

DIANNE ALEXANDER AND  
HERMAN ALEXANDER

16<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS NO. 70296

STATE OF LOUISIANA

LAFAYETTE CRIME STOPPERS, INC. PARISH OF ST. MARTIN  
AND BATON ROUGE CRIME  
STOPPERS, INC.

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**REASONS FOR JUDGMENT**

**BACKGROUND**

In the summer of 2002, the Multi Agency Homicide Task Force was established to investigate the murders of several South Louisiana women, all believed to be committed by one individual. In an effort to assist law enforcement in solving these murders, both Lafayette Crime Stoppers and Baton Rouge Crime Stoppers offered rewards for information leading to the arrest or formal filing of charges against the "South Louisiana Serial Killer." Baton Rouge Crime Stoppers offered a \$100,000 reward, expiring at midnight August 1, 2003. Lafayette Crime Stoppers offered a \$25,000 reward which was matched with funds from the Lafayette Chamber of Commerce, totaling \$50,000 and also expiring at midnight August 1, 2003. The reward offers were heavily advertised via print, billboards, and television and began running in April of 2003.

On July 9, 2002, Diane Alexander was attacked in her home in St. Martin Parish. Ms. Alexander's son, Herman Alexander, arrived home during the attack, causing the attacker to flee the scene. After the attack, Ms. Alexander provided the St. Martin Parish Sheriff's Department with a description of her attacker and her son described the car driven by the attacker.

On December 23, 2002, the murder of Trineisha Colomb was linked to the South Louisiana Serial Killer. She was the first confirmed African-American victim and the first victim in the Lafayette area. As a result of this discovery, the lead investigator on Ms. Alexander's Case, Lt. Arthur Boyd of the St. Martin Parish Sheriff's Department, entertained the possibility that the South Louisiana Serial Killer and Ms. Alexander's attacker could be the same man. In May of 2003, Lt. Boyd shared the information regarding Ms. Alexander's attack with the Lafayette Parish Sheriff's Office, who in turn shared the information with the Multi Agency Homicide Task Force. The Task Force coordinated an interview of Ms. Alexander on May 22, 2003 by Agent Mary Ellen O'Toole, an FBI behavioral scientist assisting the Task Force. Based on the information provided in the interview, a composite was drawn and released to the public on May 23, 2003. Agents apparently felt that the composite matched the description of Derrick Todd Lee, a possible suspect in an investigation being handled by the Zachary Police Department with assistance from the Attorney General. A DNA swab of Mr. Lee had been taken by the Attorney General Investigator on May 5, 2003. A photo lineup was prepared and presented to Ms. Alexander on May 25, 2003, who then identified Derrick Todd Lee as her attacker. DNA left at the Alexander crime scene matched Derrick Todd Lee in several crucial particulars. On May 26, 2003, the public was alerted to the identity of the South Louisiana Serial Killer and Derrick Todd Lee was apprehended in Atlanta on the next day.

After Derrick Todd Lee was arrested, on or about August 14, 2003, after the deadline for the reward had expired, Ms. Alexander contacted Craig Stansbury of Lafayette Crime Stoppers to inquire about the advertised reward. She identified herself as a victim of Derrick Todd Lee who had provided information to law enforcement that led to his arrest. After being told that she was ineligible to receive the reward, Ms. Alexander and her son, Herman Alexander, filed this lawsuit on February 22, 2006, in St. Martin Parish, against both Baton Rouge and Lafayette Crime Stoppers, alleging that a contract had been formed between the parties and seeking specific performance. Baton Rouge and Lafayette Crime Stoppers filed a Motion for Summary Judgment on September 19, 2007.

As the only known victim to survive the South Louisiana Serial Killer, the information provided by Ms. Alexander and Mr. Alexander undoubtedly aided in the arrest and subsequent conviction of Derrick Todd Lee. The issue before this Court, however, is not whether Ms. Alexander and Mr. Alexander provided information to *law enforcement* that led to the identification and capture of Derrick Todd Lee, but whether they provided such information to *Crime Stoppers* which would entitle them to the advertised reward. For the reasons which follow, the Court holds that Ms. Alexander and Mr. Alexander have failed to establish that they provided any information to the Crime Stoppers organizations which would result in the formation of a contract. They are not entitled to the reward.

