

Attorney Will Appeal Judge's Order In Todd Accident Case

BY TERRY POPE

A summary judgment calling for the dismissal of a lawsuit that questions who was driving the car when West Brunswick High School student Robert Monroe Todd was killed in a one-car accident last February will be appealed.

Shalotte attorney Rex Gore filed notice to have the case reviewed by the N.C. Court of Appeals last month. His client, Ms. Frances Todd, filed a \$150,000 lawsuit against Johnny Ray Norris of Ash after her son was killed Feb. 19, 1984 after being thrown from Norris' 1978 Camaro on N.C. 179 about three-tenths of a mile south of Shalotte.

Ms. Todd's suit charges Norris with negligence in the one-car accident and names the defendant as the driver at the time of the collision. However, in a separate lawsuit filed by Norris in Brunswick County Superior Court, Norris contends

Todd was driving the vehicle when the accident occurred. Norris also stated in the lawsuit that he was a pedestrian at the scene of the accident when he was struck by another car and "dragged a considerable distance along the roadway."

In a summary judgment signed by District Court Judge William C. Gore Jr. last month, the suit filed by Ms. Todd was dismissed "on the ground that there is no genuine issue as to any material fact as shown by the affidavit." An affidavit signed by Norris "together with the pleadings" show that Todd was the driver of the car and that Norris should not be held liable for the accident, the judgment states.

Before the judgment was signed, two affidavits were submitted to the court—one by Norris claiming that Todd was the driver, and another by Warren Phelps who claims he saw the vehicle leave the Hill's Food Store parking lot just minutes before the accident.

Phelps' affidavit reputed Norris' claims that Todd was the driver of the car. It stated, "I was in the Hill's parking lot in Shalotte. At that time, Johnny Ray Norris left the Hill's parking lot with Robert Todd. Johnny Ray Norris was operating his vehicle when they left Hill's parking lot. Less than five minutes after they left the parking lot with Johnny Ray Norris

driving, there was an accident in which Robert Todd was killed." The affidavit was signed on Jan. 14.

Norris submitted an affidavit on Nov. 28 claiming Todd was the driver. His affidavit stated, "On Feb. 19, 1984 at around 12:30 a.m., Robert Todd was driving my vehicle. I had been drinking some that night and because of this, I was not driving. I allowed Robert Todd to drive at his request. While Robert Todd was driving my automobile, he drove off the road and wrecked it."

According to State Trooper J.H. Kerr's report of the accident, no charges were filed following the accident pending a final investigation. Kerr indicated alcohol use was involved in the accident and that Norris, the driver, was thrown into the roadway on impact, and struck minutes later by a northbound car.

Kerr stated Norris' car was heading south on N.C. 179 at around 100 mph in a posted 45 mph zone when it went out of control, ran off the road on the right and became airborne, striking several pine trees along the shoulder of the highway.

Although an investigation continued, it did not change Trooper Kerr's report, said Line Sgt. W.M. (Myron) Gay.

Gore has 90 days to prepare his case before a hearing before the N.C. Court of Appeals.



TWO MEN escaped serious injury when this tractor trailer overturned on U.S. 17 south of Shalotte last Friday morning. The driver ran into the rear of another vehicle that had stopped to make a left turn before the tractor overturned on the highway.

PHOTO BY JOHN GAUGHAN

Tanker Overtakes In Wreck

Two men received minor injuries last Friday morning after a tractor trailer truck struck the rear of another vehicle and overturned on U.S. 17 about 11 miles south of Shalotte.

Allan Wayne Pigott, 24, of Airport Road, Shalotte, was traveling south on U.S. 17 when he slowed his 1973 Plymouth to make a left turn, according to State Trooper D.B. Harvell's

report.

Pigott's car was then struck in the rear by a 1979 Freightliner tractor trailer truck driven by Keith DeWayne Brown, 21, of Route 3, Supply. Brown was charged by Harvell with failure to reduce speed to avoid an accident. His truck overturned on the roadway, blocking traffic along U.S. 17.

