

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

Ms. Kimberly Burbank
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October 24, 2022

Baton Rouge Police Department

Attn: Internal Affairs

9000 Airline Hwy. Suite 3200

Baton Rouge, LA 70815

Phone: (225) 389-3850, (225) 389-3802

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

Dear Internal Affairs,

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

With high respect and deepest empathy for the family of Ms. Courtney Lee (Lee), the Powell Family submits this Letter of Complaint for the purpose of highlighting obvious police investigation deficiencies to aid the Lee Family in receiving justice for their loved one through identification of the individual(s) that murdered Lee. This letter also serves to exonerate our family's loved one, Mr. Kim Powell (Powell), who is innocent of murder and should be a man serving parole for the crime he previously committed and served a sentence of thirty-three years. To date, not one police officer agreed to speak to anyone in our family about who Powell is or what we understand Powell to have been doing or planning to do the weekend of Lee's murder.

The family of Kim Powell recognizes the collective strength and challenge held by citizens and government systems to equitably support a "participatory democracy." Police management is less likely to address police misconduct if such acts are not documented for both employee correction and success in matching criminals with crimes. As citizens of the State of Louisiana, the Powell Family continues to participate in proving that Mr. Kim Powell never spoke to, never saw, did not know, never rode in an automobile with, nor ever had physical or sexual interaction of any kind with Ms. Courtney Lee. Mr. Powell says he is innocent, and his family believes him. Powell did not murder, nor transport, nor set a fire to Ms. Courtney Lee's body.

This Letter of Complaint notes specific actions taken and not taken by police that breach police professionalism and the law. Had police followed basic police investigation protocol, the department's

investigation would have resulted in further police investigation, analysis, and evidence regarding the alibis, narratives and associations of Ms. Courtney Lee. Basic, comprehensive investigation protocols would have lent to Powell not being the ONLY suspect. As this letter is written, our family must note the extreme frustration our family has in understanding that none of us have police training, and yet the list of police wrongdoing and errors listed herein are our reality. Destroying a man's life through false imprisonment for the sake of checking a box is criminal.

Citizen Complaint/Request: Powell Family humbly requests a meeting with the Baton Rouge Police Department Office of Internal Affairs. Powell Family requests BRPD to review this Complaint and evidence had and lacking in charging and convicting Mr. Kim Powell of murder. This is a request for a written BRPD Internal Affairs response detailing police administrative actions to be scheduled to correct employee deficiencies found. This letter also serves as a Public Records Request. Powell Family requests BRPD to make any evidence noted in this letter "as not available," available to Attorney Timothy Yazbeck, pursuant to laws governing criminal court procedure, as well as, state and agency public records request laws/policies. If needed, please contact Mr. Kim Powell, an inmate of Baton Rouge Parish Prison, and if needed or required by BRPD Policy for Complaint Letters filed, please mail/email the Powell Family contact listed above, Ms. Kimberly Burbank. Yazbeck, Powell, and Burbank request a response be mailed to each person.

I. Complete List of BRPD Employee Complaint Descriptions noted by Powell Family

1. Carrying Out Orders
2. Completion/Submission of Forms
4. Failure to Provide Information to Supervisor
5. Failure to Report Accident
6. Failure to Secure Property/Evidence
7. Shirking of Duty
8. Truthfulness
9. Violation of Law
10. Conduct Un-becoming an Officer
11. Cowardice
12. Use of Narcotics
13. Violation of Law
14. Personal ID- Failure to Identify
15. Surreptitiously Recording
16. Carrying Out Orders - General Orders (Pursuit)
17. Violation of Known Laws Reporting Arrests/Summons

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II. Citizen Complaint #1: Search/Arrest of Kim Powell and not Samantha Washington (Washington) Summary

At the time police made contact with Kim Powell and entered his residence there is only police body camera footage of Powell being at Smiley's Convenience Store, taken from his Ford Expedition, placed in handcuffs, and sat in the rear of an auto.

During this period, police body camera footage has a police officer stating, "We're moving too fast," indicative of the police not having an arrest nor search warrant. Soon after, a second police officer can be heard at Powell's residence through police walkie talkie stating, "We're in the home. There's a woman here named, "Samantha Washington." Later, while Powell is still at Smiley's handcuffed, Powell asked if he is under arrest, what is going on, and if someone can call his parole officer. A third police officer tells Powell, "We're waiting on a warrant."

