



# National Coalition For Men (NCFM)

Since 1977

932 C Street, Suite B, San Diego, CA 92101 / 619-231-1909 / [ncfm.org](http://ncfm.org) / 501(c)3 nonprofit corporation

August 29, 2022

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## Response to Open Records Act Request

Sent Via Electronic Mail: [jnewby@christiancountyo.com](mailto:jnewby@christiancountyo.com)

### Christian County Sheriff's Office

Attn: Major Jason Newby

701 West 7th Street

Hopkinsville, KY 42240

Major Newby,

We are in receipt of your response dated August 12, 2022, to our lawful Open Records Act request dated August 5, 2022. As of the date of this correspondence, we have not yet received the requested records.

We disagree with your assertion that our open records act request was filled with ridiculous accusations and that our request demonstrated a slanderous agenda.

As the trial had been televised in its entirety on Court TV, was profiled on a special episode of Dateline, and a plethora of social media pages and commentary that have appeared, and a review of countless public record documents in the case, it is reasonable to conclude that such egregious professional misconduct and potential criminal conduct on the part of some of the investigators who worked on this case, justifies those inquiries.

Of the tens of thousands of social media comments in a vast array of platforms, reveal that 99%+ of those comments suggest that not only is Mr. Martin innocent, but that the evidence pointed to the involvement, complicity, or guilt of other persons. This same commentary reveals a significant public opinion that suggests a level of gross incompetence and/or professional misconduct involving the investigation.

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Eric Wedin  
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We would like to point out a few problematic areas in the event you are not aware of the intricacies of the developments in the investigation.

On May 10, 2019, Lieutenant Smith testified before a Grand Jury which led to the fraudulent indictment and subsequent wrongful conviction of Mr. Martin.

Drawing your attention to the Public Record Grand Jury Transcript, page 14.

5           MR. PRATHER: And was there anything in  
6 particular that caused that shift?  
7           LIEUTENANT SMITH: Yes. In December, we --  
8           MR. PRATHER: Of what year?  
9           LIEUTENANT SMITH: -- of 2018, we got a lab  
10 report that showed a match between a spent shell  
11 casing that had been located at the scene of Calvin  
12 Phillips, a match to the Glock .45 that was found in  
13 Mr. Martin's house.

Lieutenant Smith intentionally misled the Grand Jury and failed to bring to their attention several facts that could have resulted in the Grand Jury refusing to issue an indictment. Here are some of the facts that the Grand Jury did not hear had Lt. Smith been honest and truthful in his testimony.

The shell casing that is referred to in this page was not found by a law enforcement officer but was allegedly found by a relative of one of the victims, five months after the sheriff's department conducted two crime scene searches of this area, and that person failed a polygraph examination that was not administered for nearly three years following the alleged discovery.

There was no explanation why the sheriff's department waited for a period of two years and eight months after the mysteriously found shell casing and Mr. Martin's Glock was in their possession before it was submitted to a lab for analysis. Common sense investigative protocols would suggest that these two items should have been submitted to a lab within 24-48 hours.

Is it logical for a reasonable person to conclude or at least strongly suspect that the shell casing had been planted? Had the Grand Jury been informed of the facts; would they have issued an indictment?

Regarding the failed polygraph examination of the person who allegedly found this shell casing, common sense investigative protocols should have necessitated that this person undergo a polygraph examination within 72 hours, a week at the latest, not two years and ten months after the fact. This fact was not provided to the Grand Jury, and if it were, could a reasonable person conclude that that the shell casing was in fact, planted?

Directing your attention to the Public Record Grand Jury transcript, page 19.

9	MR. PRATHER: With regards to Pamela Phillips,
10	was a phone recovered?
11	LIEUTENANT SMITH: Yes.
12	MR. PRATHER: And where was it recovered from?
13	LIEUTENANT SMITH: It was actually recovered in
14	front of a residence off of Kentucky 104 in Todd
15	County.

This is an untruthful statement by Lieutenant Smith.

The phone was recovered from the AT&T store in Hopkinsville where it had been brought in by Joan Harmon who only asked that the AT&T employees unlock the phone. The statement by Lieutenant Smith that it was recovered in front of a residence off of Kentucky 104 in Todd County is the version of events that had been stated by Joan Harmon, a woman who is a convicted felon with a lengthy documented history of providing false information to law enforcement authorities.

