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Mutscher told must begin serving time

AUSTIN (AP)—The Texas Court of Criminal Appeals ruled Wednesday that former House Speaker Gus Mutscher, convicted of conspiracy to accept a bribe, must begin serving his five-year probation despite plans for a U. S. Supreme Court hearing.

A spokesman said the court would formally issue its mandate Thursday.

Also covered by the order were two of Mutscher's associates, former Rep. Tommy Shannon of Fort Worth and former speaker's aide Rush McGinty of Austin.

Lawyer for the three men had filed motions asking the court to stay its mandate pending a possible hearing before the Supreme Court on issues raised under the U. S. Constitution.

The state court has turned down all appeals on behalf of the three former state officials. Issuance of a mandate to carry out sentence is the court's final act after affirming a conviction.

The three men were convicted of conspiring to accept loans and profitable stocks deals from Houston promoter Frank Sharp in exchange

for their efforts in 1969 to win passage of two bank deposit insurance bills sought by Sharp.

Lawyers plan to ask the Supreme Court to throw out the convictions on the ground that the defendants were immune from prosecution under state and federal constitutional provisions intended to guarantee free and open legislative debate.

The appeals court has rejected the claim, saying such protection did not extend to illegal behind-the-scenes activity.

Brooks to be tried in Houston

HOUSTON (AP)—David O. Brooks, 19, must stand trial in the same city where he is accused of participating in the slayings of 27 male teen-agers, a district court judge ruled Wednesday.

Brook, accused in four of the 27 deaths known as the Houston mass murders, will be tried here Feb. 17, District Court Judge William Hatten ruled Wednesday.

Hatten turned down a request by the district attorney's office to hold a hearing to see if the trial should be moved out of city because of massive news coverage.

Hatten ruled earlier this year that Brooks' co-defendant, Elmer Wayne Henley, 18, should be tried elsewhere. Henley was tried in San Antonio on six counts of murder and received a 594-year prison term.

Both Henley's lawyer, Will Gray, and Brooks' attorney, Jim Skelton, had opposed changes of venue. Hatten refused Gray's plea to keep the trial here but listened to Skelton's arguments.

Hatten also granted a motion Wednesday by Skelton forbidding lawyers on either side to comment about the case.

Don Lambright, an assistant district attorney who is prosecuting the Brooks case, told Judge Hatten he believes the publicity in this situation is as great as in the Henley case.

"The defendant feels he can get a fair trial in Harris County (Houston) so your motion will be denied," Hatten said.

Brooks gave officers a statement in which he admitted luring youths to the home of Dean A. Corll, 33, and then being present when they were homosexually raped, tortured and murdered. Brooks denied participation in the killings.

Prosecution will call wife in cyanide case

HOUSTON (AP)—A prosecutor said Wednesday that the wife of a man accused of poisoning his son with trick-or-treat candy to collect life insurance will testify against her husband.

Asst. Dist. Atty. Mike Hinton said Wednesday that Mrs. Dayenne O'Bryan will be a prosecution witness against her husband, Ronald O'Bryan, 30.

O'Bryan is charged with giving his son, Timothy, 8, candy laced with cyanide on Halloween night. He is also charged with the attempted murder of his daughter, Elizabeth Lane, 5, and three other children.

Officers say O'Bryan had over

\$60,000 in insurance on the two children. Poisoned candy was given to the other three children, who went trick-or-treating with the O'Bryans, as a cover-up, they say.

O'Bryan's trial is tentatively slated to begin Jan. 6.

Mrs. O'Bryan testified before a grand jury on Monday but did not testify at a hearing Tuesday in which a judge denied bond for her husband.

"Mrs. O'Bryan is a very strong woman, and has been very cooperative in the case," Hinton said.

He added that under Texas law a wife may testify against her husband in any case involving injuries to her children if they are under age 16.

UTPB president 'reassigns' editor

(Continued from page 1)

editorials that are condemning in nature, contain slanderous material, mudslinging or four-letter words."

Amstead stressed that the publication is funded by the state, not by student service fees and is not a student newspaper. He described it as a newsletter.

He also said Asbery was an employee of the university, paid by state funds and "he violated his agreement as an employee of the school when he printed a letter to the editor in the weekly publication."

Amstead said a newspaper advisory committee, consisting of one representative from the staff, faculty, administration and student body, will be set up. A managing editor for The Windmill will also be hired, but it will not necessarily be a student.

The letter was printed over the objections of Dr. Robert Rothstein, faculty advisor to the Windmill, after Asbery said he "had made the decision as a journalist and felt the decision was soundly based." Asbery said he felt the letter was well written and that the student had something to say; his responsibility as an editor required him to print it.

When contacted, Asbery said, "I feel that UTPB is definitely a failure in higher education. In my opinion, President Amstead should account for his actions. He should explain those actions not only to the board of regents, but also to all universities associated with the University of Texas system."

Asbery also said he "intends to fight" the university president's decision, but that a "legal suit would be my last resort." He is now trying to form a student newspaper but is encountering difficulty with funding.

Asbery said that if student support can be gathered, this week's issue of "Dr. Amstead's newsletter" will be censored by the students, either by shredding or burning.

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