

Defense: State should drop murder charge against Scott

By News-Press Staff Writers

Defense attorney Leonard Johnson tried Tuesday to convince Circuit Judge William McIver that his client's murder charge against Bradley D. Scott should be dropped. On the second day of Scott's pre-trial hearing, Johnson called the last 11 witnesses to testify on his client's behalf.

SF 71814 news release

Johnson pushed out words brown bags marked with identification numbers and containing evidence from the murder scene. He then tried to inventory them until McIver ruled the action served no purpose for the motion being heard.

Last week, Johnson filed a motion asking McIver to dismiss the murder charge against Scott on the grounds his client's right to a speedy trial had been denied.

Because of the delays caused by the state, the defense was forced to request a continuance that waived Scott's right to a speedy trial, Johnson said.

The state is required to bring a defendant to trial within 175 days of the date he or she is arrested unless the defense waives that right.

During Tuesday's hearing, an attorney Johnson tried to show the client was not guilty by investigation. He called Paul Pikuritz, the victim's father, to the stand. Pikuritz testified that he was given a complete search of his daughter's apartment and found no blood on the walls.

Also Tuesday, Johnson again accused the state of withholding evidence from the defense.

The question raised is what one does the state have that they are not providing us. I told my client I plan to be ready for this case by Jan. 1 and I feel the state is hampering this," said Johnson.

Important evidence that apparently was lost has resurfaced during the pre-trial hearing. Both a book used to help a witness identify a car seen at the night of the murder and the name and address of a person in possession of a suicide note tied to the case both had been missing.

However, both items were found between the end of Monday's session and the start of Tuesday's proceedings, prosecutors said. Both items had been preserved by the state.

A third item resurfaced on Friday. Sheriff Detective Ken Rutus was looking for something else and found a manila envelope containing lost evidence in one of his files. Assistant Attorney Paul Almonaco said Monday. A torn magazine

page tied to the scene of the murder and print cards with Scott's fingerprints were discovered inside the envelope, he said.

Johnson was not sure if the incident was the re-emergence of the evidence. "The problem is that this information the state has had or should have had all along -- but didn't."

Johnson also indicated the state might be moved to the Collier County because of the pre-trial publicity. He is not required to provide everything. The address of a witness in the case came into our possession

today. We've tried to contact him before but couldn't. We tried again and succeeded."

McIver attempted to restore temper in the highly charged courtroom, admonishing both counsel to keep a professional perspective and maintain the attacks and not subject our real purpose -- to have fair trial in Florida, he said.

"We have a long, potentially arduous and emotional trial ahead of us. We're professionals here. I expect both sides to adhere to dignity. Let's do what we need to get the job done."

7-man, 5-woman jury picked for murder trial

By DENISE HUSTY

A jury was picked Tuesday for the trial of a Tamiami carpenter accused of murdering a woman because she refused to have sex with a friend of his.

Harmon Edwin Pierce Jr., 32, faces either the death penalty or life in prison if convicted as charged in the shooting death of 21-year-old Mary Cockrell Maselli, 25, of Fort Lauderdale.

A seven-man, five-woman jury was selected Tuesday by alternate judge Pierce's innocence or guilt. The trial is expected to last the rest of the week, is scheduled to continue at 9 a.m. today with opening statements by attorneys.

Circuit records show that Pierce confessed to police and a family member that he killed the woman. According to a sworn statement by Maselli's lawyer, Mike Koehn, which is contained in court files, Maselli's body was discovered by wildlife officers Feb. 27 on a dirt road a mile north of the 28-acre marker of Alligator Alley in Collier County. It was discovered the following day by Collier County Medical Examiner Robert Cornog. Maselli died from a shotgun wound to the head and she also had sex with her before or after her death.

A day before the slaying, two officers of the Florida Game and Fresh Water Fish Commission stopped a brown van with Florida license number 8B870K on the dirt road near where she was killed. The officers were checking for people illegally hunting in the area.

The driver matched Pierce's physical description of 5 feet, 10 inches tall and 160 pounds. The passenger, a man, was 6 feet tall and weighed about 230 pounds. The van was registered to Edward Pierce.

On March 5, Koehn found a brown, 1976 Dodge van with the same tag number parked at Pierce's home. The investigator found blood spots on the ceiling liner of the van. Blood that similar to the victim's was found inside.

A friend of Maselli's, Montague Beuchemin, said Maselli told her she had the tag for the van. She was driving it on Feb. 26, but they refused to pay her. Maselli said she had a brown van with a Texas tag, Beuchemin said.

On the afternoon of the same day, Beuchemin said Maselli told her she had worked out an arrangement to be driven to her home and she was leaving with them.

Covington said Pierce told him on March 1 that he had shot "the Joker" Lushner, 35, picked up a woman at the Fort Myers Collier County date area and "drove out Alligator Alley" on Feb. 28.

When the woman refused to have sex with Lushner, Pierce drove down a dirt road and crashed through a gate. Covington said Koehn said investigators found brown paint on the door.

Lushner forced the woman at gunpoint to get in his van and there, Pierce shot the shotgun and killed her. Pierce then was a short distance from the victim's home, shotgun still in the van. The sworn statement quotes Covington as saying, "I saw the shotgun and it was empty."

