

Man Must Pay Funeral Expenses For Friend Hit By Propeller

Two Cumberland County men faced charges in Brunswick County District Court last week stemming from the death of a companion who was killed in a boating accident near Sunset Harbor last summer.

David Kent Swiderski, 33, of Wade pleaded guilty to a charge of "operating a motorboat in a reckless or negligent manner so as to endanger the life, limb or property of another person."

In a plea bargain, the prosecutors dismissed charges of manslaughter and operating a boat while under the influence of an impairing substance. The charges were filed against Swiderski after the death of 23-year-old Johnny Hifter Gray of Fayetteville, who was hit by the propeller of a 150-horsepower outboard motor on a boat Swiderski was driving on Aug. 8.

According to N.C. Wildlife Officer Milton McLean, the two men and William Ray Murphy Jr., 20, of Hope Mills were taking turns water skiing at about 8 p.m. in the Intracoastal Waterway about a quarter mile east of the Sunset Harbor Wildlife Resources Commission public boat ramp.

It was Gray's turn to ski, McLean said after the incident. As the boat was circling to the left, Gray jumped into the water off the right side. The rear of the boat continued to swing until the propeller hit Gray in the stomach and chest area, causing fatal injuries.

McLean initially charged Swiderski with boating while impaired. After the incident was investigated further, additional charges were filed against Swiderski and Murphy, who was accused of being an accessory to manslaughter.

The charge against Murphy was dismissed in court Wednesday at the request of the officer.

After pleading guilty, Swiderski was sentenced to six months in jail, suspended on the condition that he pay \$60 court costs and \$500 toward Gray's funeral expenses. He was ordered not to operate a motor boat for two years and to obtain a psychological assessment for possible alcohol abuse.

Judge Jerry Jolly presided over four days of district court in Bolivia last week. Assistant district attorneys Marion Warren and Rick Green prosecuted, along with local attorneys Michael Ramos and Michael Iseberg. Marie Jordan served as court clerk.

Other defendants who appeared in court last week, with their charges and judgments include:

Amy Akers, misdemeanor probation violation out-of-county, probation terminated.

Lawrence Ament, misdemeanor larceny, voluntarily dismissed at the request of plaintiff.

Joseph S. Blatcher, DWI, Level 5, Brunswick County Jail 60 days, suspended sentence two years, \$100 and costs, surrender license, assessment, 24 hours of community service within 30 days, pay fee, not violate any laws for two years.

Lisa A. Champlin, speeding 64 in a 55 zone, costs; no operators license, voluntarily dismissed.

Ivy Devon Cutrell Jr., expired registration card/tag, Brunswick County Jail 30 days, suspended sentence two years, \$25 and costs, not violate any laws for two years.

Mark Allen Davis, second degree trespassing, Brunswick County Jail 30 days, suspended sentence two years, costs, not go on the premises of plaintiff Louise Lewis or Mary Gales for two years, not violate any laws for two years.

Terry Lorenzo Davis, misdemeanor probation violation out-of-county, probation terminated.

Allen Leon Duke Sr., carrying a concealed weapon, prayer for judgment continued upon the following, costs, weapon returned to owner.

Thomas Roger Hardy, breaking or entering, N.C. Department of Corrections two years, supervised probation two years, costs, \$1,110 restitution to plaintiff, not violate any laws for two years.

Michael Holzbeierlein, reckless driving to endanger, prayer for judgment continued and costs.

Doris Page Horne, shoplifting/concealment of goods, Brunswick County Jail 30 days, suspended sentence five years, costs, not go on premises of Western Auto for five years, Brunswick County Jail three days to begin 10-26-94 at 9 a.m., \$210 attorney fees, not violate any laws for five years.

Joseph Eric Jamison, breaking or entering, N.C. Department of Corrections two years, supervised probation two years, costs, restitution jointly and severally \$110, Brunswick County Jail 24 hours to begin immediately, not violate any laws for two years.

Fate Lanier Johnson Jr., first degree trespassing, assault on a female, consolidated judgment, Brunswick County Jail 45 days. Appealed. Once count of first degree trespassing, Brunswick County Jail 45 days to run consecutive with previous sentence. Appealed.

Wanda W. Johnson, harassing phone call, breaking or entering, second degree trespassing, consolidated judgment, prayer for judgment continued and costs remitted, not communicate with or go about the person of plaintiff anywhere.

