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I-Team: Former prosecutor indicted for \$50,000 bribe

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BATON ROUGE, LA (WAFB) - A former Baton Rouge prosecutor was released from jail on a \$25,000 bond the same day a grand jury indicted him on bribery charges.

It's a book that seemed closed about four years ago. However, a public records request earlier this year opened a whole new chapter. This time, the investigation showed there was criminal intent on the part of former prosecutor Don Simmons and that led to Wednesday's indictment.



Don Simmons

East Baton Rouge Assistant District Attorney Prem Burns told a grand jury that Simmons was willing to use \$50,000 as a bribe for police officer Gordan Bargas.

"It was to influence his conduct and get him to do something that was not within his scope of official conduct as a city police department officer," Burns said. "And, there was an overturn of political motivation for this."

The ordeal dates back four years to August 2008 when a political flyer surfaced claiming Mayor Kip Holden had a black eye from an altercation. Bargas was Holden's bodyguard back then. In a Baton Rouge Police Internal Affairs investigation given to the 9 News I-Team, the officer claimed Simmons sent him text messages reading:

Simmons: "They were willing to offer fifty thousand dollars cash, if the security person would sign an affidavit validating the flyer"

Bargas: "WHATEVER!"

When investigators asked if Bargas knew who "they" were, he said, "No." The report went on to say Simmons sent two more texts.

Simmons: "Can u talk 2 me?"

Simmons: "50 K, that's a lot of money"

That's when BRPD's Internal Affairs decided the matter may be criminal and because one of the department's officers was involved, the matter was handed over to the Louisiana State Police. Following the state police investigation back in 2008, the report stated, "At this time, there is no evidence to support criminal conduct, and no further action will be taken unless additional information or evidence is brought forth."

Fast forward nearly four years to earlier this year. A local attorney made a public records request and the Louisiana State Police reopened its investigation. This time, sources told the I-Team that they did find criminal intent. That information was handed over to District Attorney Hillar Moore, whose prosecutors took the case before the grand jury on Wednesday. The grand jury returned a public bribery indictment for Simmons.

Philip House represents Simmons and said the \$50,000 was nothing more than an offer to Bargas for a book deal.

"They wanted to get his story," House explained. "They were willing to put it in as part of the book deal, but the DA's office is saying any monies paid to a police officer to include his story in a book deal is essentially public bribery."

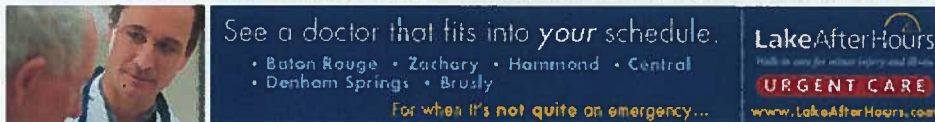
"I've heard that defense before, but frankly, I mean, that was in 2008 and this is 2012," said attorney Mary Olive Pierson, who represents Holden. "It's been four years. I don't think it took that long to write War and Peace."

Pierson said neither she nor her client had any part in this investigation. She said it all falls on Simmons.

"A policeman on the security detail of the mayor would have an obligation as part of his job to tell the truth. When you offer to give me \$50,000 to tell it your way, that is a bribe," Pierson added.

The I-Team asked state police why its investigation in 2008 came back with no criminal intent and then four years later showed criminal intent. The response given was all questions had to be directed to the district attorney, who cannot comment because it's an ongoing case.

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