

COVER SHEET
STATE OF ARKANSAS
CRIMINAL INFORMATION

FILED
SALINE COUNTY
CIRCUIT CLERK
2014 MAY 16 PM 9:57
GAC

This criminal information cover sheet or the standard criminal information form is required by Supreme Court Administration Order Number 8 to be completed for every defendant and filed by the prosecutor. The data contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court rule.

County SALINE

District 22

Case Number 63CR-14-313

Judge Arnold

Division 2

Filing Date 5-16-14

Style of Case **State of Arkansas v. Bruce Pennington**

Special Prosecutor Providing Information: Cody Hiland

Is This an Amended Information ☐ Yes

Is D being charged as a Habitual? ☐ Yes

If Yes, are you

Are multiple D's Charged in the information? ☐ Yes

Adding Offense(s)? ☐ Yes

Dropping Offense(s)? ☐ Yes

Changing Offense(s)? ☐ Yes

Is victim under the age of 14? ☐ Yes

CO-Defendants:

Defendant's Full Name	Date of Birth	Race	Sex	SID#	Arrest Date
Bruce Pennington	1/15/1951	W	Male		

Address (Street, City, State, Zip)	SS#	Driver's License No.
2923 Shadow Creek Drive Benton, AR	Arrest Tracking # 0	Prosecutor's File 13683

KNOWN ALIASES:
NOT AVAILABLE

The attached information accuses the above named defendant of the following crime(s):

Code #	Offense	A/C/S	Offense Date	Counts	F/M	Class
5-52-101(a)&(c)	Abuse of Public Trust		11/1/2012	1	F	D
5-36-103(b)(3)(A)	Theft of Property Value > \$1,000 but <= \$5,000		12/28/2012	1	F	D
5-36-103(b)(4)(A)	Theft of Property <= \$1,000		8/30/2013	1	M	A

Circuit Clerk/Deputy Clerk

Special Prosecuting Attorney

IN THE SALINE CIRCUIT COURT

FILED
SALINE COUNTY
CIRCUIT CLERK

STATE OF ARKANSAS

V.

63CR-14-313-2
NO. CR

2014 MAY 16 AM 9:57
PLAINTIFF

BRUCE PENNINGTON

BY: CAR DEFENDANT

2923 Shadow Creek Drive
Benton, AR

DOB 1/15/1951
RACE W
SEX Male

FELONY INFORMATION

Cody Hiland, Special Prosecuting Attorney, in the name and by the authority, and on behalf of the State of Arkansas charges **Bruce Pennington** with the crime(s) of **Abuse of Public Trust, Theft of Property Value > \$1,000 but =< \$5,000 and Theft of Property <= \$1,000** as follows:

COUNT 1: Abuse of Public Trust ARK. CODE ANN. § 5-52-101(a)&(c). The said defendant in SALINE COUNTY, did unlawfully and feloniously on or about November 1, 2012, solicit, accept, or agree to accept on behalf of any person, political party, or other organization any benefit from another person upon an agreement or understanding that the other person will or may be appointed a public servant or designated or nominated as a candidate for public office; or offer, confer, or agree to confer any benefit and the receipt of the benefit is prohibited by this section; or solicit, accept, or agree to accept any benefit as compensation or consideration for having as a public servant given a decision, opinion, recommendation, or vote favorable to another or for having otherwise exercised his or her discretion in favor of another; or offers, confer, or agree to confer any benefit upon a public servant and the receipt of the benefit is prohibited by this section,

Thereby committing the offense of Abuse of Public Trust, said offense being a CLASS D FELONY against the peace and dignity of the State of Arkansas.

