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Crews asks builder to quit housing post

By JANET HINKLE
Democrat staff writer

Leon County Commission Chairman Jim Crews, saying a conflict of interest exists, has asked a local builder to resign his membership on the Leon County Housing Finance Authority.

Ralph Collins, the authority member and president of Collins Builders, said Monday he wouldn't consider resigning until he was convinced that his service violated Florida law regarding conflicts of interest.

Collins said his attorney previously had advised him that he "didn't have a conflict."

At Crews' request, he has asked W. Robert Olive, Jr., the authority's lawyer, to ask the Florida Commission on Ethics to rule on the issue.

Crews and Collins said they would abide by the ethics commission's decision.

Collins said that until the conflict question was resolved, he would not vote on housing-authority matters.

In a letter mailed to Collins Thursday, Crews told Collins he thought a conflict of interested existed because of Collins' use of mortgage money — made available through the authority last year — to help sell homes built by his construction company.

The authority sold bonds to private investors, and later loaned $19 million to three Tallahassee savings and loan companies that had agreed to participate in the program.

The rules governing the bond issue allowed the savings and loan companies to set aside up to one-half of the $19 million for builders to make available to their customers.

In May, Collins said his firm had reserved $1 million of that money.

Crews said he learned last week of a Florida law that prohibited members of a housing authority from having a financial interest in any property qualifying for mortgage money made available under a bond issuance.

"That makes it very clear to me that any member who benefits from the bond money is in a conflict of interest," Crews said.

But Collins disagreed. He said he would be violating the law only if he "directly" benefited from housing-authority actions.

"If I went down there (to the bank) and made a loan to buy a house, I would consider that a conflict," Collins said.

Collins said he made it clear to other board members last year that he would be reserving money made available through the bond issue.

Broward Davis, chairman of the finance authority and a local engineer, said it was "hardly a secret" that Collins planned to arrange for his customers to use the low-interest bond money.

Davis said he didn't see a conflict of interest because the county commission made all the final decisions on bond issues.

"We're just the watering boy for the commission, we do all the work and they make the final decision," Davis said.

Crews' actions have the support of at least two other members of the county commission, Bob Henderson and Doug Nichols.

"I think there is a perceived, if not a legal, conflict of interest," Henderson said. "I'm not saying anything against Ralph. I'm sure he's done a conscientious job, but I don't think he can produce the objectivity that is needed."

Nichols, who nominated Collins for the post last December, said, "I would feel more comfortable if he submitted his resignation."

Commissioners Lee Vause and Gayle Nelson could not be reached for comment Monday.

Crews said he looked into the issue after receiving about a dozen phone calls from local builders concerned with Collins' membership on the board and the distribution of the mortgage money.

"In short, they felt that a contractor would have the inside shot on any finance

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Judge Higby lifts stay of execution

By JOY McILWAIN
Democrat staff writer

A federal judge in Tallahassee has lifted the stay of execution of a Death Row prisoner who was scheduled to die in the Florida electric chair last month for the 1975 knife-murder of a Panama City man.

In what is believed to be the swiftest ruling on a Florida death case at the federal level, U.S. District Judge Lynn Higby late Thursday denied the petition of Charles Kenneth Foster just five weeks after Foster's petition was filed.

Federal district court appeals of state Death Row prisoners routinely take several months to resolve.

Foster, a Bay County native, was scheduled to die June 3.

Higby had stayed the execution on May 29, pending the outcome of Foster's petition challenging the competency of his trial attorney.

In that petition, Richard Burr of the Nashville-based Southern Prisoners Defense Committee had argued that Foster's lawyer at his 1975 trial was ineffective, in part, for failing to fully investigate the use of possible psychiatric defenses.

Panama City lawyer Virgil Mayo's record was "impressive," Higby said in denying the petition. A lawyer for 34 years, Mayo had represented several capital defendants, Higby said, as well as cases involving psychiatric defenses.

Mayo thoroughly investigated Foster's background, Higby said, which included prior hospitalization for mental problems and drug abuse. But if Mayo had introduced all of the evidence in Foster's bizarre medical history, certain "highly prejudicial" material would have come before the jury, Higby said.

