



Written by [Joe Wolverton, II, J.D.](#) on June 8, 2014

Drug Unit Involved in Injury to Ga. Toddler Killed a Pastor in 2009

Despite the emotional expressions of regret and concern for the family, the SWAT officers responsible for tossing the flash-bang grenade that injured a toddler in Georgia are still on the job.



In fact, in a conversation with *The New American*, the Habersham County Sheriff's Office retorts that there is no current investigation into the tragic events of that pre-dawn raid and all the officers involved are still on duty. The Habersham district attorney's office will now decide whether there will be any additional investigation.

Nineteen-month-old Bounkham Phonesavanh (shown) is in a medically-induced coma after a Cornelia, Georgia, SWAT team tossed a stun grenade into his crib during the execution of a "no-knock" warrant. The boy's mother told reporters that he has about a 50-percent chance of survival from the injuries.

The baby was asleep in his crib when police broke open the front door around 3:00 a.m. on May 28 and threw the grenade into the front room. His mother, father, and three sisters were in the room as well.

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"Everyone's sleeping. There's a loud bang and a bright light," the boy's mother, Alecia Phonesavanh, told local news station WSB-TV. "The cops threw that grenade in the door without looking first, and it landed right in the playpen and exploded on his pillow right in his face."

The family's attorney, Mawuli Davis, says that the baby has undergone one surgery and will need another to try to repair the significant damage to his face and chest that were torn open by the grenade.

"His temperature has been too high, and they felt he's been too fragile to perform the surgery, so the hope is he'll have a better night tonight, and he'll be stable enough for the surgery in the morning," Davis said, as reported by the *GazetteXtra* in Wisconsin.

Recent articles from the Associated Press, the *Washington Post*, and the Wisconsin newspaper provide information on several key points that contradict the official story told by the police.

First, earlier statements from police revealed that they saw no indications that there were children in the house. The mother says that isn't true.

"They say there were no toys," Alecia Phonesavanh told the *Atlanta Journal-Constitution*. "There is plenty of stuff. Their shoes were laying all over."

To the contrary, the *GazetteXtra* reports, "The room was a garage that had been converted to a bedroom, according to news reports. The family, including parents Alecia and Bounkham Phonesavanh and their four children, were sleeping in the room."



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Statements from the family's lawyer paint a different picture, as well.

Davis said a playpen was in the yard, along with Easter egg materials in the driveway, and the family's van had four child seats in it.

"We just find it difficult to believe it was in fact under surveillance because they would've seen children and the father playing in front of the house on a daily basis," Davis said.

Police are defending the actions, calling the critical injuries to the toddler a "tragic accident."

"The last thing you want is law enforcement to injure someone innocent," Habersham County Sheriff Joey Terrell told the *Atlanta Journal-Constitution*. "There was no malicious act performed. It was a terrible accident that was never supposed to happen."

The Special Response Team officers involved are upset, and they and their families have been receiving death threats, Terrell said.

Perhaps most disturbing is a report from the *Washington Post* that "the Drug task force that killed an innocent pastor in 2009 also involved in burned toddler story."

The *Post* further reports that the drug task force that conducted the alleged drug buy and investigation of the accused drug dealer, Wanis Thonetheva, who was the target of the raid that severely injured Bounkham Phonesavanh, is the same unit that was responsible for the death of pastor Jonathan Ayers during a raid conducted in 2009. The *Post* reports:

In September 2009, the young pastor Ayers was ministering to a young woman whom a Georgia drug task force was investigating on drug charges. (She had allegedly sold an undercover officer \$50 worth of cocaine.) When task force members saw Ayers alone in the car with the woman, they switched their focus to him. According to Ayers's lawsuit, the woman was about to be evicted from the motel at which she was staying. Ayers gave her the \$23 in his pocket to help cover her rent.

The task force followed Ayers to a convenience store, where he went in to get money from an ATM. When he returned and got into his car they pounced. They pulled up behind him in an unmarked black SUV. Armed agents dressed in street clothes then rushed Ayers's car. He put his car in reverse and attempted to escape. In the process, he nicked one agent. Another then opened fire, killing him. Ayers told hospital staff was that he thought he was being robbed. His reported last words were, "Who shot me?"

At the time he was killed by police, Ayers' wife was expecting their first child.

The sheriff would rather ignore this history of deadly disregard for innocent life by assuring the world that his officers are "upset."

In the meantime, the family is considering a lawsuit.

According to a report on local television station WSB, Habersham County District Attorney Brian Rickman said his office will take the issue under consideration and will collect witness statements to determine if there is any legal basis for criminal charges against the participating officers or their superiors.

On the civil side, a lawsuit is possible, according to Davis, "but right now the family is focusing on doing everything possible to encourage further investigation and to push for criminal prosecution."

"It's unbelievable those officers continue to be on the street and continue to be employed after the way



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the family was treated and the son was injured,” Davis told the *Gazette*.

So-called “no-knock” warrants are becoming increasingly common. In his book *Overkill: The Rise of Paramilitary Police Raids in America*, Radley Balko reports that more than 40,000 such operations are conducted every year.

In the case of *United States v. McConney* (1984), the Supreme Court held that “exigent circumstances” could override Fourth Amendment protections of freedom from searches and seizures without a qualifying warrant. According to the *McConney* ruling, warrants exempt from Fourth Amendment mandates are appropriate in:

those circumstances that would cause a reasonable person to believe that entry (or other relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of a suspect, or some other consequence [that would] improperly frustrate ... legitimate law enforcement efforts.

Balko explained in a 2006 article that those standards are being loosely interpreted by an increasingly militarized police corps:

The tactic is appropriate in a few limited situations, such as when hostages or fugitives are involved, or where the suspect poses an immediate threat to community safety. But increasingly, this highly confrontational tactic is being used in less volatile situations, most commonly to serve routine search warrants for illegal drugs.

When the truth comes out, if ever, it could be that this 19-month-old child had his face and chest blown open by a grenade thrown by a cop who just busted in the wrong door. Regardless of how accurate the information the SWAT team received from its “confidential informant,” it will likely be discovered that this exercise of arbitrary and excessive force was carried out by police who were outfitted more like soldiers than law enforcement officers.

In an earlier article, *The New American* cited information from family members who reported that the baby had a 50-50 chance of surviving his injuries. In the *GazetteExtra*, Davis said he wouldn’t put a number on the odds.

“This is a very medically dangerous posture that he is in. He’s in a very critical place,” Davis said.

If local police are not demilitarized and brought back under civilian control, this Republic is in a very critical place and we may soon wake up in a police state ruled by martial law without a single federal soldier in sight.

Photo: Bounkham Phonesavanh

Joe A. Wolverton, II, J.D. is a correspondent for The New American and travels nationwide speaking on nullification, the Second Amendment, the surveillance state, and other constitutional issues. Follow him on Twitter @TNAJoeWolverton and he can be reached at jwolverton@thenewamerican.com.





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