

# Just 10 minutes to acquit

A New York trucker is free after a Flagstaff jury finds there was reasonable doubt that he knew he was transporting 304 pounds of marijuana in his semi.

By **LARRY HENDRICKS**

Sun Staff Reporter

A jury took less than 10 minutes last week to acquit a New York trucker accused of transporting more than 300 pounds of marijuana on Interstate 17 near Flagstaff.

Toyson Walters, 28, was accused of transportation of marijuana for sale following a July 30, 2004, traffic stop by officers of the Arizona Department of Public Safety.

Walters claimed he did not know the marijuana was on his truck and pleaded innocent to the charge.

During the traffic stop, DPS officers stated they observed "indicators of criminal activity" including nervousness and an unusual travel itinerary. The officers asked for and received a consent search of Walters' semi. Hidden among a load of vegetables bound

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for Albuquerque, N.M., was a wooden crate that had 304 pounds of marijuana.

Walters' trial began Tuesday, Jan. 10, and the case went to the jury Thursday, Jan. 12.

Attorney for Walters, Lee Phillips, said the jury took less than 10 minutes to arrive at the innocent verdict.

"I'm extremely pleased with the jury's decision," Phillips said. "I think it was clear to the jury that any young black man from New York who was stopped and detained by three white officers in the middle of the night would be extremely nervous."

Phillips added that the jury understood the prosecution did not have enough evidence Walters had any knowledge the marijuana was hidden on his truck.

"Without a witness, fingerprints, or a confession, the jury did the right thing in finding Mr. Walter's not guilty," Phillips said.

David Rozema, chief deputy Coconino County attorney, said drug transportation cases are often difficult to prosecute.

"We spoke with the jurors after the trial and they explained that there was not enough evidence of knowledge by the defendant to convict," Rozema said. "This is a common challenge that we are confronted with in drug transportation cases involving large amounts of illegal drugs, because often there are no fingerprints on the drugs and the couriers deny that they knew the drugs were in their vehicles."

Rozema continued, "But in this particular case, 300 pounds of marijuana were confiscated and destroyed, so we will continue to prosecute these major transport cases despite the challenges."

DPS drug-interdiction officers in Flagstaff regularly make traffic stops on the interstates and subsequently find large quantities of drugs being transported to other parts of the country.

Phillips said that what makes this case different is the DPS officers already had knowledge

that Walters' truck would be passing through with a load of marijuana. He said that during the trial, officers revealed that they had received a tip that Walters' semi had been loaded at a warehouse in Phoenix that was the subject of a larger drug-trafficking investigation. Two officers waited on I-17 until Walters' semi passed, then they conducted a traffic stop after observing "loose wires" on the semi.

Mr. Walters claimed he was not present at the loading of his semi, and no witnesses from the warehouse where the marijuana was loaded were brought by the prosecution to dispute Walters' claim, Phillips said.

Agents with the Metro anti-narcotics task force in Flagstaff say that marijuana sells in the city for about \$25 a quarter ounce. That means the DPS seizure of marijuana from Walters' semi would have fetched nearly a half-million dollars on the street.

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