

ORAZEN

Continued from Page 1

substantial physical pain or impairment of a physical condition.

Franklin's Motion for Discovery and Inspection also raises serious concerns, the most prominent of which may be the refusal of providing a videotape copy of the Feb. 10 incident to Orazen or his attorneys.

To date the Nicholas County Schools Superintendent, Greg Reid, has denied the defendant (Orazen) a copy of this video, the motion states in part while referring to an attached letter from Reid to Franklin. "It is inconceivable to the defendant why the school board would deny his right to a copy of this videotape, ostensibly citing privacy concerns, after the defendant voluntarily handed over to the alleged victim's mother (or one of her associates) a copy of the video to local news outlets (WLEX-18) that have now played the video numerous times to viewers across the Commonwealth."

Reid's letter denies Orazen and Franklin a copy of the video depicting the Feb. 10 incident. "You will not be provided copies of any surveillance videos depicting the incident involving Mr. Orazen on Feb. 10, 2009," Reid's letter dated March 4, and which Franklin attached to his Motion for Discovery And Inspection, states. "Surveillance videos which depict students constitutes educational records of those students under both the federal Family Educational Rights and Privacy Act (FERPA)...

While these videos admittedly relate to Mr. Orazen, the federal law provisions of FERPA prohibiting release of educational records must override the state provisions of KRS 61.878(3) unless an exception to FERPA applies. I have determined that exception is required by Medley V. Board of Education of Shelby County, 168 S.W.3d 398, 405 (Ky. App. 2004). Thus, Mr. Orazen does not have any legitimate educational interest in viewing the videos... Your request is also not made through use of a subpoena... Because no exception to FERPA is believed to apply to your request, the student's federal privacy rights supersede Mr. Orazen's State statutory right."

Franklin's footnotes of his motion state that "the defendant's logical supposition is that either the alleged victim's mother (or one in her employ) or a member of the school board itself delivered the video (to WLEX-18)." Franklin's motion states a copy of the video has been turned over to the Commonwealth. "The defendant is unsure whether the Commonwealth subpoenaed a copy or whether the Nicholas County Schools voluntarily handed it over, much like it did to the victim's mother."

"But I will say there are some strange things going on in Nicholas County. My client's bond was in direct opposition of the law and why are we being denied a copy of the video when it has been broadcast across the nation?"

In a brief interview Friday, Franklin said he did not believe there was a "conspiracy" aimed at his client. "But I will say there are some strange things going on in Nicholas County. My client's bond was in direct opposition of the law and why are we being denied a copy of the video when it has been broadcast across the nation?"

In a brief interview Sunday evening Michelle Green said any knowledge of how a copy of the video arrived at WLEX-18. She said that neither she nor anyone else saw the video and how it arrived at WLEX-18.

"He (Orazen) could have hurt Dusty pretty bad," Green said. "He could have given Dusty a concussion when he slung him down twice. I just don't think that he should ever be allowed to be principal again."

She also commented about the charge of assault, fourth degree. "I'm certainly not a lawyer, but it seems to me like this should be more than a misdemeanor charge. I think it should be a felony and I think the truth is right there on the video to see."

Green said the traumatic effect of the incident had led to a serious decision for her family.

"We're thinking very seriously about taking Dusty out of school," she said. "We don't want to make this any more stressful for him than it already has been. We want to do what is best for Dusty."

Green said she understood that her son "wasn't perfect" but was a typical teenage boy who she hoped would grow into a good man.

"He has friends and support and we appreciate all the support his friends have given him."

Orazen is scheduled to return to Nicholas District Court next month for a pre-trial conference.

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FEMA News Release

Nicholas County has been awarded federal funds under the Emergency Food and Shelter National Board Program. Nicholas County has been chosen to receive \$16,093.00 to supplement emergency food and shelter programs in the county. The selection was made by a National Board that is chaired by the Department of Homeland Security's Federal Emergency Management Agency and consists of representatives from the Salvation Army, American Red Cross, United Jewish Communities, Catholic Charities, USA, National Council of the Churches of Christ in the U.S.A. and United Way of America. The Local Board was charged to distribute funds appropriated by Congress to help expand the capacity of food and shelter programs in high-need areas around the country. Under the terms of the grant from the National Board, local organizations chosen to receive funds must: 1) be private voluntary nonprofits or units of government; 2) have an accounting system; 3) practice nondiscrimination; 4) have demonstrated the capability to deliver emergency food and/or shelter programs; and 5) if they are a private voluntary organization, they must have a voluntary board. Qualifying organizations are urged to apply. Nicholas County has designated Emergency Food and Shelter Funds previously with Community Action Council providing energy and housing assistance. Public or private voluntary organizations interested in applying for Emergency Food and Shelter Program funds must contact Angie Schleich for an application at (859) 289-7172. The deadline for applications is March 20, 2009.

