

“IF WE CANNOT RECONCILE ALL OPINIONS, LET US ENDEAVOR TO UNITE ALL HEARTS.”

NEW-HARMONY, (IND.) February 2022

KUSTURIN DOUBLE MURDER COURT CASE PROGRESSES?

By: Dan Barton

On December 8, 2021, Evansville lawyer Glen Grampp took over the Murder case of Austin Kusturin in Posey County Circuit Court, replacing local public defense attorney Jake Warrum. It was reported from a source that Kusturin wanted the switch and Warrum accommodated the change.

Shortly after the lawyer switch, on January 6, 2022, Circuit Court Judge Craig Goedde announced a jury trial schedule for the defendant - July 6, 7, 8,- 11, 12, 13, 14, 15, - 18, 19, 20, 21 and July 22, 2022 - All starting at 8 a.m. If Posey County Circuit Court practices run true to form these dates are purely suggestive and will probably never be realized. The last defendant to be put on trial for a crime in Posey County (Attempted Murder) waited four years in the Posey County Jail before facing a jury. That's quick according to Posey County's justice system.

Most defense attorneys purport to believe in the Sixth Amendment Right of a quick jury trial as beneficial to defendants, but it is widely known that that is not what they believe. Although, the Sixth Amendment is a Constitutional guarantee, lawyers approve of, or never protest, their clients' waiving their Criminal Rule 4 Rights; waiving their Right to a Speedy Jury Trial. Kusturin made just such a waiver recently, under oath. These July, jury trial dates are most probably a fiction, and don't even exist in the minds of any of the court officers engaged in this case. Watch for a Continuation or Delay in the jury trial dates, in future proceedings.

Only two Jury Trials in Posey County Circuit Court have taken place in eight years.

As has been stressed in prior articles in the New Harmony Gazette regarding this case and the arrest of Austin Kusturin, in America we still believe that anyone arrested for a crime is considered innocent until proven guilty of that crime in a court of law. That belief applies to this case as well. Kusturin has made a plea of Not Guilty in the commission of these murders and robberies. He has, in fact, implicated two other individuals from his hometown of Mt. Vernon as being involved in the crime by way of fencing a cell phone stolen from the crime scene to him.

One of those felons, Robert (Bobby) McCarty, was arrested on January 19th on separate charges of multiple felonies in Posey County; dealing methamphetamine and unlawful possession of a firearm by a violent felon. More to follow on this development in the March issue of the New Harmony Gazette.

Kusturin has said that he had only been in possession of the cell phone with his thumb print on it after he bought it from one of the men he implicated, who had told him it was stolen. Kusturin had stated that he had gotten rid of the stolen phones that the police later recovered.

As for the rifle that police stated they found in "his" storage unit, Kusturin originally said that it was not his storage unit (it belonged to his mother) then accused law-enforcement of planting the rifle in the unit. He then alluded

to one of his criminal acquaintances placing it there. Kusturin said that he had given his felon friend a key to the storage unit allowing him unfettered access without his knowledge.

Just as applies to Kusturin himself, the two individuals he named have lengthy felony records involving acts of violence. So far the police have only arrested Kusturin on the Murders of Elizabeth and John Hall. Police have not announced any other evidential findings, besides what was revealed at the time of Kusturin's arrest, that would give them cause to apprehend anyone else for these crimes. The investigation is reported to be ongoing by the Indiana State Police.

At the Court hearing on January 1st, there was some discussion between Judge Craig Goedde and Defense Attorney Glenn Grampp about the Court's demand for the transfer of monies from Defendant Kusturin's Fifth-Third Bank account to the Posey County Clerk's office. Attorney Grampp informed the Court that his defendant was able to pay the \$323.00 attorney fee for Mr. Warrum that had accrued in the case. Grampp stated that he believed that the issue as to whether the defendant's funds at Fifth-Third Bank was to be transferred was a moot point due to the Defendant retaining counsel. Also, Grampp was informed by County Prosecutor Thomas Clowers that a recording they had turned over to Grampp, was missing an interview.

Austin Kusturin has been charged with Two Counts of Murder; Four Counts of a Firearm Used in the Commission of the Offense; Burglary, but Serious Bodily Injury Occurs and Burglary was to a Dwelling; Robbery

Resulting in Serous Bodily Injury - Injury to Someone Other than a Defendant; and Unlawful Possession of a Firearm by a Serious Violent Felon.

