

GREENE COUNTY TIMELINE 2011

Date	Description
Note: July 29, 2010	Judge Houston L. Brown of the 17 th Judicial Circuit is appointed to civil forfeiture action filed on June 4, 2010, State vs. 825 Gambling Devices, et al , only.
March 17, 2011	Sheriff of Greene County, the only constitutional officer charged with regulation of bingo in Greene County pursuant to Amendment 743 and the District Attorney inspects new machines to be utilized at Greenetrack. Both agreed that machines met compliance and did not violate Ala. Code 13A-12-20(10), Alabama's anti-slot machine law.
March 18, 2011	Greenetrack re-opens for business pursuant to Alabama Constitutional Amendment 743. Table top machines (resembling flat screen computer monitors) and floor model machines that could not accept cash or tickets of any kind, and do not dispense anything of value are utilized.
March 24, 2011	Greenetrack's Attorney Mason Davis of Sirote and Permutt receives a letter from Attorney General Luther Strange's Office giving Greenetrack three options: 1. to shut down and remove the machines from the state; 2. allow state law enforcement agents to seize the machines in the facility and argue their case in court through a forfeiture action and not operate while the matter is being litigated; or continue to operate the machines and allow standard law enforcement procedures to go forward.
March 25, 2011	Attorney Mason Davis responds to Attorney General Strange's letter confirming a phone conversation that granted Greenetrack a week's extension in regards to responding to Atty. Gen. Strange's March 24 th ultimatum letter.
April 1, 2011	Attorneys for Greenetrack respond to Atty. Gen. Strange's March 24 th letter: Their letter stated that on March 17, 2011 Attorneys for Greenetrack personally spoke with Sonny Reagan (Deputy Attorney General) offering him or others from his office the opportunity to view a live demonstration of the machines utilized at Greenetrack. During that conversation, Mr. Reagan requested that State experts be given the opportunity to examine the games. Attorneys for Greenetrack expressed that Greenetrack did not object to having a legitimate, certified expert or testing lab participate in the demonstration. Greenetrack stresses the point of their willingness to cooperate peacefully with the AG's Office.
April 25, 2011	A meeting is held at the AG's Office in hopes of a peaceful resolution. In attendance: the Sheriff of Greene County, Joe Benison, and his attorney, Flint Liddon, Greene County District Attorney Greg Griggers, Greenetrack representatives, Luther Winn and Herlecia Hampton, Attorneys for Greenetrack, On behalf of the Governor's

	Office, Judge Chuck Malone (recently appointed Chief Justice of the Alabama Supreme Court), Attorney General Luther Strange, Sonny Reagan, Deputy Attorney General, Richard Allen and Kevin Turner. A Memorandum of Understanding (MOU) is proposed as a result of the meeting.
April 29, 2011	Sonny Reagan emails a copy of the MOU to attorneys for Greenetrack, the District Attorney, Richard Allen, Chuck Malone and Flint Liddon. Greenetrack is requested to respond to the proposed MOU no later than 5p.m., Monday, May 2, 2011.
May 4, 2011	Greenetrack attorneys respond to Sonny Reagan expressing their disappointment in the MOU. The MOU did not reflect the terms agreed upon in the April 25, 2011 meeting and proposed a new forfeiture proceeding.
May 5, 2011	Sonny Reagan responds to May 4, 2011 letter upset that Greenetrack refused to agree to the terms of the MOU and stated that the matter would be turned over to law enforcement and treated like any other law enforcement matter.
May 6, 2011	Sheriff Jonathan Benison responds to Sonny Reagan's May 5, 2011 letter stating that per the April 25 th meeting he believed that all parties (the Attorney General's Office (AG), Governor's Office, The Greene County District Attorney, the Greene County Sheriff's Department and Greenetrack) had reached an agreement about how best to resolve the electronic bingo issue in Greene County quickly and without the need for unnecessary controversy. Benison goes further to state that Reagan's proposed Memorandum of Understanding and his May 5 th letter contradict the very agreement reached and undermine the spirit of cooperation displayed at the meeting. Benison states that as result of Reagan's letters, he has no choice but to re-assert his authority as the highest constitutional and chief law enforcement office in Greene County.
May 17, 2011	Special Circuit Judge Houston Brown is appointed for the purpose of obtaining a search warrant to enter Greenetrack and seize property.
May 31, 2011 Approximately 11:15a.m. or 11:30a.m.	Lt. Mike Reese of the Alabama Alcoholic Beverage Control Board (under the authority of the AG's Office) presented an affidavit and search warrant to Special Appointed Judge Houston Brown. Evidence and testimony was presented to Judge Brown from the time of his arrival until approximately 1:55p.m.
June 1, 2011 Approx. 9a.m.	Lt. Michael Reese of the Alabama ABC Board under the orders of Attorney (cont.) Gen. Strange executed a search warrant and seized property belonging to Greenetrack. Thus, Greenetrack is raided. Electronic bingo is no longer operated at Greenetrack.
June 2, 2011	A community meeting is held in Greene County in support of Greenetrack. A petition is circulated requesting that the United States Justice Department investigate the voting rights violations in Greene County. (Constitutional Amendment 743 passed in 2003 by over 82

