

Metro

What to do about fireman divides officials

By DONNA BROWN
Lakeside Review

SYRACUSE — Officials are divided over whether to require a former volunteer fireman to pay the city restitution for setting as many as 30 fires within the city limits.

The city council voted 3-2 Tuesday night against a motion to waive restitution of damages. With council members concerned that the legal costs of pursuing

the matter would exceed the amount of damages, the issue was tabled pending further research into the legal costs and the city's responsibility in filing for damages.

A detective from the Davis County sheriff's department assessed damages to Syracuse at \$1,013. The amount is based strictly on the cash outlay of labor costs of sending firefighters to douse the fires that were set by

former fire department Lt. Thomas W. Pyles. The costs were figured at a rate of \$5 per hour for firefighters and \$6 per hour for officers for 20 of the fires. Mayor De Lore Thurgood said.

The mayor said he is not aware of any estimate made regarding property damage from the fires. He said most of them were grass fires set on the roadside.

"My personal opinion is that we don't want to go after restitu-

tion. I don't want to kick the man while he's down," he said. "I think he needs some help."

Thurgood said Wednesday he could understand Pyles' actions "if he's sick."

Pyles was dismissed by the mayor based upon a recommendation of the fire board, effective Nov. 1 after he admitted to setting fires. The city council concurred with the mayor's decision.

Pyles originally was charged with a Class C misdemeanor of arson. The charge was later reduced to reckless burning, a Class B misdemeanor. On Oct. 27, Clearfield 2nd Circuit Judge Alfred C. Van Wagenen sentenced Pyles to pay a \$500 fine and a \$125 legislative assessment. He paid the fine the day of sentencing and was placed on informal court probation for one year.

Council members said they

were concerned that Pyles was not required by the court to seek professional counseling. Councilman Ed Hinds suggested the council waive restitution with the stipulation that Pyles seek counseling.

But the mayor said it is not the council's role to determine whether Pyles needs counseling.

The issue was placed on the agenda for the Nov. 28 council meeting.

Loud trucks spur city noise ordinance

By BRYON SAXTON
Lakeside Review

CLEARFIELD — Mayor Nelson Hamblin wants to see a noise ordinance created that would protect residents from "hot dog" truck drivers who use their "jake brake" in the early morning hours.

Hamblin, in a Tuesday meeting, suggested the council adopt an ordinance that would halt

truck drivers from using the jake brake from State Road 126 to the entrance of the Freeport Center.

"It's rattling the chandeliers," Hamblin said, comparing the deep-throated sound of the compression brake on the large semi-trucks to that of an earthquake.

"I think it involves a little bit

of hot-dogging by a minimum number of truck drivers," he said.

Hamblin, who received the support of the city council, said he is hoping an ordinance can be developed allowing signs to be posted along both 700 South and 300 North informing truck drivers of the problem.

City Manager Wally Baird

said he is unaware of any city ordinance that would cover the problem.

Clearfield attorney Larry Waggoner will draft an ordinance and at a later date present it before the council.

Richard Waite, city recorder, said he hopes the ordinance also can cover blaring boom box portable radios.

Centerville woman faces civil lawsuit

Holt already convicted of manslaughter

By LISA CARRICABURU
Standard-Examiner Davis Bureau

FARMINGTON — A Centerville woman convicted of manslaughter after her husband died in a highway crash she caused now faces a civil lawsuit filed by the truck driver whose rig she steered in front of on Interstate 15.

The suit naming 40-year-old Rebecca Wynn Holt as the defendant was filed Nov. 8 in 2nd District Court.

Greg Collett, a Taylorsville truck driver, alleges in the suit that injuries he sustained in a Jan. 11 accident Holt claimed responsibility for caused him lost wages, mental anguish and emotional distress.

He said the accident resulted in a permanent impairment rating he's now forced to live with in his work.

Represented by Salt Lake City attorney G. Steven Sullivan, Collett is asking that a judge order Holt to pay an undetermined amount for his past and future medical costs, lost wages, court fees and other out-of-pocket expenses.

According to the suit, Collett was northbound on I-15 in North Salt Lake at about 500 North when Holt steered her car in front of his rig. The woman also was driving northbound.

In the resulting accident, Collett sustained hip and knee injuries, the suit said. Those injuries also aggravated a pre-existing femur

condition, he said.

Collett contends he was driving lawfully when the crash occurred. He said Holt was driving too fast for conditions, failed to maintain control of her car and acted without reasonable care when she steered her car in front of his truck.

