

Mr. Kim Powell
Inmate of Baton Rouge Parish Jail
Inmate# 2000024786
EBRALA Building, Block J01, Cell DC,
Bed DB

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November 3, 2022

Louisiana State Police
Attn: Internal Affairs
7919 Independence Blvd., A-20
Baton Rouge, LA 70806
Phone: (225) 925-6189

MEMORANDUM: Letter of Complaint made to Louisiana State Police (Internal Affairs)
DA # 05796-20 State of Louisiana vs. Kim Powell

Dear Internal Affairs,

This letter is written with high respect for Louisiana State Police, the Baton Rouge Police Department (BRPD), District Attorney Hillar Moore, Judge Fred Crifasi, and citizens of the State of Louisiana.

This Letter of Complaint notes specific actions or lack of action taken by LA State Police employees. The two complaints listed each note failure of state employees to comply with Louisiana State Laws.

Louisiana State Police (State Crime Lab) Employees referenced for this Complaint:

Mr. Rhainey Simmons
Ms. Stacy Williams
Mr. Rusty Day

Citizen Complaint/Request:

Powell Family humbly requests

- 1. True Allele Certification and date of certification receipt for Ms. Stacy Williams. Please see a Public Records Request attached and submitted to the LA State Crime Lab.**
- 2. Employee Termination of Mr. Rusty Day for trial perjury during ballistic report testimony.**

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I. Citizen Complaint #1: True Allele Public Records Request Summary

- This complaint letter does not address any Louisiana State Crime Lab “interpretation and representation” of the True Allele DNA report.
- Powell Family is seeking True Allele direct representative analysis and interpretation of the DNA. The family is in contact with True Allele.
- August 29, 2022, Defense Attorney Timothy Yazbeck made a Public Records Request (PRR) asking the Louisiana State Crime Lab to provide a copy of Employee Stacy Williams’ True Allele Certification and the date her passing scored was provided to her Supervisor Rhainey Simmons.
- October 12, 2022, the State Crime Lab responded by emailing copies of previously provided crime evidence. The email did not contain proof of Stacy Williams’ True Allele Certification, nor a date of its receipt by Supervisor Rhainey Simmons.
- An email was sent to the state crime lab highlighting the certification request made in the PRR and the Powell Family is awaiting a state crime lab response.
- **November, 2, 2022, the Louisiana State Police responded with a copy of Mr. Simmons’ email to the District Attorney providing the True Analysis report to the DA in August. The emailed state documentation copies did not answer Attorney Timothy Yazbeck’s Public Records Request.**
- During trial proceedings Ms. Stacy Williams testified that she had taken a True Allele Certification test and that she had “not yet received her test score,” indicating she passed the test.
- Supervisor Rhainey Simmons was called by the prosecutor to the stand.
- Mr. Simmons testified that Ms. Williams had passed the True Allele Test and that “he had not told her yet,” indicating why Ms. Stacy Williams did not know whether she had actually passed a certification test.

Louisiana State Police Internal Affairs Request from Powell Family: Please have the Louisiana State Crime Lab comply with the Freedom of Information Act and follow Public Records Request Law, thus provide a copy of the True Allele Certification and date of receipt to Mr. Rhainey Simmons for state employee, Ms. Stacy Williams.

II. Citizen Complaint #2: Pistol Ballistic Report

- There is no certainty in knowing if the gun found in Powell’s residence was used to murder Ms. Courtney Lee.
- The ballistic report notes the bullet had “similar class characteristics” and the fragments had “no identifiable characteristics.”
- During trial Mr. Rusty Day testified that changing anything on a pistol could change the performance of the pistol.
- Mr. Rusty Day testified that he actually used a different manufacturer’s bullets with different weights than the bullet found in Lee to test the gun collected from Powell’s residence.
- When asked by the Prosecuting Attorney if Mr. Rusty Day could say for certain that the bullet or lead taken from Ms. Courtney Lee came from a specific gun, Mr. Rusty Day, said, “Yes.”
- **Mr. Rusty Day’s trial testimony was not consistent with his own pistol ballistic report.**
- This is perjury.

Louisiana State Police Internal Affairs Request from Powell Family: Please investigate state employee, Mr. Rusty Day, to determine if the court transcript reveals that Mr. Day’s testimony shows employee misconduct, or if Mr. Day testified in a manner that made a “no” answer a “yes” answer in

court during representation to a jury. The Powell Family was present in court and watched Mr. Rusty Day misrepresent the pistol ballistic report and because of the seriousness and weight of his testimony before a jury, which led to a wrongful conviction, **The Powell Family humbly requests Mr. Rusty Day's immediate employment termination.** Please see additional questions that align with Mr. Rusty Day's lack of professionalism below.

Question #1: Should ballistic analysts use bullets from the same manufacturer and of the same weight to conduct ballistic tests?

Question #2: Should ballistic analysts have photographs of their tests, powder markings made during test fires?

Question #3: If a state employee wrote a pistol ballistic report and testified using explanations or descriptions that were directly opposite their own publicly recorded ballistic report, to the extent of making a "no" answer a "yes" answer, did that person commit perjury during the trial?

VI. Conclusion

This Letter of Complaint is forwarded from Louisiana citizens, family members of convicted Mr. Kim Powell. With appreciation for the United States Constitution, the Powell Family requests a meeting with Louisiana State Police Internal Affairs to discuss the two complaints listed. We anticipate expeditious actions that will be executed by Louisiana State Police to provide investigation into the complaints listed herein.

In closing, the Powell Family requests the Louisiana State Police (Internal Affairs) to investigate each matter and consider our family's request.

Respectfully Submitted,

Kim Powell
Kimberly Lavon Burbank
David & Joann Swilley
Steven, Eric, & Errol Powell
Pearl & Oscar Washington
David & Ronald Wright
Jade Defillo
Honorable Ms. Kristen Clarke, Assistant Attorney General for Civil Rights Division, Department of Justice

Enclosures in Possession of Louisiana State Crime Lab Evidence for Reference

ENCL. 1 – Public Records Request of Louisiana State Crime Lab Certification for Ms. Stacy Williams
ENCL. 2 – Pistol Ballistic Report

END