That material included evidence that Foster had once raped two women — one of them his sister-in-law — and had once told his mother of a plan "to kill his little brother and cook him for supper."

Mayo's failure to introduce such material did not mean he was ineffective, Higby ruled.

State Assistant Attorney General Greg Smith, who had argued to Higby that the stay should be lifted, praised the ruling.

"I'm pleased that it turned out the way it did," Smith said. "Basically, it showed Virgil Mayo was effective."

But the federal judge also slapped the state's hands in the ruling for insinuating at the hearing that Foster had deliberately delayed taking his case along the appellate route.

"Such charges about Foster are ludicrous," the judge wrote. "To imagine a semi-literate defendant plotting his federal litigation is hard."

Blame should more properly be placed with the Florida Supreme Court, the judge wrote, for taking two years and five months to decide Foster's appeal.

Foster's lawyers now have 30 days to appeal Higby's ruling to the Fifth Circuit Court of Appeals in Atlanta.

One of those lawyers, Steve Seliger of Quincy, said a notice of appeal probably would be filed this week.

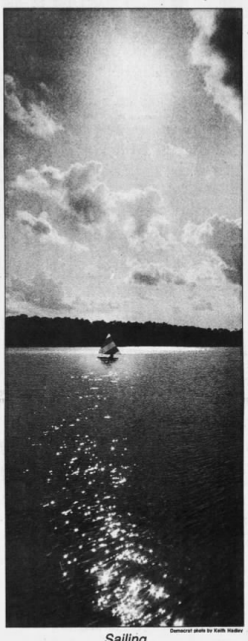
Seliger said he was not surprised by the ruling, but declined to comment further.

No execution can take place, said governor spokesman Terry Beam, until a new death warrant is signed. The first death warrant has expired.

Foster, 34, was convicted of the murder of Julian Lanier outside a Panama City motel in July 1975. During the trial, Foster confessed to the crime from the witness stand, saying he had slit Lanier's throat after certain "electric feelings" came into his head.

Court testimony showed that after the killing, Foster and two women companions removed Lanier's body to an outdoor area where they covered it with leaves and bark.

Foster's death sentence was upheld on appeal to the Florida Supreme Court and denied review by the U.S. Supreme Court.



Democrat photo by Keith Walker

Sailing

The sailing space on a Sunday afternoon can sometimes get crowded, but come Monday the weekend sailors are gone. Charles Keiko had the waters of Lake Bradford to himself when he went out in a rented craft late Monday afternoon.

Two lawsuits filed against budget proviso

By SAM MILLER
United Press International

Education Commissioner Ralph Turlington and a coalition of gay rights groups filed separate suits Monday against a budget provision denying state money to colleges and universities that promote out-of-marriage sex.

In a suit filed in Leon County Circuit Court Monday, Turlington contended that the provision was improperly in the budget because it was substantive law instead of an appropriation, and that it violated free speech guarantees in the U.S. Constitution.

The suit was filed on behalf of Gov. Bob Graham and the Cabinet as well as in Turlington's own name.

Hours later, a separate suit was filed in the same court by the Florida Task Force, which represents 30 gay rights organizations throughout the state. Included as defendants in that suit were Sen. Alan Trask, D-Winter Haven, and Rep. Tom Bush, D-Fort Lauderdale, sponsors of the budget provision.

While Turlington said he believed the Trask-Bush provision was unconstitutional, his primary reason in filing the suit was to get the matter resolved before the beginning of the fall semester, he said.

The nine universities and 28 community colleges must know whether they're going to have to keep gay organizations, among other groups, from using campus facilities, he said.

Named as defendants in Turlington's suit were Secretary of State George Firestone, who officially records new state laws, and Comptroller Gerald Lewis, who disburses state money.

"People need to know as quickly as possible where we stand with this," Turlington said at a news conference. "We'd like to have this issue resolved before the whole crank-up of schools in late August."

