

CRIMINAL DOCKET NO. 60,600

STATE OF LOUISIANA	FILED Union Parish Clerk of Court	3 rd JUDICIAL DISTRICT
VERSUS	JUL 13 2023	PARISH OF UNION
KORY YORK	Monet Frazier, Deputy Clerk Third Judicial District Court	STATE OF LOUISIANA

BILL OF PARTICULARS
IN COMPLIANCE WITH ORDER DATED JULY 10, 2023

NOW INTO COURT, through the undersigned Assistant District Attorney, comes the State of Louisiana, and in compliance with the court’s order respectfully provides the following particulars in relation to Counts 3-10 of the indictment issued against Kory York:

I.

All previous responses to discovery and Bills of Particulars are incorporated herein.

II.

The battery/malfeasance referenced in Count 3 is detailed on page 41 of the expert report from Seth Stoughton, attached hereto as Exhibit A. Clearly referenced is a time frame via time stamp, and clearly displayed is the owner/operator video from which it was derived. The time stamps referenced are not exclusive, and represent a singular frame of the referenced battery, all of which has been in possession of the defendant since March 14, 2023. Stoughton’s report may be found at “LSP/LSP Thumb Drive 2/Preliminary Expert Report, 11-29-2022.”

III.

The battery/malfeasance referenced in Count 4 is detailed on page 42 of the expert report from Seth Stoughton, attached hereto as Exhibit B. Clearly referenced is a time frame via time stamp, and clearly displayed is the owner/operator video from which it was derived. The time stamps referenced are not exclusive, and represent a singular

frame of the referenced battery, all of which has been in possession of the defendant since March 14, 2023. Stoughton's report may be found at "LSP/LSP Thumb Drive 2/Preliminary Expert Report, 11-29-2022."

IV.

The battery/malfeasance referenced in Count 5 is detailed on page 43/44 of the expert report from Seth Stoughton, attached hereto as Exhibit C. Clearly referenced is a time frame via time stamp, and clearly displayed is the owner/operator video from which it was derived. The time stamps referenced are not exclusive, and represent a singular frame of the referenced battery, all of which has been in possession of the defendant since March 14, 2023. Stoughton's report may be found at "LSP/LSP Thumb Drive 2/Preliminary Expert Report, 11-29-2022."

V.

The battery/malfeasance referenced in Count 6 is detailed on page 46 of the expert report from Seth Stoughton, attached hereto as Exhibit D. Clearly referenced is a time frame via time stamp, and clearly displayed is the owner/operator video from which it was derived. The time stamps referenced are not exclusive, and represent a singular frame of the referenced battery, all of which has been in possession of the defendant since March 14, 2023. Stoughton's report may be found at "LSP/LSP Thumb Drive 2/Preliminary Expert Report, 11-29-2022."

VI.

The battery/malfeasance referenced in Count 7 is detailed on page 48/49 of the expert report from Seth Stoughton, attached hereto as Exhibit E. Clearly referenced is a time frame via time stamp, and clearly displayed is the owner/operator video from which it was derived. The time stamps referenced are not exclusive, and represent a singular frame of the referenced battery, all of which has been in possession of the defendant since

March 14, 2023. Stoughton's report may be found at "LSP/LSP Thumb Drive 2/Preliminary Expert Report, 11-29-2022."

VII.

The battery/malfeasance referenced in Count 8 is detailed on page 50 of the expert report from Seth Stoughton, attached hereto as Exhibit F. Clearly referenced is a time frame via time stamp, and clearly displayed is the owner/operator video from which it was derived. The time stamps referenced are not exclusive, and represent a singular frame of the referenced battery, all of which has been in possession of the defendant since March 14, 2023. Stoughton's report may be found at "LSP/LSP Thumb Drive 2/Preliminary Expert Report, 11-29-2022."

VIII.

The battery/malfeasance referenced in Count 9 is detailed on page 57/58 of the expert report from Seth Stoughton, attached hereto as Exhibit G. Clearly referenced is a time frame via time stamp, and clearly displayed is the owner/operator video from which it was derived. The time stamps referenced are not exclusive, and represent a singular frame of the referenced battery, all of which has been in possession of the defendant since March 14, 2023. Stoughton's report may be found at "LSP/LSP Thumb Drive 2/Preliminary Expert Report, 11-29-2022."

IX.

The battery/malfeasance referenced in Count 10 is detailed on page 59/60 of the expert report from Seth Stoughton, attached hereto as Exhibit H. Clearly referenced is a time frame via time stamp, and clearly displayed is the owner/operator video from which it was derived. The time stamps referenced are not exclusive, and represent a singular frame of the referenced battery, all of which has been in possession of the defendant since

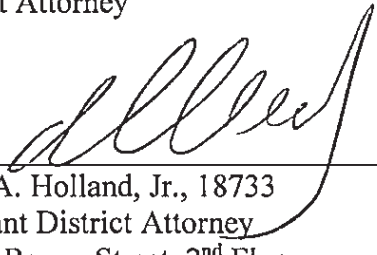
March 14, 2023. Stoughton's report may be found at "LSP/LSP Thumb Drive 2/Preliminary Expert Report, 11-29-2022."

WHEREFORE, the State of Louisiana, through the undersigned Assistant District Attorney, prays that these particulars be deemed good and sufficient.

