

U. S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED - LAFAYETTE

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA *
*
VERSUS *
*
BARNA D. HAYNES *

CRIMINAL NO.
18 U.S.C. § 371

*13 cr 00008-01
Judge Foote
Maj Judge Hanna*

BILL OF INFORMATION

THE UNITED STATES CHARGES:

COUNT 1

**CONSPIRACY
18 U.S.C. § 371**

AT ALL TIMES MATERIAL HEREIN:

1. The defendant, BARNA D. HAYNES, was employed by the District Attorney's Office for the 15th Judicial District for the State of Louisiana, (hereafter, District Attorney's Office) located in Lafayette, Louisiana, acting as the office administrator and the secretary to the District Attorney.

2. The District Attorney's Office was an agency of the State of Louisiana and received federal assistance in excess of \$10,000 during a one year period during the existence of the conspiracy.

THE CONSPIRACY

3. Beginning on an unknown date but reasonably near to the 1st day of March, 2008, and continuing until on or about the 27th day of February, 2012, in the Western District of Louisiana, the defendant, BARNA D. HAYNES, did conspire, confederate, and agree with others both known and unknown to the United States, to commit the crime of bribery of an agent of a government agency receiving federal funds, in violation of Title 18 United States Code, Section 666(a)(1)(B).

MANNER AND MEANS OF THE CONSPIRACY

4. It was part of the conspiracy that an uncharged co-conspirator (hereafter co-conspirator #1) would solicit hundreds of thousands of dollars from individuals with criminal charges pending in the 15th Judicial District by promising favorable resolutions of their pending felony and misdemeanor cases, the majority of which were operating a vehicle while intoxicated (hereafter, OWI) cases.

5. It was further part of the conspiracy that in his effort to deliver on his promises to his "clients" of favorable case resolutions, co-conspirator #1 would pay bribes in the form of cash and other things of value to personnel within the District Attorney's Office and to employees with entities associated with the OWI program in the 15th Judicial District Court.

6. It was further part of the conspiracy that in exchange for her assistance in obtaining favorable resolutions to cases, the defendant, BARNA D. HAYNES, would use her position with the District Attorney's Office to enrich herself by corruptly

accepting bribes from co-conspirator #1 in the form of cash and other things of value, intending to be influenced and rewarded in connection with a series of transactions of the District Attorney's Office involving \$5,000 or more.

OVERT ACTS

7. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Western District of Louisiana:

A. On or about the 16th day of December, 2011, the defendant, BARNA D. HAYNES, did corruptly accept and agree to accept a cash payment from co-conspirator #1;

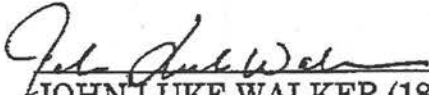
B. On or about the 2nd day of February, 2012, the defendant, BARNA D. HAYNES, did corruptly accept and agree to accept a cash payment from co-conspirator #1; and,

C. On or about the 27th day of February, 2012, the defendant, BARNA D. HAYNES, did corruptly accept and agree to accept a cash payment from co-conspirator #1.

All in violation of Title 18, United States Code, Section 371. [18 U.S.C. § 371].

STEPHANIE A. FINLEY
United States Attorney

BY:

 01/10/2013
JOHN LUKE WALKER (18077)
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette LA 70501-6832
Telephone: (337) 262-6618

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA * CRIMINAL NO. 13-CR-00008
*
VERSUS *
*
BARNA D. HAYNES * JUDGE FOOTE
* MAGISTRATE JUDGE HANNA

PLEA AGREEMENT

A. INTRODUCTION

This document contains the complete plea agreement between the Government and BARNA D. HAYNES, the Defendant. No other agreement, understanding, promise, or condition exists, nor will any such agreement, understanding, promise or condition exist unless it is committed to writing in an amendment attached to this document and signed by the Defendant, an attorney for the Defendant, and an attorney for the Government. The terms of this plea agreement are only binding on the Defendant and the Government if the Court accepts the Defendant's guilty plea.

