

## Trial...from Page 1A

be filed by the U.S. Attorney's Office by the end of August/beginning of September, as well as responses to those filed by the two high-profile defense teams.

Heaton did not appear in court. He is represented by Don Samuels and Kristen Wright Novay of Atlanta, who, along with Gowder's attorney, Stephen Sadow of Atlanta, filed a joint motion in March to bar certain evidence that alleges Heaton had sex with some patients in exchange for prescription drugs.

The defense is concerned about the "prejudicial" impact such evidence would have on a jury.

Novay told Judge Story on Thursday that the government will use that information to paint Heaton as a "scumbag."

"That doesn't add anything but smears my client, including the 'clutch-your-pearls' fact that he was sleeping with married women," she said, questioning how much of the allegations are based on "gossip" and how much could be proven.

Sadow reminded the court that he had filed for severance in May 2018, which would allow the two defendants to have separate trials.

He followed that request in March by filing a motion for a nonjury trial for Gowder, meaning that although the two defendants would be tried together, the jury would decide the guilt of Heaton only, and the judge would make the determination for Gowder.

Gowder faces 150 counts and Heaton faces 213 counts involving conspiracy regarding alleged unlawful acquisition and illegal prescribing of controlled substances.

"We can't get in Heaton's statement about (Gowder's) need for drugs because Heaton is a defendant," Sadow said. "How can I say my client has a medical condition when the government says Heaton had no concern for that?"

Continuing, Sadow argued that, once the government brings up Heaton's alleged sex-for-drugs, the jury won't be able to separate that from the charges against Gowder.

"You can't un-ring that bell," Sadow said, further arguing that prosecutors bringing in the "scumbag" evidence against Heaton would make him unable to use his

"best piece of evidence" in Gowder's defense, namely, Heaton's testimony concerning Gowder's reported medical condition.

"(If the trials were separate) I wouldn't have to deal with all these sex allegations," Sadow said.

Although Judge Story did not issue a ruling, he seemed disinclined to grant the non-jury trial request.

"I understand what you are saying about your concern for your client," he said in response to Sadow's comments. "But I think it is more easily separated by a jury than you think."

The government was represented by Assistant U.S. Attorneys William L. McKinnon Jr. and Laurel R. Boatwright.

"I respectfully disagree with Mr. Sadow that the jury can't separate the issues," McKinnon said. "The jury can certainly follow limiting

instructions from the court."

Another pending motion was filed in March by Sadow to dismiss 47 counts against Gowder for improper venue, because they involved prescriptions filled in Tennessee and North Carolina.

McKinnon told Judge Story that the alleged crimes began in Georgia, and by law, could be prosecuted in Georgia.

Regarding the motion to bar evidence, Boatwright said they would not be presenting some evidence about testosterone provided to certain individuals. But she argued that the rest of the evidence could be proven.

"The government will file a brief with the court about the evidence," she said. "The government can meet foundation concerns about this. (The defense) may find the government witness lacks credibility - we are ready."

Boatwright said the brief

would be filed by Aug. 29. The defense will have two weeks to respond. Sadow said he would file a brief concerning Heaton's testimony on behalf of Gowder, furthering his request to sever the trials, and McKinnon will file a response to that by Sept. 6.

The trial is set to begin Tuesday, Oct. 8.

Heaton and Gowder are facing charges involving alleged illegal prescription drug activity in at least three states, including conspiracy to dispense and distribute controlled substances "outside the usual course of professional medical practice and for no legitimate medical purpose."

Both men have pleaded not guilty to the charges.

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

## Narcotics...from Page 1A

throughout the case," Miller said. "The methamphetamine sales led us to execute a search warrant at his residence, which took place on Aug. 7.

"During the search of his residence and property, there was approximately 1 ounce of methamphetamine located, which got him a trafficking charge of methamphetamine, and there was approximately 1 ounce of marijuana located, which got him possession with intent to distribute marijuana."

Three other people present at Baker's address were also arrested on Aug. 7, including his roommate, Cynthia Lynn Smith, 34, of Blairsville, on charges of possession of meth and possession of marijuana, Miller said.

Nathan Jack Fain, 44, of Mineral Bluff, was arrested for possession of meth, while Brian Curtis Adcock, 39, of Blairsville, was arrested on a probation violation warrant, Miller said.