Respectfully submitted,

JOHN BELTON
District Attorney

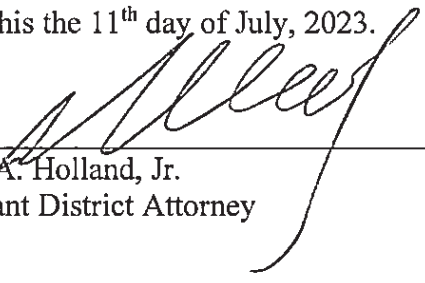
By:



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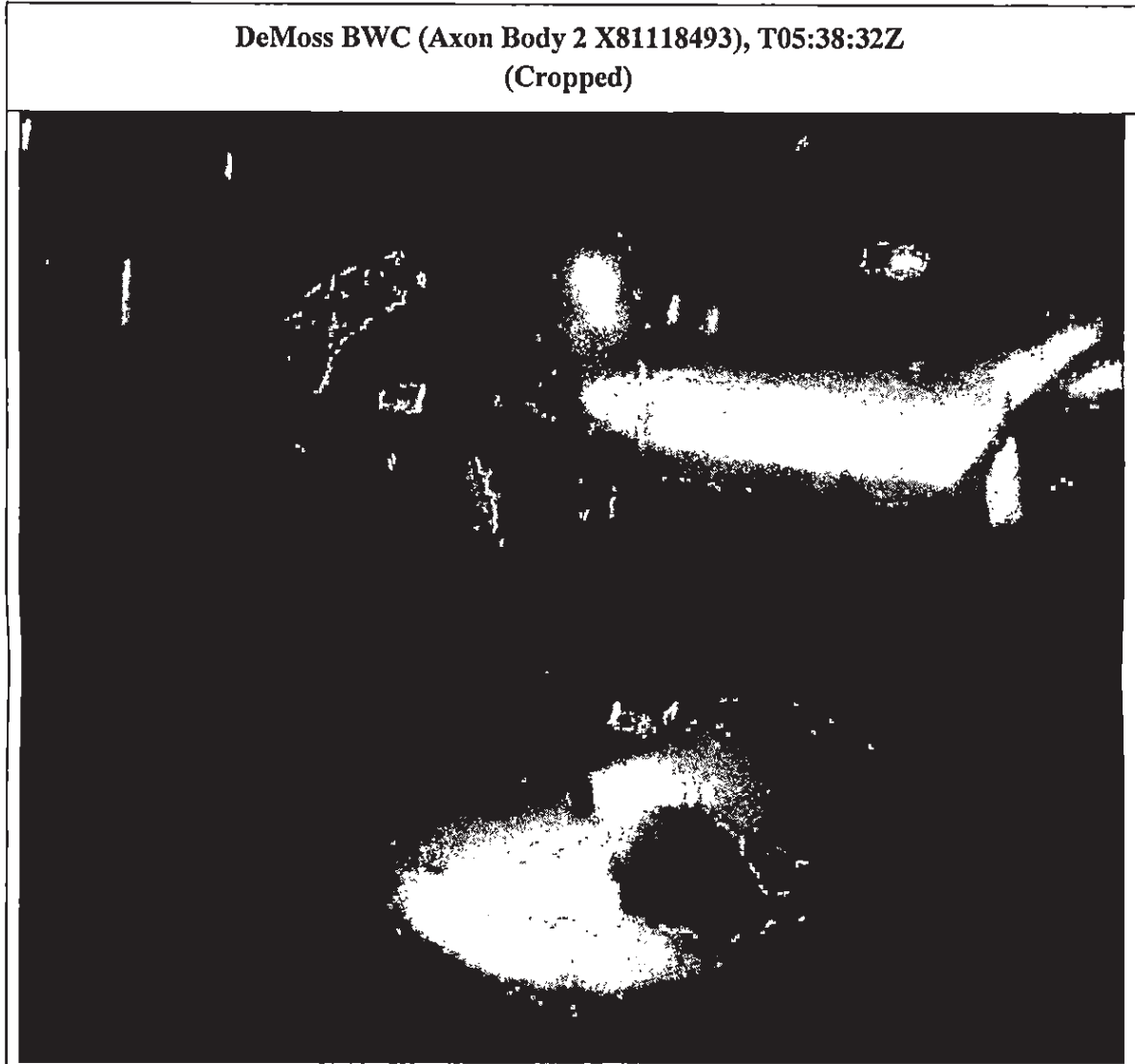
CERTIFICATE

I HEREBY CERTIFY that a copy of the foregoing Bill of Particulars in Compliance with Order Dated July 10, 2023 has been delivered electronically to Mike Small at jmikesmall@aol.com and to Taylor Townsend at taylor@taylortownsendlaw.com on this the 11th day of July, 2023.



Hugo A. Holland, Jr.
Assistant District Attorney

When Tpr. DeMoss walked back to the spot where they had left Mr. Greene, Mr. Greene was still in the prone position and Mst. Tpr. York was standing with his left foot on Mr. Greene's right shoulder area, as reflected in the following screen capture:



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Exh A

Shortly thereafter, Mst. Tpr. York stepped off of Mr. Greene and used the toe of his right boot to kick, apparently lightly, Mr. Greene in the right thigh, as reflected in the following screen capture:

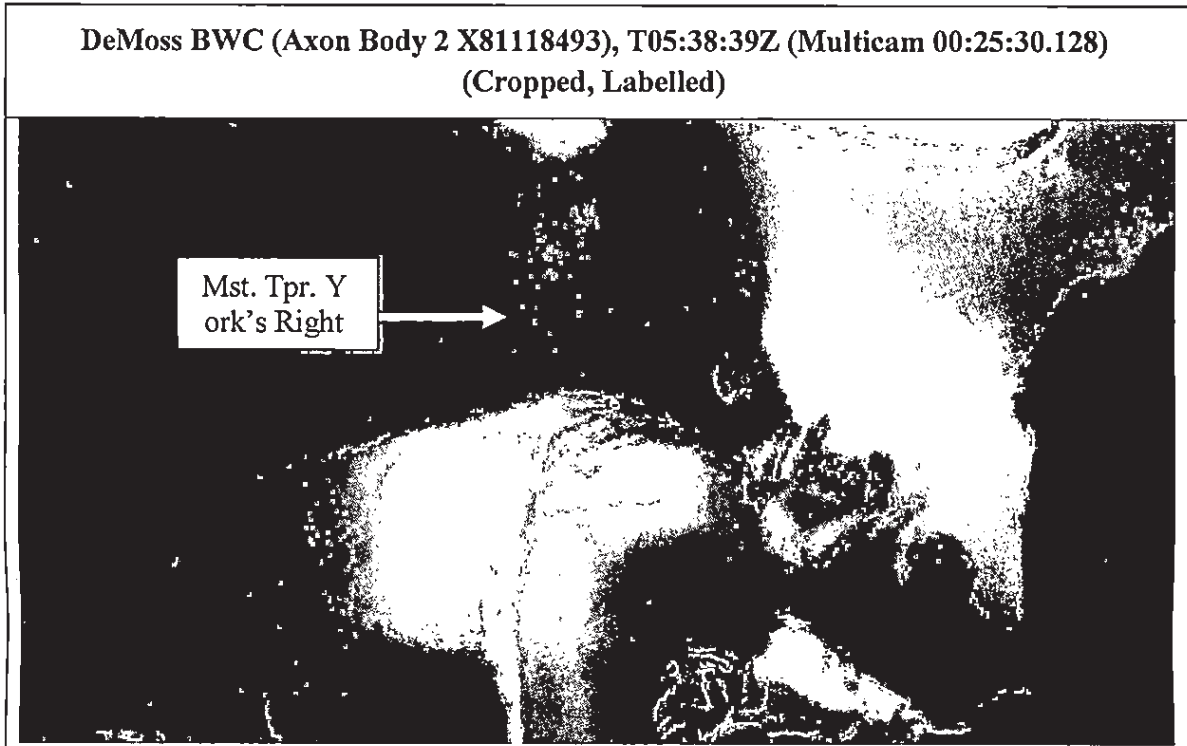
DeMoss BWC (Axon Body 2 X81118493), T05:38:37Z
(Cropped)



