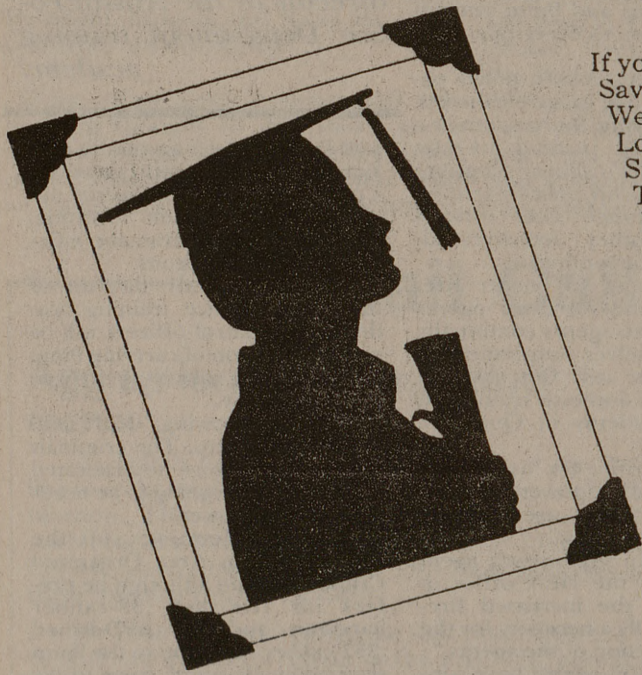


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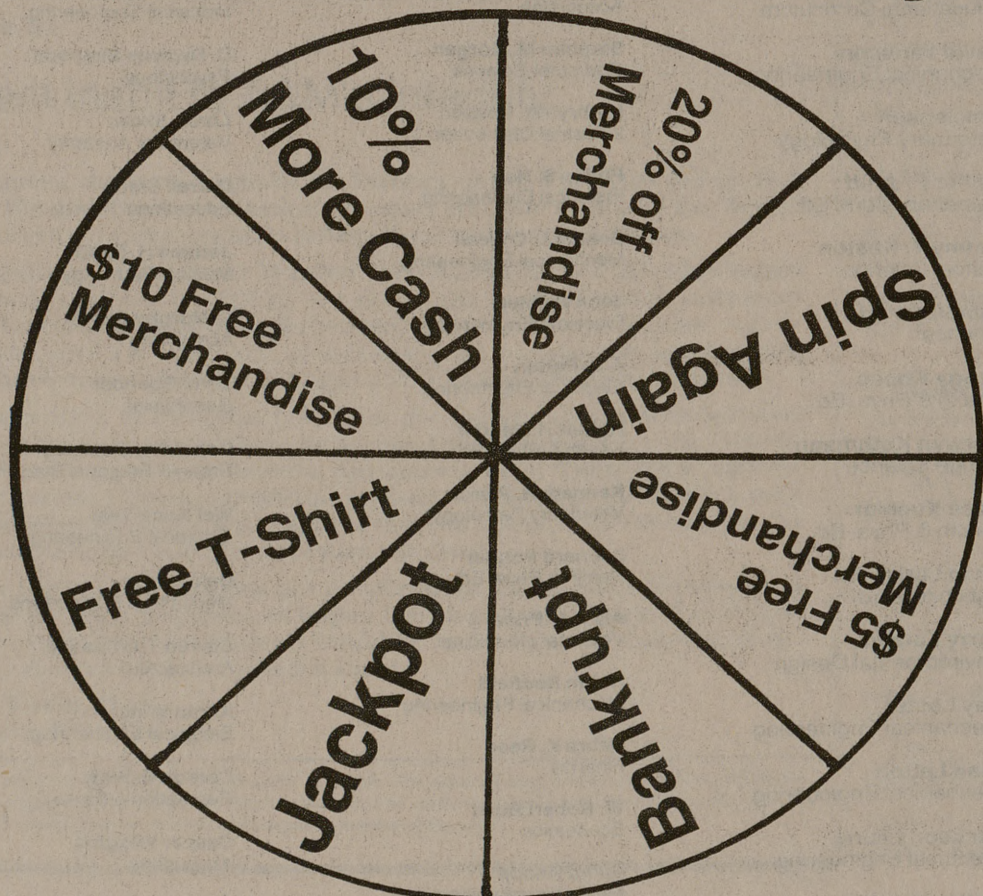


