

Autumn Hills case ends in mistrial

Prosecutors say they will move to get charges dismissed

SAN ANTONIO (AP) — The murder trial of a nursing home chain and four people ended Tuesday in a mistrial and prosecutors said they would move to dismiss the charges alleging an elderly patient died from neglect.

State District Judge Don Morgan ended the trial, which began with jury selection in September, after jurors sent him a fourth note indicating they were deadlocked following about 36 hours of deliberations.

It was the first case ever in which a nursing home corporation and its administrators had been charged with murder in the death of a patient, attorneys said.

Galveston County District Attorney Mike Guarino said the case would not be retried and he would move within the next few weeks to have the charges dismissed.

The state had charged Autumn Hills Convalescent Centers Inc. and five of its current and former employees with murder by neglect in the death of Elnora Breed, 87. Breed died about six weeks after she was admitted to an Autumn Hills nursing home in Texas City.

The state argued Breed died of starvation and infection, both the result of poor nursing care. The defense said Breed died of cancer, a disease for which she had undergone surgery three times.

The individual defendants included Autumn Hills president Robert Gay, 59; vice president Ron Pohlmeier, 43; nursing consultant Mattie Locke, 44; and former nursing home administrator Virginia Wilson, 64.

Former nursing director Cassandra Canlas was granted a separate trial after the prosecution rested in December. Guarino said charges against Canlas also would be dismissed.

A conviction on the murder charge carried a maximum sentence of life imprisonment.

The overall cost makes it not feasible to retry the defendants, Guarino said. Galveston County spent about \$260,000 in the court action, he said.

The state spent about \$1 million, according to Assistant Attorney General David Marks.

"We tried the best case that we knew how to try and the jury was not

able to resolve it," Guarino said. "There has to be some finality to these kinds of lawsuits."

Marks, who started the prosecution effort in 1979, said the mistrial disappointed him.

"I think this case sends a message to the rest of the nursing home operators — that they can be subject to the full extent of the law," he said.

Gay, who at one time owned 17 nursing homes, said he was happy about the mistrial and predicted it would have some effect on the nursing home industry as a whole.

Gay said he plans to stay in the business, but for others, the case will make you think twice before going into the nursing home business.

Pohlmeier said he is not totally satisfied with the outcome.

"I'm just glad it's over with," he said.

Jurors said an initial vote was in favor of a conviction for all defendants. But gradually the vote swung in favor of a conviction for involuntary manslaughter against the corporation and innocent for the individual defendants, they said.

"There was a lot of neglect —

criminal negligence. To me, it wasn't enough to convict of murder," Sherman Miller said.

The state called several nurses, aides and state health inspectors who testified that patients at the Texas City home were left lying for hours in their own waste. Witnesses also said there were staffing shortages and a lack of food, supplies, medicine and equipment.

According to prosecution witnesses, Breed was kept on a "starvation diet" of 600 calories daily for most of her stay at Autumn Hills. Others said she had three serious bedsores.

But the defendants testified they took great pains to make sure good care was given. Breed's doctors testified they ordered the 600-calorie diet because her cancer-ridden digestive system could not tolerate more.

Other experts testified bedsores are unavoidable on certain elderly bedridden patients.

An autopsy performed on Breed's skeletal remains last year was inconclusive.

In Advance

CS Council to examine crime prevention plan

By CRAIG RENFRO
Staff Writer

College Station City Council will discuss implementation of a crime prevention program and consider the formation of a College Station Historic Preservation Committee in its workshop meeting today at 5 p.m.

The regular council meeting will be Thursday at 7 p.m.

The crime prevention program, requested by Lt. Bernie Kapella of the College Station Police Department, will present seminars to help citizens reduce their chances of becoming a crime victim.

In Thursday's meeting, the council will discuss amending the city's ordinance code to maintain

the current tax level for the occupancy tax. The council estimates that the 6 percent rate passing this ordinance will generate approximately \$550,000 in revenue for the fiscal year.

Council also will consider an ordinance requiring the city's city officials and employees against liability incurred as a result of performing city duties.

However, the city will be responsible for any damages or expenses incurred by employees who commit illegal actions in violation of city policies.

