

**IN RE: MATTER UNDER  
INVESTIGATION/LSP 20-010001  
AND LPD 20-19**

**DOCKET NO. C-20204381  
15<sup>TH</sup> JUDICIAL DISTRICT COURT  
PARISH OF LAFAYETTE  
STATE OF LOUISIANA**

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**PETITION FOR INTERVENTION ON BEHALF  
OF CEDRICK AND MICHELLE PELLERIN**

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**NOW INTO COURT**, through undersigned counsel, come Cedrick Pellerin and Michelle Pellerin, intervenors herein, who aver the following:

***Procedural Background***

1.

On September 8, 2020, Lafayette Police Department Officers John Doe-1, John Doe-2, and John Doe-3 sought and were granted a Temporary Restraining Order by this Honorable Court.

2.

The TRO temporarily blocks:

- Identification of Joe Doe-1, John Doe-2, and John Doe-3
- Statements, documents, reports, and audio/video footage from being provided to “any person, media company/outlet, news organization, and/or other entity not associated with the investigations”

3.

Movers therein argued that “the release of information would impair the integrity of the ongoing investigations and anticipated civil litigation.” Intervenors endeavor to address that argument while making several important distinctions.

***First, Say His Name***

4.

Though the anonymous officers fail to mention the name of the man they killed, and instead flippantly allude to “the incidents which occurred at the Circle K,” his name was Trayford Pellerin.

***The Trayford Pellerin Shooting***

5.

On August 21, 2020, 31-year-old Trayford Pellerin was killed by the Lafayette Police Department when at least ten of their seventeen gunshots struck Trayford’s body at close range.

6.

Cedrick Pellerin—domiciled in Lafayette Parish, Louisiana—is the natural father of Trayford Pellerin. Michelle Pellerin—also domiciled in Lafayette Parish, Louisiana—is the natural mother of Trayford Pellerin. Trayford was never married and had no children.

7.

Yesterday, September 10, 2020, the Pellerin family laid Trayford's bullet-riddled body to rest. But the closure of his casket brought no closure to his grieving loved ones. Despite the passage of twenty-one days since Trayford was gunned down by police, the Pellerins have been provided no answers to the following non-exhaustive questions:

- Why is the body camera footage being hidden from not only the public, but also Trayford's family?
- What does the LPD audio reveal about the events which led to some seventeen bullets being shot at Trayford (who had no gun)?
- Where is the purported 9-1-1 tape?
- Why has the Parish Coroner's autopsy report been kept a secret?
- If evidence exists that a taser was used (or other de-escalation tactics), why has such evidence not been released?
- If Trayford was in possession of a knife, why is that evidence being suppressed?
- If the officers who killed Trayford did everything by the book, why are their identities being shrouded?
- When Mayor Josh Guillory formally requested that the body cam footage be shown privately to Trayford's parents, why did police need a same-day restraining order preventing that request?
- In short, what are they hiding?

***Mayor Guillory's Commitments to Pellerin Family***

8.

The Pellerin family and its attorneys met with Lafayette Mayor-President Josh Guillory on September 4, 2020 for about an hour and a half in City Hall. Amongst other commitments, Mayor Guillory promised Trayford's parents that he would do everything in his power to arrange a private viewing of the body cam footage. In keeping with that promise, Mayor Guillory placed a phone call to District Attorney Keith Stutes that same day, then memorialized that conversation via a September 8, 2020 letter—a copy of which is on the following page:

September 8, 2020

Honorable Keith A. Stutes  
District Attorney  
15<sup>th</sup> Judicial District Court  
800 South Buchanan Street  
Lafayette, Louisiana 70502

*Via Facsimile (337) 235-1354  
and Hand Delivery*

RE: Notification of private viewing of body cam footage by the family of Trayford Pellerin.

Dear Mr. Stutes,

I am writing to follow up on our conversation of Friday, September 4th regarding my meeting with the family of Trayford Pellerin.

As we discussed, I pledged to the family that I would make every effort to fulfill their request for a private viewing of the body cam footage of the incident in which Trayford lost his life.

Please consider this correspondence formal notification that I am making arrangements for this viewing to take place in fulfillment of my pledge to the family.

Warm regards,



Josh Guillory  
Lafayette Mayor-President

JSG/bp

c: Mr. Greg Logan [VIA FAX: (337) 456-5524 & EMAIL]  
Mr. Ronald S. Haley, Jr. [VIA FAX: (888) 900-9771 & EMAIL]

9.

To be clear, Mayor Guillory is not requesting that any footage be released to the public or media (at least not at this time). After hearing the sadness in their voices and witnessing the sorrow in their eyes, Mayor Guillory committed to providing answers to some of the Pellerins' questions. Furthermore, Mayor Guillory requested that any information identifying John Doe-1, John Doe-2, and/or John Doe-3 be obscured from the footage shown to Trayford's parents. In other words, the identities of the cops would remain unknown.

10.

But how did the district attorney and police respond to Mayor Guillory's request? By immediately seeking and securing the subject restraining order. Again, what are they hiding?

## *Law and Argument*

11.

La. Code Civ. Proc. Ann. art. 1091 holds that “third person[s] having an interest therein may intervene in a pending action to enforce a right related to or connected with the object of the pending action against one or more of the parties thereto.”

