

# Pembroke Man Given Life For Death

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the motive and to prove premeditation, the key characteristic of a charge of first degree murder. Dr. Riley M. Jordan, a Raeford physician, questioned about memory "blackout," which Lowery had claimed to have had, testified that the person knows at the time what he is doing but cannot remember later what he did. Miss Powell, in her summation to the jury, contended that Lowery had to perform several deliberate acts to carry out his intent: he had to slide the top of the weapon back to put a bullet in the firing chamber, and he had to engage the safety device so the pistol wouldn't discharge accidentally while he was walking around in the club before shooting Locklear; that he raised his arm and called to Locklear before shooting him in the back, to cause Locklear to stop before he got out of range. Miss Powell also contended that Lowery was familiar with the club and its rules -- that patrons were forbidden to carry firearms or knives into the club, that patrons could be searched for weapons by club employees, and that they could be ejected from the club if weapons were found on them. She also said the club had metal detectors to determine whether a patron was carrying a weapon into

the club. She said that Lowery managed to smuggle his pistol into the club in some manner, possibly by a woman friend carrying it (women were not searched). Lacy Lowery, 22, no relation to the defendant, also had testified that he had asked Perry Lowery if he was going to take his pistol to the club and that Lowery replied, "Yes." Lacy Lowery will be given a presentencing hearing Monday at 10 a.m. in Cumberland County Superior Court in Fayetteville before Judge Brannon on a charge of being an accessory after the fact of murder, to which he pleaded guilty November 16 in the Hoke County jury with the murder-trial jury absent. A prosecution witness testified that, after the shooting, Perry Lowery told Lacy Lowery, "Take the gun! Take the gun!" Both the Lowerys were grabbed by club security men, and the gun was retrieved, and was turned over to the investigating officers when they appeared in response to a report a shooting had occurred. Defense witnesses testified that they had known Perry Lowery well and that he just wasn't acting like himself that night. Deborah Gonzalez testified she was shocked by Perry's behaviour; he put his hand on her, and when

she told him to stop, he did it again, then she slapped him, and he stopped. Defense testimony also was that at one point Perry was dancing "with a dude (man)," and he was stumbling around at other times, in his intoxication. Ricky Blue and others testified, however, that Perry didn't appear intoxicated. Prosecution testimony was that after Perry was put in the sheriff's department car after the shooting and was read his rights, he asked, "Is the boy dead?" which was evidence that Lowery was aware of what was going on. Essentially, the defense testimony attempted to show that Terry Lowery was incapable in his condition of forming an intent to kill, and the prosecution's testimony attempted to show that the defendant was functioning and did know what he was doing. Britt and Miss Powell also noted to the jury state law which says intoxication is no defense of a criminal violation, that the exception is in first degree murder, in which it must appear that the defendant was unable to think out what he planned to do.

Bill Hodges, a Pembroke ABC store employee, was found by Judge Brannon in contempt of court for failing to come to court in response to a subpoena. Hodges had been subpoenaed by Miss Powell. He sentenced Hodges to five hours in the Hoke County Jail and fined him \$100 and ordered him to pay court costs. Hodges went to jail at 12:12 p.m. and was released at 3 p.m. Tuesday, since the judge had credited him with the time spent in custody after officers picked him up and brought him to Raeford. Hodges was not called on to testify during the trial. The only other defendant to be given a judgment during the week's term was Dee Dee Ann Byerly of Fayetteville. She had been charged with second-degree burglary and pleaded guilty to breaking and entering, and larceny. The judge sentenced her to three years, suspended the sentence and placed her on probation for five years on conditions she make \$200 restitution to the victim, Phloy Hardaway of Rt. 4, Raeford, and pay court costs. Byerly had been accused of breaking into Hardaway's home December 8, 1981, and stealing a sewing machine and three television sets.



The Hoke County Rescue Squad has increased its rescue capabilities by adding an underwater rescue team. The primary purpose for the dive team is the search and recovery of drowning victims. By using divers over dragging, it is possible to locate victims faster, increasing chances for survival. The underwater rescue team has already recovered one victim this year, on July 26 when a car plunged into about 20 feet of water in Mott Lake at Fort Bragg. The underwater rescue team has three certified divers. Kemp Crumper, (right) who is a dive master; Lawrence Conoly (not pictured), advanced open water diver, and Dick McNeill (left), an open water diver and the other members of the Rescue Squad for boat and shore operations.

