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Smart Meter Data at Crux of Arkansas Murder Case

Posted on [August 26, 2016](#) by [Josh Hart](#)



James Bates with his 5-year old son Drew, before he was accused of murder by Bentonville, AR police based on his smart water meter readings.

Imagine this scenario:

You just got a bonus at work, bought a new barbecue smoker and a large hot tub at your suburban home. Your 5-year old son (whom you have custody of) is at his mother's home for the Thanksgiving holiday and you decide to invite a few pals over to watch the game on TV, and kick back and drink some beers.

As the evening passes, vodka shots are downed, more beer is drunk, people are enjoying the hot tub. It gets late, and you decide to go to bed. A couple of your friends are still in the jacuzzi. You go inside the house and get in bed, lay around and text some friends, and make a few drunk, aborted calls. You drift off to sleep, wake up around 9:30am the next morning, walk out into your kitchen, look out your back window, and see one of your guests from the previous night face down in the hot tub, apparently drowned and not responding. You call 911. The police and then the coroner come.

This is what happened on the night of November 21st, 2015, according to the host of the party, James Bates, a resident of Bentonville, Arkansas.

Three days later, still reeling from the tragic events of that night, the police told Bates that they believed his friend Victor Collins, a former law enforcement officer, was murdered.



A Mueller water meter of the type that Bentonville police extracted data from to charge James Bates with murder.

Then, 3 months after the incident, police came and arrested Bates on the charge of 1st degree murder. The arrest was based largely on smart water meter readings they obtained—without a warrant—from the City of Bentonville Water Department.

Police claim that this data shows that Bates used a significant amount of water between 1am and 3am, water that prosecutors say was used to spray down his patio. The police case is outlined in this [affidavit](#).

In an exclusive interview with Stop Smart Meters!, Bates insisted on his innocence and said that his friend's death was a tragedy, and must have been the result of combining a lot of liquor, a jacuzzi, and a late night. He told us that Collins was found by medical examiners to have had a .32 blood alcohol content when he died.

Bates also speculates that the smart meter data is not accurate and that the timing on the meter must have been off (possibly switched between AM/PM). He asserts that he can prove he used approximately that same amount of water to fill the hot tub earlier that day. He says it is notable that the smart meter data report obtained by the Bentonville police department does not reflect any large consumption of water used earlier that day.



The use of smart meter data by law enforcement to charge someone with murder is a stark example of where violations of privacy can mean the difference between a life of freedom and a life in prison.

With the numerous reports of inaccuracies, [switched meters](#), and wireless transmission problems with smart meters, it is more than a little disturbing that law enforcement is now basing criminal

indictments on spy devices installed stealthily—and most of the time without permission—in your home. If accessing private data from your smart meter without a warrant is considered acceptable by society, then why not deploy CCTV in everyone’s living room, and have live feeds direct to police headquarters. **Where does the creeping surveillance end?**



This case shows that detailed monitoring of activities within the home is a key design feature of the smart grid and smart meters, and that law enforcement is presently using this detailed data about one’s private activities in the home—without a warrant—to prosecute individuals on charges as serious as murder. This is what Stop Smart Meters! and [many other privacy advocates](#) have warned would happen if we accepted smart meters onto our homes and businesses. Now the chickens are coming home to roost, and like everything else related to the smart meter program, the utilities and the governments who cover for them continue to lie through their teeth.



Exhibit A: In Naperville, Illinois, where [a 4th amendment case against the city’s smart meter program](#) continues to simmer in the courts, one of the arguments that the city has used to defend against the charge that their smart meters are violating the Constitution, is that *if the police needed smart meter usage data, they would first obtain a court-ordered search warrant.* **The James Bates case shows that in practice, law enforcement is obtaining this data routinely without a warrant, and in direct violation of the 4th Amendment of the United States Constitution.**

Following are two citations from the legal record, showing a blatant inconsistency in how the *promise* of smart meter data confidentiality by authorities contrasts with the *reality* of an official lack of regard for due process and protection of individual privacy.

The Promise (from Naperville’s 4th amendment case):

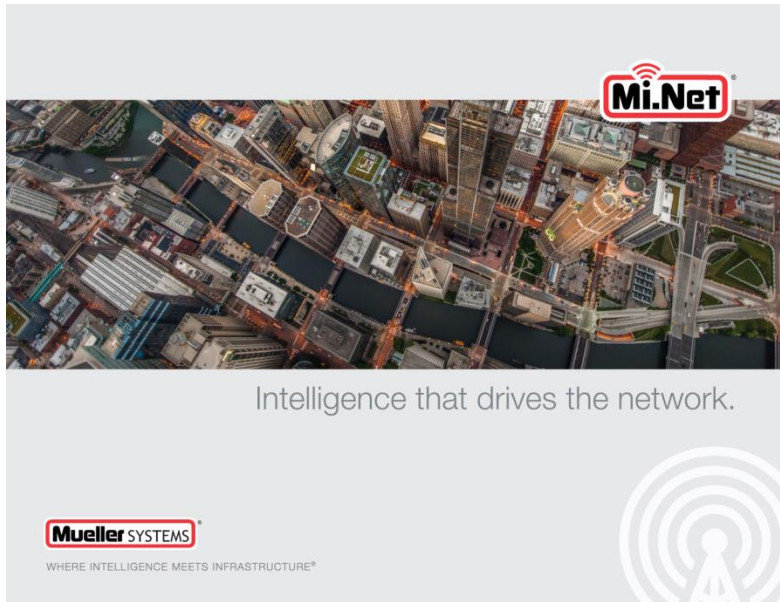
9 THE COURT: So hypothetically speaking, if the police
10 department came to utility and said, you know what? We'd like
11 to look at this information for, you know, John Lee, at 123
12 First Street. The utility would be duty-bound to say no?
13 MS ELY: The utility would say, go get a search
14 warrant. Utility would tell the police to go get a search
15 warrant, and that's what they would do.

The Reality (from Bentonville, AR Police Affidavit):

On December 9, 2015, Detective Josh Woodhams and I met with Gary Wilson, the Billing and Collections Manager for the City of Bentonville Utilities Department, to determine if there was any water or electrical usage while James Bates stated he was in bed. Gary informed us that each residence in Bentonville was on a smart meter that electronically takes hourly measurements for the consumption of electricity and water.

The data revealed that on November 22nd, 2015 between 0100-0300 hours, James Bates' residence used 140 gallons of water. More specifically, between 0100-0200 hours the residence used 50 gallons of water, and from 0200-0300 hours, an additional 90 gallons were used. In comparison, while all four were together earlier that evening, they never used more than 10 gallons of water in an hour. The amount of water used between 0100-0300 hours was consistent with spraying down the back patio area, which may have resulted in the wet concrete patterns observed on the morning of November 22nd. As

The repercussions of these clear 4th amendment violations are deadly serious—for James, and for everyone who values privacy, truth and justice.



A promotional poster for Mueller Mi.net smart meter mesh network system- the same system in place in James Bates' Bentonville neighborhood

Local Mainstream Media Coverage:

[5 News Coverage](#)

[40/29 TV Coverage](#)

[NWA Newscast](#)

You can contact James Bates' attorney, Kim Weber, via email, at krw@mcrmt.com, or by phone at (479) 381-0865. Those with a technical or detailed knowledge of wireless water meter mesh network systems are encouraged to contact.

Please consider [making a donation](#) to StopSmartMeters.org or patronizing [our online store](#) so we can continue to fight for our health, privacy, and safety. Thank you.