Question #1: Per police body camera policy, can the police department provide the camera footage of police entering Powell's home, encountering and questioning Samantha Washington (the public), detaining Washington, camera video footage of a gun on a table, camera video footage of viewing narcotics on the bathroom floor while only Washington is in the residence?

Question #2: Why was the person in the residence, Samantha Washington, who was with narcotics and a gun not charged for any crime regarding these items? There are laws about this. Note: Washington was obviously under the influence of drugs while being interviewed at the police station.

Question #3: Was Washington offered to be excused of illegal narcotics and gun charges in exchange for her cooperation with police?

Citizen List of Complaints Description

a. Carrying Out Orders, Failure to Provide Information to Supervisor, Failure to Report Accident, Cowardice, Violation of Known Laws Reporting Arrests/Summons, Surreptitiously Recording:

The police officer that noted the police force was moving too fast carried out the orders of a higher ranked or different officer. When an officer observed the police error and selected to not report the error, the officer exhibited cowardice. Powell was not read his Miranda Rights at the Smiley's Convenience Store. Judge Crifasi ruled Powell was "arrested" while at the convenience store after watching the police body camera footage in court three times. Police Department policy was not followed. Constitutional Rights were not followed. These are violations of known laws and reporting that officers know to not be approved, indicative of surreptitiously recording.

b. Completion/Submission of Forms, Failure to Secure Property/Evidence, Shirking of Duty, Violation of Law, Conduct Un-becoming an Officer, Use of Narcotics:

The police officer that noted the police force did not yet have a search nor arrest warrant did not report the incident. Washington was not charged of a gun nor narcotics. This indicates incomplete completion and submission of legal forms. Police duties were not followed. Laws were not followed regarding the possession of people in residences with narcotics and guns.

c. BRPD Body Camera Policy Not Followed

Intra-Divisional Procedure Body Worn Cameras No. 502/15-1 Sections

B2. Pursuits

B3. Person and Vehicle Searches

B4. Physical or Verbal Confrontations

B5. Use of Force Incidents

Relevant to police department body camera policy, there should be camera video footage of police entering Powell's home, coming in contact with the public, Samantha Washington, and video footage of police talking with Washington while at Powell's residence.

III. Citizen Complaint #2: Police Interview Follow-up Failures Regarding Kim Powell, Corey Dowels, Deon Graver, and Samantha Washington Summary

Powell Family is aware of one interview of Kim Powell, two of Samantha Washington, three of Corey Dowels (Dowels), and one of Deon Graver (Graver). There are no interviews of additional people referenced during such police interviews named, "Slim, Roro, Meagan, and Tasha." Powell Family does not know the surname of these persons. For the purpose of making this section coherent, bullet points are used as summaries.

Kim Powell/Samantha Washington Interviews

- Powell is the only person that stated, "I don't know her," in reference to knowing Courtney Lee. Powell admitted that a photo showed his truck and that only he drives his truck.
- Washington stated, "I know all of these women." She described Powell and her having a physical and verbal argument two weeks prior, Powell wanting to be her boyfriend, Powell looking for her and she does not like it, and that she went to her sister then came back to Powell's home that week.
- Family members of Powell including his sister, Pearl Powell Washington, his nephew, Errol Powell, and niece, Kimberly Burbank, are aware of Washington and Powell's verbal and physical altercation because Powell called and talked about it with Errol Powell and Kimberly Burbank in detail. Concerned about Powell being on parole and in a relationship with Samantha Washington, Pearl Powell Washington called Powell and Washington on speaker phone to tell both of them they needed to remove each other away from one another. Our family knows details of this relationship.
- Powell family first heard about Ms. Courtney Lee upon her murder. Powell has not one connection to Lee. Police dumped the phone logs of Lee and Powell. Police found no calls nor messages made between Lee and Powell at any time. Powell had no connections to Lee.
- Note: This complaint letter does not address any Louisiana State Crime Lab "interpretation and representation" of the True Allele DNA report. Powell was notified of a True Allele DNA Report the last Friday of the murder trial from the Prosecuting Attorney. Hired Defense Attorney Timothy Yazbeck never told Powell, nor Powell Family about the True Allele DNA report that the Prosecuting Attorney provided Mr. Yazbeck on the Friday before the Monday of Jury Selection for this murder case/trial. Currently, Powell Family is seeking True Allele representative analysis and interpretation of the DNA and has made a public records request to the Louisiana State Crime Lab.
- August 29, 2022, Defense Attorney Timothy Yazbeck made a Public Records Request (PRR) asking the Louisiana State Crime Lab provide a copy of Employee Stacy Williams' True Allele Certification and the date her passing scored was provided to her Supervisor Rhailey Simmons.
- October 12, 2002, the 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 to Supervisor Rhainey Simmons.

