

Bribery case likely at end; charge on one dropped

BY JOE GYAN JR.

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Prosecutors dropped a public bribery charge against local lawyer Don Simmons Jr. on Wednesday, while the grand jury that indicted him three weeks ago took no action against developer Ted Hicks Jr. in the same alleged bribery scheme involving a 4-year-old flier that accused Mayor-President Kip Holden of having an extramarital affair.

Simmons, who agreed to a voluntary interim suspension from the practice of law, was accused of offering a \$50,000 bribe to a city police officer on Aug. 11, 2008, if the officer — then a member of Holden's security detail — would vouch for the allegations contained in the racially charged flier circulated during the 2008 mayoral race.

The East Baton Rouge Parish grand jury that indicted Simmons on July 11 considered the same public bribery charge in relation to Hicks, 68, of Baker, but "pretermitted" the charge Wednesday, meaning the panel neither indicted nor cleared Hicks.

However, no criminal action can be taken against Hicks in relation to that charge after Aug. 11 due to the four-year prescriptive period, District Attorney Hillar Moore III noted.

"The grand jury could not make a decision one way or the other. We respect their decision," he said. "I don't know of any other evidence or information that's out there."

Hicks' attorney, Tommy Damico, was in state District Judge Chip Moore's courtroom when the grand jury's decision was announced.

"Mr. Hicks always had faith that they would not be able to make a decision that he violated the law in any way," Damico said afterward.

"He was involved in what he believed was a business dealing," Damico added, saying Hicks was "trying to put together a book."

Simmons' attorney, Philip House, gave the same explanation after Simmons — a former City Court prosecutor — was indicted, saying Simmons had been asked to approach Officer Gordon "Trey" Bargas III about contributing to a book on colorful Louisiana politics.

Damico said Hicks never offered Bargas money to do anything illegal. House said the same of Simmons.

"Obviously I agree with the dismissal of the charges," House said.

Hillar Moore said Simmons, 43, came to prosecutors Tuesday, accepted responsibility for his actions and agreed to cooperate with his office's investigation and with the Office of Disciplinary Counsel's probe into his conduct. The ODC makes recommendations to the Louisiana Supreme Court, which has the final say on lawyer discipline.

"We think it's a sufficient resolution of the issue," Moore said.

Moore also complimented Bargas, whom prosecutor Prem Burns described as a "victim" following Simmons' indictment.

"Officer Bargas did exactly what anyone in his position should do when presented with this situation. He reported it immediately, which resulted in a successful conclusion of this case," Moore said.

The flier, distributed under a false name and appearing in thousands of mailboxes, accused Holden of engaging in an extramarital affair before the mayor allegedly was severely beaten by the white woman's husband.

Holden has denied those allegations.

Holden's attorney, Mary Olive Pierson, chose to remain silent Wednesday.

The day Simmons was indicted, Pierson said Simmons allegedly offered Bargas \$50,000 if Bargas would make a sworn statement that allegations in the flier were true.

"Everyone knows that the \$50,000 offer was to get someone to help with the campaign of the opponents of the mayor in the last election," Pierson said July 11.

Former Metro Councilman Darrell Glasper has acknowledged paying for the flier.

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