

Bond Case Briefs

Municipal Finance Law Since 1971

EMPLOYMENT - LOUISIANA

State v. Petitto

Court of Appeal of Louisiana, First Circuit - April 26, 2013 - So.3d - 2012-1670 (La.App. 1 Cir. 4/26/13)

Defendant was convicted of two counts of malfeasance in office. Defendant appealed.

The court of appeal held that:

- Evidence was sufficient to permit trial court to infer defendant's knowledge of his brother's interest in transaction which was subject of parish council resolution;
- Evidence that defendant violated statutory duty to refrain from engaging in economic transactions involving his governmental entity and immediate family member having economic interest in transaction was sufficient to support conviction;
- Evidence that defendant violated statutory duty to refrain from receiving something of economic value in exchange for assisting another person in transaction with his public agency was sufficient to support conviction;
- Charges were not duplicitous; and
- Convictions on both counts did not violate double jeopardy protections.

Circumstantial evidence was sufficient to support trial court's conclusion that defendant, a parish council member, was aware "from day one" of his brother's financial interest in real property which was subject of parish council resolution supporting developer's application for development tax credits, introduced and voted on by defendant.

Evidence that parish council member intentionally and unlawfully violated his statutory duty to refrain from engaging in economic transactions involving parish and immediate family member having economic interest in transaction was sufficient to support conviction of malfeasance in office. Defendant introduced and voted for resolution supporting development tax credits because that action affected land in which defendant's brother held substantial economic interest, with actual knowledge of existence of such economic interest.