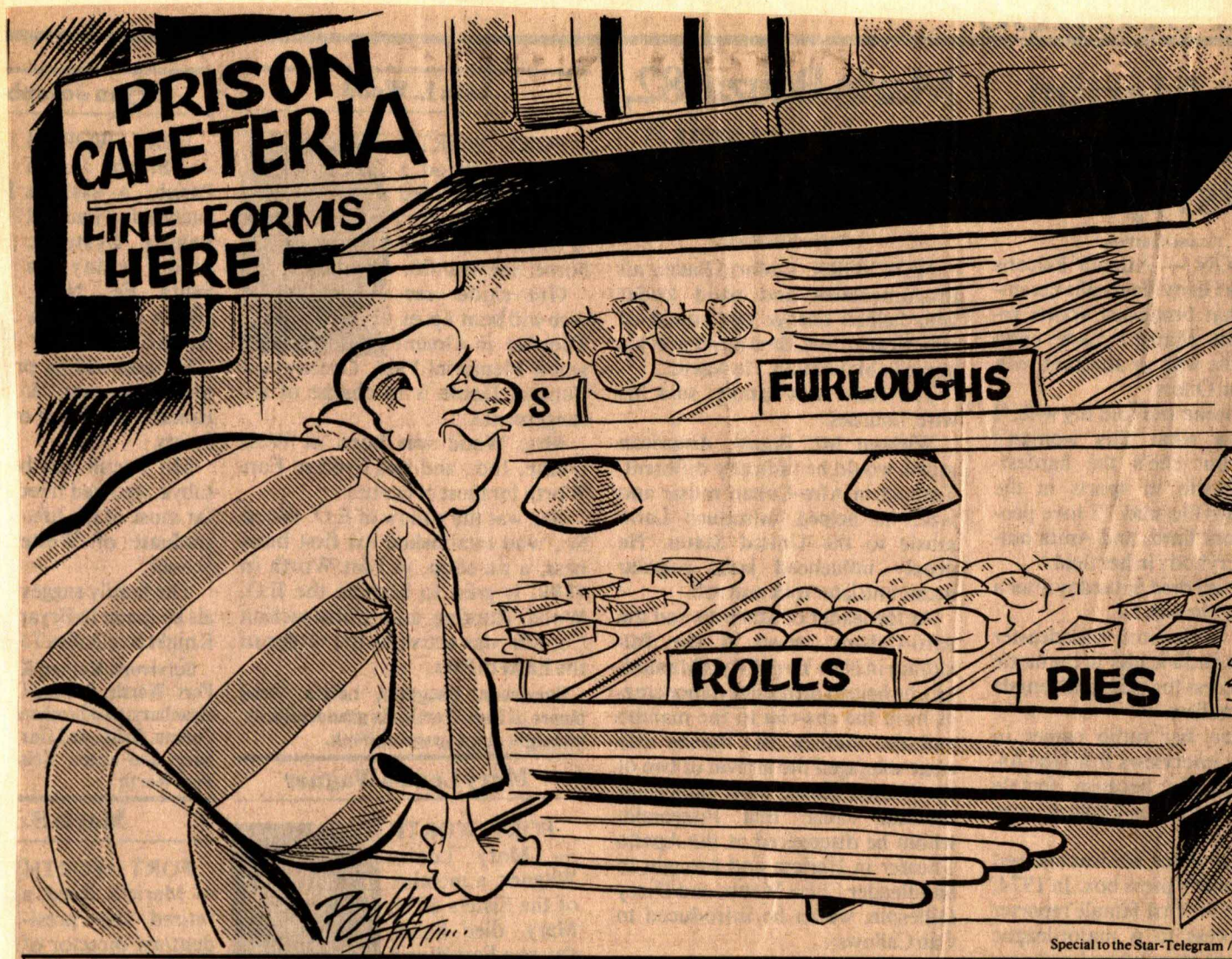
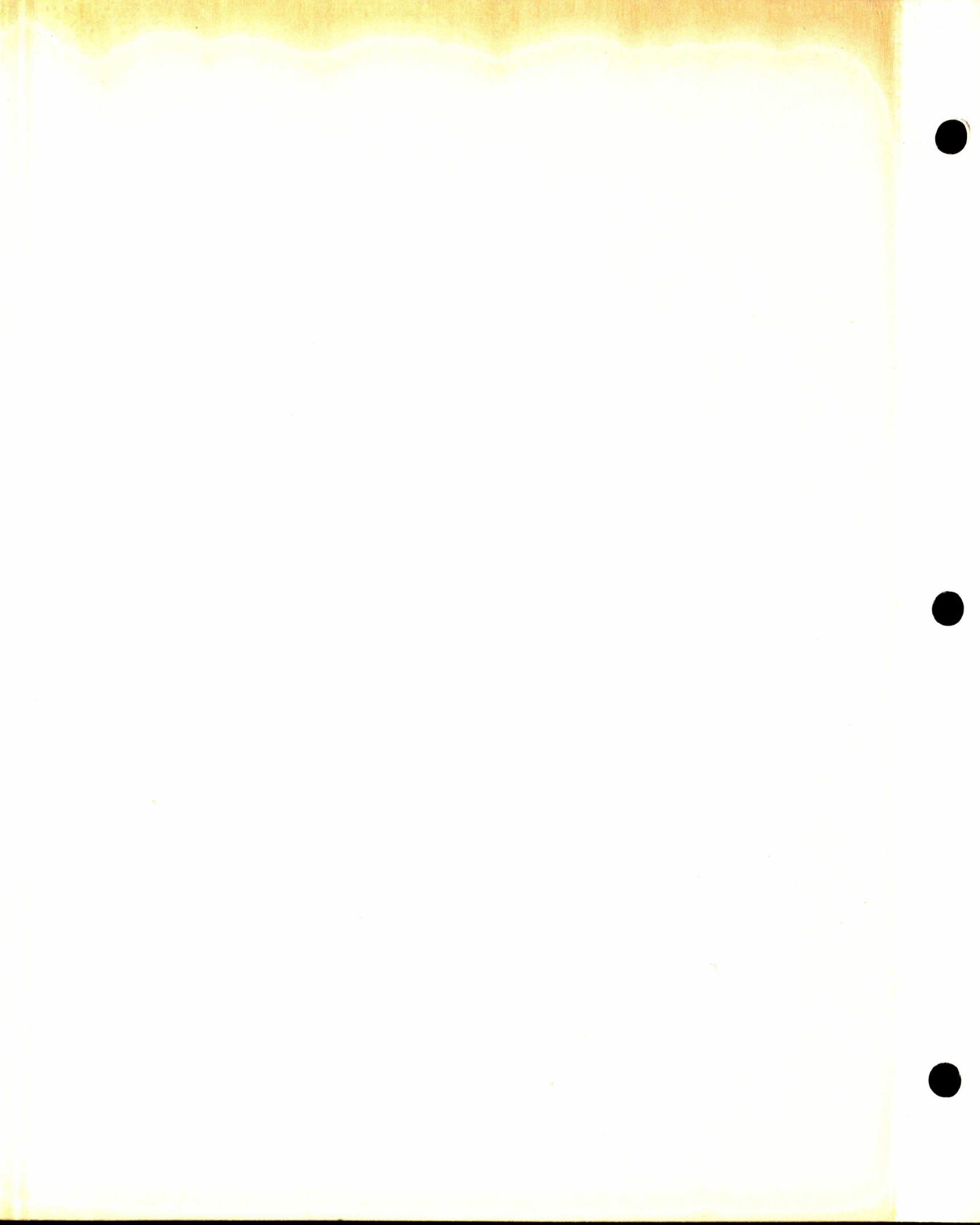




Monday, July 12, 1993





# Tarrant sheriff wants own personnel office

*County commissioners reportedly have  
not shown interest in Williams' plan*

**BY MAX B. BAKER**  
Fort Worth Star-Telegram

Tarrant County Sheriff David Williams apparently has doubts about how the county personnel office operates because he has privately told commissioners that he wants his own personnel department.

Williams apparently hasn't liked some of the personnel office's decisions and has told the Tarrant County Commissioners Court that the office isn't qualified to screen his employees.

However, the county commissioners have not expressed any interest in Williams' idea. Nor have they embraced Williams' desire to hire his own legal counsel.

Commissioner Marti VanRavenswaay says she has confidence in the existing personnel department.

Courthouse observers say it wouldn't be a good idea for Williams to have his own personnel department especially after Williams dismissed three deputies in January. The deputies were eventually reinstated. Recently, controversy arose over Williams' attempts to hire his campaign manager as an auto theft task force member and a lieutenant in the community relations department.

"We do our job well, and probably because we do our job well," somebody is not going to be happy

**Tarrant  
Tipoff**



with everything personnel does, Personnel Director Gerald Wright said.



Fort Worth Star-Telegram / JERRY W. HOEFER

White Settlement police subdue Operation Rescue activist Kevin Capper yesterday as the group rushes the West Side Clinic. Twenty-eight people were arrested.

# Protests show abortion fight far from over

By JACKIE KOSZCZUK

Fort Worth Star-Telegram Washington Bureau

WASHINGTON — The brochure asks, "Do these drawings shock you?"

They may shock or sadden people, but the widely distributed and graphic depictions of a well-developed fetus under attack by a pair of physicians' scissors also illustrate that the nation's agonizing struggle with the abortion issue was

not resolved by President Clinton's election.

Disturbing pictures of aborted fetuses, a mainstay of the anti-abortion strategy, coupled with increasingly violent clinic blockades in the Fort Worth area and elsewhere, offer signs that the country is in for another round of tough wrangling on abortion.

In the months since Clinton's election, it has become clear that the

election of a president who favors abortion rights and many legislators with similar positions in Congress and statehouses does not necessarily add up to an unrestricted abortion-rights agenda for the country.

House Speaker Tom Foley, D-Maine, said this week that the centerpiece bill of the abortion-rights movement has been delayed indefinitely, a practical move that bows to the lack of consensus in the ranks of

the Democrat-controlled Congress.

Predictions at the time of Clinton's inauguration of easy passage of the Freedom of Choice Act proved optimistic.

Ahead is more of the traditional, polarizing theater of abortion. But this time reluctant actors in Congress may be forced to confront the issue directly and stake out a middle

(More on ABORTION on Page 3)

## Abortion

From Page 1

ground.

Rep. Joe Barton, R-Ennis, an abortion opponent, said that abortion-rights advocates "miscalculated a general willingness in the public in favor of abortion in some cases as, in their minds, abortion in every case. And that's just not the way it is.

"So the question is, do they want an all-or-nothing vote where they end up with nothing, or will they begin to change in ways that allow them to win?"

The bill would codify the Su-

preme Court's landmark Roe vs. Wade decision legalizing abortion until a fetus is viable.

It is aimed at erasing many of the state-imposed restrictions on abortion permitted by the conservative-leaning court of the Reagan and Bush years.

More important from a political standpoint, a vote on the bill would force many straddling lawmakers out into the open. It presents particular difficulties for the legislators who during re-election campaigns declared themselves to be in favor of abortion rights while also whispering to abortion opponents their support of restrictions.

As Rep. Pat Schroeder, D-Colo., an abortion-rights proponent, said, "In the last election, a lot of people framed themselves as pro-choice,

but you had to listen carefully to the 'buts' and 'ifs.' "

Foley and other Democratic leaders say the legislation can survive in a meaningful form only if they can prevent a slew of amendments planned by opponents.

The proposed add-ons would require 24-hour waits for abortions, allow physicians to counsel women against having an abortion, and allow prohibitions on abortions at public hospitals and on abortions after 24 weeks of pregnancy.

In one attention-getting strategy, the National Right to Life Committee is circulating brochures and placing newspaper ads depicting a procedure called a "dilation and extraction," in which the head of a late-term fetus is perforated by scissors to remove it from the uterus.

*American Medical News*, the newspaper of the American Medical Association, reported in its July 5 issue that a small number of doctors are using the procedure for second- and third-trimester abortions.

Rep. Don Edwards, D-Calif., House sponsor of the Freedom of Choice Act, said the restrictions are the kind of assaults on access to abortion that the bill is intended to prevent. Along with clinic blockades, threats against doctors who perform abortions and other tactics by Operation Rescue, they have the effect of preventing many women from exercising the right to an abortion, he said.

"Abortion would still be legal but [the right] wouldn't be worth much if you have to go through all of this," Edwards said.

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The bill's sponsors say they already have compromised by including a provision that allows states to require parental or guardian consent for minors and by leaving out any mention of federally financed abortions for women on Medicaid, an especially contentious issue.

Problems for the abortion-rights forces became strikingly apparent this month.

Rep. Henry Hyde, R-Ill., outmaneuvered them on the floor and won passage of the Hyde Amendment, which continues a ban on federal funding for abortions for women on Medicaid, except in cases of rape, incest or a threat to a woman's life.

The vote reflects the public's ambivalence on abortion. Recent polls show that a majority believe that abortion should be legal, but that most oppose federally financed

abortions. And although the vast majority of Americans support the right to abortion in cases of rape, incest or endangerment to the mother, only half support it in cases in which a woman either doesn't want a child or believes she can't afford a child, according to an ABC News poll taken this year.

After the vote on the Hyde Amendment, Sen. Carol Moseley-Braun, D-Ill., announced that she was withdrawing her sponsorship of the Freedom of Choice Act because it does not provide abortion funds for poor women. Leading women's groups also splintered on the issue, with the National Organization for Women saying the act must include the Medicaid provision.

Said Schroeder: "I can't predict how it's going to come out. We've got big, big problems."



# Appeals court rejects sentence imposed by judge on Brosky

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

FORT WORTH — An appeals court yesterday threw out the 180-day sentence a trial judge imposed on Christopher William Brosky as a condition of the probation he received for the hate murder of a black man in Arlington.

Despite the ruling, Brosky will remain in jail, held in lieu of \$100,000 bail, as he awaits trial on conspiracy and organized crime charges.

Brosky, 18, of Dallas, was one of three skinheads convicted of the 1991 drive-by shooting of Donald Thomas, an Arlington warehouse worker.

"Now there are only two things holding him," said Marvin Collins, one of several Tarrant County prosecutors on the case. "One might view him as being one step closer to release, but we're going to fight that every step of the way."

Brosky's lawyer agrees that it is

## Despite the revocation of the 180-day jail term set as a condition of probation, the teen will remain behind bars while awaiting trial on other charges.

unlikely that his client will get out.

"All he needs to do is come up with bail," said Ward Casey, one of Brosky's two defense attorneys. "He's indigent, so I don't think that's going to happen."

Brosky, a Canadian citizen, is

also being held by a U.S. Immigration and Naturalization Service order asking that he be held because they want to deport him to his native country if he is released from state custody.

The 2nd Court of Appeals ruled

that Brosky should have been given credit for the seven months he spent awaiting trial in Tarrant County Jail, as well as the 54 days he spent in the Tarrant County Juvenile Detention Center.

State District Judge Bill Burdock had ruled that the law at the time of the crime did not require him to give Brosky that credit.

Casey and Earl "Ernie" Bates, Brosky's other attorney, had argued that the law changed in late 1991

and that their client should have been given the benefit of the change when he was sentenced on March 23.

Collins said he plans to challenge the appeals court's ruling at the Court of Criminal Appeals in Austin.

Brosky, who is being held in a jail outside Tarrant County to assure his safety, would have finished serving the 180 days Sept. 23, Collins said.

# Abortion protesters arrested

## 28 tried to block entrance to clinic

By **BILL HANNA**  
Fort Worth Star-Telegram

**WHITE SETTLEMENT** — During an attempt to stop a doctor from entering the West Side Clinic, 28 Operation Rescue protesters were arrested yesterday when they rushed through barricades and blocked the driveway into the clinic.

It was the abortion opponents' first visit to Tarrant County and the most arrests in North Texas since the 10-day Cities of Refuge campaign began July 9. Most of the protests this week in North Texas have been in Dallas County.

The arrests came in a brief flurry of activity about 12:30 p.m. after almost three hours of peaceful protest. The arrival of the clinic's doctor, as protesters blocked his path along a driveway leading to a parking lot, sparked the arrests.

When the doctor's vehicle finally reached the entrance to the clinic (More on PROTESTS on Page 22)

Section A, Page 22 / Fort Worth Star-Telegram / Friday, July 16, 1993 T

## Protests

From Page 19

parking lot, about a fourth of the 100 Operation Rescue protesters jumped across police barricades and sprinted toward the clinic entrance. All were detained before reaching the entrance.

For about 15 minutes, many of the arrested protesters lay handcuffed on the parking lot while their colleagues behind the barricades cheered them on.

One Operation Rescue member, Rusty Thomas, 37, of Houston, sat in the parking lot with his arms cuffed behind his back and said Operation Rescue decided to take action when the doctor arrived.

"We decided to focus our efforts on keeping the doctor from getting in the clinic to perform abortions," Thomas said. "We knew there were patients inside and we let a couple through because we knew if we kept the doctor out, there would be no killing here today."

Bart Largent, a White Settlement

police spokesman, said one of the protesters will be charged with aggravated assault of a police officer. Twenty-four were arrested on criminal trespass charges and three were arrested on charges of blocking an entrance. Both offenses are Class B misdemeanors.

Largent said he ordered the protester to stop his van when he saw him driving about 35 mph toward the barricade.

"He was driving the van in the back way and he didn't stop," Largent said. "The only thing I can assume is he wanted to drive through the barricades. I couldn't get out of the way in time and the van struck my left arm."

A magistrate set bail at \$5,000.

Ro Martin, president of the West Side Clinic, said the protests were a "tremendous waste of manpower and resources" but praised police efforts.

"The White Settlement Police Department did what they needed to do," he said. "This what they [Operation Rescue] did in Wichita, Kan., and they set back and let them have their way."

# Protesters are jailed overnight

## Bail unusually high, spokesman says

BY TIM MADIGAN  
Fort Worth Star-Telegram

Thirty-one members of Operation Rescue who were arrested Thursday during a protest in White Settlement spent the night in jail because of high bail amounts that caught them by surprise, a spokesman for the anti-abortion group said yesterday.

All but one of the arrested protesters was assigned a \$1,500 bail during their arraignment on Class B misdemeanors by one of two judges, a White Settlement municipal judge and a Tarrant County justice of the peace. That bail was more than seven times the \$200 amount typically posted after protest arrests in Dallas County, Operation Rescue spokesman Bruce Hensley said yesterday.

Operation Rescue protesters often carry \$20 — it takes only 10 percent down to get out if you have a lawyer — to make bail, Hensley said.

"Some don't. Some of them have family that takes care of that," said Hensley, a spokesman for the group conducting the Cities of Refuge campaign across Fort Worth/Dallas. "They usually make provisions. One way or another, it always works out. But there was no way they could have expected this.

"Evidently, they wanted them to stay overnight in jail," Hensley said.

The protesters were transferred yesterday from several municipal jails to the Tarrant County Jail, where they were in the process of posting bail late yesterday afternoon.

One of the two judges, Pct. 4 Justice of the Peace Jacquelyn Wright, said the anti-abortion protesters were treated no differently than other defendants charged with similar crimes.

Of the 31 people who spent the night in jail, 27 were charged with the Class B misdemeanor of criminal trespass. Three were charged with blocking access to an entrance of West Side Clinic, also a Class B misdemeanor.

One protester, Richard Barnard, was charged with aggravated assault on a police officer after the van he was driving struck the arm of White Settlement policeman Bart Largent. Barnard's bail was set at \$5,000. Largent, who said he had ordered the protester to stop, was not seri-

(More on ARRESTS on Page 27)

## Arrests

From Page 25

ously injured.

Wright, who arraigned about 10 of the protesters, said yesterday that her bail range for Class B misdemeanors is \$1,000 to \$2,000. Bail amounts are not mandated by law and are left to a judge's discretion, she said.

"I have no control over what Dallas does," Wright said. "I handled these exactly as I would any other case."

Prisoners typically can be released by posting 10 percent of their bail through an attorney or 15 percent to 20 percent with a bail bondsman, or by posting the total amount with the court in cash. The bail is refundable if the prisoners appear

for their court dates.

Wright and White Settlement Municipal Judge Dan Lane arraigned the arrested protesters in a city maintenance garage Thursday because White Settlement's municipal courtroom could not accommodate that many defendants.

The protesters were later scattered among several area jails because the White Settlement jail does not have enough room, police said.

Largent said he did not think the bails were excessive.

"For the amount of money that our city is putting out, I don't think so, no sir," Largent said. "For putting our lives in danger, no sir."

Most of the Operation Rescue protesters were arrested by White Settlement police when the protesters tried to block the way of the clinic's doctor as he attempted to enter.

## LETTERS TO THE EDITOR

Tuesday, July 20, 1993

### Shut down special jail area

The Tarrant County Jail "God pod" needs to end. The jail is full of con artists; learn from each other's experiences. Why have volunteers come in and teach about the greatest scam the world has ever known?

The sheriff does not allow volunteer burglar experts, hot-check artists, bank robbers and the like to come in and teach their various skills. Most of the prisoners already know how to lie, cheat, steal and deceive others. Why have these skills honed and add others, such as intolerance and fanatical thinking?

The "God pod" is a disservice to our community and does much more harm than what little good it accomplishes. End it now.