B. THE DEFENDANT'S OBLIGATIONS

BARNA D. HAYNES shall waive Grand Jury presentment of the charge filed in this case and appear in open court and plead guilty to the one count Bill of Information pending in this case.

C. THE GOVERNMENT'S OBLIGATIONS

1. If the Defendant completely fulfills all of her obligations and agreements under this plea agreement, the Government agrees it will not prosecute the Defendant for any other offense known to the United States Attorney's Office, based on the investigation which forms the basis of the Bill of Information.

2. The Government will and hereby moves pursuant to U.S.S.G. § 3E1.1(b) for the Defendant to receive a one point reduction in her offense level should that offense level be 16 or greater, as the Defendant has assisted authorities in the investigation or prosecution of her own misconduct by timely notifying authorities of her intention to enter a plea of guilty, thereby permitting the Government to avoid preparing for trial and permitting the Government and the Court to allocate their resources efficiently.

D. SENTENCING

BARNA D. HAYNES understands and agrees that:

1. The maximum punishment on Count One is a term of imprisonment of not more than five (5) years (pursuant to 18 U.S.C. § 371), or a fine of not more than \$250,000 (pursuant to 18 U.S.C. §3571), or both;

2. She shall be required to pay a special assessment of \$100 at the time of the guilty plea by means of a cashier's check, bank official check, or money order payable to "Clerk, U.S. District Court;"

3. She may receive a term of Supervised Release of not more than three (3) years in length in addition to any term of imprisonment imposed by the Court;

4. A violation of any condition of Supervised Release at any time during the period of Supervised Release may result in the Defendant being incarcerated over and above any period of imprisonment initially ordered by the Court;

5. The period of incarceration for a violation of a condition of Supervised Release could be as much as the full term of Supervised Release initially ordered by the Court regardless of the amount of time of the Supervised Release the Defendant had successfully completed;

6. Any fine and/or restitution imposed as part of the Defendant's sentence will be made due and payable immediately, the Defendant will be held liable for all restitution jointly and severally with all convicted co-conspirators, and any federal income tax refund received by the Defendant from the Internal Revenue Service while there is an outstanding fine and/or restitution shall be applied toward the fine and/or restitution award;

7. As part of the presentence investigation the Government will make available to the Court all evidence developed in the investigation of this case;

8. This case is governed by the Sentencing Reform Act, as modified by United States v. Booker, 543 U.S. 220 (2005), she has discussed the Sentencing Guidelines and their applicability with her counsel, and understands and acknowledges that a final determination of the applicable guidelines range cannot be made until the completion of the presentence investigation;

9. The sentencing judge alone will decide what sentence to impose; and

10. The failure of the Court to adhere to a sentencing recommendation tendered by counsel shall not be a basis for setting aside the guilty plea which is the subject of this agreement.

E. COOPERATION

1. The Defendant agrees to cooperate fully and truthfully in the Government's investigation into this and any other criminal matter about which the Defendant has knowledge.

2. Cooperation shall include, but is not limited to, testifying before the grand jury or at trial if requested. The Defendant understands that her failure to testify truthfully can result in the Defendant being prosecuted for perjury or giving false statements and in the Government withdrawing from this Plea Agreement.

3. The Defendant understands that while she is being offered use immunity for all prospective statements to law enforcement agents and testimony given as a result of this agreement, such statements and testimony are subject to the penalties of perjury and giving false statements if not completely honest and factual, and this Plea Agreement can be withdrawn if the Defendant makes false statements or substantially misrepresents her role in the offense.

4. At or before the time of sentencing, the United States will advise the Court of any assistance provided by the Defendant.

5. The United States may, but shall not be required to, make a motion requesting the Court to depart from the sentencing range called for by the guidelines

in the event she provides "substantial assistance." This decision shall be in the sole and non-reviewable discretion of the United States Attorney.


6. It is understood and agreed that a motion for departure shall not be made under any circumstances unless the Defendant's cooperation is deemed "substantial" by the United States Attorney. The United States has made no promise, implied or otherwise, that the Defendant will be granted a "departure" for "substantial assistance." Further, no promise has been made that a motion will be made for departure even if the Defendant complies with the terms of this agreement in all respects, but has been unable to provide "substantial assistance."

