

Four Band Members Fined For Operating Public Dance

Another episode in Malden's public dancing controversy arose during the weekend with the fining of three men on a charge of "maintaining a public dance hall."

Two other area residents were also fined as a result of a police raid late Saturday night at the Jaycee Building, Highway 25 North.

Jeff Roehm, David Hickson and Harry Paul Curtis, Jr. all pleaded guilty to the dance hall charge Monday morning and were fined \$25 each by Roscoe Thornton, acting municipal judge. All told Thornton they are members of a band which rented the building from the Jaycees. The mother of another band member (William Crabtree of Memphis, Tenn.) appeared to post a \$25 bond for her son. The woman said Mayor Sparrel Davis had granted a continuance for her son until Saturday, Aug. 20.

Thornton said a warrant will be issued for the arrest of Shannon Robins, address unknown, who failed to appear in court Monday.

TWO FINED SUNDAY

David Varvell, 21, of Malden pleaded guilty Sunday morning to charges of public intoxication and resisting arrest, Thornton said. He was fined \$125 and placed on probation for two months. A Parma man, 21-year-old James Carmen, entered a guilty plea to a public intoxication charge and was fined \$50.

Thornton said Monday morning he has the authority to fine dance-ordinance violators up to \$500 and-or sentence them to as much as

six months in the county jail.

Thornton and City Attorney H. Max Hilfiker both defined the dance ordinance for the defendants. Since the band rented the building, they said, the band was therefore "in charge of the building" and also were deemed by the statute to be sponsors of the dance. Each defendant agreed that the dance got out of control and said the band stopped playing before the police arrived.

Private groups can hold dances, Hilfiker said, by allowing only card-holding members or members' guests to attend. "But you opened the doors to the public," he stressed to Curtis. Curtis originally pleaded innocent, but changed his plea to guilty and was given until 5 p.m. Saturday, Aug. 20 to pay his fine.

Hilfiker told the musicians their dance qualified as a public dance because 1. "You sponsored the dance;" 2. "It was open to the public;" and 3. "People were dancing."

"It's just flat illegal right now . . . You may disagree with the law, but it's still the law," the lawyer told the defendants.

Hickson told Thornton he rented the building for four musicians to play and that "people were allowed to come in." Hickson emphasized that the band announced on the public-address system that public dancing is illegal in Malden, but that dancing took place, anyway. A sign to the same effect was also posted at the door, he added.

COULD ADD CHARGES

Hilfiker, who was with police at the time of the raid,

said there were "Gobs and gobs of bags of marijuana found on the premises. Lt. Bud Neal, acting police chief, added that "People out there are getting tired" of noisy goings-on at the building.

Thornton warned the defendants that additional charges of contributing to the delinquency of minors should be added "If we really wanted to pursue this thing." Children as young as 12 and 13 were at the dance, Thornton said, and some had been drinking alcoholic beverages, which are also banned by the present ordinance.

Hickson told the court he has attended recent City Council meetings where a revised dance ordinance was to have been acted upon, but the third and final reading has been postponed.

Hilfiker said the proposed ordinance allows for a uniformed auxiliary policeman to attend each dance; Hickson agreed with the idea.

The mayor said he was at City Hall late Saturday night when the Malden Police Department notified him that a large crowd was gathering at the Jaycee Building. He called Hilfiker, then decided to have the police and some auxiliary policemen conduct the raid. A total of about 12 policemen were involved, he said.

Some intoxicated persons were jailed overnight, Davis said.

Davis doesn't believe the proposed dance ordinance will come up for action at the Aug. 22 Council meeting because Councilmen voted to table it at a previous meeting.

