

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ERNEST TAYLOR

CIVIL ACTION

VERSUS

CITY OF BATON ROUGE, ET AL

NO:3:13-CV-579-BAJ-RLB

DEFENSE RESPONSE TO NOTICE OF FACTS RELATED TO CURRENT
PROCEEDING

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

April 29, 2014 Incident:

On April 29, 2014, at approximately 11:23 p.m. 911 dispatch received an emergency call from a Shunta Rose regarding being the victim of an armed robbery, aggravated burglary and home invasion. Ms. Rose advised the dispatcher that she had been robbed by “Ernest Taylor.” The dispatcher proceeded to inquire as to how Ms. Rose knew “Ernest Taylor,” and his current whereabouts. Ms. Rose advised that Mr. Taylor was a friend of hers. She further advised that Mr. Taylor had come to see her, then he left. She explained to the dispatcher, that when Mr. Taylor returned he was with an unknown person, and he forced his way into her home. She advised that Mr. Taylor was in possession of a firearm, and that he took her television and money, at gun point. This action took place at 3818 Alliquippa Street, which is in first district. The dispatcher advised that officers would respond to the scene.

Officers were then notified through dispatch that an armed robbery, aggravated burglary and home invasion had taken place at 3818 Alliquippa Street. Several officers from first district

responded to the call. Dispatch advised the officers that Ms. Shunta Rose was the victim, and she was robbed by an “Ernest Taylor.” Officers requested that dispatch get a description of the individual and the vehicle he was last seen operating. Unfortunately, Ms. Rose was so afraid, after being robbed, she failed to see where Mr. Taylor went, or look at his get away vehicle. When the officers arrived, they made contact with Ms. Rose. She advised that her assailant was Ernest Taylor, and that she could identify him. Ms. Rose was provided with several images on the officers in-car computer of Ernest Taylor. Ms. Rose identified the Ernest Taylor, who is the subject of this litigation, as her robber.

Officers determined that the Ernest Taylor lived at 4424 McClelland Ct., Baton Rouge, LA. Officers then responded to this location in an effort to locate Ms. Rose’s assailant. When officers arrived they knocked on his door, Mr. Taylor answered the door, and was immediately taken into custody. Mr. Taylor is placed in officer Jermiah Ardion’s vehicle and transported to First District. Officers then attempted to contact Ms. Rose via telephone to no avail. Officers then contacted dispatch in an effort to ascertain Ms. Rose’s whereabouts, so she could identify Mr. Taylor in person. Dispatch had no other information regarding Ms. Rose. Officers then returned to Ms. Rose’s home at 3818 Alliquippa St., where they made contact with several of Ms. Rose’s neighbors. The neighbors advised that the person in custody was not the Ernest Taylor that had committed the robbery. At that point, officers transported Mr. Taylor back to his home, where he was released without incident.

All dispatch communication and police action was recorded either on video or audio.

Argument:

Clearly the allegations made by counsel are very serious. Counsel suggests that Officer J. Ardion and Officer Thomas went to Mr. Taylor's home purely because the criminal case against Mr. Taylor was dismissed, and Mr. Taylor had moved for default concerning declaratory relief. That simply is not the case. The criminal matter, and its prosecution, were of little issue to the officers. Officer Jermiah Ardion is not even a party to the litigation. The default sought to have the City-Parish return Mr. Taylor's guns, and stop enforcing 13:95.3. titled "Possession of weapons, where alcohol is sold." There is no evidence to suggest that law enforcement or these officers in general took any special interest in Mr. Taylor. Nor would the officers personally be affected by the relief sought by Mr. Taylor.

If counsel is correct in his allegation that the police officers are targeting Mr. Taylor, based on being sued in Federal Court, then clearly that would suggest that the entirety of this action was an elaborate hoax. Taken counsel's suggestion on its face, it would appear that these officers coerced Ms. Rose to call 911 and make a false complaint. Then these same officers would have had Ms. Rose identify Mr. Taylor on the in-car computer. These officers would have had to manipulate dispatch into sending them to the scene of this crime, and not other officers. The officers then would have had to know that Mr. Taylor was at home on the night in question, so they could go to his residence and apprehended him for the purposes of charging him with the false crime that they cultivated. If Mr. Taylor was not apprehended that night, the case would have been turned over to a detective. Said detective would have had to conduct additional investigation, and would not have been a part of this hoax. Additionally, the detective would have needed an arrest warrant, signed by a Judge, to take Mr. Taylor in to custody.