Exh B

At the time, Mr. Greene was still in the prone position, but his hips were canted slightly to the side.¹²¹

Shortly after that, Mst. Tpr. York used his left foot to stomp down on Mr. Greene's right buttock area, apparently pushing that hip to the ground as reflected in the following screen captures:



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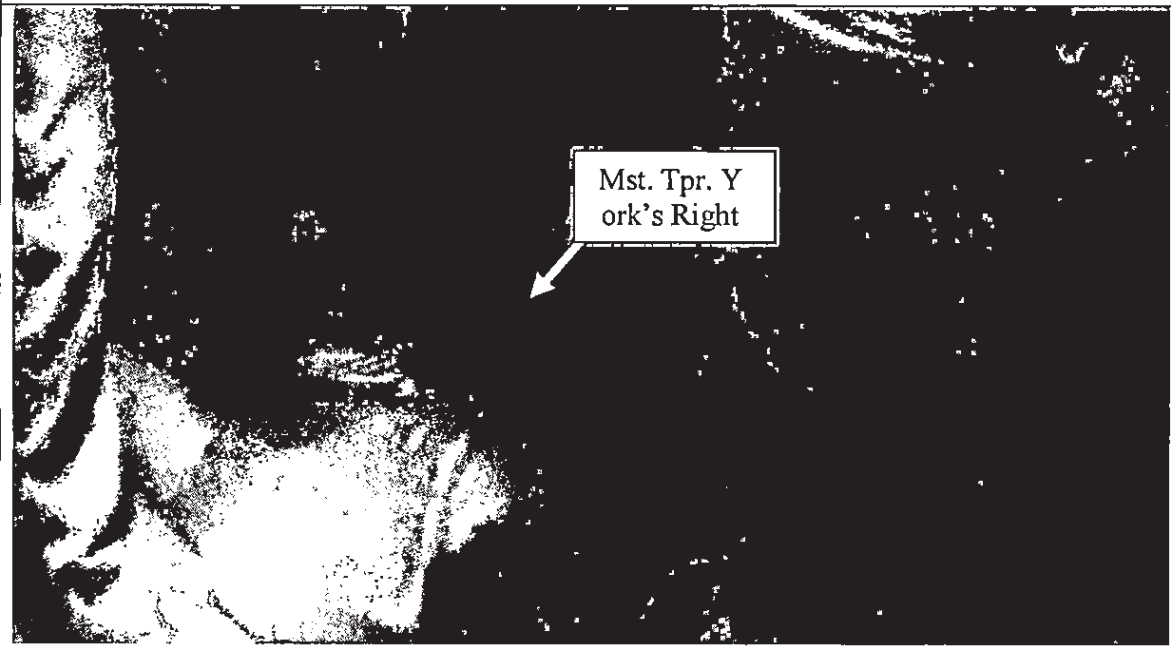
¹²¹ DeMoss BWC (Axon Body 2 X81118493), T05:38:37Z.

Exh C

DeMoss BWC (Axon Body 2 X81118493), T05:38:39Z (Multicam 00:25:30.228)
(Cropped, Labelled)



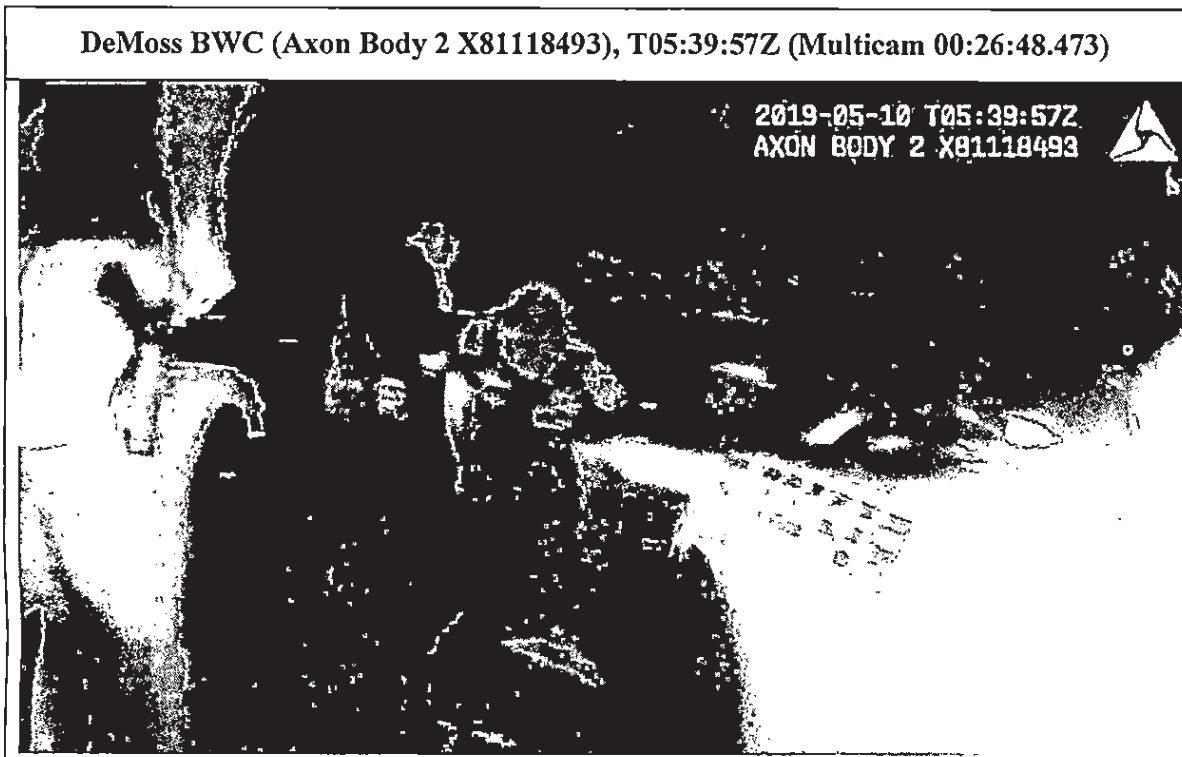
DeMoss BWC (Axon Body 2 X81118493), T05:38:39Z (Multicam 00:25:30.462)
(Cropped, Labelled, Brightness increased 20%, Contrast decreased 40%)



