

August 16, 2011  
Hon. Robert Bentley  
600 Dexter Avenue  
Montgomery, AL 36130

Dear Governor Bentley:

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.

I am sure that you have followed this matter, so to 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.

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From Luther Winn

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,

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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:**

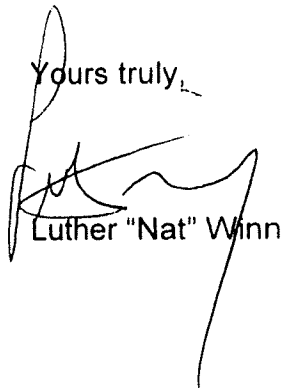
Greenetrack, Inc. also contends that the search warrant was issued in violation of Rule 3.7 of the Alabama Rules of Civil Procedure. The manner in which the State sought the search warrant certainly raises questions regarding whether the State **engaged in judge-shopping**. The suggestion that the manner 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 17<sup>th</sup> Judicial Circuit for motives other than the efficient administration of justice 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

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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, 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.

Yours truly,



Luther "Nat" Winn