



COURT WATCH NOLA
SEMI – ANNUAL REPORT:
JANUARY - JUNE, 2010



ABOUT COURT WATCH NOLA

Court Watch NOLA, established in June 2007, began as a pilot program with start-up funding by the Business Council of New Orleans & the River Region, Common Good and Citizens for One Greater New Orleans. Since its inception, Court Watch NOLA has continued to grow. Court Watch NOLA is a strong organization that has earned the respect of all groups represented in the New Orleans Criminal Justice System. Originally watching just 37 cases with a volunteer base of 15 members from the community, Court Watch NOLA now has a large, diverse volunteer base tracking over 500 serious felony cases. During the period of January through June 2010 Court Watch NOLA had 56 volunteers in court watching and recording data for the twelve sections of Criminal District Court, in addition to the numerous other volunteers that assist in supporting our organization.

Court watchers, identifiable by their bright yellow clipboards, are in court every day of the week. The consistent daily presence of volunteers in the courtroom reinforces the notion that transparency and accountability lead to an efficient criminal justice system, a cornerstone in the foundation for a safer city.

Court Watch NOLA continues to track Crimes of Violence Against the Person, Special Circumstances Crimes, Crimes at the Community's Request and High Profile Media Cases. These cases represent more than half of pending second-class felony cases at Criminal District Court.

The mission of Court Watch NOLA is to promote efficiency in the Orleans Parish Criminal Justice System by bringing accountability and transparency to the proceedings held in Criminal District Court. It is not the intent of Court Watch NOLA for this mission to in any way compromise or interfere with the rights of the victims or with the rights of the accused, nor is it the intent of Court Watch NOLA to interfere with the ability of the courts to act in a fair and just manner.

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TABLE OF CONTENTS

<i>Executive Summary</i>	4
<i>CW Nola’s Partnership With Local Universities Increase Court Observations</i>	5
<i>Court Continues To Increase Matters Being Held</i>	6
<i>Unscheduled Court Closing Impact Court Continuance Rate</i>	10
<i>Court Watchers Continue To Record Judge’s Arrival On The Bench</i>	13
<i>Observations By Court Watchers</i>	15
<i>Acknowledgements</i>	21



EXECUTIVE SUMMARY

Court Watch NOLA has been in court watching the recovery of the system as a result of Hurricane Katrina. In addition to the changes the storm has brought about, change has occurred in our city's leadership. One such change is having a direct impact on our criminal justice system: In November 2009, District Attorney Leon Cannizzaro was elected.

Since elected Mr. Cannizzaro has increased the number of cases accepted for prosecution. In 2009, there was an increase of 36% of all cases accepted for prosecution from 2008, with the number of violent cases accepted increasing 78% , up from 694 cases in 2008 to 1232 cases in 2009¹. These violent cases are the types of cases primarily watched by Court Watch NOLA.

As this report indicates, the number of cases being heard by the judges at criminal district court has increased by 4% over previous six month period. Considering the overall increase in the number of cases accepted by the District Attorney's Office it is a positive factor that the "system" is keeping up with that increase.

Although the continuance rate still remains too high, there was only a 2% increase in continuances over the previous six month period, despite the increased in the number of accepted cases.

Further, even though there was a decrease in the percentage of cases that were brought to a close during the first six months of 2010, it is noteworthy that of

The Election of D.A. Leon Cannizzaro has had a marked impact on the number of cases brought to court

Court Watchers Watch every violent criminal case, typically over 500 at any given time.

Court Watchers are all volunteers and Court Watch Nola is a 501(c)3 non-profit.

Despite the added caseload, continuances only increased 2% but are still high compared to other jurisdictions

Court Watchers are recording when Judges take the bench

¹ Source: Metropolitan Crime Commission – Orleans Parish Criminal Justice System 2009 Accountability Report Exhibit 4.



those cases closed, 14 murder cases were closed and 32 armed robbery cases were closed. Significant court time and resources are expended in bringing these complex and difficult cases to a close.

The fact that 38% of the court continuances were due to another trial being in progress is an indicator of the time demand of being in trial on a complex case will have on other pending cases.

However, it must be noted that 13% of the time a matter was continued by the court it was because the court was closed when it was scheduled to be open, costing countless wasted hours to court personnel, police officers, parties and witnesses who make an unnecessary trip to court to find the court room door locked or the judge unavailable.

Late court start times continue to be of issue in a few sections of court, also at a cost of time and resources to the system and our community.

Of the matters that were brought to a close, only 33% of the cases either pled guilty as charged or were found guilty as charged. For the remaining 67%, the matter was closed by either pleading to a lesser charge, being found guilty of a lesser charge or being dismissed.

Just as the election of our District Attorney has brought change to our Criminal Justice System, the appointment of the new Chief of Police will also bring change to the Criminal Justice System.

Court Watch NOLA looks forward to our next reporting period to see if these positive changes continue to have a positive effect on the Criminal Justice System as a whole.