Exh C

Tpr. DeMoss's BWC and Lt. Clary's BWC,¹²⁹ which allows visual events captured on Tpr. DeMoss's BWC to be associated with auditory events recorded on Lt. Clary's BWC.¹³⁰

Mst. Tpr. York was standing over Mr. Greene apparently holding the back of his pants, as reflected in the following screen capture:



While Mr. Greene and Mst. Tpr. York were in that position, Mst. Tpr. Hollingsworth applied leg shackles to Mr. Greene.¹³¹

As Lt. Clary approached the location of the crash where troopers were standing with Mr. Greene, Mr. Greene said, "Aw, yes, sir."¹³² An unidentified officer said, "Quit moving," and Mr. Greene responded, "Okay, okay."¹³³ Mr. Greene then made a higher pitch, wordless noise consistent with

¹²⁹ Clary BWC and Demoss BWC - Multicam Extraction.mp4.

¹³⁰ Note that the displayed timestamps on Tpr. DeMoss's BWC and Lt. Clary's BWC are *not* synchronized, although the visual events are. The timestamp on Tpr. DeMoss's BWC is approximately five seconds ahead of the timestamp on Lt. Clary's BWC; for example, when Tpr. DeMoss's BWC displays an embedded timestamp of T05:40:00Z, Lt. Clary's BWC displays an embedded timestamp of T05:39:55Z.

¹³¹ DeMoss BWC (Axon Body 2 X81118493), T05:40:02Z

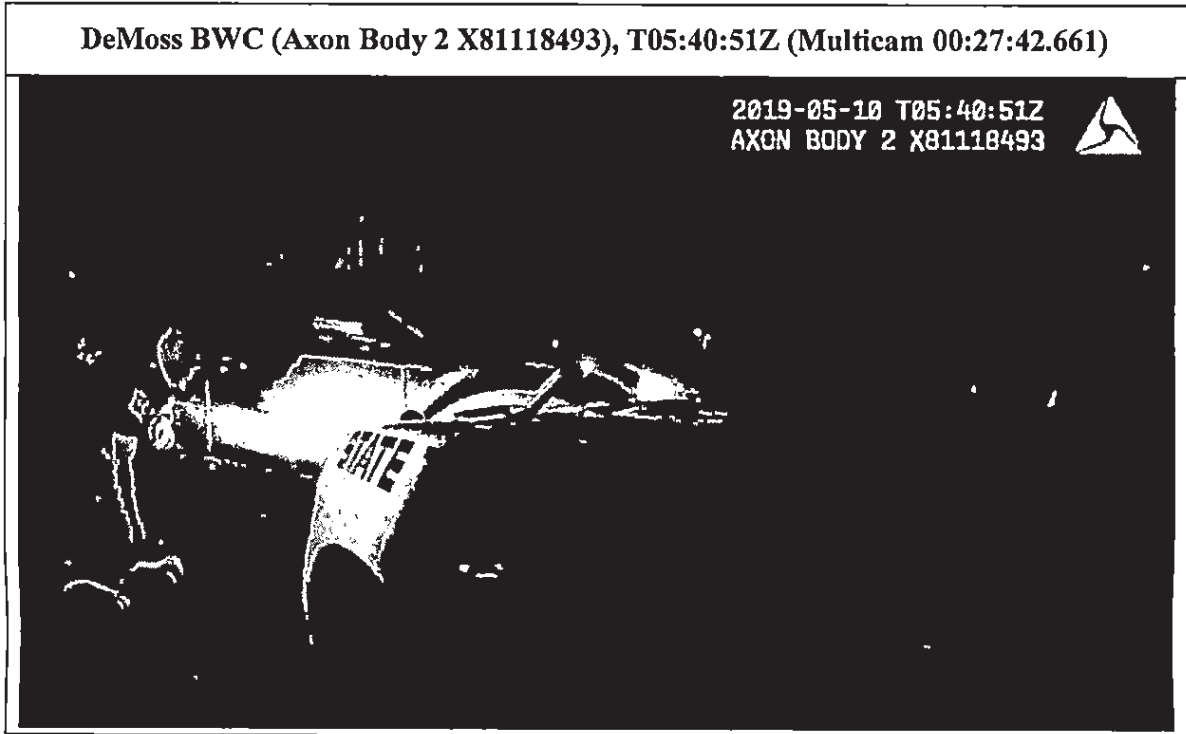
¹³² Clary BWC (Axon Body 2 X81141206), T05:40:05Z

