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TWO-DAY SESSION HELD

## Court Hears Many Varied Cases

### Patrolman Witnesses Wreck As Car Turns Over On Highway 1

The usual difficulty of piecing together what happened in a traffic accident was eliminated in one case heard by Judge J. Vance Rowe in recorders court last week because a State Highway Patrolman, C. G. Wimberly of Aberdeen, happened to be an eye witness.

The case was one of a number heard in special sessions of the court held at Carthage Friday and Saturday — because of Superior Court this week and an attempt to clear the crowded docket. Solicitor W. Lamont Brown and Judge Rowe worked through the noon hour Saturday, adjourning about 2 p. m. to make the courtroom available to Moore County Democrats for their biennial county convention an hour later.

Patrolman Wimberly testified that he witnessed the accident a few miles north of Southern Pines on No. 1 highway, in which Benny Johnson of Sanford, Route 5, was driving so fast he failed to make a curve, his car leaving the highway and turning over several times. A passenger in the Johnson car was injured and the defendant was ordered to pay the passenger's medical expenses as part of the conditions under which a three months sentence was suspended. Charged with drunken driving and careless and reckless driving resulting in an accident, Johnson had to pay a \$100 fine and his driver's license was to be suspended for one year.

Henry Allen Cook of Carthage, Route 1, and John Wesley Cole of Cameron pled guilty of stealing hub caps but told the court they wanted to enter the armed forces. On the strength of this statement of good intentions, Judge Rowe continued judgment for both the youths on payment of \$50 fine and costs.

Probable cause was found against Benny C. Robbins, 45-year-old Southern Pines man, on a charge of forgery—giving a worthless check for \$19—and he was bound over for trial in Superior Court under bond of \$500. J. S. Assad, Jr., of Manly testified that he had cashed the check to which, the State charges, Robbins forged the name of H. A. Lewis of Southern Pines. The defendant admitted that he had signed Mr. Lewis' name to the check, but said he thought he wouldn't mind.

Another case going to Superior Court charged Luther McKeithen, Vass Negro, with "fraud, deceit and misrepresentation." Probable cause was found and bond was set at \$200, after it was testified that McKeithen went to W. T. Ring of near Vass, telling Mr. Ring that he (McKeithen) had done some work for Mr. Ring's son and that the son had asked him to collect for the work from the father. After Mr. Ring had paid McKeithen, a conversation between father and son disclosed that the son had also paid McKeithen in full for the work just before the defendant had made the request of the father.

Probable cause was also found in the case of Fred Bogan, Southern Pines Negro charged with stealing \$65 from the pockets of C. W. Sellars, elderly West Southern Pines merchant, as the latter dozed in his chair at his place of business. Bond was set at \$500 for Bogan's appearance for trial in Superior Court. Both defendant and prosecuting witness are Negroes.

A call that a couple of youths, Junior Kennedy and Gaston Comer, of Seagrove, Route 2, paid on two young upper Moore County ladies, Eva Melton and her niece, Lena Mae Shields, ended up in assault and battery charges against the callers. Both the youths pled not guilty.

While the warrant for their arrest charged them with threatening bodily harm, twisting Eva Melton's arm and threatening both of the young ladies with a shotgun, the young men denied on the stand they had touched the girls—except that one of the youths volunteered the information that he had kissed one of them.

Faced with the conflicting testimony that often features cases of this sort, Judge Rowe sentenced each of the young men to 60 days on the roads, suspended on payment of \$25 fine each and also on condition that they not go to the home of Eva Melton unless invited by her and that they not molest her or Lena Mae Shields. Kennedy accepted the sentence, but Comer entered an appeal to Superior Court and bond was set at \$250.

Paul M. Ritter of Carthage, Route 1, Negro student school bus driver, pled not guilty to charges of careless and reckless driving, resulting in an accident and failure to report the accident. Driving the bus with no other passenger except a Negro woman who

was employed at a school cafeteria, Ritter ran off the road and turned the bus over—he claiming that he ran into the left ditch to avoid a wagon parked on the side of the road. Patrolman Swaim testifying that there was plenty of room to get by the wagon and stay on the road. The patrolman said it was the second accident with a school bus in which Ritter had been involved and also noted that he had received a number of complaints of Ritter's fast driving.

Judge Rowe found the boy guilty and sentenced him to 30 days on the roads, suspended on payment of the costs and a \$50 fine—the fine to be applied to repairing the bus. In addition, Ritter was suspended as a school bus driver for the remainder of the term. The accident took place in Sheffield township.

Five Negroes charged with betting and possession of illicit whiskey pled not guilty—a plea that was sustained by the judge so far as the whiskey charge was concerned, when they testified, not without a measure of regret, it appeared, that the whiskey bottle found at the scene of their game was and had been empty.

Defendants were June Gore, Sampson Batten and Cliff Melvin, all of Aberdeen, LeRoy Diggs of Southern Pines and Alex Crawford of near Fuquay Springs.

