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TO CONSIDER POSSIBLE IMPEACHMENT OF UNITED STATES DISTRICT JUDGE G. THOMAS PORTEOUS, JR. (PART III)

HEARING

BEFORE THE

TASK FORCE ON JUDICIAL IMPEACHMENT

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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TO CONSIDER POSSIBLE IMPEACHMENT OF UNITED STATES DISTRICT JUDGE G. THOMAS PORTEOUS, JR. (PART III)

THURSDAY, DECEMBER 10, 2009

HOUSE OF REPRESENTATIVES,
TASK FORCE ON JUDICIAL IMPEACHMENT
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Task Force met, pursuant to notice, at 10:38 a.m., in room 2141, Rayburn House Office Building, the Honorable Adam B. Schiff (Chairman of the Task Force) presiding.

Present: Representatives Schiff, Jackson Lee, Cohen, Gonzalez, Goodlatte, Sensenbrenner, and Lungren.

Staff Present: Alan Baron, Counsel; Harold Damelin, Counsel; Mark H. Dubester, Counsel; Jessica Klein, Staff Assistant; and Kirsten Konar, Counsel.

Also Present: Martin Edward Regan, Jr., counsel for witness Louis Marcotte.

Mr. SCHIFF. his hearing of the House Judiciary Task Force on Judicial Impeachment will now come to order.

Without objection, the Chair will be authorized to declare a recess of the hearing. I will now recognize myself to conduct an opening statement.

Today, the Task Force will continue its inquiry into whether United States District Court Judge Thomas Porteous should be impeached by the United States House of Representatives. Today's hearing will focus on allegations that Judge Porteous accepted things of value from Louis Marcotte and Lori Marcotte, the owners of a bail bonds company in Louisiana, in exchange for access and assistance in his official capacity as a judge, including setting aside of a conviction of a Marcotte employee.

The Task Force counsel, Alan Baron, will again brief us to provide a general overview of the matter under consideration today. After his presentation, Task Force counsel will question the witnesses for an initial period, followed by Member questioning. Judge Porteous's counsel was again afforded the opportunity to question the witnesses but has opted not to question the witnesses today. Judge Porteous is present with us this morning.

And I will now recognize my colleague, Mr. Goodlatte, the distinguished Ranking Member of the Task Force, for his opening remarks.

Mr. GOODLATTE. Thank you, Mr. Chairman.

This is the third in a series of hearings that the Task Force on Judicial Impeachment has held to examine the alleged misconduct of Federal District Judge Thomas Porteous. During this hearing, we will explore the nature of the relationship between Judge Porteous and Louis and Lori Marcotte in connection with their bail bonds business.

The Task Force has been working with law enforcement, judicial officials, has conducted numerous interviews, taken depositions from key witnesses, and gathered evidence and transcripts from previous investigations. These efforts have uncovered a large amount of information, including new evidence that was not uncovered in previous investigations.

It is alleged that Judge Porteous received extravagant lunches and trips from the Marcottes, as well as consistent repair and maintenance work on his vehicles, and other things of value. It is also alleged that Judge Porteous gave preferential treatment to the Marcottes by setting bonds at levels that financially benefited the Marcottes, by splitting bonds in a way that financially benefited the Marcottes, by expunging criminal records of individuals associated with and employees of the Marcottes, and by helping the Marcottes establish beneficial relationships with State court judges after Judge Porteous arrived on the Federal bench.

Today we will further investigate these allegations. Specifically, we will hear from Louis and Lori Marcotte, the bail bondsmen who have firsthand knowledge of Judge Porteous's conduct during the time in question.

It is again worth noting that Judge Porteous was extended an invitation to make a statement before the Task Force and respond to questions but has so far declined to do so. It is also worth noting that the Task Force has permitted Judge Porteous's counsel to ask questions of the witnesses today.

If the evidence shows that wrongdoing occurred, then the Task Force will make the appropriate recommendations to the full Judiciary Committee and we will have more work to do. I look forward to hearing from the witnesses and examining the facts in an objective manner.

Thank you, Mr. Chairman.

Mr. SCHIFF. I thank the gentleman.

Would any other Member of the Task Force like to make a statement at this time?

We will now hear a brief introduction to the factual predicate from special impeachment counsel Alan Baron.

Mr. Baron, please come to the table, and you may proceed.

Mr. BARON. Thank you, Mr. Chairman.

As the Members of the Task Force know, Judge Porteous was a State court judge in the 24th Judicial District of Jefferson Parish in Gretna, LA, beginning in 1984. In the late 1980's, while Judge Porteous was a State judge, Louis Marcotte began operating an entity known as Bail Bonds Unlimited—it will later be referred to as BBU—with his sister, Lori Marcotte. And the Marcottes operated in Jefferson Parish, where Judge Porteous sat as a State court judge. The relationship between Judge Porteous and the Marcottes spans over a decade and covers numerous acts.

This overview is going to focus on five areas: first, the general discussion of the nature of the way the bail bond business was operated in the 24th Judicial District Court; second, to discuss the relationship between the Marcottes and Judge Porteous when he was a State judge; third, a specific focus on the events that occurred in the timeframe surrounding Judge Porteous's nomination for a Federal judgeship; fourth, the continued relationship between Judge Porteous and the Marcottes after he became a Federal judge; and, finally, the Department of Justice's criminal investigation of judicial corruption in the 24th Judicial District Court related to the setting of bonds.

We will be reviewing evidence this morning of how the Marcottes, in working with various judges, including Judge Porteous, corrupted the bond-setting process in the 24th Judicial District.

I am sure many of us may be familiar with the fact that if an individual is arrested, a judge may require that a bond be posted in order for the defendant to be released pending any further court proceedings. The defendant who is incarcerated would pay the bondsman—in this instance, the Marcottes—a premium, typically 10 percent of the bond set by a judge.

Now, because the Marcottes' income was based on the amount of premiums they would collect, obviously they had a vital interest in how bonds were set. If the bond is set too low or if a defendant was released on no bond, the Marcottes don't make any money. If the bond is set too high and the defendant can't afford to pay the premium, the defendant stays in jail, and, again, they don't make any money. They only make money if the defendant can afford to pay them a premium.

Here is how Lori Marcotte described it. She was asked what the consequences were if the bond were set too low or if the bond were set too high. Here is what she answered: "It depends on how much money a person had to bail out. If they had little money, then having a low bond set would be advantageous to us. If they had plenty of money, then a higher bond would be set." So, the essence of what the Marcottes wanted, in order to maximize their revenue and profits, was for the judge to set bonds at the highest amount which a defendant could meet.

Now, there are two particular aspects of bond setting in the 24th Judicial District Court that are important to understand the relationship between Judge Porteous and the Marcottes. First, in that courthouse, even though a magistrate was supposedly assigned to set bonds, the bondsman could go to any judge in the courthouse to set bonds and thereby bypass the magistrate. Second, a bondsman could go to a judge directly without counsel present, no prosecutor or defense attorney being present, and ask the judge to set a pond at a particular amount. So what this meant as a practical matter is that the Marcottes could approach Judge Porteous directly with requests that he set bonds at a particular amount for particular defendants.

I would like to turn to the relationship between the Marcottes and Judge Porteous when he was a State court judge. What we will hear through testimony is that, in the late 1980's or early 1990's, the Marcottes developed a close relationship with Judge Porteous.

They took him out to numerous lunches at high-end restaurants where they would spend hundreds of dollars. They would bring his secretary, Rhonda Danos, because she acted as the judge's gatekeeper and was involved in the administrative processes associated with setting bonds. They would bring some of their other employees so Judge Porteous would get to know them. These lunches occurred several times a month regularly over the relationship when he was a State judge.

In addition to these regular lunches, the Marcottes paid for repairs and maintenance on Judge Porteous's cars, as well as his family cars, everything from putting gas in the cars, keeping them cleaned, installing car radios, buying and installing new tires, paying for other repairs on the transmission and engines.

One of the Marcottes' employees, a Mr. Jeff Duhon, testified that, at Louis's instructions, he, quote, "took care of three of his cars. I had his, his son's, and his wife's." And Duhon went on to describe his duties relative to Judge Porteous's cars as "mostly keeping them maintained: brakes, tune-ups, air conditioning, anything that was wrong with his automobiles, his three automobiles."

The Marcottes, through their employees, also rebuilt a fence at Judge Porteous's house and did other home repairs. Again, this was done by Jeff Duhon. As described by Duhon in his Task Force deposition, he was instructed by Louis to go and replace Judge Porteous's fence, and, as he said, "I replaced it."

They also took Judge Porteous to Vegas with some other attorneys. And, notably and significantly, to conceal this payment for Judge Porteous, they paid for the trip by giving his secretary, Rhonda Danos, cash. Louis Marcotte has specifically stated that his sister Lori, quote, "brought Rhonda cash money to pay for the trip," and that the financial transaction was handled that way to hide the fact they were paying for the trip.

The Marcottes also took the judge's secretary, Ms. Danos, to Las Vegas and provided her other entertainment, such as concert tickets. And they did this because she was Judge Porteous's gatekeeper and she, herself, handled administrative details when Judge Porteous would set bonds.

And now I would like to turn to what Judge Porteous did for the Marcottes in return.

First and foremost, he set bonds at their request, made himself available to set bonds at their request, day and night, weekday and weekend. Here is how Lori Marcotte described the frequency of their requests to Judge Porteous to set bonds: "When we first started to develop this relationship, it was just a little bit. But, you know, this spanned over a long time, so in the end it was a lot. It was an everyday thing in the courthouse. We would go to the courthouse to see him in his office, call him on his cell phone, call him at home, contact him through his secretary. If he wasn't in the office, she would find him for us, get him off the bench."

And when they went to see him, they brought numerous bonds, rarely just one at a time. And, in particular, as one part of the bond-setting process, Judge Porteous would engage in a practice—and, indeed, we will see that he invented this practice—that was called in the courthouse "splitting bonds." If a defendant had a high bond set which a defendant couldn't meet, Judge Porteous

would split the bond into two pieces: one portion backed by the bondsman, the surety, and a portion backed by property or other personal promise to pay.

So, for example, if the bond were set at $100,000 and the defendant or the person arrested could not meet that, Judge Porteous would cut it into two. So let's say $20,000 had to be covered by a surety bond and $80,000 just the personal guarantee of the person's relative, even though that guarantee might not have been worth anything. But this permitted the person to get a bond, and the Marcottes, therefore, were able to charge a premium which they otherwise would not have been able to do.

As a practical matter, this operated as a bond reduction, and it permitted the Marcottes to earn premiums from people in circumstances where otherwise the person would have remained in jail because they couldn't afford the premium. This practice of splitting bonds was good for the Marcottes, and it was helpful for them to have Judge Porteous to be associated.

Indeed, Judge Porteous was identified by others as having come up with the idea of splitting bonds. One former State judge, former Judge Bodenheimer, testified that he understood that Judge Porteous was the one who came up with this idea of doing bond splitting. Similarly, Lori Marcotte testified, "By Judge Porteous splitting and setting bonds for us, making it, like, the norm, created the practice of splitting bonds. He actually originated this practice of splitting bonds."

Judge Porteous also assisted the Marcottes in other ways. In 1992, at the Marcottes' request, Judge Porteous set aside the conviction of one of their employees, Jeff Duhon, who I mentioned earlier in connection with the car and fence repairs. And it is noteworthy, Judge Porteous was not even sentencing judge in that case, but nevertheless he set aside the conviction that had been imposed by a different judge.

Judge Porteous left the State bench in 1994. In about 1999, the FBI opened an investigation into corruption in bond setting in the 24th Judicial District Court, focusing on the Marcottes' relationship with State judges and State law enforcement personnel.

In August of 2001, an affidavit was created in support of wiretaps in that investigation. In that affidavit, it stated that, quote, "The pattern of illegal activity has been occurring for at least 8 years—that is, back to 1993, beginning with judge number two." We know that "judge number two" was, in fact, Judge Porteous. We have been advised that by the people who put the affidavit together. And note: The pattern of illegal activity that they are talking about is precisely the pattern that I have just described that Judge Porteous engaged in with the Marcottes.

Now I would like to focus on events in roughly 3-month period from August through October of '94 surrounding the background check of Judge Porteous in connection with his nomination to be a Federal judge.

Judge Porteous was nominated to be a Federal judge on August 25th, 1994. Sometime around that date, Louis and Lori Marcotte approached Judge Porteous and asked him to set aside the conviction of another employee, Aubrey Wallace. As Lori Marcotte testi-

fied, she and her brother went to Judge Porteous's chamber and made that request.

It should be noted, Wallace had been convicted of burglary in 1990 and a felony drug offense in 1991. He was then still on parole for the drug offense at that time. And, significantly, the sentence he had received in his burglary conviction, as originally imposed, did not permit it; you could not lawfully set it aside. That should be kept in mind, please.

On October 6th, 1994, the Senate held Judge Porteous's confirmation hearing, and he was confirmed by the Senate on October 7th, 1994. Then, on October 14th, 1994, 1 week after being confirmed by the Senate, pending his swearing-in to be a Federal judge, Judge Porteous complied with the Marcottes' request and set aside Wallace's burglary conviction. Here is a copy of that order. This was 2 weeks prior to Judge Porteous being sworn in as a Federal judge.

This was not the only thing that Judge Porteous did for Louis Marcotte just as he, Judge Porteous, was about to depart to the Federal bench. Around that time, Louis Marcotte realized his ability to have Judge Porteous set bonds for him was coming to an end. So he used Judge Porteous to, in Louis's words at his deposition, quote, "open the floodgates," end quote, and have him sign as many bond orders as possible.

After Louis Marcotte's staff deposition, having heard his description of what Judge Porteous did, Mr. Dubester of the Task Force staff initiated contacts with the clerk's office and the sheriff's office of the 24th Judicial District Court to see if records could be located that would support and illustrate Judge Porteous's efforts on behalf of the Marcottes in that narrow timeframe just before he left the bench.

To my right here is a pile of forms. It is approximately 50 instances where Judge Porteous set bonds for the Marcottes in September and October 1994, his last 2 months on the State bench. This is part of opening the floodgates. The investigation into this is ongoing. This is not all of them, there are more, but this gives you an indication.

It includes several bonds after Judge Porteous was confirmed but before he was sworn in as a Federal judge. These, of course, corroborate Louis Marcotte's recollection of Judge Porteous's conduct, "opening the floodgates," in the last few days of his State court tenure.

I want to show you what these bond forms look like. There should be one up on the screen. This is a document the Task Force obtained from the clerk's office of the 24th Judicial District Court. It shows that Judge Porteous set bond for the defendant "John W." in the amount of $160,000. Even though these are public documents, we decided that we would not use the full name of the person who is mentioned in the document for privacy concerns.

The date of this is October 11, 1994, shortly after Judge Porteous's Senate confirmation but while he is still a State judge. Now, at the bottom, that is not Judge Porteous's signature. That is simply someone at the sheriff's office, at the jail, puts the judge's name at the bottom of the form just simply to identify the judge who phoned in the bond. It just means that he is setting the bond.

Let me cover a couple of these quickly just for the record. I will list the name and the date so we can keep track of the forms that are being displayed.

There is a form for Leonard B., also dated October 11, '94. Then Donald B., also dated October 11th, '94. And, finally, here is one for a defendant named Craig M., dated October 27, 1994, the very day prior to Judge Porteous being sworn in as a Federal judge. So, up to the very end, Judge Porteous was setting what I suggest to you were corrupt bonds for the Marcottes.

Judge Porteous was sworn in as a Federal judge on October 28th, 1994. Remember, I told you earlier about the judge setting aside Wallace's conviction. Well, in March of '95, that hit the papers. Judge Porteous's order was reported in the New Orleans Times Picayune, and the article referred to the setting aside as illegal and that it occurred, quote, "apparently after the FBI and Federal background checks were complete."

Now, even after Judge Porteous became a Federal judge, he continued to maintain a relationship with the Marcottes. Now, why would they want to do that? He couldn't set bonds for them anymore. But the Marcottes knew that it was very good to have him in their corner to assist them when the circumstances permitted. In effect, he continued to conspire with the Marcottes to help them in their corrupt bond business.

One way they would use their relationship with Judge Porteous and take advantage of his prestige as a Federal judge was to help them form relationships with newly elected State judges of the 24th Judicial District Court. One State judge in particular who Judge Porteous helped the Marcottes with was Ronald Bodenheimer, who I previously mentioned became a State judge in 1999. And Members may recall from our first hearing Judge Bodenheimer was the one who quoted Judge Porteous as telling him that, after he became a judge, he would never have to pay for lunch again.

Here is how Lori Marcotte explained what she and Louis asked Judge Porteous to do relative to Judge Bodenheimer. "The same thing that Judge Porteous did with us with the other judges: to introduce us to him, to get close to him, just to establish trust, and to help us split bonds, to get us to help us split bonds."

In his deposition, Bodenheimer confirmed that Judge Porteous made favorable comments to him about the Marcottes, including comments in which Judge Porteous acknowledged he knew Bodenheimer didn't hold the Marcottes in high regard, but then Porteous would say, "Well, they really weren't as bad people as I thought they were, and Louis was really a pretty good guy." And Bodenheimer further testified that the fact that Judge Porteous vouched for the Marcottes was significant in his willingness to form a relationship with them.

And, in fact, the Marcottes did form a relationship with Judge Bodenheimer, virtually the same to the one that had previously existed between them and Judge Porteous. And, as we will ultimately learn, Judge Bodenheimer pleaded guilty to a corruption charge arising from his relationship with Louis Marcotte. We will go into some detail on that. You will see how much it parallels exactly what Judge Porteous was doing with the Marcottes.

In 1999 into the early 2000's, the FBI commenced a criminal investigation it referred to as "Wrinkled Robe," and they were focusing on corruption in connection with bond setting in the 24th Judicial District Court in Jefferson Parish. Now, you saw earlier an excerpt from the affidavit for wiretaps in that investigation. The Wrinkled Robe investigation focused on the Marcottes and their relationships with the State judges and the other law enforcement personnel.

In March of 2002, the FBI had Louis Marcotte under surveillance when he had lunch with several judges. At that lunch at Emeril's in New Orleans, Louis Marcotte was trying to get to know a newly elected State judge named Joan Benge. Louis Marcotte particularly sought Judge Porteous's attendance at that lunch, because Judge Benge, like Judge Bodenheimer, had a high regard for Judge Porteous, and he hoped to leverage the prestige of Judge Porteous to enhance his own credibility.

Here is a photograph from that lunch. What you see here is a surveillance photo that depicts Judge Porteous, wearing a tie, with Louis Marcotte and Judge Bodenheimer behind Louis Marcotte at the conclusion of that lunch. The other individual is an employee of Louis Marcotte's.

Around March of 2003, information about Judge Porteous's prior relationship with the Marcottes was reported in the press. In one article, Mr. Duhon, who we have referred to earlier, is quoted as stating he repaired Judge Porteous's cars, did repairs on his house, and that Judge Porteous had set aside his conviction.

Now, in April 2003—and this is really amazingly, extremely significant how closely what I am about to describe parallels Judge Porteous's conduct with the Marcottes—State Judge Bodenheimer pleaded guilty to Federal corruption charges, a mail fraud conspiracy charging that he conspired to deprive the citizens of Louisiana of his honest and faithful services as a judge handling bail bonds in criminal cases pending in the 24th Judicial District Court.

What is particularly noteworthy is that the conduct that he pleaded guilty to was indistinguishable from the conduct that Judge Porteous had engaged in previously and, indeed, that Judge Porteous helped set up between the Marcottes and Judge Bodenheimer.

As part of the plea process, the government and Bodenheimer signed a document in which they stipulated to the facts that supported the charge. Bodenheimer admitted that he regularly set, reduced, and split bonds in criminal cases at a level requested by the bail bonding company; he was available to the company on a 24-7 basis, and, in return, he received lunches, drinks, a trip to a casino, and home repairs.

In March of 2004, Louis Marcotte and his sister Lori pleaded guilty to felony corruption charges. Louis pleaded guilty to racketeering conspiracy. And, notably, the conspiracy to which Louis Marcotte pleaded guilty was alleged to have started prior to 1991. The charges in that information thus cover the period of his relationship with Judge Porteous.

Further, the charging language to which Louis pleaded guilty describes his relationship with Judge Porteous. The charging document refers to BBU—that is Bail Bonds, Unlimited, their com-

pany—and the conspiracy account alleges certain judges would make themselves available to BBU; quickly respond to the requests of BBU; and set, reduce, increase, and split bonds to maximize BBU's profits—behavior that describes exactly Judge Porteous's conduct as a State judge.

