



STAFF PHOTO BY ERIC CARLSON

PROSECUTOR Lee Bollinger (left) questions a witness during the first-degree murder trial of Daniel Cummings (far right). Seated between them are Brunswick County Sheriff's Detective Tom Hunter and defense attorney William Fairley.

Cummings Gets Death Penalty

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morning. I stole a van. I knocked a window out and took it."

Then Bollinger reminded jurors of the first words Cummings made in his statement about killing Babson two days later: "On Wednesday morning I stole a white van...On Friday I went driving in an area about 20 to 30 miles from Wilmington. I drove around and scopped (checked out) several stores to rob. This was in the Ash, N.C., area."

Bollinger said he feels the introduction of evidence about the earlier murder will not cause the death penalty verdict to be overturned. He said appeals courts have ruled that juries may consider such evidence during sentencing when it demonstrates that the defendant committed both killings during a "single course of conduct."

Although no evidence was presented on Cummings' behalf during the trial, several witnesses testified for the defense during the sentencing hearing.

The defendant's 8-year-old son Daniel Richards

Cummings described playing baseball with his father and told how the two of them traveled together to the mountains and to Florida.

Psychologist John Warren testified that Cummings has a below average IQ and said he was suffering from acute cocaine intoxication during his alleged murder spree. Warren said Cummings was not a violent person when he wasn't under the influence of crack cocaine.

Michael Ramos, who defended Cummings along with William Fairley, pleaded with the jury to impose the lesser sentence of life imprisonment. But he said afterwards that the death penalty decision did not come as a surprise.

"The prosecution had a good case with those statements. That's why we argued so strenuously to keep them out," Ramos said. "Plus there was the evidence of another killing. And both the victims were elderly. That's a tough combination to beat."

Cummings also received a 40-year prison sentence for the armed robbery conviction. He was sentenced to 10 years on the assault charge.

Police: 'No Concrete Leads' In Charlotte Armed Robbery

BY DOUG RUTTER

Shallotte Police "don't have any concrete leads" in their investigation of the Dec. 13 armed robbery of the Subway sandwich shop, Chief Rodney Gause said Tuesday.

A restaurant employee told police that a man carrying a gun approached him behind the building, forced him inside and stole an undisclosed amount of money last Tuesday around 11:15 p.m.

It was the second robbery at Twin Creek Plaza in two months, and police believe the person who robbed Subway may be the same one who robbed the Pic 'N Pay shoe store Oct. 18.

"We did pick up a suspect this weekend, but it's not going to be him," Gause said Tuesday. "There wasn't much evidence. Right now we're just talking to people and asking if anyone saw anything."

Gause said the only employee working at Subway at the time of the robbery was unharmed.

"The employee was taking the trash out," Gause said. "He was going to the dumpster (behind the building) with a bag in his hand. The guy came up behind him and put a

gun to his head."

The robber forced the employee back inside the store. They went to the cash register, but it was empty.

The employee told the robber there was money in the freezer. The two went to the freezer, the robber got the money and left the employee inside the freezer, Gause said.

The robber fled the store on foot out the back door. Gause said the robber took "a small amount of money."

Gause said the employee waited a minute or two before coming out of the freezer, which could be opened from the inside. The robber had broken the cords on both telephones inside the restaurant, so the employee used a nearby pay phone to call 911.

The robber was described as a black man, approximately 5-foot-7 and 140 pounds, and between 25 and 30 years old. He was wearing blue jeans, a white sweatshirt and dark-colored hat.

Based on the employee's description, Gause said police believe the man was carrying an automatic handgun.

Gause said last week's robbery at

Subway has changed his impression of the Pic 'N Pay robbery.

"The first time I thought it might have been just someone passing by who decided to rob Pic 'N Pay," Gause said. "Now I'm thinking it's going to be somebody close by."

Gause said he thinks the same person may have committed both crimes, although descriptions of the robber in each case do not match.

The Pic 'N Pay robber was described as a black man in his mid-40s, about 6 feet tall, 160 to 175 pounds with medium-length hair.

"The only difference was the height, and one of them (witnesses) could have been wrong on the height," Gause said. "I'm thinking it's the same person that robbed Pic 'N Pay."

In both cases, Gause said the method of operation was similar and the robber wore a bandanna over his face.

Pic 'N Pay was robbed Oct. 18 around 7:15 p.m. A clerk told police the robber said he had a weapon in his right pocket, but he did not show a weapon. The thief also fled on foot.