#### **PROCEDURAL POSTURE OF THE CASE**

A hearing on the Defendants' Motion for Summary Judgment was initially held on February 19, 2008. At the conclusion of the hearing, the Court ordered the parties to submit additional evidence as to whether the arrest of Derrick Todd Lee was based on information provided by the Plaintiffs. The Court received the parties Supplemental Memoranda and held a second hearing on July 23, 2008. The Court again ordered the parties to submit Supplemental Memoranda, this time specifically addressing the public policy implications of allowing a victim of a crime providing information to law enforcement and not to Crime Stoppers to collect a Crime Stoppers' reward. Second Supplemental Memoranda were received by the Court on August 7, 2008, and August 22, 2008, whereupon the case was submitted. The Court grants summary judgment in favor of Lafayette Crime Stoppers, Inc. and Baton Rouge Crime Stoppers, Inc. and now assigns these written reasons.

#### **LAW AND ANALYSIS**

##### ***Summary Judgment***

In determining whether a party is entitled to summary judgment, a court must consider the following issues:

1. Does there exist any genuine issue of material fact?
2. Is the mover entitled to judgment as a matter of law?

La. C.C.P. art. 966.

A motion for summary judgment should be granted if the pleadings, depositions, answers to interrogatories, and admissions on file together with affidavits show that there exists no genuine issue as to any material fact and that the mover is entitled to judgment as a matter of law. La.

C.C.P. art. 966; *Haywood v. Louisiana Sugar Cane Products*, 96-1151 (La.App. 3 Cir. 3/5/97), 692 So.2d 524. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence and shall show affirmatively that the affiant is competent to testify to the matter stated therein. La. C.C.P. art. 967. Once the mover has made a prima facie showing that the motion should be granted, the burden shifts to the adverse party to demonstrate evidence that issues of material fact still remain. *Id.* The non-moving party cannot rely on the mere allegations or denial of his pleadings, but must set forth specific facts showing that there is a genuine issue for trial. *Id.* Once the motion for summary judgment has been properly supported by the moving party, the failure of the adverse party to produce evidence of a material factual dispute mandates the granting of the motion for summary judgment. *Hayes v. Autin*, 96-287 (La.App. 3 Cir. 12/26/96) 685 So.2d 691.

The issue before the Court is whether a contract was formed between Ms. Alexander and Mr. Alexander and Baton Rouge Crime Stoppers and Lafayette Crime Stoppers. The Defendant Crime Stoppers organizations contend that Ms. Alexander and Mr. Alexander never provided them with information, never contacted them via the Crime Stoppers hotline, and did not provide law enforcement and prosecution officials with information that led to the arrest of Derrick Todd Lee.<sup>1</sup> Ms. Alexander and Mr. Alexander counter that the offer did not include a requirement that information be submitted via the Crime Stoppers hotline and that they provided information to law enforcement and prosecution officials that led to the arrest and conviction of Derrick Todd Lee, who may have shared that information with Crime Stoppers.<sup>2</sup> The relevant question, therefore, is whether the information had to be timely submitted *via the Crime Stoppers hotline* in order for Ms. Alexander and Mr. Alexander to be entitled to the publicly offered reward.

#### ***Acceptance of the Reward Offer***

The Louisiana Civil Code provides that a contract is formed "by the consent of the parties established through offer and acceptance," but there "need not be conformity between the manner in which the offer is made and the manner in which the acceptance is made." La. C.C. art. 1927. Rather, acceptance must be made "in a manner and by a medium suggested by the offeror or in a reasonable manner and by a reasonable medium." La. C.C. art. 1935. To be reasonable, the manner of acceptance must be "the one used in making the offer or one customary in similar transactions at the time and place the offer is received, unless circumstances known to the offeree indicate otherwise." La. C.C. art. 1936. Finally, a public offer of reward "is binding upon the offeror even if the one who performs the requested act does not know of the offer."

