

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

BOBBY SNEED,

Petitioner,

v.

DOCKET NO.: C-711804

TIM HOOPER, WARDEN;
LOUISIANA BOARD OF PARDONS
Through its COMMITTEE ON PAROLE
AND
FRANCIS ABBOTT;

Respondents.

FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS
WITH INCORPORATED MEMORANDUM IN SUPPORT THEREOF

NOW COMES PETITIONER, BOBBY SNEED, through undersigned counsel, who respectfully submit this first amended petition, brought under La. C. Cr. P. art. 351 *et seq.*, asking this Honorable Court to issue a writ ordering his release from the Louisiana Department of Corrections. This Petition for the requested writ is the result of the bizarre and lawless *de facto* parole revocation, deviously attempted to be shrouded by the Parole Board as a “rescission,” unlike any other in Louisiana history.¹

After spending nearly forty-seven (47) years in Louisiana State Penitentiary (LSP) custody for serving as a “lookout” to a burglary-gone-wrong, a frail and infirm 74-year-old Bobby Sneed unanimously won his parole on March 15, 2021, where his release date was subsequently fixed for March 29, 2021. Unfortunately, in what has become a disturbing practice within the Department of Corrections, one which has been publicly acknowledged by James M. LeBlanc, Secretary of the

¹ Never before in Louisiana history has the Parole Board claimed to have “rescinded” a prisoner’s parole a month after his release date; never before has it stripped a prisoner or parolee of his parole status after being adjudicated “not guilty” of the disciplinary report ostensibly triggering the adverse action; and never before has a five-member “rescind hearing” occurred 72 hours after a single member supposedly acted to strip parole. And never before have they done so with such cavalier disregard for their own procedures and notice requirements.

Louisiana Department of Public Safety and Corrections and his executive counsel, Jonathan Vining,² Angola prison authorities again acted too slowly in processing his release, where Mr. Sneed's health rapidly declined with each day that unnecessarily passed. Already having suffered a stroke in LSP custody in years past, Mr. Sneed developed COVID-19, pneumonia, sepsis, and hypoxia. But less than four days from his scheduled release, on the afternoon of March 25, 2021, Mr. Sneed collapsed and became unresponsive. Fortunately, with the assistance of other inmates, he was partially revived, evaluated and initially treated within the Angola medical facility, where he was determined to still be in critical condition and therefore rushed outside of the LSP system to Lane Regional Medical Center, a private medical facility approximately one hour away from the prison. Four days later, despite the fact that Mr. Sneed's fixed release date had arrived and he was outside of the walls of any LSP facility, he was forcibly returned to Angola and placed in "Administrative Segregation." Prison officials justified this action based on a urine sample that may (or may not) have been extracted from an unconscious Mr. Sneed, which led prison officials to conclude without any substantiation that Mr. Sneed possessed contraband (i.e., drugs) that caused his collapse.

In what can only be regarded as "medieval," Mr. Sneed, who again was well beyond his fixed release date, was then confined for over a month to a portion of Angola known as "the Dungeon," without his artificial teeth or shoes, before finally receiving his administrative hearing on his alleged drug possession. After a three-hour Disciplinary Board hearing on Wednesday, May 6, 2021, a panel of prison officials cleared Mr. Sneed of all wrongdoing related to his March 25, 2021 medical emergency. It is noteworthy that at the conclusion of this May 6, 2021 Disciplinary Board hearing on the March 25, 2021 alleged drug possession, the Disciplinary Board announced a *new* charge against Mr. Sneed, that of improperly being in the wrong dormitory when he collapsed, but this spurious charge was withdrawn the next day after LSP officials realized Mr. Sneed had every right to be in the dormitory in question. Mr. Sneed and his family rejoiced at the Disciplinary Board's ruling(s), which once again cleared the way for him to return home to spend his final years with his siblings, children, and grandchildren, after remaining in the unwarranted custody of the Department of Corrections for **an additional forty-two (42) days**.

² See, e.g., testimony before the Louisiana Legislature House Judiciary Committee on December 12, 2019 (available at https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2019/dec/1212_19_JU).

Yet, as reprehensible as these events were, then came the truly cruel twist. Two days after the LSP Disciplinary Board hearing—after numerous news articles portrayed Louisiana corrections officials in a harsh light for their handling of Mr. Sneed’s release—on Friday, May 7, 2021 Mr. Sneed received notice that his parole had been taken under the auspices that Mr. Sneed allegedly “admitted using drugs after his March 15, 2021 parole hearing” where he was unanimously granted parole, on March 25, 2021 the day Mr. Sneed collapsed shortly before his fixed release date:

Bobby R Sneed
DOC# 81275
Louisiana State Penitentiary
Hwy. 66
Angola LA 70712

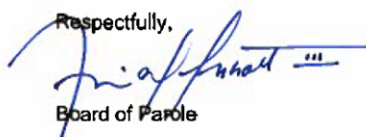
Dear Bobby R Sneed:

This correspondence is to advise you that the Parole Board has voted to rescind the parole granted at your original parole hearing.

This action was taken due to the following:

We have been advised that you have admitted to drug usage after your original parole hearing.

You will be scheduled for another hearing on 05/10/2021.

Respectfully,

Board of Parole

Later that same Friday, May 7, 2021, the Parole Board sent³ Mr. Sneed a second more formal notice informing him that he would have a “new parole hearing” on May 10, 2021, along with other information about the parole review process, the criteria that the Parole Board would consider in making its determination, and the limited rights that Mr. Sneed had with respect to this “rescheduled” parole hearing, specifically, Mr. Sneed’s right “to continue or postpone [his] scheduled parole hearing for good cause,” provided “[t]he request [is] received in the Board’s office no later than fourteen (14) days prior to the scheduled hearing date and [that it] contain a specific reason(s) for the request.” *See* Ex. A (copy of official May 7, 2021 Letter to Mr. Sneed from the Board). Also contained in the formal letter is the Board’s overt acknowledgment that ***“[t]he hearing is an open meeting in accordance with Louisiana’s open meetings laws”*** (emphasis added).

But, in fact, the May 10, 2021, hearing was not a “new” parole hearing; in fact, the parole board officials told him it was a hearing to decide *whether* to “rescind” his parole. But the fix was

³ Mr. Sneed was never served with the notice, however, a fact which panicked Parole Board officials realized on the morning of May 10, 2021.

already in: as the panel members aggressively cross-examined him, it became clear (1) that the Committee on Parole had already made their decision, (2) that its members were apparently under the (incorrect) impression that Mr. Sneed had suffered an overdose on March 25, 2021, notwithstanding the Disciplinary Board's exoneration, and (3) that its members believed Mr. Sneed told hospital staff that he had injected heroin before his "overdose." Mr. Sneed was given no notice; no meaningful opportunity to prepare with counsel; no opportunity to present evidence; and no access to the secret "information" upon which the Committee on Parole was acting. The Committee on Parole called no witnesses and introduced no evidence, and Bobby was denied the opportunity to call any witnesses himself. At the end of the brief proceeding, the panel voted to strip Bobby of his parole, effectively condemning him to die in prison.

The next day (Tuesday, May 11, 2021), Louisiana prison officials finally turned over the disputed medical records they withheld from Mr. Sneed for nearly a month. The records, which included the March 25, 2021 admitting report into Lane Regional Medical Center prepared by Dr. Jess Anderson, M.D., Mr. Sneed's Attending Physician, confirmed that Mr. Sneed was hospitalized due to "Post Cardiac Arrest, Covid, Pneumonia, Hypoxia." Moreover, the records, including Dr. Anderson's narrative of her initial examination of Mr. Sneed, confirmed (as Mr. Sneed has repeatedly and consistently stated) that he was essentially unconscious and unable to communicate with medical staff at the time he purportedly "confessed" to medical staff that he had used drugs.

For the purpose of retaliating against Mr. Sneed and perhaps to make him an example for future candidates for parole, in a rush to literally put Mr. Sneed "back in his box" and condemn an elderly man to death in prison, the parole board blatantly disregarded its own procedures, violating both state and federal law. The parole board disregarded their own policies governing "rescinding" decisions, and they clearly and unequivocally violated the Louisiana Open Meetings Law set forth in LSA-R.S. 42:11 *et seq.* When Mr. Sneed first brought these claims before a federal judge, the Court noted that it found these allegations "extremely troubling"; "[i]f true," the Court wrote, "Defendants' flagrant disregard of procedural norms in the two hearings at issue is, at best, irregular, and, at worst, reprehensible." *Sneed v. Abbott*, 21-cv-00279-JWD-RLB, R. Doc. 23, *1 (M.D.La. 07/20/21). The Court, however, concluded it was obliged to dismiss the claims without prejudice, "however terrible the Court finds Defendants' alleged conduct to be," because comity

required them to be presented first to a state tribunal. *Id.* Mr. Sneed does so now and prays that this Court expeditiously grant the requested writ.

PARTIES

A. Plaintiff **BOBBY SNEED** is a persona of the full age of majority who currently resides at the Louisiana State Penitentiary at Angola, West Feliciana Parish, Louisiana;

B. Defendant **TIM HOOPER** is a person of the full age of majority in his official capacity as Warden, Louisiana State Penitentiary at Angola;

C. Defendant **BOARD OF PARDONS** through its **COMMITTEE ON PAROLE**, a public body established in Article IV, Section 5 of the Constitution of Louisiana and La. R.S. 15:572.1 as amended in Act 714 of the 2012 Legislative Session;

D. Defendant **FRANCIS ABBOTT**, a person of the full age of majority in his official capacity of Executive Director of the Louisiana Board of Pardons and Committee on Parole

JURISDICTION AND VENUE

This petition is brought pursuant to La. C. Cr. P. art. 351. *See Sinclair v. Kennedy, Warden*, 96-1510 (La. App. 1 Cir. 9/19/97), 701 So. 2d 457, 461 (explaining claims like Mr. Sneed's are properly characterized as habeas petitions rather than appeals from board decisions). Mr. Sneed asserts that his detention in Warden Hooper's custody is unlawful, because it was predicated on numerous violations of state and federal law by other state actors.

Just like in *Sinclair*, a lawyer representing the Parole Board insists that Mr. Sneed is *really* “an attack on the parole board's decision regarding his release,” and “because La. R.S. 15:574.11 precludes any right of appeal from such a decision, [his] claims should be dismissed.” *Sinclair*, 701 So.2d at 459. Notably, the Parole Board's lawyer in *Sinclair* also insisted that the defendant “join the parole board as an indispensable party,” and persuaded the district court as much, where the Petitioner originally named only the Warden. *Id.* at 458. Rejecting the Parole Board's arguments, the First Circuit carefully explained that this understanding of the law was misguided:

We note first that we disagree with the commissioner's finding that this case is not appropriate for a writ of habeas corpus, being rather in the nature of an appeal of the parole board's decision, and therefore prohibited by statute. Under the *Bartie* analysis, the claims raised by *Sinclair* are properly considered by writ of habeas corpus. He does not contest his conviction or sentence, so this is not an application for post-conviction relief. His initial custody was lawful, but he claims this initially lawful custody became unlawful because the parole board did not afford him due process in considering his application for parole. He asserts a liberty interest inherent in certain of the Louisiana parole statutes entitling him to the

protection of due process, and maintains because he meets all the criteria for parole and it was unconstitutionally denied to him, he is entitled to immediate release on parole.

Id. at 461. The petitioner’s federal claims ultimately failed in *Sinclair*—for reasons that do not apply here—but the basic holding with respect to the interaction between La. R.S. 15:574.11 and La. C. Cr. P. art. 351 is clear: Mr. Sneed’s claims that his detention is unlawful, because the Parole Board acted contrary to state and federal law, are properly before this Court.

PETITIONER’S FACTUAL ALLEGATIONS

A. Bobby’s History and the Underlying Offense

1. According to documents presented at Mr. Sneed’s March 15, 2021 parole hearing, *see* Ex. B (“Parole Packet”), Bobby Sneed lived a commendable life up through the date of his offense:

Mr. Sneed was born on December 18, 1946. He was raised in Gibsland, Louisiana, which is located in Bienville Parish. His grandmother raised him because he was the second of nine children born to a single mother who struggled to support her children. Though his family was poor, and life was tough, Mr. Sneed graduated high school and earned a musical scholarship to Grambling College for playing the saxophone. Although he excelled in the university, Mr. Sneed left Grambling in 1966, with only 30 credits shy of graduating.

In 1966, Mr. Sneed was drafted into the Army and was sent to Vietnam. He served his tour and was honorably discharged in 1968. However, when Mr. Sneed returned from Vietnam, his family reports that he was not the same carefree individual. Instead, Mr. Sneed was always on the defense, he was more aggressive, and much more emotional than before. He seemed to have lost the outgoing and happy outlook on life that he once had...

Other than the offense for which he is incarcerated, Mr. Sneed has no other criminal history.

Since arriving at Louisiana State Penitentiary, Mr. Sneed made personal and educational strides to better himself, which is apparent in his character today. During more than four decades of incarceration, Mr. Sneed studied the law, participated in rehabilitative programs, and strengthened his spiritual beliefs to grow into a well-educated and respectable man. He is entering the final years of his life and recently suffered a stroke. Despite health complications, Mr. Sneed is optimistic to return to society and spend his final years with his family.

2. But in 1974, the parole hearing documents reveal, Mr. Sneed made a horrible mistake:

Mr. Sneed lived in Chicago for a short period of time where he made a few friends. In June [of 1974], three of Mr. Sneed’s Chicago friends came to Gibsland, Louisiana, to visit and were looking to hustle some money. Some of the men had heard that an elderly couple had a safe with a lot of money. On June 13, 1974, Mr. Sneed and his five co-defendants decided to rob the Jones’s house for the money in their safe.

Charles Sneed, Eugene Wright, and Arthur Gardner entered the residence to carry out the robbery while Bobby Sneed and Andrew Rhodes stood about two blocks away as lookouts. Alfred Critton drove the car the men used to leave the scene of the crime. While the three co-defendants were inside one of them beat Mr. Jones to death.

All six men were arrested. Mr. Sneed went to trial in 1975 and was convicted as a principal to second-degree murder and sentenced to life with parole after 40 years. Mr. Sneed filed a postconviction application, and his conviction was vacated. In 1987, he was tried for the same crime and again convicted as a principal to second-degree murder and sentenced to life without parole [sic].

It is undisputed that Mr. Sneed did not enter the Jones' residence and acted as a lookout.

Of the six men originally arrested for this crime, Mr. Sneed is the only one who is still incarcerated. Two of Mr. Sneed's co-defendants agreed to testify and served no time. One codefendant struck a deal with the state at the time of Mr. Sneed's second trial and received a reduced sentence. One co-defendant died in prison and Charles Sneed was released on parole.

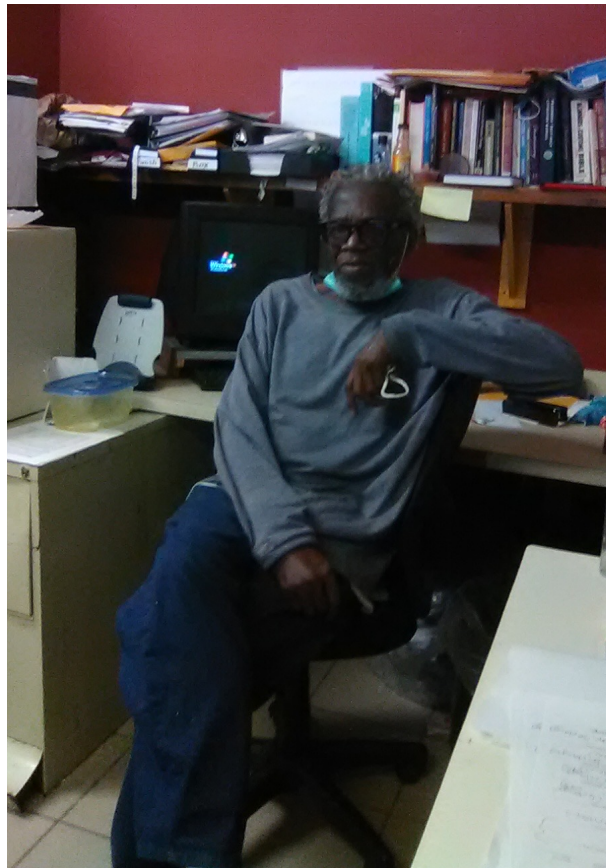
Mr. Sneed recognizes that his actions make him just as culpable as the individuals who entered the Jones' home. By acting as a lookout, participating in this crime, and failing to intervene, Mr. Sneed acknowledges that he caused irreparable damage and deeply regrets his participation in this crime.

3. For the past 47 years, the documents reflect, Mr. Sneed has engaged in extensive prison programming, and undergone substantial spiritual and personal growth. He has a lengthy record of institutional compliance and poses a low risk of recidivism.

B. After 47 Years, Parole Finally Granted

4. Bobby Sneed came before the Committee on Parole on March 15, 2021.

5. After a hearing that lasted less than 17 minutes, during which Mr. Sneed's parole application faced no opposition, Mr. Sneed was granted parole. Many of the members thanked Mr. Sneed for his military service, and heaped praise on him for his self-improvement work while in prison. At the end of the hearing, after a 5-0 vote in favor, the panel chairman stated: "Your parole has been granted."



Mr. Sneed – Before and After Nearly a Half-Century of Incarceration

C. Within 24 Hours of Freedom, A Medical Crisis

6. The Louisiana Department of Corrections continued to hold Mr. Sneed at Louisiana State Penitentiary even after the parole board voted and his residential plan was approved. Indeed, the matter was fully out of the Committee on Parole’s hands: the Certificate of Parole had been sent to LSP, and absolutely nothing (except bureaucratic delay from LSP officials) prevented Mr. Sneed’s immediate release.⁴

7. Then, on March 25, 2021, Mr. Sneed collapsed at Louisiana State Penitentiary. He was revived after other prisoners successfully performed CPR and he received two defibrillations.

8. Medical records subsequently revealed that he was suffering from COVID-19, pneumonia, sepsis, and hypoxia at the time of his collapse. Consistent with the fact that medical staff did not believe he suffered an “overdose,” doctors at LSP injected Mr. Sneed with morphine before taking him to an outside hospital.

⁴ The over-detention of prisoners by the Louisiana Department of Corrections has been a “big problem” since at least 2012, which has costed taxpayers millions of dollars (and incarcerated people thousands of years of “extra” time unlawfully detained in prison). *See, e.g.,* Lea Skene and Jacqueline DeRobertis, *State corrections overdetention woes, known since 2012, cost state millions, lawyer alleges*, BATON ROUGE ADVOCATE, Feb. 6, 2020.

9. As is common practice at LSP (though improper from a medical care perspective), prison officials also administered Narcan and inserted a catheter into Mr. Sneed's urethra to attempt to drug test him.⁵

10. Mr. Sneed was taken to Lane Regional Medical Center, where he was treated until March 29, 2021. Although the Parole Board refused to disclose the email until October 5, 2021, the next day (March 26, 2021), Mr. Abbott—without any legal authority to personally halt Mr. Sneed's release—personally ordered the unlawful (over)detention of Mr. Sneed:

From: Francis Abbott
To: Whitney Troxclair
Subject: Fwd: Bobby Sneed (81275)
Date: Friday, March 26, 2021 6:50:45 AM

Hold off on any paperwork

Francis M. Abbott
Executive Director
Louisiana Board of Pardons & Committee on Parole
Office: 225-342-6624
Fax: 225-342-3701
Email: francis.abbott@la.gov

He only subsequently informed members of the Parole Board of his actions, and his emails reflect his subjective awareness that Mr. Sneed was lawfully scheduled to be released on Monday, March 29. Importantly, at no time between March 15 and May 6 did any member of the Parole Board take any formal or informal action whatsoever to either “rescind” or revoke Mr. Sneed's parole (or signal approval or disapproval of Mr. Abbott's unilateral actions).

⁵ On March 31, 2021, just days after Mr. Sneed's heart attack, a federal judge held that Louisiana State Penitentiary defendants were deliberately indifferent to the inmates' serious medical needs in the means and manner of the delivery of health care, in violation of the Eighth Amendment to the United States Constitution. *Lewis v. Cain*, 3:15-cv-00318, Dkt. 594 (Opinion) (M.D.La. 3/31/21). As part of that opinion, the District Court highlighted LSP's practice of unnecessarily, unprofessionally “(1) routine[ly] treat[ing] patients presenting with altered mental status with Narcan; [and] (2) routine[ly] subjecting patients who present with altered mental status to urine toxicology testing, often by catheterization.” *Id.* These policies and others violate the Eighth Amendment.” *Id.*

From: Francis Abbott
To: Sheryl Ranatza
Subject: Fwd: Bobby Sneed (81275)
Date: Friday, March 26, 2021 8:04:23 AM
Attachments: 2021_03_26_07_50_00.pdf

FYI Granted last Thursday and was scheduled to release Monday.

Francis M. Abbott
Executive Director
Louisiana Board of Pardons & Committee on Parole
Office: 225-342-6624
Fax: 225-342-3701
Email: francis.abbott@la.gov

Begin forwarded message:

From: Francis Abbott <Francis.Abbott@la.gov>
Date: March 26, 2021 at 6:50:45 AM CDT
To: Whitney Troxclair <Whitney.Troxclair@la.gov>
Subject: Fwd: Bobby Sneed (81275)

Hold off on any paperwork

Francis M. Abbott
Executive Director
Louisiana Board of Pardons & Committee on Parole
Office: 225-342-6624
Fax: 225-342-3701
Email: francis.abbott@la.gov

In a later email sent Monday, May 3, 2021, at 10:44AM, Mr. Abbott confirmed: “He [Mr. Sneed] was scheduled to be released on March 29, 2021.”

11. Instead of being released when he was discharged from the hospital, Mr. Sneed was forcibly returned to Louisiana State Penitentiary.

12. Mr. Sneed was placed in “Administrative Segregation,” and told that he would remain there until adjudication of the prison disciplinary allegations against him—allegedly violating LSP “Rule 1 (Contraband)” on March 25, 2021.

D. Fighting the Allegations from “the Dungeon” for Over a Month

13. For over a month, Mr. Sneed attempted to ascertain the evidentiary basis for the Contraband allegation against him.

14. On April 18, 2021, Mr. Sneed signed a legal release, provided by LSP, to share his medical records with his attorney.

