In The Senate of the United States

Sitting as a Court of Impeachment

In re: Impeachment of G. Thomas Porteous, Jr., United States District Judge for the Eastern District of Louisiana	))))))

SUPPLEMENTAL FILING BY THE HOUSE OF REPRESENTATIVES IN SUPPORT OF ITS PRELIMINARY REQUESTS FOR SUBPOENAS AND IMMUNITY

Pursuant to the Senate Impeachment Trial Committee's Scheduling Order of June 21, 2010[1] and the request made by the Committee's staff at the meeting of counsel on June 10, 2010, the House of Representatives ("House"), through its Managers and counsel, respectfully submits to the Committee: 1) a preliminary list of those individuals for whom the House seeks a subpoena;[2] 2) a proffer as to their expected testimony, and 3) a designation of those individuals for whom formal immunity is sought.[3]

[1]The House recognizes that the updated scheduling order does not require the subpoena/immunity requests be filed until August 2, 2010. However, the House seeks to have its witnesses under subpoena as soon as possible so that they and their counsel may plan their schedules for the trip to Washington D.C. As the House has indicated, it is possible that some of these witnesses may be excused or only called in rebuttal if necessary.

[2]The House reserves the right to seek additional subpoenas if such a request becomes necessary during the trial preparation process.

[3]All witnesses for whom immunity is being requested have sought and been granted immunity at each of the proceedings at which they have testified, including proceedings before the Grand Jury, the Fifth Circuit, the House of Representatives or at depositions conducted by the House Impeachment Task Force staff.

1. Hon. G. Thomas Porteous, Jr., (Immunity Order Only)

The House expects Judge Porteous to testify consistently with his Fifth Circuit Hearing testimony, in which he admitted receiving cash from Mr. Amato during the pendency of the Liljeberg case, and admitted to engaging in financial conduct which was not truthfully disclosed in his bankruptcy filings or that was in violation of the Order of the Bankruptcy Judge. In addition, the House expects Judge Porteous to admit certain facts surrounding his relationship with Louis and Lori Marcotte. Judge Porteous was provided an immunity order in connection with his being compelled to testify before the Fifth Circuit Special Committee.

2. Jacob Amato, Jr. (Subpoena and Immunity Order)

The House expects Mr. Amato will testify to things of value that he and his former partner, Robert Creely, provided to Judge Porteous over the years. In particular, Mr. Amato will testify that in October 1996, Judge Porteous refused to recuse himself in the Liljeberg case, where Mr. Amato represented one of the parties, notwithstanding the fact that Mr. Amato and his partner, Mr. Creely, had previously given Judge Porteous, over the course of time, approximately $20,000. Mr. Amato will also testify that in June 1999, while the Liljeberg case was pending, Judge Porteous requested that Mr. Amato give him approximately $2,000, and Mr. Amato did so.

3. Robert Creely (Subpoena and Immunity Order)

The House expects Mr. Creely will testify to things of value that he and his former law partner, Jacob Amato, provided to Judge Porteous over the years. Mr. Creely will testify to what was, in substance, a scheme whereby Judge Porteous, when he was a state judge, assigned Mr. Creely "curatorships" for which Mr. Creely received a fee, and

Mr. Creely in turn provided Judge Porteous cash. He will also testify that in May 1999, while his partner (Mr. Amato) represented a party in the Liljeberg case then pending before Judge Porteous, Mr. Creely paid for Judge Porteous's hotel room and some expenses for Judge Porteous's son's bachelor party dinner in Las Vegas.

4. Leonard Levenson, Esq. (Subpoena and Immunity Order)

The House expects Mr. Levenson to testify that both prior to and during his involvement in the Liljeberg case, which was assigned to Judge Porteous, he treated Judge Porteous to numerous meals and traveled with Judge Porteous to several locations. He will also testify that Judge Porteous failed to disclose their relationship or Judge Porteous's relationship with Mr. Amato (about which Mr. Levenson was unaware) at the October 1996 recusal hearing in the Liljeberg case.

5. Donald Gardner, Esq. (Subpoena Only)

The House expects Mr. Gardner to testify that over the course of his legal career, he has provided Judge Porteous cash and meals, and that while Judge Porteous was a state judge he assigned Mr. Gardner curatorships. He will also testify how it came to be that he was retained to represent Lifemark, a party in the Liljeberg case, after Mr. Levenson and Mr. Amato were retained to represent the opposing party (the Liljebergs).

6. Rhonda Danos (Subpoena and Immunity Order)

The House expects Ms. Danos, Judge Porteous's former secretary, to testify that Louis Marcotte and Lori Marcotte paid for meals, car repairs and at least one trip to Las Vegas for Judge Porteous; that the Marcottes paid for several trips for her to Las Vegas as well; and that Judge Porteous took official actions for the benefit of the Marcottes. She will also testify that Judge Porteous prepared the contents of his financial statements,

which she thereafter typed as he directed. She will identify some of the financial transactions that she handled at Judge Porteous's request around the time he was filing for personal bankruptcy. Lastly, she will testify to Judge Porteous's close relationship with the attorneys in the Liljeberg case, and will confirm that they provided Judge Porteous things of value over time.

