

1 Reed said to consider what anybody would have
2 done in that situation we don't know;
3 however, by the facts alleged at the trial,
4 we do know what the defendant did and did not
5 do that evening. And we would ask the Court
6 to consider that as the factors when
7 sentencing.

8 Thank you.

9 THE COURT:

10 Anything further, Mr. Reed?

11 MR. REED:

12 No, Your Honor.

13 THE COURT:

14 I address an issue that you have raised.

15 I did not intend to address this, but I do.

16 No one admires you more than me, and the
17 other attorneys, as well, who have been
18 involved in this matter. I'm sure many of
19 your contemporaries admire you as much as me;
20 I don't know that anyone admires you more
21 than me.

22 This Court -- I don't think -- I hope I
23 have never earned a reputation as penalizing
24 anyone because they've elected trial over a
25 guilty plea. I hope people trust me, but
26 anybody knows me, knows I'm famous for my
27 handwritten, personally-maintained records
28 (indicating). Just looking at manslaughter,
29 something far more grievous than this, there
30 are pages of sentences here, all reflected
31 upon by me and ultimately recorded by me,
32 including people who have gone to trial, pled

1 guilty, some of whom have received suspended
2 sentence even having gone to trial, some
3 having received a minimal sentence, some
4 having received a substantial sentence.
5 That's never of concern to me. It is
6 ultimately always easier for a judge to
7 sentence someone to whatever the sentence is
8 ultimately determined to be after they've
9 heard a case. It's one thing for anyone to
10 stand before the Court and admit their guilt,
11 and to have a few pages, with all respect to
12 the Department of Corrections offices who
13 prepare these pre-sentence reports, they do
14 their best with the limited resources and
15 time available -- but it's one thing to
16 perhaps accept those pleas in somewhat of a
17 limited vacuum in terms of the facts that are
18 presented. And yet to have sat through a
19 trial, whether it be a one-day, two-day,
20 three or four-day trial -- this being a
21 four-day trial, of course -- and to reflect
22 back upon the testimony and all of the
23 circumstances and the facts that have been
24 established.

25 This case is unlike any other vehicular
26 homicide case or any other -- perhaps even
27 manslaughter case -- that this Court has
28 dealt with. And it's not just because of Mr.
29 Nabors' status as a medical doctor.
30 Clearly, the circumstances under which Miss
31 Haensel died in this case are not ordinarily
32 associated with vehicular homicide.

1 The defendant's role as a physician
2 cannot be overlooked. We know that criminal
3 consequences flow from both the actions of
4 persons and/or their failure to act.

5 In this case the Court certainly doesn't
6 minimize the actual act, or failure to act,
7 in terms of the operation of the motor
8 vehicle that ultimately led to the death of
9 Miss Haensel. But the Court can never put
10 out of its mind the acts of this gentleman in
11 the hours and the minutes, the moments
12 leading up to this tragedy, and his actions
13 in the hours that immediately followed it.

14 I don't know that the blood that was
15 contaminated was contaminated as a result
16 of this man's urging. I don't know if that
17 blood was contaminated at the hands of any
18 fellow human being, including his fellow-
19 workers, his fellow-doctors. I don't know
20 that. But I know, based on the testimony of
21 Dr. Monroe Samuels, a man that I think
22 everyone in this room respects to the utmost,
23 that I'm convinced that the blood was
24 contaminated.

25 Whether there was obstruction of justice
26 or not is for the District Attorney to
27 determine. But someone tampered with that
28 blood, I believe, in more likelihood than
29 not.

30 Coupled with the observations under oath
31 of the emergency medical technicians, that
32 this is the only case that they can ever

1 recall that upon bringing a subject, more
2 particularly, Mr. Nabors, into the
3 Emergency Room at Charity Hospital, it is the
4 only, only time that they were told to leave
5 the room and leave his fellow-workers with
6 them.

7 And, lastly, the attitude of the
8 defendant on the night of the incident.
9 Those are the four circumstances and facts,
10 speaking very broadly, that caused the
11 Court the greatest concern in this case.
12 Ultimately, there's seven things that I'm
13 concerned about that I've written down on my
14 five-by-eight cards.

15 First, his comments at the bar. It
16 would be just as if I went out and announced
17 to the world that I'm a judge. No one can do
18 anything to me. It would be as I said to
19 any of you, including the fellow officers of
20 this court, the attorneys and/or their
21 clients, or their prospective clients, "You
22 better never come to the Criminal Court,
23 you'll be dealing with the wrong person. I
24 dare you in any way challenge me."

