGE AT THE TIME OF THE OFFENSE, AND YOUR PERSONAL HISTORY. THE COURT, LIKE THE JURY, SAT THROUGH SEVERAL DAYS OF TESTIMONY, SEVERAL DAYS OF SELECTING THE JURY VENIRE. AND IT IS THIS COURT'S OPINION THAT THE EVIDENCE PROVED THAT YOU WERE, IN FACT, THE PERPETRATOR. FOR SOME REASON, THE JURY WAS UNABLE TO RETURN A VERDICT OF AGGRAVATED RAPE. FOR SOME REASON, THE JURY WAS UNABLE TO RETURN A VERDICT OF AGGRAVATED RAPE, A CHARGE THAT CARRIES A LIFE SENTENCE. THE LEGAL TERM FOR WHAT THE JURY DID IS JURY NULLIFICATION. PERHAPS A GOD-FEARING MAN MIGHT CALL IT GRACE. CHIEF OF POLICE JEFF LEDUFF WROTE IN AN UNSOLICITED LETTER TO THE COURT THAT AN INCIDENT OF VIOLENCE PERPETRATED IN THE NAME OF THE POLICE DOES NOTHING BUT PUT THE COMMUNITY'S SAFETY AT RISK, AS WELL AS TEACH CHILDREN TO DISTRUST THE VERY PEOPLE THEY SHOULD LOOK TO FOR HELP AND GUIDANCE. SERGEANT RAY WILLIAMS STATED IN AN UNSOLICITED LETTER TO THE COURT THAT HIS CAREER COULD HAVE BEEN IN JEOPARDY AND HIS PERSONAL LIFE RUINED BY YOUR ACTIONS. HE ALSO FELT VICTIMIZED. MR. CLARK, YOUR WORDS AND ACTIONS ON NOVEMBER THE 13TH OF 2006 HAVE BETRAYED YOUR HEART, AND WHAT THOSE 30-PLUS CHARACTER WITNESSES HAVE SAID ABOUT YOU AS OF THIS DATE, LARRY LIONEL CLARK, II, YOU HAVE NOT ADMITTED BLAME. YOU HAVE NOT EXPRESSED ANY REMORSE. YOU



CONTINUE TO ASSERT YOUR INNOCENCE, AND THAT IS YOUR CHOICE. ON FRIDAY, AUGUST 20TH, YOUR MOTIONS FOR A NEW TRIAL AND JUDGMENT OF ACQUITTAL NOTWITHSTANDING THE VERDICT WERE BOTH DENIED. BEFORE SENTENCING YOU TODAY, I WOULD LIKE TO OFFER YOU ANY WITNESSES THAT YOU MIGHT HAVE, OR WISH TO CALL, AND/OR YOUR ATTORNEY THE OPPORTUNITY TO ADDRESS THE COURT ON THE ISSUE OF MITIGATION. THE STATE WILL ALSO BE GIVEN AN OPPORTUNITY TO RESPOND. ATTORNEY JOHN CALMES.

**MR. CALMES:** YES, MA'AM. YOUR HONOR, AS THE COURT HAS OBSERVED, THIS IS LARRY CLARK'S FIRST FELONY OFFENSE, AND IN FACT HIS FIRST OFFENSE, HIS FIRST CONVICTION. THERE WAS ONE MISDEMEANOR THAT RESULTED IN A PRETRIAL DIVERSION, BUT OF COURSE, THAT'S NOT A CONVICTION. SO THIS IS HIS FIRST CRIMINAL CONVICTION. AT THE TIME OF THE OFFENSE, HE WAS A SENIOR AT SOUTHERN UNIVERSITY, HE WAS A MEMBER OF THE LOUISIANA NATIONAL GUARD, HE WAS WORKING TWO JOBS AND WAS CONTRIBUTING, LIVING WITH HIS PARENTS AND HIS BROTHER AND SISTER AND WAS CONTRIBUTING TO THE SUPPORT OF THE HOUSEHOLD AS WAS EVIDENCED BY SOME OF THE LETTERS THAT YOU'VE RECEIVED. HE WAS AN ACTIVE CHURCH MEMBER, AND I BELIEVE WAS A MEMBER OF THE CHOIR AT THE CHURCH. SINCE BEING AT PARISH PRISON, HE HAS BEEN IN THE FAITH-BASED DORM AND IS A CHOIR DIRECTOR OUT THERE AND IS ALSO AN ASSISTANT MINISTER OF THE FAITH-BASED DORMITORY. AS YOU HAVE SEEN FROM THE LETTERS THAT HAVE COME TO THE COURT AND FROM THE PEOPLE THAT HAVE APPEARED IN COURT EVERY TIME COURT IS IN SESSION, HE HAS TREMENDOUS FAMILY

