

NEW-HARMONY, (IND.) August 2023

**THE NEW HARMONY GAZETTE
SPECIAL OPEN LETTER
TO THE PUBLIC
By: Dan Barton - Publisher
August 2023**

The following letter was sent to Posey County Prosecutor Thomas Clowers regarding a Case that is now pending with the Prosecutor's Office. It seems that for some odd reason neither the Prosecutor, County Sheriff Latham, or State Police Investigator Weston Kuykendall are able or willing to locate a simple police report concerning an arrest of the an arrestee named, Misti Justice. Nor are they able or willing to provide the information that seems to be missing from Investigator Kuykendall's Affidavit For Probable Cause regarding the Misti Justice arrest. 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, it's important that The New Harmony Gazette share some of this inquiry with the public. Who knows where it will go or where it will end!

July 15, 2023
Dan Barton
Publisher,
The New Harmony Gazette,
505 Main Street,
New Harmony, Indiana 47631

Thomas Clowers,
Posey County Prosecutor
Mt. Vernon, Indiana 47620
Re: Misti Justice
Case# 65C01-2212-F5-000684

Dear Prosecutor Clowers:

Since February of this year I have been giving careful scrutiny to the case of New

Harmony resident Misti Justice' arrest on or about December 15, 2022. Initially, I wrote to Indiana State Police Investigator Weston Kuykendall in order to fill in some missing blanks on his Probable Cause Affidavit regarding Justices' arrest.

Several items of information were missing from his statement and one item that I found contained incorrect information. I asked Detective Kuykendall for a clarification regarding these inconsistencies in his report, such as the name of the arresting officer and at what address in New Harmony Misti Justice was arrested. As I explained to Kuykendall, my sources advised me that she might have been arrested somewhere on South Street, in New Harmony.

I also advised Detective Kuykendall that the address he used as her home address, 2525 Durlin Road, was incorrect and that, again, my sources indicated that she was probably living somewhere on East Street, in the Town of New Harmony. I explained to Kuykendall that this information was important, in that, a shotgun was recovered from her home address that caused the criminal felony charges to be filed against Misti Justice. This information should be open and accessible to the public and the press upon request, which is what I have done.

Detective Kuykendall stated to me that he "... was not able to provide 'anyone's' address, as my sources, such as the BMV for example, are not considered public." Further, he stated, "The location of her arrest should be on the 'arrest record' at the Posey County Jail."

I then proceeded to contact Posey County Sheriff Thomas Latham on February 24, 2023, whereby, I requested from him, the arrest record of Misti Justice that Detective Kuykendall made reference to. Sheriff Latham immediately responded

that he would provide the arrest record "soon."

As of July 11, 2023, I still had not received the arrest record from Sheriff Latham on the Misti Justice case. Some four and a half months from my initial notification to him regarding this matter. So, I wrote to Latham again on July 11th, and asked for the record, again. On the same day, July 11th, I notified you [Prosecutor Clowers] in writing via email about this situation. I have not heard from you!

On July 12, 2023, for some reason, Latham asked, "...what is it, exactly, you are requesting? The arrest report, probable cause affidavit was not generated from my agency, therefore I would not have the information." Though, back in February, he indicated that the record was forthcoming, "soon."

Anyway, I explained in detail to Sheriff Latham about Detective Kuykendall's statement to The New Harmony Gazette that an "Arrest Report" on the Misti Justice arrest was on file at the Jail, Sheriff Latham's office. I went on to explain to Latham that the "report" would include the missing information such as the address where Justice was arrested and where police found and confiscated the shotgun that Detective Kuykendall refers to in his probable cause affidavit.

Further, on July 12th and July 14th I emailed Sheriff Latham all of the email correspondence between myself and Detective Kuykendall regarding this matter. As of today, I have not gotten a reply from Latham to these emails.

I am the Publisher of The New Harmony Gazette. It is a free newspaper, paid for with my own funds and made available to the citizens of our County and the Town of New Harmony as a public service. I do not receive any personal gain from

this service, monetary or otherwise. It is The New Harmony Gazette's duty and obligation to bring the truth to bear on stories that it prints, to do that requires the cooperation of the public servants who are elected or appointed to represent those citizens who bring them into office. I will not quit!

I'm sorry that you [Prosecutor Clowers], Sheriff Latham, and Detective Kuykendall won't reveal the facts in this case that the citizens have a right know about. I suppose the only course for me now is to make inquiries with other public officials, family members of the victims Elizabeth and John Hall, and Defense Attorney Ryan Hatfield, and explain the problem I'm having with this missing and false information included in Detective Kuykendall's report, along with what appears to be attempts by the Posey County Court and Law Enforcement Officials to hide and obfuscate the truth.

