

# NEWS RELEASE

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District Attorney

**November 23, 2009**

**Felony drug trials, motions, and pleas from October 26 to November 6**

The DA's drug prosecution team held court in three courtrooms during the weeks of October 26 to November 6, 2009. The Honorable Eric L. Levinson, Superior Court Judge, presided over criminal courtroom 5150 for both weeks. The Honorable Yvonne Mims Evans, Superior Court Judge, presided over criminal courtroom 5130 during the week of October 26-30. The Honorable Nathaniel J. Poovey, Superior Court Judge, presided over criminal courtroom 5370 during the week of October 26-30.

**TRIAL:** Dalvin Pegues, age 31, was tried before a jury for 1) trafficking in cocaine by possession, 2) trafficking in cocaine by transportation and 3) misdemeanor possession of marijuana. The jury found Pegues guilty of both trafficking charges and not guilty of misdemeanor possession of marijuana. Judge Evans sentenced Pegues to 35-42 months in prison and fined him \$50,000.

**TRIAL:** Larry Lowry, age 48, was tried before a jury for 1) possession with intent to sell or deliver cocaine, 2) delivery of cocaine, and 3) being a habitual felon. The jury found Stroud guilty of all three charges. Judge Levinson sentenced Lowry to 110-141 months in prison.

**TRIAL:** Dominikus Sturdivant, age 27, was tried before a jury for 1) trafficking in cocaine, 2) conspiracy to traffic in cocaine, and 3) possession with intent to sell or deliver cocaine. The jury failed to reach a unanimous verdict on any of the charges. Subsequently, facing a potential re-trial on the original charges, Sturdivant pled guilty to attempted trafficking in cocaine. Judge Levinson sentenced Sturdivant to 16-20 months in prison to be suspended for a period of 36 months of supervised probation. Sturdivant was also sentenced to 5 months in jail as a special condition before he may be released on supervised probation.

**TRIAL:** Trevell (AKA Trevall) Young, age 30, was tried before a jury for 1) trafficking in cocaine by possession, 2) trafficking in cocaine by sale, and 3) trafficking in cocaine by delivery. The jury found Young guilty of trafficking in cocaine by possession and not guilty of trafficking in cocaine by delivery and trafficking in cocaine

by sale. Judge Levinson sentenced Young to 35-42 months in prison and fined him \$50,000.

TRIAL: Bruce Little, age 45, was tried before a jury for 1) possession with intent to sell or deliver cocaine and 2) being a habitual felon. The jury returned a verdict of not guilty on the drug charge, so by law the habitual felon phase of the trial was not conducted.

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

The defense filed a pretrial motion to suppress the evidence seized from Lorenzo Belk, age 48, who was charged with possession with intent to sell or deliver cocaine. After arguments from both sides, Judge Levinson granted Belk's motion to suppress and the case was dismissed.

The defense filed two pretrial motions to suppress the evidence seized in two separate cases in courtroom 5130. After arguments from both sides, Judge Evans took the motions under advisement and has not yet ruled. If the motions to suppress are denied, the State will proceed to try both defendants before a jury.

The defense filed two pretrial motions to suppress the evidence seized in two separate cases in courtroom 5370. After arguments from both sides, Judge Poovey denied the defendants' motions to suppress and the trials will be held at a later date.

Alvin Edge, age 22, pled guilty to 1) possession with intent to sell or deliver a counterfeit controlled substance and 2) possession of cocaine. Judge Levinson sentenced Edge to 8-10 months in prison.

Jimmy Love, age 43, pled guilty to possession of cocaine. Judge Levinson entered a 90-96 judgment against Love (*see* N.C.G.S. 90-96). Love was placed on supervised probation for 20 months.

Aaron McCain, age 38, pled guilty to two counts of sale of cocaine. Judge Evans sentenced McCain to 36-44 months in prison.

Amanda Wentz, age 25, pled guilty to possession of cocaine. Judge Levinson entered a 90-96 judgment against Wentz (*see* N.C.G.S. 90-96). Wentz was placed on supervised probation for 20 months.

Victor Alexander Hernandez, age 31, pled guilty to attempted trafficking in marijuana. Judge Levinson sentenced Hernandez to 14 to 17 months in prison and fined him \$15,000.

Danny Accor, age 45, pled guilty to 1) sale of cocaine and 2) possession with intent to sell or deliver cocaine and 3) being a habitual felon. Judge Poovey sentenced Accor to 120-153 months in prison.

Allen Madsen, age 60, pled guilty to 1) maintaining a dwelling for purposes of keeping or selling controlled substances. Judge Poovey sentenced Madsen to 4-5 months in prison to be suspended for 18 months of supervised probation. Madsen indicated that he did not wish to be on probation and the suspended sentence of 4-5 months was activated.

Avelardo Leyva-Perez, age 28, pled guilty to attempted trafficking. Judge Evans sentenced Leyva-Perez to 54-74 months in prison and fined him \$30,000.

Fidel Loor, age 26, pled guilty to 2 counts of trafficking in cocaine, 2 counts of possession with intent to sell or deliver cocaine, sale of cocaine and deliver cocaine. Judge Levinson sentenced Loor to 35-42 months in prison and fined him \$50,000.

Paul Gray, age 47, pled guilty to felony possession of cocaine. Judge Levinson sentenced Gray to 9-11 months in prison.

Terry Johnson, age 28, pled guilty to felony possession of marijuana. Judge Evans sentenced Johnson to 4-5 months in prison to be suspended for 18 months of supervised probation.

Christopher Hemphill, age 25, pled guilty on November 4, 2009, in courtroom 5370 before The Honorable J. Gentry Caudill, Superior Court Judge, to 1) trafficking in cocaine and 2) possession with intent to sell or deliver cocaine. Judge Caudill sentenced Hemphill to 35-42 months in prison and fined him \$50,000.

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