

Woman loses suit in 87-day jail stay

The jail stay
OCT. 22, 2009: Harbeck was charged with threatening to burn down her mother's house in Hampton, jailed at Hampton Roads Regional Jail.
DEC. 22, 2009: A judge heard evidence in the case and sent it to a grand jury; a Hampton prosecutor decided she didn't have enough proof for the trial stage.
MARCH 19, 2010: Harbeck was released.

Judge dismisses claim in \$5.35M lawsuit against two clerks, lawyer

By Peter Dujardin
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HAMPTON — A woman who spent nearly three months locked up after prosecutors dropped all charges against her has lost a \$5.35 million dollar lawsuit seeking damages against two court clerks and her former lawyer.
 Rachel Iris Harbeck, 53, spent 87 days behind bars in

late 2009 and early 2010 after prosecutors decided not to go forward on a criminal charge against her of threatening to burn down her mother's home.
 About a year after her release, Harbeck filed the civil rights claim against the clerks and her former defense attorney.
 But a judge dismissed the claim against the lawyer, then-Hampton deputy public de-

fender William E. Boyle Jr., two weeks before trial.
 Circuit Court Judge Walter W. Stout III ruled that Boyle was not technically Harbeck's attorney during a two-month window after the charge was dropped. Moreover, the judge ruled Boyle held legal immunity from the suit regarding his actions after he later received a letter from the still-jailed Harbeck.
 But the case against two defendants, Hampton Circuit Court Clerk Linda Batchelor Smith, an elected official, and one of her deputies, Michele

Winston, proceeded to a jury trial.
 After the two-day trial, a seven-member jury found that Harbeck's lawyers failed to prove that Smith and Winston were to blame for the communications mix-up that caused Harbeck to stay behind bars too long.
 "We, the jury, find for the defendants," the jury checked on a verdict form after deliberating for an hour and 15 minutes. Stout, a retired Richmond judge sitting in on the Hampton



Rachel Iris Harbeck, 53, spent 87 days behind bars in 2009-2010. She sued two court clerks, former lawyer for \$5.35M, but lost.

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UNEARTHING A LOST HISTORIC LANDSCAPE

Archaeologists find Duke of Gloucester Street, 'most historic avenue in America,' had dramatically different beginnings



By Mark St. John Erickson
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WILLIAMSBURG — President Franklin D. Roosevelt wasn't the only one impressed by Duke of Gloucester Street when he dedicated Colonial Williamsburg's newly reconstructed 18th-century thoroughfare in 1934.
 Laid out according to a plan drawn by Gov. Francis Nicholson — who moved Virginia's capital from Jamestown to Williamsburg in 1699 — the mile-long, 99-foot-wide prospect linking the statehouse with the College of William and Mary was designed to not only catch the eye but also embody the power and authority of the British Crown.
 So well did it do its job that — in addition to the millions of tourists who have since shared Roosevelt's enthusiasm for what he called the "the most historic avenue in America" — scholars still celebrate it as a milestone achievement in early American town planning.
 But when workmen began shaping the iconic street in the early 1700s, what they found was a horse path that not only meandered back and forth but also rolled up and down a long ridge cut by ravines and gullies.



TOP: Colonial Williamsburg archaeologists exploring a ravine just off Duke of Gloucester Street have unearthed deep layers of fill dating as far back as 1747 that were used to reshape the town's landscape. LEFT: Hank Lutton digs near a ravine. BELOW: Archaeologists have found a deposit of bricks that may date back to as early as the first Capitol building. KAITLIN MCKEOWN/DAILY PRESS PHOTOS

And only by probing deep have archaeologists digging just west of the reconstructed capitol during the past six weeks found evidence of the ambitious colonial public works campaign that so dramatically transformed this lost landscape.
 "These ravines were hundreds of thousands of years old when the people of Williamsburg decided they wanted to put in a long, straight street that ran from the college to the capitol," says CW archaeologist Andrew Edwards, who's leading the exploration



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"That was the power of the plan. It reshaped the existing landscape in a way intended to signal power and authority." — Carl Lounsbury, Colonial Williamsburg architectural historian

SPORTS



NASCAR still feels the need for more speed

NASCAR teams were hard at work this past week at the Goodyear Tire and Rubber Co. testing new race cars with cleaner body shapes and new front bumpers. Though, the faster speeds can be tough on tires if teams try to get too creative. Find out more on Page 1 of Sports.