COUNT 2: Theft of Property Value > \$1,000 but =< \$5,000 ARK. CODE ANN. § 5-36-103(b)(3)(A). The said defendant in SALINE COUNTY, did unlawfully and feloniously on or about December 28, 2012, Take or exercise unauthorized control over or make an unauthorized transfer of an interest in the property of another person with the purpose of depriving the owner of the property, or did obtain the property of another person by deception or by threat with the purpose of depriving the owner of the property, said property being valued at more than \$1,000 but less than \$5,000,

Thereby committing the offense of Theft of Property Value > \$1,000 but =< \$5,000, said offense being a CLASS D FELONY against the peace and dignity of the State of Arkansas.

COUNT 3: Theft of Property <= \$1,000 ARK. CODE ANN. § 5-36-103(b)(4)(A). The said defendant in SALINE COUNTY, did unlawfully and feloniously on or about August 30, 2013, Take or exercise unauthorized control over or make an unauthorized transfer of an interest in the property of another person with the purpose of depriving the owner of the property, or did obtain the property of another person by deception or by threat with the purpose of depriving the owner of the property, said property being valued at one thousand dollars (\$1,000) or less,

Thereby committing the offense of Theft of Property <= \$1,000, said offense being a CLASS A MISDEMEANOR against the peace and dignity of the State of Arkansas.

CODY HILAND
SPECIAL PROSECUTING ATTORNEY

By 

Subscribed and sworn to before me this ____ day of _____, 20____.

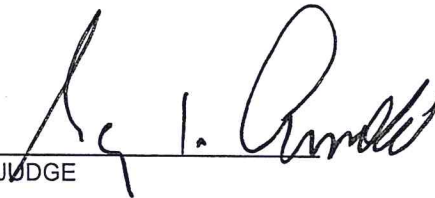
Circuit Clerk

By: _____
Deputy Circuit Clerk

TO THE CLERK OF THE CIRCUIT COURT OF SALINE COUNTY, ARKANSAS

Based upon the sworn testimony of SA Rick Newton and other materials presented therewith, I am satisfied that there is probable cause to believe that the offense alleged in the above Felony Information was committed by the person above described and that there exist probable cause for the issuance of a Warrant for Arrest.

Dated this 16 day of May, 2014.


JUDGE

BENCH WARRANT

SALINE COUNTY CIRCUIT COURT

STATE OF ARKANSAS)
) ss.
COUNTY OF SALINE)

TO ANY SHERIFF, CORONER, JAILER, CONSTABLE, MARSHALL, OR POLICEMAN IN THE STATE:

You are hereby commanded forthwith to arrest:

Bruce Pennington
2923 Shadow Creek Drive
Benton, AR

SEX : Male
RACE : W

DOB : 1/15/1951
ATN : 0

and bring him or her before the SALINE County Circuit Court, to answer an Information in that court against him or her for VIOLATION OF ARKANSAS CRIMINAL CODE :

Code #	Offense	A/C/S	Offense Date	Counts	F/M	Class
5-52-101(a)&(c)	Abuse of Public Trust		11/1/2012	1	F	D
5-36-103(b)(3)(A)	Theft of Property Value > \$1,000 but =< \$5,000		12/28/2012	1	F	D
5-36-103(b)(4)(A)	Theft of Property <= \$1,000		8/30/2013	1	M	A

or if the court be adjourned for that term, that you deliver him or her to the custody of the jailer of SALINE County.

Given under my hand and seal of said court this 16 day of May, 2014.



Circuit Clerk

By: C. Roberts D.C.

STATE OF ARKANSAS)
) ss.
COUNTY OF SALINE)

I have this _____ day of _____, A.D. 20____ duly served the within by _____

Sheriff

By: _____ D.S.

