

## Teacher Considers Lawsuit

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## Community Calendar

### Republican Picnic Saturday

The annual Republican Picnic will be held on August 23 at the Old Mill Wheel Cafe at Laurel River starting at 5 p.m. Everyone is invited to attend, bring a covered dish, and meet the Republican candidates.

### Girl Scouts Organizing

There will be a registration meeting for the parents of the Girl Scouts of Marshall on August 25 beginning at 7:30 p.m. at the Marshall Baptist Church. The annual registration fee will be \$4.00. A parent or guardian must accompany their child when registering. For more information call 649-3314.

### "In Our Own Way" To Sponsor Series Of Herb Workshops

"In Our Own Way" a non-profit self-help organization recently opened in Mars Hill, will conduct a series of herb workshops throughout the county beginning on Sept. 3-5.

On Sept. 3, the workshop will be held in Greater Ivy and Mars Hill. On Sept. 4, a workshop will be held at 1 p.m. at the A-B Tech Center on Blannerhassett Is. On Sept. 5, workshops will be held at 10 a.m. and 2 p.m. at Spring Creek Elementary School.

### Sheriff Morrissey Breakfast

There will be a breakfast for Buncombe County Sheriff Tom Morrissey on Aug. 23 in the North Buncombe H.S. cafeteria from 7:30 until 9:30 a.m. All Democrats are invited to attend.

### Walnut Creek Club Meets

The Walnut Creek Community Club will meet August 25 at 7:30 p.m. in the Fellowship Hall of Enon Baptist Church. A movie on crime control, drugs and alcohol will be shown. All members and interested persons are urged and welcome to attend.

### Mars Hill AA Chapter Meets

The Mars Hill chapter of Alcoholics Anonymous will meet on Aug. 28 at 8 p.m. in the Mars Hill Methodist Church. Anyone with a drinking problem and friends of alcoholics are invited to attend. For more information, call 689-2941.

### Benefit Bake Sale Planned

The American Legion Ladies Auxiliary will sponsor a bake sale on Aug. 30 beginning at 9:30 a.m. in front of Ingles Supermarket in Marshall. Proceeds from the sale will be used to purchase Christmas gifts for needy local children. Anyone wishing to donate to the fund should contact Bea Banks at 649-2436.

### Benefit Flea Market Opens Today

There will be a benefit flea market at the Unaka Center in Hot Springs today and tomorrow. The market will be open from 8 a.m. until 2 p.m. today and again tomorrow from 8 a.m. until noon. Proceeds will be used to finance a beach trip for Unaka Center clients.

## Spring Creek MIA Honored

"It is time we recognize these brave young men who have served their country, and may well continue to serve America as prisoners of war in Southeast Asia."

With that statement, U.S. Senator James Broyhill presented a POW-MIA Commemorative Medal to Mamie Gardner, the mother of John G. Gardner of Spring Creek. Gardner's aircraft was lost in action over Laos on June 3, 1967.

In a special ceremony Monday at the V.A. Medical Center in Oteen, Sen. Broyhill and U.S. Rep. Bill Henderson spoke of efforts to locate missing American soldiers in Vietnam.

"Legislation has been passed to assist in the location effort, and diplomatic efforts are beginning to bear results," said Henderson. "These may not be the best courses of action, but it is a start."

John G. Gardner, the only son of John and Mamie Gardner, joined the Marine Corps after graduation from the University of Georgia in 1965.

"He didn't have to go," said Mrs. Gardner, "but said he felt it was his duty."

He left behind his parents, a wife, and a four-month old daughter, when he departed in April 1967. Two short months later, he was gone.

But Mamie Gardner still clings to the hope that her son is still alive. For that reason, she has been active in the search for her son.

"We are now in a position where we can finally breathe a sigh of relief," said Henderson.



Sen. JIM BROYHILL, left, presents medal to Mamie Gardner of Spring Creek. Mrs. Gardner's son, John, is listed as missing in action since 1967. Rep. Bill Henderson, right, also attended ceremonies at the VA Medical Center.

# Henderson County Jury To Decide Rios Verdict

By ROBERT KOENIG

HENDERSONVILLE- A Henderson County jury began deliberations in the first degree murder trial of Jimmy Dean Rios yesterday following two weeks of testimony. Superior Court Judge Mary Pope gave the jurors their instructions Wednesday morning following the close of defense and prosecution arguments on Tuesday afternoon.

If convicted of murdering State Highway Patrol Trooper Bobby Lee Coggins, the same jurors may decide if the 24-year old Arkansas native receives a life sentence or execution.

