

Charges

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was going to press charges against the hunters but he did not. According to the police report on the matter, Miers said that Byron had given him the impression that she did not want the two arrested.

The police report reads, "She also stated that she did not want them to be put in jail but just wanted them to stay off her property."

The report also says that officer Miers did speak with Faulls. "I explained to James Faulls that Mrs. Byron did not want to prosecute him but wanted him to stay off the property."

Byron said during an interview that she did not believe she gave Miers the impression that he should not cite the hunters.

"After I told him what had happened I got in my car and followed him to three or four properties trying to find the hunters. Does that sound like someone who just wants them to get a warning? I don't think so," she said.

Following the incident, Byron asked Miers how to go about pressing charges against the hunters. According to the police report, Miers told Byron she would have to file a complaint with Magistrate Earl Gregory in Shavertown.

In her letter to Stevens, Byron said that she contacted Gregory's office but was told that it was up to the officer to file the charges. Byron said later that day she called the magistrate's office and found that Miers would not be filing charges and she would have to do so herself.

All of these actions prompted Byron to ask the D.A.'s office to look into possible obstruction of justice by Miers and others on the police force. "I would like to file a suit against Officer Miers and Acting Chief of Police, Officer Lamoreaux for obstruction of justice in this particular case," she wrote.

"This whole thing has blown my mind," Byron said recently. "It really seemed that the officer and one of the hunters were friends and he wanted me to forgive him because of that."

Tom Byron said that he thought the police did investigate, but only "...to a point."

"They responded quickly and heard the complaint but we are in a frustrating situation," he said. "I know we aren't talking about a capital offense but we also don't want someone shot or killed out there because of hunters on posted property," he added.

Chief Miers has defended the actions of his officers in the situation. "They were given the impression that (Mrs. Byron) did not want to press charges. They handled the investigation, contacted the men and told them about the posted property," he said.

The Byrons claim that the police are not alone in frustrating the family's effort to have the hunters prosecuted. Two area magistrates have also performed less than satisfactorily, according to Byron.

"We are not against hunting. It's just that we are promoting being safe and we don't want to see anyone hurt."

Tom Byron
Dallas Township resident

In a letter to Luzerne County Judge Patrick Toole, Byron claims that District Justice Gregory and District Justice Carmen Maffei were biased in their opinions when dealing with the case. Byron sent the letter, dated Dec. 23, 1990, to Judge Toole as he is the senior judge in charge of magistrates.

Byron filed trespassing charges against the two hunters at Gregory's office. However, she says she was very apprehensive to do so because of the treatment given to her by Gregory.

In the letter to Judge Toole, Byron says that Gregory believed that the men were not trespassing because they were tracking a deer. The letter also states that Gregory told Byron, "...I am a hunter and as

far as I am concerned, I don't see what your problem is...There is nothing that makes me more angry than when (land owners) point a gun at a hunter and say 'give me your license number'"

The letter also attributes other statements to Gregory, such as, "As far as I am concerned, even if I find them guilty I don't have to charge them a dollar...You'd better come armed with everyone and all your witnesses, because you're not going to prove that they were on your property."

Because of these alleged statements, Byron asked that Gregory remove himself from the case and Maffei was brought in for the hearing.

Gregory said February 5 that he was aware of the letter sent to Toole and has been asked by the judge to respond to some of the accusations.

"I have responded to the president judge and told him what I know," said Gregory.

"I don't know how she involved me with any of this," he added. "I helped her file the forms and when she wanted me to remove myself from the case, I did. I don't see why she blames me."

Gregory admitted making one of the statements named in Byron's letter. "I did say I get angry when a person shoves a gun at a hunter and says give me your license, but I never told her that I had my mind made up about the case."

Gregory also said that he is a hunter but did not believe that had any effect on his ability behind the bench. "I cannot deny that I am

pro-hunter but I don't want someone thinking that I prejudged anything."

"I get a lot of trespassing cases every year and I know how to handle them," he added.

Gregory would not respond further to Byron's charges, saying, "...I don't want to get into a screaming war with her."

At a hearing before Magistrate Maffei on January 8, both Faulls and Hendershott appeared, as did Byron, her husband and officer Miers.

