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Local

section C

Hung jury causes 2nd mistrial in slaying case

By MATHEW PANTY
Staff Writer

LANCASTER — For the second time a hung jury has caused a mistrial in the double-murder case against Gary Lanford, 20, accused in the shotgun slaying more than 10 years ago of a United Airlines pilot and his wife.

Circuit Judge Dixon L. Foster declared the mistrial Friday afternoon after the jury foreman told him the panel's 10 women and two men were hopelessly deadlocked.

The jury, which had been heard from neighboring Westmoreland County each of the trial's three days, began deliberations after lunch.

About two hours later the foreman reported to Foster that jurors were hung.

"We're 8-5-50 your honor. We just can't agree and I'm sorry," he said. The judge then told them back to try again, urging, "If you can reach a deci-

sion without surrendering your conscientious opinion... without sacrificing your individual judgment, it is your duty to do so."

More than an hour later they returned to the courtroom.

"We stand as we did, your honor. We're still hung," said the foreman.

Defense attorney Murray J. Janus of Richmond then asked Foster to dismiss the two charges of first-degree murder against Lanford.

Commonwealth's Attorney C. Jeffers Schmidt Jr. did not oppose the defense motion and Foster agreed to take it under advisement until the county's grand jury meets Friday.

In February a local jury also failed to agree on a verdict.

In his closing argument to the jury Friday morning, Schmidt described the murders of Dale Wiley Rogers, 48, and Charlotte Faye Rogers, 40, in their living room on Merry Point Road as

"brutal and sadistic... the product of a terribly twisted mind... Gary Lanford has a twisted mind."

Schmidt was allowing to evidence that Lanford, a Lancaster native whose grandparents were neighbors of the Rogers couple, had been diagnosed as a psychotic schizophrenic and had been a patient in mental hospitals several times since 1978.

Although Lanford had been interviewed along with about 500 other people after the killings, he didn't become a prime suspect until five years later, a crime suspect witness testified.

State Police re-opened the investigation after a letter turned up that Lanford had written while a patient at Central State Hospital. The letter was addressed to several people including B. F. Engleman Jr., a United Airlines pilot who moved to Iberis with his wife shortly after the murders.

Engleman said Lanford was living

in the neighborhood then and would visit occasionally, arriving on a motorcycle and entering the house uninvited.

"I asked him to call first before stopping by because my wife was nervous about being home alone," Engleman testified.

Lanford's letter, which began, "I'm writing this in an insane asylum," was largely incoherent, but made reference to the couple being in heaven.

Engleman said he didn't give the letter to authorities immediately.

"I don't have a clear recollection of how long I kept it. It might have been months later or a year," he said.

Lanford testified he was "sick" when he wrote it.

State Police Special Agent W. D. Spence testified he first interviewed Lanford about the letter in June 1980. A second interview was conducted the following December at the county jail, where Lanford was being held as an

unrelated charge, Spence said.

On Feb. 7, 1981, the fifth anniversary of the killings, Spence and a Lancaster County sheriff's deputy interviewed Lanford, who was again a patient at Central State Hospital.

Spence testified Thursday that the visit, which he said was the deputy's idea, was ill-advised. The deputy, Donald Benson, died that year.

Spence said he did not participate in the interview, but Lanford testified that both officers grilled him about the murders, accusing him of being the murderer and showed him photos of the crime scene.

The defense made much of this, arguing that Lanford's distressed mind was unimpressible and that he was deluded into believing he might have committed the murders.

Three convicted felons, who had been jailed with Lanford in 1981, 1983

and 1985, were also in the jail at the time Lanford was being held as an unrelated charge, Spence said.

The board will advertise the change and hold public hearings before the first time it goes into effect.

The process will take about four months, said J. M. Wray Jr., highway department chief engineer.