7. Joseph Mole, Esq. (Subpoena Only)

The House expects Mr. Mole to testify that when he learned that the opposing party in the Liljeberg case had retained Mr. Amato and Mr. Levenson, he filed a motion to recuse Judge Porteous. At that time, he was unaware that Judge Porteous had ever received money from Mr. Amato and his partner, Mr. Creely. He will describe Judge Porteous's denial of that recusal motion. He will testify that he was unaware that when the Liljeberg case was pending, Judge Porteous continued to accept things of value from Mr. Amato and Mr. Levenson. He will also testify that he retained Mr. Gardner to assist him in representing Lifemark to "level the playing field" because the Liljebergs had retained Mr. Amato and Mr. Levenson.

8. Louis Marcotte (Subpoena Only)

The House expects Mr. Marcotte to testify that over a period of time, while running a bail bonds business in Jefferson Parish, Louisiana, he gave Judge Porteous numerous things of value, including paying for expensive lunches, car repairs, house repairs, and a trip for Judge Porteous to Las Vegas. He will testify that in return, Judge Porteous signed numerous bond orders sought by Mr. Marcotte, set aside or expunged convictions of two Marcotte employees (Aubrey Wallace and Jeff Duhon), and helped

vouch for Mr. Marcotte to assist him in forming relations with other state judges. Mr. Marcotte has pleaded guilty to corruption offenses and was incarcerated.

9. Lori Marcotte (Subpoena Only)

The House expects Ms. Marcotte to testify that over a period of time, while helping her brother Louis Marcotte run a bail bonds business in Jefferson Parish, Louisiana, she and her brother gave Judge Porteous numerous things of value, including paying for expensive lunches, car repairs, house repairs, and paying for a trip for Judge Porteous to Las Vegas. She will testify that in return, Judge Porteous signed numerous bond orders sought by her and her brother Louis Marcotte, set aside or expunged convictions of two Marcotte employees (Aubrey Wallace and Jeff Duhon), and helped vouch for Louis Marcotte to assist him in forming relations with other state judges. Ms. Marcotte pleaded guilty to corruption offenses and was placed on home detention and probation.

10. Ronald Bodenheimer (Subpoena Only)

The House expects Mr. Bodenheimer, a former state judge, to testify that while Judge Porteous was a Federal judge, he vouched for Louis and Lori Marcotte and that as a result, Judge Bodenheimer formed a corrupt relationship with the Marcottes that consisted of the Marcottes providing Judge Bodenheimer things of value, and Judge Bodenheimer taking official acts in connection with setting bonds that benefitted the Marcottes. He will also testify that as a result of that relationship, he was prosecuted and pleaded guilty to mail fraud.

11. Jeffrey Duhon (Subpoena Only)

The House expects Mr. Duhon to testify that while working for Louis Marcotte, he (Duhon) took care of Judge Porteous's cars and did repairs at Judge Porteous's house. He will confirm that Judge Porteous took numerous official actions for the Marcottes, including expunging a criminal conviction of Duhon's as a favor to the Marcottes.

12. Aubrey Wallace (Subpoena Only)

The House expects Mr. Wallace to testify that while working for Louis Marcotte, he (Wallace) took care of Judge Porteous's cars and did home repairs at Judge Porteous's house. He will confirm that Judge Porteous took numerous official actions for the Marcottes, including setting aside a criminal conviction of Wallace's as a favor to the Marcottes.

13. Michael J. Reynolds (Subpoena Only)

The House expects Mr. Reynolds to testify that when he was an assistant district attorney in Jefferson Parish, Louisiana, he appeared before Judge Porteous on behalf of the State when Judge Porteous set aside the conviction of Marcotte employee Aubrey Wallace, and that in his experience as a prosecutor, this act was highly unusual.

14. Bruce Netterville, Esq. (Subpoena and Immunity Order)

The House expects Mr. Netterville will testify that Louis and Lori Marcotte had a close relationship with Judge Porteous, that he (Netterville) was present on a trip to Las Vegas with the Marcottes and Judge Porteous (as to which other testimony would establish that the Marcottes paid for the trip), that he was present when Judge Porteous set aside Aubrey Wallace's felony conviction – an act that Netterville knew from experience as a criminal defense attorney in Jefferson Parish was highly unusual.

15. Claude C. Lightfoot, Esq. (Subpoena Only)

The House expects Mr. Lightfoot, who was Judge Porteous's counsel in connection with his personal bankruptcy, to testify that he was unaware of numerous of Judge Porteous's financial transactions prior to and during bankruptcy, including Judge Porteous's failure to report certain preferred creditors and his failure to report his receipt of a tax refund, as well Judge Porteous's incurring gambling debts during the pendency of bankruptcy, in violation of the bankruptcy court order.

16. William Greendyke, Esq. (Subpoena Only)

The House expects Mr. Greendyke, a former Federal bankruptcy judge, to testify that when he was assigned Judge Porteous's bankruptcy case, he was unaware of numerous of Judge Porteous's financial transactions prior to and during bankruptcy, including Judge Porteous's failure to report certain preferred creditors and his failure to report his receipt of a tax refund, as well Judge Porteous's incurring gambling debt during the pendency of bankruptcy.

17. Former FBI Special Agent Bobby Hamil (Subpoena Only)

The House expects Mr. Hamil to describe the FBI background check process and identify statements Judge Porteous made to him in two separate interviews in which Judge Porteous denied having anything in his background that could subject him to coercion, leverage or blackmail.

18. Former FBI Special Agent Cheyanne Tackett (Subpoena Only)

The House expects Ms. Tackett to describe the FBI background check process and identify statements Judge Porteous made to her in an interview in which Judge

Porteous denied having anything in his background that could subject him to coercion, leverage or blackmail.

Respectfully submitted,

THE UNITED STATES HOUSE OF REPRESENTATIVES

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