

Defendant In Bolivia Killing Can Face Death Penalty, Judge Rules

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The evidence will show that Ford fired the fatal shot and that the killing resulted from an "earlier altercation" between Ford and Davis, Miller testified. He said the men went to the trailer armed with a machete and a .380-caliber pistol.

"Mr. Ford was more or less out for revenge," Miller said.

According to the 55 indictments handed down in the case, all 10 defendants participated to some degree in the assault on Davis. Investigators have said that "a gang mentality" prevailed as they piled into two cars and drove to Davis's trailer to confront him that night.

The other men facing murder, kidnapping and conspiracy charges with Ford are Terrance LaQuinn Jones,

18, and Nicholas Lavoir Smith, 16, of Bolivia and Byron Henry Knowles, 24, of Wilmington.

None of the other nine defendants were mentioned by name during Tuesday's hearing. Ford, a tall, slender black man with short "dreadlock" hair, faced the judge alone in a black sweatshirt with a cross hung around his neck.

Ramos asked Judge Brooks to declare the death penalty inappropriate in the case against Ford, arguing that the removal of Davis from his car did not constitute kidnapping. But the judge disagreed.

"It appears to the court, based on the evidence, that a jury could conclude that he was taken from the car with the intent to inflict serious bodily harm," Brooks said. "Anyone who takes a machete and a pistol to the scene

of a crime shows a willingness to use them. This is a matter for a jury to decide."

After the judge's ruling, Ramos asked that a second attorney be appointed to assist him in defending Ford, a common practice in death-penalty cases. Brooks agreed to name Charlotte lawyer James Payne as co-counsel.

Ramos said afterwards he was surprised by the decision, calling the evidence of kidnapping "marginal."

"That's the only possible aggravating factor, and it's an arguable one," he said.

Gore said his office would "proceed accordingly" to prepare a death-penalty case against Ford and the other three men charged with murder.

Jones and Smith have been held without bond in Brunswick County Jail since their arrest less than 48

hours after the killing. Knowles fled to the Bahamas, where he is believed to be living in the home of his father. Gore said the state has not begun extradition proceedings to bring Knowles back to the United States.

"I hope there won't be a problem with it," he said. "I would hope that Bahamian officials will consider a person charged with a capital murder as worthy of extradition."

The other defendants, who are all accused of conspiracy to commit assault with a deadly weapon inflicting serious injury and other charges are: Victor Conway Randolph, 21, Archie Lee Williams Jr., 16, Jeremy Javon Smith, 16, Anthony Alex Smith, 19, and Kevin Kenyata Mitchell, 18, all of Bolivia and Jessica Lucille Stencil, 16, of Ocean Isle Beach.

Health Officials Examine Charges TB Test Misread

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the board she believed that the test was positive. But the staff nurse who eventually examined the patient determined that it was not. She allowed the man leave without further testing.

Stewart did not report the incident to her supervisor or to anyone else at the health department until she approached the board of health last week, Nutter said.

The board has asked county health director Michael Rhodes to look into the matter and to report back at the next meeting, Nutter said.

Rhodes refused to talk about the incident Monday. He would not confirm or deny Stewart's allegations, saying they were the subject of a health board executive session about which he was not authorized to comment.

