

## NEW-HARMONY, (IND.) May 2023

**THE CASE OF LOW BAIL, NO JAIL,  
AND RECIDIVISM!***By: Dan Barton*

What has happened in our Posey County Circuit Court is that sometimes individuals are arrested for dangerous crimes, or alleged connections to dangerous crimes, and the Judge either sets bail at too low an amount or the defendant makes a request to reduce bail and then Judge Geodde acquiesces to that request immediately without any delay for a conference. In the Misti Justice case, for example, she (through her Pauper Attorney, Josh Orem) was granted a requested drop from an initial \$3,500 Bail, down to \$2,500, and then someone popped up from the court audience with the \$2,500, and she was out.

As you may have just read, in her most recent Court hearing she tested positive for Meth, while sitting in Court. Her bail was then raised an additional \$3,000 and, again, someone paid it right away. According to Indiana Code, her bail, on a Felony 5 - could have been originally set at \$50,000/\$5,000 cash. The higher bail would have lowered the risk that she might run off, and maybe even not show up in court under the influence of Meth.

The other problem is that, as you may have read in the April, Gazette article, was that many individuals are held for very lengthy periods of time in jail without having a jury trial; what some have called Coercive Incarceration. Of course, these defendants are offered the opportunity to waive a quick trial, but they are not in much of a bargaining position in a jail environment and with only a Public Defender (Pauper Lawyer) handling their case. Public Defenders handle probably 200 hundred other cases a year and must balance all of them accordingly.

Who does this delay in trial really benefit

the most? It's turning the court system inside out. While cases pend, and pend, and pend, and pile and pile and pile, deals are made and charges are dropped, lessened, or inappropriately dismissed. Juries have proven to be much more competent than these lawyers give them credit for and should be involved quickly in major cases. Especially if there is a connection to a more serious crime. Citizens should be given the chance to make a decision and participate. When these defendants are found guilty by a Jury they usually get much more time in prison than the back-room, under the table, deal-makers give them.

A couple of case examples:

CASE #1 - Misti Justice (AKA Misti West). Justice was arrested back on October 1, 2003 on a charge of Possession of Cocaine or Narcotic Drug, Possession of a Controlled Substance, Possession of Precursors with the Intent to Manufacture Methamphetamine. The case was adjudicated by a Trial Judge, not a Jury, in Vanderburgh Circuit Court. She was given bond of \$15,000/\$1,500 cash. David Kiely was the Judge.

For the crimes she was arrested for, \$1,500 seems like a very low bail amount. While, Meth is destroying our communities and our country - \$1,500 is like a free pass to people accused of being involved in selling and buying Meth. The Courts need to take a stronger stand in these Meth cases.

Further, the Misti Justice Court case says that on October 7, 2003, the initial case was dismissed and converted, whereby the Defendant Justice was appointed a Public Defender, Cole Banks, and an unnamed Majistrate. Prosecutor Parkhurst was replaced by Martha Posey. Justice's bail was then reduced to \$500 Cash. The Bond was posted on October

7, 2003, and she was freed.

Justice then plead guilty to Possession of Precursors and all the other felony charges were dropped. She was sentenced to a one (1) year suspended sentence, and released from bond on March 8, 2004.

CASE #2 - Under, Misti West - West/Justice was arrested on February 24, 2005 on charges of Count 1 - Possession of Methamphetamine, Class D Felony; Count 2 - Neglect of Dependent - Class D Felony; Count 3 - Maintaining a Common Nuisance, Class D Felony; Count 4 - Possession of Marijuana, Class A Misdemeanor.

Pauper Lawyer Bill Godden was assigned to represent Defendant Justice. Bond was set again at \$500 cash. February 24, 2005, she posted bail. Posey County Judge Brent Almon presided and right away appointed Judge Jim Redwine to handle that case. This is where it gets interesting. She plead guilty to Count 4, only, - Possession of Marijuana (Misdemeanor) and all of the Felony Charges are Dismissed. She is sentenced to One (1) year in the Posey County Jail which was suspended to probation and she was fined One (\$1.00) Dollar.

CASE #3- Misti Justice - Arrested on December 15, 2022 for Felony 5, Providing Firearm to an Ineligible Person. According to Indiana State Police Detective Kuykandall, a vehicle attributed to her, Justice, was observed on multiple occasions by police surveillance at the Water Street residence of, Robert "Bobby" McCarty, in Mt. Vernon. A trace on Justice revealed that Justice had a drug and trafficking criminal history.

