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Barber

— FROM PAGE B1

The charges were reduced as part of the recent plea agreement.

After his conviction, Barber said he planned to continue serving as a supervisor.

He was given a two-year suspended sentence, three years of probation and 100 hours of community service. He also must submit to a sex-offender evaluation.

Meanwhile, Virginia State Police required Barber to register with the state Sex Offender Registry. He registered last Friday.

ELSEWHERE

EDITORIAL: Ed Barber's resignation is welcome but late. **Page A10.**

ONLINE: For previous articles on this subject, go to **TimesDispatch.com**

Barber has said in written statements — both after the guilty plea and in the more recent resignation letter — that he accepted a plea deal to avoid possible incarceration and a separation from his family.

Calls placed yesterday seeking comment from Barber were not returned.

State law provides a 45-day window to appoint a replacement but County Attorney Steven L. Micas said Chesterfield's charter gives supervisors 60 days to decide.

King says he has spoken with five potential candidates.

"It seems to me the right thing to do is gather all the people who want to put their names in the pot and look at their credentials," he said.

Supervisor Kelly E. Miller said he would look for "the person who is best suited for the job, is the most committed and has the character and values to most adequately serve the citizens of Chesterfield."

Miller acknowledged that as a Republican, his party allegiance may influence his decision.

Barber was the lone Democrat on the board; the other four supervisors are Republicans.

To avoid the appearance of partisanship, Midlothian resident Bob Olsen suggests that supervisors do what they did the last time there was a vacancy on the board: Pick an interim replacement who promises not to run in the special election.

When Matoaca District Supervisor Whaley Colbert died in August 1994, Dr. Freddie W. Nicholas Sr., a former community college president, was appointed to fill that vacancy and he pledged not to seek re-election.

Olsen, a community activist who has worked on past Barber campaigns but identifies himself as a political independent, views himself as a good choice for the job.

Barber

"I believe partisanship at this point in Chesterfield's history [would be] a big problem," he said, adding that he would not seek election if appointed.

Candidates wishing to run as independents in the special election must submit petitions bearing the signatures of 125 qualified Midlothian District voters to Chesterfield's general registrar by Aug. 25.

The county Republican and Democratic committees can nominate their own candidates.

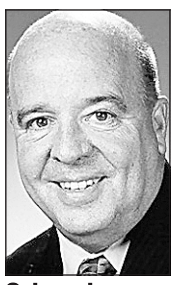
County Registrar Lawrence C. Haake III yesterday said his office has not yet received any inquiries from potential candidates.

The candidate voters elect during the Nov. 7 special election would take office as soon as the election results are certified; that person would not have to wait until Jan. 1 and would serve a term that runs through 2007.

• Contact staff writer Julian Walker at jwalker@timesdispatch.com or (804) 649-6831.

Schroeder won't seek Barber's seat

Chesterfield County School Board member Dr. James R. Schroeder was on a list of potential candidates to fill Edward B. Barber's seat on the Board of Supervisors.



Schroeder

No longer.

Schroeder, 57, yesterday told The Times-Dispatch that he has withdrawn from consideration for the post.

"Part of me would love to do it. I have really grown to enjoy leadership in Chesterfield County," said Schroeder, a Republican who has served on the School Board since 1994.

"However, after looking at my family . . . , my dental practice and my continued responsibilities with the School Board, I'm going to have to reluctantly take my name out of the running."

Schroeder had been described by several political sources as the favorite to fill the vacancy.

He did not rule out a future run for that office, but said, "At this point I'm not considering it."

—Julian Walker

Still trying to figure out what to do this weekend? Find ideas in Weekend every Thursday in The Times-Dispatch.

West Nile precautions urged

Public asked to eliminate standing water near homes, especially after rainy weather

BY JILL SAKAI
Times-Dispatch Staff Writer

Positive identification of West Nile in mosquitoes in Northern Virginia this week should remind residents to take preventative measures to avoid the virus, state health officials say.

The Virginia Department of Health announced Wednesday that a group of mosquitoes collected in Fairfax County tested positive for West Nile. This test was the first evidence of the virus in the state this year.

ONLINE

For more information on West Nile virus, go to:
- http://www.vdh.state.va.us/epi/wnvf.htm
- http://westnilemaps.usgs.gov/

"This is a reminder of the importance of eliminating mosquito breeding areas around the home and protecting against mosquito-borne illnesses," State Health Commissioner Robert B. Stroube said in a statement.

