

2 COUNTS OF UNLAWFUL IMPRISONMENT DROPPED AGAINST HELP-CENTER DIRECTOR

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Citing insufficient evidence, a Fayette District Court judge yesterday dismissed two of five charges of unlawful imprisonment against Possibilities Unlimited director George Ross.

The judge, however, said there was sufficient evidence to submit the three other charges to a jury and he overruled a defense motion to dismiss them.

The two charges that were dismissed were filed by clients under 18 years of age.

Ross, a psychologist who founded the Lexington drug rehabilitation center in September 1983 is on trial in district court, accused of holding young people in the drug program against their will or their parents' will.

The charges stem from criminal complaints filed in late May by five former enrollees in the program who contend that Ross used physical and psychological restraint to keep them in the program.

Possibilities Unlimited is a semi-residential drug rehabilitation program and counseling center for people 12 to 25 years of age.

Meanwhile, the prosecution, after four days of testimony, wrapped up its case yesterday and defense attorneys Larry Roberts and Roger Cowden began their presentation. Two defense witnesses testified before Judge John Adams recessed court for the day. Testimony will resume at 8:30 this morning.

Roberts, who has subpoenaed about 40 witnesses, predicted it would be Thursday before he finished presenting his case.

Shortly after prosecutors Phil Moloney and Jack Giles rested their case about 3:45 p.m., Roberts moved for a directed verdict of acquittal on each of the five counts against Ross. Then, taking the complaints one by one, Roberts argued that there had been no proof that Ross had restrained the clients from leaving the program.

The five complainants, whose ages range from 15 years to 23 years, testified that Ross had used threats to keep them from leaving the center at 2628 Wilhite Drive.

One woman told of being threatened with the loss of custody of her 2-year-old daughter if she left. One boy, who refused to return to the center after a visit home, said three Possibilities Unlimited staff members had carried him out of his Frankfort home, put him into a car and sat on him for part of the trip to Lexington. Others said they were told that if they left the program, they would be jailed, institutionalized, or face possible court orders remanding them to the program.

In dismissing the two charges, Adams said the ages of the complainants played a critical role.

The three counts that were not dismissed were brought by people over 18, who, Adams said, had all the freedoms of an adult and neither Ross nor their parents could keep them in the program if they wanted to leave.

Roberts argued that even in the most favorable light, the state's case "lacked any showing of guilt" on Ross' part. Roberts repeatedly called the commonwealth's case "ludicrous," and said that there was no evidence that Ross had tied anyone to a chair or had hit anyone.

"If that were the case, he would be guilty, but that's not what we have here," Roberts said.

"In its most favorable light, the commonwealth has failed to prove that George Ross is guilty of this crime."

Moloney argued that there was "abundant evidence" to send all five charges to the jury.

One of the dismissed charges involved 15-year-old ██████ Bellamy of Clay City. According to testimony, Bellamy's aunt and uncle, who went to court and gained guardianship of Bellamy, tried to take their nephew out of the Possibilities Unlimited program but were told he needed to stay. Bellamy's aunt and uncle decided to leave ██████ but he was released after his attorney interceded.

"They (the aunt and uncle) had a right to take him out if they wanted to," Adams said in granting the directed verdict of acquittal. "I can't equate an attempt on the part of Dr. Ross or the staff members to unlawful imprisonment."

The second complaint dismissed was filed by [REDACTED] Rue, 16, of Lexington.

Rue's mother, [REDACTED] Rue, testified that she had tried to take her son from the program but that Ross had told her he would ask the court to order that [REDACTED] remain in the program. Mrs. Rue also said that she had told Ross about her own drug use and that he had threatened to take that information to a judge and have [REDACTED] taken from her.

The three remaining charges against Ross stem from complaints filed by [REDACTED] Smalley, 19, of Frankfort, who allegedly was threatened with being sent to jail if he left; [REDACTED] Hodgins, 23, who alleged that Ross had threatened to have her baby taken away; and [REDACTED] Mullins, 19, of Frankfort, who testified that he was physically taken from his home and transported back to the Possibilities Unlimited headquarters.

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