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Vol. 87 No. 4

Thursday, January 22, 1987

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## Children Testify In Sex Abuse Trial

By BILL STUDENC  
Editor

Superior Court Judge James A. Beaty Jr. cleared the courtroom Tuesday as several Madison County children took the witness stand to testify against Andrew "Junior" Chandler, the Marshall man charged with sexually molesting them last year.

Beaty ordered all spectators to vacate the courtroom during the children's testimony Tuesday morning, leaving only parents, jurors, necessary court personnel, prosecuting and defense attorneys and Chandler to listen as the children testified.

Chandler, 29, has pleaded not guilty to seven counts each of first-degree sexual offense, taking indecent liberties with a minor and crime against nature - a total of 21 charges. He

faces a mandatory life sentence if convicted of first-degree sexual offense.

A former van driver for the Madison County Transportation Authority, Chandler has been charged with sexually molesting seven preschool children while taking them to and from the Marshall Day Care Center from January to May 1986.

All but one of those children testified Tuesday, said Ellen Scouten, special prosecutor for the state of North Carolina. The children, ranging in age from 2 to 5 at the time of the alleged molestation, used anatomically correct dolls to aid in their testimony. One child left the courtroom in tears, carried by its parents.

When spectators were allowed back into the courtroom, Nancy Burgess, mother of one of the children,

testified that her young daughter began using sexually explicit language after riding on the van driven by Chandler.

"I was getting concerned about some language that she was coming home using. She come home one day and said, 'We been ----,'" Burgess said, spelling the word.

"A few weeks later, she started going through sexual acts with her teddy bear. That's when I knew something was wrong," she said.

Burgess also testified that she became concerned when the van bringing her daughter home started arriving later in the afternoon than normal - sometimes nearly two hours later. Chandler was driving the van at the time, she said.

Beverly Swires, testified that her daughter, then 3, cried and screamed when she was put on the van each

morning. Swires said she did not suspect anything was wrong, but only thought her daughter was scared to go to day care.

Another mother, Sharon Hensley, testified that her daughter, then 4, also cried when being put on the van in the morning. Upon returning in the afternoon, "sometimes her pants would be unzipped when she got off the bus," Hensley said.

All three mothers testified that their children were red and sore around their "private areas."

Linda King, of Madison County Department of Social Services, testified that she interviewed each of the seven children after being alerted by parents to possible child sexual abuse on the van.

"Junior and the grown-up people took their clothes off and did what grown-up people do," King quoted

one child as telling her.

Children told King that Chandler and Buddy Norton, also known as Lathern Hensley, had fondled and kissed them and removed their clothing. Some children said they had been probed sexually by fingers and pens, King said.

Norton (Hensley) and Pam Coli, two mentally retarded adults who also rode the van driven by Chandler, will be called by the prosecution to testify. Norton, 28, pleaded guilty in November to seven counts of taking indecent liberties with a minor. Coli, 38, pleaded no contest to seven counts of being an accessory after the fact of taking indecent liberties with a minor.

Both Norton and Coli received suspended sentences in exchange for their testimony against Chandler.

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Judge James Beaty clears courtroom

## Weaverville To Oppose New Prison

By ANNE KITCHELL  
Staff Writer

A representative from Goldview Drive spoke to the Weaverville Town Council Monday night to protest the proposed relocation of Craggy Prison in the Weaverville area.

Lucia Ward went before the council during the regular meeting saying that the state is considering purchasing a portion of a 150-acre tract of land off Goldview Drive for a new medium-security prison.

Sam Reed, an official from Craggy Correctional Institution, said the current facility in Woodfin was built in 1924 and is getting too old. A new facility is scheduled to be built by 1987.

Reed did not say whether Weaverville was a considered site. Ward said that if the prison is relocated to the Weaverville area, property values would fall, blighting not only Goldview Drive, but all of Weaverville.

Town officials agreed to adopt a resolution opposing Weaverville as the relocation site.

In other action, Alderman David Lankford requested that Town Manager Charles Horne keep the board informed about town incidences such as town vehicle wrecks and personnel firings.

Several council members were unaware that police officer Mike Shelton had been dismissed last week.