Austin Kusturin has been arrested more than ten times in the last ten years, more than half of these arrests have been for felony crimes and some for violent felonies, prior to the recent November Murder and Robbery arrests in the deaths of Elizabeth and John Hall.

KUSTURIN'S PAST SIX YEAR DRUG PRISON SENTENCE HAD BEEN DISMISSED:

In a previous case, Kusturin was arrested on Felony Possession of a Narcotic Drug, in November 2018, in Evansville; he had also been initially charged as a Habitual Offender along with a second count for Narcotic Drug possession. In the court proceeding records of Vanderburgh County it indicates that Judge Pigman, of that Court, one of 7 Judges involved with this case, attempted, without success, to place Kusturin on Probation at least 5 times. Kusturin broke Probation each time. The Court attempted to put him on work release, to no avail, and on the Community Corrections Program.

Finally, in a last ditch effort, a plea deal was made on a Guilty Plea by Kusturin for the Possession of Schedule I, II, III, Controlled Substance, charge, dropping the Habitual Offender and the Second-Possession of Narcotic Drug Charges, putting Kusturin back out on Probation.

Vanderburgh then turned him over to Posey County Probation, at Judge Craig Goedde's approval. It was shortly after Posey County Probation took the case that Kusturin was arrested for the Murders of Elizabeth and John Hall; while he was on Probation from two Counties.

After this entire 3 year drug crime court process, on October 22, 2020, an Amended Prison Sentence was given by Vanderburgh County Judge Kristina Weiberg, as follows : Term - 6 Years, with 3 years 180 days of it suspended. The sentence to be served as follows: The first 2.5 years (2 years, 180 days) to be served at the Vanderburgh County Therapeutic Work Release Facility, with the remaining balance of 3.5 years (3 years, 180 Days) to be served on the Drug Abuse Probation Services. Kusturin served 295 days incarceration in total, prior to this "work release/probation" sentencing of this felony drug charge.

This is an example of the Vanderburgh Court's leniency program toward repeat violent felons, demonstrated prior to the Probation Release to Posey County when Vanderburgh Judge Trockman, on three separate dates, awarded Kusturin with a total of 240 days time-credit, shortening Kusturin's original sentence, in exchange for a total of only 160 hours of In-House rehabilitation class time.

Had Kusturin been placed in the original 6 year confinement sentence with Indiana Department of Corrections he would not now be under arrest on murder and robbery charges in Posey County.

Let the Jury Trial begin!

AGAINST MASKING OUR CHILDREN:

My Experience With A Local School Board

By *Richard Moss MD*

"Fifteen days to flatten the curve," the first of many COVID lies, has become nineteen months to flatten the country. Indeed, the collateral damage from the lockdowns and other devastations visited upon us by the regime have far exceeded the costs of the COVID

virus itself. But in a largely secular nation, many of our countrymen have found a new religion, the religion of COVID. Like all religions, it has its sacraments. The COVID sacraments include the vaccine and the mask, and the docile worship of Anthony Fauci, the grand Mufti of the Public Health establishment.

Masking in general is an abomination, but masking school children is particularly egregious. Given the ideologic challenges at the federal and, often, state level, it is at the local level where we may be most successful at exerting influence regarding COVID policies. It is through such grassroots activism that we may preserve our rapidly deteriorating nation or, at least, create safe zones or "sanctuaries." In the wake of the turmoil surrounding the Loudoun County (Virginia) school board and elsewhere, I, thus, share my experience with my local school board on the matter of masks.

I presented my case against masking school children before the school board on three occasions, in May, July, and September of 2021. In May, the governor of the state of Indiana (Eric Holcomb) had lifted the statewide mask mandate but not for schools. I called each of the members of the board and the superintendent in advance of the May meeting, urging them to lift the mask mandate for the school as well. At the meeting, I explained that school age children were virtually invulnerable to COVID but the ones most traumatized and adversely affected by masks. By rights (and the "science"), if we were to lift the mask mandate in stages (I prefer lifting it completely), it should have been children first. The board though was unwilling to challenge the state, and the children remained masked until the end of the school year.

