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DA Dismisses Charges Against Getman



Terry Lee Getman
Hot Springs police chief

By BILL STUDENC
Editor

District Attorney J. Thomas Rusher has dismissed two assault charges and two communicating threats charges filed last month in the Madison County Magistrate's Office against Hot Springs Police Chief Terry Lee Getman.

Those dismissals came after Rusher's review of two unrelated incidents involving suspects being questioned by Getman in routine investigations.

Rusher, district attorney for the 24th Judicial District, announced the dismissal of criminal charges against Getman in two separate statements issued in the past week.

"I do not feel that society benefits

when its law enforcement officers are forced to stand trial in criminal court for actions arising out of their official duties in situations where the conduct has been no more substantial than exists here," Rusher said.

Getman had been charged in warrants filed May 11 in the magistrate's office with communicating threats against Michael Miller and Randy Riddle, two Madison High School students, and with simple assault against Miller.

Three days after the filing of those charges, an elderly Hot Springs man wanted for questioning in a purse-snatching incident charged that Getman assaulted him by striking him over the head with an "extra large handgun," according to a warrant

issued May 14 by county magistrates. James C. Leister required three stitches and had to be given medical treatment following the April 30 incident, according to the warrant filed 15 days after the incident.

Hot Springs officials said Getman was acting in self-defense when he struck Leister with the butt of a gun. Getman tried to question Leister about a purse snatching earlier in the day when Leister allegedly pulled a gun on him, according to police reports.

Getman charged Leister with assault on a law enforcement officer with a deadly weapon, resisting arrest and larceny. Those charges are expected to go to trial.

"In the factual situation here, I feel

that a chief of police answering a legitimate call who is confronted by an assailant in a life-threatening manner with the use of a gun has a right to be aggressive and overcome the assault committed upon him," Rusher said in a statement released last Wednesday. "This is a recognized principal in our law."

If, during an evidentiary hearing on the case, evidence appears giving basis to countercharges against Getman, then Rusher will reinstate any appropriate charges, he said.

In the earlier incident, Miller and Riddle charged that Getman threatened them with physical harm and used profanity during a routine traffic stop in Hot Springs on May 10. Miller also charged that Getman

pushed him into a police car.

Getman has denied those charges and said that both teenagers were uncooperative when he arrested Miller on a reckless driving charge for spinning his tires in downtown Hot Springs.

Rusher said although Getman was, according to his investigation, "highly vocal" when questioning Miller and Riddle, that does not warrant the filing of criminal charges.

"It is my opinion after consultation with the attorneys on my staff that even if all the allegations are true as stated, we would not expect to prevail in a criminal trial on these charges," Rusher said in a statement released Monday.

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Madison Graduates Battle Humidity

By ANNE KITCHELL
Staff Writer

It was a hot and muggy night, but that failed to dampen the spirits of 164 graduating seniors from Madison High School last Friday.

