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New Indictment Issued in Beef Plant Fiasco

Oxford, Miss.

Posted: 10:32 AM Jun 25, 2008

Last Updated: 10:32 AM Jun 25, 2008

Reporter: The Associated Press

Federal prosecutors have filed a new 16-count indictment against a Georgia company and three of its executives related to a failed beef plant venture in Mississippi. [A](#) | [A](#) | [A](#)

The indictment alleges the defendants knew the Mississippi Beef Plant would fail and did not tell anybody. The indictment replaces one issued in March.

Named as defendants are The Facility Group of Smyrna, Ga., and chairman/CEO Robert L. Moultrie, chief operating officer Nixon Cawood and executive vice president Charles Morehead.

An initial court appearance for the trio is scheduled for July 1 in federal court in Oxford.

The Facility Group, a construction and engineering company, was hired by the state to evaluate the plant's construction and then to manage its construction.

The plant was open only a few weeks in the small town of Oakland before closing in late 2004 and leaving 400 people out of work.

Mississippi was stuck with \$55 million in state-backed loans for the 140,000-square-foot plant.

Two men associated with the plant's construction and operation were sentenced to prison for their own actions related to the plant's failure.

The government contends the defendants concealed from the state in March 2003 a memo one of its design engineers that national beef producers considered the Mississippi operation a "money pit" and that it might not be economically viable.

Find this article at:

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DJournal
Sports Poll

Which football team do you think will win the SEC West?

UPDATE: Beef plant scam defendants indicted again

6/24/2008 5:18:52 PM
 Daily Journal

By Patsy R. Brumfield
 Daily Journal

OXFORD - A new 16-count indictment accuses a previously indicted Georgia company and three executives of knowing the Mississippi Beef Plant was doomed to fail and not telling anybody, federal court documents show today.

As in a May indictment, they are accused of submitting fraudulent invoices to recover political contributions to an unnamed and unindicted public official's re-election campaign. They also are charged with conspiring and executing a scheme to obtain money by submitting invoices for work not performed and by fraudulently overstating and inflating costs associated with the plant's construction.

They are scheduled to be arraigned on the new charges July 1 in the U.S. District Court of Northern Mississippi. They were set for an Aug. 25 trial on the old 16-count indictment.

The plant built in Yalobusha County opened in 2004 and failed three months later, costing the state of Mississippi millions in loan defaults. Two men associated with the plant's construction and operation are serving prison sentences related to their own actions in the scandal.

The Facility Group of Smyrna, Ga., was hired by the state to manage the plant's construction.

The "superceding indictment" dated June 19 but just appearing on a courts data base accuses The Facility Group of Smyrna, Ga., and executives Robert L. Moultrie, Nixon Cawood and Charles Morehead of corruptly making contributions to the reelection campaign of a "public official" to win a state contract on the Yalobusha County processing plant. That part of the accusations is not new.

While no one publicly has identified the official as then-Gov. Ronnie Musgrove, contributions by TFG and others match up with Musgrove campaign finance reports from his failed re-election campaign in 2003. Now a Democratic candidate for U.S. Senate, he maintains he has done nothing wrong.

But what appears to be new are charges that Cawood and The Facility Group learned about March 6, 2003, from one of its design engineers that national beef producers considered the operation a "money pit" and that it might not be economically viable in the long run without enough livestock to support the kill facility for more than about 24 months.

The engineer's memo speculated the state could face serious problems with its "unsecured loan."

Cawood and The Facility Group concealed these warnings from the state and Community Bank.

Last March, TFG and the executives were indicted by a federal grand jury and accused of a conspiracy to corruptly influence and reward this same "public official," who was not indicted, and to defraud numerous individuals, companies and the state in connection with the Beef Plant.

They pleaded not guilty and were released on bond.

For more details, read Wednesday's Daily Journal.

Appeared originally in the Northeast Mississippi Daily Journal, 6/24/2008, section 0, page 0

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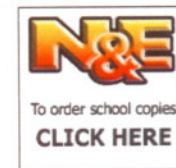
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- Go to the public library

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DJournal Sports Poll

Which football team do you think will win the SEC West?

