

Escapees (Continued from page 1A)

was 11 years old. She returned on her own to her South Hoke family this spring.

Frausto is charged with abduction and statutory rape.

Handon was booked on October 16 on charges of robbery with a dangerous weapon, first degree burglary and possession of a firearm by a felon.

Locklear's numerous felony charges include common law robbery and robbery with a dangerous weapon. He was booked in May.

Phillips faces charges of possession of cocaine and having a stolen vehicle. He was jailed October 24.

'Headed for Atlanta'

Handon, the second escapee to be captured, was picked up by the Cobb County Sheriff's Office near Atlanta, Georgia yesterday at 3 p.m.

"We got a lead Monday night from a citizen that he and Hector were headed for Atlanta," Peterkin said. "Mr. Handon was going to meet a family member in the Atlanta area."

"Authorities were contacted there, and they staked out the location where they (escapees) were to arrive," he said. "Christopher showed up alone."

Last night, Frausto and Locklear were located at a home in the Hispanic neighborhood of the Atlanta suburbs near the restaurant where Handon was apprehended.

An extradition hearing for the three fugitives was to be held in Cobb County today. They should be returned to Hoke by the end of this week, where they will be charged with felonious escape, authorities say.

Flawed security

A flawed security system with an insufficient door-locking mechanism, a diversion created to distract jailers at 5:30 p.m., and a lack of staffing in the annex were cited as the primary reasons the jailbreak succeeded. It occurred sometime after 9 p.m. last Tuesday night, according to Peterkin.

"It took planning... The lesson is we could have had 50 inmates on the street — not four," Peterkin said.

"They had more than three hours to leave (the jail). We are glad they did not go down the corridor and try to overpower the jailers."

In a joint request elicited by District Attorney Kristy M. Newton and Peterkin, the State Bureau of Investi-

gation has initiated a routine inquiry into the circumstances surrounding the jailbreak. In the interim, Peterkin said the detention facility is "as secure as it can be secured."

The escape captured national news media attention. In the initial inquiry, Peterkin reportedly said windows that were broken were suspected as the escape route the inmates used. However, after viewing a video surveillance tape this week of the annex where the escape occurred, Peterkin said the prisoners left through a rear door to freedom.

Peterkin said the inmates escaped after jamming a cell door in the jail's annex, exiting the rear door and climbing over a barbed wire fence with the use of blankets.

"They distracted the jailers while the inmates were being fed," Peterkin said. "They started conversation so the jailers would not see them jam the door, and held up blankets to try and block the surveillance camera."

Peterkin said Annette Locklear, mother of Stephen Locklear, was arrested yesterday on two felony counts of allegedly harboring jail escapees.

"She allegedly gave Mr. Handon and Mr. Frausto clothes and shelter and allowed them to change on her property," Peterkin said.

Common goal

While initially blaming the county commissioners for not allowing him to hire more needed jailers to man the local detention center, Peterkin said everyone is working together toward a common goal.

The county commissioners unanimously approved forming a jail study commission on Monday night to prioritize staffing and security issues at the jail. A detailed jail analysis is also underway by a Charlotte-based firm to assess the needs of Hoke's jail.

"I think this is a step in the right direction," Peterkin said.

Threat of lawsuit

Commission Vice Chairman Charles V. Daniels asked Peterkin on Monday night why he had contacted a legal rights organization for inmates — the same organization that sued the county in 1994 because of overcrowded conditions at the jail. County Manager Mike Wood confirmed that County Attorney Neil Yarborough was contacted by the organization

twice this past week. A closed, executive session was held on Monday by the board to discuss possible litigation by the inmates' consortium against Hoke.

"We have been in communication," Peterkin said of the legal organization. "I want to be certain we are complying with the agreement the county signed in 1994 when the annex was built."

"We are supposed to have at least one jailer per 12 inmates, and we do not have enough staff right now. As sheriff, I am required to protect the citizens of this county and ensure inmates are kept in safe, secure conditions."

Peterkin and Chief Deputy Troy McDuffie thanked the board for their recent cooperation.

"We are not trying to place blame," McDuffie said of the jailbreak. "There are some changes that we have to make. That back door must be secured at all times."

"We have all learned from this. Jail breaks — they do occur even at some facilities more secure than ours."

Personnel

Daniels said the Sheriff's Office already has 13 jailers, a vacant sergeant's position that will be filled, and the chief jailer, Captain Sparks, who is supervising the facility.

"We have given the Sheriff more than \$269,000 extra since our budget was approved in June," Daniels said. "I think maybe he also needs to think about some reorganization to utilize that money."

However, Peterkin said, with the Hoke inmate population frequently topping 90 that only leaves one jailer per 30 inmates on each shift. On the night of the escape, there were only three jailers to guard more than 50 inmates, averaging one jailer per 17 inmates. That is a violation of the state regulations, he added.

"We do not have enough staff," Peterkin said. "I feel confident that our commissioners will work together with this jail commission to resolve any issues."

"I truly want us to work together for the benefit of our citizens."

Under the administration of former sheriff Jim Davis, two jailbreaks occurred at Hoke's jail within a two-week period. In at least one of the incidents, the inmates escaped out the rear door of the annex.

