

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
STATE OF ARKANSAS)
SS:
COUNTY OF BENTON)

AFFIDAVIT FOR SEARCH AND SEIZURE WARRANT

The undersigned, Special Agent Joseph Pickett of the Arkansas State Police, being duly sworn, deposes and says that there is reasonable cause to believe, that on the premises known to be the Benton County Sheriff's Office, located at 1300 SW 14th Street, Bentonville, AR 72712 in Benton County, further described being beige with green trim, constructed of brick and stucco, a county building with black letters depicting "Office of the Sheriff, Benton County, Arkansas".

In the Sheriff's Office, there is believed to be at this time certain property, To-WIT: Personnel files and administrative files as evidence that a criminal offense has been committed. There exists reasonable cause to believe that the above facts and conditions do exist, a Search and Seizure Warrant should be issued.

FACTS CONSTITUTING REASONABLE CAUSE

The Affiant states that he is a Special Agent with the Arkansas State Police who has received general and specific instruction concerning the investigation of corruption in public office and other related investigations. Affiant further states the following facts as establishing reasonable cause to justify issuance of a Search and Seizure Warrant:

1. On October 6, 2015 SA David Moss was assigned by Sergeant Stuart Woodward to investigate allegations that Benton County Sheriff James "Kelley" Craddock instructed an employee at the Benton County Sheriff's Department to back date employment documents for a subject named Gabriel Cox in order for the documents to appear that Cox had worked for the sheriff's department for two weeks as a jailer even though Cox had not yet been hired and had not worked. This would result in Benton County issuing a paycheck to Cox for two weeks worth of work that he did not complete.
2. On October 7, 2015 SA David Moss conducted an interview with Benton County Sheriff's Department Executive Assistant Dianna Goodwin. Goodwin stated during the interview that she received a phone call from Benton County Sheriff Kelley Craddock on Monday October 5, 2015 while she was at work. Goodwin stated Craddock instructed her to immediately hire Gabriel Cox and to also back date his hiring documents to show that Cox was hired on September 28, 2015.

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Goodwin stated after she spoke with Craddock she called Benton County Lieutenant Robin Holt and advised her of what Craddock instructed her to do. Goodwin stated Holt told her not to do what Craddock instructed her to do. Goodwin stated what Craddock instructed her to do is not a normal practice and she has never been instructed by Craddock to back date any other employee's hiring documents. Goodwin stated Cox's first day of employment was October 7, 2015.

3. On October 7, 2015 SA Moss conducted an interview with Benton County Sheriff's Department Major Nathan Atchison. Atchison stated he became aware of what Craddock instructed Goodwin to do regarding Cox's hiring. Atchison stated that he was not going to allow Cox's hiring date to be back dated and that he was willing to confront Craddock about it if needed.

4. On October 7, 2015 Goodwin received a phone call from Craddock after she sent a text message to Craddock's wife asking her to have Craddock call her regarding Cox. The conversation was recorded. The following is the transcribed phone conversation between Goodwin and Craddock:
Goodwin: Yes how are you doing?
Craddock: (Inaudible - 00:00:02)
Goodwin: Do what? Okay well I just wanted to ask you real quick we're trying to get the last minute paperwork done because Monday is payroll. On Gabe (ph), you wanted me to back date him to last Monday? Okay, okay
Craddock: (Inaudible - 00:00:20) hired which is I'm going to address at the staff meeting because there has got to be a better way. It's no wonder we're six and seven people down all the time.
Goodwin: Well and a lot of it but, you know, the guy who does the psych test he was gone on vacation for two weeks. So I mean that delayed us and I know Robin's had seven poly's in front of him. So it's kind of, you know, but I -
Craddock: Well he actually screwed up by not making his original appointment because he overslept or something like that anyway and I (inaudible - 00:01:03) and told him it's his fault that, you know, things are now dragging ass because you put everything in chaos, you know, and it's kind of a chaotic process because, you know, you got to stay on course on with it or it becomes, you know, you get lost in the shuffle.
Goodwin: Right, well I just have to get the paperwork in and I wanted to make sure I got the date right.
Craddock: No you're doing good and I appreciate that and he's been up at 3:30 making sure his ass is at work on time. Yes I mean so -
Goodwin: Okay now the 28th was the beginning of this payroll that's - okay Monday was I don't know what but the 28th was the day that started this payroll.
Craddock: That's right.
Goodwin: Okay, all right I just wanted to make sure I got it right.

Craddock: Yes, you're doing good. Yes is everything else okay?

Goodwin: Yes everything else is fine.