- An email was sent to the state crime lab highlighting the request made in the PRR and the Powell Family is awaiting a state crime lab response.
- This specific Public Records Request is attached to this Complaint Letter.
- A copy of the Public Records Request to the crime lab was provided to 19th Judicial District Court.
- During trial proceedings of State of Louisiana vs. Kim Powell, Ms. Stacy Williams testified that she had taken a True Allele Certification test and had “not yet received her test score,” indicating she passed the test.”
- Assistant District Attorney Melissa Morvant called Supervisor Rhainey Simmons 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.
- For these reasons, Defense Attorney Timothy Yazbeck requested the Public Records Request.
- Washington stated, “Everything looked the same. The house looked the same. The car looked the same.” It may be assumed; Washington was referencing that she did not observe Powell’s home nor auto as different or indicative of a murder.
- Washington described how her and Powell drive to construction jobs, that Powell is a painter, and that they sleep at job sites. Powell family and others can attest to Powell working at construction sites with Washington sitting in the Ford Expedition and that Powell actually had a painting job scheduled for the week following Lee’s murder in Jefferson Parish.
- Washington also describes how Powell asked her to ride with him to “New Orleans” for the job. Note: The painting job was located in Jefferson Parish. Powell wanted Washington to go with him to the Jefferson parish located paint job.
- Police told Washington that a woman was killed. Washington asked if Kim did it. Police said, “Yes.”

Question #1: Washington was a drug user in the same Dixie Neighborhood as Lee, who was also known to use drugs. Washington acknowledged knowing Lee during the police interview. Was there additional evidence/information obtained from Washington by police about Washington’s knowledge of “all of the women,” Washington spoke of? Police found someone that knew Lee and every other woman shown in the manila file folders. Did police gather additional information from Washington?

Question #2: Why was Washington not charged with narcotics and gun possession? Why was nothing said during the interview about these two items? Was Washington offered the ability to not be charged with a gun nor narcotics in exchange for her statement or cooperation?

Question #3: If no trial had taken place, is it lawful to tell Washington that Powell murdered Lee?

Question #4: Washington was found at Powell’s house during Powell’s arrest. Washington was also at Powell’s house that prior Friday and Saturday. Powell was not at his residence at the time of arrest. Was information asked or gathered about what Washington was aware of regarding Powell’s whereabouts from the time Washington returned to Powell’s residence the week of the murder? Did police gather information from Washington that described her knowledge of what Powell did Friday and Saturday? Did police question Washington about her whereabouts Friday and Saturday? Was Washington’s statements checked for validity?

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Citizen List of Complaints Description

a. Completion/Submission of Forms, Failure to Secure Property/Evidence, Shirking of Duty, Truthfulness, Violation of Law, Conduct Un-becoming an Officer, Use of Narcotics, Surreptitiously Recording, Violation of Known Laws Reporting Arrests/Summon,

A twenty-five-year-old woman was found murdered with several drugs in her body. A twenty-three-year-old woman, Washington, was found in the residence of Powell with drugs and was visibly incapacitated by drugs. Washington also knew every woman police showed in photographs. Specific to Washington, there should be documents that detail Washington's knowledge of both her and Powell's whereabouts on the days in question for the murder.

The acts detailed herein represent violations regarding reporting during arrests and summons. There are incomplete submissions of forms and failure to secure evidence by police, which is representative of shirking duties, and surreptitiously recording. Washington's knowledge of "all of the women" in the photographs may have had led to information critical to sourcing new leads in the crime investigation, as well as to the exoneration of Powell.

Not charging Washington with possession of narcotics and a gun is a violation of law and could be seen as police using narcotics and gun charges to sway an interviewee in their statements with police. This conduct is unbecoming an officer.

