

Bond Case Briefs

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PUBLIC EMPLOYMENT - LOUISIANA

State v. Alexander

Court of Appeal of Louisiana, Second Circuit - November 18, 2020 - So.3d - 2020 WL 6750116 - 53,449 (La.App. 2 Cir. 11/18/20)

Following a bench trial, defendant was convicted in the District Court of two counts of abuse of office, and sentenced to four years at hard labor, with all but one year suspended, on each count, to be served concurrently. Defendant appealed.

The Court of Appeal held that:

- Insufficient evidence supported first count, and
- Sufficient evidence supported second count.

There was no evidence that dismissal of defendant's possession of marijuana charge was obtained, directly or indirectly, by a knowing and intentional use by defendant of his authority as mayor of neighboring small town, and thus insufficient evidence supported abuse of office conviction; police chief was adamant in her testimony that the decision to dismiss the charge was made in the exercise of her discretion as an officer, not because of anything defendant said or did.

Sufficient evidence supported conviction for abuse of office; town clerk testified that defendant, the town's mayor, told him to write defendant a \$500 check for a trip to visit his sister out of state, which clerk stated he did to avoid verbal abuse from defendant, and although defendant disputed that the \$500 check written to him from town was for personal travel, his explanation for the purpose of the check was inconsistent.