



Conviction costs injured veteran free home

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News-Leader

Homes for Our Troops has decided to rescind an offer to build a house for a Branson soldier after he was convicted of a felony.

Scott West pleaded guilty Dec. 11 to a Class B felony for possession of a controlled substance with intent to distribute. A Class B felony carries a minimum of five years and a maximum of 15 years in prison.

Taney County Prosecutor Jeffrey M. Merrell said the judge has the power to give West probation or sentence him to the maximum.

West lost both legs while serving in Iraq when his Humvee hit an improvised explosive device. He was slated to receive a free house from the nonprofit organization based in Massachusetts that builds houses, free of charge, for severely injured soldiers returning from Iraq and Afghanistan.

"We take very seriously our obligations to our donors and volunteers," said John S. Gonsalves, founder of Homes for Our Troops. "That is why our agreements with servicemen and women include a provision that allows us to end a project if it is clear the veteran has committed a felony criminal act."

West was hailed as a hero and featured in numerous media stories; he appeared in the Dec. 21 News-Leader as the first Missouri soldier to receive a house from Homes for Our Troops.

News of his guilty plea did not come out until after that story was published.

West was arrested Oct. 1, 2007, in Taney County during a traffic stop. According to an incident report, the officer smelled marijuana coming from the car during the traffic stop.

"I also remembered that I had received an anonymous tip a few weeks back that West was possibly involved in illegal narcotics," the report states.

The officer told West about the tip and asked if he could search the car. West agreed and reportedly told the officer he had medical marijuana under his seat.

There were "three, large individual bags" of marijuana in a Mountain Dew box under the seat. The officer also found marijuana under the front passenger seat as well as smoking pipes and a digital scale. West had \$700 in cash in his pockets.

According to a probable cause statement, there was a total of 2.5 pounds of marijuana in the car.

Officers then asked West if he had any illegal drugs or paraphernalia in his home and he said yes, according to the statement. He agreed to a search and led deputies to his house.

At the house, West introduced officers to his roommate and then collected eight glass smoking pipes and one pipe bag.

West said he owned "the majority of the marijuana found in the vehicle," the incident report said.

There were two passengers in the car, Patrick Smith and another person who was not identified because he was not charged.

Smith had more than \$1,300 in his wallet. He initially denied knowing about the drugs, then admitted smoking marijuana, the incident report said. Smith was arrested and faces similar charges.

After the News-Leader received a tip that West had pleaded guilty to a felony, he was contacted to see if it was true. A probable cause statement was also requested.

In late December, West confirmed he had been charged but said the drugs were not his. He said he does not deal drugs and had a large amount of cash because he had just cashed a check.

West could not be contacted for further comment Monday, likely because he is returning from his honeymoon. His cell phone did not ring or go to voicemail, suggesting it may be turned off.

Barney Naioti, listed in court documents as West's attorney, would not confirm he was West's attorney and declined to speak with the News-Leader until he made contact with West.

According to online records, Judge Mark Orr requested a sentencing assessment report from the probation officer for West, which takes into account the defendant's character and past record.

Prosecutors can make sentencing recommendations. Merrell said Monday that he doesn't know if he will make one but will wait to decide until after reading the sentencing assessment report. That report is typically available a day or so before sentencing.

A search on the Missouri State Courts Automated Case Management System showed West has been involved in civil cases, but he does not appear to have a criminal background.

West will be sentenced Feb. 19.

Homes for Our Troops was founded in 2004 by Gonsalves. Gonsalves, who seemed distraught over the situation, issued a statement Monday to the News-Leader saying he planned to end the West project.

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