Further complicating this issue was the abject failure of Detective Noisworthy to properly conduct a complete and thorough investigation of the phone and his failure to properly provide a detailed written report on the entire set of circumstance of this phone.

Had the Grand Jury been provided with truthful testimony and an entire set of facts, would a reasonable person sitting on the Grand Jury have voted to indict?

These are just a few examples of incompetence, official misconduct, or potential criminal conduct by providing false testimony before a Grand Jury.

While it is clear that the Assistant Attorney General, Mr. Prather, asked Lt. Smith vague, misleading, and leading questions. However, even if Lt. Smith had been asked these types of questions, he still had the moral and ethical responsibility to correct the questions and his testimony so as not to intentionally mislead the Grand Jury.

If Lt. Smith had in fact provided truthful testimony to the Grand Jury, a reasonable person sitting on the grand jury would not have voted to indict.

Any reasonable person who possessed knowledge of these facts as well as a review of the public record Grand Jury transcript can conclude that the way the questions were asked were not designed to elicit facts and truthful testimony, but rather were to achieve a desired result, the indictment of Christian 'Kit' Martin. Lt. Smith had the moral, ethical, and legal obligation to offer truthful testimony, but he did not do that. He had the responsibility to correct or clarify Mr. Prather's questions so that the Grand Jury could hear truthful information, but he did not do that.

A reasonable person could conclude that the Assistant Attorney General who asked the questions of Lt. Smith, Mr. Jeffrey Prather, violated several sections of the Kentucky State Bar, Professional Rules of Conduct. Was there any effort on the part of the sheriff's department to report potential violations to the Kentucky State Bar?

These are just a few examples in this one document. There are more in this document and many more in other public record official reports in this case.

Therefore, after reviewing countless public record documents in this case, viewing the televised trial, and reviewing thousands of social media comments and pages, a reasonable person can conclude that the questions we posed in our original open records act request are legitimate questions.

It is incredulous to think that any law enforcement leader responsible for overseeing such a high-profile case, could not notice such questionable behavior or potential perjury, and not conduct an internal investigation, or refer an internal inquiry to the appropriate entity.

Social media commentary from residents in Christian County reveal a perception, real or imagined of a fear of some members of the sheriff's department and/or others who may have associated with members of the sheriff's department. In one such social media comment, an unknown and unidentified person commented that he or she had personal knowledge of the intricacies of the investigation but has remained silent, stating, 'I don't want to get killed.'

National Coalition for Men, Response to Open Records Act Request  
Christian County Kentucky Sheriff's Department

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We have no idea who this person is or if they are an internal whistleblower but why would a person make such a statement? The fact is that there are some people in the county who are afraid of the sheriff's department as the social media commentary reflects.

There is also a concern expressed by residents in Christian County and is evidenced by social media pages that there is a problematic level of public corruption, at various levels of county government. Harvard University released a comprehensive study in 2014 that can be found online, that revealed that the Commonwealth of Kentucky is the most corrupt state in the nation.

Based on the totality of the circumstances, the questions provided in the original open records act request are reasonable. If an internal inquiry had not been initiated under these circumstances, a reasonable person could conclude that there has in fact, been some level of incompetence, misconduct, and potential criminal corruption that has occurred in this investigation. If an internal or external inquiry had not been conducted by law enforcement executives, a reasonable person could conclude that such misconduct is condoned and accepted.

The original Open Records Act request has been attached with this correspondence. The Grand Jury transcript is a matter of public record, so it is available to anyone who desires to review it.

We look forward to the receipt of those training records which can be mailed to the address provided or via electronic mail, [president@ncfm.org](mailto:president@ncfm.org). It is respectfully requested that any future communications be conducted via electronic mail.

Respectfully,  
Harry Crouch

  
President



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August 5, 2022

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Criminologist/Author  
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## Open Records Act Request

Sent Via Electronic Mail: [admin@christiancountysopro.com](mailto:admin@christiancountysopro.com)

Sent Via U.S. Mail

Sheriff Tyler DeArmond  
Christian County Sheriff's Office  
701 West 7th Street  
Hopkinsville, KY 42240

Sheriff DeArmond,

The National Coalition For Men (NCFM) is a 501(c)(3) educational nonprofit corporation established in 1977. You can learn more about NCFM, our interests, activities, and numerous accomplishments by visiting our website, [www.ncfm.org](http://www.ncfm.org).