The Highway Department will make vending machines available at five sites on a trial basis. The selected rest areas are on Interstate 85 and Interstate 95 near the North Carolina line, Interstate 64 in New Kent County, 1.65 near Fredericksburg and on Interstate 17 in Montgomery County.

Surveys show about 60 percent of all travelers use a vending machine.

"There's a little department litter, and other states have reported a small increase (in trash) in the rest area itself," he said.

Gross receipts in other states have ranged between \$50,000 and \$75,000 per year, he said. In Georgia, one of seven states that have tried the rest area vending stands, net receipts have been \$10,000 to \$15,000 annually per location, Wray said.

Part of the income will go to programs for the visually handicapped, as required by federal law. The percentage share will be negotiated.

The state will build new buildings to hold the machines. The buildings will be locked when custodians are not on duty.

Board amends rules to allow snack sales at state rest stops

By LINDA GRIFFITH
Staff Writer

RICHMOND — Soft drinks and snacks now available for the first time at rest stops on Virginia's interstate highways.

Despite claims that the state would be competing with private enterprises, the State Board of Highways and Transportation amended Thursday a rule prohibiting the sale of merchandise at rest areas within the state.

At least two board members opposed putting vending machines at the rest areas.

"First of all, we're competing with private industry," said H. H. Humphreys Jr., board member from the Fredericksburg area.

"Second, we don't know if this will be a profitable business for us."

But Herbert V. Kelly Sr. of Newport News, urban member-at-large, supported the plan.

"I believe government competes with private industry too much. Just look at this and I don't think that's the case here. It's not competing with private industry because they don't own the roads," Kelly said.

Although the federal government, which pays 80 percent of the cost of building an interstate highway, has permitted vending machines and concession stands at rest areas for some time, the board's action is the first to allow them.

The board amended the regulation by adding "except by permission of

said commissioner."

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Ex-cabinetmaker found guilty of 3 more charges

By STEWART MACINNIS
Staff Writer

YORK — Charles Nance Curry, a former Mathews County cabinetmaker, was convicted Friday of three charges of defrauding customers and a supplier before he left the state in 1981 and fought extradition for four years.

Curry already has been convicted on 65 counts of defrauding banks in Mathews and Gloucester counties by obtaining \$141,731 with the use of false statements. Curry could be sentenced to 60 years of imprisonment on his convictions Friday in York Circuit Court, and with his previous convictions he could be sentenced to a total of 385 years in prison.

Circuit Judge G. Dwayne Holloway spent less than 15 minutes deliberating before finding Curry guilty of defrauding Robert T. and Frances Ann Foster of North, Thomas H. and Janet Abrams of Mathews, and Yukon Lumber Co. of Norfolk.

Holloway dismissed charges against Curry of defrauding Joseph M. and Jane F. Segra of Hallifax of \$4,000, saying Mathews Commonwealth's Attorney F. Paul Blainock had failed to show Curry had not done work for the Segras that amounted to \$4,000.

Mrs. Abrams testified she paid Curry \$2,600 to build kitchen and bathroom cabinets, but all that was delivered was a frame for the bathroom and plywood board propped with framing lumber to support the kitchen sink.

He said that when she discovered that Curry had left the county, she went to his shop and looked in the window, but could see no cabinets.

Her husband testified the building material Curry left at their home was worth less than \$200.

Mrs. Foster said she wrote five

checks totaling \$53,380.77 to Custom Creations, Curry's business, between April 15, 1981, and his disappearance that August. The money was for cabinets, paneling, shelves, a bar and flooring. Only a small amount of flooring was delivered.

She said she talked to Curry shortly before he left for Texas and he said he was going to attend a convention and would be back in a few days.

"I know it sounds awfully ignorant and I was terribly naive, but I believed him," she said.

She said that after he left, he went to his house and shop and it "looked like when people leave in a hurry."

Barbara E. Zohly, who works for Yukon Lumber Co. of Norfolk, testified Curry ordered 3,500 square feet of red oak flooring, which was delivered in two shipments in June and July 1981. She said the \$13,286 bill for the lumber was not paid.

