

Prospective Jurors Quizzed On Death Penalty

BY ERIC CARLSON

The painstaking process of finding 14 people willing to impose the death penalty began Monday in the trial of a Robeson County man accused of fatally shooting 74-year-old Burns Babson during an attempted robbery of his corner store in Ash last April.

As of Tuesday evening, three jurors had been selected to decide whether Daniel Cummings Jr., 39, of Red Springs is guilty of first-degree murder, robbery with a dangerous weapon and assault with a deadly weapon with intent to kill inflicting serious injury.

Attorneys say it could take more than a week to seat the jury and two alternates who will hear the evidence against Cummings, because each candidate must be closely questioned regarding his or her feelings about capital punishment.

If the jurors unanimously agree that Cummings murdered Babson, they will be asked a second, more difficult question. Does the evidence suggest he should be executed for his crime? Or should he serve a term of life imprisonment?

Although defendants have been convicted of capital offenses here, no one has received the death penalty from a Brunswick County jury for more than 50 years, District Attorney Rex Gore said Monday.

Cummings has allegedly given statements to police in which he admitted entering Babson's Bamboo Corner Ash Beverage store on Whiteville Road April 22 while "scoping" places to rob. He said he "told the old man, 'Give me your money,'" according to one statement.

Babson moved toward the cash register and "came back with a gun and shot at me," Cummings allegedly told Brunswick County Sheriff's Detective Tom Hunter.

"We struggled over the gun. I believe I heard or counted four shots that went off inside the store. I took the old man's wallet. I got the money out of the cash register and left the old man lying face down in the chair," Cummings allegedly said in his statement.

Cummings also admitted being confronted by

Babson's wife as he left the store and said he fired the pistol "until the weapon was empty." She later entered the store and found Babson dead with bullet wounds to the face, the back and the arm.

Defense attorneys Michael Ramos and William Fairley tried unsuccessfully to keep Cummings' statements from being used in the trial, claiming their client "was suffering from withdrawal from approximately one week's constant use of cocaine" and that his mental state during questioning made him unable to understand his Constitutional rights.

Superior Court Judge Jack Thompson has ruled that the jury should be allowed to consider the statements.

Cummings also allegedly admitted to police that he broke into a home in Red Springs and stole an elderly woman's purse three days before Babson's murder.

Red Springs Police have charged Cummings

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ATTORNEY William Fairley (left) and his client Daniel Cummings listen to the responses of potential jurors in his first-degree murder trial Monday.

STAFF PHOTO BY ERIC CARLSON

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Rourk Library May Reopen This Month

BY ERIC CARLSON

West Brunswick readers can hope for a special Christmas present this year as the newly remodeled and expanded Rourk Library branch is expected to re-open on Main Street in Shallotte around the last week of December.

"I hesitate to say exactly when it will re-open, what with holiday disruptions," said Marie Harrison, a member of the Brunswick County Library Board of Trustees. "But we hope to see it open before the first of the year."

"Everyone will be tickled to death when they see it," she said. "It will be a wonderful Christmas present."

Harrison toured the new building with library board Chairman Anne Hines, architect John Sawyer and county engineer Robert Tucker during a "punch list" inspection Tuesday afternoon. Contractors were given their final instructions for completing the remodeling job before turning the building over to the county for use.

Saying there is "nothing major" remaining to be done on the \$289,649 job, Harrison estimated that the architect will be ready to release the building in about two weeks. It will take at least a week to re-stock the library's book collection before re-opening, she said.

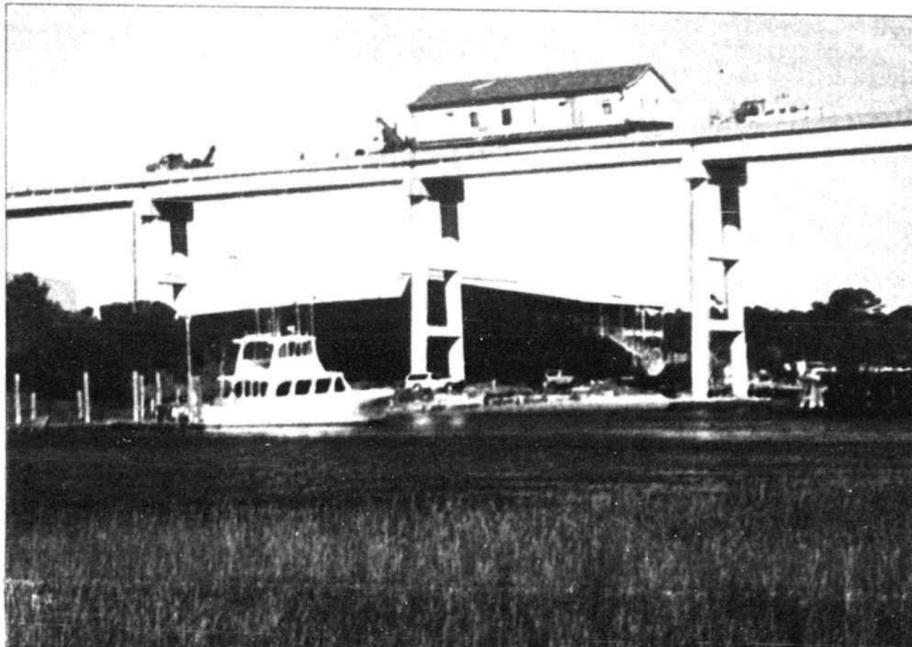
The Friends of West Brunswick Library has kept a temporary branch library open to the public since April. The organization is expected to help county personnel move into the new building. But some of the books are in storage and others will have to be transferred from other libraries, Harrison said.

