

The Supreme Court of the State of Louisiana

STATE EX. REL. DARRELL DRAUGHN

No. 2025-KD-01285

VS.

DARREL VANNOY, WARDEN, LOUISIANA
STATE PENITENTIARY, ANGOLA, LA

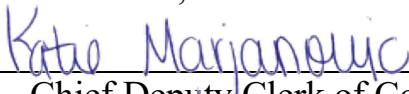
IN RE: Darrell Draughn - Applicant Plaintiff; Applying For Supervisory Writ, Parish
of Caddo, 1st Judicial District Court Number(s) 212,107;

December 16, 2025

Writ application granted. See per curiam.

JMG
JLW
JDH
WJC
JBM
PDG
CRC

Supreme Court of Louisiana
December 16, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KD-01285

STATE EX. REL. DARRELL DRAUGHN

VS.

**DARREL VANNOY, WARDEN, LOUISIANA STATE PENITENTIARY,
ANGOLA, LA**

On Supervisory Writ to the 1st Judicial District Court, Parish of Caddo

PER CURIAM

Writ granted. The district court’s ruling denying Mr. Draughn’s Motion to Disqualify is affirmed. We agree with the district court that La. C.Cr.P. art. 65 does not apply here.¹ The district court correctly granted the Attorney General’s motion to enroll two private sector attorneys to defend the warden and state.

The argument that this contract is prohibited by provisions of the Code of Governmental Ethics has been evaluated and rejected by the Board of Ethics.² La. R.S. 49:258 authorizes the Attorney General to appoint “private legal counsel to represent the state or a state agency.” This Court recently held that the attorney general is authorized, as a matter of state law, to represent the state, and any state officer defendants, in state or federal habeas or other post conviction proceedings. *State v. Frank*, 25-767, p. 3 (La. 10/7/25), 420 So. 3d 22, 24. That holding applies

¹It has been long recognized that this provision does not apply to law partners of special assistant attorneys general handling civil cases. Op. Atty. Gen., No.12-0036 (April 3, 2012), 2012 WL 1680119. We agree and also find it does not apply to the private counsel employed here.

²Notably, at the request of the law firm contracted with the Attorney General (Taylor Porter), the Louisiana Board of Ethics issued an advisory opinion on June 23, 2025, addressing several issues arising out of the firm’s contract with the Attorney General’s office. It found that because John Murrill, partner at Taylor Porter and the Attorney General’s spouse, does not own more than a 5% interest in the law firm and his compensation is “ring fenced” and calculated without including any revenues received from the State, Taylor Porter is not prohibited from entering into contracts with the Attorney General’s Office like the one at issue here. *See* La. Bd. of Ethics, Docket No. 2025-325 Advisory Opinion (June 23, 2025)). Draughn also has no standing to use a motion to disqualify an attorney as a means to usurp the Board’s constitutional authority concerning ethics enforcement. La. Const. art. X, Sec. 21.

equally to private counsel as well as state employees, and there is no federal or state constitutional prohibition or other legal impediment to such representation.

The state's role in defending post conviction proceedings is not prosecutorial.³ Mr. Draughn's federal due process argument about 'private prosecution' is inapplicable since the Supreme Court has long recognized that "it is well settled that habeas corpus is a civil proceeding." *Browder v. Dir., Dep't of Corr. Of Illinois*, 434 U.S. 257, 269, 98 S.Ct. 556, 54 L.Ed.2d 521 (1978)). As we recently observed concerning these matters "*the question of the state's representation falls on the civil side of the scale.*" *Frank*, 25-767, p. 2, 420 So. 3d at 24 (emphasis added).

Taylor Porter has been selected by the Attorney General pursuant to her clear statutory authority to hire private counsel to defend the warden and state. There is little as fundamental to a litigant as one's ability to select the counsel of your choice. As Justice Johnson explained in this Court's opinion in *Disaster Restoration Dry Cleaning, L.L.C. v. Pellerin Laundry Mach. Sales Co.*,

In civil matters as well as criminal matters, the right to counsel includes **the right to legal representation of one's choice.** *McCuin v. Texas Power*, 714 F.2d 1255, 1257 (U.S. 5th Cir. 1983). This right is "one of constitutional dimensions and should be freely exercised without impingement." *Id.* [While not absolute, this] right **can be overridden only if it can be proven that there is a compelling reason to do so.** *Id.* at 1263.

2005-0715 (La. 4/17/06), 927 So. 2d 1094, 1101 (emphasis supplied).

We find that the Attorney General is not prohibited from hiring private counsel in general, or Taylor Porter in particular, to assist in the defense of the state, or state officers, under these circumstances. Petitioner's request for relief is denied.

AFFIRMED AND REMANDED.

³The United States Supreme Court has stated that "[p]ostconviction relief is even further removed from the criminal trial than is discretionary direct review. It *is not part of the criminal proceeding* itself, and it *is in fact considered to be civil in nature.*" *Murray v. Giarratano*, 492 U.S. 1, 8, 109 S.Ct. 2765, 2769, 106 L.Ed.2d 1 (1989) (emphasis added) (internal citation omitted).