**Calvin E. Lowe**  
Arlington

/ Fort Worth Star-Telegram / Saturday, July 24, 1993

### Listen up, Sheriff

Tarrant County voters not only voted for a new sheriff but also felt we were voting for a new image of sound leadership and management. Six months have gone by since Sheriff David Williams took his oath of office, and it looks as if the voters ended up with a warm body and more tax-paid sloppiness in the administration of the Tarrant County Sheriff's Department.

We have read the reports of illegal terminations, set-ups, entrapment, lawsuits, the new community relations officer from California and the finagling for an appointment for Williams' campaign manager.

What we haven't seen in the local papers is the skillful dissection of the Sheriff's Department. Williams has managed in only six months to separate his dedicated work force from the administrative office. And we all know that a head is worthless without a body, arms and legs to get the job done. The enthusiasm for new leadership displayed by the employees of the department at the beginning of the year quickly turned to high frustration and low morale.

Williams may salvage his elected position if listens to the men and women who are working so hard to improve the image of the department.

While he bypassed qualified department officers to hire a new community relations officer from California, the Tarrant County Deputy Sheriff's Association is busy establishing a Citizen's Community Relations program at Ridgmar Mall to teach residents how not to become crime victims.

The members are volunteering their personal time and there are no tax dollars being spent on this innovative public service. The sheriff has not shown any interest in this successful program, nor did he attend the grand opening.

The department employees are not only giving their off-duty hours to Tarrant County residents, but now will be giving up their earned time-off. They are paid with time off instead of money for working overtime. The sheriff has ordered the officers to use this earned time off for the mandatory 40 hours per year training. The sheriff giveth and the sheriff taketh away.

The employees deserve a leader, not an enemy. The taxpayers deserve enforcement of the law, not a politician looking out for his buddies. We all deserve a well-managed Sheriff's Department.

**Marilyn Lowrie**  
Fort Worth

23 July 1993

Memo to: Chaplain Hugh Atwell

I would like to take this opportunity to offer for your consideration and evaluation my past experience toward becoming a participant in the proposed support team for the Sheriff's Department. I feel that my lifetime entailment in cardinal situations more than qualifies me for favorable approval.

I was born a product of the Great Depression--in a home where funds and assets were in short supply, but love was in abundance. The tragedies and disappointments I experienced under such modest conditions, not only seasoned me with invaluable knowledge to cherish "today" and the moment, against the uncertainty of "tomorrow," but further instilled a greater sense of benevolence and solicitude.

My ability to sustain many adversities which I declare above the norm, I credit to parental love and guidance, and to a select "few" who were there when I needed them.

My mother was confined to a wheel chair for the last seven years of her life, and my father was a "non compos mentis," during his twilight years which required almost constant care and surveillance prior to his death.

My brother, now a widower, lost his right leg in 1989 due to diabetes; and, naturally, requires a certain percentage of my time in moral support. He was in the Veteran's Hospital in Dallas for almost a year, and the daily oppression during that period of time--coupled with my own health problems and the pressure of employment responsibilities--posed an almost indescribable stress factor. Yet, with inexorable determination, and unbridled faith in a compassionate Saviour, (believing He would place no burden upon me that was insurmountable), I perservered.

I have been in positions to quiet the tremors of the fearful; offer sedulous encouragement in times of critical maladies; and opened the doors of my home on occasion as a hospice, rendering unfaltering sustenance to the terminally ill.

I offer this background, without compromise, realizing it would be difficult for anyone to fully understand, much less appreciate the circumstances, unless faced with the reality of like experiences, not given to choice.

Should you feel I could be a partisan member to such a proposed organization, I am at your service.

Respectfully submitted,

FLOYD F. CLARK, 1491  
Release Officer, 1st Shift.

## Listen up, Sheriff

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Marilyn Lowrie  
Fort Worth



TARRANT COUNTY SHERIFF DEPARTMENT

Office of the Chaplain

# THE SWORD

JULY 26, 1993

Tabernacle" event coming up this Friday at Will Rogers Auditorium.

## Peer support teams...

...a little more about the peer support teams. While I am still working on the policy that will power this activity, I want to give some information on how I envision this to work. There will be three teams made up of members and a leader. This team would be equipped with pagers and respond to incidents for a set period of time (two weeks for example), and would pass the pagers on to the next team at the end of their tour. The purpose would be to respond to critical incidents (officer involved shootings etc), on-the-job injuries, and incidents having a lasting and stressful effect due to magnitude, (plane crashes, natural disaster etc). The individuals would be there to provide support and give practical assistance to officers and their families during one of these extraordinary events. We need individuals from all areas of the department to be involved. There will be training and continuing education required of participants. Men and women who are interested in being involved should make this known by forwarding a memo to the chaplain's office outlining your desire and qualifications. There will be a need for about fifteen responders.

# Key sheriff backer got gun, badge

BY MAX B. BAKER  
Fort Worth Star-Telegram

Tarrant County Sheriff David Williams deputized his largest campaign contributor and issued him a pistol-grip shotgun and sheriff's badges, although the contributor did not have the legally required training, according to internal memos and interviews.

Before a sheriff can legally deputize someone, that person must receive state-mandated training and be licensed, state regulators say.

Williams commissioned Ed Max, who with his

family donated \$55,000 to the sheriff's campaign, 10 days after taking office Jan. 1, according to Chief Deputy Hank Pope. Max, 64, has received none of the state-mandated training and is not licensed.

Max said yesterday that earlier this week he returned the Sheriff's Department equipment, which included a bulletproof vest, an identification badge and card. He said he will return a portable police radio and keys today.

Max said yesterday: "I don't know whether we

(More on SHERIFF on Page 3)

## Sheriff

From Page 1

are right or wrong. If we are wrong, we're wrong. If we get the determination from [Tarrant County District Attorney] Tim Curry, and he determines we are wrong, we are going to admit it.

"But I didn't go down there and stick [a] gun to anybody's head to give me all this stuff," he said.

Most of the equipment was issued over a six-month period, according to documents and interviews. Max returned it after inquiries by the *Fort Worth Star-Telegram*.

Last week Williams asked Curry if it is legal for Max to have the items.

Curry said his department is reviewing the situation.

"I think Ed Max is a sincere person . . ." Curry said. "They are not lawyers and I don't think they intentionally meant to violate the law.

"In the old days, this used to go on all the time," Curry said.

Revelations about the equipment have raised concerns from a state commission and at least two members of the Tarrant County Commissioners Court.

It is not unusual or improper for a sheriff to have civilian staff members, and it used to be a common practice to deputize freely, said Wayne Green, an investigator for the Texas Law Enforcement Officer Standards-Education Commission.

However, Green said, the state now requires 400 hours of training for deputies and 145 hours for reserve deputies to be licensed and commissioned.

Max said he has not received any of the state-mandated training. There is no record of a commission for Max on file in the Tarrant Coun-



David Williams: "Way too much is being made out of this."

ty clerk's office as required by law. Max said that a commission exists.

The state panel plans to review the case within a few weeks, said Fred Toler, executive director.

Williams, a former Haltom City detective, said he deputized Max after consulting with his chief deputies.

"I think way too much is being made out of this," Williams said.

But in his July 23 request to Curry, Williams wrote, "There may be legal issues about my right to issue certain items from the Sheriff's Department inventory to Ed Max, who I have assumed was a valid, unpaid deputy."

"Until your opinion is received, Mr. Max will not engage in law enforcement activity," Williams wrote.

Max said he never wore the metal badges, that he kept the shotgun in the trunk of his car, and that he never performed the duties of a peace officer when he rode with Williams or other deputies.

As an adviser to Williams, Max said, he is involved in quality control for Williams. He said he has reviewed and made recommenda-

tions on the department's budget and the operation of the jails.

He said sheriff's deputies told him he needed the equipment to do his job. The equipment was inventoried and a report was created at his request to avoid any appearance of impropriety, Max said.

Green, investigator for the state licensing commission, said that laws in effect since 1986 require deputies and reserve deputies to be trained before going to work.

"It is the bare minimum of what they need to go to work as a police officer," Green said. "The authority for him to have deputies must come from the statutes. If he is going to call them deputies and they are not peace officers, there is no need for them to be called a deputy."

Tyler, the commission's executive director, said: "It is not unusual to have people [in a Sheriff's Department] that are not peace officers.

"But they don't have badges, guns, [bulletproof] vests.

The photo identification badge gave Max access to many areas of the Sheriff's Department and county jail facilities, Williams said.

Max was issued the radio to monitor radio traffic as part of his quality-control job, Chief Deputy Pope said. He said the bulletproof vest was given to Max to wear when patrolling with the canine unit.

Max had keys to the basement door of the Tarrant County Criminal Courts Building and to Williams' personal office, according to a Sheriff's Department memo.

The Mossberg shotgun that was in Max's trunk does not belong to the county, but to a nonprofit organization named Safety Assured, according to a July 20 memo to Williams from Chief Deputy Pat Howell.

The shotgun given to Max is assigned to Howell, the memo says. Howell wrote in a memo that he believed that Max had one year to



be certified. Howell also wrote in the memo that he would provide Max with some firearms training, at no cost to the county.

"Because of his age and lack of knowledge of firearms, I wanted him to become familiar with the shotgun (a confidence-builder) before advancing to a handgun," Howell's memo states.

Max's business interests have included auto salvage yards, real estate and automobile-related firms. He was involved in politics as a young man in the 1940s and 1950s, and he re-entered the arena during

the 1992 sheriff's race.

He and his family contributed about 46 percent of Williams' \$120,000 campaign for sheriff.

Through the Ed and Catherine Max Foundation, a nonprofit group, Max has also donated \$20,000 to buy and train two drug-sniffing dogs for a new department canine unit.

Two Tarrant County commissioners expressed concern.

"It certainly is unfortunate that his associates would even put him in a position that was improper or illegal," County Commissioner Dionne Bagsby said.

"... it is extremely important, if he is going to be an effective law enforcement officer for this county, that he separate his political relationships from his professional duties."

Commissioner Marti VanRaven-swaay said: "Certainly, there is room for concern when the laws are not being complied with.

"There are reasons for people to be properly trained and law enforcement personnel know that. So I'm surprised it was not more carefully thought out before any deputizing was done," she said.

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Fort Worth Star-Telegram

# Editorials/Opinions

*Amon Carter, Founder-Publisher, 1906-1955*

*Amon Carter Jr., Publisher, 1955-1982*

**Richard L. Connor**

Publisher

**Michael Blackman**

Editor

**Paul K. Harral**

Editorial Director

**Jack B. Tinsley**

Senior Vice President/

Editorial Chairman

**Debbie M. Price**

Executive Editor

Pulitzer Prizes

Spot News Photography, 1981

Meritorious Public Service, 1985

## Say when

### Sheriff, the time to say it is now

Some politics is to be expected in filling positions in county government, but Sheriff David Williams is taking abusive hackery far beyond the pale.

By deputizing Ed Max — who financed 46 percent of Williams' election campaign last year — the sheriff demonstrated a callous indifference for the standards that should be expected of his office. Political payoffs are unacceptable in positions of public safety.

The state requires deputies to have 400 hours of training, none of which Max had received. Yet, despite lacking both experience and certification, Max was issued badges, a shotgun, a radio and bullet-proof vest as well as keys and access to the jail.

This has been a public embarrassment for Max and his family as well as for the

sheriff, but the needless debacle is worse yet as a thoughtless and heavy-handed disregard for the public, which has every right to expect those charged with public safety to be fully trained and professionally competent.

Williams indicated that he considered that "way too much is being made out of this." Wrong.

There is a troubling pattern in Williams' apparent insistence on being surrounded by political loyalists. The Max affair joins the "midnight massacre" of high-level personnel from the previous administration at Williams' swearing-in and his ill-advised plan to put his controversial campaign manager as a key adviser.

The sheriff needs to learn when to say "when" — as in *now*.

# Tarrant fiscal plan adds jobs

## The draft gives the Sheriff's Department more than 90 new hires, but falls \$4.7 million short in funds.

By STEFANI GAMMAGE KOPENEC  
Fort Worth Star-Telegram

FORT WORTH — County commissioners received a proposed \$180.8 million operating budget yesterday that adds 97 jobs but falls \$4.7 million short in revenues.

While commissioners haven't decided whether to raise taxes or wield a sharper fiscal ax to balance next year's budget, several commissioners said that employee pay raises still need to be considered, a move that could add to the shortfall.

No merit increases are included, but one commissioner predicted that the increases can be given and the revenue gap closed without a tax increase. Already, the budget plan allocates almost \$300,000 to cover across-the-board raises for various positions.

Commissioner Marti VanRaven-swaay said she and her colleagues need to quickly discuss and decide which policy to pursue.

A job and salary evaluation by an outside consultant found certain deficiencies, she said, adding that the county will have a tougher time retaining or recruiting staff members as long as those problems remain.

Said Commissioner J.D. Johnson: "We did not give them any raises last year, and the cost of living is eating the employees' paychecks up. So we must give them some increase in salary this year."

The draft budget — delivered as commissioners began hearing departments' requests — proposes giving the bulk of new jobs to the Sheriff's Department. It seeks 83 additional jailers for an enlarged Green Bay jail and 10 officers to work on an automated fingerprint identification system set to come on line soon.

Overall, the proposed budget reflects an increase of \$8.3 million in operating expenses. Although prop-

(More on BUDGET on Page 10)

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# Budget

/ From Page 9

erty tax revenues are expected to be flat, the draft predicts a shortfall of \$4.7 million because of anticipated gains in other areas such as prisoner care reimbursement from the state.

There was no word on changing the property tax rate, currently about 27 cents per \$100 valuation.

Budget Director Debbie Schneider noted that it would take just over a penny tax hike to make up the \$4.7 million gap.

Commissioners have scheduled two weeks of budget deliberations and likely will set the tax rate in mid-September, Schneider said.

The final budget must be adopted before the fiscal year starts Oct. 1.

In other matters, Johnson asked for a \$170,000 subsidy for ambulance service in unincorporated areas. Currently, ambulance fees are taking a large bite out of money for rural fire protection, putting a financial strain on the rural fire district.

Johnson said he is requesting the same subsidy from the Tarrant County Hospital District, in an attempt to secure funding for rural ambulance service from one source or the other.



J.D. Johnson: Advocates raises for county employees



Fort Worth Star-Telegram / PAUL MOSELEY

**Jack Koslow shows prosecutor Alan Levy where his throat was cut during the attack.**

## Koslow testifies about attack, voices

*Jury hears of slain wife's warning: 'They're in the house'*

BY THOMAS KOROSSEC  
Fort Worth Star-Telegram

WICHITA FALLS — Former Fort Worth bank executive Jack Koslow testified yesterday about the furious attack that left his wife dead and him hovering near death after two men attacked them last year in their Rivercrest home.

Koslow testified that he could not identify the two men who attacked him and his wife, but he said he heard the two discussing how the Koslows should be killed.

"Cut him here," Koslow said he heard one of the men say after he and his wife, Caren Koslow, were told to lie on the floor and were beaten. Caren Koslow was killed in what prosecutors contend was a murder-for-hire scheme concocted by Kristi Koslow, the teen-age daughter whom Jack Koslow had adopted during an earlier marriage.

Jack Koslow's testimony came on the first day

(More on TRIAL on Page 2)

of the capital murder trial of 20-year-old Jeffrey Dillingham of Aledo, one of three people facing charges in the slaying. Trial dates have not been set for Brian Salter and Kristi Koslow, who police say planned to use an expected inheritance to pay the two men to kill her parents.

In his testimony, Koslow said he woke up in the early hours of March 12, 1992, after hearing his wife yell, "They're in the house."

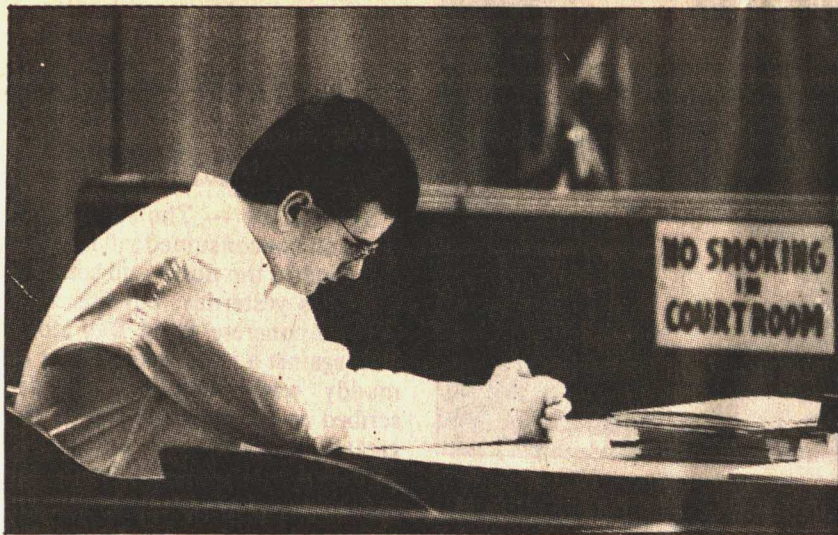
Koslow said he did not see the intruders who broke into his house.

But from the couple's second-floor bedroom, Koslow said, he could hear voices downstairs, and outside in the hall a voice yelled, "We've got guns," and "This is a robbery."

Moments later, after the intruders kicked in the bedroom door and ordered the couple to lie face-down near the bed, someone began hitting Koslow in the back of the head repeatedly with a hard object, he said.

"I can feel them today," Koslow said. "I can remember the lights going out. I remember seeing stars. I remember trying to get up. I remember someone saying, 'Cut him here.'

Backed by statements from the defendants taken after their arrests, authorities allege that Dillingham and Salter, 21, a friend of Dillingham's from Brewer High School in White Settlement, set out to kill the couple in a scheme set up by Kristi Koslow, 18.



Fort Worth Star-Telegram / PAUL MOSELEY

### Jeffrey Dillingham waits through a recess in his murder trial.

Kristi Koslow is alleged to have promised the pair as much as \$1 million each from what she expected would be a large inheritance from her father and stepmother, a wealthy, socially prominent couple active in arts and charity affairs.

The Koslow daughter and Salter face separate trials on capital murder charges.

As testimony began in a large, wood-lined courtroom on the third floor of the Wichita County Courthouse, about a dozen friends and relatives of Caren Koslow took seats on the side of the room behind the prosecutors. On the bench nearest the defendant were Dillingham's parents and girlfriend.

Throughout the day, the defendant slumped forward in his seat, his arms folded, his head down.

As the trial opened, prosecutors

made clear that they had elected to try the case as a murder that took place during a robbery and burglary of the Koslow's Rivercrest home.

Tarrant County prosecutor Robert Mayfield told the eight women and four men of the jury that Dillingham and Salter planned the crime carefully, bringing with them a bulletproof vest, latex gloves and "a knife to cut the Koslows' throats."

"In spite of Jack and Caren Koslow doing what they were ordered to do, they were hit on the back of the head with a hard object," Mayfield said. Caren Koslow was killed by a fatal blow to the throat, he said, and her throat was cut "from ear to ear."

Defense attorneys Jack Strickland and Michael Ware did not make an opening statement.

Koslow, the state's chief witness of the day, told the court of the com-

plete breakdown of his relationship with his daughter. Koslow said she lacked ambition, was self-centered and associated with drug dealers and other people "with little regard for their personal being."

He described Salter, her boy. Koslow said that Kristi Koslow, whom he and his first wife adopted in 1975, had an IQ of 125 to 130, well above average, but never applied herself in school or anything else.

"She always took the wrong road," Jack Koslow said. "She would say, 'I'm going to do good in school and apply myself,' and you'd turn around and she'd be doing just the opposite."

He said that he and his second wife, Caren, did their best to motivate their only child, sending her to a three-month psychiatric program for emotionally disturbed teenagers.

The elder Koslow said his relationship with his daughter began deteriorating around the time she was 13, and by March 1992, the time of the attack, "we had no relationship."

In the two or three months before the slaying, however, during a time when authorities believe Kristi Koslow was planning the break-in, she became far more friendly, her father told the court.

About two weeks before the attack, he said, she and Salter stopped by his house while he was outside.

As Salter watched from the car, Kristi Koslow strode up to him in the yard and gave him a kiss, Koslow said.

Testimony is set to resume today.

# Tarrant County sheriff seeks jailers

*Commissioners to consider early hiring during budget talks*

BY STEFANI GAMMAGE KOPENEC  
Fort Worth Star-Telegram

FORT WORTH — The Sheriff's Department asked county commissioners yesterday to begin hiring 75 jailers almost immediately, warning that overcrowding is causing a "volatile" situation.

Urging commissioners to adopt the request, a department memo says that jail overcrowding increases the county's liability, results in more fights and property damage, and increases the danger that inmates will injure employees.

The memo said that inmates injured five officers Thursday.

County commissioners said they would discuss the request with Sheriff David Williams during budget deliberations next week. Some of them appeared unhappy that the matter was being brought up outside that process.

A proposed budget sent to commissioners Monday includes provisions for 83 new jailers for the expansion of the Green Bay jail facility.

However, department officials are urging that hiring be stepped up so that 75 officers can be brought in between mid-August and Sept. 30.

The additional cost of the early hiring is almost \$130,000, the memo states. Funding for the proposal could come from the state's reimbursement for prisoner care, it states.