7. It is understood that even if a motion for departure is made by the Government, based upon the Defendant's perceived "substantial assistance," the final decision as to how much, if any, reduction in sentence is warranted because of that assistance, rests solely with the District Court.

F. SIGNATURE OF ATTORNEY FOR THE DEFENDANT, THE DEFENDANT,
AND THE ATTORNEY FOR THE GOVERNMENT

I have read this plea agreement and have discussed it fully with my client, BARNA D. HAYNES. It accurately and completely sets forth the entire plea agreement. I concur in BARNA D. HAYNES pleading guilty as set forth in this plea agreement.

Dated: 01/14/2013



FRANK W. DAWKINS, ID #04748
Attorney for the Defendant

I have read this plea agreement and have discussed it with my attorney. I fully understand the plea agreement and accept and agree to it without reservation. I do this voluntarily and of my own free will. No threats have been made to me, nor am I under the influence of anything that could impede my ability to fully understand this plea agreement.

I affirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this plea agreement.

I am satisfied with the legal services provided by my attorney in connection with this plea agreement and the matters related to this case.

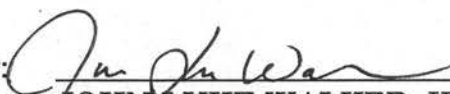
Dated: 01/14/2013


BARN D. HAYNES
Defendant

I accept and agree to this plea agreement on behalf of the United States of America.

Dated: 1/14/13

STEPHANIE A. FINLEY
United States Attorney

By: 
JOHN LUKE WALKER, ID: 18077
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, LA 70501
Telephone: (337) 262-6618

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 13-CR-00008
	*	
VERSUS	*	
	*	JUDGE FOOTE
BARNA D. HAYNES	*	MAGISTRATE JUDGE HANNA

STIPULATED FACTUAL BASIS FOR GUILTY PLEA

NOW INTO COURT, comes the United States, through the undersigned Assistant United States Attorney, and the defendant, BARNA D. HAYNES, represented by her undersigned counsel, and for the purposes of providing the Court with a factual basis for a plea agreement pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the defendant, BARNA D. HAYNES, agrees and stipulates to the following:

1. The District Attorney's Office for the 15th Judicial District of the State of Louisiana (hereafter District Attorney's Office) was a "government agency" as defined in Title 18, United States Code, Section 666(d)(2). As the office administrator and secretary to the District Attorney for the 15th Judicial District, BARNA D. HAYNES was an "agent" of that District Attorney's Office as defined by Title 18, United States Code, Section 666(d)(1). In each calendar year throughout the time frame charged in the conspiracy, the District Attorney's Office received more than \$10,000 under a Federal program involving a grant or other form of Federal assistance.

2. Beginning in about March of 2008 and continuing until on or about February 27, 2012, the defendant, BARNA D. HAYNES, conspired with a co-conspirator (hereafter, co-conspirator #1) to accept bribes from co-conspirator #1 in return for assisting co-conspirator #1 obtain favorable resolutions for criminal cases in which co-conspirator #1, a non-lawyer, had a financial interest. BARNA D. HAYNES knew that co-conspirator #1 was soliciting and receiving payments from individuals with criminal cases pending with the District Attorney's Office. BARNA D. HAYNES also knew that co-conspirator #1 has never been licensed to practice law.

3. The cases for which BARNA D. HAYNES received payments from co-conspirator #1 involved a variety of crimes, both felonies and misdemeanors. The majority of those cases, however, were operating a vehicle while intoxicated (hereafter, OWI) cases.

4. Sometime in late 2007, the District Attorney, with the consent of a District Judge for the 15th Judicial District, set up a process by which a select group of individuals could receive what was referred to as "immediate 894 pleas" on OWI cases.¹

¹In a plea pursuant to La. Code Crim. Proc. 894 the defendant pleads guilty; however, the Court defers imposition of sentence. At the conclusion of the probationary period, if the defendant has not been charged with or convicted of another offense, the court may set aside the conviction. However, prior to setting aside any conviction and dismissing the prosecution for any charge of operating a vehicle while intoxicated, the court shall require proof in the form of a certified letter from the Department of Public Safety and Corrections, Office of Motor Vehicles, that the requirements of La. Code Crim. Proc. 894 have been complied with. Furthermore, pursuant to La. Rev. Stat. 14:98, when a person pleads guilty to operating a vehicle while intoxicated, first offense, he is required, at a minimum, to participate in 4 eight hour days of community service, a substance abuse program, and a driver safety program. Each of these requirements has to be completed, along with the payment of court costs, prior to a case being dismissed pursuant to La. Code Crim. Proc. 894.