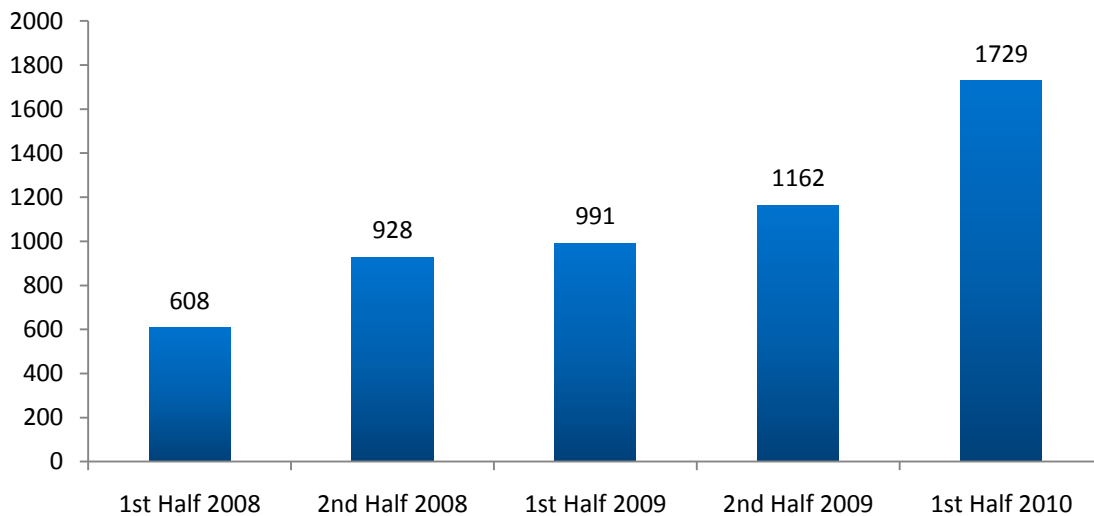
CW NOLA'S PARTNERSHIP WITH LOCAL UNIVERSITIES INCREASE COURT OBSERVATIONS

The presence of Court Watch NOLA has continued to increase in the courtrooms of Orleans Parish Criminal District Court over the past three years. This increase in observations has been made possible by the continued dedication of our community volunteers and our partnerships with Tulane and Loyola Universities.

Exhibit 1 identifies the number of courtroom observations Court Watch volunteers have conducted over the past two and half years. This incredible dedication represents thousands of volunteer hours donated by our committed volunteers in order to keep the public informed of the activities that occur on a daily basis at Criminal District Court.



Exhibit 1: Number of Volunteer Observations by Six Month Periods



This increase in volunteer observations allows for additional data to be compiled and reported to the public. The additional data provides greater information to the public regarding the activities at Criminal District Court. Additionally, the increase in volunteer observations allows for Court Watch NOLA to be able to keep up with the increased docket sizes that are resulting from the number of cases being accepted by the District Attorney’s Office.

The official docket master was reviewed in conjunction with the court watchers’ reports to confirm the accuracy of the information recorded by each court watcher. Data was collected for several measures of court efficiency: continuance rate, the reason that matters were continued, number of days between settings, and the time the Judges took the bench. Statistics in this report were tabulated only for case settings actually observed by Court Watch NOLA volunteers.

COURT CONTINUES TO INCREASE MATTERS BEING HELD

Exhibit 2 reflects the results of volunteer observations from January 2008 through June 2010 in six month increments. Over the reflected time period there has been an increase in the amount of matters being held -- from 25% in the first half of 2008 up to 36% of the matters being held in the first half of 2010, an overall increase of 11%. When comparing the preceding six month period of July through December 2009 to the period of January through June 2010 there is a 4% increase for matters being held.



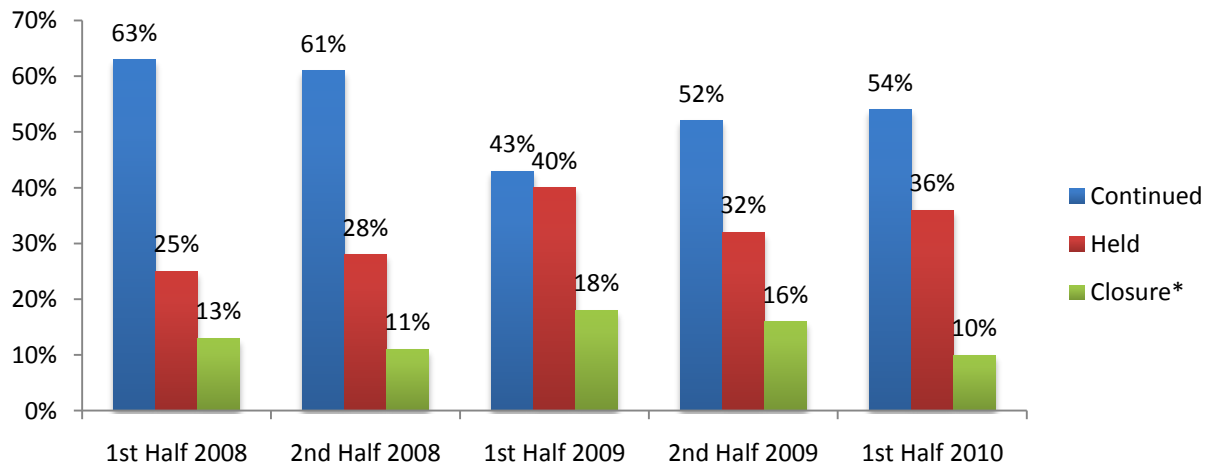
Regarding the matters being continued, there has been an overall decrease of 9% from the first half of 2008 to the first half of 2010. When comparing only the preceding six month period of July through December, 2009 to the current six month period, there is a 2% increase of matters being continued.

The matters brought to closure is at its lowest point for the period of observation, with only 10% of the cases observed brought to closure. A further breakdown of the matters brought to closure is displayed in Exhibit 3. Although the matters brought to closure is a low percentage, it is noteworthy that 14 of the matters closed were matters charged with either first or second degree murder and 32 of the matters closed were charged with either armed robbery with a firearm or armed robbery.

