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How to look up a confidential informant

What happens when a confidential informant agrees to cooperate with law enforcement officers in exchange for leniency in their own criminal case? For many drug crimes, an officer will use a confidential informant to set up a controlled buy in order to gain enough evidence to secure a search warrant or an arrest warrant. When officers execute a search warrant or an arrest warrant, they are looking for evidence to bring additional charges. Your best defense for these types of drug crimes requires the services of an experienced criminal defense attorney in Salt Lake City, Utah. Attorneys for Confidential Informant Cases in Utah
Your case involves allegations made by a confidential informant (often called the "CI"), then contact an experienced criminal defense attorney in Salt Lake City, Utah, at Brown, Bradshaw & Moffat, LLP. Our attorneys are experienced in filing and litigating motions to suppress evidence illegally seized under the Fourth Amendment of the United States Constitution. Fighting these types of drug cases requires showing why the CI's testimony is unreliable. The attorney can attack the credibility of the CI during cross-examination by questioning the CI about any deal with the prosecutor or law enforcement officers for leniency, prior convictions or drug addiction. People charged with drug crimes are often coerced by police to act as a Confidential Informant (CI). The police use CIs to arrange drug buys with the purpose of jamming up other suspected drug dealers. Acting as a CI for the police is bad for your case and extremely unsafe for you. 1. The Police Do Not Have the Authority to Help You. When the police approach you to become a confidential informant, they make it sound like they, have the power to make all your own legal problems disappear. They will assure you that your own lawyer will "make it messy by wanting stuff on paper." In actuality, the decision whether you are charged with a crime or your probation is revoked is entirely prosecutor's – not the police. If the officer tells you that he will put in a "good word" with the prosecutor or judge on your behalf, don't believe it. It is unlikely that he will. You are better off with a lawyer working directly with the prosecutor on your behalf. He or she will put the good words in where necessary. 2. Once You Become a Confidential Informant, the Police Own You. When you become a confidential informant, you say goodbye to your identity. Many of your freedoms and most of your constitutional rights have now been compromised. You are issued a CI number to hide your identity. You know who else the police identify by number instead of name? Prisoners. And for all intents and purposes, that's what you'll be. You will have a cell phone and a number of an officer that you will call daily. If he calls you, you must call him back immediately. You are no longer free from unreasonable searches and seizures which means that, if that officer at any point suspects something is amiss, he will find you, arrest you, search you, and interrogate you. 3. Successfully Completing a CI Task Is Extremely Difficult. The things that officers ask you to do as a CI are not easy to pull off. Arranging complicated drug buys with dangerous, unreliable people is a hard day's work. Make no mistake, you do not get points for trying – either your work directly resulted in a bust that resulted in the arrest and charges of the person they want, or it didn't. If, for whatever reason, it didn't, then you have not fulfilled your obligation as a confidential informant. You will receive no benefit even if the lack of charges is not your fault. 4. It Is a Violation of Your Probation. Drug cases have serious consequences. These consequences many times result in people on probation with huge prison sentences hanging over them. Police use the threat of that "back up" sentence to convince you to cooperate with them as a confidential informant. They convince you that you can avoid the probation violation by working with them. However, acting as a CI is just another violation of your probation in and of itself. Probationers cannot participate in any criminal activity while on probation and the Missouri Dept. of Probation and Parole considers the work done as a CI to be criminal activity. 5. Setting up Drug Buys With Drug Dealers Is Dangerous. It's incredibly dangerous. Plain and simple. Many times as a confidential informant you will be asked to enter a house or vehicle with armed people inside. If you survive the bust itself, these people can still find out who you are later through the discovery process in court. You run the risk of the friends and families of those you have set up seeking future retribution. Do not put yourself in a position where you are looking over your shoulder for the rest of your life. If you find yourself in a legal situation where it feels like you have no other choice but to work for the police as a confidential informant, I strongly urge you to reconsider. Always seek the advice of a criminal defense attorney – he or she will help you navigate your way through the justice system without putting yourself or your family at risk. United States v. Simpkins, 2020 WL 6067397 (1st Cir. 2020) State troopers arrested a driver in possession of a large quantity of oxycodone pills and Suboxone strips. That driver subsequently became a confidential informant (CI). The CI told investigators he bought the pills and strips from "Rob" in Rhode Island. CI showed text messages between CI and Rob, discussing prices and quantities of "pinks," "green ones" and "strips." CI provided a cell phone number for Rob and a description of Rob's house and car, and told them that, while CI usually traveled to Rob to buy drugs, Rob sometimes traveled to Maine. Investigators found that Rob's cell phone number belonged to Robert Simpkins. At the investigators' direction, CI told Rob he was not coming to Rhode Island soon and asked Rob to deliver drugs to him in Maine. On the day of the planned delivery trip, investigators watched Simpkins' Rhode Island home. They saw him load several items into his car, including a box he placed in the trunk. Between loads, Simpkins locked his car and kept a wary eye on his surroundings. Before Simpkins left for Maine, CI called him to discuss a final price. Simpkins responded by texting that he was "heading out about 2" and was looking for "3850 if it ain't short." Just after Simpkins drove across the Maine border, troopers stopped him. They executed a high-risk stop because they had information that he possessed several guns. A trooper asked Simpkins about weapons and he replied he had only a pocketknife. After handcuffing and frisking him, a trooper found a bulge and asked Simpkins about it. He said it was a "little bit of fentanyl." A drug detector dog did not indicate the presence of a controlled substances odor. The troopers searched the car and found an envelope containing Suboxone strips in the passenger compartment and an electrical ballast device in the trunk. Concealed behind a panel on the ballast was a smell-resistant "Stink Sack" holding quantities of oxycodone. Stink Sacks are marketed to cannabis distributors