LIFE



Billy Bob off to ' Fargo' for dark new role

Billy Bob Thornton stars in FX's new series "Fargo," a 10-episode original adaptation of the dark 1996 Coen brothers' film of the same name. Thornton, known for playing "expressive eccentrics" in film roles, hopes to make his acting comeback as an evil drifter in the show. Page 1 of Life

NEWS BUSINESS

Before you sell, fix these home issues

Looking to sell your home? Before putting your house on the market, real estate agents suggest fixing various household jobs that may help boost how much you'll make. Whether you're into DIY projects or have to hire it out, a few fixes can make all the difference. Page 7 of News

NEWPORT NEWS



The sun rises over three wooden crosses near the 33rd Annual Ecumenical Resurrection Sunday Sunrise Service at King-Lincoln Park in Newport News on Easter.

Sunrise on the James

The 33rd Annual Ecumenical Resurrection Sunday Sunrise Service was held at King-Lincoln Park on Easter morning. The participating churches included Carver Memorial Presbyterian Church, Community of Faith Church of Hampton Roads, First Baptist Church East End, Hidenwood Presbyterian Church, Second Baptist Church East End, St. John's Church of God in Christ, Trinity Baptist Church, World Victory Church and Life Center.

For video and more photos from the service, visit dailypress.com.

PHOTOS BY SONJA Y. FOSTER/
SPECIAL TO THE DAILY PRESS



The Rev. Gregory Howard, pastor of First Baptist Church East End, gives the Easter message.



Attendees brave the cool temperatures to gather for the service.

Dig

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of the sole-surviving but much-changed gully that visibly butts up against Duke of Gloucester Street.

“What we’re finding is that they filled most of them pretty early on, putting in brick drains to carry away the water. And they were still trying to fill in the sides of this one in the mid-1700s with burned bricks from the fire that destroyed the first capitol.”

Rooted as much in geometry and Baroque-period design principles as the actual survey conducted by Theodorick Bland in 1699, Nicholson’s sketch championed an idealized vision of Virginia’s new capital from the beginning.

Where anyone else may have seen a town about to be built along a wandering, often up-and-down ridge, the man who had just previously laid out the famous circles and radiating streets of the new Colonial Maryland capital in Annapolis saw the potential for creating impressive vistas and a physical symbol of royal order.

“That was the power of the plan,” CW architectural historian Carl Lounsbury says.

“It reshaped the existing landscape in a way intended to signal power and authority.”

Just how far that vision deviated from the facts on the ground, however, can be seen in what Nicholson and his builders found when they walked down the path to the spot where he had imagined the new capitol rising as a symmetrical bookend to

Want to watch?

Colonial Williamsburg’s archaeological investigation of the ravine off Duke of Gloucester Street near the Secretary’s Office and the reconstructed Capitol is scheduled to continue through Friday. Spectators are welcome 8:30 a.m.-noon and 1-4 p.m. weekdays, weather permitting. Call 757-220-7650 for more information.

the college’s Wren Building.

“The place where they wanted to put the capitol was 30 or 40 feet down. So they had to move it back to the east by 200 feet,” Lounsbury said.

“What that tells you is how massive this particular ravine was — and how much they had to fill.”

Other obstacles stood in the way of Nicholson’s long, east-west avenue, too, including a quartet of pre-existing structures that blocked the middle of the street.

But the biggest and most demanding part of the struggle undertaken by the colony’s ambitious public works campaign was against geography — and it lasted into the mid-1700s and beyond.

“The most heroic work was probably done early in the century. But this was a very long campaign that started off with public projects and ended with private efforts,” said Edward Chappell, director of CW’s department of architectural and archaeological research and archaeology.

“The coffeehouse sits on a prominent Duke of Gloucester Street lot across the ravine from the capitol. But it was not built for 50 years because the slope was so uneven.”

Over time, workmen filled in nearly a half-dozen large gullies in their effort to straighten and flatten the capital’s main street.

