

Union County State's Attorney

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Press Release - For Immediate Release

Defendant's Name: Cody Walker
Age: 23
City and State of residence: Bellevue, NE
Criminal File Number: 15-042
Date of Offense: February 13, 2015
Indictment Date: February 25, 2015
Arraignment Date: April 27, 2015
Trial Date: March 7 – 9, 2016
Conviction Date: March 9, 2016
Sentencing Date: May 9, 2016
Convicted of Charge(s): Ct. 1: Possession of Schedule 1 or 2 Controlled Substance with the Intent to Distribute, (Marijuana Wax – A Schedule 1 Controlled Substance), 22-42-5, (F4), 10/20, (1 yr. Mandatory) **(Guilty)**
Ct. 2: Possession of Marijuana with the Intent to Distribute, 22-42-7, (F4), 10/20 **(Guilty)**
Ct. 3: Possession of Schedule 1 or 2 Controlled Substance (Cocaine), 22-42-5, (F5) 5/10 **(Not Guilty)**
Ct. 4: Possession of Schedule 1 or 2 Controlled Substance, (Marijuana Wax) 22-42-5, (F5) 5/10 **(Guilty)**
Ct. 5: Possession of Schedule 1 or 2 Controlled Substance (Hemp Oil), 22-42-5, (F5) 5/10 **(Not Guilty)**
Ct. 6: Ingestion, 22-42-15, (M1) 1/2 **(Not Guilty)**
Ct. 7: Possession of Marijuana (F5) 5/10 **(Guilty)**
Ct. 8: Possession of Drug Paraphernalia, 22-42A-3, (M2) 30/500 **(Guilty)**
Prosecutor: Deputy State's Attorney Alexis Tracy
Defense Attorney: Robert Rohl

Case Synopsis:

On February 13, 2015 Trooper Cody Jansen observed a vehicle driving 80 mph in a 75 mph zone. Occupants in the vehicle was Corey Sprinkel, Marlitto Burnley, and Cody Walker. The driver was identified as Corey Sprinkel. Upon first contact with Sprinkel, the strong odor of marijuana was obvious to the trooper. Sprinkel was searched and a pipe containing marijuana wax. The search of the vehicle admitted to the possession of marijuana. Upon a search of the vehicle, the following items were seized as evidence:

- Bag with 13.4 ounces of Marijuana in a vacuum sealed bag;
- 1 pound 5.3 ounces of Marijuana wax in a vacuum sealed bag;
- 15 grams of Methamphetamine in a plastic bag;
- 2 oz. container of Hemp Oil
- .0625 of marijuana wax; and

- E cigarette with marijuana wax

Trial Synopsis:

The trial of Cody Walker commenced on March 7, 2016 with the State presenting testimony of Trooper Cody Jansen testifying about the stop and with SA John Barnes of the SD DCI testifying about his follow up investigation. Both of the co-defendants, Corey Sprinkel and Marlitto Burnley testified against Cody Walker as well. Sprinkel and Burnley were business associates of Walker. They testified that Walker financed this business venture to secure drugs to bring them back to NE, where Walker lives. Walker was the only one of the three that could afford the amount of drugs that were in their possession and he also financed the rental car. After Sprinkel and Burnley made plea agreements in their own respective cases, they agreed to interview with Special Agent Barnes about their association with Walker. Further consistent evidence was heard by the jury when a tape was played involving a phone call between Walker and Burnley talking about the items in the vehicle. The jury also heard testimony from experts identifying that the substance that were found in the vehicle did test positive for the substance that Walker was charged with. Defense's expert from California, testified and admitted that the Hemp Oil that was in Walker's possession tested positive for the illegal substance of THC. The jury returned a split verdict with a conviction on multiple counts (see above).

Sentencing Synopsis:

The Court passed the following Sentences on the following charges:

As to Count 1: Possession of Schedule 1 or 2 Controlled Substance with the Intent to Distribute, (Marijuana Wax – A Schedule 1 Controlled Substance), 22-42-5, (F4), 10/20, the jury found the defendant guilty. The Court sentenced Walker to eight years in the penitentiary with six years suspended along with all the prosecution costs on the file and the court costs associated with this charge.

As to Count 2: Possession of Marijuana with the Intent to Distribute, 22-42-7, (F4), 10/20, the jury found the defendant guilty. The Court sentenced Walker to eight years in the penitentiary with six years suspended along with all court costs associated with this charge. The court further ordered that count 1 and 2 shall run consecutive to each other.

Ct. 4: Possession of Schedule 1 or 2 Controlled Substance, (Marijuana Wax) 22-42-5, (F5) 5/10, the jury found the defendant guilty. The Court sentenced Walker to five years in the penitentiary with five years suspended along with all the court costs associated with this charge. The court further ordered that count 4 shall run concurrent to count 1.

Ct. 7: Possession of Marijuana (F5) 5/10, the jury found the defendant guilty. The Court sentenced Walker to five years in the penitentiary with five years suspended along with all the prosecution costs on the file and the court costs associated with this charge. The court further ordered that count 7 shall run concurrent to count 2.

Ct. 8: Possession of Drug Paraphernalia, 22-42A-3, (M2) 30/500, the jury found the defendant guilty. The Court sentenced Walker to with all the court costs associated with this charge.

Criminal History:

As a result of this trial, this is Cody Walker's first, second, third and fourth career felony convictions along with a misdemeanor conviction for paraphernalia. Sentencing has been set for May 9, 2016.