

LRWX-24-159

LITTLE ROCK DISTRICT COURT
FILED

2024 MAR 12 PM 12:39

Prosecuting Attorney's Form Affidavit
Form supplied by TFO Loni Lichti
Date: 3/12/2024
Approved: M. Brown (via email)

Gray, Reagan

IN THE DISTRICT COURT OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS

AFFIDAVIT FOR WARRANT OF ARREST FOR THE FOLLOWING PERSON:

| | | |
|-----------------------------------|-----------------------|-----------------|
| <u>Reagan Gray</u> | <u>06-14-1997 W/F</u> | |
| POTENTIAL DEFFENDANTS NAME | DOB/RACE/SEX | A Felony |
| <u>Little Rock, Arkansas</u> | <u>N/A</u> | |
| ADDRESS | PHONE NUMBER | |

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned affiant(s) being duly sworn, deposes and says that he has reason to believe that the above named person has committed the offense of violating Ark. Code Ann 5-14-124, Sexual Assault, First Degree during the time between September 1, 2020 and May, 31 2021 committed by

LRDC
Redacted P...
AR AO19/FOIA Exemption(s):
(b)(8) Private, identifying info
protected from disclosure
by order of Rule of
Court.

LR-24-1924

- a. (a) A person commits sexual assault in the first degree if:
1. (1) The person engages in sexual intercourse or deviate sexual activity with a minor who is not the actor's spouse and the actor is:
 - A. (A) Employed with the Division of Correction, the Division of Community Correction, the Department of Human Services, or any city or county jail or a juvenile detention facility, and the victim is in the custody of the Division of Correction, the Division of Community Correction, the Department of Human Services, any city or county jail or juvenile detention facility, or their contractors or agents;
 - B. (B) Employed by or contracted with the Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation or parole or for any other court-ordered reason;
 - C. (C) A mandated reporter under § 12-18-402(b) and is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or
 - D. (D) An employee in the victim's school or school district, a temporary caretaker, or a person in a position of trust or authority over the victim; or
 2. (2) The person is a teacher, principal, athletic coach, or counselor in a public or private school in kindergarten through grade twelve (K-12) and the actor:
 - A. (A) Engages in sexual intercourse or deviate sexual activity with a person who is not the actor's spouse and the victim is:
 - i. (i) Less than twenty-one (21) years of age; and
 - ii. (ii) A student enrolled in the public or private school employing the actor; and
 - B. (B) Is in a position of trust or authority over the victim and uses his or her position of trust or authority over the victim to engage in sexual intercourse or deviate sexual activity.

MW 12, 2024

- b. (b) It is no defense to a prosecution under this section that the victim consented to the conduct.
- c. (c) It is an affirmative defense to a prosecution under subdivision (a)(1)(D) of this section that the actor was not more than three (3) years older than the victim.
- d. (d) Sexual assault in the first degree is a Class A felony.

in Pulaski County, Arkansas, against the peace and dignity of the State of Arkansas, to wit: [REDACTED] (minor) DOB: [REDACTED]

FACTS CONSTITUTING REASONABLE CAUSE

On or around September 8, 2023, FBI Special Agent Joshua Pullen was notified of an incident regarding Reagan GRAY (hereinafter referred to as GRAY) having a sexual relationship with a minor, [REDACTED] (hereinafter referred to as V1) in 2020. GRAY was 23 years old and employed as a teacher at Little Rock Christian Academy (109010 Cantrell, Little Rock), as well as a volunteer in the student ministry at Immanuel Baptist Church (501 North Shackleford Road, Little Rock) in 2020. V1 was approximately [REDACTED] years of age in 2020. V1 did not attend Little Rock Christian; but was a member of the student ministry at Immanuel Baptist Church. The incident was referenced in an Arkansas Department of Human Services Child Abuse Hotline Report 2227963.

In 2020, V1's parents discovered text messages on V1's cell phone between him/her and GRAY. The parents of V1 told GRAY to stop messaging their child. The text messages were reported to the senior pastor of Immanuel Baptist Church, Head Pastor, Steven Smith, who confronted GRAY about the messages and was told by GRAY that the relationship was not physical. GRAY was removed from the student ministry at the time and was required to undergo counseling. GRAY returned to volunteering in the student ministry shortly after being removed.

