



LYNN PRYOR
COMMONWEALTH'S ATTORNEY
THIRD JUDICIAL CIRCUIT/CHRISTIAN COUNTY, KY

July-August, 2012

Newsletter

Volume 33

Contact Us:

Commonwealth's
Attorney Lynn Pryor
511 South Main Street
Courthouse Annex
Second Floor

Hopkinsville, KY 42240

(270) 889-6587

(270) 889-6590

Email:

lpryor@kyprosecutors.com

kadams@kyprosecutors.com

jkover@kyprosecutors.com

tlbozell@kyprosecutors.com

afranklin@kyprosecutors.com

jlfolz@kyprosecutors.com

mcothoff@kyprosecutors.com

dcavanah@kyprosecutors.com

rgroves@kyprosecutors.com

Helpful links:

<http://www.kentuckystatepolice.org/> (Kentucky State Police)

<http://www.kentuckystatepolice.org/sor.htm> (Sex Offender Registry)

<http://www.corrections.ky.gov/kool.htm> (KY Online Offender Lookup)

<http://lrc.state.ky.us/statrev/frontpg.htm> (Kentucky Revised Statutes)

“Leading the Fight for Public Safety”

Hello Everyone! Welcome to the 33rd Edition of our newsletter.

Our goal is to provide information about the judicial system and to update you on the criminal cases here in Christian County. If there is a particular topic you are interested in learning more about or if you have any questions, please let us know. And, as always, thank you for your support!



SEPTEMBER is:

National Alcohol & Drug Addiction Recovery Month
National Emergency Preparedness Month
Baby Safety Month
Attention Deficit Hyperactivity Disorder Month
National Cholesterol Education Month
Skin Cancer Awareness Month
& also recognizes:

International Literacy Day – September 8
Grandparent's Day – September 9
Sneakers at Work Day – September 18
World Alzheimer's Day – September 21
World Heart Day – September 30

<http://apps.kycourts.net/courtrecords/> (Court Case Information)

<http://courts.ky.gov> (Docket Information)

<http://www.dea.gov/seizures/kentucky.html> (Locations of Meth Labs)

<http://www.bop.gov/> (Federal Inmate Locator)

<http://ag.ky.gov> (KY Attorney General)

<http://www.usdoj.gov/dea/index.htm> (DEA)

https://www.vinelink.com_ (KY Statewide Offender custody status)

OCTOBER is:

National Crime Prevention Month
Domestic Violence Awareness Month
Positive Attitude Month

Mental Illness Awareness Month
Diversity Awareness Month
National Breast Cancer Awareness Month
National Down's Syndrome Month
& also recognizes:

National Boss' Day – October 16
National Businesswomen's Week – 3rd week
National School Bus Safety Week – 3rd week
Freedom of Speech Week – 3rd week
Red Ribbon Week – 3rd week

SAFETY TIPS FROM COMMONWEALTH'S DETECTIVE KENNY OVER



- Watch for loading/unloading school buses - give them plenty of room.
- Slow down and be alert, especially in residential neighborhoods and school zones.
- As the days get shorter, many children walk to and from their bus stops in the dark - watch for kids darting across and walking in the street.
- Using cell phones, for drivers & walking children, reduces alertness.
- If your child has to walk to the bus stop, walk the route with them and point out any dangers they may encounter.
- Do not allow children to wear headphones while walking to/from school or bus stop - it is too distracting.
- Teach your children to never accept rides to school from strangers or anyone you have not given prior approval to.
- Be aware of what your child is carrying in their backpack and check to see if it is too heavy for them.
- If your child rides a bike to school, make sure they wear a helmet.
- Go take a look at your child's playground at school and go over safety with them - most school injuries occur on the playground.
- Discuss bullying with your child and make sure they understand what to do if it happens to them.

GRAND JURY:

The July-August Grand Jury effectively and proficiently returned **78** "True Bill" Indictments, **1** "No True Bill," and there were **6** cases were referred to District Court. As always, the Grand Jury was very dedicated, and we appreciate their service to our community. Their report is attached.

COURT PROCEEDINGS:

From July 1, 2012, through August 31, 2012, our office handled **102** arraignments, **36** probation revocation hearings, and **56** sentencing hearings.