¹³³ Clary BWC (Axon Body 2 X81141206), T05:40:07Z

Exh D

Mr. Greene responded, "Yes, sir."¹³⁹

Shortly thereafter, Mst. Tpr. York reached down and grabbed the chain of the leg shackles, dragging Mr. Greene backwards for a short distance,¹⁴⁰ as reflected in the following screen captures:



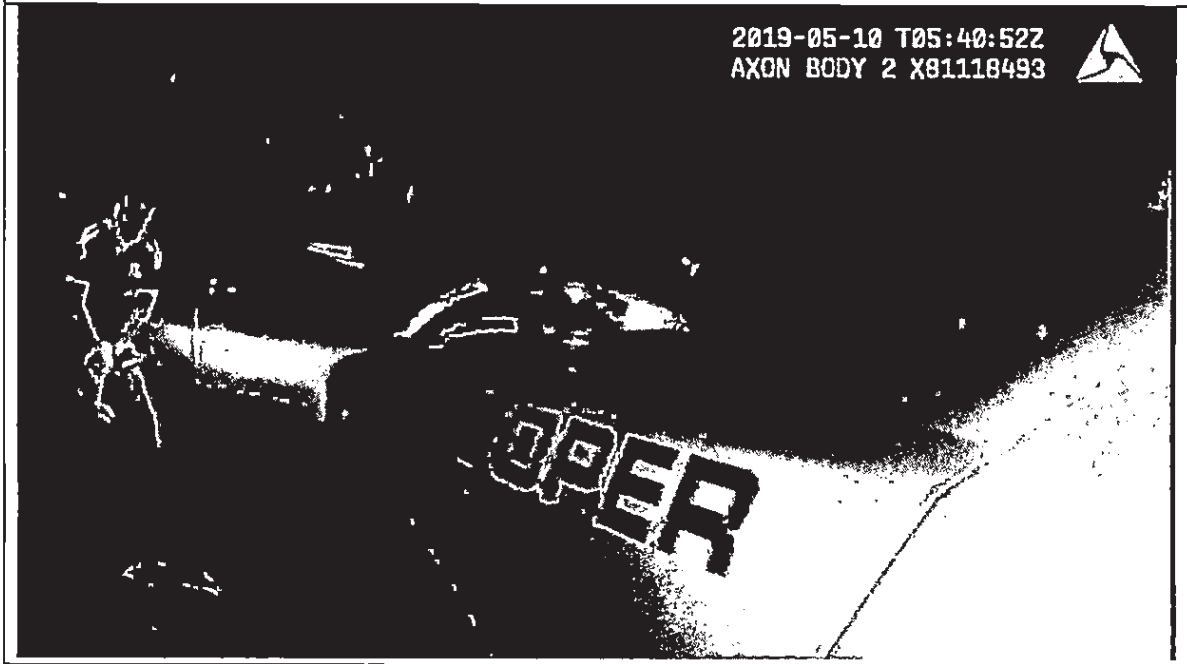
This space intentionally left blank.

¹³⁹ Clary BWC (Axon Body 2 X81141206), T05:40:45Z

¹⁴⁰ DeMoss BWC (Axon Body 2 X81118493), T05:40:51Z; Clary BWC (Axon Body 2 X81141206), T05:40:47Z

Exh E

DeMoss BWC (Axon Body 2 X81118493), T05:40:52Z (Multicam 00:27:43.028)



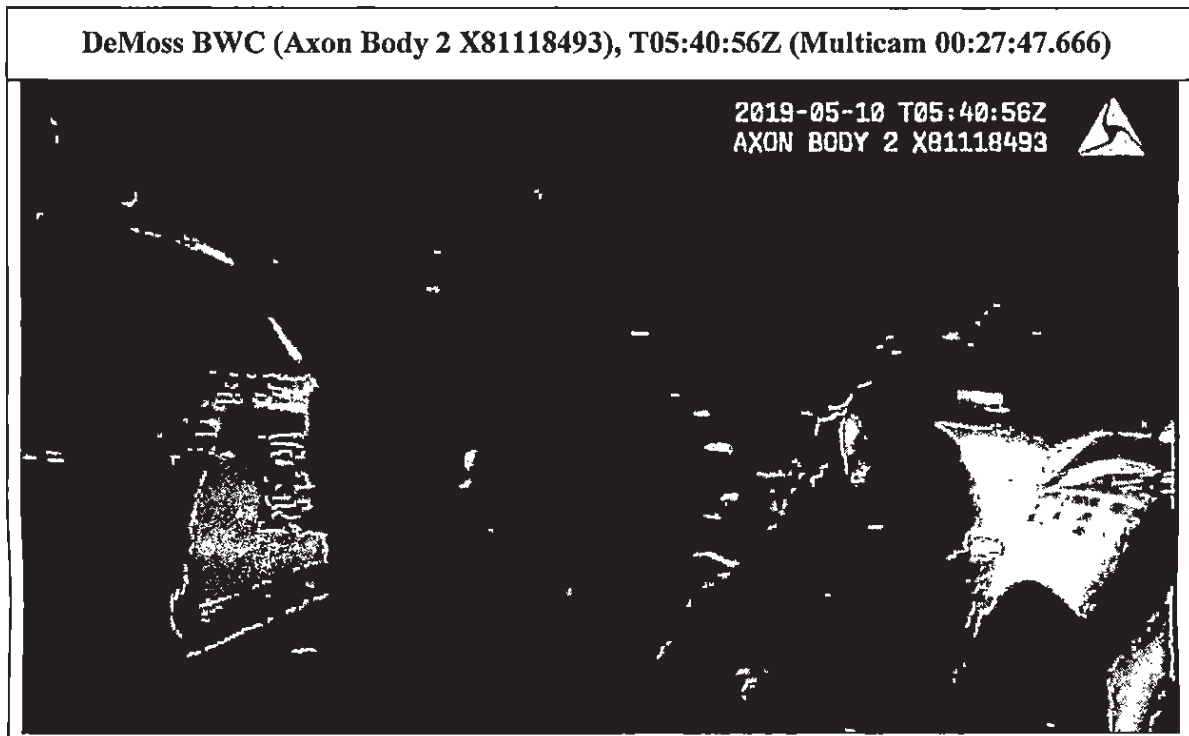
DeMoss BWC (Axon Body 2 X81118493), T05:40:53Z (Multicam 00:27:44.062)



