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Court ruling suppresses wiretap evidence in ecstasy case

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By Bill Rankin

The Atlanta Journal-Constitution

The Georgia Supreme Court on Monday ruled that state judges cannot authorize wiretaps that intercept phone calls outside their judicial circuits, a decision that could impair multi-county drug investigations.

The ruling suppresses key evidence against three defendants charged in an alleged, large-scale ecstasy distribution ring in Gwinnett County.

"This has large practical ramifications," Gwinnett Chief Assistant District Attorney Dan Mayfield said. "It will be much more difficult for us to investigate the large drug cartels in Georgia. Wiretaps were the most effective law enforcement tool for this."

Prosecutors are expected to ask the Legislature to amend the law to make such wiretaps permissible in the future, Mayfield said.

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The defendants — Khamone Luangkhut, Isaac Saleumy and Santisouk Phommachanh — were among more than three dozen people indicted in 2007 by a Gwinnett grand jury on drug-related charges. When making the arrests, officers seized about 65,000 ecstasy tablets, seven weapons and thousands of dollars in cash.

The indictments stemmed from an investigation led by the Atlanta High Intensity Drug Trafficking Area task force. As part of the probe, prosecutors obtained a series of warrants from a Gwinnett Superior Court judge that allowed the interception of calls from 18 different telephone lines. The task force's "wire room," where agents listened to the intercepted calls, was located in Fulton County.

In pretrial motions, lawyers for the three defendants challenged the Gwinnett judge's authority to approve the warrants because the interceptions were made outside Gwinnett's borders. In January, the Georgia Court of Appeals upheld the judge's decision to approve the warrants.

But Chief Justice Carol Hunstein, writing for a unanimous state Supreme Court, disagreed.

The law does not give local judges such broad territorial reach, she said. "If our Legislature had intended to grant Superior Courts the authority to issue wiretap warrants effective for interceptions outside their circuits, it would have done so explicitly."

Atlanta lawyer John Garland, who represents Saleumy, a former Marietta Police Officer, said the court made the right decision. "These warrants had to be for wiretaps within the territorial jurisdiction of the court," he said.

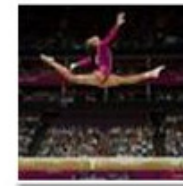
"We believe this ruling has the practical effect of making it virtually impossible for them to proceed with prosecutions," Garland said. "The entire case was built on these wiretaps."

Gwinnett Assistant District Attorney Keith Miles said his office was analyzing the decision. "If we feel like there's no other argument we can make, it could very well result in the dismissal of the defendants in this case," he said.

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