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Photo by Robert W. Rizzo

**Juror's injury postpones 'Animal' trial**

BELTON (AP) — The capital murder trial of Jerry "Animal" McFadden was postponed for a week on Monday after a juror was injured by a rooster.

The delay was granted by District Judge F.L. "Tiny" Garrison, who said juror Johnny Herring, 41, was injured when a rooster attacked him and left two deep wounds in his leg.

Herring, an electrical inspector with the city of Temple, should recover by next week, Garrison said.

Garrison said he did not know how Herring was attacked. News reporters were unable to contact Herring because of a gag order issued that prohibits people involved in the trial from talking to the news media.

McFadden, 39, is accused in the May 1986 slaying of Suzanne Harrison, 18, a Hawkins High School cheerleader. The trial was moved to Belton on a change of venue from Upshur County.

Garrison said he learned of Herring's injury about noon Monday and had three options.

The first was to dismiss Herring and replace him with the alternate juror selected last week. However, Garrison said that would not have left an alternate should another juror be unable to continue with the trial. That could have resulted in a mistrial, he said.

The second option was to dismiss Herring permanently and call in 10 prospective jurors and seat another juror on the panel. But Garrison said that would take time and money.

The third option was to postpone the trial. Garrison said he decided to do that after discussion with defense attorney Vernard Solomon and special prosecutor Stephen Tokoly.

Garrison said, "I have spoken to Mr. Herring's doctor and he assures me that Mr. Herring will be well enough by next Monday to proceed with the trial."

The judge said the doctor told him that Herring's wounds were badly infected and that Herring was not in any shape to sit on a jury panel this week.

**Davis denies feeling 'blind rage' in '76 on day gunman shot four at mansion**

FORT WORTH (AP) — Millionaire defendant Cullen Davis insisted in a farewell court appearance Monday he was not in a "blind rage" when a gunman dressed in black shot four persons, killing two, in his hilltop mansion.

He denied repeatedly that anything occurred that sultry summer day in 1976 to induce what a psychologist described as a behavioral pattern of "reduced judgment" brought on by stressful situations.

An expert witness in the multimillion-dollar wrongful death trial suggested that the mansion intruder acted in a blind and explosive rage when he killed the defendant's 12-year-old stepdaughter almost 11 years ago.

Davis' ex-wife Priscilla and a young mansion visitor, Bubba Gavrel, were wounded and Priscilla's boyfriend, Stan Farr, 30, was killed.

The platinum-blond socialite, 45, and her second husband, Jack Wilborn, 66, are suing Davis in a pair of consolidated suits naming Davis as the gunman dressed in black and wearing a crude black wig.

An Amarillo jury acquitted Davis in the child's death in 1977, but that criminal verdict is not legally significant in the current civil suits.

Davis, 53, appearing for the fifth time in six days, left the witness stand before noon Monday after both friendly and hostile questioning about

his activities and his state of mind on Aug. 2, 1976.

"Was there anything about 'The Bad News Bears' that caused you to go into an explosive blind rage?" his lawyer, Steve Sumner, asked, referring to the movie Davis said he attended alone the night of the shootings.

"No, there was not," Davis said.

In response to a series of questions about his financial affairs at the time, including a high-stakes divorce suit with Priscilla, Davis declared, "Nothing I did that day put me in a stress situation . . . that reduced my judgment in any way."

In a decision made public Monday, the U.S. Tax Court ruled non-taxable the division of community property when the Davises' "ill-fated and tempestuous marriage" was dissolved in 1979.

On cross-examination in the wrongful death case, Davis admitted but later denied he was in a rage the night in 1971 he broke his adopted daughter Dee's nose and killed his stepdaughter's kitten.

"All right," he conceded at one point during fierce questioning by one of Priscilla's attorneys, "I went into a blind rage."

But, moments later, Davis interrupted the questioning and amended his answer.

"I would not characterize myself as going into a blind rage," he said. "I'm going to say I didn't

go into a blind rage . . . I was in control but I was extremely mad."

"Does that excuse what you did?"

"No, I never tried to excuse it," Davis said.

In another area, Davis said he settled his suit with Bubba Gavrel out of court last year because it would have cost him twice as much to go to trial for three months.

"It was just a matter of economics," he said, indicating that his decision did not imply guilt.

Gavrel, now 33, was partially paralyzed by a bullet that remains lodged near his spine.

A judge ordered the records of the Gavrel settlement sealed, but published reports put the figure at \$1 million in land, cash and deferred payments.

Davis also was asked about his conversation with a police officer the morning after the shootings in which he was asked why two people had to die at the mansion.

"There are some things a person doesn't need a reason for," Davis was quoted as saying at the time.

He said Monday he thought it was a "rhetorical question" and that his response should not be construed as an admission or a confession.

Davis insists he was in bed with his girlfriend, Karen Master, when the shootings occurred.

Karen, now 38 and the defendant's third wife, said she awakened at 12:40 that night and Davis was in bed beside her.

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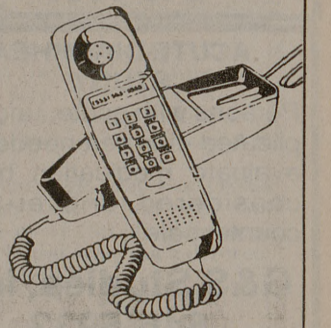
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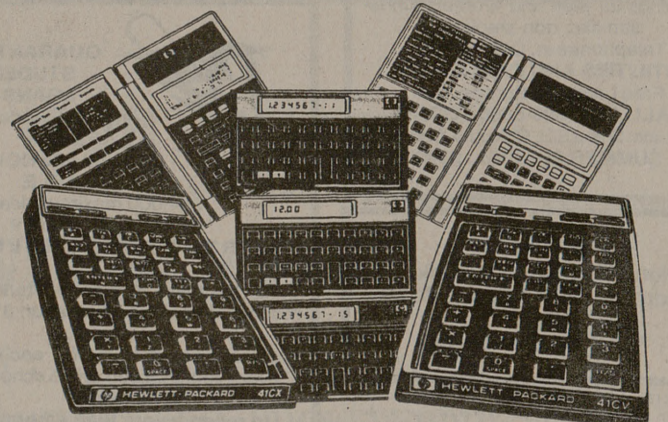
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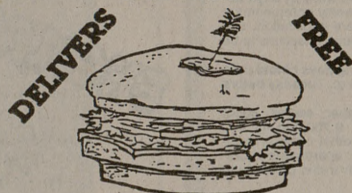
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