Prison shakedown captured on videotape

Guards accused of assaulting Missouri inmates

GALVESTON, (AP) — Three Brazoria County prison guards accused of assaulting Missouri inmates during a videotaped shakedown were in court yesterday as a co-defendant agreed to assist in their prosecution.

David Cisneros, Wilton David Wallace and Robert Percival cast glances at each other as former co-worker Lester Arnold, 50, of Vanderpool, pleaded guilty to a misdemeanor civil-rights violation as part of a bargain with prosecutors.

Arnold's plea came as trial began for the four men in front of U.S. District Judge Kenneth Hoyt, visiting from Houston.

Like the others, Arnold was charged with one felony count of aiding and abetting the assault of Toby Hawthorne, a Missouri inmate housed at the Brazoria County Detention Center.

But Arnold also was charged with assaulting two other inmates during the 30-minute incident, recorded Sept. 18, 1996. The former deputy is seen on the videotape wielding a stun gun.

The video, made for training purposes, also showed inmates being kicked by guards and bitten by a police dog.

The Missouri inmates were held at the jail under a contract with the state of Missouri to relieve overcrowding.

They were returned to their home state after the tape became public.

Arnold now faces as much as a year in federal prison for the misdemeanor, although prosecutors have agreed not to fight a lesser sentence. His sentencing is set for Jan. 3.

"I feel sorry for him, Womack said. "I think he didn't have the proper faith in the jury system,"Percival's attorney, Guy Womack said.

Arnold appeared to choke up several times while responding to Hoyt's questions about his plea. At one point he told the judge, "I've got a lot on my mind right now."

He later declined comment as he left the courthouse with his family.

Jury selection began yesterday morning for trial of the remaining defendants: Cisneros, 39, of Angleton, a former deputy; Wallace, 52, of Angleton, a former jailer and Percival, 37, of Lake Jackson, who is still a jailer. Each faces up to 10 years in prison and $250,000 in fines.

The panel of 60 potential jurors from Brazoria, Chambers, Matagorda and Galveston counties answered attorney's questions as a group.

Four panelists indicated they might have difficulty being impartial knowing that one defendant pleaded guilty.

But none indicated that pretrial news coverage might affect their judgment.

Parents versus grandparents

Supreme Court to rule on visitation rights

WASHINGTON (AP) — The Supreme Court set the stage Tuesday for an important ruling on grandparents' rights to see their grandchildren even when parents object — a case that could affect laws in all 50 states.

The nine justices — six of them with grandchildren of their own — agreed to decide whether a state can give visitation rights to grandparents when, after a divorce or some other family split, the children's parents say no.

The case involves Washington *state, where* the state's highest court ruled such a law violates parents' "fundamental right" to rear their families without governmental interference. All other states have similar laws.

"State intervention to better a child's quality of life through third-party visitation is not justified where the child's circumstances are otherwise satisfactory," the state court said last Dec. 24 in wiping out a Anacortes, Wash., couple's legal right to see their two granddaughters.

> ***"State intervention to better a child's quality of life through third-party visitation is not justified ..."***
>
> — Washington State Court

"To suggest otherwise would be the logical equivalent of asserting that the state has the authority to break up stable families and redistribute its infant population to provide each child with the 'best family,'" the state court added.

The justices indicated they will hear arguments in the case in December. Their decision is expected by next June.

For the second time this month, the court got a head start on its 1999-2000 term, which will begin Monday, by granting cases. Justice Ruth Bader Ginsburg, still hospitalized after undergoing colon cancer surgery last Friday, apparently participated in the court action announced yesterday.

Most states had enacted grandparent-visitation laws by the early 1990s.

Rare virus may spread throughout country

NEW YORK (AP) — A rare African strain of encephalitis that has already killed four people around New York City could spread to other parts of the country as infected birds fly south for the winter, health officials said yesterday.

The virus is transmitted to humans by mosquitoes that have bitten infected birds. New York City and New Jersey have been spraying pesticides to kill mosquitoes, and scientists in southern states are testing dead birds here for the virus.

The African strain has never before been seen in the Western Hemisphere.

So far, there is no evidence that the virus has spread outside the New York City area, and the federal Centers for Disease Control and Prevention has not made any recommendation as to what other states should do.

"It's possible that it could be seen in other parts of the country," Dr. Ned Hayes, a CDC epidemiologist, said.

Thirty-seven people, including the four who died, have tested positive for the West Nile-like virus in the New York metropolitan area since August. The cause of their ailments was reclassified yesterday by the CDC, which originally blamed the similar St. Louis strain.

Encephalitis is an inflammation of the brain. The symptoms of West Nile encephalitis — fever and a headache — are similar to those of St. Louis encephalitis but are generally milder. In rare cases, the virus can cause neurological disorders and death. The elderly, the young and those with weakened immune systems are most vulnerable.

The disease is not transmitted from person to person or from birds to people.

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