

Division of Criminal Investigation
Details of Investigation

Case Number: 201400832

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(PRELIMINARY INVESTIGATION)

On Wednesday, October 1, 2014, Special Agent (SA) Jones of the Wyoming Division of Criminal Investigation (DCI), Southwest Enforcement Team (SWET), was contacted by Commander Webster in reference to an investigation that the DCI had agreed to complete in Campbell County, Wyoming. Several anonymous letters had been received by different people in Campbell County in reference to Campbell County Sheriff William Pownall (DOB/02201956). The letter states "On August 9th 2014, Seth Pownall the son of Sheriff William Pownall was arrested for DUI. The Sheriff made the Deputy change the charges and did not make the charges public. This is not moral, ethical, or legal."

The letter was received at the Office of the Campbell County Attorney, the Office of the Campbell County District Court Judges and by a member of the local press outlet. The letter was on a small piece of paper, which appeared to have been created from a computer word processor, then printed from a computer printer. There was no signature or indication who the author was. The envelopes that contained each of the two (2) letters that were eventually turned over to the DCI were postmarked September 24, 2014, and were ~~sent from Casper,~~ Wyoming.

The DCI was eventually contacted by Campbell County District Court Judge John Perry and Campbell County Attorney Jeani Stone. Stone wrote the DCI a letter formally requesting DCI conduct an investigation into the allegations contained in the letter, to include whether Sheriff Pownall misused his power in relation to a criminal offense, his son Seth Pownall, allegedly committed. A copy of the letter of request will be included as an enclosure. (RJ-1) SA Jones was assigned the investigation.

(INVESTIGATION)

On Tuesday, October 7, 2014, SA Jones met with Commander Williams in the Gillette Field Office of the DCI at approximately 8:00 am. Commander Williams informed SA Jones of the circumstances of the case and provided SA Jones with a manilla envelope. Contained in the envelope was a letter to Commander Williams, from Judge John Perry. The letter outlined how the Campbell County District Court had come to be in possession of the anonymous letter and outlined what the anonymous letter said. (Enclosure RJ-2) A copy of the anonymous letter will be included as an enclosure for reference. (Enclosure RJ-3) Judge Perry felt it was the obligation of the District Court Office to provide the letter and information to the DCI.

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10/06/2014

Report of:

Special Agent/Team Leader Jones, Ronnie (V6)

Reviewed by & Date:

Special Agent/Team Leader Jones, Ronnie (V6)
10/20/2014

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Commander Williams met with Judge Perry on September 25, 2014, and received Judge Perry's letter as well as the original anonymous letter received by the Campbell County District Court Office, including the original envelope. The original anonymous letter and the original envelope will be entered into Evidence. (Item #1) (MEETING WITH COUNTY ATTORNEY JEANI STONE) On Tuesday, October 7, 2014, at approximately 8:30 am, Commander Williams introduced SA Jones and SA Mathson to Campbell County Attorney, Jeani Stone. Stone explained her office had received the same anonymous letter that the Campbell County District Court Office had received. Her office was in receipt of the letter on September 25, 2014. Stone reiterated what she had requested in her letter of request for an investigation to SA Jones. Stone provided SA Jones with the original anonymous letter concerning the alleged actions of Sheriff Pownall and the original envelope the letter arrived in. This item will be entered into Evidence. (Item #2) At SA Jones' request, Stone provided SA Jones with legal documents concerning prior criminal charges the Campbell County Attorney's Office had with Seth W Pownall (DOB/08291991), the son of Sheriff Pownall. SA Jones also requested all information the County Attorney's Office had in refernece to the most current arrest of Seth W Pownall. Stone provided SA Jones with prior legal documents concerning Seth W Pownall, but had no documentation of the arrest of Seth Pownall from August 9, 2014. The legal documents concerning the prior arrest will be included as an enclosure. (Enclosure #RJ-4) (DOCUMENT REVIEW/CAMPBELL COUNTY LEGAL DOCUMENTS/SETH POWNALL) SA Jones reviewed the legal documents provided to him by Stone and noted to following. Case Management Sheet: Nothing pertinent of note. Copy of Gillette Wyoming Police Department (GPD) concerning the arrest of Seth Pownall: SA Jones reviewed the GPD case file dated March 21, 2010. On that date, at approximately 4:47am, Officer Welch of the GPD attempted to stop a vehicle being driven by Seth Pownall for a speeding violation. The vehicle attempted to elude the Officer through the city streets of Gillette. The vehicle finally did stop and the driver, Seth Pownall, and an unknown passenger jumped out of the vehicle and fled on foot. Seth Pownall was apprehended a short time later and arrested for DUI, Eluding, Interference with a Peace Officer and Speeding. Seth Pownall was also issued a summons from May 9, 2009, for attempting to purchase alcohol while		
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under age. Unknown paperwork outlining charges of Seth Pownall from 2010 arrest: Nothing pertinent of note. An Affidavit of Probable Cause filed in the Circuit Court of Campbell County concerning the arrest of Seth Pownall: Document outlined same facts as the GPD Report. An Appearance Bond form for the arrest of Seth Pownall: Nothing pertinent of note. Hand written notes from unknown author, dated May 5, 2010, and email correspondence between Dan Reade (Deputy Campbell County and Prosecuting Attorney) and Jeremy Michaels: In the email correspondence between Dan Reade and Jeremy Michaels, Reade acknowledges he knows who Seth Pownall is and his identity will neither "help nor hinder" Seth Pownall. An Entry of appearance and Plea of Not Guilty for Seth Pownall: Nothing pertinent of note. Email correspondence between Jeremy Michaels and Dan Reade dated May 6, 2014: Discussions between Dan Reade and Jeremy Michaels on terms of a plea bargain for the charges and drivers license suspension based on conviction for DUI and refusal to provide a breath sample. Campbell County Circuit Court DWI Victim Impact Panel Form: Nothing pertinent of note. A Form, hand written, appearing to outline the terms of a plea bargain: Nothing pertinent of note. A Confidential Information Release Form from Brighter Horizons Counseling for Seth Pownall: Nothing pertinent of note. A letter to Jeremy Michaels from Carrie L Strawn at Brighter Horizons: The letter informed the reader that Seth Pownall had completed an 8 hour substance abuse/DUI Program. Letter dated September 20, 2010. Additional paperwork concerning Seth Pownall and the Alcohol Evaluation from Brighter Horizons: Nothing pertinent of note. An Order to show cause for Seth Pownall from Judge Wendy Bartlett, dated October 7,		
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2010: The document states Seth Pownall must appear before Judge Bartlett to show cause for not attending VIP class ordred by the court. A Judgement and Sentence for Seth Pownall concerning the adjudication of the charges from the arrest in March 2010: The document showed Seth Pownall was found guilty of Driving while under the Influence, 1st violation in 5 years, in violation of 31-5-233 and False ID in violation of 12-6-101(c). Seth Pownall was sentenced to a thirty (30) day jail sentence with twenty nine (29) days suspended, credit for one (1) day served, four hundred dollar (\$400.00) fine, twenty dollars (\$20.00) court costs, ten dollar (\$10.00) automation fee, one hundred fifty dollars (\$150.00) to the crime victims compensation fund. Seth Pownall was placed on six (6) months of unsupervised probation. A Motion to Withdraw Petition to Revoke Probation: The document was filed as a result of Seth Pownall failing to attend a court ordered Victim Impact Panel on October 4, 2010. Seth Pownall attended a panel on November 1, 2010. An Order of Dismissal for the Petition fo Revoke Probation: Nothing pertinent of note. An Order Finding Defendant (Seth Pownall) in Civil Contempt of Court: The order showed Judge Bartlett found Seth Pownall in civil contempt of court pursuant to Wyoming Rule of Criminal Procedure, Rule 42.1 (b). Seth Pownall was fined forty dollars (\$40.00). An Order of Discharge: Discharge of probation for Seth Pownall, dated April 1st, 2011. Stone's Office had not received any paperwork, Written Report or Citation, from the arrest of Seth Pownall on August 9, 2014, at the time SA Jones was at the County Attorney's Office on October 7, 2014. (INTERVIEW/DENA HOLZER Chief Clerk/Campbell County Circuit Court) On October 7, 2014, at approximately 9:15 am, SA Jones and SA Mathson met with Dena Holzer, Chief Clerk of the Campbell County Circuit Court. Holzer stated substantially the following: The Circuit Court had received the Citation for Intoxicated Pedestrian on Roadway (WSS 31-5-612) written by Deputy Martin Spencer to Seth Pownall. The date of offense listed on the Citation was August 9, 2014, at 0054 hours. The Ticket Number was 853691. There was no way to track the date the citation was received by the court from the Sheriff's Office, however, the citation was entered into the court computer system by court staff on August 27, 2014.		
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The Citation for Driving Under the Influence originally issued to Seth Pownall by Deputy Martin Spencer, Ticket Number 85368I, had not been turned into the Circuit Court.

SA Jones asked Holzer what the process was for tickets being delivered to the Court from the Sheriff's Office. Holzer said the Court Baliff retrieves the Citations from the Sheriff's Office that need to be turned into the Circuit Court and brings the Citations to the Circuit Court daily. She said if the ticket was not at the Circuit Court, then it was not brought to the Circuit Court by the Sheriff's Office.

