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Smith, Claude

Page 1 of a 6-page document FILED

Prosecuting Attorney's Form Affidavit

Form supplied by Approved by Delois Austin

2013 MAR 14 AM 11:38

Date 03-14-13

LR DISTRICT COURT
INCIDENT #2013-002035

AFFIDAVIT FOR WARRANT OF ARREST FOR THE FOLLOWING PERSON:

CLAUDE HERMAN SMITH, W/M, DOB: 09-29-1970

Address: 1423 West 3RD Street, Apartment #20, Little Rock, AR 72201

Arkansas CDL #910219418

LEAVING THE SCENE OF ACCIDENT INVOLVING DEATH OR PERSONAL INJURIES D FELONY

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 Arkansas. Code Ann. 27-53-101 **LEAVING THE SCENE OF ACCIDENT INVOLVING DEATH OR PERSONAL INJURIES** on or about **January 6, 2013** committed by unlawfully:

The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until he or she has fulfilled the requirements of 27-53-103.

IN PULASKI COUNTY, ARKANSAS AGAINST THE PEACE AND DIGNITY OF THE STATE OF ARKANSAS.

FACTS CONSTITUTING REASONABLE CAUSE

I, Officer David Phillips, Little Rock Police Department, swear the following to be true and correct to the best of my knowledge.

On 1-6-2013, at approximately 9:28 A.M., Ms. Lois Sandusky was a pedestrian who suffered 10 broken ribs, her shoulder being separated, a collapsed lung and several lacerations to her face and body after being hit by a vehicle, which did not remain at the scene after hitting her. This incident occurred at the intersection of Kavanaugh Blvd. and Beechwood St. in Little Rock, AR. There were witnesses present who gave the responding officer identifying information as to the make, model and license plate number of the suspect vehicle as well as a description of the suspect driver.

During the course of the investigation Mr. Steven Kissinger, white male, date of birth 02-09-1979, was developed as a suspect, identified by witnesses, and subsequently arrested and charged in the incident. Subsequent to Mr. Kissinger's arrest, video of the suspect vehicle was obtained which made it clearly evident that Mr. Kissinger's truck was a different model and style

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Page 2 of 6-Page Document

from the suspect vehicle. Witnesses also came forth and provided statements which placed Mr. Kissinger and his truck at his residence in Searcy at the time of the Hit and Run accident. This new evidence resulted in the charges against Mr. Kissinger being Nolle Prossed.

Subsequent to Mr. Kissinger's arrest the investigation continued and on 01-16 2013, Officer Phillips conducted a search for video surveillance cameras in the area of the accident scene. Officer Phillips subsequently located a video camera that is mounted on the southeast corner of the Kroger store building located at 614 North Beechwood. The camera is positioned for the purpose of monitoring the east parking lot of the business and is pointed north east in the direction of the intersection of Kavanaugh Blvd. and Beechwood.

Officer Phillips made contact with Jack Gaddis who is the co-manager of the Beechwood Kroger store. Mr. Gaddis assisted Officer Phillips in viewing the video from surveillance camera number 3 that was recorded during the time frame of which the accident occurred involving Ms. Sandusky. While viewing the video, Officer Phillips observed a white 2007-2008 model extended cab Ford pickup truck that was travelling westbound on Kavanaugh Blvd. make a left turn onto Beechwood from Kavanaugh Blvd. and strike a subject that was in the crosswalk. After striking the subject, the white Ford pickup truck continued southbound on Beechwood out of the view of the camera. Officer Phillips subsequently obtained a copy of the video from Mr. Gaddis.

On the date of the accident a witness at the scene called the 911 dispatcher and advised the dispatcher that the suspect vehicle was a white 2007-2008 model extended cab Ford truck displaying a military type license plate with the letters AAEF. All military type license plates start with the letters USA with the US being smaller letters stacked on top of each other on the left side of the license plate along with a military emblem that is approximately 1 ½ inches in diameter. Taking this into account the investigating officer at the scene listed the suspect license plate as USAAEF on the accident report. The witness described the suspect driver as a white male with white hair, well trimmed beard and possibly wearing glasses.

Having exonerated Mr. Kissinger and knowing that his white Ford pickup truck was the only one registered with a military type license plate with the letters AAEF and now knowing that the suspect license plate was not a military type license plate Officer Phillips contacted ACIC on 1-18-2013 and requested a printout of all the specialty type license plates issued for vehicles registered in the state that contained the letters AAEF in sequence. ACIC subsequently provided Officer Phillips with a list of those license plates. There were only 17 (seventeen) licenses issued in the state with the letters AAEF in sequence and out of those 17 only one (1) white Ford F-150 extended cab pickup truck with the same body style as the suspect vehicle in the videos was registered.

