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## Big drug case gone

Prosecutors appeal dismissal over search warrant in Mobile County's largest-ever Ecstasy seizure

Thursday, April 23, 2009  
By JILLIAN KRAMER  
Staff Reporter

When the cases against Thanh Nguyen and his wife were dismissed, judges let walk a couple at the center of Mobile County's largest-ever Ecstasy pill seizure, Mobile County Sheriff Sam Cochran said.

Prosecutors on Wednesday appealed the dismissal of the cases, granted after a defense motion arguing that deputies did not have enough information to justify the search of Nguyen and Wing Sze Cheng's west Mobile home.

"When the evidence was excluded, it was like we had no case," Cochran said. "The case rises and falls on that search warrant."

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The 4,768 Ecstasy pills taken from the couple's Savannah Drive home last April was "the largest such seizure of pills in Mobile County history," Mobile County Assistant District Attorney Dave Peacock stated in court files. Also confiscated were 1,570 grams of cocaine and three assault weapons.

According to an affidavit, the deputies got a search warrant based on surveillance of the couple's home, pursuit of a vehicle that left the home, and the testimony of two "reliable, confidential informants," who told deputies that they bought Ecstasy pills from Nguyen.

The search warrant was granted by District Court Judge George Hardesty. Following the April 25, 2008, search, Nguyen, 27, and Cheng, 24, were each charged with trafficking Ecstasy and cocaine. Officials also filed civil suits to retain seized property.

On April 1, Circuit Judge Michael Youngpeter, presiding over the civil cases, rejected the deputies' justification for the search. In the order suppressing the evidence, he wrote that the information from two confidential sources failed "to indicate when the confidential informants" allegedly bought drugs from Nguyen.

In the affidavit, deputies wrote that their informants said they bought the drugs "within the last three weeks."

Youngpeter also ruled that the vehicle deputies chased from the house "and was later found to have contained contraband is insufficient probable cause."

Deputies said in the affidavit that the passenger and driver were tossing Ecstasy pills out of the car window during the chase, and when finally pulled over, the men had more pills on them.

Youngpeter dismissed the civil cases. In addition to the drugs and guns, deputies confiscated \$17,000 in electronics — including eight plasma TVs — more than \$1,000 in cash and an Acura Integra.

Circuit Judge John Lockett, presiding over the criminal cases, was approached Friday with identical defense motions. He deferred to Youngpeter's decision and dismissed the cases against Nguyen and Cheng.

The couple's Montgomery attorney, Joe M. Reed, did not return calls seeking comment Tuesday and Wednesday.

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Sheriff's Office spokesman Lori Myles said deputies will need to return the electronics, cash and car if the appeal is unsuccessful. The drugs and weapons will not be returned, she said, because "they were illegal in the first place."

The drugs, according to the court records, were found throughout the house — in drawers in the bathroom, on the bedroom floor, inside a closet and inside a Coors Light cooler. Drugs were also stuffed under the floorboards of the Acura. The Ecstasy and cocaine had a combined street value of \$252,000, according to court records.

"We believe from our experience and our legal advisers that the warrant is good and valid, and therefore we feel very strongly that we should seek a reconsideration," Cochran said. "This is too important of a case to let it go."

In his appeal to reconsider, Peacock argued that deputies were granted the search warrant and shouldn't have to question whether the original judge's decision was sound. "Deputies aren't required to be attorneys," he said.

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