



Alabama Association of Black County Officials

P.O. Box 685
Marion, AL 36756

*Commissioner Albert F. Turner Jr., District 1
Perry County, President
(334)-850-2475*

*Commissioner Merceria L. Ludgood, District 1
Mobile County, 1st Vice-President
(251)-574-1000*

*Commissioner George Bowman, District 1
Jefferson County, 2nd Vice-President
(205)-325-5504*

August 19, 2011

Honorable Joyce W. Vance
United States Attorney
Northern District of Alabama
1801 Fourth Avenue, North
Birmingham, Alabama 35203

Dear United States Attorney Vance:

Our Association represents black elected and appointed officials within county governments in Alabama. We write to you today on behalf of the black elected officials in Greene County, Alabama. Enclosed please find a Resolution adopted by our Association which explains the plight of the citizens in Greene County.

The citizens in Greene County fought and died for the right to vote and to have those votes counted. The voters in Greene County adopted Amendment 743 to the Alabama Constitution which specifically authorizes electronic bingo and designates the Sheriff of Greene County as the regulatory and enforcement authority. The voters in Greene County elected Greg Griggers as their District Attorney. The voters in Greene County have also elected a circuit judge and district judge who have the power to issue search warrants and preside over civil and criminal actions. In contravention of these elected officials and Amendment 743, a specially appointed circuit judge recently determined that state law enforcement officer presented false testimony to the special circuit judge in order to obtain a search warrant. Armed with the unlawful search warrant, the State seized property from a lawfully operating and licensed business in Greene County.

The special circuit judge ordered the unlawful search warrant to be set aside and ordered the State to return the unlawfully seized property. The special circuit judge specifically found:



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In light of the testimony presented at the hearing and having reviewed the affidavit and the additional ex parte representations made in chambers by Lieutenant Gary Michael Reese (the law enforcement officer requesting the warrant) and Desmond Ladner (the State's gambling expert), it is apparent the State presented statements which are clearly false, misleading, or were made with a reckless disregard for the truth. Moreover, the testimony recounted in the affidavit and presented to the Court in chambers by the State's gambling expert must be disregarded. Once the affidavit's false material is set to one side, the remaining content is insufficient to establish probable cause. In the absence of probable cause, the search warrant must be voided and the fruits of the search excluded as if probable cause had been lacking on the face of the affidavit. *Franks v. Delaware*, 438 U.S. 154 (1978).

* * *

The said Agent and Mr. Ladner spent nearly three hours discussing the affidavit and the request for the search warrant. Their additional testimony is not reflected in the affidavit and was not recorded at the time. But for Mr. Ladner's testimony in chambers prior to the issuance of the warrant, this Court would not have found probable cause and would not have issued the warrant.

(August 3, 2011 Order attached hereto).

The State's actions have had a devastating effect on the predominantly black citizens in Greene County. The citizens of Greene County suffer irreparable harm every day that the State maintains possession of the illegally seized items. 400 employees have lost their jobs. Greene County E-911, the charity operating the games, has lost and continues to lose substantial revenues with which it provided emergency services to the residents of Greene County. The Greene County Sheriff's office has lost and continues to lose revenues to provide services to the citizens of Greene County. The local schools and the Greene County Commission have also lost substantial revenues with which they were providing critical services to the residents of Greene County. College students who were receiving scholarships have been forced to find other sources of funds or have had



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to drop out of college. Along with the financial hardships that the State's actions are causing, the State is also denying the citizens of Greene County the benefit of their votes. Greene County citizens specifically authorized electronic bingo and placed its regulation under the authority of the Sheriff. The State's actions in this matter amount to a nullification of those votes, a nullification, a special judge appointed in this matter found to be based upon unlawful behavior by agents of the State.

Our Association had hoped that the State of Alabama had progressed from the point where African American citizens had to seek intervention from the federal government to prevent disenfranchisement and violations of their fundamental constitutional rights. However, the recent actions of the State of Alabama make it clear that the State has no respect for the votes of the citizens of Greene County, or the civil and constitutional rights of the citizens of Greene County. On behalf of our members, our Association respectfully requests intervention by your office and the United States Department of Justice to prevent this injustice.

Sincerely,

A handwritten signature in cursive script that reads "Albert F. Turner Jr.".

Albert F. Turner Jr., President

cc: Greene County Commission
District Attorney Greg Griggers
Greene County Sheriff Joe Benison