



Grave experience Photo by Sarah Cowan

Kappa Alpha fraternity pledges paint a tombstone located in the cemetery in front of their house, located on Old College Road in Bryan. The Kappa Alpha's, in conjunction with a local radio station are sponsoring a haunted house to raise money for the Muscular Dystrophy Association. The fraternity has been working on the project for the past two weeks. The house will run Friday and Saturday from 7 p.m. to 12 a.m. Tickets can be purchased for \$2 in the Blocker Building or at the door.

Poll shows voters prefer to choose education board

HOUSTON (AP) — A majority of Texas voters would prefer to elect their State Board of Education rather than have the panel remain appointed by the governor, according to a survey published Wednesday in two newspapers.

Sixty-one percent of the 1,017 Texas voters surveyed said they want to elect the 15-member board, 18 percent said they would prefer to keep an appointed panel and 21 percent were undecided.

Results of the telephone survey, conducted Oct. 11-20, were reported by the *Houston Chronicle* and the *Dallas Morning News* in copyright stories Wednesday.

State voters will decide Tuesday whether to keep the board members appointed in 1984 and cancel next year's scheduled elections.

The idea of keeping the appointed board is being promoted by Dallas billionaire H. Ross Perot in speeches and a TV advertising blitz. On Tuesday, Perot discounted the results of the poll.

"The poll reflects the lack of knowledge about the issue," Perot said. "Since the poll was taken, we have been trying to fully educate the people. They all want great public schools, and once they realize the connection between an appointed board and good schools, they will support the referendum."

On the opposite side of the issue are most state public education organizations, such as the Texas Education Agency, the Texas Association of School Boards and the Texas PTA.

Sandy Kibby, legislative chairman of the Texas PTA, said education groups are concerned about Perot's

campaign, which is not being countered by those opposed to the referendum proposal.

"We're not sure what impact the advertising campaign will have in the final days before the election," she said, but education group leaders say they don't think voters will want to give up their right to elect the board.

"The poll shows what we have said all along that most Texans want to be able to elect the State Board of Education," Kibby said.

Political scientists Richard Murray and Kent L. Tedin of the University of Houston's Center for Public Policy directed the poll. The margin of error was plus or minus 3.5 percent.

Prison guard gets charged slaying case

HUNTSVILLE (AP) — A grand jury will consider next month whether to indict a prison guard accused of leaving a door unlocked so several inmates could ambush a fellow prisoner, a prosecutor said.

Louis Sandoval, a Texas Department of Corrections guard at the Ellis I Unit near Huntsville, has been charged with murder in connection with the December 1986 stabbing death of Joe Arredondo.

Sandoval, 24, was released Monday after posting \$20,000 bond.

David Weeks, special prosecutor for prison crimes, claims Sandoval cooperated with prisoners at the unit by helping set up the slaying. Weeks said Tuesday he believes the murder is linked to the Texas Syndicate, an alleged prison gang.

Arredondo, who was not a gang member, was stabbed 20 times with a 10-inch flat piece of metal found next to his body. He had recently returned from a furlough but had failed to bring with him a supply of drugs allegedly requested by gang members, investigators said.

Sandoval allegedly unlocked a door to a hallway at the Ellis I Unit and left his post to go to the bathroom, Weeks said. Investigators believe that several inmates hid in that hallway and surprised Arredondo as he passed by.

"(Sandoval) provided the opportunity and access" needed for the murder to take place, Weeks said. Guards are not supposed to leave their posts while on duty and are never to leave prison doors unlocked.

Five inmates were indicted last February in connection with the death.

Sandoval had said he did not see the stabbing. He declined comment Tuesday, but private investigator Richard Reyna of Conroe said Sandoval denies any involvement in the stabbing death.

"It's certainly not true, the allegation they are making," said Reyna, who was acting as Sandoval's spokesman.



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Court awards \$6.3 million to girl in suit against hospital practices

AUSTIN (AP) — The Texas Supreme Court Wednesday awarded \$6.3 million to a 13-year-old girl blinded shortly after birth as a result of what jurors said was improper care at a Texarkana hospital.

Included in the award is \$4.2 million from Wadley Hospital for violating the state's Deceptive Trade Practices Act by assuring the (parents) that the hospital was adequately equipped to handle premature babies when it was not, a court official said.

In addition to the DTPA damages, the hospital and three physicians were ordered to pay Kellie Birchfield total of \$2.1 million in other damages.

Phillip and Mary Jo Birchfield, Kellie's parents, were excited over the opinion and are proud that the court system has worked, said attorney Frank Branson of Dallas. He said the family did not want to comment directly to reporters.

Kellie was born prematurely in August 1974 at Wadley. Her right eye was blind at birth. After she left the hospital, doctors found she had retrolental fibroplasia (RLF), which eventually blinded her left eye.

Court records indicated evidence showed she had been given oxygen without adequate monitoring to determine if the treatment could cause damage. RLF can be caused by administering oxygen to premature babies, the Supreme Court said.

"Wadley sold its goods and services and Kellie Birchfield 'acquired' them, regardless of the fact that she obviously did not contract for them." — James Wallace, Supreme Court Justice

Although the court's unanimous decision made Wadley liable under the DTPA, which carries awards of three times the actual damages, lawyers in the case said the ruling might not place all health care providers under the act.

The Birchfield case was filed under the 1973 version of the law,

which was updated in 1977 to exclude health-care providers in many circumstances.

Branson said Wadley was liable under the 1973 version of the law because this hospital was holding itself out to other hospitals and physicians in the area as being capable of caring for premature infants.

Attorney Victor Hlavinka of Texarkana, who represents the hospital, called the decision an abomination.

Hlavinka said the hospital would ask the Supreme Court to reconsider the decision.

The Supreme Court, in an opinion by Justice James Wallace, rejected Wadley's contention that the 1973 DTPA did not cover health-care providers and that Kellie was not a consumer under the definition of that law.

"Wadley sold its goods and services and Kellie Birchfield 'acquired' them, regardless of the fact that she obviously did not contract for them," Wallace said.

In addition to the damages to be paid to Kellie, the Supreme Court ordered the hospital to pay \$32,000 to each parent for DTPA violations.

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.47		\$425	.38	\$595
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