

HAPPY LANDINGS Airport logs it busiest month ever in June / Business, B9

# METRO & Business

Chesterfield supervisors to name  
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today • B3

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help in death  
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## Judge lifts orders in teen's case

Cancer patient doesn't have  
to report to hospital; trial set  
next month to settle dispute

BY SHAUN BISHOP  
TIMES-DISPATCH STAFF WRITER

**ACCOMACK** — A Chincoteague teenager's fight to use alternative medicine to treat his cancer will get another chance after a judge suspended an earlier ruling forcing him to undergo traditional treatment.

"This is the best moment that I've ever felt in my life. I feel so happy," Starchild Abraham Cherrix, 16, said outside the courthouse.

"Now I'm feeling free, I'm feeling like I

have my rights back and I'm feeling like I'm in America once again," said the teen who has said conventional treatment made him so ill he never wants to go through it again.

Attorneys representing the Cherrix family said the eventual outcome of the case could have broad implications for the decision-making powers of parents in Virginia.

"This is a huge victory for this family, but as far as we're concerned, this is a huge victory for all Virginians," said John Stepanovich, an attorney for Cherrix's parents, Jay and Rose Cherrix, who support their

son's decision.

In a hearing yesterday, Accomack Circuit Judge Glen Allen Tyler suspended two key judgments the Accomack Juvenile and Domestic Relations District Court made in the case last week. As a result:

■ Cherrix did not have to go to a Norfolk hospital yesterday afternoon and submit to tests and treatment prescribed by doctors, as ordered last Friday by the juvenile court.

■ His parents regained custody of their son. The juvenile court had given partial custody to the county's Department of Social Services, which supported requiring him to undergo the hospital treatment.

It was an emotional victory for the Cherrix family, which has been fighting to allow Abraham to use an organic diet and herbal supplements as treatment for Hodg-

kin's disease, a cancer of the lymph nodes.

The teen's case began after he sought the alternative remedy under advisement from a clinic in Mexico when the cancer returned in February. He had gone through chemotherapy when the cancer was first discovered a year ago.

After his case was reported to the local Department of Social Services, Juvenile Court Judge Jesse E. Demps ruled last Friday that Cherrix would have to undergo treatment at Children's Hospital of the King's Daughters in Norfolk yesterday afternoon and ordered his parents to consent to the doctors' orders.

Jay and Rose Cherrix appealed the rulings on Monday and were granted yester-

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## Boy wins battle with state for care

Birth-injury program loses as high court says it won't hear appeal

BY BILL MCKELWAY  
TIMES-DISPATCH STAFF WRITER

A state program to help children injured at birth has lost a 2½-year legal battle during which it sought to deny care to a paraplegic Franklin County boy.

The program had argued that Mason Allen McGrady's ability to combat-crawl across the floor with his one good limb illustrated that he did not need assistance in all aspects of daily living, a criterion to qualify for lifetime help.

In a decision made public yesterday, the state Supreme Court declined to hear an appeal in the case filed by the state attorney general's office, which represents the state's birth-injury program and which had unsuccessfully appealed four successive decisions in Mason's favor.

The McGrady case marks the last in a series of challenges by program officials in more than a dozen cases. The challenges began in earnest six years ago as the financial condition of the program began to deteriorate.

The challenges failed in all but one case. Legal fees alone — paid to lawyers representing families and to a private law firm used by the program between 2001 and 2004 — have reached almost \$1 million. However, most families of children seeking entry into the program do not have to go as far as a formal hearing.

Mason, now 4, was born with a spinal-cord injury that left him paralyzed below the waist, incontinent and developmentally delayed.

"I think this should be the end of it. Maybe Mason can finally get the help he needs," said T. Daniel Frith III, the Roanoke lawyer for the McGrady family.

Frith lashed out at the attorney general's office, citing the McGrady appeals and a dozen others filed in recent years that have challenged benefits sought by families, entry into the program, and legal fees.

"This program is being abused by the attorney general's office which has mounted appeal after appeal of these cases without success," he said.

"Someone in the legislature needs to come forward and take enough interest in this program to get it back to what it was supposed to be," Frith said.

Mason McGrady's mother, Tara, said yesterday that she is thrilled with the decision. "But the first thing I want to do is make sure other families never have to

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## 'PEOPLE ARE SO MUCH IN NEED'



BRUCE PARKER/TIMES-DISPATCH

Henrico County resident Norah Pouh (left), one of about 1,000 Liberian refugees living in the Richmond area, gets help with groceries from Jamantha and Isaac Watson. The Watsons help hundreds of refugees — mostly Liberians — who live across the region.

