

### **Review the following scenario:**

You are a Wichita Police Department detective working in the major crimes unit, and you are assigned to a joint federal–state–city crime task force working on a number of major drug cases. Over a period of several months, your task force has been able to gather information and make cases on several of the drug suppliers, drug dealers, and drug buyers in the Wichita metropolitan area. The task force is about to complete its mission by filing criminal charges in the federal district court, the state district court, or the Wichita Municipal Court against these various suspects. These suspects will not be arrested until the warrants are issued.

Your job is to make recommendations concerning which jurisdictions should file the charges on which defendants. You will need to evaluate the criminal statutes and penalties in each jurisdiction and even the rules of evidence to determine where your task force has the best chance of obtaining a conviction and in getting the punishment to fit the crime.

The memo that you receive from your Drug Enforcement Administration (DEA) task force supervisor explains the situation:

### **MEMO**

Re: Charging Decisions

You are the primary investigator in the cases against Jones, Smith, and Thompson. As I review your reports, it appears that each of these cases has strengths and weaknesses that we should evaluate before we determine whether to file charges in the U.S. District Court, the Sedgwick County District Court for the State of Kansas, or the Wichita Municipal Court. I will summarize those strengths and weaknesses here to make sure I am reading your reports correctly. I need you to give me advice on where you think these charges should be brought.

Jones has been working for you as a confidential informant because you have evidence against him for a February 6, 2005 third possession of cocaine after convictions in 1993 and 1994. He appears to have followed the terms of his deal with you to introduce our undercover agents to his dealer. We have promised not to prosecute for any drug offenses he may commit in the presence of our undercover agent while playing the role of our informant. His assistance has enabled us to get sufficient evidence on Smith and Thompson to obtain convictions. Based on Jones' two prior convictions for possession of cocaine, we would normally want him to go to federal court, where the maximum sentences are available. However, because of his cooperation, we could file the case in the Sedgwick County, Kansas, and district court under state law. We could even change the charge to a drug paraphernalia offense and send his case to the city of Wichita.

- **How do you think we should proceed concerning Jones' February 6, 2005 cocaine possession?**
- **He will probably plead guilty unless we send him to federal court. Where do you want to file the case?**

Smith has sold cocaine to our undercover agents on two occasions: July 12, 2005 and August 3, 2005. We have found no prior record on this individual, but we believe that he regularly sells to his friends and acquaintances. Your report indicates it took several contacts between Jones and the undercover agent to persuade Smith to make those two sales. It also appears that although we have tried to make additional purchases from Smith, but he will no longer deal to either Jones or our undercover agents. Based upon

the evidence, I do not think we will need to require Smith to testify against his friend, Jones, and we should have enough evidence to convict based solely upon the testimony of our undercover agents.

- **Where do you want to file this case against Smith?**

Thompson appears to be a major dealer but not a local supplier to other dealers in the community. Jones brought our undercover agents to him on several occasions, but Thompson appears to be very wary of obtaining new customers he does not know personally. Thompson has never sold directly to any of our undercover officers, but our officers have personally observed Thompson selling cocaine to Jones on five occasions in March and April of 2006. Your undercover officers indicate that Thompson displays large quantities of cash, keeps major quantities of drugs in his hidden safe in the bedroom floor of his house, and has a number of firearms throughout his house. I believe that if we can get Thompson on these five drug sales made to Jones, we could leverage him to help us get to his supplier. The problem is using Jones, with two prior convictions for cocaine possession and working with us only to save himself, as a witness for the prosecution. I would like to obtain the higher penalties for drug sales and drug possession available in federal court, but we must determine whether Jones' prior criminal record will be allowed into evidence. His credibility is crucial to getting Thompson convicted, but if the jury hears about his entire past, it might be difficult for them to convict Thompson.

- **Where do you think we should file the case against Thompson?**

Provide reasons for each recommendation (in bold), and I will forward those to the prosecutors in these courts.

I need your help on this.

DEA Task Force Supervisor

Consult Web resources on federal, Kansas, and Wichita laws to find information to support your recommendations.

Please provide APA citation and references where necessary. (5%)