

Deaths

MRS. CLARENCE S. LYNAM
Mrs. Clarence Supplement Lynam, 71, died Thursday, June 25, 1981 at the Nicholas County Hospital. She was a native of Nicholas County and a member of the Carlisle Christian Church. She is survived by one son, Donald Lynam, Baton Rouge, La., one brother, James Stephenson, Lexington, two sisters, Mrs. Jeanette Wallace and Mrs. Madie Huchte, both of Carlisle, three grandchildren.

Funeral services were Saturday at the Mathers-Gaunce Funeral Chapel by the Rev. Eugene White. Burial in the Carlisle Cemetery.

Palbearers were Marvin Caswell, Dan Smith, John D. Wallace, Timothy Hurd, Frank Lynam Jr. and Kenneth Stephenson.

WILLIAM LLOYD SMYTH
William Lloyd Smyth, 17, son of Kenneth and Maxine Smyth, Route 1, Carlisle, died Wednesday, June 24, 1981 at St. Joseph Hospital in Lexington. He was a member of the Baptist Church and a native of Nicholas County.

Other survivors are two brothers, Kenny D. Smyth, Carlisle, and Joseph R. Hertzog, Germantown.

Services were Monday, June 29 at Mathers-Gaunce Funeral Home by Father George Maynard and the Rev. David Starrett. Burial in Carlisle Cemetery.

Palbearers were Bobby Kelley, Jeff Martin, Jimmy Price, Cecil Duncan, Billy Ed Hunter and Tony Jefferson.

MRS. ORA THOMAS SMITH
Mrs. Ora Thomas Smith, 83, Eastern Road, Lexington, widow of Ora Thomas Smith, died Friday, June 26, 1981 at her residence. She was a native of Harrison County, daughter of the late Robert Cook and Nancy Wilson Scott. She was a Jehovah's Witness.

Survivors are two sons, O.T. Smith Jr. and Frank H. Smith, of Lexington, four daughters, Mrs. Reynolds Lusk,

Annison, Carlisle, Mrs. Edgar B. (Lottie) Adams, Lexington, Mrs. Maurice (Nancy) Wilson, Harrodsburg, and Mrs. William (Jean) Eason, Lexington, eight grandchildren, 12 great grandchildren, two sisters, Mrs. James Kendall and Mrs. Lala Harvey, Cynthiana, a brother, John Stanley Scott, Cynthiana.

Services were Monday, June 29 at Kerr Brothers Funeral Home by Mr. Calvin Gregory. Burial in Bluegrass Memorial Gardens.



Airmen Fink and Woolsey

Local Airman assigned to area recruitment

Airman First Class Rebecca Woolsey Pink and Airman Martha Woolsey, graduates of the Air Force's Basic Training program at Lackland Air Force Base, Texas, and graduates of Nicholas County High School, have returned home to assist their recruiter, Sergeant Mike Phillips, under the Recruiter Helper Program.

Recruiter Helper enables selected first-term airmen the opportunity of returning temporarily to their hometowns to discuss Air Force opportunities with potential enlistees.

Rebecca and Martha are the daughters of Mr. and Mrs. Harvey Woolsey of Route 3, Carlisle. Rebecca has been on active duty for over a year, having been an honor graduate of Basic Training. She attended Technical Training School at Lowery AFB in Denver for assignment as an Avionics Specialist for the F-16 aircraft. She is currently assigned to the 47th Aircraft Generation Squadron at Nellis AFB outside Las Vegas, Nev.

Martha having eight months of active duty, studied Airborne Warning and Control Systems (AWACS) at Lackland and the Technical Training Center at Keesler AFB, Miss. She is presently stationed at Tilling AFB, Okla., where she works in maintenance of the Boeing 707 "AWACS".

Mrs. Zachary and Martha are not involved in community affairs volunteer in their respective cities. Rebecca participated in the 1981 Nevada March-of-Dimes Walkathon. Martha is active in work for the handicapped and participated in the 1981 "Run for Blood" for the Red Cross.

They are both assigned for two weeks to the Air Force Recruiting Office at 100 East Vine Street in Lexington.

Dairy princess

contestants named

Nicholas County entrants in the district Dairy Princess competition were announced at last Thursday's Dairy Night at the Nicholas County Elementary School.

They are Jane Ellen Dampier, daughter of Mr. and Mrs. William Dampier, and Debbie Fryman, daughter of Mr. and Mrs. Clay Fryman.