Louis Marcotte received a sentence of 38 months. Even today, he remains on supervised release. Lori Marcotte received a sentence of home detention and has completed her sentence.

Significantly, of all the judges who helped the Marcottes over the years, including Judge Bodenheimer and another judge named Green who were convicted and sentenced to prison, Judge Porteous was identified by both Louis and Lori Marcotte as the judge who did the most for them. Louis's testimony could not have been more clear:

"Of all the judges that have helped you, where would you rank Judge Porteous?"

Answer: "Number one."

"You didn't even hesitate in that response?"

"No."

"You are certain of that, is that right?"

"Yes."

Lori Marcotte, the sister who ran the company with Louis, testified similarly:

"Who was the single most important judge to the success of your company in the 24th Judicial District Court?"

Answer: "Tom Porteous."

"Any question in your mind about that?"

"No."

Today, Louis and Lori Marcotte are here. They have both cooperated. They provided depositions, which will be part of the record, to supplement their testimony today. They are here pursuant to subpoena to describe their relationships with Judge Porteous.

Thank you.

Mr. SCHIFF. Mr. Baron, thank you.

I have just one question, if you could, by way of background. You have described how bonds were set in a way to advantage the bail bond company, by looking at what the defendant could pay, making it not too high and not too low.

Can you just tell the Task Force a little bit about how a judge is supposed to set a bond? In other words, what is the judge supposed to look at, what is the purpose of the bond, and how is a judge supposed to set a bond?

Mr. BARON. Of course.

Well, first and foremost, the judge or magistrate who is setting the bond shouldn't be on the take from the person who is asking him to set the bond. We can start with that.

But beyond that, the role of the bail bond is to permit the release, where appropriate, of persons who have been arrested, consistent with public safety, and that the independent magistrate should determine an appropriate amount that will permit the person to be released, if it is appropriate, but will also secure the appearance of that person later on when they are required to show up at hearings and at trial.

And that should be a neutral decision designed to accomplish that end and consistent with the public interest. In no way should that be corrupted by either having the bondsman dictate what the amount is or paying the judge to accept whatever it is the bondsman tells him would be the appropriate bond.

In fact, it is our understanding that the Marcottes actually had informants in the jail who would tell them, based on their interaction with the person who had been arrested, what they thought this person could afford as a premium. There were sheriff's deputies who were actually also convicted in connection with this investigation.

Mr. SCHIFF. Thank you, Mr. Baron.

And, without objection, all the exhibits referenced in your presentation will be made part of the record.

[The information referred to follows:]

Lori Marcotte Task Force Deposition

7

1 example. Two and a half percent would go to

8

1 A. Yes.

Q. .... explain what the consequences are if bond was set too low or if the bond was too high.

A. It depends on how much money the person had to bail out. If they had little money, then having a low bond set would be advantageous to us. If they had plenty money, then a higher bond would be set.

19 Q. -- in this case would be you guys,
20 correct?
21 A. Yes.
22 Q. Now, was it of concern or was it
23 important to you in Bail Bonds Unlimited the
24 level at which a bond was set by the
25 judicial officer?

19 unless a judge would otherwise get involved,
20 what judicial officer would be the first
21 person to actually set a bond for a person
22 who is arrested?
23 A. The magistrate judge.
24 Q. Okay. Now, prior to a defendant
25 being brought before a magistrate judge for

Jeff Duhon Task Force Deposition

1 sister Lori Marcotte also working the bail bond

15 A. Louis would call me in the office
16 and send me up to Judge Porteous to pick up the
17 keys to his cars. I took care of three of his
18 cars. I had his, his son's, and his wife.

10 Porteous' family's car?

19 Q. When you say took care of them,
20 what does that mean?
21 A. Anything. Mostly keeping them
22 maintained, maintenance up on them,
23 transmission, brakes, tune-ups, air condition,
24 anything that was wrong with his automobiles,
25 his three automobiles.

Jeff Duhon Task Force Deposition

Page 12

1 A. Yes.

23 Q. Who gave you instructions to go to
24 Judge Porteous' house?
25 A. Louis Marcotte.

8 A. I'd drive the car back and deliver

4 Q. What was the problem with the
5 fence?
6 A. It fell. It collapsed.
7 Q. Did you do anything because the
8 fence had collapsed?
9 A. I replaced it.

22 A. Yes.
23 Q. Who gave you instructions to go to
24 Judge Porteous' house?
25 A. Louis Marcotte.

Page 13

1 Q. Do you recall there being a problem

8 fence had collapsed?

22 Q. Did it take more than one day?
23 A. Yes.
24 Q. Did you have to buy anything in
25 order to rebuild the fence?

Louis Marcotte Task Force Deposition

14

22 Q. Okay. Now, do you recall how
23 Judge Porteous' travel was arranged for
24 and/or paid for?
25 A. Yes. My sister brought cash money

10 another person that we could build a
1 to Rhonda, and Rhonda had wrote the check to
2 pay everything, and we reimbursed her. And
3 we got money from the lawyers for half of
4 it.

19 eyebrows, so you wanted a lawyer there as
20 well?
21 A. Absolutely.
22 Q. Okay. Now, do you recall how
23 Judge Porteous' travel was arranged for
24 and/or paid for?
25 A. Yes. My sister brought cash money

15

18 when Judge Porteous did become a federal
19 judge; is that correct?
20 A. Yes.
21 Q. And did you attempt to maintain a
22 relationship with Judge Porteous when he was
23 a federal judge?
24 A. Yes, I did.

Lori Marcotte Task Force Deposition

13 14

8 Q. .... under what
9 circumstances did you get him to set bonds... ?

4 Q. Describe how your relationship 4 relationship before he went to Federal

15 A. Well again, when we first started
16 to develop this relationship that we had, it
17 was just a little bit. But, you know, this
18 spanned over a long time. So in the end it
19 was a lot. It was an everyday, everyday
20 thing in the courthouse. We'd go to the
21 courthouse to see him in his office, call
22 him on his cell phone, call him at home,
23 contact him through his secretary. If he
24 wasn't in the office, she would find him for
25 us, get, get him off the bench.

Ronald Bodenheimer Task Force Deposition

6

1 referred to as an oral warrant in some
2 places.
3 Q. And what was your understanding of
4 Judge Porteous' role in the practice of
5 splitting bonds in the Jefferson, the 24th
6 JDC?
7 A. The, the understanding at that
8 time that I was made aware of was that
9 Porteous was the one who somehow came up
10 with this idea of doing these bond
11 splittings.
17 Porteous, he talked about it and said that
18 as it was right now, people -- bonds were
19 being set. People were being released for
20 overcrowding with no hold on them. At least
21 this way by splitting the bond, you'd have
22 some hold on them, and it was a good thing.
23 And, and Mr. Marcotte at one time told me
24 that Porteous was, was the one who came up
25 with the idea about splitting bonds in the

Lori Marcotte Task Force Deposition

18 Q. Was it important or helpful to you
19 that Judge Porteous was splitting bonds in
20 the course of your business prior to Judge
21 Porteous leaving for the federal bench?
22 A. Yes.
23 Q. And can you give some -- can you
24 characterize the importance of that practice
25 by Judge Porteous?

4 ....by Judge Porteous
5 splitting and setting bonds for us was
6 making it like the norm, creating the
7 practice of splitting bonds. He actually
8 originated this practice of splitting bonds.

Louis Marcotte Task Force Deposition

6

who was married to my sister, Lisa Duhon
Marcotte.

20 A. I approached Porteous to see if he

21 would expunge Jeff Duhon's record.

time, were you aware that he had a burglary

13 Q. Okay. And to your knowledge, did

14 Judge Porteous actually expunge Duhon's,

15 Mr. Duhon's burglary conviction?

16 A. Yes, he did.

with the commissioner of the insurance, and
I seemed a licensed agent in my bail office
to post bonds at the jail.
Q. And so what, if anything, did you
do as a result of that?
A. I approached Porteous to see if he
would expunge Jeff Duhon's record.
Q. And --
A. Or talk to Judge Richards to see
if he would do it.
Q. And why would you have gone to

8

Q. And in your experience, and just
from what you saw in the bail business, is

Mr. Duhon's burglary conviction?
A. Yes, he did.
Q. Okay. Now, towards the end of
Judge Porteous' tenure as a state judge, do
you recall a similar expungement issue
arising in connection with Aubrey Wallace?
A. Yes, I do.
Q. Okay. And did Mr. Wallace also
work for you?
A. Yes, he did.
Q. And what was the nature of the

August 27, 2001 Affidavit in Support of Application for Wire Taps

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN THE MATTER OF THE APPLICATION OF THE UNITED STATES OF AMERICA FOR AN ORDER AUTHORIZING THE INTERCEPTION OF WIRE COMMUNICATIONS	*	MISCELLANEOUS NO. 01-2607 SECTION: "D"

pattern of illegal activity. The individuals
represent, Judges, Deputies, Attorneys, BBU
employees of other bonding companies. These
e independently observed or acquired information
strongly supports the allegations **LOUIS MARCOTTE, JUDGE BODENHEIMER, CAPTAIN GIANGROSSO, SERGEANT**
r individuals are conspiring together, in a long-
activity spanning at least eight years by
legal scheme to personally benefit themselves. In
addition, the FBI has been able to corroborate a substantial
amount of the information provided by the eight individuals by
reviewing records, conducting surveillance operations, conducting
an undercover operation, reviewing court ordered intercepted

your affiant strongly believes this pattern of illegal activity has been occurring for at least the last eight years beginning with JUDGE #2

has been occurring for at least the last eight years beginning
with JUDGE #2, then as JUDGE #2 was no longer in a position to
help,
and **JUDGE BODENHEIMER** and continues to
occur.

- 136 -

Statement on Senate Action on Crime Legislation

August 25, 1994

The United States Senate made history today. The long, hard walk is finally over, and the American people are going to get the action against crime they have been demanding for over 5 years.

I want to thank the members of both parties, in the House and Senate, who answered the call of ordinary Americans to get this job done.

With a little good faith and a lot of hard work, Republicans and Democrats overcame the partisan divisions and false choices that have blocked anticrime efforts time and time again.

And because they did, children will be safer and parents will breathe a little easier. Police officers will no longer be threatened by gangs and thugs with easy access to deadly assault weapons designed only for war. Violent criminals are going to learn quickly that the revolving door on our prisons has been

NOTE: Biographies of the nominees were made available by the Office of the Press Secretary.

Statement on Signing the Energy and Water Development Appropriations Act, 1995

August 26, 1994

Today I have signed into law H.R. 4506, the "Energy and Water Development Appropriations Act, FY 1995."

The Act provides a total of $20.5 billion in discretionary budget authority for various programs in the Departments of Energy and the Interior, the Army Corps of Engineers, and several smaller agencies.

I am pleased that the Act substantially funds most of my budget requests for priority investment programs within the Departments of Energy and the Interior and the Army Corps of Engineers, including full funding for the renewable energy portions of the Climate Change Action Plan.

William J. Clinton

e House,
l, 1994.

R. 4506, approved August 26, was ve-
ublic Law No. 103-316.

Nomination for Federal Judges

August 25, 1994

Nomination for Federal Judges

August 25, 1994

The President today nominated Fred I. Parker to the U.S. Court of Appeals for the

C. Thomas

Porteous, Jr., for the Eastern District of Louisiana;

Western District of Texas.

"These nominees will bring legal talent and dedication to the Federal bench," the President said. "I know they will serve our country with distinction."

Digest of Other White House Announcements

The following list includes the President's public schedule and other items of general interest announced by the Office of the Press Secretary and ...ded elsewhere in this issue.

22

White House announced the Presi-
ll attend the summit of the Asia-Pa-
conomic Cooperation forum in Indo-
n November 14–16. The Presiden
also has accepted the invitations of President Fidel Ramos of the Philippines for a state visit in Manila on November 13 and of President Soeharto of Indonesia for a state visit in Jakarta on November 16.

Lori Marcotte Task Force Deposition

26

1 insurance industry typically if you're

2 So we went to Judge Porteous to

3 ask him if he would expunge Aubrey Wallace's

4 criminal record. My brother and myself, we

5 went to Judge Porteous' office.

11 A. He, he asked us -- he told us to
12 have a lawyer file a motion, and we did
13 that.
14 Q. Okay. Do you know the -- do you
15 know whether or not ultimately Mr. Wallace's
16 conviction was set aside or not?
17 A. No, I don't.
18 Q. Do you remember that this occurred
19 right on the eve of Judge Porteous leaving
20 for the federal bench?
21 A. Yes.
22 Q. And how is it that you remember
23 associated with that particular time frame?
24 Or is it, or is it just something you
25 remember?

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NUMBER: 89-2360 DIVISION: "A"

STATE OF LOUISIANA

AUBRY N. WALLACE

10-14-94 DEPUTY CLERK:

ORDER

Considering the foregoing Motion to Set Aside Conviction;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the matter under docket

...all charges filed under the captioned case number be dismissed and be hereby set aside...

October 1994.

Gretna, Louisiana this

JUDGE

STATE OF LOUISIANA
PARISH OF JEFFERSON
24TH JUDICIAL COURT

BOND FORM

JPSO ITEM # I957494 DEPOSIT #
BOND # 254616-D BOND $ 160,000

CITY BAIL UNDERTAKING ☒ FEDERAL COURT ORDER ☐

W[redacted] John H. JR [redacted]

[redacted]

ARRESTED FOR THE CRIME(S) OF R.S. 40:967 P&D
(LIST CHARGE(S) AND CITATION(S))
ON 10-10-94 IN 1120 Lapland St
DATE LOCATION

AND HAVING BEEN RELEASED ON 10-11-94 AT 8:55 AM ☐ PM ☒ HOOK UP EAST ☐ WEST ☒
DATE TIME

I DO HEREBY AGREE TO APPEAR AT ALL STAGES OF THE PROCEEDINGS IN COURT FOR THE PARISH OF JEFFERSON FOR AS LISTED TO ANSWER THAT CHARGE(S) OR ANY RELATED CHARGE(S), AND WILL AT ALL TIMES HOLD AMENABLE TO THE ORDERS AND PROCESS OF THE COURT, AND, IF CONVICTED, WILL APPEAR FOR PRONOUNCEMENT OF THE VERDICT WITHOUT WRITTEN PERMISSION OF THE COURT; AND IS LEAVE AS DESIGNED AND AGREES TO PAY THE STATE OF LOUISIANA

THE SUM OF One hundred sixty thousand ($ 160,000.00) DOLLARS.

I HEREBY SPECIFICALLY AGREE TO APPEAR IN COURT ON

THE _____ DAY OF _____ 19 ____ AT _____ AM ☐ PM ☐ OR WHEN NOTIFIED ☒

PERSONAL SURETY BAIL UNDERTAKING

[redacted]

SURETY #1

SURETY #2

DEFENDANT / SURETY(S) SIGNATURE

I (WE) DO HEREBY SWEAR OR AFFIRM UNDER PENALTY OF LAW THAT THE GIVEN INFORMATION IS TRUE AND CORRECT. IF THERE ARE ANY CHANGES, IT IS THE DUTY OF THE DEFENDANT / PERSONAL SURETY TO NOTIFY THE CLERK OF COURTS OFFICE, IN WRITING, OF SUCH CHANGES. ANY NOTICES SENT TO THE ADDRESS(ES) WILL SUFFICE, UNLESS THE CLERK OF COURTS OFFICE IS SO NOTIFIED. I (WE) FURTHER DISCLOSE THAT I (WE) HAVE SUFFICIENT NET WORTH TO PAY THIS BOND, AND WILL DO SO IN THE EVENT OF FORFEITURE. ANY CASH BOND POSTED IS RECORDED IN THE NAME OF THE POSTER AND RETURNED ONLY TO THEM.

[redacted]

SIGNATURE OF SURETY #1 X SIGNATURE OF SURETY #2

[redacted]

ADDRESS ADDRESS

ADDRESS VERIFIED BY COURT

(X) [redacted]

DEF. SIGNATURE - FOR ALL BONDS DEF. POSTED OWN CASH ☐ OR POSTED BY

OCT 1994 RECEIVED J.P.S.O.

EDULE ☐; OR VERBAL/WRITTEN ORDER ☐

Ed T. Porteous 10-11-94

AND VERIFIED BY ON AM ☐ PM ☐

PREPARED BY VERIFIED BY Deep E. Hall 38646

JPSO 2-162/4 (Rev. 4/93) White-Clerk of Court Yellow-Bond Deputy Pink-Defendant Gold-Surety

STATE OF LOUISIANA
PARISH OF JEFFERSON

BOND FORM

JPSO ITEM # I 1189294 DEPOSIT #
224628D BOND $ 18,000

B[redacted] LEONARD [redacted]

UNDERTAKING ☑ FEDERAL COURT ORDER ☐

[redacted] HAVING BEEN

ARRESTED FOR THE CRIME(S) OF 14-80 - 14-98, D
LIST CRIMES AND SECTIONS

ON 9-15-94 IN 100 Dolhonde St.
DATE LOCATION

AND HAVING BEEN RELEASED ON 10-11-94 AT 1:00 AM ☐ PM ☑ LOCK UP EAST ☐ WEST ☑
DATE TIME

I DO HEREBY AGREE TO APPEAR AT ALL STAGES OF THE PROCEEDINGS IN COURT FOR THE PARISH OF JEFFERSON (OR AS LIBRED) TO ANSWER THAT CHARGE(S) OR ANY RELATED CHARGE(S), AND WILL AT ALL TIMES HOLD AMENABLE TO THE ORDERS AND PROCESS OF THE COURT, AND, IF CONVICTED, WILL APPEAR FOR PRONOUNCEMENT OF THE VERDICT AND SENTENCE, AND WILL NOT LEAVE THE STATE WITHOUT WRITTEN PERMISSION OF THE COURT; AND IF I FAIL TO PERFORM ANY OF THE AGREES TO PAY THE STATE OF LOUISIANA

THE SUM OF Eighteen Thousand ($ 18,000)

I HEREBY SPECIFICALLY AGREE TO APPEAR IN COURT ON

THE _____ DAY OF _____ IN _____ AT _____ A.M. ☐ P.M. ☐ OR WHEN NOTIFIED ☑

VERIFY PRINT AND VERIFY ALL INFORMATION

PERSONAL SURETY BAIL UNDERTAKING

SURETY #1 [redacted]

SURETY #2

DEFENDANT/SURETY(S) SIGNATURE

I (WE) DO HEREBY SWEAR OR AFFIRM UNDER PENALTY OF LAW THAT THE GIVEN INFORMATION IS TRUE AND CORRECT. IF THERE ARE ANY CHANGES, IT IS THE DUTY OF THE DEFENDANT/PERSONAL SURETY TO NOTIFY THE CLERK OF COURTS OFFICE, IN WRITING, OF SUCH CHANGES. ANY NOTICES SENT TO THE ADDRESSES WILL SUFFICE, UNLESS THE CLERK OF COURTS OFFICE IS SO NOTIFIED. I (WE) FURTHER DECLARE THAT I (WE) HAVE SUFFICIENT NET WORTH TO PAY THIS BOND, AND WILL DO SO IN THE EVENT OF FORFEITURE. ANY CASH BOND (CHECK) IS RECORDED IN THE BANK OF THE POSTER AND RETURNED ONLY TO THEM.

