Court opens today—but where?

By RICHARD OLIVER
Battalion Staff

Judge Brad Smith of the new 85th District Court is not sure where he will hold court today when he takes over.

Smith was appointed April 12 by Gov. Bill Clements to preside over the new court that was created by the Texas Legislature during the current session.

Although the court has been created, there is no room in the county courthouse for it.

"The Commissioners Court is going to have to make a decision about the space problem," he said. "I could snap my fingers and have a new courtroom and an office for myself and my secretary, I'd do it. But there's just much more involved than that.

"I know what I'll be doing, but I don't know for sure where I'll be," he said. "They (the Commissioners Court) are moving in a general direction."

Smith said the "direction" is a comprehensive study by the citizen's committee, adopted by the commissioners, to analyze the space problem.

"They're making a good start," he said. "They must deal with the future as well as the present. They have to look ahead toward the future space problems instead of instituting a hit-and-miss method, only covering the present problem."

Asked if he agreed with the direction the committee is taking, Smith said it was all a matter of priorities.

"Let's just say I'm satisfied with the direction they're going," he said. "It's better to look at the long-range plan and deal with the problem head-on. It's a lot more efficient that way. In this way they deal with the short range problem as well as the long range problem."

Another problem facing Smith is catching up on an overload of court cases.

"My first job on Monday, when I begin, is to try and alleviate the backlog of cases," said Smith. "I don't forsee any problem getting it done, but it might take a little time."

"The new court was created due to the dramatic increase in litigation cases in the existing court," he said. "For example, a lawyer came in today and wanted a hearing on a case involving alimony and child support, but there was no way to get it done until later in May, which shows you the crowded conditions.

"There has been a large increase in the Brazos County population," he said, "which has caused a real problem in case load. Also, the Merka murder case will probably tie up the 85th District Court for awhile."

In the Merka case, Curtis Paul Harris, 17, of Bryan, will be tried on a capital murder charge in connection with the Dec. 11 beating death of Tim Merka, 27, of Mumford.

"All criminal cases are required to be tried within 120 days according to the Speedy Trial Act," he said. "Regardless of that Act, it is certainly my philosophy that cases be speedily disposed of. The people, I believe, expect and deserve to get them done and now we have to wait years or months to get them resolved."

Smith said he plans to institute no major changes in court procedures.

"For the most part, I will follow regular district court procedures," he said. "By that, I mean the cases brought to court will be done the same way the docket is set up in the 85th District Court.

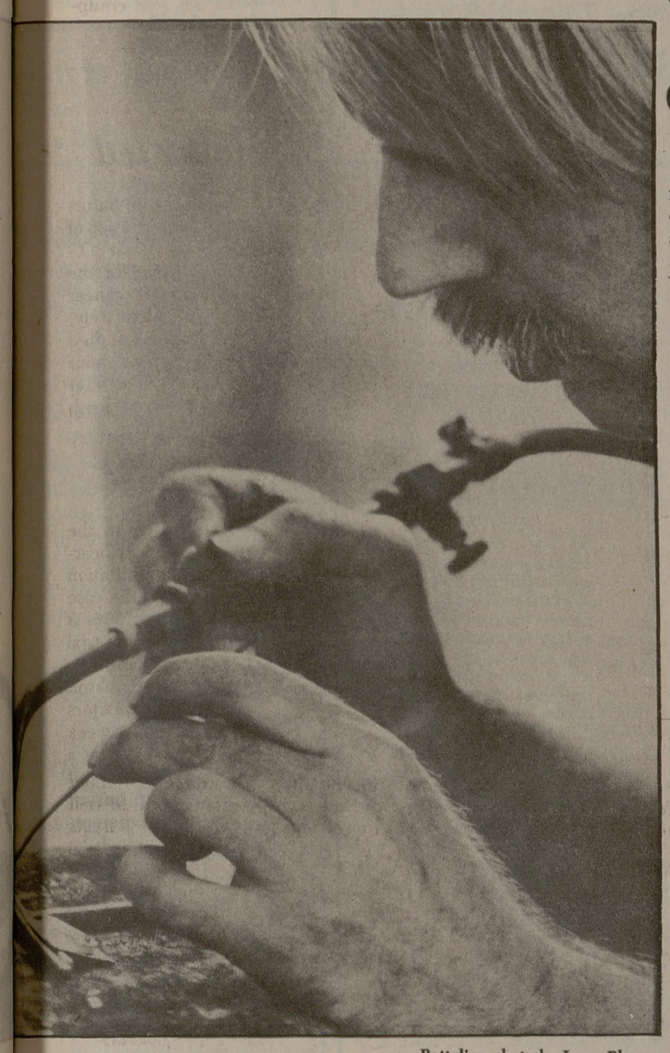
"It's hard to make logical decisions in a county court-at-law, so it's best to use the standard system. I'm used to it, and all this will start much more smoothly if I stick to it."

