

IN RAPE OF CONVENIENCE STORE CLERK

Motion For Mistrial Denied; Testimony Continues

BY SUSAN USHER

Testimony was to resume Wednesday morning in Brunswick County Superior Court in the trial of a Shallotte man charged in the May 25 rape of a convenience store clerk.

Charged with first-degree rape is Aaron Elwood Pigott, 22, of Mulberry Street. He is accused of raping an Oasis Food Mart clerk at knifepoint on the morning of May 25 at the Shallotte store. Indicted by a Brunswick County Grand Jury on July 22, he has pleaded not guilty. He remains in jail under \$50,000 bond.

Mistrial Denied

With the jury sequestered outside the courtroom temporarily, Judge B. Craig Ellis denied a defense motion for mistrial Monday afternoon following the surprise production by the state of photographs of the defendant. The photographs, not yet introduced as evidence, purportedly show scratches, cuts and bruises sustained during the alleged crime.

Ellis agreed to allow their introduction solely for the purpose of illustrating testimony forthcoming from several law officers yet to take

the stand.

District Attorney Michael Easley said Shallotte Police Lt. Rodney Gause received the photographs from an SBI agent during the lunch break, turning them over to Easley. The district attorney, in turn, shared the items with William Fairley, Pigott's court-appointed attorney.

The photographs were taken by Columbus County sheriff's officers several days after the alleged rape, when Pigott had been transferred from the Brunswick County Jail to Whiteville for safekeeping.

Easley said he had no prior knowledge that the photographs existed.

Fairley said introduction of the pictures "very directly affects defense" of the case and that they were "extremely prejudicial" to Pigott, especially in light of his opening remarks to the jury. Fairley had told jurors that no direct evidence of scratches or cuts on Pigott's body would be introduced—a statement which Ellis and Easley agreed was a "gamble" since Fairley did not know what the listed witnesses would say in their testimony.

If a mistrial had been declared, Pigott would have received a new trial.

Returning To Stand

Lt. Gause, the sixth witness to testify for the state Tuesday, was to return to the stand Wednesday to give additional testimony and for cross-examination by Fairley.

First to testify Tuesday was the victim, who spoke for approximately an hour.

Also testifying Tuesday were two SBI special agents of the state crime lab in Raleigh; Captain Phil Perry, chief of detectives for the Brunswick County Sheriff's Department; and Cesar Hardy Jr., Pigott's barber. Results of body fluid and hair lab analyses provided inconclusive results, as did fingerprinting on the scene of the crime, according to testimony presented Tuesday.

Victim Testifies

The victim testified that between 5 a.m. and 5:30 a.m. a black male entered the Oasis Food Mart, located on N.C. 130 in Shallotte, and remained for about 45 minutes before the alleged rape occurred. During that time, she said, the man—whom she has identified as Pigott—approached the checkout counter four times on routine business, twice for change with which to play two video machines, once to buy snacks and the fourth time, to discuss the price of a sandwich before returning it to a cooler.

Then, said the victim, as she was making a fresh pot of coffee behind the counter, she was grabbed around

the neck from behind and dragged from behind the checkout counter, stumbling over a display and falling to the floor.

Later, Police Lt. Rodney Gause testified that coffee grounds and stains were scattered about the store and that several displays had been knocked down.

After the fall, the victim testified, the assailant slapped her, grabbed her by the ankles and pulled her across the store to the vicinity of a storeroom in the rear. On cross-examination by Fairley, she acknowledged she couldn't explain how the position of her feet in relation to the storeroom door changed during the struggle.

With the arm wrapped around her neck, she said, the assailant snapped back at her jaw in an attempt to stop her screams, causing her to bite her tongue.

When she volunteered information on the location of money in the cash register and said she wouldn't call police if he left her alone, the victim continued, she said her assailant replied no, that he was "going to get what I want."

At that point, she said, he brandished a knife.

"His hand was coming around his side and it had the knife in it the first time I saw it," she said.

She described the weapon as the type of knife used by a hunter or fisherman, with a blade about one inch wide and five inches long and a handle long enough she could see bits of both ends protruding from her assailant's hand. She said she was not cut by the knife.

She said her assailant tore off her outer clothing, pantyhose and panties during the sexual assault.

The clerk said that she struggled hard, while attempting to leave marks on her assailant's body.

"He should have been scratched," she said. "I told the officers I had done my best to leave marks."

In later testimony, Pigott's barber said that he noticed no cuts or scratches. Lt. Gause, however, said that when he questioned Pigott he noted a knot on the suspect's forehead, cuts

between his ring and smallest finger and scratches on his right arm, as well as two distinctive orange spots in his hair.

Aid Sought

Afterwards, said the clerk, she dressed again in the panties and underwear. Daylight was just breaking, she added, when she checked outside the store for her assailant. She then called the Brunswick County Sheriff's Department for the second time that morning, she said, this time to report the rape and again request assistance. The clerk was working the 11 p.m. to 7 a.m. shift.

Prior to the incident, three Merita bread deliverymen had entered the store, the clerk testified. She bustled herself helping with the new stock for about 15 minutes, she said. When she looked back up, the man she described as Pigott could not be seen inside the store.

