

# Jury convicts killer, to decide sentence

**United Press International**  
**MOUNT PLEASANT** — A jury Tuesday convicted Calvin Loyd Padgett of capital murder in the 1982 killing of a Pizza Hut employee found fatally shot with two other workers after an apparent robbery.

The jury deliberated less than two hours before returning the verdict and immediately began hearing testimony in the punishment phase of the trial which will determine if Padgett is sentenced to death or life in prison.

The jury was sequestered for the night after hearing two witnesses for the prosecution. The panel was to begin hearing testimony from the defense Wednesday morning.

## Fishermen lose again

# Dredging allowed

**United Press International**  
**GALVESTON** — A second federal judge Tuesday refused a fishermen's request to stop the U.S. Army Corps of Engineers from dumping Intracoastal Waterway dredge spoil into East Matagorda Bay.

U.S. District Judge Hugh Gibson heard a day and a half of testimony and argument on the controversy before ruling from the bench that the Corps — which has only three miles of dredging left to do — can

continue dredging.

Plaintiffs Roy and Muriel Tipps, commercial shrimpers and bait camp operators in Sargent, said even though they have failed to stop the dumping they now are considering suing for damages and corrective measures.

Ed McGehee, director of construction for the Corps, said he was happy with the ruling because he considered it important for commerce

and the overall public interest. The waterway was silting up.

McGehee said the dredging project should be finished by Oct. 1. Still, he expressed concern for the shrimpers and fishermen who complained about open water dumping of dredge spoil and said the Corps had reduced its dredge depth another two feet to reduce dredge spoil.

He said next time the state hoped to have other sites for

dumping its dredge spoil. The Bean Dredging Corp. of New Orleans, working under a \$2.4 million contract with the Corps, has been dredging a 28-mile stretch of the Intracoastal Waterway this summer and fall.

The dredging started at 14 feet of depth, was reduced to 12 feet and now is 12 in the area where the fishermen were most concerned — an 8-mile stretch where dumping of spoil was into open water.

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## Decertification won't be fought

**United Press International**  
**AUSTIN** — A Texas City nursing home cited for 20 health and safety violations has decided not to fight the state's decision to revoke its certification, the Texas Department of Health said Tuesday.

But Beverly Enterprises Inc. of Pasadena, Calif., which operates College Park Convalescent Center, said Tuesday it already has asked for recertification, although it is not fighting decertification at a hearing Wednesday.

Decertification, which would take effect Friday, will cost the home its right to receive state payments under Medicaid, the federal-state program that pays for nursing home care for the poor. But it will not be shut down.

Robert Parker, Beverly's executive vice president, said the state inspection occurred about the time of Hurricane Alicia, and he said there were uncontrollable problems. But Parker said the administrator has been replaced.

"We have done our own quality assurance review in the facility and have formally requested re-survey based on compliance being satisfactory at the present time," Parker said.

When it was known as the tummn Hills Convalescent Center in 1981, the nursing home parent company and eight employees were indicted by a Galveston County grand jury for murder by neglect.

The indictment was later dismissed by a district court judge. Among the violations cited in a Health Department inspection report dated Sept. 2 was the nursing home's failure to have a registered nurse on duty during Hurricane Alicia in August.

The home was inspected on 16, 17 and 22 by a Health Department team.

The team, which visited the home the day before and the days after Alicia struck Galveston and Houston, reported the home's director of nurses was fired just before the storm because she refused to stay during the hurricane.

Jerry Bryant, director of the department's quality standards division, said he based his recommendation on the report that showed the home did not have enough staff to care for 87 patients, many of whom are acutely ill.

Bryant said: "The facility waived its right to a hearing and accepted decertification."

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