Southerland (Continued from page 1A)

it is alleged that he committed numerous "criminal acts," using the moneys of clients held in a trust account for his own "unauthorized purposes." Southerland has not commented on the recent allegations.

"A copy of our complaint has also been forwarded to the District Attorney's office for them to determine if the allegations warrant criminal prosecution," Edmonson said. "That decision will be up to the DA."

District Attorney Kristy M. Newton declined to comment yesterday on the status of their criminal review of the N.C. State Bar findings that were sent to her office.

Southerland resigned as a part-time foreclosure attorney for Hoke nearly two years ago. Southerland also serves as vice chairman on the Hoke County Board of Education.

He was admitted to the State Bar in 1994. He is currently the owner of Harry Southerland & Associates law firm located on Fayetteville Road. Southerland has also previously served as a contract attorney for the Lumber River Council of Government, processing deeds and trust agreements for Hoke recipients of housing grants.

Probe

One of the five cases for which the Bar is requesting "relief" concerns the estate of Thaddeus McEachin Jr., who was killed while a passenger in a single car accident. According to the complaint, Southerland allegedly represented McEachin's minor heir in a wrongful death claim that was settled. One phase was a liability claim that was reportedly awarded to the underage child of \$30,000, and two underinsured insurance claims settled for \$20,000 and \$70,000 for the McEachin heir.

"This involved a minor child who should have benefited from Mr. McEachin's wrongful death suit, but the child never received the majority of the moneys from the settlement," Edmonson said. "There was a \$30,000 liability settlement left after funds were expended by Mr. Southerland, and only \$10,529 was sent to the child."

"Mr. Southerland also handled the underinsured claims of \$20,000 on the insurance, but gave the same minor child nothing from the settlement as he was required to do," Edmonson alleged.

"Then there was a \$70,000 settlement and, again, the minor did not

receive anything. Nothing was accounted for of the proceeds by Mr. Southerland of the moneys to the minor, or the minor's attorney," he alleged.

Southerland allegedly wrote a trust account check to himself on April 16, 2002 for \$6,000 extracted from the McEachin estate proceeds. The complaint alleged Southerland wrote on the face of the check that the disbursement was on behalf of "James Leach," a client and business associate who, according to the State Bar, had no funds on deposit in Southerland's trust account on that date.

Then Southerland allegedly "changed" the designation of Leach's name on the check, indicating it was for another client named "Boone" and that a portion of the check was also for McEachin.

Even though wrongful death settlements involving minor beneficiaries such as the McEachin claim require approval by the court, the State Bar alleged Southerland did not have the court approve the settlement of the McEachin estate's claim with Farm Bureau insurance firm. This was an additional violation, according to Edmonson.

Another alleged infraction was the alleged failure of Southerland to pay all of the medical providers' expenses that were due on one of the other estate cases he was handling.

"By appropriating other clients' entrusted funds to his own use," Southerland's conduct reflected "adversely on his honesty, trustworthiness or fitness" as an attorney, the complaint alleged further.

In another case, the State Bar alleged Southerland received \$3,000 to investigate a medical negligence claim for a woman, and the claim was never processed satisfactorily. Southerland allegedly deposited her funds into his trust account, and wrote three checks totaling \$3,000 to other people, according to the complaint.

"By charging those disbursements" to the client without her consent, the Bar said, Southerland appropriated for his own use, entrusted funds he held in a fiduciary capacity. The female client reportedly became upset with Southerland, the complaint stated, and she demanded Southerland return the advances she had made for expenses in her case.

After her request, Southerland allegedly wrote a trust account check from another client's funds to cover

the reimbursement to the female client. Thus, he allegedly repeatedly used moneys for a purpose that "was not intended."

"This should be a relatively quick trial," Edmonson said. "Either side could ask for it to be postponed, but I know we will not make that request."

Prior injunction

A civil court order issued in May 2003 by a Wake County Superior Court judge against Southerland is also still being enforced. The court injunction prohibited Southerland from handling trust account moneys. The court found "prompt attention" was necessary to protect funds that belonged to clients or third parties held by Southerland in a fiduciary capacity.

County complaint

According to Edmonson, the initial misconduct inquiry was conducted after the Hoke Tax Collector's Office questioned Southerland's handling of county tax and foreclosure cases. Subsequently, the State Bureau of Investigation began a criminal probe into Southerland's activities separate from the State Bar's inquiry.

Based on suspicions Southerland allegedly "misappropriated county funds for his own use" from escrow moneys of delinquent county taxpayers, Newton requested the SBI's inquiry. The SBI's continuation of the criminal investigation has been delayed until the Bar is completed with its pending case, according to SBI Supervisor Jerry Weaver of the Fayetteville Office.

As of Friday, Southerland had not accepted the certified document that was mailed to him by the State Bar a week ago. Edmonson said if the complaint was returned unserved, the bar would issue a civil summons to be served by the Hoke Sheriff's Office. Southerland has a right to file a response to the allegations contained in the complaint. Then 60 to 90 days later a civil trial will be held against Southerland by a disciplinary commission that will be appointed by the Bar to hear the case, according to Edmonson.

"If Mr. Southerland's license to practice is revoked, we will forward the order to other states in the event he has applied for a license to practice law elsewhere," Edmonson said.

Southerland also ran unsuccessfully for the district attorney seat in Hoke and Scotland counties in the last election.

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