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800-114
**Attorney
sues for
video from
police**

The lawyer says the video could reveal police misconduct.

By MINA MINEVA
news@ColumbiaMissourian.com

A Columbia attorney's quest to see surveillance video from the Columbia Police Department has become a lawsuit.

Attorney Stephen Wyse sued the city of Columbia and the Columbia Police Department's custodian of records on Wednesday about an open records request.

Wyse said he filed a Sunshine Law request for surveillance footage from the Police Department lobby and holding area. He wants to determine whether police inappropriately denied him access to an arrested woman who had asked for a lawyer on Oct. 8, he said.

Police have said the woman did not ask for him, according to previous Missouriian reports.

A few hours before Wyse came to the Police Department lobby, Nicole Palmer, 19, was detained for questioning about being an accomplice in the killing of Nicole Crumby at the Red Roof Inn. Wyse said he received a phone call from Palmer at about 2 a.m. on Oct. 9 asking for his assistance.

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Police: Lawyer pays but doesn't get video

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Palmer called from a holding cell using a cell phone that she had not turned over to police, he said.

When Wyse arrived at the police station and asked to speak to Palmer, the police refused to let him see her, the attorney said.

"I wasn't allowed to speak to my client," he said. "She told me she wanted to speak with her lawyer, and she told the police. They accused me of lying although I was in contact with her."

A suspect being detained for interrogation has the right to have legal counsel present during questioning, which is related to the Fifth Amend-

ment privilege against self-incrimination.

Wyse continued to talk to Palmer by phone in the lobby. She told him she had asked to speak to a lawyer but that police told her there was no lawyer waiting to see her, the attorney said.

Wyse said if the surveillance videos showed that the police lied that night, he will tell Palmer and see if she would like to take further legal action.

According to a previous Missouriian report, Detective Jeff Westbrook said Palmer hadn't asked to see Wyse. Although Westbrook said he was not the detective who interviewed Palmer, he said when she invoked her Miranda rights and asked for an attorney,

she was allowed to meet with Wyse.

In the lawsuit filed in the 13th Circuit Court for Boone County, Wyse said he left the police department at 4:45 a.m. after the police continued to deny him access to Palmer. Later that morning, Wyse received a phone call from the Boone County Assistant Prosecutor Richard Hicks, who arranged a meeting for him and Palmer, Wyse said.

Although Wyse no longer represents Palmer, he filed a Sunshine Law request on Oct. 9 for the surveillance footage from the cell where Palmer was held and from the police department lobby.

"Someone is not telling the truth, and I want to find out



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what happened," he said.

On Oct. 21, Wyse received a faxed letter from Lt. Krista Shouse-Jones, the department's custodian of records. The estimate said it would cost \$2,739.73 and three weeks to organize more than 80 hours of digital footage to fulfill his Sunshine Law request.

Wyse wrote a letter responding to Shouse-Jones the next day, telling her that she and the city had violated the Sunshine Law by inappropriately calculating the cost and failing to respond to his request within three business days. In his letter, Wyse wrote that if the city and police "did not cure the violation a request for prosecution and a civil suit would be forthcoming."

Wyse received a new cost estimate that same day from the city for \$114.31, which covers cost of burning the footage onto DVDs.

The attorney paid \$114.31 to the police department, but on Oct. 26 he received a letter from Shouse-Jones stating that his request would be honored in about three weeks after he paid \$2,739.73, the original cost estimate.

"I've been actively trying to communicate to the city's attorney office and Ms. Shouse-Jones," Wyse said. "I had left several messages for them."

Shouse-Jones and the city of Columbia were served with the lawsuit Wednesday night.

"I am not particularly surprised about the lawsuit," said Jessie Haden, public information officer for the police department. "I am not surprised about this after I read Mr. Wyse's letters. As far as we are concerned, there was no violation."

Shouse-Jones is represented by attorney Cavanaugh Noce from the police department's legal department. Noce could not be reached Thursday morning.

According to the Sunshine Law provisions, if the court finds that the defendants knowingly violated the law, they can be fined up to \$1,000; if the court finds that the defendants violated the law on purpose, they can be fined up to \$5,000.