

CRIMINAL DOCKET NO. 190,764-B

STATE OF LOUISIANA
VERSUS
NORRIS GREENHOUSE, JR.
12TH JUDICIAL DISTRICT COURT
PARISH OF AVOYELLES
STATE OF LOUISIANA

REASONS FOR RULING

This cause was before the Court on September 25, 2017 pursuant to a Motion for Change in Venue on Basis of Pre-Trial Publicity filed by Norris Greenhouse, Jr.. At the conclusion of Hearing the matter was taken under advisement for the Court to review the numerous exhibits introduced into evidence, to review the entire record, and then issue a Ruling.

In preparation for this opinion this Court has again reviewed the entire record of this proceeding; the evidence adduced at the Hearing; each and every exhibit introduced into evidence; Pre-Hearing Memorandum of counsel; argument of counsel; and this Court has reviewed applicable law and jurisprudence.

This Court has reviewed the exhibits introduced by the State, consisting of a detailed break-down of the 600 prospective jurors with an indication of those who are members of the Avoyelles Watch Dogs for Justice group or Avoyelles Speaks group. This reveals approximately fifty-five (55) out of six hundred (600) potential jurors as being a member of one of those groups. (approximately 9%)

Additionally, this Court reviewed the following packets of exhibits introduced into evidence on behalf of the defense each consisting of multiple documents in each category, as follows:

- 1) TWITTER
- 2) YOU TUBE – BODY CAM
- 3) FACEBOOK
- 4) PRAYERS FOR JEREMY MARDIS AND CHRIS FEW FACEBOOK GROUP
- 5) MEDIA COVERAGE OF RAPE ALLEGATIONS
- 6) KALB
- 7) TOWN TALK
- 8) THE FREE THOUGHT PROJECT
- 9) KLAX
- 10) AVOYELLES JOURNAL
- 11) VARIOUS NEWS ARTICLES
- 12) LIST OF MEMBERS OF AVOYELLES WATCH DOGS FOR JUSTICE GROUP
- 13) AVOYELLES SPEAKS
- 14) WATCH DOGS FOR JUSTICE GROUP DOCUMENTS

- 15) FACEBOOK DOCUMENTS
- 16) AVOYELLES TODAY FACEBOOK
- 17) STORIES ON VACATION
- 18) PETITION ON CHANGE.ORG CALLING FOR REMOVAL OF TRIAL JUDGE

The many hours of review of all of the above mentioned documents was extremely revealing to this Court in many ways. Mainly this Court is absolutely amazed at the level of some of the comments made by many individuals, said comments being made without any regard to applicable law. Reading these comments indicates conclusively that a great majority of the individuals who have commented on this case have absolutely no idea of what our law provides. If the thought process of a majority of these comments were followed by this Court or by any Court, then and in that event the Constitutional rights of this defendant and all defendants would be trampled upon, totally and completely.

In our system of Justice, a person accused of a crime is innocent until proven guilty. Many of these individuals in these groups do not believe in that law.

Our system of justice also provides that any person accused of a crime, with the exception of a few crimes, are entitled to have bail/bond set. Our law provides that if a person makes bond then that person is free and only under the obligation to appear at every Court proceeding. Restrictions and/or conditions on a bond can be placed by the Judge, such as occurred in this case. It is absolutely clear that the individuals who post on these various sites are totally unaware of this law.

These individuals are further totally unaware that both defendants charged in the incident of November 3, 2015 were placed under house arrest for their own safety, not to punish. Both defendants were allowed to go to many different functions and/or places upon request, approved by the Court. This follows applicable law. The individuals who post on these sites clearly do not understand this law.

These individuals further do not understand the jury selection process based on comments indicating that the jury selection process is “rigged.” The administrator of the Watch Dogs group even posted “no watch dog will be on that list I can assure you.” State’s Exhibit No. 1 certainly proves her comment to be totally inaccurate.

These comments concerning the jury further indicate that many individuals desire to be on the jury for the sole purpose of finding the defendant guilty regardless of whether or not the evidence presented at Trial proves guilt beyond a reasonable doubt. Although this is the legal standard, the individuals on these various sites and/or groups certainly do not understand that law.

The individuals on these groups further do not understand some of the law concerning threatening other individuals. There are many threats, some bordering on potential criminal activity. There are also many comments which may be considered defamatory in the law.