Head Pastor Steven Smith was interviewed in February of 2024 and stated that in the Fall of 2023, GRAY disclosed during a counseling session the relationship between her and V1 in 2020 was sexual in nature. The communication between GRAY and V1 had not stopped after being confronted by V1's parents and continued on the Snapchat application. Smith further stated that during a counseling session in 2023, GRAY reported there had been physical contact between GRAY and V1. Smith believed V1 was [REDACTED] years old at that time. GRAY also reported the physical contact directly to Smith, the senior pastor at Immanuel Baptist Church.

A Child and Adolescent Forensic Interview (CAFI) was conducted by the FBI with V1 in February 2024, wherein V1 disclosed he/she had sexual contact with GRAY when he/she was [REDACTED] years old and Gray was 23 years old. GRAY was a youth group leader volunteer at the church. V1 knew GRAY was a teacher outside of the church. Additionally, GRAY and V1 were both members of the music program at the church. GRAY received V1's phone number from a group chat for the church's music program. V1 disclosed GRAY sent nude images of herself to V1 on a daily basis and would expect and request sexually explicit images of V1 in return. GRAY frequently requested sexually explicit images of V1 on SnapChat when V1 was [REDACTED] and

█ years old. During the CAFI, V1 was asked if there were any times GRAY asked V1 to send nude photos. V1 responded, "Yeah. I don't have explicit memory of doing that, but it—she— with how often she requested it, it—it probably did happen." The CAFI asked V1 if he/she was unsure if it happened, or if he/she was not okay to talk about it at that time. V1 responded, "I mean like, if I had explicit memory, I would—I would say it, but, um, I just—I just can't remember specific times that I did do that." The CAFI asked what GRAY wanted to see in the photos, V1 said, "my █" GRAY would primarily send photos of her chest to V1, but also sent V1 nude photos where GRAY's buttocks and vagina were visible. V1 could not recall all of the specifics of the photos GRAY sent him/her. V1 provided GRAY's SnapChat and Instagram handle as █ but your Affiant has learned that the name provided by V1 was actually GRAY's handle on Instagram and TikTok. V1 provided █ SnapChat, Instagram, and TikTok handles.

Your Affiant did a public search of GRAY's telephone number and determined that GRAY's SnapChat account is █ The display name for the Snapchat Account is Reagan GRAY.

V1 further stated in his/her interview that V1 and GRAY did not have penial/vaginal intercourse in order for V1 to stay pure, but GRAY would verbally request penial/vaginal intercourse from V1. V1 did engage in sexual contact with GRAY during the Fall of 2020 into the Summer of 2021. GRAY's vehicle and her apartment were where the sexual interactions took place. V1 would digitally penetrate GRAY'S vagina and GRAY would perform oral sex on V1. V1 advised he/she engaged in the sexual activity with GRAY approximately five to ten times when V1 was █ years old and multiple times after V1 turned █ years old.

Regan GRAY currently works at Sylvan Hills Middle School (October 2023 – present) and has been on administrative leave as of February 12, 2024.

Also reference Little Rock Police Department Incident Report, 2024-011240.

INTRODUCTION AND BACKGROUND

I am a Detective with Little Rock Police Department (LRPD) and a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI). I have been employed with the Little Rock Police Department since October 2006 and as a Detective with LRPD since June 2011. I have had training recognized and certified by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

The Facts in this affidavit come from my personal observations, training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

Based on the Affiant's training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Arkansas Criminal Code 5-14-124, Sexual Assault First Degree, have been committed by Reagan Gray, WF, 06/04/1997.

Therefore, I respectfully request this Court to issue a warrant for arrest of Arkansas Criminal Code 5-14-124, Sexual Assault, First Degree.

I swear that the allegations contained herein are the truth, the whole truth and nothing but the truth.

Loni Lichti

Detective LRPD, Task Force Officer FBI
615 W. Markham, LR, Arkansas
501-918-3800

Subscribed and sworn to before me this 12 day of March, 2024

District Court Clerk by [Signature] (Deputy Clerk)

I hereby find that this sworn affidavit demonstrates reasonable and probable cause for the issuance of a warrant of arrest for the above-named individual for the above-stated offense.

