

STATE OF LOUISIANA

NUMBER: 2 [REDACTED]

VERSUS

**FILED**  
JAN 19 2017  
*Ann Wiggins*  
DEPUTY CLERK  
26TH JUDICIAL DISTRICT COURT  
BOSSIER PARISH, LOUISIANA

26TH JUDICIAL DISTRICT COURT

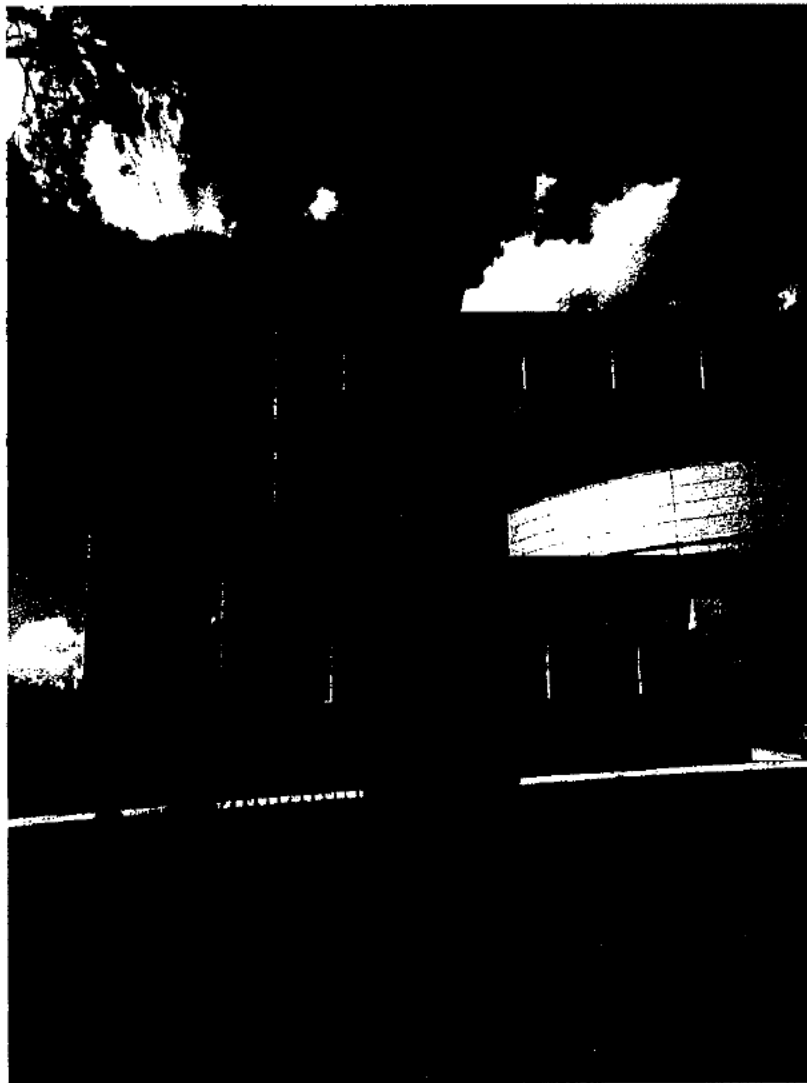
PARISH OF BOSSIER

STATE OF LOUISIANA

**MOTION FOR CHANGE OF VENUE TO A SITE THAT DOES NOT BOAST  
A STATE-SPONSORED CONFEDERATE MONUMENT**

NOW INTO COURT, through undersigned counsel, comes [REDACTED] who moves this Court pursuant to the Fourth, Fifth, Sixth, Eighth, Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution, and Article 1, Sections 2, 3, 5, 13, 14, 16 & 17 of the Louisiana Constitution for a change of venue or the relief herein described. In support of his motion, [REDACTED] states as follows:

1. [REDACTED] has been indicted for first degree murder, and the State seeks the death penalty in his case. A jury trial on this matter is scheduled to occur in this Bossier Parish courthouse on May 30<sup>th</sup>, 2017.



