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Wallin Charges Dropped

By BILL STUDENC
Editor

Madison County Tax Collector Harold H. Wallin will not face further prosecution on charges that he failed to collect interest and penalties on delinquent taxes owed by 92 property owners.

That's the word from District Attorney J. Thomas Rusher following last week's dismissal of charges against Wallin by Chief District Court Judge Robert H. Lacey.

In Madison County District Court last Thursday, Lacey dismissed two misdemeanor charges alleging that Wallin willfully failed to collect penalties and interest from delinquent taxpayers that he favored.

The dismissals came after Lacey

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BILL STUDENC PHOTO

It's back to work for Madison County Tax Collector Harold Wallin after charges against him were dismissed last week.

Boy, 15, Convicted Of Attempted Rape

By MARGARET A. STUDENC
and BILL STUDENC
News Record Staff

A Madison County Superior Court jury Tuesday convicted 15-year-old Leroy Higgins Jr. of the attempted rape of a 6-year-old girl last October.

Higgins was one of two Marshall boys, then aged 14, charged with raping a girl in the woods behind Walnut Creek Apartments on Oct. 1, 1986.

Higgins, a freshman at Madison High School, was sentenced by Superior Court Judge Charles Lamm to serve five years as a juvenile offender.

Testimony for the trial began Monday afternoon with the testimony of the little girl, now 7.

Lamm ordered all spectators to leave the courtroom during the little

girl's testimony, granting a motion by Assistant District Attorney Jim Baker.

"The presence of many people may cause such anxiety and fear that she might be unable to testify," Baker said. Higgins' attorney, Donny Laws, did not object.

Monday's testimony also included that of Fred A. Messer Jr., 15, who also faces a charge of rape.

Messer, called as a state's witness, testified that he saw Higgins "on top of" the girl in the woods behind the apartment complex.

"She was hollering and screaming," Messer said.

Messer denied raping the girl, but said that Higgins pushed him down on top of her.

Dr. Robert Cline, who examined

the girl Oct. 1, testified that he found no physical evidence of sexual assault, but said the girl indicated she had been assaulted.

Linda King and Judy Huff of the Madison County Department of Social Services testified that the girl said the boys had assaulted her.

"She said they said they had to do it to her every day," Huff said. "She said each boy held her down while the other boy did it, and she said they told her not to tell."

Higgins pleaded not guilty to the first-degree rape charge and to a charge of attempted first-degree rape.

Higgins, who testified Tuesday morning, said he never touched the girl at all.

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Madison Brothers Face Tennessee Murder Charges

From Staff Reports

Two Mars Hill brothers are now in the custody of Tennessee authorities and are awaiting trial on charges that they killed a man in a barroom brawl last month.

Jeffrey Eugene Massey, 17, and his brother, James Bruce Massey Jr., 22, agreed in Madison County District Court last Thursday not to fight extradition to Tennessee where they will face murder charges.

The Greene County (Tenn.) Sheriff's Department has charged Jeffrey Massey with second-degree murder and James Bruce Massey Jr. with aiding and abetting second-degree murder.

Those charges stem from the Sept. 18 slaying of Herbert Norton, 34, during a fight at the Starlite Club on the Asheville Highway in Greeneville, Tenn.

According to Tennessee authorities, Norton died after his throat was slashed in the brawl.

Madison County authorities arrested the Massey brothers the following day after being contacted by the Greene County department.

The two brothers were transported to Greeneville late last Thursday by

Greene County deputies after waiving extradition.

Jeff Massey will be treated in the Tennessee court system as a juvenile because he is younger than 18 years old. Under Tennessee law, defendants younger than 18 are considered juveniles.

An arraignment hearing for the younger Massey brother was held Tuesday in Greene County, but authorities in the prosecutor's office said they could not comment on the hearing because it involved a juvenile.

Authorities should know by next week whether he will be tried as an adult or as a juvenile on the second-degree murder charge.

The elder Massey brother was scheduled for an arraignment hearing Wednesday, according to Tennessee officials.

James Bruce Massey Jr. has also been charged in Buncombe County with assault with a deadly weapon inflicting serious injury.

The charge stems from a shooting incident in August at Peabody's on the Madison-Buncombe county line, said Madison County Chief Deputy Dal Peck.



BILL STUDENC PHOTO

Out On A Limb

Workers from Garland Brothers Tree Service remove the limbs from an 83-year-old red oak tree in Mars Hill before cutting down the 90-foot tree. Town officials say the tree's old age and dry weather have made the tree, located at the intersection of N.C. 213 and Main Street, a hazard.

Flat Creek Rejects Zoning Ordinance

By BILL STUDENC
Editor

Residents of Flat Creek township went to the ballot box in unprecedented numbers Saturday and overwhelmingly rejected a proposed land use ordinance.