as packaging that contains the odor of the drugs. Upon seeing a trooper open the ballast, Simpkins blurted out that "she found it all." A warrantless search of an automobile may proceed so long as officers have probable cause to believe contraband is within the particular vehicle (California v. Acevedo, 500 U.S. 565 (1991)). The appellate court held "this tableau is redolent of probable cause." CI had firsthand knowledge of Simpkins' drug dealing, CI's information was corroborated through monitored communications and surveillance, and the information would lead an experienced officer to believe Simpkins was trafficking in drugs. Simpkins argued the detector dog's non-alert defeated the probable cause to search his car. The court disagreed. The dog was not trained and certified to detect the odor of oxycodone. Moreover, the court cited "a near universal recognition that a drug-sniffing dog's failure to alert does not necessarily destroy probable cause." The court did not mention the drug odor-concealing packaging. A warrantless search of an automobile may proceed so long as officers have probable cause to believe contraband is within the particular vehicle. Simpkins also challenged admission of his statements, claiming a Miranda violation. The court held the trooper's questioning about the bulge, particularly in light of information that Simpkins had numerous weapons but claimed to have only a pocketknife, was allowed under the public safety exception to the Miranda rule. This exception allows the admission of unwarned custodial statements given in response to "questions necessary to secure [an officer's] own safety or the safety of the public." The court noted "an accused who wishes to invoke his right to remain silent must do so in an unambiguous manner." Blurting out "she found it all" wasn't remaining silent. This blog was featured in our Xiphos newsletter, a monthly legal-focused law enforcement newsletter authored by Ken Wallentine. Subscriptions are free for public safety officers, educators and public attorneys. You know the story. The mob boss falls because someone from his organization gave information to the police. You might wonder: Does he have a right to find out the confidential informant's identity? Information the Prosecution Has to Share With a Criminal Defendant In a criminal case, the prosecution must disclose information that forms the basis of its case. This process is called discovery. A defendant is entitled to the names and statements of the witnesses that the prosecution plans to call, as well as a list of physical evidence and documents. The prosecution must also disclose any deal it has offered to a witness in exchange for testifying. While normally prosecutors have to disclose all witnesses who are relevant to the case whether or not those witnesses will testify, they often don't have to reveal the identity of confidential informants (CIs). Our Little Secret The government has an interest in not giving up the identity of a confidential informant to a defendant or anyone else. After all, a CI is someone who came to the police voluntarily and doesn't wish to be identified, often because of a fear of retaliation. Courts have long recognized the importance of the confidential informant in solving crime. Police gain information and leads from these informants that they may not be able to learn from other sources. If police reveal the identity of an informant, they may not get any more information from that person, and others may be afraid to serve as informants. Given the importance of CIs, courts have granted them privilege, which means that they don't have to be disclosed in the same way as other witnesses. Uncovering the Identity a Confidential Informant The general rule is that the prosecution doesn't have to disclose the identity of a confidential informant. However, this rule has many exceptions; if a criminal defendant can show the importance of the CI's identity to the case, it may be possible to find out who's been talking to the cops. After a defendant has made a motion to reveal the identity of a CI, the court will evaluate the circumstances and evidence in the case, and then make a call about how important knowing the identity of the informant is to the defendant's defense. Factors the court will consider in deciding whether a confidential informer's identity should be revealed include: the possible defenses the accused might use whether the CI might have information helpful to the defendant's case whether the accused already knows the CI's identity whether the defendant wants to call the informant as a witness, and whether there is evidence of guilt apart from the information supplied by the informant. The court may also evaluate the extent to which the confidential informant was involved with the crime. If the CI directly witnessed or participated in the criminal activity, then ordinarily the court will order disclosure. But if there is evidence of the crime from a source other than the CI, the court may decide to keep the informer's identity secret. For example, say the police arrest Joe for embezzlement based on the information provided by a confidential informant, his accountant Ricky. Joe learns from the prosecution that the unnamed CI was involved in the embezzlement and is the main source of evidence for the prosecution. Joe argues that he needs to know the CI's identity. He claims that the documentation the CI provided the police is false, and that he needs the CI's identity in order to prove how it was falsified. Given that Ricky's information is material to the case against Joe, and that the basis for it is an essential part of Joe's defense, a court might grant a motion to disclose the CI's identity. But if Ricky was only one piece of the evidence against Joe, and the prosecution had other, independent evidence of Joe's criminal activities, then the court might decide it's not necessary to reveal Ricky's identity to Joe and his attorneys. "We Don't Even Know Who He Is!" The prosecution and police typically don't have to reveal the identity of an informant if they don't have it. So if they get an anonymous phone call detailing some of Joe's shady business activities and use this information as a lead to uncover Joe's dealings, Joe would be out of luck at trial in discovering the identity of the person who ratted him out. The police are generally not required to conduct investigation to uncover the confidential informant's identity if it's unknown to them. Use It or Lose It There are two opportunities to find out the identity of a confidential informant: before and during trial. If a defendant doesn't ask for disclosure of the identity at one of these two times, then the issue is waived (meaning that the defendant can't find out the identity later). It can be an uphill battle to learn the identity of a confidential informant, but discovering it can also be crucial to a defendant's ability to mount an adequate defense. In addition, if a court orders disclosure and a witness refuses to name the confidential informant, then the court may strike the testimony of that witness or dismiss the case, so it's worth the effort to try and find out who the confidential informant is.

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