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**Grand jury names sheriff in drug case**

BEAUMONT (AP) — A federal grand jury Monday returned a 10-count indictment charging Orange County Sheriff James Wade with conspiracy to manufacture and distribute controlled substances, the *Orange Leader* reported in a copy-right story.

Wade, who was defeated in an April 12 Democratic runoff election for his second term as sheriff, also is accused of conspiracy to obstruct justice and embezzlement of sheriff's department funds, Assistant U.S. Attorney Paul Naman said.

The indictment followed a four-month investigation that began after the arrest late last year of a man now named as an unindicted co-conspirator in the case.

If convicted on all charges, Wade could face imprisonment of up to 20 years and a maximum \$1 million fine, Naman said.

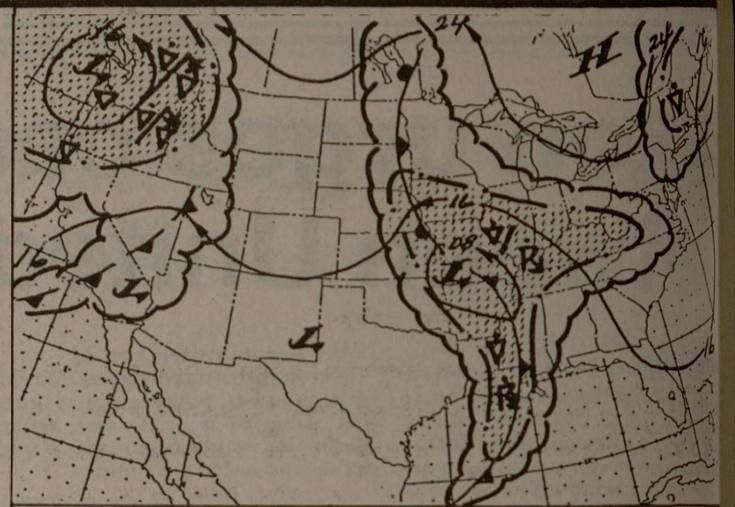
Also named in the indictment was Niles Henry Baker of Vidor. Wade, 42, was named Jan. 29 in an affidavit filed by an FBI agent as the target of an investigation involving the sheriff's purported involvement in the manufacture and distribution of methamphetamines.

The indictment listed 55 violations of federal law, all of which named Wade.

Among the acts named in the indictment was Wade's alleged attempt earlier this year to arrange the murder of Donnie Flowers, who originally accused Wade of involvement in drug trafficking.

Wade was expected to surrender to federal marshals, according to his attorney, John Hannah of Tyler.

**Weather Watch**



**Key:**  
 ☁ - Lightning      ☁ - Fog      ⚡ - Thunderstorms  
 ● - Rain      \*\* - Snow      ☂ - Drizzle  
 ❄ - Ice Pellets      ☔ - Rain Shower      ● - Freezing Rain

Sunset Tonight: 8:04 p.m.      Sunrise Wednesday: 6:38 a.m.

**Map Discussion:** The low pressure system and associated front in the central states will weaken as the upper low center loses much of its dynamics. New England will have cool temperatures and a few instability showers caused by a pressure center east of Maine. A new Pacific low will reach the coastal areas of the Northwest producing rain at the lower levels and snow showers over the higher elevations.

**Forecasts:**  
 Today, tonight and Wednesday: Mostly cloudy mornings, otherwise partly cloudy with warm days and mild at night. High temperatures in the low to mid 80s; low tomorrow 56 degrees. Winds will be from the northeast at 5 to 12 miles per hour.

