

## Pumpkins...from Page 1A

County served as volunteer advisors to the students, instructing them on how to grow their giant pumpkins.

"I want to really give my appreciation to all the students this year," Fix said. "It makes my heart feel real good to see these students work all summer long and to work through the elements that the weather puts upon us.

"As far as I'm concerned, they are all First-Place winners, because it was a long and hard summer, but we also had a lot

of fun."

The pumpkins were all grown from the same state record-holding seed stock.

"All these pumpkins that we have are all from the same parent seed, so most of the time they start out white, then depending on environmental conditions, they might change color and become a little more orange or a green color," said Union County Ag Agent Jacob Williams. "You can't really predict what color they will be when they start out."

This year, the First-Place prize went to Ava Sharp for her massive 665-pound pumpkin, which is a current contender for the 4-H state record, though state results will not be released until information comes in from the other counties around Georgia.

Following the contest, attendees took pictures with the pumpkins and walked around the Farmers Market to enjoy the other events that the festival brought along with it.

Now that October has begun, the Union County Farmers Market has four more Saturdays left before the end of its regular season, with upcoming events to include Johnny Appleseed Day on Oct. 5 and A Taste of Appalachian Sweetness on Oct. 12.

For more information, visit [UnionCountyGA.gov/Farmers-Market](http://UnionCountyGA.gov/Farmers-Market).



**Pumpkins are in the squash family because that's what happens if a giant one falls on you.**

Photo by Jarrett Whitener



**Local 4-H'er Ava Sharp with her 665-pound giant pumpkin, which came in First Place at the 2019 Butternut Creek Pumpkin Festival and is a current contender for the 4-H state record.**

Photo by Jarrett Whitener

## Trial...from Page 1A

had filed a motion in March requesting those counts be dismissed for "improper venue," arguing the alleged acts occurred outside the jurisdiction of the Northern District of Georgia.

In his dismissal order, Story seemed to side with federal prosecutors on venue, citing a legal provision stating that any offense against the U.S. begun in one district and completed in another may be "prosecuted in any district in which such offense was begun, continued or completed."

"There is, however, a problem with this indictment," Story wrote in his Sept. 19 order. "The counts at issue here do not actually allege that the prescriptions were prepared in the Northern District of Georgia."

He stated that the case would go forward on the remaining counts.

Also in his Sept. 19 order, Story denied a request originally filed by the two defense teams in 2018 to "sever" their clients as co-defendants to allow Gowder and Heaton to be tried separately.

"The court has ample faith in the jury's ability to keep them apart," he wrote.

In an oral order posted on Sept. 17, Story also denied a motion for a non-jury trial for Gowder filed by his attorney in March.

As of press time, the court had yet to file any rulings on a joint motion by Gowder and Heaton's attorneys to exclude from trial certain evidence introduced earlier this year involving allegations that Heaton prescribed medications in exchange for sex with some female patients.

The defense has argued that the evidence "relates to crimes, or acts of professional misconduct, that are outside the scope of the charged offenses in the indictment," while the prosecution has said the evidence "is intrinsically intertwined with the conduct charged."

Story will rule on the request to exclude the evidence after a review of supplemental filings by both sides in the case.

According to the U.S. Attorney's Office in Atlanta, which is trying the government's case, Heaton and Gowder are presumed innocent of the charges, "and it will be the government's burden to prove each defendant's guilt beyond a reasonable doubt at trial."

The charges against them stem from allegations of illegal activity surrounding prescriptions written and filled between May 2013 and October 2015.

Heaton and Gowder were initially arrested on Feb. 4, 2016, following an extensive investigation by the Union County Sheriff's Office conducted jointly with various other federal, state and local law enforcement agencies.

That investigation also led to the arrest of former hospital ER director Dr. David Gowder – Mike's brother – the same day, and the three were

named as co-defendants in an April 2018 federal indictment, to which they pleaded not guilty.

Enotah Judicial Circuit District Attorney Jeff Langley is representing the state's case against the men, and he told the North Georgia News and Towns County Herald at the time that his office was working closely with U.S. attorneys.

"Both cases can be prosecuted," he said. "But certainly, we're going to coordinate our work with the federal prosecutors."

In a "Change of Plea Hearing" in March, David Gowder avoided criminal trial by pleading guilty in federal court to one count of prescribing oxycodone for a patient for no medical reason.

He is still awaiting sentencing and faces a maximum of 20 years in prison for his crime, though the prosecution said at the hearing that it may recommend

a downward adjustment of that sentence, which could come with a fine of up to \$1 million.

As part of his plea bargain, David Gowder agreed to cooperate with the government's investigation and to forfeit his medical license.

A superseding indictment removing David as a co-defendant in the federal case was subsequently issued in March to feature the current charges against Mike Gowder and James Heaton only.