You Decide

4.3 Leon McCoy conspired with Keith Lamar Bellamy to rob a McDonald's restaurant where McCoy worked. Andre Randall, McCoy's coworker, was aware of the plan.

C.B. was working the evening shift as the assistant manager of a McDonald's in Wilmington, Delaware. She was assisted by defendant Leon McCoy (McCoy) and Andre Randall (Randall). C.B. locked the doors at 10:00 that night. Randall took out the trash, and, contrary to restaurant policy, failed to notify C.B. who ordinarily opened and locked the door. Randall simply opened the door and, rather than closing the door, turned the deadbolt so as to keep the door ajar. Bellamy, who was armed, entered at around 11:30 as McCoy was mopping the hallway and C.B. was preparing the night deposit. Bellamy put the gun to the side of C.B.'s head and seized the deposit money; he also took C.B.'s personal cash. He demanded a bag for the cash. McCoy, went to the front near the service counter and got a bag. Although there were several silent alarms in this area, McCoy did not activate any of the alarms.

Once he bagged the money, Bellamy told C.B. to undress. As she was unbuttoning her shirt, he said she was taking too long and he told her to just drop her pants and underwear. He then demanded that she spread her labia apart. He stooped down to inspect her genitals, and used the barrel of his gun to pull her labia further apart. He noticed that she had a tampon inserted, and told her that she was "lucky." Following the robbery, Bellamy fled and McCoy went to the front of the store and hit a silent alarm. There were security cameras in the store recording the robbery. Is McCoy guilty of sexual assault? See *State v. Bellamy,* 617 S.E.2d 81 (N.C. App. 2005).

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