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Court rejects Va. same-sex union ban

Panel says right to marry protected by Constitution

By ROBERT BARNES and JENNA PORTNOY © 2014 The Washington Post

A federal appeals court on Monday struck down Virginia's voter-approved ban on same-sex marriage, saying that withholding the fundamental right to marry from gay couples is a new form of "segregation" that the Constitution cannot abide.

The 2-to-1 decision by a panel of the U.S. Court of Appeals for the 4th Circuit, based in Richmond, upheld a lower court's decision and extended an extraordinary winning streak in the federal courts for proponents of same-sex marriage.

Legal challenges to state bans filed systematically nationwide have prevailed in every test since

the Supreme Court in June 2013 struck down part of the federal Defense of Marriage Act, which defined marriage as only between a man and a woman.

Two federal appeals courts have now said the bans are unconstitutional. The Supreme Court probably will have to make the final determination and could consider the issue as soon as next year.

Virginia Attorney General Mark Herring, D, who started a political uproar by saying shortly after taking office earlier this year that he would not defend the state's constitutional amendment, said he is proud that "the Commonwealth of Virginia is leading on one of the most important civil rights issues of our day."

"Sometimes battles have been

fought in the legislature, sometimes in the courtroom, sometimes even in the streets, but inevitably no effort to restrict the rights or limit the opportunities of our fellow Americans has ever succeeded in the long term," he said during a news conference in Richmond.

Nonetheless, Herring said he does not favor same-sex marriages taking place in Virginia while the legal issue is ongoing. Opponents of such unions could ask the full 4th Circuit to review the panel's decision or take the case directly to the Supreme Court. The panel's decision does not go into effect for 21 days.

"I have never seen anything like it, where an important constitutional issue has been decided again

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Local couple in similar lawsuit react to ruling

By SALLY VOTH The Winchester Star

WINCHESTER — One of the Winchester women who is part of a historic lawsuit seeking to overturn Virginia's ban on gay marriage was ecstatic Monday after the Fourth Circuit Court of Appeals agreed with her cause.

This Friday will mark one year since Victoria Kidd and her wife Christy Berghoff, along with Staunton couple Jessica Duff and Joanne Harris, filed a federal lawsuit in U.S. District

Court in Harrisonburg challenging Virginia's ban on same-sex marriages and the state's refusal to recognize gay marriages performed in states where gay unions are legal.

A similar lawsuit was filed in 2013 in federal court in Norfolk by Timothy Bostic and Tony London. The judge in that case, Arenda L. Wright Allen, has sided with the plaintiffs. That suit was appealed to the Fourth Circuit U.S. Court of Appeals, with the women in the Harrisonburg suit being allowed to join it.

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Police searching for man in bank heist

United Bank branch on Front Royal Pike robbed on Monday

By SALLY VOTH The Winchester Star

WINCHESTER — The Frederick County Sheriff's Office is searching for a man who robbed the United Bank branch at 199 Front Royal Pike (U.S. 522) on Monday morning.

The robbery occurred at about 9:20 a.m., Capt. Donald Lang said at the scene.

According to Lang, the suspect entered the bank and made a brief statement to a bank clerk.

"At that particular point, he jumps the counter, has that bank clerk he initially made contact with and a second bank clerk open the drawers and empty money out of [them]."

The robber then jumped back over the counter and fled the bank on foot, heading east toward the area between Costco and Delco Plaza shopping center, Lang said.

Four employees were inside the bank at the time of the robbery. "Nobody was hurt," Lang said.

No weapons were displayed during the robbery, he added, and the suspect said he didn't want to hurt anyone.

The man was described as a black male about 6 feet tall with a thin build in his early to mid-20s. He was wearing blue jeans, sunglasses, and a white, short-sleeve dress shirt with blue pin-stripes.

A witness in the nearby Costco parking lot said the suspect jumped into the passenger seat of a large car in the parking lot area, Lang said. "He wasn't the driver."

The car was described as a faded

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Police are searching for this man after the United Bank on Front Royal Pike in Frederick County was robbed Monday morning. The image came from the bank's security camera.