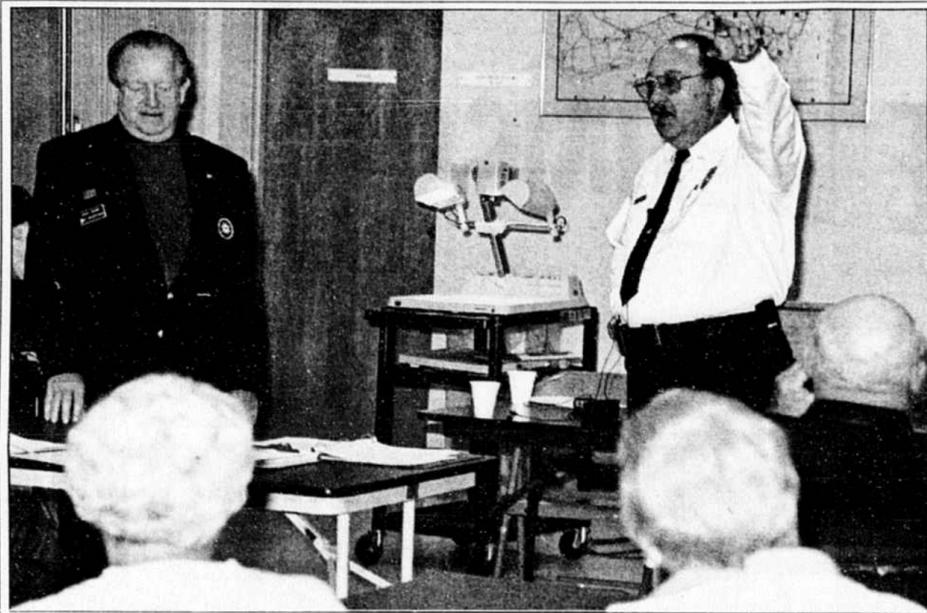
Health board member Dr. Brad Kerr, a veterinarian, said Tuesday he is concerned about Stewart's charges

and expects a full report on the matter. But he said he doesn't have enough information to assign blame.

"The nurse who read the test said it was negative. Stewart thought it was positive. She may have been right. She may have been wrong. Or it may have been a false positive," Kerr said. "The health department plans to call the guy back in to confirm or deny her contention."

Kerr also said he understood that there might have been "a conflict between her supervisor and herself" over recent promotions and hiring that may have contributed to Stewart's decision to resign around the time the testing incident is alleged to have occurred.

"I'm glad she brought it up. It took guts to bring it up," said Kerr. "But not having been there, and not knowing how to read the test, and not knowing what kind of personality conflicts are involved, I'm not sure that anything significant happened."



Power Squadron Tours 911 Center

Members of Shallotte River Power Squadron toured the Brunswick County 911 Center last week for their monthly gathering. Cecil Logan, who heads the county's emergency management effort and is county fire marshal (standing at right), conducted the tour of the multi-million-dollar state-of-the-art facility. At left is Power Squadron Commander Dewey Adams.

Two State Coastal Panels Will Meet Here In March

Two major state panels dealing with the future of the North Carolina coast will meet in Brunswick County next month.

On March 17 and 18 the Coastal Futures Committee will be meeting in Southport, in the former county courtroom at Southport City Hall.

The following week, on March 24 and 25, the Coastal Resources Commission will meet at Sea Trail Plantation at Sunset Beach.

This will be the first time the CRC has met in Brunswick County in approximately 15 years, according to its chairman, Eugene Tomlinson of Southport. That last meeting, in the late 1970s, was held at Oak Island.

"I'm just very excited about getting all these folks here," said Tomlinson, who as CRC chairman also serves on the Coastal Futures Committee and was chiefly responsible for luring both panels to the county. "I want to show them what's going on; I'm real pleased with what's going on here."

The CRC is the policy-making board that oversees implementation of the Coastal Area Management Act (CAMA). It approves land use plans created by local governments in the 20-county coastal area as guides to how their communities will be developed over a 10-year period.

The Coastal Futures Committee was appointed last fall by Gov. Jim Hunt to chart the future direction of coastal management in North Carolina. This year, designated the "Year of the Coast" by Hunt, marks the 20th anniversary of the state's Coastal Area Management Act.

At a meeting Sept. 16 and 17 in Wilmington, the committee is expected to issue its final report and recommendations for improving the state's coastal management programs.

According to Hunt's charge to the committee, its goal is to look at ways to strike a balance between environmental protection and development in the state's stewardship of the coastal area.

Warmer Weather To Linger

Those warmer-than-usual temperatures of the past week are expected to continue over the next few days.

Shallotte Point meteorologist Jackson Canady said Tuesday he expects temperatures to average from the lower 40s at night into the lower 60s during the daytime, with about a half-inch of rainfall.