12.

Because Cedrick and Michelle Pellerin have “an interest therein”—namely, an interest in finally learning how and why their son was shot ten times by cops twenty-one days ago—they “may intervene,” as a matter of law. This notion is substantiated by the jurisprudence.

13.

“There is a twofold requirement for third-party interventions: the intervenor must have a justiciable interest in, and a connexity to, the principal action.”<sup>1</sup> As the parents of Trayford, Cedrick and Michelle’s connexity to the investigations of their son’s shooting is self-evident.

So what is a justiciable interest? “For purposes of third-party intervention, ‘justiciable interest’ is right of third-party to seek redress or remedy against either [party] in [the] original action or both, where those parties have real interest in opposing it.”<sup>2</sup>

14.

Naturally, the Pellerins have a justiciable interest in the subject matter of this litigation. If this TRO becomes a permanent Protective Order, this Honorable Court will effectively enable the cops and prosecutors to hide—into perpetuity—all the evidence of Trayford Pellerin’s killing.

Ultimately, the police will be trusted to police themselves. No transparency to the Lafayette community, no transparency to the media, and worst of all, no transparency to the Pellerin family.

15.

As their sole argument, the anonymous shooters allege that disclosing unalterable evidence—such as the autopsy report and body cam footage—would “impair the integrity of the ongoing investigations and anticipated civil litigation.” The infirmity in that argument is caustic.

16.

First, at this juncture, the Pellerins have filed no lawsuit. Moreover, undersigned counsel searched but could not find a statute or case in all of Louisiana which maintains that a Protective

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<sup>1</sup> *Villarrubia v. Villarrubia*, 18-320 (La. App. 5 Cir. 12/27/18), 264 So. 3d 554.

<sup>2</sup> *Rourke v. Estate of Dretar*, 17-672 (La. App. 5 Cir. 5/23/18), 248 So. 3d 653.

Order should be granted exclusively because a third-party may have a tort claim against the movers.<sup>3</sup> This reasoning is flimsy at best and nonsensical at worst. Not to mention, the legal presupposition of movers is inversely accurate anyway—as the chief point of civil litigation is the discovery of evidence. That is literally the essence of a lawsuit. The suggestion that disclosing evidence would undermine the integrity of civil litigation is akin to saying oxygen undermines the integrity of water.

Second, regarding the LSP and LPD investigations, Merriam-Webster defines integrity as “an unimpaired condition: soundness.” Much of the evidence protected from disclosure by the TRO is evidence that cannot be altered. In other words, the body cam footage, for example, should always remain in “an unimpaired condition.” Therefore, it is frankly wrong to assert that such evidence must remain hidden from the Pellerins and the public under the guise that the integrity of the investigations could be compromised were such evidence released. In fact, the opposite is true—the only way the evidence could become “impaired” is if it is mishandled, lost, tainted, spoliated, adulterated, altered, or permanently suppressed by police (which is a legitimate fear if the Protective Order is issued).

### *Prayers*

17.

I. Cedrick and Michelle Pellerin pray that this Honorable Court recognize their right to intervene in this matter, in accordance with La. Code Civ. Proc. Ann. art. 1091 and the germane jurisprudence.

II. The Pellerins pray that they be made Defendants-in-Intervention inasmuch as they are opposing movers’ TRO/Protective Order and suppression of evidence involving their son’s killing at the hands of the Lafayette Police Department.

III. The Pellerins pray that their counsel be allowed to appear and make oral arguments on their behalf during the show-cause hearing scheduled for 10:00 a.m. on September 15, 2020.

IV. The Pellerins pray, in the alternative, that should this Honorable Court issue a Protective Order as sought by the anonymous officers, it be adjudicated that Cedrick and Michelle Pellerin (along with undersigned counsel) do not fall into the contemplated category of “any person [...] not associated with the investigations currently underway by the Lafayette Police Department

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<sup>3</sup> In fact, movers cited no case law, statute, Civil Code Article, or any other authority to buttress their supposed “irreparable harm.”

and Louisiana State Police”—meaning the Order would have effect against every person/entity except Cedrick and Michelle Pellerin, who would be considered “associated with the investigations.” Specifically, authorities would be allowed to carry out Mayor Guillory’s request that Trayford’s parents be shown the body cam footage—entirely unedited with the exception of obscuring the identities of John Doe-1, John Doe-2, and John Doe-3.

V. Lastly, the Pellerins address the *soul* of the Lafayette community—which includes this Honorable Court, the media, the police, the public, the activists, and the elected officials, alike. Trayford Pellerin was shot down in the dark for being dark and now his parents are being left in the dark. Right now, in this proceeding—irrespective of every other forthcoming matter regarding their son—Cedrick and Michelle Pellerin plead for answers. This Court has the authority and power to bestow some level of peace and solace on a grieving family, which has waited long enough. They respectfully pray for that redress.

Yours in Justice,

*Ronald Haley, Jr.*  

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**CERTIFICATE OF SERVICE**

We hereby certify that the above and foregoing pleading has been served upon all known counsel of record via electronic delivery on the 11<sup>th</sup> day of September 2020.

*Ronald Haley, Jr.*  
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RON HALEY

*Dedrick A. Moore*  
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*Charles L. Trichell*  
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