## Magistrate's Court

The following Hoke County magistrates' judgments were issued last week. Paul Douglas Oomen, Rt. 2, Middletown, N.Y., hunting without a license, \$10 and costs; hunting big game without a license, costs. Dorothy Hayes, Box 788, Raeford, worthless checks, \$40 restitution to J.H. Blue, Jr., and costs; \$34.90 and \$66.10 restitution to Macks Stores and costs. Charlotte Elizabeth Kelson, Rockingham, speeding 66 in a 55 zone, \$10 and costs. Andrew David Frahm, Raeford, unsafe move, costs. Lewis Wayne Royster, Ft. Bragg, no valid operator's license, \$25 and costs. Vonzelle Porter, Raeford, speeding 47 in a 35 zone, \$10 and costs. Georg Moskaluk, Fayetteville, passing on a grade crest, \$10 and costs. James Thomas McLean, Box 56, Lumber Bridge, speeding 48 in a 35 zone, \$10 and costs. The following judgments were issued during the week of November 8 by Hoke County Magistrates. Mattie L. Singletary, 405 E. Prospect Ave., Raeford, worthless check, \$40.44 to Jackson's FMA, and costs. Donald K. Hough, Rt. 2, Raeford, worthless check, \$50 restitution to Mack Tools, and costs. Robert Taylor, Junction City, Kans., speeding 65 in a 55 zone, \$5 and costs. Chester Lewis Thomas, West End, speeding 50 in a 35 zone, \$10 and costs. Michael Hubert Waters, Hope Mills, speeding 66 in a 55 zone, \$10 and costs. Helen Schenk Wolfe, Greensboro, passing at an intersection, \$10 and costs.

David Lee Smith, 308 N. Wright St., Raeford, expired state registration, costs. Kathleen Louise Stark, Rt. 4, Fayetteville, speeding 67 in a 55 zone, \$10 and costs. Robert Henry Swain, Charlotte, speeding 66 in a 55 zone, \$10 and costs. Wayland Edward Parker, Jacksonville Beach, Fla., speeding 66 in a 55 zone, \$10 and costs. Tommy Ray Powell, Fayetteville, failing to drive on the right, costs. Sallie Darlene Riggins, Rt. 3, Raeford, no operator's license (medical cancellation), \$25 and costs. Roy Carlton Robinson, Sr., Fayetteville, speeding 59 in a 45 zone, \$10 and costs. George Everett Russell, Pinehurst, speeding 65 in a 55 zone, \$5 and costs. Effie Patterson McCollum, Rt. 3, Raeford, speeding 64 in a 55 zone, \$5 and costs. Kathleen A. McDonald, Pinehurst, speeding 70 in a 55 zone, \$10 and costs. Evander McLean, Jr., Rt. 1, Laurel Hill, speeding 65 in a 55 zone, \$5 and costs. Oscar Bryan Kerns, Rt. 3, Dunn, followed too closely, costs. Kathryn Allen Marshburn, Charlotte, failing to stop at a stop sign, costs. Phyllis Ann Mull, Rt. 2, Raeford, failing to stop at a stop sign, costs. Raymond Woodbury Kidder, Lincolnton, speeding 67 in a 55 zone, \$10 and costs. James Colon Lindsay, Enka, violation of oversize-movement permit, \$10 and costs. Clint Locklear, Rt. 1, Shannon, no operator's license, \$25 and costs.

Gail Fulk Lowery, Rt. 3, Raeford, speeding 45 in a 35 zone, \$5 and costs. Robert Cary Maples, Laurinburg, speeding 68 in a 55 zone, \$10 and costs. Delores Jeanette Johnson, Rt. 1, Raeford, speeding 45 in a 35 zone, \$5 and costs. Harlie Hammonds, Jr., Charlotte, speeding 65 in a 55 zone, \$5 and costs. Sharon Lynn Harris, Fayetteville, speeding 63 in a 55 zone, failing to comply with driver's license restriction, to wear corrective lenses, \$25 and costs. Irma Crowley Hedgepeth, Raeford, failing to stop for a red light, costs. Billy Gordon Henry, Fayetteville, speeding 60 in a 45 zone, \$10 and costs. Robert Kendall Hill, Rt. 2, Grifton, speeding 66 in a 55 zone, \$10 and costs. Lillie Howe Holt, Raeford, speeding 59 in a 45 zone, \$10 and costs. Loyd Thomas Honeycutt, Raeford, speeding 55 in a 45 zone, \$5 and costs. Marty Fann Connor, Fayetteville, speeding 67 in a 55 zone, \$10 and costs. Carl Rufus Creech, Fayetteville, speeding 65 in a 55 zone, \$5 and costs. Marie McCollum Dobbins, Rt. 1, Raeford, speeding 67 in a 55 zone, \$10 and costs. Helen Moore Dukes, Rt. 1, Raeford, speeding 47 in a 35 zone, \$10 and costs. William Carroll Goodwin, Jr., Laurinburg, speeding 70 in a 55 zone, \$10 and costs. Yvonne Moore Francis, Rt. 3, Raeford, following too closely, costs. Harold Hailey, Rt. 1, Shannon,

