

Cherokee police officer receives deferred sentence in sex case

David Cole, a former Cherokee police officer, pleaded guilty on Wednesday to aggravated assault and battery. He was accused of refusing to respond to a dispatcher's call because he was having sex with a woman he met at a courthouse.

BY SHEILA STOGSDILL | Published: May 19, 2011

CHEROKEE — A former Cherokee police officer has been given a deferred sentence in a case involving accusations that he refused to respond to a dispatcher's call because he was having sex with a woman he met at a courthouse.

David Cole, 46, was given a seven-year deferred sentence after pleading guilty May 11 to a charge of aggravated assault and battery.

A rape charge was dismissed, said Westline Ritter, assistant district attorney.

Cole told investigators he had a consensual sexual encounter with a 19-year-old woman who was facing drug, drunken driving and harboring a fugitive charges.

In an audio recording of the incident, the woman can be heard asking Cole to remove his shirt, gun and gun belt, according to an arrest affidavit.

Also heard on the recording is Cole's cellphone ringing and Cole telling a police dispatcher he would not respond to a call involving a car driving erratically.

Prosecutors said Cole offered the woman money and a phone card in exchange for sexual activities.

The woman told investigators she felt intimidated because Cole had his gun and gun belt on.

In addition to the assault charge, Cole pleaded guilty and was sentenced to 76 days in jail for soliciting prostitution and received a one-year suspended sentence for willful omission to perform duties of a public officer.

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