

Appeals court cuts five years off sentence

No proof victim was 'particularly vulnerable'

BY JAMIE SATTERFIELD
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Old at 76? Maybe. Frail and vulnerable? Prove it.

So says the state Court of Criminal Appeals in shaving five years from David W. Cosgriff III's 20-year prison term



Cosgriff

in the killing of 76-year-old Kathleen Taylor.

Roane County Judge E. Eugene Eblen opined at a 2009 hearing that Cosgriff merited a 20-year sentence for his conviction in the second-degree murder of Taylor because Taylor was "particularly vulnerable" because of her age.

Defense attorney Bruce Poston, however, insisted there was no proof Taylor was infirm. In an opinion released last week, the state appellate court agreed, reducing Cosgriff's original sentence.

Appellate Judge Allen E. Glenn drafted the ruling. "We note that John Bales, a witness for the state, testified that the victim, in spite of her age and size, was able to get

ON KNOXNEWS.COM
PDF: Copy of the state Court of Criminal Appeals opinion

griff had moved into her home along with her grandson and remained in the house after Taylor disappeared, using her debit card and truck.

He told Roane County residents he was Taylor's nephew and an heir of a wealthy Hawaiian. He adopted the name "Kawaiiki Taylor," the opinion stated. He explained away Taylor's disappearance by insisting she had traveled to Florida for knee replacement surgery funded by a couple of tourists to Roane County with whom she had met and instantly bonded. He said she'd gone to the Bahamas to recuperate.

Nearly two years after Taylor went missing, Mark McKinney was hunting on Rockwood Mountain when he discovered a shallow grave. University of Tennessee anthropologist Lee Meadows Jantz identified skeletal remains found there as those of Taylor.

Authorities nabbed Cosgriff and Taylor's grandson soon after in Massachusetts. The grandson is serving time for possession of child

Judge orders veteran's arrest

BY BILL POOVEY
Associated Press

CHATTANOOGA — An East Tennessee judge ordered the arrest of a military retiree who is accused of intruding on a Monroe County grand jury.

A Monroe County Sheriff's Department spokeswoman said Monday that retired Navy Lt. Commander Walter Fitzpatrick III of Sweetwater was being sought. Special Circuit Judge Jon Blackwood also ordered Fitzpatrick held without bond until his Dec. 1 trial.

Fitzpatrick, 58, did not immediately return a telephone message. He claims the grand jury is unlawful and wants the president indicted as an imposter, because of questions about his U.S. citizenship. Documents show the president was born in Hawaii.

Fitzpatrick failed to attend a Friday hearing where the judge refused a request by defense attorney Stephen Pidgeon to withdraw from the case. Pidgeon said Monday he could not discuss the reason for the request. He said he agrees with Fitzpatrick that Monroe County's grand jury system is "hopelessly corrupted."

Fitzpatrick is charged along with Darren W. Huff, 40, a former militia member from Dallas, Ga., accused of inciting a riot at the Monroe County Courthouse in April while coming to Fitzpatrick's defense after Fitzpatrick's intrusion on the closed grand jury session.

Huff, who also faces related federal charges, was among about a dozen armed people who gathered at the courthouse. Records show Huff had said that he and others planned to take over the courthouse in Madison-

ville and arrest "domestic enemies of the United States engaged in treason."

Fitzpatrick disrupted the grand jury in a failed attempt to arrest Gary Pettway, who Fitzpatrick claims was unlawfully serving as foreman after serving continuously for almost three decades.

Blackwood previously dismissed a defense motion that Fitzpatrick and Huff were indicted by a "tainted" grand jury process and refused to dismiss felony and misde-

meanor charges that include civil rights intimidation.

Assistant District Attorney General James Stutts said in a previous court filing that rulings in such challenges of grand juror qualifications show there is "no limit on the number of two-year terms for which a foreman may be reappointed."

Pidgeon has said that the woman who served as grand jury foreman in June when the indictment was signed, also was not qualified.

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