Baton Rouge and Lafayette Crime Stoppers both made public reward offers for information leading to the arrest and filing of charges against the South Louisiana Serial Killer. The Crime Stoppers organizations contend that the reward offers made clear that there were prerequisites to receiving the rewards offered: (1) provide information to Crime stoppers; (2)

<sup>1</sup> Defendants' Memorandum in Support of Motion for Summary Judgment, p. 9 n.30-31.

<sup>2</sup> Plaintiffs' Memorandum in Opposition to Defendants' Motion for Summary Judgment, pp. 6-8.

provide information through a Crime Stoppers telephone tipline; and (3) provide information leading to the arrest of the serial killer.<sup>3</sup>

Ms. Alexander and Mr. Alexander argue that the reward offers did not state any specific way in which to accept the offers—much less state that it was necessary to call the tipline in order to receive the reward—and that they satisfied the requirements of the offer by providing information that led to the arrest of Derrick Todd Lee.<sup>4</sup> Both parties have provided this Court with affidavits and exhibits on the requirements of the reward offers at issue.

This Court holds that the Crime Stoppers reward offers contained an implicit requirement that acceptance be made by providing information to Crime Stoppers via the Crime Stoppers tipline. Because the evidence shows that Ms. Alexander and Mr. Alexander did not timely provide information via the Crime Stoppers tipline, the Motion for Summary Judgment is granted.

The purpose of the Crime Stoppers organization is to obtain information that law enforcement otherwise would not by offering a reward and providing an informant with anonymity. A tipster is issued a confidential code number when they call the tipline and, if the tip leads to an arrest, a code word to use when picking up the reward at a bank's drive through window.<sup>5</sup> Baton Rouge and Lafayette Crime Stoppers argue that the requirement to call the tipline is express. The reward offers at issue state the following:

Call today and help make Baton Rouge a safer place for you and your family. All calls remain anonymous. 344-STOP or 1-877-723-7867<sup>6</sup>

All callers to the Crime Stoppers Tipsline remain anonymous. A code number is issued as the only means of identification. Tips can be submitted 24 hours a day at 232-TIPS or toll free at 1-800-805-TIPS.<sup>7</sup>

The Court finds that the language of the reward offer requires acceptance by the manner and medium suggested—providing information to Crime Stoppers via the Crime Stoppers tipline.

Ms. Alexander and Mr. Alexander argue there are genuine issues of material fact as to whether Ms. Alexander ever provided information to Crime Stoppers—via its collaboration with law enforcement and—whether Ms. Alexander ever called the Crime Stoppers tipline.<sup>8</sup> Plaintiffs do not argue, however, that there is a genuine issue of material fact as to whether Ms. Alexander ever *provided information to Crime Stoppers via the Crime Stoppers tipline*. Ms. Alexander and Mr. Alexander admit that they were never provided a confidential code number by either Baton Rouge Crime Stoppers or Lafayette Crime Stoppers.<sup>9</sup> This uncontested evidence satisfies the Court that Ms. Alexander and Mr. Alexander failed to accept the offer according to its terms. As a result, no contract was formed between the parties and Plaintiffs are not entitled to the reward.

<sup>3</sup> Defendants' Memorandum in Support of Motion for Summary Judgment, p.9 n.3.

<sup>4</sup> Plaintiffs' Memorandum in Opposition to Defendants' Motion for Summary Judgment, p. 4.

<sup>5</sup> Defendants' Memorandum in Support of Motion for Summary Judgment, p.2.

<sup>6</sup> Defendants' Exhibit A-1, Replication of advertisements in *The Morning Advocate*.

<sup>7</sup> Defendants' Exhibit B-1, Lafayette Crime Stoppers, Inc. News Release dated May 14, 2003.

<sup>8</sup> Plaintiffs' Memorandum in Opposition to Defendants' Motion for Summary Judgment, pp.7-9.

