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# Davis testifies he wasn't killer in '76 shootings

FORT WORTH (AP) - Millionaire defendant Cullen Davis returned to the stand Thursday in a final attempt to convince a civil jury he was not the bewigged man in black who gunned down four people in a 1976 shooting spree at his Fort Worth mansion.

"I was nowhere near 4200 Mockingbird Lane on August 2, 1976," the 53-year-old Davis testified in his multimillion-dollar wrongful death trial.

Three survivors have insisted otherwise. Attorneys for the defendant's ex-wife, Priscilla Davis, are trying to prove Davis was the gunman wearing a woman's black wig who wounded Mrs. Davis, killed her boyfriend, Stan Farr, 30, and her daughter, Andrea Wilborn, 12.

Gus "Bubba" Gavrel, 33, who was permanently disabled by the assailant's gunfire, settled a separate personal injury suit with Davis last year.

Mrs. Davis and Andrea's father, Jack Wilborn, are suing Davis for millions of dollars in damages for the death of Andrea.

Davis, who testified earlier, was recalled by his attorneys Thursday to provide jurors an uncluttered version of his activities the night of the shootings.

He said he left his office in a company pickup around 8 p.m. that night 11 years ago, ate dinner alone

and then went by himself to a movie, "The Bad News Bears," about 9:30.

He maintains he drove the pickup back downtown, picked up his Cadillac and arrived at his girlfriend's home shortly after midnight. He said he telephoned a friend at 12:15 and was in bed asleep when the killer invaded the remote hilltop mansion.

There were no witnesses to the child's slaying, but police say the subsequent shootings occurred between 12:20 a.m. and 12:40 a.m.

Key alibi witness Karen Master Davis, 38, the defendant's girlfriend in 1976 and now his wife, preceded her husband to the stand and told the jury she awakened at 12:40 that night and Davis was in bed beside her.

The current Mrs. Davis admitted she had been "confused" several times when testifying previously about what Davis did or did not tell her about his activities the night of Aug. 2.

But under brutal cross-examination, she stuck to the salient points of her story and even offered a vague explanation about why she failed to tell a Fort Worth grand jury 11 years ago about the critical 12:40 a.m. awakening.

It was her alibi testimony that helped persuade an Amarillo jury in 1977 to acquit Davis of capital murder.

# What's up

**Saturday**  
TAMU SAILING CLUB: will conduct an all-day outing Overlook Park.

**Sunday**  
BRAZOS VALLEY ALZHEIMER'S DISEASE FAMILY SUPPORT GROUP: Dr. Randall R. Light, a local neurologist, will speak at 3 p.m. in the Parish Hall of St. Thomas Episcopal Church at 906 Jersey St.

TAMU SAILING CLUB: will conduct an all-day outing Overlook Park.

Items for What's Up should be submitted to The Battalion, 216 Reed McDonald, no less than three working days before desired publication date.

# In Advance

## Board to discuss computer access fees

Students will pay a computer access fee beginning Sept. 1 if approved Monday by the Texas A&M Board of Regents at its regular meeting.

A fee of at least \$3 would be charged for each semester hour a student registers for during the regular semesters and \$1.50 would be charged for each semester hour a student registers for during the summer terms. Students who register in absentia or for a course to be taken off-campus will be exempt from paying the fee.

The fee is needed to upgrade and maintain computer facilities which have seen increased use because of improved access, a re-

port to the Board states. The report shows that student use of these facilities doubled at the 1985-86 school year.

In other business, the board will:

- Discuss the proposed relocation of the Southside AgCenter complex south of Kyle Field. 15 wood-frame buildings, were built in the late 1930s, limited to married students graduate students.

- If approved, demolition will begin in summer 1988. The five housing would be within the tenants of the complex.

- Award a bid for the design and construction of a biochemistry and biophysics building.



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# Patrolman knew about investigation before shooting friend, detective says

SAN ANTONIO (AP) — A patrolman charged in the slaying of a fellow officer knew two days before the shooting that he and the slain officer were suspects in a smear letter-writing campaign, a police detective testified Thursday.

Patrolman Farrell Tucker, 36, is charged with murder in the Aug. 18, 1986, slaying of his best friend and fellow officer, Stephen Smith, 31.

Tucker claims he shot Smith five times in self-defense after Smith threatened him with a pistol. Prosecution witnesses, however, have testified that Smith could not have been holding a weapon on Tucker and actually tried to fend off Tucker's attack.

Smith, who was on suspension on brutality charges, allegedly planned to kill then-Assistant Police Chief Frank Hoyack, Deputy Police Chief Robert Heuck and then-Bexar County District Attorney Sam Millsap.