Pursuant to the Kentucky Open Records Act § 61.872 et seq., NCFM requests the following records.

- Any and all documents, emails, memos, or reports of internal investigations concerning gross incompetence, official misconduct, or criminal corruption, of any employee of the Christian County Sheriff's Department in the matter of the homicide investigation of victims Cal Phillips, Pam Phillips, and Ed Dansereau that occurred on November 18 & 19, 2015. While the request covers any employee, emphasis is focused on Lieutenant Leonard Scott Smith, Sergeant Ed Stokes (Ret.), and Detective Scott Noisworthy.
- Any and all documents, emails, memos or other writings concerning the removal of Sergeant Ed Stokes from any investigative involvement in the matter of the homicide investigation of victims Cal Phillips, Pam Phillips, and Ed Dansereau that occurred on November 18 & 19, 2015.

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Pennsylvania

Jason Leatherman,  
Massachusetts

Paul Clements,  
South Carolina

Eric Wedin  
Sweden

- Any and all documents, or reports of any sanction imposed upon any employee of the Christian County Sheriff's Department, for any incident of gross incompetence, official misconduct, or criminal corruption in the matter of the homicide investigation of victims Cal Phillips, Pam Phillips, and Ed Dansereau that occurred on November 18 & 19, 2015.
- Any and all formal or informal requests for a public corruption investigation to the FBI Public Corruption Unit or any other entity designed or responsible for the investigation of criminal corruption of law enforcement personnel, in the matter of the homicide investigation of victims Cal Phillips, Pam Phillips, and Ed Dansereau that occurred on November 18 & 19, 2015.
- Any and all documents, emails, memos, internal investigation reports or requests for a public corruption investigation involving Lieutenant Leonard Scott Smith regarding his intentional and malicious criminal act of Perjury before a Grand Jury which led to the fraudulent indictment of Christian Richard Martin on May 10, 2019. The request is to include any information or documents in the matter of the civil action in which Smith has been named a defendant, Case number 3:20-mc-99999, where it was alleged that Smith tampered with evidence in a previous homicide investigation while he was a member of the Kentucky State Police.
- Any and all documents, emails, memos, internal investigation reports, or complaints of misconduct involving any employee of the Christian County Sheriff's Department, or any family member of any employee of the Christian County Sheriff's Department involving any allegations of threats, harassment, intimidation or tampering of any witness or potential witness in the homicide trial of Christian Richard Martin.
- Any and all documents, emails, memos, internal investigation reports, or complaints of misconduct involving any employee of the Christian County Sheriff's Department of witness tampering that occurred during a televised interview of a witness in the murder trial of Christian Richard Martin.
- Any and all documents, emails, memos, or internal investigation reports involving the failure of any employee of the Christian County Sheriff's Department to provide complete discovery obligations to the legal counsel of Christian Richard Martin.
- Any and all documents, emails, memos, internal investigation reports involving the failure of any employee of the Christian County Sheriff's Department involving the tampering of video evidence in the matter of the investigation and trial of Christian Richard Martin.



- The training records of Christian County Sheriff's Department, Lieutenant Leonard Scott Smith, Sergeant Ed Stokes (Ret.), and Detective Scott Noisworthy, including any and all training records of homicide investigation training, methods, techniques, or protocols.
- Any and all documents, emails, memos, or internal investigation reports involving any official misconduct which had a negative effect on any criminal case, or any case that has been reported in the news media, to include Sergeant Ed Stokes (Ret.), Lieutenant Leonard Scott Smith, or Detective Scott Noisworthy.
- Any and all documents, emails, memos, or requests for a public corruption investigation involving any official misconduct of any judicial officer or prosecutor who was involved in any manner in the investigation and trial of Christian Richard Martin, or intimidation of any other prosecutor in Christian County.
- Any and all reports or referrals for criminal prosecution of any, estimated to be 5-8 prosecution witnesses for Perjury for their false testimony in the murder trial of Christian Richard Martin, including any prosecution witness who provided perjured testimony that was irrefutably debunked by authenticated and verified electronic evidence.
- Any reports, notes or documentation in the possession of the Christian County Sheriff's Department in which it is known, or should have been known of any financial or property transactions involving any prosecution witness and any family member of any of the victims in this homicide, to include any transaction which has the appearance of impropriety or the appearance that a financial incentive was offered in exchange for the offering or false testimony at the murder trial of Christian Richard Martin.
- Any and all documents, emails, memos, or requests for a public corruption investigation involving complaints of local residents who have taken to social media and expressed their fear of cooperating in the investigation in the homicide investigation of victims Cal Phillips, Pam Phillips, and Ed Dansereau that occurred on November 18 & 19, 2015, and the trial of Christian Richard Martin. The fear expressed by Christian County residents is that of their fear of sheriff's department personnel or persons associated with or related to sheriff's department personnel.
- Any and all documents, emails, memos, or internal reports that evidence of narcotic trafficking was present inside the Phillips residence which was not documented in any official report.