Melamp A. Murr
LRDC Judge - 1st Div. Criminal

Date: 3/12/24

Sworn to me - Mhm 10:59 AM
DISTRICT COURT 1ST DIVISION
STATE OF ARKANSAS
FILE ROOM



ARKANSAS ARREST / DISPOSITION REPORT

Little Rock Police Department NCIC: AR0600200



PRESS HARD - You are making multiple copies

DEFENDANT IDENTIFICATION

| | | | | | |
|--|---|--|--|--|--|
| Name: Last GRAY | | First REAGAN | | Middle DANIELLE | |
| Aliases | | | | | |
| Street Address | | | | Phone Number | |
| City MONTICELLO | | State AR | | Zip 72455 | |
| Computer Use - CSN | | FBI Number | | State I.D. Number | |
| Social Security Number | | Drivers License | | Employer/Occupation NA | |
| Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female | Race <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Unknown | Ethnicity <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Hispanic | | Date of Birth Age Month Day Year 26 | |
| Hair BLN | | Eyes GRN | | Weight 135 | |
| Name of Nearest Relative RYAN GRAY | | Height 5'5" | | Scars, Marks, Tattoos CODA SYMBOL L ANKLE | |
| Street Address | | City, State, Zip MONTICELLO AR | | Place of Birth NASHVILLE TN | |

ARREST INFORMATION

| | | | | | |
|-------------------------------------|-------------------------------|---------------------------------|--|-------------------------------------|--------------------------------------|
| Place of Arrest WOOD Markham | | | Arresting Officers Lichti 78107 | | |
| Date of Arrest 04/17/24 | Time of Arrest 0925 | Bail Amount Set 25000 | Report Number 2024-048095 | Agency Received From LRPD | Agency Transferred To PCSO |
| Case/Docket Number | Statute Number | Counts | Charge Description | Law Enforcement Action | Date of Action |
| | 514.124 | 1 | Sexual Assault 1st | A fel | |
| | | | *WARRANT LR24-1924* | 24.1878 | |

Facts of Arrest (PC) **On today's date Gray surrendered herself to PCDC for her felony warrant LR24-1924. No further**

| Complainant & Witness Names | | Address | Phone | Right Thumb Print |
|-----------------------------|----------|---------|-------|-------------------|
| Complainant | Home | | | |
| | Business | | | |
| Witness | Home | | | |
| | Business | | | |
| Witness | Home | | | |
| | Business | | | |

Court Trying Case: **LRCC** Court Date: **05/08/2024** Time: **0830**



SPEED LETTER

**TO: PULASKI COUNTY REGIONAL DENTENTION FACILITY
3201 W. ROOSEVELT ROAD
LITTLE ROCK, AR 72204 PHONE: 501-340-7001**

**FROM: LITTLE ROCK DISTRICT COURT - CRIMINAL DIVISION
600 W. MARKHAM STREET
LITTLE ROCK, AR 72201
PHONE: 501-371-4739 FAX: 501-371-4515
EMAIL: LRCRIMINALCOURT@LITTLE ROCK.GOV**

DEFENDANT'S NAME AND DOB: GRAY, REAGAN 6-24-97 WIF

CASE NUMBER(S): LRWX-24-159 24-1870

WARRANT NUMBER(S): LR-24-1424

CHARGES: SEXUAL ASSAULT 1ST DEGREE

CHARGE LEVEL: FELONY MISDEMEANOR

PASS TO FILE DATE: 6/17/24 AT 8:30 A.M. *MUST APPEAR IN COURT*

DEFENDANT RECOGNIZED: YES NO BOND SET BY: COURT: AGREEMENT

BOND AMOUNT: \$20,000 BOND TYPE: SURETY CASH OTHER

DEFENDANT COMMITTED: YES NO TIME TO SERVE: AMOUNT \$ DAYS MONTHS

DAY WORK AUTHORIZED: YES NO CREDIT SINCE INTAKE: YES NO

DEFENDANT MUST APPEAR IN LITTLE ROCK DISTRICT COURT ON: 20

AT 8:30 A.M. FOR: TRIAL SENTENCING REPORT ON:

DEFENDANT MAY BE RELEASED IF NO OTHER DETAINERS AFTER PROCESSING: YES NO

REMARKS: _____

AUTHORIZED SIGNATURE

4/17/2024

DATE

IN THE DISTRICT COURT OF LITTLE ROCK, ARKANSAS
FIRST DIVISION

STATE OF ARKANSAS

PLAINIFF

VS.