JURY TRIALS:



COMMONWEALTH V. TROY CANNON

Judge:	John Atkins
Prosecutor:	Duncan Cavanah
Agency:	Private Complaint
Jury Trial Date:	July 30 - 31, 2012
Charges:	Receiving Stolen Property under \$10,000

On July 30 and 31st, Assistant Commonwealth's Attorney Duncan Cavanah tried the case of the Commonwealth of Kentucky vs. Troy Cannon. Mr. Cannon faced the charge of Receiving Stolen Property under \$10,000.00, a class D felony. The case arose out of a complaint by a private victim that Mr. Cannon had taken unlawful possession of his truck, and had then sold it without authority, and retained the proceeds.

The victim, a local Hopkinsville businessman, testified that he had placed the vehicle into Mr. Cannon's possession in order for Mr. Cannon to make repairs. Once those repairs were made, the victim intended to utilize the vehicle for an ice cream truck business. However, the repairs were repeatedly delayed by Mr. Cannon. The victim then testified that he ultimately arrived at Mr. Cannon's place of business to find the vehicle missing. Mr. Cannon informed the victim that the vehicle must have been stolen from the lot. Mr. Cannon testified that he later learned that the vehicle had been scrapped at City Salvage.

An employee of City Salvage testified that Mr. Cannon had brought in the vehicle to be scrapped and had claimed ownership of it. Through the employee's testimony, pictures were introduced of Mr. Cannon with the truck at City Salvage.

The jury found Mr. Cannon guilty as charged of Receiving Stolen Property Under \$10,000.00. Prior to sentencing, an agreement was reached between the parties that Mr. Cannon would be sentenced to a term of three years, with that sentence being probated upon condition that Mr. Cannon make full restitution to the victim.



COMMONWEALTH V. TERRY HELZER

Judge: John Atkins
Prosecutor: Kathi Adams
Police Agency: Christian Co. Sheriff's Office
Jury Trial Date: August 7, 2012
Charges: Sodomy 1st Degree, Victim < 12; Sexual Abuse 1st Degree, Victim < 12, 3 counts
Disposition: Hung Jury

On August 7, 2012, Assistant Commonwealth's Attorney, Kathi Adams, tried the case of Commonwealth of Kentucky vs. Terry Helzer. Helzer was charged with Sodomy, 1st degree, victim under 12 years of age, and three counts of First-Degree Sexual Abuse, victim under 12 years of age. The victim's testimony was that the defendant, her step-grandfather, would block her in a bedroom while he was babysitting, and proceed to show her pornographic films, and engage in sexual contact with her. She went on to add that he would use a blue towel or bandana during the abuse. The victim was not cross-examined, and her testimony was consistent with her forensic interview. The victim's siblings, aged 9 and 15, confirmed that defendant would block her in the bedroom. The victim's brother also testified that he once walked in on Helzer lying on top of the victim. Helzer's explanation to the brother was that he and the victim were playing a "Superman" game. In his interview with the Christian County Sheriff's Office, the Defendant can be seen removing a blue bandana from his hair. He also admitted that he "probably" did touch the victim's privates when they were playing "wrestling" games. Admitted into evidence were a blue towel, photographs of the trailer, and numerous pornographic films recovered from Helzer's home. The trial lasted three days, with a mid-trial suppression hearing conducted, and ended with an undecided jury.

GUILTY PLEAS/SENTENCINGS:

This section of our Newsletter includes a brief description of sentencing hearings that took place during the previous two-month period. While many consider "plea-bargains" as a negative way to resolve cases, defendants typically plead guilty to the same charges they are indicted for. When the defendant is sentenced following a guilty plea, they stand convicted of the charges just as if a jury had found them guilty. Therefore, the only thing they bargain away is their right to a jury trial and right to appeal. You will also see the jail-intake photos of these Defendants, when available.

Once the Commonwealth makes an offer and the Defendant enters a guilty plea, it is up to the Circuit Judge to determine if the Defendant will be probated or sentenced to prison. Another option that the judge has is one that must be agreed upon by the Defendant and by the Commonwealth – Pretrial Diversion.

Pretrial Diversion: Kentucky Revised Statutes allow for a person to be placed on a "Pretrial Diversion" under certain circumstances. 1) All charges which they are pleading guilty must be Class D felonies (1-5 years); 2) The person must enter a plea of guilty, or a plea pursuant to North Carolina v.