SUPPORT AND COMMUNITY SUPPORT. THE LETTERS FROM THE COMMUNITY MEMBERS AND FROM THE CHURCH MEMBERS FURTHER EVIDENCE THAT. IF HE IS TO REMAIN IN JAIL FOR AN EXTENSIVE PERIOD OF TIME, HE PROBABLY WILL GET NO COUNSELING OF ANY SORT IN THE JAIL SYSTEM. HOWEVER, UPON RELEASE HE WILL BE ABLE TO GET COUNSELING, HOWEVER MUCH THAT HE NEEDS.

ADDITIONALLY, THE DEPARTMENT OF CORRECTIONS HAS AVAILABLE MONITORING SYSTEMS AND GPS SYSTEMS IN ORDER TO ACTUALLY MONITOR MOVEMENT OF PERSONS THAT THEY HAVE ON PROBATION AND PAROLE. IT IS MY FEELING FROM THE STATUTES THAT THE COURT IN THIS CASE COULD SUSPEND ALL BUT TWO YEARS OF THE SENTENCE AND PLACE HIM ON PROBATION AFTER THAT.

MY FEELING FIRST OF ALL COMES FROM THE TWO STATUTES, 14:42.1 AND 14:44.1, WHICH BOTH STATE THAT THE DEFENDANT SHALL BE SENTENCED TO A TERM OF IMPRISONMENT FOR NOT LESS THAN FIVE NOR MORE THAN FORTY YEARS IN BOTH CASES, AND GOES ON TO SAY THAT AT LEAST TWO YEARS OF THE SENTENCE MUST BE WITHOUT BENEFIT OF PROBATION, PAROLE, OR SUSPENSION OF SENTENCE. IT'S MY UNDERSTANDING THAT THE STATE BELIEVES THAT THE PROVISIONS OF THE CODE OF CRIMINAL PROCEDURE ARTICLE 893, PARAGRAPH A DICTATE A CONTRARY FINDING AND REQUIRE THE COURT TO IMPOSE AT LEAST FIVE YEARS WITHOUT BENEFIT OF PROBATION, PAROLE, OR SUSPENSION OF SENTENCE. I BELIEVE THAT IN ORDER TO REACH THAT INTERPRETATION, FIRST OF ALL YOU WOULD HAVE TO TAKE THE MIDDLE OF PARAGRAPH A COMPLETELY OUT OF CONTEXT WITH THE REST OF THE STATUTE, AND YOU WOULD HAVE TO IGNORE THE PROVISIONS OF THE MORE

SPECIFIC STATUTES, WHICH ARE 42.1 AND 44.1. I SUBMIT TO THE COURT THAT WHAT THAT PARTICULAR SENTENCE IN -- FIRST OF ALL CONSIDER THE FACT THAT IT IS IN 893, WHICH IS, OF COURSE, THE DEFERRED IMPOSITION OF SENTENCE STATUTE. IT'S MY FEELING, AND I SUBMIT TO THE COURT THAT WHAT THAT SENTENCE IS SAYING IS THAT IN A CRIME OF VIOLENCE, THE PERSON CONVICTED CANNOT BE SENTENCED UNDER THE PROVISIONS OF ARTICLE 893, WHICH MEANS YOU CANNOT DEFER THE IMPOSITION OF THE ENTIRE SENTENCE AND YOU CANNOT DISMISS THE CONVICTION AT THE END IF THE DEFENDANT SERVES ALL OF THE CONDITIONS SUCCESSFULLY. AND I THINK THAT'S ALL THAT IT SAYS. I DON'T THINK IT GOES ON TO AMEND 42.1 AND 44.1 BECAUSE IF IT DID, THEN WE WOULD NEVER HAVE A TWO-YEAR SENTENCE AS IS PROVIDED BY BOTH OF THOSE STATUTES, AND THOSE PROVISIONS WOULD BE RENDERED MEANINGLESS. I THINK THAT YOU'VE GOT TO GO TO THE MOST SPECIFIC STATUTE, WHICH AGAIN IS 42.1 AND 44.1, WHICH SAYS THAT ALL BUT TWO YEARS -- WELL, IT SAYS AT LEAST TWO YEARS MUST BE WITHOUT BENEFIT OF PROBATION, PAROLE, OR SUSPENSION OF SENTENCE. I WOULD URGE THE COURT TO SUSPEND ALL BUT TWO YEARS IN BOTH OF THESE CASES. HE IS CERTAINLY GOING TO BE REQUIRED TO REPORT, TO REGISTER, TO BE MONITORED TO GO TO CLASSES. HE'S GOING TO BE UNDER A VERY FINE MAGNIFYING GLASS FOR A LONG, LONG TIME, BUT SITTING IN JAIL IS NOT DOING ANYBODY, INCLUDING SOCIETY ANY GOOD. HE NEEDS TO GO BACK TO WHERE HE CAN GET TO COUNSELING AND START RE-ASSIMILATING INTO LIFE. SO I WOULD URGE THE COURT AGAIN TO IMPOSE THE SENTENCE AND SUSPEND

