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sen.
776-6236 160fn

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pate in a 2 day at home study. \$75 in-
centive for those chosen.
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\$100 \$100 \$100 \$100 \$100 \$100

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G&S Studies, Inc.
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ACUTE DIARRHEA STUDY
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evaluate medication being
considered for over-the-
counter sale.

G&S Studies, Inc.
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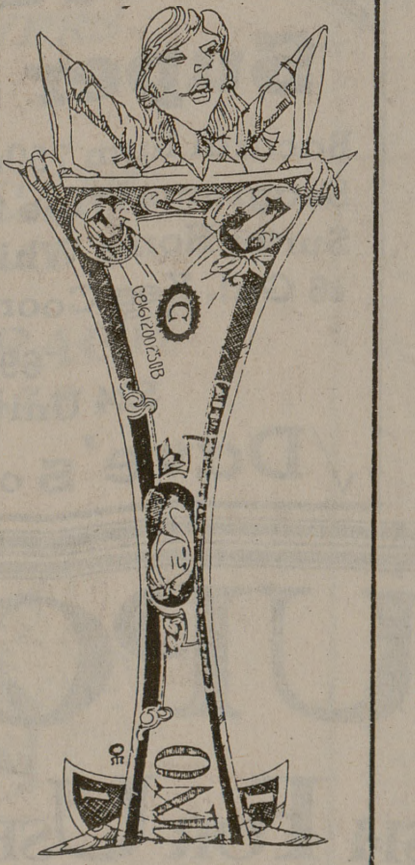
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Dance studios sued in case claiming fraud

LUBBOCK (AP) — The Texas attorney general's office has filed a fraud and deceptive trade suit against a dance studio franchise and its operators, claiming that customers were bilked out of thousands of dollars.

Fifteen defendants, including individuals and businesses in Lubbock, Odessa and Victoria are named in the lawsuit, said Maria Mercado, the state's assistant attorney general in Lubbock.

The suit charges there was fraud in overlapping lessons contracts, instructors' expenses, bogus trips and exaggerated claims about dance competition.

Many victims loaned the studios money, believing they were helping them to stay in business, the lawsuit claims. One woman said she borrowed money to buy a car to be rented by some of the defendants.

The number of victims and the amount of their losses will not be known until more of them come forward, Mercado said.

The suit was filed Tuesday in state district court. It is the latest development in state prosecutors' legal battle with William Guido Felix of Dallas and Gowit Inc., which has operated Fred Astaire Dance Studios in Texas for at least seven years.

"We're not suing the main corporation (in Miami, Fla.) at this time," Mercado said, adding that no hearing has been set on her request for a temporary injunction.

Felix is the statewide franchiser, except in Houston; co-defendant George Eck operates Dance City of Lubbock and the Astaire studio. The other studios named are in Odessa and Victoria.

Felix, president of Gowit, signed a voluntary agreement with the state in 1980 promising not to charge a student more than \$7,500 at any one time for dance lessons or other services. The latest suit alleges that Felix violated that provision and others in the agreement.

Telephone calls to Lubbock's Dance City and Astaire studios in Briercroft Center Wednesday yielded recordings stating both numbers no longer are in service. Eck was not listed in the Lubbock area telephone directory.

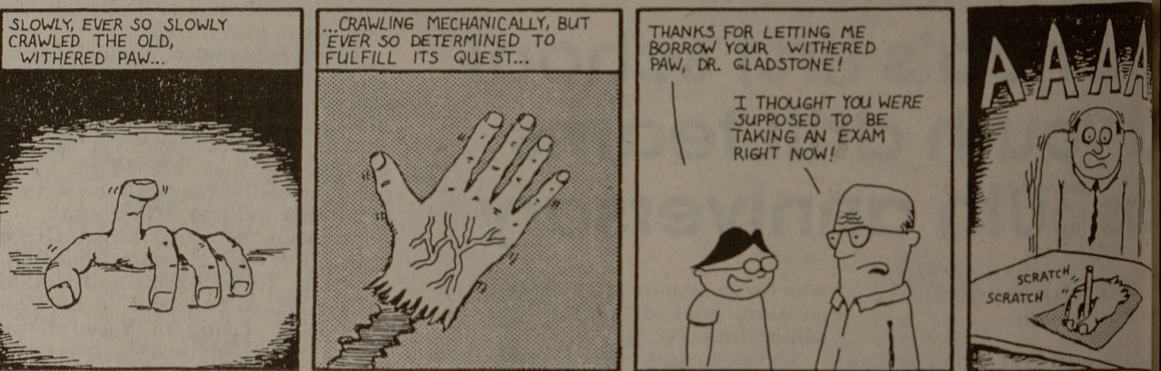
Felix also was not listed in the Dallas area and could not be reached for comment.