X [redacted] X SURETY #2

X [redacted] DEF. POSTED OWN CASH ☐ OR POSTED BY

DEF'S SIGNATURE - FOR ALL BONDS

PRESET BOND SCHEDULE CLERK-VERBAL/WRITTEN ORDER ☐ PRETRIAL RELEASE PROGRAM ATTN CLERK OF COURT ☐

Forfeited 10-11-94 AM ☑ PM ☐ AM ☐ PM ☐

W.H. Thompson 9786

JPSO 2-182/4 (Rev. 4/90) White-Clerk of Court Yellow-Bond Clerk Pink-Defendant Gold-Surety

24

STATE OF LOUISIANA
PARISH OF JEFFERSON
24TH JUDICIAL COURT ☐

BOND FORM

JPSO ITEM # J0207354 DEPOSIT #
BOND # 2341633D BOND $ 22000

SURETY BAIL UNDERTAKING ☑ FEDERAL COURT ORDER ☐

B[redacted] Donald BIRTH DATE [redacted]

[redacted] HAVING BEEN

ARRESTED FOR THE CRIME(S) OF 14-27/62, 285

ON 10-3-94 @ 404 E. Butterfly St Metairie

AND HAVING BEEN RELEASED ON 10-11-94 @ 5:45 AM ☐ PM ☑ LOCK UP EAST ☐ WEST ☐

I DO HEREBY AGREE TO APPEAR AT ALL STAGES OF THE PROCEEDINGS IN COURT FOR THE PARISH OF JEFFERSON (OR AS LISTED) TO ANSWER THAT CHARGE(S) OR ANY RELATED CHARGE(S), AND WILL AT ALL TIMES HOLD AMENABLE TO THE ORDERS AND PROCESS OF THE COURT, AND, IF CONVICTED, WILL APPEAR FOR PRONOUNCEMENT OF THE VERDICT AND SENTENCE, AND WILL NOT LEAVE THE STATE WITHOUT WRITTEN PERMISSION OF THE COURT; AND IF I FAIL TO PERFORM ANY OF THESE CONDITIONS, I AND/OR SURETY(S) AGREES TO PAY THE STATE OF LOUISIANA

THE SUM OF Twenty Two Thousand ($ 22,000

I HEREBY SPECIFICALLY AGREE TO APPEAR IN COURT ON

THE _____ DAY OF _____ 19___ AT _____ AM ☐ PM ☐ OR WHEN NOTIFIED ☑

DEPUTY PRINT AND VERIFY ALL INFORMATION

PERSONAL SURETY BAIL UNDERTAKING

SURETY #1 [redacted]

LAST FIRST MI SEX DL # SS # TITLE #

SURETY #2

LAST FIRST MI SEX DL # SS # TITLE #

DEFENDANT/SURETY(S) SIGNATURE

I (WE) DO HEREBY SWEAR OR AFFIRM UNDER PENALTY OF LAW THAT THE GIVEN INFORMATION IS TRUE AND CORRECT. IF THERE ARE ANY CHANGES, IT IS THE DUTY OF THE DEFENDANT/PERSONAL SURETY TO NOTIFY THE CLERK OF COURTS OFFICE, IN WRITING, OF SUCH CHANGES. ANY NOTICES SENT TO THE ADDRESSES WILL SUFFICE, UNLESS THE CLERK OF COURTS OFFICE IS SO NOTIFIED. I (WE) FURTHER DECLARE THAT I (WE) HAVE SUFFICIENT NET WORTH TO PAY THIS BOND, AND WILL DO SO IN THE EVENT OF FORFEITURE. ANY CASH BOND POSTED IS RECORDED IN THE NAME OF THE POSTER AND RETURNED ONLY THEREIN.

[redacted]

X [redacted] X

SIGNATURE - FOR ALL BONDS

DEF. POSTED OWN CASH ☐ OR PROPERTY:

LAST FIRST FULL ADDRESS TITLE #

REAL RELEASE PROGRAM-ATTN: CLERK OF COURT ☐

J. Porteous 10-11-94

SERGEANT

JPSO 2-103/4 (Rev. 6/00) White-Clerk of Court Yellow-Alert Deputy Pink-Defendant Gold-Surety

BOND FORM

STATE OF LOUISIANA
PARISH OF JEFFERSON
24TH JUDICIAL COURT

JPSO ITEM # J2537294 DEPOSIT #
BOND # 255592D BOND $ 25000

SURETY BAIL UNDERTAKING ☒ FEDERAL COURT ORDER ☐

M[redacted] Craig N/M BIRTH DATE [redacted] SOCIAL SECURITY # [redacted] HAVING BEEN

ARRESTED FOR THE CRIME(S) OF 40-967 A+C

ON 10/26/94 AT 648 Julia St. Jeffy

AND HAVING BEEN RELEASED ON 10/27/94 AT 11:05 A.M. ☐ P.M. ☐ EAST ☐ WEST ☒

I DO HEREBY AGREE TO APPEAR AT ALL STAGES OF THE PROCEEDINGS IN COURT FOR THE PARISH OF JEFFERSON (OR AS LISTED) TO ANSWER THAT CHARGE(S) OR ANY RELATED CHARGE(S), AND WILL AT ALL TIMES HOLD AMENABLE TO THE ORDERS AND PROCESS OF THE COURT, AND, IF CONVICTED, WILL APPEAR FOR PRONOUNCEMENT OF THE VERDICT AND SENTENCE, AND WILL NOT LEAVE THE STATE WITHOUT WRITTEN PERMISSION OF THE COURT; AND IF LEGAL TO PERFORM ANY OF THESE CONDITIONS, I AND/OR SURETY(S) AGREES TO PAY THE STATE OF LOUISIANA

THE SUM OF Twenty five thousand ($ 25000.

I HEREBY SPECIFICALLY AGREE TO APPEAR IN COURT ON

DAY DATE MO. YR. AT A.M. ☐ P.M. ☐ OR WHEN NOTIFIED ☒

PERSONAL SURETY BAIL UNDERTAKING

SURETY #1 [redacted]

SURETY #2

DEFENDANT/SURETY(S) SIGNATURE

I (WE) DO HEREBY SWEAR OR AFFIRM UNDER PENALTY OF LAW THAT THE GIVEN INFORMATION IS TRUE AND CORRECT. IF THERE ARE ANY CHANGES, IT IS THE DUTY OF THE DEFENDANT/PERSONAL SURETY TO NOTIFY THE CLERK OF COURTS OFFICE, IN WRITING, OF SUCH CHANGES. ANY NOTICES SENT TO THE ADDRESSES WILL SUFFICE, UNLESS THE CLERK OF COURTS OFFICE IS NOT NOTIFIED. I (WE) FURTHER DECLARE THAT I (WE) HAVE SUFFICIENT NET WORTH TO PAY THIS BOND, AND WILL DO SO IN THE EVENT OF FORFEITURE.
ANY CASH BOND POSTED IS RECORDED IN THE NAME OF THE POSTER AND RETURNED ONLY TO THEM.

X [redacted] X

X [redacted] ADDRESS

ADDRESS VERIFIED BY DEPUTY

X [redacted] DEF. POSTED OWN CASH ☐ OR POSTED BY

DEPUTY SIGNATURE - FOR ALL BONDS

PRETRIAL RELEASE PROGRAM-ATTN CLERK OF COURT ☐

OF Fortenas 10/27/94

96 388

RECEIVED OCT 1994 J.P.S.O.

METRO

Sunday, March 19, 1995

Amending sentence questioned

Federal judge defends action

By JIM RADDY

Portsous, while serving his final weeks on the state bench in Jefferson Parish, illegally expunged a convicted drug offender's burglary sentence and then removed it from the man's record, according to the Metropolitan Crime Commission.

U.S. DISTRICT JUDGE THOMAS PORTEOUS
Crime commission has complaint

CONTINUED . . .

Sentence

From B-1

minated unsatisfactorily" because he couldn't complete his probation — he was in prison on an unrelated drug conviction.

• On Sept. 22, 1994, Porteous, at Wallace's request, removed the unsatisfactory probation from his criminal record and retroactively changed his original guilty plea to a special plea that allows a criminal record to be expunged once probation is successfully terminated.

• On Oct. 14, 1994, two weeks before he was sworn in as a federal judge, Porteous expunged Wallace's burglary conviction.

"The judge had no authority to do what he did," said Rafael Goyeneche, the crime commission's managing director. "This shows the good ol' boy network is alive and well."

At the time Porteous expunged the burglary conviction, Wallace still was on parole for a narcotics conviction. He pleaded guilty Feb. 26, 1991, to possession of more than 28 grams of cocaine and possession of PCP and was sentenced to five years in prison. He was paroled Aug. 9, 1993.

Wallace's drug conviction cannot be expunged under state law. Only the governor can pardon a drug offender, which would be necessary to clear Wallace's criminal record. A State Pardon Board spokeswoman said Wallace has not applied for clemency.

On the burglary conviction, Porteous said he was simply correcting an oversight. He said Wallace should have been allowed to plead guilty to the burglary

wanted the expungement so one day he could be a bail bondsman, a state regulator, a clean criminal.

State law fo when a sentence like A. J. Wallace's is suspended.

Though

under a
cords of
punged
sentenc

He sai
been sett
he was to
fender,
awaiting
at the tic
guilty.

The crime commission contends Porteous expunged Wallace's record because the judge is friends with Louis Marrotta, who owns Bail Bonds Unlimited, where Wallace was a janitor until last November, when the state Parole Board had him arrested for a parole violation. Felons may not work at a bonding company in any capacity. For the violation, Wallace was jailed for two weeks and warned.

But the judge denied that

Though illegal, Porteous suspended Wallace's sentence in September, and then expunged the burglary conviction just two weeks before he was appointed to the federal bench in October 1994, apparently after his FBI and other federal background checks were completed.

1987, after having been employed for less than two years, said Maj. John Fortunato, a spokesman for the Sheriff's Office. The record does not reflect the reason, he said.

Goyeneche disagreed with the judge's rationale. Wallace is a "criminal, convicted in a major narcotics case, who does not deserve the type of special treatment that was bestowed on him."

Porteous defended his action, saying it was done in open court and with the knowledge of the

receive complaints against judges say they lack the jurisdiction to

who sentenced by Porteous to a three-year suspended prison term

probation.

Two years later, on , Porteous, at the tection officials, de- cleared Wallace's probation "ter-

SENCE, next page

ney's office. When ndee Wallace's sen- , "I've already spo- n DA on this," e court transcript. ness for the Jud- ion said the state to sentence a judge- ager on the state said she could not comment on Porteous' action, but said judicial ethics forbid a judge to do anything that would bring the judiciary into disrepute.

A spokeswoman for the U.S. District Court clerk's office in New Orleans, which receives complaints about federal judges here, said the office lacks the jurisdiction to investigate allegations about judges before they are appointed to the federal bench.

Besides avoiding possible judicial discipline, the timing of Porteous' action also avoided any serious political repercussions. Goyeneche doubts the Senate would have confirmed Porteous' appointment to the federal bench if his actions had been known. A federal judicial appointment is for life.

"I think he was a great state judge, and I think he will be a great federal judge," said U.S. Sen. John Breaux, through a spokeswoman, Betty Phelan. Breaux and Sen. J. Bennett Johnston recommended Porteous to President Clinton.

Scott Trahan, a spokesman for Johnston, said Porteous checked out at the time. "There's no way to look back and say what would have been done. But the judge had gone through an FBI background check, which he passed with flying colors, and he had the overwhelming endorsement of the American Bar Association."

Lori Marcotte Task Force Deposition

46

8 Q. And did you make any requests of
9 Judge Porteous relative to Judge
10 Bodenheimer?

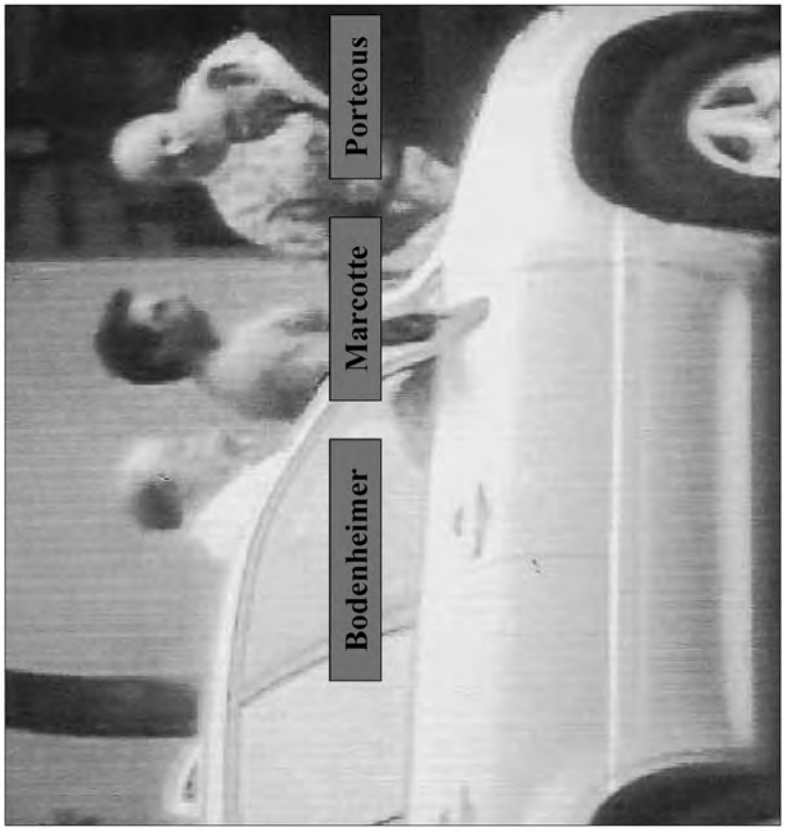
14 A. The same thing that we -- that
15 Judge Porteous did with us with the other
16 judges, to, to introduce us to him, to get
17 close to him, to -- he was familiar with
18 bond splitting because he was a D.A., Judge
19 Bodenheimer. But just to establish trust
20 and to help us to split bonds, to get us to
21 help us split bonds.

Ronald Bodenheimer Task Force Deposition

9 Q. And after you were elected, did
10 you have occasion to have, have any contact
11 with Judge Porteous in which there were some
12 conversations that you recall to this day?
13 A. Yes.

23 Q. And what is it that Judge Porteous
24 told you at that time that you recall?

3 A. ...And
4 he did tell me that he knew that I didn't
5 really like Louis Marcotte and that group
6 very much, but that they were really -- they
7 really weren't as bad as people thought they
8 were, that he was a pretty good guy. And he
9 told me that I could trust them...


Bodenheimer
Marcotte
Porteous

50 CENTS 167th year No. 16 SATUR FEBRUARY 8, 2003

Judges were given gifts

Marcotte's ex-workers tell of shrimp, fence

Bail bonds czar Louis Marcotte showered cash, turkeys, seafood and car repairs on judges and jailers, according to two former employees who worked for Bail Bonds Unlim-

received unfettered access to in-
ates at the parish's two jails,
d became so cozy with some
dges that he was able to waltz
o their private chambers or
ll them after midnight to re-
est help with bonds, say Jeff
ahon, Marcotte's former
brother-in-law, and Matt Den-
nis, a bounty hunter who now
works for a competing company.
Both men said they have be-
come FBI informants in the
sweeping federal investigation

Dennis and Duhon said they began talking to the FBI about the inner workings of the Marcotte empire more than a year ago. Federal officials declined to comment on whether they are working with the pair.

The former employees claim Marcotte paid for car repairs and built a fence for former 24th Judicial District Judge Thomas Porteous, who now sits on the

See BONDSMAN, A-8

STAFF FILE PHOTO BY SUSAN POAD

Louis Marcotte recently boasted that he writes 95 percent of the bonds in Jefferson Parish.

Judge J
Grefer
was o
bench a
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was sup
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Judge Thomas Porteous

the
ys
h her
credit

MCC0169

BONDSMAN, *from A-1*

federal bench, and repeatedly gave 900 pounds of shrimp to Judge Joseph Grefer, a former 24th Judicial District judge who ran the Jefferson Parish drug court. They also say Marcotte gave a juror $1,500 cash to buy Duhon a gift, and routinely

Duhon said he would then drop the fund in Grefer or his director of Grefer, a former 24th Judicial District judge who ran the Jefferson Parish drug court.

"It was so regular, you could set your calendar by it," said Duhon, who said he made the deliveries for at least seven

holding taking jobs to Oppenheim's enthusiasm, being a week and throwing parties.

Dennis, on the other hand, joined Bail Bonds Unlimited in 1987 and supervised all bonding business until May 2003, when he abruptly left the firm, taking 20 employees with him. On June 13, Dennis was arrested

Duhon routinely took vehicles belonging to Porteous to a local auto shop to be repaired, on Marcotte's tab, he said. Duhon said he also personally installed a fence in Porteous' back yard, paid for by Marcotte.

Duhon said it was Porteous who gave him his break in 1992, when the judge expunged his felony record as a favor to Marcotte, allowing him to apply for a bail bonds license.

Turkeys and shrimp

Each year, just before Thanksgiving and Christmas, Marcotte would stuff a wad of cash in Duhon's pocket and send him to a seafood kiosk in Westwego to pick up 900 pounds of shrimp. Duhon said

any case, Grefer was over from Marcotte accused him of stealing money shortly after he and Lisa divorced, he said.

In between, Duhon says he was Marcotte's "muscle man," writing bonds, pursuing defendants and doing minor jobs

Lots of big jobs at the residence in 1998 and 2000. The witness also said he saw such crews perform repairs at Porgos' home, and Porgos told him the job was paid by Marcotte.

The two corporating figures

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FELONY

SUPERSEDING BILL OF INFORMATION FOR VIOLATIONS OF THE FEDERAL CONTROLLED SUBSTANCES ACT, DEPRIVATION OF HONEST SERVICES, AND CONSPIRACY TO COMMIT MAIL FRAUD

UNITED STATES OF AMERICA	•	CRIMINAL DOCKET NO. 02-219
v.	•	SECTION: "C"(4)
RONALD D. BODENHEIMER	•	VIOLATION: 21 U.S.C. § 841(a)(1) 18 U.S.C. § 846 18 U.S.C. § 1341 18 U.S.C. § 1346 18 U.S.C. § 2 18 U.S.C. § 371

knowingly and intentionally combine, conspire, confederate and agree with Curley J. Chewning and with other persons known and unknown to the Grand Jury, to distribute and attempt to distribute, and to possess and attempt to possess with the intent to distribute, a quantity of Oxycodone, a Schedule II narcotic drug controlled substance; in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

Fee
Process
Dktd
CtRmDep
Doc. No.

BODENHEIMER regularly set, reduced, and split bonds in criminal cases

before him and other judges, irrespective of whether he was scheduled for "legitimate"

at a level requested by the bail bonding company

made himself available to handle bonding matters for the bail bonding company on a 24/7 basis.

scheme, particularly with regard to the processing of bond premiums and in the billing

of the criminal defendants and their families.

2. The bail bonding company routinely purchased lunches, drinks, and dinners for **BODENHEIMER** and, in 1999, paid for a trip to the Beau Rivage Casino for **BODENHEIMER** and his wife.

mails.

3. The bail bonding company arranged for home improvements to be made

3. The bail bonding company arranged for home improvements to be made at **BODENHEIMER**'s residence...

BODENHEIMER in return for the advantageous handling of bond matters. Louisiana

FELONY

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2004 MAR -3 AM 11:18
LORETTA G. WHYTE
CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BILL OF INFORMATION FOR CONSPIRACY TO OPERATE AN ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY AND CONSPIRACY TO COMMIT MAIL FRAUD

UNITED STATES OF AMERICA

v.

LOUIS M. MARCOTTE, III
LORI M. MARCOTTE

CRIMINAL DOCKET NO. 04-061
SECTION: "K" MAG. 2

VIOLATIONS: 18 U.S.C. § 1962
18 U.S.C. § 1963
18 U.S.C. § 1341
18 U.S.C. § 371

1. Bail Bonds Unlimited, Inc. (hereinafter "BBU") was a bail bonds company licensed and regulated by the Louisiana Department of Insurance (hereinafter "DOI") and engaged in the

COUNT 1 – CONSPIRACY TO OPERATE AN ENTERPRISE THROUGH A PATTERN OF RACKETEERING ACTIVITY

for individuals who had been arrested for crimes in Jefferson Parish, Louisiana.

Fee
Process
X Dktd
CtRmDep
Doc. No.

D. The Racketeering Conspiracy

1. Beginning at a date unknown but prior to 1991...

together and with other persons known and unknown to the United States Attorney to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity consisting of multiple acts involving bribery in violation of Louisiana Revised Statutes, Title 14, Article 118 (Public Bribery) and indictable under Title 18, United States Code, Sections 1341, 1346 (Mail Fraud).

2. It was part of the conspiracy that the defendant and his co-conspirators agreed that a conspirator would commit at least two Acts of Racketeering in the conduct of the affairs of the enterprise.

E. Purpose, Method, and Means of the Conspiracy

The form and substance of the conspiracy was as follows:

1. It was a part of the conspiracy that the defendant, LOUIS M. MARCOTTE, III, and others known to the United States Attorney, engaged in a scheme to maximize BBU's and MARCOTTE's own profits from writing bail bonds in Jefferson Parish and elsewhere through the corruption of and attempts to corruptly influence certain sheriff's deputies and judges and the defrauding Amwest, among other things.

2. It was a further part of the conspiracy that the defendant, LOUIS M. MARCOTTE, III, and others known to the United States Attorney, used the United States mails and other private interstate carriers to process BBU bonds which had been corruptly obtained, to disguise cash payments as campaign contributions, and to defraud Amwest.