It appears that after Mr. Taylor was in custody, based on the allegations of Mr. Donahue, these same diabolical officers seem to have had a change of heart. That although they have enough information based on the complaint, and the identification, to arrest Mr. Taylor. The officers continue to investigate the case that Mr. Donahue suggests they created for the purposes of harassment. But there would be no conceivable reason for the officers to continue to investigate an incident that counsel for plaintiff suggests is a ploy to intimidate Mr. Taylor. The officers then are unable to locate the victim, based on Mr. Donahue's suggestion, they used to create this charade. The officers are then forced to question other witnesses, who are not privy to the intent of the officers, that Mr. Donahue suggests is the basis for this conduct. These witnesses obviously refute the story of Ms. Rose. They advise officers that the Ernest Taylor in custody is not the individual that committed the crime against Ms. Rose. Then after developing this elaborate plan, as counsel suggests, officers are forced to release Mr. Taylor.

Counsel's suggestion as to motive and method of intimidation by the officers is just not possible. Mr. Taylor was not targeted. The officers had no basis to harass Mr. Taylor. I doubt that officer Thomas would commit the several violations of the criminal code, and not have Mr. Taylor arrested. Its unfortunate, but Ernest Taylor was named as the culprit when Ms. Rose stated to dispatch that he had robbed her. She also identified his picture. The police had to respond, in the interest of public safety. But in this instance Mr. Taylor was released without incident, once Ms. Rose's story could not be corroborated. There is no scheme to harass Mr. Taylor. Officers were just doing their jobs.

Additionally, when Mr. Taylor was arrested on the charges that are the subject of this litigation, he had an outstanding fugitive warrant through the East Baton Rouge Sheriff's

Department for Aggravated Assault. The officers, who Mr. Donahue suggest are conspiring to intimidate Mr. Taylor, then asked him where he wanted his car left, while he was booked. Mr. Taylor advised that he wanted it left at 1st District. So the vehicle was transported to 1st District prior to Mr. Taylor being booked on October 13, 2012, and not towed away at Mr. Taylor's expense.

Mr. Taylor happens to live in the district where Officer Thomas is assigned. Further this dispatch call, like the case before the court, occurred at night. Officer Thomas, both then, and now, was working the night shift. As such, he would have been on patrol when the dispatch call went out.

This entire affair was precipitated by a complaint made by a citizen to 911. Mrs. Rose was unknown to the officers, and they had nothing to do with that call. Once the call was received, the officers were dispatched to investigate, as they were required to do. They located Mrs. Rose who described the commission of the crime and stated that she knew the perpetrator, stated his name, and identified a photo of Mr. Ernest Taylor. Had the officers not followed up on this information, they would have been guilty of malfeasance. The officers did not simply arrest Mr. Taylor and place him in jail. They took him to the location to have Mrs. Rose make certain that she had described the right person. Officers released Mr. Taylor when identification came into question.

Professionalism

Appearing personally is Tedrick K. Knightshead in response to the allegations alluded to by counsel for the plaintiff that I in some way acted improperly, or violated the Rules of Professional Conduct. I personally take that allegation very seriously, as I place great value on

my license and make every effort to maintain high ethical standards. Prior to this case, I have had no dealings with Mr. Donahue. We did not know each other, nor, to my knowledge, have we ever litigated a matter.

I am at a complete loss as to what caused Mr. Donahue to conclude that I had anything to do with the incident involving Mr. Taylor. I was totally unaware of this incident until Mr. Donahue told me about it some months ago. I certainly assure the Court that I have had nothing to do with this incident.

**RESPECTFULLY SUBMITTED:
MARY ROPER
PARISH ATTORNEY**

**/s/Tedrick K. Knightshead
TEDRICK K. KNIGHTSHEAD
Special Assistant Parish Attorney
Office of the Parish Attorney
10500 Coursey Blvd., Suite 205
Baton Rouge, LA 70816
Telephone: (225)-389-8730
Facsimile: (225)-387-8736**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response to Notice of Facts Related to Current Proceeding has been served on all counsel of record through a Notice of Electronic Filing generated by the Court's CM/ECF system, including those listed below, on this, the 3rd day of July, 2014.

