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friend's house, a witness said. Hours later, Martin shot him to death.

LEFT: Prosecutors Daniel "Woody" Breyer (left) and Kevin Miles speak to defense attorney R. Scott Croswell III before jury selection Wednesday. Miles told jurors that Charles Martin threatened Larry Mugrage Jr. hours before shooting him. Croswell told them neighbors often trespassed on Martin's lawn and insulted him.

Judge Burlew opens jail door for sick boy's mom

By Kimball Perry
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A sick child, a kind-hearted judge and a loving letter from a sister helped get Debra Emmons out of jail Wednesday.

Emmons, 34, of Mount Airy, was in court after Hamilton County Municipal Judge John Burlew received a letter from Emmons' sister, Linda Emmons Bailey of Columbus.

On March 26, Emmons was con-

victed for the latest - of many - arrests for theft.

Burlew sentenced her to 90 days in jail and one year on probation after that.

Emmons' sister wrote the judge last week, asking for her sister's release.

He read the letter aloud in court Wednesday.

Emmons recently gave birth to a



Emmons



Burlew

son who was born two months early with laryngomalacia - a soft, floppy voice box - that makes it difficult for him to be fed.

The child was released April 2 from the hospital and Bailey quit her job to care for the baby.

Emmons took classes to care for the special-needs child.

Emmons had served 25 days of

her 90-day sentence Wednesday when Burlew ordered her out of the Talbert House - where she was serving part of her sentence on drug-related and theft charges - to appear before him.

"What does your child need?" Burlew tersely asked Emmons.

"His mother," she answered. "His mother. Bingo," Burlew replied. "I don't judge people. It's the behavior."

"... You owe a debt to your sister," he told Emmons.

may limit some individual rights for the welfare of society. In this case, they said, the rules are intended to limit exposure to second-hand smoke and health risks associated with it. "Government has the right to regulate inherently dangerous workplaces," said Donald McTigue, a lawyer for the American Cancer Society. "We as individuals don't live in a vacuum, we don't live by ourselves. We live in a society."

The state's lawyers also argued that the constitution offers no protection to smokers who want to light up in bars or restaurants.

"There is no fundamental right to smoke," said Peggy Corn, a lawyer with the Ohio Attorney General's Office.

Sirkin, however, compared the property rights of his clients to those of homeowners in Norwood who recently won a court battle over eminent domain, or the government taking of property.

The state's lawyers disputed that comparison, saying the law only regulated how property might be used - not whether the owner is entitled to keep the property.