Trio, company indicted again in plant fiasco

6/25/2008 5:54:11 AM
 Daily Journal

BY PATSY R. BRUMFIELD
 Daily Journal

OXFORD - A new 16-count indictment accuses a previously indicted Georgia company and three executives of knowing that the Mississippi Beef Plant was doomed to fail and not telling anybody.

As in their March indictment, they are accused of submitting fraudulent invoices to recover political contributions to an unnamed and unindicted public official's re-election campaign.

They also are charged with conspiring and executing a scheme to obtain money by submitting invoices for work not performed and by fraudulently overstating and inflating costs associated with the plant's construction.

The "superseding indictment" dated June 19, but appearing Tuesday on a courts database, re-accuses The Facility Group of Smyrna, Ga., and executives Robert L. Moultrie, 67, Nixon Cawood, 58, and Charles Morehead, 57, of corruptly making contributions to the official's campaign to win a state contract for the processing plant, then billing the project to reimburse the contributions.

The Facility Group was hired by the state to evaluate the plant's construction and then to manage its construction.

The men are scheduled be arraigned on the new charges Tuesday in the U.S. District Court of Northern Mississippi. They were set for an Aug. 25 trial on the old 16-count indictment, but it wasn't apparent Tuesday how that date might be affected, if at all, by the new indictment, which appears mainly to tweak the accusations.

The plant built in Yalobusha County opened in August 2004 and failed three months later, leaving 400 people unemployed and costing the state of Mississippi \$55 million in loan defaults. Two men associated with the plant's construction and operation were sentenced to prison for their own actions in the scandal.

While the unnamed official was not been publicly recognized by the government, contributions by TFG, Cawood, Moultrie and Morehead match up with \$50,000 in then-Gov. Ronnie Musgrove's campaign finance reports from his failed re-election campaign in 2003. Now a Democratic candidate for U.S. Senate, he maintains he has done nothing wrong.

"Gov. Musgrove believes that anybody who defrauds the state of Mississippi should be prosecuted to the fullest extent of the law," said campaign aide Tim Phillips late Tuesday.

The new indictment says again that to avoid Mississippi's limit of \$1,000 per candidate per election on corporate contributions, they used company employees as "straw contributors," who gave to an unnamed political campaign and were reimbursed by the company.

New: Failure forecast

What appears to be new are charges that Cawood and The Facility Group learned in early March 2003 from one of its design engineers that national beef producers considered the operation a "money pit" and that it might not be economically viable in the long run without enough livestock to support the kill facility for more than about 24 months.

"Beef producers feel' the operation won't last two years if it ever gets started," the government claims the engineer's memo stated.

The memo also speculated the state could face serious problems with its "unsecured loan."

Cawood and The Facility Group reportedly concealed these warnings from the state and Community Bank, which made the plant loan based on a 100 percent state guarantee.

The new indictment states The Facility Group engineer further warned, "If we go in without control and an effective plan, we could be blamed for the failure." The engineer then requested that Cawood "Please guard the confidential information."

In March 2007, TFG and the executives were indicted by a federal grand jury on virtually the same charges.

In the count related to the campaign money, they are accused of getting employees to contribute to the campaign and then reimbursing them with beef plant payments.

They pleaded not guilty and were released on bond.

If convicted, they each face up to 305 years in prison, \$4 million in fines and restitution for the amount of the losses.

Tom Freeland IV of Oxford, who represents Moultrie, said his client was served with the new indictment and intends to



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- Ole Miss

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- Go swimming
- Got to a park and stay in shade
- Go to the mall and walk around
- Go to the public library

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enter a plea of not guilty and "vigorously defend the case, as always."

Contact Patsy R. Brumfield at (662) 678-1596 or patsy.brumfield@djournal.com.

Appeared originally in the Northeast Mississippi Daily Journal, 6/25/2008, section A , page 1

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DJournal Sports Poll

Which football team do you think will win the SEC West?

Beef plant indictment flawed' defendants insist

7/16/2008 7:03:39 AM
 Daily Journal

BY PATSY R. BRUMFIELD
 Daily Journal

OXFORD - Two defendants in criminal proceedings surrounding the defunct Mississippi Beef Plant have asked U.S. District Chief Judge Michael P. Mills to dismiss a new indictment against them filed June 19.

Robert L. Moultrie, president and CEO of The Facility Group of Smyrna, Ga., and Nixon Cawood, its chief operating officer, say in legal motions this week the indictment contains defects so serious that 15 of the 16 counts should be dismissed.