Alford before becoming eligible for pretrial diversion; 3) Persons ineligible for probation, parole or conditional discharge under KRS 532.045 shall be ineligible; 4) a person convicted of a Class D felony for which early release is disallowed by statute including KRS 189A.010(8) and KRS 189A.120(2) [DUIs] shall be ineligible 5) No person shall be eligible for this program more than once in any five (5) year period. A person who is placed on diversion is considered a convicted felon during the period of their diversion and is subject to the same conditions as someone who is on felony probation. If someone completes that period of diversion/probation without any infractions or new charges, they can move the court to have their case dismissed/diverted, and they are no longer a convicted felon.

COMMONWEALTH V. MARCUS ROGERS

Judge: John Atkins
Prosecutor: Ramsey Groves
Police Agency: Oak Grove Police Department
Guilty Plea Date: May 16, 2012
Sentencing Date: July 2, 2012
Charges: Operating Motor Vehicle Under Influence of Alcohol or Controlled Substance; No Insurance; Expired Registration Plates; Criminal Mischief, 1st Degree; Bail Jumping, 1st Degree
Disposition: 5 Years – Probated & Diverted



COMMONWEALTH V. PHILLIP POWELL

Judge: John Atkins
Prosecutor: Duncan Cavanah
Agency: private complaint
Guilty Plea Date: April 18, 2012
Sentencing Date: July 10, 2012
Charges: Receiving Stolen Property under \$10,000; Theft by Unlawful Taking under \$500
Disposition: 2 years - Probated



COMMONWEALTH V. TOMMY POWERS

Judge: Andrew Self
Prosecutor: Michael Cotthoff
Agency: Hopkinsville Police Department
Guilty Plea Date: April 23, 2012
Sentencing Date: July 11, 2012
Charges: Criminal Possession of a Forged Instrument, 2nd Degree, 5 Counts; Trafficking In Lortab Under 20 Dosage Units; Tampering with Physical Evidence
Disposition: 5 years - Prison



COMMONWEALTH V. JULIUS CATLETT JR.

Judge: Andrew Self
Prosecutor: Lynn Pryor
Police Agency: Hopkinsville Police Department
Guilty Plea Date: May 10, 2012



Sentencing Date: July 11, 2012
Charges: Trafficking in Cocaine
Disposition: 1 Year - Prison

COMMONWEALTH V. RICHARD DEBOW

Judge: Andrew Self
Prosecutor: Ramsey Groves
Agency: Hopkinsville Police Department
Guilty Plea Date: May 30, 2012
Sentencing Date: July 11, 2012
Charges: Burglary, 3rd Degree, 2 Counts
Disposition: 5 Years – Probated & Diverted



COMMONWEALTH V. RONNIE HESTER

Judge: Andrew Self
Prosecutor: Ramsey Groves
Agency: Office of the Inspector General
Guilty Plea Date: May 30, 2012
Sentencing Date: July 11, 2012
Charges: Fraudulently Obtaining Benefits over \$100
Disposition: 2 Years – Probated



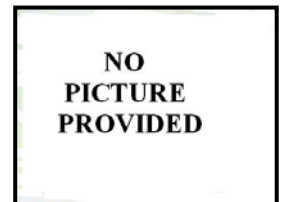
COMMONWEALTH V. IAN MURPHY

Judge: Andrew Self
Prosecutor: Michael Cotthoff
Agency: Kentucky State Police
Guilty Plea Date: April 17, 2012
Sentencing Date: July 18, 2012
Charges: Possession of Methamphetamine; Operating a Motor Vehicle Under the Influence of Alcohol or Controlled Substance; One Headlight
Disposition: 2 years - Probated & Diverted for 2 years, \$500 contribution to KSP's Trooper Island



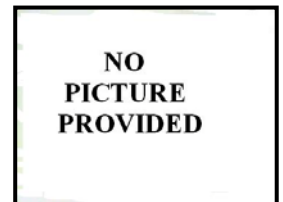
COMMONWEALTH V. DENISE KILLEBREW

Judge: John Atkins
Prosecutor: Ramsey Groves
Police Agency: Hopkinsville Police Department
Guilty Plea Date: July 18, 2012
Sentencing Date: July 18, 2012
Charges: Possession of Marijuana; Possession of Drug Paraphernalia
Disposition: 12 Months – Probated