"The defendant's negligence was the sole and proximate cause of the accident and the plaintiff's subsequent injuries," the suit said.

Holt's former husband, Walter A. Todd, 65, of Salt Lake City, died in the crash. The couple's son, Richard D. Todd, 19, sustained minor injuries.

According to 2nd District Court records, the collision was a suicide attempt by Holt, who was undergoing mental health treatment when it occurred.

Holt later pleaded no contest to manslaughter and attempted manslaughter charges in 2nd District Court. On Aug. 15, Judge Douglas L. Cornaby sentenced her to spend one year under house arrest and ordered her to pay fines and restitution in excess of \$145,000.

Holt is represented in her court proceedings by Bountiful attorney Terry Cathcart.

Waive

From 1C

After the court proceedings, attorney Don S. Redd said he would rather not discuss defense reasons seeking to have the case heard by a judge as long as there was a possibility the state would eventually go along with the request.

Weber County Attorney Reed Richards said he still was considering having Roth hear the case rather than a jury, but he still wanted a jury.

Taylor is set to face trial Nov. 27 on a charge of murdering Charla Nicole King, 11, on June 23. The girl's body was found in her mother's bedroom in their Washington Terrace apartment.

Evidence presented at an earlier preliminary hearing indicated the girl died from strangulation. A telephone cord was found wrapped around her neck and a state medical examiner said there was evidence of sexual assault prior to death.

Redd and co-counsel Martin Gravis also asked that the jury selected for the trial not face questioning on the death penalty issue, because the attorneys said they would intend to have Roth, rather than the jury, decide the penalty if Taylor was convicted. The defense is given the option of having the judge or jury decide on the death penalty or life in prison upon conviction on a capital homicide charge.

Heward argued that since the charge is a capital charge, the jury should be "death qualified."

Roth asked attorneys for both sides to prepare written briefs on the issue and present them prior to trial, which is expected to last up to two weeks.

Hill

From 1C

family," he told Carter.

A basic airman's monthly pay is \$724, so Eastabrook will get \$524 until his discharge goes through in a matter of months, base spokesman Len Barry said. Eastabrook made \$1,224 as a staff sergeant.

He pleaded guilty to illegally selling \$5,304 worth of supplies to undercover agents running a surplus store front in Roy, but admitted stealing only \$755 worth of equipment. He originally was charged with stealing the full amount, but it was later found that some items were issued to him and the statute of limitations had expired for the alleged theft of others.

Most of the items were clothing, but included a hand-held radio valued at \$3,160.

Eastabrook was caught in a 2½-year undercover investigation aimed at stopping theft and illegal sales of military supplies.

Shooting

From 1C

autopsy," Hartman said.

The autopsies showed that more shots were fired than first believed, he said.

"What we basically wanted to find out is if all the slugs were accounted for — and they were," he said.

An initial investigation in Han's Market, 730 28th St., turned up five slugs — four upstairs in the living quarters and one in the store on the main level.

During a subsequent investigation, however, detectives discovered five slugs in the apartment and one in the store, said Detective Capt. Marlin Balls.

Nam Heu An, 34, and her son Phillip, 6, were each shot twice from point-blank range, Hartman said. After a preliminary examination at the scene, investigators had thought only one of the two shots fired at Phillip hit him.

Balls said Kyu Suhn An, 33, shot his wife and son twice, his

daughter once in the apartment and then reloaded the five-shot revolver, walked downstairs and shot himself.

Police found him at about 8:30 p.m., sprawled in a pool of blood halfway behind the counter. A snub-nose .38-caliber revolver lay at his feet. He was pronounced dead at McKay-Dee Hospital after 10 p.m.

The revolver had four rounds in the chamber when police found it, Balls said.

The mother was shot twice just below the left ear and her son twice above the right eyebrow. In each case, Hartman said, the second slug ran approximately the same path as the first. Police found them and 2-year-old Sarah dead in the living quarters above the market.

Police said the Korean-born couple had operated the store for three years.

Riverdale

From 1C

ected to four consecutive terms — said he was relieved and happy.

Coleman congratulated Poulsen and told him, "I will support you 100 percent."

