

## Osborn denied new trial...continued from page 1

clear in her ruling that Osborn would receive no new trial by her hand.

"Defendant has failed to show errors of the court, violations of his constitutional or statutory rights, or errors of trial counsel which prejudiced defendant and rendered him with ineffective assistance at trial," according to Judge Alderman's final ruling.

Judge Alderman also denied Osborn's request for bail pending his appeal with the Georgia Court of Appeals. That denial followed testimony by Gary Dean and Tim Shelton, the victims, that they had no fear of Osborn if he were freed on bail, nor did they believe he would flee the court's jurisdiction.

Still in question is a motion by Osborn's legal counsel to have Osborn housed locally or returned to Long State Prison while awaiting a decision by the Georgia Court of Appeals.

Osborn, now represented by Atlanta attorney Brian Steel, sought a new trial based on technical merits of the case that include ineffective defense by his previous attorneys during his trial in the July 2008.

Steel made almost 30 allegations of error that he said occurred during the 2008 trial, most of which he alleged involved ineffective assistance of legal counsel. The claims alleged that Osborn's trial attorneys made mistakes which were so great that it might have caused a different trial outcome.

Osborn's attorney also sought to reverse his client's convictions and sentences based on a constitutional challenge of a decision by Judge Alderman during the jury selection process to move the voir dire questioning of potential jurors in the case to McConnell Baptist Church. The need to change venues followed a handwritten bomb threat at the Towns

County Courthouse during the voir dire process.

Steel alleged that the change of venue from the courthouse to McConnell Baptist Church was unconstitutional and in violation of Georgia law based on separation of Church and State.

Those arguments are now bound for the Georgia Court of Appeals.

The case involving Osborn's conviction began on July 9, 2007 when allegedly Osborn and Towns County Deputy Sheriff Jesse Gibson drove by the home of Gary Dean. Georgia Bureau of Investigation agents say Osborn fired about 10 shots at the home, pelting it with .40 caliber bullets.

A Georgia Bureau of Investigation affidavit states that Dean was "involved in an ongoing intimate relationship" with Osborn's wife.

GBI agents say that Osborn told then Towns County Sheriff Rudy Eller what happened and asked him to help him. Agents testified that Osborn gave Eller the P229 Sig Sauer, which had interchangeable .38 and .40 caliber barrels, for safe keeping. The affidavit says Eller originally told investigators that he had been keeping the semi-automatic weapon for Osborn for several weeks.

He said he had cleaned the handgun and tried to replace a missing screw.

When GBI Agents Clay Bridges and Kimberly Williams told then Sheriff Eller that they believed the gun was used to fire about 10 shots into Dean's home, Eller "changed his story and admitted to the agents that he had not been truthful with them earlier in the interview," according to the affidavit.

The affidavit also says that Eller told Agents Bridges and Williams that Osborn gave him the gun the morning after the shooting

and admitted firing shots into Dean's home.

The agents also said that Eller told them that Osborn asked him to tell state investigators that he'd had the gun for "a couple of months."

The affidavit also shows that Eller admitted that when he requested a GBI probe into the July 9, 2007 shooting that he already knew that Osborn had fired the shots into Dean's home.

Eller was convicted of violation of oath of office of a public official or officer and sentenced to serve five years in prison. According to the Georgia Department of Corrections Web site, Eller was released on parole from state prison Aug. 31, having served slightly more than two years in state custody.

GBI agents said that when they interviewed Osborn he denied any knowledge of the shooting, but acknowledged that he had driven by Dean's home at least twice on the day before the shooting hoping to fight him if he was alone.

Dean and a roommate, Tim Shelton were at home at the time of the shooting. Neither was injured during the shooting.

Eventually, a Towns County jury convicted Osborn of two counts of making false statements, tampering with evidence, possession of a firearm during the commission of a felony, two counts of aggravated assault and violation of oath of office of a public official or officer.

He was sentenced on Sept. 17, 2008 to 45 years with 20 years to serve in state prison.

Gibson took his own life on Aug. 8, 2007. Osborn's attorney says that a tape left behind by Gibson prior to his committing suicide would exonerate his client completely.

## Fairgrounds...continued from page 1

Fairgrounds. It's something that we had to do because other communities are using that as a lure against us.

"We want to make sure we get the revenue in Towns County," Thomason said. "We're looking at this totally as an economic boost for Towns County."

Beer and wine won't be available during the Georgia Mountain Fair in July, the Fall Festival in October or any of the music concerts that come to Anderson Music Hall, Thomason said.

Beer and wine has been a staple for local businesses in Towns County since 1968. The Fairgrounds is one of the few venues where beer and wine have not been made available.

Tourism, however, is rapidly replacing real estate as Towns County's economic arm. Part of bringing events like the Harley rally to Towns County will require the availability of beer and wine at the county's largest venue.

"This is a special events permit that the fairgrounds is asking for," Towns County Sole Commissioner Bill Kendall said. "Beer and wine won't be sold during the Georgia Mountain Fair in July, or the Fall Festival in October. It won't be available at the concerts that come to Anderson Music Hall.

"It is what it is, a special events license," Commissioner Kendall said. "The Shriners are bringing 1,500 people here in June 2011, the Mountain Moonshine Cruiz-In will bring 6,500-7,000 in August and 1,500 to 2,000 Harley enthusiasts are coming in Sep-

### Food distribution

The monthly mobile food distribution for families in need will be held at No. Mt. Zion Church of God on Friday, November 12th from 10 a.m. to 12 noon. This outdoor food distribution will be held in the rear parking lot of No. Mt.

tember. Those are classified as special events."

The attraction of the beautiful Northeast Georgia Mountains and Lake Chatuge have long been an allure for groups holding annual gatherings.

"This is big news," Commissioner Kendall said. "This is the kind of news that you hope to hear when the economy is in the tank.

"This is a moral victory for all local businesses," he said. "This is what it's all about when we support the Towns County Tourism Association. Those folks are to be commended for everything they do."

Hiwassee Mayor Barbara Mathis agreed.

"With all the people that are out of work and looking for jobs, for all the businesses that are struggling in this most difficult economy, yes, this is fantastic news," Mayor Mathis said. "We support the tourism association and we encourage them to help bring more events like this to Towns County and Hiwassee."

Thomason said more events are on the way, including the BMW motorcycle rally and the Georgia Mountain Eggfest. The latter is scheduled for May 20-21 at the Georgia Mountain Fairgrounds. The Christian Motorcycle Association is coming here in June 2011 as well, to host their National East Rally.

"There are a lot of events that are coming that will bring a needed economic boost to our area and our region as a whole," Thomason said. "We're working hard to make tourism a big deal in Towns County."

Zion Church of God on Scat-away, rain or shine. If you are picking up food for another family please bring an authorization from them. Thank you and we look forward to seeing you there! TNOV3,10SH