

U.S. Court of Appeals upholds Shea case

The Herald-Dispatch

The United States Court of Appeals on July 3 upheld the ruling of U.S. District Court Judge Robert C. Chambers that the constitutional rights of James Shea were violated by the Barboursville Police Department and the Cabell County Sheriff Department.

Officers entered Shea's hotel room in February 1999 without a warrant and as a result of the officer's illegal entry, all evidence in the case has been suppressed and cannot be used against Shea, according to a news release from Shea's attorney, Mark F. Underwood.

Shea was accused of driving from Florida to a hotel in Barboursville to meet with a 16 year-old girl, according to the news release. Shea first met the girl in an internet chat room and they had arranged to see one another, the release stated.

After the girl's father learned of the meeting he looked for her and found her car at the hotel, the release stated. An argument ensued and the hotel called 911.

Because the legal age for consensual sex is 16, there was not a basis for officers to enter Shea's room without consent or a warrant, the release stated.