

JUDGES ACCEPT ONE SEARCH WARRANT, REJECT ALMOST IDENTICAL WARRANTS IN DOPE CASES

by Jack Rider

An examination of all the search warrants used in the arrest of numerous persons charged with narcotics violations in Lenoir County in the past year reveals some remarkable contradictions.

Consider the case of Jimmy Harold Branch, Case No. 9240, in which the search warrant that led to his arrest was made out in the name of Lindsey T. Parker, who is described as "a colored man, wearing blue jeans and driving a cream colored 1964 Cadillac, License No. North Carolina FE-1572," an this search warrant authorized the issuing officer, Deputy Carl Long, to exercise the search "on any street of the City of Kinston."

Under this search warrant issued to Lindsey T. Parker Jimmy Harold Branch was ar-

rested, arraigned, tried, convicted and sentenced to a term of two years in prison which he is now serving. This was done under the supervision of Superior Court Judge William Copeland.

Yet this same judge turned James Allen Powell and Bobby Roach footloose and fancy free because of what he termed flaws in the search warrants which did not establish the reliability of the informer.

The affidavit on the search warrant used in the arrests of Powell and Roach said: "this informer has given information in the year 1970, August, where narcotics drugs were found, seized and arrests made. This informer in the past has proven to be true and he is worthy of belief."

Yet this month when Judge Walter Cahoon was turning dope

pushers loose on the thinnest of pretexts he threw out the search warrant under which Calvin Hicks and Linda Faye Johnson has been arrested on heroin possession charges, despite the fact that the affidavit pertaining to the informer on this warrant stated: "Based on information from a confidential and reliable informer, who has personal knowledge that narcotic drugs have been on the above premises and are on the premises now. This informer has furnished us with information in June 1970 where narcotics drugs were found, arrest was made. This informer has given information in the year 1970, August, where narcotic drugs were found, drugs seized, arrests made. This informer's information in the past has proven to be true and he is worthy of belief."

On the other hand 75 year-old Temple Moye of 427 Sampson Street was arrested on evidence obtained under a search warrant no where near so specific about the "reliability" of the informer and she was tried, convicted, and given a suspended jail term, fined \$1000, put on probation four years and ordered to surrender her constitutional right by permitting offers to search her home without warrant during the period of her probation!

Donald Ray Edwards was convicted and given 18 months in prison under evidence obtained with a search warrant no more specific than the others that were rejected.

And the final straw that broke the search warrant camel's back was that in which heroin and marijuana were found on the premises of Pete Ganteneue and James Becton at 312½ East Caswell Street.

Judge Cahoon tossed the evidence against this evil pair of

rats out because in one of the three places on the search warrant where the house address was listed the street had been left out and "312½ Kinston, N. C." had been typed. Yet at the top of that page "312½ East Caswell Street" was typed clearly for all to see just under the name of Pete Ganteneue, and on the face of the warrant once more the address "312½ Caswell Street" was written in totally legible handwriting.

Of course, the heaviest hammer wielded by either Copeland or Cahoon was that which a twice-indicted cab driver had a heroin charge noll prossed with leave without consultation with the arresting officers and purely on the strength of lies which the defendant was telling the court through his court appointed and taxpayer paid lawyer, which lies could not be rebutted by facts in the case, simply because the facts were available to the court and were not requested.

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Supreme Court's Schizophrenia Gives Running Fits to 25 Boards of County Commissioners and Many City Councils

by Jack Rider

The boards of county commissioners in 25 counties were hit a very low blow by the North Carolina supreme court last week, and they have not yet recovered from the force and surprise of this underhanded 4-to-3 vote by the state's highest court, which in that split voice said the law under which those counties were levying an additional one-cent sales tax was unconstitutional.

The tax which went into effect on March 1, 1970, had been approved by those 25 counties in a referendum held in November 1969, and the other 75 counties had turned the new source of local revenue down.

To give some notion of the impact of this court decision the Lenoir County budget for the present fiscal year (July 1, 1970 - June 30, 1971) had been brought into balance with an anticipation of \$500,000 to the county treasury from that source.

County commissioners, of course, were not the only officials to suffer sudden shock from this decision since all corporate communities in those 25 counties also were allocated shares of this one-cent tax revenue, and to the city fathers of Kinston this meant that a sudden \$224,689 hole was torn in the seat of their fiscal britches.

As soon as the mixed voice of the supreme court was heard on this vital issue legislators in general and most especially those whose districts included any of the hard hit 25 counties began

drawing up legislation to bridge the gap these four supreme court judges had dredged between solvency and insolvency for so many governmental units.

With so many legislators running in the same direction, but at different gaits the weekend confusion was even worse than usual for the early days of a legislative session.

At the weekend officials of the League of Municipalities and the Association of County Commissioners took the expected attitude of waiting to see which of these legislative fits was the most feasible before these two organizations would ask for a helping push from their membership.

Bender Retires from Road Commission

The State Highway Commission has announced that Mr. E. T. Bender, Pollocksville, retired on January 1, 1971, as Jones County Maintenance Supervisor. Mr. Bender had been employed by the Highway Commission for a total of 43 years and was Maintenance Supervisor from 1962 until January 1, 1971.

Mr. W. C. Jenkins, Jr. of Comfort, is the new Road Maintenance Supervisor for Jones County. Mr. Jenkins has been employed by the Highway Commission since 1939, having been promoted through the ranks. He will be in charge of road maintenance in Jones County which consists of 252 miles of paved roads and 64 miles of unpaved roads.