NEW IN 2010:

Court Watchers' observations and data sheets now include more detailed information regarding the reasons that matters are continued.

Exhibit 2: Results of Observations by Six Month Periods

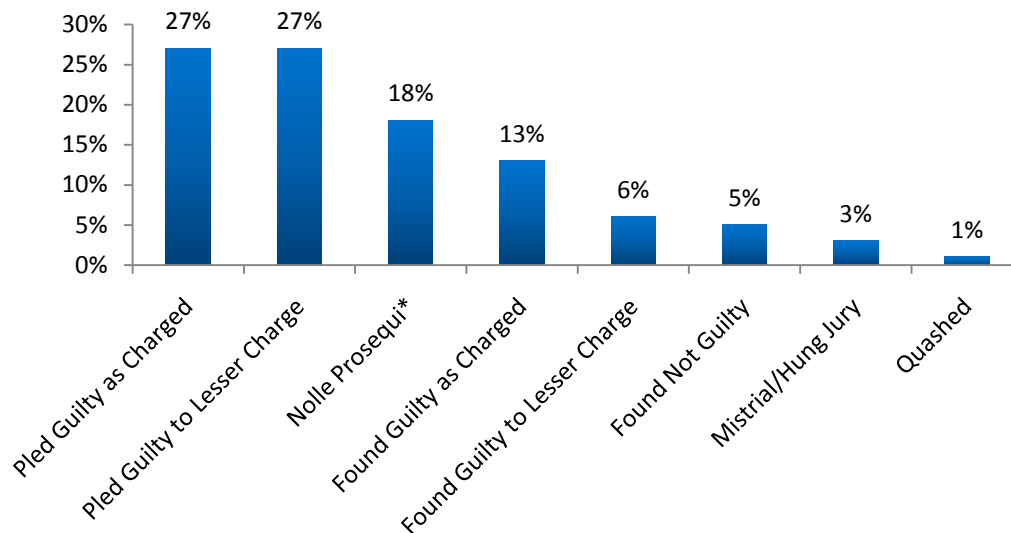


*Identified as Plea/Trial in previous reports



Exhibit 3 reflects a breakdown of the matters brought to closure for the first half of 2010. There is no previous comparison for this breakdown as Court Watch NOLA has not broken down this information in earlier reports.

**Exhibit 3: Breakdown of Matters Brought to Closure
for the Period of January to June 2010**



**Nolle Prosequi* is Latin legal phrase which is a declaration made by the District Attorney dismissing the case against the defendant. A *Nolle Prosequi* does not prevent the prosecutor from recharging the defendant at some time in the future

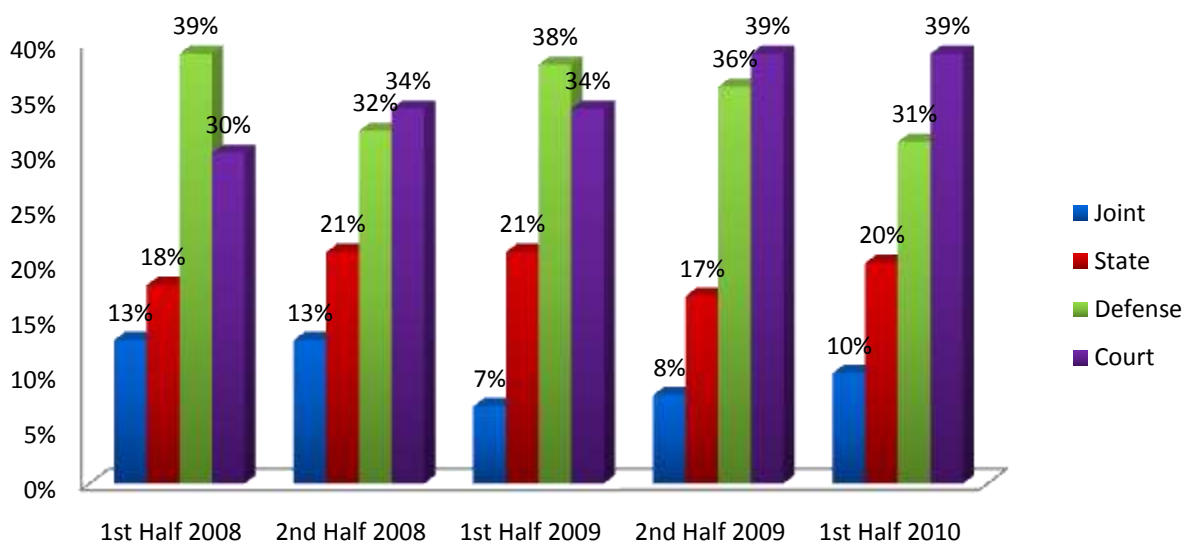
Exhibit 3 reflects that the most frequent method of closure of cases results from defendants either pleading guilty as charged or pleading guilty to a lesser charge, with each of these types of plea each occurring 27% of the time. The District Attorney must amend the charge to allow the defendant to plead to a lesser charge. The third most frequent method of resolution for cases observed by Court Watch NOLA was *Nolle Prosequi**, with 18% of the cases being dismissed by the District Attorney's Office.

The remaining cases were brought to closure by the defendant being found guilty as charged - 13%; found guilty of a lesser charge – 6%; found not guilty – 5%; a mistrial or hung jury – 3% and the case being quashed by the judge -1%.