Case # 24.1872

Reagan Gray

DEFENDANT

WAIVER OF EXTRADITION AS CONDITION OF BOND
PURSUANT TO §16-94-103

I, Reagan Gray, have been arrested for a Felony offense on April 17, 2024 and as a condition of my bond, I consent to the following:

1. If I am arrested in another state, I can be returned to Arkansas through the extradition process.
2. I will not resist or fight any effort by any state to return me to Arkansas and waive all format extradition proceedings.
3. I understand I shall not be admitted to bail in any other state pending extradition to Arkansas.
4. I agree to waive any right I may have to contest my extradition and I waive this right freely, voluntarily and intelligently.

Date: 4-17-24

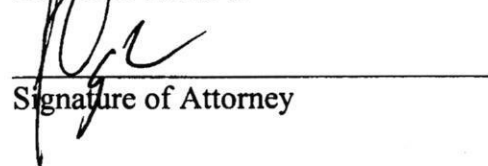


Signature of Defendant

Reagan Gray

Print Full Name

Date: 4-17-24



Signature of Attorney

IN THE DISTRICT COURT OF LITTLE ROCK, ARKANSAS
FIRST DIVISION-CRIMINAL

STATE OF ARKANSAS

LITTLE ROCK DISTRICT COURT
PLAINTIFF FILED

VS.

CASE # LR CR- 24-1870
NCO # 24-483

2024 APR 17 AM 10:43

DEFENDANT

Reagan Gray

LRDC
Redacted Pursuant to
AR A019/FOIA Exemption(s):
(b)(8) Info protected by
Rule/Order of Court

NO CONTACT ORDER

The defendant is hereby ordered to have no contact, either directly or indirectly, whether in person, by telephone, computer, mail, or any other means, with the following person(s) or his/her immediate family:

[Redacted] _____ WM
Victim's Name Date of Birth Race/Sex

Victim's Name Date of Birth Race/Sex

Victim's Name Date of Birth Race/Sex

Victim's Name Date of Birth Race/Sex

The defendant is prohibited from possessing and/or purchasing a firearm or other weapon.

The defendant is also _____

Any violation of this Order may subject the defendant to immediate arrest and detention. When impractical to serve a warrant, any law enforcement officer having reasonable cause to believe that this Order has been violated may immediately arrest the defendant. This Order is in addition to, and consistent with, Orders issued pursuant to Rule 9.3 of the Arkansas Rules of Criminal Procedure, Ark. Code Ann. 5-4-303, 5-13-301, 5-71-208, 5-71-209, 5-71-229, 16-85-714, and 9-15-201, *et seq.*

This Order shall be in effect until it is modified or vacated by Court Order.

IT IS SO ORDERED.

Served by Officer: ERIC

Melanie H. Martin
District Court Judge

Date: 4-17, 20 24

[Signature]
Defendant's Signature

4-17-24
Date

ACIC/NCIC Entry Information: NIC # _____

Defendant's name: _____ SSN _____ DOB _____

Race: _____ Sex: M / F Height _____ Weight _____ Birth Place: _____

Driver's License # _____ State: _____

White - Court Copy

Canary - Police Department Copy

Revised Oct. 2021

LITTLE ROCK DISTRICT COURT
FIRST DIVISION
600 West Markham
Little Rock, Arkansas 72201
501-371-4739

LRCR - 24-1870

DEFENDANT: Reagan Gray LRWX-24-159
YOU MUST APPEAR IN THIS COURT ON 10-17-, 2024.

FOR THE FOLLOWING REASON:

- PLEA / 1ST APPEARANCE AT 8:30 A.M. 618
- TRIAL AT 8:30A.M. 841
- REPORT/ OTHER AT 8:30 A.M.
- PASS TO FILE AT 8:15 AM 7445

IF YOU ARE UNDER 18 YEARS OF AGE. YOU MUST APPEAR WITH AT LEAST ONE PARENT OR GUARDIAN. IF YOU FAIL TO APPEAR IN COURT. A WARRANT WILL BE ISSUED FOR YOUR ARREST.

IF YOU QUALIFY FOR THE PUBLIC DEFENDER AND NEED ASSISTANCE, THEIR OFFICE NUMBER IS: 501-340-6120.