"I expect a lot of them will have family obligations, so it would be speculation at best to say how long it will take," she said. "They've done a masterful job of keeping a library open. They are to be commended for their efforts. We are very fortunate to have them."

The final work to be done at the newly remodeled library includes touch-up painting, some electrical work and the installation of telephones and other electronic equipment, Harrison said. The carpeting has been put down and most of the book shelves are in place.

Formerly the West Brunswick Library, the building has been renamed the Rourk Branch of the Brunswick County Library system in honor of Harrison's parents, who donated the land on which the original building was built.

The remodeling project includes an additional wing of 1,904 square feet and a renovation of 2,232 square feet.



STAFF PHOTO BY LYNN CARLSON

Up And Over

A house, moved from 1113 Ocean Boulevard West, Holden Beach, lumbers over the Intracoastal Waterway, simultaneously pulled by a Milligan House Movers truck and pushed by a front-end loader. The moving took place the day before Thanksgiving.

Trucker Tried To Report Accident; No Charges Filed

BY ERIC CARLSON

"I think I hit a lady," said the frightened voice recorded at the Brunswick County Emergency Communications Center last week.

"You hit a deer," came the confident reply from a 911 dispatcher.

The caller was right. The operator was wrong.

But investigations by police and local emergency response officials suggest the mistake probably made no difference in the fate of a Wilmington woman who apparently walked onto the northbound lane of U.S. 17 near Leland and was struck by a tractor-trailer truck shortly before dawn last Monday (Nov. 21).

It wasn't until first light that the body parts strewn for more than a half mile along the highway were identified as those of a human. Authorities believe the victim, 54-year-old Ellen Smith Marsh, was hit at about 6 a.m. and run over by numerous other vehicles before police

stopped traffic through the area about an hour later.

Several rescue workers and law enforcement officers who frequently respond to violent crimes and auto accidents said it was the most gruesome scene they have ever encountered.

District Attorney Rex Gore announced Monday that no charges will be filed in what he called a "tragic accidental death."

Evidence collected by Trooper B.C. Jones of the N.C. Highway patrol indicates that Marsh was initially hit near the highway's intersection with Zion Church Road by a large delivery truck driven by Charles Gowan Jr., 31, of Ft. Mill, S.C.

"He saw a moving object in the middle of two northbound lanes," Gore said in a prepared statement. "He hit his brakes and swerved in an attempt to miss the object, but hit it

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Former BCC Instructor Gets Cash, Statement In Settlement

BY SUSAN USHER

Brunswick Community College and former business instructor Jane Page have reached a settlement in which Page will receive a \$25,000 payment and acknowledgement that there is no evidence she falsified attendance records.

BCC trustees approved the court-mediated settlement and resolution in a closed session with attorneys at the board's Nov. 16 meeting and said they would not disclose terms until the settlement was finalized.

Walters and BCC President Michael Reaves

have signed the agreement; Page was to sign it Wednesday, according to her attorney, Gary Shipman of Wilmington.

Walters said last week he would have no comment on the settlement until all parties had signed.

Page, whose suit claimed her outspokenness led to her dismissal, said she filed suit to call attention to problems she says still exist at the college. While the legal action has been a painful experience, she said she's not sorry she went through with it.

"There are serious problems on that campus

and I tried to do something about it," she said last week. "Maybe this will bring some good leadership in there, at least that's what I'm hoping."

Page's cash settlement will be a non-taxable award "for emotional distress," not wages, according to Shipman.

As part of the agreement, neither party admits any wrongdoing. The resolution approved by trustees acknowledges, however, that while discrepancies were found, the college has no evidence Page intentionally falsified class attendance records, said Shipman.

BCC has said Page's contract was not renewed upon her supervisor's recommendation and because of her "failure to comply with college policies relating to class attendance records," and that auditors had found "serious discrepancies" in her class records that could have placed the college in jeopardy of not receiving some federal student financial aid or having to repay state or federal funds.