For the period Feb. 15 through 21 he recorded a high of 79 degrees on Feb. 20 and a nighttime low of 29 degrees on Feb. 15.

A daily average high of 71 degrees combined with a nightly average low of 43 degrees for an average daily temperature of 57 degrees.

That's about 9 degrees above average for this time of year, he said.

Canady also recorded five one-hundredths inch of rainfall.

County Pledges 'Drug-Free Workplace'

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partment manager "has reason to believe that testing is applicable."

Violations of the drug policy are punishable by disciplinary actions "up to and including dismissal." Or an employee may be referred to an appropriate agency for substance abuse treatment.

The third policy applies to workers whose job description includes the acquisition of a certification or license from some state agency. It requires that such an employee be immediately dismissed if he or she fails to meet those qualifications "within 12 months or the first available opportunity."

In other business the board:

- Authorized County Attorney Michael Ramos to provide legal assistance to the Brunswick County

Partnership for Children in setting up a non-profit, tax-exempt corporation that would qualify as the lead agency the state's "Smart Start" education funding for pre-school children. The group is working to qualify Brunswick County for the next round of funding for the program.

- Heard complaints from a group of Ash residents about loud music, gunfire and other disturbances in the area surrounding the nearby "GFB Club." County manager Wyman Yelton was asked to look into the matter. Commissioner Jerry Jones said the comments suggest that the board should re-consider a county-wide noise ordinance that was proposed and never acted upon.
- Agreed to consider Public Housing Director Thurman Everett's request to restructure his department and to continue his feasibility study

of a proposed 40-unit affordable housing project for low income families.

- Approved Commissioner Tom Rabon's nomination of Dan Yarbrough to replace Robert Nubel on the Utilities Operations Board, of which he was recently named vice-chairman. The board also voted to reappoint Arthur Clawson, V.A. Creech Jr. and Elizabeth McLean to the Economic Development Commission. Paul Austin was reappointed to the Keep America Beautiful board and Cortez Ward Jr. was re-named to the board of equalization and review.
- Heard Yelton report that prices would be increased and portions cut for meals in the Brunswick County complex cafeteria in an effort to offset past overspending and to help balance the budget.

Attorney Says Schaack Lawsuit Settlement 'A Tactical Maneuver'

BY ERIC CARLSON

Calabash Town Attorney Michael Ramos on Tuesday said the recent settlement of a lawsuit against former building inspector and now Commissioner Edward Schaack was a "tactical maneuver" and not an admission of wrongdoing, as alleged by Holden Beach lawyer Benedict Del Re.

In an interview with The Beacon last week, Del Re would not reveal the financial details his agreement with the town to drop the lawsuit. He said the action was "not about money" and called the settlement a "vindication" of his claim that Schaack, while working in his official capacity, offered his services as a consulting engineer to design a parking plan for a group of shops the attorney owns in the Calabash extra-territorial district.

Ramos was on vacation and could not be reached for comment on Del Re's allegations last week. However, in an interview Tuesday night, he strenuously disagreed with Del Re's characterization of the settlement.

"Essentially, what he said was baloney," said Ramos. "It was a tactical maneuver on our part and not an ad-

mission of anything."

Calabash and Del Re had reached a point in the legal action where both sides were about to incur significant expenses for depositions and other work to prepare for a trial, Ramos said. So the lawyers representing the town, its insurance company and Schaack made an "offer of judgment" to settle the suit out of court.

"We were about to get into some heavy costs, so we made an offer of judgment for one dollar," Ramos said. "We hoped—but did not expect—that he would take it, and he did. So now the town owes Mr. Del Re a dollar."

Ramos said he assumed Del Re accepted the offer "to avoid a lot of costs down the road." He said there was no admission of wrongdoing stated or implied in the settlement.

"It's not an admission of liability. It's not a vindication on the merits of his allegations. Mr. Schaack never said anything about doing any work for Mr. Del Re," Ramos said. "We offered him \$1 to settle and he took it, which I think speaks volumes about the merits of his case."

