

WEEKLY SUMMER EDITION
The Daily Tar Heel

Chapel Hill, North Carolina
THURSDAY, JUNE 30, 1994

News/Features/Arts/Sports 962-0245
Business/Advertising 962-1163
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New Evidence Could Reopen Doctor's Sexual Assault Case

BY THANASSIS CAMBANIS
UNIVERSITY EDITOR

A UNC doctor who pleaded no contest to a sexual assault charge last month may have his case reopened after his accuser told her boyfriend that she had been lying. Stephanie West Brown of Asheboro told her boyfriend when he confronted her last week that she made up the charges against Jose Diaz, a UNC Hospitals pediatric resident, and offered him half of the settlement if he kept quiet. "I told her at that point I'd turn her in," said Darin Reynolds, a prison guard from Asheboro. "I told her she had 30 days to leave the residence." Brown then disappeared with all of

Reinolds' possessions in a rental truck that she rented under a false name, and warrants are out for her arrest. The truck was recovered in Kentucky. "We do have an idea where she's at," Reinolds said. "Once they've got her, the local authorities will extradite her." Reinolds said he planned to travel to Chapel Hill on Friday and give a deposition to Diaz's attorney, Syd Alexander. Once he has the deposition in hand, Alexander said he would file a motion to have the charges against Diaz dismissed. "I think it certainly gives us enough to put the case back in court," Alexander said. During the trial in May, Diaz maintained he was innocent but pleaded no

contest to get on with his life. Brown accused Diaz of entering her hospital room where she was recovering from a hysterectomy, fondling her breasts and trying to kiss her. Diaz was convicted of one count of misdemeanor sexual assault and sentenced to two years probation and 100 hours of community service. He was also ordered to enroll in the state's Physicians' Health Assistance Program for counseling. After Alexander collects Reinolds' deposition, Brown will probably surface and also give a statement, the attorney said. Assistant District Attorney James Woodall, who originally prosecuted the case, said Wednesday that his office would still prosecute the case if it were reopened.

"That's just an ex-boyfriend making a bare allegation," Woodall said. "If that's all there is I guess we would prosecute it." Woodall said he spoke with Brown on Tuesday and that her whereabouts were "not a big secret." If a judge rules to have the case reopened, Woodall said that at that point he would confer with Brown. The N.C. Medical Licensing Board will hold a hearing in July to determine whether Diaz can continue to practice medicine. Meanwhile, Diaz is applying to other medical schools for a new residency. "The publicity was so adverse that Memorial will not take him back," Alexander said. "He will not be going back there." For now Diaz is maintaining his public silence. Brown's boyfriend said he now felt guilty

for helping "to ruin" Diaz's life. "I want to do anything I can to help him get his license back," Reynolds said. "I'm going to do what I can to help this guy." Reinolds said Brown had moved in with him more than a year ago, but he never had suspected during Diaz's trial that she might have been lying. The most obvious motive Reinolds could see for his girlfriend to fabricate the story was money. After Diaz pleaded no contest to the charges, Brown was entitled to file for compensation. However, his attorney made it clear that if Diaz lost his medical license, he would have no money to pay for a settlement. "She told Janet Ward Black, her attorney, that she wanted Diaz to get his license back just for her to get civil

action," Reinolds said. Black would not return repeated calls to her office on Tuesday, although she was in the office working. Reinolds began to suspect something strange was going on with Brown when he found some jewelry in her closet. Jewelry worth \$50,000 was missing from Gordon's Jewelry Store in Asheboro where Brown had worked for three months. During the original Diaz trial, the defense had mentioned that fact, but Reinolds dismissed it at the time as slander. When he found the jewelry in the closet, he began to doubt his girlfriend. "I asked her, if she lied about that, what's the deal with Dr. Diaz?" Reinolds had her sign an agreement to leave his home within 30 days.

