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SHERIFF'S DRUG HOTLINE

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From Page 1a Teen

false information to WVSP, brandishing a deadly weapon, assault, fleeing in a vehicle, reckless driving, speeding, left of center, two counts each for failure to stop at a sign, failure to signal, and no operators license.

Workman was in court last week having been transferred from jail for the proceedings in Hamlin. He appeared before Judge Hoke at around 2:30 p.m., Tuesday afternoon, February 19, 2013, with his counsel, Robby Long. Workman's mother was also in court for the hearing, which lasted around 40 minutes. Lincoln County Prosecutor James Gabehart represented the state in the matter.

Before the court was a plea agreement from Workman with regard to the two felony counts in the matter, wherein a guilty plea was being offered for the grand larceny count, and an Alford (Kennedy) plea was being offered for the arson count. An information had been filed in the matter. The grand larceny offense carries a sentence of not less than one

year and not more than 10 years incarceration. The third degree arson count (burning personal property of another of the value of five hundred dollars or more) carries a sentence of not less than one year and not more than three years incarceration. Speaking on behalf of his client, Long told the court of his client's preference, should probation be part of the sentence, to reside with his mother in Putnam County. However, it emerged during the hearing that her status as a convicted felon might preclude such an arrangement in Putnam County.

According to the information filed in the matter, Workman is alleged to have committed the grand larceny offense on December 5, 2012 when he stole a 2011 Kia Sorento from Sherie Estes of Alum Creek. With regard to the second count in the information, Workman is alleged to have "willfully and maliciously" set fire to the Kia Sorento.

Judge Hoke reviewed the nature of the plea agreement with Workman. He also explained the difference between the guilty plea to larceny and the Alford plea to arson. In an Alford plea, the

defendant pleads guilty, but does not have to admit to the guilt itself. The Alford plea is essentially a recognition by the defendant of the likelihood of being found guilty should the matter go to trial.

Prior to having Workman enter his plea, Judge Hoke referred to the new assessment requirement for felons. Beginning August 1, 2013, each felon in circuit court is to be administered a risk and needs assessment test known as the LS/CMI (Level of Service/Case Management Inventory) before sentencing. The results of this assessment is to be available for the circuit judges' consideration prior to sentencing. Chief Probation Officer Jerry Swanson was present in court last week. The judge confirmed with Swanson that such an assessment was being conducted in the case before the court. Judge Hoke cautioned Workman that much of the assessment is based on self-reporting. Therefore, he urged Workman to be truthful when the assessment was being administered.

Judge Hoke noted that Workman was waiving his right to have the matter pre-

sented to the grand jury, and consenting to the filing of an information in the matter. He then went through Workman's constitutional rights, noting that the Workman was waiving his right to a trial by jury. Workman then entered his guilty pleas, with the judge then finding him guilty.

Prosecutor Gabehart asked the court that the victim in the matter, Estes, be allowed to exercise her right to address the court. Estes was sworn in by Hoke and took the witness stand.

During her brief testimony, Estes, a nurse by profession, told the court how her whole life had been changed in a lot of ways since the incident involving Workman. She described how Workman had stolen credit cards, but that she had been able to put a stop on those cards. She said Workman had probably planned out much of the crime eventually committed, and had perhaps been watching her movements. "I felt he really thought this out," said Estes. "This concerns me greatly," said said, adding that she felt Workman may be a great danger to society. Estes told the court that she

felt probation may not change his behavior. "It changed my whole entire life in a lot of ways," said Estes. In response to questions from Judge Hoke, Estes confirmed that an insurance payment had been made for the vehicle, but not for the contents. She described how she had lost significant academic materials in the vehicle, and was just three classes from completing her studies for a bachelor's degree. The loss of the materials prevented Estes from concluding the course.

Judge Hoke sentenced Workman to one to 10 years for the grand larceny, and one to three years for the arson charge. The sentences were to run concurrently. However, Hoke suspended the statutory sentences for probation, subject to the completion of the assessment by the probation service. The period of supervised probation is three years, subject to early release in two years. Workman was expected to be released from custody later the same day. Per the plea agreement, the remaining charges arising from the events in question were dismissed with prejudice.

From Page 1a Audit

McCann was unable to attend the meeting because of family commitments.

Matthews told the meeting that in reviewing the budget, he had learned the most significant line item of county expenditure was the cost of labor. "As part of a review of the labor costs associated with this office, and specifically in the course of routine and customary review of payroll documents, it has been revealed that there is a potential misapplication of the 'Personnel Policies for All Employees Employed by the Lincoln County Commission.'" As reported some weeks ago in The Lincoln Journal, the advice of Lincoln County Chief Circuit Court Judge Jay Hoke was sought regarding that same document, which dates from 1990. The document has not been modified in the intervening

Commission President Charles Vance joined Matthews in the move. Commissioner Charles

23 years, and came about as a result of the settlement of a federal court action between the county sheriff and certain county employees at the time. When the settlement was entered, and since that time, it was made clear that any modification of the policies could only be sought by petitioning the U.S. District Court.