Calabash Commissioner Wants Ethics Pledge

BY ERIC CARLSON

Calabash Commissioner Teddy Altreuter wants to require town officials sign an ethics pledge, despite a warning from one another board member that she might find herself in violation of the proposed code.

At their regular meeting Tuesday night, Altreuter asked commissioners to consider adopting an ordinance that sets standards of conduct for elected and appointed officials and an ethics pledge similar to the one approved by the Holden Beach Board of Commissioners.

The rules prohibit officials from using their positions or town facilities for private gain, from accepting gifts intended to influence decisions and from disclosing confidential information for the purpose of advancing their financial or personal interest.

The ordinance also requires officials to treat all citizens equally and to disclose the nature and extent of any private interest they might have in any official action of the board.

By signing the ethics pledge, officials would agree to uphold 12 codes of conduct such as "placing democratic principals and public good over all other allegiances and considerations" and acting "to promote the reality and perception that government is conducted with honesty, integrity and a concern for justice."

But Commissioner Edward Schaack cautioned that Altreuter might find her active opposition to the town's ongoing sewer system plans at odds with one of the rules set down in the ethics pledge. "If we adopt this, how can a commissioner belong to an ad hoc committee trying to get an action of the board overturned?" Schaack asked. As proposed, officials who sign the pledge would agree not to "undermine or thwart duly-adopted laws or policies by subterfuge or circumvention."

Town Attorney Michael Ramos said the pledge would not prohibit members from trying persuade each other and continuing to protest

board actions at public meetings. But he interpreted the word "circumvention" in the pledge as meaning to "go outside of the legislative process to bring pressure to bear on the board of commissioners."

The issue sparked a lively discussion among board members. Forrest King and Keith Hardee felt an ethics pledge was not necessary because board members have already sworn an oath on the Bible to uphold the law. Schaack and Jon Sanborn argued that there is no way to enforce the provisions of such a pledge.

Mayor George Anderson and Commissioner Robert Noe said they felt it would be a good idea to publicly endorse standards of conduct that officials should be expected to uphold.

Eventually, the board voted 5-to-1, with Hardee dissenting, to authorize Altreuter to attend a March 23 seminar on ethics in local government sponsored by the N.C. Institute of Government in Chapel Hill.

Sunset Seeks Solidarity In Info Preceding Sewer Vote

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"To make the project viable we'd have to do something," said Mayor pro tem Ed Gore, asking consulting engineer Joseph Tombro what the cost of the "town's share" of the proposed collection system would be and hearing in reply "in excess of \$5 million."

The letter will be accompanied by a timetable and a user fee chart based on the current financing plan. Those seeking more information will be directed to call the town hall.

Under the timetable, absentee ballots will be available starting March 4, while March 14 is the last date town residents can register to vote if they are not already registered with the Brunswick County Board of Elections.

According to Tombro, project manager for Piedmont Olsen Hensley consulting engineers, 75 percent of all permanent residents can expect to pay the minimum \$18 user fee, based on monthly usage of 5,000 gallons of water or less year-round. A town newsletter published earlier this month incorrectly stated that rate was applicable to the "typical customer."

Tombro said the proposed sewer charges were set by the state treasurer's office based on the authority selling its revenue bonds at a conservative 7.5 percent rate, even though the current rate is between 4.5 percent and 5.5 percent. The interest rate the authority will actually pay won't be certain until the bonds are actually sold.

Fired Chamber Executive Renews Lawsuit, Charges

(Continued From Page 1-A)

that Odom and Barbee "made material representations and failed to disclose material information...regarding personal activities which would be expected from (Richards) by them and also the term of her employment."

and that the conduct of Odom and Barbee was "extreme and outrageous," and "intended to cause severe emotional distress that no reasonable person could have expected to endure."

The new action seeks both punitive and compensatory damages of in excess of \$10,000 from the chamber, Odom and Barbee.

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