

FACTS CONSTITUTING REASONABLE CAUSE

WHEREAS, appearing before the Court, affiant states the facts and circumstances described as follows, to wit;

1. That he is a law enforcement officer employed in the capacity of the duly elected, qualified, and acting Sheriff in and for Clark County, Arkansas, and acting under the color of authority of such office;
2. That he was acting in such capacity on or about Monday, December 10, 2018;
3. That on or about the 10th day of December, 2018, affiant received information from Elaine Kneebone, who is the legal counsel for Henderson State University, that she (Kneebone) had received information from university faculty that a chemistry professor, identified as Dr. David Bateman and a chemistry professor identified as Dr. Brad Rowland, had recently exhibited marked deviation in their behavior that lead such faculty members to believe that these persons were involved in some type of illegal activity in one of the chemistry laboratories. Specifically, such information stated that these persons had exhibited drastic changes in their personal hygiene and weight loss. Dr. Bateman and Dr. Rowland were observed by faculty and staff to be present in the laboratory during the late night and very early morning hours, were extremely guarded towards other faculty and students who came into the laboratory, questioned why such other persons were there, and would not allow such other persons out of their sight while in the laboratory.
4. That on or about the 4th day of January, 2019, affiant assigned Agent Roy Bethell of the Group 6 Narcotics Unit and Deputy Sheriff Wes Sossamon to meet a faculty member on the university campus to allow those officers access into the chemistry laboratory located in room REY304 in order for Agent Bethell and Deputy Sossamon to conduct an examination thereof. Affiant has personal knowledge that Agent Bethell and Deputy Sossamon both have extensive experience in the investigation of clandestine drug laboratories and affiant instructed those officers to make examination of such herein described university laboratory for the purpose of possibly identifying any apparent evidence of illicit manufacture of controlled substances. Agent Bethell and Deputy Sossamon stated to affiant that those officers had examined such herein described university laboratory and that they observed several chemical reactions in progress, multiple containers of chemicals and related apparatus present therein, and that there was an overwhelming odor recognized by both of those officers as that common to the controlled substance phenyl-2-propanone, which is a precursor chemical often used in the synthesis of amphetamine and/or methamphetamine. Agent Bethell and Deputy Sossamon stated that other than this particular finding, there was nothing individually or collectively that immediately indicated that controlled substances other than phenyl-2-propanone was being or had been manufactured inside the university chemical laboratory.
5. That on or about the 8th day of October, 2019, affiant received information from Agent Brent Whitworth of the Group 6 Narcotics Unit that Agent Whitworth had been notified that there had apparently been some type of chemical spill incident in such herein described university science building. Affiant and other officers responded to the building

and found that some type of chemical spill had occurred in the REY304 laboratory, resulting in the necessity to evacuate and secure the building as an ongoing chemical hazard incident. Hazardous materials experts responded to the scene, conducted air quality assessments, and determined that the building and laboratory should not be occupied due to chemical saturation of the ambient air. Pursuant to the information as previously herein described regarding suspicions of illicit conduct, Forensic Scientist Norman Kemper of the Arkansas State Crime Laboratory, Drug Analysis Section, came to the campus and conducted a preliminary inspection of the REY304 laboratory. Mr. Kemper stated that he would return to the campus on a later date to conduct more extensive examination of the laboratory and collect samples for testing. The REY304 laboratory was secured under the direction of the university campus police department.

6. That on or about the 14th day of October, 2019, affiant received information from Agent Bethell and Deputy Sossamon that on or about such date those officers met with crime laboratory analysts Norman Kemper and Terra Lucas at the university science center. These officers stated that the analysts obtained photographs of and collected samples from the REY304 chemistry laboratory. Affiant was also informed by Agent Whitworth that analyst Kemper gave such herein described samples to Agent Whitworth who maintained the samples in secure custody pending submission to the crime laboratory for testing.

7. That on or about the 8th day of November, 2019, affiant received information from state crime laboratory Director Kermit Channell and Assistant Director Cindy Moran that analyst Kemper had tested 15 samples recovered from the REY304 chemistry laboratory as herein described in ¶6, and that six (6) of those samples contained the controlled substances methamphetamine and/or phenyl-2-propanone. Assistant Director Moran is a forensic chemist and she stated that these tests results are conclusive that methamphetamine and phenyl-2-propanone had, in fact, been manufactured inside the university laboratory. Mrs. Moran also stated that in her expert opinion, this particular manufacturing process would have had to have been conducted by someone with a level of knowledge consistent with a professor and that she does not believe a chemistry student would possess the requisite knowledge and skill.

