



Wednesday, February 1, 2006

Buddy Calhoun Found Guilty; Wife Arrested

Stephen Crews
Editor

A recent circuit court trial led to the conviction of Buddy Calhoun for possession of a controlled substance. The case doesn't stop there as his wife, Tonia Calhoun, testified that the controlled substance in question didn't belong to Buddy but instead belonged to her. This led to her arrest following the trial.

The case initially began on June 27, 2004 when Tonia Calhoun made a domestic complaint to the Hartford Police Department about Buddy. Tonia Calhoun reported that her husband was at the Scooter Store. Hartford PD officer Eugene Campbell proceeds to go talk

with Tonia and sees Buddy at the Scooter Store.

Campbell then proceeds to pat Buddy down and asks to search the vehicle that was still occupied by Casie Jackson, a friend of Buddy Calhoun. During the pat down, officer Calhoun recovered a straw from Calhoun's pocket.

Upon searching the vehicle, Campbell finds a vial and a pill bottle containing methamphetamine. Officer Campbell called in Geneva County Drug Task Force Agent Tony Helms to work the case. When Officer Helms arrived, Calhoun called Officer Helms over to where he was being held and confessed to being the owner of the methamphetamine. He was then arrested on a



Buddy Calhoun

possession of a controlled substance charge while Jackson is arrested for an outstanding warrant.

Case Goes to Court

The case against Buddy Calhoun officially went to court on Wednesday, January 25 before Judge Ben



Tonia Calhoun

McLaughlin. Calhoun was represented by Thomas Scarbrough while Assistant District Attorney Stephen Smith tried the case.

After the case began, the District Attorney's office learns that Tonia Calhoun had signed a verified affidavit on February 16, 2005

stating that the drugs in question are hers and do not belong to Buddy Calhoun. This affidavit was provided to his defense council around the same time Tonia and Buddy Calhoun reconciled.

Calhoun says in the affidavit that she placed the drugs under the seat of the car a few days prior to June 27. Calhoun says that she met her step-son Brad Calhoun at the Hobo Pantry in Geneva. Brad was on Buddy's truck and they decided to go to WalMart in Geneva. Tonia stated that she left her vehicle at the Hobo Pantry and rode with Brad.

Upon arriving at the Geneva WalMart, Calhoun stated that she placed the meth under the driver's seat

of the truck and that Brad did not know what was under the seat but that she asked him to remind her to take it out when they got back to the car.

Miss Calhoun stated that she forgot to get the methamphetamine out from under the seat when they got back to the Hobo Pantry. She goes on to say that she was not trying to set Buddy up to be arrested and that he shouldn't be punished for something he had no knowledge of.

Tonia Calhoun Testifies

Before testifying before the jury, Tonia Calhoun was questioned by Judge Ben McLaughlin. It was this time that he asked her if she un-

Calhoun, see page 5A

Personnel Board Tried to Seek Help from Commission

Stephen Crews
Editor

Recent letters provided to Geneva Newspapers from the Geneva County Personnel Board reveal that they attempted on two separate occasions to get the Geneva County Commission to help them in getting current problems straight before it was too late. The two letters were met with a letter from Probate Judge Harry O. Adkison that gave little insight to the board.

Three letters are just one of many issues that have led to the recent resignations of all five personnel board members. All five have said at separate times that they felt they were being undermined by the Probate Judge and county commission. They felt the only solution was to resign so that a new board could take office in an attempt to create a better working relationship with the commission.

The first letter, dated October 18, 2005, detailed recent decisions and requested that the commission examine their decisions and the available guidance resources and provide the personnel board with written confirmation that all of the governing body of the county will support and abide by the adopted and approved personnel policies and procedures currently under the personnel board's jurisdiction. The letter goes on to state that if the county governing body disagrees with the law, handbook or policies and procedure then there are avenues for changing any law, policy or procedure; however, non-compliance is not the proper venue and should not be endorsed by the governing body.

The second letter, dated November 29, 2005 informs the commission that they have not received a reply to the first letter dated October 18, 2005 and requests once again that the commission evaluate the situation and contact the board.

