

**IN THE FOURTEENTH JUDICIAL DISTRICT COURT  
IN AND FOR THE PARISH OF CALCASIEU  
STATE OF LOUISIANA**

STATE OF LOUISIANA,	)	
	)	
Plaintiff,	)	
	)	No. 10258-02
v.	)	Division F
	)	Judge Wilford Carter
RICKY LANGLEY,	)	
	)	
Defendant.	)	

**MOTION TO STAY PROCEEDINGS PENDING  
DETERMINATION OF SOURCE OF FUNDING**

COMES NOW, RICKY LANGLEY, by counsel, and moves this Court pursuant to the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, and Article 1, Sections 2, 3, 5, 13, 14, 16, 17, 19, 20, 22, and 24 of the Louisiana Constitution, to stay all proceedings in this case pending a determination of a source of funding.

In support, counsel states:

1. Ricky Langley is an indigent charged with one count of first degree murder. The state seeks to execute him by lethal injection.
2. Mr. Langley is represented by two appointed counsel: Mr. Clive Stafford-Smith, who has represented Mr. Langley since his first trial in 1994, and Ms. Phyllis Mann, who has represented him since 2003.
3. On March 31, 2005, a status conference was held in this case. At that conference, the following dates were set: (1) a date for the state to respond to the defense discovery request regarding recusal of the District Attorney (April 25, 2005); (2) a date for the hearing of the defense recusal motion (May 11, 2005); (3) a deadline for the filing of defense motions (April 29, 2005); and (4) a date for the litigation of further defense motions (June 15 and 16, 2005).
4. Subsequent to this status conference, the Louisiana Supreme Court decided State v. Adrian Citizen, 04-1841 (La. 04/01/2005); 2005 La. LEXIS 805, a case which changed state law in relation to the determination of funding in capital cases. As the Citizen court stated:

In order to assure timely representation, we now alter one of the rules previously laid down in Wigley, [624 So. 2d 425, 429 (La., 1993)]. A district judge should appoint counsel to represent an indigent defendant from the time of the indigent defendant's first appearance in court, even if the judge cannot then determine that funds sufficient to cover the anticipated expenses and overhead are likely to be available to reimburse counsel. The appointed attorney may then file a motion to determine funding, as was done in this case, and if the trial judge determines that adequate funding is not available, the defendant may then file, at his option, a motion to halt the prosecution of the case until adequate funding becomes available. The judge may thereafter prohibit the State from going forward with the prosecution until he or she determines that appropriate funding is likely to be available.

State v. Citizen, 04-1841 (La. 04/01/2005); 2005 La. LEXIS 805, 35-36. This decision became final on April 18, 2005.

5. According to Citizen, then, funding issues in capital cases are resolved pursuant to the following procedure: (1) the court appoints counsel; (2) counsel files a motion to determine funding<sup>1</sup>; (3) a determination regarding a funding source is made; (4) if no funding source is found, the prosecution is halted. That is, counsel must begin by litigating funding, and any further action in the case must halt until this issue is fully resolved.<sup>2</sup>

6. Undersigned counsel intends to file a *Motion to Determine Funding* this week. Prior to a funding source being determined, undersigned counsel cannot be expected to research, write, investigate and litigate the required pre-trial motions in this case, much less proceed to trial. The defense therefore requests that all proceedings be stayed pending the resolution of a source of funding, that the defense motions deadline be vacated, that the hearing dates hitherto set be vacated, and that a status conference on the subject of funding be scheduled.

### CONCLUSION

WHEREFORE Mr. Langley moves that the court stay all proceedings in this case pending a determination of a source of funding.

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<sup>1</sup> To cover attorney's fees, overhead, and expert and out-of-pocket expenses. See State v. Wigley, 624 So. 2d 425 (La., 1993).

<sup>2</sup> In contrast, the Supreme Court in Wigley required the trial court to identify a funding source prior to appointment of counsel, and therefore no motion by defense counsel nor pause in the proceedings was anticipated.

Respectfully submitted,

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Counsel for Mr. Langley

By: \_\_\_\_\_

**Certificate of Service**

I hereby certify that a copy of the foregoing Motion and attached Proposed Orders have been served, by facsimile and by first class mail, upon Cynthia Killingsworth and Sharon Wilson, Office of the District Attorney for Calcasieu Parish, 1020 Ryan Street, Lake Charles, La. 70602, this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_

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STATE OF LOUISIANA,	)	
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Plaintiff,	)	
	)	
v.	)	No. 10258-02
	)	Division ?
RICKY LANGLEY,	)	Judge Wilford Carter
	)	
Defendant.	)	
	)	

**ORDER**

It is hereby ordered that the defense *Motion to Stay Proceedings Pending Determination of Source of Funding* is granted. It is hereby ordered that all proceedings are stayed pending the resolution of a source of funding, that the defense motions deadline is vacated, that the hearing dates hitherto set be vacated, and that a status conference on the subject of funding be scheduled for the \_\_\_\_ day of \_\_\_\_\_, 2005.

Done this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
JUDGE, DISTRICT COURT

Please serve:

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