

IN THE COURT OF APPEALS 08/06/96
OF THE
STATE OF MISSISSIPPI
NO. 92-KA-00119 COA

PATRICK ANTHONY REYNOLDS AND RONALD KEVIN LUCAS

APPELLANTS

v.

STATE OF MISSISSIPPI

APPELLEE

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. KOSTA VLAHOS

COURT FROM WHICH APPEALED: CIRCUIT COURT OF HARRISON COUNTY

ATTORNEY FOR APPELLANT:

F. HOLT MONTGOMERY, JR.; HERMAN COX

ATTORNEY FOR APPELLEE:

OFFICE OF THE ATTORNEY GENERAL

BY: JOLENE M. LOWRY; DEIRDRE McCRORY

DISTRICT ATTORNEY: CONO A. CARANNA, II

NATURE OF THE CASE: CRIMINAL - ILLEGAL DRUGS

TRIAL COURT DISPOSITION: LUCAS WAS SENTENCED TO 15 YEARS IN THE MDOC,
WITH 5 YEARS SUSPENDED AND FINED \$15,000. REYNOLDS WAS SENTENCED TO 20
YEARS IN THE MDOC, WITH 5 YEARS SUSPENDED, AND FINED \$25,000.

BEFORE BRIDGES, P.J., BARBER, AND PAYNE, JJ.

BRIDGES, P.J., FOR THE COURT:

Patrick Anthony Reynolds and Ronald Kevin Lucas were convicted on various narcotics charges arising out of a traffic stop on Interstate 10 in Harrison County. Each Defendant appealed to this Court, raising different issues on appeal, but both alleging that their convictions should be reversed for lack of probable cause. After reviewing the record, this Court found that the lower court failed to find that reasonable suspicion existed as to why the officer stopped the Appellants. On October 17, 1995, the cause was reversed and remanded to the trial court to make findings and conclusions on this point. Because of the passage of time (the suppression hearing was held in June 1991), we held that it may well be necessary to conduct a new hearing and again present evidence. Depending upon the result of the remand, a reversal or an affirmance would then need to be determined.

On December 8, 1995, Judge Kosta N. Vlahos, Circuit Judge of Harrison County, issued his findings and conclusions requested by this Court. After reviewing Judge Vlahos' findings and conclusions, we hold that his order is sufficient to satisfy this Court that probable cause existed when the officer made the questioned stop and arrest. We therefore adopt the findings of the lower court and affirm this cause. A copy of Judge Vlahos' order is attached to this opinion.

THE JUDGMENT OF THE CIRCUIT COURT OF HARRISON COUNTY OF CONVICTION OF PATRICK ANTHONY REYNOLDS OF POSSESSION OF MORE THAN A KILOGRAM OF MARIJUANA WITH THE INTENT TO TRANSFER OR DISTRIBUTE AND SENTENCE OF TWENTY (20) YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS WITH FIVE (5) YEARS SUSPENDED AND FINE OF \$25,000 IS HEREBY AFFIRMED.

THE JUDGMENT OF THE CIRCUIT COURT OF HARRISON COUNTY OF CONVICTION OF RONALD KEVIN LUCAS OF POSSESSION OF MORE THAN A KILOGRAM OF MARIJUANA WITH THE INTENT TO TRANSFER OR DISTRIBUTE AND SENTENCE OF FIFTEEN (15) YEARS IN THE CUSTODY OF THE MISSISSIPPI DEPARTMENT OF CORRECTIONS WITH FIVE (5) YEARS SUSPENDED AND FINE OF \$15,000 IS AFFIRMED.

HARRISON COUNTY IS TAXED WITH ALL COSTS OF THIS APPEAL.

FRAISER, C.J., BARBER, COLEMAN, DIAZ, McMILLIN, PAYNE, AND SOUTHWICK, JJ., CONCUR. KING, J., CONCURS IN RESULT ONLY. THOMAS, P.J., NOT PARTICIPATING.