Delays in the transfer of convicted felons from county facilities to state prisons was cited as part of the reason for the overcrowding.

In a separate memo, the director of correctional health services says that overcrowding has led to more trips to John Peter Smith Hospital for jail injuries such as "lacerations

due to fights and suspected sexual assaults." There also has been an increase in communicable diseases.

Putting a strain on the county system is a recent U.S. Supreme Court decision that threatens to add an additional 300 inmates by Sept. 1 to the backlog of prisoners due to be transferred to the state prison system, said Chief Deputy Hank Pope, who oversees jail operations.

In June, the court let stand lower court rulings that impose a fine on the state of \$50 a day for every state inmate it does not accept from Harris County, once the county jail reaches its capacity of 9,800 prisoners.

Pope said that as a result of the decision, the state is taking more Harris County prisoners and accepting only 13 to 16 sentenced felons a week from Tarrant County through September, compared with



**Hank Pope:** Almost 700 inmates are sleeping on the floor.:

numbers that had reached 65 a week.

Yesterday, Tarrant County commissioners took the additional steps toward enlarging the Green Bay jail facility by 682 beds by approving two engineering contracts for the expansion.

## + Sheriff faces no action for deputizing donor

BY MAX B. BAKER  
Fort Worth Star-Telegram

FORT WORTH — The state will not take action against Tarrant County Sheriff David Williams for improperly deputizing his largest campaign contributor and issuing him equipment including a shotgun, a state regulator said yesterday.

Before a sheriff can legally deputize someone, that person must receive state-mandated training and be licensed. Deputy sheriffs must have at least 400 hours of training at an approved academy.

The state could have fined the Sheriff's Department up to \$1,000 for improperly issuing the commission.

Williams commissioned Ed Max, who with his family donated \$55,000 to the sheriff's campaign, although Max had received none of the state-mandated training.

Max surrendered the pistol-grip shotgun last week along with two metal badges, a bulletproof vest, an identification badge and card, a portable police radio and keys to the  
(More on MAX on Page 16)

## Max

From Page 15

sheriff's office.

There is no evidence that Max performed official duties, and because the equipment has been returned, there isn't a case to pursue, said Russ Coleman, an administrator with the Texas Law Enforcement Officer Standards-Education

Commission.

"We probably are not going to take any action against the agency or Mr. Max," Coleman said. "We can be reasonably assured that will not occur again."

Upon hearing that the matter will not be pursued, Max said: "I'm just tickled to death. . . . I don't feel like I've done anything wrong anyhow."

Coleman said the sheriff can reissue Max some type of department identification and use him in any capacity as long as he is not identified as a deputy sheriff.

# Jury hears of attack on Koslows

**Jeffrey Dillingham  
sobs as his statement  
is played and his  
lawyer says the  
situation is 'very grave'  
for the capital murder  
defendant.**

BY THOMAS KOROSK  
Fort Worth Star-Telegram

WICHITA FALLS — As capital murder defendant Jeffrey Dillingham covered his face and sobbed, prosecutors played a 37-minute tape for jurors yesterday in which the 20-year-old described how he repeatedly bludgeoned Jack and Caren Koslow in the bedroom of their home in Fort Worth's Rivercrest neighborhood.

"I hit Mr. Koslow in the back of the head, on the neck with a pry bar," Dillingham said in the taped-recorded statement. "Then I hit Mrs. Koslow and I hit Mr. Koslow some more and Mrs. Koslow started screaming and I hit Mrs. Koslow some more."

Fort Worth businessman Jack Koslow, who survived the blows and the slashing of his throat, listened stoically from his second-row seat. He stared intently toward Dillingham at times as the defendant's tape-recorded voice filled the courtroom.

Seated at a table with his attorneys, Dillingham buried his face in hands and sobbed quietly as the statement was played.

After the trial adjourned for the day, Dillingham's defense attorney, Jack Strickland, said the evidence against his client appeared strong.

"I think it is looking very grave for Mr. Dillingham," he said. "Having that tape played is the same as him taking the stand and saying he did the killing," he said.

Virtually conceding that his client will be found guilty, Strickland said that he will press jurors to take into account Dillingham's cooperation with authorities when they consider his punishment. If convicted, Dillingham faces a sentence of life in prison, or death by lethal injection.

"We will be arguing that admitting to your crime is the first step toward rehabilitation," Strickland said.

On the recording, Dillingham, a video store clerk, detailed how Caren Koslow ceased moving after one swing of the 18-inch metal bar that he aimed at her neck. Authorities say a blow to Koslow's throat crushed her larynx, killing her.

"She just quit screaming," he said in the statement, which he gave to police the morning of his arrest, 13 days after the slaying. "She was awake and everything, but she like quit doing, you know resisting and fighting and stuff. She just kinda laid down and let pass."

Dillingham, of Aledo, is on trial for capital murder in the bludgeoning death of Caren Koslow, 40, during a break-in at the Koslows' west Fort Worth home March 12, 1992.

Brian Salter, 21, and Kristi Koslow, the victim's 18-year-old stepdaughter, also face capital murder charges in the slaying. Authorities allege that Dillingham and Salter broke into the Koslow house to rob them and kill them in a murder-for-hire scheme that Kristi Koslow engineered.

Trial dates have not been set for Salter and Kristi Koslow.

"Brian said it was approved by Kristi that I was supposed to get \$1 million," Dillingham recounted in the statement.

He said he and Salter attempted

to plan the crime carefully, arriving at the house with two pistols and an alarm code that Kristi Koslow provided, as well as knives, the metal bar to pry open locks, a bulletproof vest, latex gloves, a glass cutter and other supplies carried in a book bag.

The plan had been postponed several times, once because Salter had trouble supplying guns for the attack, he said.

"Brian told me that Kristi was nagging about you know, 'Get it done; get it over with,'" Dillingham said.

In an account that matched details that Jack Koslow gave in court Monday, Dillingham said he ran up a stairway to the couple's bedroom, kicked in the door and ordered the Koslows to lie on the floor next to their bed.

Although he admitted in the statement that he hit the couple numerous times with the pry bar, Dillingham said Salter was the one who cut Caren Koslow's throat. He told police that he believed that Salter also cut Jack Koslow's throat.

Dillingham recounted how he and Salter fled the house after Salter's gun accidentally discharged. They took Jack Koslow's watch and wallet, and kept the \$120 found inside, Dillingham said.

In testimony yesterday, Fort Worth police Detective Curt Brannan, who took Dillingham's statement, said the defendant volunteered to talk to police after a friend in whom Dillingham had confided gave police several pieces of evidence, including the pry bar.

He called Dillingham "cool and articulate."

During a two-hour cross-examination by Strickland, Brannan said police originally suspected that Jack Koslow might have arranged the attack in order to kill his wife.

Brannan told the court that it is not pleasant in retrospect but Jack Koslow was among a number of suspects.

He said that during one conversation with Koslow, the detective had read the former banker a Miranda warning informing him of his right against self-incrimination "as an investigative technique."

Brannan said that suspicions against Jack Koslow began to erode after physical evidence was evaluated "and I had a chance to see the back of Mr. Koslow's head . . . when the blood was washed off."

A photograph introduced at the trial showed at least nine stitched head wounds.

Fort Worth Star-Telegram

# Editorials/Opinions

Amon Carter, Founder-Publisher, 1906-1955

Amon Carter Jr., Publisher, 1955-1982

Richard L. Connor

Publisher

Michael Blackman

Editor

Paul K. Harral

Editorial Director

Jack B. Tinsley

Senior Vice President/

Debbie M. Price

Editorial Chairman

Executive Editor

Pulitzer Prizes

Spot News Photography, 1981

Meritorious Public Service, 1985

## Hogtying

### -Restraint for those who restrain

How much force does a police officer need to use to subdue someone during an arrest? And what part does racial bias play in an officer's zeal to restrain?

Those were salient questions in Corsicana last week where a Navarro County grand jury decided that two of the city's police officers were not culpable in the death of Craig Thomas in early June.

Thomas died in police custody after having been "hogtied" — his feet and hands bound behind him in such a way that the more he struggled, the tighter the rope around his neck became. Pathologists said both hogtying and the drugs found in his system were factors in Thomas' death.

Thomas was also black. African-Americans — who make up about 22 percent of the population in Corsicana — say that the controversy surrounding his death touches only the tip of the city's race problems.

Not a single African-American serves on Corsicana's police force, said Robert Sanders, president of that city's NAACP. That needs to be corrected.

And, says Sanders, so does the level of jobs open to blacks: "Educated blacks don't get hired here and have to go to the city for jobs."

The death of Thomas brought racial

tensions into high relief.

Protests during Juneteenth celebrations turned violent as Ku Klux Klan members and their sympathizers clashed with a group of Black Panthers and other black protesters. Another march protesting the jury's decision was held last weekend.

While the jury found no reason to indict the two officers, most of its members did sign a report denouncing the use of hogtying — an inhumane method of restraint. Did Thomas pose enough of a threat to warrant using this dangerous restraint? Do police uniformly hogtie people they arrest?

It's easy to second-guess the degree of force used in an arrest. We must remember that the difficult part — the job we entrust law enforcement to do — is to decide in a split second how much force is necessary in dangerous situations.

The margin of error is narrow. Mistakes tally up in lives lost.

The work police officers do requires them to have a bias against those who commit crimes and otherwise endanger those who do not.

Any other biases which shade their judgment, dictate their actions and lessen their ability to treat all people justly are unacceptable.



# State reviewing deputy's license

## Sheriff's official was convicted of a felony in California

BY MAX B. BAKER  
Fort Worth Star-Telegram

FORT WORTH — A member of Tarrant County Sheriff David Williams' top command was convicted of assault with a deadly weapon for firing three pistol rounds into another motorist's car during a tailgating incident 18 years ago in California.

The felony conviction of Lt. Richard Bivins, whom Williams hired in June, raises questions about whether Bivins is eligible to keep his peace officer's license in Texas, according to state officials, even though the 1975 conviction was later reduced to a misdemeanor and was set aside in 1984.

Officials of the Texas Law Enforcement Officer Standards-Education Commission and the Texas attorney general's office said they are reviewing the matter to determine whether Texas should treat his conviction as a misdemeanor rather than a felony.

Bivins' hiring marks the second personnel decision made by Williams that has come under scrutiny by the state commission. On Monday an investigator from the regulatory commission reviewed the deputizing of Ed Max, Williams' biggest campaign contributor, and said it will take no action. Max was issued a badge and shotgun although he was not trained as a deputy.

California law enforcement standards of-  
(More on BIVINS on Page 3)

Officials said that Bivins, a former Los Angeles County sheriff's deputy, would be eligible to be a peace officer in that state because his felony conviction was reduced to a misdemeanor.

However, Hal Snow, assistant executive director of the California Commission on Peace Officer Standards and Training, said that many California police departments would not hire him, regardless of the reduced sentence.

"This is one of those situations where we are going to have to make a comparison of the California law and the Texas law," to see if Bivins is eligible to serve, said Ron Dusek for the Texas attorney general's of-

**"I didn't come out here to pull a sham on Tarrant County. It is not what it appears to be."**

— Lt. Richard Bivins

fice.

Bivins, 46, a \$31,000-a-year, noncivil-service employee hired by the sheriff to do special projects for the department, said he told Williams and the state licensing agency about his conviction when applying to work in Tarrant County. He said in an interview that he is eligible to be a Texas peace officer because the California conviction was reduced to a misdemeanor and later set aside.

"I didn't come out here to pull a sham on Tarrant County," Bivins said. "It is not what it appears to be."

Yesterday, Williams defended his hiring of Bivins, saying the conviction occurred almost 20 years ago.

"It happened a long, long time ago and it is not indicative of any pattern of behavior," the sheriff said. "If you've done your homework and looked at his work background, he has had an exceptional work history."

Williams said he has asked Tarrant County District Attorney Tim Curry to review Bivins' qualifications to make sure he can serve as a peace officer.

Texas law states that a peace officer cannot have a felony conviction regardless of whether the a sentence of probation was assessed, the charges dismissed or the person pardoned, said Wayne Green, an investigator for the Texas Law Enforcement Officer Standards-Education Commission.

"If a person is convicted of a felony in Texas, even if he gets a pardon from the governor, the conviction stands as far as our statutes are concerned," Green said.

California law allows the courts to reduce certain felony convictions to misdemeanors upon successful completion of probation, said Devallis Rutledge, deputy district attorney in Orange County, Calif.

"It is up to each agency," Snow said. "Most would not hire someone convicted of a felony."

Bivins' assault charge stems from a "tailgating, cutting-off altercation" with another motorist while he was an off-duty Los Angeles County sheriff's deputy, California court documents state. Bivins was driving a Porsche; the other man was behind the wheel of a Pinto station wagon.

Although the cars didn't make contact and no injuries were reported, the incident ended with Bivins firing three shots into the right side of the other car — including one bullet that was dug out of the driver's seat headrest, court records show.

A jury found Bivins guilty of felony assault and he was given two years' probation and a \$500 fine. But the presiding judge said there appeared to be some provocation by the other motorist, court transcripts indicate. The judge ruled that Bivins could reduce his felony sen-

tence to a misdemeanor after the successful completion of probation.

Bivins' conviction was not the only unusual aspect of his hiring. The department psychologist recommended after a psychological examination that Bivins not be hired as a peace officer but as a jailer instead, Bivins said. Williams said he hired Bivins after having him take a second examination.

County Personnel Director Gerald Wright said Bivins' case was the first time he could recall that a department psychologist's recommendation was ignored.

# King case officers get 2½ years

## Prosecutors, black leaders upset at lenient terms

BY LINDA DEUTSCH  
The Associated Press

LOS ANGELES — Two policemen got surprisingly lenient 2½-year prison sentences yesterday in the Rodney King beating, bringing cries of injustice from black leaders and talk of an appeal from the Justice Department.

U.S. District Judge John Davies said the black motorist was to blame for many of the blows he suffered at the hands of white officers in the March 3, 1991, videotaped beating after King led police on an auto chase.

Davies could have sentenced Sgt. Stacey Koon and officer Laurence Powell to 10 years in prison and fined them \$250,000 each for violating King's civil rights. Federal guidelines had called for sentences of from five years and 10 months to seven years and three months.

King stayed away from the courthouse and watched TV reports of the sentencing, said his attorney, Milton Grimes.

"He was disappointed. He was upset," Grimes said. "He expected a sentence certainly longer than 2½ years."

Koon and Powell could be eligible for  
(More on KING on Page 2)

release after 25½ months, with 15 percent of their sentences waived for good behavior.

No violence was reported after the sentencing. All available police officers were called to work city-wide. Widespread, deadly riots broke out last year after four white officers were acquitted of most charges in a state trial in the beating of King.

A subdued Mayor Richard Riordan went on television to urge people to respect the decision even if they didn't like it.

In South Central Los Angeles, the scene of the worst rioting, a vigil was held at First African Methodist Episcopal Church as the sentences were announced.

Some attending were disheartened. "If you're a cop, you can beat someone as badly as they beat Rodney King and only get 30 months. I don't think that justice was done,"

said Gerald Chestnut, 40, at the vigil.

Davies ordered Koon, 43, and Powell, 30, to report to federal prison Sept. 27. They are free until then, but Davies wouldn't let them remain free afterward while they appeal.

Assistant U.S. Attorney Steven Clymer tried unsuccessfully to persuade the judge to change his mind and impose stiffer sentences.

"These are trained police officers," Clymer protested. "They are trained to deal with difficult people. They are trained not to respond."

In Washington, Justice Department spokesman Carl Stern said, "We are disappointed and are considering an appeal." The prosecution and the defense can appeal sentences under a law that took effect in 1987.

The Rev. Jesse Jackson issued a statement saying the "decision sends a clear message of the worth of black life in the eyes of the judicial system. This kind of action only reinforces the feelings of hopelessness and despair that have engulfed our inner cities."

The judge, in four hours of hearings before he sentenced the officers, criticized prosecutors for pursuing the federal trial after a state jury in Simi Valley acquitted Koon, Powell, officer Theodore Briseno and fired rookie policeman Timothy Wind on most assault charges in the beating.

The April 29, 1992, state verdicts triggered three days of rioting that left 54 dead and \$1 billion in damage. The federal indictment came a year ago; the other two officers were acquitted again in that trial.

A white juror in the federal case, Erik Rasmussen, 55, of Fullerton, said: "I'm really disappointed. It should have been a minimum of five years."

Koon and Powell showed no reaction to the sentence, but Powell's sister and mother wept.

Powell's lawyer, Michael Stone, said outside court, "All those weeks of trial were lost on the jury, but they were not lost on the judge."

VOTE

VOTE

VOTE



It's time to get on board.....  
.....and let your voice be heard

VOTE FOR

FLOYD CLARK

RELEASE OFFICER - FIRST SHIFT

---

**For**

*YOUR MANDATORY MEETING REPRESENTATIVE*

"VOICING YOUR HONEST CRITICISM WITHOUT FEAR OF RETALIATION"  
WHILE OFFERING  
CONSTRUCTIVE SUGGESTIONS TOWARD DEPARTMENTAL INTEGRITY AND PROGRESS

---

Cast Your Vote With Confidence

---

Floyd

# TARRANT COUNTY

## Interoffice Memo

DATE: August 05, 1993  
MEMO TO: Floyd Clark, Release Officer  
FROM: Lt. Gayle Evans, Lt. Dale Rico  
SUBJECT: Non-Supervisory Meetings Representative

This is to notify you that you have been chosen by majority vote to be the representative from T.C.C.C., Day Shift, to attend the non-supervisory meetings.

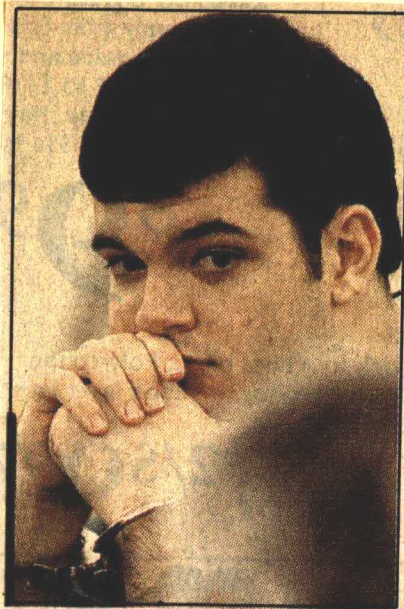
As a representative you will be responsible for presenting the problems that you collectively identify.

Congratulations!

G. Evans

Lieutenant Gayle Evans, 2441  
Tarrant County Corrections Center  
Shift One

Floyd -  
Rico will  
announce this at  
briefing tomorrow  
Gayle



Fort Worth Star-Telegram / MILTON ADAMS

**Christopher William Brosky is to be tried on new state charges of organized crime and conspiracy to commit murder.**

## Testimony about slaying in Arlington contradictory

By **BOB MAHLBURG**  
Fort Worth Star-Telegram

FORT WORTH — Testifying in a rare public deposition hearing, a white supremacist who pleaded guilty to the slaying of a black man gave contradictory statements yesterday about the reasons behind the murder.

Joshua Hendry, an accomplice to Christopher William Brosky, testified that he once lied to authorities because he was "trying to minimize the racial tension of the crime." But minutes later, Hendry testified that the murder did not result from a racially motivated plot.

Such contradictions from Hendry are not new, but they are indicative of obstacles prosecutors face in their

new trial of Brosky, attorneys say.

Hendry "is not a sterling witness," prosecutor Marvin Collins said. "We'll simply present the evidence we have. This has never been a strong case. I think that's one thing that's been missed in this whole Brosky uproar is that the state had a very difficult case and won it."

Three white supremacists — Brosky, Hendry and a third teenager, George "Trey" Roberts — were convicted in the racially motivated drive-by shooting of black Arlington resident Donald Thomas on June 7, 1991.

Brosky faces a new trial on state charges of organized crime and conspiracy to commit murder. The new

(More on SLAYING on Page 26)

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## Slaying

From Page 23

charges followed a furor over a jury's decision to give Brosky a probation sentence for the murder.

Hendry initially declined to answer questions from Brosky's attorneys yesterday, citing his Fifth Amendment right against self-incrimination. Brosky's attorney Ward Casey hammered Hendry, saying that he got a reduced sentence based on a promise to testify.

"Why are you refusing to answer? You got a deal, didn't you?" Casey demanded. Judge Bill Burdock later ordered Hendry to answer, saying he waived his Fifth Amendment rights by agreeing to the deal.

Collins said prosecutors "encouraged" Hendry to testify but he did not believe that Hendry had violated his plea agreement by refusing. Collins would not speculate on whether Hendry would have been prosecuted if he had continued to refuse.

The judge said he approved yesterday's rare public deposition to make sure the case is open to public scrutiny. Such pretrial statements are typically given in the secrecy of an attorney's office. But the judge even allowed local TV cameras into court yesterday, as long as they did not show Hendry's face.

"It is probably the most unusual proceeding I'm familiar with," the judge told a reporter before the hearing.

The judge also allowed a firm to videotape Hendry's testimony based on the "remote possibility" that he will be unavailable to testify at trial.

Casey has contended that Hendry's life is in danger in prison. Hendry was given a 15-year sentence after agreeing to serve as a witness in Brosky's trial. Hendry said he has been told that he could qualify for parole in March 1995.