Exhibit 4 compares who requested a continuance for each six month period from January 2008 through June 2010. Exhibit 4 shows that the defense request for a continuance has had an overall decrease of 8% from the first half of 2008 to the first half of 2010. The state has remained relatively constant when requesting a continuance, with a range from 17% to 21%, and the current request rate at 20%. Joint continuances have ranged from 7% to 13%, with a current joint request for continuance at 10%. The court continuances have increased overall from the first half of 2008 to the first half of 2010 by 9%, although court continuances have remained constant for the previous 6 month period at 39%.

Exhibit 4: Request Continuance by Time Period





UNSCHEDULED COURT CLOSING IMPACT COURT CONTINUANCE RATE

Court Watchers' observations and data sheets now include more detailed information regarding the reasons that matters are continued. Those reasons and observations for court continuances are reflected in **Exhibit 5**.

Exhibit 5 shows that 13% of the time when a court watcher has been assigned to watch a matter in

a specific court, that matter is continued due to an unscheduled court closing. An unscheduled court closing is recorded when the court has matters scheduled on their docket, but the judge does not hold court.

38% of the time when the continuance is attributed to the court, the court has continued the matter due to a trial in progress other than the matter that is being observed by the court watcher and 49% of the time the continuance is reflected on the docket master as a court continuance, which is not identified as either by a trial in progress or an unscheduled court closing.

Exhibit 5: Breakdown of Court Continuances by Reason

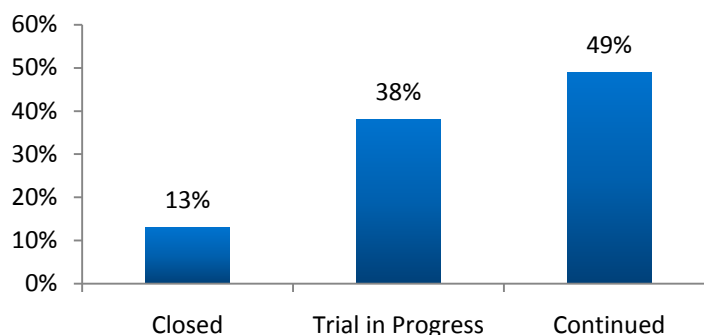




Exhibit 6 reflects the percentage of all proceedings continued by judge over the past year and a half, broken into six month time periods. For the first half of 2010, Judge Marullo had the lowest percentage of continuances at 38% and Judge Hunter had the greatest percentage of continuances at 66%. Judge Buras, Judge Willard, Judge Parker, Judge Davis, Judge Derbigny, and Judge Alarcon all remained relatively constant, within four percentage points when comparing the last six months of 2009 to the first six months of 2010. Judge Pittman and Judge Landrum-Johnson each increased their percentage of continuances by 7%, and Judge Herman's continuance rate increased by 10%.