Police told Washington Powell committed a crime, not that he was being charged of a crime. This act is untruthful. The details of Washington's interview note several violations of law.

Corey Dowels and Deon Graves Interview

- Note: Powell is the only person during police interviews that stated he did not know Lee. Washington stated she knew "all of the women" shown to her in the photographs. Dowels, Graves, Roro, Slim, and the boss all knew Lee. Police asked Dowels and Graves if they each knew Powell. Neither of these two men knew Powell.
- Dowels told police a woman named, "Meagan" was at his residence Friday and that Meagan told Lee that she would "pick Lee up in the morning," referencing Saturday.
- Dowels never described to police the argument he had with Lee about something being missing from the Lee/Dowel house nor did Dowels mention Lee having people (Meagan) inside the house the Friday before.
- Graves was the last person that spoke to Lee on Lee's telephone Saturday morning. Graves described to police that Lee told him, she and Corey had an argument about something being missing from Lee and Corey's residence while Meagan was also in the Lee/Dowel house.
- Graves said he understood Meagan was at the house on Friday and that this woman was a part of the discussion regarding something being missing from the Lee/Dowel home.
- Graves last spoke to Lee around 9:30am Saturday morning.
- The phone call between Lee and Graves is around 9:30am. Dowels said he arrived at work to cut trees at 10:11am and began soon calling Lee because "something told him to call her."
- Dowels said Meagan left the house Friday night and that she told Lee she would pick Lee up in the morning.
- Dowels only said Lee was acting differently Saturday morning. Dowels stressed that Lee was "not herself" Saturday morning.
- Dowels, Roro, and Slim were the last persons to see Lee.
- Dowels said the three men were in an automobile and saw Lee walking. Dowels asked Lee where she was going and Lee said, "I'm going sell this phone."

- Dowels arrived at work around 10:11am with Slim and Roro and soon began frantically calling Lee's phone while climbing the first tree at work. Dowels said "something told him to call Coco."
- Dowels said he used his phone, Roro's phone, and the boss' phone to call Lee.
- Dowels said he called a woman named, "Tasha" and asked Tasha to drive around looking for Lee.
- Dowels said that after he got off work he and Tasha rode around looking for Lee together.
- Dowels said he then left Tasha and used Tasha's van to look for Lee.
- Note: At this time, there is no known reason for Dowels to be looking for Lee. Dowels only said, "something told me to call her," before Dowels supposedly knew Lee would be murdered.

Question #1: Why was Dowels immediately worried about Lee not answering a phone call? Why did Dowels call Lee from different phones (Roro and his boss)? Were these phone calls from Roro and Dowel's boss' telephone confirmed? Did police only use what the boss said as confirmation that Dowels worked on Saturday? Were the multiple phone calls made from Dowels to Lee using three different phones confirmed? It is obvious that Dowels knows more than he shared about what could have or actually happened to Lee on the Saturday of Lee's murder.

- Also, during the interview, Dowels said he called Lee Saturday morning, but during the police interview when both Dowels and police read Dowels' phone log together, police noted that the first time Lee's phone showed Dowels calling Courtney was not until after 5:00pm. Police said, "You called Tasha."
- Police recognized although Dowels said he called Tasha Saturday morning several times, there was no call in Dowels phone log from himself to Lee Saturday morning.
- Then, after police and Dowels continued viewing Dowels two telephone logs for some time, Dowels said, "I got this phone that day."
- Police then asked Dowels, "Could you have called Lee from a different phone?" Police pointed to Dowels' second phone and asked Dowels, "Could you have used that phone?"
- Police then said, "Maybe you called her from someone else's phone?"

Question #2: Was Dowels saying that he got a new or different mobile phone on the day of the murder?

- Police noted that Dowels had actually called a woman named, "Tasha" that morning and throughout Saturday on the exact telephone Dowels was holding.
- Police stated during the interview, "That's Tasha," in reference to the actual name listed in Dowels' phone log throughout Saturday.
- Dowels' response to police was, "Tasha gives us these phones."
- These narrative statements by Dowels should have been cross referenced for confirmation with the narrative statements of Roro, Slim, and the man noted as Dowels' boss.