(Photo by K. Sheely)

PAPERS ISSUED 1-24 20 17

*SW* DEPUTY CLERK  
DA: *Atty*

2. All potential jurors entering the front steps of this Bossier Courthouse walk between the courthouse and the pictured monument as they approach from the parking lot, even before they pass the American flag at the front entrance.
3. [REDACTED] moves for a change of venue to a courthouse that does not have a Confederate monument displayed at its front door. The presence of the monument will inject an arbitrary factor—race—into this case. Exposing potential jurors to this monument, given the specific history of this object at this courthouse, violates [REDACTED] right to a fair trial and to equal protection of the laws under the Louisiana and United States Constitutions. La. Const. Art. 1, Sec. 12, 13, 16, 17, 20, 22, 24; U.S. Const. amend. 1, 8, 13, 14; *Sibley v. Bd. of Supervisors of LSU*, 477 So. 2d 1094, 1107 (La. 1985). Further, the Court has an independent obligation to ensure that race plays no role in the administration of the capital sentencing scheme.
4. Discussion of this monument and its impact cannot occur in a vacuum. Vile racism has infected parts of this Parish and has reared its head on the dark corners of the internet in discussions about this case, [REDACTED] and the women's children. [REDACTED] is an African American man, and [REDACTED] are white women who each had children with black fathers. Websites displaying the same Confederate flags etched in this monument host forums where members refer to [REDACTED] as a "trigger nigger"<sup>1</sup> and call [REDACTED] "race traitorous mud sharks" and "coal burning mutant picaninny breeding whores." <http://chimpmania.com/forum/showthread.php?50586-A-good-Mother-s-Day-twofer-for-the-price-of-one>. The death penalty is referred to as "a graduation with honors."

---

<sup>1</sup> With apologies to the Court and common decency, this Motion does not sanitize or censor the language or images found discussing Mr. Butler's case, as Justice is not served by masking and sanitizing white-supremacist ideology but by confronting it head-on.



(Photo by K. Sheely)



Chimpmania.com, "A good Mother's Day twofer for the price of one," *supra*.

5. As this Motion shows, the Monument was placed in front of the Bossier Courthouse by followers of the Lost Cause in response to Reconstruction, loss of slavery, and granting African-Americans the right of personhood and the right to vote. It was moved in front of the new courthouse in the 1970s at the height of the Civil Rights Movement. This symbol of the Confederacy cannot be separated from the people and ideas it represents: a rejection of the supremacy of the U.S. Constitution and the ideal that all men are created equal. The monument must be moved, or [REDACTED] trial be moved away from it.
6. [REDACTED] raises his own rights under federal and state law, *supra*, and also those rights of potential jurors in his case. Powers v. Ohio, 499 U.S. 400 (U.S. 1991); State v. Velez, 588 So. 2d 116 (La.App. 3 Cir. 1991).
7. Holding [REDACTED] first degree murder trial within view of the Confederate monument

violates the 14<sup>th</sup> amendment's Equal Protection Clause. To establish a violation of the 14<sup>th</sup> amendment Equal Protection Clause, a claimant is required to prove (1) suspect class; (2) state action; (3) discriminatory intent; and (4) discriminatory impact. *See, e.g., Personnel Administrator of Mass. v. Feeney*, 442 U.S. 256, 279 (1979) (requiring civil rights plaintiff to prove state action was taken "because of, and not merely in spite of, the discriminatory effect"). Here, the class is suspect: race. *See City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 440 (1985) (stating that race-based state action is "deemed to reflect prejudice and antipathy—a view that those in the burdened class are not as worthy or deserving as others").

### **State Action Permitted the Erection of the Monument and Its Move to the Current Position on Parish Land.**

8. The State participated in the construction of the Confederate monument in front of the Bossier Courthouse in multiple steps beginning with the first erection of the monument in front of Bossier's third courthouse in 1910. On August 30<sup>th</sup>, 1910, the town and parish accepted the monument from the United Daughters of the Confederacy at an unveiling in which children marched around the monument singing "Dixie" and adults enjoyed barbecue while commending the UDC for "their efforts to secure a true history of the war,"<sup>2</sup> which is the "Lost Cause" narrative discussed below.