15. DPSC officials refused to release the documents to his attorney until May 11, 2021 (i.e., after the Disciplinary Board hearing and after the parole board proceeding confirming the revocation of Mr. Sneed’s parole).

16. From late March until the end of April, LSP officials regularly failed to make Mr. Sneed available for scheduled attorney-client calls; refused to allow Mr. Sneed’s attorney to attend

(or even know about) scheduled Disciplinary Board hearing dates on March 30, April 5, April 6, and April 8; failed to fulfill Public Records Act requests for relevant records; and failed to disclose the “evidence” supporting the allegations against Mr. Sneed. *See, e.g.*, Ex. C (letter dated April 27, 2021).

17. Finally, after numerous protests, Mr. Sneed was afforded an opportunity to appear before the Disciplinary Board with counsel on May 6, 2021.

18. Throughout this period, the Committee on Parole took no action with respect to Mr. Sneed’s parole and DPSC refused to honor the previously fixed release date of March 26, 2021.

E. Exonerated by the Disciplinary Board

19. At the outset of the hearing, the Disciplinary Board denied every motion Mr. Sneed filed, including *inter alia* (1) a motion to dismiss for failure to comply with the “72-hour rule” for promptly adjudicating Disciplinary Board allegations (*see* La. Admin. Code, Title 22, Part I-B, § 341(J)); (2) a motion to dismiss for failure to comply with the notice requirement (*see id.*, § 341(F)(1)(a)); (3) a “Motion to Confront Accuser, to Call Witnesses, and for Further Investigation” that included additional requests to review medical records *See* Ex. D, E, F.

20. The Disciplinary Board then read into the record the chief evidence against Mr. Sneed: a presumptive positive test from a “ToxCup” urine test for amphetamine and methamphetamine from March 25, 2021, and a subsequent laboratory test of that sample suggesting the additional presence of opiates.

21. Mr. Sneed was then given the opportunity to present evidence. He introduced evidence indicating LSP employees (1) fraudulently altered their “ToxCup” forms in Mr. Sneed’s case⁶; (2) mishandled the urine samples before they were sent to an outside laboratory; and (3) had no idea how, when, or if the purported urine sample was obtained from an unconscious Mr. Sneed. Mr. Sneed testified that he had almost no memories from March 25, 2021 because he was unconscious for most of the day.

22. Because Mr. Sneed’s medical records were withheld, Mr. Sneed had no opportunity to argue that other medications he was prescribed were responsible for generating any false positive results, if in fact that urine was obtained from him. For instance, prison officials concealed (until May 11, 2021) that they injected Mr. Sneed with morphine before taking him to an outside

⁶ LSP officials were unaware that Mr. Sneed’s counsel had independently obtained the original versions of the reports, which were different in several material ways from the “cleaned up” versions later submitted as evidence to the Disciplinary Board.

hospital, which explains any opiates in his urine; many other drugs commonly administered to treat diabetes, high blood pressure, sinus and nasal congestion, and pneumonia can result in false positive tests for amphetamine and methamphetamine.

23. At the conclusion of the hearing, the Disciplinary Board deliberated in private. After approximately ten minutes, they delivered their verdict: Mr. Sneed was found not guilty of “Contraband.”

24. In the same breath, the Disciplinary Board also announced the filing of a new baseless charge against Mr. Sneed—being impermissibly present in the dormitory where Mr. Sneed collapsed on March 25, 2021. LSP officials withdrew that charge the next day when they were forced to acknowledge Mr. Sneed was authorized to be there.

F. Francis Abbott’s Threats and Improper Plea Bargaining

25. On the evening of May 6, 2021, Mr. Sneed’s attorney emailed the Executive Director of the Committee on Parole, Francis Abbott (copying DPSC’s General Counsel):

Dear Mr. Abbott: It is my understanding that the Parole Board has voted to grant Mr. Sneed parole, his addresses with Parole Project and the First 72+ have been approved, and that all disciplinary charges against him have been dismissed (the contraband charge after having been fully adjudicated). Can you please advise when he will be released? We are standing by to arrange pickup. Many thanks,
Thomas

26. Later that evening, Mr. Abbott called Mr. Sneed’s attorney via cell phone. He stated that he had the authority to revoke Mr. Sneed’s parole despite the Disciplinary Board finding. When Mr. Sneed’s attorney advised that he believed Louisiana law required, at minimum, a formal “notification” of misconduct from the Secretary of the Department of Public Safety & Corrections, *see* La. Admin. Code Title 22, Part XI, § 504(K), Mr. Abbott seemed confused, asking which provision Mr. Sneed’s attorney was referring to. He stated he would “check with the Attorney General’s office about that.”

27. Mr. Abbott stated that because he was in possession of evidence of Mr. Sneed’s misconduct, he “didn’t need” notification from the Secretary.

28. Mr. Abbott proposed that “what [he] want[ed] to do” is for Mr. Sneed agree to “go to Steve Hoyle” for a nine-month drug treatment program in Department of Corrections custody, during which time the Committee on Parole would “keep the matter open.” Depending on Mr. Sneed’s behavior during those nine months, Mr. Abbott indicated, Mr. Sneed might re-earn his parole. Mr. Abbott proposed that by agreeing to this compromise, Mr. Sneed could resolve all his issues with the Committee on Parole.

29. Counsel for Mr. Sneed advised that private charities in New Orleans had agreed to pay for 100% of any in-patient or out-patient drug treatment the Committee on Parole or his parole agent might require, when Mr. Sneed was released. *See also* Ex. C (same). Moreover, he did not think Mr. Abbott had the authority to engage in such negotiations on behalf of the Committee on Parole, and that any decision would have to be Mr. Sneed's, with whom he had limited communication. *See id.*

30. No agreement was reached, and counsel had no opportunity to communicate Mr. Abbott's proposal to Mr. Sneed before the next day's events.

31. During the Thursday night call, Mr. Abbott referred derisively to the ongoing press coverage of Mr. Sneed's case and stated it would not help Mr. Sneed before the Committee on Parole. He asked to be notified if the *Wall Street Journal* was planning on covering the matter.

32. At the time, news coverage of Mr. Sneed's ordeal was generating substantial negative publicity about Louisiana corrections officials. A story had garnered well over 150,000 "views" on the news and politics website Reason.com, a New York City radio station devoted a 30-minute segment to Mr. Sneed's matter, and online reaction to Louisiana corrections officials' actions was overwhelmingly hostile. *See* Ex. G (letter dated May 7, 2021 to Committee on Parole collecting sample of online comments). On behalf of Mr. Sneed, his attorney made critical statements about Louisiana corrections officials, and was encouraging others to petition Secretary LeBlanc. *See, e.g.,* Billy Binion, *He Was Granted Parole After Service 47 Years Behind Bars. Now the Prison Won't Let Him Leave*. REASON, MAY 6, 2021 ("It feels like we've gone from tragedy to farce now.").

Emails subsequently disclosed via a public records request on October 5, 2021 show that Mr. Abbott was in regular contact with reporters from multiple news outlets, including the *Times-Picayune*, *The Lens*, *Reason Magazine*, and a freelancer working on a piece for the *New York Times*. It also shows Mr. Abbott referring in disparaging terms to negative (though accurate) coverage that had previously appeared in *The Lens* about Mr. Sneed's case. Specifically, on May 6, 2021 at 11:07 AM, Mr. Abbott sought to discredit previous reporting by *The Lens* when corresponding with a *Reason* reporter: "Sorry, the Lens is not something I typically read and would not be my first choice for information concerning offender legal matters." The comment is particularly interesting in light of later evidence that Secretary James M. LeBlanc was personally monitoring coverage of Mr. Sneed's case in *The Lens* and asking Mr. Abbott about it.

From: Francis Abbott
To: James M. Leblanc
Cc: Seth Smith
Subject: Re: Bobby Sneed
Date: Monday, May 24, 2021 4:42:13 PM

Our Board rescinded it's original decision to Grant Parole and had another hearing and denied him parole based on the Doctor's statement in his medical records while he was at Lane Memorial Hospital. They have named me in a lawsuit.

Francis M. Abbott
Executive Director
Louisiana Board of Pardons & Committee on Parole
Office: 225-342-6624
Fax: 225-342-3701
Email: francis.abbott@la.gov

On May 24, 2021, at 3:49 PM, James M. Leblanc <James.Leblanc@la.gov> wrote:

What is his status?

Secretary Le Blanc

<https://thelensnola.org/2021/05/10/bobby-sneed-denied-parole-in-rehearing-despite-being-acquitted-of-disciplinary-charges/>

33. One of Mr. Sneed's family members agreed to talk with journalists, but only if their name and gender was masked. See Nicholas Chrastil, *Angola Prison Who Faced Loss of Parole Cleared on Contraband Charges, but Now Faces New Disciplinary Action for Being in Wrong Dorm, Lawyer Says*, THE LENS, May 6, 2021.

G. Long After His Release Date, Mr. Sneed's Parole Taken

34. After the Thursday night "plea" conversation with Mr. Frampton, Francis Abbott sprung into action. At 9:02 PM that night, he began the revocation process by emailing Tim Hooper (the Warden of LSP) a request for Mr. Sneed's medical records. The message read: "We are preparing for another hearing."

35. On Friday, May 7, 2021, counsel for Mr. Sneed received an email from Mr. Abbott stating, the text of which read: "The Committee on Parole has made the decision to rescind its original decision to grant Offender Sneed parole and has schedule Offender Sneed for a new parole hearing before a parole panel on Monday 5/7/21 [sic]." The email came with an attached PDF file name "B Sneed Rescind Letter" reading as follows:

Bobby R Sneed
DOC# 81275
Louisiana State Penitentiary
Hwy. 66
Angola LA 70712

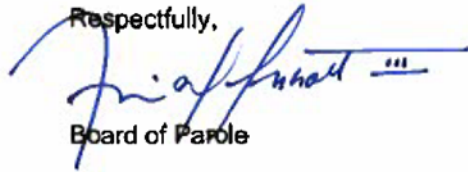
Dear Bobby R Sneed:

This correspondence is to advise you that the Parole Board has voted to rescind the parole granted at your original parole hearing.

This action was taken due to the following:

We have been advised that you have admitted to drug usage after your original parole hearing.

You will be scheduled for another hearing on 05/10/2021.

Respectfully,

Board of Parole

36. Minutes earlier, an employee of the Board of Parole wrote several LSP officials informing them that Mr. Sneed was scheduled for a “rescind hearing” on 5/10/2021. But these documents show the frantic and haphazard procedures employed by the Parole Board. For example, in a series of early morning (e.g., 5:30AM) emails on May 10, 2021, Mr. Abbott orders a subordinate to obtain proof that Mr. Sneed was actually notified of the hearing.

From: Francis Abbott
To: John Poche
Subject: Fwd: Bobby Sneed
Date: Monday, May 10, 2021 5:32:29 AM
Attachments: Letter to Parole Board - 2021.05.07 (continuance request).pdf

Please have someone draft the proper vote sheet for this request as soon as possible. Also get documentation of were we notified the institution of Friday of Offender Sneed’s hearing. We need to make sure he was notified.

Francis M. Abbott
Executive Director
Louisiana Board of Pardons & Committee on Parole
Office: 225-342-6624
Fax: 225-342-3701
Email: francis.abbott@la.gov

The subordinate informs Mr. Sneed that the Parole Board sent emails to the prison on the previous Friday, but apparently fails to realize that Mr. Abbott was concerned with a slightly different (but critical) question: Did anyone actually provide notice to Mr. Sneed? Mr. Abbott himself follows up; prison officials never respond.

From: Francis Abbott
To: [Reginald L admirault](#)
Cc: [Amber Vittorio](#)
Subject: FW: Bobby Sneed #81275 Offender Notification Letter
Date: Monday, May 10, 2021 7:50:00 AM
Attachments: [Bobby Sneed #81275.pdf](#)

Can you confirm when the above named offender was notified of this hearing. Thanks!

Francis M. Abbott
Executive Director
Louisiana Board of Pardons & Committee on Parole
Office: 225-342-6624
Fax : 225-342-3701
email: francis.abbott@la.gov

From: John Poche
Sent: Monday, May 10, 2021 7:23 AM
To: Francis Abbott <Francis.Abbott@LA.GOV>
Subject: FW: Bobby Sneed #81275 Offender Notification Letter

fyi

Thanks,

John R. Poche Jr.
Administrative Program Director
Louisiana Board of Pardon/Committee on Parole
Phone: (225) 342-5424
Fax: (225) 342-2289

From: Tobi Robertson
Sent: Friday, May 7, 2021 11:03 AM
To: [Reginald L admirault](#) <Reginald.Ladmirault@la.gov>
Cc: [Kristy Craft](#) <Kristy.Craft@LA.GOV>; [John Poche](#) <John.Poche@LA.GOV>
Subject: Bobby Sneed #81275 Offender Notification Letter

Good Morning,

Please see the attached Offender Notification Letter. Please make sure the offender has a copy.

Thank you,
Tobi Robertson
Investigative Specialist
Louisiana Board of Pardons and Parole

37. Immediately upon receipt of the letter, Mr. Sneed's attorney called Mr. Abbott. Mr. Abbott stated (1) that, in fact, there had not been a real Board "vote," but rather, Mr. Sneed's parole had been taken unilaterally by Committee on Parole member Tony Marabella ("I presented the paperwork and he did the action"); (2) that no other members of the Committee on Parole were notified of this action ahead of time; (3) that the information that was provided to Mr. Marabella would not be shared with Mr. Sneed; and (4) that there was no audio recording, minutes, or other record of this *ex parte* proceeding involving him and Mr. Marabella. *But see* La. Admin. Code, La. Admin. Code Title 22, Part XI, § 111 ("There shall be no informal, off-the-record

communications regarding the merits or the substance of an offender’s case between committee members for the purpose of influencing a decision of the committee outside of an official public hearing.”); *accord id.* at § 501 (“All meetings and hearings of the committee shall be open to the public . . .”).

38. Mr. Abbott further stated: “That’s what happens. Mr. Sneed didn’t want Steve Hoyle. That’s the decision.”

39. Mr. Abbott was quoted in a local newspaper later that afternoon, “[W]e have made the decision to rescind that parole.” *See* Nicholas Chrastil, *State Board Rescinds Parole for Angola Prisoner Bobby Sneed Despite Dismissal of Disciplinary Charges*, THE LENS (New Orleans, La.), May 7, 2021.

40. Mr. Abbott also refused to disclose the secret evidence to members of the press and was quoted in a different publication stating: “We’ve got documents that were submitted to the board that are not open to the public.”

41. It is unclear from the official record of the Parole Board when, if ever, Mr. Abbott received a reply to his late-night May 6 request for records.

42. A few minutes after the first notice, a letter was sent to Mr. Sneed concerning the “rescind hearing,” as alluded to in the earlier letter: “The Committee on Parole has scheduled your parole hearing [for 7:45AM] on 05/10/2021. . . . You or your representative may request, in writing, to continue or postpone your scheduled parole hearing for good cause. The request must be received in the Board’s office no later than fourteen (14) days prior to the scheduled hearing date and must contain a specific reason(s) for the request.” It was, of course, impossible to submit a request to continue or postpone the Monday morning hearing (noticed on Friday afternoon) at least 14 days prior to the hearing.

43. Mr. Sneed, through counsel, sent a series of letters to the Committee on Parole and to Mr. Abbott explaining that the Committee on Parole’s actions violated both state and federal law, and repeatedly requested a continuance of the hearing scheduled for Monday morning. *See* Ex. G, H, I, J. Mr. Sneed received no written rulings.

G. The Fix Is In: A “Hearing” Unlike Any Other in Louisiana Parole History

44. Over the weekend, there was more negative press coverage of Louisiana corrections officials (and the parole board, in particular). Billy Binion *Louisiana Can’t Prove This 74-Year-Old Inmate Took Drugs. They Revoked His Parole Anyway*, May 7, 2021 (“It appears that

Sneed might also die in prison. Not because he's still a danger to society: The board acknowledged he was no such thing in the glowing 17-minute hearing that resulted in their unanimous March decision. It will be because of a drug charge—something that is both victimless and unsubstantiated. That's not justice. That's a travesty.”); Nicholas Chrastil, *State Board Rescinds Parole for Angola Prisoner Bobby Sneed Despite Dismissal of Disciplinary Charges*, May 7, 2021 (“It’s cruel, illegal, and a massive waste of taxpayer money,” [Mr. Sneed’s lawyer] said. “But that’s the Louisiana parole board at work.”).

45. On the morning of Monday, May 10, 2021, a virtual hearing occurred over Zoom.

46. At the outset of the hearing, Mr. Marabella orally denied that Mr. Sneed’s parole had been “rescind[ed].” Rather, he explained that there had merely been a request filed to rescind Mr. Sneed’s parole, and that the decision about whether to take Mr. Sneed’s parole was the purpose of the May 10 proceeding. **“This is not a parole hearing,”** Mr. Marabella explained. In subsequent court filings and representations to judges, counsel for the Parole Board has insisted that the May 10, 2021 “hearing” was a “new parole hearing,” but has never once explained the Parole Board’s express disavowal of that position throughout the day’s hearings.

47. Another Board member (Alvin Roche) made conflicting statements to whether Mr. Sneed’s parole had already been stripped, or whether considering that question was the point of the hearing, or whether the point of the hearing was to attempt to legitimate Mr. Marabella’s previously taken action: he explained that the hearing was occurring because “there were some circumstances after [Mr. Sneed] was granted [parole] that caused us to rescind our decision,” while simultaneously concurring with Mr. Marabella that the purpose of the May 10 hearing was to decide whether to strip Mr. Sneed’s parole.

48. Throughout the event, members of the Committee on Parole made statements indicating they had already discussed Mr. Sneed’s matter in off-the-record settings. Mr. Roche stated that “there were some circumstances after [Mr. Sneed] was granted [parole] that caused us to rescind our decision”; and after Mr. Sneed denied engaging in wrongdoing, Mr. Marabella confidently predicted that his colleagues’ vote would “likely” be to strip Mr. Sneed of his parole based on the private information they had already received. *But see* La. Admin. Code, La. Admin. Code Title 22, Part XI, § 111. Mr. Marabella also stated at the outset of the hearing, before any evidence had been introduced, that he was persuaded Mr. Sneed had used drugs.

49. Mr. Sneed attempted to ascertain what formal “notification” of misconduct from an authorized state official had triggered the hearing (or, rather, whether the Committee on Parole had just acted at the prompting of Mr. Abbott). Mr. Sneed again recited from the Louisiana Administrative Code that the Committee on Parole needed a “notification from the Secretary of the Department of Public Safety and Corrections” that Mr. Sneed had engaged in “misconduct” before it could act. Mr. Marabella confirmed that the Secretary had *not* been in contact with the Committee on Parole.

51. Mr. Marabella stated that a “representative” of the Secretary had provided the requisite notification but did not identify who the “representative” was (nor how, nor when, this individual contacted the Committee on Parole). Separately, Mr. Abbott told a reporter working on a story for the *Washington Post* over the weekend that the required “notification” came from LSP Deputy Warden Tracy Falgout, to whom Secretary LeBlanc had delegated authority by affidavit for purposes of triggering Committee on Parole review of previously granted parole grants.

52. In fact, no such delegation of authority or affidavit exists.

53. No “notification” to the Committee on Parole, from Secretary LeBlanc or anyone else, has been provided to Mr. Sneed.

54. Mr. Sneed repeatedly asked for a brief continuance. He emphasized the lack of notice and asked to review whatever “notification” the Committee on Parole had received. He reiterated his previous requests to Mr. Abbott to obtain documents, which Louisiana law requires the parole board to share pursuant to La. R.S. 15:574.12(G)(1). The Board denied the requests. Speaking on behalf of the panel, Mr. Marabella stated: “This hearing is very simple. Your motion for continuance is denied.” (Subsequently disclosed files show that Mr. Marabella and another parole board member voted 2-1 on the morning of May 10, 2021 to deny the requested continuance. Mr. Marabella and another parole board member wrote that the fact that (1) the attorney had no opportunity to speak with the client; (2) the parole board has denied all requests for basic information necessary for an actual parole hearing, (3) counsel had no opportunity to communicate with the attorneys who handled Mr. Sneed’s successful March 2020 hearing, and (4) Mr. Sneed had no notice of the hearing “seem[ed] . . . [like] invalid” bases for a continuance.

55. Mr. Sneed moved for the Committee on Parole to consider the record from the three-hour administrative hearing where Mr. Sneed was cleared of wrongdoing. Mr. Marabella

interrupted: “We’re going forward today! . . . The record is clear. Now we’re moving forward with the hearing. Does your client wish to talk?”

56. Although previously advised that Mr. Sneed was a stroke victim who struggled to speak, the Committee on Parole denied Mr. Sneed’s request to make statements and answer questions through his attorney.

57. The Committee on Parole allowed Mr. Sneed to confer privately with counsel for two minutes—the first time Mr. Sneed had been afforded *any* opportunity to speak with an attorney about the tumultuous events since the previous Wednesday—after which Mr. Marabella immediately began examining Mr. Sneed:

Q: You received a life sentence for the murder of Curtis James. You’ve been in prison for 47 years. Is that correct?

A: Yes, sir.

Q: Mr. Sneed, the parole board held a lengthy hearing on March 15, 2021, hearing both support and opposition [sic], and recommended [sic] parole with certain conditions. Do you recall that?

A: Yes, sir.

Q: Ten days later, you were found unresponsive. CPR was administered, as well as Narcon [sic]. After medical intervention, you were breathing and transported to the medical center. At which time, while at Lane Memorial Hospital, part of your admission to the Lane Memorial Hospital, as part of your history of what happened, you indicated to them that you injected heroin earlier in the day. Is that correct?

A: No, sir.

Q: Oh! You didn’t say that?!

A: No, sir.

Q: You didn’t inject something that you thought was heroin on that day?

A: No, sir.

Q: You did inject methamphetamines, didn’t you?

A: No, sir.

Q: So you’re denying what you told the medical records?

A: I was unconscious. I didn’t tell the medical records anything.

