

CHAPTER ONE  
A LONG-AWAITED BUST  
*Wednesday, October 16, 1996*  
(THIRD PERSON)

The retrofitted Cessna 421 landed in a tree lined field on the outskirts of Cheatham County near Highway 49. Tiki-like torches illuminated the runway of the newly paved airfield. Roscoe Carmichael III and his cohorts had spent several days getting the airstrip operational and the asphalt only just hardened, allowing landing. The crew didn't have time before the delivery to install the permanent lighting in time for the shipment. The stripping equipment sat on the side of the runway ready to finish the job. There was an overpowering smell of tar lingering in the air.

The airstrip was nestled in the midst of a heavily treed area of the two hundred acre parcel recently purchased by Carmichael, adjacent to the family farm. He'd purchased several neighboring properties in the last few years.

With the construction of the new airfield Carmichael anticipated increasing his distribution network. This would require an increase in capital investment and expenses, but it also meant greater profits. Carmichael felt a sense of pride as he saw the plane approach.

*A. Turk*

What Carmichael didn't know, despite having his tentacles in local law enforcement and with the means of acquiring information, was that the Tennessee Bureau of Investigation ("TBI") had managed to infiltrate his organization. Surveillance of Carmichael by the Nashville office of the TBI began almost five years earlier, and the frustration of agent-in-charge Arnold Pyle grew as he watched his nemesis become the largest distributor of cocaine in Cheatham County and a prominent supplier in neighboring Nashville.

At the same time Carmichael ran many successful legitimate businesses, which laundered his illegal gains. Out of necessity, part of Carmichael's drug money found its way into the pockets of local politicians, sheriff's deputies, court clerks and others, which permitted him to operate.

Pyle suspected that the County Sheriff's department was compromised, so he insisted that Sheriff Dan Weaver himself secretly walk the search warrant of the Carmichael family farm over to the county judge only an hour before he planned to execute the raid. Pyle's search warrant was issued based upon the sworn affidavit of an informant who'd flipped because of an unrelated arrest; the witness revealed the date and time of the rendezvous. Pyle was ready with an army of TBI agents and a few well-chosen local sheriff's deputies, who the Sheriff insisted were beyond reproach.

This evening the pilot hadn't filed a flight plan with any governmental authority, a clear violation of FAA regulations. The plane was flown at the lowest possible altitude to avoid radar. An airport tower along the route occasionally picked up the aircraft; but the skilled pilot managed to fall off the screen just before any traffic controller could get a verifiable fix. He'd made this run from Cuba to middle Tennessee without incident many times before. The flight

was just less than 950 miles; the aircraft's range meant it did not require refueling.

A dark green Jeep Cherokee slowly approached the aircraft and using the pre-arranged signal, flashed its lights four times. The plane appropriately responded with the lowering of its flaps twice; contact was made. Two men exited the Cherokee and approached the plane.

A long-standing business relationship existed between these men who were now shaking hands. They'd conducted more than twenty transactions, and a certain degree of trust had developed.

The exchange was recorded by the TBI for posterity and for a future trial if one became necessary. Sheriff's deputies and agents were waiting crouched or lying on the ground in the woods for Pyle's signal to bounce. Sheriff Weaver sat next to Pyle and commented, "That little rich shit, I can't tell you how many times he slipped through my fingers either because of bad intelligence, or earlier because his granddaddy, who owned one-third of the county, bought his way out of trouble."

Carmichael's history with Pyle didn't span the almost thirty years of frustration that Weaver had. Pyle's introduction to Roscoe Carmichael first came in a 1989 drug bust that went sour. Looking for drugs, he found Carmichael playing strip poker with a sixteen-year-old girl. Only a small amount of cocaine was confiscated and the focus of the case quickly shifted from drugs to underage sex. Bucky Lee, Esq., a Nashville attorney, zealously represented him in the case before a Davidson County jury and all felony charges were dismissed. Carmichael respected and revered Lee's ability as a lawyer for those not guilty verdicts. At the time of the verdict, Carmichael gave a sigh of relief and commented under his breath, "I was really caught with my pants down."

*A. Turk*

After a short side trip to the penitentiary for eleven months and twenty-nine days for two misdemeanors convictions, Roscoe Carmichael III was back on the street professing to be a talent agent on Music Row, using his merchandise to infiltrate an already corrupted and drug-infested record industry to promote his semi-talented clientele. It was amazing how money and drugs advanced their careers. The female singers could probably carry a tune, but more critical to their success was the product that Carmichael either sold or gave away to the record producers and executives as part of his deals.

