

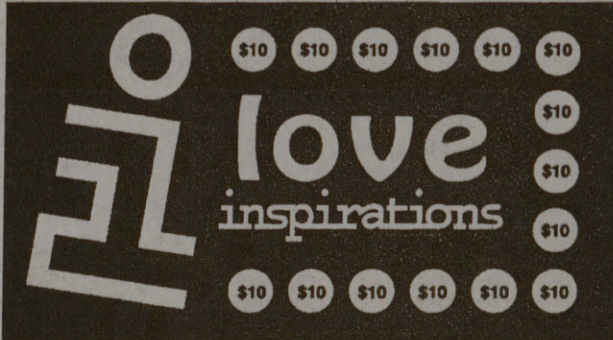
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Justices to consider lawyer performance

By Anne Gearan
THE ASSOCIATED PRESS

WASHINGTON — Supreme Court justices could use an appeal from one of Texas' longest-serving death row inmates to re-examine rules for evaluating whether a lawyer's poor performance affects the outcome of a trial.

Delma Banks claims his original lawyer failed to do all he could to save him from a death sentence, and that prosecutors sat on evidence that undermined the state's case.

The court stepped in to temporarily spare Delma Banks' life minutes before his scheduled execution in March, and will now hear his full appeal. The court will hear Banks' case next fall.

The court is already looking at a separate case that could restate similar rules that measure a lawyer's competence.

Both cases address an issue

that has troubled at least two Supreme Court members. Justices Sandra Day O'Connor and Ruth Bader Ginsburg have questioned the quality of some lawyers assigned to represent poor defendants like Banks.

Death penalty opponents say such lawyers are often ill-prepared and may have little experience with complex capital cases. Under the Constitution's Sixth Amendment and previous Supreme Court rulings, every defendant is entitled to an effective lawyer.

"These very important cases are being tried by some prosecutors who are cheating and some defense lawyers who are not living up to the Sixth Amendment," said one of Banks' new lawyers, George Kendall of the NAACP Legal Defense and Educational Fund. "You have both those elements in this case."

Banks claims his original lawyer never told the jury about Banks' family and background

that might have persuaded a jury to choose a sentence of life in prison.

lawfulness of the state's suspension of a transcript revealing the state's key witness is unworthy of belief," Banks' lawyers wrote.

Banks was convicted in 1976 of killing Richard Whitehead, a 16-year-old former co-worker at a fast-food restaurant. Banks had no previous convictions and maintains his innocence.

Witnesses reported seeing Banks with the victim the night he was shot, and driving the victim's car afterward. Prosecutors say the case against Banks is solid, and that time already run out for Banks to make more appeals.

The case has attracted national media attention and a group of prominent supporters. Former FBI Director William Sessions, also a one-time federal judge in Texas, joined other former judges and a prosecutor in asking the high court to hear the case.

"These very important cases are being tried by some prosecutors who are cheating..."

— George Kendall
appellate lawyer for Banks

He also claims prosecutors improperly withheld evidence that calls into question testimony of a key witness for the state. The witness later recanted parts of his testimony and hid the fact that another trial witness was a paid informant.

"In this capital proceeding, some court should review the

Editors

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"It's all about making this paper as fair and accurate as it can be."

Plans currently in the works on Bunce's agenda include opening up the opinion page to more mail call, possibly featuring a weekly column from a student leader rotating between organizations such as the Graduate Student Council, the Memorial Student Center, the Student Government Association and Residence Hall Association, recruiting for The Battalion from every organization, particularly those traditionally under-represented, and implementing a new position on the news desk with the sole purpose of dealing with diversity issues and minority affairs.

Bunce has not forgotten the February Battalion forum in which students shared concerns and criticisms of The Battalion.

People will get that voice they have been crying for, Bunce said. The Battalion wants people writing from diverse backgrounds who will bring with them their own life experiences and perspectives, she says.

Following graduation, Bunce plans to

attend graduate school for media studies at the University of Missouri or the University of Texas, but not before her August wedding.

"I am very committed to the things I do, and being married is just one more sign that I am invested in whatever lies before me," Bunce said.

Before Bunce takes the position, Brown, a junior agriculture journalism major, has his own summer plans for The Battalion.

"What I am excited by most of all is meeting student leaders and learning their concerns about The Battalion," Brown said. "In the past, some editors have not gotten to know those they are responsible for writing about, and that is going to change."

Brown began working for The Battalion in Spring 2001 as a sportswriter and has held the positions of assistant sports editor, sports editor, radio producer and executive editor.

Brown said his focus this summer will be meeting as many people as possible and mending some of the fences with student leaders.

"There will be a once-a-month 'chat and chew' session where student leaders and students can come and voice concerns," Brown

said. "This will be a good way to all know each other."

After a May 2004 graduation, Brown hopes to hold his dream job of covering Aggie sports for a daily newspaper.

Serving as editor of the Aggieband will not be Crawford's first time in the position as he was also the yearbook editor at Houston high school his senior year.

"I hope that the 2003 Aggieband will cover not just the University but also be going on in Bryan and the surrounding area," Crawford said. "Higher quality photography is also something that I would like to see in it."

Crawford has worked on the Aggieband staff in the past as a writer, designer and sports section editor.

Although he considered double majoring in journalism, Crawford is a biology major planning to attend medical school.

Much of the planning for the yearbook will be done in the summer, and Crawford is currently pondering a theme for the Aggieband.

Diversity and where A&M is headed the next 20 years is interesting and one of the possible themes, Crawford said.



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