Felix, Eck, their businesses and Chester Casanave also are the subject of a \$235,000 suit filed Friday by former student Opal Sellers.

Warped



Waldo



Court rules Speedy Trial Act violates state constitution

AUSTIN (AP) — The Texas Court of Criminal Appeals ruled Wednesday that the state's Speedy Trial Act is unconstitutional because it violates the requirement that provides for separation of powers in government.

The vote was 5-4, and the four dissenting judges each wrote an opinion.

The 1977 Speedy Trial Act generally says a person charged with a crime must be brought to trial within 120 days, unless the prosecutor can give compelling reasons for not going to court.

The case before the Court of Criminal Appeals involved Fred Meshell of Freestone County. After pleading guilty, Meshell was convicted of theft of a truckload of pipe and was given a probated five-year prison sentence.

On appeal, the 10th Court of Appeals at Waco affirmed the conviction and held the Speedy Trial Act unconstitutional because of a defec-

tive caption in the legislative measure.

In the appeal, the Freestone county attorney said Meshell could not be brought to trial earlier since an arrest warrant could not be served because of a backlog in the Harris County sheriff's office.

Judge Charles Campbell in his majority opinion said the Waco ruling was not effective because the 1987 Legislature had passed a law saying that courts "no longer have the power to declare an act of the Legislature unconstitutional due to the insufficiency of the caption."

But the majority opinion said if the Speedy Trial Act were enforced against the Freestone County attorney, "he would be deprived of his exclusive prosecutorial discretion in preparing for trial without any consideration for the factors used."

The majority opinion said that "unless broad legislative authority for controlling the Freestone County

attorney's discretion in preparing case for trial can be found where, the Legislature has made the separation of powers doctrine in a dissenting opinion that the majority of the court demonstrates will and determination to cast carefully drawn rules for procedure to reach a result that and procedural circumstances heretofore put beyond its reach.

Clinton said to arrive at a decision reached by "impatient majorities have to stretch and strain my me."

Judge Marvin Teague said, "Speedy Trial Act is not unconstitutional because it infringes on croaches upon the prosecutorial functions."

In another dissent, Judge C. Miller said, "The Speedy Trial 'simply does not encroach upon power' of the prosecutor to a permissible extent."

State district judge declares mistrial in perjury case of Brownsville mayor

BROWNSVILLE (AP) — A state district judge declared a mistrial Wednesday in the perjury case of Mayor Emilio Hernandez after jurors said they could not reach a verdict.

The panel had informed Judge Darrell Hester of the impasse a half hour after returning from lunch and after less than two hours of deliberations. He ordered them to consider the case further, but a little more than two hours later they told him they were still deadlocked 7-5 in favor of the state.

The judge honored a defense motion for a mistrial and scheduled the case to be heard again on July 20. Another trial on bribery charges against the mayor was to begin that date, but that case will be rescheduled, the judge said.

After the mistrial was declared, Hernandez joked when asked if he was tired of court.

"I'm getting to enjoy it," he said. The felony aggravated perjury charge, with a maximum penalty of 10 years and a \$5,000 fine, resulted from Hernandez's Jan. 30 voluntary testimony while answering allega-

tions that he solicited a bribe or gift from a garbage-disposal firm seeking a contract with Texas' southern-most city.

The grand jury was hearing allegations of city corruption during an

Assistant Cameron County Attorney Mervyn Mosbacher.

