

AFFIDAVIT OF R. DAVID LEWIS

I am counsel for the accused, Troy Warner. From the very first interview with my client, I felt there was some connection between my client's arrest and the killing of the two children found on the railroad track in Saline County. My client told me he had been approached by David Zimmerman to sell drugs for him and to run a meth lab for some police officers and when he refused, he was arrested. He said the same thing had happened to Charlie Harris. He said that his co-defendant told him that he had seen Robert Moyer bring into the house the dynamite which had apparently been found in his garage. He said he had no knowledge the dynamite was there. He also said Zimmerman worked for Teddy Carter who Troy said he thought was a Benton police officer because that's what Zimmerman had told him.

I called Richard Garrett whose name I had learned from television articles on the grand jury investigating the deaths of the two children found on the railroad tracks in Benton. I had a conversation with Richard Garrett on August 15 and we met for lunch on August 16 for two hours. During the conversation, I shared my information with him and he shared certain information with me. He told me he had spoken with a witness who told Garrett that the witness had talked to the two boys just before their death. He said the two boys had stumbled onto a crack house and were going back to get some drugs out of it.

Mr. Garrett told me there was another witness who told him that he saw the person standing beside a four-door vehicle with three antennae beating two kids, then stuck them in the back of a car and took them on Alexander Mountain. He said he later saw the same vehicle come back from Alexander without the two kids visible in back seat, but with something flapping in the back seat. Richard Garrett told me that the witness said this occurred just before the children were found on the railroad track. Mr. Garrett said that the witness' description of the

person committing the beatings matched the physical description of Kirk Lane, a former Benton Police Officer who now works for the Pulaski County Sheriff's Office. He said Kirk Lane was believed to be a member of the Benton Police Department's official SWAT Team called the "Cobras". They met and practiced with automatic weapons and dynamite, according to Mr. Garrett. Mr. Garrett also told me that Kirk Lane was the previous roommate of Robert German, a previous Benton Police Department Detective who, along with Robert Holiday, was being investigated on allegations by Teddy Carter that Holiday and German were involved in a conspiracy with Carter to steal drugs from the Benton Police Department Evidence Room and sell them on the street.

Mr. Garrett also said that Carter reported that German and Holiday had reported that German and Holiday had taken his girlfriend, Lisa, to a SWAT Team social function, tied her to a picnic table and gang-raped her. Mr. Garrett indicated that the Cobra Team members had cobras tattooed on the upper arms. I asked him to ask Carter to get in touch with me and Garrett said he would do so.

On August 17, I met with Teddy Carter who told me the story reflected in his affidavit.

On or about August 25, I contacted Defense Counsel Confidential Informant No. 1. CI #1 would not talk to me on the phone, but said: I come to his house. I drove to his house and he stated that he had been arrested and was not cooperating with the police, but he had bought drugs from David Zimmerman. He also said that Jay Campbell had asked him to sell drugs for Campbell. He stated that he could buy drugs from Jay Campbell, but he wanted to talk to Troy Warner about it first.

On August 27, I took Defense CI 1 to jail to see Troy Warner. After which time, CI 1 said that he would try to make a buy from Campbell and I began to search for eavesdropping equipment.

The next week, because I had been unsuccessful in finding sophisticated eavesdropping equipment and I also decided that CI 1 and I should not be attempting to buy or possess drugs, even from police officers. I decided to try and enlist the aid of another police agency.

I spoke with Lloyd King, Chief Deputy Prosecuting Attorney for Pulaski County, in general terms about the allegations and asked what I should do. Mr. King told me that drug dealers always say the cops are dirty and that the cops are selling drugs, but requested that I prepare a written statement in general terms so he could discuss it with Chris Piazza. Lloyd did say that he would try to get the state police involved.

I was disturbed over Mr. King's attitude that that's what all dopers say and decided to call the state police myself, which I did on Friday, September 2, 1988. I talked to Lieutenant Doug Williamson, who seemed very interested and he was in my office within fifteen minutes, along with another state policeman, Dale Swezey. We talked for about an hour in my office. Lt. Williamson said that he would have to get approval from higher up to investigate another police agency, but he would get back to me no later than Tuesday at noon. While those police officers were in my office, CI #1 came over to drop off a vehicle and pick up another because by this time, he was doing repair work for my paralegal, Donna Morrissey. He told me later, either that night or that weekend, that when he dropped off Donna's car, he saw Jay Campbell and David Zimmerman in a vehicle at the Burger Chef around the corner from me on Markham. He hurried back to that location to follow them, but could not see them. He wondered if they had gone past my office on Markham and Kavanaugh to see if the state police vehicles were there.