Craddock: Okay.

Goodwin: All right.

Craddock: See you later bye. Pull the record -

5. On October 8, 2015 Benton County Sheriff's Department Major Nathan Atchison transferred to SA Moss an "Employee Payroll Request" form for Gabriel Cox with an effective date of September 28, 2015. The form was signed by Benton County Sheriff Kelley Craddock on October 8, 2015 (the date signed on the form by Craddock is "10/8/13").
6. On October 13, 2015 Sergeant Stuart Woodward and SA Moss conducted a non-custodial interview with Benton County Sheriff Kelley Craddock at the Benton County Prosecuting Attorney's Office located in Bentonville. Post Miranda, Craddock stated it was his understanding that the sheriff's department had always paid subjects that were to be hired for their time spent attending orientation sessions at the sheriff's department. Craddock stated he did not instruct any staff or employees to back date any documents to include time sheets or hiring sheets/forms regarding Cox's hiring. SA Moss asked Craddock during the interview that if I or any other person were to apply for a job at the Benton County Sheriff's Department would I or the other person get paid for the time they spent going through the job hiring process before formally being hired and Craddock stated it depended due to numerous factors present throughout the hiring process.
7. On October 13, 2015 Sergeant Stuart Woodward and SA Moss conducted a non-custodial interview with Gabriel A. Cox outside his residence located at 6004 South 39th Place in Rogers, AR. Post Miranda; Cox stated he called Benton County Sheriff Kelley Craddock one day during the summer to ask him about law enforcement. He stated Craddock told him he could start working as a jailer. Cox stated his first day as a jailer while employed at the Benton County Sheriff's Department was Wednesday October 7, 2015. Cox stated he went through an approximate two week hiring process. Cox stated he would go to the Benton County Sheriff's Department and would sit around all day. Cox stated he would sit and wait and he would also walk around with people at the jail. Cox stated during this time he was dressed in a pair of jeans and a t-shirt. Cox stated he did not take any enforcement action against any prisoners at the jail during this time period. Cox stated he was never told he would get paid for his time during the hiring process and he also did not have any expectations of getting paid. Cox stated he was just trying to get a job. Cox stated he worked two days the previous week and the day before. Cox stated he recorded the time he worked the previous week by writing the applicable hours he worked in a binder. Cox stated he never recorded any time before the previous week. Cox stated he did not even know the binder existed before he recorded time in it the previous week.

8. On October 13, 2015 Lieutenant Robin Holt of the Benton County Sheriff's Department transferred to SA Moss two copies of time sheets for Gabriel Cox. The first time sheet is for the payroll period ending on October 11, 2015. The time sheet depicts that Cox worked on October 7 and October 8, 2015 for twelve hours each day. The other time sheet is for the payroll period ending October 25, 2015. The time sheet does not indicate any hours worked for Cox.
9. On October 14, 2015 attorney Don Kendall of Rogers provided SA Moss with a copy of an affidavit signed by Dianna Goodwin on October 13, 2015. A portion of the affidavit states that Craddock contacted Goodwin on October 13, 2015 via phone to tell her he had been interviewed regarding the back dating of Gabriel Cox's hire date. According to the affidavit, Craddock instructed Goodwin to tell the Arkansas State Police he never told her to back date Cox's hiring documents. Goodwin advised Craddock that he did in fact tell her to back date the hire date. Goodwin stated Craddock did not deny he told her to back date the documents but requested she tell the Arkansas State Police he did not.
10. On November 3, 2015, at approximately 10:45am, Sergeant Stuart Woodward received a telephone call from Major Nathan Atchison of the Benton County Sheriff's Office, a current employee and sworn law enforcement officer. Atchison advised Gabriel Cox's personnel file was requested by an unknown source under the Arkansas Freedom of Information Act. Atchison and Sheriff Craddock's secretary, Myrna Scott, were reviewing the file on the afternoon of Monday November 2nd. While reviewing the file Atchison advised Scott found a copy of the letter the Sheriff had signed in an attempt to pay Cox for two weeks of work he did not complete. It should be noted that the ASP has the original document. Scott asked what the document was and Atchison advised he just tried to play it off as being nothing. Atchison advised the document was still in the file when he and Scott finished reviewing for FOI purposes.
11. On the morning of November 3, 2015 Atchison told Sergeant Woodward he reviewed the file before it was released and the document in question had been removed. Atchison advised Scott told him she shredded it and that he was just trying to get rid of the Sheriff. However, Atchison advised he does not know if she shredded it for sure or not. Atchison believes it was removed before the file was released to the requester. Atchison stated that they had also placed a document in the file which showed the accurate hire date for Cox and annotated on the backdated form that it had been backdated. The backdated copy is the one that is missing. Atchison believes the sheriff directed Scott to remove it when she brought it to his attention. It should be noted that ASP SIU never informed the sheriff of all of our investigative efforts to include having him sign the back dated form to prove his intentions.

IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS
STATE OF ARKANSAS)

SS:

COUNTY OF BENTON)

SEARCH AND SEIZURE WARRANT

To Any Sheriff, Constable, or Policeman in the State of Arkansas:

Special Agent Joseph Pickett of the Arkansas State Police has reason to believe and upon reasonable cause does believe that there is now being concealed certain items of property To-Wit: personnel and administrative files concerning a criminal offense or other violation of law. I am satisfied that there is reasonable cause to believe that the property so described is being concealed on the premises above described and that the reasonable cause and the foregoing grounds for the issuance of a Search and Seizure Warrant exists.

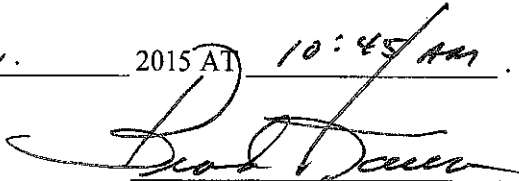
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BENTON COUNTY
CLERK AND RECORDS
BRENNAN S. HARRIS

YOU ARE HEARBY COMMANDED TO SEARCH:

Within sixty (60) days the Benton County Sheriff's Office, located at 1300 SW 14th Street, Bentonville, AR 72712 in Benton County, further described being beige with green trim, constructed of brick and stucco, a county building with black letters depicting "Office of the Sheriff, Benton County, Arkansas", providing a copy of this warrant and a receipt describing the items seized with the custodian thereof. Handle all seized documents in accordance with Arkansas Rule of Criminal Procedure 13.5 and return this warrant, together with a written inventory of the items seized and a report of the facts and circumstances of execution, within five (5) days of execution and store the property as required by law.

This warrant may only be executed between the hours of 6:00 a.m. and 8:00 p.m., and must be executed within a reasonable time, not to exceed sixty (60) days.

SIGNED ON THIS 5th DAY OF Nov. 2015 AT 10:45 AM.


CIRCUIT JUDGE
Brad Cameron

**SEARCH WARRANT RETURN
IN THE CIRCUIT COURT OF BENTON COUNTY, ARKANSAS**

STATE OF ARKANSAS

COUNTY OF BENTON

I, Special Agent Joe Pickett #527 of the Arkansas State Police, received the attached search warrant on November 5, 2015 at 10145a and have executed it as follows:

On November 5, 2015 at 1215p, Special Agent Joe Pickett of the Arkansas State Police and Sergeant Stuart Woodward of the Arkansas State Police searched the place described in the warrant and the following is an inventory of the property taken pursuant to the warrant:

The attached ASP-28A lists all items seized.

Nothing else follows.

This inventory was made in the presence of Sergeant Stuart Woodward of the Arkansas State Police.

I, Special Agent Joe Pickett #527 of the Arkansas State Police, being duly sworn, depose and say that this inventory and this Search Warrant Return is a correct and detailed account of the items seized pursuant to the Search Warrant to the best of my knowledge and belief.


Special Agent Joe Pickett #527

Sworn to before me and subscribed and returned in my presence this 5th day of November, 2015 at _____ o'clock AM/ PM.

Judge/Court Clerk

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CLERK AND RECORDER
BENTON COUNTY, ARK.



ARKANSAS STATE POLICE

ASP-28A
(02/02)

Search Warrant & Consent Search Inventory List Form

Location: Benton County Sheriff's Office Case File No.: _____

Date: 11/5/15 Time Started: 12:15 AM PM Time Completed: 12:45 AM PM
(Month/Day/Year)

Serving Agencies: ASP

Serving Officers: SA Joe Pickett / Sgt Stuart Woodward

Officer In Charge: SA Joe Pickett

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BENTON COUNTY CLERK AND RECORDER
BREMNER FIELD ST
FBI

Item Number	Description Of Seized Item(s)
<u>1</u>	<u>Diana Files - 4 Drawers</u>
<u>2</u>	<u>Shelby Craddock Files - Bottom 3 Drawers</u>

Dated This 5th Day Of November, 2015

Hanna Goodwin
Person Receiving Inventory List (First/MI/Last Name)

[Signature] 527
Officer (Rank/First/MI/Last Name/Badge #)