Request For Deputies Deferred

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According to the N.C. Institute of Government, the Columbus County Sheriff's Department employed 53 people in 1994, while 72 employees appeared on the BCSO payroll. Brunswick County has a land area of 861 square miles and a population estimated to be 57,249. Columbus County covers 938 square miles and has an estimated population of 49,402.

Bladen County, with a land area of 879 square miles and a population of 28,225, has 39 sheriff's department employees. Robeson County covers 949 square miles, has a population of 107,661 and employs 115 in its sheriff's department.

"I've talked with a lot of people about the crime problem in Brunswick County—professional people who say we don't have enough deputies," said Commissioner Bill Sue. "I'm going to make a motion that we approve his request and put it on 'y'all'."

The board voted 4-to-1 against hiring the deputies Monday night. They asked Hewett to provide them with more information before their next meeting, when the request will be considered again.

In other business the board:

Tabled review of a new cable television franchise agreement at the request of county planning Director Wade Horne, who recommended "an in-depth study" of new regulations affecting cable service. He said Atlantic Telephone and Cable Vision, the companies serving most of Brunswick County, have not paid any franchise fees to the county in the past 15 years. The two franchise ordinances are scheduled for renewal April 21.

Heard a report from Finance Officer Lithia Hahn, who assured the board that Brunswick County has no investments similar to those which plummeted in value recently and caused Orange County, California, to declare bankruptcy.

Agreed to appoint Horne to be acting county manager whenever County Manager Wyman Yelton is absent. Yelton said he is scheduled to undergo surgery later this month and requested that someone be named to stand in for him while he is away.

Authorized the county cafeteria to continue operating at least until the next fiscal year budget is prepared. Commissioners were told that the food service operation is no longer losing money and has begun to make a slight profit. The board requested monthly reports on cafeteria finances.

Recognized John Harvey, former planning director, with a commemorative plaque for his long service to Brunswick County. Harvey retired last month.

White Christmas? Not Very Likely

The prospects of a white Christmas in Brunswick County are slim and none, and slim is vacationing this week in Florida.

Shallotte Point weather watcher Jackson Canady is predicting near-normal temperatures and above-average precipitation over the next week. But it's not likely any of the precipitation will be in the form of snow.

"If you go by the meteorological data probably not. But there's always hope," Canady said Tuesday.

The forecast is for temperatures to range from the upper 30s at night to the upper 50s during the day. Canady said he expects at least three-quarters of an inch of rainfall over the next week.

For the period Dec. 13-19, Canady recorded 1.13 inches of rain and a daily average temperature of 51 degrees, which is about 3 degrees above average.

Canady measured a daily average high of 57 degrees and an average nightly low of 45 degrees. The maximum high temperature was 61 degrees on Saturday and the minimum low reading was 35 degrees on Monday.

Hiring Practices Not Biased, Sheriff Replies To Charges

(Continued From Page 1-A)

claims. Detective Lt. Donnell Marlow, who is black, remains a detective with the department and was promoted to a supervisory position when Hewett took office.

The press release says "there are currently no Afro-American certified deputies and thus no deputies on patrol." Of the department's 73 employees, 11 are black. Hewett said several blacks are patrol deputies, including Sgt. Jerry Smith and the recently promoted Sgt. Brian Sanders. Both are shift supervisors.

Hewett is accused of transferring black officers to "less desirable jail positions," an apparent reference to the reassignment of former Detective Larry Joyner to duty as a jail transport officer.

Joyner retains his former salary in the post and now qualifies for overtime pay, the sheriff said. Another black deputy, Lee Hewett, was promoted by Hewett from jailer to pa-

trol deputy.

The release also accuses Sheriff Hewett of failing to provide positive black role models for young people. He noted that a black deputy is assigned to crime prevention duty at North Brunswick High School.

Hewett said he has been unable to find a black female applicant who has completed basic law enforcement training. To avoid lengthy on-the-job training, Hewett said he has been hiring only applicants who have already passed the state's police certification tests.

"Race relations are very important to us," Hewett said. "Everyone will be treated fairly regardless of race, color or creed."

The concerned citizens press conference was scheduled for 6:30 p.m. Wednesday at the office of Dr. Saunders on Beach Drive in Calabash.

Commissioners Name Health Board Doctor, Schools' Liaison Committee

BY ERIC CARLSON

After operating for nine months without a one, the Brunswick County Board of Health will again have a physician in its membership after Dr. Samuel Kirtley of Shallotte was appointed to the post during the first regular meeting of the newly elected board of commissioners Monday night.