3. It was a further part of the conspiracy that, in return for things of value, certain judges would

make themselves available to BBU;

quickly respond to the requests of BBU;

and set, reduce, increase, and split bonds to maximize BBU's profits...

hinder its competition.

6. It was a further part of the conspiracy that the defendant, LOUIS M. MARCOTTE, III, defrauded Amwest by using the mails and private interstate carriers to fraudulently obtain funds from the BUF account, which was to be used to reimburse Amwest for any bond forfeitures it paid on behalf of BBU relative to criminal defendants who failed to appear in court.

7. It was a further part of the conspiracy that the defendant, LOUIS M. MARCOTTE, III, and others known and unknown to the United States Attorney, directly and indirectly, concealed and hid the purposes of and acts done in furtherance of the racketeering conspiracy.

AO 245D (Rev. 06/05) Judgment in Criminal Case
Sheet 2 — Imprisonment

DEFENDANT: LOUIS M. MARCOTTE, III
CASE NUMBER:

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a **38 months** to count 1 of the Bill of Information.

[x] The court makes the following recommendations to the Bureau of Prisons:
That the defendant be designated to a facility where he may participate in a substance abuse program.

[ ] The defendant is remanded to the custody of the United States Marshal.

[x] The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 noon on October 27, 2006 as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

Louis Marcotte Task Force Deposition

24

1 Q. And why did you do all that?
2 A. Because I wanted him to help me

25 Q. Okay. Now, of all the judges who

25

1 have helped you, where would you rank Judge
2 Porteous?

1 have helped you, where would you rank Judge
2 Porteous?
3 A. Number one.
4 Q. Okay. You didn't even hesitate in
5 that response, did you?
6 A. No.
7 Q. And you're certain of that; is
8 that right?
9 A. Yes.

Lori Marcotte Task Force Deposition

66

22 Q. You've mentioned various judges in
23 your testimony. Who was the single most
24 important judge, the success of your
25 company, in the 24th Judicial District

67

1 Court?
2 A. Tom Porteous.
3 Q. Is there any question in your mind
4 about that?
5 A. No.

20 connection with your probation?
21 A. It ends in two days.
22 Q. You've mentioned various judges in
23 your testimony. Who was the single most
24 important judge, the success of your
25 company, in the 24th Judicial District

... .
21 Q. So they will help you with your
22 business?
23 A. Yes.
24 Q. If you had -- with the exception
25 of the fact that you're paying for the

Mr. SCHIFF. Our witnesses today will be Louis Marcotte and his sister, Lori Marcotte. They will testify together on one panel.

Louis Marcotte was formerly the owner and president of Bail Bonds Unlimited, a company in the bail bonds business, which operated in the 24th Judicial District in Gretna, LA, where Judge Porteous sat as a State judge.

In 2004, Mr. Marcotte pleaded guilty to conspiracy charges arising from certain of his actions in the operation of his business. He has been cooperative and is here pursuant to a subpoena.

Lori Marcotte assisted her brother in the operation of Bail Bonds Unlimited. In 2004, she pleaded guilty to a Federal corruption offense in connection with certain conduct on her part in the course of operating the business. She has also been cooperative and is here pursuant to a subpoena.

I will now swear the witnesses.

Would you both please rise and raise your right hands?

[Witnesses sworn.]

Mr. SCHIFF. Thank you. You may both be seated.

And, Mr. Dubester, you may now question the witnesses.

And I am sorry, Counsel, could you introduce yourself for the record?

Mr. REGAN. May it please this honorable Committee, I am Martin Edward Regan, Jr., licensed attorney at law for Louis Marcotte.

Mr. SCHIFF. Thank you, Counsel.

Mr. DUBESTER. What I am going to do is I am going to be posing questions first to Mr. Marcotte and then to Ms. Marcotte, just so we know the order of things as we proceed.

TESTIMONY OF LOUIS MARCOTTE, NEW ORLEANS, LA

Mr. DUBESTER. Mr. Marcotte, please introduce yourself to the Members of the Committee.

Mr. LOUIS MARCOTTE. I am Louis Marcotte.

Mr. DUBESTER. Okay, there you go. And where were you born, Mr. Marcotte?

Mr. LOUIS MARCOTTE. I was born on the west bank of Louisiana.

Mr. DUBESTER. Did you spend your entire life in the New Orleans area?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And what is your education?

Mr. LOUIS MARCOTTE. I graduated from West Jeff High School.

Mr. DUBESTER. Okay. In the late 1980's, did you enter the bail bonds business?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. DUBESTER. In the late 1980's, did you enter the bail bonds business?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. Where was that?

Mr. LOUIS MARCOTTE. That was on Derbigny Street in Gretna, Louisiana.

Mr. DUBESTER. And what was the name of your company?

Mr. LOUIS MARCOTTE. Bail Bonds Unlimited.

Mr. DUBESTER. And what was your role in the company?

Mr. LOUIS MARCOTTE. I was the president of that company for 25 years.

Mr. DUBESTER. Okay. And do you know the woman who is sitting at the other end of the table?

Mr. LOUIS MARCOTTE. Yes, that is my sister, Lori Marcotte, vice president of that company.

Mr. DUBESTER. Okay. And what role did you have, what role did she have?

Mr. LOUIS MARCOTTE. Lori did a lot of retail in the bail office, in sales, and she also handled a lot of the accounting.

Mr. DUBESTER. Okay. Did she know what was going on? Was she with you when you were doing things in the course of the business?

Mr. LOUIS MARCOTTE. Yes, she was. She was my partner.

Mr. DUBESTER. Okay. I want you to take at least 1 minute up front to describe the bail bonds business to the Members of the Committee and—or the Members of the Task Force. You can, sort of, start anywhere. And then I will fill in gaps if you leave any of them out.

So just explain the bail bonds business and how your company made money.

Mr. LOUIS MARCOTTE. A bail bondsman is no more than a State Farm agent. We are licensed through the Commission of Insurance. We carry a property and casualty license. And the insurance company supplies us with policies that we can post at the jail so we can get defendants out. It is not real money; it is just a policy. If the defendant doesn't show up in court, then the courts cash the policy.

Mr. DUBESTER. Okay. And how did your company—and I am going to use the present tense—how do you make money in the bail bonds business?

Mr. LOUIS MARCOTTE. The families would come in and bring us—if the bond was $10,000, the families would come in and bring us a thousand dollars of the $10,000. We would bring the policy over to the jail, and then we would earn the thousand dollars for posting a $10,000 policy at the jail.

Mr. DUBESTER. Okay. Would you walk the Members through the process of how a bond amount would be actually set by a judicial officer in Gretna, Louisiana?

Mr. LOUIS MARCOTTE. Well, they had a magistrate who would set the bonds twice a day. And what we would do is we would shop bonds and try to get the bond set before the magistrates set the bond, if it wasn't a favorable magistrate.

Mr. DUBESTER. Okay. Did you have an interest in the amount that the bond was set at?

Mr. LOUIS MARCOTTE. Yes, I did. The more money the people had, the higher the bond, the more money we made.

Mr. DUBESTER. Okay. And typically, what percentage of the bond—or what was the premium that you would make compared to what the bond amount was?

Mr. LOUIS MARCOTTE. Ten percent of the premium.

Mr. DUBESTER. Okay. So how would you find out how much an individual could pay as part of a premium?

Mr. LOUIS MARCOTTE. We would screen the family or the defendant to find out how much money they had. At some point, we would run credit reports to see if they had available credit on their credit cards. And that is how we would determine what we would get the bond set at.

Mr. DUBESTER. How did you get this information from the defendant who was arrested or from the family?

Mr. LOUIS MARCOTTE. Well, when the family would come in, they would sign an agreement. Whenever you take a credit agreement on someone, you have the right to run their credit report.

Mr. DUBESTER. Did you interview the prisoners at the jail, too?

Mr. LOUIS MARCOTTE. Yes, we did. The jail supplied a media board with all the names of everyone who was incarcerated. We would take a list of the people on the media board, and then we would request to see the defendant. After we saw the defendant, if he didn't have money on him, we would get the family's number and then we would call the family and say, "Hey, come on down. Your son is in jail. Would you like to get him out?"

Mr. DUBESTER. Okay. So, if you could determine, let's say, that a defendant who had been arrested could come up with $3,000, what would be your request, or what would be your ideal bond that would be set by a magistrate?

Mr. LOUIS MARCOTTE. A $30,000 bond.

Mr. DUBESTER. Suppose he could come up with $8,000, how much would you want the bond to be set at?

Mr. LOUIS MARCOTTE. I am sorry, I didn't hear you.

Mr. DUBESTER. I just said $8,000, what would you want it to be set at?

Mr. LOUIS MARCOTTE. I would want the bond to bet set at—if he had $8,000?

Mr. DUBESTER. Yes.

Mr. LOUIS MARCOTTE. I wanted the bond to be set at $80,000.

Mr. DUBESTER. So you want to just maximize——

Mr. LOUIS MARCOTTE. I just want to maximize the profits of Bail Bonds Unlimited.

Mr. DUBESTER. Okay. There you go. Now, you indicated there is a magistrate which is typically assigned to setting bonds, is that correct?

Mr. LOUIS MARCOTTE. That is correct.

Mr. DUBESTER. But then you used the phrase, you would "shop the bond around." What do you mean by that?

Mr. LOUIS MARCOTTE. Well, we would get there early in the morning, you know, 5 o'clock. And if we found out the family had money to get the defendant out, if the magistrate wasn't favorable, we would start calling the judges at home, you know, real early before the magistrate got there. And then, if we couldn't get in touch with them, we would go shopping in the courthouse before the magistrate set the bond.

Mr. DUBESTER. Was there a particular judge who, in the course of your business at Bail Bonds Unlimited, that you started to go to more than any other judge on the District Court in the 24th JDC?

Mr. LOUIS MARCOTTE. Yes, that was Judge Porteous.

Mr. DUBESTER. Okay. And over time, did you increasingly go to Judge Porteous to set bonds?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. DUBESTER. Over time, did you increasingly go to Judge Porteous?

Mr. LOUIS MARCOTTE. Oh, yes, I did.

Mr. DUBESTER. Okay. What I am going to do is I am going to return a little bit to what Judge Porteous did for you in terms of setting bonds, but I want to go through how you developed a relationship with Judge Porteous. So that is what my next set of questions are going to involve.

Mr. LOUIS MARCOTTE. Okay.

Mr. DUBESTER. How is it that you went about establishing a relationship with Judge Porteous?

Mr. LOUIS MARCOTTE. Well, I met Judge Porteous through another bail agent. At some point, that bail agent faded out, and then we became close with Judge Porteous after he faded out.

Mr. DUBESTER. Okay. And what steps did you take to encourage a close relationship between yourself and Judge Porteous?

Mr. LOUIS MARCOTTE. Well, what we did, we started, the word would be, "grooming" Rhonda, his secretary, and getting close with her first, and then pushing her to facilitate a relationship between her, my sister and I and the Judge.

Mr. DUBESTER. What did you do to get close to the Judge in terms of providing him anything of value?

Mr. LOUIS MARCOTTE. Well, we started taking him to lunch. That is how it started. First, we started taking Rhonda to lunch, and then we had Rhonda start inviting him to lunch. And then that is how we became—that is how we started getting very close with him.

Mr. DUBESTER. And I want to talk a little bit about these lunches. Can you just give a sense of the frequency of the lunches?

Mr. LOUIS MARCOTTE. I guess they were around once a week and sometimes twice a week.

Mr. DUBESTER. Can you describe the restaurants?

Mr. LOUIS MARCOTTE. The Beef Connection, Ruth's Chris, a place named Romairs, you know, restaurants near the courthouse. Sometimes we would cross the river, depending on how much time we had.

Mr. DUBESTER. I think the Members might be familiar here with Ruth's Chris as a steakhouse. Are these other restaurants comparable to Ruth's Chris in the cost and the fare that they serve?

Mr. LOUIS MARCOTTE. Yes. The Beef Connection was pretty close to the same cost.

Mr. DUBESTER. And was it just you and Judge Porteous at these lunches?

Mr. LOUIS MARCOTTE. No, it would be Rhonda, and it would be some of my staff, and it also would be other judges at some times.

Mr. DUBESTER. And can you give a sense of what the bills for these meals amounted to?

Mr. LOUIS MARCOTTE. They would run anywhere from $200 to $400 or $500.

Mr. DUBESTER. And that is back in 1994 dollars. The meals would be more expensive today, correct?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. DUBESTER. That was back in 1993, 1992. That was more than 15 years ago, right?

Mr. LOUIS MARCOTTE. Yes.

Mr. DUBESTER. Okay. Now, did you call him for lunch, or did he call you for lunch?

Mr. LOUIS MARCOTTE. It started out with me calling him for lunch. And then, as we got closer and developed a relationship, he would call and then I would call.

Mr. DUBESTER. Did you ever let him bring friends that he chose?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. Let's just say——

Mr. LOUIS MARCOTTE. He could have brought anyone he wanted. I wouldn't have had a problem with it.

Mr. DUBESTER. Let's just say it is—I am going to say twice a month, to use a very conservative estimate, or let's just say three times a month for 3 years, so 100 lunches. Of the 100 lunches that you went to with Judge Porteous at the restaurants and at the rates that you described, how many of those did Judge Porteous pay for?

Mr. LOUIS MARCOTTE. He didn't pay for any.

Mr. DUBESTER. Now, is there anything else that you did in terms of providing things of value to Judge Porteous?

Mr. LOUIS MARCOTTE. Yes. I brought shrimp to his house. I fixed his fence after the storm blew it down. I fixed his cars. I fixed his son's cars. I hired his son, at some point, to do some contract work——

Mr. DUBESTER. Let me talk about——

Mr. LOUIS MARCOTTE [continuing]. As a court runner.

Mr. DUBESTER. Let me talk about the cars for a second. What do you remember doing relative to Judge Porteous's cars and his family's cars?

Mr. LOUIS MARCOTTE. Well, we did mechanical work on them.

Mr. DUBESTER. How did the car repairs start, and what did they consist of over time?

Mr. LOUIS MARCOTTE. Well, I am not sure of the exact time they started, but I am sure that it lasted, you know, 3, 4, 5 years.

Mr. DUBESTER. And the very first times that you did anything for Judge Porteous's cars, what did that consist of?

Mr. LOUIS MARCOTTE. The first time? The first times I started fixing his cars?

Mr. DUBESTER. Yes.

Mr. LOUIS MARCOTTE. You know, first, I started washing it. And then, you know, after I would wash it, I would add a little gas to it. And then it escalated from there, you know. Then the mechanical work started, the tires, the radios in the cars, and then his son's cars, and transmissions and stuff like that.

Mr. DUBESTER. You mentioned tires. Did you buy tires for Judge Porteous's cars?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And how many cars was that?

Mr. LOUIS MARCOTTE. It was three or four cars.

Mr. DUBESTER. Do you remember what Judge Porteous's specific personal car was?

Mr. LOUIS MARCOTTE. It was a blue Cougar.

Mr. DUBESTER. Okay. What about car radios. Did you do that in one car or more than one car?

Mr. LOUIS MARCOTTE. I am sorry? It is not that I don't understand the question. I can't hear at some points.

Mr. DUBESTER. I understand the acoustics here. The car radio, was that in one car or more than one car?

Mr. LOUIS MARCOTTE. I believe it was just one car.

Mr. DUBESTER. And you remember other repairs to the engines and the transmission and so forth, is that correct?

Mr. LOUIS MARCOTTE. Yes, I do.

Mr. DUBESTER. And who from your staff handled the repairs or took care of Judge Porteous's car?

Mr. LOUIS MARCOTTE. Well, I never did want to leave my office, so I always would send Skeeter or my brother-in-law Jeff. And I am sure a few times I went, but, you know, mainly those two runners that worked in my office.

Mr. DUBESTER. And is "Skeeter" the same person as Aubrey Wallace?

Mr. LOUIS MARCOTTE. Yes.

Mr. DUBESTER. And did you always volunteer to Judge Porteous, or did he make requests of you? In other words, how did you know that there was a car repair to be done?

Mr. LOUIS MARCOTTE. Well, sometimes we would be at lunch and he would say, "Well, you know, my car is not running well," and I would say, "Okay, Judge, I will take care of that." And there was also requests from him, you know, asking me to do it. So it worked both ways.

Mr. DUBESTER. What do you remember about the fence repair?

Mr. LOUIS MARCOTTE. Another time we were at lunch and he mentioned, "Well, look, my fence blew over in the storm." And I said, "Well, you know, I got two guys that will take care of it for you. No problem."

Mr. DUBESTER. Those two were also——

Mr. LOUIS MARCOTTE. Aubrey Wallace and Jeff Duhon.

Mr. DUBESTER. Did they go and do that, to your knowledge?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. DUBESTER. Did they do that?

Mr. LOUIS MARCOTTE. Yes, they did.

Mr. DUBESTER. And at some time, did you ever take Judge Porteous anywhere?

Mr. LOUIS MARCOTTE. Well, I took him to lunch, and we also went to Las Vegas, I believe twice.

Mr. DUBESTER. Okay. And do you remember a trip to Las Vegas that you described as including some attorneys?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And why did you include attorneys with you when you took Judge Porteous to Las Vegas?

Mr. LOUIS MARCOTTE. Because in a community, for whatever reason, the bail bondsman, it just doesn't look good with a bail bondsman hanging out with judges. So what I did is I brought some attorneys in to make it look good.

Mr. DUBESTER. Okay. And is it your testimony that you think there might have been a second trip to Las Vegas, as well?

Mr. LOUIS MARCOTTE. Yes. Yes, sir.

Mr. DUBESTER. And is there something that you remember as to why there might have been a second trip?

Mr. LOUIS MARCOTTE. Because I remember we were standing by a slot machine, and his wife was asking him for some change to put—some dollars to put back in, coins, you know, to put back into the slot machine.

Mr. DUBESTER. And it is your recollection—and you are not sure if that was the one trip that I first asked you about which included the lawyers—we will call it that trip—or whether or not there were two trips, is that correct?

Mr. LOUIS MARCOTTE. I am almost positive it was two trips. Now, you have to remember, the bail bond convention is always in Las Vegas every year. So, I was in the bail bond business 25 years; I have been to the convention 25 times. So, you know, I remember him being there twice, you know. I just don't—it was just a lot of conventions.

Mr. DUBESTER. And on at least one trip, but maybe both trips, did you pay for Judge Porteous to go to Las Vegas?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And on one trip in particular, the first trip I have asked you about, do you recall how it was that the actual mechanics of funding Judge Porteous's trip was paid for by you?

Mr. LOUIS MARCOTTE. Not all by me. Some of the lawyers pitched in, and we came up with cash. And I believe my sister gave Rhonda the money to disguise the payment, and then she wrote a check to the airlines and everything and paid for the trip.

Mr. DUBESTER. Okay. But, in other words, you paid Rhonda in cash through your sister?

Mr. LOUIS MARCOTTE. Right.

Mr. DUBESTER. Okay. And on the one or two trips, do you remember paying for Judge Porteous's food and drink and entertainment on those trips, as well?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And do you remember whether or not—what did Judge Porteous do when he was in Las Vegas?

Mr. LOUIS MARCOTTE. He gambled the whole time he was there.

Mr. DUBESTER. Okay. I am going to now turn to——

Mr. LOUIS MARCOTTE. See, I didn't gamble, so he never hung with me. He just hung out by the table the whole time.

Mr. DUBESTER. I am going to ask you now some of the things that Judge Porteous did for you during this period of time.

The real question, Mr. Marcotte, is, why did you do all of these things for Judge Porteous? What value were you getting by virtue of the fact that you were providing him this stream of value?

Mr. LOUIS MARCOTTE. I wanted service, I wanted access, and I wanted to make money.

Mr. DUBESTER. And how was the fact that Judge Porteous was willing to set bonds at your request, how did that help you maximize profits?

Mr. LOUIS MARCOTTE. Because if you set bonds higher than what the defendant can make, then I would have to take credit. If you set the bond at exactly what I need, then I could maximize the profits of my company.

Mr. DUBESTER. As a general matter, was he receptive to your request as to the exact amount that you wanted the bonds to be set at?

Mr. LOUIS MARCOTTE. Yes.

Mr. DUBESTER. The term "split bonds" has been used. Just briefly describe what is meant by a split bond and the significance of the practice of splitting bonds for your company.

Mr. LOUIS MARCOTTE. What we would do with a split bond—just say the bond is $100,000. The defendant only had $3,000. Well, the judges liked setting high bonds, because if it came out in the newspaper that, you know, something happened and the guy did some-

thing wrong, then it would look like he got out on a high bond. But theoretically speaking, he got out on a 30, not a 100.

