



ORLEANS CRIMINAL DISTRICT COURT 2022-2024

JUDGE AND JURY FELONY TRIAL VERDICTS

Exceptionally high acquittal rates in judge trials and higher numbers of judge trials before Judges Campbell and Roche suggest a bias that disproportionately benefits felony defendants. Judges Campbell's 79% acquittal rate in 47 judge trials and Judge Roche's 88% acquittal rate in 16 judge trials far exceed the 58% not guilty rates of the 10 other judges and the 43% not guilty rate of juries in Orleans Parish.

For violent felony cases, Judge Campbell presided over 23 judge trials and found 21 defendants not guilty, a 91% acquittal rate. In judge trials before all other 11 members of the judiciary, 64% of defendants were found not guilty. Overall, juries found 43% of violent felony defendants not guilty.

Cases are randomly assigned to judges, which should produce similar outcomes across sections of court. However, disparities in felony judge trial conviction rates before Judges Campbell and Roche point to divergent standards of justice.

Louisiana law grants the defendant exclusive authority to waive a trial by jury and elect to be tried by a judge.

From 2022 through 2024, Judge Campbell presided over 47 judge trials, more than twice as many as any other judge. Judge Roche held 16 judge trials in 2024, his first full year in office. The other 10 judges in Orleans Criminal District Court averaged six judge trials each, two per year, across three years.

Judges Campbell's and Roche's high acquittal rates are likely the reason that the criminal defense bar more often waives the right to a jury trial before these two judges.

Judges consistently manifesting bias or predisposition that favors the defense or prosecution is unjust and undermines public confidence in the judiciary. Current law exclusively allowing the defense to opt for a judge trial is unfair to crime victims, the citizens of Louisiana, and prosecutors.

The Metropolitan Crime Commission encourages state constitution and code of criminal procedure reform that will require both the defense and prosecutors to agree to trial by judge. The practice of requiring prosecutors' consent to waive a jury brings greater fairness to the criminal justice system and is found in 31 states and the federal court system.¹

Exhibit 1: All Felony 2022-2024 Judge and Jury Trial Verdicts
Orleans Criminal District Court 2022-2024

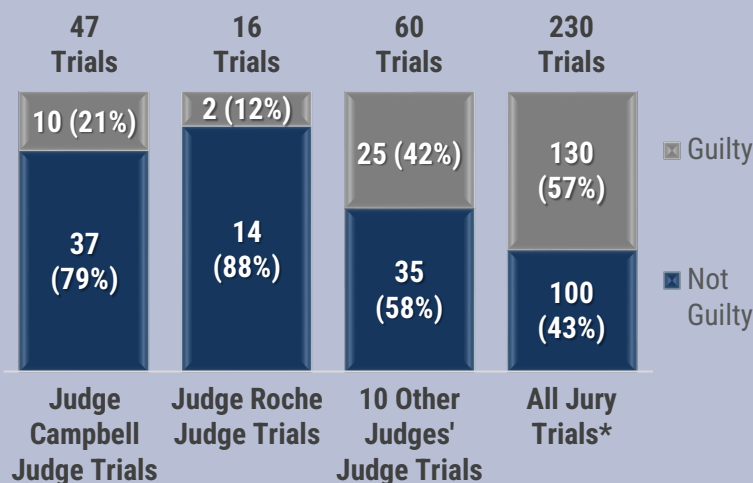


Exhibit 1 shows outcomes of judge and jury trials from 2022 through 2024. The overall judge trial not guilty rates were 79% for Judge Campbell and 88% for Judge Roche. In comparison, there was a 58% not guilty rate for judge trials conducted by the other 10 judges, and Orleans jurors acquitted at a 43% rate.

Judges Campbell and Roche make up 17% of the judiciary but presided over 51% of judge trials (63 of 123) in Orleans Criminal District Court. Judge Roche's 16 judge trials all occurred in 2024, his first full year on the bench.

*NOTE: Does not include mistrials, hung juries, or when a defendant pled guilty after a jury was sworn in.

