

FACT SCENARIO FOR MOCK MOTION TO SUPPRESS

October 18, 2024

APAW Expo – The Hotel at Avalon

(Revised 10/7/2024)

William “Bill” Croelick* is a suspected serial killer from Los Angeles, California. His victims of choice are young women and it is believed that he murders them by burning them to death. He was tried once and acquitted after a material witness failed to appear for trial. He was then arrested for a second similar murder, tried, and convicted. Unfortunately, that conviction was overturned after it was determined that the victim - whose charred remains were found in a burned car – had been misidentified. In other words, he had been convicted of murdering a woman who was not, at that time, actually dead. The misidentification of the victim had been facilitated by evidence planted by a psychiatrist employed by the State of California.

Several years after his conviction was overturned, Croelick provided substantial assistance to the Los Angeles Police Department Major Crimes Unit on another murder case that was entirely unrelated to him. He then took the monetary settlement he received from the State of California for having been wrongly convicted and imprisoned due to malfeasance by a state employee, and moved to Columbus, Georgia. In 2010, he was convicted in the Superior Court of Muscogee County for the felony crime of Arson in the First Degree. He served about seven years in prison, and after being released, relocated to Houston County, where he successfully completed his parole. He is no longer under parole or probation supervision.

On December 19, 2019, in Houston County, Croelick was driving a truck that was stopped by then-Sergeant Wayne Fisher and Officer Shane Mann of the Warner Robins Police Department for the observed traffic violation of running a stop sign. After a narcotics detection dog alerts on Croelick’s vehicle, the vehicle is searched. Under the driver’s seat, officers find a pistol. No controlled substances are found in the vehicle.

Subsequently it is discovered that the pistol found in Croelick’s car was used, just the day before, on December 18, 2019, in an armed robbery/murder at the Circle K, 1941 Watson Boulevard, in Warner Robins. The clerk, Deanna Dutton*, was shot and killed in the course of the armed robbery. Interestingly, Ms. Dutton was also originally from the Los Angeles area, although there is no apparent connection between her and Croelick. An heiress, Ms. Dutton lost a substantial fortune due to a raging cocaine addiction between 2005 and 2009. After finally getting clean by graduating from a Drug Court in Los Angeles County, she moved to the Middle Georgia area with her boyfriend, who is stationed at WRAFB; she was working at the Circle K to help make ends meet.

*Characters in this scenario (other than Chief Fisher, Officer Mann, Attorney Bell, SADA Schwartz, and the presiding judge) are based loosely on characters from the television series *The Closer*, created by James Duff. All names, events, incidents, and documents are fictional. Any resemblance to actual persons, living or dead, or actual events, is purely coincidental.

Additional compelling evidence unearthed by detectives tied Croelick circumstantially to the armed robbery/murder, and when interviewed, Croelick made incriminating admissions that also tend to prove his guilt. But all of the evidence and all of the admissions ultimately derive from the discovery of the murder weapon in his possession during Fisher's search of Croelick's truck. If that search were determined to be unlawful, then all the other evidence would be considered "fruit of the poisonous tree". In other words, the admissibility of all evidence tying Croelick to the murder of Deanna Dutton depends on the validity of the vehicle search in which the pistol was discovered.

Croelick was indicted by the Grand Jury of Houston County for various offenses related to the murder/armed robbery as well as for the charges related to the **December 19, 2019**, vehicle stop. He has hired Greg Bell, an attorney from the Warner Robins area, to represent him. Attorney Bell has waived arraignment on his client's behalf, and, among other motions, has filed a Motion to Suppress Evidence attacking the legality of the search of Croelick's car and the seizure of the pistol. Quite obviously, due to the COVID-19 emergency orders which shut down the court system, the case has been substantially delayed, but the issues remain the same.

One note of importance: During the pre-trial discovery process, the parties have discovered and discussed that the time/date stamp on Fisher's body cam video reads December 19, 2018. This is an incorrect setting. The actual date of the stop - as correctly reflected in Fisher's K9 report - was December 19, 2019 (in other words, after the passage of the Georgia Hemp Farming Act, which became effective in May of 2019). The parties stipulate that the actual correct date of the stop was December 19, 2019, and that the incorrect date stamp was merely a technical glitch and not the result of any misfeasance or malfeasance by any party.

For various and sundry reasons, the District Attorney and all Superior Court Judges of the Houston Judicial Circuit have recused themselves. Kimberly Schwartz, a Senior Assistant District Attorney for the Chattahoochee Judicial Circuit, has been appointed as special prosecutor, and a judge from outside the circuit has also been appointed to preside over all pre-trial proceedings and the trial itself. Due to substantial pre-trial publicity – based largely on Croelick's colorful history in Los Angeles - the parties have agreed to a change of venue and have further agreed to hold the hearing on the Motion to Suppress in Fulton County on October 18, 2024.