Q: Mr. Sneed, you were transported breathing to Lane Memorial Hospital, at which time you were interviewed by the doctors and the medical staff there, and you indicated to them that you had injected heroin earlier in the day and you later tested positive for both methamphetamines and amphetamines.

A: No, sir.

Q: You didn’t?

A: No, sir.

Q: That’s what you’re telling us today? The records indicate otherwise.

This was the entirety of the evidence adduced at the hearing.

58. After Mr. Marabella’s final question Mr. Sneed’s counsel interjected: “And I have to object again. We have no idea what records the parole board is referring to. We’ve repeatedly asked for them, again and again, and been denied by prison authorities and by Mr. Abbott. So, I’d ask, if the board would like Mr. Sneed to respond to specific allegations that we have notice of what . . .”

59. Mr. Marabella interrupted: “I just asked him the specific questions and he has denied them.” Mr. Marabella further stated: “We’re not guessing! We have hard facts that we’re relying on today. Now, your client has denied all of these things, and we accept that, and that’s in the record.” He later explained, “We have information. This hearing is about the actions of your client on that particular day.”

60. Mr. Sneed’s additional requests to call witnesses and introduce evidence were denied.

61. Mr. Marabella said he would allow Mr. Sneed’s attorney three minutes to make a closing statement. He interrupted the statement after 2 minutes and 15 seconds, stating: “Mr. Frampton, you’ve made your points.”

62. Mr. Sneed’s attorney then informed the Committee on Parole of Mr. Abbott’s plea bargain offer on May 6, 2021, *see* ¶¶ 25-34, urging that it was unfair to punish Mr. Sneed based on his refusal to accept a plea bargain that he never had the opportunity to accept: “I hadn’t spoken yet with Mr. Sneed [on Friday, May 7 when Mr. Abbott’s letter arrived]; I still haven’t spoken with Mr. Sneed; this [in the midst of the hearing] is literally the first time Mr. Sneed has heard this I think this is highly improper, and I think the only reason we are here is because of this improper plea-bargaining attempt. And it seems highly improper to penalize or punish Mr. Sneed based on a resolution that I was not able to communicate to him.” At this point, Mr. Marabella interrupted and cut off Mr. Sneed’s attorney’s microphone.

63. Mr. Marabella then addressed Mr. Sneed: “You were granted parole. 10 days later you overdosed Today my vote is going to be to deny your parole.” Another member stated that “based on the information that’s been provided today, for today, in preparation for today’s hearing, my vote today is to deny you parole.” The vote was 5-0 to “deny” parole. No member referred to “rescinding” parole during the vote, and no member provided further details on the non-public information Mr. Abbott provided them.

H. Post-Revocation Revelations

64. On Tuesday, May 11, 2021, the day after the Committee on Parole hearing, DPSC finally provided Mr. Sneed’s medical records from Lane Regional Medical Center that they had withheld for the past month (and that, perhaps, the Committee on Parole was referencing throughout the hearing).

65. The records support the conclusion that Mr. Sneed collapsed due to COVID-19, pneumonia, and hypoxia, rather than the drug overdose prison officials alleged and assumed.

66. The records reveal that, at admission, Mr. Sneed was “lethargic and unable to participate in HPI [“History of Present Illness”]. This is consistent with Mr. Sneed’s consistent testimony—before both the Disciplinary Board and the Committee on Parole—that he remembers almost nothing of the events of March 25, 2021 and was not conscious during the purported interactions with medical personnel.

67. On May 12, 2021, counsel was able to speak with Mr. Sneed’s Attending Physician from Lane Regional Medical Center, Dr. Jess Anderson, identified through the belatedly disclosed medical records. She stated (1) that she remembered Mr. Sneed well, (2) that neither she nor the Nurse Practitioner who treated Mr. Sneed recalled Mr. Sneed making any admission regarding drug use during his hospital stay; (3) that it “didn’t make sense” that Mr. Sneed would be the source of the purported confession given that he was “unable to participate in HPI,” (4) that if LSP employees, rather than Mr. Sneed, told hospital doctors that Mr. Sneed had acknowledged drug use (perhaps passing along rumors they had heard or invented), such information could appear as it did in Mr. Sneed’s Admission Notes.

68. Mr. Sneed remains incarcerated, in fragile health, at Louisiana State Penitentiary today.

I. Developments Since May

69. In recent weeks, the Parole Board has begun amending their regulations governing the triggering event for “rescinding” parole. The proposed rule allows the Parole Board to begin the procedure upon notification from prison officials, rather than from the Secretary. This unprecedented move is in direct response to the Parole Board’s failure to comply with its own regulations when it withdrew Mr. Sneed’s parole without Secretary LeBlanc’s notification.

Title 22 CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT Part XI. Committee on Parole

§504. General Procedures

A.-J.2....

K. Upon notification by DOC or staff of the housing facility ~~the secretary of the Department of Public Safety and Corrections~~ that an offender has violated the terms of the decision granted by the committee or has engaged in misconduct prior to the inmate's release, the committee may rescind its decision to grant parole. In such cases, the inmate shall promptly receive another parole hearing.

70. Mr. Sneed has received no drug treatment whatsoever, despite the Parole Board's insistence that the purpose of taking his parole was to ensure that he received such treatment. Mr. Sneed has made clear that he will engage in whatever programming is offered to him.

71. On October 5, 2021, the Parole Board disclosed an email from Mr. Abbott to Secretary LeBlanc stating that the Parole Board stripped Mr. Sneed of his parole "based on the Doctor's statement in his medical records while he was at Lane." This admission—appearing nowhere in the public record of Mr. Sneed's hearing—would have been directly contradicted by Dr. Jess Anderson herself, if only the Parole Board had disclosed its "secret evidence" to Mr. Sneed ahead of time.

LEGAL BASES FOR RELIEF

Mr. Sneed is currently incarcerated in violation of state and federal law. These issues are addressed in turn.

First, Mr. Sneed's incarceration violates state law. As a threshold matter, the rushed May 2021 actions of the Parole Board—during which the Parole Board purported to strip Mr. Sneed of his parole status—violated Louisiana's Open Meetings Act. Second, apart from violating the basic notice requirements of the Open Meetings Act, the Parole Board ignored and disregarded their own regulations governing the "rescinding" of parole in Mr. Sneed's case; it also violated state law, which does not give the Parole Board the power to *rescind* parole without going through a formal *revocation* proceeding. The recent efforts to modify the Parole Board's regulations reflects the Parole Board's awareness that they did not comply with their own policies in taking Mr. Sneed's parole.

Mr. Sneed's incarceration also violates federal law. First, although the Parole Board claims to have "rescinded" Mr. Sneed's parole—a category of action to which fewer procedural protections ordinarily apply—it has (in fact) unlawfully "revoked" his parole without the Due Process required by the Fourteenth Amendment. Second, regardless of whether the action is characterized as "rescinding" or "revoking," the Parole Board's actions against Mr. Sneed and his ongoing imprisonment violate the First Amendment and the Due Process Clause's protection against vindictive state action. *See Sneed v. Abbott*, 21-cv-00279-JWD-RLB, R. Doc. 23, *35 (M.D.La. 07/20/21) (rejecting Parole Board's argument that Mr. Sneed failed to state a First Amendment claim and explaining "[Mr. Sneed] clearly appears to have alleged a First Amendment retaliation claim.").

Each basis for relief is addressed in turn.

I. The Parole Board’s May 10, 2021 “Hearing” Violated the Louisiana Open Meetings Law Therefor Rending its Actions Null and Void

While there have been many questionable actions of the Parole Board between March 15, 2021, the date Mr. Sneed’s parole was initially granted by a unanimous committee, and today (all of which will be discussed herein), the Court need only look at the Board’s actions with respect to Mr. Sneed’s Monday, May 10, 2021 “rescheduled parole hearing” where the Board voted to rescind its March 15, 2021 parole decision, for sufficient grounds to issue the writ of habeas corpus requested herein.

Louisiana Constitution Article XII, §3 states “[n]o person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law.” To define and describe this right of access, the legislature enacted the “Open Meetings Law set forth in LSA-R.S. 42:11, *et seq.*⁷ The Louisiana Board of Pardons & Parole is subject to the Louisiana Open Meetings Law and well as the Louisiana Public Records Law (LSA-R.S. 44:1 *et seq.*) See Board Directive 01-112-DIR “*Public and Legislative Relations*” dated October 20, 2020, see also *Stewart v. Department of Public Safety and Correctional* [sic], 2019-1205 (La. App Cir. 1 5/11/20); 303 So.3d 352 (2020), quoting *Hoffpauir v. State, Dept. of Public Safety and Corrections*, 1999-1089 (La. App. 1 Cir. 6/23/00); 762 So.2d 1219, 1220 (2000). Louisiana courts often have stated that the purpose of the Open Meetings Law is to allow the public to observe and evaluate public officials, public conduct, and public institutions. The law “is meant to protect citizens from secret decisions made without any opportunity for public input.” See *La. Atty. Gen. Op. No. 17-0026* quoting *Courvelle v. Louisiana Recreational & Used Motor Vehicle Comm’n.*, 2008-0952, pp. 5-6 (La. App. 1 Cir. 06/19/09), 21 So. 3d 340, 344-45.

LSA-R.S. 42:19 sets forth the “notice” requirements that public bodies must follow in order to comply with the Louisiana Open Meetings Law. Section 19(A)(1)(b)(i) specifically mandates that all public bodies “shall give written public notice of any regular, special or rescheduled meeting no later than twenty-four hours, exclusive of Saturdays, Sundays and legal holidays, before the meeting.”

⁷ LSA-R.S. 42:12 (A) provides the public policy behind requiring open meetings and instructs liberal construction on this body of law:

“It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.”

Included in the Parole Board's certified Administrative Record of Bobby Sneed's May 10, 2021 parole hearing (hereinafter the "Administrative Record"), are the two (2) notices issued by the Parole Board on Friday, May 7, 2021 informing Mr. Sneed (and presumably posted in the Office of the Parole and Pardon Board as well as on the Board's website as required by Louisiana Public Records Law to inform the general public) of his "new/rescheduled parole meeting to take place on Monday, May 10, 2021 at 9:00 a.m. C.D.T." The Board of Parole, acting through its Executive Director, Francis Abbott, provided Mr. Sneed's attorney (though not Mr. Sneed himself) with the first of these two (2) notices of the new Monday, May 10, 2021 parole hearing on Friday, May 7, 2021 at approximately 11 a.m. C.D.T. in that certain letter informing Mr. Sneed "that the Parole Board has voted to rescind the parole granted at [his] original parole hearing. That notice read as follows:

Bobby R Sneed
DOC# 81275
Louisiana State Penitentiary
Hwy. 66
Angola LA 70712

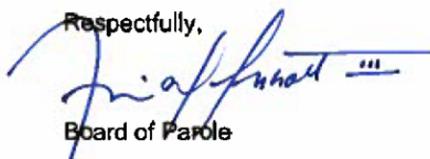
Dear Bobby R Sneed:

This correspondence is to advise you that the Parole Board has voted to rescind the parole granted at your original parole hearing.

This action was taken due to the following:

We have been advised that you have admitted to drug usage after your original parole hearing.

You will be scheduled for another hearing on 05/10/2021.

Respectfully,

Board of Parole

The Parole Board issued the second more comprehensive notice of Mr. Sneed's new May 10, 2021 at 8:00 a.m. (check-in at 7:45 a.m.) "parole meeting" via Zoom, on Friday, May 7, 2021 at approximately 11:17 a.m. C.D.T. *See* Ex. K. While Mr. Sneed will address the substance of this more formal notice, at this juncture, the Court merely needs only to note the date and times in which the notices were given by the Board and the date and time of the supposed "new parole hearing" on May 10, 2021 at 8:00 a.m. C.D.T.

Through counsel, Mr. Sneed repeatedly sought to have the "hearing" postponed, even if for a short while, to ensure appropriate notice; the Parole Board voted 2-1 to deny the requested continuance.

The Parole Board's rushed Friday announcement of a Monday morning hearing did not comply with the notice provisions of LSA-R.S. 42:19(A)(1)(b)(i). In fact, given that this provision specifically excludes "Saturdays, Sundays and legal holidays" from the calculation of the required minimum twenty-four (24) hour notice requirement and given that Louisiana Code of Civil Procedure Art. 5059 states that "[i]n computing a period of time allowed or prescribed by law or by order of court, the date of the act, event, or default after which the period begins to run is not to be included. The last day of the period is to be included, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday," the twenty-four (24) hour required advance notice period did not actually start to run until Monday, May 10, 2021, at least two (2) hours after Mr. Sneed's 8:00 a.m. Zoom parole hearing. Given these facts and pursuant to the provisions of LSA-R.S. 42:24, "[a]ny action taken [by the Board] in violation of [the Louisiana Open Meetings Law] shall be voidable by a court of competent jurisdiction." The Board and Executive Director should know that Monday, May 10, 2021's parole meeting was improper, especially after Mr. Sneed expressly decried the inadequate "notice" afforded to Mr. Sneed in his First Amended Complaint filed in the United States District Court for the Middle District of Louisiana on June 3, 2021 *Sneed v. Abbott*, 21-cv-00279-JWD-RLB, R. Doc. 23 (M.D.La. 07/20/21).

II. The Parole Board Violated its Own Policies and State Law When It Purported to "Rescind" Mr. Sneed's Parole

Assuming, *arguendo*, that there is a category of lawful Parole Board action known as "rescinding" a previous parole decision (a topic addressed in greater depth in Section II.C and Section III), whatever occurred on May 7 and May 10 was not a lawful "rescinding." In a vindictive rush to strip Mr. Sneed of his freedom, the Parole Board simply disregarded its own rules and policies. The foregoing assumes, however, that the Parole Board has the power to "rescind" parole without going through a formal revocation proceeding; in fact, it does not.

A. "Rescinding" Can Only Be Triggered Upon Formal Notification by Secretary LeBlanc

The Committee on Parole's own administrative rules provide that a decision to "rescind" requires first "notification by the Secretary of the Department of Public Safety and Corrections that an offender has violated the terms of the decision granted by the board or has engaged in misconduct prior to the offender's release." *See* La. Admin. Code Title 22, Part XI, § 504(K). This notification requirement serves a sensible and essential function—it prevents the Board from

acting based upon unverified and untested allegations, and critically, it prevents the Board from acting *sua sponte* where the Secretary’s own administrative process has determined that the offender did *not* engage in misconduct.

But as the Committee on Parole candidly admitted during the May 10, 2021 proceeding against Mr. Sneed, the Secretary did *not* provide the requisite “notification” in this matter. Nor has the Secretary delegated his authority under § 504(K) to any other individual within the Louisiana State Penitentiary.

Permitting the Committee on Parole to violate its own rules—to permit the Board to “rescind” a decision with (1) no notification from the Secretary, and (2) no verified wrongdoing by the parolee by prison officials—would lead to absurd results. It would allow a single actor like Mr. Marabella to nullify the Board’s considered ruling, simply because a vindictive prison guard decided to issue a (meritless) “write-up,” subsequently rejected by prison officials, for a minor offense and informally texted Executive Director Abbott. *See* La. Admin. Code Title 22, Part XI, § 513 (“Single-Member Action”). It would make it lawful to snatch away a previously granted parole simply because a lower-level prison official might disagree with the Secretary and/or a Disciplinary Board as to whether misconduct actually occurred. *Id.* What occurred with Mr. Sneed violated state law.

And the Parole Board has effectively admitted as much through subsequent revisions to its own rules. *After* Mr. Sneed sued in federal court, the Parole Board proposed the following rule change:

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part XI. Committee on Parole

§504. General Procedures

A.-J.2....

K. Upon notification by DOC or staff of the housing facility ~~the secretary of the Department of Public Safety and Corrections~~ that an offender has violated the terms of the decision granted by the committee or has engaged in misconduct prior to the inmate's release, the committee may rescind its decision to grant parole. In such cases, the inmate shall promptly receive another parole hearing.

They did so because they knew that the efforts to railroad Mr. Sneed, and to do in a case where Secretary LeBlanc was well aware of Mr. Sneed’s case but opted *not* to send notification to the Parole Board, was unlawful.

B. The Parole Board Similarly Ignored a Host of Other Regulations

The Committee on Parole ran roughshod over a host of other rules in stripping Mr. Sneed’s parole, too. For example, Mr. Sneed’s parole was apparently first stripped as part of an off-the-

record, backroom proceedings with non-public evidence; indeed, Mr. Abbott admitted as much privately and to the press regarding the May 7, 2021 action of Mr. Marabella. *But see* La. Admin. Code, La. Admin. Code Title 22, Part XI, § 111 (“There shall be no informal, off-the-record communications regarding the merits or the substance of an offender’s case between committee members for the purpose of influencing a decision of the committee outside of an official public hearing.”). The Legislature has ordered the Committee on Parole to disclose “all information pertaining to an individual’s misconduct while incarcerated, . . . [and] any correspondence by a public official . . . in opposition to, the . . . parole of an individual . . . upon request.” La. R.S. 15:574.12(G)(1). This plainly did not occur here. And, despite overwhelming evidence that someone (it is unclear who) communicated with the Committee on Parole regarding Mr. Sneed’s case before March 7, 2021—the Parole Board has thus far refused to make available text messages and emails despite a pending request under the Public Records Act—state law provides that it is a criminal offense to “contact or communicate with the committee on parole or any of its members . . . regarding any inmate” except in specified, transparent ways (which did not occur here). *See* La. R.S. 14:574.2.1.

Assuming that the “hearing” that occurred on May 10 was indeed a “new parole hearing,” none of the procedures that apply for parole hearings were followed. Mr. Sneed was not provided adequate notice of the hearing, he was not given any information whatsoever in advance of the hearing, he was not given an adequate opportunity to prepare with counsel, the victims were not notified, etc. State law requires that all hearings before the parole board must “be conducted in a formal manner in accordance with rules formulated by the committee and with the provisions of this Part.” La. R.S. 15:574.4.1. No such formality attached to the decision to strip Mr. Sneed of his parole based on evidence that, as Mr. Abbott put it, was “not open to the public” or the accused.

C. The Parole Board May Not “Rescind” Parole Without a Formal Revocation Proceeding

While the Parole Board has maintained that it acted to *rescind* Mr. Sneed’s parole rather than to *revoke* it—a technical distinction of tremendous importance for purposes of the Procedural Due Process analysis discussed below (*see infra*-Section III)—this argument fails. Mr. Sneed’s parole was not “rescinded” because the concept of “rescinding” parole is unknown under Louisiana law. There is literally not a single appellate case, state or federal, affirming that the Louisiana parole board can “rescind” a previous grant of parole (and, of course, not a single one suggesting they can do so after the prisoner’s release date has come and gone more than a month earlier).

Under Louisiana law, the Committee on Parole may “grant,” “deny,” “modify,” and “revoke” parole; the Committee on Parole lacks legal authority to withdraw a previously granted parole by “rescind[ing]” it. *See* La. R.S. 15:574.2—15:574.13. In this regard, the Committee on Parole’s authority is no different than that of a Louisiana trial court, which has the power to reconsider some decisions, but not others. *Cf. State v. Bullock*, 269 So. 2d 824, 825 (La. 1972) (explaining trial court “was without authority to rescind . . . [its] order,” which “was no longer subject to revision or reversal by the trial court which had rendered it.”). Title 15 makes no mention of an authority to “rescind” parole. No Louisiana court (at any level) has ever held that the Committee on Parole has the power to “rescind” a previously granted parole.

Of course, the Committee on Parole is still empowered to act if it wants to strip previously granted parole. But once a prisoner is granted parole, and certainly after a fixed release date has come and gone, Louisiana law provides that this individual remains paroled until such status is lawfully “revoked” (a process which requires a modicum of due process). *See* La. R.S. 15:574.9 (governing revocations). This feature of Louisiana law makes the Louisiana Committee on Parole unlike parole boards in jurisdictions that have expressly held their parole agencies retain the authority to rescind a grant of parole before release. *Compare* La. R.S. 15:574.2—15:574.13 *with State ex rel. Van Curen v. Ohio Adult Parole Authority*, 345 N.E.2d 75 (Ohio 1976) (holding Ohio law grants parole board unfettered power to rescind previous decisions before prisoner’s release).

It is unquestionably true that the Committee on Parole’s own regulations—which the Committee on Parole ignored in Mr. Sneed’s case—do refer to board actions to “rescind” parole. But it is a “fundamental rule” of administrative law that an agency cannot grant itself power that an enabling statute does not provide. *See Arrant v. Wayne Acree PLS, Inc.*, 187 So. 3d 417, 422–23 (La. 2016) (invalidating agency action purportedly supported by Louisiana Administrative Code as *ultra vires* where agency overstepped bounds of Legislature’s grant of authority); *see also* La. R.S. 15:574.2(D)(7) (granting Committee on Parole power and duty to “adopt such rules *not inconsistent with law* as it deems necessary and proper, with respect to the eligibility of prisoners for parole, and to the conditions imposed on persons released on parole”) (emphasis added). The Committee on Parole may not use its rulemaking authority to grant itself permission to bypass the detailed procedural framework established by the Legislature for granting and revoking parole—which include a panoply of procedural protections under state law on both ends.

To the extent the Parole Board maintains that it “rescinded” Mr. Sneed’s parole (albeit disregarding its own regulation to do so), such an action would be *ultra vires*. The Parole Board could have sought to *revoke* Mr. Sneed’s parole, a process that would have required steps like providing Mr. Sneed with actual notice of the allegations against him (see *infra*-Section III), but they chose not to do so.

III. The Parole Board Stripped Mr. Sneed of his Parole Status Without Due Process of Law

The reason the Parole Board has insisted that it “rescinded” Mr. Sneed’s parole rather than “revoked” it is because the U.S. Supreme Court has made clear that prisoners enjoy greater Due Process protections when state actors seek to revoke parole. Because of the numerous contradictions in official Board documents and statements made by Executive Director Abbot and certain members of the Board, it remains entirely unclear as to the manner(s) and extent in which the Parole Board violated the Due Process Clause, but it is abundantly clear that the Board violated Mr. Sneed’s procedural rights under the Fourteenth Amendment. On either the morning of Friday, May 7, 2021 or on the morning of Monday, May 10, 2021—some forty-six (46) days after Mr. Sneed’s fixed release date—Mr. Sneed’s parole was unlawfully stripped without due process.