STATE OF ARKANSAS
COUNTY OF Dwight
CITY OF Little Rock
CASE NUMBER RCR-24-1870

Bail Bonds By Greg and Red, Inc.
P.O. Box 1126, Stuttgart, Arkansas, 72160
870-673-2245

BAIL BOND

GR 44 No. 8663

Reagan Gray, hereinafter referred to as the Defendant, being in custody, charged with the offense(s) of Sexual Assault 1st

and having been admitted to bail in the amount of \$ 20000

Now Bail Bonds By Greg and Red, Inc. does hereby undertake that the Defendant will appear before the Court designated below at the time indicated and shall at all times render himself amenable to the orders and process of said court in prosecution of charges, and if convicted, shall render himself in execution thereof. If the Defendant fails to perform any of these conditions, we will pay and forfeit to the District court of Little Rock, the sum of \$ 20000 (County or District)

In Witness Whereof I have hereunto set my hand and seal this 17 day of April, 2024.

Defendant to Appear in:

District Court, City of Little Rock

District Court, County of _____

At 9:00 A.M./P.M. on June 17th, 2024

County Circuit Court

Defendant: Reagan Gray

Address: _____

City, State, Zip: Monticello, AR 71655

Phone: _____

Surety: Bail Bonds By Greg and Red, Inc.

Jamie Whipple
Attorney-In-Fact (agent)

On NOTICE TERM See Terms. Check in every Wed.

501-353-9167

Power of Attorney

No. 8663

| Authority for: | Item 1 | Item 2 | Item 3 | Item 4 | Power Number |
|----------------|-------------------|--|---|----------------------------|--------------|
| GR <u>44</u> | <u>J. Whipple</u> | Not valid for Bond in excess of \$250,000.00 | Not valid If used after <u>12/31/24</u> | Date Issued <u>4/17/24</u> | GR <u>44</u> |

To act as Attorney-In-Fact - State of Arkansas

| | |
|--|---|
| DEFENDANT: <u>Reagan Gray</u> | Insert Bond Amount Void if Not Completed <u>\$20000</u> |
| SOCIAL SECURITY NUMBER: _____ Date of Birth: <u>6-4-97</u> | |

Know All Men By These Presents:

- SECTION 1. Bail Bonds By Greg and Red, Inc., does hereby make, constitute and appoint the party set forth in Item One (1) above as its true and lawful Attorney-in-Fact with full power and authority hereby confirmed to execute on behalf of the said Company, as sole surety only subject to the limitations as herein set forth, Bail Bonds, in judicial proceedings, whether criminal or civil; appeal bonds or any other kind of appearance bond in any State Court, or District Court and in all U.S. Federal Courts on behalf of the above named defendant.
 - SECTION 2. That the authority of such Attorney-in-Fact to bind the company shall not in any event exceed the amount set forth in Item Two (2) above on any one bond and the said Attorney-in-Fact is hereby authorized to insert in Item Five (5) the name of the person on whose behalf this bond is given.
 - SECTION 3. This power is not valid unless used on or before the date set forth in item Three (3) above and can only be used once.
 - SECTION 4. The authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee failure to provide payments, back alimony payments, child support payments, fines or wage law claims.
 - SECTION 5. Bail Bonds By Greg and Red, Inc., does make, constitute and appoint the above named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, seal and deliver for and on its behalf and as its act and deed, as surety, a bail bond only. Authority of such Attorney-in-Fact is limited to appearance bonds and cannot be construed to guarantee failure to provide payments, fines or wage law claims on behalf of above named defendant.
 - SECTION 6. IN WITNESS WHEREOF BAIL BONDS BY GREG AND RED, INC. has caused these presents to be signed by its Proprietor and its corporate seal to be hereunto affixed (if applicable) on the date set forth in Item Four (4) above.
 - SECTION 7. DO NOT ACCEPT A POWER OF ATTORNEY WHICH BEARS ANY ALTERATIONS, ERASURE OR INTERLINEATION.
- (A) Bail Bond Form with Incorporated Power of Attorney should remain a permanent part of Court Records.



