

**THE PLACE WHERE LOVE LIVES**



STAFF PHOTO BY TRAVIS LONG  
As Valentine's Day approaches, love is in the air — but nowhere more so than on Love Drive in Durham. Also, if you're looking for that perfect romantic movie, we offer some suggestions.

LIFE, ETC. — PAGE 1E

About 5,000 soldiers from the 30th Heavy Separate Brigade and 4,000 of their relatives heard one pep talk from Gov. Mike Easley and another from Gen. Richard B. Myers, chairman of the U.S. Joint Chiefs of Staff. Formations of color guards lined the floor, and generals and congressmen filled seats behind the stage. A military band blared.

had no idea how his fiancée would handle the birth alone.

"The hard part is leaving my family, that's the bad part, other than being scared," Alston said as buddies reunited with their families and left for a long Valentine's Day weekend the Guard granted as a pre-Iraq treat.

SEE GUARD, PAGE 15A



Its commander says soldiers of the 30th are perhaps in the best-trained brigade in Guard history. Training took place at Army bases in Louisiana and California.

understanding of what he is. Elections are the right way. When could they be organized? That's the issue," Eckhart said. In Fallujah, residents as Iraqis died as U.S. troops in the area with gunfire after agents ambushed Abizaid's car it pulled into the headquarter

SEE IRAQ, PAGE 15

**Medical examiner: Man died after Gell was jailed**

By JOSEPH NEFF  
STAFF WRITER

**WINDSOR** — A state medical examiner whose 1998 testimony was crucial to putting Alan Gell on death row testified Thursday that Allen Ray Jenkins was shot to death while Gell was in jail. Dr. M.G.F. Gilliland was unbending in her testimony that Jenkins was alive after April 3, 1995 — the day

**TIME OF DEATH**

**THE RETRIAL OF ALAN GELL**

that prosecutors contend the murder occurred and the only day that Gell could have committed the crime.

In a combative exchange with Jim Coman of the Attorney General's office, Gilliland faulted prosecutors and

police for withholding statements of 17 people who saw Jenkins alive after April 3 and for misleading her on the temperatures inside Jenkins' home.

Gilliland, the defense's final witness before it rested its case, had testified at Gell's previous trial that Jenkins had probably been dead for seven to 12 days when his body was found April 14, 1995.

Had the prosecutors given her the withheld information, "I would have not formed that opinion and given that testimony," she said. "He was not killed on April 3, 1995."

Jenkins, a retired truck driver who lived in Aulander, was probably killed between April 8 and April 10,

SEE GELL, PAGE 14A

GILLILAND  
STATE: not  
with  
inform

**WEATHER**

**TODAY**  
Sunshine returns, much milder. High 56, low 36.

**TOMORROW**  
Saturday: Partly cloudy late. High 54, low 34.

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**ELECTION 2004**

Foundry worker Juan Ruiz, right, talks with Sen. John Edwards after a rally for the candidate in Racine, Wis. As Edwards doggedly pursues the presidential nomination, observers ponder the possibility of a Kerry/Edwards ticket.

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**BUSINESS**

A Raleigh man accused of being one of the nation's most prolific spammers says he will plead not guilty when he and a Cary man suspected of being an accomplice appear today in a Virginia court.

PAGE 1D

**SPORTS**

N.C. State's S Sherrill takes a Duke's J.J. Redic he out of line? Red the Blue Devils w an answer whe meet the Wolfpac basketball court!

PAGE 1C

**GELL**

CONTINUED FROM PAGE 1A

Gilliland said, a time when Gell was locked in the Bertie-Martin Regional Jail.

She changed her scientific conclusions after Gell's defense lawyers provided her with a folder of new information. Engineers determined that the temperature in the house had averaged 80 degrees, a temperature that would have accelerated decomposition. An expert on insects examined maggots found on Jenkins' body and concluded the bugs were about four days old and would have arrived in the house within hours after the murder. And Gilliland obtained the statements of 17 witnesses who saw Jenkins alive between April 7 and April 10.

Those witness statements are the same as a medical history that patients give to their doctors, she said.

"When someone dies ... other people provide it," she said. "Their diseases, the last time they were seen alive. Those pieces of information are very helpful."

During cross-examination, Coman plodded through Gilliland's testimony from 1998, questioning her deferentially for an hour. Several jurors nodded off and were nudged awake by sheriff's deputies.

Then the gloves came off. "You want to be told of everything that law enforcement gathers in an investigation?" Coman asked.

