

they have reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been committed by the person to be arrested. Friar v. State, 2016 Ark. 245, 2016 WL 3346565. Such probable cause does not require that degree of proof sufficient to sustain a conviction; however, a mere suspicion or even “a strong reason to suspect” will not suffice. Roderick v. State, 288 Ark. 360, 363, 705 S.W.2d 433, 435 (1986) (quoting Henry v. United States, 361 U.S. 98, 80 S.Ct. 168, 4 L.Ed.2d 134 (1959)). The assessment of probable cause is based on factual and practical considerations of prudent individuals rather than the discernment of legal technicians. Id. It is based on the officers’ knowledge at the moment of the arrest. Friend v. State, 315 Ark. 143, 865 S.W.2d 275 (1993). The determination of probable cause is also measured by the facts of each particular case. Wong Sun v. United States, 371 U.S. 471, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963).

If the Arkansas Supreme Court has deemed this is sufficient for a **warrantless arrest** (emphasis added) as in Bishop then no doubt this collective knowledge is more than adequate for the issuance of an actual warrant for arrest by a Circuit Court Judge. Bishop v. State, 675 S.W.3d 869, 875 (Ark. 2023), reh'g denied (Jan. 11, 2024).

Otherwise, if the Court felt it necessary to allow Defendant’s interpretation of the rule regarding whose signature is required on the warrant, every single officer who performed even the most miniscule investigative task on a large, complicated case would then therefore be required to give his/her signature to the arrest warrant for any such potential Defendant. Such an interpretation is not efficient, not rational and it is simply not the rule.

Additionally, even unrecorded sworn testimony of police investigator, sufficient to create probable cause to believe an offense had been committed and that defendant committed it, was

Defendant's argument is misguided in this characterization as Judge Tim Weaver lawfully signed a warrant of arrest for Defendant after reviewing an affidavit prepared by Officer Hunter Crawford of the Mammoth Spring Police Department. The Affidavit, as sworn by Officer Hunter Crawford, notarized by Barbara Gann on the 22<sup>nd</sup> day of July 2024, is more than sufficient to survive a challenge under Ark. R. Crim. P. 7.1 Arrest with a Warrant. The State would ask that the warrant, as part of the official court file, be given judicial notice at this time.

In assessing the existence of probable cause to arrest, Court of Appeals looks to the facts within arresting officer's knowledge, not his stated reasoning, to determine whether those facts are sufficient to permit person of reasonable caution to believe that an offense has been committed. Stutte v. State, 2014, 432 S.W.3d 661, 2014 Ark. App. 139. The fact that other officers (specifically John Barnett) did not also sign the warrant is also a baseless claim for dismissal in this matter. "Knowledge" in this case includes the "collective knowledge" of all officers involved in this incident. Bishop v. State, 2023 Ark. 150. In fact, the Arkansas Supreme Court deems that Pursuant to Rule 4.1, a law enforcement officer may arrest a person without a warrant if "the officer has reasonable cause to believe that such person has committed a felony." Ark. R. Crim. P. 4.1(a)(1) (2020). There is little to no doubt that the information contained in the Officer's affidavit constituted enough reasonable cause for issuance of an arrest warrant since there was also adequate reasonable cause to arrest without a warrant.

As this Court is well aware, the Fourth Amendment prohibits a warrantless arrest without probable cause. Joseph v. Allen, 712 F.3d 1222 (8th Cir. 2013). Most courts agree that there is no difference in the terms "reasonable cause" and "probable cause." McGuire v. State, 265 Ark. 621, 580 S.W.2d 198 (1979). Probable cause to arrest without a warrant exists when the facts and circumstances within the **collective knowledge** (emphasis added) of the officers and of which



Drew E. Smith  
Prosecuting Attorney

OFFICE OF THE PROSECUTING ATTORNEY  
Sixteenth Judicial District  
P.O. Box 4050  
368 E. Main Street, Suite 300  
Batesville, Arkansas 72501

Phone (870)793-8825  
Fax (870) 793-8870

**Friday, March 7, 2025**  
**Delivered Via U.S. Mail**

**To: Dave Campbell**  
**440 Main Street**  
**Mammoth Springs, AR 72554-8800**

**Re: Criminal Case Pending**  
**Fulton County, Arkansas**

Dear Mr. Campbell,

This letter will be the final contact my office has with you regarding this criminal matter. We have complied with every single FOIA request and responded to questions that were not even subject to FOIA in an attempt to be polite and generous in regards to this matter. All discovery in the criminal case has been provided to you as far as I am aware.

Nevertheless, you continue to contact my office staff and myself about dismissing these charges and threatening me alleging all sorts of fraud, federal lawsuits, and "not doing my job". Therefore, all communication moving forward between you and my office will be through formal pleadings and requests to be taken up by the Court.

My office will not be dismissing any criminal charges at this time. We are set for a trial date of May 27<sup>th</sup> in Fulton County District Court.

Additionally, please find enclosed a Response to your Motion to Dismiss.

Finally, I cannot give you legal advice. I have nothing to do with the civil cases you are currently involved in so please stop copying my office on those emails and documents involved in the civil case.

Thank you, sir.

Sincerely yours,

Drew E. Smith  
Prosecuting Attorney  
16<sup>th</sup> Judicial District of Arkansas

Enclosure: State's Response to Motion to Dismiss

4

**EXHIBIT 34**

“other information” supporting issuance of arrest warrant. Blanchett v. State, 2007, 247 S.W.3d 477, 368 Ark. 492.