- Any and all documents, emails, memos, or internal reports of retaliatory actions of one or more members of the Christian County Sheriff's Department who have anonymously reported irregularities, incompetence, or evidence tampering, those one or more employees witnessed during the crime scene searches of the Phillips residence.
- Any and all documents, emails, memos, or internal reports of retaliatory actions, threats, or intimidation of any member of any other law enforcement agency member, not employed by the Christian County Sheriff's Department, who may have some knowledge of the level of gross incompetence, mishandling, tampering of physical evidence including the manipulation of video evidence in the matter of the homicide investigation of victims Cal Phillips, Pam Phillips, and Ed Dansereau that occurred on November 18 & 19, 2015.
- Any and all documents, emails, memos, or reports of social media postings involving tips from the general public, or tips from any other website, social media, or press release source of tips provided that were ignored, dismissed, or given no investigative consideration involving the matter of the homicide investigation of victims Cal Phillips, Pam Phillips, and Ed Dansereau that occurred on November 18 & 19, 2015.
- Copies of any social media postings of which the Christian County Sheriff's Department has received or is aware concerning the demands for the resignation of Sheriff Tyler DeArmond, due to the level of gross incompetence, neglect, evidence and witness tampering or intimidation, and intentional and malicious criminal acts, including criminal violations of Perjury on the part of employees of the department.
- Copies of any public meeting minutes in accordance with the Open Meetings Act of any governmental entity in Christian County Kentucky involving the matter of the homicide investigation of victims Cal Phillips, Pam Phillips, and Ed Dansereau that occurred on November 18 & 19, 2015, including any discussion or notes concerning the level of gross incompetence, neglect, evidence and witness tampering or intimidation, and intentional and malicious criminal acts, including criminal violations of Perjury on the part of employees of the department.

The disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the functions of the Christian County Sheriff's Department. The information sought is related to news gathering purposes and will not be used for commercial purposes.

The Kentucky Open Records Act requires a response time within three business days. If the records requested will take longer than that time period, please contact NCFM with information about when NCFM might expect copies of the requested records. If any of the requested records are denied, please cite each specific exemption that justifies the refusal to release the information and notify NCFM of the appeal procedures available under the law.

### **The National Coalition for Men**

The National Coalition For Men (NCFM) is a 501(c)(3) educational nonprofit corporation established in 1977 and the nation's oldest men's human rights organization. Our members are men *and* women from a wide variety of professions across the globe, including, educators, medical professionals, attorneys, and retired law enforcement officers.

NCFM is committed to the removal of gender-based stereotypes, especially as they adversely impact boys, men, their families, and the women who love them, including, issues involving the criminal justice, and family court systems.

NCFM conducts business and advocacy efforts for our members who are residents of the Commonwealth of Kentucky and is a news gathering and reporting organization as defined in KSR 189.635(8) 1, 2, and 3 as the news articles published on our website reflect. The requested information will not be used for commercial purposes as defined in this section. NCFM is in compliance with the criteria contained within this section, and the requestor declares that the information provided in this request is truthful and accurate, as defined in this section.

The requested records can be mailed to the address provided or via electronic mail, [president@ncfm.org](mailto:president@ncfm.org).

Respectfully,  
Harry Crouch

  
President

cc: Family & Supporters of Mr. Christian Richard 'Kit' Martin  
Marianne O'Donnell, Producer, Dateline NBC  
Carol Gable, Producer, Dateline NBC  
Grace Wong, Producer, Court TV  
Dennis Ferrier, The Ferrier Files, FOX 17 News Nashville