Holzer provided SA Jones with a copy of the original Citation written by Deputy Martin Spencer to Seth Pownall, Ticket Number 85369I. The copy of the Citation will be included as an enclosure. (Enclosure #RJ-5)

The interview was terminated at approximately 9:30 am.

(DOCUMENT REVIEW/CITATION NUMBER 85369I)

On October 7, 2014, SA Jones reviewed the information from Citation #85369I. SA Jones noted the following:

The Citation had Judges Bartlett and Tharp listed at the top and included Court Docket Number CR-2014-2093. It included Seth Pownall's personal identifying information and indicated the date and time of offense as August 9, 2014 at 0054 hours. The location of the offense was Garner Lake, Campbell County. The Charge was Intoxicated Pedestrian in violation of Wyoming State Statute 31-5-612. A mandatory appearance date was scheduled for October 28th, 2014, at 9:00 am in the Circuit Court of Gillette, Campbell County. Deputy Martin Spencer signed the ticket and indicated his badge number as 12-27.

(WYOMING STATE STATUTE 31-5-612)

A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders himself a hazard shall not walk or be upon a highway.

(TITLE 31 DEFINITION OF HIGHWAY)

The entire width between the boundry lines of every way publicly maintained or if not publicly maintained, dedicated to public use when any part is open to the use of the public for purposes of vehicular travel.

(MEETING WITH SHERIFF WILLIAM POWNALL)

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On Tuesday, October 7, 2014, at approximately 9:40 am, Commander Williams introduced SA Jones and SA Mathson to Sheriff Pownall at the Campbell County Sheriff's Office. Agents met Sheriff Pownall in his office within the Sheriff's Office. Neither SA Jones nor SA Mathson previously had met Sheriff Pownall. Commander Williams was present for the whole meeting.

The content of the conversation was casual and cordial. Sheriff Pownall was informed of the intent of the DCI to conduct an investigation into the allegations contained in the anonymous letter. During the conversation Sheriff Pownall made the statement concerning the allegations that he made the request to Deputy Martin Spencer to write the Intoxicated Pedestrian citation as opposed to the Driving while Under the Influence Citation after he (Sheriff Pownall) had found out his son, Seth Pownall, was not actually driving on the road. Sheriff Pownall made it clear he did not give Deputy Martin Spencer an order to change the ticket. Sheriff Pownall also said he was acting as a parent when he asked Deputy Martin Spencer to consider the Intoxicated Pedestrian charge.

Sheriff Pownall said he had the original paperwork that Deputy Martin Spencer had filled out the night of the incident in his office in a manilla envelope. Sheriff Pownall retrieved the manilla envelope and provided it to SA Jones. Sheriff Pownall indicated he did not want a receipt for the documents. SA Jones asked that Sheriff Pownall meet with SA Jones and SA Mathson the next day for a formal interview. Sheriff Pownall agreed. SA Jones requested several documents and audio/video information from the Sheriff's Office along with a copy of Deputy Martin Spencer's Arrest Report from the arrest of Seth Pownall. At that time, Sheriff Pownall said he had locked the report down in the Spillman System so there were not a bunch of people opening the report and looking at it. Sheriff Pownall was very cooperative and directed Agents to Captain Roy Seeman for the information requested.

The meeting with Sheriff Pownall was concluded at approximately 10:30 am.

50 min.

(DOCUMENT REVIEW/CONTENTS OF MANILLA ENVELOPE RECEIVED FROM SHERIFF POWNALL)

After leaving the meeting with Sheriff Pownall, SA Jones examined the documents contained in the manilla envelope. The envelope contained the following:

An incomplete copy of the Arrest Report concerning the arrest of Seth Pownall:

The Report appeared to be a standard Report covering the elements of Driving while Under the Influence of Alcohol/Actual Physical Control, but appeared to be missing the cover page which typically would include suspect information and other standard organizational

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information concerning the incident.

At the end of the narrative, the Report indicated "final Fri Aug 22 19:56:29 MDT 2014". Then the report indicated " ROUGH DRAFT Mon Aug 11 11:35:46 MDT 2014 - Transcribed by ADB".

The third page of the Report was titled Deputy Supplemental Report and showed an incident date of 08/26/14. The narrative of the Supplemental Report was as follows, "Deputy Martin L spencer did issue a different citation to POWNALL for intoxicated pedestrian on a highway instead of DWUI on August 12th, 2014."

Under the narrative the Report indicated the following, "Deputy Martin L Spencer CCSO K-9 Unit Fri Aug 22 19:58:41 MDT 2014"

The Responsible LEO line, the Approved by line and the Date line were blank.

Officer's Signed Statement

The Report is a Wyoming Department of Transportation, Drivers Services, form that was filled out in the name of Seth William Pownall and signed by Deputy Martin Spencer on 08/10/14. The form indicated the driver, Seth Pownall, did undergo the required chemical test and the result showed a Blood Alcohol Concentration of .15%. The form was a duplicate form and both copies were present and attached to each other.

Wyoming Department of Transportation Request for Certified Copy of Driving Record

This form was blank.

Campbell county Sheriff's Office DWUI Checklist Form

This form was blank.

Wyoming Chemical Testing Program Intoximeter EC/IR II with Dry Gas - Operational Checklist

This form was filled out with the personal identifying information of Seth Pownall and indicated Deputy Martin Spencer advised Seth Pownall of his Implied Consent Advisement at 0203 am. The form indicated Deputy Martin Spencer completed the fifteen (15) minute observation period and started it at 0200 hours and that the EC/IR machine was properly calibrated with a Target or .085 and a STD/CHK of .079. Seth Pownall provided two (2)

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sufficient breath samples, one at 0235 hours for a result of .155 and one at 0237 hours for a result of .154. The machine showed a blank test of .000 at 0239 hours. The official alcohol concentration was a .15%. Seth Pownall was advised he may pay for his own chemical test by Deputy Martin Spencer at 0240 hours on 08/09/14. The form also indicated Deputy Martin Spencer is certified by the State of Wyoming as an Operator of the EC/IR instrument until 11/20/16.

A Motor Vehicle Inquiry for Wyoming License Plate 17-T-41336 and a Drivers License Queary for Seth Pownall.

The forms, which were stapled together indicated the vehicle was Registered to Pownall, Seth W at P.O. Box 4306, Gillette, Wyoming, 82717. The Drivers License queary showed Seth William Pownall, date of birth 1991/███ 5'10", 190 lbs, Brown hair, Blue eyes, SSN ████, Drivers License Number 108581-372 on a clear Class 1A Commercial Drivers License, issue date of 2013/07/11, expiration date 2017/08/29. The Records on the Drivers License were as follows:

Implied Consent Suspension 2010/04/20 2010/10/18
Commercial Disqualification - Refusal 2010/05/02 2011/05/01
No Ignition Interlock Restricted License 2010/05/06 2010 06/06
DWUI W/Alcohol C17 2010/03/21 2010/08/31
Driving Under the Influence Suspension 2010/10/19 2011/01/16
Financial Responsibility Suspension SR 26 2010/12/31 2011/01/12
Driving w/o proper classification or Endorse C18 2011/08/18 2011/09/15

Notice of Suspension Order and Temporary Wyoming Driver's License

The form was filled out with the personal identifying information of Seth Pownall and also state that Seth Pownall's Drivers License was surrendered to the Peace Officer and a Blood Alcohol Content result of .15%. The form was signed by Deputy Martin Spencer and the Citation Number was 85368I. This was a triplicate form. All three copies were included, however, the White (Front) copy had been detached from the Yellow and Goldenrod copies.

Copies of the documents received from Sheriff Pownall will be included as enclosures for reference. (Enclosure #RJ-6) The original documents will be entered into Evidence. (Item #3)

(INTERVIEW/CAPTAIN ROY SEEMAN)

On Tuesday, October 7, 2014, at approximately 10:20 am, SA Jones and SA Mathson conducted a recorded interview with Captain Roy Seeman of the Campbell County Sheriff's

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Office, in his office at the Sheriff's Office. Captain Seeman stated substantially the following:

Captain Seeman did not find out about the arrest of Seth Pownall until Monday, August 11, 2014. No one had called Captain Seeman about the incident over the weekend. On Monday morning, Deputy Quentin Reynolds contacted Captain Seeman and told him Seth Pownall had been arrested over the weekend and Sheriff Pownall was upset about it. The Sheriff had made the comment that he would have expected that from the Police Department, but not from his own people. Sheriff Pownall did not mention the incident to Captain Seeman for a few days. The day that Deputy Martin Spencer had his meeting with Sheriff Pownall, Deputy Spencer came into Captain Seeman's office and discussed the incident with Captain Seeman prior to meeting with the Sheriff.

Deputy Spencer entered Captain Seeman's office and closed the door. Deputy Spencer told Captain Seeman that the Sheriff was mad at Deputy Spencer. Deputy Spencer was also upset with the situation. Deputy Spencer said the paperwork from the arrest of Seth Pownall that had been sitting on his (Deputy Spencer's) desk was now gone and the Sheriff wanted to speak to Deputy Spencer. It was Deputy Spencer's impression that Sheriff Pownall wanted Deputy Spencer to charge Seth Pownall with something different than the DUI. Captain Seeman told Deputy Spencer that he (Captain Seeman) did not like the situation either and did not think it was right for the Sheriff to ask Deputy Spencer to change the DUI ticket. Captain Seeman told Deputy Spencer the Sheriff could not make or force him (Deputy Spencer) change the ticket and the Sheriff could not fire him if he chose not to change the charge. Captain Seeman told Deputy Spencer he would back Deputy Spencer up on what ever Deputy Spencer decided to do. Deputy Spencer said he was always of the opinion he worked at the Sheriff's pleasure and whatever the Sheriff wanted him to do, that's what he will do. Deputy Spencer knew he did not have to do anything, but thought if he didn't he would be miserable for the next three (3) or four (4) months.