The language, included in a $9-billion budget, was aimed largely at non-credit courses offered by such groups as Florida State University's Center for Participant Education.

Trask circulated to senators during the recent session a copy of the center's latest course catalog, which included classes on sex and homosexual relations.

While universities and colleges generally don't give money to the groups, they do allow them the use of campus buildings.

Gov. Graham said last week that he believed the Bush-Trask proviso was unconstitutional, but that he couldn't veto it without jeopardizing all education money. He said he hoped some party would challenge the provision in court.

John Asrell, a Tallahassee lawyer who has represented Graham in the past, visited the governor last week and said he believed the Trask-Bush provision could not be vetoed unless all education appropriations also were vetoed.

The road to Little Rock ends with drug arrests

By SUSAN DeFORD
Democrat staff writer

Seven Florida men, including five from the Tallahassee area, have been arrested and jailed in Little Rock, Ark., after they allegedly arranged with undercover agents to smuggle drugs into the country.

The defendants, who include local convicted drug smuggler Chester Daniel Johnson, were arrested by federal agents after they left a downtown Little Rock motel Sunday, Assistant U.S. Attorney Don Curdie said Monday in a telephone interview from Little Rock.

Arrested Sunday on charges of conspiring to smuggle drugs into the country were Johnson, 48, his nephew, Fred Wayne Johnson, 33, Ernest Phillip Goff, 38, Max Wendall Carr Jr., 27, and James Clarence Roberts, 38. Police said all five men live west of Tallahassee off Highway 20.

Also arrested on drug conspiracy charges were two Collier County men — Donald Junior Keel, 38, of Copeland, and Thomas Lee Brookbank, 25, of Everglades City.

U.S. District Judge Henry W. Jones set bonds for Chester Johnson and Goff, described by federal agents as ringleaders in the smuggling operation, at $700,000 each.

The other suspects were being held on bonds ranging from $250,000 to $500,000.

In June, 1980, Chester Johnson was sentenced to five years probation for his part in planning one of the largest marijuana smuggling operations uncovered in Wakulla County.

Johnson, along with 18 other men, was arrested March 5, 1979 after the shrimp boat Papa Joe came up the St. Marks River with 24 tons of Colombian marijuana on board.

Johnson was found guilty of three counts of possessing, importing and conspiring to import more than 100 pounds of marijuana.

In Arkansas, the Florida men first met May 26 in Brinkley, a small town about 100 miles east of Little Rock, to plan their smuggling operation, police said.

Chester Johnson and Goff allegedly told federal undercover agents posing as airplane pilots that they wanted to bring 200 tons of

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short takes

staff and wire reports

Pay issue on agenda

The school board tonight will discuss taking legal action against former board member Larry Scoma, who has refused to repay the district $10,38 he was overpaid about two years ago.

The overpayment first was discovered during an audit of the district's 1979 records and accounts. In January, the State Office of Comptroller reminded the board of the error, and Scoma was asked at that time to repay the money. He declined.

Scoma, who ran unopposed in 1978 for a District 3 seat, was ousted by Gov. Bob Graham four months after the election for failing to meet residency requirements.

Fraud, theft charges filed

The 33-year-old owner of a Tallahassee swimming-pool business has been arrested on charges of trying to bilk an insurance company out of about $3,200, according to Florida Insurance Commissioner Bill Gunter's office.

Wilbur A. Sellars, identified as owner of Pro Pools, 1712 Old Bainbridge Road, was arrested on two charges of insurance fraud and two counts of grand theft. Sellars last week was booked into the Leon County Jail and released on $2,500 bond, according to Stephanie Poe, a Gunter spokeswoman.

According to Poe, Sellars is charged with filing a claim with Nationwide Insurance Co. for three two-way radios, which he claimed were stolen from a truck at his business in December 1980.

But investigators from Gunter's office searched the business and confiscated the two radios that Sellars had claimed were stolen, Poe claimed. The other radio was not located, she added.

Bond discussion set

The Leon County Housing Finance Authority will meet today at 4 p.m. on the second floor of the Leon County Courthouse on South Monroe. The authority will discuss rules governing a second housing bond issue later this year.