ALL BUT TWO YEARS. THESE CRIMES AROSE OUT OF THE SAME INCIDENT AND THEREFORE I WOULD STRONGLY URGE THE COURT TO MAKE THE SENTENCES CONCURRENT.

**THE COURT:** DO YOU HAVE ANYTHING FURTHER?

**MR. CALMES:** NO, MA'AM.

**MS. BERNIE:** THANK YOU, YOUR HONOR. THE STATE'S READING OF ARTICLE 893 OF THE CODE OF CRIMINAL PROCEDURE IS THAT UNDER THIS CRIME OF VIOLENCE WHICH IS SET FORTH IN PARAGRAPH A THAT MR. CLARK WOULD NOT BE ELIGIBLE FOR A SUSPENDED SENTENCE. STATE'S POSITION IS FURTHER THAT BECAUSE ARTICLE 893 HAS BEEN AMENDED SINCE THE SENTENCING PROVISIONS, NOT ONLY OF 14:42.1 AND 14:44.1, BUT IN THE OTHER STATUTES THAT ARE LISTED, THE OTHER CRIMES THAT ARE LISTED UNDER 893 THAT THIS PARTICULAR STATUTE WOULD HAVE PRECEDENCE. HOWEVER, EVEN IF YOU CHOSE TO THINK THAT MR. CALMES' READING OF THE STATUTE IS CORRECT AND THAT MR. CLARK WOULD BE ELIGIBLE FOR PROBATION, FOR ALL OF THE REASONS THAT ARE SET FORTH IN THE SENTENCING GUIDELINES OF 894.1, A PROBATED SENTENCE, EVEN TWO YEARS AND SUSPEND ALL BUT THE TWO YEARS IS TOTALLY AND ABSOLUTELY THE MOST INAPPROPRIATE SENTENCE TO EVEN BE CONCEIVED. I UNDERSTAND THAT MR. CALMES IS PRESENTING AND TRYING TO GET MITIGATION FOR HIS COUNSEL -- FOR HIS CLIENT, BUT, JUDGE, YOU HAVE VERY CAREFULLY GONE THROUGH THE FACTS OF THIS CASE, AND THE PROPOSED SENTENCE THAT COUNSEL, DEFENSE COUNSEL HAS SET FORTH IS TOTALLY PREPOSTEROUS. HE ALSO INDICATES THAT IN THE JAIL SYSTEM THERE'S NO COUNSELING. WELL, THAT IS NOT ACCURATE. THERE

ARE SEX OFFENDER TREATMENT PROGRAMS IN THE DEPARTMENT OF CORRECTIONS. THEY ARE VOLUNTARY, AND I SUSPECT BASED UPON MR. CLARK'S POSITION THAT HE HAS DONE NOTHING WRONG THAT HE WOULD NOT AVAIL HIMSELF OF ANY COUNSELING. BUT NONETHELESS, IT IS AVAILABLE. AND WHILE THIS MAY BE HIS FIRST FELONY CONVICTION AS THE COURT SET FORTH, THE FACTS UPON WHICH YOU ARE SENTENCING HIM ARE FACTUALLY AN AGGRAVATED RAPE AND A SECOND DEGREE KIDNAPPING. AS YOU HAD MENTIONED -- AND I WON'T GO THROUGH ALL THE FACTS, BUT BRANDON HAD JUST TURNED 16, A TEENAGER WHO WAS ABDUCTED, HANDCUFFED, AND RAPED AT GUNPOINT. WHEN HE RESISTED, MR. CLARK TOLD HIM WHEN HE HIT HIM ON THE HEAD THAT HE WAS ONLY THE SECOND PERSON HE HAD TO HIT FOR NOT COOPERATING. HE ALSO THEN RAPED HIM AGAIN AT HIS HOUSEHOLD. FORTUNATELY FOR OFFICER WILLIAMS, THE REAL RAPIST AND KIDNAPPER LARRY CLARK WAS IDENTIFIED AND ARRESTED. AND AS THE COURT MENTIONED, THE JURY VERDICT WAS A TYPE OF, I BELIEVE, NULLIFICATION OF THE SENTENCING. THEY HAD DIFFICULTY WITH THE LIFE SENTENCE. SO MR. CLARK HAS ALREADY GOTTEN HIS BREAK, AND A TREMENDOUS BREAK. IN YOUR DETERMINATION, THE COURT'S DETERMINATION OF SENTENCE, I SUBMIT THAT IT IS YOUR DUTY TO LOOK AT THE CRIMES ACTUALLY COMMITTED AND THE FACTS PRESENTED. MR. CLARK'S CRIMES WERE NOT CRIMES OF PASSION. HE WAS NOT A DRUG ADDICT WHO ROBS OR STEALS TO SUPPORT A HABIT. THESE CRIMES WERE COLD, CALCULATED, AND PREMEDITATED. THEY WERE ABOUT POWER AND CONTROL, AS MOST RAPES ARE. AND ACCORDING TO HIS OWN WORDS, HE HAD DONE THIS