9. The monument was placed not in a cemetery or on a battlefield but in front of the parish courthouse. The significance of this placement cannot be overlooked, and its importance did not dim with age. When Bossier's courthouse moved from the earlier site to one further south in the 1970s, the monument was moved to the entrance of the new (5<sup>th</sup>) courthouse.

### **The Monument's Engravings And Its Origin Story Show Discriminatory Intent.**

10. Race discrimination—from slavery to civil rights backlash—must be deemed a significant original factor in this former Confederate parish's decision to sponsor the Confederate monument at its courthouse and then to move it to the new courthouse site instead of letting it rest where originally placed.

11. The monument itself boasts the motto of the Confederacy, "Deo Vindice," and pays tribute only to those soldiers from Bossier who fought against the United States during the Civil War.

---

<sup>2</sup> *Confederate Veteran*, Vol. 19, January 1911, p. 16.

According to local lore, Bossier Parish was the first in the nation to declare war on the United States, at a meeting on November 26, 1860, when the "Minute Men of Bossier Parish" were also organized.<sup>3</sup>

12. The Constitution of the Confederate States of America, for which the Confederate cause was fought, overtly protected "Negro slavery," and specifically excluded African Americans from civil protections: "No bill of attainder, ex post facto law, or law denying or impairing the right to property in Negro slaves, shall be passed." Confederate Constitution, Art. I, § 9, Art. IV, § 3, reprinted in George Anastaplo, *Amendments to the Constitution of the United States: A Commentary*, 23 LOY. U. CHI. L.J. 631 (1992).
13. To be clear, by "slave trade" counsel means that men, women, and children were "torn from their homes in Africa, transported like animals across the ocean, bought and sold at auctions, forced to work in inhuman conditions, and raped, burned, and beaten by their masters." James Forman, Jr., *Driving Dixie Down: Removing the Confederate flag from Southern State Capitols*, 101 YALE L.J. 505, 513 (1991). Even as the trans-Atlantic slave trade slowed, trading remained through the Caribbean and between plantations in the Southern U.S. Families formed in slave quarters despite the inhumane conditions only to be ripped apart: children sold for profit and married couples separated because of whim or a perceived slight by the people who claimed to own their fellow human beings.
14. The Confederate Monument was placed by the United Daughters of the Confederacy on Bossier Parish property to support the treason of Confederates who waged war on the Union and sought to maintain that slave system. Janney, Caroline E. "United Daughters of the Confederacy." *Encyclopedia Virginia*. Ed. Brendan Wolfe. 5 Jul. 2011. Virginia Foundation for the Humanities. 2 Jun. 2010.<sup>4</sup>
15. By 1910, the U.D.C. endeavored to recast the purpose of the Civil War, embracing the "Lost Cause" theory of the War, and listing as the organization's first objective "To collect and preserve the material necessary for a truthful history of the War Between the States and to protect, preserve, and mark the places made historic by Confederate valor."

<sup>3</sup> <http://www.bossiercity.org/Bossier-City-History/>

<sup>4</sup> [http://www.EncyclopediaVirginia.org/United\\_Daughters\\_of\\_the\\_Confederacy](http://www.EncyclopediaVirginia.org/United_Daughters_of_the_Confederacy)

<http://www.hqudc.org/about/> (last visited 12-05-2016). The “truthful history” enshrines a myth about the Confederate cause being one for state’s rights, chivalrous men, genteel women, and faithful slaves (the “Lost Cause” myth<sup>5</sup>.)

