

Happy New Year AKRON BEACON JOURNAL

THURSDAY, January 1, 2009 A B C

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Indians acquire DeRosa from Cubs to play third

SPORTS, C3



AC/DC WILL CRANK IT UP AT CLEVELAND CONCERT

ENJOY, E1

Channel blackout averted in cable dispute

Time Warner, MTV reach deal on rates. Wadsworth viewers face separate issue

By Rich Heldenfels

Beacon Journal popular culture writer

Time Warner Cable and MTV Networks reached a tentative agreement early this morning that kept 19 of MTV's channels telecasting on Time Warner systems, including in Northeast Ohio.

The two companies' old agreement was set to expire at midnight. Seemingly stalled talks about a new deal could have taken channels like MTV, Nickelodeon, Comedy Central and VH1 off of Time Warner systems. But MTV Networks agreed to a one-hour extension of the old agreement shortly before midnight, and talks went on until the new agreement was reached.

In a separate cable issue, Wadsworth Cable TV managed to avoid losing WOIO (Channel 19) and WUAB (Channel 43) when its current agreement to carry the stations ran out last night. Raycom Media, the stations' owner, agreed to extend the deal with Wadsworth until Jan. 12 so the two sides could continue negotiating.

But the impact of that situation was modest compared to what could have come from the Time Warner/MTV impasse, which affected more than 13 million Time Warner subscribers nationwide.

If a new deal had not been reached, fans of programs like *The Daily Show* and *SpongeBob SquarePants* have been sent in search of online presentations, recent DVD releases - or a new

Please see **Cable, A4**

AKRON WELCOMES 2009



Fireworks explode at midnight over the Beacon Journal clock tower as revelers celebrate First Night Akron on New Year's Eve.

KAREN SCHIELY/Akron Beacon Journal

Fairlawn boater wins his appeal

Court overturns Speer's homicide convictions, citing jury seating of hearing-impaired woman

By Rick Armon

Beacon Journal staff writer

An appeals court has overturned the homicide convictions of a Fairlawn man, saying a hearing-impaired woman should not have been seated on the jury.

A key piece of evidence used to convict Scott Speer was a 911 tape that the juror, who needed to read lips, could not fully understand, the 6th District Court of Appeals in Toledo concluded in a unanimous decision released Wednesday.

The juror received a tran-

script of the 911 call, but the court determined that wasn't good enough.

"To evaluate the tape as evidence and determine its value . . . , the jury had to listen to [Speer's] speech patterns, the inflections in his voice, the pauses in the conversation and many other audio clues that would only be meaningful if actually heard," the court wrote.

By allowing the woman to remain on the jury, visiting trial judge Richard Markus damaged Speer's ability to receive a fair trial, the court concluded.



Barnett

Speer

"It's an issue that they should have avoided, but they didn't," said Columbus attorney Bradley Davis Barbin, who handled Speer's appeal. "It's a case that defines how important jurors are in criminal cases."

Ottawa County Prosecutor Mark Mulligan plans to appeal to the Ohio Supreme Court, saying the issue has statewide importance and that the woman was a more attentive juror than others.

Speer, 43, was convicted of involuntary manslaughter and aggravated vehicular homicide in October 2007 in Ottawa

Please see **Overtturn, A5**

Akron charter school closes unexpectedly

Teachers lose jobs at Phoenix academy; 40 students in limbo

By John Higgins

Beacon Journal staff writer

Teachers at Phoenix Village Academy in Akron showed up Wednesday to collect their final paychecks after they were informed this week the charter school was closing.

It was unclear Wednesday when - or if - parents had been notified of the closure.

Phoenix Village Academy at 760 E. Archwood Ave. opened in 2006. It is publicly funded, but privately operated.

The school reported an enrollment of 40 students in November in kindergarten

through fourth grade.

The school was on track to receive about \$272,000 for the school year, mostly transferred from the Akron Public Schools because most of the students reside in the Akron district.

In March, the school reported that enrollment was about 65 students, which put it on track to receive \$334,000 in public money.

"Over the summer, we didn't hear anything and we assumed the school wasn't going to open," said Stephanie Arnett, a certified teacher who was in charge of second grade through fourth grade. "We were shocked the school even opened."

The school's state-author-

Please see **Phoenix, A5**

FirstWORD

Visit Ohio.com to see galleries of 2008 local photos including high school sports

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- Illinois governor's pick for U.S. Senate asks court to certify appointment. **A3**

Today's weather

Times of sun and clouds

29° High 24° Low

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Israel prepares for possible ground offensive

Government OKs call-up of 9,000 reserve soldiers; troops sent to border. Requests for truce dismissed

By Ibrahim Barzak and Jason Keyser

Associated Press

GAZA CITY, GAZA STRIP: Israel sent more troops to the Gaza border Wednesday, rapidly moving forward with preparations for a possible ground offensive as the next stage of its military assault on the coastal territory's Hamas rulers.

Israel rebuffed calls by world leaders for a truce, and Hamas also was cold to a cease-fire.

Instead, both intensified their fire. Israel bombed a mosque that it said was used to store rockets as well as vital smuggling tunnels along the Egyptian border, and the Islamic militants hammered southern Israeli cities with about 60 rockets.

Israeli troops trudged between dozens of tanks in muddy,

rain-sodden fields outside Gaza, assembling equipment, cleaning weapons and scrubbing out tank barrels. Their commanders moved forward with preparations for a ground operation, said an Israeli defense official who spoke on condition of anonymity because of the sensitive nature of the information.

The U.N. Security Council scheduled emergency consultations Wednesday night to discuss an Arab request for a legally binding and enforceable resolution to ensure an immediate cease-fire in Gaza. Egyptian Ambassador Maged Abdelaziz said he was on instructions from Arab League foreign ministers who met in Cairo.

Diplomatic efforts by U.S., European and Middle Eastern

Please see **Israel, A6**



KHALIL HAMRA/Associated Press

A Palestinian man looks at a destroyed Hamas security compound after an Israeli air strike in Gaza City on Wednesday. Israel resisted mounting international pressure to suspend its air offensive.