

# Trial

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g-damned mother—." He said that Gibson called him, Sams and Walker "chickens—sons of a bitch" and asked all three men to step outside the gymnasium. O'Brien said he left the Chambers Gym following the halftime incident. In later testimony, both Walker and Sams corroborated O'Brien's account of the Dec. 10 incident.

O'Brien admitted that he owns three handguns; a 9 mm automatic pistol, a .38 caliber revolver and a .22 caliber revolver.

In recounting the events of Dec. 13, O'Brien said that he was on his way to the Mars Hill post office to mail Christmas cards when he encountered the former football coach. O'Brien said Gibson tried to hit him with his car as the dean was crossing Main Street to go to the post office.

"I heard an engine accelerate and tires squeeling and I had to jump up on the curb to avoid being hit. He drove right over the spot where I was standing."

O'Brien said Gibson drove the car through the post office's exit ramp when he passed him.

When both men entered the post office, O'Brien said Gibson said to him "Why don't you call me a chickens—son of a bitch here like you did the other night?" O'Brien said that the former coach then began kicking at O'Brien's feet, cursing him and threw an elbow that sent O'Brien across the lobby of the post office.

The dean then said that a former Mars Hill College security officer, Howard Edwards, stepped between the two men. O'Brien said he then went to the door to the post office and asked a postal service employee if he could use the telephone to call the police. The postal employee, Bobby Hernandez, refused to allow him to use the phone.

O'Brien denied having a gun in his possession during the incident. He told the court that he searched his coat pockets for something he could use as a weapon to defend himself against Gibson and took out a marking pen. He told the court, "I never pointed a gun

at him or anybody."

The dean said he then left the post office and proceeded to the Mars Hill police department office where he spoke with police chief R.J. Cutshall.

Under cross-examination by Forrest Ball, O'Brien said he carries a gun when on trips and admitted that he owns a shoulder holster.

He also admitted that he later returned to the post office carrying an axe handle. He told the court that he always carries the axe handle in his truck and was carrying it that afternoon for his protection. He said that he never carries a concealed weapon on the Mars Hill campus.

Ball then asked O'Brien if he recalled an incident in September of 1983 involving Mars Hill College security police and a man suspected of peeping in the windows of the women's dormitories.

O'Brien told the court that he had a gun with him during the incident in which he and the security police stopped a man they believed was peeping in the dormitory windows. The dean said that the man admitted to peeping in the windows when taken to the Mars Hill police station by Mars Hill police officer Rick Haynes. O'Brien said that charges against the man were not pressed because he had a wife and three children. The dean said he told the man he would tell his wife if he ever returned to the school's property.

O'Brien denied that he told the man, "Get out of your car or I'll blow you away." O'Brien also admitted that he had tackled a Mars Hill College student in the Spring of 1980.

O'Brien said the student and others were conducting panty raids on the campus and were wearing ski masks. The dean said the student was yelling obscenities at the girls when he tackled him and attempted to remove the mask. O'Brien said the student was bigger than he is and that his roommate was on O'Brien's back hitting him from behind.

O'Brien said that his action halted the panty raids on the campus.

Mars Hill College athletic director William Walker testified following O'Brien. He said that both Gibson and his wife confronted him during

the Dec. 10 basketball game, cursing him and accusing him of speaking to officials at Lenoir Rhyne College concerning Gibson.

Walker told the court, "He (Gibson) called me a son of a bitch three times and accused me of preventing him from getting the Lenoir Rhyne job."

Under cross-examination, Walker said that he knew Dr. Keith Oakes of Lenoir Rhyne, but denied ever speaking to him concerning Gibson. Walker said that Gibson told him, "I ought to take you outside and whip your —" and said that Gibson also said to both Sams and O'Brien, "I will take you outside and whip your —"

Walker also testified that he saw O'Brien with a gun in his office at Mars Hill College several days after the post office incident. Walker said that the gun was wrapped in paper and that he could not tell what kind of gun it was. He said that O'Brien had the gun on his office desk.