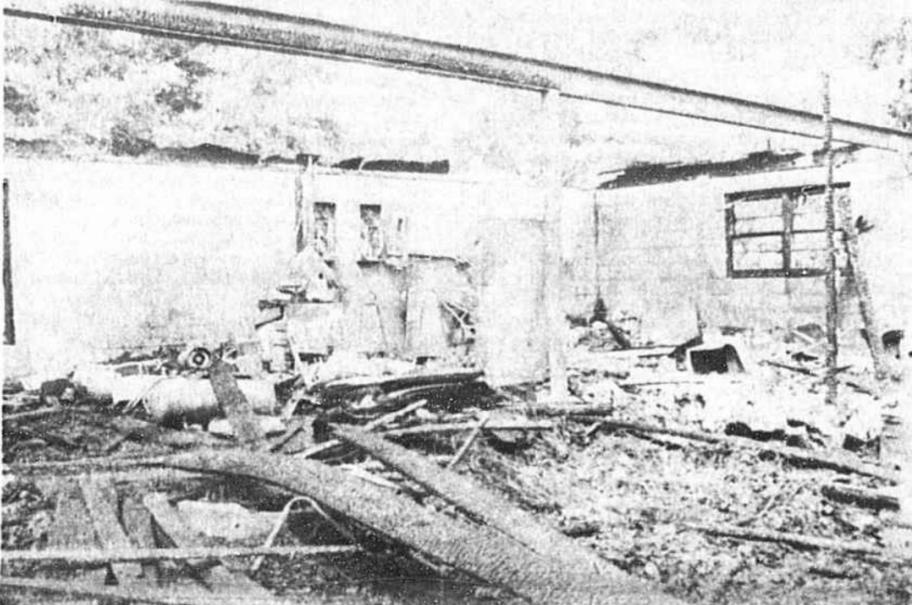
After the assault, she said, she guessed her assailant must have been in the restroom at the rear of the store at that time.

The only other person to enter the store, she said, was a black male who came in while the deliverymen were there, purchased a package of cigarettes and immediately left.

The oldest of the three deliverymen returned to the store, she said, warning her to watch the man he had seen lingering there. According to her testimony, he told her, "You (had) better watch him. I think he's been in trouble before."

While he blocked the view of her from the rest of the store, she called the Brunswick County Sheriff's Department, the victim said she asked Sgt. Jody Nance to send an officer to the store and to check out a possible suspect. (Nance, fired after the incident, said she had asked him to find out what he could about a suspect he did not know was at the store at the time of the call.)

At this point, her testimony differed slightly from the transcript of an interview conducted several days after the incident by Captain Phil Perry, chief of detectives of the Brunswick County Sheriff's Department. (See TESTIMONY, Page 2-A)



A FIRE OF SUSPICIOUS ORIGIN gutted the West Wind Ceramics Shop at Shell Point Monday morning, with losses estimated at \$200,000. Local and state law officers are investigating.

ARSON SAID POSSIBILITY

Early Morning Blaze Destroys Ceramics Shop

BY SUSAN USHER

Arson is suspected in a pre-dawn blaze Monday that destroyed a riverfront ceramics shop at Shell Point, according to Brunswick County Emergency Management Coordinator Cecil Logan.

"The way it looks right now, the building burned extremely fast. We think it had some kind of help," he said Tuesday. "In a matter of about 20 minutes it went from a small fire to a major fire."

Also adding to suspicions it was a set fire, "more than a routine fire," was evidence the blaze may have started in two or three places, he added.

However, Logan said he sees no connection between the structure fire and several cases of woods arson reported in past months in the Shell Point area.

Volunteer firefighters from the Civietown and Tri-Beach departments were on the scene at West Wind Ceramics until about 10:30 a.m. Monday. The shop is located at the end of Shell Point Road off N.C. 130 east at Civietown.

Logan called in the State Bureau of

Investigation to help investigate the origin of the fire.

He said he and SBI agent Tim Batchelor took photographs of the scene and samples from diggings for further lab work. Later in the week, the area SBI arson investigator, Jerry Webster, will also join the investigation.

Toni Chadwick, owner of the building and the property overlooking the Shallotte River, said the blaze caused an estimated loss of about \$200,000.

She worked with her mother, Luree Chadwick, in the two-story shop.

"The bottom floor was filled with ceramic molds, greenware and paints. She had two kilns.

"Upstairs there was mostly lumber. He had some tools up there, a saw and a lathe and a pile of shrimp net webbing."

Ms. Chadwick said her father, Harvey Ishmael Chadwick, built the shop about 12 years ago. It was uninsured. At this time, she said, the family has no plans to rebuild.

Harvey Chadwick reported the fire at about 4:50 a.m. after being awakened by Earl Turner, who lives

in a mobile home in front of the ceramics shop.

According to a report filed by Brunswick County Sheriff's Sgt. Donnell Marlow, Turner said he woke up between 4 a.m. and 5 a.m. and was about to lay down again when he "discovered a large flame of fire coming from the building."

The building was already fully engaged in flames.

