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Orazen pleads not guilty

By Charles Mattox
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Attorneys raise concerns

Former Nicholas County High School Principal Joe Orazen entered a plea of not guilty to assault, fourth degree, charges last Wednesday in Nicholas District Court, and his attorney filed motions, which chastised Nicholas Trial Commissioner Eric Tedder and Nicholas County School Superintendent Greg Reid. The motions raised concerns related to the Feb. 10 incident, which led to Orazen's criminal charge.

Orazen's arraignment was scheduled for noon after the March 4 morning recess of Nicholas District Court.

Michelle Green, along with her son Dusty, identified by several Lexington media outlets as the male juvenile involved in the Feb. 10 incident, which led to the charge, sat with an older man inside the courtroom as noon approached and various Lexington TV crews placed themselves and their cameras around the courtroom.

The Green family members sat on the left side of the court with Orazen sitting on the right hand side. Orazen sat in the midst of 18 family

members and friends.

When District Judge Honorable Jay Delaney called the case, Orazen and his attorney David Franklin and his assistant Jason Rapp, approached the bench with William Kuster, special prosecutor and the county attorney for Harrison County. Kuster will prosecute the case in accordance with Kentucky Revised Statutes and a conflict of interest with County Attorney Dawn Letcher, who also acts as legal counsel for the Nicholas County School Board.

Franklin waived formal arraignment charges and told Judge Delaney that his client's bail of \$7,500 was "about four times the state's amount." He also said he would be filing motions addressing bond and evidentiary issues.

"Coming up with \$7,500 bond, well there's no just cause or call for that," Franklin told Delaney.

Delaney agreed to a ten percent, or \$750 bond, which Kuster said he had no problem with.

"Do you consider Mr. Orazen a flight risk?" Judge Delaney asked Kuster.

"No, I do not," Kuster replied.

"Do you know of any reason why if he continues to be free he wouldn't comply with bond conditions?" Delaney asked Kuster.

"No," Kuster replied.

Delaney said he will leave

a condition prohibiting Orazen from school grounds "up to the school" and Franklin later told The Mercury the school has not forbid Orazen from being on school property as he has family members who attend school.

Franklin filed two motions after the arraignment.

The first was a Motion For Bond Reduction and the second was a Motion For Discovery And Inspection.

The Bond Reduction Motion addresses grounds for a reduction in bond in the amount of ten percent of \$2,000, or \$200.

"Pursuant to statute RCR 4.20, the scheduled bond for the offense of assault, fourth degree is \$2,000," the motion states. "For unknown and unjustified reasons, the trial commissioner, Hon. Eric Tedder, set bond at \$7,500 full cash which the defendant (Orazen) posted, because the warrant was served so late in the evening that the defendant had no choice but to post the bond or spend the night in jail."

Franklin also addressed his understanding of deviations from such designated bonds.

"Pursuant to RCR 4.20(2), the trial commissioner, in the exercise of reasonable discretion, may refuse to set bail in the amount prescribed in the schedule, but must record written reasons for the deviation," The commissioner, Mr. Tedder,



Joe Orazen consults with his attorney, David Franklin, prior to entering a not guilty plea in Nicholas County District Court.

made no notations on the warrant, whatsoever as to why he set bail at almost four times the prescribed amount and clearly did not consult with a judge or prosecuting attorney in setting bond at \$7,500."

The motion continues and raises questions about the validity of the charge of assault, fourth degree.

"The warrant indicated that the alleged victim, Dusty Green, suffered only a minor injury, and it is questionable as to whether or not those conditions, minor bruises and abrasions, even meet the statutory definition of a 'physical injury' to proceed with an assault, fourth degree prosecution."

The motion also states that "Mr. Green has no impairment of a physical condition, and it is highly suspect that minor bruises and abrasions caused substantial pain." The motion questions the charge as "Pursuant to KRS 500.080(13), 'physical injury' means

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Accident blocks Main Street

By Stephen Scalf
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A two-vehicle accident last week sent two women to the hospital and afterward resulted in one of them going to jail.

Shortly after 6:00 p.m. on Thursday, Mar. 5, Rhonda Marcum was at the intersection of Main and Elm Street heading towards Moorefield, when her 2008 Ford Focus was rammed from behind by Virginia Brock, driving a 2004 Chevy Tahoe. The Ford Focus was struck with such force that both vehi-

cles continued through the intersection, finally coming to a stop approximately 100 feet later. The lack of skid marks on the pavement indicated that Ms. Brock had entirely failed to brake.

According to Carlisle Police reports, between Millersburg and Carlisle, Ms. Brock had also run two other drivers off the road: Mrs. Allison Sanders of Millersburg and Mrs. Lynn Switzer of Paris, the Bourbon County High School principal.

Ms. Brock was charged with eight counts: Driving under the influence - 3rd degree with aggravat-

ing circumstances; Three counts of wanton endangerment; Resisting arrest; Disorderly conduct; Having an open container of alcohol in the vehicle; and no proof of insurance - although it was later determined that the owner of the 2004 Tahoe had current insurance.

Emergency Medical Service personnel transported both drivers to the Nicholas County Hospital where they were treated for minor injuries. Officers Mark Stodgar, Fish and Wildlife Officer William Earlywine and Chief of Police William Denton, were the officers at the scene.



An accident last Thursday blocked traffic on Main Street for over an hour. Fortunately, neither driver suffered serious injuries.



Photo by Charles Mattox

Hometown Heroes

Nicholas County Firefighters continued their exhaustive pace when battling four fires in the past week. Firefighters battled a 70-acre grass fire, which began at an outbuilding and mobile home residence on Hudnall Lane.

Fire Chief Mark Hughes praised the dedicated response of his firefighters and also praised the members of the Ewing Vol-

unteer Firefighters who rushed to their neighbor's assistance. As firemen were returning to the station, firefighters extinguished a three-acre grass fire on Locust Grove Road. Firemen also extinguished a vehicular fire, which destroyed a vehicle belonging to Billy Estes of Myers Road and Sunday night battled a fire that destroyed a historic home

on Persimmon Ridge. "The home was uninhabited but was a beautiful log cabin which was unfortunately a total loss," Hughes said. Hughes continues to praise the tireless efforts of the men who volunteer to be members of the Nicholas County Fire Department. "We have a great turnout when we are called and the firefighters do a great job."

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