

IN SUPERIOR COURT

# Leland Man Gets 18 Years In Voluntary Manslaughter Plea

BY TERRY POPE

A Leland man charged with the July 14 shooting death of a Wilmington man was sentenced in Brunswick County Superior Court last week to 18 years in prison.

In a plea agreement with District Attorney Rex Gore's office, Tony Leon Kelly, 39, of Eldorado Mobile Home Park, pleaded guilty to voluntary manslaughter in exchange for dismissal of a murder charge.

Voluntary manslaughter carries a minimum of six years and a maximum of 20 years in prison.

Dewayne Abbot Musselwhite, 35, of 502 Murrayville Road, died after he was shot twice in the left side with a .22-caliber revolver while at a ballpark in the Phoenix community north of Leland.

Detectives said the shooting stemmed from a domestic dispute.

Judge Joe Freeman Britt ordered that Kelly pay \$3,508 in funeral expenses to the victim's family and court costs if given work release or early parole.

According to defense testimony, Kelly called for emergency help after the shooting and remained at the scene until Brunswick County sheriff's deputies arrived.

Former District 5 Brunswick County Commissioner Grace Beasley, Kelly's landlord, was called to the stand by defense attorney William Fairley to offer testimony on Kelly's good character.

Gore countered with evidence that indicated Kelly has twice been convicted of driving while impaired and that he had assaulted a victim in this case other than Musselwhite.

Deputy Randy Robinson reported the victim was found lying at the rear bumper of an automobile and was pronounced dead at the scene. Kelly had driven to the park and approached the victim before the shooting occurred around 1:30 a.m., Robinson stated.

Judge Britt also heard the following cases in Superior Court for the period Jan. 13 through 16:

■Clayton Alan Coston, 18, of Route 1, Leland, admits probation violation; probation revoked; two years in prison; pay any unpaid balance if given early release, work release or parole.

■Horace Leon Gore, 59, of Woodburn Trailer Park, Leland, admits probation violation; probation revoked; two years in prison, pay any unpaid balance if given early release, parole or work release.

■Milton Price, 40, of Route 3, Shallotte, admits probation violation; probation revoked; 10 years in prison; pay any unpaid balance if given early release, parole or work release.

■George Ralph Mason, 23, of Route 5, Shallotte, pleaded guilty to taking shellfish from polluted waters at night and received a one-year sen-

tence, suspended and placed on one year of supervised probation; fined \$2,500; ordered to pay court cost, \$75 towing fees and \$175 attorney fees.

■Gregory D. Hewett, 32, of Main Street, Shallotte, probation violation; probation revoked, two years in prison.

■Robert Allen Harker, 40, of Shady Grove Trailer Park, Leland, asked that his sentence on a taking indecent liberties charge be activated; three years in prison.

■Barry Eugene Haire, 42, of Reid Road, Indian Trail, pleaded guilty to felonious driving while impaired; two years in prison; recommended treatment for alcohol and drug abuse; ordered to pay court cost and \$125 attorney fees.

■James C. Tompkins, 21, of Sandy Run Drive, Leland, pleaded guilty to assault with a deadly weapon inflicting serious injury and injury to personal property; counts consolidated; 10 years in prison; ordered to pay court costs, \$2,405 to the Department of Crime Control, \$1,009 to Raymond Lee of Route 4, Whiteville, and \$225 attorney fees.

■Ray Weibens Duncan, 32, of NE 35th Street, Long Beach, pleaded guilty to habitual driving while impaired; two years in prison; recommended for drug and alcohol abuse counseling and treatment; ordered to pay court costs, \$100 attorney fees if given early release or work release.

■John D. Turley, 47, Myrtle Beach, S.C., found not guilty by a jury on a charge of possession of cocaine.

■Audie Henry Ganey, of Route 4, Leland, voluntarily remanded a District Court judgment for driving with no operator's license.

