

JUDGES COPELAND AND CAHOON DIRECTLY VIOLATE STATE LAW ON SEARCH WARRANTS

by Jack Rider

In past month Superior Court Judges William Copeland and Walter Cahoon have set a covey of dope peddlers loose in Lenoir County in direct violation of General Statute 15-27, Sub-section B. This sub-section which was added by the 1969 session of the North Carolina General Assembly says:

"No search may be regarded illegal solely because of technical deviations in a search warrant from requirements not constitutionally required."

The thin pretext Judge Copeland used in setting his part of the dope peddling entry free was that the informant who had given officers the information upon which the warrants were drawn was "not proven reliable."

Judge Cahoon last week set an assortment free with context that the warrant did not include the word Caswell, where street address was listed as "312½ Kinston", rather than 312½ Caswell Street, Kinston."

General Statute 15-26 describes the contents of search warrants: Section A. says "The search warrant must describe with reasonable certainty the person, premises, or other place to be searched and the contraband, instrumentality, or evidence for which the search is to be made."

Sub-section B. says: "An affidavit signed under oath or affirmation by the affiant or affiants and indicating the basis for

the finding of probable cause must be a part of or attached to the warrant."

That is what the latest law — passed in 1969 — says a search warrant needs to include, and the enforcing paragraph included with these charges is the sub-section B. quoted above.

So any reasonable interpretation of this latest law inevitably leads to the fact that both judges have violated the state law, which they are sworn to uphold.

In addition to this point which at least inferentially makes these judges guilty of violating the law pertaining to search warrants. There is also their apparent lack of concern about the seriousness of the drug problem in Lenoir County, as well as the rest of the state.

In one of the few instances during Copeland's tenure in the local court when a dope case got to the jury a conviction resulted and Copeland gave the defendant a two-year jail term a minimal sentence for which the defendant could have been given five years in prison. Copeland on the next morning called the defendant back into court and changed the sentence to a "work-release" term since it had been called to his judicial attention that the defendant was the father of one bastard child by one woman and that he was six-ninths father of another bastard by another woman.

Copeland reasoned out loud for courtroom spectators to ponder the unique judicial philosophy that if he didn't leave the defendant free to work the taxpayers would have to support his illegitimate progeny. Thus establishing a new criteria for leniency, which precedence could empty half the jails and prisons of North Carolina if other judges followed the Copeland route.

In the name of judicial expediency Judge Cahoon without consulting the prosecuting officers along with Solicitor Ogden Parker agreed to accept a guilty plea in a marijuana charge last week against King David Dove and noll pross with leave

a heroin peddling charge which arose against Dove while he was out on \$5000 bond pending trial on the marijuana charge.

Then, after ignoring the prosecuting officers who were sitting in the court, Cahoon sentenced Dove to a term of not less than two nor more than three years, which can be pulled in about four months.

The two officers ignored in this cavalier fashion in the past six months have made more than 30 narcotics arrests and have averaged working close to 80 hours a week to accomplish this remarkable job. At that point they both announced that they were through since twice-charged narcotics peddlers had more influence with the courts than their 40 years of experience as law enforcement officers could command.

This week the Lenoir County Bar has spent an hour beating its breast and threatening to buy ads in newspapers and on radio to explain the court's position and the legal fraternity's connection.

An all-out effort is being made by every upper echelon official in the court system, as well as by the bar to put the blame for all that is happening and has happened on the magistrates.

This overlooks the fact that

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Jones County Schools Re-opened on Wednesday After Being Closed Tuesday Because of Racial Outbreak Monday

Jones County schools were re-opened one hour late Wednesday after being closed all day Tuesday as the result of a racial outbreak Monday morning at Jones Central High School.

All county schools were recessed Monday morning when violence by colored students broke out at the county's largest school.

Only one serious injury was reported from the violence but considerable damage was done to the school and to automobiles belonging to school officials by the rioting colored students.

School officials say the cause of the colored outburst was a remark made by one white teacher to another white teacher about colored students, which was repeated on class by the white teacher.

This maddened colored students in the class and the word spread and they demanded resignation of the white teacher who had allegedly made the remark repeated to some of them.

The white teacher has, of course, resigned.

No arrests were made for the damage done to the school and no charge has resulted from the injury of Senior Myron Thomas,

a white student, who was sitting at his desk on class and suffered a concussion when a pop bottle was thrown through the window by one of the riotous colored students.

Thomas was kept Monday night at Craven County Hospital for observation and was released from the hospital Tuesday.

Students Bound Over for Possession of Marijuana

Welsey Foy of 305 Holloway Drive, a senior at Fayetteville State Teacher College, and Dalencia Libby Chadwick of 425 Lincoln Street, Kinston, a senior at Grainger High School, were bound over to superior court under \$500 bond Monday on charge of possessing of a quantity of marijuana.

Foy has been arrested again on charge of possessing 54 bindles of heroin at his home. He was out under the \$5000 bond on the marijuana charge when he was caught with the heroin.

Drake Withdraws Appeals, Begins 30 Year Prison Term

Last Thursday morning William C. Drake surrendered himself to Lenoir County Sheriff Leo Harper to begin serving a 30-year prison term, thus, in effect, withdrawing his second appeal from that sentence.

