



March 20, 2018

Mr. Jeff Landry, Attorney General  
Department of Justice  
State of Louisiana  
1885 North Third Street  
Baton Rouge, LA 70802

**Re:    Request for Investigation of District Attorney Leon Cannizzaro and the Orleans Parish District Attorney's Office**

Attorney General Landry:

On behalf of Community ReCallers, LLC and its first action, the *CanCannizzaro Campaign*, a citizen's grassroots effort seeking to hold accountable elected officials who do not serve the best interests of their constituencies, community leader and member Chuck Perkins and Kim Ford write to request a criminal investigation into our District Attorney Leon A. Cannizzaro, Jr. and the Orleans Parish District Attorney's Office.

The publicly available information makes clear that Mr. Cannizzaro and members of his office knowingly and willfully misled crime victims and witnesses through the use of fake subpoenas. This intentional and criminal manipulation of various individuals, the court process, and the power of the District Attorney's Office constituted a breach not only of trust and professional obligations, but also of the law.

**Summary of the Complaint**

Orleans Parish District Attorney Cannizzaro and members of his office routinely coerced, and attempted to coerce, crime victims and witnesses into meeting with members of the District Attorney's Office by forging documents and lying. The Office has issued documents that were misleadingly drafted to appear as "subpoenas," and otherwise intentionally misled individuals to believe that they were required by law to meet with a member of the District Attorney's Office. Although the Orleans Parish District Attorney's Office does not have power to issue subpoenas without judicial oversight, Mr. Cannizzaro and his office manipulated documents to make them appear as if the court authorized them. The District Attorney's Office sent these documents directly, without judicial oversight or authorization, to crime victims and witnesses. In some instances, language in the documents and/or representations by the prosecutors threatened those crime victims and witnesses with fines, arrest, and imprisonment if they did not comply. Prosecutors under Mr. Cannizzaro's command also orally threatened arrest and imprisonment for noncompliance. Orleans Parish prosecutors also unlawfully obtained arrest warrants for crime victims and witnesses who did not respond to these lawless commands.



Notably, although the District Attorney's Office initially defended the practice, saying that "[t]he district attorney does not see any legal issues with respect to this policy," there now is no dispute that this misconduct occurred. Indeed, Mr. Cannizzaro himself acknowledged the practice's existence and admitted that it was "improper" and "incorrect."

Despite Mr. Cannizzaro's claim that "there are no legal consequences for the person who is the subject of that notice if they don't show up," an initial investigation found that prosecutors under his command requested arrest warrants for at least ten (10) witnesses who exercised their constitutional right not to speak privately with prosecutors. In applying for these arrest warrants, prosecutors under Mr. Cannizzaro's command made false or misleading statements, omitted material information, or relied on clearly insufficient allegations. Additionally, the Orleans Parish District Attorney's Office sought exorbitant money bail and denied arrestees a prompt court appearance, ensuring that crime victims and witnesses who were arrested would remain in jail.

As evidenced by their operation, the Orleans Parish District Attorney's Office's policies and practices were clearly designed to intimidate and harass crime victims and witness. These fraudulent and coercive policies and practices were further designed to mislead individuals and prevent them from exercising their constitutional rights. A full investigation is necessary to determine whether, and to what extent, this conduct was criminal, and whether the conduct is continuing. Because no person is above the law, should your investigation confirm the above, a criminal prosecution should follow.

### **The Authority of the Office of the Attorney General**

The Attorney General is charged with supervising all district attorneys in Louisiana. The Attorney General has the authority to "institute and prosecute, or to intervene in any proceeding, as he may deem necessary for the assertion or protection of the rights and interests of the state." The Attorney General has both the duty and the authority to conduct an extensive investigation into the scope of the unlawful and criminal behavior by the Orleans Parish District Attorney's Office.

### **Criminal Acts**

**Forgery:** Under Louisiana law, forgery includes an act "to alter, make, complete, execute, or authenticate any writing so that it purports to be the act of another who did not authorize that act." **(RS14.72)** The Orleans Parish District Attorney's Office created and manipulated documents so that the documents appeared to be judge-ordered subpoenas. Office prosecutors also represented to the individuals receiving the documents that the documents had the legal effect of a court-authorized subpoena. But, in fact, these so-called subpoenas had never been authorized by a judge, nor were they issued by the court. Thus, there is reason to believe that Mr. Cannizzaro and members of his office committed forgery.

**Intimidating Witnesses:** It is a crime to "[i]ntimidate or impede, by threat of force or force, or attempt to intimidate or impede, by threat of force or force, a witness or a member of his immediate family with intent to influence his testimony, his reporting of criminal conduct, or his appearance at a judicial proceeding." **(RS 14.129.1)**. Office prosecutors intentionally coerced victims and witnesses into private interrogations by threatening these individuals with arrest and imprisonment if they did not comply. In some cases, prosecutors sought and obtained arrest warrants for individuals who chose to exercise their constitutional right not to speak with prosecutors. Several of these individuals were in fact jailed for noncompliance with a fraudulent "subpoena." Thus, there is probable cause to believe that Mr. Cannizzaro and members of his office intimidated witnesses.



**Obstruction of Justice:** Obstructing justice includes “using or threatening force” with the intent to “influence the testimony of any person in any criminal proceeding.” **(RS 14.130.1)**. Office prosecutors routinely threatened jail and imprisonment for those who did not comply with the fraudulent subpoenas. Some of the documents created by the office contained language claiming that “a fine or imprisonment may be imposed for failure to obey this notice.” The clear intent of these threats was to coerce victims and witnesses into submitting to an interrogation by a prosecutor outside of court. Thus, there is probable cause to believe that Mr. Cannizzaro and members of his office obstructed justice.

To be certain, there may be other statutes applicable to the facts involved here, including, but not limited to, public intimidation (RS 14.122), malfeasance in office (RS14.134), and false imprisonment, (RS 14.46).

As the Supreme Court made clear over 135 years ago, “No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it.” *United States v. Lee*, 106 U.S. 196, 220 (1882). The citizens of our community deserve better and for the reasons set forth above, we respectfully request that your office investigate Mr. Cannizzaro and the Orleans Parish District Attorney’s Office.

Sincerely,



Kim Ford  
CanCannizzaro Campaign



Chuck Perkins  
CanCannizzaro Campaign