

CRIMINAL DOCKET NO. 340,526
SECTION2/DIVISION "C"

STATE OF LOUISIANA
VERSUS
KAYLA JEAN GILES

NINTH JUDICIAL DISTRICT
PARISH OF RAPIDES
STATE OF LOUISIANA

REASONS FOR RULING

This matter comes before the Court on Defendant's Motion to Recuse the Judge. The motion alleges judicial bias or prejudice and cites three grounds in support thereof:

- (1) Judge Doggett denied Defendant's Request for Bond Reduction, Motion for Preliminary Exam, Motion for Bill of Particulars, and Motion to Quash;
- (2) Judge Doggett is related to the victim's prior attorney in a previous domestic civil matter; and
- (3) Judge Doggett allegedly took a photograph with the lead detective in the present case.

Louisiana Code of Criminal Procedure article 671 sets forth the legal grounds for recusing a judge. Pertinent to this motion are subsections A (1) and (A) (2):

A (1): Is biased, prejudiced, or personally interested in the cause to such an extent that he would be unable to conduct a fair and impartial trial.

A (2): Is the spouse of the accused, of the party injured, of an attorney employed in the cause, or of the district attorney; or is related to the accused or the party injured, or to the spouse of the accused or party injured, within the fourth degree; or is related to an attorney employed in the cause or to the district attorney, or to the spouse of either, within the second degree.

If a valid ground for recusation is set forth in the motion, the judge shall either recuse himself or refer motion for hearing to another judge.¹ When the motion to recuse fails to enunciate a valid ground for recusal, the judge may deny the motion without referring the matter to another judge.²

As to the first allegation (i.e., the court's denial of defendant's motions), Defendant has not alleged any actual bias or prejudice in the court's decisions. When a party objects to an adverse ruling of the court, the proper remedy is to file a writ or appeal with the appellate court. Adverse rulings alone do not show bias or prejudice.³ Defendant must show actual bias or

¹ Louisiana Code of Criminal Procedure article 674

² *Lozier v. Estate of Elmer*, 10-754 (La. App. 5 Cir. 02/15/11), 64 So. 3d 237, 243.

³ *State v. David Leger*, 17-0461 (La. App. 1 Cir. 11/15/17), 236 So. 3d 577, 590.

prejudice of a substantial nature.⁴ Thus, the first allegation has no merit and is not a valid ground for recusal.

Defendant's allegation regarding the alleged photograph with the lead detective is absolutely false and completely unfounded. This allegation is simply without merit and is not a valid ground for recusal.⁵

Lastly, defendant alleges bias or prejudice due to the familial relationship between the judge and the deceased victim's attorney in the civil domestic matter. As noted above, La. C.Cr.P. art. 671 provides the judge shall recuse if he/she

... is *related to an attorney employed in the cause* or to the district attorney, or to the spouse of either, *within the second degree*.

Prior to his death, Mr. Coutee, the victim, and Ms. Giles, defendant, were involved in civil domestic proceedings. Mr. Kenneth Doggett, Jr. represented Mr. Coutee in those proceedings. Mr. Doggett is the nephew of Judge Doggett by affinity, and falls within *the third degree* of relationships. Thus, under the law, a recusal or disqualification is *not required* in this case. However, there are limited cases where a recusal may be warranted even though *not specifically required* by law. For instance, a recusal may be proper when the judge's impartiality might reasonably be questioned by the defendant, even though there is no showing of actual bias or prejudice on the judge's part.⁶

In the instant case, the fatal shooting occurred during a custody exchange. At the time of the shooting, Mr. Giles was represented by Kenneth Doggett, Jr. – a relative of the judge in the third degree. Although the judge never communicated with Mr. Doggett regarding any details of his representation of Mr. Coutee, it is possible Ms. Giles may question impartiality based solely on the relationship. Because of the seriousness of the criminal charge against Ms. Giles, the close connection between the civil and criminal matter, and given the very specific facts herein, the motion to recuse is granted.

⁴ *Gaspard v. Horace Mann Insurance Co., et al*, 17-11140 (La. App. 3 Cir. 5/9/18) 247 So. 3d 778, 785.

⁵ It is concerning that such an allegation would be made without any attempt to confirm its veracity. Louisiana Rules of Professional Conduct actually prohibit a lawyer from making a statement the "lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge." Louisiana State Bar, Art. 16, Rules of Professional Conduct, Rule 8.2

⁶ Louisiana Code of Judicial Conduct 3(C).

The Rapides Parish Clerk of Court is ordered to re-allot this matter to another criminal section of the Ninth Judicial District Court for further proceedings.

THUS DONE AND SIGNED, in Alexandria, LA, this 11 day of January, 2019.



JUDGE MARY I. DOGGETT
NINTH JUDICIAL DISTRICT COURT
SECTION 2/DIVISION "C"

FILED & RECORDED
ROBIN L. HOOTER
CLERK OF COURT

2019 JAN 11 PM 3:47

BY *Diana Latorre*
BY CLERK & RECORDER
RAPIDES PARISH LA