Talquin meeting is today

A meeting is scheduled for 7 p.m. today in the board room of the Gadsden County Courthouse in Quincy to discuss the dam, drainage and other problems at Lake Talquin.

Authority will meet

The Tallahassee Housing Authority will meet at 1:30 p.m. Wednesday in the conference room of the Ackerman Building on 201 S. Bronough Street.

Prisoners moved after disturbance

RAIFORD (UPI) — Twenty-two "agitators" who took part in a disturbance at Union Correctional Institution Sunday in which correctional officers gased 300 inmates were transferred to Florida State Prison Monday for closer security.

Meanwhile, the cellblock where the trouble occurred Sunday evening remained "locked down" Monday and a team of prison inspectors began to piece together the sequence of events that led up to the disturbances.

Two officers were slightly injured and three inmates suffered stab wounds in the melee, which ended only after officers turned on a "pepper fogger" machine, gasing the unruly inmates into submission.

"Some of the inmates apparently got a hold of some home-made brew, what we call 'hock,' and got intoxicated," Union Correctional Institution Superintendent Raymond Massey said. "The day before was the Fourth of July and they may have gotten it for that."

Massey said inmates "always find some way" to make alcohol in prison. The ingredients for the beverage could have been stolen from the prison kitchen, the prison official said.

(Please see PRISONERS, page 3B)

John Carr
. . . of University Church of Christ

Four given Jaycee awards for service to the community

By ANDY LINDSTROM
Democrat staff writer

John Carr earns his daily bread working out financial deals for a Tallahassee land development corporation.

But his real work begins after supper, and on Sundays, at the University Church of Christ on Thomasville Road.

"My work with the church is really the most important thing in my life," Carr said Monday, shortly before accepting an outstanding community services award from the Tallahassee Jaycees.

Carr, 30, recognized for his achievements as a voluntary church leader, was one of four local persons cited by the Jaycees.

Also honored were city police detective Terry Nowell as outstanding young law enforcement officer, Benson Skelton as outstanding senior citizen, and Col. Eldrige Beach, director of the Florida Highway Patrol, as outstanding public safety person.

Carr's award for religious volunteer service, he says, reflects a lifelong commitment to Christ. "I grew up in a devoutly religious family," he said.

"I never was able to see myself as a minister. But a few years back I decided that if I was going to be a Christian, I was going to go at it whole hog."

And, as far back as his high school days at Florida State University Research and Development School, where he was student body president, Carr has always gone whole hog for the church.

Each summer he taught Bible classes for the deal at a Tennessee youth camp. During the

(Please see AWARDS, page 1B)

2-year-old boy killed in handgun accident

Democrat staff report

A 2-year-old Sneads boy was killed Sunday evening when he accidentally shot himself with a revolver he pulled from the glove compartment of his grandparents' car.

Michael Shane Roberts, the only son of Michael Steve and Pamela Roberts, died from a single gunshot wound to the head at about 9:40 p.m. CDT in the emergency room at Jackson County Hospital, Sneads police said.

An hour earlier, the Roberts family had been visiting at a friend's home in Sneads in Jackson County.

While the boy's father stood by his in-laws' car and Mrs. Roberts sat in the front seat with her back turned towards Michael, the boy reached into the glove compartment. Inside he found a .357-caliber Magnum handgun owned by his maternal grandparents, Harvey Lee and Katheryn Nelson of Sneads. The gun went off in the boy's hands, police said.

Survivors include the boy's parents; maternal grandparents, paternal grandparents, Bobby S. and Elizabeth Roberts of Sneads; a paternal great-grandmother, Lala Roberts of Sneads; and his maternal great-grandparents, Mr. and Mr. A.B. Nelson of Chipley.

Services are scheduled for 3 p.m. CDT Wednesday at Sneads Assembly of God Church. Burial will follow in Shady Grove Cemetery in Sneads. Smith-Morgan-Lanier Funeral Home of Chattahoochee is in charge of arrangements.

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