

TCSO Testing...from Page 1A

Now, they've mass tested out of an abundance of caution. Additionally, the Sheriff's Office hired a company to clean

the jail on April 23, and the company returned last week to re-clean and sanitize the high traffic areas of the jail.

"Jail staff and inmates are continuing to clean the jail three or more times daily," the Sheriff's Office said.

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Testing that now includes all symptomatic individuals, regardless of need for hospitalization.

Of course, the situation could get worse again at a moment's notice if people fail to embrace the recommended guidelines, but as of press time, the seven-day moving average on the state's COVID-19 Daily Status Report appeared to show a declining level of new infections.

The main caveat here is that data during the reporting period "may be incomplete due to the lag in time between when the case was tested and/or reported and submitted to the Georgia DPH for reporting purposes. This delay can vary depending on the testing facility and/or jurisdiction."

Furthermore, as of press time, the oft-cited model put out by the University of Washington's Institute for Health Metrics and Evaluation shows that Georgia reached its peak in daily COVID-19 deaths a month ago, at 100 deaths on April 7.

The same model says Georgia passed its peak resource use on April 28, utilizing 1,805 of 8,323 hospital beds available specifically for COVID patients, including 434 of 590 available ICU beds. Three hundred and ninety ventilators were needed on April 28, with no shortages reported.

Locally, between April 26 and May 3, Towns County experienced no new reported cases per the Department of Public Health, even with expanded testing.

The first two days at the state's new drive-up collection site at the Towns County Health Department featured 17 and 25 specimens collected

respectively for a total of 42 tests.

These numbers may seem low for a multi-county collection site, which sees Union, Towns and Rabun residents, but Public Health said it is "scheduling the people who are calling and determined to need testing."

It's important to note that the state is still correcting reporting errors, last week reassigning two positive cases and a death away from Union County, for instance. Also, area testing has experienced delays in some cases according to independent reports made to the Herald.

The governor and health experts at the state and federal levels have called on Georgians and Americans broadly to continue well-established COVID best practices, such as facial coverings in public, social distancing, and hygiene habits like frequent handwashing and sanitation.

Kemp announced on April 30 that he would not extend his statewide shelter-in-place order, which went into effect April 3 and expired at midnight on May 1.

"However, moving forward, I am urging Georgians to continue to stay home whenever possible," Kemp said. "I want to thank the people of our great state who heeded public health advice, afforded us time to bolster our healthcare infrastructure, and flattened the curve. We were successful in these efforts, but the fight is far from over."

The governor also extended the public health state of emergency through June 12 "to continue enhanced testing across Georgia, ramp up contact tracing and maintain

effective emergency response operations in every region."

Moreover, Kemp signed an executive order requiring "medically fragile and elderly Georgians" to continue sheltering in place through June 12.

"In addition, I will order long-term care facilities ... to utilize enhanced infection control protocols, ensure safer living conditions and protect residents and staff from coronavirus exposure," he said.

"Together, we will defeat this virus and emerge stronger. Thank you, and God Bless," Kemp concluded.

Some local restaurant dining rooms, barber shops, nail salons and other closed businesses have opened back up in recent days, albeit with limitations.

As of press time, the offices of the Towns County Courthouse, Hiawasse City Hall and Young Harris City Hall were all still closed to the public, though employees were available to take care of residents' needs via phone.

Sole Commissioner Cliff Bradshaw said he's waiting for more favorable COVID-19 numbers to reopen the courthouse to the general public.

Hiawasse Mayor Liz Ordiales said the city plans to reopen City Hall June 1, mostly to accommodate municipal court, which will be taking care of a backlog of cases developed during the April and May periods of closure.

Over in Young Harris, Mayor Andrea Gibby said the council would be discussing the city's options in the May 5 regular city meeting, which occurred after press time.

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office, we're following up on properties that haven't paid taxes in multiple years," she said. "We're asking those citizens to make a payment or arrange payments to prevent a lien from getting placed on the property."

Ordiales said that the city is financially sound for 2020, although the shrinking returns from the hotel-motel tax and the Local Option Sales Tax could affect the 2021 budget.

"We really don't know yet, so we'll just have to wait and see (the future impact)," she said. "I think a lot of people with second homes will return as soon as this is over, so I don't want to overreact."

