

Federal judge sets new trial date in Heaton, Gowder prescription drug case

By Shawn Jarrard
Towns County Herald
Editor

U.S. District Judge Richard W. Story has reset the jury trial date for co-defendants Dr. James Heaton and Mike Gowder to Oct. 8, 2019, at 9:30 a.m., according to court documents.

The two men stand accused of many criminal charges – 213 for Heaton and 150 for Gowder – involving alleged illegal prescription drug activity in at least three states, though both men have pleaded not guilty to the charges against them.

This is the second time the trial has been rescheduled in the federal prescription drug case.

Feb. 11, 2019, was to serve as the initial trial date, but in December 2018, Story agreed to reset the trial due to scheduling conflicts with Heaton's attorney.

Most recently, the trial was to take place on April 8, but Story decided to postpone the trial again in a March 27 telephone conference with Gowder and Heaton's attorneys, finding that continuing the trial would best serve the ends of justice.

His decision to continue, or postpone, the April 8 trial came after several motions filed by lawyers of both defendants.

In a joint motion filed on March 26, Gowder and Heaton's legal teams asked the judge to bar evidence introduced by federal prosecutors on March 25, including details about salacious encounters with patients and other alleged past

criminal activity.

Prosecutors have argued that the new evidence should be considered admissible because much of the evidence to be introduced "is intrinsically intertwined with the conduct charged in the instant indictment," such as the conspiracy to dispense and distribute controlled substances "outside the usual course of professional medical practice and for no legitimate medical purpose."

The legal teams for the accused, on the other hand, have argued that "virtually all of the evidence relates to crimes, or acts of professional misconduct, that are outside the scope of the charged offenses in the indictment," and should therefore be considered inadmissible.

At the time, both defense teams also took issue with the prosecution's attempt to introduce the new evidence two weeks before the then-trial date of April 8.

"Alternatively, if the court permits the government to introduce any of this evidence, the case should be removed from the April 8, 2019, calendar and set down for trial in the fall of 2019 in order to provide the defense with a sufficient opportunity to prepare a defense to these new allegations," according to court documents.

And this is exactly what Judge Story has done, moving the trial to a specially set date of Oct. 8 in the fall.

It is unknown at this time if the evidence in question will be admitted, but Story did issue a verbal order on March 27 to seal the summary of the evidence the prosecution is hoping



Dr. James Heaton

to admit, which was included as an exhibit in the defendants' joint motion to bar the introduction of the evidence.

As there are other motions to be decided in the case, the judge said in March that the court would schedule another pretrial conference as soon as a trial date could be placed on the calendar, and that conference has been set for Aug. 8.

One motion still outstanding is Gowder's March 26 request to have 47 of the 150 charges against him dismissed due to improper venue.

His attorneys argue in the motion that the charges in question entail activity alleged to have occurred outside the Northern District of Georgia's jurisdiction, presumably in either Tennessee, North Carolina or elsewhere.

The judge has yet to decide also on Gowder's March 22 request for a nonjury trial, which would run simultaneously with Heaton's jury trial if granted and require Story to decide Gowder's innocence or guilt.



Mike Gowder

There's also the year-old motion to sever the defendants in the case that has yet to be decided upon, which, if granted, would result in separate trials for the defendants, though Gowder's attorney has indicated he's no longer pursuing severance.

Currently, Gowder and Heaton are set to be tried as co-defendants by a jury of their peers beginning on Oct. 8, notwithstanding the granting of an above-mentioned motion.

They are presumed innocent of the charges, according to the U.S. District Attorney's Office in Atlanta, "and it will be the government's burden to prove each defendant's guilt beyond a reasonable doubt at trial."

Prior to their current legal troubles, Mike Gowder was the CEO of Union General Hospital and Dr. Heaton ran a family practice clinic in Blairsville.

Heaton also served as the director of the hospital's Nursing Home and as a member of the hospital's Board of Directors, per court documents.

TCSO arrests second suspect in connection with April search warrant

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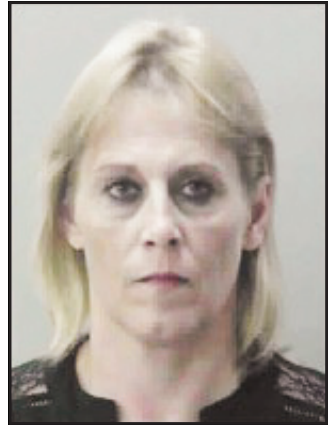
On Thursday, May 9, Sonya Taylor was arrested without incident on warrants for drug charges related to a search warrant that was executed on April 20.

Taylor, 43, of Hiawassee, was arrested and charged with possession of methamphetamine with intent to distribute, possession of methamphetamine, and possession of drug-related objects.