Diggs was found not guilty on all charges. Gore and Batten were found guilty of aiding and abetting in gambling, not guilty of possession of whiskey, and were sentenced to 30 days on the roads, suspended for one year on payment of the costs. Melvin who had pled guilty of gambling, not guilty of violation of the prohibition law, was found not guilty on the latter charge and also received a 30-day suspended sentence. Crawford, arriving at almost the end of the court day Saturday, after a trip from Fuquay Springs, entered a plea of not guilty to all charges and made \$50 bond for his appearance to be tried Monday, June 7.

Defended by H. F. Seawell, Jr., Carthage attorney, Major Marshall, 52-year-old dignified West Southern Pines Negro who identified himself on Judge Rowe's query as the father of the local Negro radio announcer of the same name, was found not guilty of drunken driving but guilty of careless and reckless driving and speeding 65 miles per hour, in one of the most hotly contested and interesting cases in the two-day term.

Marshall and his attorney had an answer to each charge brought by the state. When Cpl. M. S. Parvin, highway patrol chief in this county, testified that Marshall's car was running "way over the center line" of No. 1 highway a few miles north of Southern Pines a recent Saturday night and almost rammed the officer's car head-on, Marshall explained that his dog, having ridden with Marshall and wife non-stop from Durham, at that moment jumped up and licked the back of his neck—the dog's customary method of informing his master he wanted to get out of the car. This, said Marshall, caused the car to swerve on the road as he attempted to push the animal away.

When the corporal testified that Marshall was unsteady on his feet and swayed back and forth when he got out of the car, the West Southern Pines resident said that he and his wife had been sitting up for two nights with a sick niece in Durham and that his feet hurt as a result of his not having removed his shoes during their long vigil with the sick niece. He also pled fatigue from the experience and the long drive.

When the officer said that Marshall took a long time getting out his driver's license, Marshall's wife testified that her husband couldn't read and that he had to take his wallet around the car for her to pick out the proper card.

When Cpl. Parvin said that there was an odor of alcohol about Marshall, Attorney Seawell leaned toward his client and sniffed, proclaiming, in substance, "Right now, I smell some kind of perfume or other he is using and it seems mighty alcoholic to me, but he is sober as can be at this moment. That must have been what Cpl. Parvin smelled."

The dog entered the testimony again when Cpl. Parvin said that he offered to take Marshall's wife to Southern Pines, after arresting her husband, but that he refused to take the dog. The corporal said he had had some unhappy experiences in a biting way with strange dogs and that he did not feel obligated to take the animal in his patrol car.

The woman chose to remain in Marshall's parked car with the dog and testified that she remained there all night. About daylight, she said, she walked with the dog to West Southern Pines, a distance she said was about five

miles. Other cases tried Friday and Saturday, listing defendant, charge and disposition of case, all penalties with costs added unless otherwise indicated, were:

Joe Smith, Robbins, careless and reckless driving, improper equipment, accident with considerable property damage, 30 days or \$25 and pay \$125 damage to Mr. Moore's car; Harvey Lowe, Carthage, drunken driving, 60 days or \$100, license to be revoked for 12 months; Royce June Fry, Carthage, careless and reckless driving in school bus, resulting in accident, not guilty (see editorial, page 2 of today's Pilot for more about this case); Charles Eugene Vance, Fort Bragg, careless and reckless driving, accident, speeding 80, failure to stop and offer aid, 60 days or \$100, license to be revoked for conviction of speeding over 75 miles per hour.

James Kimball, Vass, pXublic drunkenness, 30 days in jail or at the county home; George Newcom Cole, Carthage, drunken driving, State accepts plea of guilty of public drunkenness, \$10; Winfred Garner, interfering with officer, pled not guilty, judgment continued on payment of costs; Cecil Davis, assault on female, nol pro at request of prosecuting witness, his wife; Willie McCall, Aberdeen, assault on female, called and failed, capias issued returnable Monday, May 31, bond set at \$200; Ernest Isaac Hoffman, drunken driving, careless and reckless driving, speeding 50 in 35-mile zone, called and failed, capias is-

sued returnable May 31. John Lind, Fort Bragg, speeding 75, \$35; Brady Bennett, careless and reckless driving resulting in accident, no registration card, pled not guilty, found guilty, \$25; William O. Flinchum, Carthage, speeding 80, pled not guilty, found guilty of speeding 75, \$40; Albert Thomas Kearn, Pinehurst, speeding 70, \$25; William McGregor, Raeford, public drunkenness, possession of illicit whiskey, 30 days or pay costs; Hubert Harris, Raeford, drunken driving, possession

of illicit whiskey, 60 days or \$100, license to be revoked for 12 months.

Clyde Hussey, Robbins, drunken driving, careless and reckless driving, pled not guilty, found guilty, 60 days or \$100, appeal to Superior Court entered. James Martin Jenkins, speeding, careless and reckless driving, pled not guilty, found guilty of driving too fast under existing conditions, not guilty of careless and reckless driving (no other car involved) \$10.



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