



Two death row inmates in Texas released a hostage and ended their protest of prison conditions. **Page 7**

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Trial opens in case of Allatoona drowning

By **MARC PEARSON**
Staff Writer

A jury was selected and opening statements began Monday in the trial of two men accused of killing a maintenance man at Holiday Marina.

This week a jury of six men and six women will hear evidence and determine if Heith Hadley Harkins, 29, originally from Texas, and Sean Phillip Heldt, 35, of Kentucky, are guilty of felony murder and involuntary manslaughter.

Don Evans Jr., the Cartersville attorney representing Harkins, said in his opening statement that his client was involved in a "verbal dispute that turned violent."

The dispute was with Anthony Ray Kittle, 42, who was working odd jobs as a maintenance man and living on a houseboat at the marina on Groover Landing Road in Bartow



HELDT



HARKINS

County. Kittle had approached Harkins and Heldt just before midnight on Aug. 9, 1999 and told them to turn down their radio.

"He did it in the most offensive way possible," said Evans. "It didn't make sense that he was so aggressive."

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Evans said Kittle was "needlessly provoking" the men, which led to a physical altercation on Dock "D" at the marina.

As things escalated, Evans said Kittle told the men he had a gun and was going to shoot them. No weapons were found at the scene, though.

Evans said Harkins and Kittle got into a fight and both traded punches on the dock that August night. He added that Harkins saw Kittle stepping backwards and eventually go into the water.

Investigators with the Bartow County Sheriff's Office responded to the scene just after midnight on Aug. 10 after getting a report of a "possible drowning."

District Attorney Joe Campbell told jurors the injuries Kit-

tle sustained were more serious than just a "scuffle on a pier."

He said there will be testimony from a medical examiner showing that Kittle had sustained four deep scalp wounds.

Campbell said Kittle was so disoriented from the head wounds that he ended up drowning after going into the water.

But defense lawyers are expected to argue that the high level of methamphetamine found in the victim's system contributed to an escalation in the fight. Evans said the amount of methamphetamine found in Kittle's body was "higher than the highest calibration at the crime lab."

He said Harkins was entitled to defend himself and that the amount of force was necessary.

He also told the jury that Harkins had no history of violence and that he actually went for help after the fight.

"Heith Harkins was the only one who was concerned enough to go get help," Evans said.

Opening statements for Heldt were expected to begin Tuesday. He is being represented by Cartersville attorneys Neal Brunt and Lester Tate.

According to police reports, Heldt said he went to the dock where Harkins and Kittle were fighting and that Kittle hit him, but he never hit Kittle. He told police Kittle was alive when he left the docks.

Making the case even more complicated is the death of a witness, Jeffrey Todd Thomas, who spent that day with Kittle.