

State

Judge rejects probation pleas

Embezzler receives 10 years

United Press International
HOUSTON — Despite restitution of more than half of the \$17 million he was accused of embezzling, a former vice president of Allied Bank of Texas lost his plea for probation and was sentenced to 10 years in prison Tuesday.

Assistant U.S. Attorney Connie Myers argued for the maximum penalty, contending that regardless of Wiggins' agreement to repay the embezzled money, he still had committed a crime.

Wiggins already has repaid at least \$9 million by assigning assets to the bank.

Allied Bank attorney Joe Peck said that with the money repaid and insurance coverage, the bank likely would lose nothing from Wiggins' theft.

The sentence followed Wig-

gins' bargained August 18 guilty plea to six embezzlement charges in exchange for a limit on his possible sentence to 30 years and \$30,000 in fines.

"Grant me probation and give me the opportunity to clear my name," Wiggins pleaded in a personal statement to the judge. "Let me meet my commitment to the bank."

"I've thought about what I've done many times. It was a mistake. I've known it for a long time. When I confessed back in January,

it was like lifting a great weight off my shoulders."

Friends of Wiggins took the stand to say they had agreed to let Wiggins manage their assets for a percentage of the profits so he could earn money to repay the bank.

Sterling rejected the pleas for probation and ordered Wiggins to prison with no fine. The judge freed Wiggins pending voluntary surrender to begin his prison term. No date was set for the start of his sentence.

SMU frosh flunk English I

United Press International
DALLAS — More than half of Southern Methodist University's freshman class failed a basic grammar test required to determine if they have a high school proficien-

cy in language skills.

Sixty percent of the 1,400 freshmen at SMU failed the test. Last year, 40 percent of the freshmen failed.

"I'm concerned about the

forces in our culture that require us to teach grammar and punctuation at this level," Mitchell E. Smith, coordinator of the freshman writing program said.

The university hires 24 teachers to teach a rhetoric class required of all freshmen. The first five weeks of class were spent studying such basics as verb conjugation and double negatives. The class meets three times a week for 50 minutes each session. In the test, taken after the first

five weeks, students were required to identify such errors as "George and one of his sisters is flying."

Students who fail the test a second or third time will automatically fail the year-long language course.

"That test was a pain in the butt," Michelle Ricca, a freshman who failed, said. "I studied pretty hard. I didn't think it proved my ability in writing."

District judge restricts use of Daniel testimony

United Press International
LIBERTY — Vickie Daniel's dramatic description of how she shot and killed her husband in January can be used by prosecutors only to impeach her testimony in the criminal case, a judge has ruled.

State District Judge Leonard Giblin Jr., of Beaumont, said Tuesday depositions from Daniel and her previous two days of testimony in a child custody case will be used in the criminal case only to contradict her if she testifies in her own behalf.

Daniel is charged with murder in the shooting death of former Texas House Speaker Price Daniel Jr. She has admitted shooting him with a .22-gauge shotgun during a heated argument over their pending divorce. Her testimony came in March during a bitter six-week-long child custody case with her sister-in-law, Jean Daniel Murph.

A jury of eight men and four women was selected last week to hear the case, which is expected to last at least a month.

However, in view of Giblin's ruling Tuesday that Daniel voluntarily testified about the shooting in the earlier child custody case, it does not appear she will again incriminate herself.

Her attorney, Jack Zimmermann of Houston, would not say if she would testify.

"Oh, that's not a fair question. If she were a witness, she'd be subject to cross examination," Zimmermann said.

If Daniel does not testify, the previous information will not be put before the jury selected to decide her fate, Zimmermann said.

Giblin also ruled Tuesday that conversations Daniel had with a court-appointed psychiatrist and her explanations about the shooting to ambulance drivers will not be permitted in the criminal trial.

However, her admissions to the drivers that she shot her husband can be repeated to jurors by firemen Oscar Cantu and John Anderson. Both men testified that a distraught Daniel directed them to Daniel's body, which lay in a pool of blood in their kitchen, and she then admitted killing him.

Cantu testified that Daniel said she shot her husband. Anderson said she began by saying, "Oh my God."

But no comments she made to the deputy sheriff on the scene will be repeated in court.

