

Lawsuit filed in restaurant slayings

United Press International
HENDERSON — The wife of one victim in last year's massacre of five people abducted from a Kentucky Fried Chicken restaurant has filed a \$5.5 million negligence suit against the restaurant operators.
 Meanwhile, the 6-month-old investigation into the robbery-homicide, in which all the witnesses were taken from the scene and killed on a rural East Texas oil lease, has turned up

no new leads, police said.
 Henderson attorney John Sloan said Lana Maxwell of Kilgore filed suit March 29 against Tem-Kil Co. Inc. and Kilgore Kentucky Fried Chicken, the two firms that operated the restaurant from which the victims were abducted on Sept. 23, 1983.
 "We've sued on the basis of negligence," Sloan said. "Failure to provide security is the most obvious cause."

Sloan said that after the defendants are served with the suit, he will immediately begin seeking to subpoena company records and testimony.
 "Hopefully we'll go to trial at the end of this year or early next year," he said.
 Maxwell filed suit on her own behalf and on behalf of her newborn son, David Maxwell II, born six months after his father's slaying. She was pregnant at the time of her husband's

death, Sloan said.
 David Maxwell, 20, an employee of the restaurant, was abducted around closing time along with Mary Tyler, 37, Joey Johnson, 20, Opie Hughes, 37, and Monty Landers, 20.
 Rusk County Sheriff Mike Stone said investigation continues into the killings, but there have been no new developments.
 "The Waco sheriff's office had a boy we wanted to talk to

last weekend but he was just one of thousands," Stone said. "We talked to him but that didn't result in any new leads."
 The five victims were taken to an oil lease in adjacent Rusk County. Four were laid out face down and shot in the back of the head. Tyler apparently tried to flee and was shot down about 50 yards from the others, investigators said.

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Psychiatric test ordered for Marvin Gaye's father

United Press International
LOS ANGELES — A Municipal Court judge Wednesday ordered a psychiatric study for the preacher father of slain soul-singer Marvin Gaye because the lawyer for the elderly man said he is incompetent to stand trial for murder.
 Judge Michael Tynan, who entered a plea of innocent on behalf of Marvin Gaye Sr., ordered the retired minister held without bail pending completion of the psychiatric report, which is expected to take about three weeks.

Gaye, who is charged with allegedly shooting his Grammy-award winning son through the heart Sunday, did not utter a word during the five-minute legal proceeding.
 He reportedly is being held in a high-security section of the county jail because of alleged death threats.

The younger Gaye was shot twice in the chest at his parent's Los Angeles home Sunday afternoon following an argument that began with his father Saturday night, police said. Police said the fight was over an "immaterial letter from an insurance company."
 Bracke said Gaye appeared mentally competent to police detectives when he was questioned after the killing. Another member of the district attorney's staff said defense lawyers frequently file incompetency motions to delay a trial.
 But Tynan, in his ruling, said, "A doubt arose in my mind as to the present sanity of the defendant."

"It is my understanding he is clearly incapable of understanding these proceedings and to undertake his own defense," Tynan said of Marvin Gaye Sr., granting defense lawyer Philip Schreiber's request for a psychiatric evaluation.
 Tynan delayed further court proceedings until April 25, when he said he would set bail at \$100,000 if it is determined Gaye understands the nature of the charges against him.
 If the doctor reports Gaye is incapable of understanding the legal proceedings, and a judge agrees, the retired minister could be sent to a mental hospital until he is able to aid his lawyer.
 Schreiber, Tynan and Deputy District Attorney Dona Bracke had huddled in the judge's chambers to discuss the competency issue in private before holding the brief court ses-

sion before a roomful of the singer's fans and reporters.
 "The thunder is out of the man," he said. "A lot of things will be coming out which will be surprising to the public."

Bracke said the prosecution decided to file the murder count, instead of a lesser charge of manslaughter, because there was a time lapse between a physical altercation between the two men and the shooting.
 She said Gaye's father got his gun from his bedroom and walked back to where his son was standing.
 The first shot, through the heart, killed the entertainer instantly, she said.
 The singer's father then waited a few moments, stepped forward and fired a second shot from his .38-caliber revolver through the entertainer's left shoulder at such close range that it left gunshot powder on his son's face, Bracke said.

Coverage of O'Bryan's death disturbs death row inmates

United Press International
HUNTSVILLE — The execution of Ronald "Candyman" O'Bryan disturbed Texas death row inmates, but apparently not as much as media coverage of the event, some inmates said Wednesday.
 Thomas "Andy" Barefoot, 39, considered the next inmate likely for execution, criticized reporters for defying O'Bryan's wishes to leave his family out of the coverage.
 Barefoot said the execution scene resembled a "dog and pony show." However, Barefoot was 13 miles away from the execution chamber at Texas Department of Corrections headquarters.
 "I was very much upset — not that he was killed — but about the exploitation of what went down," Barefoot said.
 O'Bryan, 39, was executed Saturday for poisoning his 8-year-old son with Halloween candy in 1974 to collect insurance money.
 Barefoot said the execution did not bother him; he said that as a Christian he is assured of eternal life. He said he would not grant extensive media interviews prior to his scheduled execution to avoid news coverage similar to that surrounding O'Bryan's death.

O'Bryan, dubbed "Candyman" by his fellow inmates, was not well liked on death row.
 When he died at 12:45 a.m. Saturday, many death row inmates had already gone to sleep. Others reflected on his death in silence.
 Following the Dec. 7, 1982 execution of Charlie Brooks Jr., of Fort Worth, death row inmates at Huntsville rattled their cell bars and shouted in protest against the killing.

"I'm feeling like I'm not going to be the next show pony," said Barefoot, sentenced to die for the 1978 shooting death of a central Texas policeman.
 Jay Kelly Pinkerton, 22, scheduled for execution May 31, also declined interviews because he said the news media had treated O'Bryan unfairly in his final days.
 Pinkerton was convicted in the 1979 slaying death of an Amarillo housewife during a robbery.
 Both Pinkerton and Barefoot said the news media did not give enough coverage to O'Bryan's insistence that he was innocent.

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