Mr. DUBESTER. In other words, the $100,000 bond would be split into two pieces, right?

Mr. LOUIS MARCOTTE. Two pieces: 70 personal surety, which most of the time the personal surety wasn't worth anything, and the only portion of the bond that was worth something was the commercial part of the bond that was executed by the bail agent and backed by the insurance company.

Mr. DUBESTER. Okay. And were there some judges who would refuse to split bonds?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. DUBESTER. Some judges wouldn't split bonds, right?

Mr. LOUIS MARCOTTE. Yes, there was.

Mr. DUBESTER. Did Judge Porteous—what was Judge Porteous's willingness or practice in splitting bonds?

Mr. LOUIS MARCOTTE. He was ready, willing, and able to do it for us.

Mr. DUBESTER. Okay. And was that helpful to you, in terms of you being able to maximize your profits?

Mr. LOUIS MARCOTTE. Yes, it was.

Mr. DUBESTER. In addition to setting bonds, did you ever make a request of Judge Porteous relative to Jeff Duhon?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. What do you remember about that?

Mr. LOUIS MARCOTTE. Well, Jeff worked in the bail office. To become a bail bondsman and take premiums and negotiate bonds, you have to have a license with the commissioner of insurance. I had him in my office for a short period of time, and then they changed the law and you had to be a licensed agent to work inside of a bail agency. So, at that point, I needed to get him licensed.

So I went to Porteous. I said, "Judge, this is my brother-in-law. Would you expunge his license so he could become a bail agent?"

Mr. DUBESTER. You said "expunge his license." You mean he had a felony conviction, did he not?

Mr. LOUIS MARCOTTE. Set aside the conviction.

Mr. DUBESTER. And so you went to Judge Porteous?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. DUBESTER. And did he do that?

Mr. LOUIS MARCOTTE. Yes, he did.

Mr. DUBESTER. Was there anything unique or particularly unusual about Judge Porteous setting aside your brother-in-law Jeff's felony conviction?

Mr. LOUIS MARCOTTE. Well, that case was allotted to another judge, meaning the judge who sentenced him in that case was a different judge than Porteous. So what Porteous did was he took the conviction out of another section and brought it in his section and then expunged the record.

Mr. DUBESTER. Okay. I want to talk to you about the time period surrounding Judge Porteous's background check. Do you recall being interviewed by the FBI at that time?

Mr. LOUIS MARCOTTE. Yes, I have. I was interviewed by the FBI.

Mr. DUBESTER. Okay. And when you were being interviewed by the FBI, what was your goal in that interview?

Mr. LOUIS MARCOTTE. To lie to the FBI agents so I could protect Porteous and make sure he got where he wanted to go.

Mr. DUBESTER. And why was it that you were willing to tell the FBI information which would help Judge Porteous?

Mr. LOUIS MARCOTTE. Because I know he really wanted to be a Federal judge and, you know, I wanted to see him get confirmed.

Mr. DUBESTER. Okay. And had he been good to you over the years?

Mr. LOUIS MARCOTTE. He was really good to me.

Mr. DUBESTER. Okay.

Now, I want to show you a couple things that the FBI write-up of your interview quotes you as saying. If the FBI write-up reflects that you told the FBI that, to your knowledge, Judge Porteous had no financial problems, would that have been true?

Mr. LOUIS MARCOTTE. Well, if you would have looked at his surroundings and the way that he was living his life, you know, he was gambling, he was drinking, and if you looked at the cars, you could see that he had three or four cars for his self and his kids and his family, and they were really in poor condition.

Mr. DUBESTER. They were in poor condition?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. DUBESTER. So did you have a sense of what Judge Porteous's actual financial condition was?

Mr. LOUIS MARCOTTE. Well, just by looking at it from the outside, he never did sit there and say, "Hey, look, you know, I am negative $2,000 in my checking account." But by looking at the surroundings and the problems with the drinking and the cars and asking people for repairs and stuff like that, you know, one would think that, hey, this guy is struggling. And by looking at the cars, you could see that he was struggling.

Mr. DUBESTER. Okay. And when you say one would know or one would think, in fact, did you have your own personal opinion as to what his financial situation was?

Mr. LOUIS MARCOTTE. I knew he was struggling, because his cars were in deplorable condition.

Mr. DUBESTER. Okay. And I think the FBI write-up quotes you as saying that the candidate, meaning Judge Porteous, will have a beer or two at lunch but you have never seen him drunk. Was that a true statement?

Mr. LOUIS MARCOTTE. No, I lied to those FBI agents. Again, I really wanted to protect him, you know.

Mr. DUBESTER. Well, why wasn't that a true statement? Putting aside your own motivation at this point, just explain why that wasn't a true statement.

Mr. LOUIS MARCOTTE. Because I was at lunch with him, and, you know, he would have five, six, you know, Absolut and tonic or water. I am not exactly sure what the drink was, but it was vodka.

Mr. DUBESTER. Okay. And then on the third thing that the report says is that you were not aware of anything in the candidate's background that might be the basis of influence, pressure, coercion, or compromise or that would impact negatively on the candidate's character, reputation, judgment, or discretion.

Was that a true statement, Mr. Marcotte?

Mr. LOUIS MARCOTTE. No, I was lying again. I really wanted to protect him.

Mr. DUBESTER. Okay. And why was that not a true statement?

Mr. LOUIS MARCOTTE. Because of all of his actions with the gambling, the drinking——

Mr. DUBESTER. Well, let me ask you very specifically, were you aware of your own relationship with Judge Porteous at the time you made——

Mr. LOUIS MARCOTTE. Yes. And my relationship was, you know, it was——

Mr. DUBESTER. Just answer the question. Were you aware of your own relationship with him?

Mr. LOUIS MARCOTTE. Yes, I was.

Mr. DUBESTER. And, in fact, did that relationship consist of you having given him things as a State judge?

Mr. LOUIS MARCOTTE. Yes, it did.

Mr. DUBESTER. Did you actually, in your own mind, feel you had leverage over Judge Porteous based on your knowledge of the fact that he had taken things from you while he was a State judge?

Mr. LOUIS MARCOTTE. Yes, I did, because I believed—well, I didn't believe—I asked him for things, and he asked me for things.

Mr. DUBESTER. Okay. And what did you personally know about your own relationship with him which gave you a sense that you personally had leverage or influence over Judge Porteous?

Mr. LOUIS MARCOTTE. By his wants and his needs and by my wants and my needs.

Mr. DUBESTER. Okay. At the time you gave this interview in August of '94, did you feel that you had had basically a secret understanding or a secret relationship with Judge Porteous?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And in the most general sense, was that relationship one that you were giving him things and he was taking favorable actions toward you?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. DUBESTER. When you made these statements to the FBI, in your mind, was that just another act that you were taking as part of your secret relationship with Judge Porteous?

Mr. LOUIS MARCOTTE. Yes.

Mr. DUBESTER. And do you know how the FBI got your name as a reference?

Mr. LOUIS MARCOTTE. I believe Judge Porteous told them to come interview me. I don't know if they asked who to go interview. I don't know how that worked. But they did come to see me, and then I knew that he sent them to me.

Mr. DUBESTER. Okay. Did you think that Judge Porteous had an understanding that you were going to make statements which were going to protect him?

Mr. LOUIS MARCOTTE. Yes.

Mr. DUBESTER. And do you think Judge Porteous would have ever given the FBI your name if he believed you would tell the FBI that he had gambling problems, drinking problems, financial problems, and had taken things of value from you?

Mr. LOUIS MARCOTTE. No, he would never tell them that, and neither would I.

Mr. DUBESTER. Did Judge Porteous ever do or say anything to indicate to you he was concerned what you might tell the FBI?

Mr. LOUIS MARCOTTE. No. He just said that the FBI is going to be coming to interview you.

Mr. DUBESTER. And did you tell Judge Porteous what the FBI interview consisted of after they interviewed you?

Mr. LOUIS MARCOTTE. Yes, I told him everything that they asked about.

Mr. DUBESTER. When you spoke to the FBI, were you saying what you believed Judge Porteous would have wanted you to say?

Mr. LOUIS MARCOTTE. Yes.

Mr. DUBESTER. At the time Judge Porteous was leaving the Federal bench, did you make any requests of Judge Porteous relative to your employee Aubrey Wallace, who you previously mentioned?

Mr. LOUIS MARCOTTE. Yes. I wanted him—Aubrey worked for me a long time, and he was the guy who fixed the cars—I paid to fix the cars. But he was a runner. He put the gas in, he put the tires on and everything. And Aubrey was another guy in my organization that was in there without a license. And the law had changed, just like I said before, and I really wanted him to get licensed. The only way he could get licensed is if they set aside Aubrey's conviction.

Mr. DUBESTER. Okay. And did you approach Judge Porteous to ask him to do that?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And what was Judge Porteous's response when you made that request of him?

Mr. LOUIS MARCOTTE. He waffled a little bit because he wasn't confirmed at the time, but he told me—I saw him a few times, I pushed him and said, you know, "Judge, you know, I really need to get this done." He said, "After my confirmation, I will do it."

Mr. DUBESTER. And, in fact, did he do it?

Mr. LOUIS MARCOTTE. Yes, he did.

Mr. DUBESTER. And, in your mind, do you have an opinion as to why Judge Porteous set aside Wallace's conviction?

Mr. LOUIS MARCOTTE. Because all of the stuff that I have done for him in the past.

Mr. DUBESTER. Was there any question in your mind that he set aside the conviction as a favor to you?

Mr. LOUIS MARCOTTE. Yes, he did it for me.

Mr. DUBESTER. Okay. And also at about the time Judge Porteous was leaving for the Federal bench, did you make any request of him relative to him setting bonds?

Mr. LOUIS MARCOTTE. Yes. I figured he was on his way out and let's open the floodgates and let me try to make as much money as I can before he left.

Mr. DUBESTER. And did Judge Porteous do that?

Mr. LOUIS MARCOTTE. He did.

Mr. DUBESTER. And I am not going to show you the bond forms, but you have reviewed some bond forms in preparation for your testimony today. And, in fact, were there bond forms that he signed that you saw which reflect his signing bonds for you on his way out?

Mr. LOUIS MARCOTTE. Yes, they do.

Mr. DUBESTER. Okay. Did Judge Porteous ultimately take the Federal bench in October 1994?

Mr. LOUIS MARCOTTE. Yes, he did.

Mr. DUBESTER. And when he was a Federal judge, did you continue a relationship with him?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And could he set bonds for you anymore?

Mr. LOUIS MARCOTTE. No, he couldn't set bonds.

Mr. DUBESTER. Why did you want to continue a relationship with him?

Mr. LOUIS MARCOTTE. Because, number one, he was a Federal judge. Right there, that brings strength to the table whenever he sits down with me.

Mr. DUBESTER. And——

Mr. LOUIS MARCOTTE. It would make people respect me because, you know, I am sitting with a Federal judge.

Mr. DUBESTER. And you are a bail bondsman with a high school education, frankly, is that right?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. DUBESTER. So it is good for you to be sitting with a Federal judge if you are meeting with somebody else, right?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. DUBESTER. And were there people who you deliberately wanted to have Judge Porteous at the table with when you had a lunch or a meeting with?

Mr. LOUIS MARCOTTE. Yes, I wanted to try to get as many people to the table with Porteous when I was there, because, again, he brought strength to the table. And I also wanted him to groom the people that I was at the table with. I wanted those guys to do bonds, as well.

Mr. DUBESTER. Okay. And did you feel that Judge Porteous was particularly influential because he came from the 24th JDC and was now a Federal judge?

Mr. LOUIS MARCOTTE. Yes.

Mr. DUBESTER. And plus, what was Judge Porteous's reputation at the 24th JDC?

Mr. LOUIS MARCOTTE. Yes, he brought strength when he at was the 24th, and he brought strength to the table when he was a Federal judge. So, I mean——

Mr. DUBESTER. Now, I want to ask you in particular about whether or not you made any request of Judge Porteous relative to Judge Bodenheimer after Judge Bodenheimer was elected.

Mr. LOUIS MARCOTTE. Yes. I wanted—again, you know, any judge that I got to the table—and I always say "get to the table" because it was always a luncheon, and I always thought a luncheon was the best time to, you know, develop a relationship——

Mr. DUBESTER. Listen to the question. Did you make a request of Judge Porteous relative to Judge Bodenheimer?

Mr. LOUIS MARCOTTE. Yes. I asked Porteous to start grooming him.

Mr. DUBESTER. Okay. Well, in other words, I just want to be clear here. It wasn't as though you would just have a random lunch and bring Judge Porteous. Did you make a request specifically of

Judge Porteous, in any way, shape, or form, to help you with Judge Bodenheimer?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. DUBESTER. What do you remember asking? Use your vocabulary. Pretend you are saying—just say what it is that you said to Judge Porteous.

Mr. LOUIS MARCOTTE. Judge, tell this guy I am a good guy. Tell him that commercial bonds is the best thing for the criminal justice system and that—ask him would he take—ask him would he take your spot when—because you left now and I needed somebody to step in to Porteous's shoes so I can get the same things done that I got done when Porteous was there.

Mr. DUBESTER. Do you know whether or not Judge Porteous spoke to Judge Bodenheimer?

Mr. LOUIS MARCOTTE. Yes, he did.

Mr. DUBESTER. And after he spoke to Judge Bodenheimer, did your relationship with Judge Bodenheimer change as a result?

Mr. LOUIS MARCOTTE. Yes, it did. Bodenheimer became the Porteous of the 24th District Court.

Mr. DUBESTER. And, in 2002, was there a newly elected judge, Joan Benge?

Mr. LOUIS MARCOTTE. Yes, there was.

Mr. DUBESTER. And did you try to get to know Judge Benge better?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And was there a lunch at Emeril's restaurant in New Orleans that you caused to take place which included Judge Benge and others?

Mr. LOUIS MARCOTTE. Yes, there was.

Mr. DUBESTER. And did you try to get any judges to that lunch for the same purpose that you just described?

Mr. LOUIS MARCOTTE. Yes. The judges that I got to that lunch—I tried to get—I wanted Porteous to groom them as well so they would be accessible to me in the 24th.

Mr. DUBESTER. Just asking, did you want to get judges to that lunch?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And what judges did you ask go to that lunch?

Mr. LOUIS MARCOTTE. I asked Judge Benge and Bodenheimer and Judge Benge's secretary.

Mr. DUBESTER. Did you want to get Judge Porteous to that lunch?

Mr. LOUIS MARCOTTE. Yes.

Mr. DUBESTER. And why did you want Judge Porteous? He was a Federal judge then. He hadn't been on the State court bench in 8 years. Why was it good to have Judge Porteous?

Mr. LOUIS MARCOTTE. Because if the other judges saw me with a Federal judge, they would feel comfortable about my request as far as bonds.

Mr. DUBESTER. Now, you have seen a brief video of that lunch, is that correct?

Mr. LOUIS MARCOTTE. Yes, I have.

Mr. DUBESTER. I just want to—at that point I take it you did not know that you were under an FBI surveillance?

Mr. LOUIS MARCOTTE. No, I did not.

Mr. DUBESTER. I want to show you about a 30-second video. And from looking at it, I just want you to state nothing more than the following: Just tell the Members of the panel who is coming out of the restaurant as you see them appear on the screen.

Mr. LOUIS MARCOTTE. There is Judge Porteous. That is Sadie—that is Judge Benge's secretary. There is Bodenheimer. Me. And that is Judge Benge.

Mr. DUBESTER. And does that video fairly depict the fact, the exiting of the group from the restaurant on the day that you had Judge Porteous come?

Mr. LOUIS MARCOTTE. To that lunch?

Mr. DUBESTER. Yes.

And was it important to you to get Judge Porteous there when you were trying to get to know Judge Benge better?

Mr. LOUIS MARCOTTE. It was important to get Judge Porteous at any lunch, especially after—while he was on the 24th judicial bench and, really, more important to get him there after he was a Federal judge.

Mr. DUBESTER. By the way, at any point in time whatsoever, did you ever hear Judge Porteous warning any other State judge anything along the lines: Stay away from Louis Marcotte. He will give you things, he will compromise you, and he will pressure you, and you will lose your independence. Stay away from Louis Marcotte. He is corrupt.

Did Judge Porteous ever tell anybody that?

Mr. LOUIS MARCOTTE. Not that I know of.

Mr. DUBESTER. Instead, he vouched for you. Is that correct?

Mr. LOUIS MARCOTTE. He vouched for me.

Mr. DUBESTER. In 2004, did you plead guilty?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And did you fully cooperate?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. DUBESTER. And were you sentenced to prison?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. DUBESTER. And how much time did you serve?

Mr. LOUIS MARCOTTE. I got—I was sentenced to 37 months. I spent 18 months because I got the drug program.

Mr. DUBESTER. And you are aware that both Bodenheimer and another judge, Alan Green, were also convicted of corruption offenses relating to their taking things from you. Is that correct?

Mr. LOUIS MARCOTTE. Yes, they did.

Mr. DUBESTER. And as well as some sheriffs' deputies. Is that correct?

Mr. LOUIS MARCOTTE. Yes.

Mr. DUBESTER. And of all the judges who you gave things to, which one judge above all the judges was the most important to you in the growth of your business?

Mr. LOUIS MARCOTTE. Three years, Judge Porteous was.

Mr. DUBESTER. Okay. And what judge was the most influential with the other judges?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. DUBESTER. Which judge was the single most influential judge?

Mr. LOUIS MARCOTTE. Judge Porteous.

Mr. DUBESTER. And when you were giving things to Judge Porteous, did you know it was wrong?

Mr. LOUIS MARCOTTE. When I was giving things to him?

Mr. DUBESTER. Did you know it was wrong?

Mr. LOUIS MARCOTTE. Yes, I knew it was wrong.

Mr. DUBESTER. Did Judge Porteous ever show the slightest hesitation in accepting things from you?

Mr. LOUIS MARCOTTE. No, he did not.

Mr. DUBESTER. Okay.

TESTIMONY OF LORI MARCOTTE, NEW ORLEANS, LA

Mr. DUBESTER. Ms. Marcotte, thank you for waiting so patiently; and, as I think I indicated to you yesterday, I only have some loose ends and gaps that I think you have knowledge of and this will not be lengthy. We appreciate that you came all the way from New Orleans as a witness, and I wanted to cover just a few brief matters with you.

As to Rhonda Danos, did you form a relationship with Rhonda?

Ms. LORI MARCOTTE. Yes. Yes, I did.

Mr. DUBESTER. And did you ever take—did you ever go to Las Vegas with Rhonda?

Ms. LORI MARCOTTE. Yes, I did.

Mr. DUBESTER. How many times do you think you took Rhonda Danos to Las Vegas?

Ms. LORI MARCOTTE. Four or five times.

Mr. DUBESTER. And were some of those times when Judge Porteous was a State judge and sometimes a Federal judge?

Ms. LORI MARCOTTE. That is correct.

Mr. DUBESTER. Do you remember any of the hotels you stayed at?

Ms. LORI MARCOTTE. I'm sorry. I couldn't hear you.

Mr. DUBESTER. Do you remember any of the hotels?

Ms. LORI MARCOTTE. The Luxor Hotel. The Mirage Hotel. The Golden Nugget. We had a dinner at a bunch of places, too, and the convention and a few places.

Mr. DUBESTER. Did you ever provide her other entertainment?

Ms. LORI MARCOTTE. Yes.

Mr. DUBESTER. Can you give some examples of that?

Ms. LORI MARCOTTE. We saw Siegfried & Roy, the Blue Man. Whatever shows were in Las Vegas every night.

Mr. DUBESTER. Did you ever take her to the Rolling Stones, pay for Rolling Stones ticket?

Ms. LORI MARCOTTE. Yes. That was in New Orleans.

Mr. DUBESTER. And the very first time that you took Rhonda Danos to Las Vegas, did you know her well?

Ms. LORI MARCOTTE. Not really.

Mr. DUBESTER. Okay. Well, how did it come about that you took Judge Porteous's secretary, a woman who you did not know very well, to Las Vegas? How did that occur?

Ms. LORI MARCOTTE. Well, we would go to Judge Porteous's office to get bonds set or split, and I started speaking to her at the desk

and asked her to come to Las Vegas. We were having a bail bond convention, and we asked her to come along.

Mr. DUBESTER. Was it important to you to have a good relationship with Rhonda Danos?

Ms. LORI MARCOTTE. Of course.

Mr. DUBESTER. Why was that?

Ms. LORI MARCOTTE. Because she is the secretary of the judge, and she has access to him. And she does things to set bonds like call the jail, to call the bond in once it is set or split. To have access to the judge.

