

Double jeopardy dispute surrounds Fielder trial

United Press International
FORT WORTH — A team of attorneys prepared to defend Pamela Fielder in her second murder trial for the death of her husband, but efforts were still under way to obtain a federal appeals court ruling that a new trial would constitute double jeopardy.

Fielder's second trial in the July 23, 1981, killing of Dr. Darwin Fielder began Monday in Fort Worth. Her first trial in April was declared a mistrial when it was learned the prosecution had withheld key testimony from the defense.

One defense attorney, however, was in New Orleans Monday seeking a federal

appeals court ruling that a second trial would violate Fielder's right to be protected from double jeopardy. District Judge Howard Fender refused Monday to delay the start of jury selection for the second trial until the 5th U.S. Circuit Court of Appeals in New Orleans rules on the defense request, said Tarrant County prosecutor Mike Worley.

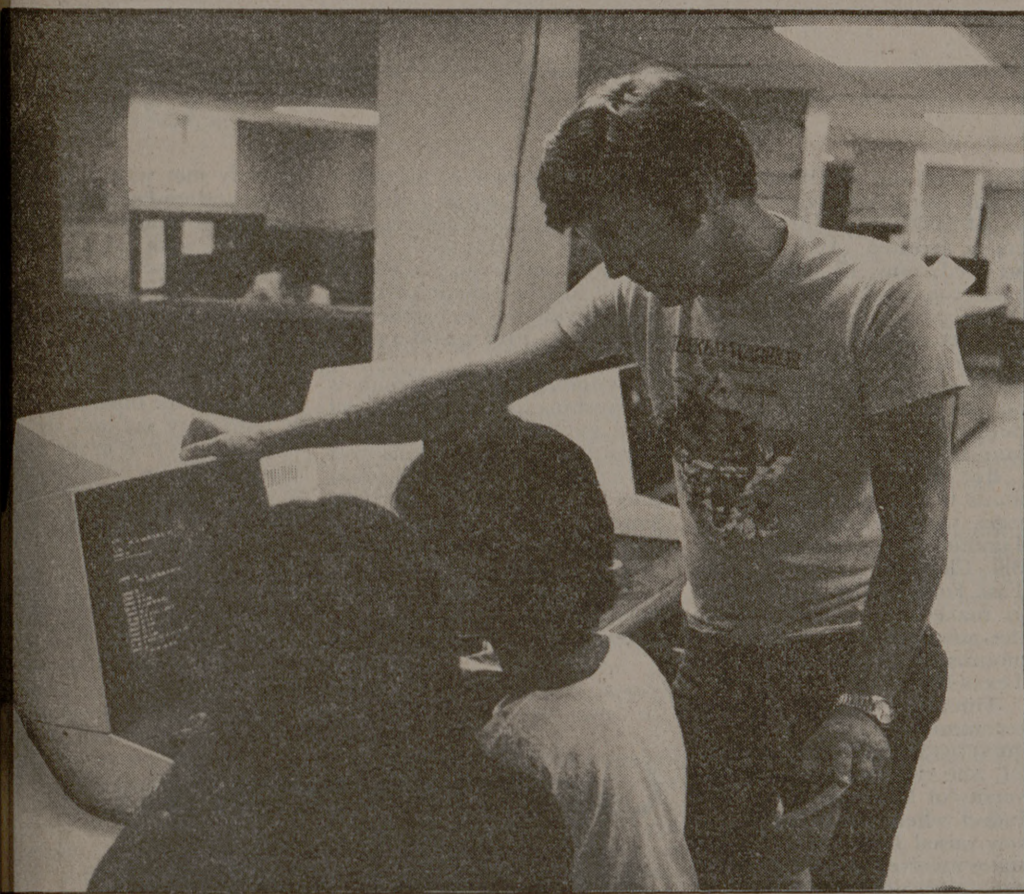
Eighty prospective jurors were called for questioning, and it was predicted jury selection would take two days.

Defense attorneys, headed by Houston defense lawyer Richard "Racehorse" Haynes, have argued that prosecutors were not pleased with the progress of the first trial and purposely tainted the proceedings to get a mistrial declared and

gain a second chance to convict Fielder.

Texas Judge Howard Fender, the Texas Court of Criminal Appeals and U.S. District Judge David O. Belew all rejected the argument and refused to stop the second trial.

Prosecutors indicated there would be no surprises in the new trial.



staff photo by John Ryan

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Chou, a freshman computing science major from Houston, with their program in the Remote Computing Center.

If Chagra plea bargains, his sentence is 10 years

United Press International
SAN ANTONIO — Attorney Joe Chagra reportedly has agreed to testify against a convicted hit man charged with murder in the death of U.S. District Judge John H. Wood in return for a 10-year sentence for his part in the 1979 assassination of a federal judge, federal authorities said.

Federal Judge William Sessions broke his silence Monday on the plea bargaining issue and confirmed that he expected a plea bargain from the El Paso attorney, but not from any of the other four defendants.

Monday was the deadline for plea bargaining in the case.

Chagra, 35, met with two of his attorneys at the FBI office, one of whom is government prosecutors' representative in the Wood case also are headed for trial.

He has reportedly agreed to testify against convicted hitman Charles Harrelson, accused as the triggerman in the judge's 1979 shooting death, in return for no more than a 10-year sentence for conspiracy to obstruct justice.

However, Chagra would not have to testify against his brother Jimmy, charged with the murder in the judge's death, or his wife Elizabeth, who is

also charged with conspiracy.

Mrs. Chagra conferred Monday with her attorney, Warren Burnett of Galveston, but he said the meeting had "absolutely nothing" to do with a plea bargain for Mrs. Chagra. They simply discussed the trial, scheduled for Sept. 28, he said.

Burnett said he also wanted to find out if any of the defendants will be tried separately.

"I'm just trying to find out if there's to be a motion for severance, who is scheduled to go on trial first and how it will be handled," he said.

Government prosecutors are expected to file a new motion this week to separate the trials, he said. If reports are true that Joe will testify against Harrelson but not against Jimmy Chagra, he said, at least two separate trials will have to be conducted for Harrelson and Jimmy.

Burnett said he plans to ask again that Mrs. Chagra be granted a separate trial, too.

Much of the recent publicity has centered on a letter Mrs. Chagra wrote to Judge Wood's widow last week, apologizing for her role in the slaying. The letter reportedly implicated Jimmy Chagra as having engineered the judge's shooting death.

Jimmy Chagra is already serv-

ing a 30-year prison sentence for drug smuggling. Harrelson, once convicted as a hit man in an unrelated case, is now serving 70 years on drugs and weapons charges.

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