Lifer denied retrial

United Press International

AUSTIN — An Orange, Tex., man sentenced to life in prison for the murder of a police captain lost his bid for a new trial Wednesday even though evidence in the case showed the shot which killed the captain was fired by another officer.

Clifford S. Blansett contended in his appeal he should not be convicted of capital murder in connection with the June 29, 1974, jailbreak attempt at the Orange County jail.

Blansett and Billy Wayne Bowden, armed with a shotgun and pistol, went to the jail in an effort to free Bowden's brother.

Police Capt. Danny L. Gray was killed in a shooting spree inside the jail.

Evidence showed Gray was killed by a shot fired by another officer. There was no evidence Blansett fired the shotgun he carried during the attempted breakout.

The Court of Criminal Appeals Wednesday rejected Blansett's appeal, however, saying Blansett could be convicted of capital murder in the case because his intentional actions — going armed to the jail to attempt to free a prisoner — caused Gray's death.

In another case, the appellate court overturned the life sentence given John F. Gutierrez of Lubbock for his part in a July 12, 1975, jailbreak. Gutierrez and a cell mate sawed through a support bar of their cell and used the bar and a knife to subdue a jailer, then freed eight other prisoners and escaped.

Gutierrez was sentenced to life on the basis of two prior felony convictions. The appellate court said a 1966 burglary conviction should not have been used to enhance Gutierrez's sentence, however, because it was for an offense committed before the conviction for a 1963 offense became final.

In other cases, the court:

— Reversed the heroin conviction of Shirley Harrison of Houston on grounds there was insufficient evidence to show she had any connection with heroin found in her house during a police raid on Oct. 3, 1973. The court earlier had upheld the prison sentence given her husband for the same offense.

— Reversed the murder conviction of Will Rains Jr. of Corpus Christi, who spent 14 years in prison before being released on parole in 1975. Rains contended he was indigent and did not have an attorney at the time he was sentenced to 40 years in prison.

Air Force plane explodes, crashes

United Press International

ALBUQUERQUE, N.M. — A four-engine EC135 military cargo jet with 19 persons aboard exploded in a huge ball of fire and crashed in the Manzano Mountains near Kirtland Air Force Base Wednesday night.

Base spokesmen said there were "some deaths." The spokesman said it was not known if there were any survivors from the crash which occurred shortly after the jet took off from the base.

Capt. Dan Orrell, base information officer who confirmed the crash, said "everything (all rescue and fire equipment) we've got" was dispatched to the crash scene.

Witnesses said the plane crashed at about 11:50 p.m., and the explosion lighted up the sky "like a small atomic bomb."

Sebastian Mirabal, supervisor in the city fire department's alarm room, said he was told by base officials "it was a cargo plane. There's no information on survivors. But it was a large cargo plane."

Mirabal said he offered to dispatch civilian fire rescue units to the scene, but was told the base would contact him if this was needed.

Among persons witnessing the crash was Cliff Arbogast, a retired commercial pilot, who said the explosion "looked like a small atomic bomb — with a mushroom that lighted up the sky. If anybody got out it would be a chance in a million."

Arbogast said he was in his backyard on Albuquerque's east side when the crash occurred.

Briscoe still confident

United Press International

AUSTIN — Gov. Dolph Briscoe said Wednesday the entry of former Gov. Preston Smith will not affect the outcome of the 1978 governor's race, and predicted he will win the Democratic nomination without a runoff.

Briscoe refused to respond to Smith's allegations that he had been a "caretaker" governor, saying "I've always tried to follow a policy of conducting campaigns in a positive manner and not responding to political charges.

"It seems to me the people of this state expect those of use in office to act with decency, to act like ladies and gentleman, and to act with the same standards you find in other professions," Briscoe said. " I am very proud of the record of this administration to the people of this state."

Smith announced Tuesday he will challenge Briscoe for the Democratic nomination. Attorney General John Hill will formally announce his candidacy at a news conference Monday.

Although many politicians think Smith's entry into the race could assure a runoff, Briscoe said he is confident of victory.

"Nothing has changed as far as that is concerned," he said.

Asked if he expected to win the nomination to a third term without a runoff, the governor replied, "Yes, absolutely, no question about it."

Briscoe said he has not encountered any opposition among voters to the prospect that election to a third term would give him 10 consecutive years as Texas' chief executive.