As far as drugs go, meth is by far the most abused illegal drug in the county, which is why Miller and his team work so hard to get would-be dealers out of the county.

"I think we stay on top of it pretty well," Miller said. "We're not going to do away with all the drugs, but we're combatting them and trying to keep it to a minimum with what resources, manpower and time we have."

Added Miller, "This was Investigator Drew Stewart's case. He worked hard on it, and we appreciate the hard work."

Two years ago, the Sheriff's Office joined federal and state investigators for the largest drug bust in county history when they raided a multimillion-dollar meth conversion lab in Suches.

But the Suches lab was a rarity for Union County, and investigators believe most of the meth currently being sold in Blairsville comes from out of the county.

Last year, the Narcotics Division made its personal best solo bust, confiscating 6 kilos of meth worth approximately \$600,000 in street value. This particular meth likely came in from Atlanta to Union County to be distributed further north, Miller said.

"There are exceptions, but what we deal with mainly is just your street-level dealer selling the personal-use stuff," Miller said. "At times through the years, like with the 6 kilos, people would come for that and take it back to their jurisdictions, and there's probably some here.

"But most of what we're dealing with as far as the meth goes is just your street-level dealers and users."

Due to its highly addictive nature, meth quickly becomes an expensive habit for individuals hooked on the drug, requiring both lots of money to buy it and dealers to supply it, Miller said previously.

"Once you get addicted to it, you've got to have it," Miller said. "When you run out of money, you resort to other things.

"Then, you're going to start seeing weed eaters and chainsaws stolen and finding them in the pawn shop. Or you'll do a search warrant on a drug dealer's house, and there will be five or six items of value found that came from the user that went and stole it and took it to the drug dealer to trade for meth."

Right now, meth costs between \$80 to \$120 per gram, Miller said. Over time, people who develop serious addictions can use up to a gram a day, which can cost upward of \$3,000 a month to supply, or \$36,000 a year potentially, all to support an illicit drug habit.

"There's a lot of crime



Brandon Jewell Baker



Cynthia Lynn Smith



Nathan Jack Fain



Brian Curtis Adcock

I see that comes along with meth use, just because of the addictive nature of it," Miller said.

In other Narcotics Division news, Miller said his team welcomed a third full-time

investigator last week, bringing the division back up to fully staffed after former investigator Chad Deyton left to lead the Union County Schools Police Department in 2018.

## Bank OZK...from Page 1A

Chamber of Commerce. "This is the second year that they have made this contribution, and it's very well appreciated by the hospital.

"And the hospital, of course, is instrumental to any community, so we are thrilled to have Bank OZK make this contribution."

Sole Commissioner Lamar Paris also talked about the importance of the occasion.

"I want to thank Bank OZK and Jason Karnes, but not only for their contribution to the hospital," said Paris. "They are so broadly involved in our community and have been for a long time.

"Jason himself is personally involved with some of those things, and we appreciate all that they do. They are a great asset to Union County."

For Bank OZK, the second annual contribution is just one of the many ways in which the bank has chosen to embrace the community.

"We consider ourselves as a community bank, and a community bank has to be engaged in the community," Karnes said. "That's how we pride ourselves. That's what has built Bank OZK to what it is today, and I think our CEO for 40 years now would tell you that it's partnerships like this that make us the bank that we are."

Karnes said he valued

the hospital as an integral part of the community, for the health care it provides and the people it employs as the largest employer in the county.

"Here at the hospital, I assure you that you leave a lasting impression on people's lives," Karnes said. "You change people's lives and you help them through whatever hardships they are going through. I truly appreciate this partnership and what you do."

According to Hospital CEO Kevin Bierschen, Union General will distribute the proceeds from the contribution across many projects.

"This check benefits us because it helps us purchase our capital improvements," Bierschen said. "The hospital spends about \$7 million in capital improvements.

"We survive off of what we bill and our foundation and what people donate. Unfortunately, we are one of the only industries where cost is going up and reimbursement is going down, so these donations really help the hospital survive."

Added Bierschen, "We have a bunch of projects we are looking at for the hospital. We are not setting this money aside for any special allocation or particular thing. It is just going to be a part of our capital funds and help us bring more services to the community."