Horne refused comment about the dismissal stating, "It is a personnel matter and (is) confidential."

In other action, Mayor Reese Lasher recommended that the board adopt a resolution to encourage the implementation of a 911 emergency number.

Buncombe County has not approved the emergency number, but Lasher said feels the North Buncombe area would benefit from its installation.

The council tabled a motion to spend more than \$15,000 on new fire hydrants for the Williams Street sewer line.

The construction company for North Buncombe High School, Wheeler Construction, estimated the cost per hydrant at \$1,780.

The Weaverville Optimist Club were granted a lease agreement for the use of the clubhouse at the community recreation center. Optimists will be responsible for facility maintenance and will be eligible for a three-year lease renewal.

The next town council meeting will be held Feb. 16 with two public hearings scheduled to begin at 6:30 p.m.

The hearings will give Weaverville residents a chance to discuss a proposal for the Reagan property recreational area at 6:30, and use of a land water conservation grant at 6:45 p.m.

## Financial Records Show Caldwell Paid Himself \$5,400 In Vacation Pay

By BILL STUDENC  
Editor

Former Madison County finance officer David Caldwell wrote himself a check for \$5,403 in vacation, sick and holiday pay, according to financial documents in Madison County Courthouse.

Caldwell was eligible for, at best, half of that amount, according to county policy and the county's attorney.

Caldwell wrote himself the check - including payment for vacation, sick and holiday time - on Nov. 17, two weeks before he was fired by a new slate of county commissioners.

The payment was just one of

several possibly improper financial transactions revealed last week by an accountant following a recent examination of the county's fiscal records.

Accountant J. Roger Gregg told the Madison County Board of Commissioners last Monday that his examination uncovered several "questionable" payments to former county commissioners, county employees, friends and relatives.

One of the larger of those "questionable" payments was the \$5,403 check Caldwell wrote to himself on Nov. 17. The News Record discovered a voucher slip for that check in a large file containing financial records

set aside by Gregg as

"questionable." According to the voucher slip, Caldwell paid himself for a total of 520 hours (65 days) worth of vacation, sick and holiday pay.

That time includes 424 hours of vacation pay, 64 hours of sick pay and 32 hours of holiday pay.

Caldwell, when contacted Monday, said he did nothing wrong when he wrote himself the check.

"It says right there on the personnel policy and on the timesheets that 240 hours is the most that can be carried over from Dec. 31 to Jan. 1," Caldwell said.

You can account for as much

time as you're eligible for, but all you can carry over on Jan. 1 is 240 hours," he said. "It doesn't say that you won't get paid for it. It's very damn plain on the timesheet."

If an employee does not take vacation time or is not paid for his accumulated time by Jan. 1, all time over 240 hours will be lost, Caldwell said.

According to a timesheet provided by the county finance office, vacation time "... shall be cumulative up to 240 hours."

County attorney Larry Leake said the county's vacation time policy is patterned after state policy, which

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## Ledford Exceeds Limit On Business With County

By R.T. KOENIG  
Special to The News Record

Former Madison County Commissioner James T. Ledford conducted \$5,359.75 in business with county agencies during 1986 through three service stations he operates in the Mars Hill area.

State law prohibits public officials from conducting more than \$5,000 with local government agencies.

In January 1986, a Madison County grand jury investigated Ledford's business transactions with the Madison County Transportation Authority and Emergency Medical Service. The investigation was instigated by District Attorney James T. Rusher following criticism from county auditors and reports in The

News Record detailing the Ledford's business relationship with the county agencies.

In an annual report delivered in December 1985, county auditors criticized the business transactions, pointing out that, for the second year in a row, county payments to Ledford Enterprises exceeded the legal limit.

At that time, Rusher declined to charge Ledford, stating that accounting errors may have been responsible for Ledford Enterprises receiving \$6,016.12 in county business during the 1985 fiscal year.

Following the grand jury investigation, Ledford, chairman of the commissioners, pledged to discontinue servicing county vehicles, while insisting he had serviced the am-

bulances and vans in order to save the county money.

