

are here; the District Attorney and his Assistant; defense counsel and the defendant, ~~are~~ present. Would you waive polling the jury?

BY MR. KNOLL:

State waives polling, your honor.

BY MR. BROUILLETTE:

We waive polling, your honor.

BY THE COURT:

Allright, both sides waive polling; and at the time of recess, the State had rested its case, in chief, and we're now ready to hear the defense witness.

BY MR. BROUILLETTE:

The defense calls Arthur Lavallais.

BY THE COURT:

Allright, raise your hand and be sworn. Do you solemnly swear, that the testimony which you're about to give in this case, will be the truth, and nothing but the truth, so help you GOD?

BY WITNESS:

I do.

BY THE COURT:

Have a seat. Mr. Lavallais, you see in front of you, there are some microphones there. That will not make your voice any louder. It's not an amplifier. This is just to record what you say. So, when you answer a question, don't just shake your head; say something, because the machine records sounds. It doesn't record a shaking of the head. You understand?

BY WITNESS:

I understand.

BY THE COURT:

Speak loud enough so these lawyers can hear you, and all these jury people can hear you. Allright, thank you.

MR. ARTHUR LAVALLAIS, who, after first being duly sworn, testified under oath, under direct examination, at the instance of and by counsel, Mr. Harold Brouillette, which testimony is as follows:

BY MR. BROUILLETTE:

Are you Arthur Lavallais?

A. Right.

Q. How old are you?

A. I'm thirty.

Q. Where do you live?

A. I live at 307 Ferdinand.

Q. In what town?

A. Markville.

Q. Do you know Vincent Simmons?

A. Yes, I do.

Q. Is his sister your common law wife?

A. Right.

Q. On or about May 9, 1977, was Vincent Simmons living at your house?

A. He was.

Q. How long had he been living there? About?

A. About...well, when he came, -- when he came back from Texas...

Q. A few weeks ago, or a few months ago, or what?

A. I'd say about three weeks, to my approximate knowledge.

Q. He had been there about three weeks before he left?

A. No, let me explain it to you. Allright, he was living off and on.

Q. Allright, on May 9th, on or about May 9th, was he living with you at that time?

A. May 9th, me and him walked to 7-11.

Q. Wait, I just asked you where he was living.

A. At my house.

Q. Alright. Whatever clothes he had, were they at your house?

A. To my knowledge, no.

Q. Did he have any clothes?

A. He had some, but not at my house. Not that I know of.

Q. Would you see him pretty often?

A. Like I say, I see him off and on.

Q. Does he have a red pair of pants?

BY MRS. KNOLL:

Your Honor, I'm going to object to that as being leading -- he's been leading with him, since he's had him, just these few minutes, and I'm going to object to these leading questions.

BY THE COURT:

Well, that can be answered yes or no...Whether he has that, very easily. Go ahead, overruled.

Q. Does Vincent have a read pair of pants, or a maroon pair of pants?

A. Not that I know of.

Q. If he had 'em, would you know about it?

A. If he'd been to my house, yes, I would know about it.

Q. Do you know what kind of shirts he had?

A. No.

Q. Was there a search of your house?

A. Right.

Q. Were you there?

A. Right.

Q. Was anything taken from your house?

- A. Right.
- Q. What?
- A. A pair of jeans.
- Q. What color?
- A. Redish. A black ruffle shirt, and a pair of knit pants, that goes with a suit that I have.
- Q. What color were the knit pants?
- A. They're maroon; a little double knit maroon, ridges looking.
- Q. Was there anything else taken from your house?
- A. There were three items, what I just now named.
- Q. Did you give permission for the search of your house?
- A. I did.
- Q. Have those items been returned to you?
- A. No, they haven't.
- Q. Was there anything belonging to Vincent taken from your house?
- A. No.
- Q. That's all the questions I have.

MR. ARTHUR LAVALLAIS, who, after first being duly sworn, testified under oath, under cross examination, at the instance of and by counsel, Mrs. Jeanette T. Knoll, which testimony is as follows:

BY MRS. KNOLL:

- You're Arthur Lavalais, right?
- A. Right.
- Q. Are you drunk? Right now?
- A. No.
- Q. You've been drinking?
- A. Yes, I have.
- Q. Now How -- yes, okay. And, how long have you been knowing Vincent

Simmons?

