

MADISON COUNTY LIBRARY GENERAL DELIVERY MARSHALL NC 28753

Lions, Patriots Win

- Stories On Page 8-9

Community Calendar

Hearing Tonight For Challenged Marshall Voters

The Marshall Board of Elections will hold a public hearing tonight at 7 p.m. in Town Hall. The board will hear challenges to registered voters during the meeting.

Marshall Mayor Betty Wild issued challenges to 61 voters listed on the town's voter registration rolls earlier this month. Letters informing the challenged voters of the hearing were mailed out earlier this month.

Halloween Party Is Planned

The Ladies Auxiliary of American Legion Post 317 in Marshall will host a Halloween party for children at 6 p.m. on Oct. 31 at the Legion Hall on Back Street.

Laurel VFD Turkey Shoot Set

The Laurel VFD will sponsor a turkey and ham shoot on Oct. 26 from 11 a.m. until 2 p.m. at the fire station. Proceeds from the shoot will benefit the fire company.

Patriots Host Mt. Heritage Friday

The Madison Patriots will host Mountain Heritage H.S. in a Western Highlands Conference battle Friday night at 8 p.m. in O.E. Roberts Stadium. The important conference game is the 5-2 Patriots final home game of the season.

Walnut Creek CD Club Meets

The Walnut Creek Community Development Club will hold a meeting on Oct. 28 at 7:30 p.m. in the Enon Baptist Church fellowship hall. Everyone is invited to attend.

Grand Jury Indicts 11

The Madison County grand jury returned true bills of indictment against 11 defendants Monday in Marshall. The grand jury did not consider four other cases due to be presented because the prosecution witness was unavailable to testify.

Those indicted include two men who are facing armed robbery charges in Asheville and murder charges in South Carolina. The Madison County grand jury indicted Ronnie Howard and Dana Ricardo Weldon on charges of possession of weapons of mass death and destruction.

Howard and Weldon were arrested in Marshall on Sept. 11 by Sheriff E. Y. Ponder following the armed robbery of a Pizza Hut restaurant in Asheville. At the time of the arrest, Sheriff Ponder discovered a 12-gauge sawed-off shotgun and a .30 caliber sawed-off rifle in the suspect's rented car.

After learning of the robbery, the sheriff approached the suspect's car as it was attempting a U-turn in front of the county courthouse. Ponder asked the two men if they needed help, and they reported that they were lost. The sheriff then told the suspects, "Pull your car over to that red

building, and we'll get you straightened out." The suspects then drive the rental car up to the jailhouse door and were placed under arrest and held for Asheville police.

Sheriff Ponder also discovered a .357 Magnum under a front seat of the car, but the weapon was not included in the indictments handed down on Monday.

Also indicted on Monday were: Travis Reggie Rowell, charged with larceny of a firearm; Phyllis A. Edwards, charged with conspiracy; Charles W. Massey, charged with manufacturing a controlled substance; Donnie Joseph Rice, charged with leaving the scene of an accident; and Dale Buckner, charged with false pretense, forgery and uttering.

The grand jury also indicted Dillard Shelton on two counts of arson in connection with the July 19 fire at a storage building in Walnut.

Ishmael B. Massey was also indicted on two counts of manufacturing a controlled substance. The first count stems from 16 marijuana plants found growing near his home. The second count relates to some 20 plants found in Massey's barn.

Trooper Murder Suspects Arraignment Postponed

Rios Makes Brief Court Appearance

By ROBERT KOENIG

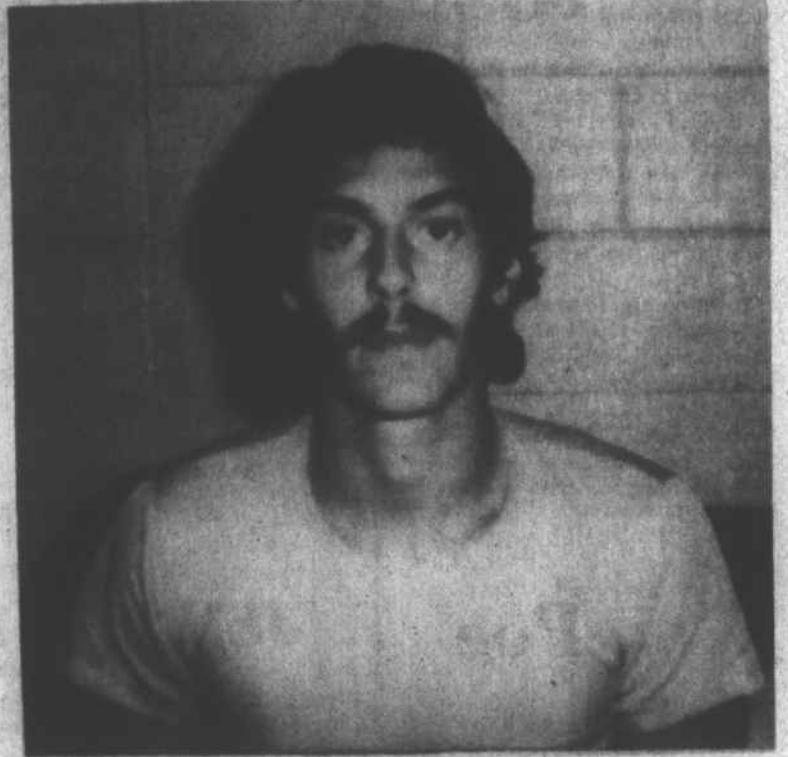
Arraignment proceedings against the two men accused in the Sept. 14 murder of State Trooper Bobby Coggins were postponed Monday in the Madison County Superior.

