



Mike Beebe
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive Little Rock, Arkansas 72209-4822 www.asp.arkansas.gov

"SERVING WITH PRIDE AND DISTINCTION SINCE 1935"



Winford E. Phillips
Director

March 2, 2011

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TFC Andrew M. Rhew
Post Office Box 933
Manila, AR 72442

RE: Internal Affairs File No. A10-022

Dear TFC Rhew:

I have determined that it is in the best interests of the Arkansas State Police to reverse your termination and stay my final decision concerning Internal Affairs File No. A10-022, until the completion of your criminal trial in Mississippi County Circuit Court. My decision follows the Arkansas State Police Commission's denial of a motion to continue the administrative appeal of your termination until the resolution of the pending felony manslaughter charge against you in circuit court.

Specifically, it appears there is Arkansas appellate court precedent, involving a similar parallel administrative civil action and criminal action, in which our Court of Appeals held that resolution of a civil action prior to the resolution of a criminal action involving the same conduct bars later reconsideration or modification of the civil action, regardless of the outcome in the criminal action. In other words, if the Commission were to reverse my decision to terminate your employment with this Department, that decision may be final and irreversible, even if you are later convicted of a felony or serious misdemeanor for the same conduct.

Accordingly, you are reinstated and placed on administrative leave with pay. You will receive back pay from the date of your termination. Any questions you have concerning pay issues should be addressed to the Administrative Services Division. I will remind you that in accordance with ASP policy, employees on administrative leave should be available during normal working hours and are not allowed to work for another employer during those hours.

TFC Andrew Rhew
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Upon completion of your criminal trial, I will render a final decision regarding Internal Affairs File No. A10-022 and you will then have the right to appeal my final decision to the Commission.

Sincerely,

Winford E. Phillips
Colonel

Cc: Lt. Colonel Tim K'Nuckles
Major Cleve Barfield
Personnel
Fiscal
Robert Newcomb, Esq.
11-054