

# Plans in the works for West Franklin Street complex

By KATHERINE SNOW  
Staff Writer

Davidson and Jones, a developing firm in Raleigh, is making plans for construction of a new building on West Franklin Street that will include office and retail space.

The office and retail complex will be at the corner of Franklin, Rosemary and Church streets that was originally the site of Westcourt, a proposed retail,

office and residential project. Plans for Westcourt fell through last year when one of its organizers was arrested for embezzlement.

"I'm really interested in getting this new project going," said Josh Gurlitz, secretary of the Chapel Hill-Carrboro Downtown Commission. "I give Davidson and Jones enthusiasm and encouragement."

The developers have not decided how

much space will be available for businesses and stores, or how big to make the building. A representative of Davidson and Jones said they planned to release that information soon.

Gurlitz said he thought the project would have stores catering more to families rather than stores catering to students, such as those on the 100 block of Franklin Street.

"I think the retail at the west end of

Franklin Street will be compatible and support other Franklin Street businesses because it will draw in more shoppers," Gurlitz said.

Spanky's restaurant manager Bob Loomis said he thought it would be great for their business. "It will definitely be a boost if there are office workers who will come in and eat."

Cassie Carawan, who works at The Whistlestop, located across the street

from the proposed project, said the shops located in the new complex would determine if competition would increase.

"If there is another gift shop, then yes, it might hurt us. But if not, then the office center will bring us new customers."

Frederica Bishop, an employee at The Painted Bird clothing store in University Square, said the extra need

for parking space and construction noise created by the project concerned her.

"The parking situation in Chapel Hill, especially around Franklin Street, is already so bad. I hope an office complex won't make it worse."

Sally Jessee, treasurer of the Chapel Hill-Downtown Commission, said the new office and retail center would have parking for its employees and shoppers but she wasn't sure how much.

# U.S. Supreme Court to review N.C. law on death penalty

By KIMBERLEY MAXWELL  
Staff Writer

The U.S. Supreme Court will begin hearing a North Carolina case today to decide if a state law dealing with the death penalty is constitutional. The Court's decision will directly affect 88 people currently on death row.

The case, McKoy vs. North Carolina, addresses the role of "mitigating circumstances" during the sentencing hearing after trial, said UNC law professor Barry Nakell.

McKoy, 65, was convicted for the 1984 murder of an Anson County deputy.

Mitigating circumstances in a case are factors such as age and emotional

disturbance that would influence the convict and the crime, Nakell said. They must be proven beyond a reasonable doubt by the defense during the trial, and juries decide if they have any relevance to the case. They usually weigh against giving the death penalty.

Current N.C. law says all of the members of the jury must agree that the mitigating factors have been proven in order to be considered, Nakell said.

But juries also consider aggravating circumstances, such as if the convict has committed another violent crime or shot a police officer, when determining the penalty, Nakell said. These facts usually weigh in favor of the death sentence.

The burden of proof is harder on the state in finding aggravating circumstances than for the defense to find mitigating circumstances, said James J. Coeman, senior deputy attorney for the N.C. Attorney General's Office.

There are four steps the jury must take when deciding whether to impose the death penalty. The jury first considers the existence of aggravating circumstances and mitigating circumstances, Coeman said. The jury then determines if the mitigating circumstances outweigh the aggravating circumstances and vice versa. Lastly, by the previous decision, a sentence is given. The jury can decide if the death penalty is inappropriate because of mitigating circum-

stances. Nakell said it was unlikely the U.S. Supreme Court would uphold the law, because of a similar case heard in 1988.

In the case Mills vs. Maryland, the Court overruled a Maryland statute allowing one out of the 12 jurors to prohibit mitigating circumstances from being found in a case. Under that statute, if mitigating circumstances aren't found, an automatic death sentence must be imposed.

Nakell said Mills vs. Maryland would probably set the precedent for overruling the N.C. law.

But because N.C. law establishes four standards that jurors must consider with mitigating and aggravating

circumstances, the two cases are substantially different, Coeman said.

"We are cautiously optimistic that the Court will rule in our favor."

This will not be the only time N.C. law on the death penalty has come into question before the U.S. Supreme Court, Nakell said. The Court decided in 1976 that an N.C. law making the death penalty mandatory for first-degree murder was unconstitutional.

Nakell said that, as a result, all of the death penalty sentences were converted to life sentences.

Joan Byers, special deputy attorney general for the N.C. Attorney General's Office, will argue the case for North Carolina, Coeman said. She has experi-

ence with death penalty legislation and has worked for the Office for 14 years.

But if the N.C. law is upheld and death sentences are converted to life sentences, there will be no difference for former death row inmates, said Sam Boyd, parole administrator for the N.C. Office of Parole.

"It would potentially put people back on the street," Boyd also said there had been cases in which death row inmates have had their sentences converted to life and then been paroled.

But they would not immediately be eligible for parole, Boyd said. The date of their conviction and the years they had previously served would be factors in how soon they would be eligible.

# Disagreement surrounds U.S. role in Panamanian coup attempt

By JENNIFER BLACKWELL  
Staff Writer

Political analysts hold different opinions as to what the U.S. role should have been in last week's coup attempt against Panamanian Gen. Manuel Noriega. A week after the unsuccessful coup, however, confusion still exists

about the facts behind the failed effort.

