

Defendants Get Active Prison Terms In Separate Sex Cases

A Bladen County man and an Onslow County man received active prison sentences last week in separate sex-related cases heard in Brunswick County Superior Court, according to the clerk of court's office.

Christopher Fitzgerald Rhodes, 22, of Route 1, Riegelwood, was found guilty last Thursday of second-degree rape and second-degree sexual offense. He was sentenced to 24 years in prison.

Also, Thomas Paul Grotzinger, 36, of Holly Ridge, pleaded guilty Friday to second-degree sexual offense and was sentenced to a 30-year prison term.

Judge Darius B. Herring Jr. gave both defendants credit for time they already have served awaiting trial and recommended both men for work release.

In both proceedings, Assistant District Attorney Napoleon Barefoot Jr. served as prosecutor. Rhodes was represented by Wilmington attorney Russell Davis; Grotzinger was represented by Tom Heller of Yaupon Beach.

According to court records, a seven-woman, five-man jury found Rhodes guilty of the two sex offenses after deliberating for about three hours last Wednesday and Thursday. The trial included about two days of testimony.

Before Herring consolidated the two charges for judgment, the defendant faced a possible maximum prison term of 40 years for each offense. The presumptive prison term for each charge was 12 years.

Rhodes was arrested on Jan. 30, one day after the offenses occurred in northern Brunswick County. He was

indicted March 13 by a Brunswick County grand jury on the second-degree rape and second-degree sexual offense charges.

The victim was a 20-year-old Leland area woman, who was related to the defendant, according to the Brunswick County Sheriff's Department. Investigators said Rhodes forced the woman to have sexual intercourse with him in his vehicle, parked on Hooper Hill Road.

In the other case, Grotzinger was arrested Feb. 21 by Boiling Spring Lakes Police, after being indicted Feb. 6 by a Brunswick County grand jury.

The charge against the defendant stemmed from a November 1988 incident, involving a 10-year-old Boiling Spring Lakes girl. The offense occurred after Grotzinger was released from prison on a 1986 indecent liberties conviction, which involved the

same victim, according to records on file in at the Brunswick County Clerk of Court's office.

Like Rhodes, Grotzinger faced a possible maximum sentence of 40 years in prison for the sex offense. The presumptive term was 12 years.

Also during the May 15 term of Brunswick County Superior Court, Judge Herring heard the following cases, according to the clerk of court's office:

•George James Pappadoulis III, guilty plea, second-degree rape, prayer for judgment continued pending a pre-sentencing diagnostic study.

•George Robert Cron, guilty pleas, 22 counts of breaking and entering, 23 counts of larceny, five counts of possession of stolen goods, two counts of misdemeanor larceny, one count of misdemeanor breaking and entering, 10-year active prison term,

credit time served, work release recommended.

•Cardell Holden, guilty pleas, driving while impaired, assault on an officer, 30-day active jail term.

•Larry George Dew, guilty plea, speeding 64 mph in a 55-mph zone, court costs.

•William Anthony Daniels, guilty plea, possession of stolen property, five-year suspended prison term, credit time served, five years of supervised probation, \$300 fine, court costs, \$350 attorney fees, \$75 restitution.

•Norman C. White Jr., guilty plea, reckless driving, 60-day suspended jail term, two years of unsupervised probation, \$200 fine, court costs.

•John Gregory Rouse, guilty plea, attempt to burn dwelling, three-year suspended prison term, five years of supervised probation, 90-day active

jail term, work release recommended, \$1,000 fine, court costs.

•Jimmy Ray Lewis Jr., guilty plea, driving while license revoked, two-year prison term, credit time served, work release recommended, probation revoked.

•George Lewis Clements, guilty pleas, breaking and entering, burning of building, four-year suspended prison term, credit time served, five years of supervised probation, \$1,000 restitution to prosecuting witness, \$550 attorney fees.

•Thomas S. Corbitt III, no contest plea, using a state boating access area for a purpose other than launching or retrieving a boat, prayer for judgment continued.

•Rex Allen Brown, guilty plea, misdemeanor larceny, two-year active prison term, credit time served, work release recommended, probation revoked.

Developers—

(Continued From Page 1-A) commercial shellfish harvest in Brunswick County. State and regional officials with the division could not be reached for comment on the revised plans Tuesday.

But Anderson said he believes the new set of plans will satisfy state and federal agencies and local shellfishermen concerned about the marina and that the permit application will be approved.

"It certainly is not going to cause any damage, so I hope common sense and judgment will prevail," he said. Anderson stressed that developers also felt the original plans would not have hurt the environment.