Another couple living on the grounds in a camper, Lavern and Dottie Lewis, told Marlow they had smelled something like gas in the area at about 9:30 p.m. Sunday. Thinking it was the camper's tank, they checked outside, found nothing, and returned to the camper.

Ms. Chadwick said that one end of the shop is heated by gas, but that the tank was empty and had not been used since last winter. She said the fire appeared to have started at the far end of the building from where the gas line and electrical lines enter the building.

The fire also damaged two vehicles parked nearby, a truck and a bus that had been converted into a camper.

Long Beach Voters Set Sights On First Municipal Primary

A flurry of activity marked the close of the filing period for Long Beach municipal offices Friday.

Elsewhere in the county, where candidates have until noon Sept. 20 to declare, filing proceeded at a slower pace.

When Long Beach voters go to the polls Oct. 8 in the town's first municipal primary, they'll narrow their choices from three candidates for mayor to two and 16 candidates for commissioner to six for consideration on Nov. 5.

Incumbent Mayor Ben Thomas' bid for re-election faces a primary challenge from Commissioner Johnny Vereen III, whose term expires in December, and Ray Mansfield.

The only incumbent commissioner to file for re-election is L. Lee Presnell. Along with Vereen's seat, the seat presently held by Cheryl Coleman will be vacated.

Joining Presnell in the primary are sheriff's deputy James Sloop, former Long Beach chief of police; former mayor James R. Somers, Mary Jean James, Clayton Horace Collier, Wayne Kester, Timothy W. Pittman, Ronald J. (Ronnie) Shannon, John R. Ramsey, Boyd D. Phillips, Paul A. Gallager, Harvey W. Anderson, William H. Millard, David I. Buchman and A.L. "Pete" Farmer.

In Shallotte, Alderman Jerry Jones remains unchallenged in his bid for mayor, while three candidates have filed for the two available seats on the board of aldermen: Danny Wesley Roden, a town employee; Gary Cheers and Charles Williams.

At Calabash, John H. Johnson has filed for a seat on the town council. At Sunset Beach, a second candidate has filed for town council. Mainland resident Richard Plyler has joined Minnie K. Hunt, secretary

of the Sunset Beach Taxpayers Association, in declaring.

At Ocean Isle Beach, Mayor LaDane Bullington has filed for re-election.

In Navassa, Mayor Louis "Bobby" Brown has filed for re-election.

In Southport, Barry J. Callari filed against incumbent Edward L. Oliver in Ward I. Incumbents Norman Holden, mayor; and William A. Thorsen, Ward II, also have filed for re-election.

Charles C. Roos has joined Charles B. Johnson in filing for the Doshier Hospital Board of Trustees.

And at Caswell Beach, incumbents Robert (Bob) McCracken and Duncan R. Stuart have filed for re-election.

Candidates have yet to file at Holden Beach, Bolivia, Belville, Boiling Spring Lakes, Yaupon Beach and the Leland Sanitary District.

Certain CRC Proposals Said Compatible With Ocean Isle

BY SUSAN USHER

Proposed Coastal Resources Commission regulations governing single-family residential development differ only slightly from existing Ocean Isle Beach regulations, Mayor LaDane Bullington advised commissioners Monday afternoon.

But she added in a note of caution, she doesn't know how the proposed changes will affect the county and its other municipalities, particularly areas where the land has not already been platted and would fall under slightly more restrictive regulations.

Other coastal communities "need to see how the shoe fits on their situations and have some input," she said, when the CRC holds its hearing, probably on Oct. 17.

While good water quality is important, she added, "these regulations don't include inland fishing waters," she said. "If it's (the state) is going to do the job, it's got to be comprehensive."

She urged those interested to determine for themselves if the proposed measures are needed to "do the job" of protecting coastal water quality.

At its September meeting in Beaufort, the CRC adopted policies intended to discourage development that is likely to hurt water quality or to prevent current uses of coastal waters, including fishing. In October, the CRC is expected to take up regulations reflecting those policies. Those dealing with single-family homes, for instance, would apply to areas where subdivisions or plats existed prior to July 1, 1985, the mayor in-

dictated Monday.

These would include requiring a setback of 50 feet from mean high water or coastal wetlands for all structures that do not require direct access to water.

A buffer zone of 30 feet from mean high water would be required, slightly more than the 25 feet each of front and rear yard now required by the town. Structures such as sundecks and stairways attached to the home would not be allowed to extend into the vegetated area no more than eight feet, similar to Ocean Isle requirements that sundecks be no larger than eight feet by 12 feet.

She indicated the state's requirements for areas of environmental concern as they relate to parking would have minimal effect at Ocean Isle.

The "footprint" of a structure built all or in part with an area of environmental concern (AEC) would be restricted to no larger than 1,200 square feet within the AEC, including covered areas and stairways.

She said this would be basically workable on the 80-foot lots along non-cement canals and 110-foot lots on the others. Proposals for permeability standards for newly-constructed parking areas and driveways not located under structures reflect the town's current trends, she continued.

Mayor Bullington said she was both "pleased" and encouraged that the CRC's proposals were so similar to the town's, suggesting it means the state thinks Ocean Isle "is doing a good job."

(See MAYOR, Page 2-A)