

The News-Journal

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McPhatter's lawyer wants DA excluded

Thompson says Newton could be a witness, plans to file motion to seek new prosecutor

By VICTORIANA SUMMERS
Staff writer

Raeford attorney Gregory Thompson confirmed yesterday he is filing a motion in Superior Court this week to request District Attorney Kristy Newton and her staff be forbidden from prosecuting the upcoming embezzlement trial of Bernice McPhatter.

"We want a fair and just trial," Thompson, defense attorney for McPhatter, said. "Mrs. Newton is going to be served a subpoena."

"She could be a potential witness in the case for the defense."

Thompson declined to say why Newton would be considered key among witnesses called on behalf of McPhatter.

When filed, Thompson's motion will not be heard until the next session of Superior Court on September 22. Superior Court Judge Jack Thompson, presiding on the bench until December, will evaluate the merits of Thompson's request.

Newton has been preparing for the October 6 trial in Hoke's Superior Court of McPhatter, former county manager, on allegations that she embezzled \$269,347.90 of county funds. Close to 40 witnesses for the prosecution have already been subpoenaed by Newton.

When contacted, Newton declined to comment at this time. Last month, Newton announced she would be the sole prosecutor to try the McPhatter case.

According to the pending motion, Thompson is requesting that Newton be specifically "disqualified" to prosecute the case as well as the assistant district attorneys employed in District 16A, which covers Scotland and Hoke counties.

McPhatter, who simultaneously served as Hoke

county manager and finance director, is charged with four counts of embezzlement for allegedly stealing county moneys between July 1994 and November 2000, and 64 counts of alleged forgery and uttering.

As set forth in the motion, Thompson is alleging during the course of Newton's criminal investigation of McPhatter that she obtained information concerning the possible "misconduct" of other county employees. The motion also alleges Newton examined possible illegal activities by these employees, who remained unnamed publicly.

The motion being filed in an attempt to disqualify Newton as prosecutor also refers to meetings that allegedly took place between "certain" commissioners and separately with County Attorney Neil Yarborough with her prior to McPhatter's resignation. These meetings occurred prior to the indictments handed down against McPhatter and preceded the SBI criminal inquiry. Thompson thinks the prosecution of the case may be somewhat tainted because of the alleged internal speculation of county officials who allegedly sought advice from Newton without first entering into an official SBI probe.

Thompson's written request to the court will allege that Newton would not be able to "discharge" her duties "impartially" because of her close involvement to the case and being acquainted with numerous citizens being called as witnesses.

McPhatter's impending trial was preceded by a 10-month investigation by the State Bureau of Investigation. Upon examination of the SBI's findings, Newton presented recommendations in August 2002 for indictments on alleged embezzlement, forgery and uttering against McPhatter. The Grand Jury approved these indictments leading to (See MCPPHATTER TRIAL, page 3A)



Michael Maurice "Pistol" Monroe is transferred to a federal prison after being served warrants by the U.S. Marshal's office.

Suspected drug kingpin moved to federal prison

By VICTORIANA SUMMERS
Staff writer

Suspected drug kingpin Michael Maurice "Pistol" Monroe was transported to federal prison last week on more narcotics charges stemming from an alleged drug conspiracy, according to Sheriff Hubert Peterkin.

Monroe was arrested in July by the Hoke Sheriff's Office during a multi-task force drug raid. He was detained in the Hoke County Jail on a \$1 million secured bond where he faced charges for alleged drug trafficking. On Friday, Monroe was transported to a High Point federal deten-

tion facility to await a trial that will be prosecuted by the U.S. Attorney's Office.

An additional federal warrant was served last week by the U.S. Marshal's office. The additional charges were filed by the U.S. Department of Justice, accusing Monroe of allegedly conspiring to distribute cocaine base (crack) and distribution of crack cocaine.

"His arrest on a federal level without bond is a direct result of a joint major drug bust we initiated almost two months ago with the cooperation of the Raeford Police Department," Sheriff Hubert Peterkin said. "This investigation is (See SUSPECTED KINGPIN, page 7A)

The Week



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Ashley Heights exec stole \$1 million in straw

By VICTORIANA SUMMERS
Staff writer

A former general manager of Southland Pine Needles in Ashley Heights was convicted of a \$1.1 million embezzlement scheme by a Guilford County Superior Court last week.