Captain Seeman told Deputy Spencer to go in and talk to the Sheriff and be honest about how he felt about the situation and tell the Sheriff he was not happy about the situation and what Deputy Spencer was being asked to do.

Captain Seeman called Deputy Spencer on Sunday, October 5, 2014, and informed him that someone had sent an anonymous letter to the Judges Office, the County Attorney's Office, the newspaper and possibly somewhere else. Captain Seeman told Deputy Spencer DCI was going to be coming up to look into it and would want to speak to Deputy Spencer and the Sheriff about it. Captain Seeman told Deputy Spencer to tell DCI exactly what happened and said he (Deputy Spencer) had done nothing wrong.

Captain Seeman had discussed with Sheriff Pownall the situation surrounding Deputy

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Spencer changing the charge. Captain Seeman told the Sheriff he did not like the situation and said it did not feel right. Sheriff Pownall became emotional about it and said it was the worst thing he had ever done. Captain Seeman then spoke to the Undersheriff, Scott Matheney. Undersheriff Matheney said he had looked into the situation and could find nothing illegal about what the Sheriff had done. They felt it was probably unethical. The closest thing Undersheriff Matheney could find was potentially intimidating a witness, but in order for that to be the case, there had to be some sort of threat made and the Sheriff did not tell Deputy Spencer he had to change the charge. Captain Seeman said it was all a matter of perspective. Sheriff Pownall had never given Captain Seeman a direct order, but when the boss tells you "this is what I would like to have happen" that's what happens. Captain Seeman thought that's what happened in terms of the request made of Deputy Spencer by Sheriff Pownall. Deputy Spencer had a choice in what was done with the change in charges, but Captain Seeman thought Deputy Spencer may have felt like he really didn't have a choice. Captain Seeman said Deputy Spencer and Sheriff Pownall had a good working relationship.

Captain Seeman was unsure if the Sheriff had any financial interest in Seth Pownall's business, Broken Link Energy. Captain Seeman knew Sheriff Pownall had loaned Seth Pownall equipment in the past for Seth's use in his business.

Sheriff Pownall told Captain Seeman he intentionally did not tell Captain Seeman about the situation because Sheriff Pownall did not want to get other people involved in the situation because if it became a big deal, the Sheriff wanted it to be all on him. At some point after Captain Seeman spoke to the Sheriff, Captain Seeman found the Report concerning the arrest of Seth Pownall had been locked in the computer system so no one could access it.

Captain Seeman was asked about the accounting system on Citations in the CCSO. He explained that all the Citations are tracked by what Deputy the Citation Books are issued to. When a Citation is issued, it goes into the box in the patrol room. Joan Robbins then collects the Citations, separates the different copies out for distribution then she enters the information from the Citations, including the Citation Numbers, into the computer system to track them. Tickets that are voided out are turned into Robbins and if there was a voided ticket that had been issued to Seth Pownall, Robbins should have the ticket.

Captain Seeman provided SA Jones with a copy of the Arrest Report concerning the arrest of Seth Pownall for DUI by Deputy Spencer that had previously been locked in the Spillman system. (Enclosure #RJ-7)

The interview with Captain Seeman was concluded at approximately 11:15 am, however, SA Jones and SA Mathson spoke to Records Clerk Joan Robbins in Captain Seeman's Office in

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the presence of Captain Seeman. (INTERVIEW/JOAN ROBBINS) On Tuesday, October 7, 2014, SA Jones and SA Mathson spoke to CCSO Records Clerk Joan Robbins in Captain Seeman's Office at the CCSO. Robbins stated substantially the following: Robbins records all the ticket books in a computer log when a Deputy is issued a ticket book. When a Deputy issues a Citation, they put the Citations in the ticket box in the Patrol Room. Robbins gets all of the Citations every day from the ticket box and sorts them out for distribution, then she enters them into the computer for tracking. Once entered into the computer, the copies that need to go to the court are put in the court basket. Some times she does not get the Citations directly from the Patrol Room basket. Sometimes the tickets make their way directly to the court, by the Court Baliff, then a copy of the Citation will be sent back to Robbins, but one way or another, all the Citations come back to her for entry and tracking. Voided tickets are turned in to Robbins. She enters the tickets like any other ticket then holds them for a time of ninety (90) days then purges them. Robbins had entered the Citation issued to Seth Pownall for Intoxicated Pedestrian, but had not seen the Citation for Seth Pownall for DUI. SA Jones asked Robbins to specifically retrieve copies of Citation Numbers 85368I, 85367I and 85369I. Robbins provided SA Jones a computer generated log of the citation booklets issued to the Deputies. The log showed Deputy Spencer was issued a citation booklet on 04-14-14, which included Ticket Numbers 85351I through 85375I. Robbins also provided SA Jones with copies of Ticket Numbers 85369I, which was issued to Seth Pownall for Intoxicated Pedestrian on Roadway and ticket number 85367I which was a speeding ticket to an unrelated person. Robbins did not have Ticket Number 85368I. A copy of the ticket book log and copies of Citation #'s 85367I and 85369I will be included as enclosures. (Enclosure RJ-8) The interview was terminated at approximately 11:20 am. (DOCUMENT REVIEW/DEPUTY SPENCER'S ARREST REPORT) On Tuesday, October 7, 2014, SA Jones reviewed the Arrest Report provided to him by Captain Seeman. SA Jones observed the following things of note: Page 1, the reported crime showed DWUI Alcohol or Drugs. The Citation Number issued showed 85369I and showed that Citation information was entered on 08/25/14.		
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The content of the narrative was the same as the content of the copy of the narrative of the Report provided to SA Jones by Sheriff Pownall, however, there was no Supplemental Report in the copy provided to SA Jones by Captain Seeman.

Page 6, the Offense listed on Page 6 of the Report was Intoxicated Person and referenced Wyoming State Statue 31-5-612.

Page 2 of the Dispatch Radio Log, the description of the incident said "BENSON CONST PICUP IN DITCH 17-41337"

Page 1 of Master Citation Table, Citation #853691, offense type Pedestrian Under the Influence.

(INTERVIEW/DEPUTY MARTIN SPENCER)

On Tuesday, October 7, 2014, at approximately 1:49 pm, SA Jones and SA Mathson conducted a recorded interview of Deputy Martin Spencer in an interview room at the CCSO. Deputy Spencer stated substantially the following:

On August 9, 2014, Deputy Spencer was driving down the Garner Lake Road at about 12:41 am when he saw a vehicle off in the weeds. The taillights were on and when Deputy Spencer approached the vehicle, the vehicle's left blinker came on. Deputy Spencer stopped his vehicle and approached the vehicle. Deputy Spencer made contact with the driver who had a blank look on his face. It looked like a standard DUI. The driver had his documents all ready for Deputy Spencer before Deputy Spencer asked for them. Deputy Spencer collected the documents and took them back to his vehicle. Once back at his vehicle, Deputy Spencer realized who the driver was. Upon Deputy Spencer re-approaching the vehicle, he asked the driver, Seth Pownall, to step from the vehicle so Deputy Spencer could put the driver through DUI maneuvers.

Seth Pownall attempted the maneuvers but failed them. Deputy Spencer placed Seth Pownall under arrest for DUI (actual physical control). Once at the jail, Seth Pownall refused to provide a breath sample. Deputy Spencer then received a phone call from Sheriff Pownall. Sergeant Muller had called the Sheriff and told him that Seth Pownall had been arrested by Deputy Spencer for DUI. Deputy Spencer received four (4) or five (5) phone calls from the Sheriff, on Deputy Spencer's personal cell phone, throughout the night. During the phone calls, Sheriff Pownall was "pissed." Sheriff Pownall told Deputy Spencer he would have expected a phone call. The Sheriff said he would have expected this from the Police Department, but not from Deputy Spencer. Sheriff Pownall also was told Seth Pownall was not being cooperative and had refused to provide a breath sample. Deputy Spencer told the

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Sheriff he was writing a Search Warrant for Seth Pownall's blood. Deputy Spencer handed the phone to Seth Pownall, at Sheriff Pownall's request. Sheriff Pownall spoke to Seth Pownall and told him to provide a breath sample. After Seth Pownall handed the phone back to Deputy Spencer, he provided a breath sample.

Deputy Spencer finished his paperwork at the jail then met with the Sheriff to provide him the keys to Seth Pownall's truck so he could get some tools out of it. When Deputy Spencer met with Sheriff Pownall outside the jail, the Sheriff had calmed down a little. Deputy Spencer thought Sheriff Pownall's wife was a little mad at Sheriff Pownall for the way he was speaking to Deputy Spencer. Deputy Spencer was worried because the Sheriff was disappointed in Deputy Spencer. Deputy Spencer said if the Sheriff was not happy then he (Deputy Spencer) was not serving any more. When they spoke to each other that night, Sheriff Pownall said he knew Deputy Spencer was just doing his job.