COMMONWEALTH V. FELICIA PLUNKETT

Judge: Andrew Self
Prosecutor: Ramsey Groves
Police Agency: Office of the Inspector General
Guilty Plea Date: May 23, 2012
Sentencing Date: July 18, 2012
Charges: Fraudulently Obtaining Benefits over



Disposition: \$100
2 Years – Probated & Diverted

COMMONWEALTH V. GEORGE FLYNN

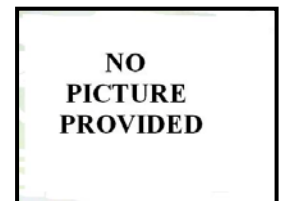
Judge: John Atkins
Prosecutor: Duncan Cavanah
Agency: Hopkinsville Police Department
Guilty Plea Date: July 18, 2012
Sentencing Date: July 18, 2012
Charges: Possession of Cocaine, Possession of Drug
Paraphernalia, Operating a Motor Vehicle under the
Influence of Alcohol or Controlled Substance, 2nd off.



Disposition: 12 months - Probated

COMMONWEALTH V. JOE GUEVARRA

Judge: John Atkins
Prosecutor: Duncan Cavanah
Agency: Christian County Jail
Guilty Plea Date: July 18, 2012
Sentencing Date: July 18, 2012
Charges: Promoting Contraband, 2nd degree, 2
counts



Disposition: 12 months - jail

COMMONWEALTH V. GARY ALLEN LESTER

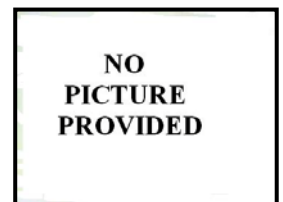
Judge: John Atkins
Prosecutor: Lynn Pryor
Police Agency: Oak Grove Police Department
Guilty Plea Date: February 6, 2002
Sentencing Date: July 25, 2012
Charges: Wanton Endangerment 1st degree; Driving on a DUI
Suspended License



Disposition: 5 Years - Probated

COMMONWEALTH V. KELLY MOHAN

Judge: John Atkins
Prosecutor: Ramsey Groves
Police Agency: Office of the Inspector General
Guilty Plea Date: June 20, 2012
Sentencing Date: July 25, 2012
Charges: Fraudulently Obtaining Benefits over
\$100



Disposition: 2 Years – Probated & Diverted

COMMONWEALTH V. LISA LOVING

Judge: Andrew Self
Prosecutor: Michael Cotthoff
Agency: Hopkinsville Police
Department/Christian County Sheriff's
Office/Pennyrile Narcotics Task Force
Guilty Plea Date: May 2, 2012



Sentencing Date: July 25, 2012
Charges: Burglary, 2nd Degree; Knowingly Receiving Stolen Property over \$500; Obtaining a Controlled Substance By Fraud, 7 counts
Disposition: 8 years - Prison

COMMONWEALTH V. KARL BAILEY

Judge: Andrew Self
Prosecutor: Michael Cotthoff
Agency: Hopkinsville Police Department
Guilty Plea Date: June 15, 2012
Sentencing Date: August 1, 2012
Charges: Facilitation to Robbery, 1st Degree
Disposition: 5 years - Probated & Diverted



COMMONWEALTH V. MARQUEZ PENMAN

Judge: Andrew Self
Prosecutor: Michael Cotthoff
Agency: Hopkinsville Police Department
Guilty Plea Date: June 15, 2012
Sentencing Date: August 1, 2012
Charges: Robbery, 2nd Degree
Disposition: 10 years - Prison



COMMONWEALTH V. JUNIOR ANDERSON

Judge: Andrew Self
Prosecutor: Duncan Cavanah
Agency: Hopkinsville Police Department
Guilty Plea Date: March 8, 2012
Sentencing Date: August 1, 2012
Charges: Receiving Stolen Property under \$10,000
Disposition: 3 years - Probated & Diverted