Terrence J. Donahue, Jr.
MCGLYNN, GLISSON & MOUTON
Post Office Box 1909
Baton Rouge, LA 70821

/s/ Tedrick K. Knightshead
TEDRICK K. KNIGHTSHEAD

Administration Information

Report Number: Report Type:

Report Date: Time: District/Zone:

Address: Apt:

Report Officer 1 - ARDION, JERMAH A Assign Date:

Report Officer 2 - Assign Date:

Investigator 1 - Assign Date:

Investigator 2 - Assign Date:

Assigned By: Review Date:

UCR Status: PENDING INVESTIGATION Status Date:

Case Status: Status Date:

Primary Offense

Offense Type: BURG/AGG RES NIGHT FORCE Attempted Completed

Address:

City: State: Zip:

District/Zone: Location Type:

Begin Date: Time:

End Date: Time:

Lighting: Weather: Gang Activity:

Bias Motive: Premises Enter: Force Used Home Inv

Point Entry: Point Exit: Means Entry:

Tools Used: Entry Dir: Exit Dir:

- B-Buying Receiving
- C-Cultivation/Manufacturing/Publishing
- D-Distributing/Selling
- E-Exploiting Children
- O-Operating/Promoting/Assisting
- P-Possessing/Concealing
- T-Transporting/Transmitting/Importing
- U-Using/Consuming
- I-Pos With Intent To Sell
- X-Other

Consumed Alcohol Photo/Video Used Computer Equipment Used Drugs Prints Lifted

Weapons:

Comments:

CONFIDENTIAL

DO NOT DUPLICATE

Property Information

- Found
- Burned
- Counterfeit
- Damaged
- Recovered
- Seized
- Stolen
- Othr/Unk
- Evidence
- Personal Property

Property Type: Brand: Color:

Model: Size: Tag No:

Value: Serial Number:

Date Reported: / / Caliber:

Identifying Characters

Drug Quantity: Unit Meas.: Drug Type: Quantity:

Recovery Information

Address: Apt:

City: State: Zip Code: -

Recovered By:

Recovery Value: Condition

Property Information

- Found
- Burned
- Counterfeit
- Damaged
- Recovered
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Property Type: Brand: Color:

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Identifying Characters

Drug Quantity: Unit Meas.: Drug Type: Quantity:

Recovery Information

Address: Apt:

City: State: Zip Code: -

Recovered By:

Recovery Value: Condition

CONFIDENTIAL
DO NOT DUPLICATE

Narrative

INITIAL

On April 29, 2014 at approximately 1011hrs I Officer J. Ardoin was dispatched to 3818 Alliquippa St. relative to an armed robbery of a residence where the complainant stated that a black male came in her residence armed with a handgun and stole her television.

Upon arrival it was learned that a black male subject had forced his way inside the victims residence armed with a handgun and stole her Emerson Television worth approximately 200.00dollars.

NOTHING FURTHER.

**CONFIDENTIAL
DO NOT DUPLICATE**

Administration Information

Report Number: Report Type:

Report Date: Time: District/Zone:

Address: Apt:

Report Officer 1 - Assign Date:

Report Officer 2 - Assign Date:

Investigator 1 - Assign Date:

Investigator 2 - Assign Date:

Assigned By: Review Date:

UCR Status: Status Date:

Case Status: Status Date:

Primary Offense

Offense Type: Attempted Completed

Address:

City: State: Zip:

District/Zone: Location Type:

Begin Date: Time:

End Date: Time:

Lighting: Weather: Gang Activity:

Bias Motive: Premises Enter: Force Used Home Inv

Point Entry: Point Exit: Means Entry:

Tools Used: Entry Dir: Exit Dir:

Consumed Alcohol Photo/Video Used Computer Equipment Used Drugs Prints Lifted

Weapons:

- B-Buying/Receiving
- C-Cultivation/Manufacturing/Publishing
- D-Distributing/Selling
- E-Exploiting Children
- O-Operating/Promoting/Assisting
- P-Possessing/Concealing
- T-Transporting/Transmitting/Importing
- U-Using/Consuming
- I-Pos With Intent To Sell
- X-Other