A. Well, me and his brother use to live in Texas..

Q. Which brother? Bear?

A. Right.

Q. Philip, commonly called "Bear"?

A. Right.

Q. And, how long have you been knowing Vincent Simmons?

A. Well, I'd see him off and on in Texas.

Q. In Texas? Houston, Texas?

A. Yes, Ma'm.

Q. How long has that been Arthur?

A. Well, I've been staying with his sister about two years, now.

Let me see, it's about two years, now. It was about two years on the 6th of July.

Q. And, did you know Vincent Simmons before two years?

A. Yes, I have seen him around.

Q. And, you know he's from Mansura, then?

A. Right.

Q. And, he has a large family?

A. Right.

Q. And, he has a brother named Bruce Simmons?

A. Right.

Q. And, he has how many sisters?

A. Well, I have never counted them.

Q. You ain't counted them?

A. Um-um.

Q. You live with one of 'em?

A. Right.

Q. Do you have any kids by her?

A. No

Q. Are you lawfully married to anyone?

A. No.

Q. Have you ever been married?

A. No.

Q. Have you ever been convicted of a crime before?

A. Yes, I have, but I don't know if I was convicted. But, they had me for...

Q. How many times have you been convicted?

A. Well, I don't know if you call 'em convicted.

Q. Did you come in here to plead?

A. Ma 'm?

Q. Alright, go ahead and answer.

A. Alright, they had me one time for "negligent injury".

Q. What did you do for that...

A. I accidentally shot a boy, a cousin of mine.

Q. What else? Do you have any other convictions?

A. Well, I was, once, for DWI, yes.

Q. Is that all?

A. Well, I've been to jail on minor -- you know.

Q. Well, that are these minor things that put you in jail?

A. Simple assault, simple battery, something like that.  
That's way in the 60's.

Q. How many times?

A. That I can't account for.

Q. How many times have you gone to jail?

A. I don't know.

(CONTINUED CROSS EXAMINATION - by J. EDDIE KNOLL)

BY MR. KNOLL:

Mr. Lavallais, on March 7, 1965, were you convicted in the Marksville City Court of disturbing the peace, and resisting arrest?

A. '65?

Q. '65.

A. I can't remember that far back.

Q. Can't remember.

A. I can't remember.

Q. On June 27, 1965...

BY MR. BROUILLETTE:

Your Honor, I'm going to object to the introduction of any evidence of past crimes, which do not relate to truth or veracity of the witness.

Q. Your honor...

BY MR. BROUILLETTE:

Disturbing the Peace, certainly has nothing to do with his testifying as a witness in this case.

BY THE COURT:

The court will overrule the objection. And, hold the evidence of prior convictions, or pleas of the defendant — of the witness, are admissible.

Q. Are you commonly referred to as "Tee Pou"?

A. Right.

Q. Mr. Lavallais, on June 27, 1965, were you convicted of Disturbing the Peace and Resisting Arrest in the Marksville City Court?

A. I can't say no. I don't recall.

Q. You still don't recall?

A. No.

Q. On January 22, 1966, did you -- were you found guilty of Disturbing the Peace in the Marksville City Court?

A. 1966?

Q. 1966.

BY MR. BROUILLETTE:

Your Honor, I don't think we...

A. I don't recall that incident, neither.

Q. If you'd like to see it, I can show it to you.

BY MR. BROUILLETTE:

Marksville City Court?

Q. You can call it May'r court, or what have you. But, I'm talking about here, in the Town of Marksville.

BY MR. BROUILLETTE:

Well, let's call it what it was. There was no City Court in 1965.

Q. Okay, did you go before Mayor Raymond Laborde at any time, Mr. Lavallais, during the time he was Mayor?

A. Yes, I did.

Q. Did he find you guilty on occasions when you went before him?

A. Right.

Q. Okay, so they had a trial and so forth, where you would either plead guilty....

A. Yes, I plead guilty.

Q. Okay. April 16, 1966, in either the City Court, or the Mayor's Court, whichever it is, here in Marksville, were you found guilty of theft?

A. I took the rap, yes, because of my brother-in-law, yes. I took it,



Q. On your brother-in-law?

A. Yes.

Q. Who is your brother-in-law?

A. Charles Brooks.

Q. You took the rap on that, huh?

A. Right.

Q. So, in other words, you went before a court, and you lied before a court that — to take the rap for your brother-in-law, is that correct?