The police obtained a search warrant for the McCarty residence at 616 Water Street in Mt. Vernon. The Probable Cause for the Warrant was articulated to the Court

as a “Search for Evidence possibly related to a double-homicide investigation in Mt. Vernon, (Elizabeth and John Hall) that had begun on November 6, 2021.”

During a search on January 19, 2022, police located a .45 Caliber Rifle in the bedroom of Robert McCarty. McCarty had an extensive criminal history that included violent crimes, and the weapon was seized, along with drug related evidence. McCarty later admitted to police that the rifle confiscated by law enforcement had been brought to the home by Misti Justice. Also a cell phone recovered from the apartment of Austin Kusturin, who is now in the Posey County Jail and charged with the two Hall murders, contained at least one photo of an additional firearm - a black colored pump shotgun.

Police later discovered that the Rifle had been purchased at Rural King in Evansville on January 8, 2022. Police also discovered that Justice had purchased a 12 gauge pump shotgun at Rural King on October 14, 2021. On January 31, 2022, Police interviewed Justice at her apartment in New Harmony. During the interview, Justice provided them with a shotgun similar to the one pictured in the cell phone found at Kusturin’s. The phone, by then, had been traced to Bobby McCarty. Police also determined that the Shotgun provided them by Justice was the Shotgun purchased by her at Rural King on October 14, 2021.

On March 22, 2022, police received DNA results from Indiana State Police Laboratory reporting that Robert McCarty was a contributor of DNA recovered from a swab of the Shotgun. ISP Labs also reported that the Shotgun was functional and was likely fired after the initial test fire in the factory.

The point to all this, is that, in my opinion, this person Justice could probably fit under the definition of a person dangerous to the community, and her bail could have been at least the maximum under a Felony 5 charge, \$5,000 cash. Not reduced by \$1,000, from \$3,500 to \$2,500, by Judge Craig Goedde. It actually could have been increased by

at least a thousand dollars.

Now, what I’m hearing is that in the new proposed Indiana Constitutional change, we are still planning on leaving it up to judges like Judge Goedde to determine whether or not an individual is a danger to the community and not mandating what a dangerous person is as defined by law.

Certainly, it appears, that something had to be done by Indiana legislators to try to stem the tide of liberal judges and prosecutors turning offenders out on the street wholesale, as they do in New York. But honestly, who’s going to keep the judges honest?

Our whole society depends on just how we coral these courts into protecting innocent people from becoming victims over and over again, and not releasing dangerous defendants into the community; and keeping the lawyers, Judges, Prosecutors and Publicly Paid Pauper Attorneys, from legislating via the Court.

If the above case is not enough, there are hundreds of examples of overly lenient drug and violent crime cases that can be presented to confirm that this is not a lone example of court laxness, but that it takes place day after day in the Circuit Court of Posey County.

All persons arrested in the above cases are presumed innocent until proven guilty in a court of law.

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### **MISTI JUSTICE - ANOTHER DAY IN COURT!**

**By: Dan Barton  
May 2023**

Another day in the Posey County Circuit Court for Misti Justice of New Harmony!

On April 5, 2023, New Harmony resident, Misti Dawn Justice, once again, was in Posey County Circuit Court with her Publicly Paid Pauper Attorney Josh Orem. As you may recall, Justice

has been charged with two counts of Providing a Firearm to an Ineligible Person - both Level 5 Felonies.

In this, the 5th meeting of the Defendant, Attorney Orem, Judge Craig Goedde, and Prosecutor Thomas Clowers; Misti Justice, through her lawyer, requested that the Court set a Jury Trial date. By agreement between them, the Jury Trial was set for October 12 and 13, 2023, beginning at 8:00 a.m.

However, in the April 5th hearing, Prosecutor Thomas Clowers had a surprise request, he requested that Misti Justice report to the Probation Department for a Drug Screen, this date, immediately.

Pauper Attorney Josh Orem quickly objected to this Drug Screening, but was overruled by the Court, Judge Goedde, who ordered the Defendant, Justice, to immediately report to the Probation Department for a drug screen.

When the Defendant, Justice, returned to Court with Probation Officer, Ashley Thompson, who testified under oath, that the Drug Screen was returned Positive for Methamphetamine and Amphetamine.