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Schools, workers' union reach tentative pact

By JENNIFER SHAFER

The union of Lee County school teacher aides and other support workers reached a tentative agreement with administrators Tuesday, three months after declaring its intent to strike.

"Although it has been a long process, I'm really pleased about the progress we've made this year," said Margaret Layton, president of the Educational Support Personnel of Lee County, which represents about 1,000 teacher aides, clerical workers and secretaries.

The major issue in negotiations was job security, officials said. The settlement calls for employees to be notified by May 1 if their annual contracts aren't going to be renewed.

It also states that employees can ask for a meeting with the superintendent if they are dismissed. Rick Chase, a union negotiator, said that employees previously were able to request such meetings, though that hasn't been stated in the contract, he said.

Contracts governing the two unions expire July 1. The unions have been working under the old contracts until new agreements are reached. If both agreements are reached by the unions, employees should get retroactive raises by July 1, he said.

Chase said other provisions in Tuesday's agreement will be an optional Health Maintenance Organization for employees and an additional personal day, raising the total to five days. The unions will vote on that agreement by May 7. Vote counting for the other agreement probably will be Jan. 4, officials said.

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Communities participating in the program average a 32 percent reduction in litter in one year, said Bonnie Coppock of Keep America Beautiful, Inc.

Man pleads guilty to 2nd-degree murder

By WILLIAM SABO

A Fort Myers man who was once convicted of first-degree murder for shooting a man over a \$189 grocery bill pleaded guilty Monday to a lesser murder charge in the slaying.

Nicholas Vance Furr, 39, was sentenced to 17 years in prison for the 1983 second-degree murder of Lee Edgar Williams, 31, of Fort Myers Beach. Furr's trial had been scheduled for Jan. 1, but the case was moved up to the judge's docket because of his physical deterioration. He has been serving a life sentence since 1984 for

first-degree murder. That conviction was overturned by the Lakeview-based Second District Court of Appeal because Lee Circuit Judge Thomas Reier didn't give the jury proper instructions.

Furr also was sentenced to 50 years for armed robbery in 1984 in connection with the robbery and murder of Williams. That conviction was not overturned.

Investigations in the case mean it's likely Furr will serve less than his original sentence.

First-degree murder carries a mandatory 25 years in prison. Second-degree murder with a firearm requires a minimum of only three years.

Assistant State Attorney Lee Crane Tuley said some prosecutors are serving only a fifth of their sentences before being paroled. Furr already has served four years in prison and will be confined with that time on his new sentence.

According to court records, Furr became angry with Williams over a \$189 grocery bill. He went to Williams' house for money and ended up killing him.

Lee County may join effort to stamp out littering

By SUZANNE D. JEFFRIES

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Coppock shared a slide presentation that gave information about the Keep America Beautiful System, which encourages recycling and a "business-based approach to litter prevention."

Instilling a sense of pride and ownership in the people of the community helps reduce the litter problem, Coppock said.

"You want people in Lee County to feel ownership of this program and not that it's just another government program, so let them govern themselves," Coppock said.

More than 40 communities in 49 states have become a part of the system since it began in 1976, she said.

Nine of the more than 25 people present signed up to serve on an organizational committee at the end of the meeting. Others said they would be in touch. Bob Hinnochot, Gulf Dispatch Inc. a Waste Management company, sponsored the 10 a.m. program at Club Pevera in Fort Myers.

A county slide presentation titled "Lee County's Waste Management System" would pay a \$4,000 fee, Coppock said. Local governments, businesses or a combination of both could pay the fee ahead.

Communities participating in the program average a 32 percent reduction in litter in one year, said Bonnie Coppock of Keep America Beautiful, Inc.

The first step for Lee County is to submit an application for the Keep America Beautiful program. The program is designed to improve the appearance of communities by encouraging recycling and a "business-based approach to litter prevention."

The program identifies seven sources of litter: power lines, motor vehicles, construction and demolition sites, loading docks, uncovered trucks, the disposal of household refuse and the disposal of commercial refuse.

The large number of businesses in the area and the litter habits among visitors is a problem that must be addressed in the program, also, participants agreed.



Raisin spirits
Lee Memorial Hospital patient Julie Brimager, 4, receives a Christmas teddy bear from two "raisinettes" during their visit to the hospital Tuesday. Looking like the animals in the California raisin commercial, they're actually Naples Federal officers inNaples-makeup costumes that they personally constructed.

Lee commissioners OK reef-building venture

By DENISE HUSTY

The Lee County commissioners agreed Tuesday to enter into the project with Collier County in a combined effort to build an artificial fishing reef in the Gulf of Mexico, county commissioners decided Tuesday.

In 5-1 votes, Lee County commissioners agreed Tuesday to enter into the project with Collier County and to request a \$15,000 state grant to pay Lee's share of the \$30,000 cost.

The reef is five miles west of Wiggins Pass in northern Collier County, just east of Bonita Beach.

The location, according to a report by Lee officials, "will provide excellent access for boaters and fishermen from the mouth of the Colossabation River through all of Bonita Island and Bonita Beach down to North Naples and Vanderbilt Beach."

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