<sup>9</sup> Defendants' Exhibit C, Diane Alexander's Response to BRCS's Requests for Admission, No. 5; Exhibit D, Diane Alexander's Response to LCS's Requests for Admission, No. 5; Exhibit E, Herman Alexander's Response to BRCS's Requests for Admission, No. 5; Exhibit F, Herman Alexander's Response to LCS's Requests for Admission, No. 5.

The Court is aware and finds that there is at least a genuine issue of fact as to whether Ms. Alexander and Mr. Alexander provided information to law enforcement that resulted in the arrest and conviction of Derrick Todd Lee. However, the fact that the Alexanders cooperated with law enforcement and provided information that may have led to the arrest and conviction of Mr. Lee is not *material* to the decision in this case. Cooperation by a crime victim with law enforcement does not entitle the victim to a Crime Stoppers reward. No information was given to Crime Stoppers. Ms. Alexander and Mr. Alexander should be commended for their cooperation with law enforcement and their roles in bringing Derrick Todd Lee to justice, but unless the Crime Stoppers reward program is changed or the law is amended, they are not entitled to a Crime Stoppers reward.

***Public Policy Considerations***

The Court also asked the parties to address the public policy implications of allowing a crime victim to collect a Crime Stoppers reward based on information provided to law enforcement. Defendants cite La. R.S. 15:477.1, which defines a Crime Stoppers organization as a "private, non-profit organization that accepts and expends donations for rewards to persons who report to the organization information concerning criminal activity and that forwards the information to the appropriate law enforcement agency (emphasis added)." Baton Rouge and Lafayette Crime Stoppers argue that allowing crime victims that provide law enforcement with information to collect a Crime Stoppers reward would transform the program into a victim's reparation fund, ignoring the intended purpose of the organization—to obtain information from the public that would otherwise not come forward.<sup>10</sup>

Neither party provided the Court with applicable case law from this, or any, jurisdiction regarding the acceptance of reward offers by crime victims. Plaintiffs do cite *Davis v. Matthews*, 361 F.2d 899 (4<sup>th</sup> Cir. 1966), a case which involved the distribution of a reward offered by an insurance company for the arrest and conviction of the person responsible for robbing a bank.<sup>11</sup> Plaintiffs highlight the fact that the court noted that it was not against public policy for the assistant prosecuting attorney's mother to receive the reward money and it was not against public policy for the bank robber's wife to receive the reward money. The Court does not find the facts in *Davis* to be comparable to the facts in the instant case, however, as Ms. Alexander and Mr. Alexander did not provide information to the organization offering the reward.

Plaintiffs also argue that Crime Stoppers *may* have paid a reward to a victim because of the anonymous nature of tips to Crime Stoppers.<sup>12</sup> Again, this scenario requires an individual to *provide information to Crime Stoppers*, a requirement that Baton Rouge and Lafayette Crime Stoppers have proven the Alexanders did not meet.

Because the Alexanders did not provide information to Crime Stoppers, and do not qualify for the reward, this Court need not weigh the public policy implications of allowing a crime victim that does provide information to Crime Stoppers to collect a Crime Stoppers reward.

<sup>10</sup> Defendants' Second Supplemental Memorandum, p.3.

<sup>11</sup> Plaintiffs' Second Supplemental Memorandum in Opposition to Defendants' Motion for Summary Judgment, p.4.


<sup>12</sup> Plaintiffs' Second Supplemental Memorandum in Opposition to Defendants' Motion for Summary Judgment, p.3.

**CONCLUSION**

The pleadings, answers to interrogatories, admissions on file, and exhibits show that there exists no genuine issue as to any *material* fact and that the mover is entitled to judgment as a matter of law.

For these reasons, the Motion for Summary Judgment filed on behalf of Lafayette Crime Stoppers, Inc. and Baton Rouge Crime Stoppers, Inc. is hereby **GRANTED**. All costs are assessed against Plaintiffs. Counsel for Defendants is to prepare an appropriate judgment and submit same to the Court in the manner and in accordance with the delays provided by law.

THUS DONE AND SIGNED this 29th day of August, 2008, at St. Martinville, Louisiana.

  
HONORABLE JOHN E. CONERY  
16TH JUDICIAL DISTRICT COURT JUDGE