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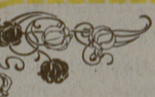
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Argentine man to be resentenced

Racial discrimination plays key

AUSTIN (AP) — An Argentine man on death row for a 1995 murder should be resentenced because his race was used as a key factor in sentencing him to die, his lawyers and the Texas attorney general's office told a state appeals court on Wednesday.

"Racial discrimination is repugnant," Stanley Schneider, attorney for condemned inmate Victor Hugo Saldano, said at a hearing before the Texas Court of Criminal Appeals. "We cannot allow a jury to consider the person's color of his skin or his country of origin."

Saldano, 28, was convicted and sentenced to die for the abduction, robbery and shooting death of Paul King in Collin County, near Dallas.

Texas Attorney General John Cornyn has acknowledged before the U.S. Supreme Court that trial testimony about Saldano's Hispanic background was inappropriate. A psychologist had testified it was among several reasons why the Argentine laborer was a future danger to society.

In Texas, the question of future dangerousness is one of the elements for a jury to consider before deciding whether a capital murder convict should be put to death.

Cornyn's position put him at odds with prosecutors who contended he did not have the authority to make such a claim to the U.S. Supreme Court and that Saldano's sentence should stand.

The Court of Criminal Appeals, the state's highest criminal appeals court, previously ruled 6-2 against granting Saldano a new trial or sentencing. With Cornyn's admission, however, the U.S. Supreme Court set aside that ruling and asked the state court to consider Saldano's case again.

On Wednesday, Cornyn's office argued before the appeals court that Sal-

dano should be resentenced because of the racial testimony, even in him getting the death penalty.

State prosecutors, however, urged the court not to change the sentence.

Texas law requires Saldano's attorney to object to evidence he wants to raise the issue of race-based testimony, said state attorney Matthew Paul.

"If it were up to me, I would have put on the testimony of Paul said. 'Race should not be the picture at trial in any way, shape or form, al, he added.

Paul said the testimony was a less error in Saldano's case factors, such as Saldano's criminal record, proved his dangerousness, prosecutors said.

"This court got it wrong in its initial decision," he said.

Schneider, however, argued that race-based testimony amounts to a constitutional violation of the fundamental trial error.

"If race is allowed to be a factor in a justice system, no punishment is fair," Schneider said.

"That's why the lady of the court is blind," said Judge Tom Phillips.

Phillips previously voted in favor of Saldano's sentencing hearing for Saldano's case, you're saying the university of Texas is a team, which is not fair.

Prosecutors also argued that Saldano's right to make such a case, 6-1, was not a match for the state's case. But Cornyn's Solicitor General, Greg Coleman, replied that the state's case is not a match for the state's case.

The Court of Criminal Appeals, which took the case under review, could order a new sentencing hearing for Saldano or issue a ruling that would affirm his previous sentence.

News in Brief

Woman faces death penalty

SAN ANTONIO (AP) — A Central Texas woman was convicted of capital murder for the shooting death last spring of a 75-year-old grandmother.

Jurors took less than one hour Tuesday to find Deborah Taylor, 33, guilty of shooting Aurora Hernandez.

The jury in Bexar County district court will begin deciding Taylor's punishment on Wednesday. She faces the possibility of lethal injection.

The April shooting occurred on Hernandez's 32-acre ranch in southern Bexar County where Taylor and a former boyfriend had been staying for several weeks.

In a signed confession, Taylor acknowledged shooting the elderly woman but said it was an acci-

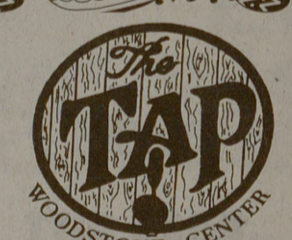
dent. She said she fired one shot into surrendering her pickup truck for a cross-country trip to Pennsylvania.

Lightning strikes Dallas area

DALLAS (AP) — Thunderstorms produced multiple lightning strikes, injuring one worker and damaging several houses as heavy rains pounded the Dallas-Fort Worth area.

A 28-year-old construction worker was struck by lightning Tuesday afternoon as he was working on a home in southeast Plano.

The unidentified man, who suffered life-threatening injuries, was transported in critical condition Wednesday at the burn unit of Parkland Memorial Hospital.



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