In other business, the council will hold a public hearing on rezoning requests.

Student body candidates to hold debate Thursday

By FRANK SMITH
Staff Writer

Student body presidential candidates will debate on Thursday at 7 p.m. in MSC 226.

Five students — Jim Cleary, Mike Hachtman, Marty Roos, Brett Shine and Mike Sims — are competing for the office. Spring elections will be held on next Wednesday.

Chris Gavras, election co-commissioner, said the debate will have a different format this year than in the past.

In the past the outgoing student body president asked all the questions at the debate. This year

the election commission will have a moderator and a member panel made up of members of the student commission.

Gavras explained that panel member will be allowed to ask one question of each candidate. Each candidate will have five minutes to respond to each, but the candidate will be allowed a one-minute closing statement.

Gavras said Lindsey Dingler, Student Government's executive vice president, will be the moderator. The panel members have been confirmed as of Tuesday.

Emotional, legal aspects of date rape to be discussed

By JEANNE ISENBERG
Staff Writer

A four-member panel will discuss the emotional and legal aspects of date rape tonight at 7 in 206 Memorial Student Center.

Jan Winniford, assistant director of student affairs, says the program will begin with a movie that re-enacts a date rape situation and an interview with a date rape victim.

On the panel, Winniford says, Dr. Charlene Muehlenhard, an A&M assistant professor of psychology who has researched sexual aggression, will discuss date rape and its occurrence at A&M and around the nation.

Lt. Bernard Kapella of the College Station Police Department will explain the legalities of rape and the exact process that goes through after date rape to press charges.

Winniford also says Dr. Hope, associate director of A&M Student Counseling Service, will discuss the adjustment period of the victims, and an A&M student and date rape survivor will talk about her personal experience.

The program is sponsored by the National Organization Women and the Texas A&M Department of Student Affairs.

Fights mark spring break in Texas

PORT ARANSAS — The mayor of Port Aransas says more people crowded onto the island for spring break this weekend than any time in his 16 years of witnessing the influx of vacationers.

Mayor Dale Bietendorf said, "You wouldn't believe it. I have never seen anything like it."

There were probably 150,000 students on the island from Friday through Sunday night, he said.

Bietendorf said traffic was backed up two miles on Park Road 53 south of Beach Access Road 1A.

Seven reported stabbings and fights involving tire tools and pick axes made this past weekend on Mustang Island near Port Aransas the most violent in recent memory, Nueces County constable Dee Wayne Matthews said.

He said that most of the fights were caused by local students who followed the college students with fighting in mind.

Justice of the Peace Jim Atwill said he had heard of more than 100 citations issued mainly over beach-related fights.

New boss of shuttle promises conservative flying, safety

SPACE CENTER, Houston (AP) — The new shuttle boss promised NASA workers Tuesday that every element of the spaceship will be re-examined and, if necessary, redesigned before it flies again, and said when launches do resume the emphasis will be on "conservative flying."

In addition, Richard H. Truly, a former astronaut and NASA's associate administrator for space flight, said in a speech that he will direct a reassessment of NASA's management, and a redesign by this nation's best talent of the rocket booster suspected of causing the destruction of the shuttle Challenger.

Space shuttle flights have been suspended since Challenger exploded on Jan. 28, killing its seven-member crew.

Truly said he could offer no date when flights will resume, or say how many flights would be planned.

He said the safest way to start would be with a daylight launch of an all-astronaut crew and a payload of the type that has flown before. Landing, he said, would be at Edwards Air Force Base in California, considered the safest runway for the shuttle.

Even with this plan, Truly said, spaceflight always will be a "bold" venture with dangers.

"We cannot print enough money to make it totally risk-free," he said. "But we will correct any mistakes we have made in the past."

At a later news conference, Truly said the only way to be "perfectly safe is to stay on the ground and I think that's too darn safe."

Truly was appointed director of space flight for the National Aeronautics and Space Administration in February and has been directing a fact-gathering task force assisting a presidential commission.

Truly said there would be a thorough review of the NASA management structure, including the "commit-to-launch process" and that any changes needed to assure confidence and safety would be made.

Truly said all critical parts on the shuttle will be re-evaluated and, if necessary, re-designed.

