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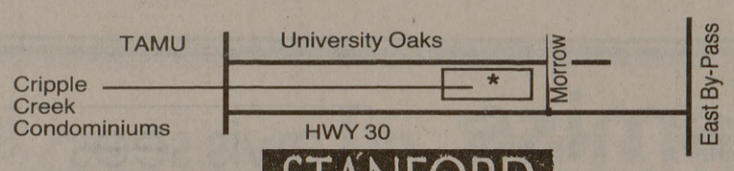

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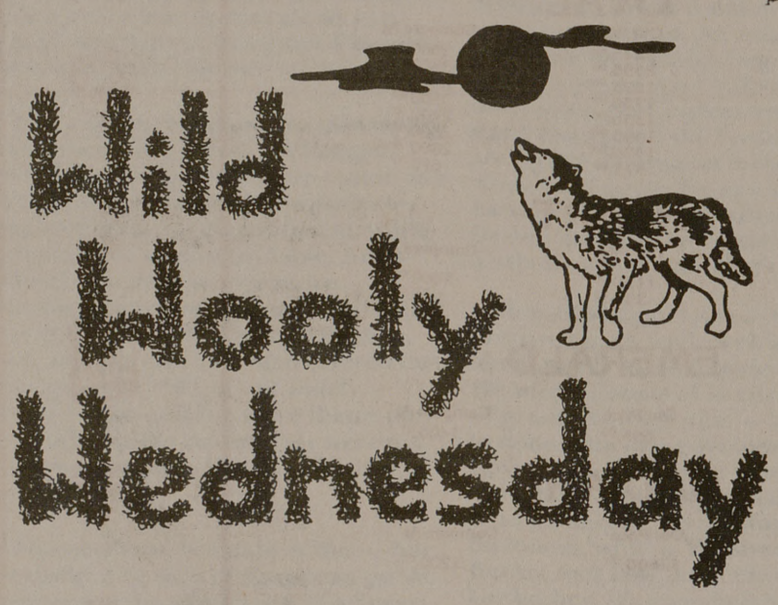

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Judge will rule if kids can testify against mother

HOUSTON (AP) — A judge is expected to rule Wednesday whether the surviving children of a woman who allegedly threw six of her seven children into a downtown bayou should testify in her attempted capital murder trial.

George Parnham, the lawyer representing the children's maternal grandmother, is asking State District Judge Eric Andell to issue an injunction against the district attorney's office to prevent the children from being called as witnesses.

Andell is a juvenile court judge who has jurisdiction over the children of Juana Leija.

Jury selection for Leija's trial is scheduled to begin Wednesday in visiting State District Judge Jimmy James' court. She is charged with murder in the deaths of two of her children and with four counts of attempted capital murder.

She currently is being tried for only one count of attempted capital murder, her attorney, Dick DeGuerin, said.

Two of Leija's children, a 5-year-old girl and 6-year-old boy, drowned in the bayou April 18, 1986. Downtown workers hearing screams rescued four other Leija children from the muddy waters.

Parnham says having the children testify in their mother's trial would cause them irreparable harm.

Prosecutor Carol Davies said she has subpoenaed three of the surviving children but likely will rely mainly on testimony from 11-year-old Eloisa Leija, who walked about one block to the police station and alerted officers.

"Any detriment was caused by the mother putting the child in this circumstance by having seen such a horrible act," Davies said.

DeGuerin also opposes Parnham's efforts to keep the children away from the witness stand. DeGuerin is planning to present an insanity defense.

"It's unfortunate the child has to be put in the position to testify in the case, but the fact is she is a witness," DeGuerin said.

Juana Leija, 30, is living at a home for battered women after having been hospitalized in a mental ward for several months.

Two of the five surviving children are living with their maternal grandmother, Esperanza Flores. One of Leija's daughters, Eloisa, is staying in DePelchin Faith Home and another daughter is living at Case de Esperanza.

What's up

Thursday

KANM STUDENT RADIO: a disc jockey meeting will be held at 7 p.m. in 301 Rudder.