ONE JONES ARREST

Jones County Sheriff Brown Yates reports the following arrest during the past week. Benjamin F. Ward, of Trenton, was arrested and charged with driving under the influence.

The thin majority voice of the court alleged and averred that it was wrong for the state to call for such a referendum, but hinted that it might be different if the counties had made such a move on their own motion.

This ignored several legal facts of life: one that since 1937 it has been a state law that counties could hold elections on the issue of legal whisky stores, which were initially opened in

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VA Announces Payments in Jones

The Veterans Administration recently announced that estimated expenditures for North Carolina for Fiscal 1970 totaled \$211,021,783 of which \$289,644 was for Jones County.

W. R. Phillips, Director of the North Carolina VA Regional Office, said that the bulk of the money was \$131,721,221 in disability compensation and pension payments for North Carolina veterans — \$213,388 for Jones County veterans.

Other VA expenditures in Jones County for Fiscal 1970, Phillips said, were for GI Bill and other VA education programs, \$32,782; and insurance and indemnities, \$25,974.

Additional expenditures in Jones County included direct loans, \$17,500.

THREE HURT IN WRECK

Cars driven by two Kenansville women collided at the intersection on NC 11 at Odell Hill's store Saturday night at about 7:30 and three people suffered minor injuries. Mrs. Brenda Cole Sullivan was driving one car, and Mrs. Besse Jones Faison was driving the other. Mrs. Sullivan and two passengers in her car, Gayle Hatcher of Wilmington and Amie Howard of Pink Hill were the injured. Damage to the cars was estimated at \$1000 and Mrs. Faison was charged with failing to yield the right of way.

Wide Assortment of Cases Cleared in Friday Court Session; Appeals Filed

Last Friday a wide assortment of cases was cleared from the docket of Jones County District Court in one of the busiest sessions the court has ever had.

Lendell W. Walton and Tommy Meadows both appealed to superior court after being found guilty of killing a dog belonging to Henry Meadows and Jake Dawson also appealed to the higher court after being convicted of disorderly conduct and two charges of assault with a deadly weapon.

Mike Thompson and Willie Williams were both given active six-month prison terms for stealing.

Steve Kinsey who was charged with stealing a young woman's pocketbook and possession of marijuana had a noll pross entered in the stealing charge and the marijuana charge was reduced to a misdemeanor charge for which he was fined \$100 and court costs.

Richard Ganze paid the costs for public drunkenness, as did Charles Smith.

Reckless driving charges against Jimmy and Johnny Hargett were

noll prossed but in the same connection Mike Phillips was found guilty of reckless driving, following too closely and failure to dim lights for which he had his driving license lifted for 30 days and paid a \$25 fine and costs.

Johnny Hargett and J. N. Kornegay were each fined \$10 and costs for failure to list taxes.

Jessie Daughety was found not guilty of running a stop sign, William E. Alphin had a prayer for judgment entered in the kind of charge.

A trespassing charge against Robert Hill was noll prossed.

Edgar Burney was fined \$100 and costs for drunken driving and was granted a restricted driving license for one year.

Eddie Cashwell paid the costs for violating the inspection law and Mollie Davis paid the costs and a fine for speeding 70 miles an hour in a 60-mile zone.

James Grady and Larry Morgan each had a six-month jail term for stealing suspended on payment of the court costs and two year's probation.

Bear Hunters Urged to Attend Meeting Friday Night in New Bern's City Hall

Ways to save the state's rapidly dwindling black bear population will be discussed in a meeting between bear hunters, conservationists and the North Carolina Wildlife Resources Commission.

The meeting will be at 7:30 P.M. in the New Bern City Hall on Friday, January 29, and all bear hunters and interested persons are urged to attend.

In recent weeks, the commission met with bear hunters in the western part of the state at Asheville to discuss proposals for setting up a system of sanctuaries for the black bear in eastern and western parts of the state.

"This same program will be presented to eastern bear hunters at New Bern," said Frank Barick, Chief of the Division of Game. "Nothing has been fully set yet, but we're trying to plan programs to save the bear that will be adopted later by the commission, and we want the state's hunters to help us."

"Mainly, we're looking for ideas," continued Barick. "The proposal to set up sanctuaries seems to be a good way, but

we want to talk to hunters about it. These sanctuaries, if they are adopted, would be of sufficient size to provide bear hunting with dogs in the surrounding territory."

Pollocksville Girl On Dean's List

Dr. Robert F. Davidson, Dean of St. Andrews Presbyterian College, Laurinburg, North Carolina, has announced the Dean's List of students who achieved high academic honor during the Fall Term at St. Andrews. To qualify for the honor of Dean's List, a student has to maintain a certain grade point ratio on a scale of 4.00 for "A's". For underclassmen this average is 3.00, and for upperclassmen — juniors and seniors — the minimum is 3.25.

Among those named to this honor is a Pollocksville student, James Virgil Bender. A sophomore, James is the son of Mr. and Mrs. J. V. Bender of Pollocksville.

Dies in Fire Sunday

Fifty seven year-old Bailey Hill suffered burns and fume inhalation at about Noon Sunday from a fire in his trailer home on Kinston route 3 which led to his death shortly after firemen were able to remove him from the trailer, where he lived alone. Cause of the fire has not been fully determined. But there is a possibility that smoking may have been the cause.