They claim the indictment, which superseded the original accusations of Feb. 13, contains "misleading allegations" about the company's service compensation as stated in its contract with the state, Community Bank of Mississippi and others.

The firm's Project Management Agreement, signed July 11, 2003, states TFG would be paid a minimum of \$2.5 million to design and construct the beef processing plant in Oakland and no more than \$3,021,418.

Counts 2-16 accuse them of using "false invoices" to overbill by \$2 million for their services.

"There was only \$521,000 of play' between the minimum and maximum services compensation in the contract," they insist. "A \$2.0 million excess was impossible."

Moultrie, Cawood and TFG executive Charles K. Morehead, plus the umbrella company and three of its branches, have pleaded innocent to the charges. The men have been out on bond since their March 25 arraignments.

They are scheduled to go to trial Aug. 25 in Oxford. If convicted, they each face up to 305 years in prison, \$4 million in fines and restitution for the amount of the losses.

The plant built in Yalobusha County opened in August 2004 and failed three months later, leaving 400 people unemployed and costing the state of Mississippi \$55 million in loan defaults. Two men associated with the plant's construction and operation were sentenced to prison for their own actions in the scandal.

Moultrie's attorney, Thomas H. Freeland IV of Oxford, writes that "inaccurate paraphrasing" of the project agreement throughout the superseding indictment "is a fatal deficiency," which should get the accusations dismissed.

He contends that the "ambiguous" indictment prevents them from adequately preparing for trial.

Ambiguity also extends to the project agreement, Moultrie and Cawood claim. If the court finds the agreement to be ambiguous - meaning it can be interpreted in more than one way - the superseding indictment "should be dismissed," they say.

"Ambiguity in the agreement is important," Freeland writes, "because the central issue in this criminal prosecution is whether the defendants with criminal intent billed for costs that were not within those permitted or contemplated by ... the agreement."

As of late Tuesday, prosecutors had not responded to the men's claims.

Count 1 of the indictment accuses them of conspiring to influence a state elected official with campaign contributions in hopes of landing the project contract.

Last week, Moultrie, joined by Cawood on Tuesday, asked the court to separate Count 1 from the others, insisting the alleged bribery conspiracy is not part of the alleged scheme to defraud.

Freeland states the indictment does not identify Moultrie with the alleged fraud scheme and that his defense will be harmed "by the spillover" from trying to tie the alleged schemes together.

The elected official is widely believed to be former Gov. Ronnie Musgrove, who received contributions from the men and the company, but was not indicted. Musgrove, a candidate for the U.S. Senate, insists he did nothing wrong relating to the project.

Contact Patsy R. Brumfield at (662) 678-1596 or patsy.brumfield@djournal.com.

Appeared originally in the Northeast Mississippi Daily Journal, 7/16/2008, section A, page 8



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July 9, 2008

State hasn't seen competitive Senate race since Dowdy-Lott

Sid Salter

ssalter@clarionledger.com

The fact that the current race between Republican interim U.S. Sen. Roger Wicker and Democratic former Gov. Ronnie Musgrove for the seat vacated by former Republican U.S. Sen. Trent Lott in December is tight as a tick is at once novel and historic.

It's historic in that there have only been three open U.S. Senate seats from Mississippi since 1947 - the race to succeed Democratic U.S. Sen. James Oliver "Big Jim" Eastland of Doddsville in 1978, the race to succeed Democratic U.S. Sen. John Cornelius Stennis of DeKalb in 1988 and this current race to succeed Lott between Musgrove and Wicker.

It's novel in that whether caused by Republican dominance or Democratic disorganization, neither of the prior two open Senate seat races has been particularly competitive. The Musgrove-Wicker matchup is, by contrast, extremely competitive.

In 1978, the battle to choose a successor to Eastland saw then-Republican 4th District U.S. Rep. Thad Cochran turn back the challenge of Democrat Maurice Dantin of Columbia and independent Charles Evers of Fayette.

A lifelong Democrat until the mid-1970s, Evers left the party over complaints that state Democrats took African-American voters "for granted" without rewarding their loyalty with a sharing of power. Cochran won the general election with a 45 percent plurality of the vote, trailed by Dantin with 32 percent and Evers with 23 percent.