Class attendance records are important because most state funding for community col-

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Monday Night Fire Displaces Two Auto Repair Businesses

BY SUSAN USHER

Investigators Tuesday pinpointed the general starting point of a Monday night fire that displaced two businesses, but could not determine its cause.

Firefighters from Shallotte, Shallotte Point and Ocean Isle Beach responded to the 6:23 p.m. fire that gutted the office, parts room and waiting room and seriously damaged bays and equipment at Shallotte Muffler & Brake Shop, a state inspection station, and L & G Automotive Repair. The two businesses shared a metal shell building on N.C. 179 just south of the Shallotte town limits.

Muffler shop and building owner Cleve Gore, whose business burned once before in August 1988, was making plans Tuesday morning to get back in business. "We're working just as quick as we can on it," he said.

The business was insured, said Gore. "After the last fire we were back at ground zero and had to borrow again to rebuild. And when you borrow you have to have insurance."

While waiting for word from the insurance adjuster, Gore said both he and Larry Tapio, who for the past year has leased one-half the building and some equipment from Gore for

the auto repair business, plan to try working temporarily from a small building in back of the shop. They may reopen in as little as two weeks' time.

Friday fire claims two Calabash businesses, Page 2-A.

"We're trying to get the power on," said Gore. "If we can get the outside lift going and an air compressor going, we'll be back in business, on a smaller scale."

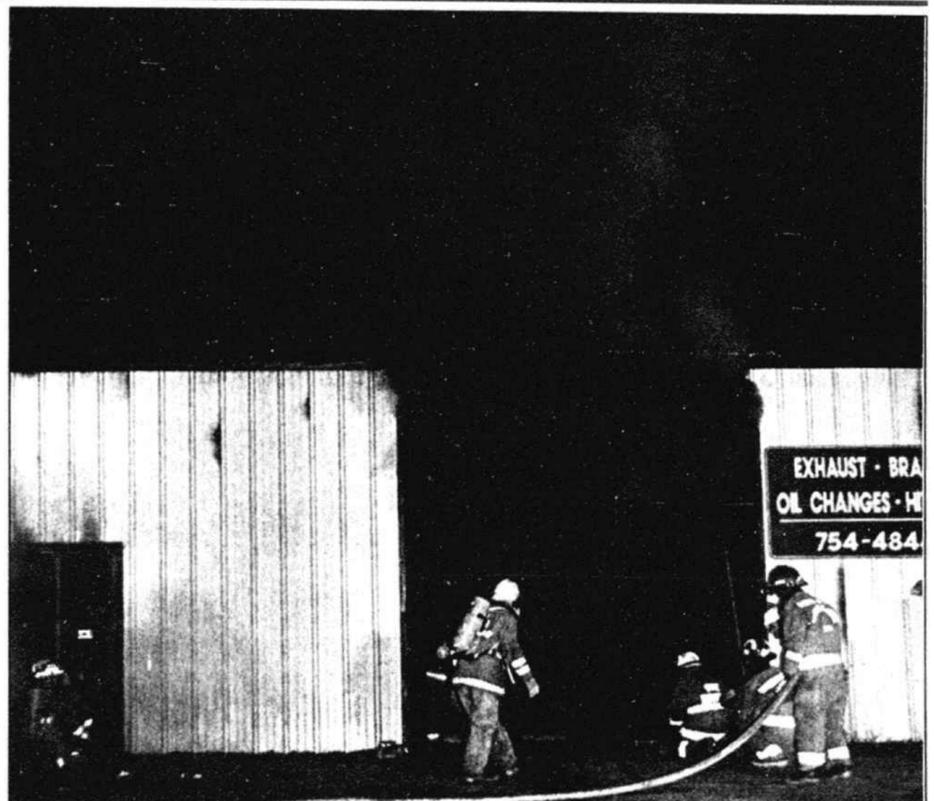
He expects to salvage some equipment, and said the company's insurance adjuster thinks it may be possible to repair part of the building.

Gore has been buoyed by the support of customers and others, such as the electrician checking to see what's need to set up shop in back and Brunswick Electric Membership Corp., which has promised to give the connection a high priority.

"Everybody's been great. Lots of customers have come up there already. The support's been great. It shocks me," he said Tuesday afternoon.

Watch dog Butch, a Japanese Akita, was not in the shop at the time of the fire because Gore and his wife, Sylvia, are trying to mate their unusual breed of dog. "Everybody's asked about the dog, even though he's pretty ferocious when he's in

(See SHALLOTTE, Page 2-A)



STAFF PHOTO BY SUSAN USHER

THE SBI is still trying to pinpoint the cause of a fire that gutted part of Shallotte Muffler & Brake Shop on N.C. 179 Monday night. Firefighters from Shallotte, Shallotte Point and Ocean Isle Beach responded after a hunter spotted wisps of smoke coming from the metal shell building.

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