Last year, West Nile virus was first found in Virginia mosquitoes in Henrico County in mid-July.

Despite the early initial positive hit, it's too soon to predict the severity of the virus this year, said David Gaines, state public health entomologist.

Recent heavy rains and flooding may actually lessen the spread of the virus, Gaines said. Storm sewers provide prime breeding habitat for mosquito species that transmit West Nile virus and storm waters may have temporarily washed them out.

However, a return of hot, drier weather could increase chances of a bad West Nile season.

"These mosquitoes do better, the virus does much better in hot, dry years," Gaines said.

Surveillance programs across the state trap mosquitoes to test for the presence and extent of viruses, including West Nile.

In Richmond, city workers monitor mosquito populations and minimize areas of standing water where they can breed, including storm drains, said George Jones of the Richmond Department of Public Health.

Residential measures to eliminate potential mosquito breeding habitat also have been an important contribution to keeping West Nile in check in the past few years, Jones said. He emphasized that residents should be diligent about eliminating standing water around their homes and yards, especially after rainy weather.

People, birds, horses and other animals can contract West Nile virus from a bite of an infected mosquito. Most people bitten by infected mosquitoes do not get sick, but about one in five might develop mild flulike symptoms.

People over 50 are at higher risk for developing more severe conditions, such as high fever, convulsions or inflammation of the nervous system and should exercise greater caution.

The best way to avoid illness is to prevent mosquito bites.

Last year there was one confirmed human case of West Nile virus in Virginia.

• Contact staff writer Jill Sakai at jsakai@timesdispatch.com or (804) 649-6860.

What you can do

Prevent mosquito bites:
- Avoid outside activity at dawn and dusk, when mosquitoes are most active.
- Wear long and loose-fitting clothing.
- Use insect repellents with picaridin, oil of lemon eucalyptus, or DEET (no more than 50 percent DEET for adults or 30 percent for children).
- Install or repair window and door screens.

Eliminate mosquito breeding areas:
- Prevent standing water around your home.
- Turn over or remove containers that can collect water, including flower pots, buckets or toys.
- Eliminate standing water on tarps and flat roofs.
- Remove old tires from yards.
- Clean gutters and downspouts.
- Use larvicide treatments (available at hardware stores) in areas where water cannot be eliminated.

SOURCES: Centers for Disease Control and Prevention, Virginia Department of Health

Lynchburg ex-mayor's motions denied

BY CONOR REILLY
Media General News Service

Defense motions seeking to throw out the recent convictions against Carl Hutcherson have no basis, a federal judge ruled Wednesday.

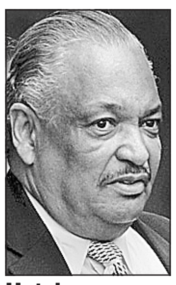
The ruling upsets a defense strategy focused on acquitting the former Lynchburg mayor of obstruction of justice, a crime his attorneys have said factor greatly into his sentence.

A jury convicted Hutcherson in May of five fraud charges, lying to investigators and obstruction.

Senior U.S. District Judge James Turk wrote in the 13-page opinion that "there was sufficient evidence of guilt on all counts."

"We respect the court's decision and look forward to sentencing," defense attorney John Fishwick said.

The defense reasoned that Hutcherson couldn't be convicted of obstruction because prosecutors forced him to turn over fake board minutes to a grand jury. Those documents were later used to convict him.



Hutcherson

But Turk wrote that the defense's reasoning is flawed because of the misguided reliance on an older section of the code dealing with obstruction.

The former mayor's conviction for lying to an FBI agent and leading him on a search for documents he knew didn't exist is consistent with the newer obstruction law, Turk wrote.

Defense attorneys have said any decisions about appealing the convictions will come after sentencing Aug. 30.

