

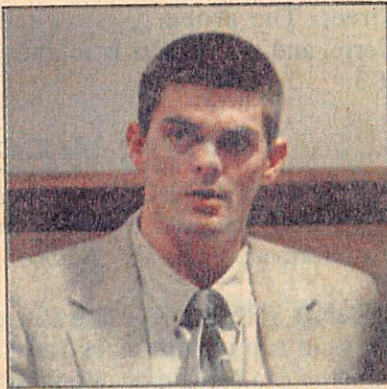
# Heith Harkins takes stand for defense

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Lake murder trial drawing to a close

By MARC PEARSON  
Staff Writer

Heith Hadley Harkins said he was simply defending himself during a fight on Aug. 9, 1999. The fight resulted in the death of a local marina maintenance man.



VALERIE GILBERT/Staff

Harkins, 29, took the stand and testified in his defense Wednesday afternoon in Bartow County Superior Court.

**Heith Harkins** took the stand in his own defense Wednesday as the murder trial in the death of Ray Kittle draws to a close.

In an argument about "basically nothing," Harkins claimed a verbal exchange turned violent after he was physically attacked by Anthony Ray Kittle, 42.

The confrontation began after Kittle had warned Harkins and his co-workers, Sean Phillip Heldt and Anthony Todd Burrows, to turn down music at their campsite.

Kittle was working as a maintenance man while living on a houseboat at the Holiday Marina Harbor in Bartow County.

Harkins said Kittle came out of the darkness kneeling and hitting him at the same time after the confrontation moved onto Dock "D" at the marina. Harkins said he initially was able to push Kittle away and into the water.

He said Kittle jumped out and continued to attack and that the fist fight escalated as the two exchanged blows on the dock in the darkness.

"I was fighting for my life at the time," Harkins said. "I fought back after I was attacked."

After only a brief period of fighting, Kittle was back in the water again — only this time he didn't come out.

"Next thing I saw, he was sinking in the water with his hands up," Harkins said. "He was looking at me."

As Kittle disappeared into the murky waters of Lake Allatoona, Harkins said he was "worried about the guy" when he didn't resurface.

"I'm very sorry it happened," Harkins said.

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# DEFENSE

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Harkins asked a witness to the fight, Todd Thomas, where Kittle went and they briefly looked for him before Harkins left to go call for help.

Kittle's body was later found in approximately 20 feet of water by the Bartow County Fire Dept.

Dr. Cameron Snider, a medical examiner with the Georgia Bureau of Investigation, ruled the cause of death as drowning following blunt injuries.

Snider testified Tuesday that the head injuries Kittle sustained would not have caused his death and that he was alive when he entered the water.

He said the injuries would have caused a person to be disoriented and possibly blackout, but were not deadly.

Harkins, along with his co-defendant Heldt, 35, have both been charged with felony murder and involuntary manslaughter.

Heldt, who was camping with Harkins, has also been charged with felony murder

and involuntary manslaughter, but Harkins claimed that Heldt never touched Kittle.

"I never saw Sean even get close to him," Harkins said.

In a statement given to police, read in open court Wednesday, Heldt's account was revealed. He chose not to testify in court.

"I wasn't really involved in the argument," Heldt told police. "I was trying to smooth things out."

District Attorney Joe Campbell asked Harkins what he expected to gain by continuing to argue with Kittle and not just walking away.

Harkins said he was concerned about a possible third altercation and destruction to the campsite later in the night. He admitted that nothing prevented him from not going onto the dock. He also said he was concerned about Heldt, who had gone into the darkness swimming to the dock to speak with Kittle.

As closing arguments began Wednesday in the case, Harkin's attorney, Don Evans Jr., told the jury that the inci-

dent was a case of self-defense.

"It's consistently clear that he was attacked and was defending himself," Evans said.

He said Harkins probably used bad judgment by not backing off and leaving Kittle alone when the verbal fight moved from the shore to the dock.

Evans also said Thomas, a key prosecution witness who is now deceased, told conflicting stories and the jury has to decide whether those stories are credible. Thomas told police both Harkins and Heldt were beating Kittle.

Closing arguments are expected to end and the jury will begin deliberating Thursday afternoon.

If found guilty of felony murder, both Harkins and Heldt would face an automatic life sentence. Involuntary manslaughter could bring 1-10 years based on what the judge feels is appropriate. Both men have pleaded not guilty to the charges against them.