

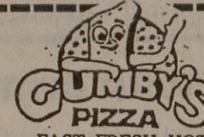
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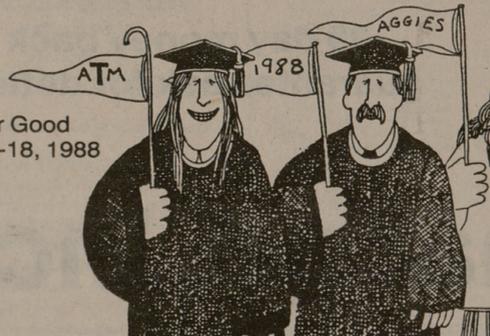

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Death row inmate gets reprieve after mother petitions high court

HUNTSVILLE (AP) — Death row inmate James Smith, who requested a lump of dirt for his final meal and insisted he wanted to be executed early Wednesday, was given a reprieve after his mother's attorneys asked the U.S. Supreme Court to spare him.

Alexzene Hamilton of Indianapolis filed the appeal with the Supreme Court on Monday, contending her son was mentally incompetent. Her attorneys also contended mitigating evidence involved in the case was not allowed to be considered by jurors who sentenced Smith to death.

The court agreed, granting the reprieve about six hours before the scheduled execution time. No vote among the justices was released.

"The order just says a stay was granted," Assistant Texas Attorney General Bill Zapalac said. "It's anybody's guess what they mean."

"I'm praising God right now," Mrs. Hamilton said. "That's all I can say, I just thank God."

Smith was informed of the development as he waited in a holding cell next to the death chamber.

"When they told him about the stay at 6:13 (p.m. CDT, 7:13 p.m. EDT), he gritted his teeth and said something unintelligible," said Charles Brown, Texas Department of Corrections spokesman.

Brown said Smith was later transferred back to his usual cell at the Ellis I Unit in Huntsville.

Smith, 37, convicted of the 1983 robbery-slaying of a Houston insurance office manager, has no attorney and has resisted attempts for legal help from capital punishment opponents.

"I don't understand all this clinging to life," Smith said in a recent interview. "Life is a temporary situation. The spirit moves on. Death is like eating a prune in the morning. It's a natural function."

Tuesday morning, he requested dirt for his final meal later in the day — a request Texas Department of Corrections officials said would not be honored.

"It's not food, it's not sanitary," prison spokesman David Nunnelee said. "He'll be offered something off the regular prison menu."

Smith, a former tarot-card dealer in New Orleans who was working as a Houston taxi driver at the time of his arrest, was convicted for the 1983 shooting death of Larry Rohus.

Testimony at his trial showed he was tackled by witnesses while fleeing the shooting scene and that a gun he was carrying was linked to the Rohus slaying.

Witnesses said Rohus, father of a 1-year-old son, complied with Smith's demands and filled a small trash can with cash, then was shot through the heart as he pleaded for his life.

"It never should have happened," said his brother, Raymond. "To commit a crime like he (Smith) deserves exactly what he gets."

"I don't think justice could ever be done," said Rohus' wife, Deborah, who remarried and now lives in North Carolina. "The only way for that is for Larry to be alive and not going to happen. I think... this will help when he grows up and is old enough to understand what's going on."

Smith repeatedly has said he is innocent, says he does not want to spend the rest of his life withering away on death row.

"It's not craziness, it's determination," he said. "Other inmates say I'm crazy — but that's because they don't understand my rationale. All my life has been a loner. I'm very good at doing that."

Death penalty opponents who succeeded recently in obtaining stays of execution for Texas inmates facing lethal injection said their hands were tied because Smith refused to file an appeal on his behalf.

State attorneys contended Smith was incompetent and had the right to make his own choice.

If he desired, Smith virtually was assured execution stay from the Supreme Court because the high court is considering a challenge to Texas death penalty law.

Mother complains of bail to county commissioners

DALLAS (AP) — A high school junior, accused of robbing two students of about \$100 over a four-month period in schoolyard shake-downs, has been unable to post a \$100,000 bail, so his mother took his case to county commissioners.

Valonzo "Lonnie" Jackson of Garland has been jailed since April 25, when a state district judge increased his bail from \$2,000.

Jackson's mother told Dallas County commissioners Monday the 17-year-old Richardson Berkner High School student shouldn't be in jail and can't afford the \$15,000 to hire an attorney to bail him out.

Commissioner John Wiley Price said the bond amount was "capricious" and questioned whether Jackson's incarceration was appropriate in light of jail overcrowding.