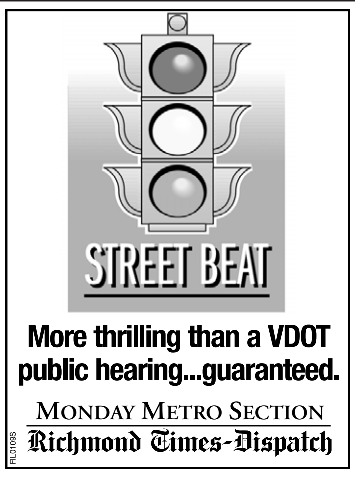
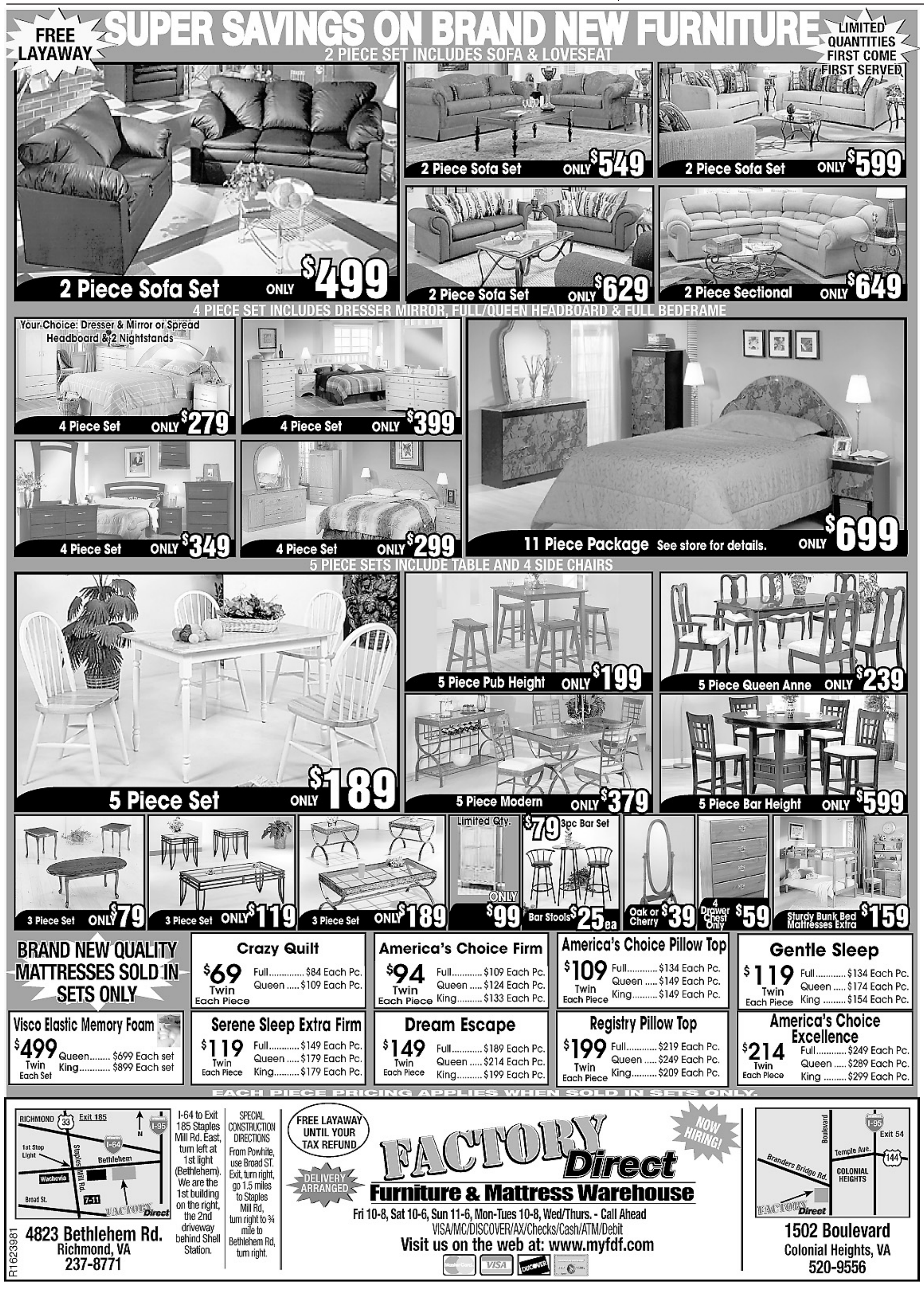
Hutcherson's attorneys also were denied a new trial, which they said was necessary because they did not have enough time to investigate last-minute evidence — a memo from a Social Security department staffer that, after a review of his handling of money, said, "Fraud is not an issue."

Turk delayed the trial two days but denied requests for more time.

"Even if the late disclosure was in error," Turk wrote in his opinion, "the error was harmless because of the overwhelming evidence of his guilt on the Social Security charges."

The judge also rejected the defense's contentions that all seven convictions should be thrown out because of improper jury instructions, failure to strike a biased juror and admitting prejudicial evidence.

• Conor Reilly is a staff writer for The News & Advance in Lynchburg.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