BEFORE. AS MENTIONED, HE HAD TOLD BRANDON THAT HE WAS ONLY THE SECOND PERSON HE HAD HIT FOR NOT COOPERATING. ADDITIONALLY, NOT ONLY DID HE PRETEND TO BE A POLICE OFFICER IN GENERAL, BUT HE BOLDLY IMPERSONATED A SPECIFIC OFFICER, OFFICER RAY WILLIAMS, WITH NO REGARD TO ANY POTENTIAL DAMAGE TO OFFICER WILLIAMS' REPUTATION AND CAREER. AND HOW DID HE HAVE OFFICER WILLIAMS' CARD? AS YOU MENTIONED, OFFICER WILLIAMS WAS TRYING TO HELP HIM BECOME A POLICE OFFICER, AND CLARK'S ACTIONS WERE TOTALLY SOCIOPATHIC. MR. CLARK TESTIFIED -- I THOUGHT THIS WAS INTERESTING -- AT TRIAL THAT HE HAD SEVERAL OF OFFICER WILLIAMS' CARDS AND THAT HE HAD PASSED THEM OUT ON OTHER OCCASIONS. MORE OPPORTUNITIES FOR HIM, MORE TIMES THAT HE HAS IMPERSONATED A POLICE OFFICER. AND JUDGE, IN MY PREPARED REMARKS I WAS GOING TO QUOTE THE SAME PART OF CHIEF LEDUFF'S LETTER, WHICH YOU ALSO, I THINK, FOUND VERY POWERFUL WORDS ABOUT WHAT MR. CLARK'S ACTION DID AS FAR AS THE COMMUNITY AND WHAT THOSE ACTIONS DO AS PUTTING PEOPLE AT RISK AND NOT TRUSTING THE PEOPLE THAT THEY SHOULD LOOK FOR FOR HELP AND GUIDANCE. AND AS YOU KNOW THAT MR. CLARK WAS OFFERED A PLEA AGREEMENT PRIOR TO TRIAL. THIS OFFER WAS MADE --

**MR. CALMES:** JUDGE, I'M GOING TO OBJECT TO DISCUSSING A PLEA OFFER. I DON'T THINK THAT'S PERTINENT TO THE CASE AS IT NOW STANDS.