A few days later, the Sheriff and Deputy Spencer spoke again. Sheriff Pownall said to Deputy Spencer, I'd like you to do me (Sheriff Pownall) a favor. Sheriff Pownall asked that Deputy Spencer write Seth Pownall a ticket for Intoxicated Pedestrian. Sheriff Pownall said Seth Pownall was starting a new business and had a Commercial Drivers License. Deputy Spencer told the Sheriff he was not happy about doing that, but he (Deputy Spencer) did it. Deputy Spencer was doing his job by taking Seth Pownall off the road and putting him in jail for DUI. Deputy Spencer felt he did his job that night. Deputy Spencer said it would be fair to say he wrote the Intoxicated Pedestrian ticket reluctantly when the Sheriff asked Deputy Spencer a favor. Sheriff Pownall told Deputy Spencer he did not have to write the Intoxicated Pedestrian ticket and there would be no reprisal's if Deputy Spencer decided not to write the Intoxicated Pedestrian ticket. The Sheriff told Deputy Spencer that if Deputy Spencer did this for the Sheriff, the Sheriff would take all the heat for it. The Sheriff said he would like to be able to help his son. The Sheriff did not articulate to Deputy Spencer that the reason he (Sheriff Pownall) wanted Deputy Spencer to write the Intoxicated Pedestrian ticket had anything to do with the circumstances surrounding the stop/contact between Seth Pownall and Deputy Spencer which led to the arrest. Sheriff Pownall said he wanted to help his son before he left office. Sheriff Pownall told Deputy Spencer he was not going to send anything to the Court/County Attorney's Office until after the election. When asked to clarify what Deputy Spencer meant, Deputy Spencer said Sheriff Pownall was not going to send anything to the Court until after Sheriff Pownall's election to the House of Representatives. Sheriff Pownall never threatened Deputy Spencer with any type of action if he did not write the new ticket. At the end of the conversation, Sheriff Pownall told Deputy Spencer if he ever needed anything to let Sheriff Pownall know. Deputy Spencer said he was not pressured by the Sheriff to write the Intoxicated Pedestrian ticket, but Deputy Spencer said he had thirteen (13) years invested in the CCSO and he would rather not have to go through a lawsuit to get his job back. Deputy Spencer said he knows Sheriff Pownall was only going to be employed at

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the Sheriff's Office for a few more months, but he (Deputy Spencer) wanted the last few months to be smooth and thought if he lost his job, it would take at least eight (8) months to get re-instated after a lawsuit. Deputy Spencer said he had to make a decision and his "career dissipation light was blinking in the corner of his eye". Deputy Spencer said he did feel like he could have told the Sheriff he was not willing to write the Intoxicated Pedestrian ticket, but he just did not want the fight. Deputy Spencer said he was an at will employee, but had some civil remedies if he were to lose his job. He was concerned about being under the microscope for small policy/procedural infractions if he were to choose to not write the Intoxicated Pedestrian ticket.

Deputy Spencer was not sure if the Sheriff had read the written Report prior to asking Deputy Spencer to do him a favor and write the Intoxicated Pedestrian ticket. Sheriff Pownall told Deputy Spencer he had spoken to Gina (Monk) about the Report, but Deputy Spencer was not sure of the content of that conversation. There was not a conversation between Sheriff Pownall and Deputy Spencer about what would be done with the DUI Ticket once the Intoxicated Pedestrian ticket had been written. Sheriff Pownall already had all of Deputy Spencer's paperwork from the night of the arrest, including the DUI Ticket. Deputy Spencer had put all of the paperwork on his desk the night of the arrest prior to going on days off.

Later, Sheriff Pownall told Deputy Spencer he had retrieved the paperwork from Deputy Spencer's desk. At this time, Deputy Spencer said the first time he knew of the paperwork being taken from his desk was when he came into work on Tuesday, August 12, 2014, prior to meeting with the Sheriff.

The next Tuesday (August 12, 2014) Deputy Spencer went into Sheriff Pownall's Office and wrote Seth Pownall a Ticket for Intoxicated Pedestrian, but Deputy Spencer did not void the DUI Ticket. Deputy Spencer handed the Intoxicated Pedestrian Ticket to Sheriff Pownall. Deputy Spencer did not serve Seth Pownall the Intoxicated Pedestrian Ticket. Deputy Spencer had served Seth Pownall the ticket for DUI when they were in the jail on August 9, 2014 following procedures. In this case, he followed the procedure by putting the copy of the DUI Ticket in Seth Pownall's property. Deputy Spencer also made a copy of the DUI Citation so he had the information when he wrote his Report. He then put the original copy in the box in the patrol room per procedures. All the other paperwork, Deputy Spencer paperclipped together and put on his desk that night.

Deputy Spencer described the relationship between him and Sheriff Pownall as professional prior to and since the incident. Deputy Spencer had purchased a cow from Sheriff Pownall a few years back. The two had never had problems with each other. There has not been anything negative happen to Deputy Spencer since the incident. Deputy Spencer did not know who sent the letter, but he had ideas about who it might have been. Deputy Spencer said everyone in the CCSO knew about the incident and thought it was "bullshit" what the

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Sheriff did. Deputy Spencer did type a short supplemental to his original Report stating that he had issued a Ticket for Intoxicated Pedestrian. He again said he wrote the Intoxicated Pedestrian Ticket because he was asked to by the Sheriff. He was not required to, he was asked to. Deputy Spencer had not, on any of his prior DUI arrests, had the occasion to have this same or similar thing happen. Deputy Spencer said if the circumstances had been different, for example if Seth Pownall, or anyone else, was in a parking lot, in a vehicle sleeping with the keys to the vehicle in his pocket, he would have handled the situation differently. He may have given him a ride home or called someone. In this circumstance, the vehicle was running and was pulled off the side of the road in the weeds. It looked as if Seth Pownall had pulled off the road intentionally. Deputy Pownall wanted to check on the vehicle to make sure no one was being sexually assaulted etc. in the vehicle. Deputy Spencer agreed to make a copy of the audio/video from the stop and did provide that to SA Jones the next day. Deputy Spencer described the procedures that occur when someone is booked into jail. The Arresting Officer fills out a floor sheet, which has personal identifying information for the suspect along with the charges for the suspect. The floor sheet is then given to the Detention Deputy who enters the information into the Booking Computer System. Deputy Spencer wrote DUI on the floor sheet when he filled it out. When he found out the charge had been changed in the Booking Computer, Deputy Spencer did not know who would have changed it. He was also not aware if any phone calls were made by Seth Pownall on the recorded jail lines. SA Jones provided Deputy Spencer with the copy of the Narrative Report that was contained in the manilla envelope that Sheriff Pownall gave to SA Jones. SA Jones asked Deputy Spencer to review and compare the narrative with the copy of the Report he had to make sure there were no changes made to the Report that Deputy Spencer did not make himself. Deputy Spencer did so and confirmed the Report was not changed from how he wrote/dictated it. The white copy of the Temporary Drivers License that was in the packet, that was provided to SA Jones by Sheriff Pownall, had been provided to Seth Pownall by Deputy Spencer via Seth Pownall's property in the jail. Deputy Spencer noted the EC/IR print outs were missing from the packet, as was Seth Pownall's Drivers License and the original DUI Ticket. Deputy Spencer said he would check his desk for the EC/IR print out, which he did. He did not find the EC/IR print out, but he did find the copy of the original DUI Citation he had issued to Seth Pownall. On the copy was a yellow sticky note that read "<u>Do Not</u> Forward Report To C.A.". Deputy Spencer did not write the note and did not know who had written it or put it on the citation. Deputy Spencer provided the copy of the Citation and the sticky note to SA Jones. (Enclosure #RJ-9) A copy of the sitcky note will be included as an enclosure for reference, the original will be entered into Evidence. (Item #4)		
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The interview was terminated at approximately 2:42 pm.

(INTERVIEW/LIEUTENANT TOM O'NEAL)

On Tuesday, October 7, 2014, at approximately 2:53 pm, SA Jones and SA Mathson conducted a non-recorded interview with Lieutenant (Lt.) Tom O'Neal at the CCSO. Lt. O'Neal was the Jail Administrative Lieutenant over the Campbell County Jail. The purpose of the interview was to clarify some procedural questions as well as ask for records from the jail. Lt. O'Neal stated substantially the following:

SA Jones asked about the process of booking in a suspect in the jail. Lt. O'Neal said the arresting Officer will fill out a floor sheet when the suspect is brought in. This sheet will include the personal identifying information of the suspect and will also include the charges the suspect was arrested for. After the floor sheet is complete, a Detention Deputy will enter the information into an electronic booking form. The electronic booking form will include all the information from the floor sheet along with additional information.

When an Officer/Deputy issues a Citation to a suspect while in the jail, it is common procedure for the Officer/Deputy to put the pink copy of the Citation in the property of the suspect and the rest of the copies of the Citation, including the original/top white copy in the Citation Box in the jail. The Court Security Staff/Bailiff, picks up the Citations daily and takes them to the court. Some Deputies will take the original Citations with them and put them in the Patrol Room Citation Box. The Ticket or one of the copies of the Ticket will usually stay in the file of the suspect until they are released from jail, at which time they are given their copy.

The floor sheet and the booking sheet generally are done contemporaneous to each other, however, it is not uncommon for information to change on the booking sheet after an inmate has been booked and/or released. For example, sometimes charges are added or amended, so the booking sheet will reflect any changes. There is also an audit trail of the information put into the system if it is changed.

