

# Sharp Corner cleared

A Gasconade County grand jury determined last Thursday there is no reason to charge Hermann tavern owner Mitchell Hoelmer in connection with an April 4 seven-fatality crash in Montgomery County.

A 12-member grand jury deliberated only four minutes after it questioned 18 witnesses to determine whether criminal or civil charges should be filed.

In a first-floor news conference after a decision was reached, Cole County assistant prosecutor Bill Tackett of Jefferson City, the special prosecutor appointed in the case, said he would concur with the findings of the grand jury.

"They went over and over a lot of the testimony and it was a fair proceeding," Tackett said. "That's what we came here to accomplish."

The special prosecutor said the grand jury's finding closes the investigation that he has headed for a month and a half.

Gasconade County Associate Circuit Judge Randolph Puchta called 60 potential jury members on Thursday

morning and questioned them before the selection was made.

The grand jury returned a verdict around 2 p.m. in a matter of minutes after hearing five hours of testimony.

Sharp Corner's license was revoked by the Missouri Division of Liquor Control because the bartender allegedly served alcohol to three men when they were obviously intoxicated," said Charles Smarr, director of liquor control.

Hoelmer has appealed the revocation.

Tackett said the grand jury's verdict squelched rumors that persisted following the April 4 accident on Highway 19, just over three miles north of Hermann.

It was determined after the accident that David Deeker, 30, of St. Louis, the driver of one of the cars, had a blood alcohol content of .30, three times over the legal limit. Deeker and two other men in Deeker's car, Paul Lawrence, 30, and Barry Bergin, 35, were killed.

One of the rumors that Deeker had to be carried to his car by the

bartender and a couple of bar patrons proved false.

"The purpose of this hearing was to investigate the rumors that were flying around," said Tackett. "And that's just what all this appears to be - rumors."

Tackett said the grand jury proceeding allowed Gasconade County citizens to get the entire picture of the incident. He had hoped it would be clean without the rumors.

"I can't imagine a clearer picture of the event than they have received."

Tackett said his independent investigation in the case turned up a few things, but the activity of the three men in Hermann at a couple of taverns were not clear.

His investigation put the three men in St. Louis at 10 p.m. the night before the tragic accident, but it was not clear where they were between the time they left St. Louis and arrived in Hermann.

According to Tackett, the three men drove from J & A Tavern in Hermann to Sharp Corner and attempted to call Deeker's uncle, who lives south of

# of criminal charges

town.

The investigation revealed the men were served two beers apiece while at Sharp Corner for about an hour.

Tackett said the men left the tavern and drove about six miles south of town on Highway 19 to the uncle's home, but found that he was not there. About 45 minutes later the men were killed in the accident on Highway 19 when they drove into the path of a car driven by Karen Alexander, 26, of Rosebud.

Tackett said no one knows whether the three men had alcohol in their car after they left the tavern. He said he could not prove that they "didn't pass around a fifth of whiskey after they left the tavern."

A cooler and beer cans were found throughout the car following the accident.

Ms. Alexander and her 2-year-old son, Nevada Shane; Cheryl Christensen, 32, of New Florence and her 11-month old son, Daniel Christensen, were also killed.

The lone survivor of the crash was 5-year-old Ashley Dile, daughter of

Ms. Christensen. Ashley is undergoing treatment at the University of Missouri Hospital and Clinics' Rusk Rehabilitation Center in Columbia. She has been listed in good condition.

Tackett was critical of a highway patrol officer who allegedly told members of the media that he had witnesses who saw the Sharp Corner bartender and patrons carry Decker to his car.

"Those rumors are absolutely false," Tackett said.

Because there will be no criminal charges against Hoelmer, it means there can be no civil case filed against him.

Still, as of Monday afternoon the decision of the grand jury had no effect on the decision of the Division of Liquor Control to revoke Sharp Corner's license. But last Thursday Tackett addressed the question if it would send a message to the state liquor control office.

"It would think as extensive as it was and as many witnesses as were called, you'd think it would get somebody's attention," Tackett said.

However, the special prosecutor added, the Division of Liquor Control is "in an administrative capacity headed by a director (Smarr) who has been appointed by the governor.

"They issued the order to revoke the license, and unless it's overturned on appeal, it stands."

Smarr has indicated that the grand jury's decision would not have a bearing on the revocation of Sharp Corner's license

Hoelmer's appeal is now before the Administrative Hearing Commission.

On Monday afternoon, Cecil S. Givens, executive director of the Missouri Alcohol Sales Association, said his group is "going to stand behind Mitch until this thing is over."

Givens added, "If we have to take it to the Missouri Supreme Court, we will."

Givens said the question answered by the grand jury was simple, that Hoelmer was not indicted and no criminal charges would be filed.

"This whole thing puzzles me," said Givens. "There was just too much bad publicity that centered on Hermann."