

CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO.: 528-975

DIVISION: "H"

STATE OF LOUISIANA

VERSUS

CARDELL HAYES

JUL 17 2017

FILED: \_\_\_\_\_

\_\_\_\_\_  
DEPUTY CLERK

**MOTION FOR DESIGNATION AND INCLUSION  
OF SPECIFIED EVIDENCE IN THE APPELLATE RECORD**

NOW INTO COURT, through undersigned counsel, comes defendant, CARDELL HAYES, who moves this Honorable Court for an order directing that the following list of items be designated and made part of the appellate record lodged at the Louisiana Fourth Circuit Court of Appeal, to wit:

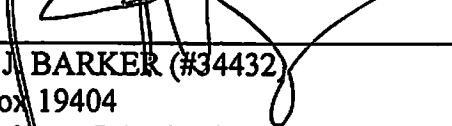
1. Any and all communications from the jury in written or in verbal form. While most of the inquiries by the jury were answered by a re-reading of instructions in Court, undersigned defense counsel is not sure that all inquiries were made a matter of record. In an abundance of caution, the defendant seeks a minute entry which either attaches any written inquiries from the jury or the contents of any verbal inquiry which may not be of record.
2. Transcript of the *voir dire* in its entirety;
3. Opening statement by the State and opening statement by the defense;
4. Closing argument by the State and closing arguments by the defense;
5. Rebuttal closing argument by the State;
6. Transcript of the Jury Charges, as read by the Judge on the record in Court;
7. Transcript of all bench conferences that occurred on the record, including all conferences held on the record but at side-bar or in-chambers;
8. Minute Entry summarizing and reciting the substance of all side-bar discussions / in-chamber conferences / bench conferences held off-record over the course of the trial;
9. Transcript of the November 30, 2016 pre-trial hearing in this matter, addressing the subpoena issued to Tiffany Lacroix;
10. A copy of the subpoena issued by the *District Attorney* commanding the appearance of Tiffany Lacroix;
11. Transcripts of any and all pre-trial hearings / discussions on the record held in Division "H" in this matter, whether the hearings'/discussions were heard as a docketed matter or called off-docket;
12. Transcript of the probable cause hearing held in the Magistrate section of the Criminal District Court, which was ongoing at the time the grand jury indictment was returned.

13. The Court's consideration of all tendered defense instructions which were either rejected or modified over the objection of the defendant, if any.

WHEREFORE, the defendant, CARDELL HAYES, respectfully requests that the Court issue an order directing that the foregoing enumerated items be designated and made a matter of record and designated as part of the appellate record lodged at the Louisiana Fourth Circuit Court of Appeal.

RESPECTFULLY SUBMITTED,

The Law Offices of Paul J. Barker, LLC

By:   
PAUL J. BARKER (#34432)  
P.O. Box 19404  
New Orleans, LA 70179  
Tel: (504) 475-4466  
Fax: (504) 617-7977  
*Attorney for the Defendant, Cardell Hayes*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing pleading is being served upon the State of Louisiana, Orleans Parish District Attorney's Office, Attn: Assistant District Attorneys Laura Rodrigue and Jason Napoli, via U.S. mail.

Thus done and certified on this 17 day of July, 2017.

  
Paul J. Barker #34432



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ORDER

Considering the above and foregoing:

IT IS ORDERED that the defendant's foregoing "motion for designation and inclusion of specified evidence in the appellate record" shall be heard contradictorily by the Court.

IT IS ORDERED that the hearing be set on the docket for the 28<sup>th</sup> day of July, 2017 at 9:00 a.m. to be heard on the same date that this matter is already set for appeal status.

New Orleans, Louisiana, on this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JUDGE CAMILLE BURAS  
Criminal District Court, Section "H"

PLEASE SERVE SIGNED ORDER:

Paul J. Barker, Esq.  
P.O. Box 19404  
New Orleans, LA 70179

Orleans Parish District Attorney's Office  
619 S. White Street  
New Orleans, LA 70119



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ORDER

Considering the above and foregoing:

IT IS ORDERED that the defendant's motion for designation and inclusion of specified evidence in the appellate record be and is hereby GRANTED.

IT IS ORDERED that, when preparing the appellate record, the Clerk of Court shall ensure that all of the items enumerated in the foregoing motion are made part of the record lodged with the Louisiana Fourth Circuit Court of Appeal.

New Orleans, Louisiana, on this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
JUDGE CAMILLE BURAS  
Criminal District Court, Section "H"

PLEASE SERVE SIGNED ORDER:

Paul J. Barker, Esq.  
P.O. Box 19404  
New Orleans, LA 70179

Orleans Parish District Attorney's Office  
619 S. White Street  
New Orleans, LA 70119

