

Autry denied new trial; execution date to be set

United Press International
BEAUMONT — Texas death row inmate James Autry has lost another appeal for a new trial on his capital murder conviction in the 1980 shooting death of a mini-mart store clerk.

U.S. District Judge Robert Parker said Friday that Autry's petition seeking a reversal in his case or a new trial was "without merit" and he lifted a stay of execution for the inmate.

In a 23-page ruling, Parker upheld Autry's conviction for the Oct. 9 killing of Shirley Rout, 43, a mother of five, at a Port Neches mini-mart.

In dissolving Autry's stay of execution, which had been scheduled for Dec. 17, Parker paved the way for State District Judge Leonard Giblin to schedule the execution.

Giblin said he would meet with defense and state attorneys before setting the inmate's new execution date.

"Of course we intend to appeal Judge Parker's decision," said Charles Carver, Autry's attorney.

"I was not totally surprised, but I was somewhat surprised he vacated the stay of execution," Carver said.

Carver said he could not file an appeal in the case until Giblin schedules a new execution date for Autry, an unmarried Colorado native who grew up in Amarillo.

Carver alleged in a petition for a writ of habeas corpus that Autry was beaten into signing a written confession to the shooting after a police officer overheard Autry discuss the incident with his mother over the telephone.

The defense attorney said the telephone call provided police with evidence that robbery might have been the motive leading to the shooting.

Texas law requires that a killing be committed in connection with another crime, such as robbery, to qualify for capital murder charges and the death penalty.

Carver claimed Parker erred by admitting a policeman's hearsay account of the phone call into evidence in the trial.

Parker rejected the argument.

"Assuming all of petition's allegations to be true, that he was beaten into signing the written confessions in violation of Miranda, that he felt the 'cat was out of the bag' at that point, and that a police officer stood nearby as he made the telephone call, the court finds that the oral declarations were voluntary and sufficiently an act of free will," Parker wrote.

Parker also dismissed Carver's claim that immunity was refused for one defense witness, while it was granted to two prosecution witnesses.

In a hearing held on the petition last week, prison inmate John Sandifer, who originally was Autry's codefendant but against whom charges were dropped, said he refused to testify for Autry because he feared self-incrimination.

Parker said prosecutors have the sole responsibility of offering or granting immunity to witnesses and that a judge may do so only in cases where governmental or prosecutorial abuse can be shown.

Autry also was charged with killing a 32-year-old former priest and crippling a Greek seaman in the same incident which resulted in his conviction of capital murder. He has not been tried on those charges.

CSISD to meet tonight

The College Station school board will make election recommendations at their regular meeting at 7 tonight in the Oakwood Middle School library at 106 Holik St.

The board will announce the date of trustee elections and will recommend approval of the joint school district and city election agreement. The board also will recommend approval of a resolution regarding runoff election dates.

In addition, trustees will discuss long-term use of district facilities.

Judge retains authority; Braniff case continues

United Press International
FORT WORTH — Bankruptcy judge John Flowers, who has authority to decide the fate of now defunct Braniff International Airlines, has been affirmed by a federal judge, and will continue to hear the arguments of some 100 attorneys involved in the case.

Before the judge are motions from flight unions and creditors to delay the hearings for four weeks and to appoint a trust-ship to oversee the defunct company.

Ultimately, Flowers will have to decide whether to allow a joint venture between Braniff and Pacific Southwest Airlines in which PSA plans to lease 30 Braniff aircraft to serve a new Texas-based operation. The plan also might put 1,500 of the 2,000 former Braniff employees back to work.

Friday, Flowers turned down requests from Braniff competitors Delta and Northwest to postpone the hearing in the re-organizing.

While attorneys for competing airlines, unions and creditors said they needed the time to view the Braniff-PSA propos-

al in greater detail, Braniff attorneys called the motions stall tactics directed at jeopardizing the agreement.

PSA officials have said they must be in the air with the new division by May 1, or the plan will be scrapped.

PSA vice president of finance George Shortley said the May to September travel period was the company's most profitable and a loss of just one month of that period would make the venture undesirable.

A delay of four weeks would make a May 1 start-up time unlikely, he said.

U.S. District Judge Eldon Mahon reaffirmed Flowers' authority to hear reorganization plans in the case Friday.

In his ruling, Mahon considered a motion filed by the parent company of American Airlines, the chief rival of Braniff in Dallas, which claimed the Braniff-PSA arrangement did not fall within the jurisdiction of Flowers' court.

Mahon said his ruling was affected by "exceptional circumstances" including the fact that Flowers had been hearing the bankruptcy proceedings for

the past eight months, that Braniff was the only major airline to go into Chapter 11 of the bankruptcy laws and that Braniff had \$460 million in assets and a large fleet of idled planes against debts of \$1.2 billion.

After resuming his duties, Flowers overruled other challenges to his jurisdiction.

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