	<p>% In Greene County allowing for bingo to played on electronic devices) 3,000 signatures are obtained and turned over the Congresswoman Sewell for delivery to the Justice Department. Congresswoman Sewell and community leaders write letters to the Justice Department requesting and investigation into voting rights violation in Greene County by the State of Alabama.</p>
June 7, 2011	<p>Greenetrack files a Motion for Return of Seized Property. The hearing is scheduled for Wednesday, July 6, 2011 at the Greene County Courthouse.</p>
July 6, 2011	<p>Special Appointed Judge Houston Brown presides over the hearing. The hearing lasts for 2 days. Testimony is received from 5 witnesses: 1. Circuit Court Judge, Eddie Hardaway; 2. Chief Deputy Attorney General Richard Allen; 3. Lt. Mike Reese of the Alabama Alcoholic Beverage and Control Board; 4. Deputy Attorney General Sonny Reagan; and Desmond C. Ladner, the State's purported gambling expert.</p>
July 7, 2011	<p>Hearings conclude and Judge Brown requests Briefs from both sides to be filed within 10 days.</p>
August 3, 2011	<p>Judge Brown grants Greenetrack's Motion for Return of Seized Property. An insert is provided from the Judge's Order:</p> <p style="text-align: center;">Insert from the Judges Order:</p> <p>Greenetrack, Inc. also contends that the search warrant was issued in violation of Rule 3.7 of the Alabama Rules of Civil Procedure. The manner in which the State sought the search warrant certainly raises questions regarding whether the State engaged in judge-shopping. The suggestion that the manner in which the search warrant was presented to this Court, in contravention of the Alabama Rules of Criminal Procedure, in order to circumvent the duly-elected judges in the 17th Judicial Circuit for motives other than the efficient administration of justice</p>

casts a very long shadow across the entire judicial system generally and this case specifically. **Public confidence in the integrity of the judicial system is an important policy.** Officers of the Court should be ever mindful of the role they play in the **fair and impartial administration of justice.**

The Court is particularly troubled by the State's admitted participation in the procurement of the Order which led to the appointment of the Court on May 17. The Court finds that the State's communications with the Administrative Office of Courts were not conducted in **good faith** and represented a **clear and knowing violation of Rule 3.7 Alabama Rules of Criminal Procedure.** The State admitted at the hearing that it never approached either of the Greene County Judges about this warrant and, further, the State never apprised this court that it had not. Moreover, the State's explanation for its claimed confusion over the status of Greene County Circuit Judge Hardaway and in particular, the meaning of the Supreme Court's Order dated July 29, 2010, appointing this Court

	<p>to the earlier filed forfeiture action, State v. 825 Electronic Gambling Devices, et al. was nothing more than a pretext offered in an effort to shield its inappropriate conduct. Even if the State had been confused, which the Court finds that it was not, the State offered no evidence or explanation of why it could not have presented this search warrant to District Judge Lillie Jones-Osborne in accordance with the clear command of Rule 3.7. Finally, in light of the authorities cited by petitioner in its brief, the Court has reservations about its authority to issue a search warrant under these circumstances. For these reasons, the Court is satisfied that the search warrant issued on May 31, 2011 by this Court is procedurally defective and should be and it is hereby SET ASIDE and held for naught.</p> <p>Note: Seized property was to be returned within 10 days to Greenetrack</p>
August 4, 2011	Sonny Reagan, Deputy Attorney General, files an Emergency Motion for Stay of the August 3, 2011 Injunction Pending an Appeal of the August 3 rd ruling.
August 4, 2011	Judge Brown sets a hearing for August 9, 2011 at 1:30p.m., the Greene County Courthouse.
August 9, 2011	Extensive argument is heard of Counsel, both in favor of and in opposition to the granting of the Motion to Stay.
August 10, 2011	Judge Brown denied Sonny Reagan's, i.e. the State of Alabama's Emergency Motion For Stay of the August 3, 2011, Injunction

	Pending Appeal. Judge Brown held that the state failed to demonstrate it was entitled to a stay or that it would be harmed in the absence of a stay.
August 10, 2011	Sonny Reagan files a Petition for Writ of Mandamus requesting a Stay of trial court's Order of August 3, 2011 to the Alabama Supreme Court.
August 11, 2011	Alabama Supreme Court grants Greenetrack until Monday, August 14, 2011 to respond to Sonny Reagan's Motion to Stay.
August 12, 2011 Approximately 9a.m.	Sonny Reagan calls Greenetrack's attorneys requesting of them to vacate the August 3 rd Order, so that they may maintain possession of seized property and if they agree to vacate, the State (Sonny Reagan) would not go to the Alabama Supreme Court. The attorneys for Greenetrack declined Sonny Reagan's offer.
August 12, 2011 Approximately 11a.m.	WSFA reporter Jason Shryock runs a story on the WSFA website reporting that the Alabama Supreme Court had unanimously overturned Judge Brown's Order.
August 12, 2011 Approximately 11:30a.m.	WSFA retracts story of Alabama Supreme Court's ruling.
August 12, 2011 Approximately 3p.m.	The Alabama Supreme Court grants Sonny Reagan's Petition for Stay pending further order of the Court.
August 16, 2011	<p>Luther Winn, CEO of Greenetrack writes to Gov. Bentley requesting that he intervenes on behalf of Greenetrack as Chief Magistrate. The letter is provided.</p> <p>Dear Gov. Bentley:</p> <p>As Chief Magistrate of the State of Alabama, you have the power to intervene for Greene County pertaining to matters involving the Attorney General's office. The Attorney General's blatant abuse of power and disrespect for the law must not be allowed to continue.</p> <p>I am sure that you have followed this matter, so to</p>