The police officer's investigation had already focused on

Daniel, and she had not read her rights to remain silent, the judge said.

He also said police were wrong in not getting a search warrant to remove items from the Daniel home and said nothing taken from the home hours after the shooting was allowed in the criminal case. Taken immediately were .22-gauge shotgun, spent bullet shells and photographs of Daniel's clothes.

But deputy Marvin Price said he returned to the home the next night and took evidence an unfinished glass of alcoholic beverage, legal papers, a substance suspected to be marijuana, a bullet pried from wood in the attic and Daniel's purse. He said he saw no need to get a search warrant.

Her attorney at the time, Andrew Lannie of Baytown, said he told police to get a search warrant, but they did not.

Price Daniel was trying to get his wife to sign divorce settlement papers at the time of the shooting, Vickie Daniel said. However, she testified March that she did not want to sign anything unless her attorney was present.

Clements supports water trust proposal

United Press International
AUSTIN — In a plea for the passage of a proposed water trust fund, Gov. Bill Clements says taxes are more likely to increase if the proposal is rejected and not the other way around, as the proposal's critics claim.

The proposal will be presented to Texas voters Nov. 3 in the form of a constitutional amendment and if passed would set up a fund to meet the future water needs of the state. The fund, a pet project of

House Speaker Billy Clayton, would be financed by state surplus funds.

Speaking at a Tuesday luncheon of the Water for Texas Committee, the governor said: "The truth of the matter is Texans are more likely to face increased taxes if we don't pass (the amendment)."

"That's simply because the surplus will be frittered away every two years with the help of some lawmakers opposing the (amendment), and we'll end up facing a

water crisis down the road that people will demand we take care of, even if it does mean a tax increase."

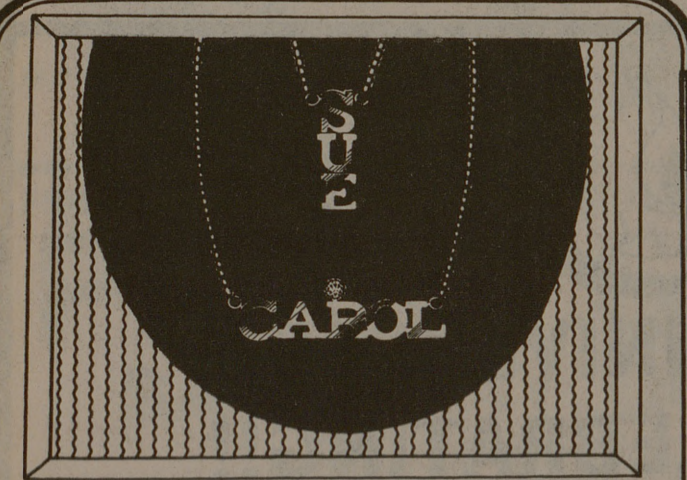
Clements also told the group 50 that the water trust fund would help alleviate flood protection and sewage treatment problems in many cities, particularly on the Texas coast, are experiencing.

Under the proposal, the Legislature would dedicate one-half its surplus revenue to guarantee bonds for water and sewage projects for local governments. Clayton, the architect of the constitutional amendment, said the proposal would simply enable the state to help the local governments with their problems.

"It is not a water plan per se," Clayton said. "It's a funding mechanism for local governments to determine their own destinies."

Austin Mayor Carole McCann, the head of the Water for Texas Committee, said federal budget cuts will force local governments to seek help elsewhere to finance water projects. She said that if the proposal is not adopted, Texans will eventually have to pay more when the water shortage problem becomes even more critical.

Clements also said critics were wrong when they claim that the revenue will be "locked in" for the water trust fund. He said that under the proposal a simple majority of the Legislature can dedicate of funds going into the program.



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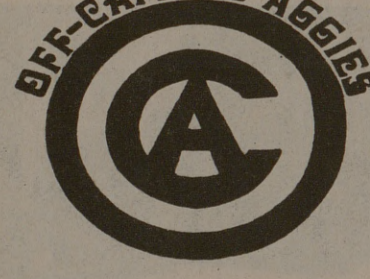
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OFF CAMPUS AGGIES

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701 Rudder 6:30

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- Discussion of Semi-Formal


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