

IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT
CRIMINAL DIVISION

FILED
CLERK OF CIRCUIT COURT

STATE OF ARKANSAS

PLAINTIFF

VS.

NO. CR-2016-5

BRAD BARTELT

DEFENDANT

MOTION FOR CHANGE OF VENUE

Defendant, Brad Bartelt, by and through his counsel, Chet Dunlap, pursuant to the Fifth, Sixth, Eighth and Fourteenth Amendments to the UNITED STATES CONSTITUTION, ART. 2 " 8 and 10 of the CONSTITUTION OF ARKANSAS, ARK. CODE ANN. " 16-88-201 *et. seq.* and all other applicable state and federal law, petitions the Court for a change of venue. In support of this petition, Defendant states:

1. Defendant is charged with Making a Terrorist Threat, Criminal Possession of Explosive Material or Destructive Device and Terroristic Threatening.
2. Due to extensive publicity surrounding this case, the mind of the inhabitants of Craighead County are so prejudiced against Defendant that a fair and impartial trial cannot be had in this county. See affidavits of Mr. Bobby Allen and Mr. John Evett, attached hereto as **Exhibits "A"** and **"B,"** respectively.
3. Defendant reserves the right to file additional affidavits and to introduce various exhibits in support of this petition at the hearing of this matter.
4. A juror's promise that he can set aside any preconceived opinions and can give the accused the benefit of all doubts that the law requires is not an automatic cure-all for opinions that could disqualify the juror, and some opinions cannot be overcome by a mere recitation that the juror

will set aside objectionable factors. *Walton v. State*, 279 Ark. 193, 650 S.W.2d 231 (1983). Even where potential jurors say they could be fair and impartial, A[w]here so many, so many times, admitted prejudice, such a statement of impartiality can be given little weight.@ *Irvin v. Dowd*, 366 U.S. 717, 728 (1961). The test of impartiality is whether the nature and strength of the opinion formed . . . raise the presumption of partiality.@ *Id.* at 723; *Glover v. State*, 248 Ark. 1260, 1267, 455 S.W.2d 670, 674 (1970)

5. Defendant has a constitutional right to a fair trial before an impartial jury. *Irwin, supra; Glover, supra*; Sixth and Fourteenth Amendments to the UNITED STATES CONSTITUTION; ART. 2 " 8 and 10 of the ARKANSAS CONSTITUTION.

6. Pursuant to Ark. Code Ann. " 16-88-201 *et. seq.*, this case should be removed to the circuit court of another county in which the minds of the inhabitants are not prejudiced against Defendant and in which he can receive a fair and impartial trial.

WHEREFORE, Defendant, Brad Bartelt, prays this Court grant this Petition and issue an order removing this case to another county in which he can receive a fair and impartial trial.

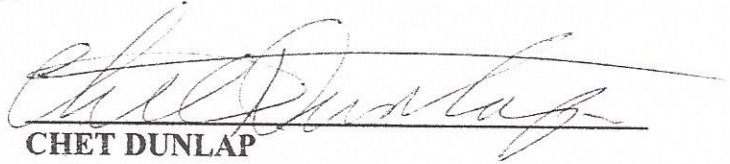
RESPECTFULLY SUBMITTED
BRAD BARTELT, Defendant

BY: 

CHET DUNLAP #83056
ATTORNEY AT LAW
P.O. BOX 54
TRUMANN, AR 72472
PHONE: (870) 483-6446
FAX: (870) 483-2784
cdunlaplaw@gmail.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he has served a copy of the foregoing Motion for Change of Venue upon Mr. Grant Deprow, Deputy Prosecuting Attorney, by fax delivery on this 8th day of March, 2016.

A handwritten signature in cursive script, appearing to read "Chet Dunlap", is written over a horizontal line.

**CHET DUNLAP
ATTORNEY AT LAW**

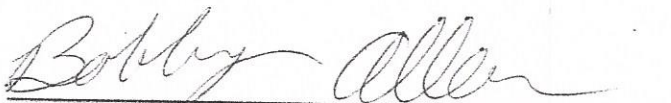
AFFIDAVIT

STATE OF ARKANSAS
COUNTY OF CRAIGHEAD

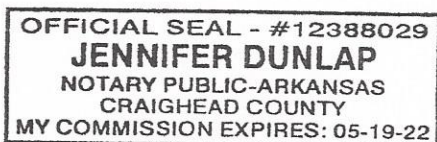
Before the undersigned, Jennifer Dunlap, Notary Public, duly qualified and acting in and for said county and state, appeared Bobby Allen, to me well known to be the affiant herein, who states the following under oath:

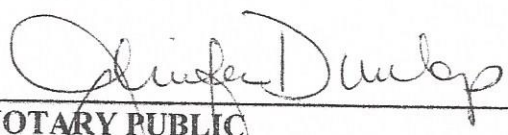
1. My name is Bobby Allen. I am 47 years old. I have lived in Craighead County all of my life.
2. I am a construction worker. I work with and have contact with a cross section of the citizens of Craighead County on a daily basis.
3. I read the *Jonesboro Sun* and watch the local news on KAIT Channel 8. Due to the extensive publicity surrounding Brad Bartelt's case, the mind of the inhabitants of Craighead County are so prejudiced against the Defendant that a fair and impartial trial cannot be had in this county.
4. I give this statement of my own free will without being pressured to do so by anyone.

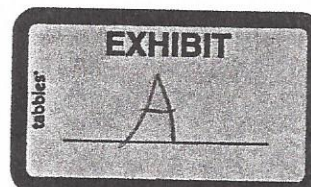
IN WITNESS WHEREOF, I have hereunto set my hand on this 7TH day of March, 2016.


BOBBY ALLEN

Subscribed And Sworn to before me on this 7TH day of March, 2016.




NOTARY PUBLIC



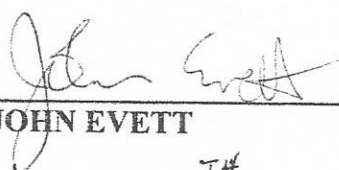
AFFIDAVIT

**STATE OF ARKANSAS
COUNTY OF CRAIGHEAD**

Before the undersigned, Jennifer Dunlap, Notary Public, duly qualified and acting in and for said county and state, appeared John Evett, to me well known to be the affiant herein, who states the following under oath:

1. My name is John Evett. I am 59 years old. I have lived in Craighead County since 1982.
2. I am a hair stylist for men and women. My patrons are a cross section of people from Craighead County. There are 20 stylists in the salon where I work.
3. I read the *Jonesboro Sun* and watch the local news on KAIT Channel 8. Due to the extensive publicity surrounding Brad Bartelt's case, the mind of the inhabitants of Craighead County are so prejudiced against the Defendant that a fair and impartial trial cannot be had in this county.
4. I give this statement of my own free will without being pressured to do so by anyone.

IN WITNESS WHEREOF, I have hereunto set my hand on this 7th day of March, 2016.



JOHN EVETT

Subscribed And Sworn to before me on this 7th day of March, 2016.



NOTARY PUBLIC

OFFICIAL SEAL - #12388029
JENNIFER DUNLAP
NOTARY PUBLIC-ARKANSAS
CRAIGHEAD COUNTY
MY COMMISSION EXPIRES: 05-19-22