Exhibit 2: Violent Felony 2022-2024 Judge and Jury Trial Verdicts
Orleans Criminal District Court 2022-2024

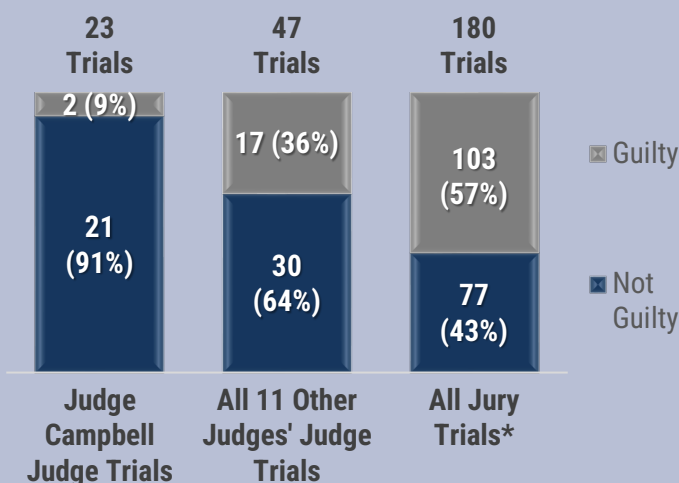


Exhibit 2 shows the trial verdicts for violent felonies that ended from 2022 through 2024. It documents the judge trial outcomes rate of Judge Campbell to the violent felony verdicts from all other judge trials across 11 sections of court and all jury trials.

Judge Campbell held 23 judge trials with a violent felony as the most serious charge, and 21 of those or 91% ended with defendants being found not guilty.

The remaining 11 judges held 47 judge trials for violent felony crimes, and 30 of those or 64% ended in not guilty verdicts.

In comparison, jury trials had a 43% not guilty rate for violent felony offenses.



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Exhibits 3 and 4 show a breakdown of felony judge and jury trials from each judge's section of court from 2022 through 2024 as well as whether the trials ended with guilty or not guilty verdicts.

Exhibit 3: Judge Trial Verdicts Per Section
Orleans Criminal District Court 2022-2024

