

### Police charge ex-convict with murder

HOUSTON (AP) — Police charged an ex-convict with capital murder in the shooting death of an Environmental Protection Agency officer outside a restaurant during an apparent robbery last month, police said.

Anibal Garcia Rousseau, 47, also being sought for the robbery of a north Harris County bank last month, was charged Oct. 29, two days after witnesses identified him as the gunman who shot EPA agent David Delitta in the parking lot of a Houston restaurant.

The capital murder charge against Rousseau, who remains at large, stemmed from the Oct. 27 incident, when he allegedly approached Delitta and another EPA agent at gunpoint as they arrived to meet other agents for dinner.

As the agents got out of their car, Rousseau approached them, pointing a chrome, short-barrel, .38-caliber pistol and ordered them to place their wallets and money on the trunk of the car, investigators said.

Delitta, who formerly worked as an agent with the U.S. Drug Enforcement Administration and was licensed to carry a weapon, went for his pistol and was shot by Rousseau, police said.

Delitta, who died the next day, had worked in the EPA's enforcement division for four months and was in Houston to participate in a trial.

## Fleeing, unarmed prisoner shot under questionable law

HOUSTON (AP) — A Tennessee law similar to one allowing Harris County sheriff's detectives to shoot a fleeing, unarmed prisoner Saturday was declared unconstitutional by the U.S. Supreme Court in 1985.

Roland Brothers Jr., 28, apparently used a handcuff key to free himself and the detectives shot 12 times as he ran away from the county jail. Three shots hit Brothers, the fatal one entering his back.

District Attorney John B. Holmes Jr. said the Texas statute, even if declared unconstitutional, would probably prevent a state criminal prosecution of the two deputies.

"Texas has a right to say when it will hold a person criminally responsible for his actions and when it will not," Holmes said. "There might be a civil suit."

In 1985, the Supreme Court declared unconstitutional a Tennessee statute similar to the Texas law. The case involved a lawsuit by the relatives of a 15-year-old burglary suspect shot in the head as he fled from police.

The Tennessee law allowed police to kill any fleeing person suspected of a felony. However, the high court said police can shoot an escaping suspect only if they reasonably believe the suspect poses a threat of serious physical harm to the officer or some other person.

Two civil rights lawyers said Monday Harris County may face a federal lawsuit because the state law that Sheriff Johnny Klevenhagen says justifies the shooting

is likely unconstitutional.

Klevenhagen said the detectives, who have been relieved of duty with pay, followed department policy and state law allowing peace officers to shoot escaping prisoners.

There is no question that the law allowing officers to shoot fleeing inmates is unconstitutional, attorney Gerald Birnberg said.

"There ought to be a whopping lawsuit waiting in the wings," he said. "They're dead in the water."

Ken Sparks, another attorney, said the

officers can only say they shot Brothers to stop him from escaping. "They knew he was not armed, because they had searched him," Sparks said. "They patted him down."

Detectives Barry Rizk, 29, and Robert Nichols, 34, shot at Brothers while he was running from a parking area near the entrance to the jail's booking desk.

FBI officials said they will investigate Brothers death.

Brothers was arrested by Jersey Village police Saturday on charges of unauthorized use of a motor vehicle.

## Police left puzzled by thieves stealing pumpjack engines

ODESSA (AP) — Organized thieves roaming the oil patch have been stealing a specific brand of pumpjack engine and leaving behind few clues, puzzled authorities say.

Lawmen estimate that 40 Continental C-66 and C-96 pumpjack engines have been stolen in recent months in West Texas and Oklahoma. The loss is estimated at \$240,000, Odessa police Cpl. Jim Atwater said.

The culprits prey on isolated pumpjacks and apparently aren't deterred by the engines' 1-ton weight or whether they are bolted or welded in place.

Theft reports from Oklahoma, Abilene, Big Spring and cities in between have been coming into the Petroleum Industry Security Council, executive director Boyd Burdett said.

"The scary thing is that it's a change," Burdett said. "This is an increase in a particular area. That means that some people have gotten pretty well-organized. I'd say right now it's one of our worst problems."

The engines move the pumpjacks up and down in an action that draws oil out of the well.

Bandits probably have targeted the Continental engines because they use natural gas for fuel, are easily repaired and operated, and because replacement parts are plentiful, said Billie Mac Millican, 60, district production superintendent for Maxus Exploration Co.

Millican said a Continental engine was

stolen last July from a Maxus pumpjack in south Midland County. The three-barrel-a-day well was shut down for about a week while Maxus bought another engine, Millican said.

"I could have had one on there the next day, but I waited until everybody had their questions answered," he said.

The same engine had been stolen about 10 years ago and police recovered it, but Millican said he doesn't expect the same luck this time.

"We'll never find it," he said. "People who do that kind of business already know where to go with it."

Midland County Sheriff's investigator Butch Brazell said the cases are difficult to solve because the pumpjacks are isolated and stolen engines are hard to identify.

He said it would be impractical to check serial numbers on used pumpjack engines sitting in storage areas or being sold as used equipment because "there's too many of them and there's not enough manpower."

Atwater said thieves might be mistaken for honest workers.

"When you're out in the oil field and you're driving through, it's nothing unusual to see a crew working on a pumpjack," he said.

Both investigators are mystified as to where the engines end up.

Millican said he thinks thieves disassemble the engines and parts, but Burdett said he thinks the engines are sold at auction and at used-equipment stores.

### New traffic tickets facilitate write up of two violations

HOUSTON (AP) — New traffic tickets that allow police officers to write two violations on one form could easily spark a turnaround in a yearlong decline in traffic citations, police and court officials say.

There is no significant increase in the number of tickets being written yet, but after a year of plummeting revenues as police wrote fewer and fewer tickets, it appears the slowdown has bottomed out and the numbers may be creeping back up, officials said.

Before, police had to write up separate violations on separate tickets, making multiple tickets an annoyance. Police have had the new ticket forms about two weeks, and Municipal Courts administrator Don Hollingsworth says officers aren't hesitating to give drivers two tickets — the largest monthly increase since

"I've heard a few officers comment that it's extremely convenient to write up a second violation," Hollingsworth said Monday.

Drivers who speed or run red lights are at a much higher risk now of getting a second citation for not wearing a seat belt or having an expired inspection sticker.

September marked the nadir of a traffic ticket roller coaster ride that has wreaked havoc on city budget projections. From an average of about 60,000 a month in most of 1986, tickets soared to 90,000 a month late that year. Then, from 85,403 written in January 1987, tickets plunged to 41,187 in January 1988, and then dropped still further to 30,151 in September.

In October, police wrote 35,191 tickets — the largest monthly increase since

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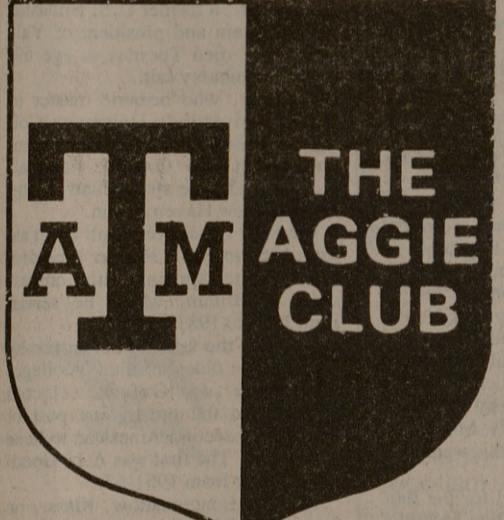
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