Question #3: Were Roro and Slim interviewed? Are there statements? Three people were together when Lee was possibly last seen. Where is the report on these other two men? What are their legal names?

Question #4: If Dowels' narrative did not include describing his argument with Lee the day of her murder and Graves' narrative did describe an argument about something missing from the Lee/Dowel house, were these two people questioned again about "the argument" (Graves and Dowels)? Why is there not more detail about the argument that occurred so soon before Lee's murder?

Question #5: Was the woman named, "Tasha" interviewed? In reference to Dowels' statement, Tasha drove her van looking for Lee on Saturday between the hours of 10AM 4PM. Is there a report on or from Tasha? Why did Tasha look for Lee, per Dowels' request?

- Dowels told police that after Lee was found murdered a man at a neighborhood store told him that another man would come to the Lee/Dowel house every time Dowels left their house.
- Dowels described a black Chevy, extended crew cab truck that the man at the store described.
- Dowels also said a woman he knows named, “Meagan,” meets a man outside of his house that also drives a truck with the same description.

Question #6: What follow-up investigation was conducted regarding Dowels’ description of an unknown man in a black, Chevy extended crew cab truck?

Question #7: What is the name of the witness that made this claim about a black, Chevy extended crew cab truck?

Question #8: Did police follow-up with Dowels to get the list of information police requested at the end of Dowels’ interview? Police asked for a woman named, “Meagan’s” last name and telephone number.

Question #9: Dowels said that Meagan said, “She would pick Lee up in the morning.” Graves said Meagan was at Lee’s home when something was noticed as missing that caused an argument between Lee and Dowels. Do police have a report and statement from Meagan?

- Police told Dowels they received an anonymous tip that Dowels was heard threatening to kill Lee. Police asked Dowels if he had threatened Lee and Dowels said, “No. I don’t talk to her like that. Mother of my kids.”
- Note: Dowels was arrested in 2016, for violence against a woman (blunt force trauma).

Question #10: What is the minimum police protocol to follow when officers investigate the murder of a man or woman whom was the victim of prior domestic abuse and/or the partner was arrested for prior violence? What is investigation protocol for a person living in a home with a person previously arrested for violence?

Citizen List of Complaints Description

- a. **Completion/Submission of Forms, Failure to Secure Property/Evidence, Shirking of Duty, Conduct Un-becoming an Officer, Personal ID-Failure to Identify, Violation of Known Laws Reporting Arrests/Summons:**

Dowels, Roro, Slim, Meagan, Tasha, and Washington should all be murder crime suspects. All of these people knew Lee and were the last persons known to be in Lee’s presence Friday and Saturday. Powell did not know Lee. Powell family understands Powell was selected because of his previous rape conviction and because his vehicle was in an area where a body was found murdered. Powell’s innocence should have been questioned when a twenty-three-year-old drug addict was in his home with drugs and a gun. Police heard Washington describe, “he wants to be my boyfriend and rides around looking for me, but I don’t want to be his girlfriend.” Powell family understands Powell’s love interest in Washington. That relationship never proved to have a connection in any way with Lee, nor with Lee’s murder. Washington even described another woman named, “Rico(a).” Detectives asked Washington if she recognized Rico(a) in any of the photos and Washington did not; however, Washington stated she knew “all of the women” in the photographs.

Relevant to the six persons noted above, police have incomplete submission of forms and failed to secure property and evidence. This shirking of police duties immensely impacted the

investigation and violated reporting laws that may have led to a different person identified by police that should have been charged with murder. The conduct described herein is un-becoming an officer.

Three men were together when Lee was possibly last seen. Dowels drove up to Lee and asked her where she was going. There should be reporting from the other two men on this encounter. Dowels should have also been questioned about the telephone he bought the day of the murder, instead the questioning police only asked Dowels if it were possible that Dowels used a different phone on Saturday.

b. Completion/Submission of Forms, Failure to Secure Property/Evidence, Shirking of Duty, Conduct Un-becoming an Officer

Incomplete questioning and submission of forms resulted in no further analysis of Dowels' history of violence. Police should have questioned Dowels about his argument with Lee regarding what was missing from their home; the same argument described by Graves that Dowels never mentioned during Dowels police interview. Police should have validated cross reference narratives of Friday and Saturday from Dowels, Slim, Roro, Dowels' boss, Meagan, and Tasha. Police should have reported on each of these six people's Friday and Saturday whereabouts, happenings, attitudes, correspondence, and interactions among one another.