One of the suspects, Jimmy Dean Rios, made a brief court appearance accompanied by his two court-appointed attorneys. The second suspect, William Bray, is currently in the Dorothea Dix Hospital in Raleigh undergoing psychiatric examinations. Rios did not speak during his brief court appearance.

Rios' attorneys, Eldridge Leake and Forest Ball, asked the court to order a similar psychiatric examination for their client. Superior Court Judge Joseph Pachnowski signed the order sending Rios on to the Raleigh hospital for evaluation. The judge declined to set a date for the arraignment hearing until Rios can be returned from the Raleigh hospital.

Following the brief court appearance, Rios was returned to the Madison County jail where he has been held without bond since his capture on Sept. 17.

The two men were indicted by the Madison County grand jury earlier this month. Both men are charged with murder, attempted murder, breaking, entering and larceny and larceny of a firearm. Trials for the two men are not expected to begin until early next year.



JIMMY DEAN RIOS

In Superior Court

11 Yancey County Drug Cases Are Heard

Eleven drug-related cases involving Yancey County residents were heard during the session of Madison County Superior Court which opened Monday morning in Marshall. The cases stemmed from an undercover investigation in the Burnsville area earlier this year.

Each of the cases heard Monday morning involved a plea bargain arrangement worked out between the defendants and District Attorney Tom Rusher. Assistant DA James Baker said the cases were heard in the Madison County court because a Yancey County Superior Court session is not scheduled until late December.

Brothers Randy Forbes, 22, and Scotty Alan Forbes, 20, of South Toe River, entered guilty pleas to a felony charge of possession of a controlled substance with intent to sell. Randy Forbes was charged with the March 19 sale of a bag of marijuana valued at \$12.50. Scotty Alan Forbes was charged with the sale of dextropropoxyphene, an amphetamine. Both men received two-year suspended prison sentences and were ordered to serve three years supervised probation. They were each fined \$500. In addition, Judge Pachnowski ordered Randy Forbes to attend classes to obtain his high school equivalency diploma.

Larry Fox of Burnsville entered a guilty plea to a charge of possession of a controlled substance with intent to sell and also received a suspended two-year prison sentence. Fox was fined \$1,000 and ordered to serve three years supervised probation as a result of the conviction.

Burnsville police chief Gillespie told the court that officers discovered two pounds of marijuana in a building owned by the defendant.

Todd Fox, a 17-year old Mountain Heritage H.S. student, entered a guilty plea to a charge of selling a controlled substance. Testimony in the case revealed that Fox sold a \$30 bag of marijuana to undercover agent Mark Perry on May 22 of this year. Fox was fined \$1,000 and received a suspended two-year prison sentence. He was also ordered to serve three years supervised probation and remain in high school.

Gregory Barrus, 19, entered a guilty plea to a felony charge of possession of a controlled substance. Barrus was charged with possessing cocaine. He was fined \$3,500 and received a suspended three-year prison sentence. He was ordered to serve supervised probation for four years.

Allen McKinney, 19, of Greenmountain entered a guilty plea to a charge of sale and delivery of a controlled substance and was fined \$1,000.

McKinney also received a suspended two-year prison sentence and was ordered to serve three years probation and complete training for his high school equivalency diploma. Testimony revealed McKinney sold marijuana and amphetamines to an undercover agent.

Rai Handy, 19, pleaded guilty to the sale and delivery of a controlled substance and also received a \$1,000 fine and two-year suspended prison sentence. He was also ordered to serve three years probation.

A husband and wife also entered guilty pleas during Monday's session of the court. Both Chris Troxell and his wife, Cheri, were charged with the sale and delivery of a controlled substance. Both were fined \$1,000 and received suspended two-year prison sentences and were ordered to serve three years probation.

During the afternoon session, the court heard Bobby Penland enter a guilty plea to a single charge of possession of a controlled substance with intent to sell and deliver. Penland was fined \$2,500, received a suspended three-year prison sentence and was ordered to serve supervised probation for four years.