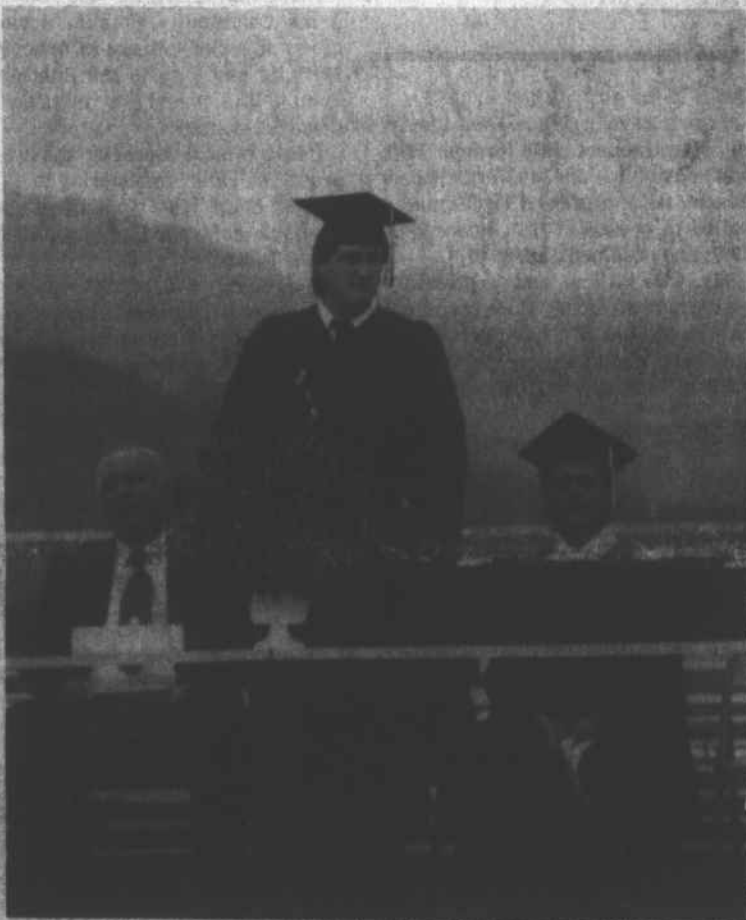
The 14th annual commencement exercise was held on the field at O.E. Roberts Memorial Stadium as hundreds of parents, relatives, friends and faculty packed the bleachers to watch the Class of '87 receive diplomas.

On-lookers joined the members of the graduating class as they reflected over the past four years and dreamed of the challenge of their futures.

Senior class president Brian Grindstaff reminded his fellow class members that they can not live in the past because they are afraid of the future.

Grindstaff compared the feelings each class member had when they entered high school four years ago to the uncertainty they

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SCOTT LUNSFORD PHOTO

Class president Brian Grindstaff, above, addresses Madison graduates. Below, the seniors file into the stadium.



ANNE KITCHELL PHOTO

Lake Louise Project Delayed Two Months

By ANNE KITCHELL
Staff Writer

Don't expect to spend Independence Day fishing at Lake Louise in Weaverville -- all you'll catch is some curious looks from nearby residents.

The Lake Louise project, originally scheduled for completion in time for the town's July 4th festivities, has been delayed for two months, according to town officials.

The project, designed to clean up the lake and provide recreational opportunities for town residents, will now tentatively be completed by Labor Day, officials said.

The multipurpose recreation park now under construction will create picnic areas, a playground, covered shelters and an exercise trail around the shoreline of the lake.

Weaverville Town Manager Charles Horne said town officials Monday night that there are two

reasons for the delay in completion of the project.

• Upon a recommendation by the project engineers, town officials have requested additional funding for culverting around the lake. The town has yet to receive word on that funding request.

• The town wants to also extend water lines around the lake, under the new fitness trail. Currently, the town line deadends at the lake.

• About 300 feet of old sewer lines on the east side of the lake must be replaced.

Town officials want to coordinate the culverting and sewer and water line projects with the work on the recreation area project, Horne said.

"We don't want to have to go back in a later date and redo it all again," he said.

Plans for the recreation area

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Welch May Win New Trial On Coed Assault Charges

By BILL STUDENC
Editor

A Cherokee man convicted of the 1982 kidnapping and attempted rape of a Mars Hill College student may win a new trial, if the U.S. Appeals Court upholds a District Court judge's order.

Judge David Sentelle earlier this month set aside the conviction of Isaac Welch, 37, on the grounds that one of the jurors in the March 1983 trial may not have been impartial.

Sentelle ordered that Welch, convicted of second-degree kidnapping and attempted rape, either be released from prison or be given a new trial. Welch received a 12-year prison sentence.

The N.C. Attorney General's Office

has appealed Sentelle's ruling to the Fourth U.S. Circuit Court of Appeals in Richmond, Va.

