

Law & Order

POLICE REPORT

MERRILLVILLE

Man arrested after allegedly firing gun

Christopher R. Garmon, 25, of Gary, was arrested and charged with criminal recklessness after allegedly firing a gun outside of Pepe's Restaurant on 61st Avenue.

The man faces up to a year in jail if convicted of the Class A misdemeanor in Merrillville Town Court.

Merrillville Police Operations Cmdr. Mark Gregoline said a police officer was patrolling the area when he noticed a rowdy crowd outside the eatery.

Soon, the officer saw flashes from a gun firing and heard a shot, Gregoline said.

Garmon was allegedly seen running from the scene and shooting the gun as he approached a nearby car to leave.

He was apprehended by police, who found a 40-caliber handgun on the car floor, Gregoline said.

Nathan Irby, who allegedly protested the arrest of Garmon, was also taken into custody and charged with public intoxication and disorderly conduct.

Man charged with theft of gun

Tyson Darnell Carter, 20, of Merrillville, faces felony theft and a misdemeanor gun carrying charges in connection with a March 21 incident.

According to a charging affidavit, a man said Carter visited him the day after he bought 9 millimeter semiautomatic handgun at Westforth's Sports in Gary. After Carter left, the man discovered the gun was missing, court documents alleged.

After a tip, police tracked down Carter and allegedly found a 9 millimeter handgun in the truck on a car he was in.

If convicted, Carter faces up to three years in jail for theft and a year in jail for possessing a gun with proper license.

CROWN POINT

Bank robbery suspect

Resentencing trial set for '05

Two death sentences overturned in killing of Gary cop in 1981.

Post-Tribune staff and wire report

FORT WAYNE — A resentencing trial for a man convicted of killing a Gary police officer in 1981 will be held here next year.

Zolo Agona Azania, formerly known as Rufus Averhart, twice has been sentenced to death for the 1981 killing of Gary police Lt. George Yaros. Both sentences were later overturned by the Indiana Supreme Court.

His first death sentence in 1982 was overturned because of ineffective legal counsel.

The second in 1996 was disallowed after officials discovered a computer glitch that limited the number of blacks eligible for jury service in Allen County.

Azania is black.

The case was moved from Lake County to Allen County because of pretrial publicity.

The state Supreme Court recently assigned a new judge, Boone Circuit Court Judge Steven H. David, to the case after all of the Allen Superior Court judges declined to preside.

The resentencing trial is scheduled to begin April 25, 2005.

Azania has been removed from Indiana's death row and has been placed into the prison general population.

His co-defendants, Ralph D. Hutson and David North, were also found guilty, but each received a 60-year prison sentence.

Last year, defense attorney Michael Deutsch of Chicago requested that the sentencing hearing be returned to Lake County, citing extensive media coverage in Allen County.

And, he argued that Allen Superior Court Judge Kenneth Scheibenberger was prejudiced against Azania.

Scheibenberger denied the



Azania

request. Scheibenberger withdrew as presiding judge in October in response to defense claims that Scheibenberger was impaired because he was an alcoholic.

The judge checked himself into an alcohol rehabilitation program at Rush-Presbyterian Hospital in Chicago in July.

Gary Police Lt. George Yaros was shot Aug. 11, 1981, behind a Gary National Bank branch after a robbery.

Authorities said Azania fired the fatal shot at Yaros at close range after the officer collapsed from another wound.

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