Exh E

As Mst. Tpr. York dragged him backward, Mr. Greene said, "Okay, okay, sir!"¹⁴¹

Mst. Tpr. York moved to a position to Mr. Greene's left, knelt on his back, and yelled, "You're going to lay on your fucking belly like I told you to, you understand?"¹⁴² While in this position, Mst. Tpr. York maintained his grip on the chain between the leg shackles, pulling Mr. Greene's feet up as reflected in the following screen capture:



Mr. Greene again said, "Yes, sir," and made several wordless noises consistent with an expression of pain or distress.¹⁴³

Mst. Tpr. York then said, "You act right, I'll let you go."¹⁴⁴

It is not clear how long Mst. Tpr. York held Mr. Greene in that position; approximately nine seconds later, Mst. Tpr. York released Mr. Greene, leaving him in the prone position and remaining in a position over him.¹⁴⁵

¹⁴¹ DeMoss BWC (Axon Body 2 X81118493), T05:40:52Z; Clary BWC (Axon Body 2 X81141206), T05:40:47Z

¹⁴² DeMoss BWC (Axon Body 2 X81118493), T05:40:53Z; Clary BWC (Axon Body 2 X81141206), T05:40:48Z

¹⁴³ DeMoss BWC (Axon Body 2 X81118493), T05:40:54Z; Clary BWC (Axon Body 2 X81141206), T05:40:49Z

¹⁴⁴ DeMoss BWC (Axon Body 2 X81118493), T05:40:54Z; Clary BWC (Axon Body 2 X81141206), T05:40:49Z

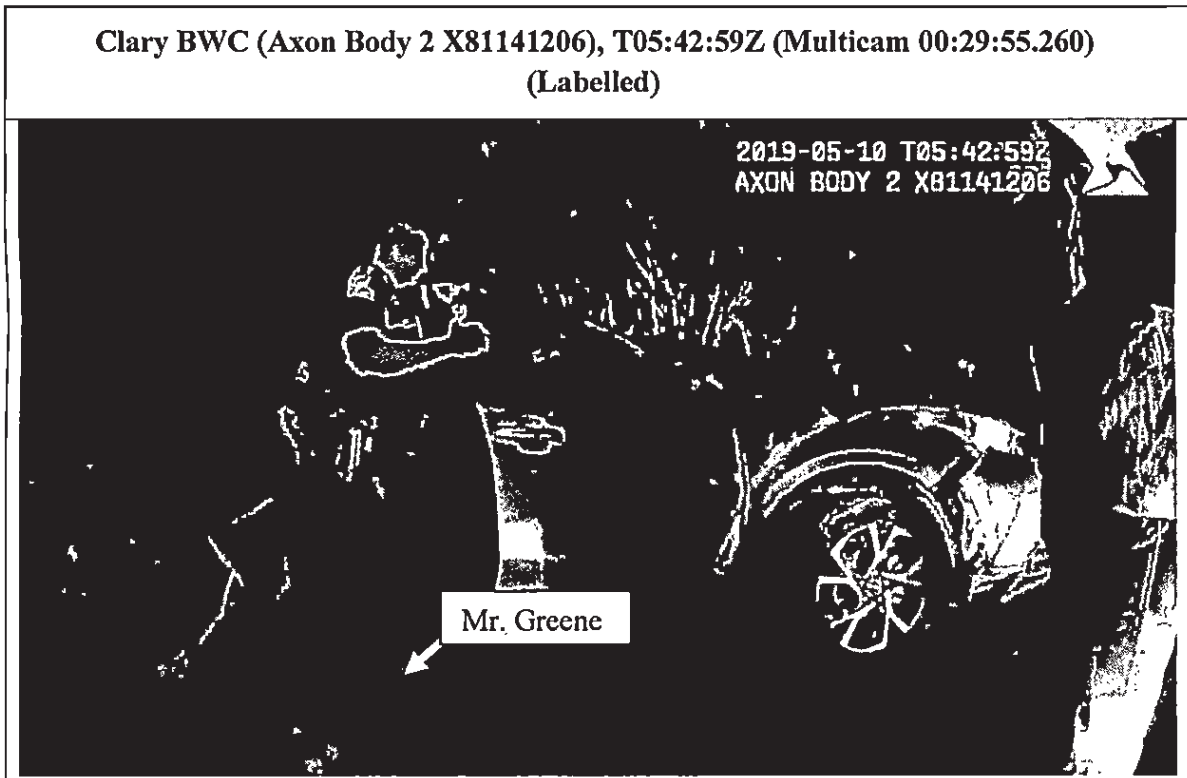
¹⁴⁵ DeMoss BWC (Axon Body 2 X81118493), T05:41:06Z.

Exh F

Tpr. DeMoss knelt near Mr. Greene and recited a version of the *Miranda* warnings.¹⁶⁰ When Tpr. DeMoss asked Mr. Greene why he ran, Mr. Greene twice started to answer but was either unwilling or unable to before he said, “I was just tired.”¹⁶¹

Although not entirely clear from the video, the sudden increase in Mr. Greene’s apparent expressions of pain or discomfort,¹⁶² the way Mr. Greene apparently held his eyes shut, and, to a lesser extent, the fact that Mr. Greene apparently had to try speaking several times before being able to respond to Tpr. DeMoss’s questioning are consistent with exposure to OC spray. It is worth noting that in a later Use of Force Report, Mst. Tpr. Hollingsworth indicated that he used OC spray in “[o]ne 1/2 second burst to the facial area,”¹⁶³ although there is no additional detail about *when* during the encounter that occurred.

Almost immediately after, Mr. Greene fell to his right, as reflected in the following screen capture:



As he fell to his side, Mr. Greene said, “Hey, sir” and made a series of wordless noises consistent

¹⁶⁰ DeMoss BWC (Axon Body 2 X81118493), T05:42:42Z; Clary BWC (Axon Body 2 X81141206), T04:42:37Z.

