

## Delicious Christmas

Daphne McWhite collects holiday recipes from England, Germany, Peru, Puerto Rico and elsewhere. Page 4-B.

# Season's Greetings

## Solid In The Shrine Bowl

Eric Johnson demonstrates what West fans already knew—he can play with the best of them. Page 2-D.

# THE BRUNSWICK BEACON

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## APPEAL IS AUTOMATIC

### Jury Convicts Cummings, Sentences Him To Death

BY ERIC CARLSON

After a half century without reaching a death penalty verdict, prosecutors and defense attorneys wondered if a Brunswick County jury would ever impose the maximum punishment on a defendant convicted of first-degree murder.

Not anymore. Daniel Cummings Jr. of Red Springs was sentenced to die by lethal injection Friday by the same jurors who found him guilty two days earlier of premeditated murder in the shooting of Ash store owner Burns Everett Babson.

Under state law, all death penalty verdicts are automatically appealed, allowing a higher court to decide if any errors were made in the defendant's trial. An appeals court defender will be appointed to review the transcript of Cummings trial and sentencing. The defender will prepare arguments for a reversal of the verdict. That process is likely to take several years.

A major issue in the appeal is expected to be Judge Jack Thompson's decision to let the jury consider evidence of another murder Cummings allegedly committed two days before he shot Babson during a robbery last April.

The jury took less than two hours Wednesday (Dec. 14) to decide that Babson intentionally selected Babson's corner store on Whiteville Road as an easy target before shooting the 74-year-old man four times with a .44-caliber revolver and making off with his wallet and bills from the cash register.

Cummings was found guilty of first-degree murder, armed robbery and assault with a deadly weapon with intent to kill. The latter charge stemmed from two gunshots Cummings fired at Babson's wife before fleeing the murder scene.

In statements made to Brunswick County Sheriff's Detective Tom Hunter, Cummings admitted "scoping" the store before going inside

and demanding money from Babson. Cummings statement said he "heard" four shots go off and admitted stealing the cash and removing a wallet from Babson as he lay dead on the floor.

Cummings claimed in his statements that the shots were fired while he struggled with Babson over a .38-caliber revolver the store owner kept near the cash register. A ballistics expert testified that Babson was shot with a .44-caliber weapon that prosecutors say Cummings carried with him. Neither weapon was ever found.

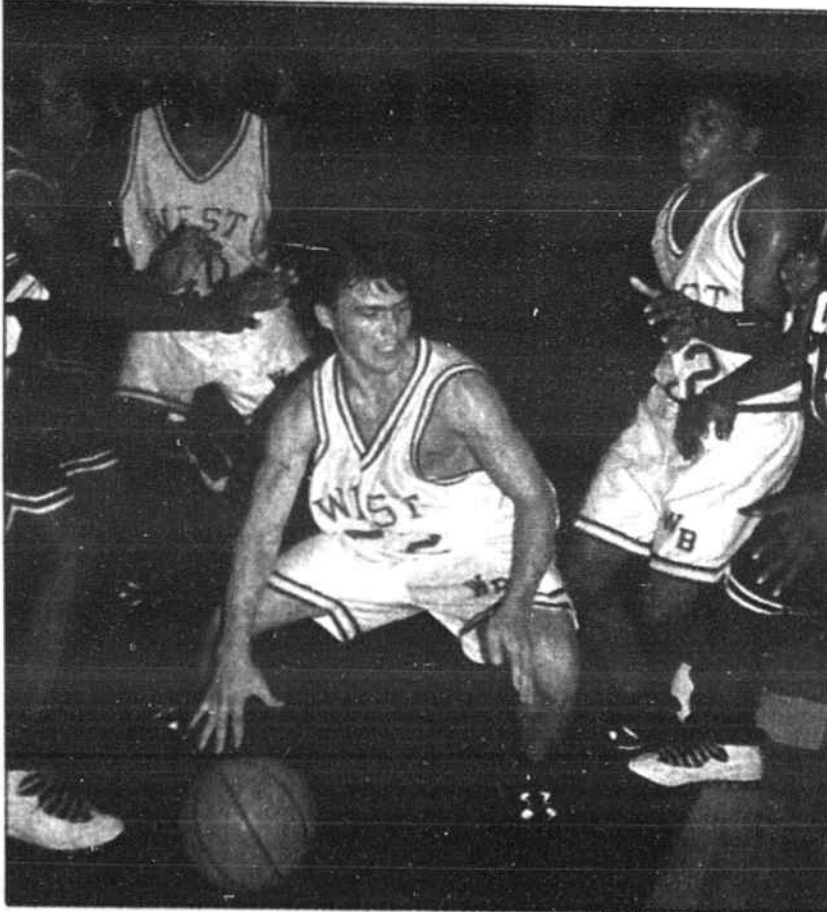
While his mother sobbed quietly from her seat in the audience, Cummings displayed no emotion when the guilty verdict was read. Nor did he seem upset by the jury's decision to have him put to death.

