

STATE OF NORTH CAROLINA
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO : 12 CRS 51877-9

STATE OF NORTH CAROLINA

vs

SHANNON ZACH NYAMODI
Defendant

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AND

STATE OF NORTH CAROLINA
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE
JUVENILE COURT DIVISION
FILE NO.: 11 JV 05

STATE OF NORTH CAROLINA,
COUNTY OF FRANKLIN

vs.

AN UNNAMED JUVENILE
(represented by Gena McCray)

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ORDER

THIS MATTER, coming on for hearing and being heard before the undersigned Henry W. Hight, Jr., Superior Court Judge, during the one week criminal session of Superior Court for Franklin County commencing on June 3, 2013, upon the Motion of Rhonda MacLean filed February 7, 2013, seeking release of United States currency held by law enforcement officers in the approximate sum of \$61,100 00 which was found in the course of a criminal investigation resulting in charges against Shannon Zach Nyamodi and an Unnamed Juvenile in the case file referenced above. The Court, after reviewing the record and hearing the various arguments and contentions of counsel present makes the following findings of fact:

- 1) That on August 16, 2012, Rhonda MacLean was shot on the right side of her head while present in her residence at 109 Sharon Court, Youngsville, NC.
- 2) That in the course of the investigation, law enforcement officers were made aware that the said Rhonda MacLean reported missing \$65,000.00 in U.S. currency which had been stored at the premises.
- 3) That during the ensuing investigation, officers recovered approximately \$61,100 00 a short distance from Rhonda MacLean's residence under circumstances suggesting no trace evidence would be found on said currency.

BY ccg

FRANKLIN COUNTY, C.S.C.

2013 JUN 26 AM 8:40

FILED

4) That Henry C. Smith as attorney for Rhonda MacLean, filed the aforesaid Motion seeking release of the funds.

5) That on or about February 20, 2013, a hearing was held in which counsel for both defendants were present and the Court considered the request of Rhonda MacLean and directed the parties to try to find a way to release the funds described above.

6) That Gena McCray as counsel for the Unnamed Juvenile has expressed no objection to the release of the funds

7) That in early May, 2013, Henry C. Smith met with an investigator hired by counsel for Shannon Zach Nyamodi who photographed and examined the package containing the U.S. currency referenced above.

8) That all parties have had a sufficient opportunity to examine and obtain any desired testing of the currency, and no such testing has been performed.

9) That the prosecutor indicated in open court that she did not intend to introduce this actual currency into evidence and that the same had not been tested and no such tests were desired by the State of North Carolina.

10) That Maitri Klinkosum was present in court on June 3, 2013, for a bond motion in the case against Shannon Zach Nyamodi, and was aware that a hearing would be held regarding release of the funds. He did not appear at the hearing, but sent an email to Henry C. Smith as counsel for Rhonda MacLean which reported "after speaking with prosecutor on Friday, I'm not taking a position I'm leaving the issue in the court's discretion." A copy of the email chain is attached.

Based upon the foregoing Findings of Fact, the court concludes:

1) That this court has jurisdiction over the subject matter and this matter is properly before the court.

2) That counsel for all parties have had ample opportunity to obtain any desired testing, analysis, or other documentation of the evidence in the possession of the Sheriff.

3) That the circumstances suggest that there is no biological evidence or other material evidence which will be lost by release of the currency to Rhonda MacLean.

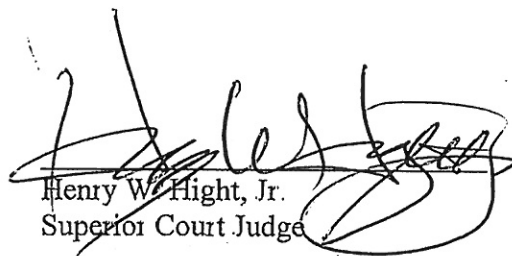
4) That the interests of justice will be served by releasing the currency to Rhonda MacLean.

5) That the Sheriff of Franklin County should be directed to release to Rhonda MacLean the currency that was found during the course of the investigation into the shooting of Rhonda MacLean

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the package held by the Sheriff of Franklin County containing approximately \$61,100.00 in U S. currency be delivered by the Sheriff of Franklin County to the victim, Rhonda MacLean.

