

FIRST ON 3: Judge sets aside former cop's prostitution with teen conviction

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2014

BOLIVIA, NC (WWAY) -- A Brunswick County jury today returned a guilty verdict against a former Northwest Police lieutenant, but the judge set aside Michael Hayes's conviction for participating in the prostitution of a minor.

It took jurors less than two hours to find Hayes guilty on both his charges, but minutes after the verdict was read, the judge granted a motion to set aside the prostitution conviction, ruling prosecutors never established the victim was a minor at the time of the crime.

"The definition the statute used to define a minor required the state to prove that she was less than 18-years-old, and she was not married or judicially emancipated," Hayes's attorney Geoffrey Hosford said.

When asked why prosecutors did not ask the girl those questions, Assistant District Attorney Daniel Thurston said he thought they had enough evidence to prove she was. In court Thurston argued the victim had a boyfriend, was living with her grandmother and was 17 at the time of the crime.

Hayes's father spoke at his sentencing and told a prosecutor he did not know how he could sleep at night.

"He is his father, and family is family," ADA Chris Thomas said. "However Mr. Hayes was a sworn law enforcement officer, and their job is to protect community and not engage in the activities that he was alleged to have committed."

Hayes received a 45-day suspended sentence for filing a false police report. He will also have to pay a \$500 fine and court costs. The final decision on the prostitution charge now lies with the NC Court of Appeals.

"We're disappointed obviously," Thomas said. "Again, we do respect the court's decision, but we gave notice of appeal and we're not done fighting to preserve that jury's verdict."

Prosecutors say if the conviction on the prostitution involving a minor charge stands Hayes would likely face 13 to 16 months in prison.

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