AFFIDAVIT FOR WARRANT OF ARREST

FILED
SALINE COUNTY
CIRCUIT CLERK

2014 MAY 16 AM 10:09

BRUCE PENNINGTON
DEFENDANT'S NAME

W/M DOB: 01/15/51
RACE/SEX/DOB

CARZ

2923 SHADOW CREEK DRIVE BENTON, ARKANSAS 501-249-0130
ADDRESS TELEPHONE

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned Affiant (s) being duly sworn, deposes and says that he had reason to believe that the above named person has committed the offense of violating Arkansas Code:

ABUSE OF PUBLIC TRUST CLASS (D) FELONY 5-52-101

On or about the 01th Day of __November 2012_____, committed by:

A PERSON COMMITS THE OFFENSE OF ABUSE OF PUBLIC TRUST IF THE PERSON:

- (1) SOLICITS, ACCEPTS, OR AGREES TO ACCEPT ON BEHALF OF ANY PERSON, POLITICAL PARTY, OR OTHER ORGANIZATION ANY BENEFIT FROM ANOTHER UPON AN AGREEMENT OR UNDERSTANDING THAT THE PERSON WILL OR MAY BE APPOINTED A PUBLIC SERVANT OR DESIGNATED OR NOMINATED AS A CANDIDATE FOR PUBLIC OFFICE;
- (2) OFFERS, CONFERS, OR AGREES TO CONFER ANY BENEFIT AND THE RECEIPT OF THE BENEFIT IS PROHIBITED BY THIS SECTION;
- (3) SOLICITS, ACCEPTS, OR AGREES TO ACCEPT ANY BENEFIT AS COMPENSATION OR CONSIDERATION FOR HAVING AS A PUBLIC SERVANT GIVEN A DECISION, OPINION, RECOMMENDATION, OR VOTE FAVORABLE TO ANOTHER OR FOR HAVING OTHERWISE EXERCISED HIS OR HER DISCRETION IN FAVOR OF ANOTHER;
- (4) OFFERS, CONFERS, OR AGREES TO CONFER ANY BENEFIT UPON A PUBLIC SERVANT AND THE RECEIPT OF THE BENEFIT IS PROHIBITED BY THIS SECTION.

In Saline County, Arkansas against the peace and dignity of the State of Arkansas.

FACTS CONSTITUTING REASONABLE CAUSE

Information was obtained during this investigation regarding then Sheriff Bruce Pennington receiving the installation of countertops and backsplash in his kitchen of his residence. Glen McElroy of Arkansas Granite and More gave an interview. In his statement he stated he received a speeding ticket in White County Arkansas. McElroy appeared before the District Court Judge of White County on August 02, 2012. He was assessed a fine and ordered to complete eleven days of Community Service. McElroy approached then Sheriff Bruce Pennington about having his community service moved to Saline County. Bruce Pennington made the necessary arrangements and had the community service moved to Saline County. McElroy stated he asked Bruce Pennington about completing his community service and Pennington told him his time was paid and he did not have to come in. McElroy stated he did not complete any of his time ordered community service. McElroy went on to say he received a copy of a letter Pennington sent to the White County District Court. The letter stated he had completed all his court ordered community service. McElroy in his statement said he approached Pennington to return the favor about installing some granite countertops in his home free of charge. McElroy said that later Bruce Pennington showed up at his business and picked out the countertops he wanted installed. McElroy said that they installed countertops and a backsplash in Pennington's home. A work order from Arkansas Granite and More was obtained from McElroy. This document is dated November 01, 2012, describing what type of work was to be completed. There was an invoice obtained from Arkansas Granite and More dated April 11, 2014. This document was created by Glen McElroy as requested by Agent Joe Pickett of the Arkansas State Police. The document reflects the monetary value of the countertops and backsplash installed in the home of Pennington. There were documents obtained from the White County District Court pertaining to Glen McElroy. One of these documents was the letter Bruce Pennington sent to the District Court stating Glen McElroy had performed all his community service. These documents are reflected in the case file as Evidence items E-5, E-6, and E-7. There were witnesses that were interviewed stating they had seen the countertops in the home of Pennington and inquired about them. There is also witnesses who stated Bruce Pennington bragged about the countertops and how he obtained them. In the interview conducted with Bruce Pennington he admitted the letter he sent to the White County District Court stating Glen McElroy had completed his court ordered community service was false. Pennington also stated Glen McElroy wanted to repay him with the countertops for the favor his did for him.