Defendants did not afford Mr. Sneed even minimal due process as required under the Fourteenth Amendment. As the Court explained in *Morrissey v. Brewer*, the “minimum requirements of due process” in the parole revocation context include:

(a) written notice of the claimed violations of parole; (b) disclosure to the parolee of evidence against him; (c) opportunity to be heard in person and to present witnesses and documentary evidence; (d) the right to confront and cross-examine adverse witnesses (unless the hearing officer specifically finds good cause for not allowing confrontation); (e) a ‘neutral and detached’ hearing body such as a traditional parole board, members of which need not be judicial officers or lawyers; and (f) a written statement by the factfinders as to the evidence relied on and reasons for revoking parole.

408 U.S. at 489. In every regard, the procedures employed by the Committee on Parole and Mr. Abbott in stripping Mr. Sneed of his parole fell beneath this constitutional floor. He received no written notice; the evidence was kept secret; he had no meaningful opportunity to be heard and was completely denied the ability to call witnesses and present evidence; there were no witnesses against him (or, at least, none who were disclosed); the hearing body was manifestly biased against him; and no written statement was issued.

Further supporting the contention that Mr. Sneed’s parole was improperly “revoked” is the fact that the Defendants acted to strip Mr. Sneed of his parole, at the earliest, on May 7, 2021, well

over a month after the parole date fixed by the Committee on Parole and DPSC. Although Mr. Sneed was incarcerated in “the Dungeon” as the time, was no longer *lawfully* incarcerated at Louisiana State Prison when the adverse parole action commenced. The State of Louisiana cannot evade the due process requirements of *Morrissey* by unlawfully over-detaining prisoners, particularly where such unconstitutional over-detention is a well-recognized and endemic feature of the State’s prison system. See Lea Skene and Jacqueline DeRobertis, *State corrections overdetention woes, known since 2012, cost state millions, lawyer alleges*, BATON ROUGE ADVOCATE, Feb. 6, 2020, at https://www.theadvocate.com/baton_rouge/news/crime_police/article_eeb39b84-48f4-11ea-b66a-c3155f17c66a.html.

But Mr. Sneed can prevail on his procedural due process claim even if this Court concludes—as no other court has previously done—that the Louisiana legislature has given the Board of Parole the power to “rescind” an over-detained prisoner’s parole. As the Louisiana Supreme Court has explained:

Despite the general proposition that the existence of a parole system does not by itself give rise to a constitutionally protected liberty interest in early release, the United States Supreme Court found that the statutes of Montana and Nebraska did create an expectancy of release, such as was entitled to protection under the Due Process Clause. The Court found significant that the Montana statute “uses mandatory language (‘shall’) to create a presumption that parole release will be granted when the desired findings are made.” *Board of Pardons v. Allen*, 482 U.S. at 377–8. The Nebraska statute at issue stated that the Parole Board “shall order” release when it determines that release would not be harmful, unless certain specified conditions or factors exist that would preclude parole. Therefore, the Court found that the law’s ‘unique structure’ and mandatory language bound the Board to release an inmate unless one of the designated justifications for deferral was found. *Greenholtz v. Nebraska*, 442 U.S. at 12–13.

Bosworth v. Whitley, 627 So. 2d 629, 633 (La. 1993).

While Louisiana’s parole statutes “do not create an expectancy of release or liberty *in general*,” *id.* (emphasis added), the mandatory language in Louisiana’s parole statute accomplishes precisely that vis-à-vis a narrow class of prisoners: those for whom the parole board has already voted to grant unconditional parole release.⁸ Importantly, Louisiana law establishes two different types of parole grants: *conditional* parole grants (which cannot be said to create a liberty interest) and *unconditional* parole grants like the one Mr. Sneed received. *Conditional* parole grants are governed by La. R.S. 15:574.4.1(D) and La. Admin. Code, Title 22, Part XI, § 711 (“Conditional

⁸ In this regard, authority indicating that (as a general matter) Louisiana prisoners do not have a liberty interest in parole is inapposite. Mr. Sneed’s claim is not that the parole statute by itself creates a protected liberty interest for would-be parolees. It is, rather, that the Fourteenth Amendment is implicated once a prisoner is granted parole, with mandatory language, and his release date has come and gone.

Parole”). The statute specifies, in non-mandatory terms, that “[i]f the committee on parole determines that it is necessary for the prisoner to complete one or more rehabilitative programs prior to his release to ensure public safety and enhance the prisoner's opportunity for success, the release date of the prisoner may be extended to no later than nine months after the parole hearing or the most recent reconsideration of the prisoner's case.”⁹ But the statutory language governing non-“conditional parole” grants is phrased in mandatory terms, precisely the sort of language that creates a presumption that parole release will follow at the appointed date. *See* La. R.S. 15:574.4.1(C) (“All paroles *shall* issue upon order of the committee and each order of parole *shall* recite the conditions thereof; provided, however, that before any prisoner is released on parole, he *shall* be provided with a certificate of parole that enumerates the conditions of parole. These conditions *shall* be explained to the prisoner and the prisoner shall agree in writing to such conditions.”) (emphasis added); La. R.S. 15:574.4.1(D)(1) (“Except as provided in Paragraph (2) or (3) of this Subsection, the release date of the prisoner *shall* be fixed by the committee, but such date shall not be later than six months after the parole hearing or the most recent reconsideration of the prisoner's case.”) (emphasis added).

In Mr. Sneed’s case, once the Committee on Parole granted him parole (and certainly once the appointed release date arrived), Mr. Sneed had a liberty interest in his freedom that could not be arbitrarily stripped without a minimal amount of due process protection.

IV. The Parole Board Acted Vindictively against Mr. Sneed in Violation of the First Amendment

Even assuming the stripping of Mr. Sneed’s parole complied with the minimal requirements of procedural due process and state law, the actions of the Committee on Parole and Mr. Abbott (“I presented the paperwork and [Mr. Marabella] did the action”) offended the First Amendment. A federal court has already held as much, explaining that the allegations contained

⁹ *Accord* La. Admin. Code, Title 22, Part XI, § 711 (“A. When the committee determines that it would be in the best interest of the public and the offender, the committee may require successful completion of a specific rehabilitative program (i.e., substance abuse treatment, transitional work program, 100 hours of pre-release training, reentry program, attainment of high school equivalency (HSE) as a prerequisite to release on parole to ensure public safety and enhance the offender’s opportunity for success. 1. For conditional parole decisions, the committee will generally require completion of programs that have been certified by the Department of Public Safety and Corrections or that are recommended by the Division of Probation and Parole. 2. Program completion should occur within six months from the parole decision. However, if the program is more than six months in duration, the offender may be allowed up to nine months after the parole decision to complete the specified program. In no event, however, may the physical release from custody on parole extend beyond nine months from the hearing date. 3. If the offender has not successfully completed the program in nine months from the hearing date, the committee shall rescind or reconsider his parole and schedule a subsequent hearing.”).

in this filing (if established) state a valid First Amendment claim. *See Sneed v. Abbott*, 21-cv-00279-JWD-RLB, R. Doc. 23, *35 (M.D.La. 07/20/21).

Under the First Amendment, parole officials may not retaliate against a parolee for exercising the right of access to the courts, or for complaining of official misconduct. *Woods v. Smith*, 60 F.3d 1161, 1164 (5th Cir. 1995) (citations omitted). “To prevail on a claim of retaliation, a prisoner must establish (1) a specific constitutional right, (2) the defendant’s intent to retaliate against the prisoner for his or her exercise of that right, (3) a retaliatory adverse act, and (4) causation.” *DeMarco v. Davis*, 914 F.3d 383, 388 (5th Cir. 2019). Importantly, a prisoner like Mr. Sneed may prevail on the second and forth elements with proof of either “direct evidence of motivation” or, more frequently, “a chronology of events from which retaliation may plausibly be inferred.” *Woods v. Smith*, 60 F.3d 1161, 1166 (5th Cir. 1995).

Mr. Sneed has a strong First Amendment retaliation claim with respect to all four elements. It cannot reasonably be disputed that Mr. Sneed engaged in protected First Amendment activity when (both individually and through counsel) he vigorously contested the Disciplinary Board charges, challenged the credibility of Louisiana corrections officials, and spoke publicly on the excesses of the Louisiana penal system. The second element is supported both by direct evidence (Defendant Abbott’s derisive comments regarding the press coverage Mr. Sneed’s case had inspired) and by “a chronology of events from which retaliation may plausibly be inferred.” *Woods v. Smith*, 60 F.3d 1161, 1166 (5th Cir. 1995). Specifically, the Committee on Parole took no action against Mr. Sneed before he was cleared of wrongdoing by the Disciplinary Board, but then (only after Mr. Sneed engaged in protected activity) decided to strip Mr. Sneed of his parole. The Committee on Parole has offered no justification for why it decided to defer action on Mr. Sneed’s parole for weeks and weeks after the alleged wrongdoing and acted only *after* Mr. Sneed was already cleared of wrongdoing. The third element (“a retaliatory adverse act”) is established by the extraordinary *ex parte* actions of Mr. Abbott and Mr. Marabella on the morning of May 7, 2021, followed by the peculiar “clean up” hearing to redo the stripping of Mr. Sneed’s parole on May 10, 2021. The injuries were far more than “de minimis.” *Cf. Nyberg v. Davidson*, 776 F. App’x 578, 582 (11th Cir. 2019); *Watison v. Carter*, 668 F.3d 1108, 1115 (9th Cir. 2012); *Rauser v. Horn*, 241 F.3d 330, 334 (3d Cir. 2001).

And, for the reasons previously stated with respect to “motivation,” the “causation” element is also satisfied. The defendants’ adverse actions beginning on May 7, 2021, and

confirmed on May 10, 2021, were substantially motivated against Mr. Sneed's exercise of constitutionally protected conduct. If Mr. Sneed's alleged drug use were an independently sufficient basis for acting to strip his parole, Mr. Abbott and the Committee on Parole would have acted at some point in the preceding 43 days, not after Mr. Sneed was cleared of wrongdoing.

Independent of the First Amendment, it is a basic principle of our criminal legal system that actors may not retaliate against individuals for their exercise of his statutory or constitutional rights has been extended from sentencing judges (*North Carolina v. Pearce*, 395 U.S. 711 (1969)) to prosecutors (*Blackledge v. Perry*, 417 U.S. 21 (1974)) to parole boards. *See, e.g., Bono v. Benov*, 197 F.3d 409 (9th Cir. 1999), *Marshall v. Lansing*, 839 F.2d 933 (3d Cir. 1988). *Cf. Kindred v. Spears*, 894 F.2d 1477 (5th Cir. 1990). A party urging a "vindictiveness claim" (technically a species of Due Process violation) can establish a presumption of vindictiveness by pointing to a "salient triggering event" that moves the parole board into a "posture of self-vindication" or through evidence of actual vindictiveness. *Kindred v. Spears*, 894 F.2d 1477, 1479-81 (5th Cir. 1990). Although (without additional evidence) there is not ordinarily a "presumption of vindictiveness" when a parole board *sua sponte* reopens a case on its own, there is a "presumption of vindictiveness" when it is prompted to do so by another entity. *Bono*, 197 F.3d at 417 (finding presumption of vindictiveness where would-be parolee's successful assertion of his rights before another forum prompted the parole board's actions); *see also Kindred*, 894 F.2d at 1480 (indicating that prisoner's appearance before parole commission "in the role of the errant schoolboy who dared challenge his elder's wisdom" might trigger presumption, but not if he appeared as a "passive cog in a statutory machine").

Here, as in all vindictiveness cases, there was a "triggering event": Mr. Sneed's successful assertion of his rights before an administrative body and his unwillingness to accept Mr. Abbott's informal plea-bargaining entreaties on the evening of May 6, 2021. Moreover, it is plain that only because he protested the lawlessness of the Committee on Parole's May 7, 2021 *ex parte* "rescind[ing]" of his parole through formal motions that the May 10, 2021 "rescinding hearing" was held at all.

In response to Mr. Sneed's assertion of rights, the Committee on Parole took the unusually harsh action of stripping Mr. Sneed of his parole entirely (offering no explanation at the May 10 hearing for why it was refusing to entertain the lesser alternative course that Mr. Abbott initially proposed like sending Mr. Sneed to a nine-month drug treatment program in DOC custody, or

imposing additional restrictions on Mr. Sneed's parole like drug treatment). *But see* La. R.S. 15:574.7(C)(2)(a)(i) (providing that parole officials may *not* ordinarily order incarceration, let alone revoke parole outright, in response to a parolee's first positive drug test).

Unquestionably, Respondent will answer that the Parole Board was not acting vindictively against Mr. Sneed for asserting his statutory and constitutional rights, but rather responding to his alleged use of drugs. But (as with the First Amendment retaliation claim) this raises the question: Why was no action commenced against Mr. Sneed commenced until May 7? Why, if the Committee on Parole acted lawfully and properly on May 7, was the May 10 hearing conducted? There is far more than a "reasonable likelihood" that the Committee on Parole's unusual, indeed unprecedented, treatment of Mr. Sneed's case is the product of improper vindictiveness. *Bono*, 197 F.3d at 416.

PRAYER FOR RELIEF

Wherefore, Petitioner prays that this Court order his immediate release from custody.

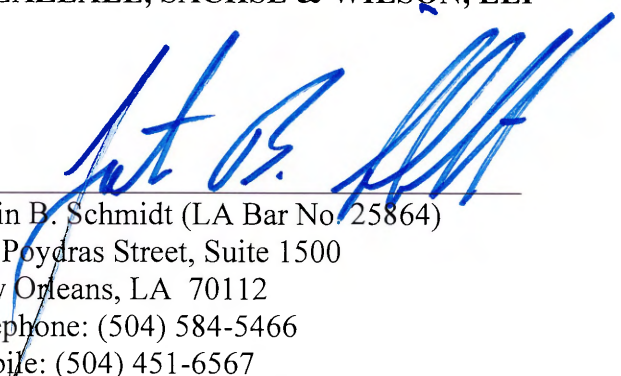
Respectfully submitted,

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PLEASE SERVE:

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Angola, Louisiana 70712

LOUISIANA BOARD OF PARDONS THROUGH ITS
COMMITTEE ON PAROLE
504 Mayflower Street
Building 6
Baton Rouge, Louisiana 70802

FRANCIS ABBOTT
504 Mayflower Street
Building 6
Baton Rouge, Louisiana 70802

Subject: RE: Bobby Sneed Release
Date: Friday, May 7, 2021 at 11:59:46 AM Eastern Daylight Time
From: Francis Abbott
To: Thomas Frampton
CC: Jonathan Vining
Attachments: B Sneed Rescind Letter.pdf

Mr. Frampton,

The Committee on Parole has made the decision to rescind its original decision to grant Offender Sneed parole and has schedule Offender Sneed for a new parole hearing before a parole panel on Monday 5/7/21.

Francis M. Abbott
Executive Director
Louisiana Board of Pardons & Committee on Parole
Office: 225-342-6624
Fax : 225-342-3701
email: francis.abbott@la.gov

From: Thomas Frampton [mailto:tframpton@law.virginia.edu]
Sent: Thursday, May 6, 2021 5:00 PM
To: Francis Abbott <Francis.Abbott@LA.GOV>
Cc: Jonathan Vining <Jonathan.Vining@LA.GOV>
Subject: Bobby Sneed Release

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Dear Mr. Abbott:

It is my understanding that the Parole Board has voted to grant Mr. Sneed parole, his addresses with Parole Project and the First 72+ have been approved, and that all disciplinary charges against him have been dismissed (the contraband charge after having been fully adjudicated). Can you please advise when he will be released? We are standing by to arrange pickup.

Many thanks,

Thomas

--

Thomas Frampton
University of Virginia School of Law
580 Massie Road
Charlottesville, VA 22903
tel: 202.352.8341

EXHIBIT A1

JOHN BEL EDWARDS
Governor



State of Louisiana
Board of Pardons and Parole

05/07/2021

Bobby R Sneed
DOC# 81275
Louisiana State Penitentiary
Hwy. 66
Angola LA 70712

Dear Bobby R Sneed:

This correspondence is to advise you that the Parole Board has voted to rescind the parole granted at your original parole hearing.

This action was taken due to the following:

We have been advised that you have admitted to drug usage after your original parole hearing.

You will be scheduled for another hearing on 05/10/2021.

Respectfully,

A handwritten signature in blue ink, appearing to read "J. Affranchi", followed by a horizontal line and three dots.

Board of Parole

CC:

Post Office Box 94304 • Baton Rouge, Louisiana 70804-9304 • www.doc.la.gov
Pardon — (225) 342-5421 • Fax (225) 342-2289 **Parole** — (225) 342-6622 • Fax (225) 342-3701
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In the Matter of the Parole Application of

Bobby Sneed

DOC# 81275

Louisiana State Penitentiary at Angola

Louisiana Board of Parole and Pardons

Committee on Parole

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On Brief:
Morgan Peoples, 3rd Year Law Student

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In the Matter of the Parole

Louisiana Board of Pardons

Application of Bobby Sneed

Committee on Parole

DOC # 81275

Louisiana State Penitentiary

SUMMARY OF INFORMATION

Current Age:	73 years old
Years of Incarceration:	46 years
Offense:	Second-Degree Murder, Principal
Parole Eligibility:	Act 280
Disciplinary Record:	No write-ups since 2015; Trusty Status over eight years
Education:	Graduated High School; College Courses

MEMORANDUM ON BEHALF OF BOBBY SNEED

May It Please the Committee,

Bobby Sneed is before this Honorable Committee seeking release on parole. Mr. Sneed has been incarcerated for over 46 years. In 1974, Mr. Sneed was arrested and subsequently convicted as a principal to second-degree murder and sentenced to life with parole after 40 years. Now, at age 73, Mr. Sneed is eligible for parole pursuant to Act 280.

Since arriving at Louisiana State Penitentiary, Mr. Sneed made personal and educational strides to better himself, which is apparent in his character today. During more than four decades of incarceration, Mr. Sneed studied the law, participated in rehabilitative programs, and strengthened his spiritual beliefs to grow into a well-educated and respectable man. He is entering the final years of his life and recently suffered a stroke. Despite health complications, Mr. Sneed is optimistic to return to society and spend his final years with his family. Mr. Sneed has

demonstrated that he is a rehabilitated individual who poses a low risk of recidivism and respectfully requests this Honorable Committee to grant him release on parole.

Background and Military History

Mr. Sneed was born on December 18, 1946. He was raised in Gibsland, Louisiana, which is located in Bienville Parish. His grandmother raised him because he was the second of nine children born to a single mother who struggled to support her children. Though his family was poor, and life was tough, Mr. Sneed graduated high school and earned a musical scholarship to Grambling College for playing the saxophone. Although he excelled in the university, Mr. Sneed left Grambling in 1966, with only 30 credits shy of graduating.

In 1966, Mr. Sneed was drafted into the Army and was sent to Vietnam. He served his tour and was honorably discharged in 1968. However, when Mr. Sneed returned from Vietnam, his family reports that he was not the same carefree individual. Instead, Mr. Sneed was always on the defense, he was more aggressive, and much more emotional than before. He seemed to have lost the outgoing and happy outlook on life that he once had.

Other than the offense for which he is incarcerated, Mr. Sneed has no other criminal history.

The Offense

Mr. Sneed lived in Chicago for a short period of time where he made a few friends. In June of 1964, three of Mr. Sneed's Chicago friends came to Gibsland, Louisiana, to visit and were looking to hustle some money. Some of the men had heard that an elderly couple had a safe with a lot of money. On June 13, 1974, Mr. Sneed and his five co-defendants decided to rob the Jones' house for the money in their safe. Charles Sneed, Eugene Wright, and Arthur Gardner entered the residence to carry out the robbery while Bobby Sneed and Andrew Rhodes stood about two blocks

away as lookouts. Alfred Critton drove the car the men used to leave the scene of the crime. While the three co-defendants were inside one of them beat Mr. Jones to death.

All six men were arrested. Mr. Sneed went to trial in 1975 and was convicted as a principal to second-degree murder and sentenced to life with parole after 40 years. Mr. Sneed filed a post-conviction application, and his conviction was vacated. In 1987, he was tried for the same crime and again convicted as a principal to second-degree murder and sentenced to life without parole. It is undisputed that Mr. Sneed did not enter the Jones' residence and acted as a lookout.

Of the six men originally arrested for this crime, Mr. Sneed is the only one who is still incarcerated. Two of Mr. Sneed's co-defendants agreed to testify and served no time. One co-defendant struck a deal with the state at the time of Mr. Sneed's second trial and received a reduced sentence. One co-defendant died in prison and Charles Sneed was released on parole.

Mr. Sneed recognizes that his actions make him just as culpable as the individuals who entered the Jones' home. By acting as a lookout, participating in this crime, and failing to intervene, Mr. Sneed acknowledges that he caused irreparable damage and deeply regrets his participation in this crime.

Education and Work History While Incarcerated

Mr. Sneed has an impressive education and work history during his incarceration. When Mr. Sneed first arrived at the Louisiana State Penitentiary at Angola, he began studying the law. He was a cook for a while, but soon pushed himself for more. Over his time at Angola and David Wade Correctional Facility, he became a clerk and inmate counsel. Mr. Sneed participated in a paralegal program as well to further his legal studies.

Mr. Sneed studied the law so well that he successfully appealed his conviction, which led to his second trial. After his second conviction, he worked for years to help write appeals for other

inmates seeking release. Mr. Sneed was successful in gaining release for many fellow inmates. He spent years doing this kind of work until a very serious stroke left him in a poor state of health. He spent years after this stroke relearning how to speak, walk, eat, and do many other everyday functions. He worked very hard at his recovery and went back to the legal work he had loved so much. Mr. Sneed acknowledges he cannot work as fast as he once did, but he still wants to do what he can to help people which is why he is currently working with CURE to advocate on behalf of other inmates.

Aside from his years of extensive legal work, Mr. Sneed also began leather working. He excelled in this craft over the years and enjoys making different styles of purses and belts. Although Mr. Sneed was not regularly involved in the Angola Rodeo, he would send some of his creations with other inmates to be shown at the rodeo. The biggest project Mr. Sneed has ever worked on is the shoeshine station he was in the process of creating for his son's barber shop. Before the pandemic hit, Mr. Sneed was building a chair and shoe stand from scratch for his son's barber shop.