16. In truth, the Confederates were fighting for control of land, for control of economic markets, and for control of their slave-based way of life. BRUCE CATTON & JAMES M. MCPHERSON, *THE CIVIL WAR* 8, 100 (2004) (“To be sure, the Southern nation was based on the institution of chattel slavery”).
17. Even after losing the Civil War, Louisiana and other southern states refused to grant civil rights to African-Americans. In Bossier Parish, which relied on cotton production and therefore slavery for industry, massive violence followed the post-Civil War era. One “Negro hunt” in the parish during the 1868 election resulted in one hundred and twenty corpses. W.E.B. Du Bois, *Black Reconstruction in America*, 2014, p. xvi. A Reconstruction government was established in Louisiana to curb violence and extend civil liberties to all men, and the promise of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments of the U.S. Constitution was to make African American full and equal citizens of the nation.
18. It is no accident that the Confederate Monument shows up at the steps of the Courthouse where blacks were being prevented from serving on juries, and where they had to go to assert their rights under law. The writings of the Klan, and the speeches of the drafters of the 1898 Constitution in force when this monument was erected, purport to use the law to ensure the continuation of white supremacy in Louisiana.
19. Louisiana fought to ensure that white supremacy reigned in the voting booth and in halls of justice. In 1880, the United States Supreme Court held that African Americans could not be excluded from juries. *Strauder v. West Virginia*, 100 U.S. 303. Louisiana’s response in was to tie jury service to the voter rolls, ensure that the voters of the State remained white, and do away with unanimous jury verdicts on all cases but death, ensuring that minority viewpoints could be ignored. They finally accomplished this in 1898 through a Constitutional Convention. The Chairman of the Committee on the Judiciary for the 1898 Constitutional Convention, remarked

---

<sup>5</sup> eg., Cox at 39; 128. The U.D.C. itself describes its “love and pride in the South and the Southern Confederacy” as moving Southern women to build monuments to “tell of the glorious fight against the greatest odds a nation ever faced,” that the “hallowed memory” of the “devotion, the heroism, the brilliancy, and the resourcefulness of the Confederate Army...” would never die. Mary Poppenheim, *THE HISTORY OF THE UNITED DAUGHTERS OF THE CONFEDERACY 1894-1955 Volume I and II* (1956), at 49.

on the close of the convention: "Our mission was, in the first place, to establish the supremacy of the white race in this State to the extent to which it could be legally and constitutionally done...we have established throughout the State white manhood suffrage." Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana, 1898, P. 375. The President of the Convention described the purpose of the Constitution "to protect the purity of the ballot box, and to perpetuate the supremacy of the Anglo-Saxon race in Louisiana." *Id.* at 381.

20. This monument was erected in 1910 by Bossier Parish and the United Daughters of the Confederacy. At the time the monument was erected, the U.D.C. was a notorious all-female white supremacy group with close ties to the Ku Klux Klan.<sup>6</sup> Page one of the Origin of the U.D.C., as published by the U.D.C., describes the society as "necessary because an invasion, dynamic and ruthless, set aside the old order in the South." Poppenheim, p. 1. While purporting to be a preservationist society, the U.D.C. furthered its objectives of defending racial dominance through education and memorials such as this one, using indoctrination of white Southern youth to "instill into the descendants of the people of the South a proper respect for the . . . 'True History' of the confederacy."<sup>7</sup> This history includes the idea that the Confederates were fighting for "self determination" (Poppenheim at 1) and that "negros" were really better off as slaves. Cox at 129.

21. The U.D.C. wrote and endorsed countless propaganda textbooks and periodicals glorifying the Klan and revising civil war history. In one such article, written by a U.D.C. member six years after the Bossier Confederate monument was dedicated, the principles of the Klan are described as:

Patriotism, justice, humanity, protection, preservation of **real law** and good government, and the establishment of white supremacy forever.

Mrs. S.E.F. Rose, *The Ku Klux Klan and the Birth of a Nation*, CONFEDERATE VETERAN (April 1916)(emphasis added).