Mr. DUBESTER. Did you ever explicitly thank her or link anything that you gave her with the fact that she had been so good to you?

Ms. LORI MARCOTTE. Yes, all the time.

Mr. DUBESTER. And did Judge Porteous know you were giving her things, too?

Ms. LORI MARCOTTE. Yes.

Mr. DUBESTER. To your recollection, did Louis go with Judge Porteous to Las Vegas once or twice?

Ms. LORI MARCOTTE. Yes.

Mr. DUBESTER. Which was it, once or twice, to your recollection?

Ms. LORI MARCOTTE. I remember twice. But one time is kind of vague, but one time is very clear.

Mr. DUBESTER. And do you remember—you heard Louis testify that you gave cash back from at least one Las Vegas trip to Rhonda. Do you recall him testifying to that a few minutes ago?

Ms. LORI MARCOTTE. Yes, I do.

Mr. DUBESTER. And what do you remember about giving cash to Rhonda?

Ms. LORI MARCOTTE. I remember standing in her office, with another attorney, handing her the money.

Mr. DUBESTER. I want to ask about one other. I have asked your brother about meeting with Judge Benge and meeting with—and Judge Bodenheimer. I want to ask you a question about another judge who you all met with when Judge Porteous was a State judge. Did you ever try to form a relationship with a Justice of the Peace Kerner from Lafitte?

Ms. LORI MARCOTTE. Yes.

Mr. DUBESTER. Tell the Members about what that consisted of.

Ms. LORI MARCOTTE. Well, we were trying to get other judges, as many judges as we could, to set bonds. And we understood about the Justice of the Peace's ability to set bonds, and we started to get other Justices of the Peace to set bonds. And we wanted Judge Kerner on, Justice of the Peace, to set bonds for us, too. Judge Porteous's secretary is from Lafitte, and that is where Judge Kerner is the Justice of the Peace, in Lafitte.

Mr. DUBESTER. So did you go to lunch and try to——

Ms. LORI MARCOTTE. Yes.

Mr. DUBESTER [continuing]. Work your magic on Judge—Justice of the Peace Kerner?

Ms. LORI MARCOTTE. Yes. We had Rhonda set up a lunch and had Judge Porteous attend. And we went to the Beef Connection and we showed up. My brother had the law book in his hand, and

we had instructed Judge Porteous to explain about the power of the Justice of the Peace being able to set bonds. And he did.

Mr. DUBESTER. Okay. And ultimately was Justice of the Peace Kerner very receptive to your attempts to have him set bonds for you?

Ms. LORI MARCOTTE. No, he was not.

Mr. DUBESTER. And just to set the stage, let me get this right. You are going to lunch with this person you have never met, and Judge Porteous is there, and you go to lunch and your brother Louis takes out a law book and starts talking to Justice of the Peace Kerner. Is that what happened?

Ms. LORI MARCOTTE. Pretty much. Yeah.

Mr. DUBESTER. And Judge Porteous made that happen, correct?

Ms. LORI MARCOTTE. Yes.

Mr. DUBESTER. And ultimately it didn't take, though, did it?

Ms. LORI MARCOTTE. No.

Mr. DUBESTER. Okay. And I want to—I have asked your brother about Judge Bodenheimer. I want to ask about another judge who pleaded guilty, Judge Green. Do you recall Judge Porteous having any role in your and your brother's ability to form a relationship with Judge Green?

Ms. LORI MARCOTTE. Yes.

Mr. DUBESTER. And what do you remember about that?

Ms. LORI MARCOTTE. I remember setting up a lunch with some other judges and some attorneys and Judge Porteous and Rhonda, and we had—they had invited or we had invited Judge Green who was newly elected. And, I mean, it is pretty clear because that was really the first lunch where Judge Porteous had explained the concept of splitting bonds. That was kind of like the stage for everything else that would happen.

Mr. DUBESTER. And you remember specifically Judge Porteous being present at a lunch?

Ms. LORI MARCOTTE. Yes.

Mr. DUBESTER. And helping you form a relationship with Judge Green?

Ms. LORI MARCOTTE. Yes. That lunch is very vivid.

Mr. DUBESTER. Okay.

That is all I have of these two witnesses. I appreciate the Chairman's indulgence of the time that I have taken.

Mr. SCHIFF. Thank you, counsel.

We are going to break. We have a series of votes coming up, and this will also give you a chance to grab some lunch. Why don't we resume—it is almost noon. Why don't we resume at 1. So we will be in recess until 1.

[Recess.]

Mr. SCHIFF. This hearing of the Task Force will now come to order.

Mr. Marcotte, Ms. Marcotte, I am going to ask a few questions and then invite my colleagues to do so. If at any time you can't hear me, because I know these mics kind of come in and out, stop me and let me know. I want to just follow up on one of my colleague's questions earlier, just to clarify.

Ms. Marcotte, the lunch with Justice of the Peace Kerner, was that at a time when Judge Porteous was on the State court or on the Federal bench?

Ms. LORI MARCOTTE. That was the Federal bench.

Mr. SCHIFF. Thank you.

Mr. Baron in his introduction earlier this morning talked about an extraordinary number of bail applications that were brought to Judge Porteous right before he left the State bench. And I think—I can't remember what the phrase was that was used, but, Mr. Marcotte, was there an effort made to sort of get them all in while he was still on the bench, on the State bench, and prior to his leaving for the Federal bench?

Mr. LOUIS MARCOTTE. Well, we wanted to try to make as much money as we could while he was on his way out. You know. Am I answering the question, or am I not hearing correct?

Mr. SCHIFF. No, you are hearing. Did you for that reason bring as many bail applications to him in those last couple of months as you possibly could?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. SCHIFF. And would you say that you brought more bail applications in those last 2 months than in prior months? Or was it just you wanted to make sure that everything you could possibly bring, brought to him?

Mr. LOUIS MARCOTTE. Well, I wanted to make sure that I could make every nickel before he left in those months.

Now, prior to that, you know, there was a ton of bail applications as well, but my words were "Well, let's wear him out."

Mr. SCHIFF. And who did you use those words with in discussion?

Mr. LOUIS MARCOTTE. Everyone who saw him on bonds, including me, my sister, and other people that worked in my office at the time.

Mr. SCHIFF. So meaning you wanted to wear him out by bringing as much as you possibly could do and get them done, make as much as you could before he left for the Federal bench?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. SCHIFF. Did he ever raise any objection with your calling him on the weekends or in the evenings or early in the morning before the Magistrate showed up?

Mr. LOUIS MARCOTTE. I am sure at times he was tired of us calling him and aggravated, but he still did them.

Mr. SCHIFF. You talked in your earlier testimony about the judge setting aside convictions of two of your employees, one of whom was also your brother-in-law. Correct?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. SCHIFF. And these are folks that not only worked for you but that were involved in doing favors for the judge?

Mr. LOUIS MARCOTTE. Yes, sir. Both of them. Only in a running capacity. I was the one that done for the judge in the financial capacity. Those guys were just runners for me.

Mr. SCHIFF. So when the judge would say he had a car that needed a repair or a fence that needed a repair, he would tell you that. You would then ask either Mr. Wallace or Mr. Duhon, was it?

Mr. LOUIS MARCOTTE. Yes, sir. That is what I did.

Mr. SCHIFF. And they would go and they would do the task for the judge?

Mr. LOUIS MARCOTTE. Yes, sir. And I am sure, you know, being around Judge Porteous, they became—you know, they weren't with him at lunch like me all of the times. I have taken them sometimes with me, but they developed a relationship on their own with him by, you know, picking up the keys and bringing them back and fixing the cars and—you know. But it wasn't the relationship that I had with him.

Mr. SCHIFF. But just so that we are clear, Judge Porteous knew both of these men, also?

Mr. LOUIS MARCOTTE. Yes, sir, he did.

Mr. SCHIFF. Knew them because they would pick up keys when he needed cars fixed. So he was aware that both of these people that he later set aside convictions for had been doing favors for him through you?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. SCHIFF. And Mr. Wallace was the one who fixed the fence?

Mr. LOUIS MARCOTTE. Mr. Wallace and Mr. Duhon.

Mr. SCHIFF. And Judge Porteous was aware that those two people were involved in fixing his fence?

Mr. LOUIS MARCOTTE. Yes, sir, they were—he was.

Mr. SCHIFF. During the court proceedings, if you know, when the convictions were set aside for those two employees, do you know whether Judge Porteous ever disclosed to the prosecutors or any of the other court personnel that the people he was setting aside convictions for had done him personal favors or given him gifts or gratuities of that nature?

Mr. LOUIS MARCOTTE. I don't know that. I don't know if he told prosecutors of any kind that that is what he—you know, they were doing favors. That is why he wanted to do it. I mean, he is a smart guy. I don't think he would disclose that to prosecutors.

Mr. SCHIFF. Were you present at either of the court proceedings where the convictions were set aside?

Mr. LOUIS MARCOTTE. No, I was not. Now, I don't know if the court—I don't know if they were set aside in the courtroom or in the chambers. I don't know that.

Mr. SCHIFF. You mentioned that, with respect to Mr. Wallace, that Judge Porteous expressed a reservation about setting aside the conviction until his confirmation took place. Can you tell us a little bit about that conversation? You said you had to press him. Did he tell you why he was concerned it would affect his confirmation?

Mr. LOUIS MARCOTTE. Because if anyone—if the newspaper grabbed hold of it, then he would be worried that it would interfere with him being—his confirmation.

Mr. SCHIFF. So he was aware that this was something that——

Mr. LOUIS MARCOTTE. Probably wasn't kosher.

Mr. SCHIFF. And, for that reason, the Senate might not confirm him if he knew that he was setting aside a conviction as a favor to you?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. SCHIFF. Can you tell us a little bit about the conversations you had with him where he indicated that he was concerned with

confirmation if they found out about this or if the newspapers made it public?

Mr. LOUIS MARCOTTE. Yeah. He just didn't want to make himself—he was worried about the confirmation, but he was trying to—he didn't want anything to come up that would, you know, cause him a problem from being confirmed.

Mr. SCHIFF. And can you tell us what his words were, as best you can recall, how he expressed to you his concern that things might become public?

Mr. LOUIS MARCOTTE. He said, "Louis, I am not going to let Wallace get in the way of me of becoming a Federal judge and getting appointed for the rest of his life to set aside his conviction. Wait until it happens, and then I'll do it."

Mr. SCHIFF. You testified earlier about fixing his cars, transmission, air conditioning, radios, his son's cars. There were three cars, I guess, involved? His car, his wife's car, and his son's car?

Mr. LOUIS MARCOTTE. There may have been a fourth car, because it might have been his wife, his car, and he had two sons. I think maybe they both had cars. But I could be wrong. It was either two or three cars—or four.

Mr. SCHIFF. Can you give us an estimate over the years—and I know it is difficult to be precise, but how much you think you——

Mr. LOUIS MARCOTTE. I would think somewhere maybe $1,000 on the cars every 2 months or every month and a half.

Mr. SCHIFF. So you would spend about $1,000 every couple of months for various——

Mr. LOUIS MARCOTTE. Between 1 or 2 months. Yeah.

Mr. REGAN. Let him finish his question.

Mr. LOUIS MARCOTTE. I'm sorry, sir. Yeah.

Mr. SCHIFF. That is okay.

So you would do various repairs on various cars of the Porteouses.

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. SCHIFF. And how many years would that take place?

Mr. LOUIS MARCOTTE. That took place I guess maybe, you know, 4 or 5 years.

Mr. SCHIFF. So just in terms of ballpark, would it be fair to say that over that period of time you probably spent in excess of 10 or maybe $20,000 on automotive repairs for Judge Porteous?

Mr. LOUIS MARCOTTE. I don't know if it was 20, but maybe, you know , probably 10. You know, again, I am just guessing. It has been a long time. But I know it is in between, you know, 8 and 15, you know? Something like that.

Mr. SCHIFF. And you would have lunch with the judge about how often?

Mr. LOUIS MARCOTTE. Probably once or twice a week.

Mr. SCHIFF. And on an average lunch, what would the total bill be?

Mr. LOUIS MARCOTTE. Between 2 and $300. You know, and it would—if I had a lot of people with us, then it could go a lot higher. You know, if I was bringing other judges to the table, if I was bringing more of my employees to the table; or if it was just me, him, and two lawyers or something, it would be less. So I would say anywhere between 2 and 400.

Mr. SCHIFF. And in terms of what you were spending on the judge at one of these lunches between what he had for lunch at one of the steakhouses, and I think you testified that he would have five vodka drinks, what would his part of the tab generally cost?

Mr. LOUIS MARCOTTE. His tab alone?

Mr. SCHIFF. Yeah.

Mr. LOUIS MARCOTTE. Out of the five or six people that were at the table at the time?

Mr. SCHIFF. Yes.

Mr. LOUIS MARCOTTE. I would say 60, 70 bucks, 80 bucks.

Mr. SCHIFF. And that would be a couple times a week?

Mr. LOUIS MARCOTTE. That would be a couple times a week.

Mr. SCHIFF. And, over the years, then you would spend literally thousands of dollars paying for meals for Judge Porteous?

Mr. LOUIS MARCOTTE. Yes. And there was other circumstances where he brought his friends, you know, that maybe couldn't benefit me. But they were his friends, you know.

Mr. SCHIFF. In discussing the payment for the trip to Las Vegas, I think you used the term that to disguise the payment for the trip that you took various steps to deliver cash and to pay directly for plane reservations and that type of thing. Whose idea was it to make sure that the payment for the trip was disguised? How did that come about? In other words, why was that done, rather than just giving him a check?

Mr. LOUIS MARCOTTE. I think it was my idea, and I think it was also Porteous's idea to get Rhonda to—you know, he wanted to disguise it through Rhonda, and so did I.

Mr. SCHIFF. And can you tell us what he said to you that indicated to you that he wanted this disguised as well?

Mr. LOUIS MARCOTTE. Well, he said it to Rhonda, and then Rhonda said it to us, you know: The judge really don't want you all to pay directly. You all are going to pay me, and then I am going to write the checks.

Mr. SCHIFF. And did she explain why the judge didn't want you to pay directly? Or was that pretty obvious?

Mr. LOUIS MARCOTTE. Because, again, it wouldn't look good if a judge was going to Las Vegas with a bail bondsman.

Mr. SCHIFF. You mentioned with respect to Mr. Duhon that it was a different judge that had sentenced him.

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. SCHIFF. And in the ordinary course of events, if you were going to seek to set aside a conviction, you would go to the judge in whose department or courtroom the person was convicted. Is that right?

Mr. LOUIS MARCOTTE. Right. The protocol is, if a case is allotted to one judge and that judge sentences that person, that should be the only judge that could expunge his record or set aside the conviction. And in this case, Judge Porteous set aside Duhon's conviction in his section when it was in E.V. Richards's section of court.

Mr. SCHIFF. E.V. Richards is another judge?

Mr. LOUIS MARCOTTE. Yes.

Mr. SCHIFF. Did you first try to go to E.V. Richards, or did you——

Mr. LOUIS MARCOTTE. I believe I asked Judge Porteous to go to E.V. Richards.

Did he go? I don't know. Did he tell me he went? Yes.

So, you know, I don't think I would have any disbeliefs that, you know, if he told me that he went to him. But I really don't know if he went to him because I wasn't present when he supposedly asked E.V. Richards: Will you expunge Jeff Duhon's record?

Mr. SCHIFF. But you didn't go to E.V. Richards yourself?

Mr. LOUIS MARCOTTE. No, sir, I did not.

Mr. SCHIFF. So you didn't try to go to that judge first. You went directly to Judge Porteous?

Mr. LOUIS MARCOTTE. Right. Bonds were one thing, you know, that was acceptable in the courthouse for a bondsman to go to a judge and ask him to set a bond at that time. But to go ask, you know, for me to play lawyer and ask E.V. Richards to set aside a conviction with a motion that a lawyer would draw up would be totally, you know, inappropriate.

Mr. SCHIFF. And you didn't have the kind of relationship with E.V. Richards where you could go directly to that judge the way you could with Judge Porteous?

Mr. LOUIS MARCOTTE. No, I did not.

Mr. SCHIFF. You testified earlier about reservations that Judge Porteous had about setting aside Wallace's conviction before the confirmation. When you went to him about the Duhon conviction, did he express any reservations about doing it?

Mr. LOUIS MARCOTTE. Duhon's conviction? He said that it would be very hard to do Duhon's conviction because it is not in my section. Wallace's would be easier because the case is in my section.

Now, Wallace—he wasn't the sentencing judge for Wallace. Whoever Porteous's predecessor was before Porteous was the one who gave Wallace the time, but the case would still follow the same division.

Mr. SCHIFF. And tell us what the conversation that you had with him about Duhon. Did he express to you: What you are asking me isn't going to be easy because that is not in my department?

Mr. LOUIS MARCOTTE. I am sorry. I couldn't hear.

Mr. SCHIFF. If you could tell us about the conversation you had with Judge Porteous when you asked him to set aside the Duhon conviction. Did he tell you that what you were asking was going to be difficult because the case was before a different department?

Mr. LOUIS MARCOTTE. Yes, he did. He said: I have to get E.V. Richards to agree to it and have him do it. And then me, a guy who doesn't take no for an answer, I kept pushing him to go to Richards. And he did it. Richards wouldn't do it, so Porteous wound up doing it for me even though he didn't have the authority to do it.

Mr. SCHIFF. And when you were pushing him to do this for you, what arguments did you use? Did you ever make reference to: "Hey, judge, look at all the things I have done for you. Can't you do this for me? Did you ever bring up with him——"

Mr. LOUIS MARCOTTE. No, I didn't bring any of that up. But I kept saying: "Judge, I really need to get him licensed in my office or I am going to have to fire him." Because the Commission's new rules are now, to accept premium inside of any insurance agency or negotiate any kind of bonds, you have to be licensed with the

Commission of Insurance; and Jeff wasn't licensed. So I was operating illegally with Jeff in my office negotiating bonds and taking premiums because he was a convicted felon without a license. And that could cause me problems with the Commission of Insurance, and I could be shut down.

Mr. SCHIFF. And so at some point the judge said, all right, he would do it?

Mr. LOUIS MARCOTTE. And at some point the judge said: "Okay, I'll do it."

Mr. SCHIFF. And was the conviction in that case set aside by the other judge at the request of Judge Porteous, or did the case get transferred to Judge Porteous so that he could set it aside?

Mr. LOUIS MARCOTTE. Well, there was no transferring the case. He took the record, brought it into his division, and then he expunged it.

Now, was the D.A. present when he did that? I don't know. All I saw was the paper that it was expunged. And if I can vaguely remember, I believe I had one of my lawyers staying in for that expungement, one lawyer that I was sending criminal work to.

Mr. SCHIFF. You mentioned that you were aware of Judge Porteous's financial circumstances. At the time, or really at any time, did the judge ever ask you for cash rather than help with a car, help with something else? Did he ever ask you for money?

Mr. LOUIS MARCOTTE. He never did ask me for cash, ever.

Mr. SCHIFF. Did you ever give him cash?

Mr. LOUIS MARCOTTE. No, sir.

Mr. SCHIFF. Other than——

Mr. LOUIS MARCOTTE. The only thing I ever gave him was gifts that—gifts that had value that—you know, it was a gift that was worth cash, but it wasn't money that I put in his hand ever.

Mr. SCHIFF. And what kind of gifts that had the value of cash are you referring to?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. SCHIFF. You said you gave him gifts that had the value of cash but not cash itself.

Mr. LOUIS MARCOTTE. Like the repairs on his car, the money I spent on his tires, the shrimp that I gave him, the radio that I put in his car, the fixing of his automobiles. And the closest I ever gave cash to him was the money that I gave to Rhonda to deposit for the trip. But I have never gave him cash to do a bond.

Mr. SCHIFF. You mentioned you were aware——

Mr. LOUIS MARCOTTE. Only gifts.

Mr. SCHIFF [continuing]. That he was a gambler. When did you become aware of him being a gambler?

Mr. LOUIS MARCOTTE. Well, even before I was really close with him, I knew he went to the casinos and stuff like that. And then as time progressed I heard about him going to the casinos more and more and more, and then—you know, maybe we was at lunch quite a few times, and he would say: Well, after I leave here I'm going to a casino. And when we was in Las Vegas, you know, he wouldn't leave the table, you know. He gambled from the—I mean, there was times that I bought tickets for shows for us to go to and he wouldn't leave the table to go to the shows. He just kept gambling.