## Helping refugees from Liberia adapt

A native of Liberia and his wife are aiding his countrymen here

BY ALBERTA LINDSEY  
TIMES-DISPATCH STAFF WRITER

When Isaac and Jamantha Watson's sport utility vehicle is overflowing with bread, fruit, meat and potatoes, they set off to deliver the food to Richmond-area African refugees.

It's something the two from western Henrico County have done most days for three years.

"It's rewarding. Everywhere, every time, every place, people are so much in need and they appreciate this. That's what drives me," said Isaac Watson, a district manager for Little Caesars Pizza.

A native of Liberia on Africa's west coast, he has lived here almost 20 years. His wife is from Prince Edward County.

The Watsons help hundreds of refugees — mostly Liberians — who live in Richmond, the surrounding counties, even as far away as Nor-

folk and Newport News.

"It's all done as volunteers. That's why people think we are nuts," said a laughing Jamantha Watson, a former teacher who is working on a doctorate in education at Virginia Commonwealth University.

### Want to help?

The AGAPE Connection Inc. is a nonprofit organization (AGAPE stands for Africans Giving to Africans People Everywhere):  
■ Call: (804) 301-0940

hard for me without them."

About 1,000 Liberian refugees are in the Richmond area. At one point, 10 to 15 refugees were coming to the area each week, Isaac Watson said. Now it's one or two a month.

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## Kaine opposes further use of electric chair

Injection should be Virginia's sole method for executions, he says

BY MICHAEL HARDY  
TIMES-DISPATCH STAFF WRITER

Gov. Timothy M. Kaine, an opponent of the death penalty, said yesterday that Virginia should abandon the use of the electric chair as an option in executions.

"I think it should be lethal injection only," the governor said, arguing that it is "an odd quirk" that Virginia gives death-row inmates the choice between the two methods.

Virginia has given condemned prisoners the option since Jan. 1, 1995. Previously, the state had used only the electric chair.

In a later interview, Kevin Hall, Kaine's spokesman, elaborated on Kaine's remarks. "The governor believes that the lethal injection procedure is more humane," Hall said. "Most states that have adopted lethal injection discontinued alternative forms of punishment."

According to the Death Penalty Information Center, 37 of the 38 states with death penalties provide for lethal injection. Ten states have electric chairs but in only Nebraska is electrocution the only means of execution.

Since condemned inmates were given a choice in Virginia, 69 have died by lethal injection while four asked for the electric chair. The most recent was Brandon Wayne Hedrick, executed last week for a 1997 rape and murder in Appomattox County.

If death-row inmates such as Michael Lenz, set to die tomorrow, refuse to pick, lethal injection becomes the default method.

In other comments on his monthly radio call-in show, Kaine reiterated his faith-based stand against capital punishment. "I don't think we need the death penalty," the governor said. He said most civilized nations don't impose the punishment.

Despite his opposition, he has refused to intervene in two cases, though he granted a six-month reprieve to an inmate in another in order to have him tested extensively on his legal competence.

"You can trust me, I will follow the law," said Kaine. In such clemency petitions, Kaine explained that he considers whether there's significant doubt about guilt or there were gross procedural irregularities in the case.

There is "no cookie cutter" to make the decisions, Kaine said on Washington Post radio. Later yesterday, Hall said, "the governor was expressing a personal point of view, not a legislative agenda."

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• Staff writer Frank Green contributed to this report.

## Young peregrine falcon treated for broken wing

BY JILL SAKAI  
TIMES-DISPATCH STAFF WRITER

One of Richmond's young peregrine falcons is grounded today with a broken wing.

The bird is being treated at the Wildlife Center of Virginia in Waynesboro after being found near Virginia Commonwealth University unable to fly Sunday, said biologist Sergio Harding from the Department of Game and Inland Fisheries.

The young male falcon has a broken left wing but is otherwise in good condition, said Dr. Patti Bright, director of veterinary services at the wildlife center. Veterinarians splinted the wing to keep it stable until a planned surgery next week to set the bone.

After six weeks of recovery, the bird will undergo a few additional weeks of physical therapy to rehabilitate the wing, Bright said. If all goes well, the young falcon will be returned to Richmond and released near the capture site.

The cause of the injury was unknown.



WILDLIFE CENTER OF VIRGINIA  
The bird has a broken wing but is otherwise in good condition.

Peregrine falcons rely on fast and nimble flight — including dives of up to 200 miles per hour — to catch smaller birds in mid-air.

The falcons were nearly wiped out by pesticides in the 1950s and 1960s but, assisted by scientists, are slowly making a comeback.

Fewer than two dozen nesting pairs are known in Virginia. The injured bird, a juvenile male, is one of four peregrines hatched in Richmond in mid-April.

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

Note to readers Mark Holmberg is out of the office. His column will resume when he returns.