

Jasper defendant said he tried to stop attack

JASPER (AP) — The third white man to stand trial in the dragging death of a black man testified yesterday that he tried to stop the attack but one of his buddies threatened him, leaving him paralyzed with fear.

"I couldn't move," 24-year-old Shawn Allen Berry, who could get the death penalty like his two companions for the slaying last year of James Byrd Jr., said.

"I've never been in a position where I couldn't move before."

Berry said he was so scared he wet his pants beside the road.

"I've never been in a position where I couldn't move before."

— Shawn Allen Berry
Third Jasper defendant

Byrd, 49, was chained to his ankles by a pickup truck and dragged to pieces near Jasper in one of the nation's grisliest racial crimes since the civil rights era.

Two avowed white supremacist friends of Berry's, John William King, 25, and Lawrence Russell Brewer, 32, separately were convicted and sentenced to die.

Berry said he and the other men gave Byrd a lift, and that after a while, King and Brewer tried to pull Byrd from the pickup truck.

Berry testified he tried to break up the scuffle, but King called him a "nigger lover" and said that he could meet the same fate that awaited Byrd.

"I couldn't do anything more to stop it," Berry testified.

He said he then allowed King and Brewer to kick Byrd, spray-paint his face and chain his feet to the back of Berry's truck.

Berry said King then took the driver's seat, while he was in the middle and Brewer was on the passenger side, and "they started dragging [him]."

Afterward, Berry said, he helped

wash blood off his truck and the logging chain because he believed he was guilty of murder.

"In my mind I was just as guilty as they were for being there," Berry said. "And I didn't want to go to the police."

Berry was driving when the men picked up Byrd. Berry testified that King suggested they "whip his ass."

Defense attorney Joseph "Lum" Hawthorn asked Berry why he would give a black man a ride after such a suggestion from King.

"I just thought it was the same old Bill," Berry said. He said King had a penchant for making alcohol-fueled threats with which he never followed through.

Jasper County District Attorney Guy James Gray asked Berry

why he was so afraid if King indeed was such a blowhard. Berry explained he was afraid because this time, King seemed to be carrying out his threat against Byrd.

Gray also needed Berry about his failure to notify authorities after Byrd was killed, but Berry stuck to his explanation.

As to why Berry associated with King and Brewer, Berry said he did not realize the extent to which prison had changed his longtime pal King into a racist.

Berry spent about four and a half hours on the stand before the prosecution began its rebuttal. State District Judge Joe Bob Golden recessed at day's end while considering whether to allow the state to admit pictures of King and Brewer's racist tattoos.

Gray wants to show the jury that Berry's friends were so coated in hateful messages that he should have known they would be a threat to a Byrd.

Drug trade down since gang arrest

AUSTIN (AP) — Law enforcement officials said illegal drug trade in Austin has slowed since the arrest of the city's top dealer and alleged leader of a violent prison gang.

"For right now, it's probably put a substantial dent in (drug trade)," Ralph De LaFuenta, a detective with the Austin Police Department's gang unit, said.

Hector Soto, 34, of Austin and 21 others were indicted on federal drug conspiracy charges. The indictments were released Monday.

"A lot of the peripheral people who were working with them didn't get popped, but they aren't getting supplied," De LaFuenta told the *Austin-American Statesman*. "Others are laying low."

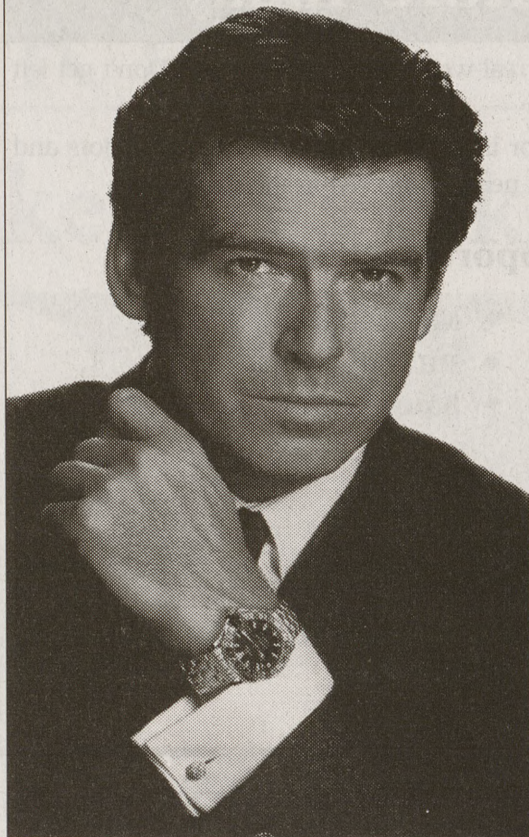
According to the indictments, 11 pounds of cocaine and 440 pounds of marijuana were brought in from Mexico from July through October by the gang and sold in Austin.

The street price for a pound of marijuana is \$350 to \$500, while the 1.1 pounds of cocaine sells for \$8,000 to \$9,000 and 2.2 pounds costs as much as \$17,500.

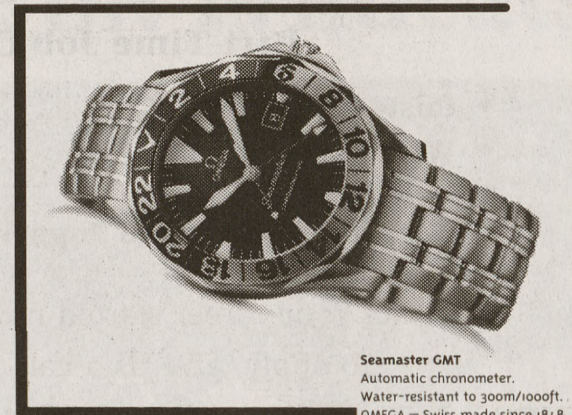
Police said nine of those indicted are members of the Texas Syndicate, one of the state's most famous and powerful gangs that has links with to criminal activities within and without the prison system.

The others were believed to have been working for the gang.

The arrests came after a year-long multi-agency investigation of the gang and Soto, who police say joined the Texas Syndicate while serving drug and burglary sentences in state prison from 1994 to 1997.



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Man to be retried after jury's uncertainty

HOUSTON (AP) — A Houston man accused of killing his 55-year-old mother last year after he said the devil made him do it will be retried for the crime.

A jury deadlocked last week over whether Steven Rosenbaum, 27, slayed his mother March 31, 1998, and then fled to South Dakota. Miriam Rosenbaum, was found stabbed 35 times in the apartment she shared with her son.

Prosecutor Kaylynn Williford said Monday she will retry Rosenbaum after a state district judge granted a defense motion for mistrial late Friday after jurors failed to reach a verdict after three days of deliberations.

Two jurors told *The Houston Chronicle* that 10 of them wanted to convict Rosenbaum for the murder, but said two others were holding out for a plea of not guilty by reason of insanity.

Doctors testified in Rosenbaum's defense that he indeed thought the devil had cast a spell that drove

him insane and that voices convinced him to kill his mother because she was possessed — and evil enough to destroy the universe.

But Williford told jurors the psychological assessments of Rosenbaum were invalid because the physicians didn't have all the information they needed, such as letters written before his mother's death that portrayed Rosenbaum as an angry Satan-worshipper but not insane.

Williford also argued that Rosenbaum appeared well enough to try and hide his murderous actions: he fled Texas, he took crime-scene evidence and he drained his bank account before boarding a bus to South Dakota.

He got off the bus in Wichita, Kan., and was arrested after being spotted looking in the windows of several downtown businesses.

It was not clear when the case would be heard again.

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