¹⁶¹ DeMoss BWC (Axon Body 2 X81118493), T05:42:42Z; Clary BWC (Axon Body 2 X81141206), T04:42:37Z.

¹⁶² Clary BWC (Axon Body 2 X81141206), T05:41:54Z.

¹⁶³ Hollingsworth 05-10-19.pdf.

Exh G

with expressions of pain or distress.¹⁶⁴

Within a few seconds, Mst. Tpr. York, who was still behind Mr. Greene, pushed Mr. Greene forward, causing Mr. Greene to shout, and said, "Quit fucking pushing against me, you understand that?"¹⁶⁵ Mr. Greene did not answer, but continued making a series of wordless noises consistent with expressions of pain or distress.¹⁶⁶

At approximately this point, Lt. Clary moved away; although certain subsequent events were audio recorded, there is no known video recording.

Shortly thereafter, Mr. Greene made another loud noise consistent with an expression of pain or distress and said, "Oh, okay. Alright, okay. Alright."¹⁶⁷ At the time, Lt. Clary's BWC suggests that Mst. Tpr. York was saying something to Mr. Greene, but his words were inaudible until he said, "I got your attention now? Do what I tell you to do."¹⁶⁸

Mr. Greene responded, "Yes, sir."¹⁶⁹

Mst. Tpr. York said, "Do what I tell you to do."¹⁷⁰

Mr. Greene again responded, "Yes, sir."¹⁷¹

Mst. Tpr. York said, "Lay there and relax and [inaudible]."¹⁷²

Mr. Greene continued making a series of wordless noises consistent with expressions of pain or distress.¹⁷³ A few seconds later, the volume of Mr. Greene's noises increased.¹⁷⁴

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¹⁶⁴ Clary BWC (Axon Body 2 X81141206), T05:42:59Z.

¹⁶⁵ Clary BWC (Axon Body 2 X81141206), T05:43:08Z.

¹⁶⁶ Clary BWC (Axon Body 2 X81141206), T05:43:10Z.

¹⁶⁷ Clary BWC (Axon Body 2 X81141206), T05:43:27Z.

¹⁶⁸ Clary BWC (Axon Body 2 X81141206), T05:43:33Z.

¹⁶⁹ Clary BWC (Axon Body 2 X81141206), T05:43:34Z.

¹⁷⁰ Clary BWC (Axon Body 2 X81141206), T05:43:35Z.

¹⁷¹ Clary BWC (Axon Body 2 X81141206), T05:43:37Z.

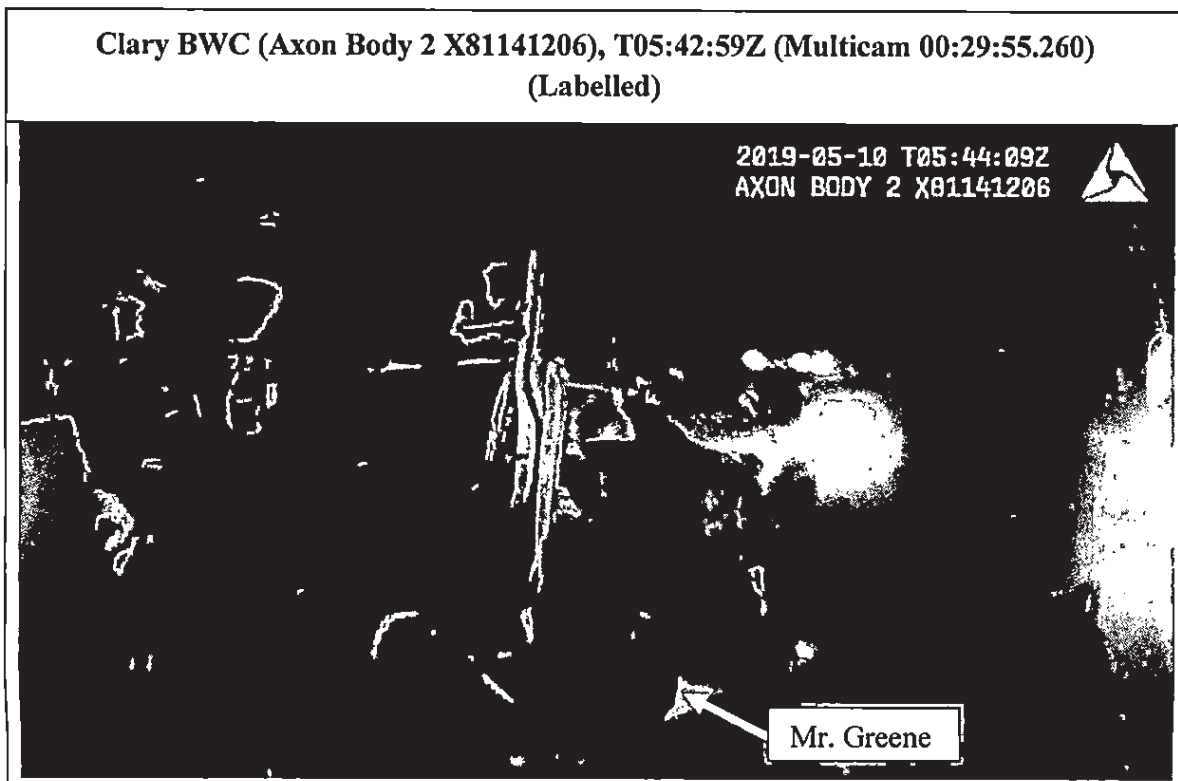
¹⁷² Clary BWC (Axon Body 2 X81141206), T05:43:38Z.

¹⁷³ Clary BWC (Axon Body 2 X81141206), T05:43:41Z.

¹⁷⁴ Clary BWC (Axon Body 2 X81141206), T05:43:53Z.

EXH G

When Lt. Clary walked back toward Mr. Greene, officers had again placed him into the prone position, as reflected in the following screen capture:



Lt. Clary approached Tpr. DeMoss for a short conversation, during which time Mr. Greene continued to make a series of wordless noises consistent with expressions of pain or distress.¹⁷⁵ The noises that Mr. Greene was making became more strained and quieter.¹⁷⁶

Lt. Clary's BWC captured one of Mr. Greene's feet moving up twice while he was being held prone.¹⁷⁷ Mr. Greene then stops making noise or moving.