ACIC showed that Arkansas Cattlemen's Foundation license plate # cfAAEF is registered to a white 2007 Ford F-150 extended cab pickup truck with VIN # 1FTRX12W97FA22998. The license showed to have expired in August of 2012 and the vehicle showed to be uninsured. The registered owner of the vehicle is listed as Claude Smith, 1423 W. 3rd Street, Apartment #20, Little Rock, Arkansas.

Officer Phillips was able to identify the registered owner of the pickup truck as Claude Herman Smith, white male, date of birth 09-29-1970 with Arkansas driver's license # 910219418. Mr. Smith's ADL shows to be suspended for DWI. Officer Phillips subsequently obtained an Arkansas driver's license photograph of Mr. Claude Smith.

Page 3 of 6-Page Document

The apartment complex where Mr. Smith resides is located on the grounds of the Arkansas State Capitol and is specifically reserved for Arkansas lobbyist, legislators or residents who are otherwise associated with the Arkansas State Capitol.

On the morning of 1-18-2013 Officer Harmon contacted the manager of the apartments and verified that Mr. Smith was a current resident. Officer Harmon also obtained cell phone number (501) 912-0578 as a contact telephone number for Mr. Smith from the apartment manager. Immediately after his conversation with the apartment manager Officer Harmon called Mr. Smith's cell phone and left a message for Mr. Smith to contact him.

On the afternoon of 1-18-2013, Attorney Brandon Moffett contacted Officer Harmon and inquired as to why he was attempting to make contact with Mr. Smith. Officer Harmon advised Mr. Moffett that Mr. Smith was a suspect in a Hit and Run accident. Mr. Moffett advised Officer Harmon that Mr. Smith and his truck were currently in Oklahoma; however, Mr. Smith would be home for the weekend. At the conclusion of their conversation Mr. Moffett gave Officer Harmon permission to inspect Mr. Smith's truck, when Mr. Smith returned to Little Rock.

On 1-22-2013, Officer Phillips made contact with Jeff Johnson who is the owner of Hillcrest Junk located at 623 North Beechwood. Mr. Johnson has a surveillance camera that is mounted on the northwest corner of his building that is pointed west towards Beechwood. Mr. Johnson provided Officer Phillips with a photograph taken from his surveillance camera of the same white newer model extended cab Ford pickup truck in the Kroger video that was travelling south on Beechwood at the time of the accident involving Ms. Sandusky. Officer Phillips transported the photograph to the Hit & Run Office where it was placed in the case file.

On January 23rd Mr. Smith's truck was located at his apartment complex. The pickup truck is the same style, year model and color as the suspect truck in the video's obtained from the area of the incident. The truck was inspected and photographed by Officers Phillips and Harmon. No conclusive damage was found on Mr. Smith's truck that would identify it as the truck that hit Ms. Sandusky, but none was expected due to the type of impact. It is not uncommon in a pedestrian vs. vehicle accident for there to be no damage to the suspect vehicle involved.

On January 28th, at approximately 9:20 A.M., Officers Phillips and Harmon made contact with, Darrell S. Hedden who is the Arkansas State Capitol Chief of Police. Chief Hedden provided Officers Phillips and Harmon with a copy of video from two different surveillance cameras on the Capitol grounds. The camera mounted on the northeast lower roof line of the Capitol shows a white newer body style Ford F-150 extended cab pickup truck, which is similar in appearance to Mr. Smith's truck, exiting westbound from the parking lot of Mr. Smith's apartment complex at approximately 9:20:57 hours. Once the truck exits the parking lot it turns right (north) onto the Capitol north exit driveway and pulls up to the traffic signal light and stops. The truck then travels north through the traffic light and turns left (west) onto West 3rd Street and travels out of the view of the camera. The camera mounted on the Liberty Bell structure, which is located just south of West 3rd Street between the Capitol north exit driveway and the Capitol north entrance driveway shows a white newer body style Ford F-150 extended cab pickup truck, which is similar in appearance to Mr. Smith's truck, traveling west past the view of the camera on West 3rd Street at approximately 9:21:55 hours.

