

BIGGER PICTURE: You be the judge and jury (Part II)

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So what did the confidential informants offer as evidence against Audley Campbell who faced a possible 25 years if convicted? A case that's foundation is based on the CIs information? The police reports provides the details.

On July 11, 2018 the CI says he let the police know that he could buy \$400 worth of cocaine through a guy named "Harry." He met with Harry on N. Exchange Street. A third person named "Tammy" allegedly drove Harry to get the drugs without the CI. They went back to the CI and handed him the drugs. The CI alleges the drugs came from Audley, though he admits he never met him or saw any transaction between Harry and Audley. There was a cell phone video recording of the interaction with Harry, but it was not turned over to the defense. Likely because Audley isn't on it.

On July 26, 2018, the CI says he told police "Charles" was ready to sell him cocaine. Charles said he was not home but would be soon. A short time later the CI says Charles arrived with Audley in a 2013 Buick. The CI says he got in the vehicle and alleges Audley handed him the drugs. He then exited the vehicle, met with police and told GPD he saw Charles (not Audley) exit the vehicle with a large amount of cocaine and enter a nearby garage. Even though the CI reported a large amount of drugs onsite and GPD were close enough to observe (if following protocol) and test the CI's cocaine, they never moved in to bust or arrest anyone either day.

The prosecution contends that even if Audley is simply an "accomplice" he is just as culpable as Charles and Harry.

The Cato Institute is an American libertarian think tank headquartered in Washington, D.C.. Jonathan Banks writes for them and says, "The use of confidential informants creates some bad incentives for law enforcement actors and the CIs themselves. These flaws produce an array of bad individual and public policy outcomes while providing only superficial benefits for law enforcement."

In short they are using people immersed in their own criminal activity to act as agents of the government. Most CIs have only their best interests in mind. Remember, to get leniency in their own cases they have to provide useful information. The potential for lying is inherent as CIs hope to save their own skin.

Ultimately GPD sold at auction the car that belonged to Audley's then-girlfriend Kelly. There was no evidence or property that was taken from the vehicle to be used by the prosecution (as per

discovery) at trial. Kelly, who has a clean record, is a home owner with three kids and a steady job. She had no involvement with this case other than her boyfriend borrowed her car. The loss of her car, which still had payments owed, and the fees to get a lawyer for Audley resulted in Kelly later filing for bankruptcy.

In addition GPD looked at the bank accounts of both Audley and Kelly in order to seize their “drug money assets” but couldn’t. There wasn’t any because all their incoming funds were directly deposited. Kelly’s response to them was “That is what happens when you have regular jobs.”

According to the ACLU “forfeiture was originally presented as a way to hurt large criminal enterprises by diverting their resources. But today many police departments use forfeiture to benefit their bottom lines, making seizures motivated by profit rather than crime-fighting. For people whose property has been seized through civil asset forfeiture, legally regaining such property is notoriously difficult and expensive.”

A reminder to readers: the oath of office that a district attorney takes is one like no other lawyer. It is to ensure justice and not to over zealously work for one side or against another. It is not supposed to be a win-at-all-costs proposition. Ontario County claims it has one of the highest felony conviction rates in New York. DA Jim Ritts says on the county website: “This success is due to the hard work and dedication of quality prosecutors in this office, and to solid investigative work performed by well-trained police officers throughout Ontario County.”

Audley’s first attorney, a public defender, was aware of the county’s high felony conviction rate and warned Audley that going to trial with felony charges in Ontario County would be difficult — very little wiggle room and as Audley says, he was told, “They will slay you.”

With that said, it is not known how the CIs benefited from their efforts. It wasn’t disclosed. Charles, the one allegedly interacting with the informant and the subject with the most damning information, received only five years probation. How is that possible? He told Audley that GPD offered a good deal to flip on him, something he has personally apologized to Audley for. Audley was facing up to 25 years. He first was offered a plea deal of nine years in prison. After changing from a public defender to a private attorney, he eventually took a plea deal of three years with two years probation. Ultimately, he entered a shock treatment program to reduce the time served.

The inset photo was one of the few pieces of evidence against Audley. The prosecution claims it shows Audley confessing to the crime. If this case were to have gone to trial, it’s quite possible that the prosecution might have attempted to present evidence to try to impeach Audley’s credibility. But from what we know, is there enough to convict Audley (guilty beyond a reasonable doubt) for four felony charges of dealing and possessing drugs? Was he not guilty (which is different from innocent)? Did Kelly deserve to have her car seized? Was there fair and equal application of the law? Maybe you feel justice was served as an alleged drug dealer is off the streets?