As in the trial, the state's evidence during the sentencing hearing revolved around Cummings own words, made in statements after his arrest. The 39-year-old defendant admitted to police that he broke into a home in Red Springs and confronted an elderly woman before stealing her purse.

"She must have heard something or maybe she saw me and turned toward me," Cummings said in his statement. "I said, 'Give me your money.' The lady said, 'Please don't hurt me. Don't hurt me. Don't hurt me.'"

Red Springs Police Detective E.B. Smith read Cummings' statement from the witness stand. Then he filled in the details. He told the jury how 80-year-old Lena Hales was found brutally beaten in her home early on Wednesday morning, April 20, after an apparent burglary. She died of her injuries later that day.

In recommending the death penalty to the jury, Assistant District Attorney Lee Bollinger pointed out the final words Cummings made in his statement: "Early Wednesday (See CUMMINGS, Page 2-A)



STAFF PHOTO BY DOUG RUTTER

### Trojans Win

West Brunswick senior Jonathan Fisher (center) looks for breathing room during Friday night's high school basketball game against county rival North Brunswick. The Trojans won 80-76 and are off to their best start in four years with a record of 3-2. The story is on Page 1-D.

## Holiday Closings Planned

Most government offices, financial institutions and some businesses will be closed in observance of the Christmas and New Year's Day holidays. Some of those closings are as follows:

Shallotte Town Hall	Dec. 26; Jan. 2
Sunset Beach Town Hall	Dec. 26 only
Ocean Isle Beach Town Hall	Dec. 23, 26; Jan. 2
Calabash Town Hall	Dec. 23, 26; Jan. 2
Holden Beach Town Hall	Dec. 23, 26, 27; Jan. 2
County Government Center	Dec. 23, 26; Jan. 2
Financial institutions	Dec. 26; Jan. 2
The Brunswick Beacon	Dec. 23, 30
Brunswick Community College	Reopens Jan. 2
Brunswick County Schools	Reopen Jan. 2

Shallotte Post Office (including South Brunswick Station) Dec. 24, 31, windows close 1 p.m.; Dec. 26; Jan. 2 no route delivery or window service.

## Rep. Hill Finding His Niche Among Fellow Conservatives In GOP-Dominated House

BY SUSAN USHER

Rep. Dewey Hill of Lake Waccamaw returned from a Dec. 8-12 national bipartisan conference of conservative legislators in Washington, D.C., excited about what he anticipates will be a very productive 1995 session of the North Carolina State Legislature.

Hill was one of five Democrats among the 24 North Carolina state representatives participating in the conference held by the Washington-based American Legislative Exchange Council, also known as ALEC. Hill said he joined the council approximately a year ago. Members share a common interest in advancing a conservative political agenda.

Conference topics included gubernatorial veto power, health care reform, downsizing of government, and workman's compensation among others, he said. "We had an exchange of ideas; things we want to accomplish for our states."

In addition to attending conference sessions he found "very useful," Hill had an opportunity to "do a little working on the upcoming session" with Republican Harold J. Brubaker of Asheboro, speaker-elect of the N.C. House of Repre-



HILL

sentatives, and other legislators. Brubaker is the outgoing national president of ALEC.

A Columbus County resident whose varied business interests include Hillcrest Corporation and Dewey Hill Enterprises, Hill was elected to the House in 1992 to fill the second seat of an expanded 14th District. The other seat is held by Rep. David Redwine of Ocean Isle Beach. Redwine will serve as a Democratic minority whip during the 1995 session.

Under Brubaker's direction, Hill indicated, the House will operate during the 1995 session not only under a new order, but new rules aimed at making it easier to get bills through the chamber. (See HILL, Page 2-A)

## Sheriff Hears Support, No Vote, For Five Deputies

BY ERIC CARLSON

Citing spiraling costs for overtime pay to keep his office open around the clock, newly elected Sheriff Ronald Hewett asked the Brunswick County Commissioners on Monday to fund five new deputies for his department.

A 24-hour open-door policy was one of Hewett's primary campaign promises. But staffing the office from 5 p.m. to 8 a.m., when it used to be closed, has required him to pull patrol deputies off the road and pay expensive overtime salaries.

About \$7,000 worth of overtime has been paid in the past two weeks. Hewett said that figure is higher than normal because many deputies put in extra hours due to state-required firearms certification testing.

Hewett asked the commissioners to allocate \$76,000 to equip and pay five new officers for the next six months. Their permanent salaries would be included in the department's annual funding request.

The new deputies could use older cars already owned by the sheriff's department until July, when "at least 10 more" vehicles are likely to be requested. Hewett said most of the older BCSD patrol cars have more than 100,000 miles on them.

Last month, the outgoing county board appropriated \$162,000 for 10 new sheriff's department vehicles. Commissioners' Chairman Jerry Jones said at the time that due to the

mileage requirements for deputies' vehicles, the board traditionally funds 10 to 12 new cars each year.