22. The goal of "white supremacy forever" has unfortunate relevance to the presence of the

---

<sup>6</sup> Cox, *supra*, at 171 n. 19 (noting that the U.D.C. revered the first Klan and often cited Klan articles in materials on the Lost Cause, but later UDC distanced itself from the second Klan due to perceived class differences in the first and second iteration of the Klan).

<sup>7</sup> Cox, *supra*, at 20; see also United Daughters of the Confederacy Homepage, available at <http://www.hqudc.org> (stating that one of the organization's primary objectives is "to assist descendants of worthy Confederates in securing a proper education").

Confederate monument in front of the Bossier Courthouse. The “noble cause” commemorated by the U.D.C. in its Monument rejects the illegality of racism and prejudice in a court of law, with one commentator alleging that in “a higher sense [the action of the KKK] was lawful, for the laws of the land had been diverted from their original purposes and trampled underfoot by ignorant and vicious negroes and adventurers who were unable properly to interpret the laws and unfit to enforce them...to resist lawlessness, to defend justice, to preserve the integrity of the white race, and to enforce civil and racial law.” Mrs. S.E.F. Rose, *infra*.

### **The Current Meaning and Impact of the Monument is Discriminatory and Supports Disgusting Views of Some in the Potential Jury Pool.**

23. This monument cannot be protected as a mere historical marker devoid of any current racist meaning. Passage of time has not faded the Confederate symbol’s badge of racism.<sup>8</sup> In the period between the monument’s dedication and its movement to the new courthouse site, federal troops were removed from the South, and tacit approval was given to the oppression of African Americans through Jim Crow laws, disenfranchisement, segregation, and the economic subjugation of black Americans. *Id.* The Confederate flag became a symbol of the resistance to the civil rights movement. The flag, which is engraved on the monument, was used throughout the twentieth century as a symbol by the Klan, skinheads, and other white supremacists opposed to black demands for equality and constitutional protection, and continues to be wielded by these groups in the twenty-first. *See Forman, supra*, at 514.
24. LSU historian Gaines Foster has stated that although “[b]y the 1920s or ‘30s, Confederate symbols had been pretty much drained of their ideological content,” then came the Civil Rights movement, when the Ku Klux Klan and other white supremacist groups made the flag part of their arsenal of symbols. Christopher Rose, *Confederate Banner Still a Call to Arms*, TIMES PICAYUNE, Nov. 13, 1989 at A1. “In the ‘50s, the Confederate flag ceased to be benign; we lost it to the segregationist movement.” *Id.*
25. The Confederate flag has been recognized as a current racist symbol by United States courts. *Smith v. St. Tammany Parish School Board*, 316 F.Supp. 1174, 1176 (E. D.La. 1970), *aff’d*, 448 F.2d 414 (5th Cir. 1971) (ordering all Confederate flags as well as other symbols of

---

<sup>8</sup> Elaine H. Owens, Editorial, *This Proud Southerner Says Strike The Flag: Its Symbolism has been lost to Racism*, ROANOKE TIMES & WORLD NEWS, Mar. 6, 2000, at A7



racism removed from the schools, but noting that a black power flag may be just as discriminatory against white students); *United States v. Blanding*, 250 F.3d 858, 861 (4th Cir. 2001) ("It is the sincerely held view of many Americans, of all races, that the Confederate flag is a symbol of racial separation and oppression. And, unfortunately, as uncomfortable as it is to admit, there are still those today who affirm allegiance to the Confederate flag precisely because, for them, that flag is identified with racial separation. Because there are citizens who not only continue to hold separatist views, but who revere the Confederate flag precisely for its symbolism of those views, it is not an irrational inference that one who displays the Confederate flag may harbor racial bias against African-Americans."); *Mack v. ST Mobile Aerospace Engineering, Inc.*, 195 Fed. Appx. 829, 837-38 (11th Cir. 2006) (in employment discrimination case, holding that the display of Confederate flags created a hostile work environment for African-American employee).

26. In this case, internet forums and websites show the racist atmosphere, particularly involving a desire for racial separation, that [REDACTED] and his counsel fear will pervade this case. Copies of some of the websites are attached to this motion. People refer to [REDACTED] as a "negro beast," state he would be better off a slave, and refer to the decedants with hateful language quoted above.