Exhibit 6: % of All Proceedings Continued by Judge for Six Month Periods

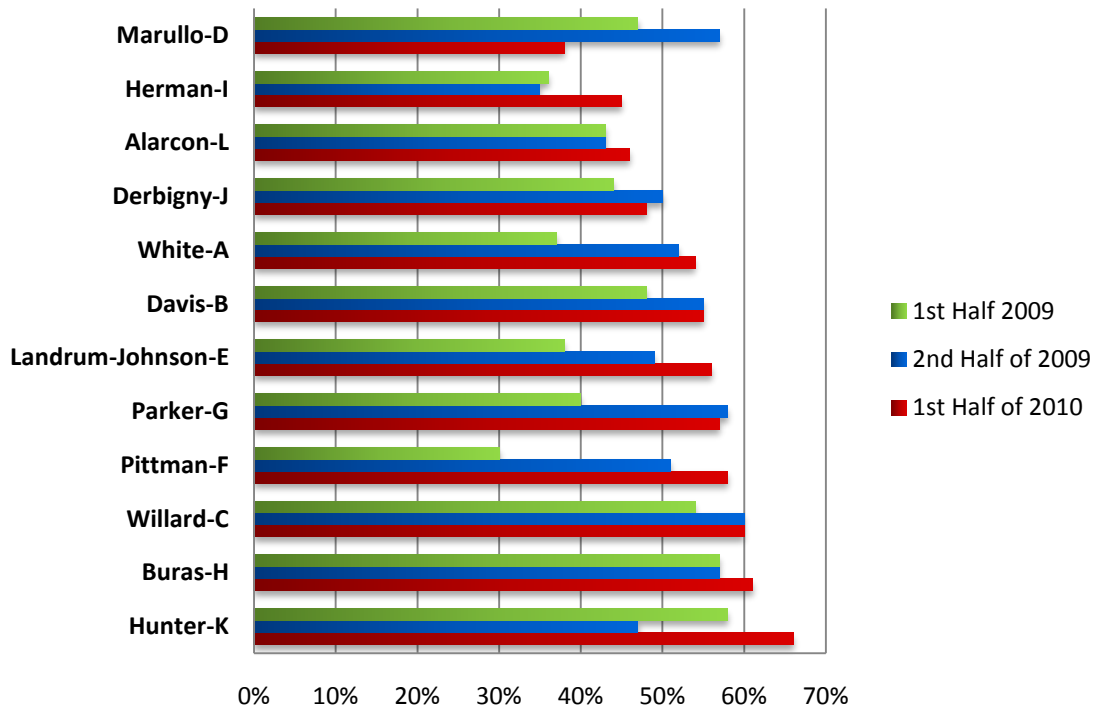
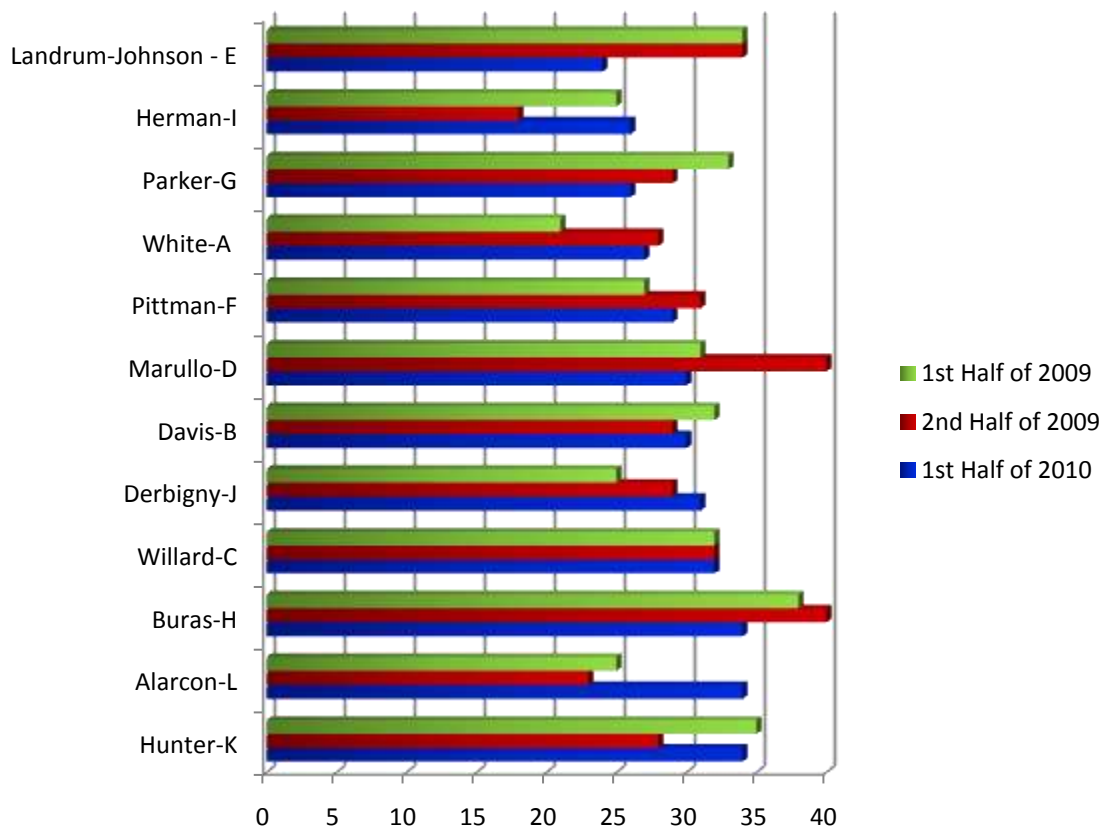




Exhibit 7 reflects the average number of days between settings for all matters for each Judge, for the past year and a half, broken down by six month periods. The overall court average of 30 days between settings remained constant for the first half of 2010 from the previous six months. Judge Hunter, Judge Alarcon and Judge Buras had the greatest number of days between settings at 34 days. Judge Landrum-Johnson had the fewest number of days between settings at 24 days.

**Exhibit 7: Average Number of Days
Between Continued Settings by Six Month Periods**





COURT WATCHERS CONTINUE TO RECORD JUDGE'S ARRIVAL ON THE BENCH

Exhibit 8 shows the percentage of time each judge took the bench for three specific time periods – the first time period from 8:00 to 9:29 a.m., the second time period from 9:30 a.m. through 9:59 a.m. and the third time period after 10:00. Exhibit 8 only reflects the data recorded by court watchers for the period of January through June 2010.

It should be noted that the court watchers record the time the judge opens court. This exhibit does not represent the time the judge arrives at court, or that court business is not conducted prior to the judge opening court.

The information gathered establishes that Judge Parker takes the bench before 9:29 a.m. 100% of the time. Judge Hunter and Judge White take the bench after 10:00 a.m. 43% and 44% of the time respectively.

