

THE NEW HARMONY GAZETTE- SPECIAL OPEN LETTER TO THE PUBLIC. PART II

BY: DAN BARTON - PUBLISHER
AUGUST 2023

A letter was sent to Posey County Prosecutor Thomas Clowers from The New Harmony Gazette regarding a Case that is now pending with the Prosecutor's Office. For some reason neither the Prosecutor, County Sheriff Latham, or State Police Investigator Weston Kuykendall are able or willing to locate the requested police report concerning an arrest of an arrestee named, Misti Justice. Nor are they able or willing to provide the specific information that seems to be missing from Investigator Kuykendall's Affidavit For Probable Cause regarding the Misti Justice arrest. I thought since this is such a complicated and important case, and has taken so many twists and turns, and which Kuykendall has indicated in his Affidavit that the matter described herein has tie-ins to the double murder of Elizabeth and John Hall almost two years ago, that it is important to share this inquiry by The New Harmony Gazette with the public.

From: Dan Barton
Publisher,
The New Harmony Gazette,
505 Main Street,
New Harmony, Indiana 47631

To: Thomas Clowers,
Posey County Prosecutor
Mt. Vernon, Indiana 47620

Re: Misti Justice
Case# 65C01-2212-F5-DM2393282

Additional Publisher's Note to the August edition of The New Harmony Gazette:

What concerns me as publisher of this news periodical is the offhand way in which the Posey County Court, the Posey County Sheriff and the Indiana State Police are hiding what is clearly

public information that all citizens have a right to in Posey County and the United States of America.

In the Probable Cause Affidavit regarding the arrest of Misti Justice in December 2022 there were several, what I call, inconsistencies. First, the Affidavit indicated that she lived at 2525 Durlin Road in New Harmony and this was not true. Second, the Affidavit did not give the addresses of where Misti Justice was arrested or where the shotgun, one of the weapons that caused her to be arrested on an illegal weapon's violation, was located when confiscated by the police. The New Harmony Gazette has vigorously pursued that information with several agencies; the Indiana State Police, The Posey County Prosecutor's Office and the Posey County Sheriff's Office, to no avail up to this point.

One of the main reasons for this inquiry, other than it is a citizen's right to have the information, is that, additionally, concerning the earlier arrest of Robert "Bobby" McCarty, the very same Indiana State Police Investigator who investigated and wrote the Probable Cause Affidavit for the Misti Justice case, was the same investigator who wrote the Probable Cause Affidavit on the Robert McCarty arrest; Weston L. Kuykendall.

What looks odd is that, unlike the Misti Justice Probable Cause Affidavit, Kuykendall's Affidavit regarding McCarty's arrest was explicit in listing the address where Robert McCarty was arrested and where a .45 caliber High Point brand rifle was found and confiscated by police; 616 E. Water Street, Mt. Vernon, Posey County, Indiana. Kuykendall even went on to explain that the rifle was found in the bedroom of Robert McCarty at that address. Detective Kuykendall was also very explicit in identifying Robert McCarty's home address correctly, 616 E. Water Street, Mount Vernon, Posey County, Indiana.

However, in the Misti Justice arrest Kuykendall's Affidavit leaves out all of the information regarding Justice's arrest location and where she was questioned by police, along with the location of where the shotgun that was found and confiscated by police. Not only that, Kuykendall even incorrectly indicated the home address of Misti Justice as 2525 Durlin Road, New Harmony, Indiana. Justice had not lived at that address since at least July 2020, as noted by the Superior (Civil) Court in Mt. Vernon in a law-suit.

The Fourth Amendment of the U.S. Constitution reads: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Reader Please Note: The Fourth Amendment states most emphatically that "No Warrant shall be issued unless it particularly describes the place to be searched, and the persons or things to be seized." So! What's going on with Law Enforcement and the Circuit Court in the Misti Justice case in Posey County? Where's the arrest report or Affidavit or Search Warrant with the missing information? Why wasn't the missing information contained within the Probable Cause Affidavit in the first place? And why are Law Enforcement and Court Officials giving The New Harmony Gazette the run-around?

Thus far, as you have read, none of the law enforcement agencies or court officers involved in this Misti Justice inquiry have cooperated with The New Harmony Gazette. What are they

hiding? Who are they protecting? Why the obvious conspirousy to keep the information on this criminal case away from the public and so protect these alleged racketeers? Most of all why are they flaunting an open public violation of The First Amendment and the Fourth Amendments of the U.S. Constitution? Are Judge Craig Goedde, Prosecutor Clowers, Sheriff Latham and Indiana State Police Detective Kuykendall a law all unto themselves?