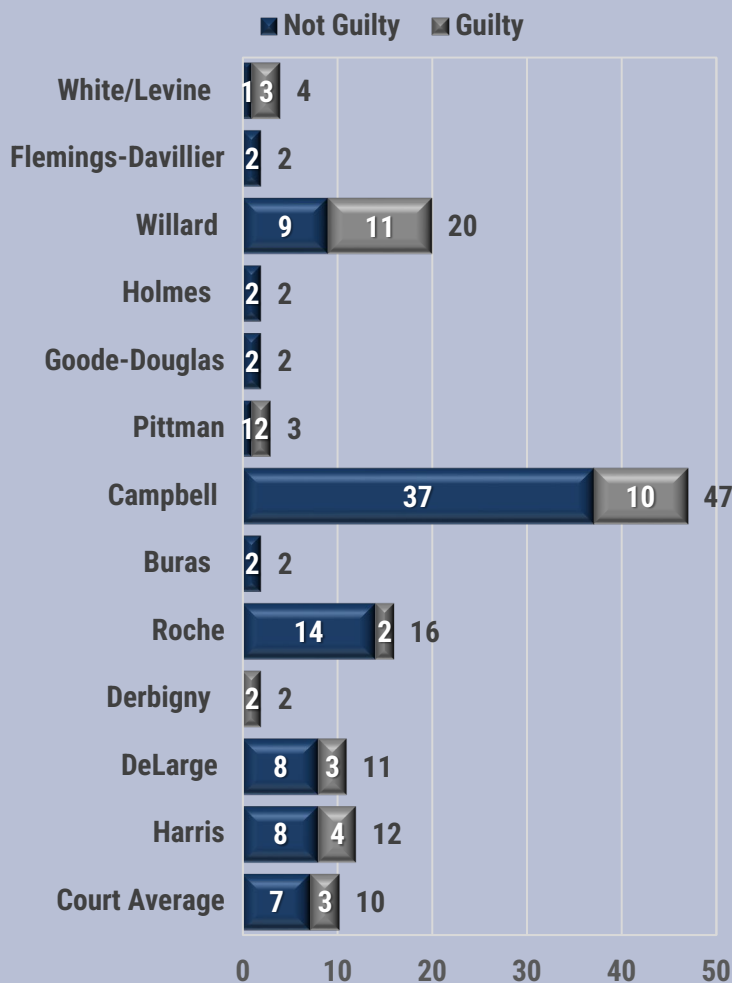


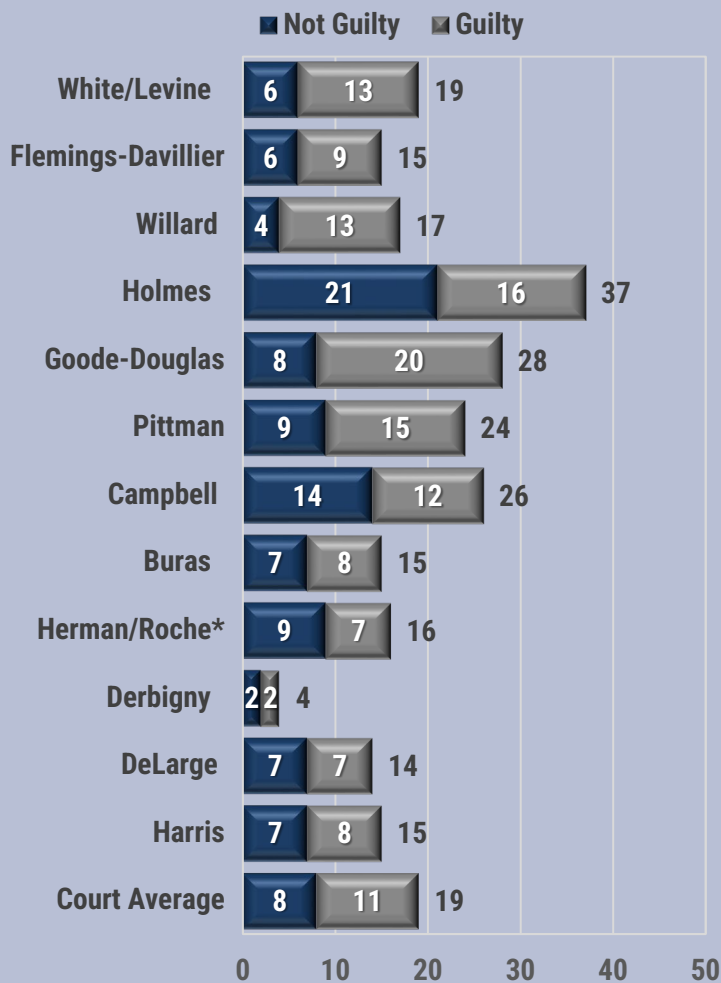
Exhibit 3 illustrates the wide variation in judge trials per section. From 2022 through 2024, the court averaged 10 judge trials per section, but seven of the 12 sections had four or fewer.

Judge Campbell held 47 judge trials, more than any other section and accounted for 38% of all judge trials. Her overall judge trial acquittal rate was 79%, and her felony violent crime acquittal rate for 23 cases was 91%.

Judge Willard had the second highest number of judge trials but a not guilty rate of 48% that was well below the court average of 70% of defendants found not guilty.

All 16 judge trials conducted in Judge Roche's section of court occurred in 2024, his first full year on the bench, and an 88% majority of Judge Roche's judge trials ended with defendants found not guilty. No defendants opted for a judge trial in this section of court in 2022 and 2023 under Judge Herman.

Exhibit 4: Jury Trial Verdicts Per Section
Orleans Criminal District Court 2022-2024



Compared to judge trials, there was more consistency in the numbers of jury trials conducted by each judge from 2022 through 2024 (see Exhibit 4). **Eight of the 12 judges held from 14 to 24 jury trials, within five of the court's average of 19 jury trials per judge.**

Judge Holmes presided over 37 jury trials, the most of any section of court. Judges Goode-Douglas and Campbell also had above average numbers of jury trials.

The fewest number of jury trials were the four held in Judge Derbigny's section of court. Judge Derbigny was also one of five judges with only two judge trials, the fewest from 2022 through 2024 (see Exhibit 3).

