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# The Carlisle Family

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## Orazen's attorney seeks Green's disciplinary record

By Charles Mattox  
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David Franklin, attorney for Joe Orazen, was in Nicholas District Court April 15 and filed "Motions in Limine" seeking the court to order the Commonwealth of Kentucky to release disciplinary records of Duane Green, the Nicholas County High School student Orazen allegedly assaulted on school grounds Feb. 10.

The Feb. 10 incident led to Orazen being charged with assault, fourth degree, and also led to his dismissal as the principal at NCHS. Franklin has been attempting to receive Green's disciplinary records from Lafayette High School and Nicholas High School since

March 15, when he requested the items during a "Motion for Discovery and Inspection." The Commonwealth has objected to the requests stating those records were inadmissible and confidential.

Franklin disagreed with that objection and states, "an analysis of the relevant statutes, rules of evidence and case law shows that they are not only discoverable, but also relevant and admissible." Franklin wrote on page one of his six-page "Motions in limine" document, "To date, the Commonwealth has not asserted that these documents are privileged nor has it met its burden to prove such privilege, if it so chooses to assert one. Orazen would point out that no such valid privilege exists

and, at best, the documents are merely confidential. The Commonwealth's denial of Orazen's discovery request has been a mere blanket denial that the documents are confidential and are relevant."

Franklin makes other assertions regarding the complex case. "Green's Lafayette High School and Nicholas County High School disciplinary records are discoverable because they are not privileged and it is believed they will not only lead to admissible evidence, but will also contain relevant admissible evidence." Franklin further notes that the court "must allow the introduction of relevant evidence even if comes from a confidential, not privileged

source. To rule otherwise, for example, would contradict the Commonwealth's ability to use evidence obtained from confidential informants."

Franklin's motion explains why Green's past disciplinary record is relevant to the case. "As principal, Orazen had knowledge of the contents of Green's Lafayette High School and Nicholas County High School disciplinary records. He also had knowledge as to why Green transferred from Lafayette High School to Nicholas County High School. As these records are confidential, Orazen will not, at this time, disclose their contents absent a valid subpoena or court order. The contents

of these records, and Orazen's state of mind as a result of them, are relevant as they establish the basis for Orazen's interaction with Green on the date of the alleged assault."

Franklin's motions go on to cite Kentucky Supreme Court rulings in Saylor v. Commonwealth, which substantiate his claim as to that relevance. He also states that Green's actions after the Feb. 10 incident impacted the case.

"Green may have waived his right to the confidentiality of these records, as it is assumed he, his mother or one in their employ, previously leaked a copy of the videotape of this incident to at least one news agency. The videotape was school property as it was

from the Nicholas County School's camera and provided to Green's mother by officials in the Nicholas County School District. A brief snippet of the incident has been played repeatedly by several local and national news agencies. Further, Green was reportedly paid by Inside Edition, a national news agency, for an interview he voluntarily gave them and which has since aired nationally," page five of Franklin's recent motion states.

Orazen did not appear in court with Franklin on April 15, but he is expected to appear back in Nicholas District Court when Franklin's motion may be ruled upon on May 6 at 1 p.m.

## Treadway indicted on drug charges

By Charles Mattox  
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Members of the Nicholas County Grand Jury met April 20 and returned two drug-related indictments against a local woman.

Heather Treadway, 22, was indicted on the charges of possession of a controlled substance, first degree (oxycodone), and the charge of possession of a controlled substance, first degree (cocaine).

According to the indictments, Treadway committed both offenses

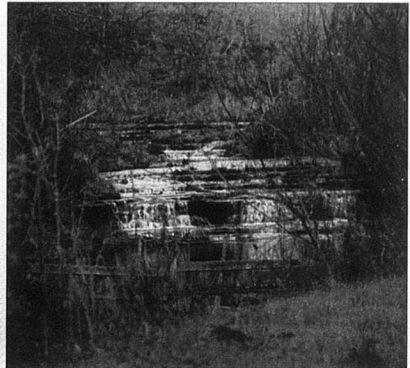
on Feb. 2, 2009. The indictments were returned against Treadway following testimony to members of the grand jury by Carlisle Police Officer Ron Allison.

Allison has bail set in the amount of \$2,500 and is scheduled to appear in Nicholas District Court on May 4 for her arraignment.

An indictment should be considered as an indication of guilty, but it is merely a procedural step in the judicial system. All persons are innocent until proven guilty or pleading guilty.



The Minor League Reds participated in Little League Day activities Saturday in Carlisle and team members enjoyed waving to the crowd. The Reds are coached by Tip Fryman, Josh Hunt, Bill Sosby and Pat Letcher.



The scenic beauty of Nicholas County can be found everywhere, such as this small but mesmerizing waterfall, which can be found along a tributary of Scrubgrass Creek.

## Safety Day held

By Charles Mattox  
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The first Nicholas County Family Resource and Youth Service Center Progressive Agriculture Safety Day was held April 17 at the Nicholas County Fairgrounds with 104 Nicholas County fourth graders receiving a wide variety of safety instructions that will help them stay safe as they grow older. Students divided up into groups and spent approximately 15 minutes at each of the 13 safety stations, which were staffed by local experts.

The stations emphasized special safety tips with the subject material at the individual stations varying from Traffic Safety, to Severe Weather Safety, with other topics including Railroad Safety, Animal Safety, Meth/Drug Safety, Home Alone Safety, Gun Safety, Sun Safety, Survival Skill Safety,

Look Alike Safety, Fire Safety, ATV Safety and Tobacco Safety. Safety Director for the event was Carlisle Chief of Police William Denton.

Event Coordinator Paula Hunter, who is the Nicholas County Family Resource and Youth Service Center Director, said she was very pleased with the day's activity and enthusiastic support. Hunter received special training for the project, which was sponsored by Progressive Agriculture Magazine. Hunter also received assistance through The University of Kentucky Extension Service and Mike Phillips. The event was also conducted with permission and assistance from the Nicholas County Board of Education.

Hunter praised all involved for a successful event and paid special praise to the local volunteers who helped provide instructions, as well as business leaders and mem-

bers of the community who helped sponsor the event.

Each child that participated, not only received useful instruction, but also received a bag of special items designed to help them be safe, and think about safety.

The Safety Day instructors are among the communities finest safety providers and included members of the Kentucky State Police, Carlisle Police Department, WEDCO Health Care, Kentucky Fish and Wildlife Officers, members of the Carlisle-based Kentucky National Guard unit, the Cabinet for Families with Children, TTI Railroad, and the Nicholas County Fire Department.

"It was a great group of children who were very well behaved, it was a beautiful day, and the children received some good safety instruction," said Nicholas County Fire Chief Mark Hughes.

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