Smith was elected in November of 1976 to serve as the first judge of the county court-at-law. Prior to that, he had served three years as assistant district attorney for Brazos County.

Smith said the main difference between his duties as county court-at-law judge and district court judge is jurisdiction.

"Primarily, the difference is jurisdiction," he said. "My old job included judging criminal misdemeanors and civil cases up to $10,000. Now I'm judging criminal prosecutions and there are no upper limits to the amount of money involved in civil court cases."

Smith was sworn in as district judge Saturday at 11:30 a.m. in front of the Brazos County Courthouse.



Battalion photo by Lynn Blanco

Rings of fire

J.R. Mathis demonstrates jewelry making at the College Station Arts Festival Saturday. Events started at 10 a.m. and lasted throughout the day. Booths with artists' wares were on display, as well as games and concerts.

Oklahoma ponders castration penalty

United Press International

OKLAHOMA CITY — To some it was funny. But Rep. Frank Shurden said he was not "joking one bit" about a bill to "asexualize" certain sex offenders as punishment, and the Oklahoma House concurred.

House members Thursday approved, by a 50-35 vote, an amendment providing for castration of sex offenders in some instances. A vote on the bill itself was delayed until today.

"The women and children of this state need as much protection as I can give them," Shurden said. "I'm not joking one bit."

The freshman representative said the "do-gooders and bleeding hearts" were to blame for the high crime rate and "it's going to be worse if we listen to them."

Laughter broke out several times during various parts of the discussion on the provisions, and at one point Rep. Bill Bradley, D-Waurika, pulled out a pocket knife and waved it around.

Opponent Rep. Jerry Steward, D-Del City, argued that since asexualization was defined as "incapacitation of the external male genitalia," the proposal left out any mention of female sex offenders.

"There's always the chance after conviction and appeal we would discover a convicted person didn't commit the crime."

The three-page bill says a judge or jury must find two "aggravating circumstances" before ordering a defendant asexualized.

It defines aggravating circumstances as committing a sex crime against a child under 18, committing an "especially serious, atrocious or cruel" sex crime and committing a sex crime resulting in "significant physical injury to the victim," among other definitions.

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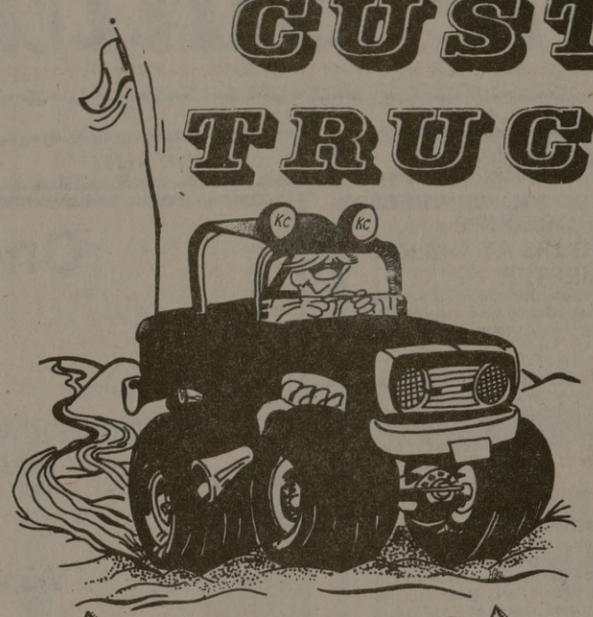

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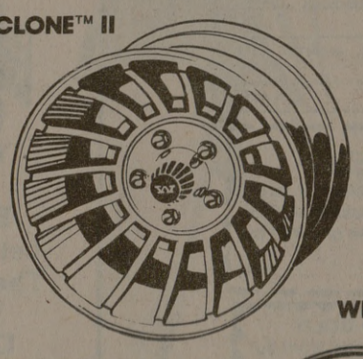

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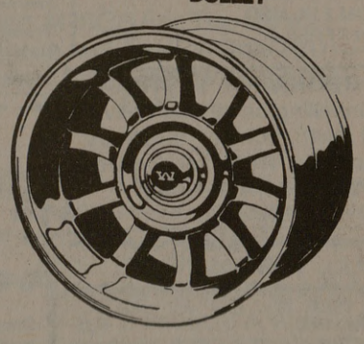

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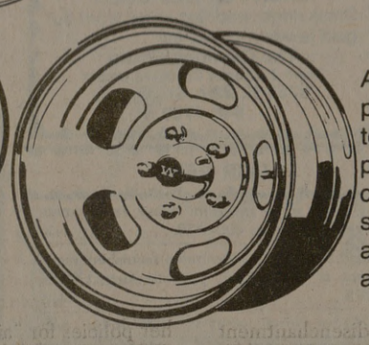

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