Charles Lanphear, assault on a female, communicating threats, consolidated judgment, Brunswick County Jail six months, suspended sentence two years, costs, not communicate or go about the person or premises of plaintiff unless necessary to take care of his minor child, not violate any laws for two years.

Dale M. Lavensky, speeding 70 in a 55 zone, costs; one count of speeding 70 in a 55 zone, prayer for judgment continued and costs.

Carolyn Mincey Lilly, DWI, Level 2, N.C. Department of Corrections one year, suspended sentence two years, \$100 and costs, assessment to anywhere, Brunswick County Jail seven days to begin two weeks from today unless sheriff of Horry County will take her, not violate any laws for two years, surrender license, not operate motor vehicle until valid license to do so; failure to stop stop sign/flashing green light, voluntarily dismissed.

Pearce Reynold Saye, license not in possession, voluntarily dismissed.

James Daniel Simmons, assault on a female, voluntarily dismissed at request of plaintiff.

Audrey Dean Stanley, driving while license revoked, prayer for judgment continued and costs, comply with outstanding citations today.

Laura Trevino, probation violation, probation terminated.

Donald W. Ballezaga, misdemeanor breaking and entering, Class I, Brunswick County Jail 45 days, suspended sentence two years, costs, not violate any laws for two years.

Mark C. Albert, expired registration card/tag, voluntarily dismissed, complied.

Tony Kent Alligood, possession cocaine, voluntarily dismissed; assault with a deadly weapon, N.C. Department of Corrections two years, suspended sentence two years, costs, \$100 fine, not violate any laws for two years, weapons seized are to be destroyed.

Bonita Brown, injury to personal property, voluntarily dismissed at request of plaintiff.

Mary Jane Culp, disorderly conduct, Brunswick County Jail 30 days, suspended sentence two years, costs, not violate any laws for two years; resisting public officer, voluntarily dismissed.

Donnie Diclemente, second degree trespassing, injury to personal

property, both voluntarily dismissed at request of plaintiff.

Scott Harvey Dixon, possession drug paraphernalia, voluntarily dismissed; simple possession Schedule VI Controlled Substance, Brunswick County Jail 30 days, suspended sentence two years, costs and \$25, not violate any laws for two years.

James Thomas Dover, misdemeanor probation violation out-of-county, probation terminated.

Woodrow V. Ellixson II, possession drug paraphernalia, voluntarily dismissed; simple possession Schedule VI Controlled Substance, Brunswick County Jail 30 days, suspended sentence two years, \$25 and costs, not violate any laws for two years.

Dan Lane Everson, assault with a deadly weapon, N.C. Department of Corrections two years, suspended sentence two years, \$100 and costs, not violate any laws for two years, weapons seized are to be destroyed; carrying a concealed weapon, voluntarily dismissed.

Hilton Gray Everson, assault with a deadly weapon, N.C. Department of Corrections two years, suspended sentence two years, \$100 and costs, not violate any laws for two years, weapon seized are to be destroyed.

Ivey Millard Gaskill, failure to heed to light or siren, voluntarily dismissed; DWI, simple possession Schedule VI Controlled Substance, consolidated judgment, Level 5, Brunswick County Jail 60 days, suspended sentence two years, \$100 and costs, surrender license, assessment, Brunswick County Jail 24 hours 11-5-94 at 12 p.m., not violate any laws for two years.

Wesley Stuart Gescat, driving while license revoked, failure to stop stop sign/flashing red light, consolidated judgment, Brunswick County Jail six months, suspended sentence two years, \$200 and costs, not violate any laws for two years.

James Edwin Greer, DWI, unsafe movement, consolidated judgment, Level 5, Brunswick County Jail 60 days, suspended sentence two years, \$100 and costs, assessment, surrender license, 30 days of non-operation in lieu of community service, not violate any laws for two years.

Joel S. Kuhnemann, possession drug paraphernalia, voluntarily dismissed; simple possession Schedule VI Controlled Substance, Brunswick County Jail 30 days, suspended sentence two years, \$25 and costs, not violate any laws for two years.

Mary C. Legg, simple worthless check for \$10.73 to Lowes, Brunswick County Jail 30 days, suspended sentence two years, costs, restitution, not violate any laws for two years.