Burley acreage

Continued from page 11

In 1980 and 1981, loss in 4979 Kentucky accounts for 46 percent of the Belt's acreage.

Acreage of Dark Tobacco in Kentucky are up from or equal to acreage in 1980. Type 22 (Eastern Dark Fire-Cured) acreage remains the same as 1980 at 4,300 acres, while Type 23 (Western Dark Fire-Cured) is up 200 acres from last year to 4,300 acres. Type 36 (Green River Dark Air-Cured) acreage is estimated at 2,300 acres, 100 acres above 1980. Type 35 (One Sucker) Dark Air-Cured is up 400 acres to 5,300 acres.

Parks and Recreation Board meets with Fiscal Court

The Nicholas County Parks and Recreation Board appeared at last week's Fiscal Court meeting to discuss

with the Court plans for two new lighted softball fields to be constructed within the new armory.

Supreme Court will amend rules of criminal procedure

Chief Justice John S. Palmer announced that the Kentucky Supreme Court has approved amendments to the Rules of Criminal Procedure (RCR). The order entered June 12 will become effective Sept. 1, 1981.

The extensive overhaul of the criminal rules by the Supreme Court estimates two and one-half years of study and deliberation.

In early 1978, the Kentucky Judicial Council appointed a Criminal Rules Revision Committee to receive suggestions for change and make recommendations to the Supreme Court. The response to a solicitation for suggestions from the bench and bar indicated that a review of the criminal rules in their entirety was necessary.

The committee, chaired by Circuit Judge Thomas Spain of Madrasville, met on 14 occasions before completing its work. The committee proposals were submitted to the Judicial Council for approval, and subsequently recommended to the Supreme Court for their consideration.

A public hearing on the proposed rules changes was held on Dec. 9, 1980, after which the Supreme Court began its deliberation.

Commenting on the scope of the amendments, Chief Justice Palmer explained the necessity for such a broad revision. "The present rules have been in force since 1962," he said, "and since that time there have been a great many changes in the substance of the law, particularly in the form of decisions by the United States Supreme Court. The rules have been patched and restricted to accommodate those changes."

The Chief Justice named Justice Robert F. Stephens, Lexington, to coordinate the review by the Supreme Court and to bring all comments and communications concerning the proposals to their attention.

Many of the amendments adopted by the Court are ministerial, but necessary to conform the rules to the present organization of the Court of Justice. The amendments further clarify a number of technical points about which there has been some confusion.

Although 112 amendments were made to the rules, several major changes are especially noteworthy. A new rule was adopted, RCR 4.3, which spells out the method by which a defendant might appeal from the conditions of bail. The rule codifies the case law established in the Court of Appeals case of Abraham v. Commonwealth, which says that review of a circuit court decision on bail is by way of appeal, and which requires the remedy of habeas corpus for the review in circuit court of district court decisions.

The traditional secrecy of grand jury proceedings has been preserved throughout the body of the rules. Amended RCR 2.4 clearly prohibits all persons present during grand jury proceedings from divulging any testimony, and provides that a violation of the rule is punishable as a contempt of

court. RCR 5.16 mandates that all testimony before a grand jury be recorded, though not necessarily be transcribed. The Commonwealth's Attorney may appoint a stenographer to record the proceedings by shorthand, or an electronic recording device may be used. Failure to record proceedings shall be grounds for dismissal unless failure of the recording device should constitute good cause. Although recorded testimony may remain secret, a defendant indicted by the grand jury may obtain a transcript of the testimony pertinent to his own case upon payment of its reasonable cost.

Under the provisions of RCR 6.02, a criminal defendant charged with an offense constitutionally required to be prosecuted by indictment may waive indictment by notice in writing to the circuit court, and be proceeded against by information, thus eliminating the necessity of awaiting the action of a grand jury. This should reduce costs and delay, especially when the defendant wishes to plead guilty.

A new rule adopted by the court, RCR 9.2b, allows a defendant to waive a jury trial in writing, with approval of the court and consent of the Commonwealth. However, in such cases, the judge is required to make findings of fact.

RCR 7.02 liberalizes the provisions of the criminal rules relating to the issuance of subpoenas, and sets out in full the procedures to be followed in the subpoena process.

Inadmissible witnesses may be required to give bail to insure appearance as a witness under the new provisions of RCR 7.06. This is the same rule, under which the court may commit to custody a witness who fails to give bail, but the new provision is that the court may permit the witness to give a deposition and be discharged from custody.