In July, the pandemic seemed to be ebbing. I spoke again before the board and urged them to prepare for the inevitable surges in COVID cases

that would come later in the year. I asked them to resist the temptation to institute further mask mandates. I explained that we had never enacted such policies before COVID despite the many instances of infectious diseases far more deadly to children that have come and gone through the years. We should, I advised, reject masking children as a “new normal.” Rather, we should return to the “old normal” and never mask again. The next surge, as it happened, would arrive not in months but weeks in the form of the “Delta variant.” Predictably, with the start of classes, they issued a mask mandate.

In September, I sent a letter (below) to each of the school board members in advance and spoke again at the meeting. The written statement was important, because dozens of local doctors and nurse practitioners had sent a letter urging the school to - amazingly - mask the children. It was, therefore, vital to have a physician (myself) counter their arguments formally, in writing and with references.

Herewith, then, as an example of such efforts, my letter to a local school board against mandatory masking and in support of a voluntary mask policy.

Dear Board Members and Superintendent:

We have all experienced the calamity of the COVID pandemic over the last 18 months. Far more devastating, however, has been our reaction to it. The lockdowns, shutdowns, shelter-in-place, school closures, social distancing, quarantining, testing, contact tracing, and masking have had little effect on the trajectory of the virus but have exacted an enormous price on all of us while conferring no advantage. Variants have now arrived, and they, too, will continue to mutate and spread, no different than influenza. There will be no returning to zero-COVID. We must accept this and take science-

based, targeted precautions without harming our economy, society, schools - and children. Indeed, the collateral damage, not of the virus but our reaction to it, has been far worse than the virus itself, a great self-inflicted wound.

But of all the examples of unintended ruin that have occurred, perhaps the most egregious has been from masking of children. We have known from the beginning of the pandemic that the at-risk populations are the elderly and the sick, specifically those with significant co-morbidities. If you are under 70 and healthy, you are relatively immune to COVID, with a recovery rate of 99.95%, greater than the flu for which we never undertook such excessive measures. For the 18 and under cohort, the risks are vanishingly small. A review of total deaths in children (under 18) in England following SARS-CoV-2 infection during the first pandemic year found a death rate in healthy children of 1 per 2 million cases. This cohort included 12 million children and showed an overall survival rate of 99.995%. While the Delta variant has been more contagious in all age groups, including under age 18, the severity in children remains unchanged.

Children are also not spreaders, particularly when asymptomatic. They are blessed with robust immune systems and are able to fight off the virus promptly. Teachers face no increased risk of COVID from students. Schools have not increased the spread of COVID.

The mask, further, confers no benefits. Neither for children nor adults. National Institute of Allergy and Infectious Disease (NIAID) director Dr. Anthony Fauci himself said as much in February of 2020 before reversing himself when it became politically expedient to do so. Other high-level members of the medical establishment pre-politicization of COVID have also criticized the use

of masks: “ ‘Seriously people—STOP BUYING MASKS!’ So tweeted then-surgeon general Jerome Adams on February 29, 2020, adding, ‘They are NOT effective in preventing the general public from catching #Coronavirus.’ World Health Organization (WHO) Health Emergencies Program executive director Mike Ryan, on March 30, 2020, said that ‘there is no specific evidence to suggest that the wearing of masks... has any particular benefit.’ “

Masks, including N95 respirators, do not prevent the spread of infection including bacteria and far smaller viral particles. The N95 label states clearly that the mask will not “eliminate the risk of contracting infection, illness or disease.” Surgical masks and commonly used cloth masks, often worn for weeks, are utterly ineffective and can themselves be sources of cutaneous and respiratory infection, as they are frequently contaminated not just by viruses but bacteria, fungi, and parasites. Some contaminants are known pathogens including organisms causing pneumonia, TB, Lyme disease, food poisoning, meningitis, Staph infections, and others.

Large randomized controlled studies conducted before the age of COVID, and before masking became politicized, showed no benefit of N95s over surgical masks in protecting against the flu. “Among outpatient health care personnel, N95 respirators vs medical masks... resulted in no significant difference in the incidence of laboratory confirmed influenza. Medical masks are widely recognized as being ineffective in preventing the spread of viruses and so apparently are N95s.

