

IN BRUNSWICK COUNTY SUPERIOR COURT

Testimony Begins In Capital Murder Trial

BY TERRY POPE

Testimony continued in Brunswick County Superior Court Tuesday as a Columbus County teen-ager faces the death penalty, charged as a co-conspirator in the murder of a sheriff's deputy.

In opening arguments Monday, defense attorney Mike Willis told jurors that Michael Thomas Brown, 17, had no idea that his accomplice would actually shoot and kill Columbus County Sheriff's Deputy Bob Hinson.

Hinson, 59, died from three gunshot wounds to the head on June 16 while answering a fake break-in call to the Brunswick community around midnight.

Aquino Williams, 17, also faces a first-degree murder charge but cannot receive the death penalty because of his age. In a separate trial, District Attorney Rex Gore will seek life in prison for Williams but ask jurors for the death penalty if Brown is found guilty of first-degree murder.

Crucial pre-trial publicity, both trials were moved to Brunswick County. Jury selection took two weeks for the case that is expected to continue into next week.

"There was no conspiracy here, as the state will attempt to show," said Willis. "Michael Brown did not believe for one minute that Aquino Williams would do what he said he would do."

In his opening arguments, prosecutor Thomas Hicks painted a different picture, telling jurors that Brown placed the fake break-in call to the Columbus County Sheriff's Department and rummaged through the dead deputy's pockets looking for money after Williams fired the fatal shots.

Alluding to Brown's confession given to SBI agents following the arrest, Hicks outlined how the deputy's shotgun was taken from the patrol car and then hidden in Brown's home.

Copies of Brown's statement were given to jurors following SBI Agent Kelly Moser's testimony. Judge Narley L. Cashwell ruled the

confession could be introduced as evidence.

Hicks told jurors that he would outline how Brown and Williams "had talked and planned of killing an officer, not Bob Hinson in particular, but an officer, to get his gun."

But Willis argued that there was no "meeting of the minds" between the suspects. He said Brown has abused alcohol since he was 15, having missed 40 or more days of high school last year.

On the other hand, Williams had come to Columbus County from Detroit, after having been kicked from school as a result of a knife

fight, said Willis. He labeled Williams as a "tough kid from the inner city" and said on the night of the murder, Brown had "wanted to run (from Williams) but was afraid to."

It was an emotional first day of testimony as Columbus County Deputy Billy Hammond described how he approached Hinson's car and found the officer slumped over in the front seat with blood on his shirt.

The car had been parked behind some trash dumpsters near Airport Road in Columbus County.

Hammond, who said Hinson was also his best friend, openly wept on

the stand and his hands shook as Hicks asked him to describe the murder scene. Judge Cashwell ordered a five-minute recess before testimony could continue.

The deputy said he "hollered for" Hinson but didn't get a response after finding the patrol car.

"I opened the door and saw where he had been shot," said the emotional Hammond, as members of Hinson's family, sitting behind the defendant in the courtroom, cried.

Photos and a medical examiner's drawings showed the deputy had been shot three times in the head with a .22-caliber pistol, just inches away.

BALLOT UNDER SCRUTINY

Dosher Candidate Gets Hearing

BY TERRY POPE

A candidate who lost her bid for re-election to the Doshier Memorial Hospital Board of Trustees says the ballot was flawed and that a new election should be held.

Evelyn "Teal" Butler will argue her case before the Brunswick County Board of Elections Wednesday, Nov. 27, at 2 p.m.

Not all candidates, she said, were aware that persons could file for either a six-year seat or unexpired four-year term on the board. Had she known, Ms. Butler said she would have opted for the four-year seat.

Instead, Eugene B. Tomlinson Jr. was the only person who filed for the four-year seat. He ran unopposed and won.

Tomlinson had been appointed to fill the unexpired term left vacant by Doug Ledgett, who resigned.

Four other candidates filed for the two regular six-year terms and were set apart on the ballot from Tomlinson. Voters in Smithville Township were told to vote for one in Tomlinson's category and for two candidates that filed for the six-year seats. Gib Barbee and incumbent Charles B. Johnson won those seats.

Ms. Butler, elected to the board in 1980, believes voters entered the polls thinking the race was a plurality election, that the top three candidates would win seats on the board, with the two highest earning six-year terms. She claims that is how the elections were held in the past.

The board must decide if an irregularity occurred.

"There probably was one and it probably affected the outcome," said Robert Serra, Ms. Butler's attorney.

At a special meeting last Thursday, board members Glenda Walker, Billy Benton and Orié Gore met briefly in executive session with County Attorney David Clegg, who serves as counsel to the board.

"We feel that we do have probable cause," said Benton, who made the motion to hold the hearing.

Serra asserted that in 1985, candidate Charles Rogers won an unexpired term on the hospital board, but was not set aside on the ballot from other candidates. Rogers had been appointed to fill a seat held by Lorraine Bellamy, who died.

"I think this board would have to look at what would be the usual manner in which board members were elected," said Serra, adding that the Nov. 5 ballot violated "the usual manner" for Doshier elections.

However, Clegg said state law demands that persons specifically file

for unexpired terms and that those seats be set apart on the ballot.

During the 1987 and 1989 races, there were no unexpired terms on the Doshier ballot.

Clegg pointed to the Nov. 5 Shallotte aldermen race as an example where the same procedure was followed for electing persons to unexpired terms.

Joe Hewett Jr. had been appointed as alderman to replace Sarah Tripp, who became mayor last year. However, Hewett and six other candidates decided to register for a four-year term on the board.

Two people, including incumbent Wilton Harrelson, registered for the two-year term. The seats were set apart on the ballot with no confusion, said Clegg.

Ms. Butler said she plans to subpoena witnesses for the Nov. 27 hearing, including the seven current members of the board. Testimony before the elections board, said Clegg, must be given under oath.



STAFF PHOTO BY TERRY POPE

Building Another Bypass

Workers are busy on the U.S. 17 bypass of Bolivia at Galloway Road. Construction crews began paving portions of the highway this week that will route traffic around Bolivia and the Brunswick County Government Center and connect with U.S. 17 south of Brunswick Community College.

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