

Man pleads to speed appeal

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By DAVID ANGIER / News Herald Writer
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Circuit Judge Michael Overstreet accepted a plea Wednesday because he was curious about the outcome of the defendant's appeal of a unique legal matter.

"I think it's an interesting issue," Overstreet told defense attorney Clyde Taylor. "If I'm wrong (in an earlier ruling) I'd like to know it."

Khalid Chaudhry was scheduled to stand trial Wednesday on charges of delivery of cocaine and possessing three controlled substances. He faced up to 30 years in prison if convicted as charged.

Instead, Chaudhry, 46, of 2019 Frankford Ave., accepted a no contest plea deal to three years in prison as long as he was allowed to appeal Overstreet's denial of a defense motion to suppress evidence in the case. Chaudhry was given credit for the 19 months he's spent in the Bay County Jail awaiting trial, meaning he'll probably spend less than 17 months in prison if his appeal is not granted.

Chaudhry sold a half-gram of cocaine to an undercover officer posing as an air conditioning repairman on April 4, 2007. Deputies arrested a real air conditioning repairman on March 25, 2007, who apparently told them that he got drugs from Chaudhry while repairing Chaudhry's air conditioning, according to court records.

Chaudhry's air conditioning "unexplainedly quit working" again on April 1, 2007, Taylor wrote in a motion, and Chaudhry contacted the repairman for emergency service the next day. The repairman and Sheriff's Investigator Andy Loturco, who was acting as his assistant, showed up on April 2, 2007, and began work the next day.

Loturco wore a recording device during his visits to Chaudhry's home. According to investigators, Chaudhry sold Loturco a half-gram of cocaine on April 4, 2007, and a search warrant for the home was executed a short time later.

Taylor argued that Loturco had no legal authority to be in Chaudhry's home and the drug deal was done under false pretenses. He argued that Chaudhry invited a man into his home believing he was doing work on his air conditioning, not in order to sell him drugs.

Taylor wanted the cocaine thrown out as evidence.

But Overstreet wrote in his Oct. 3 ruling that Chaudhry did invite Loturco into his home specifically on April 4, 2007, to sell him the drugs that had been arranged the day before.

Chaudhry's plea encompassed two drug cases, including another charge of possessing cocaine with intent to sell.