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

S.A. Rick Newton
AFFIANT

SPECIAL AGENT RICK NEWTON
ARKANSAS STATE POLICE
SPECIAL INVESTIGATION UNIT (SIU)

SIGNED BEFORE ME THIS 16 DAY OF May, 2008.

Ag. J. Arnold
NOTARY/JUDGE

COMMISSION EXPIRES

REVIEWED BY PROSECUTOR: [Signature]

ARREST: YES (☒) NO (☐)

I HEREBY FIND THAT THIS SWORN AFFIDAVIT DEMONSTRATES
REASONABLE AND PROBABLE CAUSE FOR THE ISSUANCE OF A WARRANT
(S) FOR THE ABOVE NAMED PERSON FOR THE ABOVE STATED OFFENSE (S).
I FURTHER DIRECT THE DISTRICT/CIRCUIT CLERK OF SALINE COUNTY TO
ISSUE AN ARREST WARRANT FOR THE ABOVE NAMED DEFENDANT.

Ag. J. Arnold
CIRCUIT/DISTRICT JUDGE

5-16-14
DATE

AFFIDAVIT FOR WARRANT OF ARREST

BRUCE PENNINGTON
DEFENDANT'S NAME

W/M/DOB: 01/15/51
RACE/SEX/DOB

FILED
SALINE COUNTY
CLERK
2014 MAY 16 AM 10:10
BY: CAR

2923 SHADOW CREEK DRIVE BENTON, ARKANSAS 501-249-0130
ADDRESS TELEPHONE

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned Affiant (s) being duly sworn, deposes and says that he had reason to believe that the above named person has committed the offense of violating Arkansas Code:

THEFT OF PROPERTY CLASS D FELONY 5-36-103

On or about the 28th Day of December 2012, _____, committed by:

A PERSON COMMITS THE OFFENSE OF THEFT OF PROPERTY IF HE OR SHE KNOWINGLY:

- (1) TAKES OR EXERCISES UNAUTHORIZED CONTROL OVER OR MAKES AN UNAUTHORIZED TRANSFER OF AN INTEREST IN THE PROPERTY OF ANOTHER PERSON WITH THE PURPOSE OF DEPRIVING THE OWNER OF THE PROPERTY

In Saline County, Arkansas against the peace and dignity of the State of Arkansas.

FACTS CONSTITUTING REASONABLE CAUSE

During this investigation Legislative Audit conducted an audit regarding the Saline County Sheriff's Office. Bruce Pennington was asked by auditors about a check that David Parker had written made payable to the Saline County Sheriff's Office in the amount of one thousand dollars (\$1,000.00). Pennington told the auditors he cashed the check and gave it to the Fraternal Order of Police to buy vests for the SWAT Team. This agent questioned Pennington about the check during an interview that was conducted. In

that interview Pennington admitted he cashed the check and used the money for personal use. The check in questioned is check number #2844 in the amount of (\$1,000.00) on the account of David Parker whose address is 1700 North Shackleford in Little Rock. The check is listed under Evidence item E-2 and is a permanent part of the file.

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

S.A. [Signature]
AFFIANT

SPECIAL AGENT RICK NEWTON
ARKANSAS STATE POLICE
SPECIAL INVESTIGATION UNIT (SIU)

SIGNED BEFORE ME THIS 16 DAY OF May, 2014.

[Signature]
NOTARY/JUDGE COMMISSION EXPIRES

REVIEWED BY PROSECUTOR: [Signature]

ARREST: YES (☒) NO (☐)

I HEREBY FIND THAT THIS SWORN AFFIDAVIT DEMONSTRATES REASONABLE AND PROBABLE CAUSE FOR THE ISSUANCE OF A WARRANT (S) FOR THE ABOVE NAMED PERSON FOR THE ABOVE STATED OFFENSE (S). I FURTHER DIRECT THE DISTRICT/CIRCUIT CLERK OF SALINE COUNTY TO ISSUE AN ARREST WARRANT FOR THE ABOVE NAMED DEFENDANT.