A great majority of these comments simply reflect the lack of knowledge of the law by these individuals. In spite of the lack of knowledge of the law, these individuals still are free to post their opinions pursuant to the First Amendment to the U.S. Constitution. This right for individuals to express their opinion, regardless of how inaccurate the opinion may be, is acknowledged. The problem with expressing these inaccurate opinions is that they are read by many other individuals and have potential adverse influence upon these individuals. Here are some examples, with the name of the person making the comment omitted for obvious reasons:

- 1) "I wish they would come offer me some money to be on that jury panel (with smiling faces) boy would they."
- 2) "They know who they will pick and strike on the jury already."
- 3) "I wish I could be on that jury."
- 4) "If he walks there will be another murder Trial just watch and see."
- 5) Concerning the jury, "one week before Trial so I am sure they already know who they want and paid off for the jury."
- 6) A picture of Norris Greenhouse, Jr. posted at his sister's wedding with various comments indicating that he should not have been allowed to attend when in course and in fact the law certainly allows same.
- 7) "He needs to be swiftly murdered."
- 8) "He needs the death penalty."
- 9) "They can bury these scum bags."
- 10) "What more evidence do you need? A baby is dead you dumb a - -."
- 11) Upon Greenhouse's release on bond "sorry sob -- someone will get him." (This is only one of many incidents confirming that this Court was correct in imposing the bond restriction for the safety of the Defendant).
- 12) In talking about the property bond long statements indicating that the individuals who posted the property bond will lose their property even if Greenhouse shows up for all Hearings. Totally inaccurate.
- 13) In talking about the property bond - - - statements that in East Baton Rouge Parish no bond would have been set. Totally inaccurate. The law required bond and the bond set in this case was the highest in Avoyelles Parish history.
- 14) Articles on media such as KALB TV indicating "Big Win For Norris Greenhouse, Jr." in relation to the Hearing on the Other Crimes' Evidence alleging sexual activity. Apparently KALB TV didn't attend the entire Hearing wherein the State's request to implement the doctrines of Principal and Transferred Intent were allowed together with any testimony of Megan Dixon concerning her relationship with Greenhouse. Although KALB TV stated this is a "big win" for the defense, the State did not appeal the Ruling, however, the defense did institute an Appeal.
- 15) A Town Talk Newspaper Article indicates "Judges Rules Most Allegations Inadmissible on Greenhouse Murder Trial." Totally and completely inaccurate reporting.

- 16) On the “Free Thought Project” there were numerous discussions about matters concerning this case which were not introduced into evidence in the Stafford Trial and have not been mentioned as evidence in the Greenhouse Trial. The individuals of the Free Thought Project obviously know more evidence about the case than the prosecution and/or defense.
- 17) The Avoyelles Journal/Weekly News has maintained continuous coverage since the incident of November 3, 2015, however, much of the reporting has been inaccurate.
- 18) In Avoyelles Speaks, individuals indicate that Greenhouse should “rot in prison;” Avoyelles is a “crooked ass parish;” “justice not being served for the week in jail;” (totally disregarding the facts and applicable law). “I can take pictures of any one’s home that I want;” allegations of connections and money are controlling this case.”
- 19) On the Facebook pages introduced into evidence, many comments such as “take him out and put him to death;” “can’t go on vacation while on house arrest.” (again, totally unaware of the facts and applicable law); “he is a murderer.”
- 20) Concerning the Petition on Change.Org calling for removal of the Trial Judge - - this Court did not read those comments. If this Court were to recuse in any case where the parties to the proceeding are known to the Court, then more than half of the cases before this Court would require recusal. This Court has heard cases involving children of at least seven (7) attorneys and at no time has a recusal been requested. Recusal has not been requested in this case by the State nor the Defense, nor was it requested in the Stafford case - - for one simple reason - - there is no legal basis. This Court easily could have and still could recuse but if so would do so in total derogation to the oath of office that has been taken.

In addition to the above, this Court heard direct evidence from the administrator of the Avoyelles Watch Dogs for Justice group, namely Donna Nash Turner. The testimony of Ms. Turner together with some of her activities involved in this case actually defy belief. After listening to the testimony of Ms. Turner and reading some of her comments in the exhibits that were attached, it is absolutely clear that Ms. Turner has a near complete lack of understanding of fundamental law. Ms. Turner has exercised her First Amendment right in making several comments and/or allegations that are totally and completely without merit and without any basis in fact or in law. For example Ms. Turner comments and opines that at the recent Hearing concerning the bail/bond issue the attorneys and the Judge met “forty (40) minutes while they figured out what was going to be done BEHIND CLOSED DOORS.” Not only is this statement totally and completely inaccurate, the purpose of the Pre-Trial Conference is absolutely of no business of Donna Nash Turner nor any other individual.