Pigott was charged with driving

without an operator's license. Both men received minor injuries and were taken to the Brunswick Hospital in Supply for treatment.

According to Harvell, Pigott's car received around \$1,000 in damage while Brown's truck received around \$15,000 in damage.

The accident occurred around 8:30 a.m.

Honor Rolls Are Listed At Waccamaw

Fifteen students made straight A's, according to the honor rolls released by Waccamaw Elementary School for the fourth six weeks grading period. They are:

First grade—Holly Clemmons, Rebecca Deltos, Brian Freeman, Davis Simmons, Christian Tompkins and James White; **second grade**—Bruce Babson, Cyrenilda Bardon, Brian Daniels, Rebecca Hughes, Tammy Simmons, Tavis Thompson and William Warren; **third grade**—Eric Carpenter and Nicole Norris.

The following are listed on the second honor roll of those making all A's and B's:

First Grade
David Bowers, Chris Fowler, Larry Gama, Don Gore, Tammy Gore, Rebecca Little, Eric Long, April Mintz, Janet Smith and Jeremie Stephens;

Second Grade
Stephanie Frink, Tiffany Daniels, Sonja Day, Aimee Duncan, Michael Todd, Dave Tripp, Cynthia Ward, Susan Ward and Craig Williams;

Third Grade
Kellum Burnett, Marcus Daniels, Jason Gore, Tina Gore, Michael Jones, Michelle Little, Becky McKeithan, Amy Mintz, Jared Smith, Gina Wilson and Kipline Young;

Fourth Grade
Lattisha Bell, Amy Grissitt, Christina Hughes, Neil King, Ernie Smith and Monica Stevenson;

Fifth Grade
Donald Benton, Sabrina Daniels, Patrick Hughes, Jerome Marlow and Greg Yeager;

Sixth Grade
Julie Babson, Wendy Benton, Tracy Carpenter, Cindy McKeithan and Chris Russ;

Seventh Grade
Deanna Deboise, Sherry Fields, Irene Gates, Sandra Gore, Becky King and Lashonda Stanley;

Eighth Grade
Scottie Lee Babson, Mitchell Jones, Julia McKay, Trina Osborne, Rhonda Simmons, Ricky Smith and Towanda Webster.

Recognized by the principal for "good effort" are the following:

First Grade
Jannine Babson, Judy Mills, Teana Simmons and Priscilla Todd;

Third Grade
Tony Benton, Wendy Evans, Denise Grainger, Pamela Honeycutt, Dave Long, Michael Long, Herbert Stanley and Sherry Zink;

Fourth Grade
Heath Babson, DeMonchia Bellamy, Billy Benton and Angela Bowers, Larry Long, Derrick Marlow, Jeffrey Milliken, Andy Osborne and Kris Stanley;

Fifth Grade
Donald Benton, Sabrina Daniels, Dean Duncan, Gwanda Frink, Gwen Hamilton, Donnie Long, Tonya Stocks, Derrick Thomas, David Tripp, Julie Ward and Regina Warren;

Sixth Grade
Kettisha Bell, Tonya Bennett, K. Michelle Benton, Michelle L. Benton, Brett Bolton, Sonya Gore, Robert Marlow and Amy Mercer;

Seventh Grade
Wendy Fox, Monica Gore and Randy McGamus;

Eighth Grade
Trina Benton, Leon Duncan, Andrea Frink, Tonya Grissitt, Tabitha Inman, Ginger Milligan, Rosa Norris, Melissa Russ, Tina Smith, Judy Carol Stanley, Holly Tripp and Sandy Wilson.

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*NCNB's prime rate is the rate announced by NCNB from time to time as its prime rate. Although the LineOne Equity interest rate based on NCNB's prime rate may vary, on March 5, 1985, the rate was 12.5%. The current LineOne and LineOne Equity interest rates are available at any NCNB office.

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