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Death-row appeal headed to S.C. court

By John Minter
THE CHARLOTTE POST

S.C. death row inmate Sterling Spann's case is going back to the state Supreme Court after a York County judge refused his request for a new trial.

Spann, 35, has been on death row 15 years. He was sentenced

to die for the slaying of Melva Neill, an elderly Clover, S.C., woman.

Spann's attorney, John Blume of Columbia, S.C., presented evidence in a November hearing indicating another S.C. inmate probably committed the murder, which was one in a series of three similar crimes. All the victims

were elderly white women, lived in the same area and were slain in a similar manner, Blume argues. Spann was already in jail charged with the second of the three murders when the third crime occurred, Blume said.

However, Judge John Hays, in a 43-page ruling dated Aug. 14, said that while the evidence showed

some indication of Spann's possible innocence, that evidence was available to his attorneys in the initial trial. Hays noted that York law officers had known of the three murders and were quoted in news articles at the time saying they did not believe they were related.

Therefore, Hays said, Spann

could not win a new trial based on after-discovered evidence.

Blume questioned Hays' reasoning.

"We have already filed an appeal to state Supreme Court," Blume said Wednesday. "We have asked them to look at this. It will probably be heard in the next couple of months."

"My position is if you read the judge order, what is striking is there is a lot of talk about technicalities in the criminal justice system. We lost on a technicality."

"The judge said there is a lot of evidence Sterling didn't do it, but his lawyers did not do a good job."

See SPANN on page 2A

John McDonald, shown during the naming of a Charlotte street in his honor in 1994, built a popular cafeteria, hotel and amusement complex on city's westside. Today, those facilities are closed and on the verge of foreclosure.

PHOTO/FRANK WILLIAMS



Recipe for survival



PHOTO/CALVIN FERGUSON

McDonald's looks for investors

By John Minter
THE CHARLOTTE POST

The future of McDonald's Cafeteria, McDonald's Inn and Fun City is murkier than ever as owners scramble to arrange a sale before a foreclosure auction set for Sept. 15.

Foreclosure was delayed from Aug. 18, but the restaurant on Beatties Ford Road has been closed since that time.

"We continue to be in discus-

sion with Amresco (New England II) to get something worked out," said Frank Emory, attorney for the family of the late John McDonald, who founded the restaurant in



Eunice McDonald

1971.

Amresco is a limited partnership which bought the mortgage on the McDonald complex, which includes the hotel and amusement center. NationsBank was a major lender during the expansion which added the hotel and amusement center in the late '80s. Another lender was the City of Charlotte.

Total debt is about \$3 million. "We are seeking a reasonable

resolution of the whole thing," Emory said.

McDonald had considered selling the restaurant and hotel complex prior to his death.

Several groups have tried to buy the business. One group includes architect and former Charlotte mayor Harvey Gantt, though he refuses comment.

If Gantt's bid succeeds, sources say FDY Catering would take over operation of See McDONALD'S on page 2A

Ex-agriculture secretary faces federal counts

By James Rowley
THE ASSOCIATED PRESS

WASHINGTON — A federal grand jury Wednesday charged former Agriculture Secretary Mike Espy with 39 counts of illegally soliciting and accepting gifts from large food producers and trying to cover up his actions.

The grand jury charged that Espy "solicited, received and accepted" more than \$35,000 in gifts, trips, sports tickets, and other favors from large agribusinesses that dealt with USDA when he headed the agency between 1993 and 1994.

Espy was also charged with witness tampering and lying to investigators about his receipt of gifts, including tickets to a pro basketball game.

Among other things, Espy was charged with ordering a USDA employee to alter a document requested by investigators to conceal that a Tyson Foods Inc. lobbyist paid for him and his girlfriend to See 39 on page 3A



ASSOCIATED PRESS PHOTO

Former U.S. Agriculture Secretary Mike Espy has been charged with 39 counts of illegally soliciting and accepting gifts from large food producers and trying to cover up his actions. Espy, who denies the allegations, was also charged with witness tampering and lying to investigators.

S.C. funeral home sued over racial bias

THE ASSOCIATED PRESS

LANCASTER, S.C. — A Lancaster funeral home has been sued by a woman who says the home's owner refused to handle her mother's remains when he found out the daughter was of mixed race.

Silvia Thomas contacted Jerry Hartley at Hartley Funeral Home on Jan. 21, 1996, about taking care of arrangements for her mother, Gertrude Warren Smith, who was near death.

"Mr. Hartley got on the phone," Thomas said. "He was very pleasant."

Hartley refused to comment on the suit. He also would not discuss having his license suspended for six months by the state Funeral Service Board, which found he "failed to provide timely and proper service" in the case.

Hartley's lawyer, Mitchell Norrell, said the lawsuit is unfounded.

Thomas said Hartley told her they could finish discussing costs and make final decisions when she arrived in person.

After her mother died, a nurse told Thomas there was a problem. "She told me Mr. Hartley could

See FUNERAL on page 2A

Gap in SAT scores widens between blacks and whites

By John Minter
THE CHARLOTTE POST

N.C. students overall are doing better on the Scholastic Achievement Test, but in Mecklenburg County, the gap between scores of black and white students increased.

Overall, average N.C. scores improved 2 points on the math portion, to 488, while the verbal score stayed the same at 490. The difference between the N.C.

scores, up for the eighth consecutive year, and the national average is the smallest in 25 years.

Nationally, math scores went up three points to 511 and verbal scores stayed at 505. The highest possible combined score is 1600.

Charlotte-Mecklenburg's average SAT score remained unchanged at 991, while African American scores dropped seven points.

School board member Arthur Griffin found that troubling,

though not surprising.

"The good news is a large number of black kids scored over 1,000 points on the SAT," Griffin said. "We want to continue to support those kids with respect to that achievement."

"But again there is still an unacceptable number of kids who we have in a college-bound curriculum who are not scoring where they need to score in order to be successful. That's where our work is cut out for us."

Griffin, citing the state's ABC rating of schools, said many poor African American students are not getting enough instruction and are being passed along even when they fail state tests. Two Charlotte-Mecklenburg schools, Allenbrook and Shamrock Gardens elementary schools, failed N.C.'s grading system and their principals were removed.

"Everything, including the SAT scores, are moving in the wrong direction with respect to the acad-

emic achievement of black students," Griffin said. "We have not focused on strong basic skills in reading math and communication."

"I wasn't surprised about the fact that the gap was probably getting wider. I was surprised by how wide the gap was getting. Seven points for all of our kids is too big of a gap."

"There is an excuse, but I don't

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