Mr. SCHIFF. And by "the tables," you mean poker tables or craps tables?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. SCHIFF. I want to ask you a little bit more about your conversation with Judge Porteous around the time of the FBI interviewing you regarding Judge Porteous's confirmation. You say you think that the judge was the one who referred the FBI to talk with you. Is that based on something the FBI said when they came to see you, or why do you think that they got your name from him?

Mr. LOUIS MARCOTTE. You know, I really don't remember. Either Porteous told me that they were coming to see me, or the FBI knew on their own that I was close with him and they saw me and other lawyers who that they already knew that was close with him through other people they may have questioned. But I am really not exactly sure, but I think I am almost 100 percent sure Porteous told me: "The FBI is coming to see you."

Mr. SCHIFF. And how soon after the FBI interviewed you did you talk to Judge Porteous about what they asked you and what you said?

Mr. LOUIS MARCOTTE. Right away. You know, maybe the next day we went to lunch and I told him: This is what these guys said, this is what they asked, and this is what I told them.

Mr. SCHIFF. Did he ask you at this lunch the next day or so, you know, what happened during the FBI interview, or what did you say? Do you remember whether you brought it up or he brought it up?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. SCHIFF. When you had your first interview with Judge Porteous after the FBI interview, did he ask you what took place, or did you volunteer it? Who brought up the subject?

Mr. LOUIS MARCOTTE. He asked me. I mean, it all happened within a couple of minutes. Hey—I said, judge, the FBI. And he said, what did they say? You know. And I told him everything that they said.

Mr. SCHIFF. So you told him about the questions they had asked you about his gambling, about his financial situation, about anything that might bear adversely on his confirmation? You told him about those questions you were asked by the FBI?

Mr. LOUIS MARCOTTE. Yes.

Mr. SCHIFF. And you told him basically that——

Mr. LOUIS MARCOTTE. "Judge, I gave you the clean bill of health with them."

Mr. SCHIFF. And was it clear in your conversation with him that you did not tell the FBI anything about the gifts and car repairs and fence repairs and other things you had done for the judge?

Mr. LOUIS MARCOTTE. No. I didn't tell them that, because I knew it would hurt him, and I was trying to protect him because he was really good to me.

Mr. SCHIFF. What I am asking, though, is was it clear from your conversation with Judge Porteous? Did you make it clear with Judge Porteous that you didn't tell the FBI any——

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. SCHIFF [continuing]. Of these things with your relationship with him that would have harmed his confirmation?

Mr. LOUIS MARCOTTE. Actually, no, because they didn't ask those questions about, you know, his car repairs and shrimp or anything. I just told him what they asked about.

Mr. SCHIFF. Let me ask you—while we look for that, let me ask just a couple more questions.

At the meeting that took place, I guess the lunch meeting with Judge Porteous and with Judge Bodenheimer where you hoped that the judge would sort of bring him in to have the same kind of relationship with you——

Mr. LOUIS MARCOTTE. In other words, I wanted the judge—you know, number one, Bodenheimer really respected Porteous. And I wanted Porteous to groom him so, you know, I would have a predecessor to Porteous after he was gone and I would have someone who would do the bonds for me, you know, like Porteous done them.

Mr. SCHIFF. And did you tell Judge Porteous that you wanted him to help groom Judge Bodenheimer? Did you use that term with him?

Mr. LOUIS MARCOTTE. Yes, sir, I did.

Mr. SCHIFF. And did Judge Porteous tell you whether he was willing to do that?

Mr. LOUIS MARCOTTE. He would always say: "I'll talk to him."

Mr. SCHIFF. During the lunch you had with the two judges, Porteous and Bodenheimer, did Judge Porteous or you ever indicate the benefit to Judge Bodenheimer by being available to you in terms of setting bonds, splitting bonds, or any of those things? Did either of you ever convey to Judge Bodenheimer what he could expect from it by way of lunches or car repairs or anything else?

Mr. LOUIS MARCOTTE. We never discussed that. He would just discuss, you know, how good it would be for the criminal justice system if he did these bonds.

Mr. SCHIFF. But in terms of that meeting, you didn't have any conversation about the personal benefit that Judge Bodenheimer could——

Mr. LOUIS MARCOTTE. Well, I think he would—I am sorry. I think he would say that you'll never have to buy lunch again.

Mr. SCHIFF. I am going to reserve that last question until we find the exhibit I was looking for; and at this point let me turn it over to my colleague, Mr. Goodlatte.

Mr. GOODLATTE. Thank you, Mr. Chairman.

Mr. Marcotte, how old are you?

Mr. LOUIS MARCOTTE. I am 48.

Mr. GOODLATTE. So at the time you got into the bail bonds business you were in your late 20's?

Mr. LOUIS MARCOTTE. Probably 18.

Mr. GOODLATTE. Oh, 18?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. GOODLATTE. So in the early '80's?

Mr. LOUIS MARCOTTE. 1970—to be exact, 1978.

Mr. GOODLATTE. So this arrangement you had with Judge Porteous, was that the first judge where you had this kind of arrangement? Or did you have that going on before that, too?

Mr. LOUIS MARCOTTE. No, sir, I didn't. See, there was a time that the criminal justice system implemented taxes on every bond

that was written. So in the old days if I had a hundred thousand dollar bond and I wrote for my insurance company, the premium to the—I had a contract with my insurance company that I was 100 percent liable for every bond that I wrote. Okay? The day I don't pay that bond, the insurance company cuts me off. Okay?

Well, my premium—if you take 100 percent—if you take 90 percent of the insurance premium, then you have all of the risk on the bond. So if you only—if this insurance company only takes 10 percent of the 10 percent—which——

Okay, let me explain. If the bond was a thousand, I would get 900 and the insurance company would get 100. Okay. In the old days, I didn't need judges. I didn't need lawyers. I didn't need any of that. If the bond was set at $100,000 and the people had $2,000 or $3,000, I paid $1,000 to my insurance company and I still made $3,000. I set the people up on a balance. If it is a good bond, whether they paid me or not, I still made money.

So what happened, as time progressed, they started putting in fees at the jail. So the fees got almost all the way—they started at 2 percent of the bond, then 2½, then 3, then 4, so that now the fees are almost 40 percent at the jail. So at some point I needed the judges, because by the time I paid the insurance company, put a half a percent on the side for my reserve account, and to have a 40 percent tax, all of a sudden my bond costs was 50 percent.

Mr. GOODLATTE. And were these fees that were charged at the jail legitimate fees?

Mr. LOUIS MARCOTTE. They were fees that went to the IDB, the Sheriff, the Indigent Defendant Board, and the District Attorney's Office.

Mr. GOODLATTE. These were taxes, essentially.

Mr. LOUIS MARCOTTE. It was a tax.

Mr. GOODLATTE. They were a statutory, lawful requirement. They weren't fees you had to pay in order to accomplish anything.

Mr. LOUIS MARCOTTE. They were statutory laws that were implemented by the State.

Mr. GOODLATTE. But, originally, if you just had to pay effectively 1 percent of a $100,000 bond to the insurance company, even if you didn't get the full $10,000, you were still making money?

Mr. LOUIS MARCOTTE. I was still making money, as long as I was writing good bonds. And I set them up with the balance. So once that 50 percent tax came in, now I have got a $100,000 bond and I need six grand that has to go to the insurance company and to the courts.

Mr. GOODLATTE. Was Judge Porteous the first judge who was receptive to your suggestions about how to set the bond levels?

Mr. LOUIS MARCOTTE. Well, the taxes came in a little bit before Porteous. And what I have done at that point—you see, my sister and I, you know, we grew up really poor in our life. We didn't have connections with, you know, lawyers when we got in the bail bond business. So—we didn't have connections with judges, period. So what we would do to get the bonds reduced, if we had a $5,000 bond and the people had $500, we would give a lawyer $150 to go see the judge and get the bond reduced. So the lawyers would go and get the bonds reduced, and we were paying them a fee out of our premium to do that. And then as time progressed, you know,

we started going to lunches with the lawyers that were getting the bonds reduced, and then we started—and the judges were there, too. So—and then we started developing our own relationship with the judges.

Now, in the real old days, you know, I am talking about 25 years ago when I went to work for a guy who was a bail bondsman, for 30 years before I got there, he was close with a couple of judges, and I used to be able to call him to set and reduce the bonds. But after I left him, he was in business for a couple years and none of the judges wanted to fool with me, so I had to get all the lawyers to get the bonds reduced.

But what happened with me was going on with this other guy. I mean, he is the one who trained me, you know? And he is the one who was getting the bonds reduced with the judges, and he is splitting bonds and all of that stuff. And then after I left him, then I needed lawyers to do it. And then, after that, I started getting them done with the lawyers at that point, and that is when Porteous came in.

Mr. GOODLATTE. Did you do any bail bonding in Federal court?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. GOODLATTE. And how did that work?

Mr. LOUIS MARCOTTE. We didn't get a lot of Federal bonds because, you know, they had cash deposits that they had to pay and there was a lot of personal surety there. But we would get maybe three or four a month.

Mr. GOODLATTE. And did that continue after Judge Porteous went on the Federal bench?

Mr. LOUIS MARCOTTE. No, it didn't, because—you know, I vaguely remember asking Porteous could he talk to the Magistrate Louie Moore to set more commercial bonds in the Federal system. Now, again, you know, he said that he would do it. But did he actually do it and just came back and danced with me and said he did? Or—I think he may have told me—well, you know, at some point, after I kept asking him, I think he said Louie Moore backed up and he wasn't receptive to doing the commercial bonds.

Mr. GOODLATTE. So when Judge Porteous got nominated to the Federal bench, what was your reaction to that?

Mr. LOUIS MARCOTTE. I know my sales are going to drop to nothing. That was my reaction to myself. I didn't express that reaction to anyone else.

Mr. GOODLATTE. And after he got on the Federal bench, did you continue to have any relationship with him?

Mr. LOUIS MARCOTTE. Yes, I did. Not—you know, not like I had, because, you know, he was—I still viewed him as a friend, but, you know, I needed to start working on other people in the criminal justice system that I could make money with.

Mr. GOODLATTE. That is why you asked him to intercede with Judge Bodenheimer and other judges?

Mr. LOUIS MARCOTTE. Yes, to groom these other people so that other people could step in where he left off.

Mr. GOODLATTE. The interview with the FBI that Chairman Schiff asked you about, when did that take place?

Mr. LOUIS MARCOTTE. I think right—I don't know dates, you know. I think right before the interview with the FBI, before he was confirmed?

Mr. GOODLATTE. Were you interviewed by the FBI before he was confirmed?

Mr. LOUIS MARCOTTE. Yes, there were two interviews, and—there was two interviews.

Mr. GOODLATTE. One was in August 1994?

Mr. LOUIS MARCOTTE. Of course I don't remember the exact dates, but, yes. And then the other one was—I don't remember the dates, sir.

Mr. GOODLATTE. But both were in relationship to his——

Mr. LOUIS MARCOTTE. Confirmation.

Mr. GOODLATTE. Confirmation.

What about later on when they were investigating this whole matter? And we are talking years later. Did they interview you with regard to Judge Porteous at that time?

Mr. LOUIS MARCOTTE. What matter?

Mr. GOODLATTE. The investigation, the Wrinkled Robe investigation.

Mr. LOUIS MARCOTTE. Did they interview me?

Mr. GOODLATTE. Yes, regarding Judge Porteous.

Mr. LOUIS MARCOTTE. Yes. Years—I mean, they raided my office in 2002, and I didn't start cooperating with them until 2004. At that point—no. Well, I know the U.S. Attorneys Office didn't, because they couldn't interview me because Porteous—- his situation on the Federal bench, the U.S. Attorney Washington had to do it. Now, the FBI agents were able to interview me, but the U.S. Attorneys Office had to recuse themselves.

Mr. GOODLATTE. Now, going back to the interviews you had with the FBI in 1994, around August, 1994, and then you subsequently met with Judge Porteous and you told him about your conversations with the FBI. Is that correct?

Mr. LOUIS MARCOTTE. In 2004?

Mr. GOODLATTE. In 1994.

Mr. LOUIS MARCOTTE. In 1994? No, I didn't meet with Porteous in 1994. I met with his lawyer, Cyle Schonekas.

Mr. GOODLATTE. Now, when you were interviewed by the FBI with regard to his background information leading up to his confirmation as a U.S. district court judge——

Mr. LOUIS MARCOTTE. In 2004, or when?

Mr. GOODLATTE. Of 1994. August 1994.

Mr. LOUIS MARCOTTE. Okay.

Mr. GOODLATTE. You met with the FBI, and then I think you just testified to the Chairman that you then subsequently had lunch with Judge Porteous. Is that correct?

Mr. LOUIS MARCOTTE. In 1994? Yes. Yes, I did. And I told him what I said, you know, that—everything that they asked me.

Mr. GOODLATTE. And you told the FBI inaccurate, misleading, and false information regarding the relationship you had with the judge, or you omitted information?

Mr. LOUIS MARCOTTE. Like I stated, I lied to them.

Mr. GOODLATTE. And did Judge Porteous understand during your conversation with him that you had lied to the FBI for him?

Mr. LOUIS MARCOTTE. I didn't actually say "I lied for you, Judge." I just told him everything that he—everything that they asked me. So, you know, if you could read it, all the questions: If he wasn't an alcoholic and all of that. He had to figure out in his own head that I was lying for him.

Mr. GOODLATTE. Do you think he was capable of doing that?

Mr. LOUIS MARCOTTE. Absolutely.

Mr. GOODLATTE. Mr. Marcotte, did Judge Porteous ask you for car repairs or other things of value while you were in his court chambers discussing bail bonds at any time?

Mr. LOUIS MARCOTTE. I think, you know—again, I don't remember exactly, but there could have been times after he done the bonds. He would say: "Hey, by the way, Timmy's car's broke. Could you go have Skeeter go pick it up?"

And they also called a lot. You know, Rhonda would call and say, "Hey, look, one of the cars are broken. Can you get it?"

And then after that, you know, once we started fixing the cars, then I would start calling in the bonds. I would open the gates a little more, you know, when I was doing something.

Mr. GOODLATTE. Did Judge Porteous have any conversations with you directly about the timing of Aubrey Wallace's expungement.

Mr. LOUIS MARCOTTE. Did he have what?

Mr. GOODLATTE. Did he have any conversations with you regarding the timing of Aubrey Wallace's expungement?

Mr. LOUIS MARCOTTE. I mean, not with dates. But after he was confirmed, he would do it. So, I mean, was it a couple of months? I don't know the dates. But was it a couple of months or a month after, he did it, you know.

Mr. GOODLATTE. But, I mean, did he discuss with you when he would do it, the timing of it?

Mr. LOUIS MARCOTTE. Just, "I will do it after I am confirmed."

Mr. GOODLATTE. And did Judge Porteous say he wanted to wait until the last days of his State court term to expunge Wallace's record because he believed that timing was beneficial in relation to his Senate confirmation?

Mr. LOUIS MARCOTTE. Yes, he did.

Mr. GOODLATTE. And I think you have already answered this question regarding Jeffrey Duhon. The reason you approached Judge Porteous to set aside the burglary conviction of Mr. Duhon was that you had a better relationship with Judge Porteous than you did with the judge who actually handed down the sentence.

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. GOODLATTE. Okay. Thank you.

Chairman, thank you.

Mr. SCHIFF. Thank you.

The gentleman yields back.

Mr. Marcotte, I have the exhibit that I was looking for earlier. I just want to ask you a couple of quick questions about it before I turn to Ms. Jackson Lee. These were questions that the FBI asked you about during the pre-confirmation period. The FBI interview says, "He advised," meaning Mr. Marcotte, "that the candidate will have a beer or two at lunch, but he has never seen him drunk."

Does that refresh your recollection as to whether you would have told Judge Porteous, "They asked me about your drinking"?

Mr. LOUIS MARCOTTE. Yes.

Mr. SCHIFF. And would you have told Judge Porteous that you told them that you had seen him have a drink?

Mr. LOUIS MARCOTTE. I said I saw him have a few beers or two.

Mr. SCHIFF. But you made it clear to him you didn't tell them the full extent of his drinking?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. SCHIFF. But you would have made it clear to Judge Porteous you didn't tell the FBI the full extent of his drinking?

Mr. LOUIS MARCOTTE. Yes. Yes.

Mr. SCHIFF. It also says, "He has no knowledge of the candidate's financial situation." Did you tell Judge Porteous that they had asked about his financial situation?

Mr. LOUIS MARCOTTE. Right, and I would have told them I don't know anything about his financial situation at that time.

Mr. SCHIFF. It also says, "He is not aware of anything in the candidate's background that might be the basis of attempted influence, pressure, coercion, or compromise or that would impact negatively on the candidate's character, reputation, judgment, or discretion."

Did you tell Judge Porteous that they had asked you that question?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. SCHIFF. And did you tell him that you told the FBI you weren't aware of anything in his background that might be the basis of attempted influence, pressure, coercion, or compromise or that would impact negatively on his character, reputation, judgment, or discretion?

Mr. LOUIS MARCOTTE. Yes, I did.

Mr. SCHIFF. So Judge Porteous was aware, prior to his confirmation, that you had been asked about anything in his background of this nature and that you had told them there was nothing you were aware of?

Mr. LOUIS MARCOTTE. Yes.

Mr. SCHIFF. So, going into his confirmation, Judge Porteous was aware that the FBI was not given the information it would need to evaluate his character, reputation, judgment, and discretion?

Mr. LOUIS MARCOTTE. Yes. I gave them the wrong information.

Mr. SCHIFF. You gave them the wrong information.

At this point, let me turn to my colleague, Ms. Jackson Lee.

Ms. Jackson Lee, we have 5 minutes 30 seconds before the vote on the conference report. We are going to have to come back briefly after votes. Would you like to start your questions now?

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

Mr. Marcotte, how many years have you known Judge Porteous, please?

Mr. LOUIS MARCOTTE. Well, he was on the bench before I knew him personally. I mean, I knew that he was on the bench.

Ms. JACKSON LEE. Right. But just give me the years that you knew him.

Mr. LOUIS MARCOTTE. I would say I probably—I knew he was—I would just say 20 years.

Ms. JACKSON LEE. Twenty years.

Ms. Marcotte, how many years did you know Judge Porteous?

Ms. LORI MARCOTTE. I would say from 1989 until——

Ms. JACKSON LEE. About 20 years. Let me ask, are these proceedings that we have, are they on the front page of your local newspapers in New Orleans? Are they being written up in the newspaper?

Mr. LOUIS MARCOTTE. Yes, it has.

Ms. JACKSON LEE. Is your bail bond company still in business?

Mr. LOUIS MARCOTTE. My bail bond company?

Ms. JACKSON LEE. Yes.

Mr. LOUIS MARCOTTE. It is still in business, but I don't own it. The government let me—I sold it.

Ms. JACKSON LEE. Okay. You sold it to someone?

Mr. LOUIS MARCOTTE. Yes, ma'am.

Ms. JACKSON LEE. Okay. So you are out of the bail bonds business?

Mr. LOUIS MARCOTTE. Yes, ma'am.

Ms. JACKSON LEE. And you are doing what right now?

Mr. LOUIS MARCOTTE. Right now I have an Italian clothing store.

Ms. JACKSON LEE. Okay. In 1994, did you both know Judge Porteous?

Mr. LOUIS MARCOTTE. Yes, I did.

Ms. JACKSON LEE. There was a question that was asked on a judicial form that said, "Is there anything in your personal life that could be used by someone to coerce or blackmail you? Is there anything in your life that could cause an embarrassment by you or to the President if publicly known?" I would say to you that this was a document signed by Judge Porteous during the confirmation.

Do you know anything that would have needed to be said? The answer that was given by Judge Porteous—and we have already documented this—was, no, that there was nothing that would embarrass the President.

Did you think in 1994, did you have any dealings with him that might have embarrassed the President if it was known that he was nominating a person of this type?

Mr. LOUIS MARCOTTE. Yes.

Ms. JACKSON LEE. And do you believe the relationship that you had with Judge Porteous over the years was an appropriate one or inappropriate one?

Mr. LOUIS MARCOTTE. It was an inappropriate relationship.

Ms. JACKSON LEE. And Ms. Marcotte?

Ms. LORI MARCOTTE. Yes, ma'am, the same.

Ms. JACKSON LEE. I have no further questions. Thank you.

Mr. SCHIFF. I thank the gentlewoman.

The gentlewoman yields back.

At this point, we will recess. We have three votes, which will probably take about a half an hour, so we will resume at 2:30. And I expect to be fairly brief when we come back.

