

# Lawsuit accusing former DA Walter Reed, pastor of falsely imprisoning man gets new life



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Advocate file photo -- Walter Reed, the former district attorney for St. Tammany and Washington parishes, left, and his son, Steven Reed, arrive at federal court in New Orleans Wednesday, April 5, 2017, for Reed's sentencing on 18 corruption charges. Reed was found guilty in May of one count of conspiracy, seven counts of wire fraud, five counts of mail fraud, one count of money laundering and four counts of making false statements on tax returns. Reed's son and co-defendant, Steven Reed, will also be sentenced on three felony counts.  
Advocate file photo by SCOTT THRELKELD

An Arkansas man who claims he was kept in jail as retaliation for talking to the FBI about dealings between Walter Reed, then the powerful district attorney for the 22nd Judicial District, and an influential Pentecostal preacher, is going to get another day in court.

A panel of the 5th U.S. Circuit Court of Appeals ruled Tuesday that U.S. District Judge Ivan Lemelle erred in dismissing Reed and Jerry Wayne Cox from Roger Magee's federal lawsuit. It sent the matter back to the district court.

Phillip Kaplan, Magee's attorney, said his client was ecstatic at the news.

Magee felt strongly about the matter and was "incredibly deflated" when the district court threw out the claims, Kaplan said. But in December, the 5th Circuit called in both parties to make oral arguments.

Cox's attorney, James Knight, declined comment on the latest ruling. Warren Montgomery, who is now the DA for the 22nd Judicial District, also declined comment. Richard Simmons, who has represented Reed in the criminal case against him, could not be reached for comment.

Magee had sued Reed and Cox, along with Washington Parish Sheriff Randy "Country" Seal, over his arrest in 2014 for failure to pay child support.

Magee, a former member of Cox's church, said the preacher had threatened him in 2012 after learning that Magee had talked to the feds, saying that if he ever returned to Louisiana, Reed would "handle" him.

Walter Reed, the disgraced north shore district attorney who was found guilty of corruption and fraud in 2016, is taking another shot at getti...

When Magee visited his aunt's home in Washington Parish two years later, he was arrested on the child-support charge and a charge of resisting arrest. He was held without bail for 101 days. Family members and his defense attorney tried to get him released but were refused because Magee was on a "DA hold," according to Magee's suit.

Magee said he was released only after agreeing to plead guilty to the charges.

All parties to the litigation agree there is no such thing as a "DA hold," the ruling said, but a disagreement remains over whether the term was used to justify Magee's incarceration. The appellate judges found that Lemelle should have allowed a jury to decide whether a "DA hold" was invoked by Magee's jailers.

A federal appellate court has upheld the 2016 conviction of former longtime north shore District Attorney Walter Reed on 18 corruption and fra...

"We conclude that the existence of a mysterious and unheard-of 'DA hold' could lead a reasonable juror to believe that the district attorney or his office was engaged in some sort of foul play or direct intervention with Magee's ability to receive bail," the court said.

Cox, who had been a supporter of Reed during Reed's long tenure as DA for St. Tammany and Washington parishes, ended up serving as a witness against him in 2016 when Reed was tried on federal corruption charges. Cox testified that Reed gave his church a \$25,000 donation because the minister had referred lucrative personal-injury cases to him.

The 5th Circuit ruled that Magee's free speech retaliation claim against Cox and Reed and his false imprisonment claim against Reed should not have been dismissed.

Lemelle had ruled that Magee's claims required proof that his arrest was not supported by probable cause.

"We disagree," the 5th Circuit panel wrote. "Magee's claims stem not from his arrest but from his denial of bail."

The ruling was issued by Judges Carl Stewart, James Dennis and Don Willett.