Carmichael hugged the pilot and after a short exchange, two duffel bags with cash totaling \$500,000.00 for the drugs were exchanged. The product would find its way through Carmichael's network, much of it sent to Music Row.

Tony "June Bug" Estes, took charge of the product. Carmichael tried his best to convince Raul, the pilot, to come back to the house to party and spend the night, but his business partner wanted no part of it. He wanted to fly back to his island and deliver the money to his bosses. They were expecting him, and they were not men to be kept waiting. They wouldn't understand if he was a day late because he decided to get stoned and laid by the Americanos.

"I need a clear head to get this baby back without being detected," he gestured to the two duffel bags of cash. "I'll have to pass."

The Cuban was all business. He started filling up with petrol, which Carmichael made available in twenty-gallon cans. It took longer than expected to refuel and the plane sat on the runway while the Jeep took off back to the farmhouse. After the Jeep was out of sight, the TBI, relying on the search warrant issued by the local judge, the Honorable James Wyatt, moved in silently and arrested

the pilot and other men helping with the refueling, seized the aircraft and confiscated the two duffel bags of cash without a struggle.

The airstrip was secured and agent-in-charge Pyle over the radio ordered his second in command,

“Andy, once they open the front door and the drugs enter the threshold of the farmhouse move in for the arrests.”

Under Pyle’s plan everything in the farmhouse would be considered part of an ongoing conspiracy and would be subject to being confiscated, whether purchased legally or illegally. Pyle confidently claimed,

“We’ll be able to hold as evidence all his personal property and itemize them on the evidence list. That will really piss him off. Hit them when the doors open and execute on the warrant.”

Pyle had organized his team into three distinct groups. The first was to confiscate the plane and the money; the second was to seize the drugs and inventory in the farmhouse, and the third was to implement and execute on a second search warrant, fifteen miles away at the Carmichael’s townhouse/office in Davidson County on Music Row.

Because of detailed information provided by the informant, in anticipation of the delivery of the shipment, Pyle had secured two separate search warrants. The first for Carmichael’s farmhouse in Cheatham County by Judge James Wyatt, and the second by Judge Barry Howard of Davidson County for Carmichael’s residence/office on Music Row. Both orders gave the TBI and the Cheatham County Sheriff’s office the right to search the farmhouse and the office/residence, “to enter the premise to find illegal drugs and related matters, including but not limited to currency, false identification, or any other matter evidencing a criminal activity.”

*A. Turk*

After Estes and Carmichael had unloaded about half the cargo out of the Jeep onto the porch of the farmhouse, two deputies jumped the gun and moved in too early, followed by twenty TBI agents. “Damn it,” Pyle, who was still at the airstrip, yelled into the radio, “Damn” cursing the premature action by the local boys.

“Don’t move a fucking muscle,” Agent Andrews, who the other agents called “Andy” declared. “Hands up!”

Carmichael, ever the smart-ass, said defiantly, “I can’t do both. Either I don’t move a muscle or my hands go up. Make up your mind!”

Andrews repeated, “Hands up, and then don’t move a muscle, asshole.”

Simultaneously, two agents forced the arrestee’s hands behind them and secured their wrists with cuffs. The move had been practiced by the team on a regular basis, and they’d become quite good at the process.

Agent Pyle arrived on the scene, did the honors and read them their Miranda rights, “You have the right to remain silent...”

Carmichael didn’t let Pyle finish his sentence.

“We’re taking the Fifth. We don’t have to say shit. I know my rights. I want to see my lawyer, Bucky Lee” insisted Carmichael. Pyle reacted almost violently.

“Shut up! Let me finish telling you your rights, all of them, and when I’m done, I’m happy to hear whatever bullshit you want to tell me because, it will be held against you.”

After Pyle finished his Miranda warning, Carmichael volunteered again, “I’m taking the Fifth. Call my lawyer, Bucky Lee. He does the talking for me. Otherwise, I’m taking the Fifth.”

In Cheatham County almost two-dozen men and one woman, TBI and locals, went through all of Carmichael’s belongings. They

*Taking the Fifth: A Benjamin Davis Novel*

were making quite a mess. They were looking for anything remotely related to drugs. At his bedside nightstand they found various oils and sexual devices. Each item was bagged, tagged, and cataloged. In the house they found three handguns, two rifles, and a shotgun. Items of interest were added to the master evidence sheet, which was becoming extensive.

In Nashville, in Davidson County, a second team of ten men went through Carmichael's townhouse/office at Epic Talent on Music Row as per the search warrant issued by Judge Barry Howard.

Pyle walked up to Estes and released him from his cuffs.

"What the hell?" Carmichael exclaimed and Pyle shot back,

"Shut up! You're taking the Fifth, so shut the hell up! Let me introduce you to my number one witness. I believe you've met before, he's your loyal friend Anthony 'June Bug' Estes."