Mr. Sneed was also active in the prison's sports community as a coach for the basketball, softball, volleyball, and football teams. There even used to be a program to train judges and referees for these sports, and he taught the judges and referees in that program. Prior to incarceration, he was active in sports and loved the relationships and environment of team sports. Additionally, Mr. Sneed is an accomplished musician with an extensive knowledge of musical theory and the saxophone. He previously taught a music theory class in prison, but that program does not exist anymore.

Mr. Sneed is self-motivated and has been since the beginning of his incarceration. He is a hardworking man who has never given up on himself or others. Mr. Sneed has worked hard to better himself and help others along the way, qualities that will benefit him in the future.

Programming

Mr. Sneed was incarcerated during a time when programming was not abundantly offered to individuals serving life sentences. Nonetheless, he began to participate in programming when it became more accessible because it was important to him to grow as a person. He has completed various rehabilitative programs, including 100 Hours of Prerelease, Substance Abuse, Anger Management, Thinking for Change, and Victim Awareness. These courses helped Mr. Sneed rehabilitate and change into a patient and compassionate individual. These programs also taught him how to function in modern society after spending 46 years in prison. Mr. Sneed's voluntary enrollment and completion of multiple self-help programs shows that he recognized his personal shortcomings and had a deep-rooted desire to change his mentality, to best prepare himself for the future.

The program that has meant the most to Mr. Sneed is Thinking for Change. This program taught him to think before acting, instead of just acting on impulse without considering other factors. In his own words, he said he used to be a selfish man who didn't care how his behavior effected other people, but taking this course caused him to consider his fellow man and how his actions affect so many other people. It also made him realize that it is impossible to know what other people are going through, and now he takes others into consideration and thinks through his behavior before acting.

Mr. Sneed is an active member of CURE. This is his most recent display of advocacy for others. While he did participate in the programs listed above, he spent many years learning the law

and using the law to help others. His membership in CURE provides him an outlet to remain active in his advocacy for others.

Spirituality and Personal Growth

Mr. Sneed is deeply remorseful for his role in the murder of Mr. Jones. His incarceration has given him time to reflect on his role in the offense and how he could have prevented the senseless act of violence that occurred. Mr. Sneed has always been a man of faith, but since being incarcerated he has leaned on his faith more than ever. He regularly attends the Living Word Ministry at the Louisiana State Penitentiary and is constantly seeking ways to strengthen and maintain his spiritual relationship.

Mr. Sneed was a young man at the time of his arrest and incarceration. He is now 73 years old and quickly slowing down. In 2005, he suffered a devastating stroke that forced him to relearn how to walk, talk, and function. Nevertheless, Mr. Sneed persevered through this hardship and made every effort to return to normal in order to help other people. He relied on his faith to get him through those hard times of healing and his strong relationships with his family.

Mr. Sneed still relies heavily on his faith today. He also looks at his family as a reason to keep going and to keep growing. He has maintained very strong relationships with some of his siblings, each of his four children, and several of his grandchildren. For these reasons, he is no longer the irresponsible young man he once was. Rather, Mr. Sneed is now an aged man full of growth, love, and knowledge that he wishes to continue to use to grow and help others.

Institutional Compliance and Low Risk of Recidivism

Mr. Sneed has now served 46 of his 73 years of life in prison, and has developed into an educated, respectful, and calm man. By maintaining steady jobs and enrolling in educational classes and programming, Mr. Sneed has proven that he is dedicated to bettering himself and

becoming a well-rounded individual. He has actively participated in programs that reduce his chance of recidivism.

According to the official risk assessment tools utilized by the Department of Corrections, Mr. Sneed poses a low risk of recidivism. Moreover, he has aged well past the propensity for criminal activity, and has taken steps to improve himself through education, programming, legal work, helping others, and religion. Moreover, Mr. Sneed has the support of his family and the Parole Project.

Although Mr. Sneed has 65 total write ups, it is worth noting that 57 of these write ups occurred during his first 30 years of incarceration. Over the past 15 years, Mr. Sneed has had only eight disciplinary write ups. His most recent write up was in 2016 for contraband, specifically cigarettes. This writeup was a major reason for Mr. Sneed to be denied parole during his first parole hearing in 2018. Since that write up, Mr. Sneed quit smoking and has maintained impeccable behavior ever since. He acknowledges that he broke a rule, although it is worth noting his punishment for this write up was a loss of phone privileges and it did not cause him to lose his trusty status.

Reentry Plan

Mr. Sneed's reentry plan will increase the likelihood of his success on parole. Upon release, he will live with the Louisiana Parole Project and fully participate in its reentry program. In the first few weeks, he will be taught essential life skills such as banking, shopping, and using a cell phone. The Parole Project will also assign Mr. Sneed a reentry coach/mentor, who will work with him for at least a year to ensure a completely successful transition back to society. After this transition period, he will have a few long-term residence options. His sister, brother, and daughter have all expressed willingness to take him in after his transition period and to continue to help him

succeed. Mr. Sneed has also worked with Norris Henderson, who runs The First 72 Plus program, while incarcerated and has expressed his desire to move to New Orleans and continue working with this program.

Since Mr. Sneed is a Veteran who is 73, he will rely on the Office of Veterans Affairs and Social Security for most of his income. The VA will offer him assistance because of his exposure to Agent Orange during his tour of Vietnam. Through the assistance of the Parole Project and his family, Mr. Sneed will undoubtedly become a successful member of society.

Conclusion

Mr. Sneed is extremely remorseful for his participation in a senseless offense that led to the death of another person. He has spent his time in prison trying to better himself and help others and has no intentions of ever returning to a life of crime. Mr. Sneed has taken many steps to ensure that his release from prison is successful. With the assistance of the Parole Project, he will successfully complete the remainder of his sentence outside the gates of prison.

Bobby Sneed respectfully requests this Honorable Committee to consider his remorse, rehabilitation, and growth, along with his viable reentry plan through the Louisiana Parole Project and to grant him parole under any conditions deemed appropriate.

Respectfully Submitted,

/s/ Jane Hogan

Robert Lancaster, Bar Roll No. 32539
Jane Hogan, Bar Roll No. 35172
LSU Parole & Reentry Clinic
PO BOX 80839
Baton Rouge, LA 70898
(225)578-8262
(225)578-6018 (fax)
jane.c.hogan@gmail.com

DATE: 08/05/20
AMENDED: 01/09/18DPS&C CORRECTIONS SERVICES
MASTER RECORDTIME: 13:40
PAGE 1

----- D E S C R I P T I O N -----

DOC #...: 00081275
NAME: SNEED, BOBBY RCURRENT LOC: LA STATE PEN
B/M

DOB.....: 12/18/1946

SID NUMBER: 000917881
DRIVER LIC:
HGT.....: 6`00
EYES.....: BROWNFBI NUMBER: 816 256N4
-
WEIGHT.....: 150
COMPLEXION:SOC.SEC.....: 438743718
STRIKE.....: NO
HAIR.....: BLACK
SHOE SIZE.: 100

***** R E L E A S E I N F O R M A T I O N *****

DN

DNA: Y

OFFENDER CLASS: 01

GT ACT.: ACT 739

TEST DATE: 01/29/2002

WRED:

PED: 08/01/2017

DS ...: NO/NE/

FTD: LIFE

ECC DATE: / /

ADJUSTED.: NONE

PB ACTION...:

TOTAL SENTENCE
LIFE

TYPE ACTION: REH

MS ON TOTAL LOSS OF GT
TO DATE: 0013

ACTION DATE: 12/07/2020

RESTORED: 0

CTRP Release Factor: 0 DAYS

COMMENTS: UPDATE CAJUN

DETAINDER: N DETAINDER INFO:

WARRANT.:

WARRANT DATE.:

WANTED FLASH.:

----- O F F E N S E I N F O R M A T I O N -----

SEX OFFENDER...: N

CVNR...: N

DOCKET NUMBER	PAR CON	HW CR	SENTENCE DATE	MOD1&2	STATUTE	TERM CNT	YYMMDD	HW CR	REV FLG	GT ACT	APP JCR
11079	CLA	NA	05/01/87	/	SECOND DEGREE MUR	001	LIFE	NA		739	0314

DOC #.: 00081275 NAME.: SNEED, B

PG 2

----- A L I A S -----

NONE FOUND

MISCELLANEOUS SSN(S)

NONE FOUND

***** E M E R G E N C Y C O N T A C T *****

EMERGENCY CONTACT: CLARA LEWIS
EMERGENCY ADDRESS: 1560 MARSALIS DRIVE
EMERGENCY ZIPCODE: 71001RELATION.....: SISTER
EMER.CITY/ST: ARCADIA LA
EMERGENCY PHONE: (318) 773-6050

----- P E R S O N A L D A T A -----

ADDRESS.:1949 FLORIDA ST ARCADIA, LA 71001

BIRTH CITY: GIBSLAND ,LOUISIANA

MARITAL ST: CHILDREN: 04

EDUCATION.: 00 YRS. ELOC.....: 1

OCCUPATION: UNSKILLED; LABORERS

MOTHER`S NAME:

FATHER`S NAME: CLEO SNEED

----- S C A R S - M A R K S - T A T T O O S -----

MARK/INFIRMITY.1: TAT LF ARM

LITERAL: BOBBY

MARK/INFIRMITY.2: TAT RL ARM

LITERAL: LOVE

MARK/INFIRMITY.3:

LITERAL:

MARK/INFIRMITY.4:

LITERAL:

MARK/INFIRMITY.5:

LITERAL:

----- T R A N S F E R I N F O R M A T I O N -----

ASSIGNED LOCATION	PHYSICAL LOCATION	FROM DATE	TYPE SUPV
OAS/SOUTH JAILS	CLAIBORNE PP (FEMALES	05/01/87	A NEW CONVICTION/COMMI
LA STATE PEN	LA STATE PEN	06/22/87	A TRANSFER (INTRA DIVI
DAVID WADE CORR CTR	DAVID WADE CORR CTR	05/08/00	A ADMN
DAVID WADE CORR CTR	E.A. CONWAY HOSPITAL	03/03/05	A HOSPITAL
DAVID WADE CORR CTR	DAVID WADE CORR CTR	03/15/05	A FR HOSPITAL
WCC/FORCHT-WADE CORR	WCC/FORCHT-WADE CORR	02/12/07	A ADMN
WCC/FORCHT-WADE CORR	LSU MEDICAL CTR-SHREV	04/11/09	A HOSPITAL
WCC/FORCHT-WADE CORR	WCC/FORCHT-WADE CORR	04/14/09	A FR HOSPITAL
WCC/FORCHT-WADE CORR	LSU MEDICAL CTR-SHREV	08/16/09	A HOSPITAL
WCC/FORCHT-WADE CORR	WCC/FORCHT-WADE CORR	08/23/09	A FR HOSPITAL
LA STATE PEN	LA STATE PEN	01/04/10	A ADMN

LSP59

PRINTED BY

08/05/20

LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS
CONDUCT REPORT

NAME: Bobby Sneed

DOC#: 81275

DATE: 6.20.03

[illegible]

Contraband (B)
Defiance (E)
Disobedience (A)
Agg. Disobedience (B)
Disorderly Conduct (A)
Disrespect (A)
Escape (B)

10. Fighting (B)
11. Agg. Fighting (B)
12. Gambling (B)
14. Intoxication (B)
15. Malingering (B)
17. Property Destruction (B)
18. Radio/TV Abuse (B)
19. Self-Mutilation (B)

- 21. Agg. Sex Offenses (B)
- 22. Theft (B)
- 24. Unauthorized Area (A)
- 26. Unsanitary Practices(A)
- 27. Work Offenses (A)
- 28. Agg. Work Offenses (B)
- 30. General Prohibited Behaviors A-W

LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS

CONDUCT REPORT

NAME: *Bobby Ineed*

DOC. #: *81275*

DATE:

REPORT

BOARD ACTION

NO.	INCIDENT DATE	RULE NO.	HEARING DATE	REPRI-MAND	EXTRA DUTY	ISOLA-TION	FTE	RECOMMEND CHANGE (JOB, QTRS., INST.)	LOSS OF PRIVILEGES
38	1-6-89	4	1-9-89		4 days	Susp	30		
39	9/3/89	17	9/6/89					Susp 90 days	2 wks cartoon
40	9-21-89	5, 7	9-26-89						2 wks cartoon
41	3-17-91	10	3-18-91					5 days transfer Hic Unit farmline	as
42	6-23-91	5	6-24-91		8 days	Susp	90 days	cr-2	
43	7-7-91	1	7-8-91 7-10-91					transf Camp	
44	9-15-93	IR	9-17-93 9-20-93		Susp 90 days			Camp Tent 4/10	management
45	12-5-93	12	12-6-93		2 hr				2 wks yard
46	5-17-94	4	5-23-94 5-25-94					Susp 90 days	2 wks yard
47	8-6-94	4	8-8-94					Susp 90 days	2 wks cartoon
48	9-17-94	1	9-19-94 9-21-94					D. Rav. F/L	
49	5-2-95	10	5-3-95					10 days cr-2	Susp 90 days
50	3-8-96	IR	3-11-96					Take	
51	3-8-96	5	3-11-96		8 days				
52	2/3/95	5	2/5/98						
53	4-7-03	30m	4-9-03					Out. 4/10	12 wks cartoon
54	4-8-03	17	4-14-03						12 wks phone
55	6-11-03	1	6-19-03		10				

LOUISIANA STATE PENITENTIARY

ANGOLA, LOUISIANA

CONDUCT REPORT

NAME: Bobby Ray Sneed
 REG. NO: 81275
 DATE: June 4, 1982

REPORT

BOARD ACTION

22. 5/30/82 Contraband

23. 7-4-82 Disobedience

24. 9-1-82 Disobedience

25. 11-6-82 Disobedience, Aggravated

26. 1-16-83 Fighting, Defiance

27. 2-3-83 Aggravated Work Offense

Transfer to Hickory 2, Line 4.

2 weeks no store. dh

1 day extra duty. dnj

7 days isolation. dnj

Transfer to Camp A B Tier Line :
dnj

6 days extra duty. dnj

INMATE REMAINED REPORT-FREE FOR 90 DAYS
 REPORT REMOVED FROM RECORD 6-5-84
 dnj

28. 9-22-83 Unauthorized Area

29. 10/13/83 Disobedience, Unauthorized Area

30. 10-30-83 Disobedience

31. 1-28-84 Unauthorized Food

INMATE REMAINED REPORT-FREE FOR 90 DAYS
 REPORT REMOVED FROM RECORD 6-5-84
 dnj

31. 11-6-85 Contraband, Degiance

32. 11-7-85 Disobedience

33. 1-27-86 Contraband, Property Destruction

34. 2-20-86 Agg. Disobedience

35. 7-20-87 Agg. Disob., Agg. Sex offense

36. 4-8-88 Agg. Disob.

37. 5/23/88 Simple fighting

2 days extra duty suspended 90 d
dnj

Reprimand and Warned. dnj

2 weeks no store. dnj

~~1 day extra duty, suspended 90
days. dnj~~Transfer to Camp J Ext. L/D
RR

Loss 2 weeks store. RR

5 dys. isol. and loss of 2 weeks
store. srLoss of 2 wks. store, susp. for 90 d
srTrans to Camp C walf L-12
Ⓟ

Reprimand, susp 90 day Ⓟ

Trans to Camp 10, Jail Unit,
Jailhouse. Ⓟ

LOUISIANA STATE PENITENTIARY

ANGOLA, LOUISIANA

CONDUCT REPORT

NAME: Bobby Ray Sneed
 REG. NO: 81275
 DATE: April 20, 1976

REPORT

BOARD ACTION

1. 5-17-76 Quality and Quantity of Work	1 day extra duty.
2. 7-5-76 Fighting	Five days isolation. Transfer to Camp H Farmline(Medium).
3. 8-7-76 Contraband	Ten days isolation and loss of 21 goodtime.
4. 11-26-76 Gambling	4 days extra duty.
5. 4-19-78 Radio and TV Abuse	Reprimand
6. 8-31-78 Contraband(money)	Reprimanded.
7. 11-8-78 Fighting	4 days extra duty, credit for 5 days in Adm. L/D, 0 days to do.
8. 5-8-79 Work Offenses	2 days extra duty.
9. 5-8-79 Disobedience, Aggravated, Disrespect	10 days isolation.
10. 7-3-79 Gambling	2 weeks no movie.
11. 7-11-79 Gambling	Reprimand
12. 7-27-79 Gambling	3 days extra duty.
13. 9-24-79 Gambling	Loss of store privileges 1 week.
14. 3-11-80 Disobedience	2 days extra duty.
15. 9-30-80 Gambling	2 days extra duty.
16. 10-1-80 Disobedience	Uphold low court decision-1 day extra duty.
17. 12-24-80 Unauthorized Area	2 days extra duty in kitchen.
18. 8-5-81 Contraband	10 days isolation.
19. 8-16-81 Disobedience	2 days extra duty in kitchen.
20. 9-6-81 Disobedience	Reprimand.
21. 10-1-81 Disobedience	2 days extra duty in kitchen.
22. 11-13-81 Fighting	5 days isolation suspended 90 days 4 days extra duty (credit for 3 days in Administrative Lockdown) 1 days extra duty.

INMATE REMAINED REPORT-FREE FOR 90 DAYS
 REPORT REMOVED FROM RECORD 4/27/82



parole project

Reentry Contract and Accountability Plan

Participation in the Louisiana Parole Project step-down-reentry program requires adherence to all rules and procedures set forth by the Parole Project and any of its collaborative entities or partners. This includes, but is not limited to, Joseph Homes (Baton Rouge) and The Refinery Mission (Opelousas).

Client agrees to:

Obtain and maintain a living wage employment (if applicable); Maintain stable housing; Remain sober; Comply with all probation and parole guidelines; Make every effort to reconnect with a family member (if applicable).

Client also agrees to participate in an intense (one week minimum) life skills training program facilitated by the Parole Project, and participation in a three-month (minimum), or duration as set forth by the Parole Committee, residential program of The Refinery Mission.

In agreeing to participate, you are making this transitional period as seamless as possible while establishing a great foundation to build upon.

By signing below, you, agree with and make yourself accountable to these requirements.

Print: Bobby SNEED

DOC# 81275

Sign: [Signature]

Date: 3-13-18

LPP Representative: [Signature]

Note: The submission of this Reentry Accountability Plan does not guarantee enrollment into the Parole Project Program.

April 27, 2021

Jonathan Vining
General Counsel
Louisiana Department of Public Safety & Corrections

Via electronic mail

SUBJECT: Bobby Sneed (DOC No. 81275)

Dear Mr. Vining:

I am writing to share my concerns about irregularities, both procedural and substantive, I have encountered in relation to alleged infractions by Mr. Sneed. I would direct my concerns to officials at Louisiana State Penitentiary, but no Disciplinary Board Chairman has been assigned to his matter (despite the fact that over a month has gone by during which Mr. Sneed has been held in Administrative Segregation). The Disciplinary Board proceedings against Mr. Sneed should be dismissed.

I. Either Mr. Sneed's Right to a Hearing Within 72 Hours Has Been Violated, or LSP Has Decided to Abandon Its Rules for Disciplinary Board Hearings.

Pursuant to DPSC's "Disciplinary Rules and Procedures for Adult Offenders," Mr. Sneed enjoys a "right to a hearing within 72 hours of placement in Administrative Segregation." The Disciplinary Rules also set forth specific procedural requirements governing the order of proceedings. "[A]ll rights and procedural requirements must be followed unless waived by the accused," and every part of the proceedings "must be recorded in their entirety and the recordings preserved in accordance with the Department's record retention policy for use in any subsequent judicial review or any other court proceedings."

For our purposes, the most relevant parts of the Disciplinary Rules are the requirement that a "properly composed board" be empaneled, consisting of a Chairman and a Member. Then an accused must acknowledge "on the record" that he is familiar with his rights. Then, only after (1) entering his appearance and acknowledging his rights, (2) having the Chairman "read the Disciplinary Report aloud and ask for a plea," and (3) the entry of a plea, can "Preliminary Motions" be made. One of the "Preliminary Motions"

that is expressly contemplated by the Disciplinary Rules is a “Motion for a Continuance to Secure [Outside] Counsel.”

In Mr. Sneed’s case, it does not appear that LSP has even attempted to follow its own Disciplinary Rules, and it is unclear whether a Hearing has actually commenced. In support of the position that no Hearing has commenced within 48 hours:

- On March 31, 2021, Deputy Warden Joe Lamartiniere stated he was not sure if Mr. Sneed’s Disciplinary Board hearing had commenced yet or not.
- On April 20, 2021, in direct response to the written question when Mr. Sneed’s Disciplinary Board Hearing began, Heather Hood replied in writing: “He has not has [sic] his hearing yet.”
- On April 21, 2021, Amanda Smith further explained: “Until the hearing is scheduled we will not know who will be on the board. As soon as we get it scheduled I can let you know.”
- Despite multiple requests for the copy of all recordings from any purportedly “already commenced” Disciplinary Board Hearing, LSP officials have provided nothing.
- Despite multiple requests for their names, LSP officials have still not identified the Chairman and Member of Mr. Sneed’s purportedly “already commenced” Disciplinary Board Hearing.

The foregoing suggests that, in fact, no Disciplinary Board Hearing as contemplated by the Disciplinary Rules has commenced. Whatever has happened thus far is no more a “hearing” than our phone class over the past few weeks.

