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# Court date set for senator

## Carthage Republican faces weapon and prostitution charges

AUSTIN (AP) — State Sen. Drew Nixon will stand trial next week on misdemeanor charges of prostitution and illegally carrying a weapon, a Travis County judge decided Tuesday.

Selection of the six-person jury that will hear the case against the Carthage Republican will begin Monday, County Court at Law Judge David Puryear decided at a hearing Nixon did not attend.

Austin police arrested the lawmaker in front of a church during a Feb. 18 sting in which undercover female officers posed as prostitutes. Court records show Nixon offered the officer \$35 for oral sex.

The senator has apologized for his arrest and

has admitted talking to the female officer, but has declined to comment on their conversation.

Nixon's attorney, Dain Whitworth, would not comment on his client's defense, but said the trial could take up to 2 1/2 days to complete.

The illegal weapon charge stems from a loaded pistol found under Nixon's car seat at the time of the arrest. He did not have a permit to carry it.

If convicted, Nixon faces up to six months in jail on the prostitution charge and up to a year on the illegal weapon charge. However, he would not be forced from office. His current term ends in 2000.

On Monday, Travis County Attorney Ken

Oden said there will be no plea bargain.

"I don't think the politics and the enforcement should get mixed up," is quoted as saying in Tuesday editions of the Austin American Statesman.

Bill Miller, a spokesperson for Nixon, said the senator had not sought a plea bargain.

"It's always been straight ahead. We're going to trial," Miller said.

In 1993, Nixon pleaded no contest in Dallas County to a weapons charge after he was arrested with three women in his car who police called known prostitutes. Nixon did not face a prostitution charge in that case.

# Police look for clues to body finds

SAN ANTONIO (AP) — After analyzing bone fragments dug up from a San Antonio couple's back yard, police will begin examining other artifacts unearthed in the search for bodies at the home.

Police have gathered more than 140 items in the search of Leonard and Monika Rizzo's back yard. Remains of the 44-year-old mother, last seen alive in May, were found there along with the scattered bones — dozens in 1-to-2-inch fragments — of three other unidentified people. No arrests have been made.

Rizzo's parents, Bill and Monika McKinney, scheduled a memorial service Tuesday night at Holy Name Catholic Church.

Rizzo and his two adult sons say they will not attend and are planning a separate ceremony.

According to a document filed with state District Judge Raymond Angelini, police searching the couple's home looked for anything that could be used to "inflict death or serious bodily injury" or to cut or saw bones.

They collected a bench grinder, four knives, a garbage disposal and a pair of pruning shears.

Police also took six T-shirts from the Bandido motorcycle gang, a backyard barbecue pit where finger-like bones were found, and assorted knives and gardening tools.

# Convicted murderer faces lethal injection

HUNTSVILLE, Texas (AP) — Condemned killer James Carl Lee Davis was set to die Tuesday evening for fatally beating a 15-year-old Austin girl in a vicious attack that also claimed the lives of her two small brothers.

Davis, 34, lived next door to the victims and once told a police officer to refer to him as "Mr. Mean." He would be the 26th inmate to receive lethal injection in Texas this year, extending a record for executions in a single year.

The unemployed roofer was sentenced to die for the March 3, 1984 rape-slaying of Yvette Johnson, 15, at her home. The girl, along with brothers Tyrann, 6, and Tony, 4, were battered with a lead pipe. A cousin and another brother at the house that night identified him as the attacker. The victims' mother was out visiting a friend at the time of the attack.

"This is my fate," he said last week in a death row interview. "I don't feel sorry for myself. I don't expect nobody to feel sorry. I don't expect any sympathy."

"I think any death matters, but I don't feel sorry for the surviving people because they had to lie to get a conviction."

Asked what he had learned after a dozen years on death row, he

replied: "I've learned to hate a lot more efficiently."

"I think he says things to shock, does things to achieve an effect on people," said Brenda Kennedy, who prosecuted Davis and is now a Travis County Court-at-Law judge. "It's very calculating on his part."