Smith was suspected of fire-bombing Hoyack's and Heuck's homes and of starting a smear letter-writing campaign against Hoyack, calling him a homosexual child molester.

Detective Alvin C. Brown, who was investigating the origin of the letters, was called to testify by Tucker's attorneys, who want to show that Smith, who was suspected of vigilante acts, was the aggressor.

Under cross-examination by special prosecutor Sid Harle, however, Brown testified that he spoke with Tucker two days before the fatal shooting.

"Was Tucker aware he was a suspect in the writing of the letters?" Harle asked.

"Yes," Brown said. "Tucker knew he was a suspect."

"Tucker told me he had been asked to provide typewritten samples and he knew that it was part of the investigation into the writing of the letters."

Brown said he sent Tucker's handwriting and typewriting samples, along with copies of the envelopes in which the letters were sent, to the FBI Crime Lab in Washington D.C. for analysis.

The samples did not get there until the day of the shooting. The next day, Aug. 19, Brown

asked FBI officials to do laser analysis of typewritten samples, but to send the handwritten samples back to him.

Tucker's handwriting samples were analyzed in San Antonio, but did not match conclusions the handwriting on the envelopes, Brown said.

Smith already had been linked to the writing, Brown said.

Capt. Jimmy Koepke, commander of the Repeat Offenders Program, said Hoyack called on the afternoon of Aug. 18. Hoyack's home already was under police surveillance, Koepke said.

"He told me to tell the officer to watch Stephen Smith because he believed it was Stephen Smith who had fire-bombed his home," Koepke said. "I instructed another officer out there, but within a matter of hours surveillance was no longer necessary."

Police administrators Hoyack and Heuck testified that Tucker went to the meeting with Smith to help reconcile Smith's marital problems.

# Judge calls man despicable liar, orders 10-year prison sentence

AUSTIN (AP) — A judge called a defendant a "despicable liar" and sentenced him to 10 years in prison after the man fell \$140,000 behind in restitution payments to 21 Austin people bilked out of more than \$400,000.

State District Judge Bob Perkins also fined George D. Stewart \$5,000 and told him that he would protest his parole from prison.

If Stewart did win parole, the judge said he would see to it that the Texas Board of Pardons and Paroles would again order Stewart to begin repaying his victims.

Stewart, 47, pleaded guilty to obtaining a secured document by deception in 1984 after being charged with stealing more than \$400,000 in scams involving the sale of computers and sports cars.

Many of his victims, whose losses ranged from \$5,800 to \$85,000, began doing business with Stewart in an attempt to get Datsun 280Z cars at prices well below retail. While

some people did get inexpensive cars, many got nothing for their money.

In July 1984, Perkins placed Stewart on probation for 10 years, but the judge deferred adjudication in the case. That meant that if Stewart met the terms of probation, no finding of guilt would have been entered by the judge and no conviction would have appeared on Stewart's record.

A condition of his probation was that he repay \$377,883 of the more than \$400,000 he was accused of stealing.

Soon after the sentencing, Stewart moved from Austin to Georgia. After he moved, he stopped paying the \$1,500 monthly restitution payments. A motion to revoke his probation was filed and a warrant was issued for his arrest.

Stewart was arrested this year in Virginia and brought back to Austin. At a hearing Wednesday in Per-

kins' court, officers and supervisors in the Travis County Adult Probation Office testified that Stewart had paid only \$1,237 in restitution and probation fees. That meant most of his victims had received about \$29.

Stewart said he had to leave Austin because a newspaper story about his guilty plea and the scams made it impossible for him to find a job.

The judge asked Stewart what he had done with all the money he had stolen, and Stewart said he had invested some of it and had returned some of it to the victims.

Stewart said he had gotten married and was moving back to Austin where he hoped to find work and start paying the restitution.

Perkins said, "You'll understand why I find that hard to believe."

Stewart started to continue his explanation when the judge interrupted. "You're a despicable liar," Perkins said. "You may step down. Go ahead. Step down right now."

# Cisneros boy found to have heart defect

SAN ANTONIO (AP) — A boy born to Mayor Henry Cisneros and his wife, Mary Alice, diagnosed Thursday as having congenital heart disease, is not in immediate danger, family's pediatrician said.

The baby's heart has two ventricles and three valves, instead of four chambers and four valves, Dr. Fernando Guerra said. He added that the problems developed early in the pregnancy.

The baby seemed fine at birth, but pediatricians later noted that he was turning blue and had a heart murmur. The doctor decided to do tests, including x-rays, and administered oxygen.

He said physicians would monitor the child to go home in about five days and if there are any problems, a catheter into the chest and veins will be conducted to terminate the problem.

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