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

Judge orders council office to pay $225,000 to agency

SAN ANTONIO (AP) — The chief financial officer of the San Antonio Urban Council has been ordered to pay the agency $225,000 after he allegedly transferred organization money to his bank account, officials said.

Presiding Civil District Court Judge John Cornyn signed a judgment Monday, ordering Edward W. Thames to pay the council $75,000 in actual damages and $150,000 in punitive damages.

Thames was sued for the money after reports surfaced in March that as much as $180,000 in funds belonging to the social service organization was missing.

Cornyn stated that based on admissions of fact, Thames "willfully and fraudulently" took at least $75,000 from the council.

George Spencer Jr., an attorney representing the council, s[illegible] criminal complaint was filed a[illegible] Thames, who could not be re[illegible] for comment because his tele[illegible] was disconnected. He was fire[illegible] his post in February.

State District Judge Raul Ro[illegible] March approved an order to [illegible] Thames' bank account after re[illegible] of the missing money surfaced.

Urban Council lawyers [illegible] Thames began taking the mo[illegible] early 1986, occasionally p[illegible] money back into council fu[illegible] cover his tracks.

Spencer said the judgment [illegible] after Thames refused to respo[illegible] accusations in the civil suit.

Thames pleaded the [illegible] Amendment throughout the [illegible] proceedings. Only his attorne[illegible] ward DeWees Jr., appeared in [illegible] as the judge issued his order.

Austin research group to announce first hi-tech product for market sale

AUSTIN (AP) — The MCC high-technology research group and NCR Corp. next week will announce the first commercial product born of research conducted at the Austin-based MCC research consortium.

Officials of the two companies said they will unveil "the first commercial product based on technology transferred from MCC" and announce a "significant advance in the commercial application of artificial intelligence to the design of computer chips."

A news conference is scheduled for Tuesday at the Hayden Planetarium Sky Theater in New York's Central Park.

The announcement will be a milestone for MCC, the Microelectronics and Computer Technology Corp., which was formed four years ago to conduct cooperative research projects.

Although MCC has given research findings in several areas to member companies, this will be the first time a company has built a marketable product around MCC-developed technology.

Both MCC and NCR declined Monday to comment further on the upcoming announcement.

Grant Dove, MCC's new chairman and chief executive officer, will address the gathering. He is to be joined by Malcolm Baldridge, secretary of the U.S. Commerce Department; Charles Exley, chairman and president of NCR; and James Van Tassel, vice president of NCR's microelectronics division.

The announcement will be made two weeks before Dove takes over as MCC's directo[illegible] new duties officially begin July 6. Dove, a 3[illegible] veteran of Texas Instruments Inc., succeeds [illegible] Inman, MCC's first director, who left in Ja[illegible] to become head of a new defense elec[illegible] holding company.

NCR, based in Dayton, Ohio, was one o[illegible] founders of the MCC consortium. The com[illegible] produces a variety of computers, ranging [illegible] personal computers to medium-sized mai[illegible] systems.

While MCC's charter was drawn up in [illegible] research work didn't begin in earnest un[illegible] 1984. MCC has seven research programs [illegible] way, a staff of about 470 and a budget of $[illegible] lion.

Civil jury steps out to name verdict in suit against Davis

Lawyers offer final arguments, close case

FORT WORTH (AP) — One of Texas' most sensational murder mysteries was put into the hands of a civil court jury Tuesday after attorneys wrapped up closing arguments in the wrongful death trial of millionaire Cullen Davis.

Jurors retreated to begin deliberations at 4:30 p.m., but reappeared minutes later to announce they were breaking for the night.

The process was to resume this morning.

In closing arguments, a plaintiff's attorney portrayed Davis as a cold, cruel, vengeful killer and said the evidence shows he was the man in black who gunned down four people at his hilltop mansion in August 1976.

"This case screams for justice," Austin attorney Bob Gibbins said in his final summation in the wrongful death suit that seeks $15.5 million from Davis for compensatory, punitive and exemplary damages.

He reminded the panel that an expert witness described the shootings as an act of "anger, revenge and cruelty."

Gibbins then testified that a psychological profile of the killer fit Davis "to a T."