At 5:00 a.m. the next morning, I got a call from my paralegal who was terrified because parades of vehicles were passing her house, she had heard shots fired, tires squealing, etc. This was labor day weekend. I did not hear from her again.

until Tuesday when she told me that it had happened each night during that weekend and that she became so terrified, she left her home and went to Benton to give a statement to prosecuting attorney Richard Garrett and state police officers Doug Williamson and Dale Swezey. I called state policeman Doug Williamson or either he called me, I can't recall, and he said to have CI #1 meet with him and an FBI agent early the next morning. Early the next morning, I took CI #1 to State Police Headquarters where we were introduced by Williamson to Special Agent Joe Jagers of the FBI who interviewed CI #1. Agent Jagers said that if there was not an active investigation on CI #1 and if CI #1 could pass a polygraph about his connections with Jay Campbell, that they would wire CI #1 for a controlled buy. The next day I called Joe Jagers who told me the deal was off because there was an active investigation on CI #1. I told him that the person who had accompanied by paralegal to Richard Garrett's office along with Jeff Tackett, Robbie Logan, had been arrested and beaten by Jay Campbell and told to stay away from me and my paralegal. He said this would have to be taken up with a Civil Rights Officer and they would have to get permission from Washington to look into it. I told him we did not have that kind of time, that people were being terrorized by police officers here in Little Rock and something needed to be done. He said he was sorry, but that was not within his job description, that I would have to call an FBI agent who handled Civil Rights matters. I told him we would handle this ourselves and hung up.

I set up an interview on the evening of September 8 in my office with Robbie Logan and invited Richard Garrett to come and do the questioning if he wanted to do so, and he did. Jeff Tackett and Donna Morrissey, my paralegal, were also there. Mr. Logan told his story about being stopped, arrested and beaten by Jay Campbell and was told that the charges would not go to court if he stayed away from Donna Morrissey and myself. Jeff Tackett relayed to Mr. Garrett how he had been followed. I told everyone

present to clean out their cars and houses. The next day, it was reported to me that Jeff Tackett had been arrested by Kirk Lane. Jeff Tackett's parents pulled up as Jeff was being arrested. Mr. Tackett was not beaten.

I called the Pulaski County Sheriff's Department Chief Deputy, Jim Vincent, and told him the story. He said that he would have Sheriff Gravett call me from his home, as he was suffering serious back problems. I told the Sheriff essentially what is in this affidavit and he seemed truly alarmed and surprised. He said he would have another Chief Deputy Henson meet with me. I met with Henson and told him an overview of what had been going on. Mr. Henson suggested that perhaps all of these kids, Troy Warner, Jeff Tackett, Robbie Logan and perhaps my paralegal were involved in some sort of drug conspiracy with a drug dealer in Garland County. I told him that I was very disturbed that after I told him that all these people were victims of terrorism that he suggested instead that the Sheriff's Department investigate them for a drug conspiracy. I left and told Sheriff Gravett that I was disappointed with the interview. I also told Jim Vinson the same thing. Mr. Vinson promised to get back with me after he transported a prisoner to ^{Foyathville} Federal, but he did not.

I did research on whether all of this constitutes denial of due process and filed a motion to dismiss.

I am very reluctant to admit it, but I am afraid myself. I found myself jumping and turning around a few days ago as I was unloading groceries from the trunk of my car and heard a vehicle pull up behind me. I have also been reluctant to let vehicles pass me on the Interstate for fear of getting shot. My office has received numerous hang-up calls within the past two weeks. I have had to spend an inordinant amount of time attempting to protect my witnesses and my paralegal to calm them down when I should have been representing Troy Warner.

R. David Lewis

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STATE OF ARKANSAS)
SS)
COUNTY OF PULASKI)

Subscribed and sworn to before me this 20th day of September 1988.

Douglas M. [unclear]
Notary Public

My Commission Expires:

July 28, 1996