Drake was first convicted of second degree murder in 1969 for the slaying of his wife Patricia Huggins Drake on Halloween Night of 1968 at their trailer home on Kinston route 1.

An appellate court granted Drake a new trial, which was held in 1970 and again he was convicted of second degree murder and again was given the maximum 30-year sentence. He appealed for a second time, but last week apparently decided the appeal was futile and began serving the term.

He will be eligible for parole consideration when he completes serving one fourth of the 30-year term.

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STUDENTS BOUND OVER

Lenoir Community College students Larry Jones, Bruce Edwards and Jerry Wayne were bound over to superior court under \$5000 bond each last week after probable cause of their guilt was found on charge of possessing harshish and the gadgets for use of this potent derivative from marijuana, all of which was found in a trailer they inhabited south of Kinston.

One Civil Action

Jones County Court Clerk reports receiving one civil action in his office during the past week in which Virginia C. Derry has filed suit for support against her husband Willard F. Derry of 1980 Seventh Avenue, New York City. She is asking \$50 per month for herself and two children and alleges that she has only received \$30 from him since their separation July 8, 1962.

One-Cent Sales Tax Dec. Collections

County	Net Collections
Buncombe	\$242,949.15
Camden	1,491.54
Chowan	12,308.36
Clay	4,037.56
Cumberland	228,464.09
Currituck	3,545.00
Duplin	31,051.08
Durham	225,915.32
Greene	5,412.16
Hertford	25,981.49
Jackson	16,334.20
Jones	3,010.14
Lenoir	80,703.13
Macon	17,823.78
Madison	6,117.89
Mecklenburg	632,370.31
New Hanover	155,790.47
Onslow	71,805.07
Pamlico	4,176.44
Pasquotank	38,015.64
Perquimans	6,223.19
Richmond	49,753.64
Swain	6,555.38
Tyrrell	2,858.53
Watauga	29,839.14
Wayne	101,802.34
Total	\$2,004,335.04

Numerous Charges Thievery Filed by Sheriff's Office

During the past week a flock of larceny charges has been filed in the office of Jones County Sheriff Brown Yates.

The accused include Macke Thompson and James Grady of Kinston route 6, Edward Earl Harper of Trenton, Walter Robinson of Trenton route 2, Roger Morris of Pollockville and J. T.

Drunken High School Junior Crosses Road in Speeding Car to Kill Cousins Walking Home from Adkin School

Monday afternoon two teenage cousins were killed as they walked along the shoulder of Liberty Hill Road when a car driven by another student crossed the road to strike them down.

Steve Edward Hill, 15, son of Mr. and Mrs. Edward G. "Buddy" Hill Jr. of 728 Cavalier Circle, was pronounced dead upon arrival at Lenoir Memorial Hospital and his first cousin, Cecil Edward Bradshaw, 14, son of Mr. and Mrs. Herbert Bradshaw of 1006 Mitchell treet, died a

few minutes after arriving at the hospital.

Patrolman K. P. Parker, who investigated the twin tragedy just outside the Kinston city limits, has indicted 17 year-old Cabarrus Lindell Bruton of 105 North Secrest Street on two charges of manslaughter and drunken driving.

The boys who were killed were students at Adkin High School, where they had completed taking an afternoon examination and they with several classmates were walking toward home northwestwardly from Tower Hill Road toward the Greenville Highway.

The car owned by Marion Haskins Mitchell, driven by Bruton, was headed in the same direction. The boys were walking on their left hand shoulder facing oncoming southeast bound traffic.

Two students riding with Bruton, a junior at Grainger High School, told Patrolman Parker they had tried to get Bruton to slow down and warned him of the boys ahead. They both said instead Bruton speeded up the car and crossed the center line to go to the left side of the roadway where he hit the young cousins and narrowly missed hitting several other students.

Sgt. Joe Briley of the patrol said as he was taking Bruton to the patrol station to take a breathalyzer test Bruton pulled a razor on him and had to be subdued.

The breathalyzer test indicated that Bruton's blood alcohol content was .15 per cent. At the patrol station he refused to speak and fell asleep or in a coma and sat in that fashion for well over an hour before being taken to the county jail.

Monday night Mrs. Carolina B. Pope, with whom Bruton makes his home, signed the \$5300 bond he had been placed under and he was released pending a preliminary hearing into the charges at a date to be set by Solicitor Phil Crawford.

Two Hurt Saturday In Pink Hill Wreck

Pink Hill Police Chief Herman Dail and Jimmy Royce Rayner of Beulaville route 1 have been hospitalized from injuries they suffered at about 7:50 Saturday night in a wreck in Pink Hill.

Rayner has been charged with driving on the wrong side of the road, since he was in the wrong lane when his car crashed into Chief Dail's car.

Dail is reportedly recuperating satisfactorily from painful but not critical injuries he suffered.

Rayner was treated and released Saturday night at Lenoir Memorial Hospital but was taken worse during the night and was hospitalized at Duplin Memorial Hospital in Kenansville, where he is now reported to be in satisfactory condition.

The 1968 and 1969 cars driven by the pair were classified total losses.

Berry of Trenton

Others arrested included Jack Williams of Maysville, charged with public drunkenness and resisting arrest and Godfrey Wilder of Trenton route 1, who is charged with public drunkenness.