

# Cadets caught with 30-foot tree, others admit to decoration theft

By SOMMER BUNCE  
The Battalion

Ten Corps of Cadets members were stopped by police shortly before 5 a.m. Tuesday on Rock Prairie Road with a 30-foot pine tree protruding from the back of their pickup.

The tree, apparently taken from Brazos County land, was taken by the cadets with an intent to "decorate the quad," said College Station Police Department (CSPD) Sgt. Dan Jones.

"They appeared to be going all out," Jones said.

Earlier in the week, University Police Department (UPD) officials were alerted to a rash of stolen Christmas decorations in the College Station area. A resident said the offenders were cadets, and UPD began searching Corps dorms to re-

cover the items, said Director Bob Wiatt.

In a room on the fourth floor of Dorm 7, police found three of the stolen decorations, Wiatt said. Three cadets, whose names have not been released, admitted to taking the decorations, he said. The items were a wreath and two reindeer lawn ornaments.

According to the Corps of Cadet Headquarters, that floor is the residence of Company P-2, a Navy and Marine unit.

P-2 and Corps leaders were not available for comment.

No charges have been filed for either offense, Jones said. Besides the traffic violations involving the pine tree, which took up two lanes of traffic and dropped branches on the road, no criminal offense has

been tied to the incident. The cadets may face charges from the Brazos County Sheriff's office if it is determined that the tree was taken from

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— Bob Wiatt  
UPD director

private land. One cadet was involved in both offenses, Jones said. "The property involved is not of

huge monetary value," he said. "But things like Christmas decorations involve a deal of sentimental value. Simply because of the quantity of offenses and the number of items taken, it's too early to say that nothing will be done about this. There will be some type of restitution."

The names of the three cadets who took the ornaments have been turned over to the Department of Student Life for possible disciplinary action, Wiatt said.

"They have admitted that it was simply a stupid, foolish Christmas prank," he said.

The cadets involved will face disciplinary action from the Office of the Commandant, said assistant Commandant for Corps Discipline Col. Rick Mallahan.

# Appeals court reverses dismissal ruling on A&M regent's misconduct conviction

AUSTIN (AP) — A state appeals court Wednesday reversed a lower court's ruling that had thrown out the official misconduct conviction of a former Texas A&M University regent.

The Texas Court of Criminal Appeals said the lower appeals court was wrong when it ruled that the evidence against Ross D. Margraves was insufficient and that the state law used to convict him was unconstitutionally vague.

Brazos County District Attorney Bill Turner, who prosecuted the case, said the ruling stopped short of reinstating the conviction, but ordered the lower court to reconsider Margraves' case.

Turner said he hoped the ruling would prompt the lower court to uphold the conviction.

"The point of the case was that the rule of the law applies equally to everyone regardless of their status," Turner said.

Margraves' attorneys could not immediately be reached for comment.

Margraves served on the A&M Board of Regents from 1989 to 1994 and was chairman in 1993 when he used a University airplane for a trip to Louisiana State University (LSU).

His son was graduating from LSU that weekend and Margraves and his wife made the trip, which cost taxpayers \$1,435.

Margraves, charged with using the plane for

personal reasons, testified during his 1996 trial that the main reason for the trip was business. He said he went to discuss the possibility of A&M changing athletic conferences.

He said the graduation was the secondary reason.

Margraves was convicted of a third-degree felony of official misconduct. A plea agreement or

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dered him to be placed on four years probation, fined \$3,000 and pay \$1,435 in restitution.

The 14th Court of Appeals in Houston, however, reversed his conviction in 1999.

The lower court questioned the clarity of the law used to prosecute Margraves. Other regents

and University officials were aware of the trip, considered it vital and sanctioned it, the court said.

Prosecutors had dismissed the talks with LSU as an excuse that was created only after an inquiry started. They also countered that the law was still broken because state property can be misused on official business.

The lower court had said the law was so vague that it would subject officials to prosecution for innocent behavior, such as playing golf while attending a conference or lunching with a relative while out of town on official business.

Clearly unconvinced by Margraves' claims of a business trip, the Court of Criminal Appeals said such trips would not be converted into personal ones any more than his personal trip was turned into a business trip by his "trivial or sham business conduct."

The high court also said the law used to convict Margraves was not vague.

The responsibility to distinguish between personal and business expenses "has long been familiar to those who own or run a business and file their tax returns," Judge Paul Womack wrote for the court.

"It is not a great imposition on public officials to ask them not to charge the state for their personal trips," the court said.

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