Former Sheriff John Carr Davis's request for the vehicles was cut from the 1993-94 budget by Interim County Manager Charles McGinnis.

Hewett said hiring five new deputies would allow him to assign one extra patrol officer per shift. Currently there are six deputies on the road during most hours. But because one officer is now assigned to desk duty each night, only three are available cover the county between 2 a.m. and 7 a.m.

"I want to thank you for opening the sheriff's department 24-hours a day," Jones said. "That's something I've wanted for a long time and I appreciate it."

While other commissioners also spoke in support of Hewett's efforts, the board was hesitant to grant his request without more detailed information.

"How does your department compare with Columbus County as far as the number of employees?" asked Commissioner Tom Rabon.

Hewett estimated that Brunswick probably has about 10 more sheriff's department employees than Columbus County. He said Brunswick County has different law enforcement needs because of its large land area and a summer population that often swells to 300,000.

(See REQUEST, Page 2-A)

## Sheriff Denies Charges Of Race-Based Staff Changes

BY ERIC CARLSON

"The Concerned Citizens for Equal Justice," a group described as "a committee of Afro-American taxpayers," on Tuesday announced a press conference for Wednesday night (Dec. 21) to discuss alleged racial discrimination in the Brunswick County Sheriff's Department.

A press release submitted to the Beacon by Calabash physician Dr. George Saunders said the group was formed because of "persistent rumors" that newly elected Sheriff Ronald Hewett plans "the removal of all Afro-Americans in the department within six months."

In an interview Tuesday night, Hewett said he "categorically denies" allegations made in the release. "I have already met with them once and explained that they were untrue," he said.

Listed as representatives of the committee are Dr. Saunders, former school board member Thurman Gause, the Rev. Sam Flowers, Willie Fullwood and Bernest Hewett.

The statement said the rumors were fueled by "the demotion of the highest ranking Afro-American in the Department" and the "apparent clustering of Afro American deputies in much less desirable jailer positions preparatory to forcing retirement and/or resignation."

The release apparently refers to Hewett's reassignment of former Chief Deputy John Marlow to the position of jail supervisor. Marlow's rank dropped from major to captain in the sheriff's restructuring of his department. However, his salary remained the same.

Marlow was a candidate against Hewett in the Democratic Primary and lost in a four-way race against retired highway patrolman Jerry Dove and Long Beach Police Sgt. Bill Sisk.

The press release includes a list of findings by the CCEJ that Hewett said are fraught with inaccuracies.

"There are no Afro-Americans in the detectives," the statement said. (See HIRING, Page 2-A)



STAFF PHOTO BY SUSAN USHER

### A Cookie For Me, Santa?

Union Elementary School "Dolphin Buddies" welcome a surprise visit from Santa Claus Friday during a hayride at Indigo Farms, as he gives cookies to everyone, even Guidance Counselor Gail Novello (right). Waiting their turn are (from left) Jessica Scott, Crystal Leonard and Ebony Fauntleroy.

## Charges Pending In Deadly Bolivia Gunfight

BY ERIC CARLSON

Investigators believe the victims did all the shooting during a gunfight in Bolivia Friday night.

One man was killed and two others were seriously injured after a dispute over a woman erupted into a shoot-out at a home off Old Ocean Highway.

Investigators on Tuesday were still unsure what charges will be filed in the incident, pending further interviews with victims and witnesses. Brunswick County Sheriff Ronald Hewett said.

At about 9:45 p.m., police arrived at the home of Warren Davis Evans on Friendship Loop Road and found Larry D. Brown, 34, of Old Ocean Highway, Bolivia, dead and two others suffering from gunshot wounds, Hewett said.

Brown was apparently killed by a single bullet to the chest, probably from a .45-caliber pistol recovered nearby.

Also injured were the victim's father Bobby Gardner of Bolivia, and Willie Cleve Powell of Ft. Meyers, Fla., Hewett said. Both men were taken by ambulance to New Han-

over Regional Medical Center in Wilmington.

Gardner also appeared to have been struck in the torso by a .45-caliber bullet. Powell reportedly suffered wounds from a .22-caliber pistol and a .38-caliber revolver. Investigators believe at least eight shots were fired during the incident.

Powell was in stable condition Tuesday after being removed from the hospital's trauma unit, said Detective Zelma Babson, who is heading the investigation into the case. Gardner was released from the hospital Sunday.

"We're still doing interviews and reviewing our information to determine what charges will be filed," Babson said.

The investigation so far suggests there were at least nine people at the Evans home when the shooting took place. The one-story wooden house is a popular Bolivia gathering spot located in the woods down a dirt road about 500 yards from U.S. 17 business.

Powell apparently went to the house and got into an argument with Brown about a woman, investigators

say. When the dispute grew more heated, both men pulled out guns and fired at each other. Brown stumbled inside and collapsed in the bedroom. Powell reportedly came in shooting and was hit by another gun that may have been wielded by Gardner.

An investigation by the sheriff's department and the State Bureau of Investigation is continuing.

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