Ms. Turner further has posted comments indicating that it was wrong for this Court to refuse to speak to her about this case in the office when demanded by her to do so. Ms. Turner certainly is unaware of the requirements of law concerning this issue. It amazes this Court that this individual obviously believes that since she is the administrator of some type of Facebook group that she can demand discussion with a Judge about a case at any time she so desires. Simply inaccurate.

The references to all of the above information clearly reveals that there are numerous individuals who avail themselves of social media for the purpose of issuing opinions and that a majority of the

individual posts reviewed by this Court reflect that these individuals make opinions based on totally inaccurate information and without any regard to applicable law. While this is totally their right, the potential impact that these inaccuracies have on other individuals who simply read these posts is impossible to determine. In this Court's reading of these posts, there is no impact other than to confirm that these individuals do not have any legal training and/or legal knowledge. However, to a non-lawyer these comments could be taken to be accurate statements of law and/or fact. This is nearly impossible to determine without questioning prospective jurors as to whether or not they have read these posts.

Further, in addition to the documentary evidence submitted this Court did receive testimony from District Attorney Charles Riddle, III, KALB TV reporter Brooke Buford, Avoyelles Journal reporter Raymond Daye and Debra Augustine Martin. The testimony of all of these witnesses simply confirm that this case has maintained a continuous level of publicity from its inception, through and concerning each and every matter that has been brought to Court. Every Motion Hearing and every legal situation involving this case, as well as the Stafford case, has been on various television stations, newspapers, radio stations, and various social media outlets. This case is clearly the most publicized criminal case that this Court has witnessed ever in Avoyelles Parish.

This Court has recently presided over two separate Second Degree Murder Trials, both of which received publicity at the time of the death of the victim and at the time of Trial, however, very little publicity during the various Motion Hearings. These are "State v. John Drummer, Jr." which was tried in January, 2017 and "State v. Charles Mayeux, Jr." which was tried in August, 2017. The level of media coverage was miniscule in those cases, especially compared to the level of media coverage in the Stafford/Greenhouse cases. Further, the slant of a majority of the media coverage reviewed by this Court in the various filings indicates, in the opinion of this Court, a presumption of guilt rather than a presumption of innocence. At no point during any of the media reporting can this Court find any reference to several facts in the law as mentioned in instances hereinabove in this opinion.

This Court also mentioned above that testimony was received from Avoyelles Parish District Attorney Charles Riddle. In his testimony Riddle confirmed that he has been Avoyelles Parish District Attorney since January 13, 2003 and previously served as State Representative for Avoyelles Parish. Riddle testified that there has been more publicity on the Greenhouse case than the Stafford case. Riddle confirmed that in the case of *State v. Joe Plache*, prosecuted by his office several years ago, venue was changed after several days of attempted jury selection. In *Plache*, Riddle confirmed that there was no

national news reporting on the case and no social media or Facebook posts about the case. Riddle confirmed that the Greenhouse case is different in that there is mention of this case “everywhere, even at Church.” Riddle confirmed that there was more publicity on this case than any other case that he has ever been aware of in Avoyelles Parish. However, although confirming that venue in the *Plauche* Trial was changed with much less publicity and no social media interaction, Riddle testified that he felt a fair and impartial jury could be impaneled in this case.

Many of the same issues before the Court on the Motion to Change Venue were before the Court in the case of “*State v. Derrick Stafford*.” In the Stafford case after four and a half days of selection a jury was seated. Many of the jurors were excused because it was clear that they could not be fair and impartial. Each side was allowed to exercise twelve (12) peremptory challenges. This Court has expressed concern as to whether or not this same situation exists in the Greenhouse case as was in Stafford. The obvious differences are as follows:

- 1) Stafford has already been tried and convicted of Manslaughter and Attempted Manslaughter, with that conviction having occurred approximately six months ago. This case remains fresh in people’s minds especially considering the extensive publicity in this case.
- 2) This Court’s ruling on the Other Crimes’ Evidence, that being this Court’s denial of the attempted introduction into evidence by the State of alleged sexual escapades of this defendant, brought forth more media coverage and social media outrage than the ruling on the Other Crimes’ Evidence in the Stafford case. In Stafford this Court granted the Motion to introduce evidence of other crimes or acts because they were similar in nature, that being the alleged exercise of excessive force by Officer Stafford while in course and scope of his job duties. This Court has ruled that the allegations of sexual misconduct by Greenhouse while a police officer are not similar in nature to an allegation that he committed murder and attempted murder. The State did not appeal this Ruling. This Ruling also brought forth extensive negative Facebook comments toward the Defendant, this Court, and the entire Trial process.
- 3) Another difference is the fact that Greenhouse is a life-long Avoyelles Parish resident wherein Stafford was not. One would believe that this would benefit Greenhouse, especially due to the fact that his father has always maintained an excellent reputation as an Attorney, Assistant District Attorney, husband and father. One would think that based on these facts Greenhouse would stand a better chance in his own Parish. However, it is obvious from a reading of the exhibits that many, many individuals believe that simply because Norris Greenhouse, Sr. is an Assistant District Attorney that

there is some kind of “fix” in place and that Justice will not be served. This is very sad. However, these individuals certainly are entitled to exercise their First Amendment rights, no matter how inaccurate. The simple fact of the matter is that a review of these documents clearly reveal that the fact that Norris Greenhouse, Sr. is an Assistant District Attorney is a negative factor toward a fair and impartial Trial. Some of the individuals have even called upon the Avoyelles Parish District Attorney to fire Norris Greenhouse, Sr. Simply remarkable, and not in a positive way.

Therefore, there do exist many differences between the Stafford and Greenhouse Motion’s to Change Venue. A Motion to Change Venue was filed in the Stafford case and this Motion brought very little, if any, publicity. The Motion was referred to the merits of jury selection and it is well known that a jury was seated. The Motion to Change Venue in this case has created and/or generated much more publicity and social media comments.

With a consideration of all of the above, this Court must now take these above findings of fact and apply to applicable law. It may be hard for many of the individuals who make routine posts on these various social media sites to read and understand the law, however, this Court is not setting forth the law for their benefit. These individuals will clearly believe and say what they wish, regardless of applicable law. The statements of applicable law made this by this Court herein are being made because it is the duty of this Court to take the facts at hand and apply to the law. This is what this Court has always done and will always do, regardless of who the parties are or who the attorneys may be, and regardless of what is posted on social media.

In the matter of *State v. Bell*, 315 So. 2d 307, the Louisiana Supreme Court in 1975 set forth relevant factors of a Court to determine whether to change venue in a criminal prosecution. These factors are as follows:

- 1) Nature of publicity and particular degree to which it is circulated in community.
- 2) Connection of government officials with release of publicity.
- 3) Length of time between dissemination of publicity and trial.
- 4) Severity and notoriety of offense.
- 5) Area from which jury is drawn.

6) Other events occurring in the community which either affect or reflect attitude of community or individual jurors toward the Defendant and any factors likely to affect candor and voracity of prospective jurors on voir dier.

In *State v. Clark*, 851 So. 2d 1055 the Louisiana Supreme Court stated in 2003 that the “Trial Court’s ultimate determination with respect to a defendant’s Motion to Change Venue must be of the communities’ attitude toward the Defendant.”

In *State v. Frank*, 803 So. 2d 1 the Louisiana Supreme Court, in 2001, stated that on review of a denial of change of venue, the Supreme Court primarily inquires as to the scope and nature of publicity to which prospective jurors in a community have been exposed and examines the length to which a Court must go to impanel a jury that appears to be impartial, in order to ascertain where the prejudice existed in the mind of the public which prevented the Defendant from receiving a fair trial.

In *State v. Edwards*, 406 So. 2d 1331 a Defendant moved to change venue and the Motion was denied based on a finding that the media coverage was only objective; the last coverage was seven (7) months before trial; there was an inadvertent mug shot of the defendant on television; and there was no showing of public outcry of rage or vengeance in the case. These are opposite the factors in the case at bar. In the case at bar there are at least two community groups on social media which express public outcry, rage and vengeance in this case.

Also, unlike *State v. Edwards*, media coverage, in the opinion of this Court, has not been totally objective in many instances. Also, the media coverage has been continuous, including the trial of *State v. Derrick Stafford* and every opportunity thereafter. The media coverage has permeated the community via television, newspaper and social media.

Further, this Court has noted above that an ultimate determination on a change of venue request must rest on the communities’ attitude toward the Defendant as set forth in *State v. Magee*, 103 So. 3d 285. In *Magee*, the Louisiana Supreme Court stated in 2012 that there is no bright line test for ascertaining the degree of prejudice existing in the collective minds of the community. In the case at bar substantial evidence has been submitted via the various Facebook and/or social media post indicating prejudice toward this defendant in the collective mind of those members of social media. The attitude of the individuals on the social media sites does definitely indicate an air of vigilantism. The comments include threats, and other inflammatory comments which certainly affect Defendant’s right to a fair and impartial trial.