The third letter is a response from Probate Judge and County Commission Chairman Harry O. Adkison saying that the letters

GENEVA COUNTY PERSONNEL BOARD
P. O. BOX 430
GENEVA, ALABAMA 36340-0430

18 October 2005

Mr. Harry O. Adkison
Chairman, Geneva County Commission
Geneva, Alabama 36340

Dear Sir:

The Geneva County Personnel Board met on 12 October 2005 and reviewed all correspondence and Commission decisions made since the Board's request to the County Commission to discipline Mrs. Jones, County Administrator, for failing to abide by and support County Commission adopted Geneva County Personnel Handbook and policies.

Our review of your replies to our request reveals lack of confidence in this Personnel Board's integrity and competence. And, a complete lack of consideration of the main issue put before you by this board. The issue you submitted to the Commission was incorrectly identified as this board's request. However, we never requested you to act on the validity of Mrs. Ethelene Crowe's promotion as that is within the jurisdiction of this board. What we did ask for and did not receive was an examination of Mrs. Jones' actions over the past several months in violation of adopted, established and precedent setting policies and procedures. It appears the Commission majority chose not to examine these actions, and decided to not enforce existing policy or is unaware of these policies themselves. The only request made to the Personnel Department was for personal information for Mrs. Crowe, which was not provided, as it was not germane to the request before you.

The recent Commission decision will have long-term repercussions for future actions affecting this county and its work force. The citizens of this county and the employees deserve to know that established law and policy will be enforced until properly changed. While there are areas in the county handbook and policies developed since its approval that are out dated or at least need to be examined, the official position is that the Geneva County Personnel Board is the authority by which changes are made and approved. State Act No. 83-587 specifically states, "The personnel program established by this act shall be administered by the board". And also states, "So long as the same are not inconsistent with this act, the board shall adopt rules and regulations for the operation of the civil service system established hereby... and the same shall become operative and have the force and effect of law." The Personnel Manual Handbook was approved by the Commission as adopted rules and regulations for the operation of the civil service system.

We therefore respectfully request you and the Commission examine your decisions and the available guidance resources and provide this board with written confirmation that all of the governing body of this county will support and abide by the adopted and approved personnel policies and procedures currently under our jurisdiction. If you disagree with the law, handbook or policies and procedures there are avenues for changing any law, policy or procedure; however, non-compliance is not the proper venue and should not be endorsed by our governing body. The evaluation actions currently before this board have been suspended until such time as we determine the course of action is proper and can be pursued without further conflict. We await your decision and/or actions.

For the Personnel Board

Harry O. Adkison
HARRY O. ADKISON
Personnel Director

CC: Mr. Larry Everett, Dist 1 Comm
Mr. Gary Shields, Dist 2 Comm
Mr. Ray Minshaw, Dist 3 Comm
Mr. Fred Hamik, Dist 4 Comm
Mr. Phil Elledge
Mr. Dale Marsh

from October 18 and November 29 were received. He goes on to state, "It is at the discretion of the Commission to act further on them. The Commission has already dealt with the matter of your concern, albeit not to your satisfac-

tion. Several personnel board members agreed that the letters sent by them to the commission were done so to try and resolve the issues so that maybe the two parties could work together. They believe that a majori-

ty of the commission at this time had no intentions of trying to work with them. **Editor's Note** - The additional letter from the Personnel Board and the letter from the Probate Judge are located on page 3A of this week's paper.

DA Pleased With Recent Court Week

Stephen Crews
Editor

Geneva County District Attorney Kirke Adams says that he is pleased with the recent court week that resulted in over 100 cases being disposed of. Adams said that several of the cases that were dealt with will make several communities very happy.

Adams said that circuit court week began with approximately 261 cases with a few being multiple cases on individuals. Adams says that 100 of the cases were disposed of while 10 more had to be continued beforehand due to a forensics report not being available yet. Two of the cases that people will be pleased to see off the docket are:

• Robert M. Thames, of Geneva, pled guilty to possession of a controlled substance, burglary, theft of property and possession of burglary tools. Thames and his attorney, David Holmes, agreed to 15 years for the four felonies after Thames broke into Elmores Auto Center.