"James Jordan Cobb III was a trusted employee, but there were no 'checks and balances,' to stop his illegal activities," said Sherry Augustin, a Southland employee whose suspicions led to Cobb's arrest. "He was fired after the company found out what he had done."

"The embezzlement was discovered after a Cary customer informed the Greensboro office that Mr. Cobb was selling pine straw directly to them," she said.

"Southern Importers did not know about the customer."

Cobb, a Pinehurst resident and also former part owner of Southland, pleaded guilty to misappropriating company. In what was one of the largest embezzlement scams in Hoke County's history, the fraud scheme was also the largest ever prosecuted in Guilford, headquarters of Southland's parent company, Southern

Importers.

Cobb was sentenced up to 10 years in the N.C. Department of Correction after charges of corporate malfeasance and embezzlement were consolidated. He was also ordered by Superior Court Judge Melzer A. Morgan Jr. to pay \$135,400 in restitution for the crimes he committed.

Cobb apologized to the court for his behavior, according to Augustin, who was required to testify for the prosecution. She said Cobb requested the judge to temporarily release him so he could take care of his personal affairs prior to serving his sentence.

"The judge denied his request," Augustin said.

In 1999, Augustin told a Southern Importers executive she thought "something was not right" and Cobb might be doing something illegal. However, no one responded to her concerns until May of 2001 when an investigation was launched. Greensboro-based executives traced four bank accounts established by Cobb. At four different banks in Moore County, Cobb was funneling company profits into his own accounts unbeknownst to Southern Importers, a fraud accountant testi- (See EMBEZZLED, page 7A)

County to crack down on waste dumping, littering

By VICTORIANA SUMMERS
Staff writer

Trash dumpers and litter bugs beware! The solid waste ordinance is being rewritten by Solid Waste Director Don Russell. The board of commissioners will be able to utilize an improved ordinance to enforce solid waste violations that require court action or ticketing for violations, according to Commission Chair-

man Bobby Wright.

To prevent people from dumping refuse around the county, the board also unanimously approved deputizing solid waste officer David Smith. Not only will Smith patrol, he will wear an official Hoke Sheriff's Department badge, carry a weapon, and ride in an official patrol vehicle with blue lights and a siren.

"A judge said we need a policy so people can be prosecuted for throwing out

their trash," Wright said. "We have had complaints from citizens about people dumping trash on their property."

"This will help to clean up the county."

Commissioner Jean Powell agreed with Wright, saying it will be a good thing to improve the ordinance and have Smith report to the Hoke Sheriff's Office to interact with solid waste.

"I hear a lot of problems about trash being dumped," Powell said. "It is frus-

trating."

Commission Vice Chairman Charles V. Daniels also supported the new policy and Smith's patrolling.

"I think a badge and a gun has an impact," Daniels said. "I have also heard we have some problems with our junkyards that need to be cleared up."

Smith thanked the board for the opportunity of allowing him to enforce the solid (See LITTERING, page 5A)

The News-Journal

News Other stuff

By KEN MACDONALD
General Manager

They say a 16-foot Hobie sailboat will do eight knots in a 25 m.p.h. wind without any sails - just from the wind pushing the mast alone. That's what I was thinking about as I tried to make this 6'5" body push a 30-year-old Schwinn bicycle through a headwind Monday during the Toure De Moore bike race in

Southern Pines. Do shorter people have to contend with such problems?

Then there's that 30-year-old bicycle issue. I bought that bike when I was a sophomore in high school to replace another that had been stolen. The first's odometer indicated more than 10,000 miles, mostly racked up riding around Raeford in the days before I finally turned 16 and got (See OTHER STUFF, page 7A)

K-9 Graduates

Shown after graduation from the K-9 academy in Fayetteville are Corporal Whiteford Johnson of the Hoke Sheriff's Office accompanied by "Angel," a Dutch shepherd; Sgt. Tracy Campbell, Fayetteville Police Department K-9 team leader and training supervisor; Tonnie Boeijen, owner and supervisor of Four Winds Plicedog Center in The Netherlands; Hoke Chief Deputy Troy McDuffie and Corporal Joseph Snowden of the Sheriff's Office with "Aron," a Belgium Mallinoir. Angel and Aron recently joined the new Hoke Sheriff's Office K-9 squad.