[Signature]
CIRCUIT/DISTRICT JUDGE

5-16-14
DATE

AFFIDAVIT FOR WARRANT OF ARREST

FILED
SALINE COUNTY
CIRCUIT CLERK

2014 MAY 16 AM 10:10

BRUCE PENNINGTON
DEFENDANT'S NAME

W/M DOB: 01/15/51
RACE/SEX/DOB

By: 

2923 SHADOW CREEK DRIVE BENTON, ARKANSAS 501-249-0130
ADDRESS TELEPHONE

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned Affiant (s) being duly sworn, deposes and says that he had reason to believe that the above named person has committed the offense of violating Arkansas Code:

THEFT OF PROPERTY CLASS A MISDEMEANOR 5-36-103

On or about the 30th Day of August 2013, committed by:

A PERSON COMMITS THE OFFENSE OF THEFT OF PROPERTY IF HE OR SHE KNOWINGLY:

- (1) TAKES OR EXERCISES UNAUTHORIZED CONTROL OVER OR MAKES AN UNAUTHORIZED TRANSFER OF AN INTEREST IN THE PROPERTY OF ANOTHER PERSON WITH THE PURPOSE OF DEPRIVING THE OWNER OF THE PROPERTY.

In Saline County, Arkansas against the peace and dignity of the State of Arkansas.

FACTS CONSTITUTING REASONABLE CAUSE

During this investigation Legislative Audit conducted an audit regarding the Saline County Sheriff's Office. In the results of that audit it was determined that five thousand six hundred and ten dollars (\$5,610.00) was missing from the telephone kiosks located in the sheriff's office and the jail. The time frame for these monies missing was from January 01, 2013 thru November 06, 2013. The telephone kiosks are the property of the Saline County Sheriff's Office and the proceeds from the machines is the property of

Saline County. In the interview conducted with Jo Nell Mallory she stated she gave then Sheriff Bruce Pennington money from these kiosks to pay on his fines to the District Court of Saline County. In the interview conducted with Bruce Pennington he stated he received from seven hundred (\$700.00) to eight hundred dollars (\$800.00) from Jo Nell Mallory to pay on his fines to Saline County District Court. Pennington stated he knew these funds came from the telephone kiosks.

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

S.A. Rick Newton
AFFIANT

SPECIAL AGENT RICK NEWTON
ARKANSAS STATE POLICE
SPECIAL INVESTIGATION UNIT (SIU)

SIGNED BEFORE ME THIS 16 DAY OF May, 2014 ~~2008~~

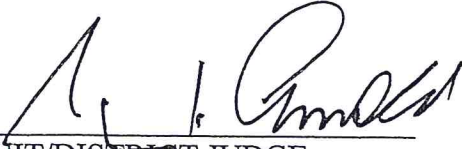
Ag. I. Arnold
NOTARY/JUDGE

COMMISSION EXPIRES

REVIEWED BY PROSECUTOR: Joe J. Williams

ARREST: YES (☒) NO ()

I HEREBY FIND THAT THIS SWORN AFFIDAVIT DEMONSTRATES REASONABLE AND PROBABLE CAUSE FOR THE ISSUANCE OF A WARRANT (S) FOR THE ABOVE NAMED PERSON FOR THE ABOVE STATED OFFENSE (S). I FURTHER DIRECT THE DISTRICT/CIRCUIT CLERK OF SALINE COUNTY TO ISSUE AN ARREST WARRANT FOR THE ABOVE NAMED DEFENDANT.


CIRCUIT/DISTRICT JUDGE

5-16-14
DATE