According to the statement by Geneva Police Department Officer Ryan Moore, he was dispatched to Elmores Auto Center on December 29, 2004 because they received a call that someone was breaking into Elmores.

Moore arrived at the scene and was advised that the suspect had jumped the fence behind the building heading back towards the old BP station. Officer Gary Hughes pulled up behind Moore and was advised as to where the suspect was heading.

Moore stated that when he arrived at the woods in question that Officer Hughes told him that he could hear someone in the woods in front of him. It was at this time that Moore went into the woods looking for the suspect.

While looking in the woods, Moore found the suspect lying flat down on his stomach wearing blue jeans, a tan colored coat and a dark baseball like cap. Moore told the suspect to put his hands up where they could be seen and Officer Hughes came into the woods and placed handcuffs on the subject. The subject was identified as Robert Michael Thames.

Lying beside Thames was a blue flashlight and an electric screw gun. After getting Thames up off the ground the officers found a wood handle claw hammer that Thames was lying on. A yellow Dewalt sawsall was found in the BP parking lot. Thames told the officers

that the reason he was in the woods was because he was hiding from his wife. He was then asked where his wife was and he told the officers that he did not know.

After taking Thames to the police department, a generator was found in a small ditch behind the shop that had also been taken. Entry to the property had been made through a chain link fence and entry to the shop was made through a metal door.

Also found on Thames after he was searched was a small bag of marijuana, a pair of pliers and a screwdriver. The saw and screw gun was positively identified as belonging to the shop owner.

• Billy Dozier, of Samson, was charged on November 5, 2004 with burglary third and theft of property second for going into an unoccupied home in Samson and stealing several guns. A 10 year plea sentence has been reached between the District Attorney's office and Dozier and his attorney Joe Paul. Dozier is requesting drug treatment at this time in the case.

• Robert Daniels, of Hartford, agreed to a plea deal on a possession of controlled substance charge. Daniels and his attorney John Knowles agreed to a 15 year sentence.

Two other cases to note on the docket have reached agreements as well.

• Ronald and Marsha Brannon, both of Fayette, reached a plea agreement with the District Attorney's office for a ball bat incident involving several juveniles. Ronald Brannon agreed to an assault third charge while Marsha Brannon agreed to a disorderly conduct charge. They are also required to pay any unpaid medical expenses of the other party.

• Andrew Helms agreed to a five year sentence for unlawful manufacture of a controlled substance and possession of precursor chemicals. The agreement was reached with Helms and his attorney Phil Elledge on the two felony charges.

District Attorney Kirke Adams said that he was pleased with the success of the week. "We would love to have tried additional cases during the week," said Adams. "It just wasn't possible but we are still happy with what we accomplished during the week."

Adams went on to say that all plea agreements involving victims are discussed with the victim before any type of decision is made on the case.

Smith Won't Seek Governor's Office in 2006

Special to Geneva Newspapers

Republican state Sen. Harri Anne Smith, who had considered running for governor, said Thursday she won't and threw her support to Gov. Bob Riley.

Smith, a two-term senator from Slocomb, made the announcement with Riley at his Montgomery campaign headquarters. Her decision left ousted Chief Justice Roy Moore as Riley's lone oppo-

nent in the GOP primary on June 6.

"Alabama is on the right track and it's due to this guy," Smith said as she stood beside Riley.

Riley said the endorsement was important because "Harri Anne has always been the conservative member of the Alabama Senate."

Smith said she will run for a third term in the Senate, and Riley urged voters in

her Southeast Alabama district to return her to Montgomery.

Anne Permaloff, a political scientist at Auburn University Montgomery, said Smith's endorsement of Riley won't have significant impact on the governor's race because Smith had not developed statewide name recognition.

"I think most voters will shrug their shoulders and say, 'Who pulled out?' " she said.

Some Republicans had encouraged Smith to run for governor after an analysis of legislative voting records by former state Republican Party Chairman Elbert Peters showed Smith with the most conservative record in the Senate. Those votes included opposing the bills that made up the governor's \$1.2 billion tax package, which voters rejected in 2003.