Burdock also hinted yesterday that he is leaning against approving a taxpayer-paid poll of prospective jurors to gauge how publicity has affected Brosky's chances to get a fair trial.

Thursday, August 5, 1993

# 2nd knife surfaces in slaying trial

## Suspect's father turns in weapon in Koslow case

By THOMAS KOROSEC  
Fort Worth Star-Telegram

WICHITA FALLS — The capital murder trial of Jeffrey Dillingham took a surprise twist yesterday when the father of another suspect turned a knife over to authorities.

The weapon, though probably not used in the attack, could become important in attorneys' efforts to show whether Dillingham or a co-defendant was the one who cut Jack and Caren Koslow during the March 1992 attack at the wealthy couple's west Fort Worth home.

Prosecutors and defense attorneys agreed yesterday that Dillingham probably carried the knife during the intrusion during which Caren Koslow was beaten to death with a pry bar and Jack Koslow was severely beaten and cut, but survived.

The revelation of the knife caused several lengthy delays in the third day of testimony, although it was unclear whether the new evidence will have a significant effect on the case.

Dillingham, a 20-year-old video store clerk from Aledo, is on trial in the capital murder case.

Authorities allege that Brain Salter, 21, accompanied Dillingham and that both were acting as part of a murder-for-hire scheme engineered by the victim's stepdaughter, Kristi Koslow, 18. Salter and

(More on TRIAL on Page 30)

# Trial

From Page 23

Kristi Koslow face later trials.

Assistant Tarrant County District Attorney Robert Mayfield said that Steven Salter, Brian Salter's father, turned over the knife.

The elder Salter was in the courtroom Tuesday and heard reference to a knife while a tape of Dillingham's confession was played, according to Bruce Martin, a Wichita Falls attorney whom Steven Salter hired.

Martin said in an interview that the statement jogged Steven Salter's memory of a knife that his wife found in his son's car the day of the Koslow slaying. The 6-inch, fixed-blade knife was found along with two guns.

Steven Salter that day recognized all three weapons as his and put them away, Martin said. Police later issued a search warrant for the guns, which the father turned over, but they did not ask for the knife, Martin said.

Mayfield said that Salter's father "has been very cooperative in a difficult situation. We don't suspect him of any wrongdoing."

Mayfield added that the father was given immunity yesterday from prosecution for any misstatements he might have made during testimony before a grand jury looking into his son's case.

Testing by the Fort Worth police yesterday morning and an independent test requested by defense attorneys carried out at a crime lab in Dallas showed no evidence of blood on the knife, attorneys for both sides said.

Attorneys for both sides said the results and the introduction of the knife will help their case.

"It bolsters Dillingham's statement," Mayfield said. The defendant told a Fort Worth detective that he carried a knife in his pocket during the attack but did not use it.

Defense attorney Jack Strickland



**Jeffrey Dillingham:** Referred to knife in taped confession

said the knife is proof that Dillingham was telling the truth when he said that Salter cut the couple's throats during the attack.

"I think it's unlikely that you pick up another knife in a darkened room and use it when you have one in your pocket," Strickland said.

A stone-handled Buck knife belonging to Jack Koslow that the assailants apparently picked up in his closet has been introduced as evidence. That knife, found on the Koslows' bedroom floor after the attack, was smeared with blood and hair, according to testimony from a Fort Worth crime scene search officer.

Strickland said that he will attempt to prove to jurors that Caren Koslow died from a 3½-inch deep cut in her throat. Prosecutors have argued that the victim died from being hit in the neck with a metal bar, a blow Dillingham said he delivered in his statement.

"I think in considering mitigating circumstances that a jury would like

to know if A did the killing and B did not," Strickland said.

In testimony yesterday, a friend and former co-worker of Dillingham's described how the defendant told him of the killing and asked for aid hiding what prosecutors say was the murder weapon — an 18-inch metal bar — along with a bulletproof vest that Dillingham said he wore, some bullets, a pair of blood-splattered jeans and other items.

Paul Carrillo, 21, who said he met Dillingham when they worked at a miniature golf and games center in Fort Worth, told jurors that six weeks before the slaying, Dillingham asked him to help burglarize a house in Fort Worth belonging to a wealthy couple on vacation.

Carrillo, who said he believed that Dillingham was talking about the Koslow house, said he declined to go along.

The same day as the early-morning slayings, Carrillo testified, Dillingham came to him and said he had killed someone.

He said he helped Dillingham dispose of a wallet containing a credit card with Jack Koslow's name on it in a trash bin behind his Arlington apartment.

The heavily publicized Koslow murder case was broken when Carrillo came forward 13 days after the attack and told detectives of Dillingham's statements to him. He also led them to the pry bar and other items that he had stored in his apartment.

As Carrillo told of Dillingham bringing him a pair of pants with "blood and brains" on them, the defendant appeared as he has through most of the trial: hunched forward, head down, hands folded in front of him.

"He's having a very difficult time," said his father, Ray Dillingham, an engineering chief who has been attending the trial.

Said Strickland of his client: "He's distraught, disturbed... Frankly, I'm concerned about his health. I think the boy may be suicidal."

# Medical experts describe slaying

*State's final witness says blow to neck killed Caren Koslow*

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

WICHITA FALLS — Tarrant County prosecutors called their last of 25 witnesses yesterday in the capital murder case against Jeffrey Dillingham as graphic medical testimony moved some of the victim's friends and family to tears.

The state's final witness, Tarrant County Medical Examiner Nizam Peerwani, told jurors that Caren Koslow died from a "blunt force injury" to the neck that crushed her larynx and caused her to suffocate.

He said the 40-year-old victim suffered 27 injuries, including heavy blows that broke her skull and jaw and loosened her teeth.

The medical examiner said a deep cut was made across the victim's throat. But he said that ample evidence in his autopsy led him to believe that the victim was dead or near dead when her neck was slashed.

Peerwani's findings were consistent with

a taped statement played in court Tuesday in which Dillingham confessed to beating Koslow in the head and neck with a metal pry bar during an early morning break-in at her west Fort Worth home in March 1992.

Dillingham, 20, of Aledo, faces the possibility of a death sentence if convicted in the high-profile case.

The victim's husband, businessman Jack Koslow, was severely beaten and his throat cut, but he survived the attack.

Authorities say that Brian Salter, 21, of Fort Worth also took part in what they allege was a murder-for-hire scheme set up by the victim's stepdaughter, Kristi Koslow, 18. The two face trials later on capital murder charges.

Defense attorney Jack Strickland began what was expected to be a lengthy cross-examination of Peerwani yesterday. That questioning continued into the late evening.

Strickland has been attempting to shift some of the focus to Salter, who Dillingham in his confession said cut the Koslows' throats. Strickland tried to get Peerwani to describe the cut on Caren Koslow's neck as the fatal wound. During the testy cross-examination, Peerwani would not back off from his contention that Koslow died from a blow to her throat.

Attorneys were expected to finish questioning Peerwani this morning. The prosecution is then expected to rest its case.

The defense, which has not yet outlined its case for the jury, is expected to begin presenting its witnesses today.

Before Peerwani took the stand, state District Judge Bob Gill denied a defense motion to block prosecutors from showing photos of Caren Koslow's wounds to the jury.

"They're extremely gory," Strickland argued. "That gives rise to our objection about their prejudicial effect of the photographs."

Tarrant County prosecutor Alan Levy countered, saying that only photos could portray the depth, color and other characteristics of the wounds.

When the medical testimony began, several friends and relatives of the victim left the courtroom. Jack Koslow, who has been in court for all the testimony, sat motionless while several people with him dabbed at tears.

As the state moved toward completing its case yesterday, the accumulation of exhibits from four days of testimony formed a small drift before the witness stand.

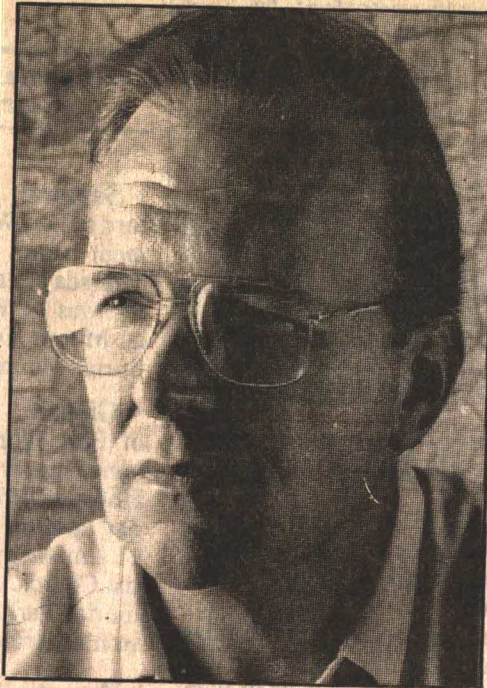
The more than 180 exhibits include furniture from the Koslows' bedroom, weapons, numerous enlarged photographs, blood and genetic testing samples, maps, diagrams, a portion of the Koslow's tool-damaged back door, blood-stained clothing and a three-dimensional model used in analyzing blood spatters that covered various walls.

"It looks like tumbleweeds piled up by a dust storm," said Tarrant County prosecutor Robert Mayfield.

Yesterday, state witnesses testified that genetic testing showed that traces of Caren Koslow's blood were found on an 18-inch metal bar that a witness said Dillingham gave to him.



## LETTERS TO THE EDITOR



**Sheriff David Williams**

### **Sheriff did all right**

Tarrant County Commissioner Dionne Bagsby and Marti VanRavenswaay, you make it sound as if a law was broken. If anything, our sheriff's department is way above board in all its dealings.

What is unfortunate about any position or improper or illegal about anything Max Baker's article stated? Where is this room for concern when the (what) laws are not being complied with?

Everything done was above board, documented, not out of yours or any taxpayer's pocket and for yours and the best interest of the county.

While this light is being spotlighted on the sheriff's department, let's take a lighted view of our commissioner's training, of lack thereof, and any and all present and past business interests of backers.

Do you even contribute to political causes? How much? What do people who support you do for a living?

What a way to try to sour something actually done in your best interest. By the way, I sincerely feel it is only fair to publish answers to the above questions, on the front page. Let's get more information, documented in black and white. When it concerns the public, it should be open and above board, documented in black and white as was done by a very good sheriff for a very good cause: You!

Thank you to Max Baker for stating the

facts. We appreciate the *Fort Worth Star-Telegram* investigating to find out the truth about what a good sheriff does, and how all of our county and city offices should be operated.

**Betty Jo Van  
Fort Worth**

# Koslow murder defense concludes

Final testimony came from forensic pathologists who questioned Caren Koslow's autopsy report.

By THOMAS KOROSEC  
Fort Worth Star-Telegram

WICHITA FALLS — Attorneys for capital murder defendant Jeffrey Dillingham called two medical experts to the stand yesterday in an attempt to convince jurors that Caren Koslow died from a wound that another suspect could have inflicted.

After calling two forensic pathologists to dispute the state's medical expert, the defense rested, making way for final arguments and the start of jury deliberation today.

"I cannot figure it out," said Verner Spitz, an eminent Detroit forensic pathologist, of a Tarrant County autopsy report on Koslow's death in testimony yesterday.

He said the report states in one place that Koslow died of a blow to the throat but states elsewhere that the throat wound and a massive cut across her neck caused her death.

Defense attorneys Jack Strickland and Michael Ware explained inside the courtroom that the issue

is significant because their client confessed to authorities that he beat the victim but did not cut her during the March 12, 1992, attack in Koslow's west Fort Worth home.

Dillingham, 20, of Aledo, a former honor student from White Settlement's Brewer High School, is on trial in the capital murder of Koslow during an attack on her and her husband, Jack Koslow, in the wealthy couple's bedroom.

Authorities allege that Jack Koslow's 18-year old daughter, Kristi, arranged to have the couple killed in a murder-for-hire scheme. They say that she enlisted her boyfriend, Brian Salter, now 21, and Dillingham, a friend of Salter's from high school, to carry out the killing for as much as \$1 million each.

SATURDAY, AUGUST 7, 1993

Salter and Kristi Koslow, whom Jack Koslow adopted during an earlier marriage, face later trials, also on capital murder charges.

Dillingham's trial started June 14 with jury selection and has included five days of testimony this week. The trial was moved to Wichita

Falls, 100 miles northwest of Fort Worth, because of extensive publicity.

Spitz, one of two defense experts, told jurors that either a blow to Caren Koslow's throat or the slitting of her throat would have killed her.

The state's medical expert, Nizam Peerwani, Tarrant County's chief medical examiner, testified Thursday that the victim suffered 27 blows from a blunt instrument and was cut twice. He said a blow to her throat crushed her larynx and suffocated her. He told the court that the autopsy evidence convinced him that Caren Koslow was dead or dying when her throat was slashed.

In his statement to police, Dillingham said that he beat the Koslow couple and that Salter then cut their throats during their early-morning break-in.

Tarrant County prosecutor Alan Levy said after the testimony that the dispute over which wound was fatal "doesn't matter."

"My guy said the crushing wound to the throat did it," Levy said. "Their guy said either one could have done it. I say, OK, fine, it doesn't make any difference."

Legally, Levy said, "If one person takes a knife and stabs someone

from the right side and the other stabs that person from the left side and either one would kill them, then either one would be responsible for their conduct causing the result."

Levy said the defense seemed to be attempting to build its case for the punishment phase of the trial. If jurors convict Dillingham, they will decide in the trial's final phase whether to give him a death sentence or life in prison with no parole for 35 years.

"The more stuff that Brian does, the less stuff that Dillingham does," Levy explained. "It is mitigating in that he isn't responsible for everything."

Defense attorney Michael Ware agreed that the issue will be important in the punishment stage of the case, but he said it could be a legal issue for the defense to appeal as well.

"The indictment alleges the victim died from a crushing blow to the throat; I don't know if they can say they can prove that beyond a reasonable doubt," Ware said.

Final arguments before state District Judge Bob Gill are expected to begin at 8:30 a.m. in the Wichita County Courthouse.

# Koslow case

## defendant guilty

### Dillingham could receive death penalty

BY THOMAS KOROSK  
Fort Worth Star-Telegram

WICHITA FALLS — After hearing prosecutors describe Jeffrey Dillingham as a "butcher" with "a heart filled with a nest of scorpions," a Wichita County jury convicted him yesterday of capital murder in the bludgeoning death of Caren Koslow.

Jurors took an hour and 40 minutes to find the former Brewer High School honor student guilty of killing the 40-year-old Fort Worth resident during a March 12, 1992, break-in at her stately Rivercrest home.

The jury of eight women and four men will begin hearing evidence on sentencing tomorrow. They will be asked to choose a death sentence for the 20-year-old video store clerk or life without possibility of parole for 35 years.

Dillingham, already standing with his head down, dipped it a bit lower when the foreman read the verdict.

After a brief meeting with his parents in a side room, he cried openly as bailiffs led him from the courtroom.

Businessman Jack Koslow, the victim's husband, who was severely beaten and cut but survived the attack, sat unflinching as the verdict was read.

Moments later, he smiled reservedly as some of the 25 relatives and friends who sat with him in the courtroom

(More on TRIAL on Page 20)

shook his hand or patted his shoulder.

He and other members of his group, who have sat together and moved about town together throughout the trial, declined to comment yesterday, as they have since testimony began Monday.

Dillingham's father, Ray Dillingham, an engineering supervisor for Lockheed Fort Worth; his mother, Antonette Dillingham; and his fiancée, Cassandra Force, appeared overcome with emotion as they left the courtroom. Their faces flushed and wet with tears, they also declined to comment.

"It's the verdict we expected," said Tarrant County prosecutor Robert Mayfield, whose case against Dillingham included a tape-recorded statement in which the defendant described how he beat the Koslows repeatedly with an 18-inch metal pry bar as part of a robbery and murder-for-hire plot. Other physical evidence, including the murder weapon and a pair of blood-spattered jeans, tied Dillingham to the crime.

Backed by statements taken from all three suspects in the case, authorities say that Dillingham and Brian Salter, 21, a friend from high school, set out to kill the couple in a scheme set up by Kristi Koslow, 18, the victim's stepdaughter.

Testimony in the trial showed that Kristi Koslow promised Dillingham and Salter as much as \$1 million each from what she expected would be a large inheritance from her father and stepmother, a socially prominent couple.

Kristi Koslow and Salter, her boyfriend, face separate trials on capital murder charges.

Mayfield said the punishment phase of Dillingham's trial promises to be hard-fought, with several days of testimony from witnesses on both sides.

The state will seek the death penalty, he said. "But for people, given their sensitivities and feelings, this is a decision not easily reached."

Defense attorney Jack Strickland told reporters throughout the trial that the guilty verdict was expected, given the strength of the taped confession.

"There is some theory that Jeffrey is faking; I have no reason to believe that . . . I am quite concerned about him," the defense attorney said.

During final arguments, Strickland conceded to the jury that the state produced "horrible facts, gory facts, facts from our worst nightmares."

But, he argued, prosecutors did not prove beyond a reasonable doubt that Caren Koslow died from the blow to the throat that Dillingham admitted in his confession.

He said in his soft-spoken summation that the cutting of the victim's throat, an act that Dillingham blamed on Salter, was more certain to have caused her death.

"My obligation is to ask you to follow the law, as unpleasant as it is," he said.

Responding in his animated closing statement, Tarrant County prosecutor Alan Levy thundered: "What a madcap world this would be if a murderer, a homicide, could escape the consequence of his actions by saying, 'I did my best to kill . . . but maybe my partner, who went with me to kill, beat me to it.'"

Levy, whose statement moved Dillingham's mother, father and fiancée to tears, told the court, "What a heart filled with a nest of scorpions, what manner of man could walk across that room, knowing what he did."

After summarizing the wealth of evidence, he said, "The verdict is guilty of capital murder. He is a butcher and he must pay, and he will."

Mayfield, in his urging for conviction, picked up the heavy pry bar, pointed it at Dillingham and said, "His motive was money, and he didn't care if he had to step over dead bodies to get what he wanted."

## THE GOD POD

### Miracle on the bluff

Tarrant County residents have heard and read pro and con about a controversial program that is having miraculous effects in the Tarrant County Jail. The program is most assuredly saving lives and, more importantly, leading precious souls from eternal separation from God to eternal salvation.

As a graduate of the "God pod," I have experienced first-hand what God has done in the lives of the men here. Adversaries of the program speak about equal rights for all religions, but that is blasphemy. The word of God defines pure religion. It's not what the American Civil Liberties Union or the American Jewish Congress is advocating.

Americans have forgotten what this once-great nation was founded on: faith in God. Let the ACLU and AJC continue to "strain gnats and swallow camels," and God will continue to be God.

Note of interest: One of the first churches in Fort Worth once stood where the new jail now stands — the one that houses the "God pod."

Clarence W. Haney  
Tarrant County Jail

### A degree in crime

A lot has been said lately about the Tarrant County Jail's Christian program that is also known as the "God pod." Most of it has been negative. I guess a volunteer program that costs the taxpayers nothing and helps inmates change their ways is really a disservice to the community. I guess we should just go back to letting the inmates, especially the younger ones, learn things the hard way.

But what exactly are they learning?

One thing is survival. Inmates prey on each other. It's just like the street. Tank bosses abound in the maximum security facility that houses not only the worst but also every other level of inmate since it can be overcrowded, unlike the low-risk and medium-risk facilities. To survive, inmates learn how to fight. They learn how to defend themselves, deliver damaging blows and how to fight dirty. They learn how to throw a blanket over a victim and beat him or her senseless and to take their belongings. They learn how to form alliances so that if they are losing a fight others will jump in to help them. These alliances are also helpful in controlling other inmates and making them more willing to give up food trays and money and to pay for "protection." Inmates learn how to use razor blades, shanks, pens, buckets, food trays, crates, hot water and even urine and human feces against each other and jail officers.

Burglars learn from older inmates how to have longer-lasting crime sprees and how to break into homes more successfully. Shoplifters and thieves learn the arts of stealth, trickery and concealment. Also learned are ways to rob, blackmail, cheat and deliver drugs. In jail any drug becomes valuable whether it be a Tylenol tablet or a prescription pill. Ordinary people suddenly develop into dealers and buyers. They learn methods of concealing pills that make us (deputies and jailers) work harder to find them. These skills are useful outside jail.

Not to be outdone are classes on dealing with law enforcement. Inexperienced inmates learn how to lie convincingly or just enough to cast doubt. They learn how to improvise weapons and conceal them on their bodies. They learn how to create escape tools and how to get out of handcuffs or restraints. I have seen classes that teach inmates how to disarm police and methods of assaulting police and jail and corrections officers. They learn how to stay in shape using improvised weights and how to bide their time to strike or try to escape.

Yes, inmates do learn a lot in jail. The University of Texas could not offer a degree program that could teach people criminal ways better than jail and prison. The next time someone comes up with a positive way to help criminals change, remember what else the inmates are learning.

Gary Smith  
Fort Worth

# Mansfield boot camp marches to different drummer

BY LISA BLACK  
Fort Worth Star-Telegram

MANSFIELD — The first thing Maj. Richard Hartwell noticed when he started his job at the prison boot camp was the noise.

