

The Ring-tum Phi

VOLUME 90, NO. 1

WASHINGTON AND LEE UNIVERSITY

LEXINGTON, VIRGINIA

AUGUST 30, 1990

Comer pleads guilty, gets six months and probation

By Brian Root and Jason Kelley
of *The Ring-tum Phi* staff

Saying "I can never make proper restitution for what I've done," former Washington and Lee student Charles Blakely Comer pled guilty yesterday morning to involuntary manslaughter and hit and run and was sentenced to six months in jail for the death of W&L freshman Mary Ashley Scarborough in March of 1989.

The guilty plea was part of a sentencing agreement with the commonwealth's attorney. In the agreement, Comer waived his right to a jury trial as well as his right against self-incrimination during his trial, which lasted only an hour Wednesday morning.

Judge Rudolph Bumgardner III accepted the agreement and sentenced Comer to five years in jail, and, as part of the agreement, suspended all but six months of the term.

"We were relieved that he pled guilty," said Dr. D.E. Scarborough, the victim's father. "We did not want to have to go through a trial."

Scarborough praised the Lexington Police Department for its handling of the investigation and its aftermath.

"Lexington is very lucky to have a police department like this one," Scarborough said.

"It's impossible for me to describe what my feelings are," he said. "The only thing I can say is to put yourself in our position, if you can."

"This is a black mark on you, your associates, and the institution you attended," Bumgardner told Comer after announcing the sentence. "This tragedy is a low point for an institution known for its honesty and integrity."

Bumgardner criticized the university for allowing an "uncontrolled environment where such events could take place."

Commonwealth's attorney Ray Robertson said that W&L student Ann Armentrout testified to the grand jury that she had seen Comer that night at a fraternity party.

According to Robertson, Armentrout said Comer was intoxicated to the point that he "just slid down the wall and hit his head against the floor."

During the trial, Robertson disclosed that after hitting Scarborough and fleeing the scene, Comer went back to his house, known as Bear Farm, and told his three roommates what had happened.

"He went back to Bear Farm and told his roommates 'I just hit someone and I might have killed her,'" said Robertson.

The three roommates Richard Brock, Greg Hartman and Dodd Crutcher then told Comer that if he did not plan to turn himself in, that he should replace the car's windshield, which had been damaged in the accident. Comer drove to Northern Virginia that night and had the windshield replaced.

"This tragedy is compounded by the attempts to cover up the truth," said Bumgardner.

According to Robertson, the three roommates told Comer that he was "in no shape to drive."

"This tragedy is a low point for an institution known for its honesty and integrity."

— Judge Bumgardner

However, Robertson said Comer claimed he could drive safely, saying that the accident had been "a sobering experience."

Although Robertson said that all three roommates could "easily" be charged with being an accomplice after the fact, circumstances have prevented it.

Comer's court confession



Blake Comer

...sentenced to 6 months

I, Charles Blakely Comer, do hereby voluntarily make the following statement.

On March 16, 1989, in the City of Lexington, Virginia, I had attended a party at my fraternity house on Henry Street. I was at the party for approximately three hours during which time I consumed beer. I do not know exactly how much beer I had had, but I acknowledge that I had had enough beer to impair my ability to operate a motor vehicle.

I left the party around 2:00 a.m. and was going out Washington Street. I admit that I had had too much to drink and was operating my vehicle recklessly when I struck Ashley Scarborough, a pedestrian. I knew that I had struck a pedestrian and that I should stop. I was afraid,

panicked and did not stop at the scene of the accident. I deeply regret my negligent acts and acknowledge that I can never make proper restitution to the Scarborough family or to society.

I am making this statement voluntarily because I want to tell the truth in order to help me confront the guilt and remorse that I feel. I want to publicly acknowledge my responsibility and express my regret and sympathy for the Scarborough family.

I accept the shame that I feel and the responsibility for the pain I have caused the Scarborough family and my family as a part of my punishment.

— C. Blake Comer
August 28, 1990

According to Robertson, one of the three was given immunity from prosecution in exchange for his testimony, and the others are citizens of Texas. Because most states do not extradite persons charged only with misdemeanors, the state would not be able to get them to Lexington for trial.

Scarborough was killed at the intersection of Washington and Estill Streets at about 2:10 a.m.

Robertson also introduced the results of the autopsy performed on Scarborough, which determined that she had died of a fractured skull, and had been pronounced dead at the scene of the accident.

The last piece of evidence introduced by the prosecution was a prepared statement, which Comer read, admitting his involvement.