Officer Phillips and Officer Harmon drove the route from Mr. Smith's apartment to the intersection of Kavanaugh & Beechwood, driving with the flow of traffic, and it took the officers approximately 5 (five) minutes to drive the route. If Mr. Smith left his apartment at

Page 4 of 6-Page Document

approximately 9:21:55 A.M. as shown in the video obtained from the Capitol Police and drove with the flow of traffic he would have been present at the scene of the accident at the approximate time that Ms. Sandusky was struck.

On January 30th, at approximately 1:06 P.M., Officers Phillips and Harmon interviewed Ms. Lois Sandusky at her residence. This was the second interview of Ms. Sandusky. Ms. Sandusky was informed that since her last interview (01-08-2013) new information developed in the case has proven that Mr. Steven Kissinger was not the individual that was driving the suspect vehicle on the morning that she was injured.

Officers Phillips and Harmon subsequently showed Ms. Sandusky a Suspect Photo Spread Sheet containing the Arkansas driver's license photo of Claude Smith along with Arkansas driver's license photos of five other white males. Mr. Smith's photo was placed in position number 3. Upon viewing the photo spread, Ms. Sandusky picked photograph number 3 (Claude Smith) as being the subject that injured her on the morning of 01-06-2013.

Ms. Sandusky was asked to explain why she previously identified Mr. Kissinger as the suspect when she was interviewed the first time. Ms. Sandusky stated that Mr. Kissinger and Mr. Smith have the same square shaped face, both have hooded eyes and both have short hair on the top.

Ms. Sandusky was shown photographs of Mr. Smith's truck. Ms. Sandusky stated that she is not good with vehicles and could only recall that the suspect vehicle was a white truck.

On January 31st, at approximately 7:14 A.M., Officers Harmon and Phillips interviewed Mr. Payne Colton at the Little Rock Police Department annex building. This was the second interview of Mr. Colton. Mr. Colton was informed that since his last interview (01-09-2013) new information developed in the case has proven that Mr. Steven Kissinger, who he previously identified, was not the individual that was driving the suspect vehicle on the morning that Ms. Sandusky was injured.

Officers Phillips and Harmon subsequently showed Mr. Colton a Suspect Photo Spread Sheet containing the Arkansas driver's license photo of Claude Smith along with Arkansas driver's license photos of five other white males. Mr. Smith's photo was placed in position number 3. Upon viewing the photo spread, Mr. Colton picked photograph number 3 (Claude Smith) as being the subject that injured Ms. Sandusky on the morning of 01-06-2013.

Mr. Colton was asked to explain why he had chosen Mr. Kissinger as the suspect when he was interviewed the first time. Mr. Colton stated that Mr. Kissinger and Mr. Smith have the same facial hair, similar hair color and eyes.

Mr. Colton was then shown a front view photograph (labeled #10) and a driver's side view photograph (labeled #11) of Mr. Smith's truck. Mr. Colton stated that Mr. Smith's truck was the same color, year model and body style of the truck that struck Ms. Sandusky that it was a truck like Mr. Smith's that injured Ms. Sandusky. Mr. Colton also stated that he was able to see the face of the suspect because the suspect vehicle did not have tinted windows. Mr. Smith's truck doesn't have tinted windows.

Mr. Colton was then asked about the license plate of the suspect vehicle. In his first interview Mr. Colton stated that the license plate on the suspect vehicle was a military type license plate with the smaller letters U S stacked on top of each other on the left side of the license plate and the capitol letters AA EF on the right side of the license plate.

Mr. Colton was shown a photograph of Mr. Smith's license plate, which is a Cattlemen's Foundation license plate with the letters CFAAEF. The Cattlemen's Foundation license plate has

Page 5 of 6-Page Document

an emblem that is approximately 4 to 5 inches square that is located on the left side of the license plate. The emblem is the outline of the state of Arkansas with the American flag covering the outline. The letters CF are stacked on top of each other on the left side of the license plate and are smaller letters than the letters AAEF. Mr. Colton stated that he remembered seeing an emblem similar to the emblem on Mr. Smith's license plate and seeing the capitol letters AAEF. Mr. Colton further stated that from the distance he was from the suspect vehicle when he saw the license plate that he could not have seen the letters CF. That seeing the outline of the American flag he assumed that it was a military type license plate. All military type license plates start with the letters USA.