Hoping to hear from you soon!

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

What is of concern here is the offhanded 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 can be called, 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. As you

have just read 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 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's 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, Indiana State Police Investigator 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 records in Mt. Vernon.

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 in this request for accurate details and information. What are they hiding? Who are they protecting? Why are they conspiring to keep the information on this criminal case away from the public and so protect these alleged racketeers? And most of all why are they flaunting an open public violation of The First Amendment and the Fourth Amendment of the U.S. Constitution? Are Judge Craig Goedde, Prosecutor Thomas Clowers, Sheriff Tom Latham and Indiana State Police Detective Weston Kuykendall a law all unto themselves?

POSEY COUNTY PROSECUTOR
THOMAS CLOWERS RESPONDS!

On July 26th, Prosecutor Clowers emailed this newspaper in regard to his feelings on my Open Public Letter concerning the handling of the case against Misti Justice.

He said:

Mr. Barton: I am in receipt of your letter dated July 15, 2023 wherein you accuse Sheriff Latham, Det. Kuykendall and myself of withholding information regarding the Misti Justice case. Your letter outlines that you have previously requested additional information,

specifically an “arrest record”, from the Indiana State Police and the Posey County Sheriff’s Office. I can only assume your letter is a request of the same information from my office. Please be advised that my office has previously provided you with the Probable Cause Affidavit in State of Indiana vs. Misti Justice, Posey Circuit Court cause number 65C01-2212-F5-000684, which is the only publicly-available document that outlines the circumstance surrounding Ms. Justice’s arrest. I do not have another “arrest record” as you have requested, as that would only be in my file if it was generated and provided by either the Sheriff’s Office or Indiana State Police.

I have also received your multiple open letters to the public, including the most recent received via e-mail July 22, 2023 that appears to contain a letter addressed to my office. Please, note I did not receive this letter in any other form other than your “open letter” via e-mail. In this “open letter”, you claim there is a conspiracy amongst law enforcement to withhold information and essentially protect criminals. This is absurd, and you are out of line. Over the last few years, you have continuously printed false and misleading information in your “newsletter” to your distribute to members of our community, and this isn’t the first time you have baselessly attacked our local law enforcement. We are very fortunate in Posey County to have incredible law enforcement officers that work day and night to protect and serve our community. They put their own lives in harm’s way each and every day for little or no thanks. They do not deserve to be unfairly criticized and publicly defamed by you simply because they have advised you that information you have requested is not publicly available in their investigation.

You clearly have strong opinions regarding certain pending criminal cases. I would encourage you to attend the court proceedings so that you may learn more about these cases. Please know that I do not have time to explain everything to you. The cases you write about have hearings that are open to the public, yet I have never seen you there.

Maybe attending the court hearings will help you better understand and improve the accuracy of your reporting.

Thomas E. Clowers, Prosecuting Attorney, Posey County Prosecutor’s Office.

DAN BARTON - THE NEW HARMONY GAZETTE REPLIES TO PROSECUTOR CLOWERS!

Just to be clear, nothing that I have said in any correspondence with you has criticized the law enforcement officers who risk their lives everyday working for this community. In fact, I have noted in The New Harmony Gazette several times the number of arrests they make monthly and annually - somewhere near 700 per year. My criticism is directed at cases within the Posey County Court, your court, whereby insufficient bail and inadequate sentencing is applied to potentially dangerous criminals. In the case in question the two felony charges against Misti Justice were such as to have allowed a \$10,000 bail to be applied at either of the hearings she attended, but in each case the bail was less than \$5,000. You have, yourself, pointed this laxness out in your objections.

My basis for asking questions is fundamental to The New Harmony Gazette’s right to Freedom of the Press. All of my questions are relevant to the case in question and should be answered by you, regardless of whether you have the arrest report that ISP Detective Kuykendall referred me to. If you have an example of the “false and misleading information” that you say I have printed, please give me the details and I will look into it. You have made that statement before and have not offered examples of what you are referring to - let me take a look.

All of the Law Enforcement agency administrators that I referred to in my letter should have the detailed data that I have requested - in other cases - Robert “Bobby” McCarty and in the Austin Kusturin cases this missing information in the Misti Justice case was included in

both press releases and in Probable Cause Affidavits - I repeat, it was missing in the Misti Justice case. That is what caused my letter of inquiry.

Understand, I do not attack law enforcement in my public letter - or in any other letter or newspaper article that I have written. I know for a fact that law enforcement officers have to continuously arrest and rearrest criminals who have been let go from your court on low bail and or insufficient sentencing; allowed to roam free and commit further depredations against citizens of Posey County. Perhaps you need to object more strenuously, Prosecutor Clowers. You could save someones life by doing so. Don’t hide behind a patrolman’s badge!