27. The current alt-right or white supremacist viewpoints bear striking similarity to that of the U.D.C. when the monument was erected. Groups like the U.D.C. consider the principal cause of the "War Between the States" as the Northern states' disregard for the rights of the Southern and slaveholding states to "regulate their own affairs and to hold slaves as property."<sup>9</sup> These groups do not recognize the Reconstruction Amendments as valid or constitutionally enacted.<sup>10</sup> Moreover, these groups believe that the slaves were treated with great kindness and were reluctant to leave their masters upon emancipation.<sup>11</sup> As late as 1919, the winning essay sponsored by the UDC in New Orleans stated that "the negro himself was better off as a slave

<sup>9</sup> Karen L. Cox, *DIXIE'S DAUGHTERS: THE UNITED DAUGHTERS OF THE CONFEDERACY AND THE PRESERVATION OF CONFEDERATE CULTURE* 138 (2003).

<sup>10</sup> James Jackson Kilpatrick, *Some Notes on the Fourteenth Amendment*, in *THE SOVEREIGN STATES* (1957) ("The Fourteenth Amendment to the Constitution, never having been validly ratified, cannot provide a valid basis for the mandate [integration] the Supreme Court proposes to inflict upon the Southern States.").

<sup>11</sup> COX, *supra*, at 139. The U.D.C. even attempted to erect a monument to "the faithful slaves of the South" beginning in at least 1907. *Poppenheim* at 77. A member of the UDC branch in that state described that there had never been "a peasantry so happy...as the negro slaves of America." Cox at 104. A monument to Heyward Shepherd, a slave who died during the abolitionist John Brown Rebellion, was actually erected at Harper's Ferry. *Poppenheim* at 77-79.

[than under Jim Crow], provided he had a kind master." Cox at 129.

28. The "better off as slaves" narrative shows up in the comments about this case, 100 years later but linked to the same Confederate monument and values. The signature of a commenter on the chimpmania.com story cited above echoes the narrative of the white man paying for the black person's existence:

"After paying to house you, feed you, clothe you, get your hur an nails did, bling out your hooptie, pay off your drug connect, and pay for your medical care and your useless niglets, I can no longer afford to give a fuck about you or your failed species"

Post #10, 5-18-2014. A commenter on one story about this case said directly: "NEGROS are GARBAGE. Better as SLAVES. They have no CIVILIZATION in them."  
<http://dailykenn.blogspot.com/2014/05/black-male-arrested-in-murder-of-two.html> (comment May 18, 2014 at 7:08.)

29. The monument is a visual symbol of tolerance, acceptance, or agreement with these views. The monument and the current white supremacist or alt-right movement uses the same Confederate flag as a symbol of white supremacy. The monument outside will bolster "nationalist" feelings to the Confederate cause and will embolden some to reject the words of this Court in favor of a more supreme, gallant, and "nobler" cause. This cause, which rejects the legitimacy of the 14<sup>th</sup> Amendment, violates that amendment and [REDACTED] rights to equal protection of the law when jurors or potential jurors ignore the rulings of this Court because the laws as expressed are contrary to the Confederate position. See *People v. Superior Court (Williams)*, 8 Cal. App. 4th 688, 707 (Cal. App. 3d Dist. 1992)(citing *Swain v. Alabama* (1964) 380 U.S. 202, 203 [13 L.Ed.2d 759, 763, 85 S.Ct. 824], *Ex parte Commonwealth of Virginia* (1880) 100 U.S. 339 [25 L.Ed. 676]; *Gibson v. Mississippi* (1896) 162 U.S. 565 [40 L.Ed. 1075, 16 S.Ct. 904])