Carmichael momentarily looked shocked. He didn't expect betrayal by his childhood friend. With his hands cuffed behind him, he lunged at Estes. He was yanked back by one of the agents. *Damn that hurt.*

Arnie Pyle smiled at Carmichael and then quickly turned to June Bug, "Good job, have a nice life in witness protection."

Carmichael swallowed hard and shouted, "You son of a bitch, Benedict Arnold."

Pyle, who'd waited a long time to maneuver into this position loved needling his prisoner, "I thought you were taking the Fifth?" Pyle stuck the knife an inch deeper. That shut Carmichael up fast.

"Get him out of here," Pyle ordered, gesturing to Estes, and two agents ushered him away.

"Looks like it's just the two of us and these twenty other officers of the law. Anything you want to tell me in confidence?" Pyle continued to dig.

*A. Turk*

These men had a long and stormy history, neither of them satisfied by its outcome. Pyle was frustrated and angry that Carmichael was selling product right under his nose. Over the years, frustration turned to anger.

Just then, Sheriff Weaver walked over and asked, "Has our boy said anything?" He'd watched Carmichael grow up from a rich kid punk to the county kingpin. He turned to Carmichael and said, "Not the big football star, anymore, are you, son? I suspect Mr. Mike would be pretty disappointed in you right now."

"Go to hell, you fat old bastard."

Like Pyle, Weaver was really relishing this moment as he replied, "I may be old, I may be fat, but I'm not going to prison for a long time. You were lucky as hell that Mr. Mike took you in. Unfortunately, he couldn't teach you right from wrong. You were just a bad apple."

Pyle signaled to three agents to take custody of the prisoner and transport him to headquarters.

Once Carmichael was gone, Pyle addressed Weaver, "We've got him this time. He's not slipping away. The warrant at the office may provide us with additional proof. We've even got authority to open his safe there. Who knows what that might yield?"

Weaver wished Pyle "good hunting".

Pyle decided he'd leave the farm, return to Nashville, and see how the search of the Music Row office was going. He jumped in his black on black Fiat Spider and drove the twenty-five minutes from Carmichael's farm in Ashland City to Epic Talent Agency located at 223 16th Avenue South in the heart of Music Row.

The Row was a three-block area near Vanderbilt University and Peabody College. At one end was the Spence Manor, a high-end hotel, with its legendary guitar-shaped swimming pool, and at the other end was the campus of Belmont University.



*Taking the Fifth: A Benjamin Davis Novel*

Metro police had cordoned off half the length of 16th South, and Pyle had to show his ID twice. When he got to the doorway, Tuke, one of his agents, announced, "We found about 28 grams of cocaine and we're still looking. But you won't believe what we did find!"

Pyle followed Tuke into the house, where the other agents were on the first-floor cataloging evidence.

Tuke turned to Pyle,

"I stopped the search of the upstairs until you could see what we found. No one has been in the exercise room except me. Three of us have been in the bathroom but I don't think we disturbed anything."

Tuke wasn't making a lot of sense, so Pyle continued to follow him upstairs to a bedroom and an exercise room with an adjoining bathroom between them. One wall of each room consisted of a ten-foot high, ten-foot wide mirror. Pyle and Tuke moved from room to room, and Pyle finally asked, "I don't get it. What's the big surprise?"

Tuke smirked and insisted; "Look carefully at the mirror in the exercise room.

Pyle ran his hand over the glass. "So, what?"

Tuke took him into the bathroom and directed him to a hidden small grate between the toilet and shower. Tuke removed the grate, revealing a hole of eighteen inches by a foot and directed his boss to wiggle one shoulder and then the other into the small space and carefully crawl through. The two men walked into a ten-foot by three-foot space between the exercise room and the bedroom.

"Holy shit," Pyle responded. In the space was a professional-looking movie camera on a heavy metal tripod, a stool, and a bookcase of videotapes. What was shocking was that the mirrors that ran the length of each room from floor to ceiling were two-way, and the men could see clearly into the bedroom and the exercise

*A. Turk*

room. Pyle soon realized that the bathroom mirror was also two-way. It made the space between the rooms feel like you were in one big room. Pyle reached into his pocket and put on a pair of gloves. Without touching the bookcase or its contents, he started looking at the labels on the videos; no words, only dates.

“I think we have an undercover movie producer under arrest.” Pyle called District Attorney Johnson Tory, “Johnson, that little birdie was right. We’re going to need Judge Howard to issue a second warrant for the office to remove camera equipment and view these videotapes. I’ll bring the popcorn.”