



## ALABAMA SUPREME COURT ISSUES VICTORYLAND OPINION

(MONTGOMERY) – The Supreme Court of Alabama today issued a 46-page opinion explaining why Judge Tom Young of the Macon County Circuit Court was wrong to deny the State’s application for a search warrant to search and seize the gambling devices and gambling proceeds at the VictoryLand casino.

The Supreme Court’s opinion explains that current Alabama law, including its decision in the Cornerstone case, is “more than clear enough to serve as a guide to measuring the facts of this case.” Under existing law, the Supreme Court explains that “the circumstances presented allow for no reasonable conclusion other than that probable cause exists for the issuance of the search warrant in this case.” The Court continued:

The games depicted in the surveillance video and described in the affidavit proffered by Sisson in support of the application for the warrant do not reasonably resemble the game of ‘bingo.’ Without turning a blind eye to that which is depicted in the video and described in the affidavit, a ‘man of reasonable caution’ could reach no conclusion other than there is a ‘fair probability’ that the machines in question are not the game of bingo and, instead, are slot machines or other gambling devices that are illegal under Alabama law.

The Supreme Court concluded that “[a] circuit judge is not free to frustrate the enforcement of the criminal law by refusing to issue warrants necessary or appropriate to its enforcement in his or her circuit.”

In response to the Court’s opinion, Attorney General Strange said “I have said from day one that my office would handle this matter through the courts, and today the Supreme Court has spoken. The Court explained in a detailed and thorough opinion why each of Judge Young’s reasons for denying the warrant for VictoryLand was wrong as a matter of law. This decision should end the debate on whether so-called ‘electronic bingo’ is illegal. It is illegal and local officials cannot create rules to make it legal. The only question now is whether the Legislature will enact tough penalties so that people will think twice before they engage in large-scale slot-machine gambling in the future.”

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