**MS. BERNIE:** MAY I FINISH? I'M NOT GOING TO GET INTO THE SPECIFICS.

**THE COURT:** OKAY. DON'T GET INTO THE SPECIFICS.

**MS. BERNIE:** THIS OFFER WAS MADE AS AN OPPORTUNITY FOR MR. CLARK TO ACCEPT RESPONSIBILITY AND SAVE THE VICTIM THE TRAUMA OF HAVING TO COME TO COURT AND RELIVE IN FRONT OF STRANGERS THE RAPES AND KIDNAPPING HE WAS FACED TO ENDURE. MR. CLARK REJECTED THAT OFFER, WHICH HE HAD AN ABSOLUTE RIGHT TO DO. HE EXERCISED HIS CONSTITUTIONAL RIGHT TO SEE IF THE STATE COULD PROVE ITS CASE AGAINST HIM. AND HIS RIGHTS WERE PROTECTED AT TRIAL. HOWEVER, WHEN HE DECIDED TO TAKE THAT WITNESS STAND AND TO COMMIT PERJURY PUTS IT IN A DIFFERENT LIGHT. AND THAT IS SOMETHING THAT THE COURT CAN AND SHOULD CONSIDER. HE TRIED TO DECEIVE THE JURY AND HE IS STILL TRYING TO DECEIVE THE COURT. HE OBVIOUSLY HAS DECEIVED THE MANY FRIENDS THAT HIS PARENTS HAVE THAT HAVE PUT THEIR NAMES ON LETTERS TELLING YOU WHAT A FINE PERSON HE IS, ALTHOUGH MOST OF THE PEOPLE SEEM TO KNOW HIS PARENTS MORE. BUT HE HAS DECEIVED THEM. AND THAT IS WHAT IS SO SCARY ABOUT THIS IS THAT HE COMES ACROSS AS BEING THIS EDUCATED, SMOOTH PERSON THAT CAN SO EASILY DECEIVE THE UNSUSPECTING. MR. CLARK HAS NOT TAKEN ANY RESPONSIBILITY FOR HIS CRIMINAL ACTS. HE HAS NOT ONE IOTA OF REMORSE. AND HE CONTINUES TO PLACE THE BLAME ON OTHERS AND TRIES TO MAKE HIMSELF OUT AS A VICTIM OF POLICE MISCONDUCT. THE EVIDENCE OVERWHELMINGLY PROVED HIS GUILT. HOW CAN ANYONE WITH THE ATTITUDE AND THE MINDSET OF MR. CLARK NOT BE AT RISK TO REOFFEND AGAIN IF GIVEN THE OPPORTUNITY? PRIOR TO SENTENCING, THE COURT HAD DISCUSSED ITS DESIRE TO LEARN MORE ABOUT MR. CLARK AND SUGGESTED A

PSYCHOLOGICAL EVALUATION. THE DEFENSE TOOK THAT OPPORTUNITY TO HAVE AN EVALUATION AND THEN DECIDED NOT TO SUBMIT IT. THE ONLY REASONABLE INFERENCE THAT CAN BE MADE IS THAT THE EVALUATION WAS NOT FAVORABLE TO MR. CLARK AND WOULD NOT HELP IN CONVINCING THE COURT TO GIVE A LESSER SENTENCE. THE STATE SUBMITS THERE IS AMPLE EVIDENCE TO CONCLUDE THAT MR. CLARK IS IN NEED OF LENGTHY IMPRISONMENT SO THAT ANOTHER UNSUSPECTING TEENAGER IS NOT VICTIMIZED BY HIM ANYTIME SOON. IN ADDITION TO THE CRIMES FOR WHICH HE STANDS CONVICTED AND FOR THOSE UNREPORTED, MR. CLARK ACKNOWLEDGED DURING TRIAL THAT HE WAS ALLOWED TO RESIGN FROM HIS POSITION WITH THE YOUTH CHALLENGE PROGRAM. IN THE PSI HE STATES THAT HE WAS ASKED TO LEAVE FOR EXCESSIVE USE OF FORCE. ADDITIONALLY, ANOTHER TELLING SIGN ABOUT HIS PERSONALITY OR PSYCHOLOGICAL MAKEUP WAS EVIDENCED BY THE DELAY IN SENTENCING. OF COURSE, A DEFENDANT HAS A LEGAL RIGHT TO A 24-HOUR DELAY BETWEEN DENIAL OF A MOTION FOR NEW TRIAL AND SENTENCING. THE FACT THAT HE CHOOSES TO EXERCISE THAT RIGHT SHOULD NOT BE HELD AGAINST HIM. HOWEVER, IN THIS CASE, STATE SUBMITS THAT THE MOTIVATION IN DELAYING THE SENTENCING COMPORTS WITH MR. CLARK'S MAKEUP AS A RAPIST. IT'S ALL ABOUT POWER AND CONTROL. THE SENTENCING WAS DELAYED BECAUSE HE HAD THE POWER AND THE CONTROL TO DO SO. NO REGARD FOR ANYONE ELSE, CERTAINLY NO REGARD FOR THE VICTIM AND HIS FAMILY, WHO UNDERSTANDABLY WANT THE COURT PROCEEDINGS TO END SO THEY CAN TRY TO GO ON WITH THEIR LIVES AND NOT