Comments:

Report approved by Dean Guidry on 05/02/2014

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Narrative

14:64 ROBBERY/FIREARM: PENDING INVESTIGATION

LOCATION: 3818 ALLIQUIPPA ST

VICTIM/COMPLAINANT: SHUNTA ROSE

SUSPECT: ERNEST TAYLOR

DATE: APRIL 29, 2014

TIME: 2333HRS

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On April 29, 2014 at approximately 2333hrs Ofc. J. Thomas and I Ofc. J. Ardoin were dispatched to 3818 Alliquippa St. relative to an armed robbery. Dispatch advised that the complainant, Shunta Rose, stated that a black male subject, Ernest Taylor, had forced his way inside her residence armed with a handgun and stole her television.

Upon arrival Ofc. Thomas and I contacted Rose who stated that she was sitting in her front living room when her front door was forced open. Rose stated that a black male subject entered the residence whom she knows as Ernest Taylor armed with a small black firearm. Rose stated that Taylor pointed the firearm at her and stated "I'm sorry I had to do this." Rose stated that Taylor then took her blk Emerson Television worth approximately 200.00dollars and fled the scene. Rose stated that she believed that Taylor had parked his vehicle down the street and ran to it.

Officer notes that Rose stated that she knows the subject because they had previous dealings but it was never sexual.

Ofc. Thomas recognized Taylor's name from previos dealings in the area and was able to look up the subject's picture using ICJIS. Upon Ofc. Thomas locating the subject/picture Rose immediately stated that he was the subject that forced his way inside her residence and stole her television. Ofc. Thomas was also able to locate an address for Taylor which was listed as 4424 McClelland Ct.

Officer's arrived at 4424 McClelland Ct. and knocked on the front door in an attempt to locate Taylor. Upon knocking on the front door Taylor answered the door and was immediately secured in a set of handcuff's (DBL) and mirandized per Miranda Rights (understood). I then explained to Taylor that he was being detained due to him being identified as a suspect in a aggravated burglary. Taylor was transported to First District Precinct while Ofc. Thomas went back to 3818 Alliquippa St. in an attempt to locate Rose to positively identify Taylor as a suspect. Once Ofc. Thomas arrived back at Alliquippa St. he was unable to locate the Victim, but was able to contact several subject's that wished to remain anonymous. The subject's stated that they knew Taylor but he was not the subject that Officer's had detained.

I advised Taylor that due to the fact we could not positively identify him as the suspect he would be released. I then transported Taylor back to his residence.

I note that prior to releasing Taylor he stated that he was going to have us

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Narrative

fired by contacting Mayor-President Kip Holden.

NOTHING FURTHER.

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DO NOT DUPLICATE**

POLICE - CLOSED INCIDENT DISPLAY

Ic#= 001627 DIST=1E1- Utl=H4 - Map=561-K 04-29-14 23:27:17
 3818 ALLIQUIPA ST BR : WINNEBAGO BT
 Incident Type : 422 Priority: 4, Emergency Agcys : P
 Name, Address : CHANTAE ROSE Phone Number ...: 3377809621
 License Numbr : Entered By : CP032,P3727

Enter Rqst (PA,RS,AR,RO,IR,U,R,Q) .: (AI)<-Crt Dsptchd By : DP005,P10064

Dispo: F :No Dispo Desc, : Cmd Report No: 140430-000008 : 14-00035155

-Unit--I-Disptch-Enroute-Arv-Scn-Transpr-Arv-Trn-In-Srvc-----

1672 W 23:2740 00:0000 23:3011 00:0000 00:0000 01:1222>P10385 , ,C
 K972 X 23:2740 00:0000 00:0000 00:0000 00:0000 23:2822>P10086 , ,C
 1571 W 23:2846 00:0000 23:3252 00:0000 00:0000 23:3718>P10244 , ,C

----- More Units -- (Full Equipment Window) ---

- >CP< WINNEBAGO/MOHICAN
- >E9< WPH2 COORDS. ARE 0.00 YARDS, 346.4 DEGREES N-NW FROM
- >E9< ALLIQUIPA ST & WINNEBAGO ST
- >E9< E-911 Addr = ALLIQUIPA ST/WINNEBAGO ST

