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Life term ruled void in grocer's drug conviction

By GARY L. WRIGHT
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Charlotte grocer Will Rhynes, convicted in 1996 in a 25-year drug distribution conspiracy, may not have to spend the rest of his life in prison.

A federal appeals court has overturned Rhynes' life sentence. He now could face a maximum of 10 years in prison.

"We're very happy for Will," said Raleigh defense lawyer Keat Wiles, who represents Rhynes. "This means he has an opportunity for freedom someday. That's what America is all about - freedom."

Rhynes, 64, revered in his community as a compassionate and generous man, was sentenced to life after a federal jury convicted him, his son and five others in a multimillion-dollar conspiracy to distribute cocaine, crack, heroin and marijuana.

Federal prosecutors alleged that Will Rhynes and his son, Michael Rhynes, bought and sold drugs at several of their westside businesses, accepted money from illegal gambling operations and used drug money to buy 14 pieces of property. Prosecutors claimed the scheme grossed up to \$11 million.

The appeals court also struck down the sentences for two other defendants - Theodore Adams and Alexander Adams. Theodore Adams, 45, was sen-

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tenced to life in prison. Alexander Adams, 56, was sentenced to 30 years.

"I'm thrilled for my client," said Charlotte defense lawyer Noell Tin, who represents Alexander Adams. "I consider this a major victory. Reversals are rare."

Claire Rauscher, who represents Theodore Adams, said, "I'm gratified that my client may see some relief from a life-without-parole sentence."

In overturning the sentences, the three-judge appeals court panel ruled that the jury did not disclose in its verdict what drugs Will Rhynes and his co-defendants were convicted of conspiring to distribute.

It was the prosecutors' job, the appeals court wrote in its 70-page ruling, to seek a special verdict form that would have specified those drugs. Since there was no special verdict form, the appeals court ruled, the defendants must be sentenced for the least serious drug offense - in this case, marijuana. The cocaine, crack and heroin charges are punishable by up to life imprisonment. The marijuana charges carry maximum sentences of five to 10 years.

Federal prosecutors can either retry the defendants or have them resentenced.

The government can also appeal the ruling.

If prosecutors don't appeal or retry the defendants, Will Rhynes and Theodore Adams each face up to 10 years in prison on the drug conspiracy charge. Alexander Adams would face up to five years' imprisonment.

"The government is consider-

ing whether an appeal is appropriate or whether it should elect for a retrial," U.S. Attorney Mark Calloway said. "No decision has been made at this time. The government has been given 30 days to make its decision."

The appeals court didn't strike down the sentences for four of the defendants, including Rhynes' 35-year-old son, because evidence during the trial didn't show that they were involved in dealing marijuana.

Michael Rhynes was sentenced to 30 years in prison. Purvis Gormley, 49, and John Wayne White, 48, were sentenced to 24 years, while Lester McCoy, 55, got a 22-year sentence.

During the 1996 trial, prosecutors portrayed Will Rhynes as an intimidator who bought silence with death threats and did good deeds to cover his crimes. They called as witnesses more than a dozen convicted drug dealers who linked Rhynes to some of the region's most notorious drug organizations.

Will and Michael Rhynes claimed their innocence even after the convictions. They attacked prosecutors for relying on testimony from felons who lied to win release from prison.

"I really don't know what this is about," Will Rhynes, who owned the Big Apple Food Store on Statesville Avenue, told the judge before his sentencing.

"They haven't ever caught me doing nothing. You can go to the pen right now and get 1,000 people to say you did something, your honor, because they want to get out of jail."

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