County records indicate that Ledford honored his pledge until shortly after his defeat in the May 1986 Democratic primary. Receipts in the county's general fund ledger indicate that Ledford Enterprises received no payments from March through July 30, 1986. It appears, however, that Ledford-owned service stations resumed servicing the county vehicles in late July 1986.

Ledford Enterprises was directly paid \$4,994.98 for fuel and repairs by Madison County from January through December 1986, mainly in the months between July and November. Although the total is \$5.02 below the legal limit, payments made by the



James Ledford former commissioner

county directly to Phillips 66 Co. for services at Ledford-owned stations push the total over the \$5,000 limit.

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## Attorney General Agrees To Investigate Police Chief's Wreck

By ANNE KITCHELL  
Staff Writer

The N.C. Attorney General's Office has reviewed and accepted a request from District Attorney J. Thomas Rusher for a special investigation of a New Year's Eve accident involving Hot Springs Police Chief John Barrett.

"It is our feeling that this is a legitimate request and it would be appropriate to take it up," John Simmons, deputy attorney, said Monday.

A State Bureau of Investigation agent will be appointed to look into allegations Barrett may have been intoxicated when he wrecked the town's only police car, Simmons said.

The investigation should begin sometime this week, he said.

Simmons was unable to speculate how long the investigation will take, but said investigators will work as quickly as possible to determine if charges should be brought.

Barrett, Hot Springs District attorney, called for the special state investigation last week, saying it would

be better for someone not connected to Madison County politics to do the investigation.

Barrett has said allegations against him are politically motivated.

When contacted this week, Barrett said he feels confident the investigation will not turn up anything else.

"The majority of the taxpayers and the board are behind me 100 percent," Barrett said. "There are a few that haven't been behind me since I started back."

Barrett continued to contend he had not been drinking on New Year's Eve when he lost control of the police car and skidded off N.C. 299 while reportedly in pursuit of a speeding vehicle.

Neither Barrett nor a passenger in the car, former Madison County Commissioner Virginia Anderson, were seriously injured in the wreck, but the car was declared "a total loss."

Several Hot Springs residents who live near the spot where the accident occurred and others first on the scene

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Zeno Ponder blames Republicans

## Zeno Ponder Says GOP Behind Latest Conspiracy Indictment

By ANNE KITCHELL  
Staff Writer

Zeno H. Ponder, longtime Madison County Democratic strongman, blames the Republican Party for the resurfacing of conspiracy charges against him in connection to a 1982 land purchase.

"Leadership in the Republican Party from Jesse Helms on down is behind this. Republicans will walk over anybody to further their cause," Ponder said earlier this week.

"Bitter Republicans feel about me the way Christians feel about the devil," he said. "They want to get me out of the way."

A Madison County grand jury indicted Ponder last week on charges that he conspired to profit from information he acquired while serving on the N.C. Board of Transportation.

A warrant for Ponder's arrest should be issued sometime this week, Madison County Sheriff Dedrick Brown said.

When contacted Saturday, Ponder said the burden of proof rests with the prosecution to determine whether he had used inside information about a highway project to benefit financial-

"Bitter Republicans feel about me the way Christians feel about the devil. They want to get me out of the way."

Zeno Ponder

ly. According to the indictment, Ponder gained knowledge of pending state approval of the construction of a public road in Madison County. He is charged with secretly purchasing land along the route of that roadway, for the purpose of monetary profit, according to the indictment.

"I can't believe that they are sincere in thinking they have a case," said Ponder. "The facts will let any unbiased juror see this charge is ridiculous."

Ponder denies that he used his position to profit from a land acquisition. Ponder said that Mr. and Mrs. C.C. Davis, the owners of the land in question, knew that the board was considering putting a road through the area.

"We were under a direction to get a

right of way to the river," Ponder said. "We were determined to get a road running east and west across Madison County."

A number of school children from the area are currently riding more than five hours daily to get to and from school, Ponder said. The new road, linking the communities of Trust and Spring Creek to Marshall, would cut the traveling time in half, he said.

The former Democratic Party county chairman said he feels he has been targeted by the Republican party because of long-standing hostilities between the two party factions.

Ponder leveled similar charges against the Republicans in January 1986 when a U.S. District Court judge dismissed federal mail fraud charges against him and three others.