Register Your American Cancer Society Relay for Life Team Today

Carlsile Kentucky: The American Cancer Society Relay for Life of Nicholas County is just around the corner. This "celebration of life" brings the Nicholas County community together in a unified effort to fight cancer. Former and current cancer patients, those who have lost a loved one to cancer, families, businesses, civic organizations, and the public are invited to take part in this exciting team event. Relay for Life takes place from 7:00 p.m. on June 19th until 7:00 a.m. on June 20th at Nicholas County High School. The American Cancer Society Relay for Life is a family-oriented event where participants enjoy the camaraderie of a team and also raise funds to help eliminate cancer. Participants' camp out at the Relay site, and when they are not taking their turn walking, they take part in fun activities and enjoy local entertainment. The event helps communities celebrate those who have faced cancer, remember loved ones lost and fight back against this disease. Teams from companies, churches, organizations, hospitals, and schools collect donations and can win individual and team prizes for their efforts. "Relay for Life brings the progress against cancer to the forefront." Many participants are family, friends, and neighbors who have dealt with cancer themselves. Their involvement is proof of the progress that has been not only reduced death rates, but also in the quality of life following cancer treatment. "The funds raised enable us to continue our investment in the fight against cancer through research, education, advocacy, and patient services. Thanks to the generosity of corporate sponsors in Nicholas County, the money raised by participants goes directly to the American Cancer Society's lifesaving programs."

Information about how to form a team or

prostate cancer
• 2,600 women with breast cancer
• and 2,560 people with colon cancer
In 2008, an estimated 9,600 Kentuckians will die of cancer.
The most common cancer deaths included:
• 3,480 people with lung cancer
• 840 people with colon cancer
• 590 women with breast cancer
• and 360 men with prostate cancer
In Nicholas County, 47 residents were diagnosed with cancer.
The most common sites diagnosed included:
• 8 men with prostate cancer
• 6 people with lung cancer less than 5 women with breast cancer
• less than 5 people with colon cancer

INVESTMENT TO BID
Sealed bids will be received by the Nicholas County Board of Education for Nicholas County High School Addition and Renovation in Carlisle, Kentucky, until 2 p.m., CST 13 p.m. EST on 25 March 2009, at the Board of Education, 305 W. Main Street, Carlisle, Kentucky. Bids will be opened and read aloud.

1. General Construction
2. Kitchen Equipment
3. Gymnasium Flooring
4. Electrical
5. Mechanical
6. Plumbing
7. HVAC
8. Heating
9. Cooling
10. Fire Protection
11. Security
12. Other Equipment
13. Other
14. Other
15. Other
16. Other
17. Other
18. Other
19. Other
20. Other

COURT NEWS

Nicholas County Circuit Court
Hon. Robert McGinnis
March 2, 2009
Sarah N. Esterhazy vs. Michael Fryer. PTC. Settled. Order TBS.
Bank of New York Mellon vs. Michael Fryer. MH Sust. Order TBS.
Deposit Bank of Carlisle vs. Ricky Jolly. MH Sust. Order TBS.
Wells Fargo Bank vs. Jackie Kenney. MH Bankruptcy filed. Withdrawn. Order TBS.
Jacquelyn Bond. OH. Probation hearing (for felony offense) Pub. Def. Appt. Wittmyer. Hear Hearing 3/23/09 at 9:00 a.m. Bond \$500.00/10%.
Douglas E. Hunt. PTC. 1. Theft by unlawful taking all others over \$300. 2. Persistent felony offender. 2nd degree. On Comm motion. Ct 2 discussed Guilty plea to Ct 1. Sent. PTC 3/19/09 at 9:00 a.m.
Paul Douglas Jolly. PTC. 1. Theft by unlawful taking all others over \$300. 2. Persistent felony offender 1st degree. On Comm motion. Ct 2 dismissed. Guilty plea to Ct 1. Sent 3/23/09 at 9:00 a.m.
Thomas W. Whirls. ARR. 1. Theft by Unlawful Taking All Others. 2. Theft of cont substance. 2nd offense or over \$300. Pub. Def. Appt. Wittmyer. Not guilty plea. Jury Trial 4/9/09 at 9:00 a.m. PT 4/9/09 at 9:00 a.m.
Nicholas County District Court
Hons Jay Delaney
March 4, 2009
Estate of Lemuel E. Burden. PH. Will admitted to probate order entered.
Estate of William T. Dampier. PH. Will admitted to probate. Order entered.
Estate of Lowell D. Fryman. Jr. SETT. Probate notice to fiduciary 4/15/09 at 8:45 a.m.
Estate of Frederick Dilton Gray. SETT. Probate notice to fiduciary 4/15/09 at 8:45 a.m.
Estate of Trienzi C. Horn. PH. Petition granted. Order entered.
Estate of Charles W. Smith. PH. Petition granted. Order entered.