In other words, she was sitting in Court, with her attorney, Orem, in front of Judge Craig Goedde and Prosecutor Thomas Clowers, after having taken Meth sometime before the hearing, according to test results.

Misti Justice did not dispute the results of the Drug Screen.

Prosecutor Thomas Clowers then requested that Justice’s Bond be increased by an additional \$3,000 cash. Pauper Lawyer Orem, Immediately objected to this request for an increase in Bail Bond and that she be allowed to enroll in the Matrix Program. But, the Judge decided that Defendant Justice had not been compliant with the Court’s Orders and ordered the Defendant into the custody of the Posey County Sheriff.

Defendant Justice's Bond was increased by an additional \$3,000 on April 5, and it was paid the same day by New Harmony resident Charles Gaston. Gaston, had previously paid a bond of \$2,500 in 2022 on this same case, according the Posey County Clerk's Office.

Misti Justice was then, on April 5th; released and advised to appear again in court on September 6, 2023 for a Pre-Trial Conference.

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**METH - POSEY COUNTY -  
JANUARY 1, TO APRIL 30, 2023**

*By: Dan Barton*

Meth is the driving force in crime throughout Posey County, Indiana. Here, is what has been revealed in the County statistics regarding the arrests of those involved in the production, use, and distribution of Meth since the beginning of 2023.

As of April 30, 2023, the four month total has been Fifty-One (51) new Criminal arrests that have appeared in the Posey County Circuit Court for this calendar year, so far:

Of those Fifty-One (51) total arrests, Twenty-Two (22) of them have been for Dealing or Possession of the death drug, Meth. About 43% of all crime in Posey County has directly involved Meth:

Of the twenty-two (22) new Meth arrests only three (3) have been for dealing Meth, around 14% of all arrests.

Who's Been Arrested for Meth:

For Dealing: Christina Alumbaugh of Knox County, Indiana; Isaiah Fellows of Evansville, Indiana; and Gilbert Eaton of Evansville, Indiana.

For Possession of Meth, Nineteen arrests: Clifton Redman; Ryan Hanebutt; John Murphy; Andrew Scott; Robert Reece; Jason Overton; Ryan Collins; Lacle Mosley; Christopher Yates; Brian Weightman; Kenneth Ashby; Kierstin

Young; Tamara Briddick; Julie Ricketts; James Moore; Elizabeth Weightman; Shelley Wilborn; Daryl Moman Jr.; Ray Maynard.

All of these cases are still pending.

All persons arrested are presumed innocent until proven guilty in a court of law.

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**OP-ED: MEDIA BLAMES BLACK  
PROBLEMS ON 'RACISM' TO  
DEFLECT FROM ACTUAL CULPRIT  
- THE LEGACY OF LIBERALISM**

*By: Richard Moss, M.D.*



Tyre Nichols was a 29-year-old black man who died three days after five black police officers brutally beat him for suspected reckless driving in Memphis.

Ben Crump, a high-profile attorney who has represented the families of Trayvon Martin, Michael Brown, George Floyd and others, also represented the family of Tyre Nichols. Crump implied that race was a factor in Nichols' death. But how could that be? Blacks attacked a black.

It is worth comparing this case to how cops treated George Floyd in Minneapolis.

Here, there were four officers, two white, one Asian, one black. Floyd resisted arrest. The officers struggled to get him in back of the police car. He did not cooperate. He then left the vehicle on the other side. Because he had difficulty breathing, he asked the cops if he could get on the ground. They did not throw him to the ground. None of them used racial slurs or abused him in any way.

He died because he had overdosed on fentanyl. His blood fentanyl level was 11ng/ml, nearly four times the lethal dose. It was not the knee on the back of the neck. The cops used standard protocols in subduing Floyd. They called an ambulance and helped Floyd after the

medical team arrived.

The five black officers approached Nichols very differently. They screamed at him and shoved him. When he ran away, it infuriated them. But it was not so much that he was resisting arrest, but that he feared the cops, which turned out to be justified.

The Tyre Nichols case did not create anywhere near the national outrage that we had with George Floyd, even though in this case police behaved far worse than the officers in the Floyd case. The reason is that the police were the wrong race. They were not white, and so they did not fit the desired narrative. And that's where the racism comes in. It is not the police departments; it is in the media and in our dominant institutions. Not only is the media biased against whites, but it is also biased against the police.