Even if this Court found that Defendant was arrested in an unlawful fashion, which the State is adamant Defendant was not, it would not bar prosecution of these matters. In Smith v. State, 491 S.W.3d 463, 466 (Ark. 2016), the Arkansas Supreme Court held that an illegal arrest, without more, has never been viewed as either a bar to subsequent prosecution or an absolute argument against a valid conviction. Biggers v. State, 317 Ark. 414, 420–21, 878 S.W.2d 717, 720 (1994) An invalid arrest may call for the suppression of a confession or other evidence, but it does not entitle a defendant to be discharged from responsibility for the offense. Id. (citing O’Riordan v. State, 281 Ark. 424, 426, 665 S.W.2d 255 (1984)). This court has made clear that the trial court’s jurisdiction to try an accused does not depend upon the validity of the arrest of the accused and does not, standing alone, vitiate a valid conviction. Chestang v. State, 2015 Ark. 372, at 3, 2015 WL 5895421 (per curiam).

**WHEREFORE**, it is respectfully requested and the State of Arkansas, by and through the Prosecuting Attorney, prays that the Court issue a denial to the Motion for Dismissal filed by the Defendant and deny all requested relief.

Respectfully submitted,  
PROSECUTING ATTORNEY

By: /s/ Drew E. Smith  
Drew E. Smith, Ark. Bar No. 2012150  
Prosecuting Attorney, 16th Judicial District  
P.O. Box 4050 |  
Batesville, AR

**CERTIFICATE OF SERVICE**

I, Drew E. Smith, hereby certify that a true and correct copy of the foregoing has been served upon those listed below, via U.S. Mail on March 7<sup>th</sup>, 2025

**Dave Campbell**  
**440 Main Street**  
**Mammoth Springs, AR 72554-8800**

/s/ Drew E. Smith  
Drew E. Smith, PA

**IN THE CIRCUIT COURT OF FULTON COUNTY, ARKANSAS  
CIVIL DIVISION**

**JAMES TURNBOUGH**

**PLAINTIFF**

**VS.**

**25CV-24-72**

**DAVE CAMPBELL, AND  
DAWN CAMPBELL**

**DEFENDANTS**

**ORDER**

On this 28<sup>th</sup> day of February, 2025 this Court finds that there are presently pending numerous matters for this Court decide. First, the Court takes this opportunity to strongly advise the Defendants to seek licensed legal counsel. This Court cannot give legal advice and is charged with enforcing both the substantive and procedural laws of the State of Arkansas. Practicing law in a complex matter is not a simple undertaking and all parties benefit from knowing the rules and the law. This file is rife with pleadings that demonstrate a lack of understanding of the legal process. I advise all parties to work through their lawyers so that this litigation can proceed in a more concise, timely, and orderly fashion.

Further, the Court finds as follows. Defendant's 8-6-2024 Motion to Dismiss the Plaintiff's Original Complaint is moot given that an Amended Complaint was filed 8-7-2024. Further, Defendants on 8-23-2024 requested to withdraw that Motion to Dismiss.

The Plaintiff's Amended Complaint seeks a preliminary Injunction which shall be set for hearing below.

Defendant's Notice of Request to Withdraw filed 8-24-2024 requesting to withdraw their Objection filed 7-24-2024 is granted. Said 7-24-2024 pleading is withdrawn.

The Court is uncertain of the meaning of Defendant's 8-23-2025 Notice of Request to Withdraw 7-26-2024 pleading and therefore sets that matter for hearing below. The lack of clarity in this pleading is exacerbated by the Defendant's pleading filed of 9-23-2024 wherein Defendants seek to undo the pleading of 8-23-2024.

The Plaintiff's Motion for Summary Judgement on Counterclaims is denied for lack of proof.

The Medical Records filed 11-01-2024 shall be sealed by the Circuit Clerk. Parties are admonished not to file personal medical records in the public record. While these matters may become admissible at some point it is highly inappropriate to file a third party's medical records for public inspection. Future similar filings may result in sanctions.

Defendant's Objection filed 12-6-2024 shall be set for hearing below.

Plaintiff's Motion to Strike filed 1-2-2025 shall be set for hearing below.

Plaintiff's Motion for Summary Judgment filed 2-7-2025 is denied for lack of proof.

Defendant's Motion to Dismiss filed 2-10-2025 is denied.

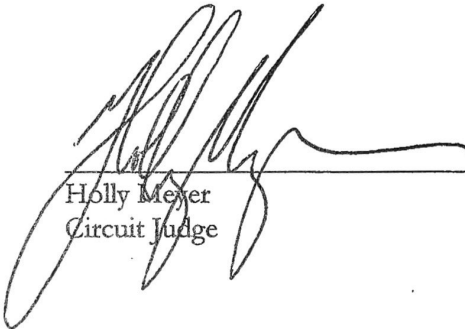
**EXHIBIT 35**

Despite the Defendant's request to waive an in-person hearing in this matter the Court believes that this case requires an in-person hearing. In addition to the pleading detailed above that require a hearing, there have been raised the issues of spoliation of evidence, sufficiency of service of process, a request to disqualify Plaintiff's counsel, a request to sanction Plaintiff's counsel, and a request for criminal referral of Plaintiff.

**All presently pending matters are set for hearing April 29, 2025 at 11:00 a.m. at the Fulton County Courthouse. Counsel and Parties are required to attend.** Parties are advised to bring their witnesses and be prepared to carry their burden of proof on all contested pretrial issues including the pending Motions and issues of spoliation of evidence, sufficiency of service of process, request to disqualify Plaintiff's counsel, request to sanction Plaintiff's counsel, and request for criminal referral of Plaintiff.

Bring your calendars because the Court intends to set a final schedule for all discovery, depositions, trial deadlines and events.

**IT IS SO ORDERED.**



---

Holly Meyer  
Circuit Judge