### **Chilling Effect on Non-White Jurors Has Been Seen In At Least One Case in Louisiana.**

30. The monument may have a chilling effect on the participation of non-white jurors in Mr. [REDACTED] case. Just as flying a flag with a swastika, burning a cross, or wearing a white hood carries a menacing message inappropriate for a courthouse, the flying of a confederate flag intimidates Bossier citizens out of participating in the justice system. There has already been one

prospective juror in Caddo Parish who pleaded that he cannot serve on a jury in the Caddo Parish criminal justice system because of the “great injustice” of “continuing to fly the flag which continues to say put salt in the wounds of people of color.” *State v. Dorsey*, R. 6036. The flying of the flag had a chilling effect on his exercise of his right to serve on this jury. The similar monument in front of Bossier’s courthouse salts the same wound.

31. Imagine a Jewish defendant brought shackled past a statue of Hitler or beside a swastika emblazoned on the steps of a German courthouse. Such imagery does not exist because following the Nazi loss in World War II, statues and monuments that supported Nazi Germany were removed to show rejection of those ideals. Bossier Parish decided following its loss in the Civil War to install a statue supporting the ideals of the Confederacy. What should a black defendant think when brought shackled past it into the courthouse? What should a juror?
32. Ignoring the symbol of hate and of a longing to return to the days of slavery and of rejection of the U.S. Constitution does not make the symbols any less meaningful. “The symbols serve as a rallying point for all hate groups.” Schofield, Matthew, “How Germany dealt with its symbols of hate,” *McClatchyDC*,<sup>12</sup> (quoting Deidre Berger, director of the American Jewish Committee office in Berlin.) “Symbols are important, they’re a shorthand groups use in a single image to convey a world of information.” *Id*, quoting Mark Potok, Southern Poverty Law Center.
33. The chilling effect of the monument and flag on African American’s willingness to serve on a Bossier jury, as evidenced anecdotally in *Dorsey*, is a discriminatory effect and a violation of the Fourteenth Amendment. A reduced number of potential African American jurors will have a real impact on the jury deliberation in [REDACTED] case. Scientific studies on actual juries have shown that reducing the number of African Americans on a jury has a detrimental effect on the outcome for defendants: in one study, “individual black jurors were less likely than their white counterparts to find the defendant guilty, regardless of the defendant’s race.” Bowers, Steiner, Sandys, *Death Sentencing in Black and White: An Empirical Analysis of the Role of Jurors’ Race and Jury Racial Composition*, University of Pennsylvania Journal of Constitutional Law, 3 (2001), p. 188. The Capital Jury Project data shows that same-race jurors are more likely to take a pro-death stance in white-on-white cases, and they are more likely to decide on the punishment, impermissibly, during the guilt phase of the trial. *Id*, p. 201.

---

<sup>12</sup> <http://www.mcclatchydc.com/news/nation-world/world/article29557972.html>

34. The racial composition of the jury affects the deliberation and findings of white jurors, too:

...the confidence of both black and white jurors about the guilt of a defendant decreased as the number of blacks on the jury increased, regardless of the strength of the evidence.

*Id.*

35. Applying the science to this case: the reduced number of African Americans in the jury pool will cause [REDACTED] to have a jury that is more likely to convict, more likely to decide on punishment without hearing any mitigation, and less likely to have any doubt over the appropriateness of their decision. This impact violates [REDACTED] rights to a fair trial, due process, and an impartial jury.

36. Even before the actual jury is empanelled, the impact of the Confederate monument will already have been felt. Jurors are instructed and charged with following the law as set out by this Court during the trial. The Confederate monument is a testament to the idea that the laws of the United States and Louisiana can “nobly” be cast aside and even fought against when those laws are contrary to the Confederate ideals and prejudices. *Supra.*

37. Ignoring the monument does not make it go away. Recently, it was shown that exposure to a Confederate flag evoked racially prejudiced responses. Ehrlinger, Joyce, “How Exposure to the Confederate Flag Affects Willingness to Vote for Barack Obama,” *Political Psychology*, Vol. 32, No. 1, 2011, p. 144. This negative response towards an African American had nothing to do with the participant’s view of the South or southern heritage. *Id.*