**Police Report Narrative
for
Fact Scenario for Mock Motions to Suppress**

On December 19th, 2019 Ofc. M. Shane Mann and I, Sgt. Wayne Fisher were working a crime suppression detail in the area of Foy Evans Drive, in the City of Warner Robins, Georgia; a municipality in which I am employed as a police officer. The purpose of the crime suppression detail was to enforce state and local laws in regards to criminal activity of illegal dumping, prostitution, drug activity and unlawful discharging of firearms in the incorporated city limits and in this area particularly. At or around 0930 hours Officer Mann and myself were in our marked canine unit patrol vehicle and on Global Court. As we were nearing the intersection of Global Court and Continental Drive we found ourselves behind a burgundy General Motors product extended cab pick-up truck which had a camper shell on it. As this above mentioned vehicle approached Continental Drive it failed to stop at the stop sign and made a right turn with very little break in its speed and continued south on Continental Drive.

At that point a determination to affect a traffic stop for the observed violation was made. We stopped short of the intersection to call in the traffic stop and then proceeded to make the right turn onto Continental Drive. Once on Continental Drive I activated the emergency lights to our marked patrol vehicle and before I could activate the siren to the patrol vehicle the above mentioned vehicle pulled over. The traffic stop was called into 911 dispatch advising them the location and vehicle information. The Georgia tag as called in to dispatch was XYZ 123.

I made contact with the driver of the vehicle while Ofc. Mann maintained an overwatch position to the passenger side of the pick-up truck. I identified myself to the driver and the reason for the traffic stop. I asked the driver for his driver license and registration to his vehicle. The driver was identified as a Mr. William Croelick, his information being contained in the names section of this police report. The ignition key to the vehicle were requested as they were in the ignition of the vehicle. This was for safety purposes as in conducting the traffic stop we would be in positions in relation to the vehicle that could place us in potential harm if Mr. Croelick were to start the vehicle and place it in gear. Mr. Croelick presented the keys to his vehicle and the keys were placed on the hood of the vehicle centered and by the windshield. I then stepped back and ran the driver information through dispatch and retrieved my citation book from the patrol vehicle. I then gave Ofc. Mann the citation book and requested that he start to write the citation for the traffic offense of disregarding a traffic control device. I then re-approached the driver of the vehicle.

Once back with Mr. Croelick I explained to him again who I was, and that I was a canine handler. Paraphrasing our conversation it was explained to Mr. Croelick that my canine is a narcotics detection canine and that I was going to conduct a free air sniff of his vehicle. Mr. Croelick was advised that he needed to remain in the vehicle and not to stick his hands out or attempt to communicate with the canine as we conducted the free air sniff. Mr. Croelick asked if this was normal practice for me to run my dog around vehicles. It was explained to him that we attempt to work the dog as much as we can.

I returned back to my patrol vehicle as Ofc. Mann was still in the process of writing the citation and waiting for Mr. Croelick's information to come back from dispatch. I retrieved canine Ego, my assigned canine partner to conduct the free air sniff of Mr. Croelick's vehicle. Ego was purchased through Tarheel Canine and both Ego and I were trained and certified by Tarheel Canine. Since that time of initial training this canine team has annually certified through the National Narcotics Detector

Dog Association (NNDDA). This certification certifies both handler in his abilities of working his assigned dog, and the dog for purposes of detection of Marijuana, Cocaine, Methamphetamine and Heroin. This canine team also conducts regular scheduled training that take place bi-monthly.

As I retrieved Ego from the patrol vehicle dispatch advised that Mr. Croelick's license was valid and that there was prior arrest history with Mr. Croelick with the last arrest being in 2010 for Arson. As I passed Ofc. Mann he was still in the process of writing the citation. I presented canine Ego to the left rear tail light and gave him his search command as we conducted the free air sniff. We moved in a counter clockwise fashion and as Ego neared the passengers door Ego showed changes in his breathing and slowed down his pace. Ego sniffed at the lower left corner of the passenger door as I kept moving toward the front of the vehicle. Ego held briefly at this point, but then moved past and worked the vehicle continuing in the counter clockwise direction. As we neared the driver's door Ego again showed changes of breathing and slowed pace slightly but continued to the rear of the vehicle. We ended the first pass on the vehicle at the right rear taillight.

