

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

ADRIAN CALISTE ET AL	*	CIVIL ACTION
	*	
versus	*	No. 17-6197
	*	
HARRY E. CANTRELL	*	SECTION “L” (5)

DECLARATORY JUDGMENT

Named Plaintiffs, on behalf of those similarly situated, filed this suit against Magistrate Judge Harry E. Cantrell, challenging the constitutionality of Judge Cantrell’s bail procedures in the Orleans Parish Criminal District Court (“OPCDC”). Evidence in the record demonstrates that Judge Cantrell’s procedure does not include an inquiry into ability to pay or consideration of alternative conditions of release prior to his setting bail. Furthermore, because of Judge Cantrell’s institutional conflict of interest, he fails to provide a neutral forum for determination of ability to pay or consideration of alternative conditions of release. The Fourteenth Amendment requires an inquiry into ability to pay, including notice of the importance of this inquiry; consideration of alternative conditions of release, including findings on the record applying the clear and convincing standard and explaining why an arrestee does not qualify for alternative conditions of release; and representative counsel at such hearings. Additionally, the Fourteenth Amendment requires a neutral forum for consideration of ability to pay and alternative conditions of release. Considering the Court’s Order & Reasons entered herein on August 6, 2018, accordingly:

IT IS ORDERED, ADJUDGED AND DECREED that there be judgment in favor of plaintiffs, Adrian Caliste, Brian Gisclair, both individually and on behalf of all others similarly situated, and against defendant, Harry E. Cantrell, Magistrate Judge of Orleans Parish

Criminal District Court. Plaintiffs are granted summary judgment on Count One and the following declaratory relief:

In the context of hearings to determine pretrial detention Due Process requires:

- 1) an inquiry into the arrestee's ability to pay, including notice of the importance of this issue and the ability to be heard on this issue;
- 2) consideration of alternative conditions of release, including findings on the record applying the clear and convincing standard and explaining why an arrestee does not qualify for alternative conditions of release; and
- 3) representative counsel.

Plaintiffs are also granted summary judgment on Count Two and a declaratory judgment that Judge Cantrell's institutional incentives create a substantial and unconstitutional conflict of interest when he determines their ability to pay bail and sets the amount of that bail.

IT IS FURTHER ORDERED that this matter be Dismissed with prejudice, with each party to bear his or its own costs.

New Orleans, Louisiana this 13th day of August, 2018.


UNITED STATES DISTRICT JUDGE