

Prisoner-activist Ruiz plans to appeal case

Associated Press

AUSTIN — A defense attorney says he is prepared to appeal a life sentence handed David Ruiz, the former Texas prison inmate whose lawsuit sparked court-ordered reforms in the state penitentiary system.

A state district court jury took only 50 minutes Saturday to decide the sentence for Ruiz, who was convicted of aggravated robbery.

Court officials said Ruiz, 43, would be eligible for parole in 20 years, minus any credit for good conduct given him by prison officials.

"You've got a man here who wants to rob, rob, rob and he'll do it again and again if he gets out," Assistant District Attorney Terry Keel told the jury Saturday in asking for the maximum sentence.

Defense attorney Bob Looney begged jurors not to take Ruiz "away from his wife, Rose, and their children for too long."

Afterwards, Looney said he was preparing a motion for a new trial and was ready to appeal if the motion was denied.

"I think my lawyers did a good job and I want the sentence appealed," said Ruiz, who remained impassive when the jury's verdict was read.

State District Judge C.C. "Kit" Cooke, a visiting judge from Cleburne, immediately sentenced Ruiz, who was found guilty Friday.

Ruiz is on parole from a 25-year

prison sentence meted out in 1968, when he was convicted on three counts of aggravated robbery. He also was convicted of robbery in 1960. In 1982, he was given another 25-year sentence for aggravated robbery. The case is now on appeal.

After the prison reform suit, Ruiz was moved to the federal prison at Bastrop after he claimed his life was in danger in the Texas prison system because of his activism.

Ruiz said Friday he was being persecuted because of his prison reform efforts.

"They're trying to get me anyway they can, and if that is not biased and prejudiced, I don't know what is," he said Friday, moments after the guilty verdict.

Prosecution witnesses identified Ruiz as one of four robbers who invaded a North Austin apartment Sept. 15, 1984. Jewelry and money were taken from three men and a woman. A 22-year-old woman was raped and sodomized, according to prosecution testimony.

Looney tried to prove the witnesses were vulnerable to pressure from police to testify against Ruiz because of their involvement in drug deals.

Much of the long defense final argument was taken up by a courtroom skit staged by Looney. He said his skit was called "Let's pin it on David Ruiz."

Prosecutors rejected the claim. "None of this was backed up by testimony," Keel said.

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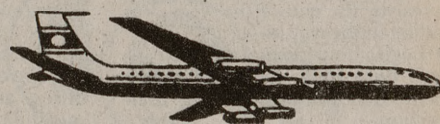
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Photo by JON P. KARP

Tree Of Lights

The MSC Hospitality Committee kicked off a week of holiday festivities with the lighting of a Christmas tree Sunday night in the Memorial Student Center Main Lounge.

DA urges investigations of police brutality cases

Associated Press

SAN ANTONIO — The Bexar County district attorney says his office should routinely investigate cases alleging excessive force by police as a check on the department's internal affairs inquiries.

Police have documented numerous incidents of officers using excessive force against city residents in recent years, but criminal charges were rarely filed against officers involved in those cases, the San Antonio Light reported.

The department instead has handled the cases within its own system, doling out administrative suspensions or reprimands through the internal affairs division to officers who assault civilians, according to the newspaper.

District Attorney Sam Millsap said he believes his office should routinely investigate such cases. Police Chief Charles Rodriguez said his department must become more diligent in its handling of brutality complaints against his officers.

A review of 27 brutality cases over the past three years shows that only two cases were referred to the district attorney for consideration of charges, the Light reported.

The other 25 assaults — which had been investigated and found valid by the department's own internal affairs office — resulted only in suspensions of the guilty officers.

"My assumption has been until recently that in every situation these (assaults) are brought to me," said Millsap. "Now, I'm finding out that there are a lot we don't hear about."

Millsap said one case not sent to his office involved a citizen

rushing to a hospital who was reportedly forced off the road and punched by an officer after he tried to signal the policeman for help.

Another case involved a woman who was handcuffed near a downtown lounge and allegedly thrown around, spat upon and struck several times on the breasts by an officer on his way to a disturbance call, the Light reported.

In neither case was the victim charged with a crime.

Rodriguez said some police brutality cases that should have been sent to the district attorney were not. But the police chief also said some citizens who file complaints with internal affairs later change their minds and are not willing to follow up with the district attorney.

Millsap said police and other public officials must be held to higher standards than the general public.

"The police department ought to be even quicker to send that case to the district attorney's office," he said.

He said he had discussed the problem with Rodriguez.

"It's so basic — you don't grade your own papers," Millsap said. "I've indicated on any number of occasions to ranking police officers, including the chief and deputy chiefs, that the worst thing in the world for the department to do is investigate these incidents themselves and then stop there."

"It makes the police susceptible to charges that they are guilty of cover-up and of protecting their own," he said.

Judge overturns verdict, acquits accused woman

Associated Press

CORPUS CHRISTI — A judge who dismissed a jury's guilty verdict handed down against a woman accused of arranging the shooting of her former lover said he had no choice but to acquit her.

But prosecutors said they plan to file a grievance against State District Judge Mike Westergren.

Westergren said prosecutors failed to produce sufficient corroborative evidence to support the testimony of the state's key witness against Margaret Covington.

"If we are subjected to prosecution because of what someone said about us, there would be no end to what abuses could take place," Westergren said Saturday.

District Attorney Grant Jones said Saturday he will file a grievance with the State Commission on Judicial Conduct complaining of Westergren's treatment of prosecutors.

Jones said his office would begin Monday compiling documentation that would show a series of cases in which Westergren has allegedly treated prosecutors unfairly.

"We have major litigation pending in his court and we will not sit idly by and let it be business as usual," Jones said.

On Friday, Westergren overturned the jury's verdict and dismissed charges of burglary with intent to commit aggravated assault against Covington. Members of the jury, who deliberated 17 hours over two days before returning the verdict, were surprised by the decision, one juror said.

"We all are shocked that this could happen," said jury foreman J.C. Sexton. "We worked so hard to render this verdict and then to have it overturned. I certainly don't think justice was served."

Assistant District Attorney Bill May said Westergren should resign.

A psychologist and lawyer now living in Sweetwater, Covington was accused of hiring Terry Michael Noah to injure Corpus Christi attorney Cage Wavell in November 1981.

Wavell was shot four days after he refused to sign an affidavit that would have acknowledged he was the father of her child.

Westergren, minutes after jurors returned their verdict, granted Covington an instructed verdict of acquittal without allowing prosecutors to respond to the defense motion. The judge had denied the request on at least four earlier occasions in the trial.

Man in Salvation Army canister scares people making deposits

Associated Press

WICHITA FALLS — A transient turned a Salvation Army donation canister into a jack-in-the-box, much to the fright of people trying to deposit clothing and other contributions, police said.

Officers arrested the man, described in his mid-40s, after he fell asleep in the box Saturday night.

Police said the man would jump up and scare people when they at-

tempted to drop items in the box. The prankster was turned in by one of his victims, police said.

Several officers went to the donation box at about 6:30 p.m. and found the man had fallen asleep inside the box. He was revived and arrested, said Delbert Grogg of the Salvation Army.

Salvation Army officials had to open the box with a key to get to the man, said Grogg, who added he wasn't sure how the man got inside.

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