

# Special prosecutor, judge to try case

By L.A.A. WILLIAMS  
Chronicle Staff Writer

A special prosecutor and a judge from outside Forsyth County will hear the drunk-driving case of District Attorney Donald K. Tisdale's friend Thursday in traffic court.

Chief District Court Judge Claude W. Allen, of the Ninth Judicial District, will hear the case of Vicki Matthews Oakley, the driver of Tisdale's car in a Dec. 19 accident. Miss Oakley was charged with driving while impaired during the accident.

Tisdale was a passenger in the car, and may be a witness at the trial.

Chief Justice Joseph Branch, of the North Carolina Supreme Court, chose Allen after Forsyth County judges refused to hear the case because of their relationship with Tisdale.

Tisdale made known his request for the special prosecutor a little over a week ago, asking police to issue him a citation for aiding and abetting DWI, after finding out they had tried unsuccessfully to obtain a warrant for the charge.

District Attorney Michael D. Johnson, of the First Prosecutorial District in the extreme

eastern part of the state, will be the special prosecutor for the case. He was appointed by Franklin Freeman, the director of the Administrative Office of the Courts in Raleigh. Freeman has the authority, based on Tisdale's request, to transfer a district attorney from one district to another.

Johnson and Judge Allen will also hear the case of the driver of the other vehicle involved in the accident, Todd Apperson Mercy. Mercy is charged with failure to yield right of way.

Clerks in the warrant office at the Hall of Justice twice refused to issue warrants for Tisdale for aiding and abetting a drunk driver, called "allowing" in police terminology, because the police officer seeking the warrant did not show probable cause.

Officer Brenda S. Setzer, the officer at the scene of the accident, reportedly sought a warrant against Tisdale on the night of the accident. Miss Setzer issued a ticket to Miss Oakley for driving while impaired.

Miss Setzer went to the clerk's office, but did not ask for a warrant, said A.D. Lambert, who, as assistant clerk of court, oversees the 10 clerks assigned to the war-

rant office. She merely "felt out" the clerk, he said.

When the clerk indicated that there was no probable cause because Miss Oakley was not confirmed as being impaired, Miss Setzer did not ask for the warrant, Lambert added.

Miss Oakley submitted to a blood alcohol chemical test after being taken to the hospital following the accident. Her results arrived from Raleigh SBI labs in late January, revealing that her blood alcohol concentration was 0.18 during the accident, above the legal limit of 0.10.

After receiving those results, Miss Setzer tried again to obtain a warrant for Tisdale for "allowing." This time she did seek the warrant but was turned down.

The clerk on duty at the time, Scott Reece, has been unavailable for comment.

Tisdale subsequently asked Police Chief Joseph E. Masten to issue him a ticket for the charge, so that he could prove his innocence.

Masten last week said he would not issue a citation when clerks have found no probable cause on two occasions. Masten also said

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## Black daily

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Harold Washington."

### 'A Bit Of Stir'

The newspaper said the previous editorial "caused quite a bit of stir" and that a number of organizations - including the NAACP, Operation PUSH and the local Urban League -- had threatened to boycott the *Defender*.

"We have had several meetings with the organizations," said last Wednesday's editorial.

"We have decided that we are a family and that we will work together for the benefit of Chicago and help Harold Washington do the job he has set out to do."

Martin had said he did not deny the *Defender's* right to criticize the mayor, but felt it also should print news of the Washington administration's accomplishments.

### Shuttle Diplomacy

Local NAACP Executive Director Mel F. Jordan said he had spent much of last Tuesday shuttling messages from Martin's post outside the building to Sengstacke inside.

As an agreement began to take shape, Martin, still wearing the 200-pound logging chain, entered the building to meet with Sengstacke, Jordan said.

"He wore the chains on his body because he was prepared to go back outside and continue until the matter was resolved," said Jordan. "Thanks be to the gods we got this resolved today."

Martin, pastor of the Progressive Community Church attended by Washington, said earlier that his protest was intended to persuade Sengstacke to provide "an honest and fair assessment of the progressive reforms made by the mayor."

"I've been out here 24 hours, but I've been on the hunger strike three days," Martin said at midday last Tuesday.

Bundled in a heavy overcoat and equipped with a small portable heater, he sipped coffee and met with about 30 supporters outside the *Defender* offices.

### Under Fire

The editorial Martin had protested said that many Washington supporters "are extremely disappointed with his apparent lack of ability to make unimpeachable decisions in sensitive matters."

The Washington administration has come under fire with recent reports of a federal investigation into the awarding of city contracts.

The Saturday *Defender* has a circulation of about 18,000, according to the newspaper industry's *Editor and Publisher Yearbook*.

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<p style="text-align: center;">Ladies' Winter Formals reg. \$55 to \$124 Junior and Misses Sizes</p> <p style="text-align: center; font-size: large;"><b>\$19.88 to \$29.88</b></p>	<p style="text-align: center;">Ladies' Winter Dresses reg. \$26 to \$85 Juniors - Misses - Half-Sizes</p> <p style="text-align: center; font-size: large;"><b>\$9.88 to \$29.88</b></p>
<p style="text-align: center;">Ladies' Winter Pants reg. \$10 to \$36 Junior and Misses Sizes</p> <p style="text-align: center; font-size: large;"><b>\$4 to \$9</b></p>	<p style="text-align: center;">Ladies' Dressy Blouses reg. \$14 to \$38 Sizes S-M-L, 32-38</p> <p style="text-align: center; font-size: large;"><b>\$5 to \$9</b></p>
<p style="text-align: center;">Ladies' Winter Skirts reg. \$10 to \$27 Solids and Fancies Junior and Misses Sizes</p> <p style="text-align: center; font-size: large;"><b>\$5 to \$10</b></p>	<p style="text-align: center;">Ladies' Winter Sweaters reg. \$14 to \$62 Solids and Fancies Sizes S-M-L</p> <p style="text-align: center; font-size: large;"><b>\$4 to \$10</b></p>
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