Assembly Still Debating UNC Salary Hikes

BY KELLY RYAN
EDITOR

University staff, faculty and administrators are holding their collective breath this week as the N.C. General Assembly hammers out just how much state employees stand to gain in salary hikes. And because of a united lobbying effort, the University may get more money for salaries than it asked for, although UNC leaders say it still won't be enough. The assembly is scheduled to adjourn before July 1, which means that it's crunch time for House and Senate representatives who don't concur on how much the state can afford to pay its employees. Although the House and Senate's proposed budgets both allow for pay increases, state employees — especially teaching faculty — stand to gain more from the House. "With respect to faculty salaries, the House's budget is better for us, but there are some parts of each we don't like," said D.G. Martin, vice chancellor for university affairs and the UNC system's chief lobbyist. "We try to be a help to legislators and continue to point out how important staff and faculty salary increases are." Martin said one disappointing component of the budget was that the House budget didn't include money for University capital improvements.



Jennifer McKnight and Scott Dupree sort through clips that will be archived once the Alumni House is vacated. The building is to be demolished to make room for an expansion of the Carolina Inn.

Alumni House to Meet Wrecking Ball

BY VIDA FOUBISTER
STAFF WRITER

As part of the Carolina Inn renovations, in early August, a wrecking ball will demolish Alumni House, a building located at the southeast corner of the inn. Its current tenants lament the loss of the last building on campus to have a toilet and sink for almost every office. Doubletree Corp., the company operating the inn, plans to begin construction on a three-story, 56-room guest wing shortly after the demolition of Alumni House is completed. "The reason that we are tearing it down is because we need to add to the inn," said Carolyn Elfland, UNC's associate vice chancellor for business. "It is impossible financially to operate the inn without the addition. The only place the addition can go is where the Alumni House is." "So either add to the inn, or we close it. That's the bottom line." The new wing will help to increase the ratio of sleeping rooms to meeting rooms, Elfland said. The building was an apartment house until 1969, when it became the headquarters of the General Alumni Association. In January 1993, the GAA moved into the George Watts Hill Alumni Center. "A

lot of nostalgia, a lot of charm, but not very functional for the services we were trying to provide for nearly 200,000 alumni," said Doug Dibbert, director of alumni affairs and executive director of the GAA. A colorful history will end when the wrecking ball starts its work in August. The Alumni House was completed in 1939 as part of the Carolina Inn. "It was planned to be an apartment building with long-term tenants," said John Sanders, a professor at the Institute of Government. Betty McCain, N.C. secretary of cultural resources, has many fond memories of the times she shared with her roommate, Lila Ponder Friday, in Alumni House when it was called Bryan Apartments, from 1953 to 1955. "We had a grand time," McCain said. "We loved being there in the middle of everything." The building continued to change uses. After the alumni association moved out, several different offices, including the Bicentennial Observance office, Publication and Design Services, and the Program in the Humanities, have been located in the building. "It is my understanding that the offices must be moved out by July 15," said Terry Murphy, general manager of the Carolina Inn. The Bicentennial Observance office,

which was located on the first floor, will not officially be moving. "Our office is actually closing (on July 1), and our staff are all taking other jobs," said Steve Tepper, Bicentennial Observance director. Tepper and Scott Dupree, the Bicentennial Observance office communications director, will spend the next six weeks gathering information for a book about the Bicentennial. Tepper said they did not know where they would be assigned office space to conduct their research. The building has a lot of character, Tepper said. "It's the only office I've ever been in that has its own bathroom for just about every room." The Program in the Humanities, which is located on the third floor, will be moving July 5 to a house on Bolin Heights Road. Susan Landstrom, the humanities program business manager, said she was not happy about the move. "It's nice being on campus," Landstrom said. "It's going to be a little awkward, as we do a lot of programs on campus." Publication and Design Services, which has been occupying the second floor, will move to another house on Bolin Heights Road on July 6. "We would prefer to stay on campus," said Scott Jared, coordinator of publication services. "We hope it won't have an adverse effect on what we do."