Mars Hill women's basketball coach Pat Sams also testified during Friday's session. He admitted that he is a close friend of O'Brien and said he had never seen the dean carrying a gun. Sams corroborated both Walker and O'Brien's account of the Dec. 10 incident and denied calling Gibson a "bastard."

Sams said that Gibson had his hands in his pockets when he told him "I'll kick your a—." The women's basketball coach said he tried to get O'Brien to walk away from Gibson and told O'Brien to be quiet after O'Brien told Gibson, "I won't back down."

The Rev. Ralph Hogan, pastor of the Bethel Baptist Church, testified that he and his wife were seated in the same section as Gibson on the night of the game. He said he heard Gibson say, "There comes that son of a bitch," as O'Brien passed by with his eight-year old son.

Under cross-examination, Rev. Walker told the court that his wife, Zeola, is employed by Mars Hill College as a secretary to Dr. Walker.

Mars Hill College student John Whitley testified that was sitting near Dr. Walker on Dec. 10 and said he heard Gibson call Walker a son of a bitch and ask why he had prevented

him from getting a job at Lenoir Rhyne. Whitley said he then walked away to attend the doors to the gymnasium.

Former Mars Hill security officer Howard Edwards told the court that he was in the Mars Hill post office when the confrontation between O'Brien and Gibson took place. Edwards said he heard some loud shouts and turned to see both men standing near the post office bulletin board. He said he heard Gibson accuse O'Brien of cursing him at the Saturday night basketball game.

Edwards said he did not see O'Brien take a gun from his pocket or hear Gibson say, "Go ahead and shoot me." The former security officer stepped between the two men and told them to calm down.

Mars Hill postmaster Bill Britton said he saw both Gibson and O'Brien enter the post office and heard O'Brien ask to use the telephone. He told the court he didn't hear anything else during the confrontation.

Mars Hill fire chief Gordon Randolph was called to testify by Gibson's attorney. Randolph told the court he was in the post office at the time of the incident. He said he heard Gibson say to O'Brien, "You may be a big man on campus." and then heard a muffled sound he could not distinguish. Randolph said he then turned and saw O'Brien coming off the wall and Howard Edwards approaching the men to intercede. He said Edwards was facing Gibson and that O'Brien was attempting to get away from the former coach when he removed a gun from the pocket of his coat.

Randolph told the court, "He (O'Brien) presented a small caliber weapon, a .22 caliber, open-handed down toward the floor and away from him."

The fire chief added that it was "a small weapon with a short barrel, probably a five-shot." Under questioning by O'Brien's attorney, Stephen Huff, Randolph said that he saw "a small caliber revolver. I saw the barrel and cylinder in his right hand." He said that he looked at the gun twice.

Randolph said that he could not tell if the gun was blue steel or a badly-maintained

nickle plated weapon. He said that he could not pinpoint the weapon's sight, but that the gun's trigger guard was located beneath the barrel.

Huff pressed Randolph to describe the color of the gun. Randolph said, "I'm not going to lie and make up a color. It was just dull."

When Huff said, "You don't really know, do you, Mr. Randolph?", the fire chief replied, "I will next time."

Mars Hill police officer Rick Haynes testified that he was with both O'Brien and college security officers on the night of Aug. 31, 1983, when a man suspected of peeping into dormitory windows was stopped.

Haynes said he arrived at Bruce Rd. as O'Brien and the security officers were stopping a blue Chevrolet Nova. Haynes told the court, "I heard someone say 'Open up the window or I'll blow your head off.'" He also testified that he saw O'Brien with a weapon in his hands pointed toward the window of the car.

Haynes said he could not identify the weapon O'Brien carried because it was dark. The officer said that O'Brien followed him and the suspected peeping tom back to the Mars Hill police station where O'Brien took a gun from a shoulder holster and laid both the gun and a clip on to a table.