c. Personal ID-Failure to Identify, Violation of Known Laws Reporting Arrests/Summons

Meagan and Tasha should have also been placed under investigation. Graves stated to police that Lee and Meagan were at the house when something was noticed as missing. What knowledge did Meagan have of what item(s) were missing? Dowels asked Tasha to drive and look for Lee. Meagan and Tasha were critical in this crime investigation. Why was Tasha asked to look for Lee? Police should have reports and statements from Meagan and Tasha

There is no connection between Powell and Lee. If police conducted an investigation that followed basic, police investigation protocols, there should be statements, confirmations, and evidence reported from the last five persons to encounter Lee: Dowels, Roro, Slim, Meagan, Tasha.

IV. Citizen Complaint #3: NO Positive Identification of Kim Powell walking on Spanish Town Rd. Summary

There is video camera footage of a man walking toward Spanish Town Rd., crossing the street, entering a wooded area, and then exiting. The man has a towel over his head. The video never shows the man's face. The Prosecuting Attorney, from guidance of the police department, used these videos to claim the man was Powell. **There is no way to tell the walking man's identity.** Police pointed a finger at Powell and made a claim that has no substantial evidence at all.

A Ford Expedition leaves the wooded area located on Spanish Town Rd. at approximately 2:07PM, turns right, and heads toward the Interstate. Police showed 3 still photographs of a Ford Expedition to Powell and asked Powell "Is this your car? Does anyone else drive your car?" Powell answered that the car was his and that no one drives his car. Police asked if Powell knew a woman shown in a photograph? Powell answer, "No." Once police told Powell they were investigating a murder, Powell chose to not continue talking with police.

Question #1: What is the minimum legal threshold to make a positive identification of a suspect on a video camera?

Citizen List of Complaints Description

a. Truthfulness, Violation of Law, Personal ID- Failure to Identify

There is no positive identification connecting Powell to the man walking toward Spanish Town Rd., into the wooded area, nor leaving the area, nor walking away from the wooded area. The vehicle the Prosecuting Attorney described as Powell's is seen leaving the wooded area and heading toward the interstate, which is to the right of the area when exiting. For police to simply declare a person's identity without actual evidence and to submit such vague video recording and state to a jury while under oath that "they know" the man is Powell is untruthful and unlawful. Police do not have evidence of the man walking to have the identity of Powell. For police and the Prosecuting Attorney to state to a jury that they each "know" the man walking is Powell is a violation of law. Such statement is a lie under court oath. There was no evidence proving that any person can actually identify the man walking toward, on, nor from Spanish Town Rd.

V. Citizen Complaint #4: Restaurant Receipts Found at Crime Scene Not Analyzed Summary

Police stored Pizza Hut receipts as evidence. These receipts were found approximately 10ft. from Lee's body in an open field. A customer name and business address were on the receipts. Police did not call the business, nor seek to identify the customer named on the receipts. There is no follow-up report for this evidence.

Question#1: What is the minimum requirement for police to investigate stored evidence? Does not having analysis of the receipts speak to a deficiency in researching evidence found at crime scenes?

Citizen List of Complaints Description: Completion/Submission of Forms, Shirking of Duty, Surreptitiously Recording

- a. Police failed to complete and submit forms that describe findings made about the Pizza Hut customer and business named on the receipts. Police failed to carry out duties that may have led to surreptitiously recording critical investigation evidence to identify persons last associated with Lee prior to her murder. Many businesses have security video cameras. Timely, proper research of these receipts may have resulted in identifying the customer that purchased food from the Pizza Hut restaurant. This information may have aided the police investigation.

VI. Citizen Complaint #5: Gun Ballistic Report

- There is no certainty in knowing if the gun found in Powell's residence was used to murder Lee.
- The ballistic report and file does not have ANY photographs of Mr. Rusty Day's test fires.
- 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. Note: He 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.
- This is a major problem in conducting such analysis.
- Yet, when asked by the Prosecuting Attorney if Mr. Rusty Day could say for certain that the bullet or lead taken from Lee came from this specific gun, Mr. Rusty Day, said, "Yes."
- Mr. Rusty Day's trial testimony was not consistent with his own pistol ballistic report.
- This gun was not collected from Powell.