Smith had gone so far as to hire a political consultant

and do polling, but she hadn't officially announced a campaign.

Smith said she decided against seeking the Republican gubernatorial nomination after touring the state and hearing voters talk about Alabama's economy and other issues. "Alabamians couldn't be more proud of what's happening in Alabama," she said.

Riley said the endorsement will "be a huge boost to my re-election."

Moore downplayed it, saying Smith has shown no interest in revoking annual property reappraisals begun by Riley's administration and "has not stood for returning the current surplus of over \$1 billion back to the taxpayers from which it came."

"I believe the people of Alabama will see through this and vote for a conservative philosophy of government on June 6," Moore said in a statement.

Trial: Tonia Calhoun Arrested After Testifying that Drugs Belonged to Her and Not Buddy Calhoun

Continued from Page 1A

understood that by admitting to ownership of the drug she would be confessing to a felony. She said that she understood this. Judge McLaughlin also asked her if she understood that they could both be found guilty for possessing a controlled substance. McLaughlin proceeded to ask several other questions about the ramifications of testifying that the drugs belonged to her and Miss Calhoun stated that she understood (see transcript to the right). Miss. Calhoun also testified that him and Tonia are back together and have been together since February of 2005, around the time that the affidavit was completed.

After testifying before the jury, Judge McLaughlin ordered that a deputy arrest Miss Calhoun but one was not in the courtroom at the time. Miss Calhoun was not arrested at the time.

Additional witnesses also testified in the case including:

- Kacie Jackson who testified to confirm the actions of Eugene Campbell on June 27, 2004;

- Brad Calhoun who testified that Tonia Calhoun did ask him to remind her to get something from underneath the seat when they got back to the Hobo Pantry in Geneva.

- Buddy Calhoun who testified that it really wasn't his. Calhoun said that the officer said that someone had to claim it or they were both going to jail so he just confessed.
- Eugene Campbell who

described everything that had taken place with the case;

- Tony Helms who testified on his role in the case. He also testified that Buddy Calhoun confessed that the drugs belonged to him.

The Straw

Assistant District Attorney Stephen Smith said that due to budget constraints, forensic science asks that all items not be sent in on each case. Smith said that since they had a confession in the case they just sent in the meth in the pill bottle, not the vial found in the car or the straw found in the pocket of Buddy Calhoun.

The decision was made after the trial began to contact forensic science and see if they had time to test the straw.

Another problem had to be dealt with. Due to the trial already underway, initially the District Attorney's office could not enter the straw into evidence because the results had not been provided to the defense. In fact, the testing was not completed until the states case was almost over. Their opportunity came during the rebuttal when Calhoun said that the straw belonged to him and that the only thing on it would have come from between his feet from chewing on the straw.

Contrary to Buddy Calhoun's testimony, Forensic Science found that the straw contained methamphetamine residue and cocaine residue. Officers Helms testified that a straw is often used to consume methamphetamine

and other drugs.

The Verdict

It took the jury and hour and a half to find Buddy Calhoun guilty on the charge of possession of a controlled substance on Thursday morning, January 26. It also should be noted that Calhoun was on probation in Florida when he was arrested in June of 2004. Calhoun has at least three prior felony convictions according to the District Attorney's office.

The Arrest

Tonia Calhoun was arrested at her place of her employment on Thursday afternoon, January 26 by the Geneva Police Department for possession of a controlled substance. The charge stems from her confession in an open court.

"If you are going to come into the courtroom commit to a crime, perjury, or confess to a crime in order to get someone else off like in this case then you are going to be prosecuted," said District Attorney Kirke Adams. "The judges in this county are fully supportive in the prosecuting of these cases. If Tonia Calhoun's true interest was justice then she would have also made her confession to law enforcement. The Judge made it clear to Tonia Calhoun that he confession did not exonerate her husband and they both could be found guilty of the crime.