Ms. Kennedy recalled how Davis during his trial made inappropriate and obscene gestures to both her and the jury.

"I don't know if it's just a bad case of antisocial sociopathic behavior," she said. "I don't have any doubt if placed back into society he'd be a continuing threat."

Asked if he would kill again, she answered: "No doubt in my mind whatsoever."

The victims' cousin, Angela Varnado, who was 14 at the time, said she was awakened in the middle of the night when Davis grabbed her and began beating her with the pipe. Her screams awoke her cousin Yvette, who then cried out. Angela was released as the intruder moved on to Yvette. Angela said she fled to a neighbor's home to call police.

Timothy Johnson, then 13, told authorities he was awakened by the screams of his sister and saw Davis appearing to be having sex with the girl, court documents say.

Davis, who was arrested 30 minutes later, said he was at home the night of the murders and last week denied any involvement.

Prosecutors, however, linked clothing hidden behind Davis' residence to him and Yvette Johnson. Semen samples taken from the victim also were tied to Davis. And the pipe, which he found for authorities, was shown to have been used to beat and sodomize the girl.

At the time, in 1984, it was the worst single killing spree in Austin since the infamous University of Texas Tower sniping siege by Charles Whitman, whose rampage nearly a year earlier claimed 16 lives.

Travis County authorities said Yvette died after 17 blows to the head with the 2-foot section of lead pipe. Her brother, Tyrann, was struck eight times with the same pipe. Brother Tony had been hit six times.

Timothy Johnson told police Davis rubbed the pipe against his foot to see if he was awake, but he pretended to be asleep and hid under a blanket to avoid any attack.

Davis had no previous criminal record. He had been expelled from the ninth grade after he was accused of pulling a knife on a teacher. In unsuccessful appeals, attorneys said Davis had mental problems because of an abusive childhood.

# Court overturns lawsuit against UTSA

SAN ANTONIO (AP) — A federal appeals court has ruled that a University of Texas-San Antonio faculty member was not the victim of sexual discrimination when the school denied her a promotion to full professor.

The decision by the 5th Circuit Court of Appeals in New Orleans reverses a lower court ruling in favor of professor Betty Travis.

The 5th Circuit determined there wasn't enough evidence of bias in the case against UTSA.

At the heart of the case is the changing nature of San Antonio's only public four-year university. For years, UTSA primarily was a teaching institution, but officials have recently stressed research.

UTSA President Samuel Kirkpatrick now requires faculty members to distinguish themselves through scholarship, an area where Travis was found to be "marginally adequate," according to Monday's ruling.

That and not sexual discrimination was the basis for the school's 1994 refusal to promote Travis to full professor, the court said.

"We can find no more than a sliver of a suggestion that sex had anything to do with this employment dispute," the court wrote.

Travis sued after Kirkpatrick refused her promotion. The case came to trial in 1996 and, following a week of testimony, a federal court jury sided with Travis.

The university was ordered to make the

damages. That order also was reversed by the 5th Circuit.

"We are pleased that the court found we did not discriminate on the basis of sex," Kirkpatrick said. "This has always been a case about the standards one needs to merit promotion to full professor."

Travis did not immediately return a telephone message left by The Associated Press on Tuesday.

Both years she applied for full professor in the school's math department, Ms. Travis was recommended by a committee of Division of Mathematics and Statistics faculty, a committee of College of Sciences faculty and the college dean.

But Kirkpatrick and another final reviewer of her scholarship and the number of articles she had published were too thin.

The 5th Circuit also validated Kirkpatrick's record of promoting female faculty members. Since 1990, when he came to UTSA, 12 of 23 male applicants and seven of 13 female applicants have been promoted from associate to full professor.

**"We can find no more than a sliver of a suggestion that sex had anything to do with this employment dispute."**

5TH CIRCUIT COURT OF APPEALS

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