"Yes, that is the nature of science," Gilliland said, staring intently at Coman. "One gathers all the information, weighs it, considers it and comes to an opinion."

Those witnesses had recanted their original statements, Coman said. The statements were false, he said.

"Why would you want information that you've been shown to be inaccurate? You want to factor it into your scientific conclusion?"

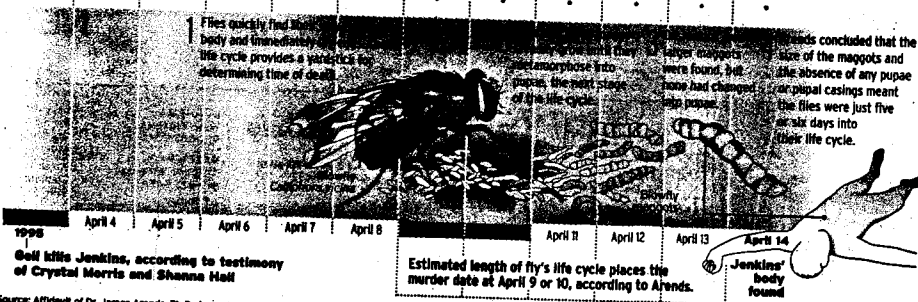
"I need to have that information," Gilliland responded. "If it's being ignored for some reason or another, I need to have that information."

Gell was awarded a retrial when

**TIME SINCE DEATH: A QUESTION FOR SCIENCE**

Scientists have developed standard tools to estimate time since death. Insects provide one means of doing so. This timeline is based on an affidavit from forensic entomologist James Arends, who testified Thursday as part of Alan Gell's defense.

\* Days that temperature was 80 degrees or higher in murder victim Alan Ray Jenkins' home. (Heat speeds up a fly's life cycle.)



ALISA NANCE/The News & Observer

**Testimony of Dr. M.G.F. Gilliland**

STATE MEDICAL EXAMINER

The testimony of Dr. M.G.F. Gilliland on Thursday differed significantly from her testimony at Alan Gell's first trial in 1998. Some examples:

**Jenkins' time of death**

**THEN:** Based on the decomposition of the body, death occurred seven to 12 days before his body was found on April 14.  
**NOW:** Jenkins could not have been killed April 3. He was probably killed between April 8 and 10.

**Temperature**

**THEN:** "If the room was very nice and warm, then it would tend to be on the shorter. But there's no information I could have used."  
**NOW:** Prosecutors at the 1998 trial had given her the wrong impression of the temperatures in Jenkins' house. It was hot, averaging 80 degrees. This accelerated decomposition.

**Witness statements**

**THEN:** She was not asked at the first trial about a statement on the autopsy report that a neighbor had seen Jenkins alive April 8.  
**NOW:** She testified that she inquired about the April 8 statement before the 1998 trial, but prosecutors and police told her the witness had recanted. She criticized those prosecutors for withholding statements from 17 people who said they saw Jenkins alive after April 3.

pupa to adult fly at a consistent and predictable rate. Blowflies are clever, he told the jury. They find fresh blood or a dead body in minutes. Once they find the body, they immediately

**TIME OF DEATH**

**THE RETRIAL OF ALAN GELL**

**BACKGROUND:** Alan Gell, convicted and sentenced to death six years ago for the 1995 murder of retired truck driver Allen Ray Jenkins, is being retried in Bertie County. A judge ordered the new trial in 2002 after finding that prosecutors had withheld evidence of Gell's innocence. A central issue in the case is Jenkins' time of death.

**TODAY:** Prosecutors will present rebuttal witnesses. Closing arguments will follow, either today or Monday.

**ONLINE**

For updates or to read the original series, log on to [newsobserver.com/gell](http://newsobserver.com/gell).

lay eggs. There would have been plenty of flies in the Aulander area, he said. Two of Jenkins' neighbors kept dogs outside; there was a hog pen a few hundred yards away, and there was a trash bin outside a nearby convenience store.

Arends said there was no evidence of any pupae, the cocoon-like stage between a maggot and adult fly. This told him Jenkins had been dead less than six days.

When police arrived at Jenkins' house, how long had it been since flies had laid eggs? Cooney asked.

"Three-and-a-half to four-and-a-half days, give or take a day," Arends replied.

How long would it have taken the flies to get into Jenkins' front house, the back door of which was open?

"These flies are very difficult to keep out of the house in the best conditions," Arends said. "They would not have a hard time finding their way into the house."

The defense rested its case at lunchtime. Prosecutors said they will call some rebuttal witnesses today. Closing arguments could come today or Monday.

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