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Community Calendar

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Johnson Found Guilty Receives Life Sentence For Murder

By ELIZABETH D. SQUIRE

Richard Johnson, 36, of Hot Springs, sentenced to life in prison last Friday for murder by poison and awaiting his appeal in jail, could still go free.

Johnson's court-appointed attorneys will appeal the verdict of guilty of first degree murder pronounced by the jury last Thursday after about three hours of deliberation.

The jury which hears a first-degree murder case usually considers any aggravating circumstances after a finding of guilt. The jury may then decide on the death penalty if the aggravating circumstances are not balanced by mitigating circumstances. The possible aggravating circumstances are spelled out by law and include the fact that a murder is especially heinous, atrocious or brutal.

Rusher told the court he believed the suffering of five-year old Joyce Johnson after her father gave her diazepam made the murder especially atrocious.

Judge Lamm based his decision on a recent Supreme Court case which said that all murders are by nature horrendous and cruel, and that aggravating circumstances exist only if the murder is cruel. The law does not provide that the blood relationship between a man convicted of murder and the victim be taken into account, he said.

Therefore, Judge Lamm said, he declined to submit an "aggravating factor" to the jury, in which case he could impose life imprisonment without further action by the jury. Rusher called for a Supreme Court ruling on the point because he said the present law does not properly address this issue. The ruling will have no effect on Johnson's sentence.

Although the Johnson case stirred such strong feelings that Sheriff E.Y. Ponder cleared the courtroom before the jury's

verdict and searched each person as they returned, the courtroom gallery was only about half full during most of the trial.

More than 30 men and women testified, including Richard Johnson, who on Wednesday was the first defense witness.

On Monday, his son, Christopher Johnson, had been the first witness called by the prosecution. Christopher has said that on Sunday, June 17, he saw his father give his sister medicine that smelled like bug poison shortly before the girl began to froth at the mouth and stagger.

Also on Monday, Arthur Fowler of the Emergency Medical Service testified that Richard Johnson came to a restaurant in Hot Springs the same morning and told Fowler he might need an ambulance later.

Dr. Tom Howald, on duty in the Memorial Mission Hospital emergency room that morning, said the vomit from Joyce Johnson's stomach smelled pungently and unmistakably of organo-phosphate insecticide and that he believed from her symptoms that the poison had been swallowed by the child within 30 minutes to two hours before he saw her.

Timmy Ramsey testified that Richard Johnson told him after Joyce's death that he could show Ramsey in his house the poison Joyce got into.

Brenda Johnson, Joyce's mother, said she felt threatened when Richard Johnson told her during one of Joyce's earlier hospitalizations to remember Jim Ward of Hot Springs, who killed himself and his two children.

State Bureau of Investigations agent Bill Guilette told how he could not find the bottle said to have contained Joyce's medicine, but admitted under cross-examination that he had not asked Richard Johnson or his family where the bottle was.

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Christmas Pageant Set For Friday, Saturday

The Marshall Christmas pageant will be presented on Main Street on Friday and Saturday evenings beginning at 7:30 p.m. All Madison Countians are invited to witness the renewal of a Marshall Christmas tradition.

Spring Creek VFW

The ladies auxiliary of the Spring Creek Volunteer Fire Dept. will sponsor a Community Christmas Party on Dec. 14 from 7 until 9 p.m. at the fire station. All residents of Spring Creek township are invited to attend. Refreshments and treats will be served.

Optimists Seek Donations

The Madison County Optimist Club is now receiving donations and selling pecans for their Optimist Christmas Cheer Fund to benefit needy Madison County children. Donations can be made at First Union Bank to Bryce Hall, secretary-treasurer. Pecans are available at First Union, Mary's Restaurant and The News Record Office.

The Montford Park Players will present 'A Christmas Carol' by Charles Dickens on Dec. 15 at 11:30 a.m., 2:30 p.m. and 7:30 p.m. at the Walker Art Center in West Asheville. Tickets are \$2.50 for adults, \$1.50 for children and senior citizens. For more information, call Hazel Robinson at 254-5146.

Christmas Ideas Exhibit

The Madison County Extension Homemakers will present their Christmas Ideas exhibit on Thursday and Friday in the building beside the Farm Bureau on Main Street in Marshall. Gifts are available for sale and refreshments will be served. The exhibit is open from 9 a.m. until 5 p.m. on Thursday and again until 3 p.m. on Friday.

Marshall Home Decorating Contest

The Marshall Community Development Club is sponsoring a Christmas decorating contest for all Marshall residents. Prizes of \$25, 25 and 15 will be awarded to the best decorated homes in town.

The contest will be judged on Dec. 18 from 6 until 9 p.m. by members of the women's committee of the French Broad Electric Membership Corp. In

case of snow, judging will be done on Dec. 21.

Judging will be based on originality of design, overall effectiveness and the creative use of natural and man-made materials in decorations.

For more information on the contest, call Town Hall at 649-3031 or Marion Waller at 649-3411 or 649-3722 before Dec. 17.

