sheries, Wike Prosecutors obtain before the Sample from Irvin

year-old drug case against former Dallas hed for integral of 's Greek sty Cowboys receiver Michael Irvin obtained a salia sample from him Monday after executing a decades learch warrant.

District Judge Lee Gabriel had denied the or state lead lefense attorney's motion for a hearing to oppose ssuing the warrant.

Irvin's attorney, Peter Ginsberg, said prosecuthe issue in ors wanted to test the saliva against a marijuana ge C. Wall igarette allegedly found when Irvin was arrested

d "stand in ast summer. Ginsberg said he opposed the search warrant or" in 1963. Ginsberg said he opposed the search warrant tep two bladecause Irvin is not charged with a marijuanan the all we elated crime. Irvin has pleaded innocent to a elony charge of possessing less than a gram of

"I think Michael Irvin has been singled out stitute a quan this case," Ginsberg said after a court hear-other admin ng Monday. He added that taking the saliva als would mample was an "unwarranted invasion of Mr. on an end (rvin's privacy.'

The judge also set an Oct. 19 hearing date to nsider Ginsberg's motion to dismiss the charge. A trial date was set for Jan. 14.

Irvin did not speak to reporters as he left the iggest protective did not specially and saying how courthouse Monday.

Irvin was arrested Aug. 9, 2000, two months

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Court

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dismissal

AUSTIN (AP) - An

inderage drinking case against

President Bush's 19-year-old

daughter Barbara was dis-

missed Monday in Austin

Muncipal Court, city spokes-

woman Patty Gonzales said.

Barbara Bush, who pleaded

no contest to a charge of

ninor in possession of alcohol

in June, completed eight hours

f community service, which he performed at Goodwill,

attended an alcohol awareness

class, paid \$100 in court fines

three months, Gonzales said.

viped from her record,

Jenna was fined a total of

\$600 in July and her driver's

icense was suspended for 30

days after she pleaded no con-

test to trying to use someone

else's ID to buy liquor, stemming from the May incident,

and a judge convicted her of

underage drinking, stemming

from an April incident.

ster and stayed out of trouble for

Gonzales said.

The dismissal comes after

Bush daugh-

ter's record

cleared of

DENTON (AP) — Authorities working on after completing probation on a no-contest plea to felony cocaine possession. He was at a Dallas apartment where law officers said they found marijuana and ecstasy pills, which Irvin denies

> But Irvin was not indicted until June. If convicted, he could face six months to two years in jail and up to a \$10,000 fine.

> Ginsberg has said Irvin was arrested on one charge and is being prosecuted on another. Ginsberg also said he had concerns about the 10month span between the arrest and indictment.

> Assistant District Attorney Lee Ann Breading has said her office didn't receive the case until February, delaying prosecutors in presenting it to the grand jury.

> Breading said Monday she could not explain the delay in seeking the search warrant for Irvin's saliva sample. She declined to comment on why investigators want the sample.

> The case evolved after officers with the Collin-Denton County Drug Task Force, of which the FBI is a part, tried to arrest Rhonda Adaham on a federal warrant at her apartment.

Adaham was not there, but her sister, Nelly Adaham, and Irvin were found and arrested. Nelly Adaham also was indicted on the same charge as Irvin, but Rhonda Adaham was not indicted.

Jury to determine mother's competence

Yates' ability to assist her attorney in her defense and to rationally and factually understand the case against her could be fragile and change no matter what a jury determines this week, legal experts say.

Jurors were being picked beginning Tuesday to hear evidence if the Houston mother, accused of drowning her five in June, is fit to stand trial.

Yates, 37, is accused of two the deaths of three of her five children.

When testimony likely begins Wednesday, the jury won't consider Yates' innocence or guilt but if she can understand the case against her and consult with her attorneys about it, said Daniel Shuman, a law professor at Southern from hurting someone else. She Methodist University.

to stand trial, another jury will determine her degree of responsibility and whether she was insane at the time of the killings.

And if jurors seated this week find Yates incompetent, they'll also have to determine the likelihood she will regain competence.

"If the jury finds her incomthe state is constitutionally in the bathtub.

HOUSTON (AP) — Andrea barred from proceeding with the criminal prosecution until she becomes competent," Brian Serr, a Baylor University Law School professor, said.

If found incompetent, the state can commit Yates to a mental institution for 18 months to try and get her competent, Serr said.

Harris County District Attorney Chuck Rosenthal has children in the family's bathtub said his office will pursue the death penalty against Yates.

Her defense attorneys, concounts of capital murder for tending she is innocent by reason of insanity, have submitted to the court hundreds of pages of medical records detailing Yates' treatment for depression, postpartum depression and showing two suicide attempts after the birth of her fourth child.

The records show Yates wanted to kill herself to keep told doctors she had her first If Yates is found competent homicidal thought after the birth of her first child, but "blew it off."

Dick DeGeurin, a Houston criminal defense attorney, criticized Rosenthal's office for being "shameless" in its prosecution of Yates since police officers arrived June 20 to find four of the children's lifeless bodies still wet under a sheet petent, what that means is that on a bed. The oldest was dead

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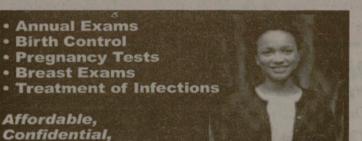
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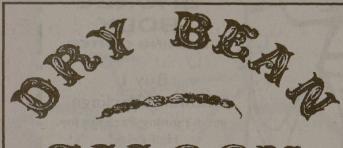


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