25 The operation of the vehicle, of course,
26 itself, the second point to consider. The
27 defendant must have been driving at a
28 significant speed, based on the testimony of
29 at least one eyewitness who testified in this
30 courtroom. It must have been a significant
31 speed that propelled this car into that
32 bayou.

1 The ultimate disregard for the stop sign
2 at the intersection of Fredericks and the
3 bayou.

4 And, again, I've already discussed the
5 blood situation. The level of intoxication
6 is uncertain. Clearly, the defendant was
7 under the influence of alcohol. Even without
8 his testimony here today, the Court was
9 convinced of that. The true level, we'll
10 never know. Again, assuming that that blood
11 was in some way contaminated intentionally by
12 human involvement and intervention, whether
13 that was at the urging of this man or not, I
14 will never know. But, clearly, just a few
15 hours before, he was in this barroom saying
16 that nothing, in effect, will ever happen to
17 him in his role as a doctor.

18 The third major consideration for this
19 Court is the disregard for the victim. This
20 is not your everyday vehicular homicide; not
21 because of the victim's status in this
22 community, not because of Mr. Nabors' status
23 or his profession, but the cases that we
24 normally deal with here, and, please, I don't
25 in any way mean to minimize, nor do I believe
26 I minimize, the loss of those lives in those
27 cases, are usually what we consider to be,
28 what we think of as a typical automobile
29 accident, one car strikes another and someone
30 is ejected from the vehicle and dies upon
31 impact; someone is crushed through the impact
32 with the steering column or the dashboard;

1 something of this sort. But here, we have
2 disregard for the victim. We must never
3 forget that this lady did not die as a result
4 of a concussion or her chest being crushed.
5 She died as a result of drowning. The
6 defendant clearly, whether intoxicated or
7 not, had the presence of mind to open the
8 sunroof. The photographs can be looked at.
9 They're part of the public record. There's
10 no doubt the proximity of this man to the
11 victim inside of that very, very small
12 interior compartment, passenger compartment,
13 of this sports vehicle was extremely close.
14 He needed only to snap her seat belt to
15 disengage it. Let us never forget that this
16 car was not submerged in an ocean or a river,
17 but in a body of water that at best, the
18 attorneys agreed, was ten to 12 feet in
19 depth. No difficulty on the part of the
20 defendant in swimming to shore. It was a
21 relatively short distance. Anyone who has
22 not, need only go to the bayou at that point,
23 where it intersects at Wisner Boulevard with
24 Fredericks, and you will notice that the
25 distance in terms of the width is not that
26 great.

27 His refusal to acknowledge the presence
28 of the lady in the vehicle, even as lay
29 witnesses implored him to say if anyone is
30 inside; his reluctance to admit her presence
31 in that vehicle even when on shore; his
32 behavior with the police and the EMT's. He

1 certainly is under no obligation to answer
2 questions that would be considered to be
3 custodial interrogation, but his comments
4 about his concern for his car and the
5 obligation or the need, the necessity, on his
6 part to purchase a new one, what this would
7 do to his career; even the minute detail that
8 he was concerned with concerning his
9 insurance rates and what happened in terms of
10 those business dealings, indicate to me a
11 presence of mind that is rather self-
12 centered. His attitude with the EMT's who
13 day-in and day-out, 24 hours a day, 365 days
14 a year for a minimum wage, or perhaps a
15 little above it, do all they can to bring
16 people to the Emergency Rooms of these
17 hospitals, including Charity, so that ladies
18 and gentlemen in the position of the
19 defendant can seek to save their lives. He
20 was belligerent, he was uncooperative, he
21 used vulgarities toward those ladies and
22 gentlemen.

23 His ultimate comment about the victim,
24 of course -- none of which we've heard today,
25 and I don't hold that against anybody --
26 words -- and I don't know if this is
27 verbatim, but it's very close to it, I
28 believe, "I don't know the bitch, I just
29 met her in a bar about an hour ago."

30 With all respect to the doctors in
31 this room today who have testified and to
32 the defendant, as to the decals on that

1 vehicle, "Splash," excuse me, but my
2 sensibilities apparently are a little more
3 delicate than yours.

4 The photograph, and no one doubts that
5 it's the vehicle that was subsequently
6 purchased by the defendant (indicating), came
7 to the Court's attention when it was attached
8 to a letter that's part of the public record
9 that was sent by the father of the victim
10 after the trial, after the verdict was
11 announced.