Lt. O'Neal said there is a video system in the jail that is retrievable. SA Jones asked for the video of the booking of Seth Pownall. Lt. O'Neal checked the system and found the video from that date had been purged. He said the video system automatically purges itself after there is no room to keep older videos. Generally this purge takes place anywhere between thirty (30) to forty five (45) days from the date the video is made, depending on how busy the jail is. This particular video had been purged. SA Jones asked for copies of Seth Pownall's file, to include the original floor sheet and the booking sheet from when he was arrested on August 9, 2014. Lt. O'Neal provided SA Jones with copies of the following:

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Computer generated floor sheet.
Computer generated booking sheet.
Hand written floor sheet.
Receipt for personal property stored.
Receipt for personal property returned.
Telmate Receipt for cash deposited on Seth Pownall's books.
A copy of Seth Pownall's fingerprint cards.
A jail log.
An inmate intake and release form.
A Wyoming Chemical Testing Program Monthly Unit Summary Log Sheet for the EC/IR.

Copies of the documents will be included as an enclosure. (Enclosure #RJ-10)

The interview was terminated at approximately 3:10 pm.

(DOCUMENT REVIEW/JAIL DOCUMENTS)

On Tuesday, October 7, 2014, after receiving the documents from Lt. O'Neal, SA Jones reviewed the documents and noted the following:

Computer generated floor sheet

This form contained personal identifying information for Seth Pownall, including the charge of DUI/21-5-233.

Computer generated booking form

This form contained personal identifying information for Seth Pownall, but included the charge of Intoxicated Person/31-5-612.

Hand written floor sheet

This form contained personal identifying information for Seth Pownall, including the charge of DUI/31-5-233. The arresting Officer was Deputy Spencer.

Receipt for personal property stored

Nothing of note found.

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Receipt for personal property returned

Nothing of note found.

Telmate receipt for cash deposited on Seth Pownall's books

Nothing of note found.

A copy of Seth Pownall's fingerprint cards

This form contained personal identifying information for Seth Pownall, including his fingerprints and the charge of DUI/31-5-233. The DCI (State of Wyoming, state repository) had received the arrest card from the DUI arrest of Seth Pownall from the August 9, 2014, arrest with a charge of Driving Under the Influence with Blood Alcohol .08/Higher. There was no additional information contained in the file as to the disposition of the arrest. An additional entry should be made upon the disposition of the charge.

A jail log

The jail logs showed breath tests throughout the time Seth Pownall was in jail until he blew .000% upon his release.

An inmate intake and release form

Nothing of note found.

A Wyoming Chemical Testing Program Monthly Unit Summary Log Sheet for the EC/IR

This form showed an EC/IR breath test for Seth Pownall on 08-09-14. Test Number 8331 was an insufficient sample. Test number 8332 was an insufficient sample. Test Number 8333 showed a BAC of .155% at 0235 hours and a .154% at 0237 hours. Deputy Spencer's Permit Number is 8244 and the arrest code was U.

(INTERVIEW/MATT GOOLD)

On Tuesday, October 7, 2014, at approximately 3:25 pm, SA Jones and SA Mathson conducted a recorded interview of Matt Goold at the Campbell County Detention Center. Goold was the Detention Deputy that booked Seth Pownall into the jail when he was arrested on August 9, 2014. Goold stated substantially the following:

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Goold recalled the night of August 9, 2014. The book in of Seth Pownall was fairly normal. Seth Pownall was being a little bit of a jerk by not really wanting to answer questions. Seth Pownall wanted some special privledges because he was the Sheriff's son. Goold did not give him any special privledges, but he felt the Sheriff may have given Seth Pownall a special privledge on the breath test because Seth Pownall initially refused the breath test. Because of this, Deputy Spencer started the Search Warrant process for a blood draw. The Sheriff found out Seth Pownall had refused the breath test, he called and spoke to Seth Pownall. The jail staff does not allow persons being booked in to jail use the phone. As a result of the phone conversation between the Sheriff and Seth Pownall, Seth Pownall decided he would take the breath test when he had intially refused. Goold felt Seth Pownall should have been given a refusal. Goold also said normally when a person is booked into jail for a second or more offense, DUI, they are not allowed to book out when they blow .000%, they are held for court. Goold described this as procedure, but not policy. He was not sure why Seth Pownall was allowed to be released when he blew .000%.

Goold was only able to hear one side of the conversation when Seth Pownall was speaking to Sheriff Pownall. When Deputy Spencer was talking to the Sheriff, Deputy Spencer left the area. Goold believed the Sheriff called Deputy Spencer at least two (2) times while he was booking in Seth Pownall.

Goold input the booking information into the Computer Booking system for Seth Pownall. This information, in part, was received from the floor sheet that Deputy Spencer had filled out. Goold was sure that when he input the information into the computer system he put the charge as DUI. SA Jones showed Goold the floor sheet for Seth Pownall and the booking sheet for Seth Pownall. SA Jones pointed out that the charge on the floor sheet showed DUI and the charge for the booking sheet was Intoxicated Person. Goold said he did not change the charge and was not asked to change the charge by anyone. He did not even think it was likely the discrepancy could have been made by mistake. While inputting the information for charges into the booking form, a search for charges is easily done for the appropriate charges. When this charge is complete, the charge pops up automatically. Goold was not aware of anyone who went in and changed the charge, but they (IT) should be able to tell.

Goold did not recall the Sheriff coming to the jail that night. Deputy Spencer handled the situation very well that night, but Goold could tell the situation was very stressful for him.

The interview was terminated at approximately 3:40 pm.

(INTERVIEW/CHAR EDWARDS)

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On Wednesday, October 8, 2014, SA Jones and SA Mathson conducted a non-recorded interview Char Edwards at the Campbell County Attorney's Office at approximately 10:45 am. Char Edwards is the Deputy County Attorney assigned to the Sheriff's Office. Edwards stated substantially the following: SA Jones asked for any CCSO Policy that would address the voiding of Citations and/or procedures for doing so, if any policy existed. Edwards provided SA Jones with a copy of Campbell County Sheriff's Office Policy and Procedure, General Order #300, dated 04/01/12, in the Operations Chapter. Edwards said there was no specific policy at the CCSO that addressed voiding tickets, but General Order #300 came the closest to addressing the authority of the Deputies. A copy of General Order #300 will be included as an enclosure. (Enclosure #RJ-11) The interview was terminated at approximately 11:00 am. (DOCUMENT REVIEW/CCSO GENERAL ORDER #300) On Wednesday, October 8, 2014, after being provided CCSO General Order #300, SA Jones reviewed it. SA Jones noted the following: The purpose of the General Order is to detail Peace Officer authority and establish guidelines for the use of alternatives to arrest. The Policy states "Employees must have a legal justification for their actions and will use individual discretion and alternatives to arrest in the best interest of justice, fairness and welfare of the public and to protect the constitutional rights of every person". The General Order addressed use of Officer discretion, uniform application of the law, willful misuse of authority, alternatives to arrest and confinement and constitutional rights. No information is contained in General Order #300 that addresses specifically voiding tickets. For additional and/or more specific information, see Enclosure #RJ-11. (INTERVIEW/DEPUTY SPENCER) On Wednesday, October 8, 2014, at approximately 1:43 pm, SA Jones and SA Mathson conducted a recorded follow-up interview with Deputy Spencer at the Home Depot Parking Lot, Gillette, Wyoming. The purpose of the interview was to clarify a few questions as well as to collect Deputy Spencer's copy of the in car video of the contact with Seth Pownall during the arrest on August 9, 2014. Deputy Spencer stated substantially the following:		
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Deputy Spencer told SA Jones he had received correspondence from the County Attorney's Office in reference to the Report concerning the arrest of Seth Pownall. Deputy Spencer put the Original Citation in the Citation Box in the Patrol Room after the arrest and booking of Seth Pownall. The Records Clerks at the CCSO pick up the Citations from the Patrol Room and take care of them from there. Deputy Spencer put the pink copy of the Citation for DUI in Seth Pownall's property.

Deputy Spencer did not think he and Sheriff Pownall spoke specifically about voiding or dismissing the DUI ticket. Sheriff Pownall just asked Deputy Spencer to write the Intoxicated Pedestrian Ticket. Deputy Spencer did not do anything to address the DUI Ticket once the Intoxicated Pedestrian Ticket was written.

Deputy Spencer put must appear on the Citation for the DUI and also put must appear on the booking sheet. On the bottom of the booking sheet in the notes Deputy Spencer put release on .000%. That was the procedure Deputy Spencer always follows. The Sheriff did not ask Deputy Spencer to do this. Deputy Spencer added that usually on a second or more offense DUI, suspects are held until they see a Judge, but they don't have to do this and he chose in this case to allow Seth Pownall to be released on .000%.

Deputy Spencer did not give Sheriff Pownall permission to void the DUI Ticket. This was never discussed between Sheriff Pownall and Deputy Spencer. Deputy Spencer just wrote the other ticket. Deputy Spencer could not remember specifically if he voided the DUI Ticket or not but he did not think he did. Sheriff Pownall did not ask Deputy Spencer to dismiss the DUI Ticket/Charges. The copy of the DUI Ticket was made by Deputy Spencer that night. He did not know where or when the yellow sticky note was placed on the copy of the DUI Ticket.

The Temporary Drivers License was left in Seth Pownall's property the night of the arrest.