As previously reported, Towns County Sheriff's Office Deputies and Investigators executed a search warrant on Saturday, April 20, at a residence off of Mill Creek Road in Hiawassee.

At that time, investigators arrested Willis Dyer, 60, of Hiawassee, and charged him with possession of methamphetamine with intent to distribute, possession of methamphetamine, and possession of drug-related objects.

The case is currently under active investigation and will be forwarded to the Enotah Judicial Circuit District Attorney's Office for prosecution.



Sonya Taylor



Willis Dyer

Watson...from Page 1A

that traditional country music is becoming harder to find.

"There's so much of what's on the radio now, and the traditionalists just don't like it," said Watson. "They don't like it, so they'll drive any number of miles to come to our shows. And we're so blessed that we're selling out shows just about everywhere we go."

"The people love traditional country music, and that's anything except what they're getting to hear on FM radio these days. They just drive the miles and come to see us and other people that deliver the kind of music that they enjoy."

"If you like country music, everything that you ever heard out of me you'll get to hear in our show, I guarantee you, because we work our way right on up through it. We got a great band, the Farewell Party Band, and believe me, they keep me on my toes."

"It's a show that everybody can enjoy. Any age member of the family can come. It's a good clean show, nothing off-color. Everybody has a good time. We've got our comedy skit, and then one thing and another. It's just good country traditional music."

So, what is traditional country music? It's ballads and stories and waltzes with words that can be understood. It's heavy on pedal steel guitar, fiddle and piano. Some songs are sad, others are funny, but they all relate to things everyone has felt at

one time or another.

As to what keeps him going on the road and taking on new projects after well over half a century in the music business, Watson said a lot of it is his love of it.

"But my fans have stood behind me through thick and thin, and to retire, to turn around and walk off when I'm still capable of doing the job, would be turning my back on my fans – the people who made me what I am," said Watson. "And I just refuse to do that."

Watson recently released "My Gospel Roots," which he said has three No. 1 hits in the nation on it.

He had another gospel album out several years ago that he recorded in Nashville with two of his sisters, and his fans had been asking when he was going to do another one, so he came through for them.

But Watson says he has no plans to "set a new trend" and stop doing traditional country music. As a matter of fact, he is currently gathering material for a new traditional country CD, though he has to work around his touring schedule, which thankfully consists of regular stops in North Georgia.

"If I ever left Texas, I think Georgia would be the state I'd come to," said Watson. "I just love the great state of Georgia, and I love the people in Georgia. They've always been so good to me."

Sons of the American Revolution Speakers Bureau

The Speakers Bureau established by the award winning Blue Ridge Mountains Chapter, SAR has been providing presentations to elementary school children and civic groups for over ten years. These presentations are made by accomplished speakers on the subjects of the Colonial Period of American history and the American Revolutionary War as well as other American historical events.

Current presentations include: Demonstration of Colonial household goods-display; Little known facts about President George Washington-slides; Etymology (word history) and Historical Termi-

nology-slides; and Revolutionary War Spies.

The National Society of the Sons of American Revolution has the purpose of providing education, preserving history, and promoting patriotism.

Presentation times run from 15 minutes to 45 minutes. The presentations are excellent programs for many civic and other organizations with no cost incurred. All presentations are educational and entertaining with timing flexible.

Contact Chapter President Jared Ogden at 770-855-0007 or Chapter Secretary David Cook at 706-835-5910 to schedule a presentation.



Non-profit Board training class offered May 21st

What do you really need to know to lead your nonprofit organization? As a leader you play an important role in your nonprofit's success. Nonprofit boards are most effective when board members understand their role and responsibilities and use their collective resources for the benefit of those they serve.

Join us for an informative discussion of the role and responsibilities of each board member, best practices for building and sustaining an engaged board team, and tips on maximizing the board's capacity to provide wise and prudent leadership to successfully achieve the nonprofit's mission.

Topics covered will include: Duties, expectations and requirements for each individual board member. Strategies for meaningful and mutually satisfactory board service. Board leadership that makes a difference and achieves results.

The Towns County Chamber of Commerce is offering professional training for non-profit boards and staff on Tuesday, May 21 from 9 a.m. – 11:30 a.m. The class is being taught by Deborah Stanford of NorthStar Nonprofit Institute, Inc. This workshop is open to anyone involved in non-profit organizations (Executive Directors, board members, staff members and volunteers).

Deborah Stanford, President and CEO of NorthStar Nonprofit Institute, Inc., has been training nonprofit boards for more than 30 years. She blends her wealth of knowledge on best practices with real-life experiences that focus on the challenges of nonprofit leadership and suggest practical ways for boards to be most effective.