COMMONWEALTH V. PETER NIBERT

Judge: Andrew Self
Prosecutor: Lynn Pryor
Agency: Office of the Attorney General
Guilty Plea Date: April 3, 2012
Sentencing Date: August 1, 2012
Charges: Conspiracy to Trafficking in a Controlled Substance; Persistent Felony Offender 2nd degree
Disposition: 15 Years - Prison



COMMONWEALTH V. SAMUEL HANCOCK

Judge: Andrew Self
Prosecutor: Kathi Adams
Police Agency: Christian County Sheriff's Department
Guilty Plea Date: August 1, 2012
Sentencing Date: August 1, 2012
Charges: Sexual Abuse 3rd Degree
Disposition: 90 days - Jail



COMMONWEALTH V. BRYAN K. SCOTT

Judge: John Atkins
Prosecutor: Michael Cotthoff
Agency: Pennyriple Narcotics Task Force
Guilty Plea Date: February 15, 2012
Sentencing Date: August 7^t, 2012
Charges: Trafficking In Dilaudid, Over 10 Dosage Units; Trafficking In Dilaudid, under 10 Dosage Units; Possession of Drug Paraphernalia, 2 counts
Disposition: 5 years - Prison

**COMMONWEALTH V. KEITH WEBBER**

Judge: John Atkins
Prosecutor: Michael Cotthoff
Agency: Oak Grove Police Department
Guilty Plea Date: April 19, 2012
Sentencing Date: August 7, 2012
Charges: Burglary, 2nd Degree; Escape, 3rd Degree; Criminal Mischief, 3rd Degree
Disposition: 5 years - Probated

**COMMONWEALTH V. CHRISTINA ZORDEL**

Judge: John Atkins
Prosecutor: Michael Cotthoff
Agency: Hopkinsville Police Department
Guilty Plea Date: May 24, 2012
Sentencing Date: August 7, 2012
Charges: Criminal Possession Forged Instrument, 2nd Degree, 4 counts
Disposition: 1 year - Probated for 5 years after entry of open plea

**COMMONWEALTH V. ANTHONY BUTLER**

Judge: John Atkins
Prosecutor: Ramsey Groves
Police Agency: Hopkinsville Police Department
Guilty Plea Date: June 25, 2012
Sentencing Date: August 7, 2012
Charges: No/Expired Registration Plates, 2 Counts; No Insurance, 2 Counts; Possession of Drug Paraphernalia; Driving Motor Vehicle While License Suspended for DUI, 3rd Offense or Greater, 2 Counts; Criminal Possession of Forged Instrument, 2nd Degree; Possession of Cocaine
Disposition: 2 Years - Prison

**COMMONWEALTH V. FELANDO WHITTIER**

Judge: John Atkins
Prosecutor: Ramsey Groves
Police Agency: US Dept. of Commerce, Office of The Inspector General
Guilty Plea Date: May 23, 2012



Sentencing Date: August 7, 2012
Charges: Theft by Deception under \$10,000
Disposition: 1 Year – Probated & Diverted

COMMONWEALTH V. KYLE SHELTON

Judge: John Atkins
Prosecutor: Kathi Adams
Police Agency: Oak Grove Police Department
Guilty Plea Date: May 9, 2012
Sentencing Date: August 7, 2012
Charges: Wanton Endangerment, 1st Degree
Disposition: 5 Years - Probated



COMMONWEALTH V. TONYA SIMPSON

Judge: Andrew Self
Prosecutor: Kathi Adams
Police Agency: Hopkinsville Police Department
Guilty Plea Date: June 27, 2012
Sentencing Date: August 8, 2012
Charges: Arson, 3rd Degree
Disposition: 2 Years - Prison



COMMONWEALTH V. RICKEY WIMBERLY

Judge: Andrew Self
Prosecutor: Kathi Adams
Police Agency: Hopkinsville Police Department
Guilty Plea Date: May 16, 2012
Sentencing Date: August 8, 2012
Charges: Wanton Endangerment of a Police Officer, 1st Degree, 2 counts; Possession of Drug Paraphernalia; Operating on Suspended Operators License; Fleeing or Evading Police 1st Degree
Disposition: 10 Years - Prison