Deputy Spencer provided SA Jones with a copy of the in car video of the arrest of Seth Pownall. The original disc will be entered into Evidence. (Item # 5)

The interview was concluded at approximately 1:54 pm.

(INTERVIEW/SHERIFF WILLIAM POWNALL)

On Wednesday, October 8, 2014, at approximately 2:54 pm, Special Agents Ronnie Jones and Justin Mathson conducted a recorded non-custodial interview with Campbell County Sheriff, William "Bill" Pownall at the Campbell County Sheriff's Office in Gillette, Wyoming.

Also present was Pownall's private Attorney, Jeremy Michaels. Sheriff Pownall stated

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substantially the following: In the early morning hours of August 9, 2014, Sheriff Pownall was called by Sergeant Janaia Muller and told that his son, Seth Pownall, had been arrested. Once the phone call with Sergeant Muller ended, Sheriff Pownall tried to go back to sleep, but was unable to as he was upset. Sheriff Pownall did not know the particulars of the arrest so he called the arresting Deputy, Martin Spencer. Sheriff Pownall could not recall the exact details of the conversation he had with Deputy Spencer, but during the conversation Deputy Spencer told Sheriff Pownall that his son was not cooperating and had refused to take a breath test. Sheriff Pownall advised Deputy Spencer to put his son Seth on the phone. At that time, Sheriff Pownall spoke with his son and told him to cooperate and go ahead and take a breath test. After speaking with his son on the phone, Sheriff Pownall spoke with Deputy Spencer again and inquired about where Seth's truck was located as he wanted to go get it. Sheriff Pownall told Deputy Spencer that he and his wife would be coming into town and would like to meet up with Deputy Spencer and get the keys to Seth's truck. Sheriff Pownall could not recall how many times he did speak with Deputy Spencer on the phone that evening, but believed that it was more than one (1) time. At no point during the phone calls that evening did Sheriff Pownall ask Deputy Spencer for any kind of favor in regards to his son Seth. Sheriff Pownall was certainly upset, but at no point did he "rip on his ass." The only thing that he may have told Deputy Spencer was that he wished that Deputy Spencer would have just called him. After his son Seth had got out of jail on Saturday, August 9, 2014, Seth had come home and told Sheriff Pownall what had happened. After learning of the particulars of the incident from Seth, Sheriff Pownall "pondered" on it. Sheriff Pownall was not real fond of the DUI statute language as it pertained to "actual physical control", which was what Seth had been arrested for. After pondering on it, Sheriff Pownall called Deputy Spencer sometime on Sunday, August 10, 2014. Sheriff Pownall verified with Deputy Spencer that he had not seen Seth driving, and arrested him for having actual physical control of a vehicle while intoxicated. In light of the circumstances, Sheriff Pownall asked Deputy Martin if he could consider issuing Seth a Citation for drunk pedestrian in lieu of charging him with DUI. Sheriff Pownall and Deputy Spencer spoke about it and after doing so, Deputy Spencer agreed to issue Seth a Citation for Drunk Pedestrian. Sheriff Pownall asked Deputy Spencer if he had already sent the DUI Citation to the court. Deputy Spencer said that he had not and that the Citation was in the		
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Deputy Room. Deputy Spencer further advised that all the paperwork concerning the DUI was on his desk. Sheriff Pownall advised Deputy Spencer that he was going to go ahead and grab that paperwork and Citation so it was not sent over to the County Attorney's Office. Deputy Spencer acknowledged. Sheriff Pownall advised Deputy Spencer to get with him on Tuesday, August 12, 2014, when Deputy Spencer returned from days off and they would sit down and take care of everything. Upon arriving at work on Monday, August 11, 2014, Sheriff Pownall retrieved the DUI Citation from the Deputy Room and the rest of the DUI paperwork from Deputy Spencer's desk. The actual DUI Report had not yet been completed by Deputy Spencer. Sometime in the afternoon hours of Tuesday, August 12, 2014, Sheriff Pownall had learned from Captain Roy Seeman that Deputy Spencer had spoken with him about the request made by Sheriff Pownall. Captain Seeman told Sheriff Pownall that he had told Deputy Spencer that if he didn't wish to do what the Sheriff had asked then Deputy Spencer should not do it, as he was under no obligation to do so. A short time later, Sheriff Pownall met with Deputy Spencer and told Deputy Spencer that he did not have to change the charge if he did not wish to do so. Sheriff Pownall told Deputy Spencer that he was not ordering him to change the charge and that the choice was all his and there would be no repercussions whatsoever if he chose not to do it. Sheriff Pownall advised Deputy Spencer that he was not going to force him to do anything, but now was the time to decide what he wanted to do. Deputy Spencer then said "ok" and wrote out a Citation to Seth Pownall for Drunk Pedestrian and handed it to Sheriff Pownall. Sheriff Pownall could not recall exactly, but believed that a little bit later he handed the Drunk Pedestrian Citation to Gina Monk and had her enter the Citation into the computer system. Once the Drunk Pedestrian Citation was entered into the computer under Seth's name, the charge changed from DUI to Pedestrian under the Influence in the computer system. The Citation then went to Judy (NFI) so it could be filed and sent to the court. Deputy Spencer did give Sheriff Pownall permission to obtain the DUI paperwork from his desk and the DUI Citation. In fact, Deputy Spencer told Sheriff Pownall where the paperwork and citation was located; otherwise Sheriff Pownall would have no clue where it would be. Sheriff Pownall obtained the pink copy of the DUI Citation and the Temporary Driver's License from his son Seth and placed them with the rest of the paperwork Sheriff Pownall had retrieved from Deputy Spencer's desk. All the paperwork was placed in an envelope and left in Sheriff Pownall's Office. Sheriff Pownall served his son Seth with the new Citation that Deputy Spencer had completed		
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for Drunk Pedestrian.

When Deputy Spencer and Sheriff Pownall were discussing the issue of writing Seth a Citation for Drunk Pedestrian in his office on August 12, 2014, they did have a conversation about voiding the DUI Citation; however, Sheriff Pownall could not recall the exact conversation.

Sheriff Pownall had possession of the DUI Citation from August 11, 2014, to October 8, 2014. Sheriff Pownall had intended to turn the DUI Citation into Joan Robbins so it could be voided; however, he just forgot to get it done.

In regards to the yellow sticky note on the photocopy of the DUI Citation that was found on Deputy Spencer's desk that read "do not forward report to CA", Sheriff Pownall did write the note. Sheriff Pownall wrote the note to ensure that the DUI Report was not sent to the County Attorney's Office when it was completed, as he knew it would be changing to Drunk Pedestrian.

The reason he had asked Deputy Spencer to consider changing the charge was because he felt like it was not a good case and lacked Probable Cause. And again, Sheriff Pownall did not like the "actual physical control" language in the DUI statute. Sheriff Pownall understood that it was his son, but had this been anybody else, he would have done the same thing after reviewing all the facts of the case.

Sheriff Pownall served the people of Campbell County and "he has done it before", "when things did not look right, he changed it or had it changed." "Grant it....this was his son, but his son had the same rights as anybody else." Sheriff Pownall realized that it did look as if there was favoritism going on, "but he has done this before and as long as he was Sheriff, it probably won't be the last time." Sheriff Pownall "owed this to the citizens of Campbell County and he took an oath to uphold the Constitution and he will do it until the day he died." Sheriff Pownall did mention to Deputy Spencer that he didn't want his son having a DUI because it would affect his CDL status on his Driver's License.

Sheriff Pownall had a good relationship with Deputy Spencer before this incident and even after this incident. Deputy Spencer was a great Officer. Sheriff Pownall did not hold grudges. At no point did Sheriff Pownall interfere with Seth's incarceration. Sheriff Pownall did not step foot inside the facility at all while his son was incarcerated.

Sheriff Pownall believed that once the Drunk Pedestrian Citation was issued to his son Seth, the DUI Citation became null and void.

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When a Citation is voided, you can either write void on the Citation and turn it in, or turn the Citation in and ask that it be voided. Had Sheriff Pownall thought about it, he would have written "void" on the DUI Citation after Deputy Spencer issued the new Citation, however, Sheriff Pownall simply forgot about the DUI Citation. The DUI Citation was placed in a drawer in Sheriff Pownall's office, separate from the DUI paperwork. Sheriff Pownall believed he did this because his intent was to turn the Citation in and have it voided.

Sheriff Pownall had no financial interest in his son's business, so there would be no financial loss by Sheriff Pownall if his son lost his business as a result of receiving a DUI. He had loaned Seth Pownall equipment from his ranch for use in the business in the past.

Sheriff Pownall's biggest fear is how things were going to be received by the press. Sheriff Pownall knew that he did nothing wrong, "it just so happened to be his son on this particular case." Sheriff Pownall just didn't feel the probable cause was there. "Bottom line....his son was who he was, but he still had all the rights as anybody else."

Sheriff Pownall had nothing to hide and did not destroy or dispose of any documents. "Everything was above board and this investigation was just a huge waste of tax payer dollars."

Sheriff Pownall provided SA Jones the original Citation issued (Citation Number 853681) and the original EC/IR print out from the breath test provided by Seth Pownall. Sheriff Pownall had retrieved the Citation from the box in the Patrol Room and the EC/IR print out from Deputy Spencer's paperwork. The documents had been kept in his desk since their retrieval. A copy of the Ticket and EC/IR print out will be included as an enclosure for reference. (Enclosure #RJ-12) The original Citation and EC/IR printout will be put into Evidence. (Item #5) It should be noted all copies of the Citation, including the pink copy that had been left in Seth Pownall's property in the jail, were included with the Ticket. SA Jones provided Sheriff Pownall with a DCI Receipt Form for Citation Number 853681. (Enclosure #RJ-13)

The interview concluded at approximately 3:45 pm.