This workshop is open to Chamber members AND non-members. The cost is \$15/person. Please call 706-896-4966 or e-mail candacelee@brmemc.net to register.

Brasstown Bald presents Bird Migration Program May 18



Identifying bird characteristics, habitats, and migration patterns

Bird Migration Program Saturday morning at Brasstown Bald, May 18th. Join Atlanta Audubon's Melanie Furr for a special program about identifying bird characteristics, habitats, and migration patterns happening right before us!

The search for food is a common survival trait of all living beings. Without human conveniences of long haul transports and grocery stores, bird populations spread their wings traveling far distances to stay within a season's food abundance.

Brasstown Bald, the first high point along the migration route up the Appalachian

chain, stands tall as a beacon for hungry birds. Space is limited. Pre-registration required by emailing krista@cfaia.org or visiting bit.ly/2KOV6pU.

Cost is \$10 per person ages 13 and up. Kids are \$3, ages 6-12. Park entry fee is included.

Be ready to walk slowly and listen closely for resident and visiting bird species. We will start with a walk n' talk followed by a short presentation in the mountain top theater. For your enjoyment, please bring comfortable shoes, sun protection, hydration, binoculars if you have them, and a willingness to discover!

Cancer freezing procedure

Freezing procedures available for breast, lung, liver, and prostate cancers. These procedures have been around for years, yet so many people do not know about them. Research information under www.radiologyinfo.org and look up procedure by name, Cryotherapy. N(May15Z)CA

United Daughters of the Confederacy Smith's Legion #2699

United Daughters of the Confederacy Smith's Legion #2699 meet the 4th Saturday of each month, 11 a.m. at G and G Restaurant on Highway 515 in Blairsville, GA. NT(May15Z)CA

S.A.F.E. Kids Fishing Derby is rescheduled for Saturday, May 18th



S.A.F.E. Kids Fishing Derby is rescheduled for May 18th from 11 AM to 3 PM at Nottely Marina. S.A.F.E. says thank you to our donors for their support! Nottely Marina for all of their support, donations, and hard work on the behalf of S.A.F.E.; Ingles in Blairsville and Hiawassee; Jack's Creek Bait & Tackle; Mike's Seafood; Lake Nottely Fishing Charters; Service Plumbing; Majestic Mountain Properties; Budget Blinds; Circuit World; Rick's Rental; Rose Auto; Save-A-Lot; Huddle House; Builder's First Source; Alexander's Store; Nelson's Ace Hardware; Hughes General Store; Brasstown Drug and Gun; Sundance Gallery; Paradise Bait and Tackle; and Cook's Country Kitchen.

Seniors...from Page 1A



Kenzlee Denton, Emily Williams, Alli Patterson and Savannah Mitchell committing to careers in education.

beyond the four walls in your classroom. Watching your students grow into successful adults and having successful careers – that's the reward that makes it all worth it."

For her part, Mitchell plans to attend Valdosta State University in the fall, where she will concentrate on studying music education.

"I have a passion for music, and I want to share that passion for music with my students," Mitchell said.

Denton has plans to attend the University of North Georgia in Blue Ridge. There, she will study elementary education.

"I am very grateful for this opportunity, and I look forward to becoming a teacher one day and possibly coming back to teach here at Towns County," Denton said.

Patterson will be heading to the University of North Georgia in Dahlonega, and she will also be focusing on a degree in elementary education.

"My aunt, Joni Holbrooks, has had a major impact on my decision to become a teacher, and I love kids," said Patterson, noting that her aunt is a second-grade special education teacher.

Williams is attending Kennesaw State University after graduation, where she plans to major in elementary education so that she can teach reading to young children.

"I knew I wanted to become a teacher after I was a teacher's assistant for a third-

grade class," said Williams, adding that she wants to spend some time in Atlanta before deciding whether or not to come back home to teach.

Principal Hobbs said she was just so proud of her students and the paths they've chosen to walk.

"These four young ladies come from varying backgrounds and interests, but they each bring a specific set of skills to the table," said Hobbs. "From a love of children to a love of literature or music, they each will make great educators."

"They are devoted to their academics and to the community, and I am extremely proud of their decisions to be teachers. Besides choosing to serve your country in one of the Armed Forces, I feel there is no more noble cause than to teach."

In the ceremony, Superintendent Berrong read aloud the letter of intent each of the girls signed that day:

"By signing this letter of commitment, you are committing to improve the quality of education for students in the state of Georgia."

"The State School Superintendent Richard Woods, your local administrators, community members and teachers commend you on making an honorable decision to improve the quality of life for Georgia citizens through the educational process."

"You will be a great asset as we work toward 'Educating Georgia's Future.'"