On the other hand, I have received paperwork from LSP indicating that *something* has been going on, though nothing resembling an orderly proceeding as contemplated by the Disciplinary Rules has occurred. One piece of paper I have received indicates the dates of the hearing were April 30, 2021, April 5, 2021, April 6, 2021, and/or April 8, 2021. But nothing indicates (1) whether Mr. Sneed was actually present on those dates; (2) whether the required recordings of proceedings were made on those dates; (3) who the Disciplinary Board Chairman and Member were. One piece of paper I have received—“DISCIPLINARY COURT MOTIONS (Form B-05-001-B)” —indicates that a motion for outside counsel was granted, but the only date appearing on this document is 3/25/21. And, indeed, Amanda Smith has stated in writing, “On 3/25 he [Mr. Sneed] made the motion for outside counsel and the lab results.” Yet a separate document LSP has provided indicates that a motion for counsel was made on 4/8/21. With respect to Mr. Sneed’s purported motion to delay the hearing to receive lab results, as mentioned above, Ms. Smith has stated in writing that such a motion was made on 3/25; Heather Hood, however, has stated (also in writing)

“Mr. Sneed made a motion to get the Tox cup results 04/06/21[.]” No record of the motion was provided when I asked for a copy of all relevant documents.

It is because of the repeated contradictory answer I have received from LSP staff that I have repeatedly requested recordings of whatever proceedings occurred on April 30, 2021, April 5, 2021, April 6, 2021, and/or April 8, 2021. *See, e.g.*, Email to Amanda Smith, Heather Hood, Jonathan Vining, Tim Hooper, Joe Lamartiniere, Stephanie Lemartiniere, Tracy Falgout (April 21, 2021) (“Was [4/8] the first time he appeared before the DB? Is it your position that he did not appear before the DB because no board has been comprised yet? Again, since all of this is supposed to be on the record, I would like recordings of any proceedings that have occurred thus far.”). But thus far I have heard nothing. This is—to put it mildly—a complete mess, and nothing like the orderly, on-the-record procedure mandated by the Disciplinary Rules.

II. There Is Evidence that Critical Records Were (at Best) Recklessly Completed, or (At Worst) Improperly Altered

I have grave concerns about the evidence that will presumably be used to establish the violation of the Disciplinary Rules as alleged. One set of documents indicates that tests on Mr. Sneed’s urine were conducted by Col. William Rosso, and then samples were properly secured in a refrigerator Lt. Col. Willard Gauthier; another set of documents indicates that the tests were conducted by Lt. Col. Willard Gauthier and then *not* re-fridgerated as required. No explanation for the multiple records has been provided.

SIGNATURE OF STAFF CONDUCTING TEST: <i>LT Col. Willard Gauthier JR</i>	
IF POSITIVE, COMPLETE THIS SECTION FOR SECOND DRUG TEST, ADULTERATED TEST OR FOR CREATININE USE AFTER THE FOUR HOUR TIME LAPSE:	
Type of Test: <i>600489</i>	Date: <i>3/25/21</i>
Lot#: <i>600489</i>	Exp. Date: <i>10/13/22</i>
Test conducted by (print): <i>LT Col. Willard Gauthier JR</i>	Time test conducted: <i>3:30 pm</i>
Test Cup Checklist (if applicable):	
1. Temperature: <input checked="" type="checkbox"/> Within 90° - 100° for 4-6 minutes <input type="checkbox"/> Outside of range (sample unacceptable)	
Any other observations:	
2. Test Valid: <input checked="" type="checkbox"/> All drugs <input type="checkbox"/> No control line (re-test using new Test Cup <input type="checkbox"/>)	
Results: <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Positive	If positive indicate- Drug Type: <input type="checkbox"/> THC <input type="checkbox"/> OPI <input checked="" type="checkbox"/> MET <input type="checkbox"/> COC <input type="checkbox"/> AMP <input type="checkbox"/> OTHER
<input checked="" type="checkbox"/> Un-Adulterated <input type="checkbox"/> Adulterated	If Adulterated- Type: <input type="checkbox"/> ph/ox <input type="checkbox"/> Cr/Ni
Signature of staff conducting test: <i>LT Col. Willard Gauthier JR</i>	
Sample secured in refrigerator by (if applicable): <i>N/A</i>	Date:

Signature of Staff Conducting Test: <i>[Signature]</i>	
IF POSITIVE, COMPLETE THIS SECTION FOR SECOND DRUG TEST, ADULTERATED TEST OR FOR CREATININE USE AFTER THE FOUR HOUR TIME LAPSE:	
Type Of Test: Tox Cup <i>600489</i>	Date: <i>3/25/21</i>
Lot#: <i>600489</i>	Exp. Date: <i>10/13/22</i>
Test conducted by (print): <i>Colonel William Rosso</i>	Time test conducted: <i>3:30 pm</i>
Test Cup Checklist (If applicable):	
1. Temperature: <input checked="" type="checkbox"/> Within 90°-100° for 4-6 minutes <input type="checkbox"/> Outside of range (sample unacceptable)	
Any other observations:	
2. Test Valid: <input type="checkbox"/> All Drugs <input type="checkbox"/> No Control line (re-test using new Test Cup <input type="checkbox"/>	
Results: <input type="checkbox"/> Negative <input checked="" type="checkbox"/> Positive	If positive indicate- Drug Type: <input type="checkbox"/> THC <input type="checkbox"/> OPI <input type="checkbox"/> MET <input type="checkbox"/> COC <input checked="" type="checkbox"/> AMP <input checked="" type="checkbox"/> Meth <input type="checkbox"/> Other: _____
<input checked="" type="checkbox"/> Un-Adulterated <input type="checkbox"/> Adulterated	If Adulterated - Type: <input type="checkbox"/> Ph/ox <input type="checkbox"/> Cr/Ni
Signature of staff conducting test: <i>William Rosso</i>	
Sample secured in refrigerator by (if applicable) <i>LTC William Rosso</i> Date: <i>3-25-21</i>	

But even if there is a benign explanation, such discrepancies undermine the reliability of any evidence that might be presented at a Disciplinary Board Hearing.

III. LSP Has Shown Little Regard for Mr. Sneed's Right to Counsel

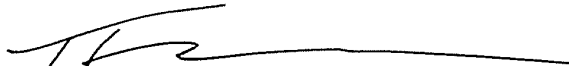
LSP officials have repeatedly asserted that Mr. Sneed's purported "already commenced" Disciplinary Board Hearing was supposedly "paused" on either March 25, 2021 or on April 8, 2021 on account of Mr. Sneed's motion for counsel. But that does not explain why Mr. Sneed remains in limbo, in Administrative Segregation, since that time. The identity of Mr. Sneed's attorney was known to you on March 25, 2021, and to Deputy Warden Joe Lamartiniere on March 31, 2021. Indeed, I am confident Deputy Warden Lamartiniere was subjectively aware of who Mr. Sneed's attorney would be, because he directly told me that Mr. Sneed would not be permitted to have outside counsel. *See also* Email to Heather Hood and Jonathan Vining, April 20, 2021 ("It's been almost a month now and I haven't heard a single word from Angola, despite information from you . . . that, despite I was told by Angola staff, he would be allowed to have retained outside counsel (me).").

LSP's hostility to Mr. Sneed being assisted by outside counsel—as the Disciplinary Rules contemplate—has been reinforced by the obstacles LSP has created to having attorney-client communications with him. As you know from being copied on a small fraction of our correspondence, LSP's latest position as of this afternoon (never before enforced) is (1) that in order to schedule a private attorney-client conversation with Mr. Sneed, I must use the word "CONVENTIONAL" in my request, and (2) if I use the word "CONVENTIONAL" in my request, an attorney-client call is unavailable.

IV. Private Charities Are Ready, Willing, and Able to Pay for Mr. Sneed's In-Patient Drug Treatment if his Parole is not Rescinded

The extent to which LSP is willing to disregard its own policies, and perhaps even Louisiana criminal statutes, is particularly bewildering given the practical consequences of “proving” Mr. Sneed used drugs. If the Disciplinary Board Hearing results in a conviction, Mr. Sneed will in all likelihood die in prison, costing Louisiana taxpayers \$24,670.35 per year until that day arrives. *See* Budget and Cost Data Summary, at <https://s32082.pcdn.co/wp-content/uploads/2020/08/0d-Budget-Human-Resources-PE.pdf> (last accessed April 27, 2021) (figured based on per offender / per day cost of \$67.29 at LSP). If, however, the proceedings are dismissed, Mr. Sneed will be supervised on parole, and private charities will pay for in-patient drug treatment. The latter is the better option.

Sincerely,

A handwritten signature in black ink, appearing to read 'TFrampton', followed by a long horizontal line.

Thomas Frampton
Associate Professor of Law, University of Virginia
Affiliation for identification only

**IN RE: BOBBY SNEED
DISCIPLINARY BOARD HEARING**

**MOTION TO DISMISS FOR FAILURE TO COMPLY WITH
LOUISIANA ADMINISTRATIVE CODE TITLE 22
("DISCIPLINARY RULES AND PROCEDURES FOR ADULT OFFENDERS"),
72-HOUR RULE**

Mr. Sneed respectfully prays that the Disciplinary Board dismiss this matter for violation of the 72-Hour Rule.

I. The 72-Hour Rule Has Been Violated

Pursuant to DPSC's "Disciplinary Rules and Procedures for Adult Offenders," Mr. Sneed enjoys a "right to a hearing within 72 hours of placement in Administrative Segregation." Title 22, Sec. I-B (herein "Disciplinary Rules"), § 341(J). The Disciplinary Rules also set forth specific procedural requirements governing the order of proceedings. "[A]ll rights and procedural requirements must be followed unless waived by the accused," Disciplinary Rules, § 341(G)(4)(b), and detailed procedures govern each step of the process. This includes compliance with the 72-hour rule. Disciplinary Rules, § 341(G)(3)(b).

The Disciplinary Rules establish what constitutes the commencement of a Hearing. The Disciplinary Rules provide that a "properly composed board" be empaneled, consisting of a Chairman and a Member. Disciplinary Rules, § 341(G)(3)(B). Then an accused must acknowledge "on the record" that he is familiar with his rights. Then, only after (1) entering his appearance and acknowledging his rights, (2) having the Chairman "read the Disciplinary Report aloud and ask for a plea," and (3) the entry of a plea, can a "Preliminary Motions" be made. One of the "Preliminary Motions" that is expressly contemplated by the Disciplinary Rules is a "Motion for a Continuance to Secure [Outside] Counsel." Disciplinary Rules, § 341(G)(4)(b).

Two other features of the Disciplinary Rules bear emphasis, and relate to the question whether Mr. Sneed's right to a hearing within 72 hours was violated. First, the accused may waive his presence at any hearing and choose to have counsel be present instead, including entering a plea for him. Disciplinary Rules, § 341(G)(4)(d). Second, pursuant to the Disciplinary Matrix/Sanctions Matrix (attached as Ex. 1), the maximum possible sentence for Mr. Sneed in this case is 0-10 days of Disciplinary Segregation. (He has already spent a month in segregation while waiting for his Disciplinary Board hearing to begin.)

Mr. Sneed was formally accused of wrongdoing on March 25, 2021. That same day his lawyer notified General Counsel Jonathan Vining that Mr. Sneed was represented by counsel, and exercising all relevant rights. *See* Email (attached as Ex. 2) ("[I]f any adverse administrative actions, including parole revocation, are contemplated, please be advised that Mr. Sneed does not waive any of his rights, and I will be representing him at all stages."). Yet on March 31, 2021, Deputy Warden Lamartiniere incorrectly informed undersigned counsel that (1) he did not know if Mr. Sneed's hearing had begun yet, and (2) in any case, it was a moot point, because he would not permit Mr. Sneed to have outside counsel. *See* Email (attached as Ex. 3) ("More concerning, [Lamartiniere] stated (1) he wasn't sure if Mr. Sneed's Disciplinary Board hearing had commenced yet or not, and (2) stated that Mr. Sneed was not permitted retained counsel because he wasn't planning on referring the matter for criminal prosecution.").

Indeed, prison officials did not reach out to undersigned counsel to schedule a hearing until over a month later, after constant and persistent emails from undersigned counsel. Without proper justification, his Disciplinary Board hearing did not begin until May 5, 2021.

II. Mr. Sneed's Hearing Did Not Begin on March 30, 2021

Although it appears that some sort of meeting of the Disciplinary Board occurred on March 30, 2021, this was not the beginning of Mr. Sneed's hearing, and prison officials did not comply with the 72-hour rule. Neither Mr. Sneed nor his retained counsel were present, despite DPSC knowledge that Mr. Sneed had retained counsel who would appear on his behalf; no effort was made to allow Mr. Sneed to appear remotely. *See* Email (attached as Ex. 2) (informing DPSC that Mr. Sneed was represented by counsel on March 25, 2021); Email (attached as Ex. 3) (noting Deputy Warden Lamartiniere was advised that Mr. Sneed was represented by counsel on March 31, 2021).

From the limited information that has been provided to Mr. Sneed so far, it appears that an unknown Chairman and an unknown Member—who prison officials have repeatedly refused to identify, despite multiple written requests—allowed an unknown inmate to delay Mr. Sneed's hearing. But this individual: (1) did not represent Mr. Sneed, (2) had not spoken with Mr. Sneed, (3) was never asked to represent Mr. Sneed, (4) failed to make a formal request for a continuance, and (5) presented no evidence that a continuance was necessary. This event does not signify the commencement of the hearing, for several reasons.

First, neither Mr. Sneed nor his retained counsel were present. The accused is entitled to be present (or to waive his presence) and have retained counsel present. Disciplinary Rules, § 341(G)(4)(d). The record contains no evidence that prison officials made the slightest effort to notify either Mr. Sneed or his counsel that a proceeding was even happening.

Second, we know that March 30, 2021 was not the beginning of Mr. Sneed's hearing is because offenders *must* "be served (usually by a correctional officer) with notice of charges at least 24 hours prior to the hearing." § 341(F)(a). There is no evidence in the

record that Mr. Sneed was served with his notice of charges before March 30, 2021, and indeed, his counsel was not served with notice of charges until much later.

Third, on April 20, 2021, in direct response to the written question when Mr. Sneed's Disciplinary Board Hearing had begun, Heather Hood replied in writing: "He has not has [sic] his hearing yet." *See* Email (attached as Ex. 4)

Fourth, on April 21, 2021, Amanda Smith further explained: "Until the hearing is scheduled we will not know who will be on the board. As soon as we get it scheduled I can let you know." *See* Email (attached as Ex. 5).

If, indeed, a "properly composed board" was empaneled on March 30, 2021, consisting of a Chairman and a Member, this motion should properly be resolved by those individuals. Disciplinary Rules, § 341(G)(3)(B); the proceedings at which other Chairmen and/or Members made rulings should be regarded as nullities. The Disciplinary Rules contain no provision allowing the substitution of Disciplinary Boards mid-hearing.

The foregoing suggests that, in fact, no Disciplinary Board Hearing as contemplated by the Disciplinary Rules was commenced within 72 hours, and the instant matter should be dismissed.

III. Even if Evidence Had Been Properly Adduced that Mr. Sneed Was COVID-19 Positive, such that it Would Be Impossible for Mr. Sneed to Attend Remotely or to have his Attorney Appear on His Behalf on March 30, 2021, the Subsequent Delays Violated the 72-Hour Rule.

Assuming good cause existed to delay the commencement of Mr. Sneed's hearing beyond March 30, 2021—and, to be clear, no evidence appears in the record that this is so—the subsequent delays are entirely unjustified. Throughout April, prison officials repeatedly blocked Mr. Sneed's efforts to communicate with counsel. *See* Email (attached as Ex. 6).

On April 20, 2021, undersigned counsel again wrote to DOC with the following message:

It's been almost a month now and I haven't heard a single word from Angola, despite information from you that (1) Mr. Sneed's DB Hearing had commenced, and (2) that, despite what I was told by Angola staff, he would be allowed to have retained outside counsel (me).

At this point, I'm not sure what our next step would be except (1) a habeas petition (insofar as he was granted parole and, whatever the heck is going on internally, it's certainly not in accordance with LSP policy ostensibly granting a prompt hearing and counsel); and (2) trying to wage a public complain showing the public that LSP wants to spend \$24,000/year to continue incarcerating a 74-year-old man when you have private parties willing to foot the bill for drug treatment. . . .

Can you please update me on what the heck is ostensibly happening with Mr. Sneed's hearing?

See Email (attached as Ex. 7).

The delays are all the more inappropriate given the maximum punishment for an offense like the one Mr. Sneed is accused of. *See* Ex. 1. It is outrageous that Mr. Sneed has been held in Administrative Segregation for over a month, when the maximum amount of Disciplinary Detention that would be available is 0-10 days if the allegation is proven. *Id.* The foregoing underscores the delays in this case, which are attributable solely to prison officials.

IV. Conclusion

For the foregoing reasons, and any others that the Disciplinary Board may deem sufficient, Mr. Sneed requests the dismissal of the charges.

Sincerely,

A handwritten signature in black ink, appearing to read 'TFrampton', with a long horizontal line extending to the right.

Thomas Frampton
Associate Professor of Law, University of Virginia
Affiliation for identification only

**IN RE: BOBBY SNEED
DISCIPLINARY BOARD HEARING**

**MOTION TO DISMISS FOR FAILURE TO COMPLY WITH
LOUISIANA ADMINISTRATIVE CODE TITLE 22
("DISCIPLINARY RULES AND PROCEDURES FOR ADULT OFFENDERS"),
NOTICE REQUIREMENT**

Mr. Sneed respectfully prays that the Disciplinary Board dismiss this matter for violation of the Disciplinary Rules' Notice Requirement. Assuming prison officials began Mr. Sneed's hearing on March 30, 2021, they violated this basic requirement of due process: offenders *must* "be served (usually by a correctional officer) with notice of charges at least 24 hours prior to the hearing." Disciplinary Rules, § 341(F)(1)(a). Indeed, so basic is this rule that even a "waiver" of the notice requirement can be deemed invalid if it was only made orally, and not in writing. Disciplinary Rules, § 341(G)(4)(g).

There is no evidence in the record that Mr. Sneed was served with his notice of charges before March 30, 2021, and indeed, his counsel was not served with notice of charges until much later.

Sincerely,



Thomas Frampton
Associate Professor of Law, University of Virginia
Affiliation for identification only

**IN RE: BOBBY SNEED
DISCIPLINARY BOARD HEARING**

**MOTION TO CONFRONT ACCUSER, TO CALL WITNESSES, AND FOR FURTHER
INVESTIGATION**

Mr. Sneed, who faces the possibility (and, indeed, the great likelihood) of having his already-granted parole rescinded as a result of this hearing, seeks the opportunity to confront his accuser and/or call witnesses. *See Sandin v. Conner*, 515 U.S. 472 (1995); *Wolff v. McDonnell*, 418 U.S. 539 (1974). He seeks to ask question of the following witnesses:

- William Rosso
- Willard Gauthier
- Both known and unknown medical personnel

Additionally, Mr. Sneed requests evidence in the sole possession of Louisiana State Penitentiary, which prison officials have repeatedly refused to turn over to counsel for Mr. Sneed. For example, for weeks, counsel has sought a copy of Mr. Sneed's medical records; despite Mr. Sneed executing a valid HIPPA waiver, the prison has (1) refused counsel's requests for Mr. Sneed's medical records; (2) refused counsel's requests to speak with medical personnel who treated Mr. Sneed. *See* Email (attached as Ex. A).

Mr. Sneed seeks the ability to independently test the purported urine sample. This is particularly important given (1) the notorious unreliability of ToxCup products generally, *see* Ex. B; and (2) the notorious unreliability of Premier Biotech products in particular, *see* Ex. C.

Finally, Mr. Sneed seeks access to documents that Louisiana State Prison has spent weeks unlawfully withholding, despite a provision of the Louisiana Public Records Act requiring that such records be made available to immediate inspection, but in any event, no longer than several days. These include (1) "All policies, procedures, and electronic

communications related to ToxCup storage, testing, accuracy/validity, or false positives,” (2) all records (including electronic communications) related to the 3-25-2021 incident at Oak 1 involving Bobby Sneed, and (3) Body Camera footage from Major Chad Hardy (ACD #1017) and all other video or audio recordings of the same incident.” See Ex. D.

As the First Circuit recently held in *Hill v. Louisiana Dep't of Pub. Safety & Corr.*, a Disciplinary Board’s refusal to allow the accused to cross-examine his accusers violates both the Disciplinary Rules and his rights under the Due Process Clause. 2018-0809 (La. App. 1 Cir. 12/21/18). There, in another hearing involving allegations of a Schedule “B” violation, the court explained why this was necessary as follows:

Hill has assigned as error that he was denied due process by the denial of his right to cross examine his accuser, to call witnesses on his behalf, and to review the video footage of the incident. With regard to the allegation of the unconstitutionality of not being allowed to have witnesses at a hearing, while confrontation and cross-examination are essential in criminal trials where the accused, if found guilty, may be subjected to the most serious deprivations, or where a person may lose his job, they are not rights universally applicable to all hearings. . . .

[T]he Department has promulgated rules for the handling of prisoner disciplinary matters entitled Disciplinary Rules and Procedures for Adult Offenders. LAC 22:1.341, *et seq.* Under the rules, a prisoner has certain rights when appearing before the Disciplinary Board, including the right to present evidence and witnesses on his behalf and to cross-examine his accuser, provided such request is relevant, not repetitious, not unduly burdensome to the institution, and/or not unduly hazardous to staff or offender safety. LAC 22:1.341(J)(5); *Oliver v. Louisiana Dep't of Pub. Safety & Corr.*, 2016-0695 (La. App. 1 Cir. 2/17/17), 2017 WL 658738 (unpublished). These procedural rights must be followed unless waived by the accused. LAC 22:1.341(G)(4)(b); *Giles*, 762 So. 2d at 738. The rules also provide certain procedural requirements for hearings by the Disciplinary Board, including the requirement that all hearings be recorded in their entirety and the recording preserved for a period of five years. LAC 22:1.341(G)(4)(c). The rules further provide that the Disciplinary Board shall deliberate and rule on motions at the time the motion is made, unless expressly deferred to the actual hearing. LAC 22:1.341(G)(4)(i).

In the present case, the Disciplinary Board ruled on two of Hill's motions. The referee found that the motion to confront the accuser was repetitious and an undue burden on the institution. The officer had submitted a report with a detailed description of Hill's actions, body language, and speech. The motion to call witnesses, namely the physician, was also found to be repetitious, as the medical staff had already submitted its opinion.

The Disciplinary Board noted the existence of the motion to review the video footage but did not rule on the motion.