Byron presented her case, saying that the two men were on her property illegally, and hunting, also illegally.

The two defendants produced charts and maps to show that they had been hunting on properties surrounding the Byrons'. They testified that they had shot a deer and were tracking it when they inadvertently went on the Byrons' land and shot again at the deer.

The men admitted hunting on the property but said that they did not know it was posted. They stated they had permission from the owners of adjacent properties and only while tracking the deer went on the Byrons' property.

Byron told Maffei that she had talked with the state Game Commission and was told that tracking a deer does not give a hunter permission to go on to posted private property.

Maffei said that he did not know the game laws. Byron argued that it was not a game law but a criminal law as the men were trespassing. Maffei said he would review case law and later rendered a decision that the men were not guilty.

Now that the case has been closed Byron says she is more frustrated than ever. In the letter to Judge Toole she says, "My concern, as well as my husband's, is that our lives are in danger as hunters are constantly shooting at our home."

The letter states that the couple has found animal remains in their yard and has witnessed men shooting at their 9-year-old son. The letter also reads, "Now, we have no one to turn to when this happens again. We cannot go to the Dallas (Township) police, the magistrates, or the Game Commission."

Byron stated that she felt that the police and the magistrates have "...made a mockery of the legal system regarding this matter. This represents a pathetic joke."

She also says that the future concerns her also. "What do we do the next time this happens?" she asks.

During a recent interview Tom Byron said he felt the couple did everything they could this time. "We are not against hunting," he said. "It's just that we are promoting being safe and we don't want to see anyone hurt."

Pearman will head Penn State campus



WILLIAM A. PEARMAN

Dr. William A. Pearman has been named campus executive officer at Penn State Wilkes-Barre. His appointment is effective immediately.

Pearman, who has been serving as acting CEO at the campus since July 1, 1990, was named to the position by University President Joab Thomas.

"We are pleased to be able to appoint Dr. Pearman to this position on a full-time basis," said President Thomas. "He has served quite ably as acting CEO since Jim Ryan left the campus to join us here at University Park, last year to serve as vice president of Continuing Education for the Penn State system."

Prior to becoming acting CEO, Pearman served as director of academic affairs at Wilkes-Barre since August of 1989.

"Bill Pearman has been a strong asset to the programs and efforts at Penn State Wilkes-Barre since he stepped into the CEO position on an acting basis last summer," said Richard Grubb, senior vice president and dean of the Commonwealth Education System.

"There were a number of excellent candidates for the CEO position who were considered by the search committee," Grubb said. "We found the best candidate was already working for us."

Pearman previously served as provost and vice president of academic affairs at Sacred Heart University in Fairfield, Connecticut. Prior to that he was academic dean and professor of sociology/anthropology at Millersville University for 14 years.

He has also held faculty positions at Virginia Commonwealth University, Loyola University and Fordham.

sues of Health Care Services for the Elderly," "Three Mile Island: A Sourcebook," and "In the Province of Sociology: Selected Profiles."

Pearman, who lives in Dallas, has been recognized for teaching excellence by the Danforth Foundation and received the first Pennsylvania Sociological Society Award for Research Excellence.

Word about Dr. Pearman's appointment was distributed on campus on Monday afternoon, and congratulations were extended to the new CEO with enthusiasm, according to Phyllis G. Belk, director of University Relations. Dr. Pearman told his colleagues that he was very pleased to be appointed as the Campus Executive Officer. He expressed appreciation for the support that was provided during his term as Acting CEO.

"Now it's time to ready ourselves for the exciting challenges of the future such as opening a new gymnasium on this campus in a few months. Some of the challenges will be difficult. Penn State is experiencing a budget tightening that will call for all of us to pull together more intensely than ever before. It's my opinion, however, that the future is bright for this campus as a great educational resource to Northeast Pennsylvania."

Dr. Pearman succeeds Dr. James Ryan, who left Wilkes-Barre in the summer to become vice president of continuing education for the Penn State system.

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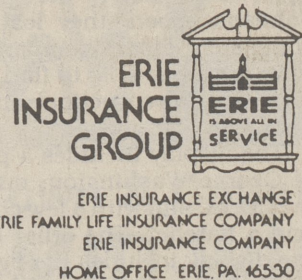
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