Several proposals made by the Criminal Rules Revision Committee were rejected by the Supreme Court. Among those recommended changes the court refused to adopt was proposed RCR 9.4b, which called for the judge rather than the jury to fix the penalty in a criminal case. The proposed "judge sentencing" rule had produced a great deal of controversy among the members of the legal profession.

Other recommendations that were not accepted by the Supreme Court included a revision that would have allowed a defendant to have his attorney present in the grand jury room during deliberations against him. The court also rejected the recommendation to permit a plea of not guilty, contending in addition to pleas of guilty or not guilty.

Rules changes which would have enlarged procedures for plea agreement and reciprocal discovery were not adopted by the court.

The Board asked the Court to hire Brandtletter a firm as engineers on the project. Brandtletter said that he would serve in an advisory capacity now and that nothing would be paid to him or his company until the final federal contract comes through. If the federal funds are not made available, then Brandtletter said that the county would own his firm nothing. His fee for completing the work would be seven percent of the total project cost, or approximately \$7,000.

Magistrate Harold Mitchell said that he felt the Board should check with the local National Guard and see if they were willing to donate the work necessary to generate the matching funds before the court took any action on the issue.

The Court said its commitment of the land for the project was still good, but that they could not commit themselves further at this point.

The Board is scheduled to meet with the Court next Tuesday evening to discuss the latest developments on the project.

"Consistency is the last refuge of the unimaginative," Oscar Wilde

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— Oscar Wilde

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New mental health chairman named

The Bluegrass Regional Mental Health-Mental Retardation Board has named Daniel B. Howard as its chairman.

The board, which serves a 17-county area, including Nicholas, operates Comprehensive Care Centers and related agencies within the area.

Howard, of Lexington, succeeds Cecil Dunn, a Lexington attorney. Howard is a coal operator and former state government official.

Other officers elected recently (June 23) at the board's annual meeting at Shakerstown are Mrs. Edward Hall, Danville, vice chairman; Emmett Davis, Paris, treasurer; and Mrs. Franklin Ransdell, Harrodsburg, secretary.

Fiscal Court

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will still provide \$100 of that cost for any indigent county person in need of medical care.

Approved the purchase of dynamite for the county quarry.

On the motion of Magistrate Melvin Fryman, the Court agreed to grant \$60 to Ray Seung who was injured recently in an accident with a lawnmower and can't work.

Cancelled the regularly scheduled July 1 Court meeting and agreed instead to meet on July 7 '81. The Parks and Recreation Board is scheduled to meet with the board at that time.

BARNESKY

FOOD STORES

July 4th BARGAIN BASH!

Beef & Luncho
Kahn's Franks \$1.59
Beef & Luncho Bowl
Kahn's Wieners \$1.69

Kahn's Hotlink Farm
Smoked Sausage \$1.99

Big Red Smokers
..... \$1.99

Armour Boneless 2 1/2 lb. avg.
Ham Haves \$1.99

American Beauty
Kahn's Bacon \$1.69

Popcorn 3.5 lb. can
Canned Ham \$5.99

Great Delux Club Reg. 4 1/2 lbs. avg.
Kahn's Bologna \$7 to \$13.39

July 4th BARGAIN BASH!

Armour Boneless HAMS
Whole 6 to 8 lb. avg.
lb. \$1.89

Ice Cream \$1.35
Van Choc. Straw Nemo

Ground Beef... \$1.29
Fresh 3 lbs. or more

Vine Ripe Tomatoes lb. 49¢

California 18 Oz. Cantaloupes Each 89¢
Romaine White Potatoes 10 lb. Bag \$2.29

Van Camp Pork & Beans 2/79¢
16 oz. cans

Junior Roll Towels Job Squad 79¢
Lift Cans 79¢
Gala Apples 69¢

Axon 25 ct. \$1.29

Shelby 17 oz. cans 2/79¢

Apple Sauce 2/79¢

10 lb. bag Kingsford Charcoal \$2.15

Disc Mop 50 Oz. 9" Paper Plates \$1.69

Falger's 10 oz. jar Coffee \$4.29

2 lb. can All Grinds Falger's Coffee \$5.29

2 lb. can Chico Shortening \$2.29

1 gallon 24 oz. Iced Tea Mix \$2.19

17 1/2 oz. box Tide Detergent \$6.39

Cascade 65 ct. \$2.49

2 lb. can Oats, Tab, Sprites \$1.69

Fields Trail 25 lbs. Dog Food \$4.49

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