Exhibit 8: Percentage of Time Judges Took the Bench During Specific Time Period

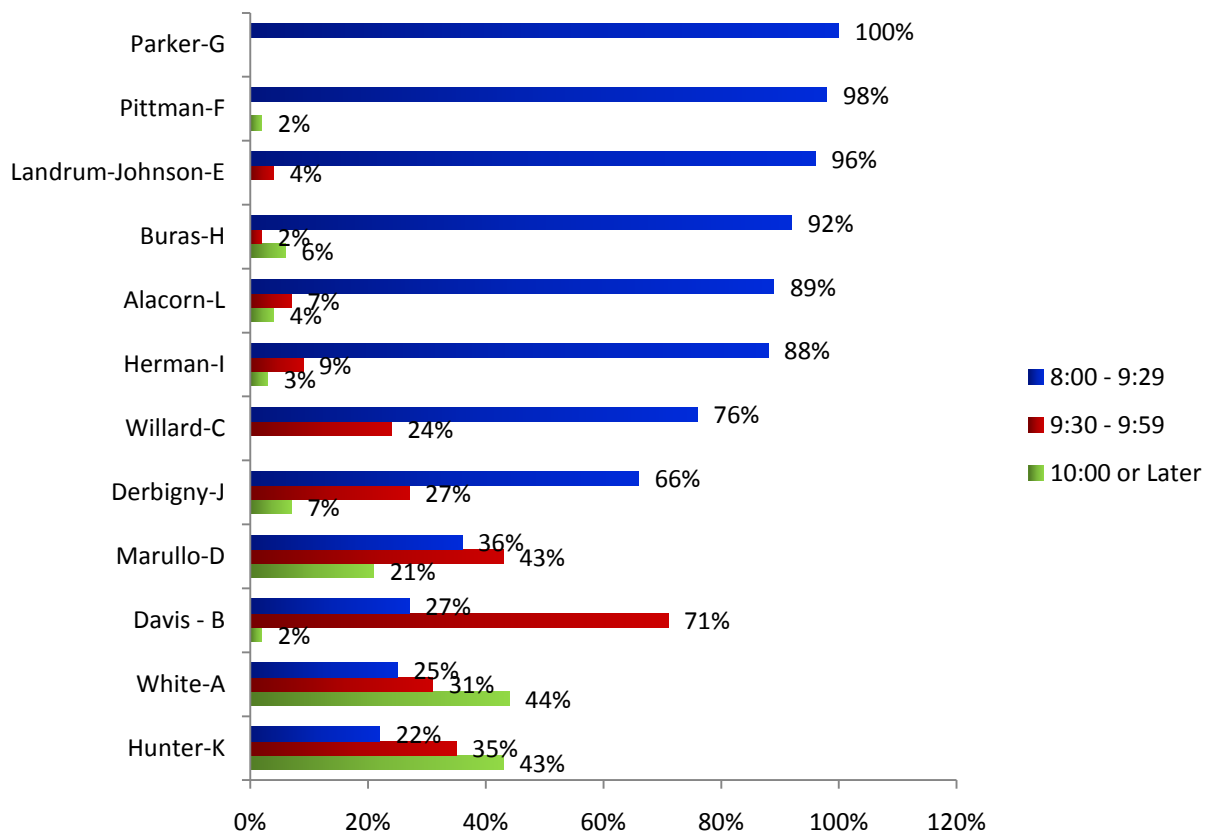


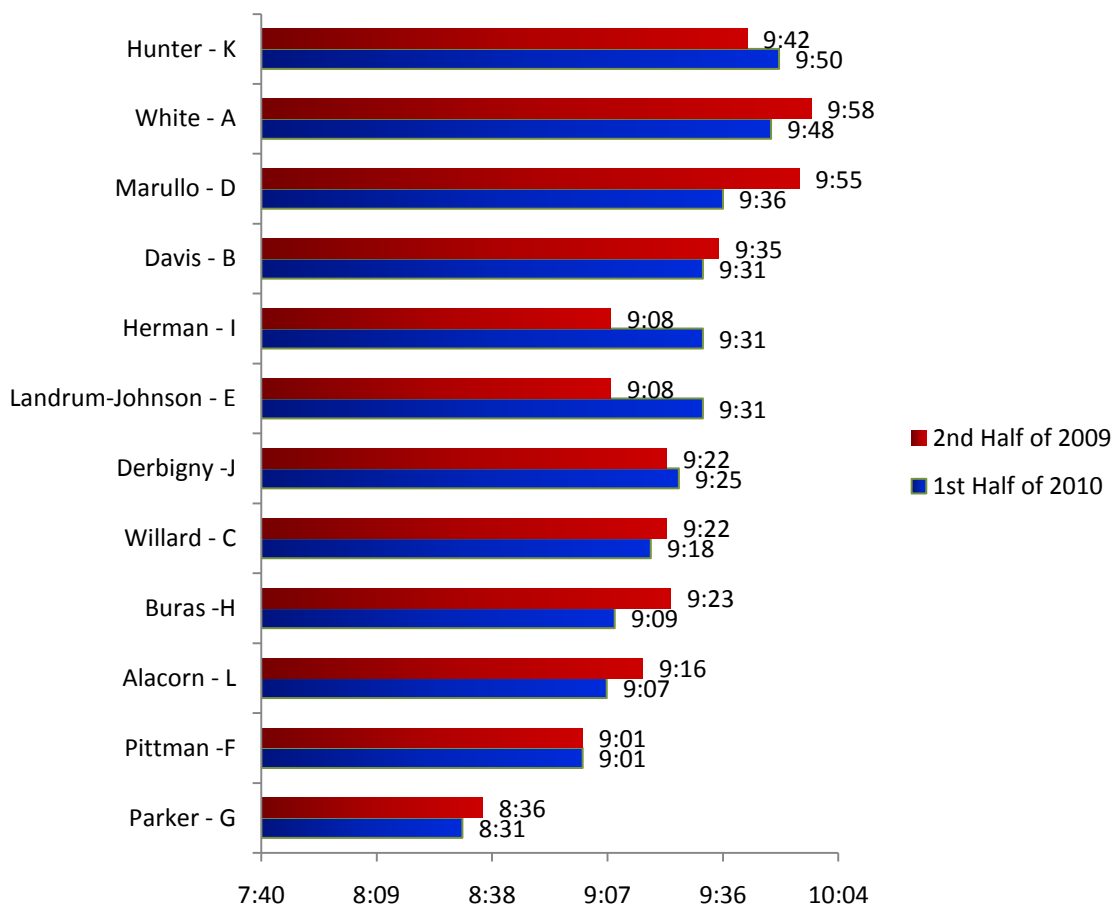


Exhibit 9 reflects the average time each Judge took the bench for the last six months of 2009 and for the first six months of 2010.

From January through June 2010 - Judge Parker and Judge Pittman begin court each day within one minute of their scheduled start time. Judge Parker is the only judge that starts court at 8:30 a.m. All other sections issue subpoenas for 9:00 a.m. Judge Pittman takes the bench 9:01 a.m. on average. Judge Hunter and Judge White start court on average at 9:50 a.m. and 9:48 a.m., respectively.