**Weather Fact:** Internal energy — A mathematically defined thermodynamic function of state, interpretable through statistical mechanics as a measure of molecular activity of the system.

Prepared by: Charlie Brenner  
Staff Meteorologist  
A&M Department of Meteorology

**Court refuses to help victim of Social Security's guidance**

NEW ORLEANS (AP) — While criticizing federal bureaucracy, the 5th U.S. Circuit Court of Appeals said Monday it was powerless to help a Dallas woman who lost \$1,100 because of bad advice she got from the Social Security Administration.

"This case is an example of how the government's brain often fails to control the movement of its fingers," the court said in an opinion written by Judge E. Grady Jolly.

In May 1983, Marie B. Jones called the SSA's Teleservice Center in suburban Grand Prairie to see whether she could begin receiving early retirement benefits and later use her former husband's work records as a basis for higher benefits, the court said.

Jones, who was 62 at the time she called for advice, was told that if she accepted benefits based on her own work record, she would be barred from receiving the larger, divorced-spouse benefits when she reached 65, the court said.

"This information was incorrect," the court said.

Jones' sister, Clarice Soven, made a similar telephone call and got the same erroneous advice, the court said.

In October 1984, after she filed for benefits based on her husband's work record, Jones was told she could have received \$1,100 of early retirement benefits had she filed in 1983.

The sisters began attempting to collect the \$1,100 lost by Jones, appealing through the Social Security system, the courts and writing to their senator and to the Secretary of Health and Human Services.

Their efforts won a brief victory, soon reversed, the court said. The district manager for the SSA investigated and found that employees had been giving out the wrong information for at least two years.

He wrote the Reconsideration Board in New York and requested that Jones' application for benefits be back-dated to June 1983.

"Winning over the district manager was, alas, Jones' one and only breakthrough in this bureaucratic botch," Jolly wrote. The Reconsideration Board disregarded the district manager's plea.

An administrative law judge overturned her down, saying that she failed to prove she was given wrong information, and even if she had proven it, the law was on the government's side in the case.

She lost in a district court in Texas, appealed, and was told Monday by the 5th Circuit that it could help her: "We have no basis, we are sad to say, upon which to offer help."

Jolly wrote, "Although it is clear that under relevant case law Jones' claim must be dismissed, we are very sympathetic with her plea. She has been misled and unjustifiably denied her rightful benefits a time when she seriously needs funds."

Nevertheless, the court said it is bound to follow established precedent, which in effect holds that the SSA can deny benefits for failure to follow agency rules to one who follows the rules given her by the agency.

**Appeals court overturns conviction in trial with judge acting as witness**

NEW ORLEANS (AP) — The 5th U.S. Circuit Court of Appeals overturned the conviction Monday of a Texas inmate convicted of escape in a trial at which his judge served as a prosecution witness.

Harold Brown was convicted in 1982 of breaking into a home with the intention of committing rape.

He asked for a new trial two months later and was being escorted into the courtroom of State District Judge Walter Smith for a hearing on that request when he broke away from his guards and ran.

He was recaptured quickly and

was later tried on escape charges.

Smith was the judge in that trial and he was called as a witness despite the objections raised by the defense lawyer.

Smith testified that he was on the bench the day Brown escaped, that he recognized Brown and saw him escape.

U.S. District Court Judge James R. Nowlin upheld the trial judge, and Brown appealed.

"It is difficult to see how the neutral role of the court could be more compromised, or more blurred with the prosecutor's role, than when the

judge serves as a witness for the state," the 5th Circuit said Monday in an opinion written by Judge Eugene Davis.

"Because of the unique authority and respect enjoyed by the judge, the state's use of his testimony to establish essential elements of the offense charged causes us considerable more concern than the state's use of the testimony of a bailiff or other court officer for this purpose," Davis wrote.

The 5th Circuit said Brown must be given a new trial within 90 days if released.



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