Trial Testimony Focuses on Confrontation Leading to Slaying

BY JAMIE KRITZER
CITY EDITOR

HILLSBOROUGH — Testimony heard Wednesday in Orange County Superior Court in the murder trial of a man who feared for his son's life centered on the events that transpired the evening of the murder. Witnesses indicated that the 19-year-old man shot to death last June at a Carboro Burger King might have been trying to sell a rock of crack cocaine moments before he was gunned down by another man allegedly seeking to protect his son. Defense attorneys tried to paint a violent portrait of the slain youth, Nickens was known by police from both Carboro and Chapel Hill as a troublemaker. He had more than 40 previous charges against him for breaking the law. They included possession of cocaine with intent to sell, com-

mon-law robbery and various traffic violations. George Holman Jr. of 501 Old School Road, Carboro, was arrested and charged with first-degree murder last June after he allegedly shot to death Kevin O'Bryon Nickens, a man who had said he would kill Holman's son. Carboro police investigators who later searched Nickens' green Cutlass retained a rock of crack cocaine worth about \$20, according to testimony by Carboro police investigator Joel Booker. Holman was terrified that the son he was so proud of would be killed at the hands of a man who threatened his boy's life repeatedly, once by shooting at him, according to defense attorneys. Orange-Chatham District Attorney Carl Fox argued to the jury Tuesday that Nickens was unarmed and running away at the time of the shooting. "He did not have a

gun. He was not coming on to Mr. Holman. In fact, he was running away from Mr. Holman," Fox argued. Fox said that Holman had chased Nickens around the fast-food restaurant, shooting at him from his vehicle. Public defenders James Williams and Robert Trenkle emphasized that although Holman fired the shots that killed Nickens, it was not first-degree murder because it was not premeditated and deliberated. Several police officers said that about an hour before the shooting Holman and Nickens had been seen in a confrontation on North Graham Street in Chapel Hill, a supposed hot spot for drug traffic. "Nickens said, 'I got to take him out,'" said Nancy Celler, an officer with the Chapel Hill Police Department. "Holman said, 'You don't have to take him out. He's just a kid.'" Near midnight, June 3, Holman drove

by Burger King, spotted Nickens outside the restaurant and fired at him with a .380-caliber gun and a .22-caliber gun. Nickens died at UNC Hospitals later. The feud arose when the younger Holman, known as "GJ," dated a 16-year-old former girlfriend of Nickens' while Nickens was in prison, according to Trenkle. "Unfortunately for 'GJ,' the lady had previously dated a man named Kevin Nickens, a convicted felon," Trenkle said during opening statements Tuesday. The elder Holman had become scared when he learned from other sources that Nickens had a reputation for carrying guns and leading a gang, Trenkle said. A few days before the murder, the elder Holman swore out a warrant against Nickens. The magistrate agreed to rush the warrant to the sheriff's office because the magistrate said Nickens was dangerous, Trenkle said.

Testimony heard Wednesday centered around the evening of the murder. One woman who drove with a friend to the Burger King said she had had a discussion with Nickens that had lasted up until the time he was shot. Nickens got out of his car to talk to Josie Edwards, who had pulled into the parking lot at Burger King. They spoke for five to 10 minutes, Edwards said. Then another car pulled up next to Nickens. "A car came and pulled up," Edwards testified. "Kevin asked him 'What are you doing, man?' and at that time two shots were fired." Edwards said that Holman, whom she has known since about 1975, told her to get back when he fired the first two rounds. Several of the rounds went into the van Edwards was driving. Edwards stayed in her car during the shooting and got out to yell at Holman after Holman had pulled around the Burger King chasing Nickens.

University Tries to Dismiss Employee Grievance

BY VIDA FOUBISTER
STAFF WRITER

University attorneys are trying to halt a civil suit filed against UNC by a former medical school administrator before it comes to trial. Attorneys for the state have asked Orange County Superior Court for a summary judgment in a suit filed July 7, 1993, by Kirk Aune, the former associate dean of information systems. The University claims that there are no disputable facts in the case, and thus no case for Aune. "Dr. Aune has made some complicated and serious allegations, and we don't think there is any merit to them," said Assistant Attorney General Tom Lawton, who is handling the University's case. If UNC's attorneys win the summary judgment, they will win the case and no trial will be held. The trial, which was originally scheduled for July 5, was postponed to October 3 following the resignation of the University's attorney, David Parker. Aune was hired by the School of Medicine as the director of the Office of Information Systems and a research associate professor of biochemistry on Sept. 1, 1986. In spring 1993, Stuart Bondurant, dean of the School of Medicine, decided not to renew Aune's contract, which terminated