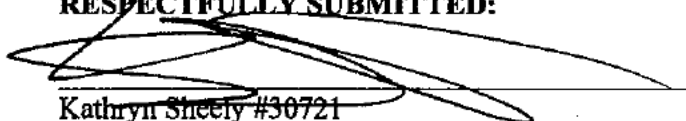
38. The fact that the state-sponsored Confederate monument may offend citizens of all races (NAACP v. Hunt, 891 F.2d 1555, 1562 (11th Cir. Ala. 1990)) does not erase the prohibited purpose for the raising of the monument and the flag: a discriminatory intent against African-American citizens in Bossier Parish. The monument and flag have both discriminatory intent and a discriminatory effect. Their presence at the front steps of this Courthouse violates [REDACTED] rights to a fair trial, to due process, and to equal protection of the laws.

39. Because [REDACTED] assumes that the monument will not be ordered removed during his upcoming trial, he moves for a change of venue to a courthouse that does not have a Confederate monument or flag displayed on its grounds.

40. Alternatively, [REDACTED] moves that the monument be covered during the duration of his trial. During his case, he moves that the jury, who will already be sequestered, not be brought within sight of the covered monument and not be allowed to use the front of the courthouse during breaks.

WHEREFORE, [REDACTED] respectfully requests this Court order a change of venue or that the Confederate monument covered as described herein.

**RESPECTFULLY SUBMITTED:**

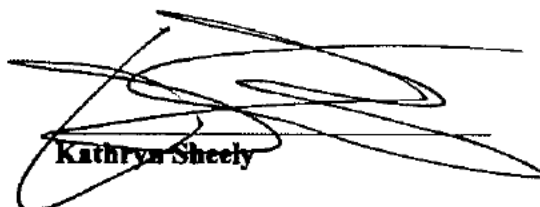


Kathryn Sheely #30721  
David Price #08733  
Caitlin Graham #35152  
Baton Rouge Capital Conflict Office  
525 Florida Street, Suite 310  
Baton Rouge, LA 70801  
Telephone: (225) 338-0235  
Fax: (225) 338-1948  
e-mail: kathryn@brcco.org

**CERTIFICATE OF SERVICE**

I certify that I have this day served a copy of the foregoing motion on counsel for the state by mailing same to Andrew Jacobs, Office of the District Attorney, P.O. Box 69, Benton, Louisiana, 71006.

Baton Rouge, Louisiana, this 17<sup>th</sup> day of January, 2017.



Kathryn Sheely

STATE OF LOUISIANA

NUMBER: [REDACTED]

VERSUS

26TH JUDICIAL DISTRICT COURT

PARISH OF BOSSIER

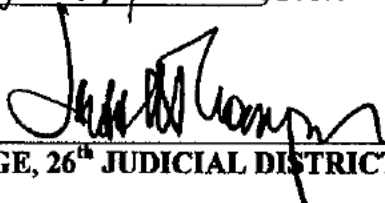
STATE OF LOUISIANA

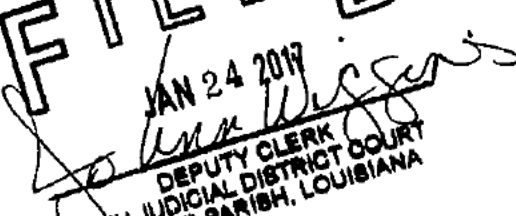
ORDER

Considering the foregoing motion:

IT IS ORDERED that the State of Louisiana show cause on the 8<sup>th</sup> at Feb, 2017  
o'clock a./p.m. why the motion and the relief sought should not be granted.

Benton, Louisiana, this 20<sup>th</sup> day of January, 2017.

  
JUDGE, 26<sup>th</sup> JUDICIAL DISTRICT COURT

**FILED**  
JAN 24 2017  
  
DEPUTY CLERK  
26TH JUDICIAL DISTRICT COURT  
BOSSIER PARISH, LOUISIANA