"That's clearly exorbitant and I'm sorry we just heard about it today," Price said.

Ruth Jackson, an accounting clerk, told commissioners her son has been persecuted by school officials who don't like a black youth having a white girlfriend.

At her side stood a supportive Carolyn Walton, mother of Jackson's girlfriend.

But Judge Mike Keasler, who increased bail after Jackson failed to obtain an attorney, said that amount was too low for a charge involving a second-degree felony.

While Keasler said he couldn't discuss specific facts of the case, he added that no representation was made earlier that the defendant was indigent.

"These are serious charges," he said, adding that in such cases where defendants fail to get attorneys, he increases bail to ensure they keep their word to make court appearances.

After Jackson's third court appearance without an attorney, on Feb. 25, Keasler raised the bail, ordered the defendant jailed and appointed attorney Jason Jacoby to represent him. A trial has been set for July 5.

According to police reports, Jackson and a classmate allegedly robbed daily two other students between September and December 1987, threatening them, pushing them and pulling at their clothes.

The alleged victims, aged 15 and 17, told officers they feared they would be hurt if they didn't hand over the money, police spokesman Jim Wheatley said. A grand jury indicted Jackson on Feb. 9.

Police obtained a warrant for Jackson's arrest Jan. 4 from Municipal Judge Carl McClellan. Jackson turned himself in to police 11 days later, Ms. Jackson said.

A municipal judge set bail at \$2,000, and Jackson was released later that day after his parents posted a \$410 bond.

Ms. Jackson said she borrowed the bond against her paychecks.

HOUSTON (AP) — A 7-year-old boy who was left in a hospital room after spending up to four years in a bathroom prison has been given a foster home carrying donations that well-wishers sent to the hospital room, authorities said.

Ben Taub Hospital's doctors decided that 25-pound Vannoy needed "privacy, some food and a good diet" than further hospital treatment, County Protective Services said.

The child will live with a family who has provided a home for children for CPS over 14 years.

Vannoy's plight came to light last week when he climbed out of a window in the bathroom of his apartment and wandered to a nearby street.

His parents — Alexander Jimenez, 38, and Charlotte Bishop, 42 — were charged with child abuse by omission.

Neglected boy leaves hospital gets new home

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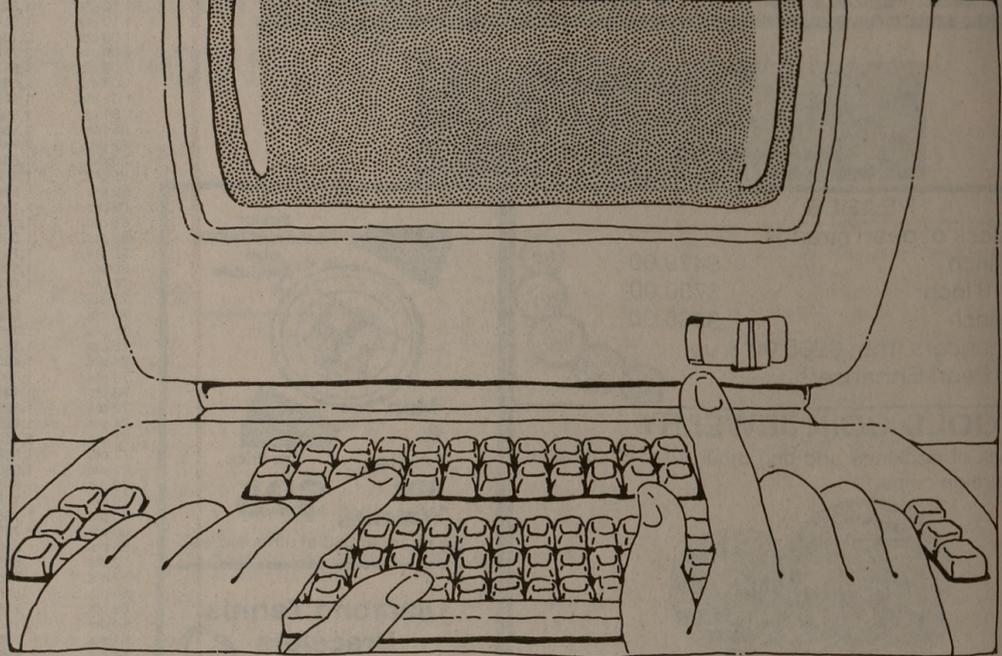
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