- People were in Powell's residence at the time the gun was collected, but Powell was not in the residence at the time the gun was collected.

Question #1: Were Louisiana laws that govern gun possession, ownership, or arrest followed? Please see questions previously asked in Section II. Citizen Complaint #1.

Question #2: Should ballistic analysts use bullets from the same manufacturer and of the same weight to conduct ballistic tests?

Question #3: If a state employee wrote a report and testified using explanations that were opposite their own publicly recorded report, did that person commit perjury during the trial?

Citizen List of Complaints Description: Truthfulness

The Ballistic Report completed by Mr. Rusty Day was misrepresented by himself during trial. Mr. Day described to jurors that bullets from Lee came from a specific gun; however, Mr. Day's own report does not make an exact match between the gun found at Powell's residence and the bullet and fragments taken from Lee.

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VI. Conclusion

This Letter of Complaint is forwarded from Louisiana citizens. With appreciation for the United States Constitution, the Louisiana Legislature, the Nineteenth Judicial District Court, and the Baton Rouge Police Department, the Powell Family requests a meeting with BRPD Police Chief Murphy Paul. We anticipate expeditious actions that will be executed by police to provide investigation into the complaints listed herein to identify the person(s) that actually murdered Ms. Courtney Lee, instead of “someone in the area that committed a previous crime.”

Mr. Kim Powell served 33 years in Angola Prison for a rape conviction. Powell was arrested at fifteen. When Powell turned eighteen, he was sentenced to Life without Parole. Powell was released from prison in 2017 and became a construction tradesman working with two business owners in Baton Rouge to maintain apartments and assist in concrete masonry. During this time, he was also a construction worker and painted and renovated mostly residential homes in Baton Rouge, Jefferson, and New Orleans. Powell also fathered a son who is currently five years old, named, “Noah.”

When Powell “came home” he said, “I’m going to pass up some of these people on the street,” in reference to people that did not have their own residence nor vehicle. In short time, Powell was financially independent. Police entered the home of an African American man, fifty-two-years-old, publicly registered as a convicted sex offender, living in the same Dixie Neighborhood as Washington, Dowels and Lee. Powell’s home was fully furnished and decorated with two refrigerators paid for with a good work ethic. Powell owned a Ford Expedition that he enjoyed driving. He specifically wanted a work vehicle. Police entered a home that had a boy’s room decorated in blue, a home with several construction tools and equipment outside. Powell was meeting his life goals and living independently. The home Powell rented was not government subsidized. Powell negotiated his rental rate with the landlord homeowner and paid monthly rent based on Powell’s initial construction renovation contribution to the previously vacant rental property. Despite Powell’s criminal past and his public registration as a sex offender, Powell was living well.

Dating Samantha Washington, a young woman with a drug problem who did not want to have an official, monogamous romance, but a friendship, was not smart for a new parolee; however, Washington is not Ms. Courtney Lee. Washington is alive.

Respectfully,

Mr. Kim Powell
Kimberly Burbank
David & Joann Swilley
Steven, Eric, & Errol Powell
Pearl & Oscar Washington
David & Ronald Wright
Jade Defillo

Immediate cc:

Captain Chuck Montgomery, Commander of East Baton Rouge Sheriff Office Internal Affairs
Colonel Lamar Davis, LA State Police Superintendent
Federal Bureau of Investigation
Honorable Mr. Merrick Garland, United States Attorney General
Honorable Mr. Jeffrey Landry, State of Louisiana Attorney General
Honorable Ms. Kristen Clarke, Assistant Attorney General for Civil Rights Division, Department of Justice

**Enclosures in Possession of BRPD & District Attorney, East Baton Rouge District
Evidence for Reference**

ENCL. 1 – Seven Interview Videos of Kim Powell, Samantha Washington, Corey Dowels, Deon Graver
ENCL. 2 – Video of unknown man walking on Spanish Town Rd. out of the wooded area and crossing the street
ENCL. 3 – Police Report of Anonymous Tip of Corey Dowels threatening to kill Courtney Lee
ENCL. 4 – Three Pizza Hut Receipts
ENCL. 5 – Public Records Request of Louisiana State Crime Lab Certification for Ms. Stacy Williams

END