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The Carlisle Mercury

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Shots are fired: two arrested

**By Charles Mattox
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Police arrested two young Carlisle brothers Tuesday morning following a robbery and subsequent shooting incident on Lower Sharpburg Road.

Nicholas County Sheriff Dick Garrett and Deputy Bennie Buckler, arrested Clayton Thomas Kimes, 21, of Hollar Road, Carlisle, and his brother Brandon Robert Kimes, 18, of Concord Road, Carlisle, at approximately 9

a.m. Tuesday morning Jan. 16. Garrett and Buckler charged them both with burglary, second degree.

Carlisle Chief of Police William Denton and Carlisle Police Officers Mike Kaskaden and Brad Weaver, assisted Garrett and Buckler.

The arrests came on the heels of a shooting incident at 3905 Upper Sharpburg, where the Kimes brothers allegedly committed burglary at a residence of Jim Robert Willoughby, accord-

ing to police. "The subject (Brandon Kimes), drove a truck around the residence where his brother (Clayton Kimes) kicked the front door open," Brandon Kimes' arrest citation reads. "A Play Station (video) game was taken from the residence that was later recovered in the subject's truck. The victim identified the Play Station as the one taken from his residence. A neighbor witnessed the burglary, fired several rounds at the suspects."

Marion Kearns, who was armed with an AR-15, fired several 223 caliber bullets, according to Buckler and Garrett.

One of the fired rounds entered the rear window of the white S-10 pickup truck driven by the Kimes brothers. The round grazed the headrest of the drivers seat during its trajectory.

"Multiple shots were fired," Buckler said. "Mr. Kearns has not been charged, nor will he be charged."

Kearns and several of his neighbors have been the victims of a recent rash of thefts. He said he didn't hesitate when he saw his neighbor's property being burglarized.

Kearns, 60, has lived at his residence near Willoughby's property for 51 years. "I could have shot him between the eyes if I'd have wanted to," Kearns said of one of the brothers he confronted.

"But I know he's young and maybe he can get his life turned around. I hope the court system won't fail us. They certainly had no fear that I could see and they did break into a man's property in broad daylight."

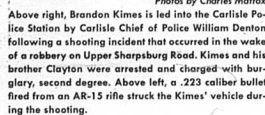
According to police, the brothers left the area and were stopped after neighbors dialed 911 and alerted police. The Kimes brothers were stopped in their vehicle near the outskirts of Carlisle on the Moorefield Road.

No weapons or drugs were found in the Kimes vehicle, according to Buckler.

Buckler said the Play Station and a missing sawzaw were recovered from the Kimes truck.

Buckler said he believed other items were going to be taken before concerned neighbors foiled the burglary.

"They had also removed a plasma TV from the wall at the Willoughby residence," Buckler said. "They had it unplugged and were getting ready to carry it out when they were discovered by a neighbor, Mr. Kearns."



Photos by Charles Mattox

Above right, Brandon Kimes is led into the Carlisle Police Station by Carlisle Chief of Police William Denton following a shooting incident that occurred in the wake of a robbery on Upper Sharpburg Road. Kimes and his brother Clayton were arrested and charged with burglary, second degree. Above left, a .223 caliber bullet fired from an AR-15 rifle struck the Kimes' vehicle during the shooting.



Photos by Charles Mattox

High school student faces two felony counts

A female Nicholas County High School student has been charged with two counts of rape, second degree.

Carlisle Police Officer Brad Weaver arrested Marlyn Mitchell, 18, of Carlisle, Jan. 7 after an arrest warrant was issued against her through the county attorney's office of Nicholas County.

"The defendant, (Mitchell) age 18 years, engaged in sexual intercourse on two occasions with a male minor, age 13 years at the time of the incidents," the arrest warrant states.

Mitchell's bail was initially set at \$15,000 cash, but was later lowered to a \$5,000 surety (unsecured) bond.

Mitchell appeared in Nicholas County District Court Jan. 9 and entered a plea of not guilty to the charges during her formal arraignment before Special Judge William Probus.

Flash flooding strikes area

**By Charles Mattox
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Heavy rains caused flash flooding in sections of Nicholas, Robertson and surrounding counties, Jan. 10.

No injuries were reported nor property damaged as a result of the heavy rains and flooding, but at least one family that lives along Bobtown Road became stranded due to rising waters of Beaver and Little Beaver creeks.

Motorists traveling near Bartoville encountered rising waters near the roads, which were soon closed by Nicholas County Emergency Management Director Calvin Denton.

Denton and a crew of five Nicholas County Rescue Squad members responded to Bartoville and Bobtown Road. Denton reported that the family long Bobtown

Road was stranded due to the rising water.

"But the water never entered the home," Denton said. "The water rose very

quickly but luckily, it went down about as fast as it came up."

Special Judge Honorable William Probus ordered the 55 felony counts of violating graves, which have been charged against Jesse James Robinson, 19, of Carlisle, to be bound over to the Nicholas County Grand Jury following his preliminary hearing in Nicholas District Court Jan. 10.

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Carlisle Police Officer Sgt. Darrell Layne arrested Rob-

inson Dec. 28. Layne, under the supervision of Carlisle Chief of Police William Denton, was part of a joint city, county and state investigation of the vandalism, that not only resulted in monuments be-

ing destroyed, but also resulted in the vandalism of graves. Layne, under the supervision of Carlisle Chief of Police William Denton, was part of a joint city, county and state investigation of the vandalism, that not only resulted in monuments be-

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