Kent W Hill
Owner

IN THE DISTRICT COURT OF LITTLE ROCK, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. LRCR-24-1870

REAGAN DANIELLE GRAY

DEFENDANT

ENTRY OF APPEARANCE

John Ogles, for his entry of appearance, states:

1. John Ogles has been employed as counsel by Defendant Reagan Danielle Gray in this action. John Ogles respectfully requests the Clerk enter his name as an attorney of record in this case.

2. John Ogles requests that copies of all pleadings and other papers served or filed in this action be served upon him.

Respectfully submitted,

/s/John Ogles

John Ogles
Arkansas Bar No. 89003
Texas Bar No. 00797922
OGLES LAW FIRM, P.A.
200 S. Jeff Davis
P.O. Box 891
Jacksonville, AR 72078
(501) 982-8339
jogles@aol.com

CERTIFICATE OF SERVICE

I, John Ogles, do hereby certify that a copy of the foregoing pleading has been duly served via the Court's e-filing system upon the following on this 17th day of April, 2024:

Deputy Prosecuting Attorney

/s/John Ogles

John Ogles

IN THE DISTRICT COURT OF LITTLE ROCK, ARKANSAS

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. LRCR-24-1870

REAGAN DANIELLE GRAY

DEFENDANT

MOTION FOR DISCOVERY

Comes now the Defendant, Reagan Danielle Gray, and by and through her counsel, John Ogles, and moves for discovery pursuant to the Arkansas Rules of Criminal Procedure and the Constitutions of the United States and the State of Arkansas whether the information sought is in the possession fo the Prosecuting Attorney, ACIC, NCIC, Arkansas State Crime Lab, a Drug Task Force, or any other police or law enforcement (A.R.Crim.P. 17.3). Accordingly, the State should provide the following:

1. The names and addresses of persons whom the State intends to call as witnesses at any hearing or trial sufficiently in advance of that hearing or trial to permit preparation. A R.Crim.P. 17.1.(a)(1).

2. Any written or recorded statements or the substance of any oral statements made by defendant or a co-defendant or a potential co-defendant or any one given legal or de facto immunity to provide information or testimony. A.R.Crim.P. 17.1(a)(ii). This includes statements intended to be sued as admissions. A.R.E. 801(d).

3. Any reports or statements of experts in this case, includes the results of any physical or mental examinations, scientific tests, experiments, or comparisons. This includes results of said test, more than just “pass or fail.” A.R.Crim.P. 17.1(a)(iv).

4. Any books, papers, documents, computer records, photographs, video tapes, or tangible objects, including any recreations, whether generated animations or whatever, which the State intends to use at any hearing or trial in this case or which were obtained from or belong to the defendant. A.R.Crim.P. 17.1(a)(v).

5. Further, the State should provide similar disclosure of anything that it does not intend to sue at any hearing or trial in this case because its non-use indicates great potential that it is Brady material. Brady v. Maryland, 373 U.S. 83 (1963).

(a) Defendant specifically requests production of the notes of the officers from which reports in the file were produced. Those notes commonly include information about the leads that did not pan out and people talked to that may have known something else;

(b) The State must make a specific request for production of these notes from the officers because it will not be in an open file, and a discovery response that merely directs defense counsel to come and copy their file does not comply with this request.

6. Any record of prior convictions of any person who may be called as a witness at any stage of this proceeding whether presently known or capable of being ascertained by an ACIC or NCIC check. A.R.Crim.P. 17.1(a)(vi).

7. Any inducements, promises of leniency, consideration(financial or otherwise) or anything else that is potential impeachment evidence against a confidential informant or any other witness. A.R.Crim.P. 17.1(b)(iii), (d); Brady v. Maryland, supra; Kyles v. Whitley, 514 U.S. 419 (1995); Strickler v. Greene, 527 U.S. 263 (1999); Arkansas Rules of Professional

Conduct, Rule 3.8(d), including any written or oral agreements or any documentary evidence concerning an informant or cooperating individual that:

- (a) provides for leniency, protection from arrest, prosecution, or forfeiture, sentencing, recommendations, or anything of the kind from any past, present or future criminal acts;
- (b) provides for payment of anything of value for his or her services including, proof of payment, IRS 1099s for their payments, informant's tax returns;
- (c) proof of summaries of the payments to the informant; and
- (d) any psychiatric or drug rehabilitation history of informants.

