

Couple challenges forfeiture of assets in criminal case

CHARLESTON (AP) — A Jackson County couple is challenging the forfeiture of their farm, more than 40 firearms and other assets, arguing that a circuit court judge erred when he found that the items were connected to illegal drug activity.

Hubert D. Messer and his wife, Sharon L. Messer, also say in a court filing that the judge incorrectly found that the Jackson County Sheriff's

Department met its burden of proof that the assets are subject to forfeiture.

"There simply was no establishment of a connection between the properties to an illegal drug transaction," the filing stated.

The Messers have asked the West Virginia Supreme Court to overturn the ruling and send the case back to Jackson County Circuit Court for further proceedings. The jus-

tics will hear arguments in the case on Wednesday.

State and local authorities filed a forfeiture petition in Jackson County Circuit Court in May 2013 following Hubert Messer's arrest on a state stolen property charge. He subsequently pleaded guilty to federal drug charges.

Assets listed on the petition included the couple's 54-acre farm, 42 firearms, two safes, a crossbow, several vehicles

and lawnmowers, and eight saddles, court records show.

Circuit Judge Thomas C. Evans III ruled in 2014 that most of the assets were subject to forfeiture because they were connected to the drug trade. He said the farm was a front for Hubert Messer's drug trade, and that Messer paid farm hands with pain pills. Other assets either were obtained in exchange for drugs, or were bought with

money earned by selling drugs.

"The evidence indicates that Mr. and Mrs. Messer were clearly spending money exceeding what they obtained through legitimate means," Evans wrote in his ruling.

Exceptions included the couple's house. Evans said there was not "a substantial enough nexus between the house and the drug deals to allow for forfeiture of the

home."

The couple argues that Evans did not properly apply a previous West Virginia Supreme Court decision regarding forfeitures. That decision said a forfeiture of real property under state law violates the Eighth Amendment and the West Virginia Constitution's excessive fines clause if the amount is "grossly disproportionate" to the gravity of the offense.

Chamber accepting float registration forms for Princeton Christmas Parade

PRINCETON — Even though the 2015 Princeton Christmas Parade is still two months away, the Princeton-Mercer County Chamber of Commerce is already receiving inquiries from interested participants. This year's parade is scheduled for Monday, Nov. 30.

Registration forms and regulations are now available at the Chamber office or online from the chamber website at www.pmccc.com/parade.

There is no entry fee to enter the parade, but floats wishing to be judged for awards must conform to this year's parade theme

which is "Christmas Miracles" and should be registered before Nov. 18. Other units are asked to at least give their unit a Christmassy appearance and also be registered by Nov. 24. The full set of regulations and lineup instructions is available with the entry form.

Every year the chamber encourages businesses, community organizations and individuals to enter a float in the parade. In an effort to take the parade "to the next level" the chamber encourages potential float entrants to do an Internet search for "float building 101," where one can find several web-

sites with many tips and ideas pertaining to float building.

Because the Princeton Christmas Parade is so large, containing nearly 100 units, lineup requires the use of Thorn, East Mercer and South 2nd Streets. The parade begins at the 5th Street stoplight on Mercer Street and ends at the Mercer County Courthouse.

For more information, visit the Princeton Christmas Parade webpage on the Chamber of Commerce website at www.pmccc.com or contact the Chamber office at 304-487-1502 or email pmccc@frontiernet.net.

Supreme Court: A look at some noteworthy cases in new term

(AP) — Some noteworthy cases the Supreme Court will hear in its new term that begins Monday:

- **Affirmative action:** In a case being heard for the second time, a white Texan who was rejected by the University of Texas is challenging the school's use of race among a range of factors in filling roughly one-quarter of incoming freshman classes. (Most slots are given to Texans who graduate in the top 10 percent or so of their high-school classes.)

- **Union fees:** Labor unions representing government workers square off with opponents over whether the

unions can collect mandatory fees from those who choose not to join. Unions argue they should be able to collect fees since all workers benefit from collective bargaining between the unions and governments.

- **Disqualifying black potential jurors:** A black death-row inmate from Georgia says notes from the prosecutor show he excluded all four black potential jurors and purposely seated an all-white jury in this case.

- **Judicially imposed death sentence:** Another death penalty case, this one from Florida, questions whether judges, rather than juries,

can impose a death sentence, especially when the jury is not unanimous in recommending death.

- **Consumer protections:** Internet search engine Spokeo is trying to stop a lawsuit over inaccurate information it published about a Virginia man, arguing that the errors were flattering or, at worst, harmless.

- **Electricity pricing:** The Obama administration is defending a regulation that makes utilities pay consumers who use less energy during times of peak demand. Environmental groups call it a low-cost way to reduce pollution.

Driver arrested on DUI charge after passenger of vehicle fatally injured

HILLSVILLE, Va. — The Virginia State Police are investigating a fatal single-vehicle crash in Carroll County. The crash occurred on Route 635, just north of Route 736, at 8:10 a.m., Saturday morning, according to Virginia State Police spokesperson Corinne Geller. A 1998 Dodge Ram 1500 pickup truck was southbound

on Route 635 when it ran off the right side of the road and struck a tree on the passenger side, according to a report of the crash by Sr. Trooper S.E. Kinney of the Virginia State Police.

The driver, Darby C. Hill, 45, of Austinville, Va., was transported to Twin County Regional Healthcare for treatment of non-life threat-

ening injuries. He was not wearing a seat belt.

The passenger, Marc D. Hedding Jr., 51, of Austinville, Va., died at the scene.

Hill was arrested for DUI as well as charged with reckless driving, driving on a suspended license and for not wearing a seat belt. The crash remains under investigation.

