

the state

State briefs

Stranded mountain climber rescued

United Press International

GUADALUPE MOUNTAINS NATIONAL PARK — A 20-year-old Texas Tech student stranded on a cliff for more than eight hours showed signs of stress once the ordeal was over but suffered only a bruised knee, park officials report.

The student, Davis S. Tarr, became stranded Saturday on the face of a 150-foot cliff in the rugged mountains along the Texas-New Mexico border. He was rescued Sunday by a team of park rangers.

Tarr was hiking in the Guadalupe Mountains area Saturday with four other companions on a weekend outing when they decided to scale Guadalupe Peak. On their way down from the Peak, Tarr left the group and tried to take a short cut.

The short cut turned out to be a 2-foot wide ledge on a cliff from which he could neither descend or ascend.

Spa cited for deceptive trade

AUSTIN — Attorney General Mark White said Tuesday a permanent injunction against a Houston-based health spa business had been entered in Hidalgo County for violations of the Deceptive Trade Practices and Consumer Protection Act.

The attorney general said Larry G. McGeehee and David Heavin, operators of Shapely Lady Figure Salons, has misrepresented the promotion, advertising and sale of weight reduction and physical fitness exercise programs to about 2,500 women in three salons in McAllen, Harlingen and Brownsville.

White also alleged the defendants had failed to disclose to its customers before selling them memberships that the Shapely Lady Figure Salons had gone out of business, closed its doors and sold six such salons in Houston and Kingsville without refunding the unexpired membership purchase price to its consumers.

The injunction, issued by State District Judge Joe Cisneros in Edinburg, restrains the salons from representing that they have been in business for five years and from telling consumers they may purchase only the "pre-opening special" during their first visit to a salon.

Extra precautions taken at murder trial

United Press International

BROWNSVILLE — As four marksmen armed with automatic rifles kept watch on the roof of the Hall of Justice, prosecution and defense attorneys Tuesday began selecting a jury to try wealthy Pasadena physician Dr. Archie Herman Burkhalter and another man on attempted capital murder charges.

Law enforcement officers, fearing possible violence at the trial, took extraordinary security precautions to protect 197th District Judge Darrell Hester, prosecutors, jurors and witnesses.

Burkhalter, 51, and Scott David Minnick, 21, are being tried for conspiring to murder the man now married to Burkhalter's ex-wife.

Persons going in and out of the courtroom were screened through a metal detector and numerous uniformed and plainclothes officers were stationed near the courtroom as more than 70 prospective jurors were ushered in and out of a back entrance to keep them from viewing the stringent security measures.

John Hensley, 40, was shot through the eyes and blinded last Feb. 15 outside his condominium on South Padre Island. He was a key witness last July in the trial of S.J. Wilburn, 56, uncle of Minnick, who was convicted as the hired gunman and sentenced to life imprisonment.

Prosecutor Joe K. Hendley alleged Tuesday that Burkhalter offered Wilburn and Minnick a new Cadillac and \$15,000 in cash to kill Hensley, who had been scheduled to testify against Burkhalter in a kidnapping case.

Hensley's wife, Laurita, was taken from South Padre Island to Pasadena on Oct. 13, 1978, and Hensley had to obtain a court order to gain her release from Burkhalter's Pasadena hospital.

At the opening of jury selection Tuesday, defense attorney Warren Burnett of Odessa unsuccessfully moved for a mistrial on grounds that Hester improperly explained the three-count indictments against Burkhalter and Minnick to the veniremen.

Hester predicted it would take at least two days to impanel a jury and he planned to recess court Thursday and begin testimony on Friday. The judge said testimony could take more than a week.

In Burkhalter's trial, witnesses testified that Wilburn fired a single shot from a .22-caliber rifle which passed through both of Hensley's eyes. Prosecutors contended the shot was fired through a gunport cut in the trunk of a specially equipped Cadillac.

Wilburn was arrested minutes after the shooting in nearby Port Isabel and Minnick, driving a Cadillac registered to Burkhalter, was taken into custody a short time later. Officers recovered a rifle from the bottom of Laguna Madre near the place witnesses said they saw Minnick and Wilburn parked in separate automobiles after the shooting.