So entered this 23 day of June, 2013


Henry W. Hight, Jr.
Superior Court Judge

STATE OF NORTH CAROLINA
COUNTY OF FRANKLIN

IN THE GENERAL COURT OF JUSTICE
JUVENILE COURT DIVISION
FILE NO.: 11 JV 05

STATE OF NORTH CAROLINA,
COUNTY OF FRANKLIN

vs

AN UNNAMED JUVENILE
(represented by Gena McCray)

STATEMENT OF COUNSEL IN
RESPONSE TO MOTION

BY

gph

FRANKLIN COUNTY, C.S.C.

2013 JUN 26 AM 8:40

FILED

NOW COMES Gena Walling McCray, Attorney at Law, and confirms that I have been appointed to represent the unnamed juvenile in case 11 JV 05 in connection with the theft and assault on Rhonda MacLean. I have received a copy of the Motion filed on behalf of Rhonda MacLean seeking return of the U.S. currency which was found in connection with the investigation into these crimes. On behalf of my client, I have no objection to the return of the U.S. currency currently held by the Sheriff of Franklin County to Rhonda MacLean.

This 7 day of June, 2013

Gena Walling McCray, PLLC

By:

Gena Walling McCray
Attorney and Counselor at Law
215 Court Street
P O. Box 492
Louisburg, NC 27549

Henry Smith

From: Mike Klinkosum <Mike.Klinkosum@cheshirepark.com>
Sent: Monday, June 03, 2013 12:37 PM
To: Henry Smith
Subject: Re: MacLean/Nyamodi

2013 JUN 26 AM 8:40
FRANKLIN COUNTY, C.S.C.

FILED

BY

q/h

After speaking with prosecutor on Friday, I'm not taking a position and leaving the issue in the court's discretion.

Sent from my iPhone

On Jun 3, 2013, at 12:32 PM, "Henry Smith" <hsmith@warrenkerr.com> wrote:

I am here in Louisburg court. Apparently I just missed you. Are you able to consent?

Sent from my Verizon Wireless 4G LTE DROID

Mike Klinkosum <Mike.Klinkosum@cheshirepark.com> wrote:

Mr. Smith,

I am sorry for the delay in responding. I believe I will be able to consent to your request, but I am trying to discuss the matter with the prosecutor. I am hoping to speak with her today and get back to you sometime this afternoon.

MIKE KLINKOSUM
CHESHIRE, PARKER, SCHNEIDER, & BRYAN, P.L.L.C.
133 FAYETTEVILLE STREET, SUITE 500
RALEIGH, NC 27601
TELEPHONE: (919) 833-3114
FACSIMILE: (919) 832-0739
EMAIL: MIKE.KLINKOSUM@CHESHIREPARK.COM
CERTIFIED SPECIALIST IN STATE CRIMINAL LAW (NC STATE BAR)
CERTIFIED CRIMINAL TRIAL ADVOCATE (NATIONAL BOARD OF TRIAL ADVOCACY)

<image001.png>

From: Henry Smith [<mailto:hsmith@warrenkerr.com>]
Sent: Tuesday, May 28, 2013 8:35 AM
To: Mike Klinkosum
Subject: MacLean/Nyamodi

I know you just finished a murder case and a holiday weekend, but my client is anxious to recover her money. Have you had a chance to discuss this matter with your investigator and decide whether you can consent?

Henry C Smith
Warren, Kerr, Walston, Taylor & Smith, LLP
117 Ormond Avenue
Post Office Box 1616
Goldsboro NC 27533-1616

STATE OF NORTH CAROLINA

COUNTY OF FRANKLIN

STATE OF NORTH CAROLINA

VS

Shannon Zach Nyamodi

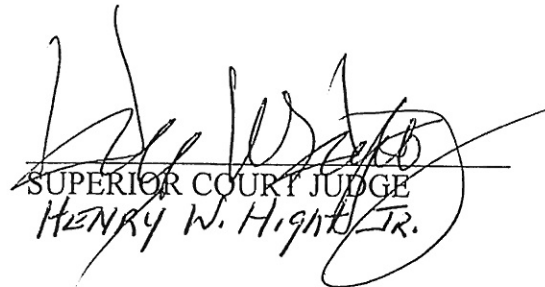
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

FILE # 12 CRS 51877
12 CRS 51878
12 CRS 51879

ORDER – EXCEPTIONAL CASE

THIS MATTER coming on before the undersigned Superior Court Judge and upon the District Attorney's request and with the consent of Attorney for the Defendant, the Court ORDERS that this case be declared Exceptional and is ORDERED removed from the Case Management System Docket until such time as it is placed back on the Docket by the District Attorney.

This the 20th day of FEBRUARY 20 13.


SUPERIOR COURT JUDGE
HENRY W. HIGHT JR.