Hill states in his brief that the accusing officer was off-duty on the day of his hearing, so he requested a continuance until the next hearing date. On the date of the incident, Hill was seen by two nurses. At his hearing, he requested that a physician who had treated him previously for knee pain be called to testify. Hill's defense to the charge of intoxication was that he could not walk due to his knee pain.

As noted above, a prisoner has certain rights when appearing before the Disciplinary Board, including the right to present evidence and witnesses on his behalf and to cross-examine his accuser. *Flowers v. Phelps*, 595 So. 2d 668, 669 (La. App. 1 Cir. 1991) (reversing Disciplinary Board decision when prisoner not permitted to call witnesses and to cross-examine his accuser). With regard to the motion to face his accuser, the Disciplinary Board denied the motion for being repetitious and an undue burden on the institution. Denying the presence of a witness because of the mere fact that the requested witness is "off duty" or "cannot be reached by phone," does not comport with those basic due process rights afforded in *Wolff*, 418 U.S. at 555-57, 94 S.Ct. at 2974, 2975. See *Ex parte Bland*, 441 So. 2d 122, 125 (Ala. 1983). We do not find in this matter that the cross-examination of the accuser would have been repetitious. Although the accuser had given a statement, Hill was never permitted to present his own defense that the appearance of intoxication was due to a previous knee injury.

The reason given by the referee for denying Hill's motion to call witnesses, specifically a physician who had previously treated him, was that the medical staff had already submitted their opinions. It is clear from the record that two nurses who treated Hill on the day of the incident gave their opinion as to his condition. However, Hill requested that a physician who had previously treated him be called to testify regarding Hill's prior knee pain as a defense to the charge of intoxication. The nurses gave no statement regarding Hill's prior complaints. Therefore, we find the Disciplinary Board erred in denying his motion to call witnesses based on the testimony being repetitious and not permitting Hill the opportunity to present a defense. . . .

We find that the record clearly shows that Hill did not receive the procedural guarantees to which he was entitled under the Department's own rules. We thus reverse and remand to the Disciplinary Board for a hearing at which Hill is to be allowed to call witnesses on his behalf, to cross-examine his accuser, and to review the tower video footage and body camera footage from the incident in question, in accordance with the Department's rules and procedures. All costs of this appeal are assessed against the Louisiana Department of Public Safety and Corrections in the amount of \$645.00.

Hill v. Louisiana Dep't of Pub. Safety & Corr., 2018-0809 (La. App. 1 Cir. 12/21/18).

The same result obtained in *Flowers v. Phelps*, 595 So.2d 668 (La. App. 1 Cir. 1991).

There, the court explained:

The record shows this case was originally heard by the Disciplinary Board (the prison's "High Court").² A prisoner has certain rights when appearing before the Disciplinary Board, including the right to present evidence and witnesses on his behalf and to cross-examine his accuser.³ He also has the right to appeal to the Secretary if certain enumerated serious penalties are imposed.⁴ These rights must be followed unless waived by the accused. The rules also provide certain procedural requirements for hearings by the Disciplinary Board, including a requirement that all hearings be taped in their entirety and preserved for possible court review.⁵

The Disciplinary Board failed to follow these procedural rules. It failed to preserve the tapes of plaintiff's hearing, thus preventing us from confirming plaintiff's contention that he was not allowed to call witnesses on his behalf and to cross-examine his accuser. Moreover, plaintiff clearly was not allowed to cross-examine Johnson when his "testimony" was taken ex parte by Phelps. The rules do not contemplate the taking of any additional "evidence" by the Secretary if the prisoner appeals; a "hearing" is defined in the rules as "a fair and impartial review conducted by the Disciplinary Officer or the Disciplinary Board."⁶

For these reasons, we find the record clearly shows plaintiff did not receive the procedural guarantees to which he was entitled under defendant's own rules. We thus reverse and remand to the Disciplinary Board for a hearing at which plaintiff is to be allowed to call witnesses on his behalf and to cross-examine Johnson, in accordance with defendant's rules and procedures. Costs of this appeal of \$310.14 are taxed to defendant.

Flowers v. Phelps, 595 So. 2d 668, 669–70 (La. Ct. App. 1991)

This matter is materially indistinguishable from *Hill* and *Flowers*, except insofar as the potential liberty deprivation is much greater, so the need for procedural protections is much greater. Accordingly, Mr. Sneed prays that his request be granted.

Sincerely,

A handwritten signature in black ink, appearing to be 'TF' followed by a long horizontal line.

Thomas Frampton
Associate Professor of Law, University of Virginia
Affiliation for identification only



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May 7, 2021

Committee on Parole
c/o
Sheryl M. Ranatza
Board Chair
Louisiana Board of Pardons & Parole
P.O. Box 94304
Baton Rouge, LA 70804

Via electronic mail

SUBJECT: Bobby Sneed (DOC No. 81275)

Dear Committee on Parole:

I am writing to express my deep concern about recent actions recently taken in the name of the Board in relation to my client, Bobby Sneed. I am hoping we can address this matter speedily and informally in the next 24 hours without the need for litigation, and I am available at your convenience. This matter is needlessly distracting from the great strides this body has made in recent years in terms of ensuring public safety and protecting the public fisc.

As you likely know, Mr. Sneed was recently granted parole after 47 years imprisonment. Shortly before his release, he collapsed and nearly died. After 5 days in the intensive care unit, Bobby was placed in Administrative Segregation for over a month, facing a rule violation allegation of "Rule 1 - Contraband." On Wednesday, after a 3-hour hearing, Mr. Sneed was found "not guilty" of all wrongdoing in a DPSC administrative proceeding.

On Friday morning, Executive Director Abbott emailed me a letter informing us that "the Parole Board has voted to rescind" Mr. Sneed's parole. He later informed me that in fact the parole board had not voted to rescind Mr. Sneed's parole; instead, the decision was the product of a Single Member Action. Mr. Abbott further advised that "nobody" on the Parole Board was aware of the actions of him and the Member involved. Mr. Abbott refused my request for the information and evidence he provided the Member, repeatedly invoking La. R.S. 15:574.12. *But see* La. R.S. 15:574.12(G)(1)(a) ("Notwithstanding the provisions of Subsection A of this Section, all information pertaining to an individual's misconduct while incarcerated . . . shall be released to the general public at any time upon request."). He further stated that this decision was made off-the-record, so no recording or minutes of the conversation between him and the Member exist. (Nevertheless, it appears Mr. Abbott was involved in deliberations; as he told a local news outlet, "And with such we have made the decision to rescind that parole.")

I write to the Board because I am concerned that the purported rescinding of Mr. Sneed's parole at an *ex parte* proceeding involving no notice, no counsel, and no adversarial testing of (apparently secret) evidence was improper and unlawful, both under (1) the Parole Board's own policies and (2) the

Fourteenth Amendment's due process clause. Under Policy 05-505-POL(M), the Board may act to rescind parole only after an allegation of wrongdoing has been referred to the Parole Board "by the Secretary of the Department of Public Safety and Corrections." It is undisputed that no such referral or notification occurred here: the Secretary's own administrative process cleared Mr. Sneed of wrongdoing. DPSC's General Counsel (cc:ed here) has further advised that he is unaware of any information that the Secretary or a proper delegate has made such a referral to the Parole Board. Even if a proper referral took place (i.e., even if the Parole Board were complying with its own internal policies), the process by which Mr. Sneed was deprived of his previously approved parole would violate the Fourteenth Amendment's due process guarantee. At a minimum, the Fourteenth Amendment entitles Mr. Sneed was entitled to notice, an opportunity to be heard, an opportunity to present evidence, and an opportunity to question those presenting information against him. *Greenholtz v. Inmates of Nebraska Penal and Correctional Complex*, 442 U.S. 1 (1979); he received none. Indeed, I am unaware of any case in Louisiana history where the Parole Board has even attempted to rescind a previous grant of parole based on allegations of new wrongdoing where the offender was actually *cleared* by a prison Disciplinary Board of that wrongdoing.

Mr. Abbott has indicated to me that (even though he was aware of these same unproven rumors of wrongdoing by Mr. Sneed since late March) he took action on May 7, 2021, only after Mr. Sneed was cleared of all wrongdoing by DPSC, because Mr. Sneed made the Parole Board "look bad." This raises additional First Amendment concerns, but I write to address the policy considerations animating this view. I do not believe this Board should grant (or revoke) parole based on public opinion. But because Mr. Abbott has raised the issue of optics, candor requires me noting that this case is already gaining national attention, and the apparent decision to continue paying taxpayer money on incarcerating Mr. Sneed is not being received positively. Again, I *do not* believe public relations should dictate the Board's actions, but because Mr. Abbott has raised the issue, I am taking the liberty of attaching press coverage of what's happened so far, and just a few of the (literally thousands of) comments online.

Finally, I feel the need to highlight our desire to work productively with the Board to reach an amicable solution in this matter. When I spoke via phone with Mr. Abbott on Thursday evening, I communicated our willingness (through private charities) to pay for 100% of in-patient drug treatment for Mr. Sneed, if the Board felt that it would aid his rehabilitation. We were more than willing to make this a condition of Mr. Sneed's parole, such that any error or misstep would lead to a prompt return to incarceration. I expressed my belief that this was far better for Louisiana taxpayers than the taxpayer-funded treatment that would occur with further incarceration. I was under the impression we would have further communications on the matter, after Mr. Abbott sought legal advice from the Attorney General on how best to proceed with this unusual case. It was to my great surprise and dismay to learn that Mr. Sneed's parole had already been purported rescinded when I next heard from Mr. Abbott.

If you have any additional questions, please do not hesitate to contact me on my personal cell phone (202-352-8341) or via email (tframpton@law.virginia.edu).

Sincerely,



Thomas Frampton

Associate Professor of Law, University of Virginia

Affiliation for identification only



Scott Hechinger ✓
@ScottHech

OUTRAGEOUS: Bobby Sneed. 74 year old veteran. Caged in Angola Prison for 47 years. Finally, unanimously granted parole. Then hospitalized. Prison claims it was a drug overdose. It's now over a month after his scheduled release date. They won't let him go.



A man incarcerated at Angola for decades was granted parole. Now, after an ... Bobby Sneed's lawyer fears the 74-year-old inmate may die in prison.
thelensnola.org

12:53 PM · May 4, 2021 · Twitter Web App

144 Retweets 4 Quote Tweets 214 Likes



Billy Binion @billybinion · 5h

THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.

My latest [@reason](#):




Louisiana Can't Prove This 74-Year-Old Inmate Took Drugs. They Re...
After spending 47 years behind bars, Bobby Sneed may die in prison for no good reason.
reason.com


12

241

411



 **Bridget Phetasy** @BridgetPhetasy · 5h ...
This is so incredibly fucked up.


 **Billy Binion** @billybinion · 5h

THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.


My latest @reason:
reason.com/2021/05/07/bob...
[Show this thread](#)

16 66 419

 **JamesPrime** @James997733 · 4h ...
Replying to @billybinion
There is no justice in the criminal justice system
There is only punishment.

The politicians are responsible for this.
They cannot be seen as soft on crime.
So they go so far the other way that everyone alive is guilty of something.
Including the politicians.

Forrest @2xfo · 2h ...
Replying to @billybinion
Does the parole board have financial ties to the prison? Are they just racist? What's their problem?

 **Le Grand Méchant Loup** @_mechantloup · 5h ...
Replying to @billybinion
This is wrong is an understatement. It's criminal.

1 1

 **Lisa Wetzelberger** @LisaWetzelberge · 37m ...
Insanity

 **Billy Binion** @billybinion · 5h

THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.

My latest @reason:
reason.com/2021/05/07/bob...
[Show this thread](#)

1 1



**Jordan Willow Evans** @jordarooski · 4h

"Frampton is among those not privy to the evidence of misconduct against his client, though Abbott did relay to him that it was a singular member of the board who upended the original decision."

My blood is boiling.

**Billy Binion** @billybinion · 5h

THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.

My latest @reason:
reason.com/2021/05/07/bob...

[Show this thread](#)



**Jonathan Roytenberg** @overlordjonny · 4h

Well! This is screwed up.

**Billy Binion** @billybinion · 5h

THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.

My latest @reason:
reason.com/2021/05/07/bob...

[Show this thread](#)





FleurBreathing Dragon  @mere_de_dragons · 5h

Ridiculous thing, this. Get him out.



Billy Binion @billybinion · 5h

THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.

My latest @reason:
reason.com/2021/05/07/bob...

[Show this thread](#)



Darla @DarlaKWilliams · 5h

This is MESSED UP.



Billy Binion @billybinion · 5h

THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.

My latest @reason:
reason.com/2021/05/07/bob...

[Show this thread](#)



Andrew Burton @burtonad · 5h

The cruelty is the point.



Billy Binion @billybinion · 5h

THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.

My latest @reason:
reason.com/2021/05/07/bob...

[Show this thread](#)



Jaron Leake @LeakedAllOver17 · 5h

This has to stop



Billy Binion @billybinion · 5h

THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.

My latest @reason:
reason.com/2021/05/07/bob...

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**BLIND JOE DEF** @KilledByDef · 5h
Sickening.

**Billy Binion** @billybinion · 5h
THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.

He's served 47 years in prison. If the decision stands, he's likely to die there.

My latest @reason:
reason.com/2021/05/07/bob...
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**Colt Sebastian Taylor** @ColtSTaylor · 5h
Seems on brand for Louisiana.





**Billy Binion** @billybinion · 5h
THREAD: The Louisiana Parole Board just revoked this 74-year-old man's parole over a drug charge that a disciplinary committee admitted they CAN'T PROVE.





He's served 47 years in prison. If the decision stands, he's likely to die there.






My latest @reason:
reason.com/2021/05/07/bob...
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**ShinghottPettwinkle** @white_shadow1 · 3h
Replying to @BridgetPhetasy
Fucking horrible and insanely infuriating.
 2


**Meredith** @mldubya73 · 2h
Replying to @BridgetPhetasy
I'm sure Kamala will be there to help



**Yonkaholic** @ZonkedAll · 5h
Replying to @BridgetPhetasy
Sheesh, guilty until proven innocent now? Did I read this right?
 1





**(((clevecarole)))** @Clevecarole · 3h
Replying to @BridgetPhetasy and @karr_pe
Just awful.
 1

**BenjiMac** @iMuff_Dive69 · 5h
Replying to @BridgetPhetasy
Welcome to the US justice system



**themikedrop** @notacrankychef · 5h
Replying to @BridgetPhetasy
Heartbreaking honestly





**Muddy Mae Suggins** @meadowgroove · 53m
The entire US criminal "justice" system is fucked up.

**Bridget Phetasy** @BridgetPhetasy · 5h
This is so incredibly fucked up. twitter.com/billybinion/st...



**Sasha Stone** @realsashastone · 4h
Wow.

**Bridget Phetasy** @BridgetPhetasy · 5h
This is so incredibly fucked up. twitter.com/billybinion/st...



 **Kellie Brown** @KellieBTV · 8h
Such a sick system. Smh

 **The Lens** @TheLensNOLA · 9h
State board rescinds parole for Angola prisoner Bobby Sneed despite dismissal of disciplinary charges
thelensnola.org/2021/05/07/sta...



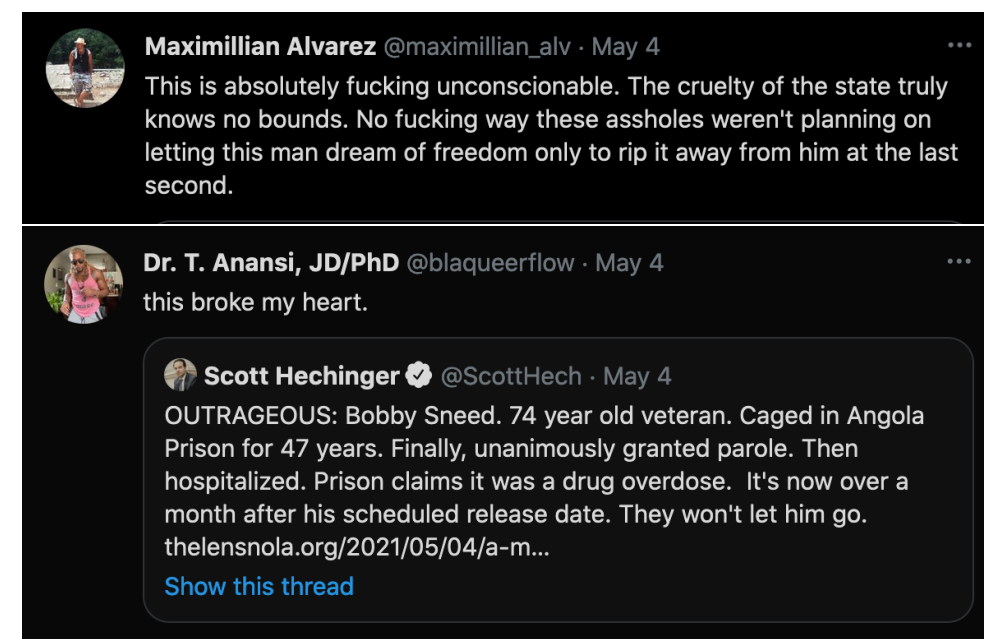
Reply Retweet Like Share

 **Leslie Molson** @lesliemolson · 8h
Cruelty.

 **The Lens** @TheLensNOLA · 9h
State board rescinds parole for Angola prisoner Bobby Sneed despite dismissal of disciplinary charges
thelensnola.org/2021/05/07/sta...



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Louisiana Can't Prove This 74-Year-Old Inmate Took Drugs. They Revoked His Parole Anyway.

After spending 47 years behind bars, Bobby Sneed may die in prison for no good reason.

[Billy Binion](#) | 5.7.2021 4:17 PM

SOURCE: <https://reason.com/2021/05/07/bobby-sneed-louisiana-state-penitentiary-angola-drugs-parole-revoked/>



(Courtesy of the Sneed family)

Bobby Sneed, a 74-year-old inmate at the Louisiana State Penitentiary, was granted parole and scheduled to be released in March after serving 47 years behind bars. But he [was never set free](#). He is now likely to die in prison, after the Louisiana Board of Parole revoked their decision in response to a contraband charge that a disciplinary committee formally admitted they cannot prove.

Bobby R Sneed
DOC# 81275
Louisiana State Penitentiary
Hay, 66
Angola LA 70712

Dear Bobby R Sneed:

This correspondence is to advise you that the Parole Board has voted to rescind the parole granted at your original parole hearing.

This action was taken due to the following:

We have been advised that you have admitted to drug usage after your original parole hearing.

You will be scheduled for another hearing on 05/10/2021.

Respectfully,

Board of Parole

Louisiana Parole Board

On March 25, four days before his scheduled release, Sneed was hospitalized after collapsing. According to disciplinary [records](#), he allegedly tested positive for amphetamines and methamphetamines while at the R.E. Barrow Treatment Center, after which point he was told he would not be going home. He was instead moved to administrative segregation, also known as solitary confinement, where he has been for over a month now.

Yet at the disciplinary hearing held on Wednesday to adjudicate the matter, the charge was dropped—because the committee was forced to concede they didn't know who the drug-infused urine actually belonged to.

"They didn't have a complete chain of custody, so there ended up being no proof that the urine samples that tested positive for drugs actually was [sic] Bobby's," Thomas Frampton, Sneed's attorney, told me that day.

The committee immediately furnished a new charge, alleging that Sneed was in the wrong dorm when he collapsed and was therefore guilty of trespassing. That charge was dropped Thursday.

"The Louisiana State Penitentiary Disciplinary Board dismissed both charges against Bobby Sneed this week," said Ken Pastorick, communications director for the Louisiana Department of Public Safety & Corrections, in an email yesterday. "The parole of Sneed is a decision for the Parole Board, an autonomous board independent of the Department of Public Safety and Corrections."

Indeed, the board proceeded as if the charges from the Department of Corrections were still looming over Sneed's head. "We are able to rescind parole decisions when an offender has violated the terms of the decision granted by the board or has engaged in misconduct prior to the offender's misconduct," says Francis Abbott, the executive director of the Louisiana Board of Pardons & Committee on Parole. "What was the misconduct?" I ask. "We've got documents that were submitted to the board that are not open to the public," he says.

Frampton is among those not privy to the evidence of misconduct against his client, though Abbott did relay to him that it was a singular member of the board who upended the original decision.

"It's just pointless cruelty at this point," says Frampton. "The Parole Board's latest move just shows contempt for the law, public safety, common sense, and the taxpayer money."

Those taxpayers will now be spending tens of thousands of dollars to keep Sneed locked up, probably for the rest of his life.

Sneed was arrested in 1974 after standing guard two blocks down the street while some of his accomplices robbed a home, during which time they killed one of the residents. He did not participate in the killing—something no one disputes—but he was convicted of principal to commit second-degree murder and sentenced to life in prison. Out of all of the men wrapped up in that crime, he is the only one still in prison.

"Two of Mr. Sneed's co-defendants agreed to testify and served no time," his parole file reads. "One co-defendant struck a deal with the state at the time of Mr. Sneed's second trial and received a reduced sentence. One co-defendant died in prison and [another one] was released on parole."

It appears that Sneed might also die in prison. Not because he's still a danger to society: The board acknowledged he was no such thing in the glowing 17-minute hearing that resulted in their unanimous March decision. It will be because of a drug charge—something that is both victimless and unsubstantiated. That's not justice. That's a travesty.

He Was Granted Parole After Serving 47 Years Behind Bars. Now the Prison Won't Let Him Leave.

"It feels like we've gone from tragedy to farce."

[Billy Binion](#) | 5.6.2021 5:30 PM

SOURCE: https://reason.com/2021/05/06/bobby-sneed-parole-drugs-louisiana-state-penitentiary-angola/?itm_source=parsely-api#comments



(Courtesy of the Sneed family)

Bobby Sneed had his parole granted a few months ago, after serving nearly 47 years behind bars. The 74-year-old man's release date was set for March 29—an exciting day for his four children and many grandchildren, who readied themselves to help him readjust to life outside prison walls.

But Sneed has not yet left the Louisiana State Penitentiary, widely known as Angola. Four days prior to his scheduled release, he collapsed and had to be hospitalized. During his infirmary stay, he allegedly tested positive for amphetamines and methamphetamines, according to his disciplinary [records](#).

