

STATE OF NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 08 CRS 41023

STATE OF NORTH CAROLINA)
)
v.)
)
STEPHEN OATES)

MOTION FOR BOND REDUCTION

Stephen Oates, by counsel hereby requests that this Honorable Court enter its Order reducing the bond in this matter to an amount no greater than is necessary to ensure Mr. Oates' presence at trial.

As grounds for this Motion, Mr. Oates states as follows:

1) That he has been charged with first degree murder. The state is not seeking the death penalty.

2) That a bond hearing was previously heard in this matter on May 11, 2009 before the Honorable Allen Baddour. Following that hearing, Judge Baddour acceded to the state's request and set a bond of \$10,000,000 in the case.

3) Since the hearing on May 11, new information has come to light that warrants a substantial reduction in that bond.

4) The following background information is relevant to the Court's consideration of this request:

a) The case involves the murder of Abhijit Mahato. Mr. Mahato was a student attending Duke University at the time of his death. He lived within walking distance of campus.

b) Sometime during the late night of January 17 or early morning hours of January 18, 2008, Mr. Mahato was murdered in his apartment. His body was found on the floor with a pillow over his face. There was a bullet hole through the pillow and Mr. Mahato had a fatal bullet wound between his eyes. The gun used was some type of 9mm Luger. (Apparently, the killer or killers used the pillow to muffle the sound of the gunshot.)

c) During the investigation, detectives discovered suspicious activity involving Mr. Mahato's bank debit card. As examination of bank photos showed that someone in a silver or grey colored Mercedes-Benz made withdrawals from his account around the time of his death.

d) During the early morning hours of January 17, 2008, the day before Mr. Mahato was killed, a burglar broke into the home of _____ entered the bedroom where _____ were sleeping, took two of _____ courses to another room where the burglar stole her wallet and her keys to her gray Mercedes-Benz. The burglar drove the car away.

e) On January 19, 2008, the day after Mr. Mahato's murder, there were three sets of armed robberies in Durham that were attributed to Mr. Oates. Two of the robberies occurred at the Colonial Apartments on Chapel Hill Road. The other robbery occurred at the Duke Villa Apartments at 1611 Duke University Drive. During one of the robberies at the Colonial Apartments and at the robbery at Duke Villa Apartments, one of the robbers used a 9 mm pistol to shoot two of the victims in the legs.

f) On January 23, 2008, Stephen Oates and three other young men were arrested and charged with several armed robberies that had occurred in Durham over a three month time period. Mr. Oates was allegedly identified as the person who shot the men in the January 19th robberies.

Based in large part on the fact that the weapon used in shooting the robbery victims and the killing of Mr. Mahato was a 9mm Luger type pistol, Mr. Oates was charged with the murder of Mr. Mahato. (A defense investigator met with the men who allegedly identified Mr. Oates in a photo line-up and both men deny that he was the person who shot them.) At the time of Mr. Oates arrest, officers located the following at an apartment associated with Mr. Oates: five .38 Special Bullets, a Daisy BB Gun, and a Daisy Grizzly Air Rifle. They did not find a 9mm Luger type pistol in the apartment, they did not find any 9mm ammunition, and they did not find any items that belonged to Mr. Mahato.

g) On March 5, 2008, Lawrence Lovette and Demario Atwater kidnapped UNC Student Body President Eve Carson, forced her to accompany them to various ATM machines so they could steal money from her account, and then they shot her in the street. Lovette shot her several times with a small caliber pistol and Atwater inflicted the fatal wound by shooting her in the head with a .410 gauge shotgun.

h) On March 13, 2008, Lovette was arrested for his role in the Carson murder. Officers found items belonging to Mr. Mahato in his possession.

i) The defense has been provided with two statements made by Lovette admitting participating in the murder of Mr. Mahato. In the most recent of the two statements provided, Lovette told a friend that he broke into a woman's home at night and stole her silver Mercedes-Benz car. He went on to tell her that he and someone named "Phillip" were in the Mercedes when they saw Mahato walking to his apartment. They forced Mr. Mahato to accompany them and took him to an ATM machine where they forced him to make a withdrawal. They took Mr. Mahato back to his apartment where they robbed him of his iPod, his cell phone, and a video

recorder before killing him.

j) Lovette further admitted that he had been involved in other robberies and that he shot two Mexican men in the legs during separate robberies (conduct corresponding to the events of January 19, 2008 outlined above in paragraph e).

k) Lovette denied knowing Mr. Oates and did not indicate that Mr. Oates was involved in the Mahato murder. (Not surprisingly, Lovette was greatly relieved when the police arrested Mr. Oates since he felt they would stop looking for him.)

5) At the last bond hearing, the prosecutor relied upon another statement that Lovette made implying that Mr. Oates was in fact the true shooter and that Lovette was a mere bystander. That statement was made in such a way as to indicate that Lovette was frightened and perhaps even traumatized by what had happened. (It is interesting to note that the statement was made by Demario Atwater's sister after she was told by the Durham police that they were investigating to determine whether Atwater was involved in the murder of Mr. Mahato.)

6) The new statement shows the truth about what happened. Lovette's conduct both before and following the murder of Abhijit Mahato demonstrate how dangerous and brazen a criminal he is: breaking into the home of a couple and entering the very room where they slept to steal from them; shooting two unarmed men; and the brutal, vicious killing of a terrorized young woman. Most importantly, Lovette's conduct – and his own statements – prove that he is the real killer of Mr. Mahato.

7) There is no credible evidence to tie Stephen Oates to the murder of

Abhijit Mahato or to any of the psychopathic crimes committed by Lawrence Alvin Lovette. Accordingly, this Court should substantially reduce the bond in Mr. Oates' case to reflect the paucity of evidence against him.

WHEREFORE, undersigned counsel hereby requests that this Honorable Court enter its order reducing the bond in this case to an amount no greater than is necessary to assure his presence in Court.

Respectfully submitted this the 31st day of July 2009.

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Certificate of Service

I hereby certify that a copy of the foregoing motion has been served upon the Durham County District Attorney by hand-delivery.

This 31th day of July 2009.

Mark E. Edwards