12 That "Splash" decal, I take judicial
13 notice, is not limited to the tailgate, it's
14 also on each of the doors. These vehicles, I
15 come to be keenly aware of them now, as I've
16 seen them on the streets of this city. The
17 "Splash" decals, and you can see it right
18 here, are also literally right on the door
19 handles. This vehicle, when it was
20 photographed by Mr. Haensel -- according to
21 his letter, he took the photograph -- was
22 parked right across the street from this
23 courthouse, diagonal, in the 2800 block.
24 I'll take judicial notice of that, and any
25 of you familiar with this area will agree,
26 it's right across the street in front of the
27 U-Haul outlet.

28 It's none of these things alone that
29 cause the Court concern, it's the totality of
30 all of them. It's the totality of all of
31 them.

32 Ultimately, it's the lack of concern for

1 the lady's life as she remained pinned in
2 that car alive breathing her last. From one
3 of the photographs that were entered into
4 evidence, it appears that she was unfamiliar
5 with the seat belt. Most of us, including
6 myself, would immediately turn to our left
7 or right, depending if we were on the
8 passenger seat or in the driver's seat, at,
9 if you will, waist level hoping to disengage
10 a seat belt. The vehicle that was involved
11 in this case had the seat belts, the so-
12 called automatic seat belts, where you must
13 go to your right or to your left at shoulder
14 level and disengage the seat belt.

15 The presence of mind to open this
16 sunroof, or moonroof, whatever you wish to
17 call it, had to involve -- had to involve
18 greater effort, I believe, than would have
19 been involved in merely in a split second
20 disengaging that seat belt.

21 Ultimately, it is the lack of respect
22 for the memory of this victim, as you later
23 referred to her as a "bitch," is that
24 something that will remain with me forever.
25 She deserves far greater than that on her
26 tombstone.

27 On yesterday, or was it the evening
28 before, when Mr. Reed presented to me his
29 sentencing memorandum, incorporated in that
30 sentencing memorandum was something that I
31 had written on this final note card a few
32 days before as I sat down and began to

1 collect my thoughts on this, having given it
2 much thought over the last sixty days. I
3 wrote, in advance of receiving this
4 memorandum, a line that the defense counsel
5 wrote. "To him to whom much is given, much
6 is expected."

7 It is the sentence of this Court that
8 the defendant serve the maximum sentence of
9 fifteen (15) years in the custody of the
10 Department of Corrections.

11 If there's going to be any further
12 movement, please step out of the room -- by
13 anybody.

14 If there's going to be any further
15 action, the Court will take action, with
16 the sheriffs being directed to take the
17 action. That applies to anyone in this room.

18 It is without benefit of parole,
19 probation or suspension of sentence, and a
20 fine of \$2,000 is imposed.

21 According to the Department of
22 Corrections, to make this sentence a
23 perfectly legal sentence, it is up to them
24 to determine a substance abuse program, a
25 driver-improvement program that the gentleman
26 will participate in while incarcerated for
27 that period.

28 The law requires the Court to advise the
29 defendant that, as I appreciate the law, he
30 is eligible for good-time consideration,
31 after the sentence of seven and one-half
32 years is served, with full credit for time

1 served from the date when the gentleman was
2 first remanded following his conviction, and
3 the denial of any appeal bond.

4 The matter is set for two weeks from
5 today for the -- two weeks from tomorrow
6 because of the holidays next week -- to allow
7 the Defense on March the 1st to file any
8 appeal that it wishes.

9 Any request for appeal bond is denied.

10 Any request for resentencing
11 consideration at this time is denied.

12 The defendant is advised, pursuant to
13 Article 930.8 that a time -- that this
14 sentence, if it does, and this conviction
15 become final, that he will have three (3)
16 years thereafter to file any writs. Failing
17 to file any writs, the gentleman may forfeit
18 any right in this regard.

19 The gentleman's left and right index
20 fingers are printed upon the bill of
21 information in compliance with Article 871
22 of the Code.

23 Thank you.

24 The objection is noted to protect the
25 record as to all aspects of the proceedings
26 today and throughout the proceedings,
27 including the trial proceedings, as well as
28 the proceedings involved.

29 MR. REED:

30 I do so note an objection.

31 THE COURT:

32 The objection is noted.

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C E R T I F I C A T E

I, Daryl Duplessie, Certified Court Reporter, do hereby certify that the foregoing transcript is true and correct, to the best of my knowledge, ability and understanding, as taken by me in open court before the Honorable Dennis J. Waldron, on February 15, 1996, in the matter entitled STATE OF LOUISIANA VERSUS CHRISTOPHER C. NABORS, NO. 375-409, R.S. 14:32.1, (1 CT).

Daryl Duplessie
DARYL DUPLESSIE
Certified Court Reporter
Criminal District Court
Section "F"