Drill instructors barked orders that reverberated through the hallways. Inmates yelled back responses, "Sir, yes, SIR!" And much of this came above the cacophony of mess hall conversations.

"It was extremely distracting," said Hartwell, 59. So, as the new second-in-command officer at the

## *New second-in-command eases pressure on inmates*

Community Corrections Facility in Mansfield, he ordered that the hollering cease.

"We're doing little things to lower the tension level," he said. "We can draw attention respectfully without screaming and yelling."

The cutback in noise was just one of the changes the former Air Force reserve lieutenant colonel has made since starting his job six weeks ago. His goal: to rehabilitate inmates and

boost their self esteem while lessening the program's emphasis on physical demands and punishment.

Hartwell has been called the "father of boot camps" because of a program that he developed in 1991 for the Los Angeles Sheriff's Department. But his techniques have been questioned because they reject military-style training. Some critics say they aren't any more effective than other forms of incarceration.

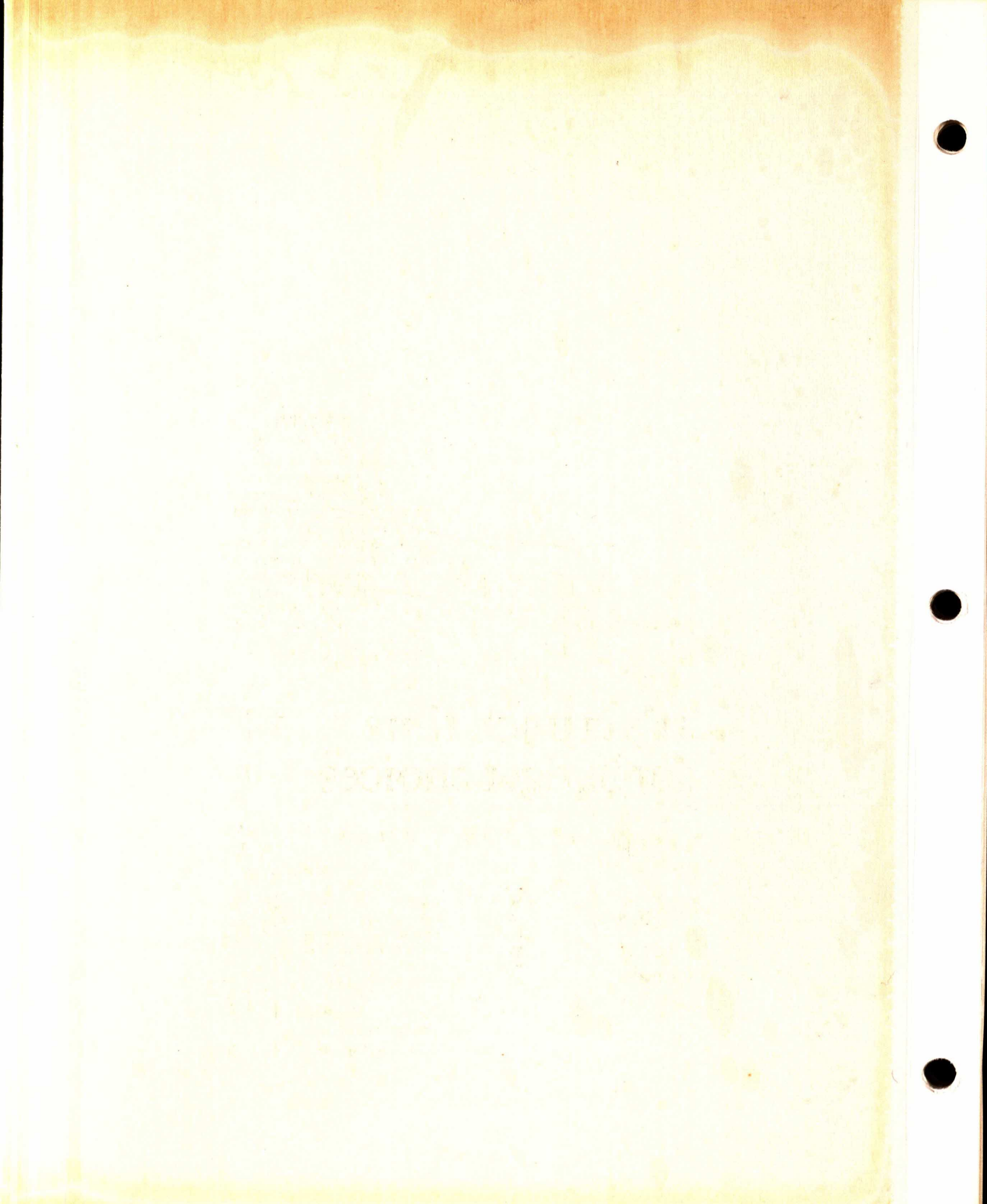
But when officials of Esmor Inc., the private company that receives state funds to run the boot camp, needed someone to make swift decisions in the wake of a Tarrant County district attorney's investigation into sexual harassment complaints against the facility, they turned to Hartwell.

A grand jury is expected to determine this week whether enough evidence exists to indict drill instruc-

tors accused of propositioning inmates, having sex with them and arranging sex between inmates.

Hartwell has met some resistance to his psychology-based policies. Most of it has come from drill instructors who prefer to handle inmates military style — demanding umpteen push-ups and intimidating them with in-your-face screaming sessions.

None of these things are necessary, Hartwell said.



# Killer's world of 'fantasy'

*Dillingham is 'withdrawn,' 'unrealistic,' psychologist says*

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

WICHITA FALLS — Convicted murderer Jeffrey Dillingham was a model student from a solid family, but a young man with exceptionally poor judgment who is lost in the fantasy of movies and television.

That was the portrait that defense witnesses painted yesterday as the jurors who convicted Dillingham on Saturday in the bludgeoning death of Fort Worth's Caren Koslow began hearing evidence that will help them decide his punishment.

Dillingham, 20, faces either a death sentence or life in prison without the possibility of parole for 35 years.

After prosecutors declined to lead off the trial's punishment phase, Dillingham's defense team put on nine character witnesses and three psychologists as they built their case for a life sentence.

Leon Morris, a Wichita Falls psychologist, said Dillingham had the traits of several personality disorders but did not display the anti-social nature of a criminal.

"He is a guy who kind of lives in a fantasy world of motion pictures and television shows," Morris said.



Associated Press

Jeffrey Dillingham

"I think he's excessively preoccupied with fantasies and movies."

Morris told jurors that Dillingham is of average intelligence. But tests measuring his judgment, his ability to reach logical conclusions, placed him in the bottom 10th of the population, the psychologist said.

Calling Dillingham a dependent personality who "wants to please people," Morris said he seemed to be following another defendant, Brian Salter, into participating in the Koslow attack.

Throughout most of the testimony, Dillingham held his head down and cried. By midmorning, a pile of wadded-up tissues had formed before him. Emotions are also expected to run high today, when Dillingham's parents are expected to take the stand.

Prosecutor Robert Mayfield said he expects jury deliberations to begin this afternoon or early tomorrow.

Authorities have charged that Caren Koslow's stepdaughter, Kristi Koslow, 18, recruited her boy-

friend, Salter, and Dillingham to carry out a murder-for-hire scheme in which she promised the two that they would get \$1 million apiece from what she expected to be a \$12 million inheritance.

Caren Koslow, 40, was killed in March 1992 in the beating and throat-slashing attack in a bedroom of the family's home in Fort Worth's upscale Rivercrest area. Her husband, businessman Jack Koslow, 49, was also beaten but survived.

Kristi Koslow and Salter, 21, of Fort Worth, face separate trials on capital murder charges.

Morris told jurors that the far-fetched and amateurish murder-for-hire scheme showed how "withdrawn from reality," "illogical" and "unrealistic" Dillingham is.

He also said that Dillingham, who gave the murder weapon and other evidence to a friend who had just been released from psychiatric care, may have subconsciously wanted to get caught.

While cross-examining witnesses, Tarrant County prosecutors Alan Levy and Mayfield tried to keep jurors focused on the brutality of the attack, its careful planning and the defendant's comfortable background. Dillingham had confessed to repeatedly beating the couple

with a 18-inch metal pry bar as they lay face down on their bedroom floor.

Prosecutors, who are expected to call their own psychological expert today, asked Morris how Dillingham could visit friends the weekend after the attack for an evening of Monopoly.

Morris, who said he had spent 20 hours testing and talking with the defendant, replied that Dillingham is an orderly, compulsive person. "If he had a schedule, he'd try to stick to it," he said.

A source involved in the case confirmed yesterday that prosecutors had initially offered Dillingham a plea bargain — a life sentence in return for his help in the prosecutions of Salter and Kristi Koslow. Dillingham, the source said, turned down the offer, which involved the

same sentence he is now fighting to get.

Neither prosecutors nor defense attorneys would comment publicly yesterday on the offer.

While two other psychologists confirmed Morris' observations for the jury, an array of witnesses who knew Dillingham as he grew up in White Settlement described him as a polite young man from a family whose life was set around church and activities such as softball and Knights of Columbus picnics.

Debra Pemberton, a home eco-

nomics teacher at Brewer High School, called Dillingham, who made the honor roll during his junior year, a "model student."

Waverly Haney, a family friend who said she had known the defendant's father, Ray Dillingham, and mother, Antonette Dillingham, for 16 years, said the Dillinghams were regular churchgoers at St. Peter the Apostle Catholic Church. She said she knew the couple's son, an only child, as someone who would always give her a warm and loving hug.

# Bailiffs center of dispute after audit

By MAX B. BAKER  
Fort Worth Star-Telegram

FORT WORTH — Tarrant County Sheriff David Williams and the county's judges are once again grappling over courthouse security after state regulators discovered that 33 deputized bailiffs have not been properly trained.

An audit last week said that the deputies, some of whom have been with the county for decades, lacked 400 hours of training required for sheriff's deputies, said Russ Coleman, commission administrator for the Texas Law Enforcement Officer Standards-Education Commission.

The finding comes more than a year after courtroom security came under intense scrutiny following the July 1, 1992, rampage in which a gunman shot five people at the historic Tarrant County Courthouse.

Although courthouse security has improved since the shooting, for which nonpracticing attorney George Lott received the death penalty, the state's report raises anew questions about the level of training for courtroom bailiffs.

County Judge Tom Vandergriff is well aware of the growing number of inmates in the county's four jails. Those prisoners numbered 4,615 yesterday, including 693 sleeping on mattresses on the floor of the Belknap jail.

"The situation worsens each month, there isn't any question about that," Vandergriff said, adding that the state's transferring fewer inmates from Tarrant County to state prisons in recent weeks hasn't helped.

Because of a June decision by the U.S. Supreme Court, more inmates from the Houston area are being admitted to the state prison, leaving other large metropolitan areas with a greater backlog of prison-ready inmates.

In Tarrant County, the numbers are down from 60 to 70 a week to between 13 and 16, Williams said.



# Parents plead for killer's life

## Jury to deliberate Dillingham's sentence

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

WICHITA FALLS — The parents of convicted capital murderer Jeffrey Dillingham tearfully asked jurors to spare his life yesterday as testimony in his trial's hard-fought punishment phase concluded.

A jury of eight women and four men convicted Dillingham on Saturday of the beating death of Caren Koslow in her home in west Fort Worth's wealthy Rivercrest neighborhood.

Today, as jurors hear closing arguments and begin deliberating his punishment, they must choose between death by injection and a life sentence for the 20-year-old video store clerk from Aledo.

"The only thing I ask of you is please save my son's life," the defendant's mother, Antonette Dillingham, 45, told jurors as tears streamed down her face. "He's my only child and I love him dearly."

Her husband, Ray Dillingham, 45, said: "My wife and I have always had Jack Koslow and the Koslow family in our thoughts and prayers. . . I know they've had to endure the tragedy. I just want them to know that we've always cared."

The defendant's father, an engineering supervisor for Lockheed Fort Worth Co., also sobbed as he described his son's childhood in White Settlement and the young man's plans to marry in August 1992, a wedding canceled by his arrest 13 days after the Koslow slaying.

Caren Koslow, 40, died of a blow to the throat after intruders broke into her home early March 12, 1992. Her husband, Jack Koslow, 49, was severely beaten and his throat was slashed, but he survived.

Fort Worth police say the victim's stepdaughter, Kristi Koslow, 18,

planned to have the couple killed to collect what she believed would be a \$12 million inheritance. They allege that she recruited her boyfriend, Brian Salter of Fort Worth, and his friend Dillingham to carry out the plot in return for a promise of \$1 million.

Kristi Koslow and Salter, 21, face separate trials on capital murder charges.

In their push for the death penalty for Dillingham, Tarrant County prosecutors displayed a chart yesterday showing records of telephone calls between Dillingham and the other two suspects and called to the stand a criminologist who said the defendant presents a future danger to society.

Robert Ressler, an author and former FBI criminal behavioral researcher, said that the nature of the

crime — a premeditated contract murder — places Dillingham among the most dangerous of murderers.

Testimony showed that Dillingham, Salter and the Koslow daughter put extensive planning into the crime over several months, Ressler said.

"It gave the reasonable man time to think out the consequences," he said.

Ressler said the crime hardly matched all the qualities usually seen in a contract murder, particularly in what he called the amount of "overkill."

According to testimony, Caren Koslow was hit 27 times with a metal pry bar and that her throat was cut. Her husband was also slashed across the throat and repeatedly beaten.

Ressler said that in contrast with the most effective contract murders, in which a single gunshot is used, the Koslow attack showed "a lack of sophistication."

Robert Mayfield, one of two prosecutors on the case, said the state has tried to focus on the planning of the crime and its brutality.

"That the planning went on for such a long time, there were numerous opportunities for him to withdraw, but he didn't," Mayfield said in an interview. "They modified, improved and committed."

Defense attorney Jack Strickland, whose client declined to testify, told reporters, "The facts in this case are difficult facts to overcome."

Still, he said, he did not believe that Ressler, the prosecution's only significant witness during the two days of sentencing testimony,

proved that Dillingham presents a future danger.

In arriving at a death sentence, Texas law requires jurors to find that the defendant acted deliberately, that there were no mitigating factors and that the defendant will be a future danger.

"He doesn't have a clue on whether contract killers have demonstrated any propensity to kill again in the future," Strickland said of Ressler. "I don't know how he can make a prediction of future dangerousness."

If Dillingham is sentenced to life, he will not be eligible for parole for 35 years. Under the law, however, jurors will not be informed of that requirement before they begin deliberating.

# Commissioners decide to add 30 new jailers

BY STEFANI GAMMAGE KOPENEC  
Fort Worth Star-Telegram

**Officials are also seeking state permission to move prisoners to old barracks or a nearby new center.**

FORT WORTH — Thirty jailers will join the Tarrant County payroll over the next four weeks as county commissioners try to find a place to move inmates from an overcrowded downtown jail.

Commissioners approved the hiring plan yesterday and agreed to phase in the additional jailers beginning next week while commissioners consider solutions to reduce the number of prisoners at the Belknap jail, which has been described as cramped and volatile.

The cost of the additional staff will be between \$73,000 and \$80,000 through Oct. 1, a county official said.

Meanwhile, commissioners and Sheriff's Department officials are seeking the state's permission to move Belknap prisoners to old jail barracks on Cold Springs Road in north Fort Worth or across the street to the new Tarrant County Corrections Center.

Sheriff's officials wanted to move the 364 inmates from the Belknap facility to the more roomy corrections center, but Commissioner Bob Hampton objected.

Hampton said he did not want to upset the balance in the new direct-supervision

jail, where one guard is locked up with 48 prisoners to a pod. One of the benefits of the facility is good conduct from inmates, he said.

Hampton suggested housing inmates in tents or in barracks at Carswell Air Force Base or on Cold Springs Road, where they used to be housed until the new 1,440-bed corrections center downtown opened.

Hampton said he would like to consider renovating the old county barracks, even though some officials said the buildings need extensive repair. Commissioners are supposed to get a cost estimate and timetable soon.

THURSDAY, AUGUST 12, 1993



Fort Worth Star-Telegram / PAUL MOSELEY  
**Jeffrey Dillingham, left, standing with attorney Michael Ware, sobs as his punishment is announced.**

**Dillingham**

**gets**

**death penalty**

# Koslow slaying jury takes 3½ hours to decide on penalty

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

WICHITA FALLS — Jeffrey Dillingham, the one-time honor student who killed for what prosecutors say was the promise of \$1 million, was sentenced to death yesterday for the murder of Caren Koslow of Fort Worth.

Dillingham, who shuddered or cried through most of the nine days of testimony and deliberations, hung his head and wept after the judge pronounced the sentence.

His mother, Antonette Dillingham, seated in a front row, slumped into the arms of her husband, Ray Dillingham, who cried with her.

Businessman Jack Koslow, the victim's husband, who was brutally beaten during the attack on him and his wife, showed no emotion as the sentence was read.

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***"I think the people who commit these brutal crimes should get the death penalty . . ."***

— prosecutor Alan Levy

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As he left the courtroom, surrounded by about two dozen friends and relatives, Koslow was asked if he was relieved the trial was over.

He smiled and answered "yes," then declined to comment further.

The jurors, who were sequestered, declined to comment after the verdict.

Tarrant County chief prosecutor Alan Levy said the sentence will encourage him to seek the death penalty for two other defendants ac-

(More on TRIAL on Page 11)



Fort Worth Star-Telegram / PAUL MOSELEY

**Jack Koslow, right, leaves the Wichita Falls courtroom.**

cused of a murder-for-hire scheme.

"I think the people who commit these brutal crimes should get the death penalty like the night follows the day," Levy said.

The guilty verdict, which was reached Saturday, and death sentence will be automatically appealed to the Texas Court of Criminal Appeals.

"This is certainly not the end of the road by any means," defense attorney Jack Strickland said.

The jury of eight women and four men took 3½ hours to condemn the 20-year-old video store clerk to death for fatally beating Koslow in her posh west Fort Worth home March 12, 1992.

The victim's stepdaughter, Kristi Koslow, 18, and her boyfriend, Brian Salter, 21, face capital murder charges for what was portrayed in Dillingham's trial as an elaborately planned contract killing.

Authorities allege that Kristi Koslow enlisted Salter and Dillingham to murder her adoptive father, Jack Koslow, and his wife, Caren Koslow, for \$1 million from what she expected to be a \$12 million inheritance.

Caren Koslow was struck 27 times with a metal pry bar and her throat was cut, to autopsy results show. Jack Koslow, 49, was also beaten and slashed across the throat, but he recovered and testified as a key witness at Dillingham's trial.

Strickland said he fell short in his bid to win a life sentence for his client because "the circumstances of the murder are extraordinarily compelling . . . the planning, the premeditation, the length and quality of the preparation."

In a statement to detectives that was admitted into evidence, Dillingham said the crime had been planned for several months and postponed several times.

He admitted to prying open the back door of the couple's home, running to an upstairs bedroom and ordering them to lie face down on the floor. Jurors heard him describe on tape how he repeatedly beat the Koslows on the back of the head with the pry bar and then went looking through a closet for \$4,000 he thought was hidden in a drawer. He left the scene, he said, with \$120 and Jack Koslow's wallet.

Prosecutor Levy said after the trial that both sides understood "it was a tough case for the defense.

"The state had the upper hand all the way," he said. "It isn't that often you get a defendant that has committed these kinds of acts."

Among the issues Strickland said he will appeal is a ruling by state District Judge Bob Gill, based on state law, that did not let him inform jurors that the other possible penalty in the case, a life sentence, would have sent Dillingham to prison without a chance for parole for 35 years.

"I bet most jurors thought he could get out in 10 or 15 at the most," Strickland said.

During the punishment phase, which began Monday, the defense brought testimony that Dillingham had never been arrested before the Koslow murder, that he comes from a solid family from White Settlement and Aledo, and that he does not have the anti-social personality of a hardened criminal.

Defense attorneys said they

hoped the jury would decide that Dillingham would not present a future danger to society; that is one of three decisions jurors had to make in arriving at the sentence.

Jurors, who ranged from an 18-year-old waitress to a 59-year-old bookstore manager, found he would be a danger, that he acted intentionally and that there were no mitigating factors such as age or mental awareness.

It might have been Dillingham's first offense, prosecutor Robert Mayfield said, "but he sure climbed up the high dive and into the deep end. . . . It was a chilling crime."

Defense attorney Strickland said he had information that the jurors had first split 9-3 in favor of death and took at least six votes before they became unanimous.

Before they began deliberating, they heard Strickland urge in summation, "Even a life sentence is a death sentence, a death of any kind of meaningful life.

"You may ask yourself why shouldn't we extend to Jeffrey Dillingham the same . . . degree of mercy that he extended to Caren Koslow? Why? Because we're better than the Jeff Dillinghams of this world."

Michael Ware, Strickland's co-counsel, told jurors: "Jeff still is a human being. Jeff is not a trophy for the prosecutors to go back to Fort Worth and display prominently on their wall."

Levy, calling defense arguments "smoke and mirrors," said: "This wasn't a momentary lapse; it was a careful methodical slaughter. His conscience was in his purse."

Mayfield told the courtroom audience of more than 100 people, "There is a monument to this man's greed in Fort Worth, Texas, that embodies what he was willing to do for \$1 million and that monument reads, Caren Courtney Koslow, 1951 to 1992."



