

Tucker loses bid to halt execution

AUSTIN (AP) — The state's highest criminal court Wednesday denied pickax killer Karla Faye Tucker's latest bid to halt her execution, now less than a week away.

The 38-year-old woman, who doesn't deny her guilt but says she has changed since the 1983 slaying, is scheduled to die by lethal injection on Tuesday.

She would be the first woman executed in Texas since the Civil War.

The Court of Criminal Appeals rejected her arguments that the state's clemency process is unconstitutional and denied her request for a stay of execution.

"There is no tradition or practice in this state's history that recognizes any kind of fundamental right to executive clemency," said an opinion written by Presiding Judge Michael McCormick.

"An inmate has 'no constitutional or inherent' right to commutation of her sentence," McCormick said, adding that clemency powers belong to the executive — not judicial — branch of government.

Tucker's lawyer, David Botsford, said he would immediately take the clemency challenge to the U.S.

Supreme Court. "There are some serious considerations," he said.

The lawyer said he told Tucker about the latest ruling. "She is upset. She wants to press to all who care that

"An inmate has 'no constitutional or inherent' right to commutation of her sentence."

Michael McCormick
Presiding Judge
Court of Criminal Appeals

still in the Lord, and she's the good Lord will give us mercy to the governor, the board and the judges of the courts that will hear this," Botsford said.

Six pack to go

New Mexico may restrict drive-up liquor stores

BERNALILLO, N.M. (AP) — When 5 p.m. rolls around and Art Jaramillo locks the front door to his liquor store, business at his neon-lit, drive-up window around the side swells.

As cars and trucks pull up, Jaramillo is ready with 40-ounce bottles of Budweiser and bottles of tequila. His regular customers like the convenience, especially those who might be turned away under the glare of the store's inside lights for looking too tipsy.

"When I'm drunk, I want to go home, not to convenience stores where there are lights and people can smell me," George, a customer who gave only his first name, said. "So I go to the drive-up because it's close to my house and I won't get hassled."

With the nation's highest rate of alcohol-related traffic deaths, New Mexico is slowing down to take another look at the state's 235 drive-up windows.

A bipartisan group of lawmakers has introduced a proposal in the Legislature to allow New Mexico communities to

vote individually on whether to ban drive-up alcohol sales, something that has been around for decades.

Supporters say the measure could reduce drunken driving and the number of teen-agers buying alcohol illegally.

The Legislature tried to pass a similar bill during each of the past three years. But Attorney General Tom Udall said the prospects are very good this year.

"Part of the reason I say that is the evidence is increasing that the drive-up windows contribute significantly to our alcohol problems in New Mexico," Udall said. "While we have that support we should strike while the iron is hot and get it done. We could end up waiting around for years going for an outright ban."

Despite lowering the blood-alcohol limit to 0.08 percent five years ago, New Mexico still leads the nation in per capita alcohol-related traffic deaths. It had 11.79 deaths per 100,000 people in 1996 — 19 percent higher than the next-highest state, Mississippi.

Mississippi is not among the two dozen states that have drive-up liquor sales. And experts do not blame drive-up liquor windows alone for New Mexico's drunken driving problem. They say a high alcoholism rate and a cultural custom of drinking and driving also contribute.

Also, the problem is compounded by long distances between towns; an alcohol ban on Indian reservations that forces many people to hit the road for a drink; and the fact that until 1993, drunken driving was not even a felony in New Mexico.

While the Legislature debates the fate of drive-up liquor sales, store owners say they are tired of being blamed for the state's drunken driving problem.

"We can't be responsible for all of the problems on the highways," Dennis Salazar, the owner of Saints & Sinners Liquors in Espanola, said.

Salazar said 95 percent of his business is done through the window, and shutting it would put him out of business.

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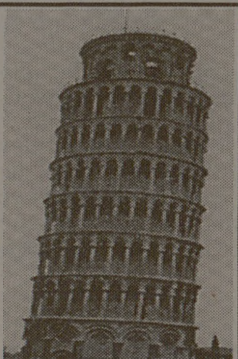
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