

NEWS RELEASE

Peter S. Gilchrist, III
District Attorney

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Habitual felons go to trial

The week of May 3, 2010, the DA's Habitual Felon Team tried three habitual felons.

The State first called for trial Don Davis, age 49, for several incidents of selling drugs to undercover police officers. Davis pled guilty as charged without any sentencing agreement with the State. The Honorable Richard D. Boner, Superior Court Judge, sentenced Davis to 108-139 months in prison.

The State called the case of a defendant whose name is being withheld from this news release since the case is still pending. The defendant was out on bond, appeared in the courtroom briefly, but left the courthouse before jury selection started. An order for his arrest was issued and the case will be re-scheduled when he is apprehended.

The State next called the case of Timothy D. Cherry, age 43, for 1) felony breaking or entering, 2) felony possession of stolen goods pursuant to breaking or entering, and 3) being a habitual felon. The jury returned verdicts of *guilty* to the two felony charges. Cherry then admitted his habitual felon status and admitted the existence of aggravating factors alleged by the State. Cherry was sentenced by The Honorable W. Robert Bell, Superior Court Judge, to 180-225 months in prison.

The State also called for trial the case of Bruce E. Little, age 46, for 1) felony breaking or entering and 2) being a habitual felon. The jury returned a verdict of *not guilty* of the felony breaking or entering, so the issue of the defendant's habitual felon status was moot.

The State also called another habitual felon for trial, whose name is being withheld from this news release because his cases are still pending. The defendant was tried before a jury for felony property crimes. The jury returned verdicts of *guilty*. However, in the second phase of the defendant's trial, the jury was unable to reach a unanimous verdict as to the defendant's status as a habitual felon. The presiding judge declared a mistrial and the State will re-schedule the habitual felon phase for another trial date before a new jury.

In lieu of going to trial, Lawrence Falls, age 43, decided to plead guilty without an agreement from the State as to his sentence. Falls pled guilty to all three of his charges: 1) felony breaking or entering, 2) larceny after breaking or entering, and 3) being a habitual felon.

Judge Boner sentenced Falls to 96-125 months in prison. However, the 96-125 month sentence will not begin until December 2010 when Falls' current, unrelated, prison sentence expires.

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