Rios took the stand in his own defense last Friday and again on Monday. Under questioning by his defense attorney, Rios said that William Bray fired all three shots at Coggins. Rios read letters written by Bray that he received while in the Madison County Jail. In the letters, Bray offered to confess to killing Coggins singlehandedly if Rios would help him to escape from the county jail.

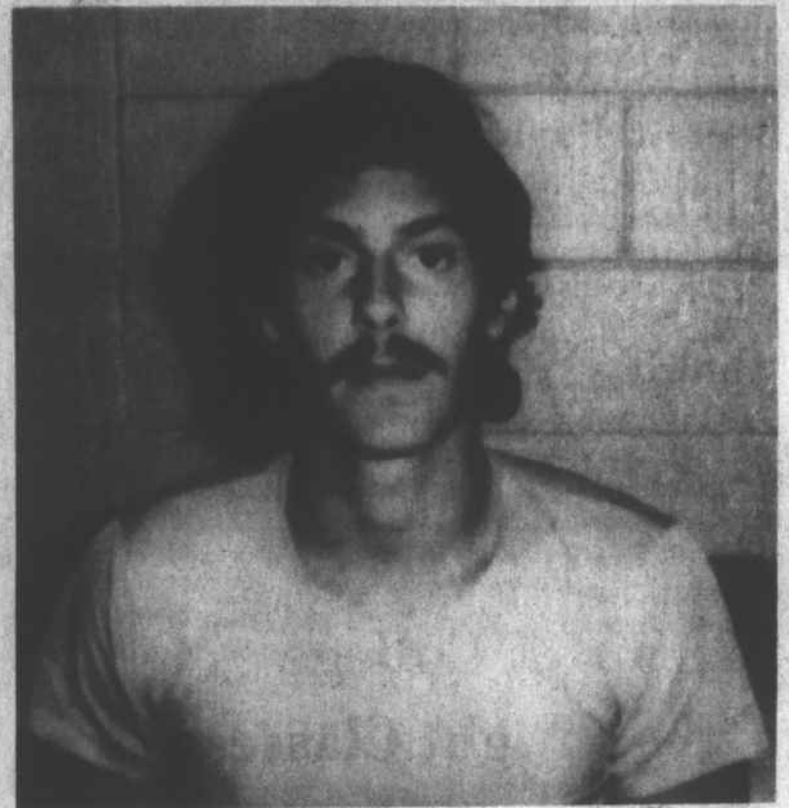
Both Bray and Rios had escaped from the Franklin County, Ark. Jail last August. They were fugitives at the time they were stopped by Trooper Coggins at the Van Cliff overlook near Hot Springs.

In his closing argument on Tuesday, District Attorney Tom Rusher urged the jury of seven men and five women to convict Rios. "As far as we are concerned, both men (Rios and William Bray) are guilty of the same crime...One is not more or less guilty. They are both guilty."

Rusher discounted a jailhouse confession written by Bray while both men were confined in the Madison County Jail. Recalling the story of Adam and Eve, Rusher said it was not uncommon for criminals to blame each other. The DA told the jurors, "The state of humanity has not progressed so far since the time of Adam and Eve."

Although conceding that the state's case was built upon circumstantial evidence, Rusher said that it was likely that Bray fired the first two shots and that Rios fired the final shot from the trooper's .357 Magnum service revolver. Rusher told the jurors that it would be appropriate to convict Rios even if they are not convinced that Rios actually fired a gun.

Recalling Rios' testimony, the DA also discounted the defendant's contentions that he did not know Bray had a gun and that Rios was attempting to surrender during the three-day manhunt that followed the murder. Rusher told the jurors, "If you believe he (Rios) spent three days in the woods wanting to get caught, then find him not guilty."



JIMMY DEAN RIOS

Rusher also reminded the jurors that Rios and Bray had three days to prepare a story for police following their capture.

Defense attorney Forrest Ball of Mars Hill said his client did not kill Trooper Coggins, but was being prosecuted because of his association with Bray. "This is a case built on guilt by association. This is a case in which Jimmy Dean Rios was with the wrong person."

On Monday, Rios took the stand and read from letters he had received from Bray while both men were housed in the Madison County Jail. The letters contradict testimony Bray gave during his own trial in Buncombe County in May. At that time, Bray said he fired the first two shots which hit Coggins and that Rios delivered the third shot after taking Coggins' service revolver.

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## Grand Jury Returns Murder Indictment

The Madison County grand jury refused to indict L.H. Cutshall on charges of violating state election law during their session on Monday in Marshall. The 18-member panel returned a no true bill ruling for the second time in the case after District Attorney James T. Rusher resubmitted evidence for their consideration. Earlier this year, the panel rejected similar charges against Cutshall.