You bet I have strong opinions regarding certain pending criminal cases - Elizabeth and John Hall - two murders that never should have occurred and those cases that are still languishing in your court and Sheriff Latham’s jail. It’s been nearly two years.

As for attending court hearings, we went over that a couple of month’s ago, without revealing my medical condition to the public, I will say that I revealed it to you, who should be aware that it precludes my sitting in on court hearings. My sources of information are adequate enough to report on the many cases that continue pending in the Posey County Circuit Court.

For now, I am again requesting from you the details of the Misti Justice case that I requested in my open letter to you and the public. I need the address where she was arrested, the address where the shotgun was found and confiscated. I need to advise you once more that the 2525 Durlin Road address reported in the Probable Cause Affidavit is an incorrect address. That is not where Misti Justice was questioned, arrested, where the shotgun was found or where she was living in New Harmony. Posey County Court records, which should be easy to access, report in a Superior Court case that she was not living there prior to July 2020.

In addition to the details requested above, I am also requesting a copy of the search warrant that was served Misti Justice in connection with the police confiscation of the shotgun reported in Detective Kuykendall's Probable Cause Affidavit.

Much thanks for taking the time to respond to my letter of inquiry. Dan Barton, Publisher, The New Harmony Gazette.

**NEW HARMONY TOWN CLERK/
TREASURER ADDRESSES HER
COUNCIL COLLEAGUES ON HER
WORK ROUTINE PARAMETERS!**

What follows is a verbatim account of a statement made by Town/ Clerk Treasurer Karla Atkins, to the full New Harmony Town Council on July 18, 2023:

I don't appreciate being blindsided at the last meeting regarding the acceptance of credit cards in my office. None of the Council members discussed this with me before that meeting, and none have discussed it with me since, with the exception of Rod, to learn what this involves regarding my office. I, however, have spoken to SBoA, and they have provided guidance. An ordinance is required, as well as setting up an additional bank account for the payments to be receipted into. Those payments will then have to be transferred out to the correct utility accounts, along with other processing to the accounts, etc. This totally affects my office and none of you are at all aware of what this involves on our end. We must conform to SBoA

THE
NEW-HARMONY GAZETTE.

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guidelines.

I am aware that the Town of Poseyville currently accepts credit card payments. They do have, however, two full time employees in addition to the Clerk-Treasurer. I only have one part-time person, who is currently in training.

Right now, on top of everything else, I am in the middle of a SBoA audit, the Town election is this fall, it is budget season, and I am still training Becky's replacement. I also have a lot of extra work due to the business grant that the Town just completed.

Anita and I neither one have the time it is going to take to get this set up and processed on a daily basis. The only way to feasibly start the process of accepting credit card payments is for me to hire an additional office employee. At this time, we do not have the staff to take on the additional work, and we also don't have space to accommodate another employee, which would necessitate purchasing another computer, phone, etc. for this person. Also, I feel this needs to be a full-time position, which will make this employee eligible for PERF and health insurance.

Also, some of you seem to think that I work for you, and that you have a say in my schedule, days off, etc., but you don't. I am an elected official and do not have to be in the office AT ALL. I just need to make sure the work is done, either by myself or someone else. And the work is being done. By Indiana Statute, I am only required to be in the office one day a year, yet I have worked full-time for over 29 years. Also, it is none of your concern who my friends are, who is in my office and how long they stay. I have never in my 29+ years been subjected to the disrespect I have received in the past few years.

NEW HARMONY GAZETTE

August RECIPE

By: Denise Rapp

Everything Cookie

During one of my travel experience, I was fortunate to have come across the most delicious cookie, called an everything cookie.

If you have a favorite chocolate chip cookie recipe you can use that and add 2 more ingredients to it to accomplish the effect.

I'm going to share my chocolate chip recipe, adding two more ingredients, to push it over the edge.

I think you're gonna love it as much as I did.

Makes 18-20

Ingredients:

1 c soft salted butter
1 c brown sugar (packed)
1/2 c granulated sugar
2 eggs
1 tbs vanilla
2 3/4 c flour
1/2 tsp baking soda
1/2 tsp baking powder
1 tsp salt
1 12oz bag mini chocolate chips
1/2 c pumpkin seeds
3/4 c crushed pretzels

Directions:

Preheat over to 350
Cream butter and sugars until lite and fluffy
Add eggs one, at a time, and mix well
Add spices and flour
Add chips, nuts and pretzels
Portion cookies-I portion my cookies with an 8oz scooper
Place on parchment lined cookie sheet
Bake 8-10 minutes
*I would slightly underbake the cookies, then pull them out of the oven and let them sit on the cookie sheet for 5 minutes to rest, then place them on a cooling rack
Enjoy