The court also accepted guilty pleas from Danny McMahan, 18, of Spring Creek. McMahan pleaded guilty to two charges of breaking and

entering homes in the Spring Creek area late last year. In exchange for his plea, the prosecution dropped three counts of larceny and an additional breaking and entering charge.

McMahan received a suspended three-year prison sentence and was ordered to serve supervised probation for five years.

The court also heard arguments in the extradition of John Gahagan II. Judge Pachnowski ordered Gahagan turned over to Tennessee authorities.

The court also completed jury selection for the trial of Bertie Gentry, charged with five counts of assault. A jury of five women and seven men were scheduled to hear testimony in the case beginning on Tuesday morning.

Brown Named

The North Carolina Department of Motor Vehicles has named James D. Brown of Mars Hill as the branch agent contractor for the Madison County license plate office. Announcement of the appointment was made last week by James Rhodes, director of the department's vehicle registration agency.

-Continued on Page 2

Billy McQueen Receives Life Sentence

By BILL STUDENC The Waynesville Mountaineer

Billy Denton McQueen, convicted of the April murder of a state trooper, was sentenced to life in prison last Wednesday by a seven-woman, five-man Haywood County jury.

The jury returned the verdict about 2:30 p.m. Wednesday. The jury had been deadlocked at 11-1 after 7 1/2 hours of deliberation.

Jury foreman Tyree Kiser told Superior Court Judge John Friday at noon today that jurors were knotted at 11 to 1. That impasse comes after 7 1/2 hours of deliberations, which began Tuesday morning.

Friday instructed Kiser not to reveal if the majority of the jurors was leaning toward life imprisonment or the death penalty.

The jury's decision concerning McQueen's sentence must be unanimous.

The same 12 jurors on Friday found McQueen guilty of first-degree murder in the April 9 shooting death of N.C. Highway Patrol Trooper Giles Arthur Harmon, gunned down on Interstate 40 in the Harmon Den area of Haywood County.

If jurors are unable to break their deadlock in the sentencing phase of McQueen's trial, Judge Friday may have

to sentence McQueen himself.

State law allows a judge to impose a life sentence in a murder case if jurors have deliberated for more than a reasonable length of time without reaching a decision, McQueen's attorney, Reid Brown said.

Friday said this afternoon that he did not know how long he would allow the jury to continue its deliberations, and said he would probably ask jurors at about 4 p.m. today if they were making any progress.

Brown has asked Friday several times to declare the jury "irrevocably deadlocked," but Friday each time denied the motion.

Jurors deliberated for five hours Tuesday before going home overnight. They resumed their deliberations at 9:30 a.m. today.

Jury members returned at about 4:30 p.m. Tuesday to ask if they could place any stipulations on a life sentence, and if they could control how long McQueen would actually be imprisoned.

Friday ruled that state law would not permit such a stipulation.

Brown said Tuesday that the jurors' question indicated a concern on the part of at least one juror that if they sentence McQueen to life in prison that he could be paroled

after serving as few as 20 years.

Brown said the jury's inability to make a quick decision did not necessarily make him feel good about McQueen's chances of receiving a life sentence.

"I think if they were going to give this young man life, they would have already done so," Brown said. "Usually, if they're going to benefit a defendant, they'll go ahead and do it right away."

Before adjourning court Tuesday, Judge Friday warned spectators in the courtroom about harassing or threatening witnesses.

Friday also instructed deputies to escort jurors to their vehicles Tuesday, and from the parking lot into the courtroom this morning.

Jurors do have a lot to talk about — nearly two weeks of testimony and closing arguments, including attorneys' arguments during Monday's sentencing hearing.

District Attorney Marcellus Buchanan, during his closing argument Monday, asked the jury to sentence McQueen to death.

"If ever there has been a state of facts, I tell you the state exists in you, where the death penalty is demanded, it is in this case," Buchanan said.

"Justice cries out. Justice cries out from every mountaintop in Haywood County. Justice demands retribution in this case. Justice demands vindication for law and order — not for Giles Harmon because Giles Harmon cannot be helped — but for you and me for the other people in your town, your county and your state," he said.

Buchanan called "absurd" the defense argument that McQueen was a victim of "battered child syndrome," and that he became a violent adult because, as a child, he was severely abused by his father.

Buchanan, calling McQueen "that pitiful little specimen," said it was "passing strange" that McQueen showed no emotion throughout the trial until Monday, when he fought back tears several times while on the witness stand, testifying about his years as an abused child.

Buchanan called for the death penalty because of three aggravating factors in the case:

• Harmon was murdered during the commission of a felony — the kidnapping of Charles Barber, Buchanan said.

• Harmon, the state's star witness in the trial, said he was shot as McQueen fired two bullets into a state trooper.

-Continued on Page 12

November - Easter Standard Time Begins Set Your Clocks BACK One Hour Saturday Night!