**Jeffrey Dillingham is taken back to jail after being sentenced to death in the slaying of Caren Koslow.**

# Jail unit instructor indicted

## Boot camp employee charged in harassment

By LISA BLACK  
Fort Worth Star-Telegram

A Tarrant County grand jury issued three indictments yesterday alleging sexual harassment by a Mansfield boot camp drill instructor who is accused of having sex with a female inmate and propositioning two others.

The grand jury declined to indict two other former employees of the Community Correctional Facility after reviewing evidence compiled during a nearly three-month investigation by the Tarrant County district attorney's office.

Romalice Brumfield Jr., 24, of Fort Worth was indicted on three charges of official oppression, which is defined as using his position as a public servant to gain sexual favors.

In response, Esmor Inc., the private company that operates the facility with \$2.5 million annually in state funds, fired Brumfield. He had been placed on administrative leave June 21 in connection with the sexual harassment allegations.

Since the allegations surfaced, three Esmor employees have resigned and three have been fired. Maj. Richard Hartwell was named as a replacement for administrator Lance Fauria, who was transferred to Houston to start up a new program.

The Tarrant County probation department also transferred two supervisors, Sheri Short and Larry Crockett, from their jobs at the fa-

(More on JURY on Page 3)

cility to avoid any appearance of conflict during the district attorney's investigation.

"We're, of course, disappointed that there was wrongdoing found, and somewhat surprised that sufficient evidence arose to warrant that action," said Hartwell, the boot camp's second-in-command. "At this point, we have addressed those issues as promptly and effectively as we could, more so than most public agencies could do."

Brumfield could not be reached for comment. His attorney, Bobbie Edmonds of Fort Worth, said that Brumfield has disputed the charges.

"He hopes that justice will be done to vindicate him," Edmonds said. "He maintains his innocence."

Brumfield is accused of engaging in sex with an inmate nine times between June and September 1992 in exchange for granting her privileges. The inmate has since been released from the program.

Two other former inmates, Michelle Jacobs, 27, of Arlington, and Sharla Prettyman, 28, of Azle, ac-

cused Brumfield of asking them for sex. Prettyman has said that Brumfield touched her on the breasts and buttocks.

She could not be reached for comment yesterday.

Jacobs said that she was pleased with the indictments.

"I'm glad it happened to him because of all he put us through," she said. "Now I've got a little peace of mind knowing something's going to be done about him. I'm hoping they'll do something about it so it will protect other people."

Official oppression is a Class A misdemeanor punishable by up to \$3,000 in fines and one year in jail.

Fred Rabalais, who led the district attorney's investigation, said two other former drill instructors accused of sexual harassment could not be prosecuted because of the state law's strict definition of official oppression.

"In order for it to be official oppression, the verbal or physical conduct of a sexual nature has to be conditioned upon the inmate receiving a benefit if they comply or some sort of detriment if they refuse to comply," Rabalais said. "I don't necessarily agree with the law on it because it almost seems they can say nasty things to them without it being illegal."

The grand jury declined to indict former drill instructors David Simpson and Robert Greer.

Prettyman turned over a letter that she said came from Simpson in which he purportedly outlined sexual acts that he wanted to perform with her. Simpson could not be reached for comment.

Greer was also accused of sexually harassing an inmate. He said yesterday that he had a brief relationship with a woman after she left the facility.

"I told them I have nothing to hide," said Greer, who was fired in October. He said that he viewed the grand jury proceedings as a forum to vent his frustrations about the boot camp.

"They feel like they're untouchable out there, and they're using the drill instructors to cover up their problems," he said.

Esmor officials, who are overseen by the county probation department, say they believe they have taken adequate steps to prevent further problems. The company, whose contract is up for annual review next month, has hired more female staff members to supervise the female inmates and has provided extra training aimed at preventing sexual harassment.

## Tarrant to begin training its bailiffs as peace officers

BY MICHAEL D. OESER  
Fort Worth Star-Telegram

After meeting with district judges and Tarrant County District Attorney Tim Curry, Sheriff David Williams said yesterday that peace officer training for 33 deputized court bailiffs will begin soon to comply with a state licensing requirement.

Williams and about 20 district judges agreed to ask for a state attorney general's opinion on whether 400 hours of peace officer training should be required of bailiffs before they can be deputized and carry a gun — the same training required of deputies on the street.

In the meantime, Williams said that he still plans to pull the unlicensed bailiffs out of their courts to begin training at the Sheriff's Academy. The bailiffs will be replaced by licensed sheriff's deputies serving in positions other than patrol. Some 36 jailers will also receive additional training to comply with state regulations.

"After the meeting today, it's apparent that there are a good number of judges that desire certification [for their bailiffs]," said Williams, adding that an effort will be made to locate temporary replacement deputies with some bailiff experience.

An audit by the Texas Commission on Law Enforcement Officer Standards-Education, the state agency that regulates peace officer licensing, revealed the court employees who were not in compliance.

On Aug. 10, the commission ordered Williams

(More on TRAINING on Page 26)

## Training

From Page 23

to rectify the situation immediately. But when Williams began preparations for training the bailiffs at the Sheriff's Academy, District Judge William Brigham asked him to meet with the judges first. Some judges said that they were concerned about disruption of their courtroom routine and the details of the training.

Currently, bailiffs are not required to carry guns, wear uniforms or be licensed peace officers. But if they are deputized, handle prisoners or carry a gun, they must have 400 hours of training.

However, judges at the meeting

said that it is a good idea for bailiffs to be deputized and carry a gun in most, but not all, courts.

"All our bailiffs really act as if they are shepherds of the juries," District Judge Bill Burdock said.

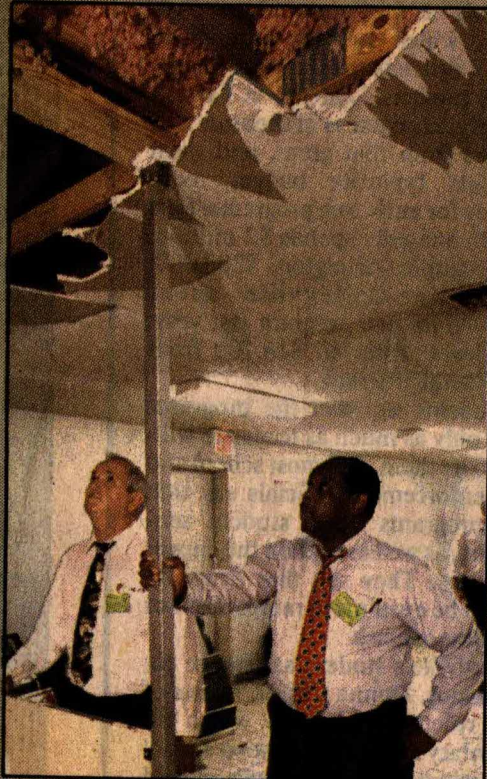
Other judges said that having certified, armed bailiffs is imperative.

Criminal District Judge Sharen Wilson said: "Somebody's wife down here on jury duty is going to get killed sometime" without adequate protection.

Wilson recalled the July 1, 1992 rampage in which George Lott, a nonpracticing attorney, shot five people in the historic Tarrant County Courthouse. Wilson said that a peace officer outside the courtroom hid in a restroom during the melee.

She said she seriously doubts that all the current bailiffs can meet the state qualifications.





Fort Worth Star-Telegram / TONY RECORD

County officials Gary Kirby, left, and Savala Swanson inspect the vacant Cold Springs barracks.

## Tarrant rushing to fix jail woes

BY STEFANI GAMMAGE KOPENEC  
Fort Worth Star-Telegram

FORT WORTH — Melvin Webb stood on the other side of a set of beige jail bars, a few lines of laundry hang-drying close by, and gestured to an industrial-looking table at the other end of the day room. He sleeps underneath there, sandwiched between the steel legs, on a standard-issue mattress.

Other prisoners crammed into the same quarters of the Tarrant County Jail on West Belknap Street have created makeshift beds  
(More on JAIL on Page 30)

atop the tables. In smaller, neighboring cells, mattresses are wedged beneath bunks.

"Me and the next man on the floor argue about who's going to get the better spot on the floor," said Webb, a 22-year-old New Orleans native who was sentenced about five months ago to 15 years in prison for burglary of a building. "If we get up under the TV, the loud noise from the TV is going to wake us up, and then we're going to wake up mad."

Like half the inmates in the county's four jails, Webb is awaiting transfer to state prison. On Friday, the jail population stood at 4,610, including 2,395 sentenced felons; 703 inmates were sleeping on the floor.

Arguments and fights are commonplace in the older Belknap jail, where Sheriff's Department officials warn of possible riots if the overcrowding is not addressed. Five jailers were injured there in one week.

Veteran jailer Igor Huddleston said that the job already has its perils, like being slammed into bars, splattered with excrement, spit on or cursed. With more inmates to watch, some situations can become uncontrollable, he said.

After an inspection in early June, the state cited the Belknap facility. Infractions included overcrowding, staffing shortages, cooling problems and not properly separating first offenders awaiting trial from those who have been previously convicted, state officials said.

The commission gave Tarrant County until Oct. 31 to report how it intends to correct the staffing shortage and temperature problem.

Sheriff David Williams has asked for almost \$130,000 to hire 75 jailers by Oct. 1, and county commissioners agreed last week to phase in 30 of them while they look at how best to reduce the prisoner population at Belknap.

Solutions under consideration are reopening barracks at the medium-security jail on Cold Springs Road and transferring inmates across the street to the new, but already filled, Tarrant County Corrections Center. The county also plans to add almost 700 beds to the Green Bay facility in north Fort Worth, where the new jailers will be transferred once construction is complete.

Williams said that "there was a definite fire lit" to hire more jailers after a U.S. Supreme Court decision June 21. That decision has resulted in Harris County inmates being given priority over Tarrant County prisoners for transfers to state prison.

But, Williams said, "without question" the June inspection by the jail standards commission factored into his hiring request, although he made scant mention of being out of compliance in his plea before commissioners last week.

Bob Dearing, the commission's chief of jail operations, said that he would support reopening the Cold Springs barracks if they are renovated.

The commission also cited Tarrant County for staffing deficiencies in 1991 and 1992. But Dearing said

***"Tarrant County has been in a building mode for the past six or seven years. What more can you ask somebody to do?"***

— Bob Dearing  
Commission on Jail Standards

that the county has a history of addressing its problems.

"Tarrant County has been in a building mode for the past six or seven years," he said. "What more can you ask somebody to do?"

Two of the county's other three jails were cited this year for non-compliance, although the lone problem noted at the new Tarrant County Corrections Center had to do with a generator.

The annual inspection also reported that five prisoners have died, including one who committed suicide, and that two prisoners escaped. Also, 29 minor fires were reported, which is about average for a jail system of that size, Dearing said.

Chief Deputy Hank Pope said that some fires start in trash cans or are caused by inmates setting bedding ablaze.

County Judge Tom Vandergriff said that the results of this year's inspection look "much like the report of a year ago," adding that he doesn't think the report is all that monumental.

"We're not going to be stampeded into overreaction because of a state problem that we're trying to address as rapidly and as best we can," he said, referring to the number of inmates awaiting transfer to state prison.

# New jail overflows capacity

## Crowding reaches crisis, sheriff says

BY HOLLACE WEINER  
AND STEFANI G. KOPENEC  
Fort Worth Star-Telegram

FORT WORTH — For the first time, Sheriff David Williams moved extra inmates into the new jail yesterday, where living pods are designed to house a maximum 48 prisoners.

"We are in a crisis mode and there's no alternative," the sheriff said.

Faced with a glut of 70 weekend arrests and 709 inmates sleeping on the floor, he ordered the 2-year-old Tarrant County Corrections Center, already filled to capacity, to admit as many as seven additional inmates into each of 33 pods.

Each pod includes a communal day room and 48 individual sleeping cells. A jailer stands his guard inside the pod.

Such "direct supervision" jails are a contemporary phenomenon. Studies have shown that the concept increases interaction among inmates while reducing violence. By all accounts, Tarrant County's has been very successful, and county of-

(More on JAIL on Page 14)

## Jail

From Page 9

officials had been reluctant to upset the balance in the cells, or tamper with the ratio of one guard per 48 inmates.

The first contingent of seven inmates was assigned to a pod yesterday. Hank Pope, the chief deputy in charge of confinement, said that they were sleeping on mattresses on the day room floor.

Williams stressed that the transferred inmates assigned to pods were all classified as suitable for direct supervision — primarily non-violent or with a history of adhering to rules.

Williams said his administrative staff had notified Bob Dearing, chief of jail operations for the state Commission on Jail Standards, of the move. "He said, 'Go for it. You've got to do something,'" Williams said.

The population of the county's four jails reached 4,680 yesterday.

Of that total, 2,352 inmates have been convicted, sentenced and await transfer to state prison. Two months ago, the number awaiting transfer totaled 2,150.

The backup has jumped because of a U.S. Supreme Court ruling in June giving Harris County inmates priority for admission to state prison facilities. Three weeks ago, a new transfer schedule reduced Tarrant County's quota from 65 to 70 inmates a week to 13 to 16, Pope said.

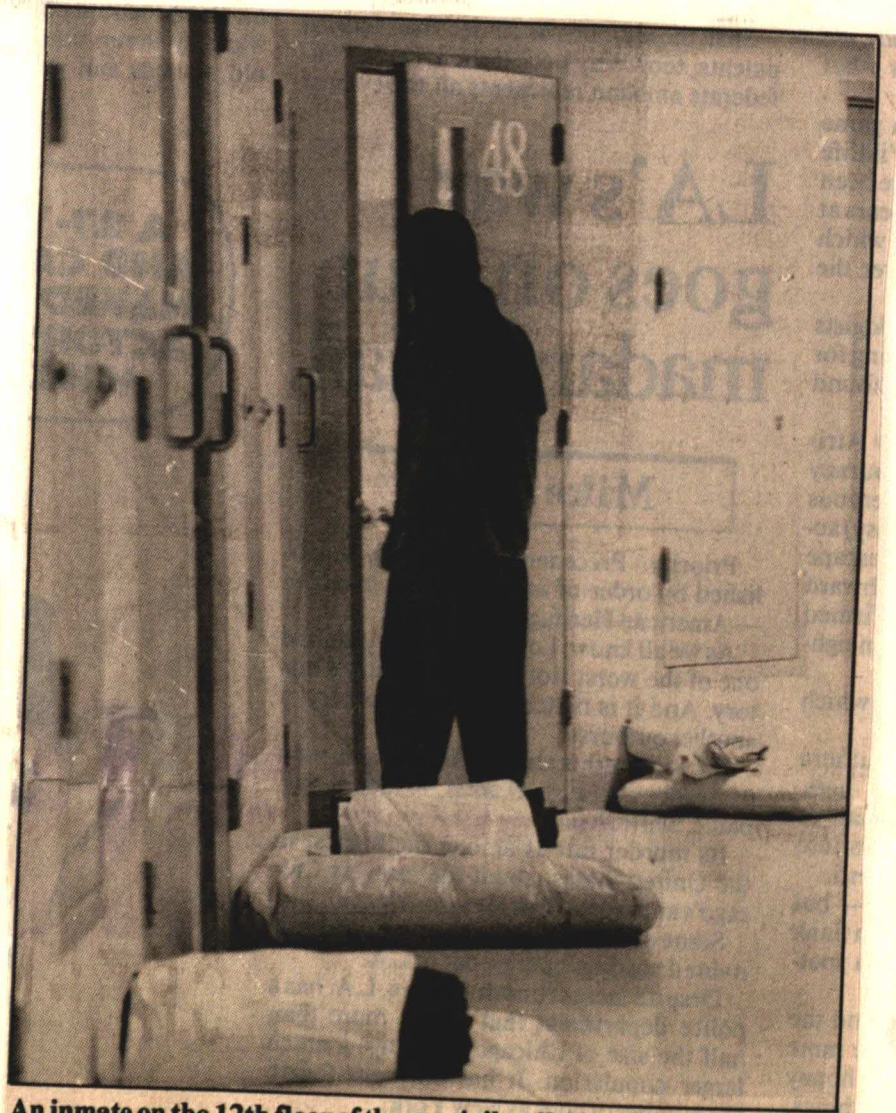
"There is just absolutely no more room," Pope said.

The flood of weekend arrests forced his hand, he said.

He speculated that the "unexpected influx of prisoners" stemmed from the payday weekend — or "Friday the 13th."

He expects a number of prisoners to be released on bail today.

"We're taking it one day at a time," he said. Pope said there are no plans to close the jail to new prisoners.



An inmate on the 12th floor of the new jail walks into his cell past mats placed on the floor for new inmates.



Fort Worth Star-Telegram / RODOLFO GONZALEZ

**Inmates lie on mattresses at the Tarrant County Jail, where a glut of weekend arrests forced a spillover into the new jail.**

# Intoxilyzer program considered

## Tarrant would offer free testing service for police

BY JACK DOUGLAS JR.  
Fort Worth Star-Telegram

FORT WORTH — Tarrant County commissioners are expected to vote next week on a proposal that would make it free for police agencies to administer Intoxilyzer tests in hopes of spurring more aggressive enforcement of drunken-driving laws.

Under the proposal, which commissioners appeared to view favorably, the Tarrant County Medical Examiner's Office would take charge of administering the tests as a free service for small police departments.

Some local police agencies said they had curtailed enforcement of drunken-driving laws because of a \$20 fee charged by a private Fort Worth company each time they use an Intoxilyzer machine. And Sansom Park Police Chief Ronnie Mackey said that because of that fee he has stopped arresting first-time offenders under DWI laws unless the person's drunken condition resulted in an accident.

Instead, Mackey and the police chiefs in Lake Worth and River Oaks said they are using a lesser charge of public intoxication to remove drunken drivers from the streets.

Under yesterday's proposal, a search would begin after next week's vote for a \$40,000-a-year senior technician, trained in the operation of Intoxilyzer machines, said Debbie Schneider, county budget di-

(More on DWI on Page 20)

From Page 17

rector.

Commissioners had planned to vote on the new position as part of next year's budget, but the vote was moved up in an effort to motivate some police agencies that have recently acknowledged that they are not as aggressive as they could be in pursuing DWI cases.

Next year's proposed county budget, which has not been voted on, includes \$20,000 to purchase computer equipment and two additional Intoxilyzer machines, and \$10,000 to train two DWI-test operators for the medical examiner's office.

The new operation would be free for any Tarrant County police agency that chose to use it, Schneider said.

The operation of Intoxilyzer tests in Tarrant County has been managed for years by Forensic Consultant Services.

Max Courtney, owner of the Fort Worth company, said that in February he began charging what he called a minimal fee each time a test was run. The fees were needed because the company was losing money on the operation, Courtney said.

He said he does not believe that county government could run the

Intoxilyzer program more cheaply efficiently than his company, which has been offering the service to local police agencies for 19 years.

And even if the service is offered by the medical examiner's office at no charge, Courtney said several departments "have indicated they will continue to use our services."

"I think there are people who know how good we are," he said.

## LETTERS TO THE EDITOR

### Endorsement withdrawn

I would like to publicly apologize to my friends whom I asked to vote for David Williams for sheriff.

I walked the streets of Mansfield, made phone calls, had him as my guest at the local Chamber of Commerce luncheon and the Kiwanis Club. I also contributed to his campaign.

We all make mistakes. Sheriff Williams has made one blunder after another. Either he is not capable of making sound decisions or he is getting some very bad advice. Either way, I hope he is a one-term sheriff, and I will do what little I can to see that he is.

Dan D. Emmert  
Mansfield

# County worker, 33, killed in train wreck

The impact of the collision threw the driver from the truck and demolished the cab and scattered debris along the tracks for 30 yards, authorities said.

BY DOMINGO RAMIREZ JR.  
Fort Worth Star-Telegram

A train slammed into a Tarrant County tractor-trailer yesterday morning on the Keller border, killing the 33-year-old driver.

The impact of the collision threw the driver, Barry Winford of Euless, from the truck and demolished the cab and scattered debris along the railroad tracks for 30 yards, authorities said.

Authorities said the tractor-trailer, traveling west on Price Street, was crossing the tracks when the southbound Union Pacific train hit it.

The trailer had been hauling road construction equipment.

Winford was an employee of the Tarrant County Transportation Department.

The railroad crossing is equipped with red lights and a bell, but it does not have crossing arms or a stop sign.

Tarrant County sheriff's officials

said that it was not known whether the red lights at the crossing were flashing. Other details of the accident were still under investigation.

The accident occurred about 8:15 a.m. in the 200 block of Price Street. The tracks are just west of the city line and the Denton Highway.

The driver was rushed by helicopter to Harris Methodist Fort Worth hospital, but he was pronounced dead on arrival, sheriff's Capt. Johnny Prince said.

Chae Hackney, an employee of Country Car Parts, said he was reading the paper when he heard the crash.

"I looked up and I could see it being dragged by the train," said Hackney, whose workplace is next to the railroad crossing.

Hackney said he heard the bell at the railroad crossing as the train approached busy Price Street.

"It was going off just like it does  
(More on WRECK on Page 26)

every morning when the train passes," Hackney said.

Business owners and Keller fire officials said that stop signs were once at the crossing but were removed.

