

Mike Gowder...from Page 1A

time to receive COVID-19 vaccination.

In the April 8 motion, Gowder is claiming both that Story made a mistake in not allowing separate trials for himself and co-defendant James Heaton, and that his lawyer was ineffective prior to and during the trial, and concerning the notice of appeal process.

As background for his motion, Gowder wrote that “the Federal Government zealously and selectively” prosecuted him for “following the orders of his licensed physician, Dr. James Heaton.”

Gowder noted that Heaton had been treating him for back pain, and that the investigation into Heaton was what caused him to be “selectively scooped up and selectively prosecuted solely because of his (association) treatment from Dr. James Heaton.”

Ultimately, Gowder is arguing that his conviction resulted from being put “in front of the jury” with Heaton, and that the “sole reason” the two were indicted together was because each count on its own “would have lacked sufficient evidence to convict him beyond a reasonable doubt.”

“What reasonable jury would convict a person for doing nothing more than obeying the medical direction of his physician?” Gowder asked in his motion.

Evidence presented during the trial indicated Heaton routinely wrote Gowder two or three prescriptions for oxycodone monthly between 2013 and 2015, and that

Gowder regularly filled the prescriptions at pharmacies in three states.

During the trial, Gowder was represented by Steven Sadow, an Atlanta attorney who has represented, among others, rap stars TI, Usher and Rick Ross, NFL player Ray Lewis, and attorney Howard K. Stern.

Sadow filed a motion to “sever” the defendants in May 2018 after Heaton and Gowder were federally indicted together in April 2018. Had the motion been granted, it would have resulted in separate trials for the men instead of a single jury trial.

In March 2019, Sadow requested a bench trial asking the judge to be the one to determine his client’s guilt or innocence, not the jury. At the time, Sadow told the judge they were no longer seeking severance.

Judge Story denied the request for a bench trial, and in September 2019, Sadow added to his motion to sever, stating that Heaton would “in all likelihood” testify on Gowder’s behalf if Heaton’s separate trial was first. The judge denied the request to sever.

In his latest motion, Gowder writes that the court erred in denying those requests, effectively denying him a fair trial.

“The only way that Defendant could have had the benefit of Dr. James Heaton’s testimony was if the joint trial was severed,” he wrote. “With adequate information, there is thus a ‘reasonable probability’ that if the trial court had granted

severance, the jury would have found Defendant not guilty for lack of sufficient evidence.”

In an additional argument to void his conviction and sentence, Gowder wrote that he had been denied his Sixth Amendment right to effective assistance of counsel, including regarding the appeals process.

The deadline to file an appeal for a federal criminal conviction is 14 days following the notice of judgment, which in this case was the sentencing hearing.

“After the jury guilty verdict, Defendant’s then trial attorney informed Defendant that it would require additional funding to pursue the case further,” he wrote. “Defendant informed said attorney that he had limited funding.

“Thus, Defendant assumed that the attorney would go no further with the case, including the filing of the notice of appeal. Therefore, Defendant was left ‘entirely without the assistance of counsel for his notice of appeal, and on appeal.’”

Quoting several prior U.S. court cases as a basis, Gowder wrote that his attorney had rendered “deficient performance by failing to inform Defendant that he was entitled to an appeal, and that Defendant could file a pro se Notice of appeal by a simple letter to the court.”

As for co-defendant Heaton, he was sentenced to 72 months in prison and also has until May 1 at the earliest to report for the same reason of COVID-19 vaccination. Heaton has appealed his conviction to the 11th District Court of Appeals, a hearing date for which has yet to be set.

As previously reported,

Saddle Club Arena...from Page 1A

notch facilities and first-class entertainment to residents and visitors alike.

“The SPLOST has been huge for us,” Hargus said. “In 2020, while we were basically shut down for COVID, it allowed us to take advantage of that downtime.

“We expanded the run-out and were able to cover it. We have two warm-up pens on either side of the run-out, and they are now both covered. That was our big project last year since it rains a lot and the run-out was constantly wet.”

An extra set of covered bathrooms and concessions were affixed to the arena in 2019 as well, along with ironwork sculptures by Blairsville Artist Al Garnto at the entrance, Hargus added.

Saddle Club President Art Miller offered additional praises to the behind-the-scenes individuals and others who have been instrumental in growing the club and equine sports in Union County.

“Of course, we have to thank (Sole Commissioner Lamar Paris) and his staff,” Miller said. “We also want to thank Larry Garrett and the Union County Recreation Department staff.

“And Gerald Patterson has done a lot for the Saddle Club over the years – there are just so many people that have contributed.”

Excepting recent limitations brought about by COVID-19, the Saddle Club normally hosts at least one event per month. Horse shows, barrel racing events and rodeos are just a few of the happenings that take place at the arena.