8. The relationship between the State and any witness the State will call as a witness; e.g., employee of any governmental entity, informant status, witness in this or another case, a defendant or formal defendant in a criminal case in district, circuit, or federal court. A.R.Crim.P.17.1(b)(iii).

9. Whether there has been any electronic (including audio, video, or digital) surveillance or recording of conversations of the defendant (including surreptitious recordings of him while in a police interview room) statements or his or her premises, copying of e-mail or similar electronic transmissions, consented to by one party to the conversation or not: A.R.Crim.P.17.1(b)(ii); along with a description of the recording and copies of any transcripts.

10. As to any searches and seizures:

- (a) Disclose and permit inspection, copying, or photocopying of documents of any material or computer or computer-like memory, disks, or hard drives concerning any searches and seizures of the defendant or his or her property or statements that he or she allegedly made. A.R.Crim.P. 17.18. Copying computer disks and hard drives requires copying any invisible files that are not visible on the directory but which are still present on disks;
- (b) If a search warrant was relied upon, provide a copy of: (i) the warranty, (ii) all materials used to obtain the warrant, and (iii) the inventory.

- (c) If inventory search may be relied on as a justification for the search, please provide the police department's policy on conducting inventory searches because it is the State's burden to justify the search.
11. As to impeachment (Brady) evidence:
- (a) Any other evidence or thing in the knowledge of possession, or control of the State (A.R.Crim.P. 17.3) or its agents which tends to negate the guilt of the defendant as to the offense charged (including anything which tends to impeach a State's witness) or would tend to reduce the punishment for the offense. A.R.Crim.P. 17.1(d); Brady v. Maryland, supra; Kyles v. Whitley, supra; Strickler v. Greene, supra; Arkansas Rules of Professional Conduct, Rule 3.8(d);
 - (b) Impeachment evidence includes statements of witnesses where they are even slightly inconsistent in their versions of events from one statement to the next (oral statement to written; two written statement; etc.). Strickler v. Greene, supra; Kyles v. Whitley, 514 U.S. at 452 (even if statements of not all witnesses are impeachable); United States v. Sudikoff, 35 F. Supp.2d 1196 (C.D.Cal. 1999);
 - (c) This includes any evidence that anyone else was at one time considered a suspect. Fairchild v. Lockhart, PB-C-83-272 (E.D. Ark.); and
 - (d) The prosecuting attorney has a duty to inquire of the police to be certain that all potential discoverable Brady material has been discovered, provided to the prosecutor by the police, and disclosed. Kyles, 514 U.S. at 437-38 (Brady includes material known by the police and not the prosecutor; the individual prosecutor has a duty to learn of any favorable evidence known to others acting on the government's behalf in this case, including the police.);
 - (e) Negative evidence; e.g., as the results of any type of scientific test that failed to connect the defendant to the crime such as absence of fingerprints, physical, or serological evidence or presence of such evidence of another. Patler v. Slayton, 503 F.2d 472 (4th Cir. 1974);
 - (f) The fact that a witness has testified falsely even in an unrelated case. United States v. Mastir, 547 F.2d 932 (5th Cir. 1977).
12. Any 404(b) evidence; A.R.E. 404(b); which the State intends to or may use against the defendant.
13. Any evidence which could be used in the punishment phase against the defendant under Ark. Code Ann. §16-97-103.

14. While it goes without saying that parties have a continuing duty to disclose material that comes into the party's hands after a previous disclosure (A.R.Crim.P.19.2), defendant reasserts this right.

WHEREFORE, defendant moves this Court to enter its Order requiring the State to furnish the above requested information and all other proper relief.

FORMAL NOTICE

The State of Arkansas is hereby put on notice that the defendant herein intends to reserve the right to cross examine any witnesses, expert or otherwise, that may submit reports regarding evidence in this case. Specifically, the defendant intends to preserve all of his rights under Ark. Code Ann. 12-12-313(b) and any other enactment of law requiring a notice in order to preserve the rights to confront and cross examine witnesses.

Respectfully submitted,

/s/John Ogles

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CERTIFICATE OF SERVICE

I, John Ogles, do hereby certify that a copy of the foregoing pleading has been duly served via the Court's e-filing system upon the following on this 17th day of April, 2024:

Deputy Prosecuting Attorney

/s/John Ogles

John Ogles