■Linda Hill, 36, of N.C. 130 West, Shallotte, admits probation violation; probation revoked; two years in prison; recommended for DART program, drug and alcohol abuse treatment offered by State Department of Corrections; work release not recommended; pay \$175 attorney fees if given early parole or release.

■Willie Mack McNeil, 31, of Route 7, Shallotte, pleaded guilty to three counts of breaking and entering and five counts of larceny; 10 years in prison; if given work release or early parole ordered to pay \$225 attorney fees and court costs.

McNeil was charged with numerous break-ins at Sea Village, Acme Convenient Mart in Grissetown and homes on Old Georgetown Road in September.

■Swindell Daniels, 35, of Route 1, Shallotte, pleaded guilty to three counts of breaking and entering, five counts of larceny and three counts of larceny of a firearm; 10 years in prison; if given work release or early parole ordered to pay \$225 attorney fees and court costs.

Daniels was charged with breaking into homes in Sea Village, on Old Georgetown Road and south of

Shallotte in September.

■William Patrick Jolly, 23, of N. Caswell Avenue, Southport, asked that his sentence be activated on probation violation; three years in prison to run consecutive with any other sentence now serving.

■Oscar Carl Gore Sr., 29, of Route 3, Leland, asked that his sentence be activated on probation violation; two years in prison.

■Charles Harvey Lee, 21, of 9th Street, Southport, pleaded guilty to second-degree burglary and felonious breaking and entering a motor vehicle; 14 years in prison; as a condition of parole or work release to pay \$65 to Debra Kitchen of Southport, \$195 to Southport Police Department, \$25 to Douglas Led-

gett, \$25 to Brunswick County Emergency Management and \$425 attorney fees.

■Rodney W. Benton, 21, of Winnabow, pleaded guilty to misdemeanor breaking and entering and misdemeanor larceny; two years in prison on each count with supervised probation once released from active sentence; if given work release or early parole pay court costs and \$250 attorney fees.

■Roger Dale Godwin, 34, of Route 1, Clarendon, pleaded no contest to one count of felonious breaking and entering; prayer for judgment given until another session.

Godwin was one of three men charged with a string of break-ins on Sunset Beach in January 1991.

## Truck Almost Ends Up In Waccamaw River

BY TERRY POPE

A pickup truck reported stolen from the Pine Bur Acres subdivision near Calabash Saturday almost ended up in the Waccamaw River.

Brunswick County Sheriff's Deputy Darryl Marlow was dispatched to the N.C. Wildlife boat ramp on N.C. 904 at Pireway to check on a suspicious vehicle.

It turned out to be the 1990 Nissan reported stolen hours earlier, Marlow said. A Route 1, Loris, resident said his truck was taken from the Pine Bur Acres home sometime between 3 p.m. and 10 p.m.

Marlow found the truck parked at the edge of the river with the engine running at 10:55 p.m. The tires had been flattened and the windows broken.

It looked like the suspect may have attempted to drive the vehicle into the river, but the truck struck a pole that kept it from rolling into the water, Marlow reported.

In other reports on file at the sheriff's department:

■A van registered to the Leland True Value Hardware store was recovered Friday on a logging road near the Du Pont plant in Leland. It was reported stolen from Whiteville on Jan. 16, Deputy Steve Mason reported.

The driver's door, steering column and dash had been damaged. The left rear tire and a stereo were missing. Damage was estimated at \$2,500.

Store Manager Richard Trexler received a tip on where the 1989 Plymouth van could be found, Mason reported.

■Five shots were fired into a home on Rock Creek Road at Town Creek Saturday, reported Deputy Richard DuVall. Three shots were fired through a center window and two into a bedroom.

■A Leland couple told detectives that someone forged their signatures on a document to obtain a bank loan from First Union in Wilmington. The loan application was made between Oct. 22 and Dec. 30. It is under investigation.

### CRIME REPORT

■A television and stereo, valued at \$900, were stolen from an Ocean Aire Estates home between Nov. 9 and Jan. 17, reported Marlow.

