

SOUTHSIDE

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School fighting court ruling

Judge says girl who sued Clark-Pleasant in 2003 has right to trial

By PAIGE E. WASSEL
DAILY JOURNAL STAFF WRITER
pwassel@thejournalnet.com

A decision that would let a jury decide if a former student should receive money for derogatory comments published in a student newspaper has been appealed by Clark-Pleasant Community School Corp.

The student sued the school in 2003 for defamation, negligence, invasion of privacy and causing emotional distress.

Johnson County Superior Court Judge Kevin Barton decided the student may have the right to a trial for some of the issues.

The school district wants the Indiana Court of Appeals to review that decision.

If the court accepts the appeal, the judges can choose to uphold

or reverse Barton's decision. Or they can clarify points of law that may have been unclear and send the case back to Barton for another ruling, Barton said.

If the appeals court doesn't accept the case, it could go to trial in Johnson County, he said.

The civil lawsuit alleges defamation, negligent infliction of emotional distress, intentional infliction of emotional distress and two counts of invasion of privacy.

The student sued the school corporation, the high school, the principal, a vice principal and the journalism adviser.

School district attorney Rosemary Borek filed a motion of summary judgment, which asks the court to rule in favor of the defendants without a trial.

In a summary judgment motion, the judge's decision is based on law because there is no genuine disagreement over the facts of the case.

Barton dismissed a vice principal and the school superintendent from being held liable in the suit, according to a court opinion.

He decided that the student could not hold the principal, vice principal or journalism adviser responsible in their individual job capacities. Barton also ruled that the student couldn't sue for public disclosure of a private fact, according to the court opinion.

Barton ruled the student may have the right to go to trial on the following grounds: defamation, negligent infliction of emotional distress and intentional infliction of emotional distress,

the opinion said.

A 2002 senior edition of Whiteland high school's monthly student newspaper, Smoke Signals, prompted the lawsuit.

The publication gave the student, who reported she had been raped, a "worst reputation" label, printed that her favorite song was "Underneath Your Clothes" and made a reference about the student, rape, a monkey and being fired from a future job.

School officials said the newspaper adviser saw the entries and deleted them from the edition, but the newspaper's student editor put them back in before sending the paper to be printed.

EDITOR'S NOTE — The Daily Journal has a policy of not naming victims of sexual assault.

ON THE RECORD

Police/fire

Jail bookings
The following people recently were arrested and booked into the Johnson County jail:

Denise Lyn Middleton, 50, 556 Hunters Trail, Greenwood; arrested for failure to appear in court; released on \$150 bond.

Jessica Lynn Vest, 22, 589 Fantasy Lane, Anderson; arrested on a charge of domestic battery; held on \$1,000 bond.

Aaron A. Miller, 22, 376 Savannah Drive, Greenwood; arrested on charges of dealing in marijuana/hashish, possession of a controlled substance; released on \$9,000 bond.

Milford Joseph Lynn, 35, 146 Highland Ave., Franklin; arrested on a charge of contempt; held on \$1,500 bond.

Oley James Richards, 45, 233 Harmony Hill Road, Franklin; arrested on a warrant for failure to appear in court; released on \$300 bond.

David Merle Sexton, 37, 6742 E. Warren Lane, Mooresville; arrested on a Putnam County warrant and a charge of being a habitual traffic violator; held without bond.

Herman Lee Adams, 26, 3801 Morgantown Road, Greenwood; arrested on a charge of false reporting or informing; released on \$1,000 bond.

Gregory Alan Weaver, 39, 117 N. Wagon Road, Bargersville; arrested on a charge of contempt; held on \$1,000 bond.

Gary D. Simon, 50, 9443 N. Michigan Road, Fairland; arrested for being a habitual traffic violator; held on \$3,000 bond.

Monica Suzanne Snyder, 31, 624 Nicole Drive, Apt. C, Greenwood; arrested on a charge of driving while suspended with a prior conviction; released on \$1,000 bond.

Evelyn Bratt, 29, 732 Wheatgrass Drive, Greenwood; arrested on a charge of battery; released on \$1,000 bond.

The following person recently was arrested on charges of driving while intoxicated and booked into jail:

Jason Lee Kieninger, 35, 549 Paradise Way East, Greenwood; also arrested on a charge of public intoxication; held on \$5,000 bond.