Wreck...

Continued from A-1

late model Chevrolet Silverado pickup. State police said the trailer had two motorcycles, "a trike and a Sportster," one trooper said.

With the vehicle flipped over on its side, Rudy was almost upside-down in a deep flow of

water coming from a nearby mountain waterfall that was flowing strongly due to the heavy rain in the hours before the crash.

Several members of the East River Mountain Volunteer Fire Department provided lifting assistance at the scene and also hooked cables to stabilize the pickup during the extrication

process.

Travelers who witnessed the crash returned to provide statements to Kincaid as he was investigating the crash. Callers started contacting Mercer County 911 at about 1:16 p.m. The crash remained under investigation Saturday evening.

—Contact Bill Archer at barcher@bdtonline.com

Heroin...

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availability of heroin in West Virginia has definitely increased in the last year and a half," McCarty stated. "It's directly attributed to all the legislation, restrictions that have been placed on prescription drugs, especially the opioid drugs."

Opioid drugs include medications such as hydrocodone and oxycodone. Addicts used to opioid drugs cannot easily switch to other substances when opioids became unavailable. For example, they can't switch to cocaine.

"They're trying to use the only thing they can," McCarty said. "If you're a habitual user of opioid drugs, you can't switch to another substance to feed that addiction."

Addicts switch to heroin because it's also an opioid substance. The increase of heroin use being seen in southern West Virginia is part of a national trend, he said. It's just taken time to reach West Virginia.

Heroin comes with hazards of its own. Dealers often stretch their product by including other substances, many of them toxic.

"There's a lot of dangers that come with that," McCarty said. "Your average opioid user has no idea about it. When somebody comes out and purchases a 30-milligram pill, they can be 99 percent sure they're getting 30 milligrams of hydrocodone. You go out and buy heroin, and you don't know if what you're getting has been cut from dealer to dealer."

Most of the heroin being

seen in the region comes from either Baltimore or Detroit, McCarty said. The most dangerous thing about the heroin trade is the fact that most of it is controlled by Mexican drug cartels.

"That's how most of it gets into the United States. It will definitely change the way law enforcement and communities have to prepare to handle it," McCarty stated. "We're definitely addressing it. One of the biggest things we're trying to do is early education and intervention with area students."

Like other opioids, heroin does not discriminate. It can impact people with regular jobs and from all walks of life, he said.

Across the state line in Tazewell County, Va., heroin arrests are often among the cases brought before the Tazewell County Grand Jury,

Sheriff Brian Hieatt said. Most drug charges brought in the county still revolve around prescription pain medications, he added.

While law enforcement works to stop the flow of heroin into the region, other agencies work to treat overdose victims.

Executive Director Greg Puckett of Community Connections, Inc. in Mercer County said his agency recently received a \$100,000 grant from the federal

Human Resources Services Agency to obtain an "opioid-reversal drug" that gives EMS personnel and others a chance to stabilize overdose victims until they can receive treatment. The grant includes Mercer, McDowell and Wyoming Counties.

"We were requested by U.S. Attorney Booth Goodwin to apply," Puckett said.

Drug take back programs that offer patients a way to safely dispose of their unused pain medication has

reduced the supplies available on the street, he said. Addicts then turn to heroin.

And addicts who are recovering from heroin addiction face a new danger if they resume their habit, Puckett said.

They believe they can take heroin in the amounts they used previously, but this is not the case.

"Their bodies can't take that same amount of heroin they had before. Their bodies go into shock," he said.

Festival...

Continued from A-1

of them to do," Lambert said.

Max Rocchetti, an eighth grade student at Bluefield Middle School was busy bussing tables during his first Italian-American Festival. This year marks the 21st year that the Sons and Daughters of Italy have hosted the festival.

"It's pretty cool," Rocchetti said. He said that his favorite part of the festival is the food. "It's pretty good," he said.

Barbara Sadler, a West Virginia Tamarack artisan, was attracting a lot of attention from her handmade Appalachian baskets as well as her colorful, hand-woven images that resembled Indian corn.

"I learned how to weave baskets from my grandmother, but I think the art of basket-weaving was in the family before my grandmother," Sadler said. "She had to learn it from someone."

For more information, visit her web site at basketbar.com or email her at basketbarbara@gmail.com.

"I offer basket classes too," she said. "I'm trying to get the word out about that."

Joe Vinciguerra took time to dance with a friend, but was eager for more people to

come through the door.

"It seems like we haven't had as many as we did last year," he said. But it's still a great festival," he added with a smile.

—Contact Bill Archer at barcher@bdtonline.com

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Eva Pierce is a native of Bluefield, West Virginia. In 2006, Eva was named one of Knoxville's "Street Saints" by the Knoxville Leadership Foundation for "walking with the broken, downtrodden, marginalized, and lonely people of Knoxville so that they can see God's purpose for them and find hope again."

Eva's educational background includes a degree in Behavioral Science from Mid-America Christian University in Oklahoma City,

completion of the Nonprofit Management Certificate program at the University of Tennessee and in May 2015, she graduated from the Consortium for Social Enterprise Effectiveness at the Haslam College of Business at UT.

Her professional background includes working with the elderly, with persistently mentally-ill adults, and with homeless families. Before becoming Executive Director of *A Hand Up For Women* in 2002, she developed and implemented training curriculum for the Department of Children's Services at the University of Tennessee's Office of Social Work Research and Public Service.

Ticket Cost: \$10 per person.
(Your ticket includes one-day admission cost)

To order tickets or for more information, please call the Princeton-Mercer County Chamber of Commerce at 304.487.1502.

Please reserve tickets by October 16, 2015

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