8. That on or about the 8th day of November, 2019, affiant received copies of written statements from three (3) university students who stated that they were present in the science center building at approximately 9:30pm on October 7, 2019, when they were overcome by a strong chemical odor. The students stated that they saw Dr. Rowland and Dr. Bateman go into the building and were later told that these faculty had cleaned up a chemical spill that had happened in the university laboratory. One (1) of the students stated that Dr. Bateman and Dr. Rowland told the students that the spilled chemical "might have been benzyl chloride."

9. That on or about the 8th day of November, 2019, affiant received information from Deputy Sossamon that the chemical benzyl chloride is commonly used in the manufacture of phenylacetic acid and that phenylacetic acid is a precursor chemical necessary for the chemical synthesis of phenyl-2-propanone.

10. That on or about the 11th day of November, 2019, affiant and other officers executed a search and seizure warrant upon the private offices of Dr. Bateman and Dr. Rowland located in the Reynolds Science Center building on the university campus.

Pursuant to the search of Dr. Rowland's office multiple handwritten documents containing what appeared to be chemical formulae were seized. Pursuant to the search of Dr. Bateman's office documents relating to the synthesis of benzyl chloride and benzyl cyanide, the synthesis of phenylacetic acid from benzyl cyanide, the synthesis of phenyl-2-propanone, and the synthesis of methylamine were discovered. Also located within Dr. Bateman's office was a locked metal safe that officers forced open. Upon examination the safe was found to contain 190 glass vials containing visible residue. Field testing of two (2) of the vials resulted in a presumptive positive for methamphetamine. Once opened, the safe emitted a strong odor consistent with that common to phenyl-2-propanone.

11. That on or about the 11th day of November, 2019, while executing such herein described search and seizure warrant, officers received information from another university chemistry professor that there were two (2) glass flasks located inside a refrigerator in the room REY301A laboratory that Dr. Bateman and Dr. Rowland were "constantly checking on" and that such other professor strongly suspected contained some illicit substance. Subsequent to such information, Agent Bethell and Deputy Sossamon examined the flasks and stated that each contained a solution with a quantity of crystalline precipitate that emitted the odor common to phenyl-2-propanone. Agent Bethell and Deputy Sossamon conducted field testing of the solutions which resulted in no reaction for methamphetamine. The flasks were collected and secured pending submission to the state crime laboratory for further testing.

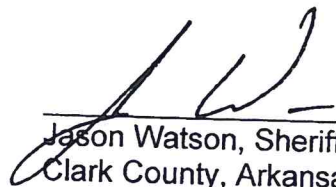
12. That on or about the 13th day of November, 2019, affiant received information from analyst Kemper that there were three (3) additional flasks containing solution that were present inside a freezer in the REY301A laboratory that analyst Kemper observed while collecting samples on October 14, 2019, and that pursuant to the information regarding the two (2) flasks as herein described in ¶11, analyst Kemper requested that these three (3) flasks be collected and submitted as well. Pursuant to such request, affiant and Agent Whitworth went to the REY301A laboratory and collected these three (3) additional flasks.

13. That on or about the 14th day of November, 2019, affiant was present when Agent Whitworth conducted a field test on a sample of solution from one of the three (3) flasks as herein described in ¶12, which resulted in the presumptive positive for methamphetamine. The quantity of such solution appears to exceed two (2) grams of methamphetamine.

WHEREFORE, PREMISES CONSIDERED, affiant states that the foregoing facts and circumstances demonstrate reasonable cause to believe that the within named potential defendant has committed such herein described criminal offenses and prays that a warrant for his arrest does issue.

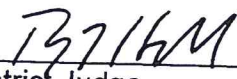
FURTHER AFFIANT SAYETH NOT.

I hereby swear and affirm that the foregoing is true and correct to the best of my knowledge and belief.



Jason Watson, Sheriff
Clark County, Arkansas

Sworn to before me this 15th day of November, 20 19.



Randy Hill, District Judge
Clark County, Arkansas

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FURTHER AFFIANT SAYETH NOT.

I hereby swear and affirm that the foregoing is true and correct to the best of my knowledge and belief.



Jason Watson, Sheriff
Clark County, Arkansas

Sworn to before me this 15 day of NOVEMBER 2019.



Randy Hill, District Judge
Clark County, Arkansas