Gobstopper's V. Crimestoppers

How one petty Lafayette criminal, a man born poor who struggled with drug addiction and homelessness, became another victim of Louisiana's outdated judicial system By Patrick Flanagan

I t wasn't murder, rape or domestic violence that landed Bill Winters in prison for life. No, for Bill Winters, it was a box of Gobstoppers; that, and Louisiana's draconian sentencing laws, which encourage career-minded prosecutors to throw the book at even the pettiest of criminals.

Granted, the 54-year-old Lafayette native has had his fair share of run-ins with the law. But none of his charges have been violent. Based on his criminal record - which includes simple burglary in 1991, possession of cocaine in 1992, simple burglary and possession of cocaine in 1997, an unauthorized entry of a place of business in 2003, and two simple burglary arrests in 2008 and another in 2009 — the eight-time convicted felon appears less of a threat to society and more like a man fighting drug addiction, health issues and homelessness, a man without the financial means to pull himself from the fray and therefore another mouth to feed in a state with the highest per capita inmate population in the nation.

Winters' 2009 arrest came on the morning of Sunday, June 7, when he entered the unlocked office of Oncologies Inc. on Coolidge Street. Shortly after, officers with the Lafayette Police Department were alerted by a silent alarm triggered inside the building. Upon arrival, they noticed a brown bicycle laid against a wooden railing at the entrance of the building, but no signs of forced entry. It was later determined that the breaking mechanism to the office door was not working, and the building had been left unattended over the weekend.

While searching the building, officers heard “rustling in one of the offices” and discovered an inebriated Winters rummaging through one of the desks. The only item found in his possession, however, was a box of Gobstoppers. Later interviews with office personnel revealed his intention to make an example of his younger brother. Dennis.

“[Haney] told me himself, I’ve been dealing with your brother a long time, and I’ll make an example of him,” recalls Dennis. “I don’t understand what these people are trying to do. He’s not a violent person. He’s fragile. He wouldn’t hurt anybody, except maybe for himself. I just don’t get how they’re going to give him life for some Gobstopper candy.”

Dennis recalls a conversation at the time of the trial with the young prosecutor, Haney, whom he says made no bones about his intention to make an example of his younger brother.

“[Haney] said to me himself, ‘I’ve been dealing with your brother a long time, and I’ll make an example of him, I’ll get him as a habitual offender,’” recalls Dennis. “I begged him, ‘Why you tripping so hard off this?’ My brother had a problem. An addiction. I could see if he was out there trying to hurt people, but this Haney dude is ridiculous; he’s just trying to be like his daddy, and make a name for himself. If you’re going to set an example, use a murderer, a rapist, someone that has no value for another’s life. Not for no Gobstopper candy though.”

IND Monthly reached out to Haney for this story. Despite his request for an email list of questions, which IND Monthly agreed to, the assistant district attorney never responded.

ADA Danny Landry was the prosecutor for two of Bill's simple burglary convictions in 2003. Landry says Bill Winters is a name well-known around the DAs office, adding Haney is just one of about seven ADAs to be assigned one of Bill's felony cases over the years. Haney's first prosecution of Bill came in 2006 for simple burglary and bail jumping.

Landry says Haney's hands were tied in the 2009 Gobstoppers case to prosecute Bill as a habitual offender. "Alan [Haney] actually offered him a plea deal for 20 years, but he declined the offer; it went to trial and he was convicted," says Landry. "The judge sentenced him, and the court of appeals remanded it and instructed the judge that he had no other option but to provide him life under the three strikes and you're out law."

Landry points to the U.S. Supreme Court's 2003 ruling that three strikes and you're out, or habitual offender laws, do not constitute cruel and unusual punishment as defined by the 8th Amendment to the U.S. Constitution. Landry says it's controversial but necessary, adding Louisiana is one of 24 states with such a law on its books. He says the Louisiana Legislature actually re-acted its habitual offender statute in 2008, hoping to make it a more aggressive crime deterrence by imposing stiffer penalties for repeat offenders.

"The law wasn't being used, so legislators tightened it up after hearing so much from law enforcement and the public frustrated with the open-door policy at our prisons, having to hear victims say, 'I don't understand, he keeps breaking into my house, they put him in, they let him out and then he does it again,'" Landry argues. "In the case of Mr. Winters, he was given multiple opportunities to enter drug programs. He was given suspended sentences. And he kept committing crimes. He's a career criminal, and the logic is that at some point the penalty just isn't severe enough to make a person change. The logic is that a majority of people with substance abuse or mental health issues will grow out of the situation, and say, 'Hey, I'm 45 years old and I can't keep this up.' I can't keep going back to prison. I can't deal with this prison hierarchy with all these younger guys coming in. Normally that happens after they serve a six- to 12-year sentence and it works; they change. Or, they end up being habitualized like Mr. Winters."

The law is controversial, with the other side arguing habitual offender laws are based on flawed logic and deal with crime using a reactive rather than proactive approach to the problem — that the strategy fails to address the core issues, like drugs, mental health and all the other symptoms caused by economic inequality.

G. Paul Marx, head of the 15th Judicial Public Defender's Office, recalls the Bill Winters' case and says it's just one in a long line of life sentences handed down to nonviolent offenders.

"Louisiana's habitual offender law is very much draconian," says Marx. "It's like California's three strikes and you're out. In Louisiana, life means life, and we have a lot of lifers on similar sentences, on convictions that aren't that serious."

As a result, says Marx, Louisiana leads the U.S. — and world — for its per capita incarceration rate with more than 41,200 people in custody. "Do we treat or just jail people? In Louisiana, we just jail them, and the habitual offender law is one of the main causes. It's like an atomic fly swatter for people who keep bothering the authorities."

For Dennis Winters, the Third Circuit's decision represents one of many tough breaks endured by his younger brother. The sad part, he adds, is that Bill's younger brother, Jim, was also on the same track. With the help of Dennis and his wife, however, Jim was able to turn his life around, overcome addiction, get a job and become a productive member of society.

"Jim was like Bill, in and out of prison until his last stint [on a theft conviction]. He got out after six or seven years and decided he was going to do this, he was going to change. We gave Jim a start, helped him out and he got help through the state and found a good job with [United Way of Acadiana] and has been there four years now doing well," says Dennis. "With Bill, I don't know. He needed help, and we just couldn't afford it at the time to get him the help he needed or a good lawyer to help him fight those bogus charges. If anything, Jim is proof it can be done, that people can change."

According to a 2011 study by the American Civil Liberties Union, the