Union Pacific spokesman Glenn Neasbitt said he could not comment on the accident because of the possibility of litigation.

There is no state requirement that lights and bars be installed, and

lights at a crossing take the place of a stop sign, state transportation officials said yesterday.

"The blinking red light means stop," said Ken Willis, railroad liaison for the Department of Transportation in Austin.

Sheriff's authorities said yesterday that it was not known how fast the 5,167-ton train was traveling when it hit the tractor-trailer. The engine, which was pulling 40 cars, stopped about a quarter-mile down the tracks.

Randy West, operations manager for the county Transportation Department, said Winford was heading for a work site on Mount Gilead

Road when the train struck his truck. "Nobody could have lived through that," West said.

"This is a routine route for Barry. He was an expert at moving equipment and heavy road equipment," said West, who hired Winford in July 1991.

West wouldn't speculate on how the accident occurred.

Keller fire officials reported that there had been no accidents at the crossing for at least 10 years. One-story businesses along the Denton Highway partially obstruct the view of the tracks for westbound motorists, authorities said.



Paramedics move Barry Winford at the scene of a collision between a train and a tractor-trailer rig.

Fort Worth Star-Telegram / DONNA BAGBY

## Officer accused of purchasing stolen property

By JACK DOUGLAS JR.  
Fort Worth Star-Telegram

FORT WORTH — A veteran Fort Worth police lieutenant was arrested yesterday on suspicion of buying stolen property, Police Chief Thomas Windham said.

Lt. Newton Douglas Walden, 49, who is assigned to help book city prisoners at the Tarrant County Jail, was in custody late yesterday after being arrested in a police sting operation about 6 p.m., Windham said.

Walden was off duty when he was taken into custody in a parking lot in the 6800 block of Camp Bowie Boulevard, the chief said. He said the police supervisor was arrested on  
(More on WALDEN on Page 34)

## Tarrant County official to serve on state jail panel

By STEFANI GAMMAGE KOPENEC  
Fort Worth Star-Telegram

FORT WORTH — Gov. Ann Richards yesterday appointed Tarrant County Commissioner J.D. Johnson to the Texas Commission on Jail Standards, the first time a county commissioner has served on the nine-member panel.

Johnson will begin his nonpaid, six-year term as soon as he takes the oath of office. The appointment is subject to approval by the Texas Senate, but he can serve until the Senate convenes and casts a vote.

"I've been very involved in building jails since I've been on this

court, and I look forward to making a contribution toward the state effort," Johnson said.

Since Johnson was elected to the commissioners court in 1986, the county has enlarged the medium-security jail on Cold Springs Road, converted a north Fort Worth warehouse into a jail for sentenced felons awaiting transfer to state prison, and built the new Tarrant County Corrections Center downtown, he said.

If the panel takes up business regarding Tarrant County, it is customary that local members do not vote on the matter.

## Walden

From Page 25

suspicion of purchasing \$1,000 worth of automotive parts for \$50 from a confidential police informant.

Walden, who had not been formally charged by late last night, has been a member of the Fort Worth Police Department since August 1965, and he has been a lieutenant the past 13 years.

He did not resist arrest, Windham said.

The sting operation capped a monthlong investigation, which began when a burglary suspect told the Tarrant County district attorney's office that the lieutenant was acting as a "fence" by purchasing stolen property, Windham said.

District attorney investigators then notified the Police Department's major case division, which launched a closely guarded investigation, the chief said.

Walden could face a charge of knowingly buying stolen property, a

third-degree felony. Formal charges may not come until Monday, Windham said.

"He has been booked [into jail] and checked back out by the detectives to do follow-up work," the chief said.

"He's being very cooperative," Windham said. The chief said that after Walden's arrest, the police lieutenant led officers to several locations where stolen property was reportedly stowed.

Asked whether the lieutenant is suspected of acting alone in the fencing operation, Windham said, "Apparently, yes."

Walden worked from 3 p.m. to 11 p.m. at the Tarrant County Jail, officials said. His duties were to approve the arrests of all city prisoners before they were booked into the county lockup.

Walden will be relieved of his duties pending completion of the criminal investigation, Windham said.

Date 20 August 1993

Memo To: Hank Pope  
Chief of Corrections

From : Floyd Clark, 1491  
Release Officer - First Shift

Subject: Non-Supervisory Meeting

I have been elected by majority vote of first shift personnel of the Tarrant County Correctional Center who have entrusted in me the responsibility to present, not as one, but collectively as a group, topics of current interest to be evaluated in an open forum in an effort to restore esprit de corps to the Tarrant County Sheriff's Department.

I would like to preface any further discussion by stating this presentation is not an attempt to magnify any fault-finding "gripes," but an exposure of professional grievances which must be addressed to reinstate a level of optimism in our collective law enforcement body.

With each crucial topic, we are offering some suggested remedies; hopefully, for your favorable consideration and support.

This aggregate body welcomes this opportunity to be heard in a single voice. Yet, these employees further realize that change can only be manifested through the cooperative and bolstered involvement by each member of every entity of this department. We are further cognizant that reforms do not come swiftly; nor, without sacrifice. Yet, how can we sustain on questionable directives and unfulfilled promises? That's why we are heartened you have offered an attentive ear.

We are ever conscious of your position and adeptness to awaken the general public, and at the same time make each of us proud to be a member of the greatest crime fighting organization in this state.

Respectfully submitted,

Floyd Clark, 1491  
and his Countless Colleagues  
of the Tarrant County Sheriff's Department

# COUNTY Elite

Tarrant County Employee Newsletter

August 1993

## Walters Brings Back Silver and Bronze in World Games

**F**red Walters of the Tarrant County Sheriff's Office competed in the World Olympic Police and Firefighter Games held in Colorado Springs, Colorado August 2-6 and came away with two medals. Walters won a silver medal in singles bowling and a bronze medal in team bowling. He also competed in the 10k and 5k run. "Boy, that was something else! It was a real honor to compete at this level. I was competing with world class athletes that run for their countries. Needless to say, I was no match!" Walters said. Over 7000 competitors representing 25 countries participated in the World Olympics and every state in the United States was represented.

Fred won the right to compete in the World Olympics in the State Olympic Games held in Grapevine June 8-11. At those games Walters won four medals; a gold in the 10k run, a silver in bowling, and two bronze medals in the 5k run and overall in bowling. Deputy Walters has been with the Sheriff's Office since December, 1986 and has been competing in police olympics since 1990 under the Texas Police Athletic Federation. He is highly respected in law enforcement circles for his competitive spirit and ability.

Other deputies who won medals in the State Olympics were...  
Powerlifting: Lt. Bill Castro, Gold; Carl Davis, silver;

Kurt Weaver, silver and Kurt Davis received two bronze medals.  
Karate Kumite: J. W. Cummins, Silver.



*Fred Walters displays the medals he won in the State and World Olympic Police and Firefighter Games.*



Wednesday, August 25, 1993

# Tipsters say officer bought stolen goods

By KATHY SANDERS  
Fort Worth Star-Telegram

FORT WORTH — Confidential informants told police that a Fort Worth police lieutenant arrested in a sting operation last week had repeatedly bought stolen property, according to an arrest warrant affidavit.

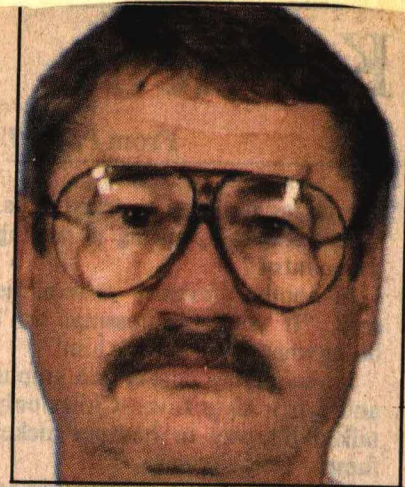
Newton Douglas Walden, 49, a 28-year veteran on the force, was arrested Friday on a warrant recommending \$50,000 bail, but he was immediately released after being booked into the jail, officials said.

A charge of theft of stolen property worth \$750 to \$20,000 was ex-

pected to be filed against Walden this week, officials said. Walden, who worked at the jail overseeing the booking of Fort Worth inmates, has been placed on detached duty with pay, pending action by a grand jury — a standard procedure when officers are accused of a crime.

The affidavit includes a statement from a man who told Detective R.D. Pendergraft that "he was present on several occasions when stolen property was sold to Newton Walden." The affidavit alleges that Walden knew the property was stolen when he bought it.

Another informant, who told de-



**Newton Walden:** Informants accused him of several purchases.

detectives he and others broke into 32 places in April and May, said they were told to go to Walden with a Sony brand 8mm video camera and  
(More on WALDEN on Page 18)

## Walden

From Page 17

an NEC brand stereo system, the affidavit says.

The informant said Walden paid them \$300 for the stereo and camera, the affidavit says.

A sting operation, based on the informant's statements, centered on a set of BBS wheels for a Pontiac Fiero that Walden owned, it said. Two informants told detectives

they "believed that Walden wanted them to steal the wheels and give him the best price possible," the affidavit says.

On Friday, detectives from the department's Major Case Unit and investigators with the Special Crimes Unit of the district attorney's office got four BBS brand custom wheels, brand new, that sell for \$1,100, the affidavit says.

About 1 p.m. Friday, Walden received a call from a planted seller, saying he had four wheels for sale, and Walden went to the caller's house about 2:45 p.m., the affidavit

says.

The person who called Walden was wearing a body microphone and during the taped conversation, the affidavit says, Walden was told the wheels were stolen and had to be gotten rid of as soon as possible.

Walden wanted to see whether the wheels fit his Fiero, it said, so he took one of the wheels and later returned to the house, where he ultimately paid \$50 for the wheels, which were still in their shipping boxes.

An arrest warrant was signed for Walden, and he was arrested about 6 p.m.

# Commissioners seek nonurban site for state jail

**Under a legislative mandate, counties like Tarrant are being asked to donate land and utilities for a prison system.**

By STEFANI GAMMAGE KOPENEC  
Fort Worth Star-Telegram

FORT WORTH — Tarrant County commissioners said yesterday that they are exploring sites in nonurban areas of the county for a state jail that could hold at least 500 nonviolent felons.

The search is part of a state effort, mandated by the Legislature, to create a jail network of 22,000 beds within nine regions.

Commissioners would not discuss spe-

cific properties being considered for a prison. Under the legislative mandate, urban counties like Tarrant are being asked to donate land and utilities for the new jail system.

A minimum of 65 acres is needed for a facility, County Administrator G.K. Maenius said.

In a June letter to County Judge Tom Vandergriff, the chairman of the Texas Board of Criminal Justice said the facilities should be close to larger cities to reduce transportation costs and to aid community involvement in providing rehabilitative efforts, treatment programs, educational efforts and job opportunities.

Vandergriff said yesterday that although commissioners are considering possible locations, they may not submit a site.

"Unless we have a site with which we're completely comfortable, there's a real pos-

sibility that we would simply waive any right to submit a proposal for a Tarrant County site," he said. "We might ally ourselves with another location."

Officials from Breckenridge, about 90 miles west of Fort Worth, asked Tarrant County commissioners yesterday to support their bid for a state jail facility in Stephens County that would have up to 2,250 beds.

Although commissioners did not act on the request, they may take up the matter next week, Vandergriff said.

Commissioner J.D. Johnson said that the county does not own land suitable to donate for such a project but that it could sell some of its property and use the money to buy another site.

Commissioner Bob Hampton said sites being considered involve government-owned land in nonurbanized areas, but he

would not say where the properties are.

"We're not at all sure if we can make a case or a deal, if you will," he said. "That's the whole problem. It's not a matter of wanting to keep things secret, but until we have some ray of hope, I'd rather not aggravate people into thinking it's going to be in their back yard."

Johnson, who supports a state jail in Tarrant County because of the reduced cost of transporting prisoners and because of the potential boon to the economy, said he has looked at some sites outside Loop 820, which surrounds the city.

"We're looking in places that are out and away from neighborhoods and churches," he said. "I think they [residents] would rather see prison beds built than the prisoners running loose on the street, and that's, in essence, what we have today."



**Brian Salter, 21, was promised \$1 million to kill Caren Koslow, authorities say.**

# Grand jury reindicts two defendants in Koslow murder case

By **THOMAS KOROSEC**  
Fort Worth Star-Telegram

FORT WORTH — A Tarrant County grand jury yesterday reindicted two defendants in the Caren Koslow murder case after prosecutors decided that they needed to allow for questions about which of two wounds caused her death.

Prosecutors said they sought changes in the indictments to avoid contending with a defense argument raised earlier this month in the capital

murder trial of Jeffrey Dillingham.

Dillingham, 20, of Aledo was convicted and sentenced to death for his role in the March 1992 slaying of Caren Koslow, 40, a wealthy, socially prominent west Fort Worth resident.

Authorities allege that the victim's stepdaughter, Kristi Koslow, 18, enlisted her boyfriend, Brian Salter, 21, of Fort Worth and Dillingham as assassins in a murder-for-hire scheme. Dillingham said in his confession that

(More on KOSLOW on Page 20)



**Authorities accuse Kristi Koslow, 18, of enlisting assassins in murder-for-hire scheme.**

## Koslow

From Page 19

he and Salter were promised \$1 million to kill Caren Koslow and her husband, Jack Koslow.

The victim's husband, who survived, was beaten with a metal bar and cut in the throat during the early morning attack in the couple's elegant Rivercrest area home.

Indictments of Salter and Kristi Koslow, delivered by grand jurors in April 1992, allege that Caren Koslow was killed by a blow to her neck by a metal bar.

The new indictments repeat those allegations, but add that the knife wound could also have been the cause of death.

In Dillingham's trial, defense attorneys attempted to show that the knife wound, not the blow to her throat, caused her death.

"We're saying, it doesn't matter which was the fatal blow," Mayfield said. "Every witness said that either wound was sufficient to cause her death."

Mayfield said that in the Salter and Kristi Koslow cases, "the evidence is still the same. We are just saying that when it comes to the death blow, we don't care if it was the knife or the pry-bar."

Gary Medlin, Salter's attorney,

said, "It isn't unusual for prosecutors to put in multiple paragraphs to cover any number of fact situations. How that will apply to this case, I can't comment on that."

Medlin and state District Judge Bob Gill said yesterday that the Salter case is likely to go to trial at the end of September. The date, and whether the trial will be moved to another county because of pretrial publicity, are still under discussion, Medlin and Gill said.

Kristi Koslow's attorney, Tim Evans, could not be reached for comment.



# Cheers & Jeers



**Jeers:** To the pardons and parole office on McCart Avenue for keeping an innocent man in jail while another family goes on welfare. Jeers to the parole laws that presume a man guilty and require him to be jailed until innocence is proved.  
**Robyn Lee Boone, Fort Worth**

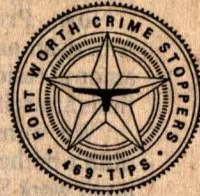
**Jeers:** To the Tarrant County Sheriff's Department guy who came to my apartment Aug. 18 and searched it without a warrant. You violated my civil rights.  
**Diane Willis, Fort Worth**

**Cheers:** To Tarrant County Deputy Sheriff Margie Salame of the DARE program. Her wonderful and informative presentation at our July Pack event was enjoyed by Cubs and adults alike.

**Cub Scout Pack 613, Fort Worth**

## CRIME STOPPERS' MOST WANTED

Felony warrants, valid as of September 2, 1993, are outstanding on the following suspects. If you see any of these suspects, call Fort Worth Crime Stoppers at 469-TIPS. You will get a cash reward up to \$1,000 if your tip leads to the arrest of a wanted suspect.



**CALLERS WILL REMAIN ANONYMOUS!**



**Gloria Ann Hall**

Charged With:  
Robbery by  
Threat.  
DOB: 1-5-63  
Age: 30  
Height: 5'5"  
Weight: 135  
Hair: Black  
Eyes: Brown  
South Carolina  
DL: 8531889



**Enrique Cholico  
aka: Enrique  
Cholicochavez**

Charged With:  
Robbery by  
Threat.  
DOB: 7-19-55  
Age: 38  
Height: 5'7"  
Weight: 180  
Hair: Black  
Eyes: Brown  
TX DL: 06097896



**David Lee  
Coleman**

Charged With:  
Aggravated  
Robbery--  
Serious Bodily  
Injury.  
DOB: 4-25-58  
Age: 35  
Height: 5'11"  
Weight: 155  
Hair: Black  
Eyes: Brown  
TX DL: 01651612



**Gumercindo  
Sanchez  
aka: Miguel  
Sanchez**

Charged With:  
Murder.  
DOB: 1-29-59  
Age: 34  
Height: 5'6"  
Weight: 190  
Hair: Black  
Eyes: Brown  
TX DL: 11829419



**John Anthony  
Maggio**

Charged With:  
Burglary of a  
Building.  
DOB: 3-30-67  
Age: 26  
Height: 6'0"  
Weight: 140  
Hair: Brown  
Eyes: Brown  
Tattoo: Star on  
right cheek.



**Bernard K.  
Jennings**

Charged With:  
Burglary, Motor  
Vehicle.  
DOB: 10-9-64  
Age: 28  
Height: 5'9"  
Weight: 155  
Hair: Black  
Eyes: Brown  
Tattoo: "B" on  
right forearm.



**Larry Gene  
Stevens**

Charged With:  
Auto Theft.  
DOB: 11-7-61  
Age: 31  
Height: 5'10"  
Weight: 165  
Hair: Brown  
Eyes: Blue  
TX DL: 09402985



**Michael Anthony  
Johnson**

Charged With:  
Burglary of a  
Habitation.  
DOB: 9-19-59  
Age: 33  
Height: 5'7"  
Weight: 150  
Hair: Blond  
Eyes: Hazel  
Tattoo: Leaf on left  
wrist.

**CALL CRIME STOPPERS, 469-TIPS**

Total arrests to date from tips to FW Crime Stoppers: 1,526  
Total rewards paid to date by FW Crime Stoppers: \$144,387.50

# Former sheriff in court

## Carpenter facing perjury charge

BY THOMAS KOROSCEK  
Fort Worth Star-Telegram

FORT WORTH — Don Carpenter is expected to return to court today to face trial on a felony perjury charge — the latest step in a special prosecutor's pursuit of allegations of misconduct by the former Tarrant County sheriff.

The charge of aggravated perjury stems from Carpenter's testimony in October 1991 before a grand jury investigating accusations that he took guns from the Sheriff's Department property room and falsified property room records.

Carpenter, 62, who lost the Republican primary in March 1992 and left office at the end of the year, was named in eight indictments last year charging him with official theft, misapplication of property, tampering with government records and perjury. All are third-degree felonies stemming from the allegations about missing guns.

Carpenter's attorneys are disputing all the charges. Carpenter could not be reached for comment.

Around the Tarrant County courthouse, most attorneys and officials had expected that the cases against Carpenter would languish and eventually be dropped after his election defeat and the loss of his \$74,000-a-year post.

But special prosecutor Galen Sumrow, who was appointed in September 1991 to pursue then-emerging allegations against Carpenter, said last week that he has never considered dropping the matter.

"Would that be fair to people who aren't public officials?" he said. "To me it is immaterial if he is in office or not. I just don't look at the position people are in before I go forward with a case. I don't care."

Last November, state District Judge Bill Burdock threw out on a technicality the first of the cases against Carpenter to go to trial, a charge of theft by a public servant. The .38-caliber derringer that Carpenter was accused of taking from the property room in 1987 and giving to County Commissioner J.D. Johnson was found to be worth less than \$200, which lowered the charge from a felony to a misdemeanor and placed the case outside the two-year statute of limitations for misdemeanors.

Sumrow, the Rockwall County district attorney named as special prosecutor by state District Judge Joe Drago III, said after the first trial that he would pursue the perjury charge next. Ten months later, that case is scheduled to go to trial in 371st District Court, where jury selection is expected to begin this morning.

"We knew this wasn't going to fade," said  
(More on CARPENTER on Page 16)

Joe Brent Johnson, one of Carpenter's four attorneys. "We knew another trial was a real possibility and it appears that judge is ready to move forward on these cases."

Johnson added, "Our position has always been he's not guilty of any of these charges. We'll be happy to get these cases over with. Beyond that we have no comment on the case."

Carpenter could not be reached for comment.

The aggravated perjury indictment quotes Carpenter as telling the grand jury on Oct. 30, 1991: "I never loaned any guns out to anybody, except law enforcement officers."

The indictment, handed down in May 1992, says that Carpenter's statement was false because he had given Johnson a gun from the property room.

Aggravated perjury is a third-degree felony punishable by two to 10 years in prison and a fine of up to \$10,000. Offenders with no previous convictions are eligible for probation.

Carpenter's attorneys have said in the past that they believe the perjury case is weaker than the one Burdock dismissed in November.

Carpenter, a former sheriff's deputy who rode a rising tide of Republican popularity to office in 1984, spent much of the final year of his eight years in the office on paid leave of absence after he was indicted in January 1992.

# Ex-sheriff's no contest plea ends two-year case

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

FORT WORTH — Former Tarrant County Sheriff Don Carpenter ended a two-year odyssey through the criminal justice system yesterday by pleading no contest to a misdemeanor charge of official misconduct.