Burkhalter was convicted and sentenced to life imprisonment for arranging the death of the co-owner of the Pasadena hospital on Dec. 9, 1966, but the conviction later was overturned on appeal. After two more trials, a jury acquitted Burkhalter.

Lone Star Gas losing money

Natural gas price hike sought

United Press International

AUSTIN — Lone Star Gas Co. is asking for a rate increase of about \$1 million a month during the year ending in April because the Texas Railroad Commission has limited the amount of increased natural gas costs the utility can pass on to its customers, a top executive of Lone Star said Tuesday.

Douglas Williams, senior vice president of Lone Star, made the comments as the commission opened hearings on the company's request for a \$40.9 million rate increase in gate rates it charges 421 Texas cities for natural gas.

In prepared testimony to be presented to the commission during the hearings, which are expected to last

two weeks, Williams said the proposed rate increase would raise the average residential customer's monthly bill by about \$28. The rate would affect about 1.1 million customers in North Texas and West Texas.

"Lone Star must earn enough to assure the reliability and dependability of service. We must earn enough to pay competitive wages, to buy the supplies and all the other things necessary to get gas to our customers on a dependable, high quality basis," Williams said in his statement.

"Right now, as we will prove to the commission, we are short of earning enough to do all that should

be done to assure first class, quality service. That is why we are requesting this increase."

Williams said Lone Star currently is allowed to pass along to its customers 85 percent of the cost of gas above \$1.18 per thousand cubic feet, plus 30.81 cents.

The average cost of gas to the company in June was \$1.78, he said.

"But since Lone Star has the 85 percent limitation on the cost of gas above \$1.18, the company in effect loses 9 cents for every thousand cubic feet of gas sold that month," he said.

Williams said the company was not able to recover more than \$12 million in gas costs for the 12-month

period ending in April.

"To buy gas knowing you cannot recover your full cost is a bad business decision, but the only other alternative is not to buy gas at all, which ultimately leads to going out of business. We are not interested in going out of business."

Lone Star's proposed rate increase is being opposed by the cities of Dallas, Fort Worth, Denton, Waco, Abilene and a number of other cities.

Refugee claims 'fear in Seadrift' during testimony at murder trial

United Press International

SEGUIN — A Vietnamese refugee who witnessed the shooting death of a Texas fisherman during last summer's crab war at Seadrift testified Tuesday he feared for his family's safety because of animosity toward Indochinese settlers in the Gulf Coast fishing village.

Sen Van Nguyen, 37, a father of five, told a jury he did not know how he could live in Seadrift, where he operates a crab boat, because there is fear in Seadrift.

"My fear stems from the fact that children are harassed in the streets," Van Nguyen said under close questioning. "I cannot tell you who is harassing us because I'm afraid that if I say names, I might get to go away from Seadrift."

Van Nguyen, no relation to the defendants, appeared as a state witness in the trial of Sau Van Nguyen, 20, and Chin Van Nguyen, 20, brothers accused of murdering Bill Aplin Aug. 3.

Speaking through an interpreter, Van Nguyen said he watched an argument on the dock in which Aplin drew a knife and chased one of the defendants. He said the two Vietnamese brothers left and later returned, at which time he saw Ap-

lin, 35, strike one of the brothers and heard "two or three" gunshots.

In his opening statement Tuesday, the Calhoun County district attorney said he intended to prove that the two brothers and other Vietnamese refugees repeatedly violated local fishing customs in Seadrift prior to the murder. The killing of Aplin occurred at the height of a squabble between the Indochinese fishermen and Gulf Coast natives.

Defense attorney Pat Maloney, who won a change of venue to Seguin, protested Tuesday that the

city was "full of rednecks" and questioned whether his clients could receive a fair trial.

Maloney, who said during the eight-hour jury selection Monday that Aplin was "a bully who got what he deserved," said he would base his case on self-defense.

"He (Sau Van Nguyen) came back (to the fishing dock) to protect the only two things he had — his boat and his relative," Maloney said. "He did shoot him. He feared for his life and his property."

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