Rusher resubmitted the bills after nine new members of the panel were sworn in on Monday by Superior

Court Judge Friday. New members of the grand jury include James L. Sprinkle, Charles Shook Jr., Shelby Buckner, Lloyd T. Moore, William Holt Jr., Everett Craine, James Fisher, Nancy E. Thomas and Fred Trantham.

The grand jury also found no grounds for charges against Madison County Tax Collector Harold Wallin. After hearing testimony from County Commission chairman James Ledford regarding delinquent tax collections, the panel instructed DA Rusher to take no action in the case. The grand jury recommended, however, that Rusher continue his investigation.

The grand jury also handed down indictments against 10 defendants

during Monday's session, including charges of murder, attempted murder and attempted rape.

Elvert Oval Chandler was indicted on murder charges. Chandler is charged with trying to kill Roy S. Mitchell and Gail B. Young by pushing their car from an embankment and setting the car on fire.

James K. McElfresh was indicted on two counts of attempted murder and assault with a deadly weapon. McElfresh, an Illinois native, is charged with trying to kill Roy S. Mitchell and Gail B. Young by pushing their car from an embankment and setting the car on fire.

Jerry Lee Roberts was indicted on attempted rape and larceny charges. Roberts is charged with stealing \$84 in cash from the alleged victim.

The grand jury also indicted Joel

Zimmerman on charges of manufacturing a controlled substance. David Paul Russell, Norman Phillip Jamerson, James Bruce Massey, Revelle Edwards and Mark Riddle were all indicted on charges of breaking, entering and larceny.

Roger Dillingham was indicted on two counts of possession of stolen property.

Charles M. Smith was indicted on three counts of forgery and uttering and Teresa L. Murphy was indicted on a single charge of larceny.

Clara Haney and Wanda White were each charged with the sale and delivery of a controlled substance. The women were charged with attempting to furnish marijuana to an inmate in the Madison County Jail.

## District Court Sessions Are Held In Marshall

Judge Phillip Ginn presided over two sessions of the Madison County District Court last week. Assistant District Attorney Kyle Austin represented the prosecution while ADA Jim Baker was assisting in the first degree murder trial of Jimmy Dean Rios in Hendersonville.

During the Aug. 11 session, the court set the date for a number of probable cause hearings. David Ledford will receive a probable cause hearing on Monday on charges of larceny. There will also be a Monday probable cause hearing for Joel Zimmerman, charged with manufacturing a controlled substance. An Aug. 28 probable cause hearing has been scheduled for Jimmy Boyd, charged with assault with a deadly weapon.

Tony Rubens Roems failed to appear to answer charges of breaking, entering and larceny and the court issued a warrant for his arrest. James David Ray also failed to appear to answer breaking, entering and larceny charges.

During the Aug. 13 session, the court heard Charles L. Kirk guilty of a charge of breaking, entering and larceny. Judge Ginn sentenced Kirk to Level 5 punishment. Kirk received a suspended 60-day jail sentence and a \$100 fine.

William Gostlin, convicted of aiding and abetting impaired driving, received a suspended four-month jail sentence and \$100 fine.

Lynn Michael Robinson was convicted on impaired driving charges and received a \$100 fine and suspended 60-day jail sentence. Robinson was also ordered to attend Alcohol Drug Education Training.

Joseph Norton Jr. was also convicted of impaired driving and received Level 5 punishment, a suspended 60-day jail sentence and \$100 fine. Norton was also ordered to perform 24 hours of community service and attend Alcohol Drug Education Training.

## Jury Acquits Clontz

A Madison County Superior Court jury of eight men and four women found Rusty Clontz not guilty of possessing stolen property on Monday during the opening day of the current session.

Clontz represented himself during the brief hearing presided by Judge John Pritchard.

On Tuesday, Norman Phillip Jamerson entered guilty pleas to charges of unlawful harboring and

impaired driving charges against both Nick Edwin Wade and Calvin Darrel Coates were dismissed.

The court also dismissed impaired driving charges against Russell Milton Dalton. Dalton was convicted on charges of reckless driving and resisting arrest, however, and received a \$250 fine.

Glen James Smith and Everett Lee Ballard failed to appear to face impaired driving charges and the court issued arrest warrants for both men.

The court also continued charges against William F. Davis Jr., James R. Boyd, Michael Duane Anderson, Scotty Benjamin Emory and Richard

Clontz on charges of breaking, entering and larceny. Jamerson received a three-year active sentence on the same charge and a suspended two-year prison term for the misdemeanor conviction.

Jamerson pleaded guilty to starting a fire in a building owned by the state and received a suspended 60-day jail sentence and a \$100 fine.

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