Oh, it is only two votes. Okay, only two votes, so we will resume right after votes, which may be in about 20 minutes. We will resume in 20 minutes.

[Recess.]

Mr. SCHIFF. The Task Force will now recommence.

Mr. Marcotte, do I understand there is something in your testimony from today you would like to clarify?

Mr. REGAN. Mr. Chairman, Martin Regan.

Mr. SCHIFF. Counsel, could you grab the microphone?

Mr. REGAN. During the recess, having spoken with my client, he did want to clarify one thing.

There were questions regarding the amounts he spent on repairs for automobiles. He indicated certain numbers. He can't be certain of those numbers, though he knows it was several thousand dollars over the time in question, because he was not directly paying it. His company was paying it, and he didn't personally handle the checks.

But he approved the repairs, the radio, the tires, painting an automobile, and things of this sort. But he cannot be exact today on the amounts that were paid. And not $1,000 a week, but maybe $1,000 a month over a period of time. And the months differed based on the work that was being done. And he may have something to add to that, but we wanted to clarify that.

Mr. SCHIFF. All right. Thank you, Counsel.

Mr. Marcotte?

Mr. LOUIS MARCOTTE. I don't know if I said it, did I say $1,000 a week?

Mr. SCHIFF. I believe—yeah, we can take a look—I believe you said a thousand every couple months.

Mr. LOUIS MARCOTTE. I think that is what I said. And it is hard for me to quantify the amount, because, again, if I wasn't there and they called in to get the car repaired, I mean, my accounting department would just cut the check, and Aubrey or Jeff would go get it, and I wouldn't even see it.

You know, I mean, at one point, we probably signed 300 to 500 checks a week. You know, I mean, I had 300 employees. I had a payroll clerk. I mean, there was a lot of checks that came in and out of there.

So I just wanted to clarify the amount, you know. It is hard for me to really quantify the amount. But I think if I said, you know, $1,000 a month, that would probably be between $1,000 a month or $1,000 every 6 weeks, I think that would be probably a good estimate, but I don't know if it is exact.

Mr. SCHIFF. Thank you, Mr. Marcotte. And I think you said earlier that you thought, over the period of 3 or 4 years, that would probably have been in excess of $10,000, maybe not in excess of $20,000, but you thought it would be in excess of $10,000 for all of the vehicles. Is that still your best sense?

Mr. LOUIS MARCOTTE. I would think that would be a good number. Between $7,500 and $12,000, something like that.

Mr. SCHIFF. Thank you, Mr. Marcotte.

I am now going to recognize Mr. Lungren of California.

Mr. LUNGREN. Thank you very much, Mr. Chairman.

Mr. Marcotte, I would just like to get some things clear in my own mind. I practiced law in California, and I am trying to figure out how your bail bond operation worked compared to what I was used to in California.

When you talked about the bonds that you would attempt to get—I understand, from your standpoint, to make more money, the

higher the bond that the person could pay, the higher the amount that you were able to get. But in the courts that we are talking about, was there a—or in the jails—was there a schedule of recommended bail for particular offenses?

Mr. LOUIS MARCOTTE. See, Judge, in—I mean, I am sorry. In California, they have a bond schedule—because I am familiar with all the States because I have done bail in all of them. In California, they have a bond schedule for each charge. Well, in Louisiana, they only have a bond schedule on misdemeanor charges. So anything that is a felony has to be set by a judge.

A misdemeanor bond, there is a schedule of bonds at the jail. So the jailer just looks at what the charge is and marks in the scheduled amount that has been approved by the Second Parish judge for that scheduled bond.

Mr. LUNGREN. So when you were informed that you had a person who wanted to utilize your services who was charged with a felony, you would either go to the magistrate, is that correct, or try and shop to a favorable judge?

Mr. LOUIS MARCOTTE. If there was a favorable magistrate, I would go to that person. If they were unfavorable and I knew that I couldn't get what I wanted, I went to someone who would give me what I wanted.

Mr. LUNGREN. When you say "magistrate," in the system there, is the magistrate not a regular judge?

Mr. LOUIS MARCOTTE. A magistrate—what a magistrate does is set bonds for everyone who is arrested the night before.

Mr. LUNGREN. Okay. So it is not a rotating thing for the judges that normally sit, that they would sit as a magistrate in these things?

Mr. LOUIS MARCOTTE. Well, sometimes the 24th Judicial Courts, the magistrates would rotate every week. But, at some point, they got away from that, and they came up with a magistrate that would sit all of the time.

Mr. LUNGREN. Okay. So you would make a determination as to whether it was a, quote/unquote, "favorable magistrate," and if it were not, you would on occasion attempt to shop judges, that is, to find a favorable judge, is that correct?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. LUNGREN. And, in this process, where was the defense attorney in this sort of thing? Were you consulting with a defense attorney? Were you able to talk to the magistrate without the defense attorney being present? What?

Mr. LOUIS MARCOTTE. Defense attornies—see, the bail agent always has—not always, but most of the time, 80 percent of the time, has first crack at a defendant, because as soon as they hit the jail, they start calling the bail agents. And the bail agents are open 24 hours a day. So the families, to try to get them out of jail, would walk into the bail agency. We take in collect calls from the jail, and we are talking to everyone in the cells and getting the family's numbers and calling them up.

So the bail agent really had first access to the defendant. And as soon as we found out that they had money, then we would start shopping judges to set the bond. And we try to find out how much

money the defendant had and get the bond set to the amount of money that they had.

Mr. LUNGREN. And in the conversation you would have had in contacting the judge, that would be without an attorney?

Mr. LOUIS MARCOTTE. Without an attorney. The bail agent could request a bond amount from the judge.

Mr. LUNGREN. And if there were a subsequent hearing on bail, could there be a subsequent hearing on bail?

Mr. LOUIS MARCOTTE. Like a motion to reduce the bond?

Mr. LUNGREN. Yes.

Mr. LOUIS MARCOTTE. Yes, they would have motions to reduce the bonds. But most of the time we didn't need them.

Mr. LUNGREN. What would occur if, in fact, the defendant did not show up for his appearance?

Mr. LOUIS MARCOTTE. They would forfeit the bond, and then we would have to hunt them.

Mr. LUNGREN. And you hunt them down and you bring them back. Would your bond be returned to you? Would your bond be——

Mr. LOUIS MARCOTTE. What would happen is the—once the defendant is found, the courts would exonerate the bond, and then the liability would be taken off the books of the insurance company.

Mr. LUNGREN. So, in essence, the bond would be returned?

Mr. LOUIS MARCOTTE. Not returned. The bond automatically becomes a permanent part of the record. But you could get a cancellation from the clerk's office in the mortgage office. Because, once a bond is forfeited, they record a judgment in the mortgage office. So what you would do is get a copy of the cancellation and then go cancel it in the mortgage office.

Mr. LUNGREN. Okay. What you have described with respect to splitting of the bond, was that, to your knowledge, begun by Judge Porteous?

Mr. LOUIS MARCOTTE. It actually started way before Porteous, but it never went to the degree that it was when Porteous was there.

Mr. LUNGREN. Would you explain what you mean by that?

Mr. LOUIS MARCOTTE. Excuse me?

Mr. LUNGREN. Would you explain what you mean by that?

Mr. LOUIS MARCOTTE. Well, in the old days—and I am talking about before Porteous was a judge—they only arrested two or three or four people a day in Jefferson Parish. Well, at the end of my career in the bail bond business, they were arresting 300 people a day. So, I mean, you know, we had to get the bond split to make a lot of money in that business.

Mr. LUNGREN. So when you say "we" had to, that means——

Mr. LOUIS MARCOTTE. Bail Bonds Unlimited and Louis Marcotte.

Mr. LUNGREN. So you had to rely on the judges doing that sort of thing so that you could keep your livelihood, is that right?

Mr. LOUIS MARCOTTE. Yes, sir.

Mr. LUNGREN. Did you have any specific conversations with Judge Porteous about that?

Mr. LOUIS MARCOTTE. Well, in times I would tell him, "Look, we are doing really bad this week, Judge. We need these bonds done."

Mr. LUNGREN. And what response would you get from him?

Mr. LOUIS MARCOTTE. He would do the bonds.

Mr. LUNGREN. When you say "do the bonds"——

Mr. LOUIS MARCOTTE. He would, you know—he was doing the bonds anyway. But if I told him something like that, he would step it up a few notches.

Mr. LUNGREN. I think that is all I have. Thank you.

Mr. SCHIFF. I thank the gentleman.

I just have a couple final questions.

Mr. Marcotte, you have discussed today times when the judge, in one way or another, acknowledged the wrongfulness of what you were engaged in, in the sense of not wanting to do certain acts prior to his confirmation, for example.

Can you give us any other instances where, through what the judge said or did, it was clear to you that he knew that the relationship he had with you was not above board?

Mr. LOUIS MARCOTTE. By being on call—well, by being my go-to guy.

Mr. SCHIFF. Can you describe that a little more?

Mr. LOUIS MARCOTTE. Well, whenever I needed to get something done, he was my go-to guy.

Mr. SCHIFF. Did he ever tell you, you know, words to the effect of, "Hey, if this became public, this could become a real problem for me"?

Mr. LOUIS MARCOTTE. If our relationship became public?

Mr. SCHIFF. Well, if your relationship became public or if something you were asking him to do became public. Did he ever indicate to you that any part of your relationship needed to be kept confidential?

Mr. LOUIS MARCOTTE. No, he didn't. I guess everyone in the criminal justice system knew that he was my go-to guy. It wasn't no secret.

Mr. SCHIFF. Ms. Marcotte——

Mr. LOUIS MARCOTTE. I mean, when you are doing 5, 10, 15 bonds a day, you know, for Louis Marcotte, there is a lot of jealousy around with other lawyers and other bondsmen. And, you know, people seeing you making all the money, and, you know, it wasn't no secret. And he wasn't trying to hide it, and I wasn't trying to hide it. And I think maybe we both thought maybe we were above the law.

Mr. SCHIFF. And would the only exception to that be when the FBI came to talk to you about Judge Porteous?

Mr. LOUIS MARCOTTE. I am sorry?

Mr. SCHIFF. Was an exception to that rule when the FBI came to talk with you? You said we didn't try to hide it. When the FBI came to talk with you, though, you did try to hide it, am I right?

Mr. LOUIS MARCOTTE. I did hide it. I lied to them, you know, to protect him.

Mr. SCHIFF. Ms. Marcotte, let me ask you the same question. Either through your conversations with Ms. Danos, the judge's secretary, or lunches that you may have been in attendance at, were there any times in which Judge Porteous made comments or through his behavior demonstrated that he knew the wrongfulness of the kind of relationship he had with you and your brother?

Ms. LORI MARCOTTE. I remember one time in particular when we went to see him in Federal court about a family that was competing against us and we had some noncompete agreements against them, and they were in front of a judge we knew he was close with, and we asked him to call and rule in our favor.

Also, on another one, when he was on the 24th judicial bench, we asked him to call another judge to do that, too. And I think that is not something you do every day.

Mr. SCHIFF. And, in both these cases where you called to ask him to use his influence with another judge to rule in your favor, was he on the State court at this time or were either of these occasions when he was a Federal judge?

Ms. LORI MARCOTTE. Twice on the State court and once on the Federal court.

Mr. SCHIFF. And can you describe those three situations for us?

Ms. LORI MARCOTTE. We wanted to lock in all the business around that area. That is why we took the judge to lunch, to get the bonds done that we needed to get done. We also bought up some property around the area, too, not to let people get in. When we hired people, they signed noncompetition agreements, so if they left they couldn't open their own bail bond company, because we let them in on our secrets.

So one gentleman left and started writing bail bonds, and we filed a temporary restraining order against him to stop competing, and it went to a judge that Judge Porteous knew. Louis and I went to talk to him and asked him to make a telephone call to rule in our favor.

Mr. SCHIFF. At this time, in this first instance, was Judge Porteous on the State bench?

Ms. LORI MARCOTTE. The State bench, yes.

Mr. SCHIFF. Did he tell you whether he would call the other judge?

Ms. LORI MARCOTTE. Yes.

Mr. SCHIFF. And did he tell you afterwards that he had spoken with the other judge?

Ms. LORI MARCOTTE. Yes.

Mr. SCHIFF. And did that other judge rule in your favor?

Ms. LORI MARCOTTE. Yes.

Mr. SCHIFF. And what did Judge Porteous tell you that he told the other judge?

Ms. LORI MARCOTTE. He said he asked him to rule in our favor, that we were good people and this person was just someone that was, you know, starting trouble for us. Pretty much like something our lawyer would say to a judge.

Mr. SCHIFF. And tell us what the circumstances were in the two other cases.

Ms. LORI MARCOTTE. The Federal case, there was a crew of people, a family we had hired, a mother, a father and, like, three or four brothers, and they were really head of our recovery department, like our little police department that was the collection agency, the bounty hunters. And they left, and all of them started to compete. And this was a big problem, because now it wasn't just one little-bitty person, this was a big thing.

So we went to see Judge Porteous in his office and asked him to call this judge and talk, because we were really losing control of our business, at this point. And for this to happen would have been—and, ultimately, it did happen, and we really did lose control of our business. So we lost that case.

Mr. SCHIFF. And, in that particular case, again, you filed a no-compete action in State court?

Ms. LORI MARCOTTE. Yes, that is correct.

Mr. SCHIFF. And you went to Judge Porteous, now sitting on the Federal bench, and asked him to intervene with this State court judge?

Ms. LORI MARCOTTE. Yes. I remember this well because this was big. It was six or seven people. It was the family and then a couple of their people. It was our whole recovery force that left, that we had worked for to build up all these years, taken away in one scoop pretty much.

Mr. SCHIFF. And what judge was this case assigned to?

Ms. LORI MARCOTTE. Originally, we had talked to Judge Porteous about Greg Guidry, who was once a Federal prosecutor. And because Judge Porteous was in Federal court, we thought he would be close with him. But I think ultimately it ended up in another judge's section.

Mr. SCHIFF. But it wasn't assigned to the same judge as the first no-compete case was?

Ms. LORI MARCOTTE. No. That was separate.

Mr. SCHIFF. And when you went to Judge Porteous, now Federal Judge Porteous, to ask him to talk to the judges presiding over this second case, what did Judge Porteous tell you?

Ms. LORI MARCOTTE. He said he would do it. And something was faxed, I think. Our administrative assistant faxed something to him, or something was faxed. And I think, at one point, the FBI had a confirmation on a fax.

But our administrative assistant faxed Rhonda, Judge Porteous's secretary, or the other way around, to get some of the information there. Or he sent something to the judge's office. I really don't know exactly how that happened.

Mr. SCHIFF. And did you have a follow-up conversation with Judge Porteous to determine whether Judge Porteous had, in fact, spoken to this other judge?

Ms. LORI MARCOTTE. Not myself personally, no.

Mr. SCHIFF. And do you know who did? Did someone else have a conversation with him?

Ms. LORI MARCOTTE. I think that—I don't know if Louis remembers, but a telephone call was made, and he said he talked to him. Now, whether he did or not, I don't know. But he said he would entertain it when we were in his office.

Mr. SCHIFF. I am sorry, he said what?

Ms. LORI MARCOTTE. He said he would entertain it when we were in—when we went to see him, he said okay. And then after some things were faxed, he said he had asked and that it would be okay, that he had talked to him. But I don't know for sure if he did talk to him.

Mr. SCHIFF. But Judge Porteous conveyed to you—maybe not to you directly, but to your brother or to someone else at your bail

bond firm—that, in fact, he had communicated with the other judge and it would be okay?

Ms. LORI MARCOTTE. Yes.

Mr. SCHIFF. Mr. Marcotte, were you the one that the judge communicated that to? Did he tell you that he had spoken to this other judge and that it would be okay?

Mr. LOUIS MARCOTTE. I don't remember a whole lot about that. But what I do remember, my lawyer that was representing me to defend me on the noncompete against the Dennis family went into the judge's office. And the clerk in the judge's office had said, "Look, this looks real good in you all's favor." And then about a day later he came back and said, "Look, he denied it." But I know Bridget had faxed the document to Judge Porteous's office.

Now, did Beck speak with someone, the attorney that was representing me, did he speak to anyone about it? I am not exactly sure, but it is possible that he may have spoken to Rhonda.

Mr. SCHIFF. So, at some point, you faxed to Judge Porteous's chambers——

Mr. LOUIS MARCOTTE. Not me personally, but my administrative assistant.

Mr. SCHIFF. Your administrative assistant faxed Judge Porteous some information about the no-compete case that you had.

Mr. LOUIS MARCOTTE. And I think maybe my attorney underlined—and I could be wrong—the reasons why it should be set aside and then faxed it to Porteous, and Porteous faxed it to the other judge. You know, I mean, it has been a long time, so——

Mr. SCHIFF. And these underlying points were, like, talking points for the judge to use in his conversation with the other judge?

Mr. LOUIS MARCOTTE. This would be the points that we would give Porteous to hang his hat on to the judge he was going to request to deny the noncompete.

Mr. SCHIFF. And, at some point after sending those documents, you got word back, although you are not clear on how it was communicated to you, from Judge Porteous that he had contacted the other judge and it looked like things would be all right?

Mr. LOUIS MARCOTTE. It looked like things were going to be all right. But then, a couple days later, my attorney, who was representing me in the noncompete, said, "God, it looked so good, like we were going to win," and then at the end he denied it.

Mr. SCHIFF. Did you ever speak to Judge Porteous afterwards and say, you know, "What happened?"

Mr. LOUIS MARCOTTE. No. At that point, I went to war with my competitors in the lobby of the jail.

Mr. SCHIFF. And, Ms. Marcotte, do you remember any follow-up conversation after the judge that Judge Porteous communicated with turned your case down?

Ms. LORI MARCOTTE. No——

Mr. SCHIFF. Do you recall any follow-up?

Ms. LORI MARCOTTE. No, I do not. There was none.

Mr. SCHIFF. And I think you mentioned there was a third time when the judge intervened with another judge on your behalf.

Ms. LORI MARCOTTE. I can't remember the defendant's name—I mean, the employee's name. There were, like, five employees before the family that came against us.

Mr. SCHIFF. And that was a noncompete case, as well?

Ms. LORI MARCOTTE. Yes.

Mr. SCHIFF. And, in that case, the judge said that he would talk to another judge, and that judge ruled in your favor?

Ms. LORI MARCOTTE. Yes.

Mr. SCHIFF. And do you know whether he, in fact, did talk to that other judge?

Ms. LORI MARCOTTE. He said he did. I mean, I need to see—I can't remember the employee's name.

Mr. SCHIFF. Now, you brought this up in the context of other actions or things the judge said that indicated he understood the wrongfulness of what he was doing. During these three or more times when you asked the judge to intervene with another judge, did Judge Porteous ever say to you, "Yes, I will do it, but, you know, you are asking a lot of me; this is really not something I am supposed to do"? Did he ever indicate to you verbally that he understood what he was doing was wrong?

Ms. LORI MARCOTTE. Not verbally. But, you know, I think he wanted to help us and to foster the relationship that we had.

Mr. SCHIFF. Anything else that you would like to share with us, either one of you, that will help give the Task Force guidance in terms of what Judge Porteous's thoughts were in terms of your relationship and his awareness of the inappropriate nature of it?

Ms. LORI MARCOTTE. Well, when Louis was talking about Judge Porteous having reservations about doing the expungement until after—you were asking about times when he acknowledged——

Mr. SCHIFF. Yes.

Ms. LORI MARCOTTE. That is one. And I think Louis remembers the employee's name and the judge.

Do you remember, from the other one?

Mr. LOUIS MARCOTTE. Was it Rebecca Dunn? I believe it was Rebecca Dunn, but I don't remember what judge it was in that case. It may have been Skip Hand. I don't know.

Mr. SCHIFF. Is this the noncompete case that you are referring to?

Ms. LORI MARCOTTE. Yes.

Mr. SCHIFF. The third one that you weren't sure you could remember which one? Is that what you are referring to?

Ms. LORI MARCOTTE. Yes.

Mr. SCHIFF. Okay. Anything else that you want to share with the Committee?

Mr. LOUIS MARCOTTE. Only that I am sorry that all this happened.

Mr. SCHIFF. That concludes my questions, and that will conclude our testimony for today.

I want to thank you both for your testimony. I am sure it wasn't something you were looking forward to, but we appreciate your coming to share your experiences with us.

Without objection, the record will remain open for 5 legislative days for the submission of any other additional materials.

This hearing of the Impeachment Task Force is now adjourned.

[Whereupon, at 2:39 p.m., the Task Force was adjourned.]

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