Birth

Johnson Memorial Hospital
Jake and Elizabeth Sappenfield, Franklin, girl born Feb. 14.

Council closer to approving bonds for county wish list

By ANNIE GOELLER
DAILY JOURNAL STAFF WRITER
agoeller@thejournalnet.com

One vote stands between county offices getting more than \$4 million to spend on cars, computers and software.

County officials approved two preliminary requests to borrow money for the equipment.

In total, the county would borrow about \$4.3 million in two separate bonds.

Property tax money would pay back about \$3.5 million. Money the state collects and gives the county from taxes and fees, such as fuel taxes and vehicle registration fees, would pay back the other \$800,000.

Both bonds are working their way through a process of hearings and votes. The county council passed a first reading of the requests and is expected to take a final vote next month.

If the proposal passes, county offices could start spending the money in the summer.

County officials broke the money into two requests because equipment for the highway department that was originally included could not be paid for with general, taxpayer dollars.

Money from motor vehicle, highway, and local road and street funds, which are collected by the state from fuel taxes, driver's license fees, odometer fees,

vehicle registration fees and money collected for defensive driving courses, will be used to pay for the equipment.

Council members are considering some changes before the final vote, such as reducing the \$3.5 million and changing the time allowed to pay back the money, which ranges from three to seven years.

The council passed the first reading of the \$3.5 million bond 6-1. Paul Reed voted against the issue because, he said, paying back the borrowed money would burden taxpayers.

The council passed the first vote on the \$800,000 highway department bond 7-0.

Republican files to fill Yount's seat

By PAUL MINNIS
THE REPUBLIC (COLUMBUS)
pminnis@therepublic.com

Milo Smith thinks he has the key to making Indiana property tax assessments fair to every Hoosier.

He wants a chance to prove it works by running for elected office.

The 55-year-old Columbus resident filed Monday for the District 59 state representative seat occupied by David Yount, who has declared he will not run again.

Like Yount, Smith is a Republi-

can, and he thinks he is uniquely qualified because of his 16-year job as president of Tax Consultants Inc. of Columbus.

Commercial entities hire his company to correct assessment problems. They pay only if he lowers assessments to their advantage.

"I think I'll be able to push for changes that will make assessments fair for everyone and easier to understand," he said. "I consider this my civic responsibility. I want to make a difference."

He said he decided to run Friday morning, just an hour after reading that Yount would not run for a sixth term.

He filed for office Monday in Indianapolis and filed a "courtesy" candidacy Tuesday at Bar-

tholomew County Courthouse.

No other Republican had filed for the seat as of Tuesday. Gary Bell filed on the Democratic side.

"I get along with people, and I'm very honest," said Smith, an elder and trustee at First Christian Church in Columbus. "I treat people how they want to be treated."

He is an advisory counsel member for Home School Partners and Council for Youth Development. He has served as a small business delegate to the White House under two presidents.

Smith and his wife, Diane, have two daughters, Lauren and Abby, who attend Columbus East High School. He also has a son, Chris, 34, of Los Angeles, and a daughter, Melissa, 28, of St. Columbia, Mo.



SMITH

Police: Man sold pot to undercover officers

Daily Journal staff report

Police said they found more than two pounds of marijuana in a Greenwood man's house after he sold nearly two ounces to undercover officers.

Aaron A. Miller, 376 Savannah Drive, was arrested Tuesday night on charges of dealing marijuana/hashish, possession of marijuana/hashish and posses-

sion of a controlled substance.

After receiving a tip last week, the Greenwood Police Department contacted Miller and recorded two telephone conversations where he agreed to sell marijuana, a police report said.

The agreement was for Miller to get \$480 for two ounces of marijuana, the report said.

Police went to his home, where Miller accepted the money and

gave the officers the 1.8 ounces that were in his vehicle, the report said.

Detectives later obtained a search warrant and went to the home of Miller's parents, where he lives. They found more than two pounds of marijuana inside, the report said.

Miller, 22, was released from Johnson County jail after posting \$9,000 bond.

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250 East Jefferson Street, Franklin, IN 46131
(317) 736-1982