Marshall Tree Needs Ornaments

Chief Cook of Betsy has donated a 12-foot blue spruce to serve as Madison County's Christmas tree. The tree will be placed on the lawn of the county court house in Marshall.

Donations and ornaments can be brought to the county court house for the tree. Donations of the Marshall

Public Library is in charge of assembling the decorations. If you wish to make a contribution, you can contact Lisa at 649-3781.

Roger Brown opened the decorations contest with a 4th grade tree ornament.

Marshall To Seek FmHA Help

By ROBERT KOENIG

The Marshall Board of Aldermen held their most lengthy session in months Monday night. The town's aging water system was the prime topic of discussion.

The aldermen heard from Roger Swann of Mars Hill, a member of the Rural Water Association. Swann has been working with alderman Sammy Lunsford on ways to reduce the costs of pumping Marshall's water.

Swann presented the aldermen with a list of suggestions for improving the quality of Marshall's water and lowering the costs of operating the water system.

While leaks in the system are costly, Swann said he believes Marshall has other problems with its system that should be addressed first. The town should begin by improving the taste and odor of the water, Swann said. He said that hydrogen sulfides or iron bacteria living in the aging water lines could be the cause of much of the present problem.

Swann recommended that the town dramatically increase the amount of chlorine being put into the system. At present, Autrey Black said the town uses about 50 pounds of chlorine each month. Swann suggested that as much as 80 pounds per month should be used.

The largest long term problem the water system faces is corrosion in many old lines. Corrosion in the lines, Swann said, accounts for reduced water pressure in many areas as deposits close up the width of water lines. Corrosion can also be blamed for the red water Marshall customers often see when they open up taps.

In addition, corrosion from pipes is stopping up many water meters, making maintenance of the meters an impossible task.

Swann recommended that Marshall begin feeding polyphosphates into the system to clean out the corrosion. The polyphosphates would break up corrosive deposits in the lines and help prevent them from

reforming. This program would also require the town begin a program of flushing the lines to remove deposits.

In order to introduce the polyphosphates into the system, Swann said the town would have to purchase new pumping equipment at the town's wells. Savings on the costs of replacing water meters would pay for the cost of the treatments.

Leaks were also a problem and Swann suggested that the town stop estimating water bills and begin charging customers for water actually used. Every home and business in the system should be properly metered, including town buildings.

Swann also suggested that Marshall can reduce its operating costs for the system by increasing production from the two gravity-fed wells.

Swann also suggested that Marshall consider putting a well on Walnut Creek behind Madison H.S. back into service. The well was used in the 70's for one year and abandoned. The well could supply up to 80

gallons per minute if operational. Swann said the cost of returning the well to service could be as much as \$9,000, but said that the water it could produce would ease pressure on wells where the water must be pumped uphill at a substantial cost.

Finally, Swann recommended the town begin a leak detection program to locate water losses. He also said the town must come up with a long range plan for replacing the aging water lines, many of which are 50 or 60 years old.

Swann summed up the problems by telling the board, 'You're going to pay for water, whether its through water bills or the general fund and taxes. This problem didn't spring up last week or last year. It took years to get to this point and it'll take years to fix it.'

The aldermen had considered turning to Hunter's Creek as a water source, but a report from an engineering firm which studied the

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McDevitt Returns To UNC-Asheville

Wayne McDevitt, the director of Gov. James B. Hunt's Western Office, has been named as a special assistant to the chancellor of the University of North Carolina at Asheville. McDevitt will begin his new job on Jan. 2.

In his new position, the Marshall native, a 1975 graduate of UNC-A, will be responsible for governmental relations, special university events and projects, as well as assisting Chancellor David G. Brown.

In announcing the appointment, Brown said, "I can't imagine a better person for this position. He has a love for Western North Carolina, a devotion to public service and a special understanding of UNC-A as an alumnus. I am extremely pleased at the prospect of his joining us."

McDevitt's present boss, Gov. Hunt, said of the appointment, "I congratulate Wayne and UNC-A for what I am sure will be a long and beneficial relationship. Wayne's concern for the needs of the people of Western North Carolina will serve the university well. He was one of the most able members of my administration and can say with certainty that he is equally qualified for this extremely im-

portant position."

McDevitt has served as the director of the Governor's Western Office since 1980. He has also served as the chief of staff for former Speaker of the N.C. House Jim Ramsey and as manager of the Asheville regional office of the N.C. Dept. of Natural Resources and Community Development. He is a graduate of UNC-A and Marshall High School, where he was student body president. He has also graduated from the Executive's Program of the School of Business Administration at the University of North Carolina at Chapel Hill and studied European politics and English literature at Oxford University.

Commenting on the appointment, McDevitt said, "I want to be an asset to my alma mater by calling on the experience I've had in state government and with the many people I've met in all walks of life throughout North Carolina. Working in a university community and with the quality faculty that UNC-A has recruited over the years will also allow me the opportunity to grow personally."

The position at the school is a new one, paying \$27,000 a year.