In 1988, the race to choose a successor to Stennis saw then-Republican 5th District U.S. Rep. Trent Lott face off with then Democratic 4th District U.S. Rep. Wayne Dowdy.

Lott won the race with a 54 percent to 46 percent victory over Dowdy, largely on the strength of successfully creating a linkage in the minds of state voters between Dowdy and Democratic presidential nominee Michael Dukakis. But in that same election, Republican nominee George H.W. Bush defeated Dukakis by a 60 percent to 40 percent margin with Mississippi voters - with much of the difference attributed to Lott faltering in northeast Mississippi because of his opposition to locating a federal installation in Tishomingo County rather than in Hancock County in Lott's congressional district.

But barring a scandal on one side or the other, the 2008 campaign for an open Senate seat in Mississippi isn't shaping up as one that will be decided by anything approaching an eight-point spread - nor are any prognosticators seriously talking about anyone generating a 20-point spread in the presidential campaign, either.

For Wicker, he is running with the weight of a president from his party with some of the worst approval ratings in history. Despite that fact, Mississippi has in the past given President George W. Bush the highest percentage win of any state in the union.

But more difficult for Wicker to distance himself from is a struggling economy plagued by soaring fuel



and food costs and a serious credit crunch. With every increase in the price of gasoline, Wicker's campaign becomes more difficult.

For Musgrove, he must traverse the minefield of ongoing investigations into the failed Mississippi Beef Processors plant and any additional litigation in the Maddox Foundation debacle in Tennessee.

The national Democratic ticket could be either blessing or curse for Musgrove. For every motivated new or young voter and every African-American voter that Democratic presidential nominee Sen. Barack Obama attracts, the hard reality is that Mississippi has never elected an African-American candidate to statewide office.

Both candidates - who are former roommates - face obstacles and challenges. Partisans on both sides say this race will go down to the wire and that it's very close.

Yet more than at any time since the World War II era, state Democrats and Republicans alike approach this election believing they can and will win.



July 23, 2008

Beef plant convict freed

Prosecutors hope move will aid their case

From staff and wire reports

Federal prosecutors are hoping the release of a former construction executive will help their case against others accused in a beef plant scandal that cost Mississippi taxpayers millions.

U.S. District Judge Neal Biggers Jr. reduced Sean Carothers' prison term from 21 months to a year and a day. He said Monday that Carothers will serve the remaining seven months on house arrest.

In court documents, prosecutors wrote that Carothers "spent hundreds of hours of his time analyzing documents and creating demonstrative evidence of approximately \$2 million in overbillings by The Facility Group, the company that oversaw and managed the construction of the beef processing plant. ... Carothers' assistance was instrumental in uncovering the fraudulent scheme."

"We anticipate that Mr. Carothers will again be needed in our office for a substantial number of hours each week as we prepare our case," prosecutors wrote.

Officials with The Facility Group could not be reached for comment.

Carothers has been in prison since Dec. 3. He pleaded guilty early last year in a scheme to defraud a bank that issued \$55 million in state-backed bonds to build the plant in Yalobusha County.

U.S. Attorney Jim Greenlee had asked the judge to let Carothers out early to help prosecutors prepare their case. Trial is scheduled Aug. 25 in Oxford.

Lee Abraham, Carothers' attorney, said he isn't sure when Carothers will be released. He said Carothers' home is in the Oxford area, and added that his client "is a very strong family man that's very anxious to be back with his family."

"I fully expect him to cooperate (with prosecutors,)" Abraham said.

An attempt to reach State Auditor Stacey Pickering on Tuesday for an update on the beef plant investigation was unsuccessful.

Prosecutors will try to prove at next month's trial that executives with The Facility Group of Smyrna, Ga., corruptly gave campaign donations to a Mississippi official in exchange for the state's hiring of the group. It received a contract in 2003 to manage the beef plant near Oakland.

The plant failed in 2004, three months after opening, leaving hundreds of people jobless.

The indictment charges Robert Moultrie, 67, of Smyrna; Charles Morehead, 57, of Lilburn; and Nixon Cawood, 58, of Woodstock with one count of conspiracy to corruptly influence a public official and 15 counts of mail fraud.