Steven Loyd Mohundro, possession drug paraphernalia, voluntarily dismissed; simple possession Schedule VI Controlled Substance, Brunswick County Jail 30 days, suspended sentence two years, \$25 and costs, not violate any laws for two years.

John Paul Presby, possession drug paraphernalia, prayer for judgment continued and costs.

Michael Kevin Rogers, discharging firearm in city, Brunswick County Jail 30 days, suspended sentence two years, costs, not violate any laws for two years, gun is to be destroyed.

Robert J. Stidham, operating vehicle with no insurance, fictitious/cancelled/revoked/altered registration card/tag, consolidated judgment, Brunswick County Jail 60 days, suspended sentence two years, \$50 and costs, not violate any laws for two years.

Cecil Thompson, assault on a female, simple assault, consolidated judgment, Brunswick County Jail 30 days, suspended sentence two years, costs, not violate any laws for two years.

John F. Watkins, discharging

firearm in city, Brunswick County Jail 30 days, suspended sentence two years, costs, not violate any laws for two years, gun is to be destroyed.

Patricia G. Wilson, unsafe movement, prayer for judgment continued and costs.

Dan Allan Alexander, assault on a female, voluntarily dismissed at the request of plaintiff; disorderly conduct, prayer for judgment continued and costs.

Christopher D. Bowers, operation vehicle no insurance, voluntarily dismissed; possession of stolen goods, Brunswick County Jail 40 days credit.

James A. Bryant, five counts of misrepresentation to obtain Employment Security Commission, consolidated judgment, N.C. Department of Corrections two years, suspended sentence two years, costs, restitution \$1,627 to plaintiff, not violate any laws for two years, not apply for or receive any unemployment benefits even if he qualifies; four counts of misrepresentation to obtain Employment Security Commission, consolidated judgment, N.C. Department of Corrections two years to run consecutive with previous sentence.

Thurgood Bryant, communicating threats, voluntarily dismissed at request of plaintiff.

Jeffery S. Clemmons, DWI, Level 5, Brunswick County Jail 60 days, suspended sentence two years, \$100 and costs, surrender license, assessment, Brunswick County Jail 24 hours 10-29, not violate any laws for two years.

Clayton T. Collier, possession malt beverage by unknown not 19/20, driving left of center, consolidated judgment, Brunswick County Jail 30 days, suspended sentence two years, costs, not violate any laws for two years.

Theodore Cromartie, carrying a concealed weapon, Brunswick County Jail 60 days, suspended sentence two years, costs, gun destroyed, not violate any laws for two years.

Aaron M. Fields, simple affray, voluntarily dismissed, no plaintiff.

Kurt C. Frankenfield, three counts of simple assault, consolidated judgment, Brunswick County Jail 30 days, suspended sentence two years, costs, not violate any laws for two years.

Eddie Franklin Gaddy, driving left of center, costs.

James Leon Garner Sr., speeding 72 in a 45 zone, voluntarily dismissed; DWI, Level 5, Brunswick County Jail 60 days, suspended sentence two years, \$100 and costs, surrender license, assessment, Brunswick County Jail 24 hours to begin 8 a.m. on 10-29-94, not violate any laws for two years.

Dale Franklin Godwin, unsafe movement, costs.

William Daniel Grass, theft of cable TV service, voluntarily dismissed at request of officer.

Ernest Griffin, seven counts of misrepresentation to obtain Employment Security Commission Benefits, consolidated judgment, N.C. Department of Corrections two years, suspended sentence two years, costs, restitution \$606, not apply for or receive any unemployment benefits even if he qualifies, not violate any laws for two years.

Stephanie L. Hanley, failure to reduce speed, voluntarily dismissed.

Daniel Edward Hobson, speeding 64 in a 55 zone, costs.

Bobby Allen King, misdemeanor possession of stolen goods, driving while license revoked, no insurance, no registration, consolidated judgment, N.C. Department of Corrections two years.

James E. Major, six counts of

misrepresentation to obtain Employment Security Commission benefits, consolidated judgment, N.C. Department of Corrections two years, suspended sentence two years, costs, restitution \$1,734 to plaintiff, not apply for or receive any unemployment benefits even if he qualifies, not violate any laws for two years; six counts of misrepresentation to obtain Employment Security Commission benefits, consolidated judgment, N.C. Department of Corrections two years to run consecutive.