At the suggestion of Commissioner Leslie Collier, the board also formed a new committee charged with improving relations between the county board and the Brunswick County Board of Education.

The new "Board of Commissioners/Board of Education Liaison Committee" was created "for the purpose of establishing and maintaining a year-round open line of communication, to help establish common county-wide educational goals and exploring and identifying the means of meeting those goals in a cooperative manner," Collier said in her motion to form the group.

Collier will represent the county on the new board along with Commissioner Bill Sue and County Manager Wyman Yelton. The school board was directed to select three of its members to sit on the panel.

The new health board member, Dr. Kirtley, is a practicing partner at the Express Care family physicians' office on U.S. 17 near Grissetown. He will fill the unexpired term of Dr. Harry Johnson, who resigned from the board of health in March.

Sue also was named to the health board as the county commissioners' representative on the 11-member panel, which sets policy and oversees operations at the Brunswick County Health Department. Shallotte pharmacist Joey Galloway, who has served on the board since 1991, was reappointed to his seat.

The three health board appointments were among a number of nominations to local boards and committees approved by the commissioners Monday. All choices received unanimous votes.

At the suggestion of Commissioner Douglas Simmons, Alcoholic Beverages Control Board Chairman John Ramsey was named to a second term.

Shirley Babson, chairman of the Brunswick County Republican Party, was appointed to The Brunswick Hospital board after being nominated by Republican Commissioner Chairman Jerry Jones.

The board approved Collier's nomination of Catherine Gates for a second three-year term on the Aging Advisory Board.

Six current members of the Utilities Advisory Board were returned to their posts, including Commissioner Tom Rabon. Also renamed were Chairman Al Morrison, nominated by Simmons; William Browning, suggested by Sue; Wallace Slack, named by Commissioner Tom Rabon; and Rudolph Simmons, nominated by Jones.

Hill Making Way In GOP-Dominated House

(Continued From Page 1-A)

"The governor's veto will happen," he predicted confidently, "and the intangibles tax will go away. We've got the money to cover (the loss of revenues to local governments) it this first time. For the future we'll have to sit down and work out something with the municipalities. Last time we could never get it out of committee."

No more of that. One of the rules Hill says the House will adopt and the Senate most likely will adopt, is a means for making sure bills are addressed, rather than buried in committee.

Last summer Hill became frustrated when his proposed amendment to a dangerous dog bill adopted three years ago passed the House, but languished in a Senate committee. That committee's chairman, Sen. Frank Ballance Jr., never brought the issue before the panel, said Hill.

"The rules in the House this time will provide that if you can't get a bill addressed with a vote of a majority plus one, you can pull it out and take it to the floor directly. I believe a committee has a responsibility to pass or kill a bill."

As part of an effort to increase productivity and efficiency, House members will be fitting two committee meetings and one session into their workdays. This is expected to shorten the length of the session while getting more work done. "We're going to try to get more work done in the early part of the week than the middle or the end," said Hill. "We're going to have a

"In November voters told us they're tired of things as usual. We have to go up there and go to work and that's what I intend to do." —Rep. Dewey Hill

working agenda so we won't waste time up there."

Last session 20 percent of all bills, including a majority of the major bills, were passed in the closing days of an extended session. Hill said he didn't like that legislators—in the haste to adjourn—didn't have a chance to study them first. That is a practice he doesn't expect to see repeated.

Republicans will sit on one side of the aisle and Democrats on the other, instead of majority party members at the front and minority at the rear, he said. While Republicans will chair all House committees, Hill expects some Democrats to serve as vice chairmen.

"The Republicans aren't going to try to fight, but to get some work done," he said, with the focus on results, not partisanship. "In November voters told us they're tired of things as usual. We have to go up there and go to work and that's what I intend to do."

The House majority leader has asked Hill to think about what com-

mittee assignments he wants; appointments will be made in January just before the session begins, Hill said. "Hopefully I will be assigned the committees I request."

Hill expects to again focus his efforts on economic development and education, and also looking hard at state government. "I'm a Democrat but I'm also working on downsizing government," he said. "New taxes are going to be a thing of the past."

Hill supports all 10 points of the Republican House members' "contract" with North Carolina, but doubts they can all be accomplished in the upcoming session, especially tax rebates.

"There's only \$224 million available for the budget and that is not going to go very far," he said. "We've got our work cut out for us."

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