

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

BOBBY SNEED,
Petitioner,

v.

TIM HOOPER, WARDEN
Respondent.

DOCKET NO. C-711804

ORDER

This matter again came under this Court's jurisdiction on remand from the Louisiana Supreme Court, *Sneed v. Hooper*, No. 2021-KK-01776 (La. Dec. 7, 2021) where the Supreme Court reversed the First Circuit Court of Appeal's vacation of this Court's November 18, 2021 ruling, granting Petitioner's Writ of Habeas Corpus and further ordering Defendant Tim Hooper, Warden of the Louisiana State Penitentiary at Angola, Louisiana, to immediately release Mr. Bobby Sneed (DOC # 81275). Considering the forgoing and the further respective arguments made by the parties in open court on December 9, 2021,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this Court's previous order of November 18, 2021 is maintained: the writ of habeas corpus is **GRANTED** and Respondent Hooper is **ORDERED** to immediately release Mr. Sneed from the custody of the Louisiana State Penitentiary at Angola, Louisiana; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Louisiana Code of Criminal Procedure art. 370 (requiring stay until "forty-eight hours after the judgment ordering the release has been entered or *until an application by the state for supervisory writs has been denied, whichever occurs first*") (emphasis added) shall not be invoked by defendants to further delay Mr. Sneed's release from custody. As the Louisiana Supreme Court correctly held:

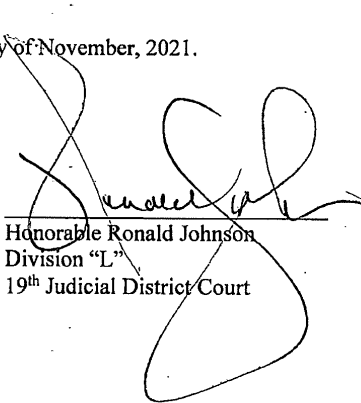
"[P]etitioner was held in physical custody after his release date. Petitioner's limited liberty interests attached once his release date passed. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). For that reason, we find rescission was not available here.

Rather, procedural due process dictates that petition was entitled to a revocation hearing[.]”

Sneed v. Hooper, No. 2021-KK-01776 (La. Dec. 7, 2021); and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that consistent with the Supreme Court’s decision, this Court also finds that under *Morrissey v. Brewer*, the “minimum requirements of due process” in the parole revocation context require “disclosure to the parolee of evidence against him,” the “right to confront and cross-examine adverse witnesses,” a “neutral and detached” hearing body, and a “written statement by the factfinders as to the evidence relied on.” 408 U.S. at 489. Because it is undisputed that no such procedures were followed when Mr. Sneed’s parole was stripped—indeed, Respondents’ position was that they did not need to afford Mr. Sneed a proper revocation hearing—this Court finds that Mr. Sneed was deprived of “liberty” without due process of law, and his ongoing confinement offends the Fourteenth Amendment. Having considered the arguments of the parties, this Court further finds that its initial determination that Mr. Sneed was improperly detained past his release date of March 29, 2021 (based upon the evidentiary record, including emails from Respondent Abbott and representations of Respondents’ counsel regarding what was due to occur on March 29, 2021 absent the contraband allegations)—which has now been affirmed by the Louisiana Supreme Court—remains correct.

Baton Rouge, Louisiana, this 8th day of November, 2021.


Honorable Ronald Johnson
Division “L”
19th Judicial District Court

Please Serve:

Tim Hooper, Warden
Louisiana State Penitentiary
17544 Tunica Trace
Angola, Louisiana, 70712

Louisiana Department of Public Safety & Corrections
Through its General Counsel
Jonathan R. Vining
504 Mayflower Street
Building 6
Baton Rouge, Louisiana 70802

CERTIFICATE OF SERVICE

I, Justin B. Schmidt, do hereby certify that a copy of the above and foregoing pleading was mailed, via United States Mail, postage pre-paid, hand-delivered, or emailed to the Court and all counsel of record.

New Orleans, Louisiana, this 9th day of December, 2021.

A handwritten signature in black ink, appearing to read "Justin B. Schmidt", written in a cursive style.

Justin B. Schmidt