It should be noted that the court watchers record the time the judge opens court. This exhibit does not represent the time the judge arrives at court, or that court business is not conducted prior to the judge opening court.

Exhibit 9: Average Time Judge Took the Bench by Six Month Time Periods





OBSERVATIONS BY COURT WATCHERS

A. COURT CLOSURES

These court watcher comments come from information sheets where court was closed.

Court cancelled all matters, Judge out of town. Lots of trials had to be reset.

Court closed, Judge did not show???

The case that I was waiting for was not presented due to the judge's unexplained absence today. Court Watcher's are tending to shy away from reporting on this court as it is a waste of Court Watcher's time.

NO COURT TODAY!!!!!!

This is another instance where the court without notice was not open. Therefore, inconveniencing the participants as well as the general public.

No court today. I find this to be a problem in several courts....

Although Judge's calendar summary for today shows 34 events listed, the court room door was locked at 9:00 and still at 10:15 when I checked again. What an inconvenient and injudicious way to run a "public" court. This seems to be a habit with this judge.

B. DEFENSE ATTORNEYS

These court watcher comments were recorded from January 1 through June 30, 2010. As of July 1, 2010, the manner in which the cases in Criminal District Court are allotted were changed to allow for vertical prosecution and vertical defense. This concept allows for one prosecutor and one defense attorney, if that attorney is appointed through the Orleans Parish Indigent Defenders Office, to follow a case from arrest to verdict. This manner of allotment should decrease the difficulty regarding consistent appearances by the defense counsel appointed through the Orleans Parish Indigent Defender's Office. Court Watch NOLA will continue to monitor this issue to assess whether the change in allotment results in a decrease in delays and continuances.

Continued due to defense attorneys not present in court today. Judge reset for the pretrial for Friday at 1:00 p.m. that way she said that is a good time for lawyers to go to jail for no-show.



Had to wait for several defense attorneys. Judge remained calm and patient, perhaps more than she should have been.

30 minute delay between this case and the case before it due to one of the defense attorneys not being present.

Defense attorney not present. Judge talked with OPD supervisor who attempted to contact the attorney, to no avail. Hearing had to be reset.

Court delay due to defense lawyers not in Section. Police officers also waiting for court to continue – delay 45 minutes. Judge finally left the bench in order to go to other sections to find lawyers to bring to her court and stop delay.

Defense arrived over 2 hour late. Court in recess while waiting.

Case after case came up and had to be continued because defense attorney not present but state was ready to proceed.

Case continued due to no show by defense attorney. Court said if defense attorney does not report or contact the court she will issue an attachment for his arrest.

Judge had to phone the public defender's office because no one showed up as of 10:45. Someone arrived 11:15.

The defense attorney wasn't present at the time the case came up on the docket. Therefore, they couldn't go forward with the case. The defense attorney had been in this courtroom earlier, but he left after handling an earlier case.

Judge highly upset. When case called defense lawyer not present and ready. No indication of absence and defendant and 2 NOPD officers present to testify. Each waited 3 hours without notification.

So much time is spent trying to locate lawyers when they are needed. There must be a system or way to ensure that they are in the courtroom when they are needed.

Judge tried very energetically to move his docket, but the morning was plagued with missing attorneys. It seemed like the defense attorneys were somewhere else. He was patient, but it has to be frustrating.



C. CRIMINAL SHERIFF

Deputies very active in maintaining order; in one case asked defense attorney to take someone outside for conference.

Order was not always maintained in the court. Once Judge had to call for order and silence before the deputies did.

Defendant not present because of prison transportation issues.

Many continuances because defendant was not put on the jail list.

Flow of court proceedings unusually slow in this section today. Attorneys not present, then arriving when defendants are not present.

Judge called a recess at 9:30 returned to the bench at 10:00. Left again at 10:25 returned at 10:35. Judge explained to me the reason for the delays to be caused by the system. There is a lot of time lost by the prisoners being available and the attorneys being in court on time. This is a big problem for the system to operate smoothly.

The flow of the court room is always slow. For whatever reason, defendants are not in court when lawyers arrive, those that are "up" do not have attorneys present. As a result, cases seem to go on for extended periods before being completed.

D. PUBLIC FRUSTRATION

Defendant not brought into to court. Search sent out for defense attorney. Reset. Family members of the victim travel from Vacherie every time the case has been set and have been continuously disappointed by with all of the continuances.

The victim's mother is very frustrated and growing tired of all of the court continuances. Her daughter was murdered and she attends all of the court hearings.

When cases were continued, the people in the audience observing court were upset at another continuance. Almost every case on the docket was continued.



E. LATE STARTS

Courtroom had 13 professionals waiting for Judge. He did not take the bench until 10:28.

From 9:00 until 9:28 a total of 14 professionals awaited the Judge's appearance.

Judge was late 1 hour 20 minutes.

Judge arrived at 8:50, bench at 9:36, left bench at 9:46, returned 10:01. 8 police officers in court since 8:30 a.m.

Judge arrived at court 45 minutes late – true to form.

The Judge did not show up while we were present. (Court Watcher's left at 10:45)

F. POSITIVE OBSERVATIONS

The Judge is very well spoken and professional. He is what I like to imagine all judges should be like. Also very efficient.