HAVE TO RELIVE THIS EVERY TIME COMING TO COURT. NOT EVEN REGARD FOR HIS OWN FAMILY. ALTHOUGH MR. CALMES SUGGESTS THAT MR. CLARK HAS DONE SOME POSITIVE THINGS BY BEING A CHOIR DIRECTOR AND AN ASSISTANT MINISTER SINCE AT PARISH PRISON, HE HAS ALSO SHOWN THAT HE STILL USES FORCE AND VIOLENCE. THE STATE HAS SUBMITTED TO THE COURT INFORMATION WITH RESPECT TO THAT. AND ALL THE OPPORTUNITIES THAT MR. CLARK HAS HAD, IT MAKES IT CLEAR THAT HE CANNOT FOLLOW SOCIETY'S RULES. HE CANNOT FOLLOW THE GIVING PEOPLE THE HUMAN DIGNITY OF LIVING THEIR LIVES. IT'S OBVIOUS THAT HE IS A PERSON WHO IS VERY GOOD AT DECEIVING THE UNSUSPECTING. JUDGE, I'VE TALKED A LOT ABOUT THE DEFENDANT AND HOW IT WAS HIS CHOICE TO COMMIT THE VIOLENT CRIMES HE DID. BUT LET'S NOT FORGET BRANDON, WHO HAD NO CHOICE. BRANDON'S WHOLE LIFE CHANGED THE MORNING LARRY CLARK DECIDED TO KIDNAP AND RAPE HIM AT GUNPOINT. THE CUFF MARKS ON HIS WRIST HAVE HEALED. THE INJURY FROM THE GUN TO HIS HEAD IS NOW MENDED AND ONLY A FADING SCAR. BUT THOSE ACTS OF VIOLENCE WILL LIVE WITH HIM FOR A LONG TIME. AND THEY HAVE TAKEN THEIR TOLL TO THIS YOUNG PERSON WHO HAS NOT YET MADE 20 YEARS OF AGE AND TAKEN A TOLL ON HIS GRANDMOTHER AS WELL, MS. SHIRLEY. BEFORE BEING RAPED, BRANDON HAD JUST STARTED TENTH GRADE AND ENJOYED SCHOOL. AFTER THIS HAPPENED, AS THE COURT HAS NOTED, HE STOPPED GOING TO SCHOOL BECAUSE OF COMMENTS MADE TO HIM FROM FELLOW STUDENTS. HE SUFFERS FROM DEPRESSION, SUICIDAL THOUGHTS, AND NOW HAS A FEAR OF POLICE AND DISTRUSTS ALMOST EVERYONE. HIS GRANDMOTHER

HAS COMFORTED HIM THROUGH HIS NIGHTMARES AND FLASHBACKS OF THE RAPES. THAT IS NOT SOMETHING A GRANDMOTHER SHOULD HAVE TO DO. SEEING HER GRANDSON GOING THROUGH THIS TRAUMA HAS HAD A TRAUMATIC IMPACT ON HER AND HER HEALTH AS WELL. BUT DESPITE THE HUMILIATION, THE EMBARRASSMENT, THE DEPRESSION AND THE DISTRUST, BRANDON IS A HERO. HE, LIKE SO MANY -- UNLIKE SO MANY VICTIMS, ESPECIALLY MALE VICTIMS, HAD THE COURAGE TO SPEAK UP. NOT ONLY DID HE TELL THE POLICE WHAT HAPPENED, HE COURAGEOUSLY CAME TO THIS COURTROOM AND STOOD UP AGAINST THE PERSON WHO RAPED HIM, STOOD UP AND TOLD THE COUNTLESS STRANGERS IN THIS COURTROOM, PEOPLE WHO WERE HOSTILE TO HIM, MEMBERS OF THE VICTIM'S FAMILY AND THEIR FRIENDS, HE GOT UP AND SAID UNDER OATH AND TALKED ABOUT THE TRAUMA, THE PAINFUL PERSONAL TRAUMA. AND HE DID THIS NOT BECAUSE THAT WAS AN EXPERIENCE HE WANTED TO HAVE, JUST TO COME TO COURT. BRANDON DID THIS TO HOPEFULLY MAKE SURE THIS CRIME BY LARRY CLARK WOULD NOT HAPPEN TO ANOTHER YOUNG PERSON, TO ANOTHER PERSON AT ALL, TO HOPE THAT LARRY CLARK WOULD NOT BE IN A POSITION TO DO THIS AGAIN. HE STOOD UP NOT ONLY FOR HIMSELF BUT FOR THE COMMUNITY. BRANDON DESERVES JUSTICE, HIS FAMILY DESERVES JUSTICE, OUR COMMUNITY DESERVES JUSTICE. MR. CLARK HAS ALREADY HAD HIS. JUDGE, I SUBMIT THAT A JUDGE IS ELECTED BY THE COMMUNITY IN PART TO HELP THE COMMUNITY AND PROTECT THE COMMUNITY ESPECIALLY AGAINST THOSE WE KNOW WHO HAVE COMMITTED AND HAVE BEEN CONVICTED OF CRIMES. OUR COMMUNITY IS JUSTIFIABLY TIRED OF THE VIOLENCE

