

NEWS RELEASE

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Trials, motions, and guilty pleas with Drug Prosecution Team, September 21-25

The DA's drug prosecution team held court in two courtrooms during the week of September 21 to September 25, 2009. The Honorable Ronald E. Spivey, Superior Court Judge, presided over criminal courtroom 5130. The Honorable Timothy S. Kincaid, Superior Court Judge, presided over criminal courtroom 5150.

TRIAL: John Stroud, age 48, was tried before a jury for 1) possession of cocaine and 2) being a habitual felon. The jury found Stroud guilty of possession of cocaine and Stroud admitted the status of habitual felon. Judge Kincaid sentenced Stroud to 120-153 months in prison.

TRIAL: Rasean Potts, age 28, was tried before a jury for possession of cocaine after a pre-trial motion to suppress the evidence seized during the execution of a search warrant was denied by Judge Spivey. The jury found Potts guilty and he was sentenced by Judge Spivey to 5-6 months, suspended for a period of 24 months of supervised probation. Potts entered notice of appeal.

TRIAL: Melvin McCall, age 28, was tried before a jury for 1) possession with intent to sell or deliver cocaine, 2) resisting a public officer, and 3) assault on a government official. The jury found McCall guilty of resisting a public officer but failed to reach a unanimous verdict as to the remaining two charges. Judge Spivey sentenced McCall on the resisting a public officer charge to 45 days in jail suspended for a period of 18 months supervised probation.

Several other defendants pled guilty before their trials began and some pre-trial motions were argued; some of them included:

In three felony drug cases, the defense filed pre-trial motions to suppress the evidence seized in the defendant's case and intended to be used by the State during trial. In all three, the State was successful after a hearing and argument and the presiding judges denied each of the defendants' motions to suppress. Each defendant's case will now proceed to a trial by jury to be held at a later date.

The defense filed a pretrial motion to suppress the evidence seized from Cedarian Grier, age 29, who was charged with possession with intent to sell or deliver cocaine, 2) misdemeanor possession of marijuana and 3) resisting a public officer. After arguments from both sides, Judge Kincaid granted Grier's motion to suppress the evidence and the case was dismissed.

Lamont Byrd, age 29, pled guilty to felony possession of marijuana. Judge Kincaid sentenced Byrd to 4-5 months suspended for a period of 12 months of supervised probation.

Terrence Steele, age 25, pled guilty to possession with intent to sell and deliver marijuana. Judge Kincaid sentenced Steele to 4-5 months suspended for a period of 12 months of supervised probation.

Thurman Hill, age 40, pled guilty to 1) possession of cocaine and 2) possession of drug paraphernalia. Judge Kincaid consolidated the charges under the felony possession of cocaine and entered a 90-96 judgment against Hill (*see* N.C.G.S. 90-96). Hill was placed on supervised probation for 12 months.

Detrique Cherry, age 23, pled guilty to 1) conspiracy to traffic in cocaine, 2) possession with intent to sell and deliver cocaine, and 3) sale of cocaine. Judge Kincaid sentenced the defendant to 45- 54 months in prison.

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