In a review of fourteen randomly controlled studies that examined the effectiveness of masks in preventing the transmission of respiratory viruses, eleven suggested that masks are either useless or counterproductive. One randomized control study found that

cloth masks allowed 97% of particles through, and may actually increase the infection risk.

India had 81% mask compliance in February 2021 and cases soared 2966%. Cases peaked 2 weeks later and then went down. Two months into Israel's reinstated mask mandate, cases are up 7970%. Masks had no effect on the transmission of the virus.

Masking children causes a host of other health problems. These include claustrophobia, increased heart rate, dizziness, headaches, nausea, stress, skin infections, sinusitis, reduced immune resilience, lack of empathy, and increased emotional stress. There have been increases in self-harm, substance abuse, depression, anxiety, obsessive-compulsive disorder, and tics.

In summary, masks do nothing to prevent the spread of the virus in children or adults. They also have adverse effects and can themselves become contaminated and transmit deadly pathogens. Children remove, touch, and even trade masks. There is no reason to mask children - or anyone.

A voluntary mask policy may be appropriate given the level of misinformation and panic created by the media, medical establishment, and government, but never a forced mask mandate. Individual students may wear masks if they or their families choose. Other students should be able

THE
NEW-HARMONY GAZETTE.

Dan Barton
Publisher

New Harmony Gazette
P.O. Box 551
New Harmony, IN 47631

Contributing Writers
Dan Barton
Richard Moss, MD
Denise Rapp

to attend school without masks. Based on the science and other valid reasons, I request that you end the mask mandate immediately. Please, stop masking our children!

Respectfully,

Richard Moss, MD

I included twenty-six citations in support of the points made in the letter, aka "the science." The local school board, to their credit, and amidst opposition, agreed to implement a voluntary mask policy thus sparing our children, age five and above, the indignity and harm of forced masking eight hours a day, five days a week, ad infinitum. The pressure for a mask mandate however endures. We must remain vigilant.

Richard Moss, M.D., a surgeon practicing in Jasper, IN, was a candidate for Congress in 2016 and 2018. He has written "A Surgeon's Odyssey" and "Matilda's Triumph," available on amazon.com. Contact him at richardmossmd.com or Richard Moss, M.D. on Facebook, YouTube, Rumble, Twitter, Parler, Gab, Gettr, and Instagram.

February Gazette Recipe

By Denise Rapp

BROWNIE PUDDING CAKE

Servings: 6

This chocolate gooey pudding cake is one of my favorite desserts. It's awesome because you get the best of both worlds in one easy dessert. Serve this decadent treat to your loved ones this Valentines Day.

Ingredients

1 cup flour
¾ cup granulated sugar
2 tablespoons cocoa powder
2 teaspoons baking powder
¼ teaspoon salt

½ cup milk
2 tablespoons cooking oil
1 teaspoon vanilla
½ cup chopped walnuts
¾ cup packed brown sugar
¼ cup unsweetened cocoa powder
1 ½ cups boiling water

Directions:

Preheat oven to 350°F.

Step 1

Grease an 8x9 baking pan; set aside. In a medium bowl stir together flour, sugar, cocoa powder, baking powder & salt.

Stir in the milk, oil, vanilla & walnuts. Pour batter into prepared baking pan.

Step 2

In a small bowl mix the brown sugar and 1/4 cup cocoa powder. Stir in the boiling water. Slowly pour brown sugar mixture over batter.

Step 3

Bake for 40 minutes. Transfer to a wire rack and cool for 45 to 60 minutes. Serve warm. Spoon cake into dessert bowls; spoon pudding from the bottom of the pan over cake. If desired, serve with vanilla ice cream
Enjoy!



Denise Rapp's Moveable Feast
Chef
604 S. First St. DENISE RAPP
New Harmony, IN 47631 CATERING / PARTY-PLANNING
812-306-8290 DENISERAPP@SBCGLOBAL.NET



ANTIQUE EMPORIUM
PAULA ALLDREDGE
OWNER
525 CHURCH ST. P.O. BOX 186
NEW HARMONY, IN. 47631
812-682-3407
MON. - SAT. 10-5 SUN. NOON-4
CONSIGNMENTS & BOOTH SPACE
find us on facebook - Antique Emporium
antiqueemporiumofnewharmony.com

The Antique Emporium is now selling:
Artisan Homestead Goat's Milk Soaps & Lotions