Another case of bigoted media coverage of police involved an incident that occurred in California. Police shot and killed Anthony Lowe, a 36-year-old black man and a double amputee. The news stories all said police shot him while he was running away. The implication was that the cops had no reason to shoot him and that he wasn't a threat. But when you look at the circumstances, it's not that straightforward.

First, police were arresting him because he had stabbed somebody in the chest with a 12-inch butcher knife. The person he stabbed has identified himself as Ramiro, a warehouse worker and father of four who didn't know Lowe.

Ramiro reported that Lowe pushed himself out of his wheelchair, came running up to him on his knees and shoved a knife into his side, puncturing his lungs. A police officer saved Ramiro's life by applying pressure to the wound and reassuring him while they waited for an ambulance. He was in surgery for four hours and almost died.

So a police officer saved a man's life, and no one in the media mentioned that. They were more concerned about the officers who took Lowe's life. Again, the life they

took was an individual who attempted to murder Ramiro. His motivation for killing a complete stranger was unknown. That doesn't justify police shooting him, but other things may have.

Police received a call that a man in a wheelchair had stabbed someone. When they arrived on the scene, the man ran away while brandishing the knife he'd already stabbed one person with. The police ordered him to stop and drop the knife. He continued to run. He threatened to throw the knife at the police. So they shot him.

All the coverage is of the mistakes the police made. But Lowe stabbed someone he had never met, resisted arrest and did not drop a deadly weapon when ordered to do so.

Another story that illustrates the hypocrisy of the media and the racist crowd involved a cyclist in California who was hit by a car and died. He didn't die as a result of being hit by the car. He died because the man driving the car got out after he ran into him and stabbed him to death.

The victim was a 58-year-old white doctor named Michael Mammone, a married father of two. Mammone was white; the one who violently murdered him, 39-year-old Vanroy Evan Smith, was black. There had been no prior contact between them. The final twist in this matter is that while Smith was stabbing Mammone to death, a bystander reported that he was shouting about "white privilege."

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## NEW-HARMONY GAZETTE.

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This story was not covered at all in the national news. But what if the doctor riding the bicycle happened to be black and the man driving the car was white? What if witnesses reported that as the white man was violently murdering the black cyclist, he was screaming racial slurs? It would have been a national story. But because the race of the murderer and the victim did not fit the narrative, there was silence. It was not a story the media wanted to tell.

There are many news stories about racist police (and non-police) killing blacks because those are the stories the media wants to tell. There are many examples of blacks killing whites or Hispanics or blacks, but they do not make the news.

When the only murders appearing on the news are whites or police killing blacks, it creates the perception that it is open season on blacks. This is what the media wants people to think. They want to create the impression that we have a problem in America with systemic racism and racist police.

They blame "racism" for the problems afflicting the black community to deflect from the actual reason. It's not racism; it's government. It's the welfare state. It's the Democratic Party and its failed liberal policies. Sixty years of the "Great Society" have inflicted enormous damage on blacks. The left fears that if they discover the reason for their problems, they might become independent and vote Republican.

It is not racism, racist police or the legacy of slavery, as is so often stated, but the legacy of liberalism.

The views expressed in this opinion article are those of their author and are not necessarily either shared or endorsed by the owners of this newspaper.

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## NEW HARMONY GAZETTE

### May RECIPE

By Denise Rapp



### BLT Dip

This month I'm going to share a fun Summer BLT Dip. It will be perfect to eat while you're enjoying a beautiful day.

#### Ingredients

8oz cream cheese  
1 c. Sour cream or Greek yogurt  
2 Tbs Ranch seasoning  
1/2 tsp garlic powder  
Roma tomato, finely diced  
1 c. shredded cheddar cheese  
1/2 c. shredded romaine lettuce  
1/3 c. Green onion, sliced thin  
6 saucers of crispy bacon, crumbled & divided

#### Directions

Combine cream cheese, sour cream, ranch, garlic & 1/2 the bacon mix well  
Spread dip into the bottom of a 9" bowl  
Line the perimeter of the bowl with shredded lettuce  
Fill in the center with cheese, onions, tomato & bacon  
Chill for two hours  
Best served on a homemade crostini

Crostini: Slice French bread into thin rounds, top generously with olive oil and fresh cracked salt & pepper. Bake in the oven until brown and crisp.

Enjoy!

