

ASSAULT CHARGES

Trial starts for miner accused of hurting activist

By **Tim Doulin**
Dispatch Staff Reporter

A coal-company owner went on trial yesterday for allegedly accosting an environmentalist during a hearing on whether to mine underneath an old-growth forest.

Robert Murray's attorney told a jury in Franklin County Municipal Court that the charges are false and politically motivated.

The owner of Ohio Valley Coal is charged with misdemeanor counts of assault and disorderly conduct.

Murray got into a scuffle with Chad Kister of Athens on Dec. 13 outside a hearing room at the Ohio Department of Natural Resources office on the North Side.

The Reclamation Commission of Ohio was holding a hearing on a petition to declare Dysart Woods in Belmont County unsuitable for mining.

Murray's company owns the mineral rights to the land, and Kister opposes the mining.

Columbus Assistant City Prosecutor Bryan Bowen told the jury that Kister attempted to photograph Murray in the hallway during a recess.

"Apparently in an effort to prevent this photograph from being taken, the victim says that Mr. Murray grabbed him, in the process choking him, and then slammed him up against the wall in the hall," Bowen said.

"A couple of bystanders then rushed over and broke up the altercation."

But Murray's attorney said his client was returning from the restroom when Kister placed the camera in his face. Murray was startled and lost his balance, causing him to fall on Kister.

Defense attorney Clyde Bennett II said Murray has a plethora of ail-

ments, including a leg condition that causes an imbalance in his gait.

The day of the hearing, Murray was wearing a neck brace and shoulder harness that restricted movement of his upper body.

Bennett said the entire incident lasted five to 10 seconds.

"No one, including Mr. Kister, called police. Nobody called security," Bennett said.

Bennett said it wasn't until four or five months later that Kister reported the incident to police.

He said evidence will show that the report came two or three weeks after the commission made a ruling in Murray's favor. Bennett said Kister simply was upset by the decision.

The city prosecutor's office has said the charges were delayed while prosecutors investigated whether there was probable cause to act on Kister's complaint.

The trial is scheduled to continue today.

Neither Murray nor Kister is a stranger to the public spotlight.

Murray is an opponent of the 1990 Clean Air Act, which he called unreasonable in its demands to remove sulfur and other impurities from coal before burning.

This year, he sued the *Akron Beacon Journal* for a series of stories on how burning coal has affected the environment and the coal industry.

Kister, who has been critical of the coal industry, was acquitted of extortion charges three years ago.

A United Mine Workers of America official accused him of accepting money in exchange for promising not to protest a proposed coal mine. Kister said the coal industry was trying to besmirch his reputation.

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