A. Right.

Q. As a matter of fact, you'd come up here and say anything to help your common-law brother-in-law today, would you not?

A. No. No. No, I'm not like that.

Q. Oh, you're not like that, but you did it for Charlie Brooks, did you not?

A. Allright, he had a family at the time; I didn't.

Q. Doesn't this defendant have a family, too?

A. Yes, he's got his mother...I'm talking about, he had a wife and children.

Q. Vincent doesn't have any wife and children?

A. Not that I know of.

Q. You don't know of it.

A. No.

Q. Okay, on May 13, 1967, were you found guilty of disturbing the peace here in Marksville?

BY THE COURT:

What court?

A. That was '67, either the Mayor's court or the City Court.

A. No.

Q. The answer is, no?

A. Not to my recollection, no.

Q. On June 23, 1967, were you found guilty of disturbing the peace in the Marksville City -- in the Marksville Mayor's court?

A. No.

Q. You were not? On August 5, 1968, were you found guilty of disturbing the peace and disorderly conduct in the Marksville Mayor's court?

A. Not that I know of.

Q. On September 21, 1968, you -- were you found guilty of speeding in the Marksville Mayor's Court?

A. I wasn't speeding. I just didn't have any driver's license.

Q. Didn't have any driver's license?

A. Right.

Q. Okay, on January...

BY MR. BROUILLETTE:

Is it the court's ruling that we can go into traffic offenses, to impeach the credibility of the witness? I'd like it directly from the court....

BY THE COURT:

Yes, sir, that's the ruling of the court. And, if findings of guilty, or pleas of guilty, he admitted he had some, but he refused to admit the others, and the District Attorney has a right to probe him; to refresh his memory. That's the ruling of the court.

BY MR. BROUILLETTE:

*Objection* I'd like to object to the court's ruling in this, your honor.

BY THE COURT:

us you don't remember, we'll understand.

Q. On January 28, 1969, did you -- were you found guilty of theft in the Marksville Mayor's court?

A. Not that I know of.

Q. On March 1, 1969, did you -- were you found guilty of disturbing the peace and aggravated battery in the Marksville Mayor's Court?

A. I'm what?

Q. March 1, 1969.

A. I don't remember.

Q. On July 5, 1969, were you found guilty of having no driver's license? Driving without a driver's license?

A. Right.

Q. In the Marksville Mayor's Court?

A. Right.

Q. Your answer is yes?

A. It wasn't in Marksville Mayor's court, it was up here.

Q. Okay. On July 20, 1969, were you found guilty of no driver's license, and careless and reckless driving in the Marksville Court?

A. What year was it?

Q. That's on July 20, 1969.

A. Yes.

Q. You were? On August 2, 1969, were you found guilty of driving without a driver's license in the Marksville Mayor's Court?

A. Well, that's the same occasion.

Q. The same occasion, huh? But, different dates that I'm giving you right now, but that's the same occasion?

A. That was the same occasion.

- Q. Allright, on August 2, 1969, were you found guilty of running a stop sign in the Marksville Mayor's Court?
- A. No, sir.
- Q. You were not?
- A. I was not.
- Q. Okay, on August 2, 1969, were you found guilty of leaving an unattended motor vehicle in the Marksville Court?
- A. Yes, I did.
- Q. Allright, on May 15, 1970, were you found guilty of disturbing the peace in the Marksville Mayor's Court?
- A. No.
- Q. You were not?
- A. No.
- Q. Okay, now, on July 4, 1970, in the Marksville City Court, now, this is where Judge Bennett presides, okay? Were you found guilty of no Driver's license -- driving with no driver's license?
- A. No.
- Q. No?
- A. I didn't have no car in '70.
- Q. I didn't ask you whether you had a car; I'm asking you were you driving without a driver's license.
- A. No.
- Q. The answer is no. On November 13, 1970, were you found guilty of disturbing the peace in the Marksville City Court by Judge Bennett?
- A. Not that I know of.
- Q. On May 22, 1971, you -- were you found guilty of disorderly con-

duct and disturbing the peace in the Marksville City Court?

A. No.

Q. Your answer is, no?

BY MR. BROUILLETTE:

Your Honor, can I make my objection general...