In Young Harris, Mayor Andrea Gibby and the city are also preparing to take a hit in LOST revenue but have yet to see the actual numbers for March.

However, the mayor warned that, while Young Harris has access to emergency funds, its pool of resources is not as deep as the county's, especially with the closures of Young Harris College and Brasstown Valley Resort.

"We're stable and have

some reserves, but we're not as well off," she said. "When we lose our revenue coming in, it really affects the loans that we have taken out to upgrade all of our systems, so that's what we're looking at more than anything."

"We're also looking at ways to help Brasstown Valley and Young Harris College. Young Harris College has been out of school since March, and Brasstown Valley, rightfully so, closed earlier than they had to. So, we're looking at whether we can afford to help them, and if so, should we help them."

As Towns County continues to weather the pandemic, Commissioner Bradshaw is recommending that everyone keep playing it safe while offering encouragement

to those searching for a flicker of light at the end of the tunnel.

"Please be careful," he said. "Wash your hands, practice social distancing and wear a mask until we start getting better (COVID-19) numbers."

Added Bradshaw, "I can't thank my department heads enough, especially our public safety employees. They are doing a fantastic job. We have so many people who are working so hard, especially the essential workers, and we need to thank those people."

"Even though we don't have all of our freedoms right now, I want everyone to know that they're coming back. This is America, and we will get them back."

Volunteers...

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to know about them."

Joining the Rotary Club over the last couple of weeks on programs that support the community, first responders, and others in need is the Towns County Lions Club.

The Lions Club, like other groups, has made the switch to digital platforms to keep in contact with the community and club members, according to Lions Club President Jeff Myers.

"We have had two Zoom meetings, and we get about 20 members that attend those," Myers said. "We are not going to meet at all until our first meeting in June, and that one is still questionable. We are not even considering meeting in May."

"What we have done is given \$1,000 to the Food Pantry here in Towns County. We have given \$1,000 to the (Feed the Frontline) program the chamber is doing to feed the first responders."

"And we found out that two people that work at (a local restaurant) were having severe financial problems, so we gave both of them \$800."

The Lions Club also continues to have guest speakers from the community who come in and speak on the state of Towns County and what the organization can do to help the community.

"This past Tuesday, we had (Hiawasse Mayor Liz Ordiales) join us, and she gave an update of everything that was going on around here," Myers said. "We asked point-blank, what we can we do to help?"

"She keeps us in mind whenever something comes up. It is real important to keep in contact with our membership, because once this is over, we don't want to start over again. We are looking after each other, and nobody that I know of in the Lions is having any serious problems, but we keep on top of that and keep asking."

The Lions Club has postponed its White Cane Day fundraiser to later this year in hopes of garnering more support from a less restricted community. For more information on the Towns County Lion Club, visit the group's Facebook page.

Gowder/Heaton...from Page 1A

"The presentence investigation may consider the defendant's prior criminal record, family situation, health, work record and any other relevant factor," per americanbar.org.

U.S. attorneys filed their pre-sentencing reports alongside their sentencing recommendations with the court on April 27, and the legal defense teams for Gowder and Heaton provided separate sentencing recommendations as well.

In his recommendation, Gowder's attorney, Samuel Sadow of Atlanta, asked for five years of probation and "a lengthy term" of house detention.

Sadow wrote that Gowder's "actual conduct, possession and personal consumption of narcotic pain medication for chronic physical pain is equivalent to ... unlawful possession of a Schedule II opiate," which is a less serious crime that comes with more lenient sentencing guidelines.

Furthermore, Gowder and his attorney maintained throughout the trial that the more than 15,000 opioid pills he obtained from Heaton were due to an unfortunate addiction brought on by chronic back pain.

"His career has been ruined by his addictions," Sadow wrote. "His stature in the community where he previously lived and worked is destroyed. (Mike Gowder has moved to Nashville, Tennessee). He is unemployed. He still suffers from severe, constant back pain. And now he is a convicted felon."

Featured in the recommendation is a suggestion that the judge take COVID-19 into account, considering the higher infection rates in many federal prisons and Gowder's risk factor for the disease as a man in his early 60s.

In a nine-page document submitted by Assistant U.S. Attorney Laurel R. Boatright and signed by U.S. Attorney B.J. Pak, the prosecution "strongly disagrees" with the defense attorney's proposal. Federal prosecutors recommended a 10-year sentence.