SPECIAL NEEDS EDUCATION



SCOTT MASON/The Winchester Star

Mary Ross lifts Weston Mullins, 7, from the water at a class to teach autistic children swimming skills at Kids First Swim School. Mary and Andrew Ross started the Sensory Swim school because they saw a lack of swim lessons for children with disorders such as autism.

Swim school teaches children with autism

By STEPHEN NIELSEN The Winchester Star

WINCHESTER — Parents face many challenges when raising children with special needs, and it can be especially difficult to find specialized programs to teach them the skills they need to be safe.

When Mary and Andrew Ross noticed a lack of swim lessons for children with disorders such as autism, they started the Sensory Swim school.

Based in Baltimore, the Rosses tour six cities in Virginia, Maryland and Delaware each week teaching classes.

One of their stops is at Kids First Swim School at 420 Gateway Drive in Frederick County, where they teach autistic students how to swim.

"Our main goal is to teach

kids who are drawn to the water, and even who are afraid of the water, how to swim enough to survive," Mary said.

Autism is a developmental disorder characterized, in varying degrees, by difficulties in social interaction and verbal and nonverbal communication, and repetitive behaviors, according to the Autism Speaks website.

Of children with autism, 50 percent have a tendency to "elope," which means to wander away from a safe area without supervision, according to Andrew.

"They don't know the danger they're getting into," he said.

And, according to Mary, many find the pressure of the water comforting, and, if they find a body of water, they will keep walking into the deep area, which is why swimming

skills are so important.

"The first thing we teach them is the monkey crawl," Andrew said. This means children learn to get to the edge of the pool as soon as the water gets too deep and progress further only when holding onto the side.

The lessons are also partially devoted to getting the children comfortable in the water. To see how comfortable a child is, Andrew performs the "chuck a kid" test, where the child is tossed into the pool from the side. Andrew and Mary look to see if the child stays calm enough to get to the side on his or her own.

"Some kid could push them in and they could panic," Mary said about why this is an important part of the learning process.

The cost of the lessons See **Swim**, Page A10

McDonnell corruption trial starts

8 men, 4 women selected as jurors

By MATT ZAPOTOSKY and ROSALIND S. HELDERMAN © 2014 The Washington Post

One is a retired corrections officer. Another worked for seven years in financial services. A third lives in the same cul-de-sac as a staffer to former Virginia first lady Maureen McDonnell.

The 12 jurors selected Monday to decide the case of former Virginia Governor Robert McDonnell and his wife — whose joint trial on public corruption charges kicked off in the federal courthouse here Monday — are an eclectic bunch, at least from the limited information that is known about them.

Four are women, eight are men. Nine appear to be white, three appear to be black.



Former Gov. Bob McDonnell

One juror told the judge that his father was a military police officer during Vietnam, and his aunt retired from the Virginia Department of Transportation. Another juror said his wife was a project manager at the Federal Reserve Bank. Another said she was a neighbor to Kathleen Scott, a former staffer to the governor's wife. Jurors were told to return to court Tuesday morning, when prosecutors and defense attorneys are expected to give opening statements.

McDonnell, R, and his wife, Maureen, are battling a 14-count public corruption indictment that alleges they lent the prestige of the governor's office to a Richmond-area businessman, and in exchange, the businessman lavished gifts and money on them.

After months of public attention on the case, the courthouse on Monday was surrounded by media and supporters of the former first couple as the trial finally began. The McDonnells arrived separately. Maureen McDonnell, holding the arm of one daughter and the hand of another, walked in first. Her husband arrived minutes later with his lawyers.

"I've got tremendous lawyers and I've got faith in God and the justice system. And that's comforting," the former governor said when asked for his thoughts.

As he left the courtroom many hours later, he said: "I'm just glad to get started with the defense after a long haul."

Though Monday's proceedings were light on drama — 142 prospective jurors crammed into a courtroom for hours of questioning on topics such as their experience with accounting, banking and state government — there will perhaps be no more important a moment, experts said.

All the complicated legal arguments,

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75 HIGH

Full report A10



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