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Gibson Dunn and Barrasso Usdin File Civil Rights Lawsuit to Secure Constitutional Rights of Young Woman Incarcerated For Over Six Months Despite Never Being Charged With a Crime

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Lawsuit filed in the U.S. District Court for the Western District of Louisiana in response to Louisiana District Attorney's Office's unconstitutional incarceration of innocent witness for more than six months in flagrant disregard of her constitutional rights. Lafayette, La. Gibson, Dunn & Crutcher LLP and Barrasso Usdin Kupperman Freeman & Sarver, LLC announce the filing of a civil rights action on behalf of Tayjha Alfred against Martin Bofill ("Bo") Duhé, the District Attorney for the 16th Judicial District of Louisiana, and Assistant District Attorney Alister Charrier to seek damages and injunctive relief for the severe pain and suffering she has endured, as well as to ensure that Duhé and Charrier do not continue abusing the criminal justice system to imprison other innocent people like Ms. Alfred in the future. For more than six months in 2023, Ms. Alfred languished in the Iberia Parish Jail in the State of Louisiana. Ms. Alfred had not been charged with committing any crime, nor was she a suspect. Instead, Ms. Alfred's only connection to the crime that would keep her jailed for six months was that she happened to be in the vicinity of the area that later became the scene of a murder. Ms. Alfred cooperated with the investigation of the crime—in fact, she voluntarily spoke to police multiple times. She had not witnessed the crime, but she was willing to testify at trial, if needed. The prosecutors knew where to find her: she was working out of state as a traveling nurse during the COVID-19 Pandemic. But instead of just subpoenaing Ms. Alfred as a witness, the Defendants in this lawsuit jailed her under Louisiana's material-witness statute, which permits a witness in a criminal case to be jailed if her testimony is "essential to the prosecution or the defense" and when the prosecution shows "that it may become impracticable to secure the presence of the person by subpoena." La. Rev. Stat. § 15:257. Once Ms. Alfred was incarcerated, she was never appointed counsel, as every accused criminal defendant receives upon arrest, nor was she provided with an appearance bond, as the statute requires. The United States and Louisiana Constitutions and basic principles of human decency mandate that an innocent person should not be incarcerated unless it is necessary to secure her appearance at trial, and never for an indefinite or prolonged period of time without bond or appointed counsel. Duhé and Charrier violated that mandate when they put Ms. Alfred, a witness who was willing to testify voluntarily, in jail for more than six months unnecessarily. Unfortunately, Ms. Alfred's story is not unique—what happened to her represents one instance from a significant pattern and practice in Mr. Duhé's office of unconstitutionally incarcerating material witnesses in violation of their constitutional rights. Katherine Marquart, partner and chair of Gibson Dunn's pro bono program, stated: "Gibson Dunn is committed to standing up for equal justice under the law, and today we stand beside Tayjha Alfred in demanding accountability for the constitutional violations she suffered at the hands of the prosecutors who capriciously and cruelly stole six months of her life. Ms. Alfred is a bright, determined, and kind woman who had her liberty ripped away from her after simply being near the scene of a crime before a crime occurred. Never a suspect and always cooperative, she nevertheless endured what can only be described as a dystopian nightmare of unnecessary, unconstitutional, and life altering incarceration. As a result, she lost her job and the opportunity to continue to advance her nursing career, support her family, and build her own life. We are proud to represent Ms. Alfred, and to work to help ensure that nothing like this happens to anyone else." Chloé Chetta of Barrasso Usdin also said: "It is an honor to represent Tayjha Alfred. She is a kind and compelling young woman who was working to improve her education and career while providing for her family when she was wrongly incarcerated. I'm proud of Tayjha for standing up for herself and others who get swept into our criminal justice system without the knowledge or resources to fight unfairness. As someone born and raised in Louisiana, and forever committed to showing others what a great place Louisiana is to live, work, and play, it hurts to know that folks like Tayjha often suffer unfairness and mistreatment at the hands of public officials. I look forward to working with the Gibson Dunn team to right these wrongs and am grateful for their partnership on this case." The Amended Complaint is available here: *Tayjha Alfred v. Martin Bofill ("Bo") Duhé, in his individual capacity and in his official capacity as the 16th Judicial District Attorney; and Alister Charrier, in her individual capacity*.

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