"I accept the shame that I feel and the responsibility for the pain that I have caused the Scarborough family and my family as part of my

punishment," said Comer in the prepared statement.

Following the sentencing, Comer gave another, more emotional statement.

"I apologize to the court, to Lexington and to the Scarborough family for what I've done," said Comer in a halting voice. "I wish I could bring back Ashley, but I can't. I pray for her and the Scarboroughs."

Robertson also disclosed that there was a woman, also a W&L student, in the car at the time of the accident. However, according to Lexington Police Chief Bruce Beard, she will not be prosecuted because "there is no evidence that shows she had any knowledge of the accident."

Despite a lengthy investigation, the Lexington police uncovered no substantial leads until Lexington police officer Jerry Knick received an anonymous phone call on Nov. 29 naming Comer as the driver of the car that killed Scarborough.

Robertson said the anonymous caller heard of the accident from one of Comer's roommates.

Knick traveled to Greenville, South Carolina, Comer's hometown, and found the car, a blue Honda Accord on Nov. 30. That same day, Comer confessed to Beard after being taken into custody on campus.

The trial, originally scheduled for June 24, but was postponed when the original prosecutor, Eric Sisler, resigned himself from the case.

The Scarborough family objected to Sisler's previous work for the university as well as his membership in Phi Delta Theta, Comer's fraternity, while a W&L student.

"I'm glad to see that you've taken the first steps toward taking responsibility for your actions," Bumgardner told Comer. "Perhaps the one good thing to come out of this is that students will reevaluate their own standards and rededicate themselves to honesty and integrity."

Swift, emotional trial closes case

By Jason Kelley and Brian Root
of *The Ring-tum Phi* staff

In one hour and fifteen minutes, 17 months of questions were answered and a new chapter in the lives of two families began.

When Dr. Scarborough entered the courtroom alone, the Comer family was already seated in the front row. There wasn't any contact between the two sides, but Mrs. Comer leaned a few times over her husband's shoulder to look over at Dr. Scarborough. She never caught his eye.

Blake was escorted into the room by two county jail officers and silently sat down at the defense table with his lawyer, Thomas Spencer. He and his lawyer talked quietly until the bailiff called the court to order.

Judge Bumgardner entered and the clerk read the formal charges against Blake. "Involuntary manslaughter," and, "felony hit and run," were the words that stood out.

The agreement between the prosecution and the defense was read by the clerk: five years, mostly suspended, six months jail time.

Blake was then barraged with questions from

the judge.

"What do you plead to the first of these charges?"

"Guilty."

"What is your plea to the second of these charges?"

"Guilty."

"Do you understand what these charges mean and what their penalties are?"

"Yes, sir."

"Do you understand that in pleading guilty that you waive your right to a jury trial?"

"Yes, your honor."

The questions went on and on.

It was then the Commonwealth's turn to present the evidence. The people presented the autopsy report: fractured skull, dead at the scene. The people presented an accident reconstruction report: tire tracks, blood stains. The Commonwealth's attorney read testimony of people who had seen Blake and Ashley before the accident.

When the people had nothing further, Blake read his statement, and the judge then retired to his chambers to consider the evidence and the agreement.

Blake sat alone, silently at his table and waited.

Others in the room quietly chatted or left to get a drink of water.

When the judge had reentered and the spectators were again seated, Blake and his attorney remained standing. The judge asked if there was anything more from the prosecution. No. From the defense? Blake asked the judge for a few moments to speak to the court, but the judge asked him to wait a moment.

"Your plea of guilty will be accepted," the judge said.

Blake was then allowed to speak.

He said many things but his voice faltered and his mother cried as he said, "I can not bring Ashley back, I wish I could. I pray for her and for the Scarboroughs."

When it was all over a few family and school friends came up to hug Blake or pat him on the back. His parents did not and, he was handcuffed and escorted out of the courtroom before they spoke to him.

Mr. Scarborough left to speak with the press. The Comers soon followed, but stopped to speak with no one. And, as it was an hour and fifteen minutes earlier, the courtroom was empty and silent.

To our readers

This special edition of *The Ring-tum Phi* was published in order to present the University community with accurate and timely information about an event that has greatly affected Washington and Lee.

The trial was attended by two of our staff and the information was compiled and edited by Editors Pat Lopes and Brian Root and Senior Copy Editor Jason Kelley.

Special thanks to W&L Director of Communications Brian Shaw and Lexington Police Chief Beard for giving us valuable help and information.