"I suggest they didn't indict (for perjury) until all the other cases went down the tube," defense attor-

"You're the people who live here in Cameron County. You're the people who set the standards. . . . If you want public servants to be held accountable for their actions, then you have a right to say so today."

— Special Prosecutor Sharon MacRae

investigation directed by the Texas Rangers.

Hernandez ultimately was indicted on three counts in that investigation, including the perjury charge. But five other charges were thrown out because of the criminal record of a grand jury foreman at the time the mayor appeared before the panel.

The mayor was indicted April 22 on the perjury charge for statements made during the January questioning by Ranger Rudy Rodriguez and

ney Rey Cantu said during his closing arguments Wednesday.

Special Prosecutor Sharon MacRae of San Antonio summed up her case by saying, "You're the people who live here in Cameron County. You're the people who set the standards. . . . If you want public servants to be held accountable for their actions, then you have a right to say so today."

The state maintained that Hernandez lied when he told them he did not pay for billboard advertise-

ments for the re-election campaign of former City Commissioner Sloss, whose campaign report Hernandez as one of four people who paid \$985 each for the boards.

Hernandez was acquitted of felony theft by a juror on June 16. He did not testify in the theft or perjury trial.

Eight defense witnesses testified Tuesday that they paid for the boards, but were not given credit when Hernandez collected money on behalf of the campaign.

The state is attempting to continue the campaign contributions bribery case.

Sloss, who is recovering from illness, was unable to testify. His wife, Hortencia Sloss, said the list of people who contributed to the billboards was lost.

As campaign co-treasurer, listed Hernandez in a campaign report as one of four people who paid for the billboards before she was in a hurry to file it before reporting deadline.

Ex-wife allowed to garnish husband's pay

AUSTIN (AP) — The Texas Supreme Court ruled Wednesday that a woman could garnish her former husband's military retirement pay as part of "support spouse" payments incorporated into their divorce decree.

Kazue Stubbe and Marjorie Stubbe were divorced in May 1982, and after Stubbe failed to meet his support obligations under the agreement, his former wife sued for back payments.

The state district court in County signed an agreement judgment against Stubbe for \$16,400.

The Army, however, filed motion to stop garnishing, claiming governmental immunity. This motion was overturned by the Supreme Court.

Child's videotaped statements ruled unconstitutional by court

AUSTIN (AP) — The Texas Court of Criminal Appeals ruled Wednesday that it is unconstitutional for prosecutors to videotape statements from children and then show the tape to jurors in child-abuse cases.

In a 6-3 decision, the court reversed the 20-year sentence ordered for James Edward Long of Dallas, who was convicted of sexual abuse of a child after jurors saw the taped statement of a 12-year-old girl who said Long had abused her since she was five.

The tape was made by the Dallas Rape Crisis Center at the request of prosecutors.

Under a 1983 state law, taped statements from juvenile victims can be used as evidence if the child is also available for cross-examination.

The appeals court said the law is unconstitutional because it denies a

defendant the right to confront his or her accuser at the time the statement is made and taped.

The court noted that the young girl told a story of a "sordid and disgusting series of sexual activities," but Judge M.P. Duncan's majority opinion said unconstitutional laws have to be overturned "no matter how vile and repulsive the alleged offense."

In the Long case, the alleged victim is the daughter of a woman with whom the defendant had lived.

The girl was called to testify after her videotaped statement was shown.

"This area of the law is dominated by emotion, which is understandable in light of the interests society wants to protect — abused children," Duncan said.

He added, "We cannot ever let emotion-charged issues to erode our

fundamental liberties. To do so would produce emotionally pragmatic deviations from established standards and that will inevitably and ultimately result in a complete erosion of those rights that make us a free society."

The opinion traced the centuries-old practice of allowing a defendant to confront accusers. In addition, it can be valuable for jurors to see the witness, in person, during testimony, Duncan said.

Duncan said live testimony by child-victims can be extremely damaging to the child.

"However, prior to taking the massive step of suspending a constitutional right . . . there must be evidence that the interest of the public in a specific case substantially outweighs the established constitutional right of the defendant," Duncan said.