The public official has not been named or indicted. But former Gov. Ronnie Musgrove's 2003 re-election campaign finance records match the contributions listed in the indictment. Musgrove, who is a candidate for Senate, has not been accused of any wrongdoing.

In a separate trial under way now in Oxford, a refrigeration company sales representative accused of pocketing funds for equipment at the plant is trying to convince a federal jury that he was owed the money.

Closing arguments are set to begin today in the trial of James Draper, who faces up to 30 years in prison and \$750,000 in fines on two charges.

It is the first time someone charged in connection with the failed venture has gone on trial. Two others, Carothers and Richard Hall Jr., pleaded guilty.

Draper testified Tuesday on his own behalf. Hall testified Monday.

Draper is charged with interstate transportation of money obtained by fraud and money laundering. He allegedly received a \$187,725 check from the state to purchase equipment for the plant, but items were not purchased, his indictment said.

He then gave Hall \$167,725 and kept \$20,000 for himself, according to the indictment.

THE OXFORD EAGLE

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News

7/22/08 - Convicted beef plant builder gets out of jail early

Home

[Alyssa Schnugg](#)

Staff Writer

News

Businessman Sean Carothers is getting a second chance.

Sports

Opinions/ Editorials

On Monday, U.S. District Senior Judge Neal Biggers Jr. ordered Carothers' 21-month prison sentence be reduced by 12 months and one day, with the remainder served on house arrest so he could assist the government in the federal corruption trial tied to a failed Yalobusha County beef processing plant.

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Carothers, the president of Water Valley-based Carothers Construction Co., pleaded guilty in January to mail fraud for paying former plant owner Richard N. Hall Jr. \$173,000 and helping Hall conceal the payments through the U.S. mail, wire communications and interstate travel. Carothers Construction built the Mississippi Beef Processors Inc. plant in 2003.

Interaction

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The Oakland-based plant closed in August 2004, three months after it opened, because of failed equipment and a lack of operating capital.

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The 140,000-square-foot facility, which employed 400 workers, cost the state of Mississippi at least \$55 million.

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In its motion to have Carothers' sentence reduced, the government said Carothers has spent hundreds of hours analyzing documents and creating demonstrative evidence of approximately \$2,000,000 in over billings by The Facility Group, the company that oversaw and managed the construction of the beef processing plant.

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Meet the Staff

"Carothers' assistance was instrument in uncovering the fraudulent scheme," the motion states.

Around Oxford

City Government

Robert Moultrie, 57, of Smyrna, Ga., chairman and chief executive officer of The Facility Group, was indicted in March along two other company executives for allegedly corruptly giving campaign donations to a Mississippi official to reward the official for the state's hiring of the Facility Group in 2003 to manage the completion and design of the beef plant.

Chamber of Commerce

County Government

Their trial is set for Aug. 25.

Important Numbers



Community Calendar

The government said they will need Carothers in their office for a “substantial number of hours each week” leading up to the trial and that could not be accomplished while Carothers is incarcerated in the Federal Prison Camp in Pensacola, Fla.

Yoknapatawpha Arts Council

University of Mississippi

“Carothers’ assistance has been and will be essential to the successful prosecution ... and his presence is greatly needed,” the motion reads.

Oxford School District

Lafayette School District

Carothers must report to the U.S. Probation Service within two days of his release.

Oxford-Lafayette School of Applied Technology

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July 18, 2008

Law Enforcement Briefs

From staff and wire reports

OXFORD

Beef plant player denied request

A judge has denied Mississippi Beef Plant defendant James Draper's request to have part of his two-count indictment dismissed.

Draper is set to go on trial Monday in federal court in Oxford.

He had asked the court to dismiss accusations he transported stolen property in interstate commerce - that he mailed a \$167,725 check paid by stolen funds obtained fraudulently.

Draper claimed the indictment was factually incorrect because it claims the check was made out to Richard Hall Jr., the plant's then-owner, when it really was made out to Mississippi Beef Processors LLC. Draper also said the check was payable to its rightful owner.

A judge said the indictment states the check was sent to Hall, who is serving a prison sentence for his role in the scheme.

STARKVILLE

Man gets 30 years in sexual assault

A Houston, Miss., man has been sentenced to 30 years in prison for the 2007 sexual assault of a Mississippi State University student.