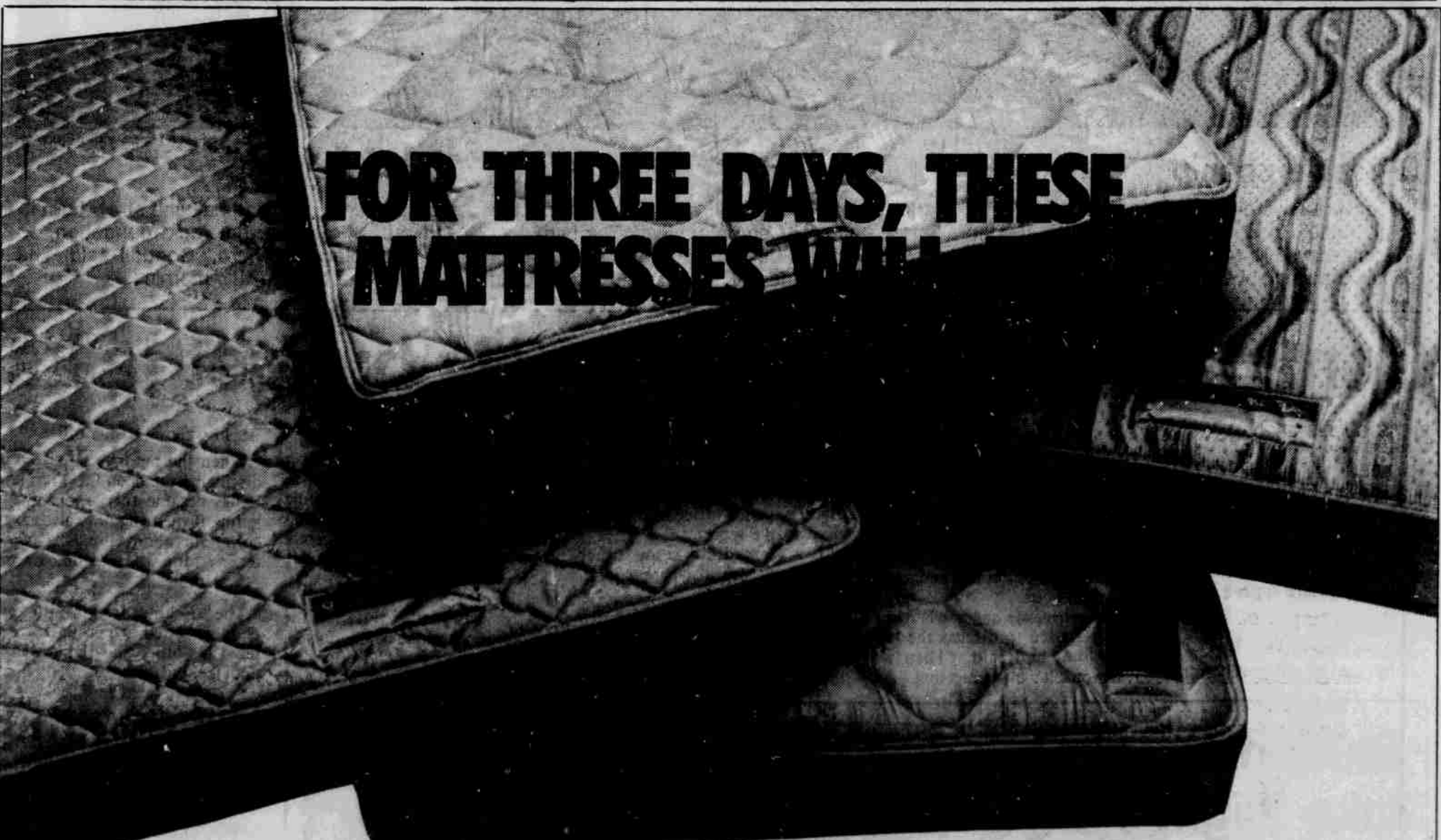
In an interview later, however, Coleman said he is thinking about a court challenge.

"There are some things I am having a hard time reconciling in my own mind," he said. "If the vote-counting machine had worked without a flaw, I would be perfectly satisfied with the results. Also, with all the problems they had with the machine, it amazes me that he (Poulsen) was the only one to have any change in his vote count.

"If I had just picked up even one additional vote along with his, I believe that I would be satisfied. But I can't help but wonder if some of the single ballots that were rejected by the machine, and then reinserted again, weren't counted twice.

"I have a lot of thinking to do about this and am not really certain what I want to do," Coleman said.

He said he would look at his options, including whether to request a court review of the election and the recount. State law, he said, gives him seven days to decide whether to appeal.



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