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**Lawyer says police broke Sunshine Law**

Department put up 'roadblocks' to requests, lawyer says

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A Columbia lawyer said that police inappropriately denied his request to see a detained woman who had asked to see him. Lawyer Stephen Wyse said the department is throwing up "roadblocks" to his legal request for surveillance tapes of the incident.

Wyse's allegations stem from an exchange in the lobby of the Columbia Police Department a few hours after the slaying of a Columbia woman at the Red Roof Inn on Oct. 8.

Wyse said Nicole Palmer, 19, who was questioned after the slaying as a possible accomplice, called him from a holding cell at the Columbia Police Department using a cell phone that she had not surrendered to police.

Palmer "was afraid and wanted help," Wyse said.

Palmer had been detained a few hours earlier with her boyfriend, Blake Logan, the 18-year-old man accused of killing Nicole Crumby in the parking lot of the hotel.

When Wyse arrived at the police station at about 2:15 a.m.

on Oct. 9, police wouldn't allow him to see Palmer.

Wyse continued to speak with Palmer by phone in the lobby of the police station, and police continued to deny him access to her, the lawyer said.

Wyse said that Palmer told him over the phone she had already asked police to let her see him. Wyse also said police told Palmer's parents earlier in the night that they were not holding Palmer when they actually were, causing the parents "great consternation," Wyse said.

In an interview with the Missourian, Detective Jeff Westbrook said he spoke with Wyse in the station that night and said Palmer hadn't asked to see Wyse, though Westbrook acknowledged he wasn't the detective interviewing Palmer. Westbrook denied Wyse's claim of wrongdoing by the department and said Palmer was allowed to see Wyse later once she invoked her Miranda rights and asked for an attorney.

Westbrook said he could not remember who interviewed Palmer. He said he would look

up the information and provide it.

But Wyse's complaint doesn't stop there.

Wyse filed a Sunshine Law request later Oct. 9 for surveillance videotapes of the incident in the lobby as well as footage of Palmer. But Wyse said Thursday that records-keeper Lt. Krista Shouse-Jones of the Columbia Police Department committed a "knowing and willful" violation of the Sunshine Law by failing to respond within three business days, as the statute requires, and asking for fees greater than the amount permitted by law.

The law says that "each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body."

Wyse said that Shouse-Jones — who had been out of town — had a responsibility to find someone to respond  
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to Sunshine requests if she couldn't.

Wyse objected to the cost of the request, too. In a cost estimate sent to Wyse and obtained by the Missourian, Shouse-Jones stated it would cost \$2,739.73 in labor costs to organize 80.25 hours worth of footage — an amount Wyse called "absurd" and inappropriately calculated. Wyse received another estimate Friday for an additional \$114.31 fee for burning the footage onto DVDs, which was the only charge he thought was appropriate under the Sunshine Law.

Shouse-Jones couldn't be reached for comment, but Public Information Officer Jessie Haden disagreed with Wyse's claim, saying Shouse-Jones' amount was correct and that Shouse-Jones was not legally obligated to appoint someone to act in her stead when she was out of the office for so

short a time.

The department and Wyse also remain at odds over whether Wyse is legally entitled to receive unedited footage from the station.

Wyse's claim has criminal implications. A "willful violation" of the Sunshine Law — like the one alleged by Wyse — is a class-A misdemeanor and is punishable by up to a year in the county jail and/or a fine of up to \$1,000.

In a fax to the Boone County Prosecutor's office obtained by the Missourian, Wyse asked Chief Prosecutor Dan Knight on Thursday to recuse himself from any potential prosecution due to a "close relationship with the Columbia Police Department" and called for the appointment of a special prosecutor from the Missouri Attorney General's Office to handle the matter.

Knight could not be reached for comment. Knight is in court this week prosecuting the Wil-

liam Clinch murder case.

Palmer has since chosen another attorney to represent her, but Wyse said that if he discovered wrongdoing on the videos he will send a letter to Palmer informing her of her legal options. Palmer is currently charged with hindering prosecution and a felony drug charge stemming from her arrest on Oct. 8. She is represented by Columbia attorney Stan Clay.

In the end, part of the confusion might simply be over different interpretations of the law. "The Sunshine Law is not the most clearly written law I've ever looked at," Haden said.

But Wyse had his own thoughts. "If there wasn't something embarrassing on that tape, I don't think that they'd be throwing up roadblocks," he said. "That's just my opinion."