Capital One Bank vs. Jesse C. Gannon. MH. Order entered.
Midland Funding LLC vs. Rita Hunt. MH. Def. Judgment granted in princ. amount of \$53,849, most judg int at 12 % and costs.
LVNV Funding LLC vs. Jamie Mitchell. MH. Order entered.
Capital One Bank vs. James J. Mitchell. MH. Order entered.
American General Financial Services, Inc. vs. W. Stafford. MH. Order entered.
Elisha Nicole Burgess. ARR. theft by deception incl cold checks under \$300. G.P. 45 days jail 7 to serve (reduced). 7 bail, prob 3 yrs unemp on conds. a) no contact with Jay or Donnie Humphries. b) no sin offenses c) \$100.00 F plus costs. d) menancing M.O.C. merge into Count 1.
Deborah R. Edmond. PTC. Resisting arrest. M.O.C. case dismissed on compliance with prior agreement.
Michael A. Poe. PTC. 1. alcohol intoxication in a public place 1st and 2nd. 2. Use/possession drug paraphernalia, 1st offense. M.O.C. case dismissed on completion of S.A. counseling and compliance with prior agreement.
William E. Ritchie. PTC. no insurance 1st offense. PTC continued rec of def. to 3/11/09 at 1:00 p.m.
David B. Sapp. PTC. 1. failure to wear seat belt. 2. operating on suspended/revoled operators license. 3. OP MV underinfrulience of Alcohol/Drugs, etc. 08 1st. \$100 F Plus costs S.C. 5/13/09 at 10:00 a.m.
Nichole Vaughn. PTC. Theft by deception incl cold checks under \$300. G.P. 45 days jail 7 to serve (reduced). 7 bail, prob 3 yrs unemp on conds. a) no contact with Jay or Donnie Humphries. b) no sin offenses c) \$100.00 F plus costs S.C. 5/13/09 at 10:00 a.m.
Gary F. Watkins. PTC. Theft by unlawful taking all others under \$300. G.P. 45 days jail 7 to serve (reduced). 7 bail, prob 3 yrs unemp on conds. a) no contact with Jay or Donnie Humphries. b) no sin offenses c) \$100.00 F plus costs S.C. 5/13/09 at 10:00 a.m.
Amarda G. Wells. PTC. 1. Theft by deception incl cold checks under \$300. G.P. 45 days jail 7 to serve (reduced). 7 bail, prob 3 yrs unemp on conds. a) no contact with Jay or Donnie Humphries. b) no sin offenses c) \$100.00 F plus costs S.C. 5/13/09 at 10:00 a.m.
Melissa Whitt. PTC. Theft by deception incl cold checks under \$300. G.P. 45 days jail 7 to serve (reduced). 7 bail, prob 3 yrs unemp on conds. a) no contact with Jay or Donnie Humphries. b) no sin offenses c) \$100.00 F plus costs S.C. 5/13/09 at 10:00 a.m.
Paula McFarland. OH. Contempt hearing 4/10/09 at 2:00 p.m.
Christina McFarland. OH. Contempt hearing 4/10/09 at 2:00 p.m.
Paula J. McFarland. OH. See 07-M-177.
Paula J. McFarland. OH. See 07-M-177.
Jesse J. Robinson. OH. 622 hours c.a. complete. (currently attending Bible College) Motion for contempt withdrawn. S.C. by mail at 10:00 a.m.
Thomas Whirls. OH. Contempt hearing 3/11/09 at 2:00 p.m. (non-payment).
Thomas W. Whirls. SD/HP. Contempt hearing 3/11/09 at 2:00 p.m. (non-payment).
Merle Ritchie. OH. 1. probation violation (for misdemeanor offense). 2. probation violation (for misdemeanor offense). Bond amended to \$1,000.00 unsecured. Contempt hearing 3/25/09 at 2:00 p.m.
Merle Ritchie. OH. See Jeffrey A. Glass. PTC. 07-M-62.

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Are you healthcare professionals certified in their field? We make it our priority.
To ensure you and your family are getting the best medical care possible, consider the advantages of becoming certified and accredited in a truly unique way!
Does the staff meet this state requirement for education and training in their specific area?
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For example, our radiology staff is specifically certified in their field, giving you the most accurate images possible. And our chemistry staff is specifically certified and accredited through the region's leader in cancer care, University of Kentucky Medical Center. And unlike some hospitals, our pharmacy technicians are certified in their field as well.
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12-18 Hybrid Bluegill \$ 4.50
6-8 Hybrid Bluegill \$ 4.50
15-18 Hybrid Bluegill \$ 4.50
15-18 Regular Bluegill \$ 4.50
15-18 Golden Shiner \$ 4.50
8-11 Carp Catch each \$ 10.00
2-3 Black Catfish \$ 7.00
2-4 Largemouth Bass \$ 9.95
Fathead Minnow B. Kit \$ 8.00
We Will Be At:
Southern States
Carlisle, KY
Tel: March 11, 10:11 a.m.
Andy's Fish Farm
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(859) 457-2669

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