

One 'Operation Brass' Drug Defendant Found Not Guilty

BY TERRY POPE

The only defendant charged in the March "Operation Brass" undercover drug investigation to carry his arguments before a jury last week was acquitted of felonious drug charges.

Steven Albert Babson, of Long Beach Road, was found not guilty of felonious possession with intent to sell and deliver marijuana and two counts of felonious sale and delivery of marijuana following close to 40 minutes of deliberations last Thursday.

Of the 22 suspects charged on various drug violations during the investigation in March, nine men pleaded guilty in Brunswick County Superior Court last week. Babson was the only defendant among those who had earlier pleaded not guilty who carried his case to court last week.

Defense attorney Shelia McLamb of Shallotte argued that at no time during the testimony did the state identify Steve Babson as the "defendant who allegedly sold marijuana" to undercover officers. Her motion to dismiss the charges following testimony was denied by Judge Preston Cornelius.

"Operation Brass" is the code name for an undercover drug probe involving the Brunswick County Sheriff's Department drug squad and officers from both Shallotte and Southport police departments. In March, the Brunswick County Grand Jury returned indictments against 22 suspects on 66 charges.

Babson was indicted for selling marijuana to Southport undercover officer T.M. Klomprens on two occasions last December, once on the

waterfront at Southport and again at Babson's home on Long Beach Road.

According to Klomprens' testimony, the officer purchased a quarter ounce of marijuana from Babson at the waterfront on Dec. 11, 1984.

"He handed me the marijuana and I handed him the \$25," Klomprens said. The officer also stated that he discussed buying a half-ounce of hashish from the suspect and set a meeting time at the waterfront for the following night, but the suspect did not show.

On Dec. 13, Klomprens said he was traveling to Oak Island around 11:10 p.m. and saw Babson heading in the opposite direction. Klomprens said he turned his vehicle around and met Babson at his home, where he went inside and purchased an ounce of marijuana.

Klomprens said Babson removed a half to three-quarters pound container of marijuana from the mobile home furnace in order to cut him an ounce.

"He told me he could sell me a pound for \$800 to \$900," the officer stated. In answering Ms. McLamb's questions, Klomprens said he could not identify another person who was with Babson on the waterfront the night of the alleged marijuana deal. Ms. McLamb then asked someone in the audience to stand and asked Klomprens if the person standing was with Babson on the waterfront when the purchase was made.

"I can't be sure," Klomprens replied.

Klomprens also stated he kept the marijuana purchased from the defendant in a locked box at his home until Dec. 14, when he turned the

evidence over to Det. Dick Burgess of the Brunswick County Sheriff's Department.

Assistant District Attorney Wanda Bryant also called on agent J.D. Sparks of the State Bureau of Investigation crime lab in Raleigh, who tested the evidence Klomprens turned over to the sheriff's department and determined the bags to contain 5.6 grams and 24.2 grams of marijuana.

Two other "Operation Brass" defendants pleaded guilty to charges last Thursday and received suspended sentences. Randy Franklin Lar-

rimore, 19, of Route 2, Box 170, Shallotte, pleaded guilty to felonious sale and delivery of marijuana and felonious possession with intent to sell and deliver marijuana.

Judge Cornelius sentenced Larimore to five years in prison, suspended for five years and placed

him under 12 months supervised probation. Larimore was also fined \$500 and ordered to pay \$135 to the sheriff's undercover fund and serve 40 hours of community service.

Also sentenced Thursday was Jeffrey Andrew Conca, 24, of 311 River Drive, Southport, who pleaded guilty

to felonious sale and delivery of marijuana. Conca was sentenced to two years in prison, suspended for five years and placed on two years supervised probation.

He was also fined \$500 and ordered to pay \$90 to the sheriff's undercover fund.

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Jury Rules Shooting Was Not Intentional

BY TERRY POPE

A Brunswick County jury last Wednesday ruled there was no reason to believe that a Hope Mills woman who shot a girl in the head at Seaside last year did so intentionally.

Teena Elaine Ferguson, 20, of Hope Mills, was found innocent of assault with a deadly weapon with intent to kill inflicting serious bodily injury following two days of testimony in court. She had been charged by the Brunswick County Sheriff's Department on Dec. 27, 1984 in the shooting of Renee Tanner, 18, of Whiteville.

Ms. Tanner was shot once in the head with a .22 caliber pistol during a domestic dispute at a Seaside residence around 11:05 p.m. on Dec. 26, 1984. Both women were visiting a home in Seaside between Ocean Isle and Sunset Beach when the accident occurred.

Prior to the shooting, an argument broke out at Ms. Ferguson's car outside the Seaside residence and the defendant pulled a gun, testified Angie Strickland, who was a witness to the shooting.

Ms. Strickland said the gun fired a single shot while Ms. Tanner was arguing and trying to get Ms. Ferguson's friend out of the car. Ms. Ferguson was sitting on the passenger side of her Thunderbird while Ms. Tanner was standing in the doorway of the driver's side, pulling on the friend, when the gun went off, Ms. Strickland said.

Det. Lindsey Walton, of the Brunswick County Sheriff's Department, testified that Ms. Ferguson gave officers a written statement in the presence of her attorney, Rex

Gore of Shallotte, around 2:30 a.m. following the shooting.

After the dispute began, Ms. Ferguson stated she ran to the passenger side of her car and locked her door. After the gun fired, she rushed to a nearby residence and called the sheriff's department while others drove Ms. Tanner to the Brunswick Hospital in Supply.

"I only pulled the gun to try to scare them, because I was scared," her statement to officers said. Det. Walton read Ms. Ferguson's statement in court Wednesday.

"She (Ms. Ferguson's friend) pulled back and hit my arm and made the gun go off," the statement read. "I did not mean to shoot anyone. I only wanted to scare them."

Following testimony Wednesday, Gore asked Judge Preston Cornelius to dismiss the charges against Ms. Ferguson, "since there was no attempt to kill at all," Gore stated. "All the evidence points to an accidental discharge of the weapon."

Gore also said that the state's arguments, led by Assistant District Attorney Thomas Hicks of Whiteville, did not prove that the victim suffered "serious bodily injury" since the only witness to testify to such was Ms. Tanner's mother, "who only stated that she was in the hospital for some time," Gore said.

Judge Cornelius refused to dismiss the charges based on Gore's motion, but did instruct the jury that they could return a verdict against Ms. Ferguson for either 1) assault with a deadly weapon with intent to kill inflicting serious bodily injury; 2) assault with a deadly weapon with intent to kill; or 3) not guilty.

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