

Death row inmate freed; D.A. Speers plans appeal

CONROE (AP) — Montgomery County District Attorney Peter Speers said Tuesday he is appealing to the U.S. Supreme Court a decision by the Texas Court of Criminal Appeals to overturn the capital murder conviction of Clarence Brandley.

Speers' announcement came after State District Judge Lee Alworth set a \$75,000 bond for Brandley's release from the Texas's death row. Brandley was released from prison Tuesday afternoon.

"I believe that serious errors in constitutional interpretation were made by the (Texas) Court of Criminal Appeals in its decision and that therefore this appeal will not be frivolous," Speers said during a news conference. "I realize, however, that the chances of success at that level are purely speculative."

Speers told the Associated Press he would not try Brandley a third time if this appeal failed.

Last month, the appeals court overturned Brandley's capital murder conviction, saying he did not receive a fair trial. By a vote of 6-3, the same court last week rejected pleas from Speers to reverse its decision.

The court issued a mandate Monday that essentially ends the appellate court's involvement on the Brandley case and returns jurisdiction to Montgomery County.

"The way I interpret their (appeals court) opinion, they kind of created a novel theory as ineffective

assistance of police," Speers said in explaining what his basis for the appeal would be. "Essentially they found a due process violation based on the failure of police to take on certain investigative steps during the course of the investigation."

"The defendant has no constitutional right to have the police do

"I believe that serious errors in constitutional interpretation were made by the (Texas) Court of Criminal Appeals in its decision and that therefore this appeal will not be frivolous."

— Peter Speers, district attorney

anything particular during the course of an investigation," he said.

Speers said he has 90 days to file the appeal. He expects the court to decide within 60 days of his filing whether they will consider the case.

Brandley, 38, who is black, was a janitor at Conroe High School where Cheryl Dee Ferguson, who was white, was killed in August 1980 as she attended a volleyball tourna-

ment. She was raped and strangled. Speers said Ferguson's family is "upset that Brandley is going to go free," but supports his decision.

Speers said he and Brandley's attorney, Mike DeGeurin, agreed to an arrangement over the weekend whereby Brandley would be released, and Speers would not pursue a second motion for a rehearing nor seek a stay from the state appeals court.

Despite his agreement with DeGeurin, Speers said he is still absolutely convinced that Brandley is responsible for Ferguson's death.

He also said he is upset that a circle of Brandley supporters feel that his pursuit of the Brandley case is a personal vendetta.

Brandley's first trial ended in a hung jury. He was convicted of capital murder in a second trial by an all-white jury.

In 1987, retired State District Judge Perry Pickett recommended Brandley get a new trial because the previous two had been tainted with racism.

Brandley's attorneys have offered evidence that police and Montgomery County prosecutors set out to prove that Brandley, the only black janitor at the school, was guilty rather than seeking the real killer. County officials have denied the allegations.

Mattox asks voters in letters: 'Keep your checkbook handy'

AUSTIN (AP) — Despite polls that show him lagging, Attorney General Jim Mattox said Tuesday he can win the Democratic nomination for governor without a runoff.

In a fund-raising letter, Mattox told potential supporters to "keep your checkbook handy" because his campaign research shows that with a television and mailout blitz he can win March 13 against Texas Treasurer Ann Richards and former Gov. Mark White.

In the letter dated Monday, Mattox said the decision to try for an outright primary victory is "a gamble."

"However, if the research is correct and we manage to dominate, we'll save at least a million dollars in the runoff," he wrote. "So, we're going to pour the coals (your money) into this campaign train."

Campaign spokesman Kelly Fero said the letter outlined a long-standing strategy and accused the campaign of Richards of leaking it to news reporters.

"He fully intends to win it March 13, and that's been the strategy from the very beginning," Fero said. "He's raised the money and now he intends to spend it."

"(Leaking the letter) is typical of their 'positive' campaigning," he said.

Richards' press secretary Monte Williams denied the charge. "We don't care what kind of mail he (Mattox) sends out," Williams said.