Judge Hoke issued a memorandum to Commission President Vance earlier this year, stating that "should any party or non-party choose to not comply with said Personnel Policies, that party would run a very significant risk of creating actionable conduct." In his prepared statement last week, Matthews quoted directly from Hoke's memorandum.

According to Matthews, the specific policies and procedures that appear to have been violated include, but are not limited to:

- Section 3(d) - Time Keeping
- Section 4(a) - Annual Leave
- Section 4(b) - Sick Leave

•Section 4(c) - Compensatory and Overtime

In his motion, which was supported by Vance, Matthews moved that the commission, in conjunction with Lincoln County Prosecutor James Gabehart, "conduct a thorough and comprehensive audit of all personnel files of employees" in the commission office. In response to a question from a Lincoln Journal reporter, the commissioners clarified that this includes all county commission employees, including those employed in the offices of other elected officials. Matthews also moved that all timesheets for the calendar year 2013 be placed under immediate review subject to revision with applicable results pending the outcome of the audit. "Specifically, it appears that there has been an extensive exploitation of the use of sick time, comp time, and overtime," concluded Matthews.

Beyond the single question from a Journal reporter, the commission refrained from discussing the matter further during last week's regular session.

From Page 1a Hearing

last Thursday evening. Present for the hearing with Burns was her mother, Sheila, who served as her representative for the proceedings. Counsel for the Lincoln County Board of Education was Rebecca Tinder of Bowles Rice, LLP. Tinder frequently represents the board at personnel hearings in Lincoln County. Four members of the board were present in person for the hearing, namely President Steve Priestley, Vice President Fred Curry, member Larry Wilkerson and member Gary McCallister. Board member Carol Smith took part by telephone. Lincoln County Superintendent of Schools Patricia Lucas was present for the hearing, as was Assistant Superintendent Jeff Midkiff.

Speaking to The Lincoln Journal prior to the hearing, Burns voiced concern about the situation. "I don't know how they got to this point," she said. "They did not follow proper procedure," alleged Burns in reference to school system administrators. She said the matter had been ongoing since around October of 2011. At that time, she was teaching in Harts. The ter-

mination being considered by the board was recommended by Supt. Lucas in recent weeks. The Lincoln Journal understands that a number of teacher observations were carried out by the respective school principals. However, Burns contends that there is plenty of evidence showing her efficacy as a teacher. "This includes my students' improvements in test scores, faculty testimonials and awards," Burns told The Lincoln Journal. She said the paperwork regarding the case against her is "very shoddy" and she alleged non-compliance with process by the school system. Burns further claimed that while many plans of improvement were threatened, "none were implemented by school law."

Burns also voiced dismay at the legal costs likely to accumulate during the hearings. "We have repeatedly heard grumblings from the board about legal costs. This just adds to those costs," said Burns. "This is a black and white issue. It's clearly marked out in West Virginia law. If they do this to me, they can do this to anyone. We cannot go back to the days of corruption and illegality that existed before the state's intervention in Lincoln County," she



Lincoln County Superintendent of Schools Patricia Lucas, board counsel Rebecca Tinder and Assistant Superintendent Jeff Midkiff are shown at the start of last week's termination hearing in Hamlin.

Photo by Ryan Prichard

added. "I hate for the county to have to go through this. It's unnecessary," she concluded. As is customary, central office administrators would not divulge details regarding the specific reason or reasons for Burns' termination.

The Lincoln Journal understands the termination notice to Burns was dated January 25, 2013. Until that date, Burns had been teaching at Guyan Valley Middle School. The suspension by Lucas was effective immediately and

without pay. Lucas further recommended to the board that Burns' employment with the school system be terminated. Burns was informed of her right to appear at the board meeting at which the recommendation would be considered. Burns exercised that right last week.

As is usual at such hearings, Burns was informed of her right to a closed or open hearing. A closed hearing was sought. The first witness to appear before the hearing was

Robin Toney, a long-time educator who had mentored Burns in the past. Toney was called to testify by the school system. The testimony lasted over an hour. At around 7:10 p.m., the proceedings paused for a short break. A Lincoln Journal reporter then observed the second witness enter the hearing room, namely Harts PK-8 Principal Debbie Dingess. The Lincoln Journal has learned that Dingess' testimony continued until late in the evening. The meeting

adjourned at 10:30 p.m. with a number of witnesses yet to give testimony. The hearing is set to resume this coming Saturday at 2 p.m. The proceedings are again expected to last several hours.

Correction

In last week's girls JV basketball report (Page 3b - LCHS Panthers outrun Dragons), Jessie Linville was incorrectly printed as S. Linville.