Responding for the defense, Dallas lawyer Steve Sumner said there is no physical evidence linking Davis to the shootings and no evidence to suggest that something triggered a "blind rage" that day.

"Much of the evidence is inconsistent with Cullen being anywhere near 4200 Mockingbird Lane that night," Sumner said.

But Gibbins said the defense offered little more than Davis' own testimony and that of two alibi witnesses, one a close personal friend of the defendant and the other his former girlfriend and now his wife, Karen Master Davis.

Karen Davis, 38, says she awakened at 12:40 the night of the shootings and that Davis was in bed beside her.

Gibbins pointed out that Karen Davis neglected to mention the "mysterious" 12:40 awakening to investigators or grand jurors in 1976 but testified about it in Davis' 1977 murder trial.

An Amarillo jury acquitted Davis in Andrea Wilborn's death 10 years ago, but that verdict has no legal bearing on the civil suits.

According to the eyewitness testimony, a gunman dressed in black and wearing a crude black wig wounded Priscilla Davis and killed her boyfriend, Stan Farr, 30, and her 12-year-old daughter, Andrea.

Bubba Gavrel, then 22, was partially paralyzed by an assailant's bullet.

His teen-aged date that night, Beverly Bass, escaped unharmed.

It was Priscilla Davis, Bass and Gavrel who identified Davis as the mansion gunman.

The slain child's parents — Priscilla Davis and her second husband, Jack Wilborn, 66 — are suing Davis for millions in a pair of consolidated wrongful death suits.

Priscilla Davis also lodged a personal injury suit against her former husband.

The first and foremost issue facing the jury of eight women and four men was the identity of the child's assailant.

If the panel rules against Davis, it must then determine the amount of damages he must pay the plaintiffs.

Davis accused Priscilla Davis and Wilborn of filing the suits out of greed, but they said this case was not about money but justice.

Unlike the Amarillo criminal trial, the jury was instructed to reach its verdict on the "preponderance of the evidence" as opposed to the more difficult burden of "beyond a reasonable doubt."

Also, the jury could render a verdict upon the vote of 10 of the 12 jurors.

A criminal case demands a unanimous verdict.

In his closing summation, Gibbins suggested that Davis was in an "uncontrollable rage" the night he killed his stepdaughter's kitten and in a similar state of mind the night of the shootings.

"Maybe they can sweep a little kitten under the carpet but you can't sweep a little girl under the carpet," he said.

Gibbins said he respected Davis' 1980 conversion to Christianity but said that "he admitted on cross-examination the Lord wasn't with him that night and he wasn't with the Lord."

City officia[illegible] wants Clut[illegible] put on map

ANGLETON (AP) — A co[illegible] commissioner is wondering [illegible] his hometown of Clute is su[illegible] ing from the Rodney Danger[illegible] syndrome — it gets no respect.

Clute, a city of 10,000 peo[illegible] has been left off the mosaic [illegible] in Brazoria County Courthou[illegible] built in 1940, at a time w[illegible] Clute had existed for 49 years [illegible] though it wasn't incorporated.

"No one can tell me wh[illegible] (Clute) was left off," Com[illegible] sioner Ronnie Broaddus [illegible] Monday, after requesting du[illegible] a commissioners' court me[illegible] that the city be inserted on [illegible] map and designated in gold [illegible] ters.

Lake Jackson is there. [illegible] gleton, the county seat, is the[illegible] big, gold letters. Even Velas[illegible] city annexed by Freeport in [illegible] 1950s, is depicted, as well as [illegible] zoria, Alvin and Pearland.

Broaddus, a former Clute [illegible] councilman, questions wha[illegible] other cities have done to attra[illegible] much attention as Clute.

"We have the Great T[illegible] Mosquito Festival," Broaddus [illegible] the *Houston Chronicle*. "W[illegible] received national attention. [illegible] looking at this map, you can't [illegible] we even exist."

A small, unmarked square [illegible] depict Clute, but the marking [illegible] little to the left of where the [illegible] should be, next to a comp[illegible] vely giant designation of L[illegible] Jackson.

If the square is, in fact, Cl[illegible] Broaddus wants it enlarged [illegible] flect the city's actual size.

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