Larry Marlow, DWI, Level 5, Brunswick County Jail 60 days, suspended sentence two years, \$100 and costs, surrender license, assessment, Brunswick County Jail 24 hours to begin 11-5 8 a.m. to 11-6 at 8 a.m., not violate any laws for two years.

Michele Lynn Martin, speeding 69 in a 55 zone, costs.

Jason A. Mitchell, speeding 75 in a 55 zone, prayer for judgment continued and costs.

Jack Reid Moore, DWI, Level 2, N.C. Department of Corrections one year, suspended sentence two years, \$100 and costs, surrender license, assessment, Brunswick County Jail seven days 6 p.m. 11-4 to 11-8 6 p.m., 8 a.m. 11-16 to 11-18 8 a.m., 7 a.m. 12-5 to 12-6, not violate any laws for two years.

Cynthia Lynn Pegg, simple assault, voluntarily dismissed.

Billy Mack Pender, DWI, dismissed at the close of state's evidence.

Steven Wayne Proffitt, intoxicated and disruptive, Brunswick County Jail 30 days, suspended sentence two years, costs, not violate any laws for two years.

Gerald Leroy Rust, speeding 82 in a 45 zone, voluntarily dismissed; DWI, Level 5, Brunswick County Jail 60 days, suspended sentence two years, \$100 and costs, surrender license, assessment, 30 days of non-operation in lieu of community service, not violate any laws for two years.

Craig Andrew Schiel, inspection violation, voluntarily dismissed.

James Michael Sellers, speeding 70 in a 55, costs; inspection violation, voluntarily dismissed.

Sherry Palmer Sims, inspection violation, voluntarily dismissed, complied.

Mark Anthony Sullivan, no operators license, voluntarily dismissed.

Tommy S. Tombs, simple possession less than 1/2 oz. of marijuana, \$50 and costs; possession of drug paraphernalia, voluntarily dismissed.

Thomas William Walker, injury to personal property, prayer for judgment continued and costs.

James Foster Coburn, misdemeanor larceny, Brunswick County Jail 45 days, suspended sentence,

costs, restitution \$512 to plaintiff, \$120 attorney fees, not violate any laws for two years.

Charles Jacob Bennett, misdemeanor breaking and entering, misdemeanor larceny, consolidated judgment, N.C. Department of Corrections two years, supervised probation two years, costs, work faithfully towards obtaining his GED, \$150 attorney fees, 48 hours community service within 90 days, not violate any laws for two years.

Randy R. Bowling, driving while license revoked, N.C. Department of Corrections two years, suspended sentence five years, \$200 and costs, not violate any laws for five years.

Conrad Bulak, assault on a female, Brunswick County Jail six months, suspended sentence five years, costs, not violate any laws for two years, not communicate with or go about plaintiff of Joan Smith for five years.

Anna M. Canady, simple affray, Brunswick County Jail 30 days, suspended sentence two years, costs, not violate any laws for two years.

Danny Collins, simple assault, Brunswick County Jail 30 days, suspended sentence five years, costs, not communicate with or go about plaintiff of K. Kart for five years, not violate any laws for five years.

Lorenzo Orland Cooper, careless and reckless, Brunswick County Jail 60 days, suspended sentence two years, \$50 and costs, not violate any laws for two years.

Michael Wayne Cooper, DWI, driving while license revoked, consolidated judgment, Level 1, N.C. Department of Corrections two years.

William Earl Cribb, two counts of assault on a female, injury to real property, consolidated judgment, Brunswick County Jail 36 days credit.

Thomas Robert Crown, DWI, Level 5, Brunswick County Jail 60 days, suspended sentence two years, costs, surrender license, \$180 attorney fees, assessment, 30 days of non-operation, not violate any laws for two years; not operators license, voluntarily dismissed.

Veronica Daniels, simple affray, Brunswick County Jail 30 days, suspended sentence two years, costs, not violate any laws for two years.

James Pearl Eversole, driving while license revoked permanent, N.C. Department of Corrections two years, suspended sentence two years, \$200 and costs, Brunswick County Jail two days 10-28 at 8 p.m., not violate any laws for two years.

Michael E. Facemire, injury to personal property, Brunswick County Jail 30 days, suspended sentence two years, costs, make restitution

(See JUDGE, Following Page)

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