Prosecutors say 31-year-old Johnny Griffis Jr. initially was charged with rape, sexual battery and kidnapping. He pleaded guilty to rape Tuesday in Oktibbeha County Circuit Court. The other counts were retired.

Griffis was sentenced to 30 years without the possibility of parole. He also will register as a sex offender.

Prosecutors say Griffis attacked the 19-year-old female student while she was jogging on Aug. 12, 2007, on the western side of the Starkville campus.

MADISON

Teen will be tried as adult in rape case



Madison police are charging a Ridgeland 16-year-old as an adult in the alleged rape of a 15-year-old girl at a movie theater.

Adrian Dinkins appeared in court on Thursday where he was formally charged, Madison police spokesman Lt. Eddie Lawrence said.

The alleged victim said that Dinkins raped her in an empty theater at the Malco Grandview Cinema in Madison on Saturday, Lawrence said.

"There was some type of acquaintance between the two. They knew each other, but to what extent is still under investigation," Lawrence said. "This is not a case where someone is in the shadows and pulled another person into a vacant theater."

Dinkins is being held in the Madison County Detention Center on a \$50,000 bond.

His preliminary hearing is scheduled for Aug. 1.

If convicted, Dinkins faces up to life in prison.

MARSHALL COUNTY

Drug agency nabs 27, more to come

Mississippi Bureau of Narcotics Director Marshall Fisher on Thursday announced the arrest of 27 people indicted on drug charges by a Marshall County grand jury, according to a news release.

The investigation is ongoing and more arrests are expected.

The 27 were booked into the Marshall County Jail. Bonds have been set and range from \$5,000 to \$10,000, the release said.

Arrested were: Kedrian Ambrose of Holly Springs, sale of crack cocaine; Estevan Bahena of Red Banks, possession of crack cocaine; Debra Brown of Byhalia, sale of crack cocaine; Christopher Campbell of Holly Springs, sale of crack cocaine; Michael Byrd of Holly Springs, sale of crack cocaine and two counts of conspiracy to sell crack cocaine; Michael Campbell of Holly Springs, sale of crack cocaine and two counts of conspiracy to sell crack cocaine; Joseph Carter of Potts Camp, possession of methamphetamine precursors; Joe Couch of Byhalia, sale of crack cocaine; Alwinzo Craine of Blue Mountain, possession of crack cocaine; John Delbert of Holly Springs, sale of crack cocaine; Larry Ealey of Byhalia, sale of crack cocaine; Tonya Fowler of Victoria, possession of crack cocaine; Timothy Jones of Holly Springs, sale of crack cocaine; Eric Lewis of Holly Springs, possession of crack cocaine in a correctional facility; Jammy McKinney of Holly Springs, sale of crack cocaine; Savaniel Moore of Red Banks, two counts of sale of crack cocaine; Reginald Neely of Byhalia, three counts of sale of crack cocaine; Marquis Payne of Holly Springs, sale of crack cocaine and possession of crack cocaine; Sharon Payne of Holly Springs, sale of crack cocaine; George Perry of Holly Springs, sale of crack cocaine; Josh Rodgers of Lake Center, sale of crack cocaine; Robert Rooks of Holly Springs, sale of crack cocaine; Franklin Sharp of Holly Springs, two counts of sale of crack cocaine; James Sillers of Holly Springs, sale of crack cocaine; Edwin Washington of Byhalia, sale of crack cocaine; Jeremy Young of Holly Springs, sale of crack cocaine; and Lorenzo Young of Byhalia, possession of crack cocaine.

QUINCY, ILL.

Plea decision shifts in homicide case

A man charged with concealing the 1984 homicide of a burglary accomplice and stealing his identity has pleaded not guilty in Adams County court.

Wallace Daniel Spence of Corinth hesitated and talked to his attorney Wednesday before entering the plea. He told a judge earlier this month he wanted to plead guilty "as soon as possible" in the death of 25-year-old Thomas William Brannon.

An investigator testified that Spence said he and Brannon committed a series of burglaries in Kentucky just before he killed Brannon in December 1984 by hitting him with a bat and running him over with a car. Brannon's body was found in a western Illinois quarry in 1985.

Authorities say Spence then assumed Brannon's identity. He has not been charged with murder.

- From staff and wire reports