"I find stronger support for my administration and the policies of my administration than at any time," he said.

The governor announced he has called special elections in three Texas districts Nov. 8 — the same date as a statewide election on seven proposed constitutional amendments — to fill vacancies created by resignations in the House and Senate.

The vacancies were created by the resignation of Sen. Max Sherman, D-Amarillo, and Reps. Sarah Weddington, D-Austin, and Jim Kaster, D-El Paso. Filing deadline in each of the special elections will be Oct. 8.

Briscoe declined to take a public stand on the question of whether children of illegal aliens should be admitted to attend public schools in Texas. He said legal actions involving that issue are now in courts, and said, "I think the proper thing to do at this time is wait and see the court decision."

Gas conservation voted on by Senate

United Press International

WASHINGTON — The Senate has voted to nudge Americans toward fuel-efficient homes, cars and offices, while rejecting any forced rationing of gasoline.

By a 78-4 vote, the Senate Tuesday approved the conservation segment of President Carter's energy program; the third segment it has acted on. It had previously passed bills for the Department of Energy and hurried industrial conversion to coal.

Within the next few weeks, the Senate plans to act on remaining portions of the program: energy taxes, utility rate reforms, and natural gas pricing, all of which will then be compromised with the overall House energy bill.

Carter's plan to expand federal controls on natural gas prices hit a snag last Tuesday when the Senate Energy Committee voted 15 to 2 to send his bill to the floor without endorsement. The Senate will consider the measure next week.

In a direct confrontation between Carter backers and senators who want controls lifted, the committee tied 9 to 9 last Monday, and decided Tuesday it was hopelessly deadlocked and should just send the bill, unamended and unendorsed, to the full Senate for debate and a decision.

The conservation bill that Senate completed in a late night session Tuesday has a flat prohibition against any 1980 model car getting fewer than 16 miles per gallon.

The bill also would require utilitiy companies to help homeowners insulate homes and find financing for "weatherizing," set energy efficiency standards for home appliances, establish "van pools" similar to car pools for federal employes and demonstrate use of solar energy in federal buildings.

Tuesday, the Senate rejected 73 to 15 a proposal by Sen. Dale Bumpers, D-Ark., to impose mandatory gasoline rationing. Bumpers wanted a system similar to the World War II system, but not as severe. His suggested goal would be a 10-percent saving in gasoline by 1980, but he would have left details to the President.

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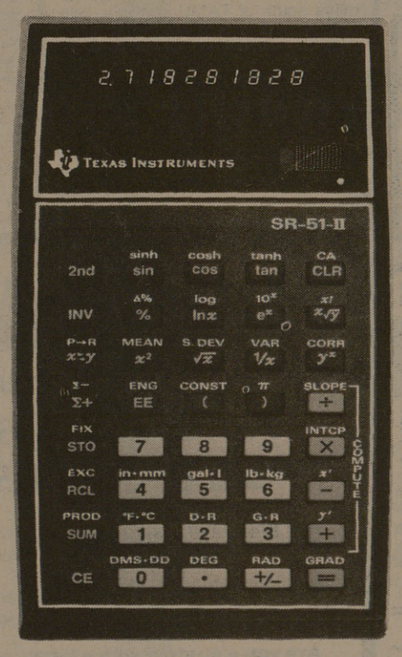

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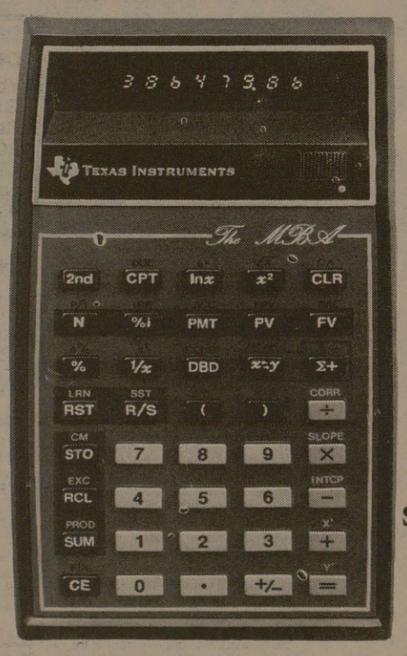

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