On February 8th, Officer Harmon faxed a Court Order to Verizon Wireless requesting the subscriber information, call detail records (out going and incoming calls) and cell site locations of all calls for Mr. Smith's cell phone (501-912-0578) for the date of 1-6-2013 from 8:00 A.M. until 11:00 A.M. The records received from Verizon Wireless indicate that calls were made from Mr. Smith's cell phone while in the city of Little Rock and utilized cell towers in the area of Ms. Sandusky's accident during the time surrounding the vehicular accident involving Ms. Sandusky on the morning of January 6, 2013. According to the cell phone records Mr. Smith called Ms. Jewellette Taylor's cell phone number (501-765-2425) on the morning of the accident in secession at 10:10 A.M., 10:14 A.M. and 10:16 A.M.

On February 13, at approximately 11:13 A.M, Officers Phillips and Harmon interviewed Ms. Jewellette Taylor at her residence located at 461 Valley Club Circle. Ms. Taylor was advised that Mr. Claude Smith was a suspect in a Hit and Run accident that occurred on the morning of January 6, 2013, at approximately 9:28 A.M. and that she had been identified as an acquaintance of Mr. Smith's through subpoenaed cell phone records.

Ms. Taylor stated that she and Mr. Smith have been dating off and on for approximately a year and a half. Ms. Taylor further stated that Mr. Smith stayed over night at her residence on Saturday night, January 5, 2013 and that he left her residence at approximately 8:00 A.M. the following morning (Sunday, January 6, 2013) en route to his apartment in the area of the State Capitol to pack for his trip to Oklahoma. Ms. Taylor stated that Mr. Smith was driving his white Ford truck when he left her house that morning and was still driving it when he returned to her house sometime before 10:00 A.M. and woke her up by tapping on her bedroom window. Ms. Taylor stated that she let Mr. Smith inside the residence after he told her that he had forgotten his cell phone charger when he left earlier that morning.

Ms. Taylor stated that she and Mr. Smith looked for the phone charger for a while and were unable to locate the charger. Mr. Smith then suggested that Ms. Taylor get dressed and they go to breakfast together. Ms. Taylor stated that she and Mr. Smith then took her vehicle, which is a black Yukon and drove to the McDonalds restaurant on University Avenue where they had breakfast. Ms. Taylor stated that after breakfast, they drove to Mr. Smith's apartment and went inside the courtyard to the laundry room and retrieved Mr. Smith's laundry before walking upstairs to his apartment.

Once inside the apartment Mr. Smith folded his laundry and finished packing for his trip to Oklahoma. Mr. Smith then placed his luggage in Ms. Taylor's Yukon and they drove back to her residence arriving sometime around 11:00 A.M. Mr. Smith immediately transferred his luggage to his pickup, which was his sole means of transportation and left en route to Oklahoma.

Ms. Taylor stated that on the date of the accident Mr. Smith never mentioned anything to her about him being involved in a vehicular accident. Ms Taylor did however state that she and

her daughter were on vacation in Florida between January 23rd and January 26th and that Mr. Smith called her during this time to tell her that something had come up with his truck, that his truck had been identified in a Crimes Stoppers. Ms Taylor stated that she asked Mr. Smith what it was about and he old her that it was something to do with someone getting hit and his truck being identified.

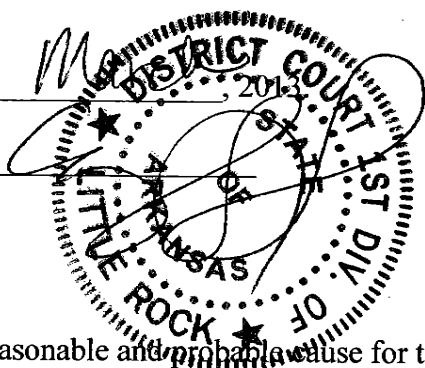
Ms. Taylor was advised that Mr. Smith's truck was parked on the parking lot at his apartment and that the truck had not moved since the 23rd of January; why did he stop driving his truck and what means of transportation was he using to get around town and back and forth from Oklahoma. Ms. Taylor advised Officers Phillips and Harmon that she assumed that Mr. Smith had stopped driving his truck because of his suspended driver's licenses. She further stated that on occasions she had been driving Mr. Smith around town in her Yukon and that other times he drives a vehicle that he has borrowed from a friend.

I SWEAR THAT THE ALLEGATIONS CONTAINED HEREIN ARE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH.

David Phillips #11682
Off. David Phillips #11682 / R-41
700 West Markham Street
Little Rock, Arkansas
501-918-5108

Subscribed and sworn to before me this 14 day of March, 2013

District Court Clerk By _____
(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.

[Signature]
DISTRICT JUDGE

31413
DISTRICT COURT, PULASKI CO, AR