Adams has indicated that they will now work to prosecute Tonia Calhoun to the fullest extent he possibly can for the admission of a crime in open court.

one-gallon plastic jug. This chemical is very dangerous as it seeps out moisture and if it is inhaled can cause immediate death. It is also stored at very low temperatures and contact with skin can cause severe burns.

Upon locating these items, Deputy French notified Narcotics and Criminal Investigators who have received DEA clandestine laboratory training. A hazardous materials team from Tampa responded to transport and dispose of the highly toxic chemicals.

Paul Rushing was booked into the Holmes County Jail on charges of: DWLSR; Possession of listed chemicals (4 counts); Possession of a controlled substance (methamphetamine); Possession of drug paraphernalia; and Possession of firearms in the commission of a felony.

He is currently being held in the Holmes County Jail under a \$25,500 bond. The Ford truck was seized for violation of the Florida Contraband Forfeiture Act which allows law enforce-

ment to seize property used during the commission of a felony.

State of Alabama vs. Wilton Calhoun Testimony

The following is the testimony of Tonia Calhoun that was taken in the case of the State of Alabama vs. Wilton Calhoun on the 25th day of January, 2006 before a Jury and Judge P.B. McLaughlin, Jr., and is only the portion of her testimony where Judge McLaughlin was explaining the ramifications of her testimony before she testified, and was done out of the hearing of the Jury:

THE COURT: Do you understand that if you make an admission that you will be admitting to a felony?

MRS. CALHOUN: Yes, sir.

Q And you will be arrested today?

A Yes.

Q And you will go to jail today, do you understand that?

A Yes, sir.

Q And if for some reason what you say today is not true, you will be committing perjury?

A I understand that.

Q And that you could be charged with perjury also, do you understand that?

A Yes, sir.

Q Do you understand that nobody can make you get on this stand and testify to anything a all?

A Yes, sir.

Q You say your lawyer was Mr. Harrison? Do you have a lawyer?

A No, sir.

Q Did you talk to Mr. Harrison about this?

A I knew that after this, I would need legal counsel and I asked him if he would represent me because I knew I was going to need legal counsel, and he told me he would be willing to take the case.

Q What did he tell you to do about testifying?

A He advised me not to come up here, but I am going to do what I feel is right.

Q And have you also talked to your husband's attorney?

A Tommy, yes.

Q When was the first time you told anybody this was your stuff?

A Well, the day that I put it in there I told Brad. We went to Wal-Mart and I had asked Brad not to let me forget to get something out from up under the seat of the truck. I didn't tell Brad what it was because I didn't want Brad to know

what it was. I don't know, I would say two or three days after Buddy was arrested. Brad come and got in with me and I told Brad that it was my stuff and that I had forgot to get it out from up under the seat, that's when I told Brad.

Q Do you understand that if you testify to all of that, you will be arrested and charged with a felony, possession of methamphetamine?

A I understand that.

Q And the Jury can still find him guilty, just because you say it's yours doesn't mean the jury has to believe you, and they can believe you and still find that he knew something about it. He told Officer Tony that it was his and they didn't charge anybody else. If the Jury believes all that, they can still find him guilty and you are charged with it and admitting your guilt, so, you will probably be found guilty. Do you understand that?

A I understand that.

Q We're going to let you testify, so, answer the questions truthfully and as best you can, but I want to make sure you understand what's going to happen to you.

A I understand.

QUESTIONS BY MR. SCARBOROUGH

MR. SCARBOROUGH: I'm showing you State's Exhibit 1. (Plastic bag containing medicine bottle containing methamphetamine) Do you recognize that?

MRS. CALHOUN: Yes, sir.

Q Is that what you placed up under the seat?

A Yes, sir.

Q When you placed that bag in the truck, did you remember to take it out of the truck?

A No, sir.

Q After Buddy was arrested, did you tell anyone that you placed these items under the seat?

A Brad.

Q Brad?

A Yes.

Q Brad is your son?

A Yes, sir.

FURTHER ALONG IN QUESTIONING

MR. SCARBOROUGH: Are you saying this just to get your husband out of trouble?

A No, sir.

News Deadline is Noon on Friday!!!