Sentelle ruled that Welch did not have an impartial jury in his Madison County Superior Court trial because one of the jurors was a half brother of the man who was dating the victim at the time of the attack.

In addition, Sentelle found that the same juror's father was a part-time deputy with the Madison County Sheriff's Department, which handled the investigation leading to Welch's arrest.

That juror's relationship with two participants in the trial may have prevented him from being impartial in the deliberations, Sentelle ruled.

The N.C. Attorney General's Office

does not agree, and last week filed notice of appeal.

"We feel that the relationships involved are not close enough, in so far as the juror's relationship to the victim's boyfriend, to make that juror an impartial juror," said David League, special deputy in the Attorney General's Office.

"We also feel that what his (the juror) father had to do with the case was too casual to affect his impartiality," League said.

The father of the juror in question served as a part-time deputy who escorted court participants, but did not participate in the investigation of Welch, League said.

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Water Rates Increase 27%, Taxes Stable In Weaverville

From Staff Reports

Weaverville residents will see their monthly water bills increase but their tax bills stay the same in the coming fiscal year.

The Weaverville Board of Aldermen has officially adopted a new \$1,075,819 budget for the 1987-1988 fiscal year -- with no increase in the municipal tax rate.

The board also approved a 27 percent increase in the municipal water rate -- a hike designed to make Weaverville's water system self-sufficient and to allow town officials to set money aside for the construction of a new water system in the future.

That rate increase should translate to an extra \$1.50 on the average water customer's monthly bill, said Weaverville Town Manager Charles Horne.

The Weaverville Board of

Aldermen, at Monday's meeting, approved the 1987-88 fiscal year budget and authorized the increase in water rates.

The increase in water rates is necessary so the town can begin to set aside money for a new water system, Horne said. Weaverville officials have been studying several options -- including use of the Ivy or French Broad rivers and a contract with the Asheville-Buncombe Water Authority -- to solve the town's longstanding water supply problems.

"In every study we have done, our rates would increase," Horne said. "No matter what we do, we've got to make the water system pay for itself."

The water increase approved by the board should enable the municipal system to become self-sufficient, and give officials a \$20,000 surplus a year for the future im-

provements, Horne said. About 15 percent of the increase was necessary to make the town's system pay for itself, he said.

The new budget is \$375,509 more than the 1986-87 budget, when town officials set the budget at \$700,310.

Horne attributed that increase to the fact that the town brought in more revenue than expected last year. In fact, the town has \$115,000 left over from the current fiscal year that will go into the 1987-88 budget.

"There were several areas where we saw increased revenue where we didn't expect," Horne said.

Horne also said that the town obtained funding from a state water grant they did not know about when drawing up the 1986-87 budget.

The new budget calls for \$222,000 in capital improvements, an increase of more than \$200,000 over last year's

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Mars Hill 1st Town To Endorse Proposal

By ANNE KITCHELL
Staff Writer

Mars Hill recently became the first town in Madison County to endorse a proposed full-time, countywide dispatching system to assist police, ambulance, fire and sheriff's departments.

During the June meeting of the Board of Aldermen, Eddie Fox, director of the Madison County Emergency Medical Service, asked that the town help pay the salary of one dispatcher.

Fox has asked the towns of Mars Hill, Marshall and Hot Springs to contribute \$5,000 each per year to pay the salary and fringe benefits of one dispatcher.

Two other dispatchers would be paid for with county funds, under Fox's proposal.

The dispatchers, who would be based in Madison County, will also

problem of having two people on duty at the jail at the same time.

The total cost for one dispatcher would be approximately \$11,753 per year.

Officials in Hot Springs and Marshall have expressed concern that limited municipal funds may prevent them from contributing to the proposal.

Fox has said that a countywide dispatching system will solve a longstanding communication problem that has forced municipal and county emergency agencies

to rely on radio for communication. That system often breaks down in the middle of an emergency call.

The countywide system would also provide a central dispatching system for the county.