speeding 57 in a 45 zone, \$10 and costs. Sabrina Doraine Barnes, Raeford, failing to yield right of way at a stop sign, costs. Linda Bass, Lumberton, speeding 68 in a 55 zone, \$10 and costs. Linda Addie Abrams, Rt. 4, Raeford, speeding 67 in a 55 zone, \$10 and costs. Willie Lee Best, Raleigh, speeding 70 in a 55 zone, \$10 and costs. Edward Carlton Blue, Raeford, no operator's license, \$25 and costs. Robert Lee Boggs, Fayetteville, speeding 65 in a 55 zone, \$5 and costs. Helen Joyce Booker, Angier, speeding 65 in a 55 zone, \$5 and costs. Benjamin Q. Briggs, Maxton, speeding 55 in a 45 zone, \$5 and costs. Handy Brown, Jr., Cheraw, S.C., speeding 65 in a 55 zone, \$5 and costs. Mary Jackson Carter, Hope Mills, failing to drive on the right, costs. Millard Chavis, Greensboro, speeding 65 in a 55 zone, \$5 and costs. Michael Anthony Clay, Fayetteville, speeding 69 in a 55 zone, \$10 and costs. Joann Dixon, Rt. 1, Raeford, worthless check, \$42.50 restitution to Jackson's FMA, and costs. James Alexander Scriven, Fayetteville, speeding 45 in a 35 zone, \$5 and costs. Chigbo Umerah, Fayetteville, failing to stop at a stop sign, costs. Lanie Adams McNair, Raeford, speeding 47 in a 35 zone, \$10 and costs. Sharon Damico, Laurel Hill, speeding 68 in a 55 zone, \$10 and costs.

## Court Dusted Here

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Whether it was aimed at the prosecution or the defense, he said, he didn't know. It was discovered shortly before the murder trial of Perry Wayne Lowery was resumed. But whether it was aimed at people involved in this trial, or at its outcome, or at another case was not known by court officers. A member of the court clerk's

staff said gofer dust was discovered twice in recent years in District Court, but it has been many years since the dust was spread in Superior Court. Someone else said the phenomenon is not unique to Hoke County. "There's a lot of it in Robeson County," she said.

## United Way Gearing Up For 1982-83 Campaign

The Hoke County United Fund held its annual meeting on Tuesday, November 16, at the Hoke County Public Library. Officers for 1982-83 are: Ken Witherspoon, President; John Leandro, Vice President; Rhonda Holt, Secretary; and Onnie Dudley, Treasurer. Bill Archer, John Howard, Betty Rogers and Onnie Dudley were elected to a three year term which runs until June 30, 1985. Other members of the Board in addition to the officers are: Richard Ferguson, L.S. Brock, Don Steed, Kay Thomas, and Neil A. McNeill. A statement of financial affairs revealed that all member agencies will receive their full allocation this year. Witherspoon said this was a most successful campaign, raising over \$21,000.

Board was informed that the United Fund is legally licensed to raise and distribute funds. Representatives of the Boy Scouts, Girl Scouts, and St. Joseph's Home Health Agency reported on the successful activities now occurring in Hoke County. The Board was pleased to hear the numbers of Hoke County residents benefiting from these programs. Board members also discussed the need for improved recognition of both contributors and member agencies. Witherspoon assured the Board that plans would be implemented in the very near future. The United Fund Board of Directors will meet quarterly with the intent of improving the effectiveness of the United Fund in Hoke County.

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### Area Incidents

## 3 Larcenies Reported In Area

Three cases of larceny in the South Hoke area and one in the North Hoke section were reported Saturday to the Hoke County Sheriff's Department. Someone stole \$32 worth of property from the Jaycee Hut, someone, possibly the same person, took \$385 worth from a car parked at South Hoke Auto Sales, and \$120 worth, including a jewelry box, was taken from a trailer rented to Victory Locklear. The property stolen from the car consisted of a radio, tape player,

two radio speakers, and an equalizer. North of Raeford, someone stole a water pump worth \$125 from the property of Henry McCall on Rt. 4, Raeford. The following were reported to the Raeford Police Department, according to Police Chief Leonard Wiggins. A man paid \$10 in advance for gas, then put \$13.02 worth in the tank of his vehicle and drove away without paying the difference. The Pantry on East Central Avenue reported November 17. Carl H. Quick told police Friday

someone stole the left front hubcap worth \$60 from his car while it was parked at Hoke County High School Thursday night. He said his son had driven the car to the school. James R. Weaver, 109 W. Fifth Ave., reported Friday someone stole his 1978 Buick from a parking lot at Hoke County High School. The car was found, undamaged, later in the afternoon behind the North Raeford Fire Department building by a Hoke County sheriff's officer. Carl Hendrix, Rt. 3, Raeford, reported Saturday the rear window

of his car was shattered as he was driving on West Prospect Avenue. He said he heard a noise at the back window as he was traveling near the highway bridge. The damage amounted to about \$20. Someone stole the \$125 motorcycle helmet of Donald McLean, Rt. 2, Raeford, Saturday after he parked it at The Pantry on Harris Avenue and went into the store. Use credit wisely, purchasing only things which are necessary. Credit carries a price. It can be convenience or quidsand for shoppers.

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