----- More Remarks --- (Full Remark Window) ----

----- End Report # ---- (Full Comment Window) ---

POLICE - CLOSED INCIDENT DISPLAY

Ic#= 001627 DIST=1E1- Utl=H4 - Map=561-K 04-29-14 23:27:17
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 Enter Rqst (PA,RS,AR,RO,IR,U,R,Q) .: (AI)<-Crt Dsptchd By : DP005,P10064
 Dispo: F :No Dispo Desc, : Cmd Report No: 140430-000008 : 14-00035155

-Unit--l-Disptch-Enroute-Arv-Scn-Transpr-Arv-Trn-In-Srvc-----
 1566 W 23:3311 00:0000 23:3313 00:0000 00:0000 00:5245>P10234 , ,C,Pmy
 1691 W 23:5139 00:0000 23:5144 00:0000 00:0000 00:2403>P10383 , ,C
 1610 W 23:5322 00:0000 00:0000 00:0000 00:0000 00:1639>P10407 , ,C

----- More Units -- (Full Equipment Window) ---

>E9< Loc = ,P#337 780-9621,PType = WPH2,SPPCS

>LL< Lat=+30.483563 Long=-091.162512 (3048356/09116251)

SUBJ ERNEST TAYLOR CAME TO RESD WITH GUN AND TOOK HER MONEY
 AND FLAT SCREEN TV..SUBJ KICKED IN..JUST OCCURED..SUBJ LEFT IN

----- More Remarks --- (Full Remark Window) ----

----- End Report # ---- (Full Comment Window) ---

POLICE - CLOSED INCIDENT DISPLAY

Ic#= 001627 DIST=1E1- Utl=H4 - Map=561-K 04-29-14 23:27:17
 3818 ALLIQUIPA ST BR : WINNEBAGO BT
 Incident Type : 422 Priority: 4, Emergency Agcys : P
 Name, Address : CHANTAE ROSE Phone Number ...: 3377809621
 License Numbr : Entered By : CP032,P3727

Enter Rqst (PA,RS,AR,RO,IR,U,R,Q) .: (AI)<-Crt Dsptchd By : DP005,P10064
 Dispo: F :No Dispo Desc, : Cmd Report No: 140430-000008 : 14-00035155

-Unit--I-Disptch-Enroute-Arv-Scn-Transpr-Arv-Trn-In-Srvc-----
 1566 W 23:3311 00:0000 23:3313 00:0000 00:0000 00:5245>P10234 , ,C,Pmy
 1691 W 23:5139 00:0000 23:5144 00:0000 00:0000 00:2403>P10383 , ,C
 1610 W 23:5322 00:0000 00:0000 00:0000 00:0000 00:1639>P10407 , ,C

----- More Units -- (Full Equipment Window) ---
 A VEH NO DESCRIPTION IT WAS TOO DARK 2327,032
 >IC< P. ROBBERY;SEND BACK UP+SUPERVISOR N232717
 >UG< Caller Name changed from SPRINT
 UNK DIRECTION OF TRAVEL.. 2327,032

----- More Remarks --- (Full Remark Window) ----

----- End Report # ---- (Full Comment Window) ---

POLICE - CLOSED INCIDENT DISPLAY

Ic#= 001627 DIST=1E1- Utl=H4 - Map=561-K 04-29-14 23:27:17
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Dispo: F :No Dispo Desc, : Cmd Report No: 140430-000008 : 14-00035155

-Unit--I-Disptch-Enroute-Arv-Scn-Transpr-Arv-Trn-In-Srvc-----

1566	W	23:3311	00:0000	23:3313	00:0000	00:0000	00:5245>P10234	,		,C,Pmy
1691	W	23:5139	00:0000	23:5144	00:0000	00:0000	00:2403>P10383	,		,C
1610	W	23:5322	00:0000	00:0000	00:0000	00:0000	00:1639>P10407	,		,C

----- More Units -- (Full Equipment Window) ---

1566	X7	1D	X15			0027,005
1566->	MCCLELLAND	CT	W/SUBJ			0046,005
1566->	X7	MCCLELLAND	CT	W/SUBJ		0048,005

----- End Remarks --- (Full Remark Window) ----

----- End Report # ---- (Full Comment Window) ---