I am impressed with the way this Judge runs her court. She is on time, uses the microphone, calls her own cases clearly, has minimal sidebar activities and finished her 23 case docket by 10:10 a.m. She is a consummate professional, interested in an efficient court yet having time to allow each case to be fully heard and accommodated. She is also a pleasure to observe on a personal level.

This judge is a good, acts quickly, is ready. She heard 16 cases in the first 40 minutes. She is polite and courteous and I think she is good. Furthermore, she is calm, even tempered and a well modulated voice.

Judge prompt – well run court – efficient use of time.

It is all enjoyable here. The Judge is always very respectful. Prosecution always prepared for court. He is very professional.

Judge did a good job of slowing down and making sure the defendant understood his rights and understood exactly what making a guilty plea meant. Many judges simply run through the script and receive rapid fire answers back from the defendant but in this case, the judge actually talked with and gave explanations to the defendant.



During the voir dire the judge was very involved in convincing the jurors to be involved in the process. She explained herself very well.

Judge has a very orderly court, and is conscientious and careful.

The Judge's performance at every level was superb. It was a day full of different matters and she dealt with everything well. I am really impressed today. On two occasions she called no shows to tell them an alias capias was going to be issued.

Judge gave a wonderful opening speech to the jurors. Also she broke in from time to time to explain information to the jurors – ie: burden of proof, reasonable doubt. She has a lovely manner, not in the least condescending. She would be a wonderful teacher.

Judge demanded that this case go on trial today. Denied motion for continuance. Jury selection began.

Judge starts early, calls case numbers, and keeps the court moving. She takes extra steps to get things done now!

Judge was very professional, knew what she was doing. Behaved even handed even when there were issues in the court. This case was on the docket for 13 months and the judge pushed to finally get thing moving and to trial.

The prosecutor was very well spoken and prepared. The Judge was very fair and remained objective and level headed.

G. NEGATIVE OBSERVATIONS

The Judge left the bench five or six times in a two hour period.

Judge using cell phone in court.

Too many recesses – 10:00 – 11:03; 11:50 – 12:10; 12:15 – 12:35.

Due to failure of prosecutors to use the microphone, I was unable to hear anything. A complete waste of my time.

When the Judge was in the middle of taking a plea and sentencing a defendant, she took a cell phone call. The Judge excused herself and flew off the bench. Then she came back from her office and went right into sentencing the defendant. The court watcher indicated that this did not seem professional to him.



Judge shrieked at the attorneys, saying “shut up, sit down” etc. interrupting. She is an extremely good judge – very, very smart - but her behavior is so unprofessional it detracts from her effectiveness. She sometimes seems almost out of control.

Waste of time. Judge did not appear until 9:50 - cannot understand 90% of what he says – seems rude and sarcastic. Proceedings very slow. Long periods with nothing happening. None of my assigned cases were called by the time I had to leave at 11:30.

There is much idle time in this courtroom. Judge took a break to his chambers for 40 minutes.

The Judge delayed the court with a 35 minute side bar, which left police and attorneys waiting. Shortly after she had another side bar lasting 20 minutes. Then there was a 30 minute bathroom break for the prisoners. Judge then took another side bar for 15 minutes. This court has no concept of time management.

Judge is barely audible. Proceedings moved very slowly. Judge did not seem to be able to move things along in an efficient manner. Lots of side bars and you couldn't hear anything. Not just the Judge – all of the attorneys were hard to hear. No one used the mic!

Found it very difficult to follow proceedings. Judge would call one defendant's name and for reasons I could not hear, call another. I did not find cases moves smoothly.

Continued by defense attorney. It seems this attorney along with a few more can get cases reset whenever. It's a regular thing for these guys and this judge lets them have their way regardless.

No one uses the microphone – seems like they talk among themselves. Very frustrating for the public that can watch but not listen.

Two or three officers have been sitting here since 9:00 a.m. – it is now 11:10, still not called. When the case was called, the defense moved for a continuance, which was granted.

Too many decisions made at bench between state and defense with Judge.

This case has already had eleven defense continuances. Screener missed fact that defendant is not the biological uncle of the victim so he cannot be charged with incest.



DA changing charge to molestation of juveniles, 2 counts. It seems inconceivable that this case has gone on this long and this is just now coming to light.

Most cases called have not gone forward – missing evidence, missing defendants, lots of side bars. Not clear to me what is causing holdups. ADA's do not seem well organized. 10:20 a.m. – things now happening, at last.

H. JUDICIAL FRUSTRATION

Judge got mad about the fact that no one seemed to be prepared for their cases.

Court began with 8 police officers in court. Judge very annoyed because of continuances and tying up police officers unnecessarily.

Judge is not happy because defense is not prepared in his opinion – three (3) weeks to prepare and this morning asks for additional time.

I. NEW ORLEANS POLICE DEPARTMENT

The officers and detectives in this case were outstanding. Did a great job of investigating and producing line-ups. This was one of the best jobs I have seen NOPD do.

The NOPD officer was a 26 year veteran and departed himself crisply, cleared and with good natured authority.

The officer was very well versed on this case, clearly used the microphone and gave a very professional demeanor.

Expert witness testified on fingerprint ID – very professional.

ACKNOWLEDGEMENTS

Court Watch NOLA would like to thank the Court Watch NOLA volunteers who make this work possible; all of our donors for their continued support of Court Watch NOLA; the Business Council of New Orleans & the River Region; Citizens For One Greater New Orleans; Common Good; New Orleans Crime Coalition; Criminal District Court Security; Criminal District Court Courtroom Personnel; the Criminal District Court Judicial Administrator's office; the Orleans Parish Clerk of Criminal District Court; and Carrollton Technology Partners.