in April 1994. State attorneys filed a motion May 23 for a summary judgment hearing on the grounds that there are no "genuine facts" in the suit filed against them by Aune. A summary judgment can be filed by either party in a civil law case if they feel they can demonstrate that their facts are indisputable. Aune's attorneys do not think UNC will be able to win summary judgment. "What they (UNC) have to show is that there is no dispute to any of the facts by law," said John Stuart, who is representing Aune along with local civil rights attorney Al McSurely. "We have said there are a zillion facts that are in dispute." The summary judgment hearing is presently scheduled for July 25. But this date could change because Stuart will be out of town. Stuart said Aune's contract had been terminated because of University politics. "They said it was because he wasn't doing a good job," Stuart said. "He's saying it's because he was a whistle blower." Aune said the University had offered him a settlement during mediations in March but the amount offered had been too small to compensate him for the many damages he had sustained since his contract was terminated. He refused to disclose the dollar amount offered.

Aune claims the decision not to reappoint him was made in retaliation for his reports to administrators that a School of Medicine employee was steering University business to computer software companies in which he held a financial interest. In addition, he reported that an OIS employee had taken a roll of computer cable for personal use. In his complaint, Aune alleges his report of these offenses, which is required by state law, caused him to lose his position in the School of Medicine. "There is evidence to suggest a tainted review and an extreme attempt to change the terms and conditions of my contract," Aune said. If he wins the civil suit, Aune hopes to get monetary compensation for the damages to his health, employment options and emotional state caused by the loss of his job. "You have to recognize they caused health failure, great emotional stress and long-term financial loss," Aune said. What Aune said he found most offensive was that he had no place to go for internal counsel. Bondurant, who was Aune's supervisor until October 1991, is married to Susan Ehringhaus, the University's senior legal counsel. Because of the divisive aspects of his

Burnette Abandons Lawsuit, Demands Paid Legal Counsel

BY LYNN HOUSER
CITY EDITOR

The LaVonda Burnette case took another turn this week when the controversial school board member dropped her lawsuit against the Chapel Hill-Carboro Board of Education and then asked the board to pay for a new attorney for a July 7 hearing. Burnette filed the lawsuit June 16, saying the statute cited by the state superintendent in April as requiring the board to hold a hearing to investigate charges against her was too vague. The suit also stated that board members had not treated Burnette properly. In a July 7 hearing, the board will investigate charges that Burnette lied about her educational background during her campaign and that she continued to lie and conspired to cover up her lies after the election.



LAVONDA BURNETTE is asking the school board to pay for her counsel at a hearing July 7.

School Board Attorney John McCormick said he thought she had dropped the lawsuit to leave herself the option of suing the board if she was removed from office. "My guess is that she doesn't want a judge to tell us before the hearing how to hold the hearing because then if she is removed from office, the board would be insulated from criticism because it would have followed the judge's instructions." Neither Burnette nor her current attorney, Alan McSurely, could be reached for comment Wednesday. Burnette has asked Chapel Hill attorney Adam Stein, an experienced civil rights lawyer, to represent her if the board will provide funding. Stein said McSurely had been looking for someone to represent Burnette at the hearing. "Al McSurely had been saying all along that he did not want to represent her because he had become too close to her and was too involved in the case," he said. Burnette's request for paid counsel is based on a state statute that says school boards "may" provide legal representation for board members involved in lawsuits due to activities as a board member. Please See BURNETTE, Page 7

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Editor's Note
Welcome to second summer session. The Daily Tar Heel publishes every Thursday until the end of July and needs your help during its last few weeks. Interested writers, photographers and copy editors are needed. Applications are available in the DTH office, Union Suite 104. No experience is necessary, but enthusiasm is a must. If you have any questions, please contact Kelly Ryan, DTH editor, at 962-0245. See you next week.

Truth is not a diet, but a condiment.
Christopher Morley