

STATE V. CHRISTOPHER BUTLER
Cause Numbers 12-0-452 & 12-0-831
Dates of Offenses April 19, 2011 & April 3, 2012

Note Prose Motion:

On January 22, 2015, the State and the Defense made an ore tenus motion to the Court to nol pros Cause Numbers 12-0-242 and 12-0-831. The State was represented by District Attorney Robert Smith. The Defendant Christopher Butler was represented by Kevin Rundlett, the Defendant Kwanza Hillard was represented by Brad Oberhausen and Judge Jeff Weil was the presiding justice. At the conclusion of the hearing Judge Weil request the parties to provide a detailed written motion outlining all of the facts supporting that the case should be dismissed and demands the state to produce the following:

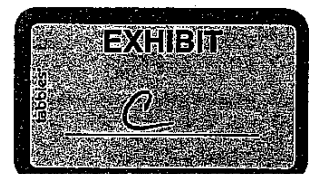
- An affidavit from Josh Ledford
- an affidavit for the computer expert Travis Turner
- Copies of video tape from the surveillance system legend detail what can be seen at certain points on the video
- all police reports in Cause Nos 12-0-242 & 12-0-831
- All lab reports from the State Crime Lab regarding the Marijuana siezed in both causes
- Copies of search warrants from each cause
- written statement of Kwanza Hillard taken at the scene of the raid

Subsequent to the January 22, 2016 hearing the State requested a transcript of the same which was provide by the court reporter on February 2, 2015. No further action was taken by any party regarding the ore tenus nol pros motion. On May 8, 2015 Judge Weil entered an order in each cause number denying the nol pros motions to provide written motions for the same which he contends is record by Rule 6.07 of the URCC.

Video Surveillance System:

On May 23, 2010, Kwanza Hillard purchased a 16 channel DVR surveillance system for her home located at 1227 Wooddell Drive, Jackson, MS. The system was purchased from WLLturn Construction through Turner Electric and installed by Travis Turner. According to Travis Turner the system overwrites itself when the memory is full but that it should hold historical data for about thirty days. It is unclear from the receipts from the system and Travis's testimony whether the system also recorded audio. There is a suggestion that it did. On the day of the April 19, 2011 raid the following cameras were in operation in the Wooddel home:

- Camera 1 - Back or side door adjacent to driveway
- Camera 2 - Front door which observes when marijuana is found
- Camera 3 - Outside camera viewing carport, disturbed during raid
- Camera 4 - Inoperable, may be aimed at house entry for laundry room
- Camera 5 - Guest bedroom



- Camera 6 - Outdoor camera of back or side entrance, disturbed during raid
- Camera 7 - Outdoor camera of driveway, disturbed during raid
- Camera 8 - Outdoor camera side of home, grass and air-conditioning units seen
- Camera 9 - Master bedroom
- Camera 10 - Child's bedroom
- Camera 11 - Interior hallway
- Camera 12 - 2nd Child's bedroom, larger than the one viewed on camera 10
- Camera 13 - Kitchen
- Camera 14 - Exterior camera showing street, quality poor
- Camera 15 - Living room

Video Storage:

We currently have the surveillance system DVR in evidence at the DA's Office. In addition we have a flash drive containing seven hours of video from each of the 15 cameras during the time of the raid from noon on April 19, 2011 until 7:00 p.m., which is currently viewable. The total viewable video is approximately 105 hours. Additionally, we possess a 1TB removable hard drive alleged to be a copy of all available video from the surveillance system DVR which is not easily viewable.

We have provided a copy of the external hard drive to Travis Turner who is attempting to render the same reasonably viewable to us. We have asked him in particular to expedite the footage from camera 2 from 6:00 a.m. until on the day of the April 19 raid to see if we can observe who placed the marijuana in aurn in the front foyer of the house.

April 19, 2011 Raid:

Officers involved in this raid are:

- John Dear
- Kenneth Blanford
- Evan Strong
- Justin Hollingsworth
- Keith Burnett
- Stephen Coleman
- Sherry Jones
- Richard Wright
- Eric Fulton
- Ryan Webb

Detective Dear of the Mississippi Bureau of Narcotics, on the morning of April 19, 2011 obtains a search warrant from Jackson Municipal Judge Jennifer Studebaker for the home located at 1227 Wooddale Drive, Jackson, Ms. In support of the search warrant Det Dear provides an affidavit stating his probable cause as follows:

"On April 19, 2011 I Detective Dear received information from a confidential and reliable

source, who has proven to be reliable because of the information this source has furnished this detective in the past, which has proven to be true and correcting the areas of narcotics activities in an around the City of Jackson.