The State has also alleged that a Defendant cannot obtain a change of venue based on his own conduct and that the Defendant's conduct concerning his recent vacation and the publicity generated via media, social and otherwise, is the Defendant's own fault. Acknowledging that there are no cases directly on point, the State contends that the jurisprudence concerning a Defendant attempting to obtain a mistrial based on his own activities is applicable. While this Court acknowledges the State's argument, this Court does not find that the actions of the Defendant concerning the vacation, bond violation and subsequent incarceration were committed for the purpose of obtaining a change in venue. The Defendant simply made some bad choices and was punished for same.

In addition to the above discussion, this Court is required to take Judicial Notice of many other factors. One such factor is the fact that this Court's office has been inundated with phone calls from individuals seeking to be discharged from this jury because they already believe that the Defendant is guilty and would not be fair and impartial. Some of the comments made were "he's guilty just like the other one was;" "he deserves the same sentence like the other one got;" "hate someone who could kill an innocent child;" "I would find him guilty if picked;" "he's definitely guilty, should get life;" "must be nice to go on vacation when the child is in the ground;" "would really like to be on the jury to find him guilty but I have to go to work."

Also, in this Court's everyday life, this Court has been inundated with comments from friends, associates, and even individuals totally unknown to this Court. It has been amazing that this Court has been approached by complete strangers on occasion while out in the public and chastised because Norris Greenhouse, Jr. is not in jail for the murder of Jeremy Mardis. The attitude in this community, in the opinion of this Court, for the most part, indicates that Greenhouse is guilty until proven innocent. Of course, this is not applicable law.

Upon proof reading of all of the above, it clearly appears that a change of venue is warranted. However, this would totally ignore the fact that this Court does not have evidence to conclusively prove that all of the individuals on these various social media sites reside in Avoyelles Parish. Clearly some of these individuals reside elsewhere based on the comments that they have made. Also, this Court takes Judicial Notice of the answers provided by many of the jurors during voir dire in State v. Derrick Stafford wherein this Court was amazed at the number of individuals who had never seen the video in spite of the fact that the video has been readily available for viewing. In addition to being confronted in public by individuals who believe of Greenhouse's guilt, this Court has also been confronted by individuals who

do in fact believe that he is entitled to a fair and impartial trial. Some individuals have even stated that they still have yet to see the video and “don’t want to see it.”

In spite of all of the negative comments made hereinabove by this Court after a review of all of the information submitted, this Court still does hold a strong faith in the people of Avoyelles Parish. This Court has a firm belief that the people of Avoyelles Parish called to serve on this jury will provide truthful answers on jury examination. This Court is firmly convinced that if a prospective juror cannot be fair and impartial they will say so and vice versa is true. Avoyelles Parish has long been known to be a community of honest, hardworking individuals who follow the law and provide an individual with a fair and impartial trial. The number of individuals who post on the social media sites who have made these various posts in total ignorance of the law are, in the opinion of this Court, a small minority of Avoyelles Parish citizens. This opinion is somewhat backed up in the fact that of the six hundred (600) computer generated names for prospective jurors in this case, approximately fifty-five (55) are members of the Avoyelles Watch Dogs for Justice and/or Avoyelles Speaks groups, and, as stated hereinabove, being a member of this group does not necessarily mean that these individuals agree with the position of the majority of the posts on these social media sites. As confirmed during jury selection in State v. Stafford, some individuals become members of these groups solely to read the comments for comic relief.

Therefore, and based on the above, the Motion for Change of Venue will neither be GRANTED nor DENIED. The Motion will be referred to jury selection which will begin at 9:00 a.m. on Monday, October 2, 2017. Although this Court does have some serious concerns that a fair and impartial jury can be impaneled, we will never know for sure until prospective jurors are questioned. If it becomes more obvious at all than it already seems, then the Motion will be GRANTED.

Therefore, IT IS ORDERED that the defense Motion to Change Venue Based Upon Pre-Trial Publicity shall be referred to the Jury Selection process.

Marksville, Louisiana, on this _____ of September, 2017.

WILLIAM J. BENNETT
12TH JUDICIAL DISTRICT COURT, JUDGE
DIVISION B