Anderson said Channel Side officials also have decided how storm-water runoff and wastewater disposal will be handled at the proposed marina, although he could not comment specifically on those plans.

He said money would not be spent on detailed design plans for those items until after a permit is granted.

The original set of plans calling for the boat basin and dry storage area was first submitted last April. Plans were revised in response to opposition that peaked last fall.

Ruling—

(Continued From Page 1-A) up the 1980 conviction because her staff followed standard procedure and checked Boney's record only to 1982—the year that the office's index file begins. She explained that most criminal record checks go back only seven years.

The certified record check given to Boney's attorney and later to the community service office was dated to show that the check went back only to 1982, Ms. Morgan said.

Both Easley and Hicks told the Beacon that the District Attorney's office agreed to dismiss Boney's charges in exchange for his agreement to do community service work, because they felt the state's case would be "weak" in a jury trial. Easley said his office's investigation of the case turned up seven or eight credible witnesses who contradicted the deputy's allegations.

When asked by the Beacon on May 8 if the agreement to do community service work was an admission of guilt, Boney said it was not.

In addition to the community service, Boney also signed a civil release, agreeing not to sue the sheriff's department over the case, Easley said.

The district attorney indicated Monday that the former charges against Boney would remain dismissed, because "the defendant has already completed the community service."



THE HOLDEN BEACH WEST CASE involves public access to Shallotte Inlet (background) through these dunes at the western end of Holden Beach. The developer of Holden Beach West maintains that Ocean

View Boulevard West through the subdivision to this dune area is a private road, while a citizens group and the state contend that the road is the public's traditional means of access to the inlet.

Appellate Court Hears Debate

(Continued From Page 1-A) ment issue, argued last week that there was "continuous and adverse, hostile use" of the same property for more than the necessary 20-year period. The course deviated only about 60 feet due to a large dune that shifted, he said.

Referring to Briggs as a "mountain boy," Maxwell suggested that the judge—a Mars Hill resident—did not take the changing nature of beach property into consideration in making his decision. "He's used to mountains and valleys . . . that do not change unless there's an earthquake," Maxwell said.

Jernigan's brief remarks addressed the "public trust doctrine," which says the state must protect the public's right to "reasonable access" to the shoreline.

The assistant attorney general argued that the road was "presumed to be public" in 1963 and 1974 subdivision plats that did not list the road as private. He also noted that the subdivision receives police and fire protection, and sanitation and water services along the road without special assessments.

In her argument, Ms. Sullivan basically rebutted the

plaintiffs' position. She said any implied public dedication of the road in the 1963 and 1974 plats was "revoked" in a 1975 plat which listed the road as private.

Also, she maintained that public use of the property was not continuous, because the developer's barricades kept out the "vast majority" of people who attempted to use the property without permission.

Ms. Sullivan also cited a section of the N.C. Administrative Code which states that NRCD's policies "recognize public use right into the beach areas as defined but do not in any way require private property owners to provide public access to the beach."

The judges questioned all three attorneys during their arguments. Eagles twice inquired about a "No Driving On Beach" sign that the town erected at the western end of the subdivision street.

He also asked if town police regularly patrol the subdivision, even though they don't enforce traffic laws there. Ms. Sullivan said there was nothing in the court record to indicate that lawmen entered the subdivision "unless an owner called the police in."

Redwine Files 'Blank' Bill To Fund Drainage

Brunswick County Commissioners will be asked to choose between three options to seek state funds for restoration of the abandoned Cawcaw Drainage District.

State Rep. E. David Redwine told the Beacon Monday that he introduced a blank appropriations bill in the N.C. House last week, "to use as a vehicle to help the drainage district."

However, Redwine indicated that the route he takes with his proposed legislation will depend on the commissioners' level of involvement—including financial involvement—with the drainage district, which is located in

southwestern Brunswick County.

Two of the three options involve using Redwine's blank bill to request funds from the General Assembly—either a full \$100,000 state allocation or a \$50,000 state allocation with \$50,000 in matching funds from the county, Redwine said.

He noted that the matching-fund option would have "a lot better chance" for approval than if the county asked him to seek the full \$100,000, considering the state's "tight" budget.

The third option involves \$250,000 in grant funds that are expected to be available for civil works projects through the N.C. Office of Water

Resources, Redwine said. The grants are awarded based on need, and matching funds also are required.

Redwine said he asked County Manager John T. Smith and County Attorney David Clegg to approach the commissioners about the funding method to be pursued. The matter was not discussed during budget work session Monday and Tuesday.

However, Commissioner Kelly Holden—whose electoral district includes the drainage district—told the Beacon Tuesday that he would probably bring up the Cawcaw issue when the board addresses contributions to agencies in the budget.

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