In order to qualify for the "immediate 894 plea," the District Attorney required that the charged individual complete all legal prerequisites prior to entering the plea including community service, a substance abuse program, and a driver safety program.

5. The individual cases selected for "immediate 894 pleas" were withheld from, or removed from, the normal OWI docket. Instead, special court sessions were held to handle the "immediate 894 cases" at a time and place separate from the normal OWI docket. A number of these sessions were held in the judge's chambers. The OWI defendant, at the time of the "immediate 894 plea", would appear with certifications that he/she had completed the community service, the substance abuse program, and the driver safety program. The documents would be filed into the court record at the time of the guilty plea. Then, pursuant to La. Code Crim. Proc. 894, the judge would immediately grant the 894 motion dismissing the conviction, which served as an acquittal, thereby allowing the OWI defendant(s) to have their driving privileges immediately reinstated.

6. Beginning in 2008, due to lack of oversight and safeguards built into the District Attorney's Office immediate 894 process, the defendant, BARNAD. HAYNES, began placing cases in the immediate 894 sessions without the District Attorney's knowledge and approval. The defendant's actions facilitated the selling of "immediate 894 pleas" and other favorable dispositions by co-conspirator #1 to "clients" willing to pay him for the service.

7. Once hired by an individual with a pending OWI case, co-conspirator #1 would contact the defendant, BARNA D. HAYNES, and give her his "client's" name. The defendant, BARNA D. HAYNES, would then determine if that file was in city court or district court. The majority of co-conspirator #1's clients' cases were assigned to city court. The defendant, BARNA D. HAYNES, would have those cases transferred from city court to district court.

8. Once all of co-conspirator #1's clients' cases were assigned to district court, the defendant, BARNA D. HAYNES, would coordinate the scheduling and execution of special immediate 894 sessions with the District Court Judge and the assigned Assistant District Attorney. These special sessions were exclusively for co-conspirator #1's clients, never placed on a formal public docket, and always conducted separately from the normal OWI docket. These special sessions were always handled by the same Assistant District Attorney. No defense attorney or probation officer was ever present for these special sessions. The defendant, BARNA D. HAYNES, also prepared the expungement paperwork associated with co-conspirator #1's clients' cases. In return for coordinating these immediate 894 sessions, the defendant, BARNA D. HAYNES, was paid \$500 per case by co-conspirator #1.

9. While co-conspirator #1 paid BARNA D. HAYNES primarily to facilitate immediate 894 pleas in OWI cases, he also paid BARNA D. HAYNES to facilitate the resolution of other cases including drug cases, other felony cases, and non-OWI misdemeanor cases.

10. On December 16, 2011, the defendant, BARNA D. HAYNES, met co-conspirator #1 at his Lafayette residence where BARNA D. HAYNES received paperwork from co-conspirator #1 associated with his clients' upcoming cases. Thereafter, co-conspirator #1 drove to a local market where he obtained a bundle of currency. From there, co-conspirator #1 met the defendant, BARNA D. HAYNES, at the United States Post Office located in Lafayette, Louisiana, where co-conspirator #1 paid the defendant, BARNA D. HAYNES, approximately \$2,000 as payment for cases in which co-conspirator #1's "clients" pled guilty in an "immediate 894 session" on the previous day.

11. On February 2, 2012, the defendant, BARNA D. HAYNES, met co-conspirator #1 at his Lafayette residence, where he paid the defendant, BARNA D. HAYNES, approximately \$1,000 as payment for her coordinating two OWI cases in the "immediate 894 sessions," and drafting expungement paperwork.