Ego was presented in a clockwise fashion to the vehicle from the point we ended the first pass. On this pass Ego worked past the driver's door and as we came to the passenger front fender Ego again started to show changes of breathing and body posture as he worked in manner immediately recognizable to me as when he is in the presence of odor of Methamphetamine, Cocaine, Heroin, or Marijuana all being narcotics that he has been trained to detect. As Ego worked toward pinpointing source I kept moving within the limits provided by the length of the leash Ego was on so that I would not become static. Ego gave a final response of sitting and giving a focused stare to the passenger door of the truck. This is the trained conditioned final response for Ego. Ego was given verbal praise and returned back to our marked patrol unit. As I passed Ofc. Mann I advised him that Ego had given a positive alert to Mr. Croelick's truck. Once Ego was placed back in the vehicle I returned to Mr. Croelick and Ofc. Mann immediately stopped writing the citation to assist with the re-contact.

Upon making contact with Mr. Croelick I informed him that Ego had alerted to his vehicle and that the vehicle was going to be searched subsequent to the alert. In paraphrasing our conversation Mr. Croelick was advised that I was going to remove him from his vehicle in a set manner and that he needed to comply and not to resist. I asked Mr. Croelick if there were any weapons such as guns or knives in the vehicle that might be present. Mr. Croelick advised there were no guns or weapons in the vehicle. Mr. Croelick was removed from the vehicle and pat down for potential weapons before being handed over to Ofc. Mann so that I could conduct the search of the vehicle.

With Mr. Croelick being with Ofc. Mann I began to search the vehicle. Upon approach to the drivers compartment side of the truck to begin my search I immediately observed a Glock firearm under the driver's seat. I announced out loud for Ofc. Mann's benefit that there was a gun in the vehicle. Mr. Croelick on earlier conversation stated that there would be no firearm's or other weapons in the vehicle. I had dispatch check the Glock to see if it had been reported as stolen. The serial number for the Glock as run through dispatch was ABK734 and the gun is as well listed in the property section of this report. I then proceeded back to my patrol vehicle to secure the firearm. I again questioned Mr. Croelick about the gun and was told that he did not have any guns in his truck. I then requested dispatch to provide me with a case number for this traffic stop. I then requested my front desk operator to pull a criminal history on Mr. Croelick using the provided case number. I then went back and continued searching the vehicle. While searching the vehicle the front desk operator advised that Mr. Croelick was a convicted felon with a conviction for Arson in the First Degree with the conviction being in 2010.

I immediately stopped searching the vehicle and made contact with Ofc. Mann and Mr. Croelick. Mr.

Croelick was advised that he was under arrest for being a convicted felon in possession of a firearm. Mr. Croelick was handcuffed and turned over to Ofc. Mann as I returned back to searching his vehicle. During the search of the vehicle I could not find the narcotics that Ego had alerted to the presence of odor to. In searching the truck I had to move a platter which had cookies on it. The platter was originally on the passenger front seat and had been moved to the center armrest console area. Having not found the location of the narcotics that Ego had alerted to I returned to my patrol vehicle and brought Ego back to conduct a search of the interior of the vehicle using Ego. Ego was brought to the vehicle from the driver side of the truck. As we approached the driver side which had open door Ego proceeded at a fast pace drafting me to the vehicle. As we neared the vehicle and got closer to the open door I observed a change in Ego's manner of breathing. Ego entered the vehicle on his own without assistance or guidance by me. As he entered the vehicle Ego did so by coming low from the driver side floor board and coming up to the driver seat. He momentarily gave a cursory sniff to the cookies that I placed on the center console which had originally been on the front passenger seat and quickly moved past them not showing any interest to them. Ego in working past the cookies climbed over to the passenger side of the vehicle and exited the vehicle on the passenger side, showed changes in breathing again and while being outside the truck gave a final response of a sit and stare to the rear floorboard area behind and below the passenger seat. The focused attention was low and not high as if he was responding to the scent of the cookies. As I was still on the driver side of the vehicle I had to release the leash in order to come around to Ego who was holding to where he had alerted. Upon coming around to Ego, preparing to reward Ego for his work, he broke position, jumped on the passenger seat and went to go to the rear of the vehicle and had to be brought back out of the vehicle.

A further search to the vehicle where Ego had given his alert this second time was made, and again no narcotics were to be found. It appeared that Ego alerted to lingering odor of the drugs that had been present prior to our contact that he has been trained to detect. Mr. Croelick was transported to the Law Enforcement Center where he was booked for Failure to Obey Traffic Control Device and for Possession of a Firearm by a Convicted Felon. Warrants will be secured later this date. The vehicle was towed by the on-call wrecker to their impound yard to be released to owner. The Glock pistol that was found under the driver seat of Mr. Croelick's vehicle, which was in his immediate presence and control, was placed into Property at the Law Enforcement Center. Further research will be conducted in regard to this firearm to determine if it is a stolen firearm; that follow up will be conducted by the Criminal Investigations Division.

Video available. A review of the video was conducted, and the video as a true and accurate recording of the traffic stop. As should be noted, the year as reflected on the video shows 2018 whereas the incident as reported took place in 2019.