*Judge Herman presided over this section of court until Judge Roche joined the bench in October of 2023. There were no judge trials in this section under Judge Herman.



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Conclusions and Recommendations

The judiciary of Orleans Criminal District Court adopted an allotment process to randomly, fairly, and equitably distribute felony cases to judges in each section of court. This random allotment process should yield felony caseloads that are equal across sections of court, which should produce similar outcomes for the cases that close before each judge. However, the **higher numbers of judge trials conducted by Judges Campbell and Roche and their disparate acquittal rates suggest that it is the judge and not the law or the evidence that determines the verdicts rendered in their sections of court.**

Judge Campbell held 47 felony judge trials from 2022 through 2024 and had a 79% acquittal rate. Judge Roche held 16 judge trials in 2024, his first full year on the bench, and had an 88% acquittal rate. The remaining 10 judges had an average of six judge trials each, two per year, across 2022 through 2024 and an acquittal rate of 58%.

Judge Campbell had the highest rate of judge trials ending with defendants found not guilty of violent felonies. Judge Campbell presided over 33% of violent felony judge trials (23 out of 70) for the entire court from 2022 through 2024. She found 21 defendants or 91% not guilty. The other 11 members of the judiciary in Orleans Criminal District Court had a 64% not guilty rate in violent felony judge trials, and juries found 43% of violent felony defendants not guilty.

Higher numbers of judge trials and acquittal rates before Judges Campbell and Roche are statistically improbable, given the random allotment of cases that results in a balanced distribution of new cases across all 12 sections of court. The objective of the court is to be a fair and impartial, but there appears to be a more stringent burden of proof applied in judge trials conducted by Judges Campbell and Roche. The defense has sole discretion to opt for a trial by judge, and the higher numbers of judge trials before Judges Campbell and Roche appear to be an effective defense strategy to achieve a more favorable outcome for their clients.

Another finding is the very low number of trials in Judge Derbigny's section of court. Over the course of three years, he held a combined total of six felony judge and jury trials. Judge Derbigny's low number of trials reinforces the findings of the MCC [2024 Orleans Parish Judicial Accountability Report](#) that found he was the least efficient judge with the largest and oldest inventory of pending cases.² Judge Derbigny's low number of trials is a compelling indicator of the lower expectation of efficient case resolution in his section of court.

The MCC does not advocate for a justice system void of judicial discretion and that has no disparity in case outcomes before different judges, nor do we believe in a system that either favors defendants or denies them their rights to justice. However, the different numbers of judge trials and starkly different conviction rates in judge trials presided over by Judges Campbell and Roche call the partiality of the judiciary into question.

The disproportionately high judge trial acquittal rates of Judges Campbell and Roche suggests bias that favors the defense by misapplying a higher burden of proof during judge trials than what is used by juries and the remainder of the judiciary.

The MCC recommends amending [Article 780 of the Louisiana Code of Criminal Procedures](#) and [Article I Section 17 \(A\) of the Louisiana Constitution](#) to require the concurrence of the prosecution in order for defendants to waive their right to a jury and opt instead for a judge trial. Granting District Attorneys and the Attorney General the authority to agree to opt for a judge trial restores fairness and equity to the resolution of criminal cases. This recommendation follows jurisprudence of federal court and 31 other states, which requires that both the defense and the prosecution must concur with a waiver of trial by jury trial.¹

Louisiana Constitution Article I Section 17 was corrected in 2018 to end the unfair and inequitable practice of allowing nonunanimous jury verdicts. Amending it again to require the state to agree to waive a jury grants victims and prosecutors the same access to justice as the accused.

Methodology: The Metropolitan Crime Commission examined verdicts in all judge and jury trials that ended with verdicts of guilty or not guilty of felony charges from 2022 through 2024 to assess whether there were any differences in judge and jury trials across the 12 sections of Orleans Criminal District Court.

¹"Rule 23(a) of the Federal Rules of Criminal Procedure Should Be Amended." American College of Trial Lawyers, 29 Oct. 2024, www.actl.com/resource/rule-23a-of-the-federal-rules-of-criminal-procedure-should-be-amended/.

²<https://crimebulletin.metrocrime.org/orleans-parish-judicial-accountability-2024/>