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Felony charge against rock expedition leader nixed

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Jul. 31--GREENUP -- The man who led an expedition to remove a supposedly historic 8-ton boulder from the bottom of the Ohio River in 2007 had a felony charge against him dismissed on Thursday.

However, Steve Shaffer still received a stern lecture from a judge, who clearly indicated his disapproval of Shaffer's actions.

Greenup Circuit Judge Bob Conley told Shaffer he was dismissing the charge of removing a protected archaeological object without a permit "with reluctance" only because Commonwealth's Attorney Clifford Duvall had indicated he would be unable to prove beyond a reasonable doubt Shaffer was guilty.

"Mr. Shaffer, it appears that you're a lucky man," Conley said. "I think you'd better be more careful of your actions in the future."

Shaffer, 51, of Ironton, said after court he was relieved the burden of the criminal case had been removed from him.

"It's time to get on with life," he said.

Shaffer also said he realized he still had "some work to do" about a federal civil case pending against him. That case, filed by Kentucky Attorney General Jack Conway, also stems from the boulder's removal.

In his motion to dismiss the state charge, Duvall said he also expects Shaffer to be cited by the U.S. Army Corps of Engineers for undertaking a dredging operation without a permit.

Duvall moved to drop the felony charge against Shaffer because he said it was unclear whether the rock the defendant and his cohorts pulled out of the river was the same Indian Head Rock that was registered with the University of Kentucky in 1985 as a protected antiquity.

According to Duvall, there have been several rocks in the river that have been dubbed "Indian Head Rock" or "Indian Rock" and confusion exists as to which is the "official" one.

The rock that was raised from the bottom of the river by Shaffer and a team of rescue divers is inscribed with numerous names and initials dated in the mid-1800s, along with a crude etching that resembles a face. The appearance of the rock doesn't square with the description of the one registered with UK by a man named James Swauger, Duvall said.

Shaffer's case was set to go to trial on Monday. He could have been sentenced to one to five years in prison had he been convicted.

After being floated to the surface of the water, the rock was removed from the river by a crane and taken to the Portsmouth City Garage, where it remains today.

The rock's removal prompted harsh exchanges of war of words between lawmakers in Kentucky and Ohio.