BY THE COURT:

Yes, sir. Let Counsel's objection be made general; same ruling by the court.

Q. On October 14, 1971, Mr. Lavallais, were you found guilty of disorderly conduct and disturbing the peace in the Marksville City Court, before Judge Bennett?

A. That was unruled.

Q. That was what?

A. There was uh... the answer is no.

Q. No, you were not? Is that correct?

A. No.

Q. Now, on March 10, 1973, were you found guilty of disturbing the peace in the Marksville City Court, before Judge Bennett?

A. Not that I know of.

Q. Okay, on October 27, 1973, were you found guilty of theft, by shop lifting in the Marksville City Court by Judge Bennett?

A. That's the same case I was just telling you about; I had taken the case on; I had took the rap.

Q. Oh. Now, wait, you were talking about one in 19 -- that was a theft in 1966. Now, I'm talking about a theft in 1973.

A. I ain't never stole nothing in 1970, because I ain't been to jail but for one...

Q. Okay, on July 13, 1974, were you again convicted of theft by

shop lifting?

A. No.

Q. In the Marksville City Court, before Judge Bennett?

A. No. Not me.

Q. You were not?

A. No.

Q. On September 21, 1974, -- Excuse me, on June 30, 1975, were you found -- Alright, now, do you know Christel Lonzo?

A. Right.

Q. And, she is the Clerk for the City Court for the Town of Marksville is that correct?

A. Right.

Q. Alright, now, you and the brother of Vincent Simmons, namely, David Bruce Simmons, were jointly charged with "Theft" in this Court, and you pleaded guilty to that charge, did you not on December 11, 1975?

A. Right.

Q. In this court, on the date of March 18, 1976, did you not plead guilty to Disturbing the Peace in this Court?

A. Not to my recollection.

Q. You don't recall that one. Okay, Mr. Lavallais, on a charge, which occurred on August 2, 1970, did you not plead guilty in this court to a charge of driving without a driver's license?

A. '70?

Q. 1970.

A. Yes.

Q. On that same date, August 2, 1970, were you not charged, also with hit and run driving where you were also found guilty of hit

and run driving in this court?

A. What year that was?

Q. The offense having occurred on August 2, 1970.

A. Right. Yes. But, the car that I was driving, they couldn't see it was damaged, cause it wasn't. It was a fellow that was pushing me that hit the other car. But, they still gave me the charges. And, it was out of the city limits.

Q. Okay, now, back on June 25, of 1965, this was during the time that Mr. Anthony Roy was the District Attorney, did you not plead guilty also, to charges of aggravated assault, simple battery...

A. What year that was?

Q. This was on June 25, 1965. When Mr. Anthony -- you know Mr. Sookie Roy?

A. Yes.

Q. Mr. Sookie Roy was District Attorney?

A. I don't remember that.

Q. You don't recall that?

A. No.

Q. Do you know Audrey A. Simon?

A. Audrey Simon...

Q. You know, Sylvan Simon

A. Sylvan Simon?

Q. Do you know Jessie Andrus?

A. Jessie Andrew.

BY THE COURT:

And answer, please, you're just shaking your head.

A. I don't know.

BY THE COURT:

You don't know, alright.

A. I know one Jessie Andrews.

Q. Did you ever have any trouble with him?

A. No, not that I know of.

BY THE COURT:

The court will not permit evidence of troubles, Mr....

Q. No, your honor, I was attempting to ascertain whether or not...  
Your honor, in connection with the witness' testimony, I would like to file, offer and introduce into evidence, certified copies of the Marksville Mayor's and City Court record, and also of the Avoyelles Parish District Court.

BY MR. BROUILLETTE:

*objection*  
I want to see the Mayor's court's... reserving all rights as to the prior objections, your honor, we again object to this -- to the Mayor's Court, or City Court records. This is simply a typed piece of paper that says "True Copy". It's not authenticated; there's no description of the offenses; it's not proper documentation of these offenses.

BY THE COURT:

If you object, I'll sustain the objection.

BY MR. BROUILLETTE:

I object to it.

BY THE COURT:

That the city court records would have to be proven by somebody in charge of the records. Now, the others in this court, the court will rule admissible, certified copies of this court, the court can take judicial notice of those, and admit them.