"The court well knows the impact of this case on the community of Blairsville and north Georgia more broadly," the federal attorneys wrote. "At trial, defendant testified that, despite his own training and experience as a DEA registrant and COO of a hospital with a pharmacy, he was unaware of pharmacy rules and regulations concerning filling multiple controlled substances at different pharmacies."

"Defendant also testified that he did not intend to mislead

and deceive pharmacies when he systematically (filled) 3-4 oxycodone prescriptions in the same month, alternating different pharmacies in Georgia, North Carolina and Tennessee for the better part of three and a half years."

Prosecutors went on to call Gowder's conduct "significantly more serious than mere drug possession," writing that the illegal procurement of more than 15,000 pain pills from Dr. Heaton was "inextricably intertwined" with Gowder's position at the hospital and in the community.

"Hospital employees reported to law enforcement that working at the hospital was like 'working for the Mafia' ... People were afraid to report his conduct because of who he was - because they were afraid of losing their jobs," they wrote.

Ultimately, the U.S. attorneys say Gowder, who as a hospital fiduciary had financial resources at his disposal, "essentially bribed a local doctor ... to supply him with illegal prescriptions."

Moreover, the government wholeheartedly disputes that defendant personally consumed all of the pain pills he obtained," prosecutors wrote. "Trial evidence ... supported an inference that the pills were being further distributed in some way."

Heaton's Atlanta-based defense team of Don Samuel and Kristen Novay offered a different viewpoint in their sentencing memorandum.

"Dr. Heaton asks that this Court sentence him 60 months," they wrote, thereafter referencing some 70 letters of support from community and family members describing Heaton as "caring, compassionate, someone who would go above and beyond both in his medical practice or to just help a neighbor move."

The memorandum stated that Heaton "deserves the Court's mercy and compassion and to be treated as a person who exercised terrible judgment at a time in his life."

As with Gowder, prosecutors recommended 10 years for Heaton, "given defendant's illegal prescribing to more than one patient, the quantity of pills involved (and) defendant's particular abuse of his position of trust for sexual gain."

Government attorneys wrote that, despite a Georgia Composite Medical Board warning about a sexual relationship with a previous patient, Heaton "engaged in a sexual relationship" with another woman for six years while continuing to prescribe her methadone, all the while failing

to conduct testing for drug abuse despite his knowledge that she was a former heroin addict.

The document pointed out that, based on the "quantity of pills dispensed to Mike Gowder alone," a 10-year sentence would be tantamount to what other "pill mill doctors" have received.

Heaton and Mike Gowder were arrested in 2016 and were charged alongside former co-defendant Dr. David Gowder, who is brother to Mike Gowder and the former Union General Hospital emergency room director.

David Gowder pleaded guilty to one count of prescribing oxycodone to a patient without a legitimate medical reason in a negotiated agreement in March 2019, and he is scheduled to be sentenced June 10.

His defense team - Jeffrey Wolff of Dahlonega and Jeff Brickman of Atlanta - has requested a "downward variance" from the guidelines that the judge will consider when determining the sentence.

In a 29-page memorandum submitted to the court, David's attorneys pointed out his community service and work to help other addicts, stating that "a sentence of imprisonment is unnecessary."

The attorneys wrote that David has consistently accepted responsibility for his actions, is an admitted addict, and has surrendered his medical license to the Georgia Composite Medical Board, which was a condition of his plea agreement.

"David Gowder, unlike his co-defendants, went out of his way to make clear there was no question as to his guilt, that he would fully embrace the array of collateral consequences of his guilty plea," his defense wrote.

In their sentencing memorandum, federal prosecutors recommended 34 months of imprisonment.

They acknowledged that David's crime stemmed from an addiction to pain pills and recognized his acceptance of responsibility for his conduct. Still, prosecutors wrote that these factors did "not absolve him" of the consequences of his crime.

"Defendant engaged in the ongoing and continuous illegal procurement of more than 130,000 opiate pills over ... four years," the memorandum states. "Unlike other drug offenders who come from difficult family situations or poverty, defendant had every advantage - which is exactly what he abused to commit his crimes."

All three men remain free on bond pending their sentencing hearings.