Mathews Sheriff Kenneth H. Jordan said that in the summer of 1981, Curry returned from Texas to Texas and asked him to complete the contracts he had in progress.

That Aug. 8, Burroughs said, Curry was building cabinets but he left for Texas about midnight, saying he would mail instructions to him on completing the contracts.

Burroughs said he never received instructions, and when he went to the shop to check it, he found a note from the sheriff's office on the door.

■ See Curry, Page C2

Search may end by August

By DOUGLAS ASHLEY
Staff Writer

NEWPORT NEWS — City Council may be ready to pick a new city manager by next month.

That's the prediction of Jerome Hoggie Jr., the 50-year-old Republican vice mayor who is heading the city manager search for the Democratic-controlled council.

"I think the month of August is decision time," Hoggie said during a recent interview.

But, while he may select in August, the person selected probably won't be able to take office until next January.

Council members are expected to start putting over a list of 50 more applicants for the city's top administrative post in a couple of weeks.

Former City Manager Robert T. Williams left at the end of June, six weeks after he told council members he was resigning to take a job with a Norfolk-based realty firm.

Although unintended by Williams, his announcement came at one of the city's most tumultuous periods. Voters had just elected a Democratic majority to council for the first time in 12 years, the director of development had been forced to resign a month earlier, and the police chief was about to resign after three years in that job.

Because of those changes, and the large number of development projects scheduled to get under way during the next two years, picking a new administrator takes on an added importance.

"I think we need to move quickly," Hoggie said. "Council wants to be thorough, but we want to be expeditious."

A banker and mayor veteran of council who also led the search that brought Williams here in 1981, Hoggie suggests that the process of choosing a new city manager is detailed and deliberate. It likely will involve as many as a dozen private interviews, exhaustive council discussion and a concerted effort to match the person's experience with the city's needs.

"We try to be objective," Hoggie said. "We'll look primarily at what kind of city they served as city manager and

■ See City, Page C2



Tree topper

Russ Von Wald of the Newport News Parks and Recreation Department appears to be standing atop one of the Foster holly trees that line Huntington Avenue as he works Thursday. Actually, he is pruning the tree from a platform on his city truck.

Residents up in arms over incident

Stray bullet causes temporary shooting ban at range

By BOB EVANS
Staff Writer

YORK — A bullet fired from an elephant gun hit a nearby house and temporarily killed outdoor shooting at the 57-year-old Lafayette Gun Club Inc. on Dars Road, the club's lawyer said.

The July 6 incident spurred a Sheriff's Department investigation, expulsion of the Gloucester man who fired the gun from the club and a 20-day ban on outdoor shooting ordered by the Circuit Court.

Capt. Ron Montgomery of the Sheriff's Department said no criminal violations were discovered in the investigation.

Jonathan Gibson, an attorney and one of 600 club members, said the club closed the range several days before the court order out of concern for nearby residents after the elephant-bullet hit and penetrated the wall of the home of Joan and Helen Harvill.

Robertson said his clients are waiting to see what precautions are taken before deciding whether to withdraw their legal challenge. They have

asked the court to stop the club from operating outside firing ranges or other activity that may cause an injury to nearby residents and property.

He said supervision is needed, but said fences and other measures may be necessary to make sure children can't enter. He said many local governments require fences around swimming pools to prevent "attractive nuisances," but apparently there aren't similar rules for gun ranges.

The Gloucester man, who was not identified, placed his target a few yards away instead of against an earthen embankment, contrary to the range rules. The embankment is about 25 feet tall and designed to prevent bullets from straying, Gibson said.

He and Boyd say that when the man fired the gun, he hit the ground. The bullet ricocheted up, traveled several hundred feet and on the way down hit the Harvill house and lodged in their living room wall.

The Harvills were home at the time, Robertson said. They could not be reached for comment.