This confidential and reliable source now tells this detective that he/he has seen marijuana sold and stored from 1227 Wooddale Dr. (tan brick house with a black gate around the house with a garage door) in Jackson Mississippi. The subject responsible for the drug trafficking at this location is a black male known as Christopher Butler. This confidential and reliable source has observed this trafficking from this location by the subject with in the past 24 hours."

No independent observation or controlled buys were done by Detective Dear or the officers involved in the raid. The officers forced entry into the home around 12:30 p.m. and were in the home for five or six hours. Four gallon size freezer bags were located at the property containing 1,722 grams of marijuana. Only two reports were provided concerning the location of where the marijuana was found. Detective Dear states:

"After securing this residence a systematic search was conducted starting with the front of the house where we made entry and working our way to the rear. During the course of this search 4 gallon size bags filled with marijuana was recovered under a cushion of the couch in the first room inside the front door of this location."

In the police report sent to us in the file a Detective Hood (sic) states:

"Upon making entry to this location each and every room was secured at which time the entry team realized that no one was home. A systematic search of this residence was then conducted starting with the first room inside the front door where entry was made (this room was searched first due to the strong smell of marijuana inside the room). As the room was searched Captain Fulton recovered 4 gallon size Ziploc bags filled with suspected marijuana inside a hole under a cushion of an autumn."

Surveillance Video:

On the surveillance video forced entry can be seen on camera 2 at 12:32. Shortly after entry officers begin searching house. At 12:41 an officer goes straight to the autumn in the foyer lifts the cover and finds the marijuana. He then gets other officers to examine the autumn. At 12:51 an officer lifts the lid to the autumn and looks inside again. At 13:21 a drug dog is walked into the foyer. The dog does not appear to alert on anything. At 13:24 Detective Dear removes the 4 bags of marijuana from the autumn, places them in a plastic grocery sack that he brought in from outside. At approximately the same time, on camera 15, Detective Dear can be seen carrying the bag into the living room of the house and placing on a table. Shortly thereafter shadows of officers removing the bags of marijuana from the plastic bag and placing them back on the table can be seen. Later during the search, items of bagged evidence is seen being placed on top of the 4 bags of marijuana and ultimately all of the evidence is put in a grey duffel bag and removed from the home by the rear or side door captured in camera 1. During the search, Josh Ledford and his two year old daughter can

be seen in the kitchen of the house camera 13.

Inconsistencies/Concerns:

- The first room of the house searched is not the foyer where the marijuana is found
- Captain Fulton does not recover the marijuana, Detective Dear does
- The marijuana was not found under a couch cushion as stated by Dear above it is in an armchair
- Det Hood (sic) says that there was a strong smell of marijuana in the first room of the house. None of the detectives seem to act like they smell marijuana. The drug dog never seems to alert that it smelled marijuana
- The officer who first found the marijuana, who is not Detective Dear, walks straight to the armchair as if he knew where the marijuana was
- The house appears to be thoroughly searched but the foyer where the marijuana was found was not
- The marijuana was not recovered for 45 minutes after it was first found
- The presence of Ledford, his daughter and the drug dog team are not mentioned in any police report that has been provided to us
- The detectives during the raid turn 3, possibly 4 cameras so that they may not record video of the raid
- Is the foyer the first room in the house or is the living room? Detective Hood (sic) says the marijuana is found in the first room that is searched. The living room is one of the first rooms searched the foyer is not

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April 19, 2011 Raid

Camera 2 - Front Entrance

- 12:32:06 - Forced entry into home;
- 12:41:59 - Detective other than Det. Dear "B-lines" to ottoman containing marijuana;
- 12:47:52 - Detective Dear inspects ottoman containing marijuana;
- 12:57:12 - Officer goes to ottoman containing marijuana and joined by 2nd officer;
- 13:21:36 - Drug dog seen at front entrance around the ottoman containing marijuana;
- 13:24:25 - Detective Dear recovers marihuana from the ottoman and place it in a bag;
- 13:24:57 - Detective Dear carries bag of marihuana into the living room;

Camera 15 - Living Room

- 13:25:08 - Detective Dear bins bag of marihuana into living room places it on an end table;
- 17:03:12 - Detective Dear picks up gym bag and brings it to the evidence;
- 17:03:45 - Detective Dear and other officer place evidence and marihuana in gym bag;
- 17:05:41 - Detective Dear removes gym bag of evidence from house via side entrance.