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Leawood couple loses lawsuit over failed marijuana raid at their home

HIGHLIGHTS

Johnson County sheriff's deputies raided Robert and Adlynn Harte's home in 2012

Judge rules deputies had probable cause for the search warrant

Hartes spent \$25,000 to get records, supported legislation that made it easier to get probable-cause affidavits in Kansas





Robert Harte (pictured in a 2013 file photo) and his wife, Adlynn, filed a lawsuit after Johnson County sheriff's deputies raided their Leawood home in 2012 in an unsuccessful search for marijuana. On Friday a federal judge dismissed the suit, ruling that the deputies had probable cause for a search warrant. **File photo by David Eulitt** - deulitt@kcstar.com

Star and news service reports

A Leawood couple whose home was raided in 2012 in an unsuccessful “SWAT-style” search for marijuana has lost their legal fight against law enforcement authorities.

A federal judge summarily ruled late Friday that Johnson County sheriff's deputies had probable cause for the warrant to search the home of Robert and Adlynn Harte after a field test of wet tea leaves found in their trash falsely tested positive for marijuana.

The failed search launched the couple, both former CIA employees, on a crusade for documents to find what led to the search, which produced no charges.

The Hartes spent \$25,000 to get the records, and subsequently supported legislation that made it easier to get probable-cause affidavits in Kansas.

Kansas is the only state that keeps such documents from public view, say open-records advocates who argue for more transparency on the activities of police and prosecutors.

The affidavits are sworn documents that include evidence and establish the probable cause to legally justify a search, an arrest or criminal charges.

Most states sometimes restrict access, but only until the arrest warrant is carried out.

Their lawsuit also prompted the Johnson County sheriff's office to now require lab confirmation of suspected drug material.

According to the lawsuit, the Hartes and their two children "were intimidated, accused, traumatized and held under armed guard" for more than two hours while deputies searched their home during the early morning raid.

According to the lawsuit, when the tactical-dressed deputies arrived at the house on Wenonga Lane, Robert Harte was forced to lie shirtless on the foyer while a deputy with an assault rifle stood over him. The children, at the time a 7-year-old girl and 13-year-old boy, reportedly came out of their bedrooms terrified, the boy with his hands in the air.

The lawsuit said the Hartes were targeted after Robert Harte had been seen with the Hartes' children leaving a store that sold hydroponic gardening equipment.

Eight months after the visit to the gardening store, Johnson County pulled trash bags three

times from the Hartes' trash can when they placed it at the end of their driveway, according to the documents. About a cup of a leafy green substance that deputies believed to be marijuana was found in each of two trash bags.

They conducted a field test on the material, and it tested positive for marijuana, according to the lawsuit.

A lab test done 10 days after the raid and again four months later found that the leafy material was not marijuana.

"It does not look anything like marijuana leaves or stems," the lab report said.

"When we realized it might have been actually tea, the absurdity of it is unbelievable," Adlynn Harte said in 2013.



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