12. On February 27, 2012, the defendant, BARNA D. HAYNES, met co-conspirator #1 at his Lafayette residence, where he paid the defendant, BARNA D. HAYNES, approximately \$500 as payment for the resolution of a non-OWI criminal case.

13. The defendant, BARNA D. HAYNES, stipulates that during the charged conspiracy the bribery payments she received from co-conspirator #1 totaled approximately \$55,000. However, the United States contends that the total amount

of bribery payments the defendant received from co-conspirator #1 was in excess of \$70,000.

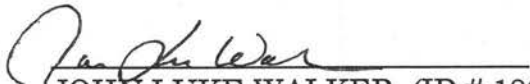


BARNA D. HAYNES
Defendant



FRANK W. DAWKINS, ID #04748
Attorney for the defendant

STEPHANIE A. FINLEY
United States Attorney



JOHN LUKE WALKER, (ID # 18077)
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, Louisiana 70501-6832
Telephone: (337) 262-6618

WAIVER OF INDICTMENT

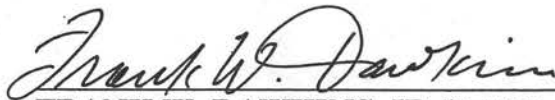
UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA * CRIMINAL NO. 13-CR-00008
 *
VERSUS *
 * JUDGE FOOTE
BARNA D. HAYNES * MAGISTRATE JUDGE HANNA

I, BARNA D. HAYNES, the above named defendant, who is accused of Conspiracy, being advised of the nature of the charge, the proposed information, and of my rights, hereby waive in open court on the 14th day of January, 2013, prosecution by indictment and consent that the proceeding may be by information rather than by indictment.



BARNA D. HAYNES
Defendant



FRANK W. DAWKINS, ID #04748
Counsel for Defendant

Before

JUDICIAL OFFICER

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA

* CRIMINAL NO. 13-CR-00008

VERSUS

*

*

BARNA D. HAYNES

* JUDGE FOOTE

* MAGISTRATE JUDGE HANNA


**CONSENT TO PLEAD BEFORE
UNITED STATES MAGISTRATE JUDGE IN A FELONY CASE**

The United States Magistrate Judge has explained to me the nature of the offense(s) with which I am charged and the maximum possible penalties which might be imposed if I plead guilty. I have been informed of my right to the assistance of legal counsel and of my right to plead before a United States District Judge. I understand that the District Judge must approve any plea of guilty after the time for objections has expired and that I will be sentenced by a United States District Judge.

I HEREBY: Waive (give up) my right to enter my plea before a United States District Judge, and I consent to entering my plea, knowingly and voluntarily, before The Honorable Judge Patrick J. Hanna, United States Magistrate Judge.



BARNA D. HAYNES
Defendant



FRANK W. DAWKINS, ID #04748
Attorney for Defendant

Date: _____

Before: _____
PATRICK J. HANNA
United States Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 13-CR-00008
	*	
VERSUS	*	
	*	JUDGE FOOTE
BARNA D. HAYNES	*	MAGISTRATE JUDGE HANNA

ELEMENTS OF OFFENSE

CONSPIRACY

18 U.S.C. § 371

Title 18, United States Code, Section 371, makes it a crime for anyone to conspire with someone else to commit an offense against the laws of the United States.

You are charged with conspiring to commit bribery.

A "conspiracy" is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of "partnership in crime" in which each member becomes the agent of every other member.

For you to be found guilty of this crime, the government must prove each of the following beyond a reasonable doubt:

- First: That you and at least one other person made an agreement to commit the crime of bribery as charged in the Bill of Information;
- Second: That you knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and
- Third: That you or one of the conspirators, during the existence of the conspiracy, knowingly committed at least one of the overt acts described in the Bill of Information, in order to accomplish some object or purpose of the conspiracy.

One may become a member of a conspiracy without knowing all the details of the unlawful scheme or the identities of all the other alleged conspirators. If a defendant understands the unlawful nature of a plan or scheme and knowingly and intentionally joins in that plan or scheme on one occasion, that is sufficient to convict her for conspiracy even though the defendant had not participated before and even though the defendant played only a minor part.

