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Attorneys in three cases to argue 'drug kingpin' statute

Drug-related statute to be debated

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The notion of a kingpin likely conjures the picture of a rich drug lord, replete with jewelry, fancy cars, a large cache of narcotics and weapons, and scores of runners carrying out the illicit trade.

Even though New Jersey law does not require such a showing to convict someone of being a drug kingpin, an attorney for one alleged kingpin from Lakewood says the state is exaggerating what at best might be perceived as the activities of a low-level street dealer.

That attorney, Stephen J. Taylor, is one of three attorneys representing alleged drug kingpins in Ocean County who are seeking to have that charge against their clients dismissed.

Taylor will be the first of them to argue his case on behalf of client Curtis Rattray at a hearing before Superior Court Judge Wendel E. Daniels at 1:30 p.m. Wednesday.

The stakes are high: A defendant convicted of being a drug kingpin faces life in prison with no chance to be considered for release on parole before serving 25 years.

Rattray, 29, of Brook Forest Drive, Lakewood, was charged in an indictment in June with being the leader of a cocaine trafficking network under the state's drug kingpin statute.

The indictment was one in a series of five handed up last year targeting alleged drug kingpins and stemming from wiretap investigations.

When Rattray was arrested July 13, 2008, a search of his residence turned up only a trace amount of cocaine in a bowl and some marijuana.

"This is what we would refer to as a dry conspiracy," meaning no significant amount of drugs are seized, and the evidence in the case is based mostly on wiretapped conversations, said Taylor, a former federal prosecutor who said arrests in wiretap cases usually are timed to catch the subject with a significant quantity of drugs.

Of the charge alleging Rattray is a cocaine kingpin, Taylor said, "I think that's an overreach by the Prosecutor's Office.

"Even if the state is to be believed, the only thing it shows is that Curtis Rattray was purchasing narcotics from individuals and selling to other individuals below him," Taylor said.

Under the kingpin statute, the prosecution must prove that a defendant has conspired with at least two others as "an organizer, supervisor, financier or manager" in a for-profit scheme to distribute illegal drugs.

"Only if a defendant sells drugs to a person who intends to resell the drugs and the defendant has supervisory power over the reseller does that person count as one of the 'others' with whom the defendant has conspired," the brief said. ". . . In short, a defendant violates the statute 'only if the defendant exercises some ability to dictate the conduct of others in a drug-trafficking scheme.' "

At most, the wiretap revealed that Rattray and another defendant, Saul Padilla, pooled money to purchase cocaine, Taylor's brief said.

Senior Assistant Ocean County Prosecutor William Porter, in his legal brief, alleged that Rattray dictated the terms of his and Padilla's joint purchase of cocaine. Rattray also directed Padilla to people who were to assist in financing the purchase and he chastised Padilla for renegotiating the terms without consulting him, Porter's brief said. Rattray also directed the delivery of cocaine to him by another co-defendant, Welman Crooms, and dictated the terms of bulk purchases of cocaine by two other codefendants, Jeffrey Asare and Ronald Dorn, Porter's brief said.

Although no significant amount of drugs was seized from Rattray, \$21,000 in cash was confiscated from his home, Porter noted. Rattray is a ranking member of the Bloods street gang, he said in his brief. The grand jury that indicted Rattray on the kingpin charge heard evidence of transactions involving 538 grams of cocaine, the brief said.

"The transactions the Grand Jurors heard about clearly transcend the simple buyer-seller relationship," Porter's brief said.

Attorney John Koufos also is challenging the validity of a kingpin charge against his client, James Gadson, 42, of Lakewood, and attorney Michael Orozco is challenging a kingpin charge against his client, Earl Marshall, 39, of Barnegat. Both defendants were named as kingpins in separate indictments last year.

"It's our position that Mr. Gadson wasn't a leader of anything," Koufos said.

"It's very questionable how they (authorities) arrived at pointing out my client," Orozco said.

No hearings have been scheduled yet in the Marshall and Gadson cases.