Prison officials subsequently refused to let him leave.* But their evidence was flimsy, and it took just 10 to 15 minutes for the disciplinary committee to judge him not guilty of the contraband charge. "They didn't have a complete chain of custody, so there ended up being no proof that the urine samples that tested positive for drugs actually was Bobby's," says Thomas Frampton, Sneed's attorney.

Unfortunately for Sneed—who has been in solitary confinement for more than a month now—the story didn't end there. The committee then pivoted and charged him with being in the wrong dorm when he collapsed. "If he is convicted of that charge, he'll be facing the same parole revocation," says Frampton. "It feels like we've gone from tragedy to farce now."

The parole board unanimously agrees that Sneed is no longer a risk to society. But now he could die in prison because of a petty infraction—and taxpayers will [shell out](#) tens of thousands of dollars each year to keep him there.

His status is still in flux. "I have not received any information concerning the disposition of Offender Sneed's disciplinary hearing from Louisiana State Penitentiary," Francis Abbott, the executive director of the Louisiana Board of Pardons & Parole, told me today via email.

Sneed was originally arrested in 1974 for standing guard two blocks outside a home while his accomplices burglarized it, during which time they killed one of the residents. Though Sneed didn't take part directly in the killing, he was charged with principal to commit second-degree murder and sentenced to life in prison. Sneed filed for the court to vacate the decision, and his application succeeded. But in 1987, after a second jury heard the case, he was convicted again.

"Of the six men originally arrested for this crime, Mr. Sneed is the only one who is still incarcerated," reads his parole file. "Two of Mr. Sneed's co-defendants agreed to testify and served no time. One co-defendant struck a deal with the state at the time of Mr. Sneed's second trial and received a reduced sentence. One co-defendant died in prison and [another one] was released on parole."

Meanwhile, Sneed accumulated a record of good behavior behind bars. "While in prison Sneed has gained the status of Class B 'trusty'—a status that grants a certain amount of freedom within the prison, and is given to prisoners with a history of good behavior," [writes](#) Nicholas Chrastil at *The Lens*. "He coached sports, taught music theory, and worked as an inmate counsel, helping other prisoners with their cases."

No one disputes that Sneed's initial crime was bad. But how is public safety served by keeping him behind bars *now*? "Let's assume that Bobby is using drugs," says Frampton. "He's buying that from guards, and it's very, very clear that after 47 years, the Angola prison has not been an environment to get sober....He's not actually a danger to anyone. Nobody's alleging he's a danger to anyone. Yet nevertheless, he's still stuck in prison long after he should have been released."

*UPDATE and CORRECTION: Though the disciplinary board decided to dismiss both charges against Sneed, the Parole Board opted on Friday to [revoke](#) Sneed's parole anyway. (The original version of this story incorrectly characterized the functions of the Louisiana State Penitentiary Disciplinary Board and the Parole Board.)



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State board rescinds parole for Angola prisoner Bobby Sneed despite dismissal of disciplinary charges

by [Nicholas Chrastil](#)

May 7, 2021

SOURCE: <https://thelensnola.org/2021/05/07/state-board-rescinds-parole-for-angola-prisoner-bobby-sneed-despite-dismissal-of-disciplinary-charges/>



Bobby Sneed pictured prior to and during his incarceration at Louisiana State Penitentiary. (Photos provided by family)

Officials at the Louisiana State Penitentiary at Angola have dropped all disciplinary charges against prisoner Bobby Sneed, a Louisiana Department of Public Safety and Corrections confirmed Thursday. Sneed was [granted parole in March after decades in prison](#), but he faced a potential revocation, and at least another year in prison for a disciplinary infraction after an alleged drug overdose.

Officials initially gave Sneed a contraband charge. That was dropped at a disciplinary hearing earlier this week. But they added a new charge — for allegedly being in the wrong dorm when he collapsed from the alleged overdose. On Thursday, the prison Disciplinary Board dropped that charge as well.

Though Sneed has been cleared of the disciplinary violations, however, he may still not be released.

On Friday, Francis Abbott, executive director of the Louisiana Board of Pardons and Committee on Parole, told The Lens that the board is rescinding Sneed's parole and scheduling a new parole hearing on Monday.

"Parole is not guaranteed to anyone," Abbott said. "There is no constitutional right to parole release for any offender. You know, parole is an administrative device that is at the discretion of the Committee on Parole. And with such we have made the decision to rescind that parole."

In an interview on Friday, Sneed's lawyer Thomas Frampton called the possibility of forcing Sneed to go in front of the parole board again "horrifying." Frampton told The Lens he believes that a parole revocation based on dropped disciplinary charges would be against the law.

"It's cruel, illegal, and a massive waste of taxpayer money," he said. "But that's the Louisiana parole board at work."

Sneed was convicted in 1975 for being “principal to murder” after he served as a lookout for a robbery that left an elderly man dead, and was sentenced to life in prison. He is the only one of the six men involved in the robbery who is still incarcerated.

Meanwhile, his family — including 4 children and several grandchildren — continue to await the resolution of the saga, and are anticipating his return home.

“I truly have been praying,” one of his siblings, who asked not to be identified, told The Lens on Wednesday. “I believe that prayer changes things.”

Decision now rests with parole board

In Sneed’s March parole hearing, no opposition from law enforcement or the family of the victim’s was presented, nor was their opposition from any other party. Sneed was unanimously granted parole in less than 20 minutes.

But days before his scheduled release on March 29, Sneed collapsed in the prison and had to be hospitalized. The prison administered a drug test and alleged that Sneed was positive for amphetamines and methamphetamines. Instead of being released, Sneed was held for over a month awaiting adjudication on disciplinary charges for having contraband.

Frampton urged the prison to drop those charges, arguing that even if Sneed had drugs in his system, he was better off being reunited with his family and getting treatment outside of the prison. Even prior to He said that if Sneed’s parole was revoked he would likely die in prison.

But the charges moved forward. After a hearing on Wednesday, May 5, [Frampton said](#) that the Disciplinary Board found Sneed not guilty of his initial charge of contraband, but decided at the same time to institute a new charge that alleged he was not in the proper dorm when he collapsed. Sneed had never been informed of the new charge prior to the hearing, Frampton said.

That evening, a spokesperson for the Department of Public Safety Corrections confirmed to The Lens that “Disciplinary Board actions” were still pending, but did not address the results of the initial hearing or the new charge.

According to Frampton, another hearing was scheduled to take place on Thursday, May 6, to adjudicate the new charge. But instead, the Disciplinary Board decided to dismiss it without a hearing.

“The Louisiana State Penitentiary Disciplinary Board dismissed both charges against Bobby Sneed this week,” said DOC spokesperson Ken Pastorick in an email to The Lens. But he added that “the parole of Sneed is a decision for the Parole Board, an autonomous board independent of the Department of Public Safety and Corrections.”

Frampton assumed that the dismissal of disciplinary charges would mean the prison would be moving forward with Sneed’s release — not that the board would move forward with revocation of his parole.

“Bobby was already adjudicated innocent in a sham hearing that afforded him as much due process as we associate with a totalitarian government,” Frampton said on Thursday. “It’s gross and cruel that they’re still delaying his release, and that delay now rests squarely with the parole board.”

But on Friday, Abbott said that despite the prison Disciplinary Board's ruling that Sneed was not guilty of the disciplinary report, he still thought that Sneed had engaged in misconduct.

"You know, this offender engaged in misconduct prior to his release," Abbott said. "They just did not find him guilty of a disciplinary report."

When pressed on how the parole board could determine that Sneed had engaged in misconduct after the Disciplinary Board had acquitted him, Abbott said that they had independently reviewed documentation submitted to them.

"The documentation that's been submitted to us, you know, we reviewed it and we've made the decision to rescind his parole and have a new hearing on Monday," Abbott said.

He said that he would not be releasing any of the documentation or information regarding the board's decision making process to revoke Sneed's parole "at this time."

May 7, 2021

Committee on Parole
c/o
Sheryl M. Ranatza
Board Chair
Louisiana Board of Pardons & Parole
P.O. Box 94304
Baton Rouge, LA 70804

Via electronic mail

SUBJECT: Bobby Sneed (DOC No. 81275)

Dear Committee on Parole:

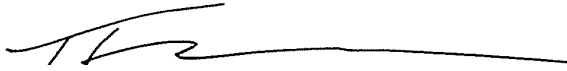
I am writing to request a continuance of the “PAROLE HEARING” ostensibly scheduled for 7:45AM on Monday, May 10, 2021, about which I received notice at 12:27PM this afternoon. Although the letter states that a request to postpone a hearing “must be received in the Board’s office no later than fourteen (14) days prior to the scheduled hearing date,” but I trust that rule is not in place where the offender is only notified minutes before the scheduled hearing.

The reasons for seeking a continuance are the following:

- I have had no opportunity to speak with Mr. Sneed, and indeed, do not even know if he is aware of what is happening. Louisiana State Penitentiary requires at least 24 hours of advance notice to schedule an attorney-client call, so it is impossible for me to communicate with my client. The right to counsel necessarily implies the right to meaningfully communicate with counsel.
- The Parole Board has so far denied all requests to basic information that is necessary for an actual parole hearing, including any basis for the purported “rescission” of its earlier decision. *But see* La. R.S. 15:574.12(G)(1)(a).
- I have had no opportunity to meaningfully consult with Mr. Sneed’s attorneys who handled his previous parole proceedings, and indeed, do not even know who Mr. Sneed wants as his attorney to handle this matter (about which he knows nothing).
- If, in fact, we proceed with this hearing, Mr. Sneed would call witnesses. Notice about a Monday hearing on Friday afternoon effectively denies Mr. Sneed the opportunity to call witnesses who cannot clear their schedules on such short timelines.

- Since March 25, I have diligently sought to obtain information relevant to the parole proceeding from DPSC (e.g., Mr. Sneed's medical records). Despite multiple written requests, this information still is being withheld, even though Mr. Sneed has executed a valid HIPPA waiver weeks ago.
- Apart from denying Mr. Sneed due process by scheduling the parole hearing on Monday morning, such a hearing would violate 5-509-POL (requiring timely notice to relatives of deceased victims).

Sincerely,

A handwritten signature in black ink, appearing to be 'TF', followed by a long horizontal line.

Thomas Frampton

Associate Professor of Law, University of Virginia

Affiliation for identification only

May 8, 2021

Committee on Parole
c/o
Sheryl M. Ranatza
Board Chair
Louisiana Board of Pardons & Parole
P.O. Box 94304
Baton Rouge, LA 70804

Via electronic mail

SUBJECT: Bobby Sneed (DOC No. 81275)

Dear Committee on Parole:

I have been advised that Executive Director Francis Abbott has represented that Mr. Sneed's parole was rescinded based on information provided to him by Deputy Warden Tracy Falgout. In our conversations, he indicated that he had not received any notification, formal or informal, from Secretary LeBlanc that Mr. Sneed "has violated the terms of the decision granted by the board or has engaged in misconduct," as required by 05-505-POL (M).

This morning, General Counsel for the Department of Public Safety & Corrections confirmed that no formal delegation of authority from Secretary LeBlanc to Deputy Warden Falgout (or anyone else) exists with respect to 05-505-POL. Many such delegations of authority do exist; I'm attaching some here to illustrate.

I am again writing in the hopes of resolving this matter amicably. Please advise, at your earliest convenience, upon what authority the Board was empowered to take the actions of May 7, 2021. Our position is that it was an *ultra vires* act and that the rushed hearing contemplated for May 10, 2021 should not occur. If I do not hear from the Board, I feel we have no choice but to take emergency legal action against Board.

Sincerely,



Thomas Frampton
Associate Professor of Law, University of Virginia
Affiliation for identification only

EXHIBIT I

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

AFFIDAVIT OF DELEGATION OF AUTHORITY TO DEPUTY WARDEN

BEFORE ME, the undersigned Notary Public, personally came and appeared, **JAMES M. LE BLANC**, Secretary of the Louisiana Department of Public Safety and Corrections, who hereby delegates to **DEPUTY WARDEN TRACY FALGOUT**, **DEPUTY WARDEN JOSEPH LAMARTINIERE**, and **DEPUTY WARDEN STEPHANIE LAMARTINIERE**, of Louisiana State Penitentiary, the following authorities:

HUMAN RESOURCES

1. The authority to conduct all human resource actions of a disciplinary and non-disciplinary nature at Louisiana State Penitentiary; and
2. Authorize the testing of a staff member for contagious diseases at state expense when such testing is in the best interest of the Department.

PRISONERS

1. Sign certificates of release by furlough, good time, good time parole supervision, or full-term for prisoners housed at Louisiana State Penitentiary;
2. Release prisoner psychiatric records on a case-by-case basis pursuant to the "Confidentiality" section of Department Regulation No. B-06-001 "Health Care;"
3. Sign temporary work crew assignments pertaining to Corrections Services; and
4. Order that a prisoner be tested for a contagious disease if the prisoner has been in an altercation and there is reason to believe that an exchange of bodily fluids between the prisoner and another person has taken place.


WITNESSES:

Delia Bennett
Angela H. Whittal


James M. Le Blanc

SWORN TO AND SUBSCRIBED BEFORE ME on the 20th day of January,

2021, at Baton Rouge, Louisiana.


Notary Public

JONATHAN R. VINING
NOTARY PUBLIC
State of Louisiana
LA Bar #30781
My Commission Expires at Death

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

AFFIDAVIT OF DELEGATION OF AUTHORITY TO WARDEN

BEFORE ME, the undersigned Notary Public, personally came and appeared, **JAMES M. LE BLANC**, Secretary of the Louisiana Department of Public Safety and Corrections, who hereby delegates to **TIMOTHY HOOPER**, Acting Warden of Louisiana State Penitentiary, the following authorities:

HUMAN RESOURCES



1. The authority to conduct all human resource actions of a disciplinary and non-disciplinary nature at Louisiana State Penitentiary; and
2. Approve the testing of a staff member for contagious diseases at state expense when such testing is in the best interest of the Department.

PRISONERS

1. Sign certificates of release by furlough, good time, good time parole supervision, or full-term for prisoners housed at Louisiana State Penitentiary;
2. Release prisoner psychiatric records on an individual basis pursuant to the "Confidentiality" section of Department Regulation No. B-06-001 "Health Care;"
3. Sign temporary work crew assignments pertaining to Corrections Services; and
4. Order that a prisoner be tested for a contagious disease if the prisoner has been in an altercation and there is reason to believe that an exchange of bodily fluids between the prisoner and another person has taken place.



James M. Le Blanc

WITNESSES:

SWORN TO AND SUBSCRIBED BEFORE ME on the 5th day of April,

2021, at Baton Rouge, Louisiana.


JONATHAN R. VINING
NOTARY PUBLIC
State of Louisiana
LA Bar #30781
My Commission Expires at Death

May 10, 2021

Committee on Parole
c/o
Sheryl M. Ranatza
Board Chair
Louisiana Board of Pardons & Parole
P.O. Box 94304
Baton Rouge, LA 70804

Via electronic mail

SUBJECT: Bobby Sneed (DOC No. 81275)

Dear Committee on Parole:

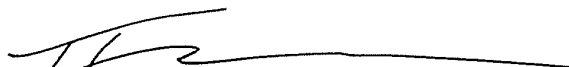
I represent Mr. Sneed in all matters before the Parole Board.

Per the Committee's instructions, I appeared via Zoom for our parole hearing at 5:45 AM Pacific Time on May 10, 2021. I was told that I would not be able to speak to my client in advance of the hearing. I was further told to "stand by" for information as to when Mr. Sneed's matter would be called.

At 6:40 AM Pacific Time, I received a call informing me that Mr. Sneed's matter would be called "sometime this afternoon." I informed the caller from the Committee on Parole that I would be traveling back from California to Louisiana beginning in approximately two hours (i.e., leaving at 8:30 AM Pacific Time). Had I received notice of today's hearing before Friday afternoon, I would have been able to accommodate the Parole Board's schedule.

At 6:48AM Pacific Time, I received a call from Francis Abbott. He informed me that Mr. Sneed's case would not be called until later this afternoon and my previously filed request for a continuance had been denied. I then informed him I was unable to participate later this afternoon because I would be traveling from California to Louisiana. He stated that I was "changing the goalposts" and "we're not going to keep playing games." He then aggressively stated: "Do you have any further questions?"

Sincerely,



Thomas Frampton
Associate Professor of Law, University of Virginia
Affiliation for identification only

EXHIBIT J

Subject: Bobby Sneed #81275
Date: Friday, May 7, 2021 at 12:17:36 PM Eastern Daylight Time
From: Tobi Robertson
To: Thomas Frampton
CC: Kristy Craft, John Poche
Attachments: Bobby Sneed #81275.pdf

Good Morning,

Attached is the Offender Notification Letter for Bobby Sneed. You can call in on Zoom the morning of between 7:45 AM and 8:15 AM. Please let me know if you have any questions.

Thank you,

Tobi Robertson

Investigative Specialist

Louisiana Board of Pardons and Parole

Phone (225) 342-6384

Fax (225) 342-3701

EXHIBIT K1

JOHN BEL EDWARDS
Governor



JAMES M LE BLANC
Secretary

State of Louisiana

Board of Pardons and Parole

05/07/2021

Sneed, Bobby R DOC #81275
Louisiana State Penitentiary
Hwy. 66
Angola LA 70712

Dear Sneed, Bobby R :

RE: PAROLE HEARING

The Committee on Parole has scheduled your parole hearing on 05/10/2021. The following information is being provided to you so that you may be fully prepared for this opportunity.

When the Committee on Parole meets, much evidence is gathered and taken into consideration. The hearing is an open meeting in accordance with Louisiana's open meetings laws. As such, other people are permitted to attend the parole hearing, including the victim, along with his or her family.

You or your representative may request, in writing, to continue or postpone your scheduled parole hearing for good cause. The request must be received in the Board's office no later than fourteen (14) days prior to the scheduled hearing date and must contain a specific reason(s) for the request. The parole panel will review your request on the next available administrative review hearing to vote to grant or deny your request. You and/or your representative will be informed in writing of the parole panel's decision within seven (7) days of the date of the decision. If the request is granted the hearing shall be re-scheduled within 90 days of the original scheduled hearing date. If the request is denied, the hearing shall be conducted on the original scheduled hearing date. Failure to appear at this hearing may result in disciplinary action.

You may also request, in writing, to withdraw from parole consideration no later than forty-five (45) days in advance of the scheduled parole hearing. The written request must state the reasons for the request. The parole panel will review your request on the next available administrative review hearing to vote to grant or deny your request. You will be informed in writing of the parole panel's decision within seven (7) days of the decision. If the request to withdraw is granted, you shall be eligible to re-apply for parole consideration at the intervals specified in Board Policy 07-705 "Application for Rehearing/Request for Reconsideration of Decision". If the request is denied, the hearing shall be conducted on the original scheduled hearing date. Failure to appear at this hearing may constitute a violation of Disciplinary Rules and Procedures for Adult Offenders.

In addition to your release plan (residence and employment), the Committee will carefully consider your case record. This record will contain information about your disciplinary record while incarcerated, your work history, as well as your criminal history. The Committee will pay close attention to rehabilitative and educational programs that you have participated in while incarcerated. These programs can show a desire and willingness to change and improve. The Committee also carefully considers your risk assessment score.

Community response to an offender's early release is also considered. This response includes, but is not limited to, the sentencing judge in your case, other judicial and law enforcement officials, as well as victims of the crime.

You will appear before a parole panel by video conferencing. The panel will interview you and will take oral testimony from you and other interested parties. You will be provided a written disposition of the Parole Board's actions immediately following your parole hearing.

EXHIBIT K2

In accordance with Executive Proclamations JBE 20-30 and JBE 20-33, issued on March 16, 2020 and March 22, 2020, respectively, pardon and parole hearings will be conducted utilizing video conferencing technology during the pendency of the COVID-19 public health emergency. The hearings will be conducted using ZOOM Video Conferencing that will allow for comments by members of the public.

The Board will allow up to 3 participants to speak in support of your case. Those that want to attend, but will not be speaking, can watch the hearing at the live stream link below.

In order for your family or support to participate, they will need the following information:

You may choose to participate in the hearing process through ZOOM Video Conferencing on a PC, Mac, Linux, iOS or Android device or by TELEPHONE. Only the participants that wish to give input should attend the ZOOM meeting. If you do not plan on speaking, and wish only to observe, you can watch the hearing live at <https://www.youtube.com/c/LouisianaBoardofPardonandParole/live>. You can also visit our website at <https://doc.louisiana.gov/imprisoned-person-programs-resources/pardons-parole/parole-schedules-dockets/> for more information pertaining to upcoming Pardon and Parole hearings.

Please find directions on how to participate using ZOOM on the following page. If you choose not to participate using ZOOM, the Board will accept a detailed letter stating your position regarding this applicant's request for parole. Letters can be mailed or emailed. *We ask that you send letters at least 1 week in advance of the scheduled hearing date in order that the board or panel has sufficient time to review your position statement.*

MAILING address:

**LA Committee on Parole
P.O. Box 94304-Capital Station
Baton Rouge, LA 70804-9304**

EMAIL Address:

ParoleBoard@LA.GOV

In order to participate through ZOOM, you will need the following information:

- Download ZOOM from [ZOOM.us](https://zoom.us) or through your cellular device's application store.
- To participate by **VIDEO**, enter this **MEETING ID # {986-320-2809}** when prompted or join through the below link.
 - <https://ladoc-adm.zoom.us/j/9863202809>
- To participate by **PHONE** call either one of these PHONE numbers: **1(669)-900-6833 or 1(646)-876-9923**.
 - Enter this **MEETING ID # {986-320-2809}** when prompted to do so.
 - You will be prompted to press the '#' button to enter the virtual waiting room.
- The ZOOM Parole Board waiting room will open at **8:00 AM**. Please connect to the meeting 15 minutes in advance of the scheduled start time to ensure entry to the meeting. You will be placed in a 'virtual waiting room'. During this time, you will be provided instructions on how to participate in the hearing and offer your comments.

If we can be of assistance or if you have any questions regarding this hearing, please contact our office at 225-342-5421 or 225-342-6622.

Respectfully submitted,

Louisiana Board of Pardons and Parole

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