Truly said a team of engineers would be organized at the Marshall Space Flight Center in Alabama to redesign and test the rocket booster joint.

He said there also would be a re-examination of launch techniques, along with means of returning the crew safely to Earth if there are problems.

In response to a question, Truly said he did not expect to build crew escape pods into the shuttle, as some have suggested, but added, if the presidential commission says we should do that, we would.

Truly spoke at a Johnson Space Center auditorium jammed with NASA workers. His remarks were carried by closed-circuit television to other NASA centers.

At a news conference later, Truly said he did not believe NASA had ignored flight safety in the past, but that because of the Challenger accident, "We've lost some of our perceived credibility and we must gain that back ... We are going to review every part of this business to emphasize flight safety and conservative flying."

Astronaut Robert Rippen, also at the news conference, said Truly had briefed the astronaut corps on the space shuttle program plans, and that the astronauts were in agreement.

Truly said that there will be "quite a backlog of payloads" waiting when the shuttle does resume flights, but he expects that Department of Defense space cargo will have first consideration.

Asked about a memo by chief astronaut John Young which criticized NASA's plans to land the shuttle at the Kennedy Space Center, Truly said severe weather is a problem in Florida and that "it may be prudent to go to Edwards on the majority of the flights."

Truly said he was uncertain when, or if, civilians would fly on the shuttle again. Teacher Christa McAuliffe, the first ordinary citizen on the shuttle, died in the Challenger accident.

LaRouche-backed candidates getting attention in Texas

AUSTIN (AP) — The state Democratic Party chairman, wary of a Texas replay of the Illinois primary, is mailing 18,000 copies of a list of Lyndon LaRouche-backed candidates in the May Democratic primary.

The message is simple, Chairman Robert Slagle of Sherman said Tuesday.

"Unless you know who it is you are voting for against an incumbent, you better vote for the incumbent," he said.

The LaRouche faction is not welcome in the Democratic column, according to Slagle.

"We don't encourage the Ku Klux Klan to come participate with us either," Slagle said.

"I'm not going to call anybody a lunatic fringe. But I'm going to de-

"We don't encourage the Ku Klux Klan to come participate with us either."
— Robert Slagle, state Democratic party chairman.

scribe what it is they say and I'm going to say I don't think it's healthy."

A top LaRouche backer in Texas said Slagle's move "smacks of Stalinism."

Harley Schlanger of Houston, a congressional candidate, said, "But I thank him for sending out our names. We've never hidden. Our

candidates run as open LaRouche candidates."

The LaRouche forces recently scored two major Democratic primary wins in Illinois, grabbing the nominations for lieutenant governor and secretary of state. Democratic officials there say voters were attracted to simple names and didn't know they were voting for LaRouche backers.

Slagle wants to make sure Texas Democrats know who's who in the primary.

"They tend to go to sleep at the wheel a little bit" in non-presidential election years, he said of precinct and county chairmen.

An estimated 200 supporters of LaRouche, an arch-conservative and 1984 third-party presidential candidate, will be on Texas Democratic

primary ballots. Only one, agriculture commissioner Noel Cowling of Dublin, is seeking statewide office.

Two of the 12 LaRouche candidates for Texas congressional seats are certain to win the Democratic nomination. Harry Kniffen and Susan Director of Houston are unopposed on the Democratic ballot.

Kniffen will face incumbent Republican Bill Archer in a strong GOP area. Director faces a similar situation against incumbent Republican Rom DeLay of Sugar Land.

One LaRouche congressional contender, Clyde Riddle Jr. of Dallas, is seeking the GOP nomination for the seat now held by Republican Dick Army of Denton.

Many of the LaRouche candidates are seeking local-level party posts,

difficult third-party bid for GOP Gov. James Thompson than run with a LaRouche running mate.

Slagle says the LaRouche are not "real Democrats" if they refuse to back the party's needs.

Schlanger, southwest coast for LaRouche's National Democratic Party Committee, said he believes "doesn't re-tell the same slanders that some of the media been putting out."

LaRouche blames many of the nation's economic woes on a cabal of bankers. The LaRouche also support nationwide efforts for AIDS, and a quarantine of patients.

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