The White House said Gen. Moise Giroldi, a junior leader in the Panamanian Defense Force (PDF), called the State Department Sunday, Oct. 1, to ask for political refuge for his family. The message also requested that the U.S. forces in Panama block routes

leading from Noriega's headquarters and the garrisons loyal to Noriega for the planned coup.

Tuesday morning, Oct. 3, while U.S. forces were placed on alert, the rebels opened fire on a car in which Noriega was reportedly riding, according to ABC news. A few hours later, the reb-

els took Noriega hostage at the General Headquarters.

The rebels took control of Panama's Radio Naciona and made an announcement calling for the retirement of Noriega and other top-level military officials. They also demanded that elections be monitored by the Organization of American States (OAS) and a change to a more democratic form of government, said Marjorie Weisskohl, a public relations official at the State Department.

The rebels contacted the White House informing it that they had Noriega, but did not offer to hand Noriega over to U.S. commanders.

Defense Secretary Dick Cheney said Sunday, Oct. 8, on CBS' "Face the Nation" the president prepared a covert action to take custody of Noriega during the coup attempt. President Bush advised Gen. Maxwell Thurman, the commander of U.S. forces in Panama, to be prepared to use military force.

Shortly after the message to Thurman, the coup fell apart as loyalists surrounded the commandeered headquarters and rounded up the rebels' families. The rebels surrendered, and

four hours later Noriega appeared on Panamanian television, saying he was in control of the situation.

Poor timing and planning, as well as a failure of communication between the rebels and the United States, contributed to the failure of the coup, said Eva Loser, a fellow of Latin American Studies at the Center for Strategic and International Studies. The fact that the State Department did not ask questions about the coup when the rebels called on Oct. 1 was "near the height of irresponsibility," she said.

The basic problem of the administration was its failure to realize the broader mission, she said. Even though the U.S. could have deployed troops to block the loyalists according to a provision in the Panama Canal Treaty, the U.S. refused because it did not understand the rebels' aim.

"It shows the inability of the United States to productively gather the kind of intelligence data that was required" in order to "sift fact from fiction," Loser said.

Sen. Jesse Helms (R-N.C.), the ranking Republican on the Senate Foreign Relations Committee, is also angry

about how the administration handled the situation.

The opposition troops in Panama had Noriega in captivity for five hours and were eager to turn him over to the United States, but they "received not the slightest encouragement from U.S. officials," Helms said to the Senate last week.

Helms believes the president failed to act because he thinks "Congress would never support military action to depose Noriega or help the Panamanian people to restore constitutional government," he said.

To correct this, Helms proposed an amendment Wednesday night to "provide authority to use armed forces of the United States to secure the removal of General Noriega from his illegal control of the Republic of Panama."

Jack Donnelly, associate professor of political science at UNC, agrees that the United States "should not have done much of anything."

"It is not the function of the U.S. government to overthrow foreign governments ... no matter how objectionable the leader seems to be," Donnelly said.

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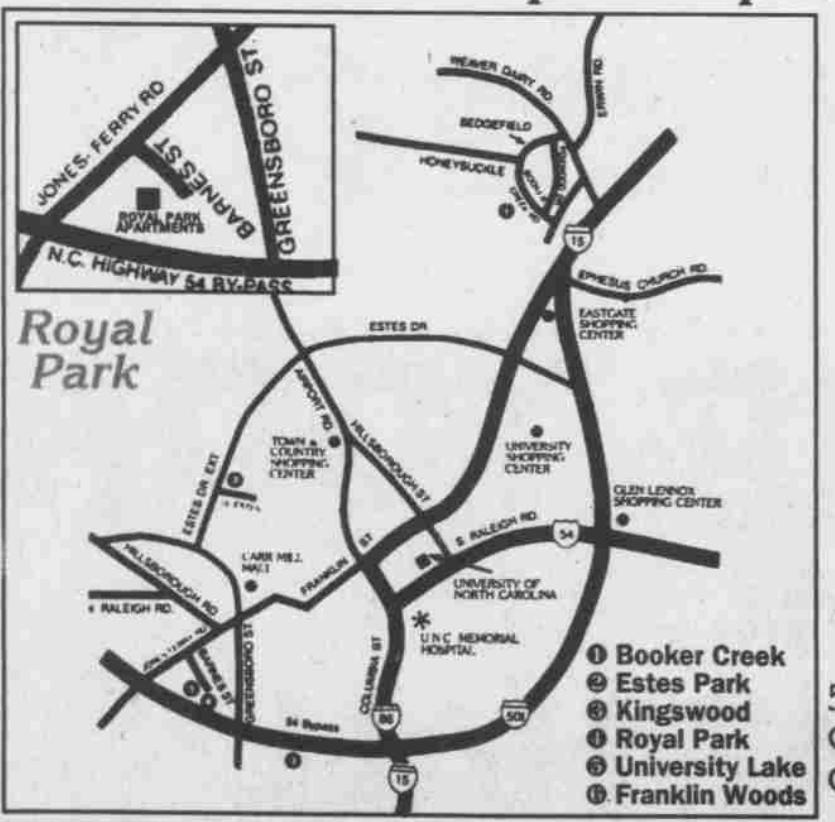
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