(INTERVIEW/JANAIA MULLER)

On Wednesday, October 8, 2014, at approximately 5:14 pm, SA Justin Mathson spoke with Campbell County Sheriff's Sergeant, Janaia Muller, via telephone. Muller stated substantially the following:

Sergeant Muller was working a DUI grant the night of August 8, 2014, into the early morning hours of August 9, 2014. During this time, she learned that Deputy Spencer had arrested the

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Sheriff's son, Seth Pownall. Sergeant Muller was the acting supervisor at the time, so she called and informed the Sheriff of his son's arrest. The Sheriff was extremely upset and asked why he wasn't called earlier. Sergeant Muller advised the Sheriff that she called as soon as she had an opportunity to do so. In regards to the arrest of his son, Sheriff Pownall made a comment to the effect of "I would expect this from the Police Department or Highway Patrol, but not one of my own guys." Sergeant Muller met up with the Sheriff a little bit later where Seth Pownall's truck had been left. Sheriff Pownall was still a little upset with how things went down, but had calmed down significantly from when she first spoke with him on the telephone. The Sheriff retrieved some tools from Seth's truck and they subsequently departed the area. Deputy Spencer had called Sergeant Muller and told her that the Sheriff had called him. Sergeant Muller was not sure of the conversation between Deputy Spencer and the Sheriff, but was told that the Sheriff wanted to meet with Deputy Spencer. Sergeant Muller could tell that Deputy Spencer was definitely nervous about speaking to the Sheriff. Sergeant Muller had no other details she could offer concerning the incident. The interview concluded at approximately 5:30 pm. (INTERVIEW/REGINA MONK) On Thursday, October 9, 2014, at approximately 9:00 am, SA Justin Mathson interviewed Regina "Gina" Monk at the Campbell County Sheriff's Office in Gillette, Wyoming. Monk served at the Sheriff's Office as the IT Manager. Monk stated substantially the following: On or about Tuesday, August 12, 2014, Sheriff Pownall had come into her office and requested that she "lock down" the DUI Report concerning his son Seth Pownall. Monk subsequently did as she was instructed. By locking the Report down in the Spillman system it would not be accessible without a password. Sheriff Pownall wanted the Report locked down so everybody wasn't reading it. At some point in August 2014 (Monk could not recall which day) Sheriff Pownall brought a Citation into her that had been made out to his son, Seth Pownall, for Pedestrian under the Influence. Sheriff Pownall requested that Monk change the DUI charge in the computer under Seth's name and replace it with the Pedestrian under the Influence charge. Monk did as instructed. By doing this, the charge of DUI that had showed up on the Offenses Screen was changed to Pedestrian under the Influence. The DUI Citation was deleted and the Pedestrian under the Influence Citation was added. Sheriff Pownall also wanted Monk to change the offense code in the Law Incident Table under the DUI Report, from DUI (Driving under the		
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Influence) to ABAN (Abandoned vehicle). Again, Monk did as she was instructed. Monk was the Administrator for the Spillman system used by Campbell County Sheriff's Office. Monk provided SA Mathson with copies of the following documents: - Copies of the Arrest Report and Supplemental Report concerning Seth Pownall that showed which users had added or modified anything in the Report. (Note – According to Monk, just because it showed a particular user had modified the Report that does not necessarily mean that the Report was modified. Monk advised that if somebody goes in and reviews/reads the Report under the modify feature it would mark it as modified). (Enclosure # RJ-14) - Copies of dispatch records. (Enclosure #RJ-15) - Copies of Jail records. (Enclosure #RJ-16) - Copies of User Identifiers and Privileges. (Enclosure #RJ-17) User 303 = Gina Monk User 329 = Martin Spencer User 405 = Anna Blackford User 302 = Joan Robbins User 264 = Roy Seeman - Copy of Offenses Information Table. (Enclosure #RJ-18) - Copies of Stats from October 8, 2013 through October 8, 2014, for subjects arrested for Pedestrian under the Influence by Campbell County Sheriff's Office. (Enclosure #RJ-19) - Copies of Stats from October 8, 2013, through October 8, 2014, for subjects arrested for Driving under the Influence. (Enclosure #RJ-20) In reviewing the documents, SA Mathson did not find that Sheriff Pownall had modified or changed anything in the records concerning his son Seth Pownall. The interview concluded at approximately 1030 am. (INTERVIEW/UNDERSHERIFF SCOTT MATHENY) On Tuesday, October 14, 2014, at approximately 9:40 am, SA Mathson spoke with Campbell County Undersheriff, Scott Matheny, via telephone. Undersheriff Matheny stated substantially		
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the following.

Undersheriff Matheny had learned from Sheriff Pownall that his son, Seth Pownall had made a mistake and was arrested for DUI. Sheriff Pownall was not happy with the whole situation nor was he happy with his son Seth. Sheriff Pownall told Undersheriff Matheny that he was going to talk with the arresting Deputy Spencer, about the situation.

Undersheriff Matheny later learned that after Sheriff Pownall had spoke with Deputy Spencer. Deputy Spencer agreed to change the charge from DUI to Drunk Pedestrian.

Sheriff Pownall later contacted Undersheriff Matheny and advised him that there was going to be an investigation as a result of his involvement in getting the charges changed for his son. Sheriff Pownall told Undersheriff Matheny that the investigators may contact him at some point during the investigation. Sheriff Pownall apologized to Undersheriff Matheny for the shame that he may have brought on to the Department.

Undersheriff Matheny had very limited information about the entire incident, as the Sheriff was purposely trying to keep him out of the loop so he did not become involved.

The interview concluded at approximately 9:45 am.

(ATTEMPTED INTERVIEW/SETH POWNALL)

On Tuesday, October 14, 2014, at approximately 9:47 am, SA Mathson contacted Seth Pownall, via telephone and asked if he would speak with SA Mathson. Seth Pownall refused to speak with SA Mathson and referred SA Mathson to his Attorney, Jeremy Michaels.

The attempted interview concluded at approximately 9:48 am.

(IN CAR VIDEO REVIEW)

On Tuesday, October 14, 2014, SA Jones reviewed the video provided to him by Deputy Spencer of the contact and arrest of Seth Pownall on August 9, 2014. SA Jones noted the following:

The video starts with a screen of Deputy Spencer's vehicle driving down an unlit road. Around 48 seconds what appears to be vehicle brake lights can be seen ahead of Deputy Spencer's vehicle. Around 55 seconds the brake lights of the vehicle in front of Deputy Spencer's vehicle appear to go off but, the tail lights remain on. Around 59 seconds the left turn signal of the vehicle came on, at which time Deputy Spencer activated his emergency lights. Deputy

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Spencer pulled in behind the vehicle, stopped his vehicle, got out and approached the vehicle. The driver, who later identified himself as Seth Pownall, said he was just taking a pit stop, then later said he had gotten a little sleepy.

Deputy Spencer asked Seth Pownall out of the vehicle then put him through Field Sobriety Tests.

At the end of the Tests, Deputy Spencer attempted to get Seth Pownall to blow through a Portable Breath Tester, which Seth Pownall would not properly complete. Seth Pownall told Deputy Spencer to just take him in. Deputy Heib had arrived on scene as back up and agreed to transport Seth Pownall to the jail after he had been taken into custody by Deputy Spencer.

Deputy Spencer then approached the vehicle, rolled the windows up, locked the vehicle then left the scene.

The copy of the video provided to SA Jones by Deputy Spencer will be entered into Evidence. (Item #6)

(DOCUMENT REVIEW/CCSO COMPUTER RECORDS)

On Tuesday, October 14, 2014, SA Jones reviewed the documents provided to SA Mathson by Gina Monk on Thursday, October 9, 2014. SA Jones noted the following:

Copies of the Arrest report and Supplemental report concerning Seth Pownall and audit information of report.

The document showed the last modified date of the report was by user #264 (Captain Seeman) It is unclear what, if any, information was changed or if it was just read/reviewed in the modify format.

On August 25, 2014, at 11:42:02 the Report showed user Number 303 (Gina Monk) modified the Report, which was consistent with her statement of modifying the Report at the request of the Sheriff to and Offense Code of ABAN.

The narrative was shown to have been modified on August 22, 2014 at 19:56:37 by user Number 329 (Deputy Spencer) and a modification to the Supplemental Narrative was shown on August 26, 2014 at 12:30:02 by user #302 (Joan Robbins).