For a period before and at the time, Mr. Greene was in the prone position with Mst. Tpr. Hollingsworth and Mst. Tpr. York holding him down, as reflected in the screen captures on the following page:

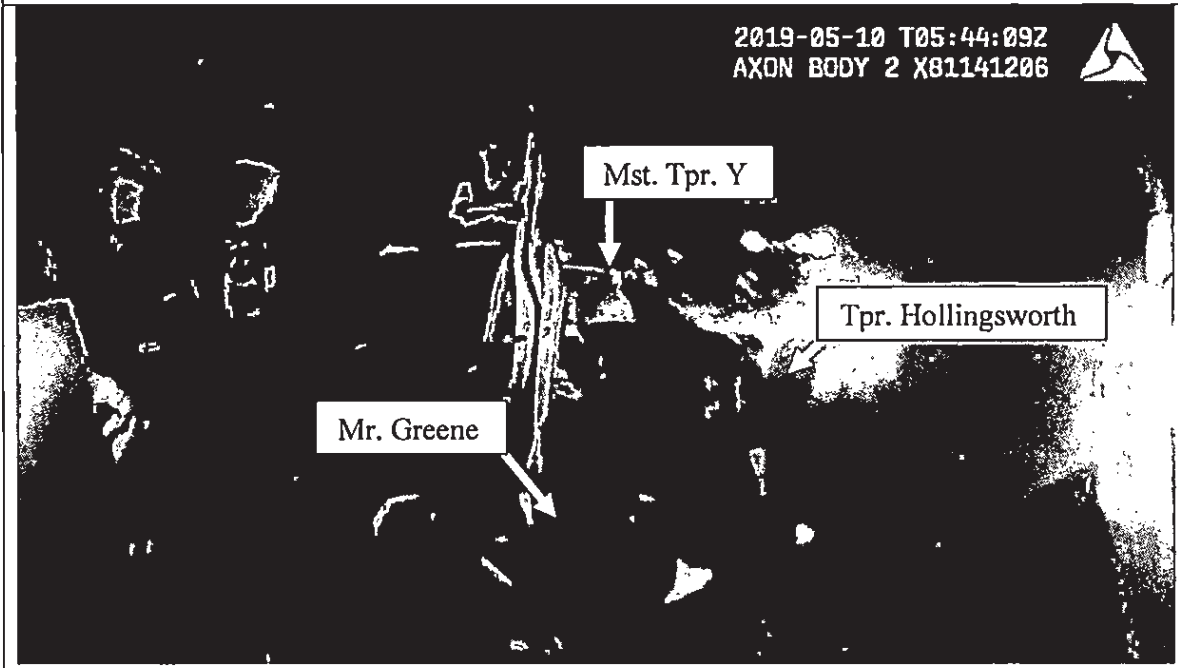
¹⁷⁵ Clary BWC (Axon Body 2 X81141206), T05:44:09Z.

¹⁷⁶ Clary BWC (Axon Body 2 X81141206), T05:44:29Z.

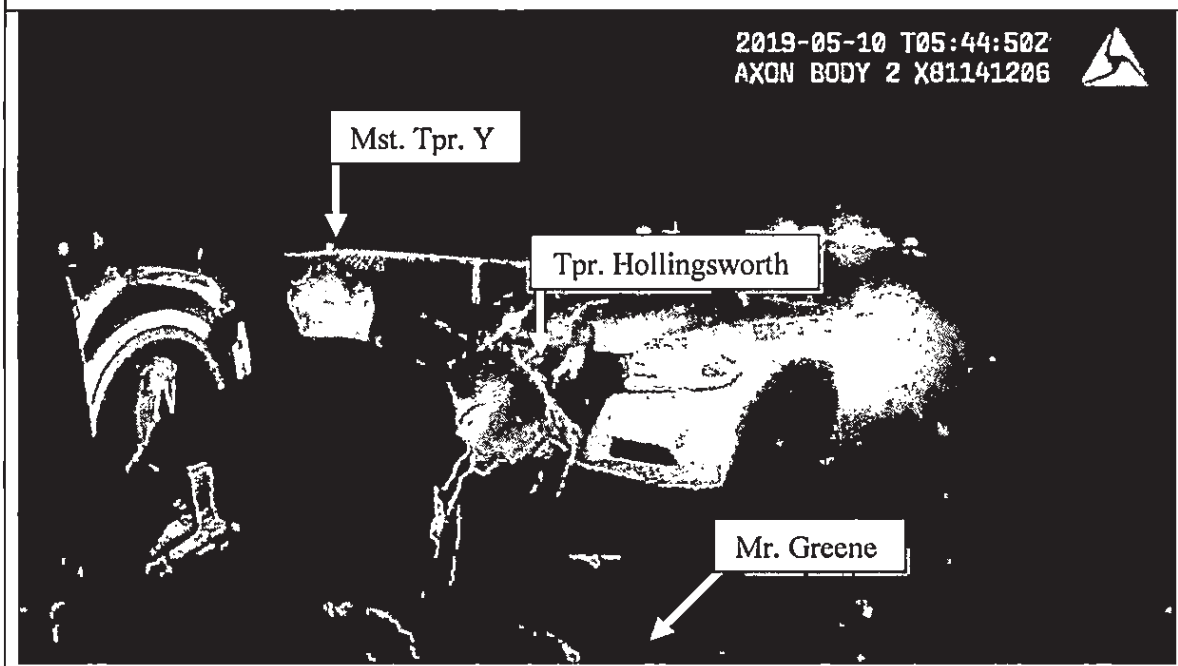
¹⁷⁷ Clary BWC (Axon Body 2 X81141206), T05:44:49Z, T05:44:51Z.

ETH H

Clary BWC (Axon Body 2 X81141206), T05:44:09Z (Multicam 00:31:05.029)
(Labelled)



Clary BWC (Axon Body 2 X81141206), T05:44:50Z (Multicam 00:31:46.170)
(Labelled)



Exh H