Mattox, Richards and the third leading Democratic candidate, former Gov. Mark White, all addressed the Texas AFL-CIO on Tuesday, hoping to win support from organized labor.

After talking to the convention, Mattox said, "The Ann Richards campaign and the Mark White cam-

Bush Jr. endorses Rep. Perry for replace ag commissioner

AUSTIN (AP) — Texas Rangers owner and presidential son George W. Bush endorsed Republican state Rep. Rick Perry for agriculture commissioner Tuesday, saying the GOP must field a strong candidate to oust Democrat Jim Hightower.

The endorsement, in a letter to GOP leaders statewide, brought a quick scoff from Hightower's campaign. Spokesman Andy Welch said, "I don't know that George the Younger has anything to do with agriculture except that his baseball team plays on real grass."

Bush, of Dallas, said he was backing Perry because "it's critical" that Hightower be defeated in November.

"For eight years, Texans have been treated to the spectacle of Jim Hightower playing farmer," he wrote.

"Rick Perry is a working farmer and rancher, not a dime store cowboy like Hightower. The

Texas agriculture commissioner should be someone from and for agriculture," Bush added.

Bush, who last year considered running as a Republican candidate for governor, said he believes Perry can help the GOP run strongly in rural counties, an area he said is pivotal for the party's hopes.

"He knows the problems of working people in agriculture and small town Texas," Bush said. "It will be a big boost to our entire statewide ticket to have (U.S. Sen.) Phil Gramm at the top and Rick Perry as the anchor."

Responding, Welch noted that Hightower on Monday won the endorsement of the 8,000-member Texas State Association of Firefighters and said of Bush's letter, "I don't think it matters a hill of beans. It's not going to carry any weight with any Texans, the fact that some rich Republican has endorsed a candidate for ag commissioner."

campaign have just degenerated into the stop the Mattox momentum."

Texas AFL-CIO President Joe Gunn predicted the organization's convention would end with a lot of twisted arms and no endorsement for the primary.

"I did not see two-thirds in the governor's race," Gunn said after the candidates addressed some 500 delegates to the AFL-CIO Committee on Political Education meeting.

A two-thirds majority is needed to win the political backing of the nearly 213,000-member union.

Gunn urged candidates and union members to refrain from a bitter floor fight over the endorsement. "As you twist arms for candidates the next couple of days, twist gently," Gunn said.

Delegates are scheduled to vote Wednesday.

San Antonio shootout leaves three wounded

SAN ANTONIO (AP) — A San Antonio policeman and at least two other people were shot Tuesday in an exchange of gunfire, authorities said.

The shootout happened about 12:30 p.m. near a bakery when two officers stopped a car after turning up outstanding police warrants through a computer check of the license plate number, police spokesman Sgt. Paul Buske said.

Gunfire broke out as the two officers approached the car, he said.

"As they walked up to the vehicle the person in the right front quickly swerved around and fired," Buske said.

When that happened, he said, both officers began shooting. It was believed one officer emptied his service revolver and another fired four shots, he said.

Authorities identified the injured officer as 27-year-old Raul Alonzo, who was taken to Medical Center Hospital and listed in stable condition, hospital spokesman Lynn Blanco said. The other officer was identified as Danny Robles.

Buske said a single shot from a 9 mm semi-automatic weapon entered Alonzo's arm, traveled into his lower abdomen and exited through his buttocks.

'In the lurch' Rep. gets sentence

WASHINGTON (AP) — Texan Craig Washington, sworn into office Tuesday to fill the term of the late Rep. Mickey Leland, has been sentenced to 30 days in jail by a judge who accused him of leaving his clients "in the lurch."

The contempt of court sentence, imposed Monday by State District Judge Jim Barr in Houston, marked the second time in two weeks a jail sentence has been ordered for Washington for not heeding notices to appear in court on behalf of clients. Hearings have been scheduled for Washington to appear to show cause why he should not be sent to jail.