The involvements at the bottom of the page show an arrest on August 9, 2014, for Pedestrian under the Influence and also shows a Citation issued to Seth Pownall (Citation #85369I) on

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August 25, 2014. This was listed as a Related Incident. Copies of dispatch log records. The Seq Code listed on the offense code for the incident showed ABAN Abandoned Vehicle. This code showed a modified date of August 25, 2014 at 11:42:02, modified by user #303 (Gina Monk). The rest of the dispatch log records did not appear to have been modified since the incident on August 9, 2014. Copies of Jail records. The jail records appeared to be the same as when they were entered the night of the arrest. One (1) modification was noted by user 313 (Edward Evenson) on September 7, 2014, at 00:50:31. It is unclear if any modifications were made or if the information was looked at in modify mode. Copies of User Identifiers and Privileges. The user privileges showed the user numbers found in the audit logs, the name of the user and what and what the user may do within the system. User 303 = Gina Monk User 329 = Martin Spencer User 405 = Anna Blackford User 302 = Joan Robbins User 264 = Roy Seeman Copy of Offenses Information Table. The offense information table listed Offense #126727 and a Related Incident Number of 14-07164 and showed an offense date and time of August 9, 2014, at 00:54:00 at Garner Lake and Benson. The document showed a modified date of August 25, 2014, at 11:47:47 and was modified by user 303 (Gina Monk). The Offense showed INTP Pedestrian-Under Infl and Wyoming Statute 31-5-612. Copies of Stats from October 8, 2013 through October 8, 2014, for subjects arrested for Pedestrian under the Influence by Campbell County Sheriff's Office.		
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The document listed all the person's booked into the CCSO Jail for Pedestrian under the influence, the arresting Agency and the arresting Officer. WHP - 2 Unknown Agency - 1 Campbell County Sheriff's Office - 10 One (1) arrest was shown for Pedestrian Under the Influence by Deputy Spencer, which was for the arrest of Seth Pownall. Four (4) of the arrests by the CCSO for Pedestrian Under the Influence in the last year had been made since the arrest of Seth Pownall on August 9, 2014. Copies of Stats from October 8, 2013, through October 8, 2014, for subjects arrested for Driving under the Influence. Sixty (60) pages of DUI arrests were contained in the Report. The arrest of Seth Pownall for DUI on August 9, 2014, was not listed in the Report. (SECRETARY OF STATE RECORDS REQUEST) On Tuesday, October 7, 2014, SA Jones reviewed the Certificate of Organization, Consent to Appointment by Registered Agent, the Articles of Organization, the List of Assets and the Limited Liability Company Annual Report for Broken Link Energy LLC. (Enclosure #RJ-21) It was learned during the course of the investigation that Broken Link Energy LLC was a company recently started by Seth Pownall. The documents were requested and received from Ken Gassen, at the Secretary of States Office per an email request from SA Jones sent on October 6, 2014. SA Jones noted the following: Limited Liability Company Annual Report. The Registered Agent for the company is Seth Pownall at 4502 Hilene Road, Gillette, Wyoming, 82718, with the same mailing address. The Principal Office Address is also the same. The phone number for the company is 307 660-0013 and email address of brokenlinkenergy@outlook.com. ID: 2013-000647398 AR Number 02048381. The paperwork was filed on July 2, 2014 at 1:20 PM. List of Assets in Wyoming The form indicated Cash of \$2,480.00, Trade Notes and Accounts Receivable of \$122,328.00, Depreciable Tangible Assets of \$62,469.00 and a total asset value for computing taxes of \$187,277.00.		
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Limited Liability Company Articles of Organization

The form showed the name of the company as Broken Link Energy LLC, Registered Agent Seth Pownall at 4502 Hiline Road, Gillette, Wyoming, 82718 with the same mailing and principal office address. The form was signed by Seth Pownall and dated July 17, 2013. Phone number and email address was 307 660-9013 and seth_pownall@hotmail.com.

Consent to Appointment by Registered Agent

The form showed Seth Pownall as the Registered Agent for the company with his signature, dated July 17, 2013.

Certificate of Organization

This form indicated the Certificate of Organization for Broken Link Energy LLC was officially executed on July 25, 2013.

(RECORDED PHONE CALL/SETH POWNALL)

On October 14, 2014, SA Jones received the one (1) recorded phone call Seth Pownall made while in jail from Lt. O'Neal, CCSO jail. This was received via email and was saved to a compact disc. The disc will be entered as Evidence. (Item #8) The call was approximately sixteen (16) minutes in duration.

Seth Pownall called an unidentified male and explained what happened during the contact with Deputy Spencer. During the conversation, Seth Pownall said you would think with Sheriff Pownall being the Sheriff he would have a little clout to say "back the fuck off". The male on the other end of the phone told Seth Pownall, "that wouldn't be right", Seth Pownall replied, "Fuck it, were family, who gives a fuck". Later in the conversation, while the two were talking about Sheriff Pownall, Seth Pownall said, "you would have thought the old man would have been there for me".

(EVIDENCE)

All Item's of Evidence (Item #'s 1,2 3, 4, 5, 6, 7, 8) were collected, maintained and packaged by SA Jones.

Item #1 was received from Commander Williams by SA Jones on October 7, 2014 at approximately 8:00am in the Gillette, Wyoming, DCI Field Office. SA Jones maintained

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custody and control of the Item from Gillette, Wyoming, to Rock Springs, Wyoming, where it was secured in the Rock Springs DCI Office, pending review and packaging. The Item was packaged by SA Jones on October 10, 2014, at 7:43 am following established procedures. Item #2 was received from Campbell County Attorney Jeani Stone by SA Jones on October 7, 2014 at approximately 8:30am in the Gillette, Wyoming, County Attorney's Office. SA Jones maintained custody and control of the Item from Gillette, Wyoming, to Rock Springs, Wyoming, where it was secured in the Rock Springs DCI Office, pending review and packaging. The Item was packaged by SA Jones on October 10, 2014, at 8:03 am following established procedures. Item #3 was received from Campbell County Sheriff William Pownall by SA Jones on October 7, 2014 at approximately 10:30 am in the Gillette, Wyoming, at the Campbell County Sheriff's Office. SA Jones maintained custody and control of the Item from Gillette, Wyoming, to Rock Springs, Wyoming, where it was secured in the Rock Springs DCI Office, pending review and packaging. The Item was packaged by SA Jones on October 10, 2014, at 7:20 pm, following established procedures. Item #4 was received from Campbell County Deputy Sheriff Spencer by SA Jones on October 7, 2014 at approximately 2:45 pm in the Gillette, Wyoming, Campbell County Sheriff's Office. SA Jones maintained custody and control of the Item from Gillette, Wyoming, to Rock Springs, Wyoming, where it was secured in the Rock Springs DCI Office, pending review and packaging. The Item was packaged by SA Jones on October 13, 2014, at 5:49 pm following established procedures. Item #5 was received from Campbell County Sheriff William Pownall by SA Jones on October 8, 2014 at approximately 3:45 pm in the Gillette, Wyoming, Campbell County Sheriff's Office. SA Jones maintained custody and control of the Item from Gillette, Wyoming, to Rock Springs, Wyoming, where it was secured in the Rock Springs DCI Office, pending review and packaging. The Item was packaged by SA Jones on October 14, 2014, at 10:50 am, following established procedures. Item #6 was received from Campbell County Deputy Sheriff Spencer by SA Jones on October 8, 2014 at approximately 1:45 pm in the parking lot of the Home Depot, Gillette, Wyoming. SA Jones maintained custody and control of the Item from Gillette, Wyoming, to Rock Springs, Wyoming, where it was secured in the Rock Springs DCI Office, pending review and packaging. The Item was packaged by SA Jones on October 14, 2014, at 2:25 pm following established procedures. Item #7. During the course of the investigation, SA Mathson recorded the interviews of Sheriff		
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Pownall, Deputy Spencer, Deputy Goold and Captain Seeman. SA Mathson downloaded the interviews to the computer system. On October 10, 2014, SA Jones made a compact disc of the recordings of the above mentioned interviews. The original disc was maintained by SA Jones and was packaged by SA Jones on October 14, 2014, at 4:50 pm following established procedures. Item #8. SA Jones received an email from Lt. O'Neal from the Campbell County Jail of the one recorded phone call that was made by Seth Pownall during his incarceration. SA Jones saved the phone call to the computer system then made a compact disc of the recorded phone call. The original disc was maintained by SA Jones and was packaged by SA Jones on October 14, 2014 at 5:23 PM following established procedures. On Wednesday, October 15, 2014, SA Jones entered the Items into the BEAST Evidence pre-log system. SA Jones received a Request for Laboratory Analysis sheet. (Enclosure #RJ-22) (CASE STATUS) Open, pending further investigation.		
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(ADDITIONAL INFORMATION)

On October 29, 2014, at approximately 12:48 PM, SA Jones received statistical information via email from Campbell County Attorney Jeani Stone in reference to the number of prosecutions her office had prosecuted for the charge of Pedestrian Under the Influence in 2013 and 2014 and DUI cases during the same years that originated from the Campbell County Sheriff's Office. The following information was provided.

In 2013, the Campbell County Attorney's Office prosecuted three (3) charges of Pedestrian Under the Influence from the Campbell County Sheriff's Office.

In 2014, the Campbell County Attorney's Office prosecuted five (5) charges of Pedestrian Under the Influence from the Campbell County Sheriff's Office.

Of the eight (8) cases in approximately two (2) years, all eight (8) cases involved pedestrians walking and no involved vehicles.

The Campbell County Attorney's Office had started pulling DUI files for 2013 and 2014 from arrests the Campbell County Sheriff's Office had made. The Campbell County Attorney's Office had not had an opportunity to get through all of those files, but did find there had been Actual Physical Control DUI arrests the Campbell County Sheriff's Office had charged that were prosecuted by the Campbell County Attorney's Office. Campbell County Attorney Stone checked to see if the Campbell County Sheriff's Office had a policy not to charge Actual Physical Control DUIs, but found they do not.

(CASE STATUS)

Open, pending further investigation.

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