

Florida Judge Pens Brutal Rebuke of Crooked Drug Cops

America needs more judges like this guy.

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America needs more judges like James Fensom. Yesterday, the Panama City (Florida) adjudicator [threw out](#) felony drug charges against alleged pot dealer Jeffery Gage after depositions revealed that the police officers who arrested Gage had broken the law in order to make their case.

In his ruling (which you can read in full below), Fensom called the actions of the Bay County Sheriffs Office "outrageous...shocking, [and] disturbing," and declared that they "simply cannot stand."

So what did the Bay County Sheriff's Office do to earn the rebuke? On July 15, 2011, while Jeffery Gage was appearing before Fensom for a different case, BCSO Sergeant Chad King snuck out to the courthouse parking lot and attached a GPS device to Gage's vehicle without a warrant or a court order.

A month later, the Bay County Sheriffs Office intercepted a package addressed to Gage, containing 13 pounds of marijuana. They allowed Gage to receive the package without arresting him, then tracked him, allegedly using GPS, to a storage unit, which deputies searched; once again, without a warrant.

But the outrageous behavior doesn't end there: During the initial deposition stage, not one member of the Bay Sheriffs Office revealed that a GPS device had been planted on Gage's truck, or that officers trespassed twice in order to change the batteries on the device. Six months later, Sgt. King finally admitted that he'd attached a GPS device to Gage's vehicle, and that the "GPS evidence had been intentionally withheld from both [Gage] and the State."

But wait, there's more outrage to come! When the BCSO finally turned over information gleaned from tracking Gage, data from Aug. 24-25 of 2011--the day before and the day of Gage's arrest--had been deleted. The Bay County Sheriffs Office claimed the data wasn't deleted maliciously, but disappeared during a software update before the information could be saved. The BCSO dismissed the loss of data by claiming that officers had tracked Gage visually. That argument fell to pieces when officers gave conflicting testimony about tracking Gage during the second round of depositions.

After concluding that the only appropriate response was to dismiss the charges against Gage, Judge Fensom took the Bay County Sheriffs Office to task:

"Law enforcement's conduct during the instant investigation and case is shocking, disturbing, and simply cannot stand. This planned, concerted, and lasting effort on the part of law enforcement to single out the Defendant and obtain the evidence necessary to convict him of the instant charges by any means necessary with complete disregard for his constitutional rights is a

clear violation of the Defendant's due process rights. Indeed, it is apparent that law enforcement executed a calculated scheme to use improper means, and subsequently hide those means, in order to secure the defendant's conviction. In doing so, law enforcement has made it impossible for the defendant to present his only viable defense of illegal search and seizure in the instant case, as the only evidence upon which he could rely was destroyed by law enforcement. This clearly offends the sense of justice and fairness contemplated by the Florida Supreme Court in Williams.

To the extent that dismissal based on destruction of evidence in the instant case is a close call, such is only the case because of law enforcement's own misconduct. The Court simply will not allow law enforcement to purposefully prevent the Defendant from presenting viable defenses by violating his due process rights. Moreover, the court will not allow law enforcement to use unscrupulous acts to cover up other unscrupulous acts and then allow the state to argue that the Defendant cannot meet its burdens of proof, as law enforcement has illegally attempted to prevent the Defendant from doing so. Indeed, it is difficult to imagine a clearer example of this than what happened here; that is, law enforcement destroyed the only relevant GPS data after they obtained the data illegally and fully intended to withhold the data from everyone. Law enforcement clearly intended to cover up the illegal use of the GPS by both withholding and destroying the relevant GPS data from not only the Defendant, but also from the State. This clearly offends the sense of justice and fairness upon which the judicial system relies. The court simply will not allow law enforcement to secure conviction based on evidence obtained in such unscrupulous manners which clearly violated the due process rights of defendants.