According to official results from the Buncombe County Board of Elections, 1,131 Flat Creek residents voted against a proposed community zoning ordinance while 429 residents voted in favor of it.

Voter turnout was apparently the highest in township history. A total of 1,560 residents went to Flat Creek Elementary School to cast ballots on the land use ordinance Saturday - nearly 600 more than the number of votes cast during the 1984 presidential election.

High voter turnout may have played a role in the defeat of the proposed land use ordinance, said Gary Hensley, chairman of the Flat Creek Community Planning Council, which prepared the ordinance.

"We were more surprised by the turnout than by the way it (the vote) went. More people turned out for this than for any presidential election, ever," Hensley said.

"Anytime you talk about a land use ordinance, you're going to stir up a lot of interest," he said.

Organized opposition to the ordinance seemed to gain momentum in the last few days before Saturday's vote, Hensley said.

"During the last week of the opposi-

tion's campaign, we began to see it look more bleak," Hensley said.

James Anglin, president of Flat Creek Concerned Citizens and Landowners, said the defeat of the ordinance simply means that Flat Creek is a rural community and doesn't need a land use ordinance.

"These people are just not ready for a zoning plan right now," Anglin said. "That's what it all amounts to."

But supporters of the ordinance say voters simply weren't informed when they went to the polling place Saturday.

"We feel it was a misinformed vote. There were a lot of half-truths and misquotes taken out of the ordinance," Hensley said.

"It was a panic vote, an emotional vote," he said.

Anglin said it was information - not misinformation - that led to the plan's defeat.

"We got a copy of the ordinance to as many people as we could and asked them to read it and make up their own mind, but please come and vote either way," he said.

Another factor that may have worked against the ordinance was time, supporters said.

"We had the public hearing Oct. 1 setting Oct. 17 as the date for a vote," Hensley said. "Some folks said they didn't know anything about it and hadn't had time to study it."

The defeat of the proposed ordinance means it's back to the draw-

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Weaverville OKs Water Pact, Awaits Asheville Approval

By MARGARET A. STUDENC
Staff Reporter

Weaverville's water worries can be put aside for a while with the signing of an agreement between Weaverville and the Asheville-Buncombe Water Authority.

The final draft of the agreement was signed Monday night by the Weaverville Town Council after months of discussion and work.

"What this will do is the town will commit to buying 370,000 gallons minimum from the city," said Weaverville Mayor Reese Lasher.

"This can be terminated if we so desire?" asked Councilman Kathleen Young.

"The agreement does give us a proviso to withdraw," said Charles Horne, town manager.

Horne told the council that this agreement will not limit the town in using water sold by the authority only at night.

"Hopefully this will solve our water problems," said Lasher.

The town will purchase water from the authority until a new source of water is found.

times of drought.

The agreement was approved and signed Tuesday by the Asheville-Buncombe Water Authority and must now be approved by the Asheville Town Council. Asheville officials are expected to vote on the agreement next Tuesday.

The Weaverville Town Council did more signing Monday in the form of a resolution honoring Jim Penley, retired Weaverville fire chief.

Penley was presented with a plaque for his "leadership instrumental in the quality of the department," and his 40 years of service to the community.

In other action, the town council agreed to reduce a resident's water bill for \$15 for two months providing that a leak was in her meter.

According to town officials, the town is responsible for leaks in water systems if they are in the meter or on the town side of the water line. Lanes located on private property are the responsibility of the customer.

Concerns were voiced at the Monday meeting that town vehicles parked in the city behind Town Hall are



BILL STUDENC PHOTO

Bedsprings In Hot Springs

Hot Springs mayor Kenny Ramsey and his team make the turn in a bed race down Main Street during Saturday's Hot Springs Bed Race, a day of autumn harvest

and events. In the race, two teams of four runners raced down Main Street wearing bedsprings around their waists, while their competitors pushed while reclining in the bed.

5 Hurt As Bus Overturns

By MARGARET A. STUDENC
Staff Reporter

Five Madison High School students were injured when the bus carrying them home from school turned over on its side on Hill Merrill Road located between Marshall and Mars Hill.

"The injuries were not serious," said Madison High Principal David Wynn. "One student had a broken collar bone but all were treated and released from the hospital."

The students were treated at Memorial Mission Hospital in Asheville after the Oct. 8 accident.

"Three of the students were sent by rescue squad and two were transported by their parents," Wynn said.

The bus driver, J.D. McFall, was not charged in the accident, said a spokesman with the N.C. Highway Patrol in Asheville.

The bus rolled over onto its side after the driver of the buspedal was struck by the front of another bus.