"I've done everything I know to get in touch with Craig, and he's done everything he can to avoid me ... He had ample notice to be in the courtroom today. His client was there and he has been for 2½ years," Barr said Monday, referring to the length of the case.

Washington, a democrat who could not be reached for comment on the matter, received his oath of office Tuesday from House Speaker Thomas Foley, D-Wash.

Washington wiped his eyes as the House gallery, packed with friends and supporters, cheered.

"I can never replace Mickey Leland," Washington said. "I'm merely his successor."

Leland, who was chairman of the House's Select Committee on Hun-

ger and an activist in helping solve Africa's famine problems, died last year in a plane crash during a trip to Ethiopia.

Washington introduced three of his five children to the House and received a hug in front of his new colleagues from Rep. Marvin Leath, D-Texas.

"I've done everything I know to get in touch with Craig, and he's done everything he can to avoid me ... He had ample notice to be in the courtroom today. His client was there and he has been for 2½ years."

— Jim Barr, State District Judge

A lawyer, Washington served 10 years in the Texas House and another six in the state Senate. He has a reputation as a champion of liberal causes, including abortion rights, gay rights and AIDS health care and support for the poor.

He defeated former Houston City Councilman Anthony Hall in the runoff election for Leland's seat.

IRS Electronic Filing
FAST REFUNDS
Normal refunds take 6 to 8 weeks. With **ELECTRONIC FILING** it generally takes **TWO WEEKS** for **DIRECT DEPOSIT** to your bank and **THREE WEEKS** for a **PAPER CHECK**.
BASELINE SERVICES, INC.
Data Processing
Electronic Transmission of Tax Returns
Located in: **Kinko's Copy Center, 846-4370**
509 University Dr.

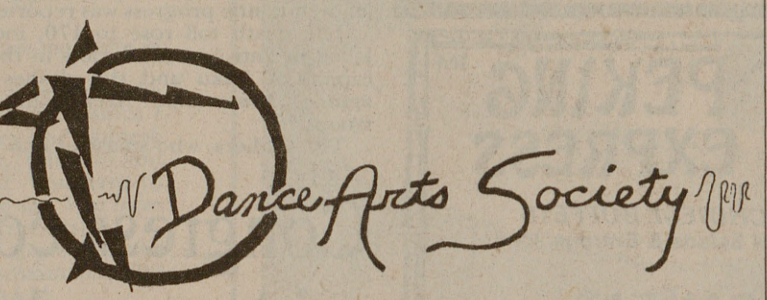
Come Play **VOLLEYBALL**
Live Oak Nudist Resort
Washington, TX
(409) 878-2216

Presidential Life offers Low Rates for Major Medical Coverage

You receive 15-50% lower rates than most present carriers, depending on the age group.

Call Jessie Alvarez for a quote - no obligations - guaranteed renewable.

775-5085



GENERAL MEETING
THURSDAY, JANUARY 25th
7:30 p.m. ROOM 267
G. ROLLIE WHITE

EVERYONE WELCOME!

Speed Reading
FREE
choose any **1 Hour Lesson**

- get your reading done in one-third the time!
- emphasis on text book reading with high comprehension

Thurs., Jan. 25th
Rudder 401
5:30, 6:30 or 7:30

Money Back Guarantee

Power Reading

Sponsored by **Circle K**
(713) 320-9671

!!NEW DEADLINE!!
February 9, 1990
is the new deadline for **POETRY, PROSE, and GRAPHICS** submissions to the 1990 **LITMUS** a student literary journal

Guidelines available in MSC Student Programs Office
MSC Literary Arts

Alpha Kappa Psi
Spring Rush

Professional Business Fraternity
MEET THE CHAPTER
Jan. 24 Rudder 301 8:00 pm
For More Info Contact David 846-7314

MSC VARIETY SHOW COMMITTEE

Come Have Your Night Under the Stars

Audition Applications may be picked up in the Student Programs Office Rm. 216T MSC

Application Deadline: February 9, 1990

Auditions: February 21 & 22