■Someone broke into two units at Security Storage of Leland on Village Road between Jan. 12-17, Mason reported. The outer doors had been forced open. In two other incidents at the business, damage was listed at \$90 to some doors on Jan. 10 and \$290 to doors on Jan. 17. The owners have been contacted to determine if any items are missing from the units.

■A car reported stolen from a Long Beach resident was found in the parking lot of Oak Island Landscaping on Long Beach Road Saturday around 7 a.m. by Deputy Cathy Hamilton. The 1985 Buick was not damaged.

■Someone removed and took a mailbox and post belonging to N.C. Realty and Construction Co. in Leland Sunday, Deputy William Hewett reported. The items were valued at \$25.

■Items worth \$2,022, including a comforter, clothes, television, microwave and jewelry, were stolen from a Navassa Road home Sunday, Hewett reported. Damage was listed at \$250 to a side door.

■A Simmons subdivision resident at Winnabow told Hewett Friday that someone drove a pickup truck across his yard while he was gone and destroyed some plants and shrubs.

■A 1936 rifle valued at \$225 was stolen from a car parked at the McDonald's restaurant in Leland Saturday, Hewett reported.

■Two pocketbooks were stolen from different cars parked at the Kicking Mule Beverage Barn in Leland Friday, DuVall reported. Jewelry valued at \$800 was in one pocketbook while a watch worth \$200 and a checkbook were in the other.

■Three boat motors have been re-

ported stolen. One valued at \$2,000 was stolen from at home at Bent Tree Plantation near Ocean Isle Saturday, reported Deputy James Adams. Another motor worth \$3,600 was stolen from Jimmy's Marine on Mt. Misery Road in Leland, Hewett reported. A third valued at \$1,457 was taken from a home on Caison Loop Road in Leland, Mason reported.

■Tools, canned food and pistol ammunition, all worth \$235, were stolen from a Brooks Drive home near Seaside between Jan. 15 and 18, Adams reported. Damage to a door was \$300.

■Vandals pried open a drink machine at Godwin Concrete on Ploof


Road in Leland and took about \$5 in change, DuVall reported.

■Residents returned to their N.C. 133 home near Southport Saturday to find the front door open and their television, video recorder, depth finder and fishing gear stacked on the living room couch, Deputy Becky McDonald reported.

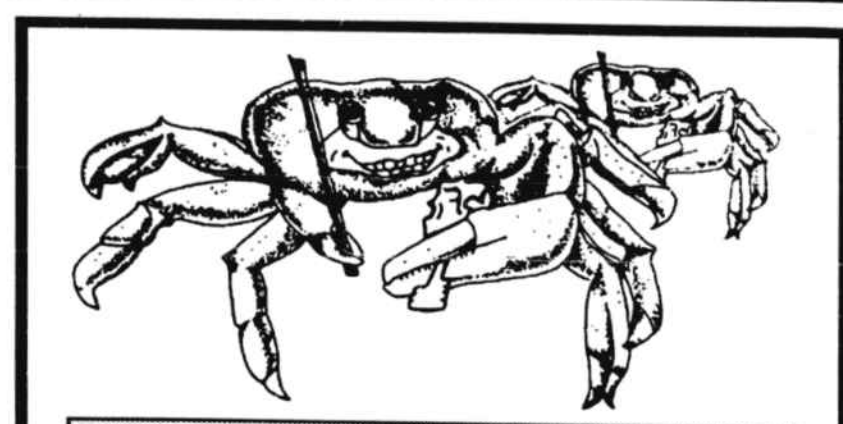
The burglars may have been chased from the home when the residents arrived around 9:45 p.m.

■Eleven cases of beer worth \$280 and three cases of cigarettes worth \$60 were stolen during a break-in at Henry's Service Center at Winnabow Sunday, reported Sgt. Gene Browning. Suspects had kicked in a rear door to gain entry.

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