They also constructed the massive brick retaining wall that still holds up the street between the Post Office and the Dubois grocery, then built and buried nearly half-a-dozen vaulted brick drains under and around the street to carry away water.

Many of those changes have been unearthed and studied during recent archaeological projects, including a 2011-12 excavation at the site of the Public Armoury and the 2013 Market House dig near the Powder Magazine.

Similar evidence of these town-wide engineering efforts cropped up at the site of R. Charlton’s Coffeeshouse in 1996-98 and again in 2008-11, interspersed by the 2007 discovery of yet another 18th-century drain and a now mostly invisible ravine off Prince George Street near the foundation’s Goodwin Building.

Much of that data will reappear in CW’s ongoing Virtual Williamsburg project, which is attempting to recreate the landscape of the late 1700s through digital modeling.

And like the scatter of burned bricks from the destruction of the first capitol in 1747 — plus a second one that may hail from either the 1747 fire or the 1832 blaze that destroyed what was left of the second statehouse — some of these windows into the past have been dramatic.

“Ravines are great trash receptacles — and you know how we like to find old trash,” Edwards said.

“But we’ve also found evidence of rain storms — maybe even hurricanes — that



COURTESY OF COLONIAL WILLIAMSBURG
Colonial Williamsburg archaeologist Hank Lutton explores a deeply buried scatter of burned 1700s bricks that were used to fill part of a ravine near the Capitol about 1750.

washed all sorts of sand down and filled some of these gullies in. Some of them were very powerful.”

Erickson can be reached at 757-247-4783. Find more Hampton Roads history stories at dailypress.com and Facebook.com/hrhistory.

BRIEFS

NEWPORT NEWS

Suspects sought in bus-stop robbery

Newport News police are searching for two armed suspects who were reported to have robbed a male victim at a bus stop Sunday evening.

The incident happened about 8:30 p.m. at the bus stop at Warwick Boulevard and 73rd Street, according to Newport News police spokesman Lou Thurston.

The victim told police two black males brandishing handguns stole cash, his iPhone and identification. They fled the scene headed north on Warwick Boulevard in a dark-colored BMW, he said.

Anyone with information

should call the crime line at 1-888-LOCK-U-UP.

CHESAPEAKE

Police searching for robbery suspects

Chesapeake police are searching for suspects who were reported to have robbed a Domino’s Pizza on Sunday morning.

Officers responded to the restaurant at 1120 Bainbridge Blvd. at 2:10 a.m., according to a news release.

An employee told police she was exiting the business with the night bank deposit when she was approached by three unknown black males. Two of them displayed handguns and took the deposit bag, the release states.

The suspects were reported to have fled on foot.

Anyone with information should call the crime line at 1-888-LOCK-U-UP.

PORTSMOUTH

Police: Man shot breaking up fight

One man was hospitalized in Portsmouth early Saturday after police say he was shot when he tried to break up a large fight.

Just before 1 a.m., police responded to a call reporting an injured man and gunshots heard in the area of 30 Manly St., according to Detective Misty Holley with the Portsmouth Police Department.

Officers found a man with a

gunshot wound to his leg at the scene. He was conscious and transported to Norfolk Sentara General with non-life-threatening injuries. As of Saturday morning, the victim was undergoing surgery and expected to make a full recovery, Holley said.

Holley said detectives believe the victim was shot while he was trying to break up a large fight, although police do not have a suspect identified at this time.

VIRGINIA BEACH

Shooting believed to be homicide-suicide

A second man has died after a double shooting Friday afternoon in Virginia Beach that authorities now believe is a homicide-suicide

involving a father and son, police said.

Allie Stanford Gallup, 81, is suspected of shooting his son, Charles Gallup, and himself, according to Tonya Borman with the Virginia Beach Police Department.

Police received a call about 2:37 p.m. Friday about a shooting in the 2600 block of South Kings Road, Borman said. Officers found the two men suffering from gunshot wounds when they arrived.

Allie Gallup was pronounced dead at the scene.

Charles Gallup, 50, was transported to a local hospital Friday afternoon where he later died, Borman said.

The case remains under investigation.

—From staff reports