Q. Your Honor, we would like for the record to reflect that this is stamped "A true Copy", and signed by the Clerk of the Court, Miss Lanzo. And, in spite of that, the court is ruling that it is not admissible.

BY THE COURT:

Yes, sir, the City Court ones. I'll admit the District Court ones.

Q. Allright.

(CONTINUED CROSS EXAMINATION - by MRS. JEANETTE KNOLL)

BY MRS. KNOLL:

Allright, are you a buddy of Vincent Simmons? You're one of his buddies, right?

A. At least, we don't run together.

Q. You don't run together, but you live with his sister, and he lives at your house?

A. At the time, he was. But, he goes and come by, hisself.

Q. Allright, you are one of his buddies, aren't you, Mr. Lavallais?

A. Well, yes, when I see him out.

Q. Okay.

A. I'll talk with him.

Q. How many places does Vincent Simmons live in?

A. That's for me to know, and you to find out. I don't know.

Q. You don't know and you need to find out?

A. No, I don't need to find out. Whatever he does with his life, that's his.

Q. I see.

A. What I mean, he's over twenty-one.

Q. Well, you don't know how many pairs of clothes, pants, shirts,

and all that stuff that man has, then, huh?

A. No.

Q. Okay, well, I have no further questions.

MR. ARTHUR LAVALLAIS, who, after first being duly sworn, testified under oath, under re-direct examination, at the instance of and by counsel, Mr. Harold Brouillette, which testimony is as follows:

BY MR. BROUILLETTE:

Do you know of any other places that he's been living, besides with you?

A. Well, just let me say this. He goes and comes. I don't question, cause he's his own man. At home, as he respects me in my house, I respect him. I ain't got no right to know where he'd be ornot. Cause I can't look after him like he's a child of mine.

Q. But you know what clothes is for you, don't you?

A. Right.

Q. And, the clothes that was taken out of your house, whose clothes was that?

A. They was mine.

Q. Do you understand what you're testifying to, today?

A. Right.

Q. Are you drunk right now?

A. No.

Q. That's all I have.

BY MR. KNOLL:

I have a couple of questions, Mr. Lavallais.

MR. ARTHUR LAVALLAIS, who, after first being duly sworn, testified under oath, under re-cross examination, at the instance of and by counsel, Mr. J. Eddie Knoll, which testimony is as follows:

BY MR. KNOLL:

What street do you live on?

A. Ferdinand.

Q. Ferdinand?

A. Um-hum.

Q. How far is Felix Street from Ferdinand Street?

A. The next.

Q. The next street over, huh?

A. Um-hum.

Q. As a matter of fact, there's a little trail, or a little walk way that goes...

A. The house is built right behind the trail, right.

Q. Right behind the trail. In other words, you can go from Felix Street to ...

A. You can from -- you can go from Ferdinand Street to Felix Street.

Q. To Felix Street on the little trail, can't you?

A. Right.

Q. It would only be a block, then, correct? From one block to the other.

A. Right.

Q. And, that's right near the bus station -- Ferdinand -- Felix Street is...

A. Well, I live way down Ferdinand.

Q. No, no, but I'm talking about the street.

A. Yes.

Q. Felix Street is right by the bus station, right?

A. Wait, I live at 307, from where they built a brick house. You can pass right behind the house and catch Felix Street, and you'll

make about -- it's two blocks down... the bus station.

Q. Okay, alright, so... you're saying you live on the three hundred block, and so you live at 307; so you live at the beginning at the third block, after you leave the --

BY THE COURT:

Preston.

Q. What is that?

BY THE COURT:

Preston Street.

Q. Preston Street, isn't that right?

A. Right. Turn by Miss Evelyn's and go all the way down.

Q. And, there's a little path that goes from right behind your house to Felix Street?

A. Not behind my house, no.

Q. Where is it?

A. They built, where I live, they built a new brick home. And, on the other side of that, is a path.

Q. Okay, that's all I have, thank you.

BY THE COURT:

That's all.

BY MR. BROUILLETTE:

That's all, Mr. Lavallais. Doyou want us to continue with the next witness, your honor. It's Five to Five.

BY THE COURT:

About how long...

BY MR. BROUILLETTE:

Well, probably a while, I'm afraid.

BY THE COURT:

Well, I'm going to recess until tomorrow morning. And, ladies