Haynes told the court, "It looked like an automatic weapon to me." He added that the clip slid into the handle of the gun.

Ball next called Clarence Buckner of Weaverville to testify. It was Buckner who was stopped by O'Brien and the security officers on Bruce Rd. on the night of Aug. 31. Buckner denied that he was peeping into windows on the campus. He contended that he had stopped to make repairs to his car as O'Brien and the officers stopped him.

Buckner told the court, "A man jumped out of a car and told me to get out. He aimed a weapon straight at me." Buckner identified O'Brien as the man with the gun.

The court also heard testimony from Mars Hill police chief R.J. Cutshall and Sandra Briggs during Friday's session. Cutshall told the court that Gibson asked him to search O'Brien after the post office incident. Cutshall said he would need a search warrant to check O'Brien because there was not

evidence that a crime had been committed.

Gibson took the stand as court resumed on Saturday morning. The former Mars Hill coach said that he had applied for the head coaching job at Lenoir Rhyne College. He said he believed he did not get the job because Mars Hill officials told Lenoir Rhyne officials that Gibson had altered athletes' grades and had disappeared for weeks at a time while employed by Mars Hill.

Referring to the Dec. 10 incident, Gibson said that he had not threatened anyone. He said that O'Brien told him, "You think you can whip me" to which Gibson said he replied, "Whipping you would be like whipping an old lady."

When questioned about the Dec. 13 incident, Gibson said he was in Mars Hill for an appointment and stopped at the post office to check his mail. He denied trying to hit O'Brien, adding that the car he drives is a diesel engine model incapable of rapid acceleration.

He said O'Brien had shoved him with an elbow as they entered the post office. Gibson said that "When he (O'Brien) first pulled the gun out, he pointed it at my head and said, 'I'll shoot you.' I backed up and said, 'Go ahead and shoot me.'"

Gibson said that O'Brien then lowered the gun, pointing

at Gibson's stomach.

The former coach told the court, "I could see the barrel and cylinder when he pointed it at my face."

Gibson said he went from the post office to the Mars Hill police station where he asked police chief R.J. Cutshall to search O'Brien. When Cutshall declined to search either man, Gibson said, "Let's just empty our pockets right here" to which, Gibson told the court, O'Brien replied, "I don't have to."

Under cross-examination, Gibson denied cursing either Walker or O'Brien and said that Pat Sams had cursed him.

Gibson said that both Walker and Sams had lied during their testimony. He said that he had said, "son of a bitch" as a reaction to action taking place on the basketball court during the game.

O'Brien's attorney Stephen Huff attempted several times to get Gibson to say that he was angry on the night of Dec. 10. Gibson said repeatedly that he was upset at what he called Mars Hill officials' "attempt to bury me."

Gibson also denied ever hitting O'Brien, saying, "I don't think I would ever pick on someone his size. I'm sorry I put myself on his level."

When Huff asked Gibson what level he was referring to, Gibson said, "It's in the damned gutter if you want to

know the truth."

Huff then introduced a photo showing Gibson shoving a college football official following a game while Gibson was head coach at the University of Tulsa. Gibson admitted grabbing the official and said the incident occurred just after his team lost a close game with the University of Arkansas.

Huff then questioned Gibson about a confrontation the former coach had with officials a Carson Newman College and questioned him about his driving record.

Huff closed testimony by calling Mars Hill security officer Charles Ball to the stand.

The officer said he was with O'Brien on the night of Aug. 31 when Buckner was stopped on Bruce Rd. Referring to the gun, the officer said, "He had it in his hand, but I can't say how it was pointed."

Following the conclusion of the two-day trial, Gibson said, "I respect Judge Lyerly and his decision. I don't agree with it, but it would seem it is in the best interests of the college and everyone concerned."

When asked if he would remain in his position at the college, O'Brien told The News Record that he would, before his attorney, Stephen Huff, said, "He has no comment." O'Brien then declined to comment on the verdicts.

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