COMMONWEALTH V. STEVEN NICHOLAS

Judge: Andrew Self
Prosecutor: Duncan Cavanah
Agency: Hopkinsville Police Department
Guilty Plea Date: August 8, 2012
Sentencing Date: August 8, 2012
Charges: Possession of Cocaine; Operating a Motor Vehicle under the Influence of Alcohol or Controlled Substance; Possession of Drug Paraphernalia; Operating on Suspended License
Disposition: 1 year - Probated



COMMONWEALTH V. REGINA COMAN

Judge: Andrew Self
Prosecutor: Ramsey Groves
Police Agency: Christian County Sheriff's Department
Guilty Plea Date: August 15, 2012



Sentencing Date: August 15, 2012
Charges: Possession of Controlled Substance, 2nd Degree;
Possession of Drug Paraphernalia
Disposition: 12 Months – Probated

COMMONWEALTH V. WILLIAM COOK

Judge: Andrew Self
Prosecutor: Lynn Pryor
Police Agency: Hopkinsville Police Department
Guilty Plea Date: June 20, 2012
Sentencing Date: August 15, 2012
Charges: Trafficking in Cocaine
Disposition: 4 Years – Probated



COMMONWEALTH V. ANTHONY JOHNSON

Judge: Andrew Self
Prosecutor: Lynn Pryor
Agency: Hopkinsville Police Department
Guilty Plea Date: May 7, 2012
Sentencing Date: August 15, 2012
Charges: Trafficking in Cocaine; Tampering with Physical
Evidence; Possession of Drug Paraphernalia
Disposition: 3 Years - Probated



COMMONWEALTH V. WESLEY HOUCHENS

Judge: Andrew Self
Prosecutor: Duncan Cavanah
Agency: Christian County Sheriff's Department
Guilty Plea Date: August 15, 2012
Sentencing Date: August 15, 2012
Charges: Receiving Stolen Property under \$500, 2 counts; Theft by
Deception under \$500
Disposition: 12 months - Probated



COMMONWEALTH V. JENNIFER SHEWEY

Judge: John Atkins
Prosecutor: Duncan Cavanah
Agency: Hopkinsville Police Department
Guilty Plea Date: August 15, 2012
Sentencing Date: August 15, 2012
Charges: Assault 4th degree, 2 counts; Resisting Arrest, Disorderly
Conduct 2nd; Alcohol Intoxication
Disposition: 12 months - Probated



COMMONWEALTH V. RICO CAVANAUGH

Judge: Andrew Self
Prosecutor: Kathi Adams
Police Agency: Hopkinsville Police Department
Guilty Plea Date: July 11, 2012
Sentencing Date: August 29, 2012
Charges: Robbery 2nd Degree; Fleeing or Evading Police 1st



Disposition: Degree; Convicted Felon in Possession of Handgun
8 years - Prison

COMMONWEALTH V. JONATHAN L. JOHNSON

Judge: Andrew Self
Prosecutor: Kathi Adams
Police Agency: Hopkinsville Police Department
Guilty Plea Date: July 11, 2012
Sentencing Date: August 15, 2012
Charges: Arson, 3rd Degree
Disposition: 5 Years - Probated



COMMONWEALTH V. DASHARD MANNING

Judge: Andrew Self
Prosecutor: Kathi Adams
Police Agency: Oak Grove Police Department
Guilty Plea Date: May 15, 2012
Sentencing Date: August 15, 2012
Charges: Criminal Possession of Forged Instrument; Theft by Deception over \$300; Bail Jumping, 1st Degree
Disposition: 4 years – Probated



COMMONWEALTH V. JUSTIAN WARREN

Judge: Andrew Self
Prosecutor: Michael Cotthoff
Agency: Hopkinsville Police Department
Guilty Plea Date: May 16, 2012
Sentencing Date: August 15, 2012
Charges: Knowingly Receiving a Stolen Firearm
Disposition: 3 years - Probated & Diverted for 2 years



COMMONWEALTH V. ANTWAIN LOVING

Judge: Andrew Self
Prosecutor: Michael Cotthoff
Agency: Hopkinsville Police Department
Guilty Plea Date: August 29, 2012
Sentencing Date: August 29, 2012
Charges: Theft by Unlawful Taking over \$500
Disposition: 2 years - Prison



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Sincerely,
Lynn Pryor – Commonwealth's Attorney

