



Written by [Joe Wolverton, II, J.D.](#) on May 31, 2014

## No-Knock Raid: SWAT Team's Stun Grenade Seriously Injures Toddler

A toddler is in a medically induced coma after a Cornelia, Georgia, SWAT team tossed a flash-bang 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.

Bounkham Phonesavanh is 19 months old and was asleep in his crib when police broke open the front door in the early morning hours Wednesday and threw the grenade into the front room. His mother, father, and three sisters were in the room as well.



“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.”

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.”

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.”

SWAT team members executed the no-knock warrant after receiving a tip from an informant that he had bought methamphetamine from a man named Wanis Thometheva earlier that day. According to the report in the *Atlanta Journal-Constitution*, police learned that the suspected drug dealer was found in possession of a weapon when arrested on a prior drug charge.

“That’s the threat he uses to those who don’t do what he wants,” Sheriff Terrell reportedly told the newspaper.

Thometheva wasn’t present when police entered the house. The Phonesavanh family were there, asleep. They are visiting Georgia only because of fire damage to their home in Wisconsin.

“We have nothing to do with this (drugs),” Bounkham Phonesavanh (the father), told the Atlanta paper.

Upon discovering that the target of the warrant was not at the home, police took notice of the serious injuries to the toddler and began trying to minimize the harm.

Sheriff Terrell told the newspaper that a medic began CPR before the child was transported to Grady Memorial Hospital. The injuries were severe enough for him to have been airlifted to the hospital, but



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foggy conditions made a helicopter flight “unsafe,” according to the sheriff.

“It blew open his face and his chest,” the boy’s mother, Alecia Phonesavanh, told the *Atlanta Journal-Constitution* outside Grady Memorial Hospital. “Everybody was asleep. It’s not like anyone was trying to fight.”

While the child fights for his life in the hospital, his parents and sisters have nowhere to live. The *Atlanta Journal-Constitution* reports that a friend of the family has started an online fundraising page to help them survive until they can return home — with their child, it is hoped.

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. He also points out that these warrants almost always involve police busting into someone’s home, thus destroying centuries of Anglo-American protections from government abuse of power:

Americans have long maintained that a man’s home is his castle and that he has the right to defend it from unlawful intruders.

Unfortunately, that right may be disappearing.

The court in the English case of [Huckle v. Money](#) (1763) expressed the preeminence of the so-called “Castle Doctrine”: “To enter a man’s house by virtue of a nameless warrant, in order to procure evidence, is worse than the Spanish Inquisition; a law under which no Englishman would wish to live an hour.”

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.

He continued:

In the real world, the exigent-circumstances exceptions have been so broadly interpreted since *Wilson*, they’ve overwhelmed the rule. No-knock raids have been justified on the flimsiest of reasons, including that the suspect was a licensed, registered gun owner (NRA, take note!), or that the mere presence of indoor plumbing could be enough to trigger the “destruction of evidence” exception.

One can reasonably imagine a situation where it would be illogical and contrary to public safety for law



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enforcement to announce themselves. Breaking into a home at 3 a.m. and throwing flash-bang ordnance in order to possibly find a person who allegedly sold meth to a meth addict being paid by police to give them tips is hardly one of those situations, however.

Balko agrees:

These raids are often launched on tips from notoriously unreliable confidential informants. Rubber-stamp judges, dicey informants, and aggressive policing have thus given rise to the countless examples of “wrong door” raids we read about in the news. In fact, there’s a disturbingly long list of completely innocent people who’ve been killed in “wrong door” raids, including New York City worker Alberta Spruill, Boston minister Accelyne Williams, and a Mexican immigrant in Denver named Ismael Mena.

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.

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