



JEFF PHILLIPS
PROSECUTING ATTORNEY
FIFTH JUDICIAL DISTRICT

P.O. BOX 3080
RUSSELLVILLE, AR 72811
(479) 968-8600
FAX (479) 967-1086

Heather Patton
Chief Deputy

Steve Higgins
Deputy

Arik Cruz
Deputy

Deidre Luker
Deputy

July 5, 2023

Joint Performance Review Committee:

My name is Jeff Phillips. I am the Prosecuting Attorney for the Fifth Judicial District. I took office in 2019 and prior to that I was a part time deputy prosecutor for about 20 years. My district includes Pope, Johnson and Franklin Counties.

In the past few years Pope County has been divided on an issue involving a proposed casino to be built and efforts to stop that from happening. Both pro casino and anti-casino groups have made allegations against one another.

In July 2022 I had contact with Hans Stirtz (it was either by phone or email – I can't remember). Mr. Stirtz represents a group advocating against a casino being built in Pope County. He was concerned that an employee for a company that gathered signatures opposing the casino were victims of a crime. More specifically, he felt that his employee's house was intentionally burned. I can't remember if Mr. Stirtz had the expert's report at the time we initially spoke or if it was presented later but I eventually obtained a copy. The report was from a respected company that had basically acted as their own law enforcement agency in investigating the incident.

The allegations in the report were extremely troubling. The conclusions of the expert were that this home was intentionally set on fire.

I carefully reviewed the report and had concerns. I am certainly no expert in investigations of suspected arson cases, but I have handled several as a prosecutor and taken arson cases to jury trials. In doing so I have reviewed reports of other arson experts. I know that the initial concern in addressing arson is to rule out the possibility that the home had accidentally burned. I read facts in the report that caused me to not rule out an accidental fire. These facts were minimized in the report.

JEFF PHILLIPS
PROSECUTING ATTORNEY
FIFTH JUDICIAL DISTRICT

I contacted the Arkansas State Police and requested that they look at the limited information I had been provided. By limited information I mean basically the expert's report.

The State Police agreed to review the information I received and determine if there was justification for moving forward with an investigation. It is my understanding that the information was provided to the State Police criminal investigator who reviewed the expert's report. This investigator had training in arson investigation. I was told that after he received the report he had concerns about the conclusions of the expert. He then provided the expert report to one of his supervisors with more training than he had. Neither State Police expert came to the same conclusion as the privately hired expert and would not conclude this was arson. Based upon the conclusions of the Arkansas State Police and my own concerns about the private investigative report I considered and still consider this case on hold pending any further information.

I want to briefly point out, from a prosecutor's perspective, other things that caused me concern. To my knowledge the homeowners never made a formal police report to law enforcement. It appears they made their report to representatives of Fair Play of Arkansas, which is the anti-casino group, who then started their own private investigation and subsequently provided the expert's report to me.

I have information through emails from concerned citizens that the homeowners had been followed and harassed for gathering signatures in an attempt to stop the possibility of a casino being built in Pope County. I don't know when these incidents happened or if any formal report was ever made to law enforcement. If formal reports had been made it would have been good to have this information with the expert's investigation. I think it would have also aided the State Police in their review of the expert's report. If formal reports to police about harassment have not been made, I would want to know why.

To the best of my knowledge the alleged crime scene remained unsecured for approximately two days from the time of the burning to the time the site was inspected by the representatives of the company that conducted the private investigation. Law enforcement investigators know it is crucial to secure and protect the potential crime scene so that evidence is not disturbed, moved or tampered with. To the best of my knowledge that did not happen, creating a problem going forward with prosecution if a suspect was ever developed. There would conceivably be no way for the company who conducted the investigation to know the condition of the scene on the day it occurred, or even the day after. It is unknown who had access to the area and what items were disturbed or moved. These items could be disturbed or moved simply by loved ones attempting to retrieve sentimental items from the rubble. To this day I do not know who paid for the investigation or how it was coordinated with the people whose home burned. From a prosecutor's perspective this is important information going forward.

Finally, if this case ever was developed to such a degree that a suspect was charged there will always be two Arkansas State Police investigators who have given their opinion to me that they did not agree with the conclusions of the expert.

JEFF PHILLIPS
PROSECUTING ATTORNEY
FIFTH JUDICIAL DISTRICT

These are just some of the concerns that I have in reviewing the information provided to me. It is always a tragic event when people lose their belongings in a fire and even more so when a family pet is involved. I feel for the family. But, based upon the information provided to me, I do not feel that this case can proceed forward with the information I have. I am sorry I could not appear in front of you in person. I am in Court in Franklin County, Arkansas, with numerous cases to be addressed. I appreciate this group's attention to the concerns that have been brought to them and hope I have been able to provide you with a clear picture of my perspective based upon the information I have received.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Phillips", written in a cursive style.

Jeff Phillips
Prosecuting Attorney

JP/jm