The government need not prove that the alleged conspirators entered into any formal agreement, nor that they directly stated between themselves all the details of the scheme. Similarly, the government need not prove that all of the details of the scheme alleged in the indictment were actually agreed upon or carried out. Nor must it prove that all of the persons alleged to have been members of the conspiracy were such, or that the alleged conspirators actually succeeded in accomplishing their unlawful objectives.

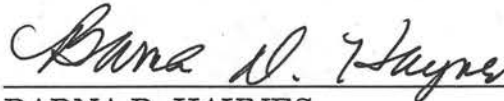
Although you are not entering a guilty plea to the crime of Bribery, because the object of the conspiracy encompasses that offense, the following elements are relevant to your understanding of the conspiracy to which you are entering a guilty plea.

To sustain the charge of bribery, the government must prove the following:

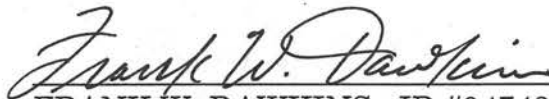
- First: That at the time alleged in the Bill of Information, you were an agent of the District Attorney's Office for the 15th Judicial District of the State of Louisiana (hereafter District Attorney's Office);
- Second: That the District Attorney's Office, received federal assistance in excess of \$10,000 in a one year period;
- Third: That you accepted or agreed to accept, a thing of value from any person;
- Fourth: That you acted corruptly with the intent to be influenced or rewarded in connection with a transaction or series of transactions of the District Attorney's Office; and,
- Fifth: That the value of the series of transactions to which the payment was related was at least \$5,000.

The government is not required to establish a link between the Federal assistance and the transaction or series of transactions that are corrupted.

The government must also establish, for purposes of venue, that one or more acts constituting this offense took place in the Western District of Louisiana.



BARNA D. HAYNES
Defendant



FRANK W. DAWKINS, ID #04748
Attorney at Law

STEPHANIE A. FINLEY
United States Attorney

By: 

JOHN LUKE WALKER, ID: 18077
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, LA 70501
Telephone: (337) 262-6618

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA * CRIMINAL NO. 13-CR-00008
*
VERSUS *
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BARNA D. HAYNES * JUDGE FOOTE
* MAGISTRATE JUDGE HANNA

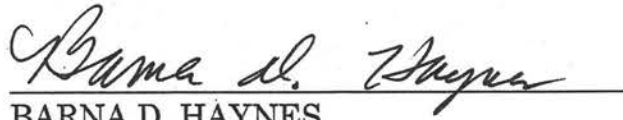
**AFFIDAVIT OF UNDERSTANDING OF MAXIMUM PENALTY
AND CONSTITUTIONAL RIGHTS**


I, BARNA D. HAYNES, the above named defendant, having been first duly sworn and placed under oath by the Clerk or his Deputy of the United States District Court, state that I have been advised and personally addressed by the Court (Judge) as to the nature of the charge against me, and, having been furnished a copy of the charge, hereby state that I understand the charge and that the Court has addressed me personally as to the maximum possible penalty that may be imposed against me, as follows:

PENALTY: A term of imprisonment of not more than five (5) years, a fine of up to \$250,000.00, a term of supervised release of not more than three (3) years following release from confinement and a special assessment fee of \$100.00.

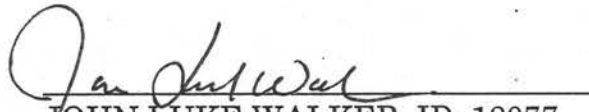
I further state that I understand and the Court has addressed me personally at the arraignment proceeding as to:

Sworn to and subscribed before me this 14th day of January, 2013 in
Lafayette, Louisiana.


BARN A. D. HAYNES
Defendant


FRANK W. DAWKINS, ID #04748
Attorney at Law

STEPHANIE A. FINLEY
United States Attorney

By: 
JOHN LUKE WALKER, ID: 18077
Assistant United States Attorney
800 Lafayette Street, Suite 2200
Lafayette, LA 70501
Telephone: (337) 262-6618

CLERK OR DEPUTY CLERK OF COURT