Additionally, the club works closely with 4-H students and the handicapped while offering clinics, trail rides and more.

“Traditionally, we host our annual rodeo during the third weekend of June, but last year we had to move it to September,” Hargus said of the Blairsville Pro Rodeo. “This

year will be the rodeo’s 10th anniversary, and we’re looking forward to it.

“The community has always been so supportive of us. They love the rodeo, the kids love it, and equestrian sports are always a great thing for kids to be involved in. It teaches responsibility and how to care for and respect the animals.”

District 8 State Rep. Stan Gunter, District 51 State Sen. Steve Gooch and Commissioner Paris are among the VIPs scheduled to make remarks during the commemoration. Light refreshments will be served afterward.

Since its inception in 1986, the Union County Saddle Club has remained a community-based, family-oriented organization comprised of volunteer members. The nonprofit club is dedicated to the education and skill development of all disciplines pertaining to equine activities.

STAR Student...from Page 1A

Stars,” an annual banquet at the Community Center in which the Blairsville-Union County Chamber of Commerce pulls out all the stops to highlight student and teacher achievement.

Being a STAR seems to run in the family, too, as Hannah’s big sister Rachel was the STAR Student for Union County High in 2015. Rachel was also valedictorian of her class, an accomplishment for which Hannah is currently in the running.

“My sister being STAR Student and at the top of her class always motivated me,” Hannah said. “She’s acted as a good role model, motivating me to do my best all the time.”

Standing for Student Teacher Achievement Recognition, STAR is a program sponsored by the Professional Association of Georgia Educators Foundation.

For a high school senior to earn STAR status, he or she must score highest among their classmates in any single sitting of the three-part SAT. Usually, a student must achieve this by November of their senior year, but test scheduling has been limited due to COVID-19, so the deadline was pushed to March 13, 2021.

Qualifying students must be within the top 10% or Top 10 students of their class based on grade point average, and those nominated must achieve SAT scores equal to or higher than the latest available national averages on the evidence-based reading, math and writing sections.

Hannah prepared diligently for the SAT with the express goal of making STAR Student, studying every day and

going through multiple prep books. Fortunately, her hard work and determination paid off, at which point she set about choosing her STAR Teacher.

In this task, STAR Students are asked to name an educator who has “made the most significant contribution to the STAR Student’s scholastic development.”

Meeting that qualification for Hannah Todd was English Teacher April Krieger, to whom Todd gives abundant credit for instructing her in how to write and advancing her skills enough to competently tackle the writing portion of the SAT.

“She got me to where I am today, writing wise,” Todd said.

Todd’s first class with Krieger came when she was a sophomore, though their relationship dates back further than that. When Todd was a freshman, Krieger agreed to tutor her in writing at the request of the Todd family, which knew Krieger through past experiences with Todd’s sister.

Formally, Todd took classes with Krieger her sophomore and junior years, earning in the process dual enrollment credit with Young Harris College, as well as Advanced Placement credit good for two college course exemptions after scoring the highest grade possible on the AP English Language exam.

The two also spent countless hours together Todd’s freshman through junior years on the Mock Trial Team, for which Krieger is a teacher-coach. Mock Trial took this year off due to scheduling issues and other complications

surrounding COVID-19, but Krieger said the team will return.

Being selected STAR Teacher is an absolute honor, Krieger said, adding that it has been a joy witnessing the amount of personal development Todd has experienced since coming aboard as her pupil four years ago.

“(It’s amazing) how much she’s grown into herself to become much more of a forward thinker and communicator,” Krieger said.

Among Todd’s considerable extracurricular activities and club associations is the High School STEM Academy, and she thanks her STEM directors Alecia Frizzell and Dixie Conger for helping her to succeed at a high level and writing college recommendation letters for her.

Additionally, Todd is grateful to her parents and sister for being powerful motivating forces in her life and supporting her every step of the way.

As far as next steps for the senior, she plans to attend the University of Georgia following graduation in May. She chose UGA for several reasons, including for its proximity to Union County and the ability to transfer her many college credits.

“Especially with the pandemic going around, I want to stay close to home in case something happened and I had to go online or something,” Todd said. “And since it’s in state, a lot of my credits will transfer over so that the classes I’ve taken in high school will count in college.”

Added Todd, “In Mock Trial, I fell in love with the process of trial law, so I’m thinking of pursuing that (in college), but I’ll just have to find out when I get there.”

Congratulations to both STARs, Todd and Krieger, from the North Georgia News.

CORRECTION:

In a photo caption that appeared in the April 7 edition of the newspaper, the North Georgia News mistakenly identified Kathy Hatley as

the owner of From Me 2 U in Downtown Blairsville. Hatley is an employee of the store, and the owners are Courtney Waller and Michelle Rowe.