summarize the latest court proceedings.... the specially appointed judge, Judge Houston Brown, accused the Attorney General's Office of judge shopping and lying under oath. Judge Brown was a judge, specifically, appointed for the purpose of obtaining a search warrant to enter Greenetrack. He was a judge chosen by the Attorney General's Office, not by the citizens of Greene County. Judge Brown, after hearing testimony for two days, determined that representatives of the Attorney General's Office had made statements“with a reckless disregard for the truth” to obtain the search warrant used to raid Greenetrack on June 1, 2011. Such extreme actions on behalf of the State must not go unchallenged.

When you became governor, you stated in a press conference that you were going to be the governor of Republicans, Democrats, Blacks and Whites, a governor for Alabamians. When you made that speech, you gave your constituents hope, hope that at last there would be fairness. However, today, we, the citizens of Greene County, citizens of Alabama, citizens of the United States, stand alone without

fairness and without justice.

After taking office, you discovered that former Governor Bob Riley had transferred 7.9 million dollars to the Attorney General's Office to continue fighting against electronic bingo, funds that had been received for the BP claims. There was hope, when you demanded the return of those funds to your office. There was hope when, you discovered the Attorney General's Office attempting to pass a bill that would usurp your powers as Chief Magistrate, and you prevented that bill from moving forward. You have defended your office from the tyranny of the Attorney General's office. I am requesting that you defend Greene County from the same arrogance and disrespect.

Without your intervention, Greene County will be irreparably harmed. Since the raid on Greenetrack, 400 residents are unemployed and businesses have closed. Recently, RockTenn Greene County's largest business second to Greenetrack, laid off 100 employees, The Greene County Sheriff Department has laid off half of its workforce, and E911 is operating with only 2 employees. Although, our circumstances do

not headline the daily news, the harsh economic conditions we are facing in Greene County far exceed those of Jefferson County.

Whereas Jefferson County is facing bankruptcy, we are facing a shutdown of our county.

48 years have passed since the civil rights movement. It was a time when blacks had to demand respect for their constitutional rights. Many innocent lives were lost during that period in our history. As a child of the civil rights movement,

I am obligated to continue to demand respect for our rights. For this is not a matter for which justice should prevail, it is a matter for which justice shall prevail.

Time is of the essence. Your timely response to my request for intervention on Greene County's behalf is appreciated.

For informational purposes, an insert from Judge Houston Brown's Order Granting Motion For Return of Seized Property has been included.

Insert from the Judges Order:

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Office of Courts were not conducted in good faith and represented a clear and knowing violation of Rule 3.7 Alabama Rules of Criminal Procedure. The State admitted at the hearing that it never approached either of the Greene County Judges about this warrant and, further, the State never apprised this court that it had not. Moreover, the State's explanation for its claimed confusion over the status of Greene County Circuit Judge Hardaway and in particular, the meaning of the Supreme Court's Order dated July 29, 2010, appointing this Court to the earlier filed forfeiture action, State v. 825 Electronic Gambling Devices, et al. was nothing more than a pretext offered in an effort to shield its inappropriate conduct. Even if the State had been confused, which the Court finds that it was not, the State offered no evidence or explanation of why it could not have presented this search warrant to District Judge Lillie Jones-Osborne in accordance with the clear command of Rule 3.7. Finally, in light of the authorities cited by petitioner in its brief, the Court has reservations about its authority to issue a search warrant under these circumstances. For these reasons,

	<p>the Court is satisfied that the search warrant issued on May 31, 2011 by this Court is procedurally defective and should be and it is hereby SET ASIDE and held for naught.</p> <p>Yours truly,</p> <p><i>Luther Winn</i></p> <p>Luther "Nat" Winn</p>
<p>August 19, 2011</p>	<p>The Alabama Association of Black County Officials writes to United States Attorney for the Northern District of Alabama, Joyce Vance requesting intervention of her office and the United States Department of Justice to prevent the injustice that is occurring in Greene County.</p>
<p>August 31, 2011</p>	<p>Charitable organizations of Greene County resume operating bingo pursuant to: 1. Constitutional Amendment 743 and 2. Judge Houston Brown's August 3, 2011, Order Granting Return of Seized Property.</p>