THAT IS RAMPANT IN BATON ROUGE, TIRED OF INNOCENT PEOPLE BEING VICTIMIZED BY PEOPLE LIKE LARRY CLARK. JUST THIS PAST WEEKEND, 20 CHURCHES IN THE BATON ROUGE AREA TOOK PART IN A MARCH TO PROTEST THE VIOLENT CRIME IN BATON ROUGE, TO PROTEST THE FACT THAT CHURCH MEMBERS ARE AFRAID TO GO TO CHURCH ACTIVITIES AT NIGHT FOR FEAR OF BEING MUGGED OR ROBBED OR RAPED. THIS COMMUNITY DESERVES TO BE SAFE FROM LARRY CLARK AND THE LARRY CLARKS OF THIS WORLD. WE DON'T NEED ANY MORE OF OUR CITIZENS TO BE VICTIMIZED AS BRANDON WAS. THE COURT, I SUGGEST, JUDGE, YOU HAVE THE POWER, THE AUTHORITY, AND YES, THE RESPONSIBILITY TO PROTECT AND HELP PREVENT FUTURE CRIMES AND PREVENT LARRY CLARK FROM DOING ANYTHING ANYTIME SOON. THE BEST WAY TO HELP KEEP OUR STREETS SAFE FROM LARRY CLARK, THE BEST WAY TO PREVENT OTHER TEENAGE BOYS OR ANYONE FROM BEING VICTIMIZED BY LARRY CLARK FOR THE LONGEST AMOUNT OF TIME IS TO IMPOSE THE LENGTHIEST SENTENCES ALLOWED BY LAW, FORTY YEARS AT HARD LABOR WITHOUT BENEFIT OF PAROLE ON EACH COUNT, A SENTENCE WHICH IS STILL MUCH LESS THAN THE SENTENCE FOR THE CRIME HE FACTUALLY COMMITTED. ANY LESSER SENTENCE WOULD DEPRECATE THE SERIOUSNESS OF DEFENDANT'S CRIMES AND WOULD NOT PROTECT OUR COMMUNITY FROM THE UNDUE RISK OF MR. CLARK'S RECIDIVISM. THANK YOU.

**THE COURT:** ANYTHING FURTHER? AND NOW I'M PREPARED TO SENTENCE YOU, MR. CLARK. AS A JUDGE, I AM CHARGED WITH SENTENCING YOU FOR YOUR ACTIONS ON NOVEMBER 13TH OF 2006. IT IS MY RESPONSIBILITY, ONE THAT I DO NOT TAKE LIGHTLY. I

BELIEVE THAT I HAVE ARTICULATED AN ADEQUATE  
FACTUAL BASIS FOR THE SENTENCE I WILL IMPOSE. THE  
LEGISLATURE HAS PRESCRIBED A MINIMUM OF FIVE YEARS  
AND A MAXIMUM OF FORTY YEARS ON EACH CHARGE. MY  
ASSIGNMENT IS TO USE MY SPIRIT OF DISCERNMENT TO  
BALANCE THE COMPETING INTEREST. AFTER CONSIDERING  
THE GUIDELINES SET FORTH IN CODE OF CRIMINAL  
PROCEDURE ARTICLE 894.1 AND APPLYING THOSE FACTORS  
TO THE RECORD IN THIS MATTER, THE COURT, ON THE  
CONVICTION OF FORCIBLE RAPE, SENTENCES YOU TO A  
TERM OF IMPRISONMENT OF 180 MONTHS, OR FIFTEEN  
YEARS AT HARD LABOR. TEN YEARS IS TO BE SERVED  
WITHOUT THE BENEFIT OF PROBATION, PAROLE, OR  
SUSPENSION OF SENTENCE. ON THE CONVICTION OF  
SECOND DEGREE KIDNAPPING, THE COURT SENTENCES YOU  
TO A TERM OF IMPRISONMENT OF FIVE YEARS AT HARD  
LABOR. ALL FIVE YEARS OF THE SENTENCE SHALL BE  
IMPOSED WITHOUT BENEFIT OF PAROLE, PROBATION, OR  
SUSPENSION OF SENTENCE. THE TERMS OF IMPRISONMENT  
FOR THE TWO CHARGES ARE TO BE RUN CONCURRENTLY.  
YOU WILL BE GIVEN CREDIT FOR TIME SPENT IN ACTUAL  
CUSTODY PRIOR TO SENTENCE. I BELIEVE THAT DATE  
WAS NOVEMBER 14TH, 2006. PURSUANT TO REVISED  
STATUTE 15:571.3C, DIMINUTION OR REDUCTION OF  
SENTENCE IS NOT ALLOWED FOR AN OFFENDER IN THE  
CUSTODY OF THE DEPARTMENT OF PUBLIC SAFETY AND  
CORRECTIONS FOR SOMEONE CONVICTED OF FORCIBLE  
RAPE, A CRIME OF VIOLENCE AS DEFINED AND  
ENUMERATED IN REVISED STATUTE 14:2B. THE COURT  
ALSO WANTS TO INFORM YOU THAT YOU HAVE THIRTY DAYS  
TO ASK FOR A RECONSIDERATION OF YOUR SENTENCE,  
THIRTY DAYS TO APPEAL, AND TWO YEARS TO FILE FOR

ANY POST-CONVICTION RELIEF. YOU ARE TO REGISTER UPON YOUR RELEASE AS A SEX OFFENDER. AM I REQUIRED TO DO THE SEX OFFENDER NOTIFICATION PACKAGE?

**MS. BERNIE:** HE NEEDS TO SIGN IT.

**THE COURT:** HE NEEDS TO SIGN IT?

**MS. BERNIE:** THAT HE'S BEEN GIVEN THE NOTIFICATION REGISTRATION.

**THE COURT:** ALL RIGHT. PURSUANT TO REVISED STATUTE 15:543, I HAVE THE DUTY TO PROVIDE TO YOU, MR. CLARK, THE INFORMATION NECESSARY FOR YOU TO HAVE, NOW THAT YOU HAVE BEEN CONVICTED OF THIS OFFENSE. ALL RIGHT. AND WHAT WE WILL DO IS WE WILL GIVE YOU -- I WILL HAND THIS TO YOUR ATTORNEY TO GET YOU TO SIGN. I WILL SIGN AS TENDERING THIS DOCUMENT TO YOU, WHICH CONTAINS ALL THE NOTIFICATION REQUIREMENTS, AND WE WILL MAKE A COPY OF IT AND GIVE IT TO YOU BEFORE YOU LEAVE TODAY. AS OF THIS DAY, YOU ARE TO BE COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, WHO WILL DETERMINE WHAT PARTICULAR INSTITUTION YOU WILL SERVE YOUR TERM OF IMPRISONMENT. THE COURT WILL RECOMMEND THAT YOU BE ALLOWED TO PARTICIPATE IN ANY PROGRAMS, HOWEVER, THAT YOU MIGHT BE ELIGIBLE FOR. THAT'S THIS COURT'S ORDER. DID I LEAVE OUT ANYTHING THAT I NEED TO ADDRESS AT THIS TIME?

**MR. CALMES:** I'M SORRY, YOUR HONOR?

**THE COURT:** IS THERE SOMETHING THAT I LEFT OUT OR THAT I NEED TO ADDRESS?

**MS. BERNIE:** NOTE OUR OBJECTION TO THE LENIENT SENTENCE.

**THE COURT:** OBJECTION NOTED TO THE SENTENCE.

**MS. BERNIE:** ASK THAT HE BE FINGERPRINTED ON  
THE BACK OF THE BILL OF INDICTMENT.

**THE COURT:** ABSOLUTELY. BEFORE YOU LEAVE,  
MR. CLARK, WE'LL HAVE TO FINGERPRINT YOU ON THE  
INDICTMENT.

**END OF TRANSCRIPT**

C E R T I F I C A T E

I, PAMELA V. MANUEL, CCR, NINETEENTH JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE, STATE OF LOUISIANA, DO HEREBY CERTIFY THAT THE FOREGOING PAGES CONTAIN A TRUE AND CORRECT TRANSCRIPT OF THE AFORESAID MATTER AS TRANSCRIBED BY ME TO THE BEST OF MY KNOWLEDGE AND ABILITY.

WITNESS MY HAND THIS 30TH DAY OF NOVEMBER, 2010.

---

PAMELA V. MANUEL, CCR  
OFFICIAL COURT REPORTER  
19TH JUDICIAL DISTRICT COURT  
CCR #26011