The 62-year-old Carpenter, who faced eight felony charges stemming from allegations that he took guns from the Sheriff's Department property room and falsified records, agreed to a plea bargain that left him

to serve an informal 90-day probation.

"It's all over; we'll go home and go on with our life," said Carpenter, who lost the Republican primary in March 1992 under the cloud of the accusations and left office at the end of the year.

The former sheriff accepted a pat on the back from Dallas defense attorney Marc Richman and then shook hands with special prosecutor Galen Sumrow after the plea was entered before state District Judge (More on CARPENTER on Page 6)

## Bill Burdock

Only Carpenter, his wife, Weda; reporters; and attorneys working on an unrelated case were in the courtroom audience for the brief hearing.

"They couldn't drag me back into politics after this," Carpenter said, adding that he was going to "throw my hands up and holler" to celebrate putting the case behind him.

"It gets old," he said.

Under terms of the plea bargain, a third-degree felony charge of tampering with government records was reduced to a Class B misdemeanor of official misconduct.

Joe Brent Johnson, a Fort Worth defense attorney, asked Burdock to defer sentencing in the case and give Carpenter 90 days deferred adjudication, a form of probation.

"I would ask the court to consider that Don Carpenter has served as a law enforcement officer for 32 years," Johnson said. "He has devoted his life to law enforcement and he does not have a blemish on his record."

Johnson added, "It does not take much stretch of the imagination to imagine what he and his family have been through in the past year and a half."

Sumrow, the Rockwall County district attorney who was appointed in September 1991 to pursue allegations against Carpenter, did not challenge the request for deferred adjudication, which Burdock granted.

Sumrow, who first presented charges against Carpenter to a grand jury in 1991, agreed to drop six other third-degree felony indictments against him: one for aggravated perjury, one for theft over \$200, two for misappropriation of property and two for tampering with government records.

The prosecution had been ready to proceed yesterday on the perjury charge, which was set for trial.

Sumrow also agreed to drop his appeal of Burdock's ruling in November that threw out on a technicality the first case against Carpenter to go to trial, a charge of theft by a public servant.

The .38-caliber derringer that Carpenter was accused of taking from the property room in 1987 and giving to County Commissioner J.D. Johnson was found to be worth less than \$200, which lowered the charge from a felony to a misdemeanor and placed the case outside the two-year statute of limitations for misdemeanors.

Richman said after the plea was accepted, "The only reason they would agree to do that [drop seven felonies] is because there never was a tremendous amount of merit in those cases."

He said Carpenter agreed to plead no contest to one reduced charge because "he is an old man, he's retired, and he just wants to be left alone."

Richman continued, "We'd try them, but it's just too hard physically on him."

Sumrow said: "I felt we served the best ends of justice. . . . This man is not a threat. The likelihood of him committing these offenses again is very remote. It is time to close the book and move on to something else."

He said Carpenter's age, his having retired and moved to Wise County, and the age of the cases all influenced his decision to strike a plea deal.

"Hopefully, we made some impact on officials; that is the purpose of our lawsuit," he said.

Sumrow said that although Carpenter was not harshly punished, he was made to resolve charges "that weren't just going to go away."

Reaction to the plea was mixed.

"How about that?" said Leonard Schilling, an attorney with the Tarrant County Deputy Sheriffs Association.

"I guess I don't have a comment," he said. "I guess justice is done. He's not the sheriff anymore, thank God."

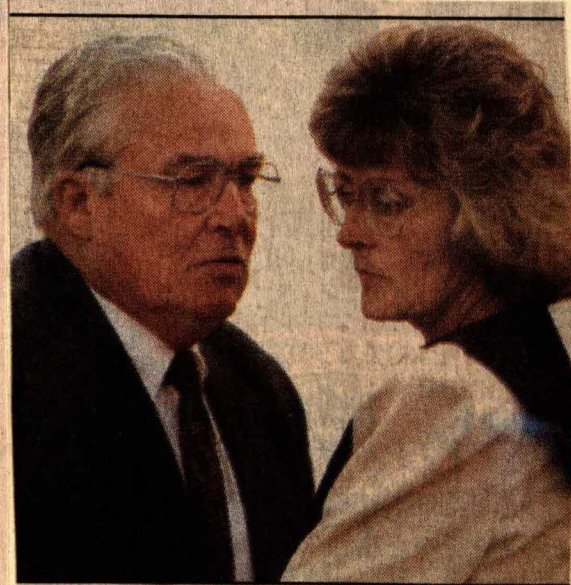
Schilling helped spark the investigation into whether weapons from the Sheriff's Department had been disposed of improperly.

Steve Hollern, chairman of the Tarrant County Republican Party said: "I think a lot of the things that happened, or whatever happened, was done inadvertently on the sheriff's part and they were unfortunate. I'm sure that under the circumstances he did what he felt was the best thing to do," in pleading no contest.

A longtime Carpenter critic, Marilyn Lowrie, who for years mounted a crusade to have Carpenter investigated, said the sheriff's punishment "may be enough for a man his age."

"I think him losing the election was a punishment to him," she said. "I think when the citizens of Tarrant County took that [power] from him, that was the punishment."

Staff writer Tim Sullivan contributed to this report.



Don Carpenter talks to wife Weda after getting informal probation.

## Ex-employee of Tarrant sheriff sues department, claims retaliation

Fort Worth Star-Telegram

FORT WORTH — An ex-Sheriff's Department employee filed suit yesterday against Tarrant County and Sheriff David Williams alleging that the department retaliated against her for filing a sexual harassment complaint.

Darla Silva, 30, worked in the Sheriff's Department for 2½ years primarily as a jailer, claims in the lawsuit that after she settled her harassment complaint late last year, the county did not abide by most of the provisions of the agreement. She also claims that the county has since actively retaliated against her.

The suit, which seeks unspecified damages, claims that the county wrongfully terminated Silva after

alleging that she had exhausted a medical leave. The suit said that the county would not sponsor her in a peace officer certification course and used the settlement against her when she sought reinstatement this year as a jailer.

"It's my understanding she was not accepted for re-employment because she had a very, very poor attendance record," Williams said. "There's no retaliation."

Assistant District Attorney Ann Diamond said that although she had not seen the lawsuit, she doubts the claims.

"I really don't think the county has wronged her in any way," Diamond said.



# Baseball president buys Koslow home

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

FORT WORTH — In a transaction arranged well out of the public eye, businessman Jack Koslow has sold the elegant 2-story brick house where his wife was murdered in spring 1992.

Deed records show that Dr. Bobby Brown, president of baseball's American League, purchased the house at 4100 Clarke Ave. on Sept. 1.

Although selling prices are not typically recorded, documents on file show that Brown took out a \$440,000, 15-year mortgage to purchase the house.

The Tarrant Appraisal District

had valued the home and property this year at \$333,000.

Brown, 67, a Fort Worth cardiologist and former professional baseball player, has maintained residences in Fort Worth and New York and is expected to retire from baseball at the end of this year. Reached in New York yesterday, he declined to comment on the purchase.

The stately house, which sits at the corner of Clarke Avenue and Washington Terrace at the edge of the monied Rivercrest neighborhood, became an object of intense curiosity after Caren Koslow, 40, was bludgeoned to death and her throat slit in the upstairs master bedroom in March 1992.

In one of Fort Worth's most highly publicized crimes in a decade, assailants pried open a back door, forced the Koslow couple to lie at the foot of their bed and then beat and slashed them.

Jack Koslow, a former banker who now owns a Fort Worth building supply company, survived the attack.

Last month, a Wichita County jury found Jeffrey Dillingham, 20, guilty of capital murder in the case. Prosecutors presented evidence that Dillingham and Brian Salter, 21, murdered Caren Koslow in return for a promise of \$1 million from the victim's stepdaughter, Kristi Koslow.

Dillingham, a former video store

clerk, was sentenced to death. Kristi Koslow, 18, and Salter are awaiting trial.

Jack Koslow, who has not publicly commented outside the courtroom on any aspect of the case, could not be reached for comment yesterday.

He testified at Dillingham's trial that he and his wife had the house built in 1987.

A real estate agent who requested anonymity said that the house was not placed among commonly used multiple real estate listings. The agent said the transaction appears to have been worked out between the buyer and seller without the help of an agent.

## Deputy put on leave after complaints

Fort Worth Star-Telegram

FORT WORTH — A Tarrant County sheriff's deputy who was reassigned last month after news reports regarding his involvement in a freeway shooting incident in California 18 years ago has been put on administrative leave with pay after two female deputies filed a complaint, officials said yesterday.

Lt. Richard Bivins was put on leave Tuesday, the same day that the complaint was filed, said Sheriff David Williams. Williams declined last night to discuss the nature of the complaint because of an ongoing in-

(More on BIVINS on Page 36)

## Sheriff's deputy gets fired

### Sheriff says Bivins failed trial period

BY THOMAS KOROSEK

Fort Worth Star-Telegram

FORT WORTH — Lt. Richard Bivins, whose nearly four months with the Tarrant County Sheriff's Department has been paved with controversy, was fired yesterday.

Tarrant County Sheriff David Williams said in a prepared statement that Bivins failed his six-month probationary period; the sheriff provided no other details.

"The six-month probation period that applies to all entering employees is for the purpose of allowing department heads to evaluate the performance and progress of new personnel," Williams said in the statement.

"After a careful review, it was determined that Lt. Bivins should not be retained as a Tarrant County deputy sheriff. This discharge should not be taken as a reflection on Lt. Bivins' qualifications, and we wish him the best in his future endeavors."

## Bivins

From Page 29

ternal investigation.

The investigation began yesterday, Williams said. "It's something I want to be addressed in a timely manner."

Bivins could not be reached for comment last night.

Williams had reassigned Bivins Aug. 6 to a nonpeace-officer status while the state determined whether Bivins' conviction in California makes him ineligible to be a peace officer.

Bivins, 46, was instructed not to carry his pistol or wear his badges or uniforms.

Bivins' assault charge stems from

a tailgating altercation with another motorist while he was an off-duty Los Angeles County sheriff's deputy, according to a Los Angeles County district attorney's report, which was made a part of the criminal court record.

Although the cars never made contact and no injuries were reported, the incident ended when Bivins fired three shots into the other car, the report says. A jury found Bivins guilty of felony assault with a deadly weapon in 1975.

However, Bivins' charge was filed as a misdemeanor a year later after he completed his probation under a unique California law. The case was later set aside.

Texas law states that a peace officer cannot have a felony conviction regardless of whether the sentence of probation was assessed, the

charges dismissed or the person pardoned, said Wayne Green, an investigator with the state law enforcement standards commission.

Bivins, a \$31,000-a-year, non-civil-service employee, was hired in June to do special projects for the sheriff's department. He has said that he told Williams and the state licensing agency about his conviction when applying to work in Tarrant County. He said that he is eligible to be a Texas peace officer because the California conviction was reduced to a misdemeanor and later set aside.

Bivins' conviction was not the only unusual aspect of his hiring.

The department psychologist recommended after a psychological examination that Bivins not be hired as a peace officer but instead as a jailer, Bivins said. Williams said he hired Bivins after having him take a second examination.

County Personnel Director Gerald Wright said Bivins' case was the first time he could recall that a department psychologist's recommendation was ignored.

# Salter pleads guilty

## 21-year-old gets life in Koslow murder

BY THOMAS KOROSEK  
Fort Worth Star-Telegram

FORT WORTH — Brian Dennis Salter, the former fiance of Kristi Koslow, pleaded guilty to capital murder yesterday in exchange for a life sentence in the fatal beating and throat-slashing of Koslow's wealthy stepmother.

Tarrant County prosecutor Alan Levy broadly hinted after the plea was entered before state District Judge Bob Gill that a similar deal won't be offered to Koslow, 18, who is awaiting trial on a capital murder charge. She is accused of masterminding a murder-for-hire scheme and faces the possibility of a death sentence if convicted.

"I can tell you right now, I anticipate there will be a trial," Levy said.

Salter agreed as a condition of his plea to testify against Koslow and provided a 23-page statement detailing the planning and execution of the crime.

Tarrant County prosecutor Robert Mayfield said Salter passed a lie detector test on the statement's contents.

"The prosecution has to feel pretty strong about their case against Kristi now," said defense attorney Stan Hatcher, one of Salter's two attorneys.

Salter, 21, of Fort Worth, acknowledged entering the posh west Fort Worth home of Caren Koslow on March 12, 1992, and killing her while robbing her and her husband, Jack Koslow, who was beaten in the attack but survived.

Under his capital murder life sentence, which the judge will not approve until after Kristi Koslow's trial, Salter must serve 35 years before he will become eligible for parole. He would have faced the possibility of a sentence if he had gone to trial.

"Very thoughtful and careful consideration was made over a great deal of time," said Salter's other defense attorney, Gary Medlin. "Certainly the status of the evidence and the outcome in Wichita Falls had something to do with it."

Salter's accomplice in the killing, Jeffrey Dillingham, 20, of Aledo, was convicted of capital murder in August and sentenced to death by a jury in Wichita Falls, where the case was moved because of publicity in Fort Worth.

Mayfield said there was not "a whole lot of downside" for the prosecution in offering the plea. There is no chance of appeal, he explained, and it can be withdrawn if Salter does not cooperate fully.

A similar offer was made to Dillingham and rejected, Levy said.

Levy said the Koslow family was "consulted about the entire situation."

"They know what our options were, and I think they understand our position," he said. "They were here today."

Caren Koslow's sister, Cynthia Siegel, and three other relatives left the courtroom without comment. Salter's father, Steven Salter, an accountant, and other relatives also declined to comment.

Besides the families, only a detective, an investigator and members of the news media were in the courtroom audience during the morning proceedings.

Salter, who appeared in court in jail blues, was accused of carrying out the murder plot with Dillingham, a one-time honor student, for what authorities said was the promise of \$1 million from the \$12 million Kristi Koslow expected to inherit from the deaths of her adoptive father and stepmother.

As the plea was entered, Salter took the stand and answered several questions from prosecutors.

"Was property taken from the Koslow residence pursuant to the plan to rob and murder Jack Koslow and Caren Koslow?" Mayfield asked.

"Yes," said Salter in a clear voice.

"Is it true that you helped to plan, along with Jeffrey Dillingham and Kristi Koslow, the murder of Caren Koslow?"

"Yes," Salter said.

Kristi Koslow's defense attorney, Tim Evans, said yesterday that the plea agreement did not surprise him. He quickly discounted Salter's potential testimony.

"Human experience teaches us to expect that a person caught in wrongdoing will attempt to blame others," Evans said. "When you threaten that person with death, the expectation becomes a virtual certainty."

Evans also took issue with prosecutors' discussion of Salter's lie detector test. "The reason polygraph results are inadmissible in court is because they are so unreliable. The only reason a prosecutor would ask about them during a plea of guilty is so he can publicize something he can't bring up at trial."

Evans said he was disturbed that such "dangerously unreliable methods" would be used to "poison the minds of potential jurors in this community."

Participants in the case have discussed the possibility of a trial date in January for Kristi Koslow, who



**Brian Salter:** Pleaded guilty to Koslow murder in a plea bargain

has been held in lieu of \$350,000 bail since her arrest March 25, 1992, but no trial date has been set.

Prosecutors revealed yesterday that Salter, who attended Brewer High School and All Saints Episcopal School, both in White Settlement, had held himself out to friends as Koslow's fiance. "I think the wedding plans are off," Mayfield said.

Salter's statement, which by agreement among the attorneys was not put in the court record or made public, discusses Kristi Koslow's role in the case at length, his attorneys said.

"He is anxious for the complete story to come out," said Medlin, declining to discuss specifics of the statement.

15 September 1993

MEMO TO: CHIEF HANK POPE  
FROM: FLOYD CLARK, 1491  
Release Officer

As a writer of some merit, and an elected representative of TCCC, first shift, I would like to take this means to respond to the "coward" who channeled his unsigned epistle with its blistering and surreptitious attack on our chaplain via the suggestion box.

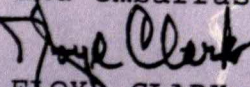
I write, not merely in defense of Reverend Atwell for I feel he answered the writer quite definitively; but, trying to understand such an individual (who surely must be suffering from a psychological malfunction of his mental mechanism by stooping to such depths of personal assailment in expressing his own interpretation of English composition) is beyond all comprehension.

It is quite evident this individual does not "live in a glass house," and is unfamiliar with the manners of protocol that designate the method of professional courtesy to be used in debating an opposing concept.

Nevertheless, the personal assault on our "Man of the Cloth," was not only insipid but unwarranted. Chaplain Atwell's efforts, though maybe not in accordance with educational standards presently in place; nor, in line with the correct verbage of Webster or Funk & Wagnalls, are made to enlighten both the social and spiritual atonement of all who are employed within the ranks of the Tarrant County Sheriff's Department. Any person having difficulty with the philosophy generated in "THE SWORD," can rest assured Chaplain Atwell would be only too happy to expand on his ideas (whether accepted or not), without fear of reprisal, upon appropriate notice. I also believe he would welcome any assistance toward its content and publication.

Personally, from previous traumatic experiences, I had much rather have the sympathetic expressions from an impoverished heart, than the cold rhetoric of a Rhodes Scholar who would find it difficult to pen an expression of genuine emotion for fear of being criticized because of his inability to properly distinguish between a dangling participle and a prepositional phrase.

Again, this is an example where we all should feel the shame and embarrassment of such a letter and its content.

  
FLOYD CLARK, 1491  
First Shift

# Barracks reopen to county inmates

The Cold Springs Road facility is in use again to help meet the swelling population of Tarrant prisoners.

BY STEFANI GAMMAGE KOPENEC  
Fort Worth Star-Telegram

FORT WORTH — Two years ago, with a new county jail just opening, the jail barracks on Cold Springs Road were closed down and fell into disrepair.

But the crush of inmates has not abated, and this week prisoners are moving back into newly renovated living quarters at the medium-security facility.

Freshly painted steel bunks and tables sat in the fenced jail yard yesterday as Sheriff David Williams inspected the barracks. Some of the nearly 100 prisoners who had already moved in watched color TVs, while others lay on their bunks or read the newspaper.

Other inmates were prepping the remaining four 48-bed units scheduled to be filled

by Monday. By then almost 300 prisoners will have moved in, helping relieve crowding at the downtown jails.

But because of the burgeoning population, Tarrant County's jail system is still out of compliance with state standards, a situation that Williams said has existed for several years.

"It's troublesome we're not in compliance," he said, "but I've got an obligation to the citizens to keep the jails open. It's more troublesome that the state is not doing what it's obligated to do, which is provide an adequate number of prison facilities."

Yesterday, the county's jail population neared 5,000, and 921 inmates slept on the floor, a Sheriff's Department official said. Among the inmates, 2,620 were felons awaiting transfer to state prison.

At the older jail on Belknap Street, inmates sleep shoulder-to-shoulder on the

(More on JAIL on Page 20)

floor. At the nearby Tarrant County Corrections Center, Williams has allowed 10 inmates to be added to each pod originally designed to hold 48 inmates.

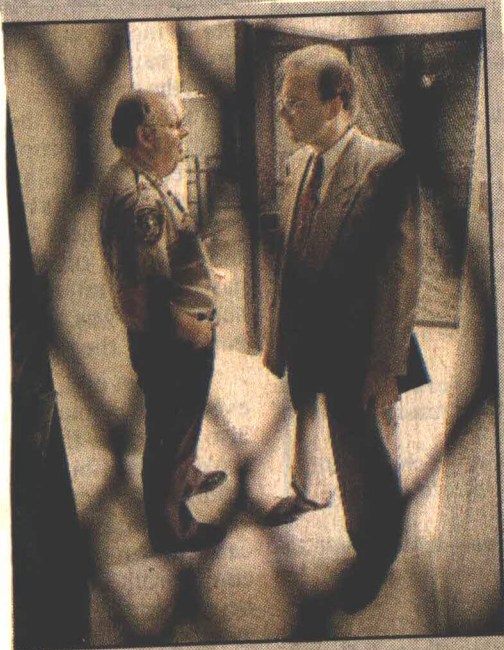
This week the Texas Commission on Jail Standards put off acting on requests from Tarrant County jail officials who wanted permission to put mattresses on the floor in the Corrections Center to cope with overcrowding and to mix different classifications of prisoners.

Robert Dearing, the commission's chief supervising jail inspector, said a misunderstanding in the wording of the county's request led to the delay in action.

Tarrant jail officials already are using mattresses on the floor, "but we can't grant them a variance for it," Dearing said. The jail will be cited for the violation, but it's a minor infraction "because it does not cause immediate harm to health and safety," he said.

The commission will continue working with local officials on the crowding problem, and Tarrant County has taken steps to deal with it, Dearing said, citing the temporary barracks and planned expansion of the Green Bay facility in north Fort Worth.

Williams said he is considering other options as well, such as transferring state inmates to other jails and erecting tents at the Cold Springs facility once the Green Bay expansion is complete and other jail space is full.



Sheriff David Williams, right, talks with Capt. Ralph Hayes in an occupied unit.



Inmate Steve Long sweeps dirt off bunk beds at one of the barracks units on Cold Springs Road.

# Scuffle injures 2 in courtroom

**An angry defendant protests his 99-year sentence and struggles with bailiffs, then is restrained and removed.**

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

FORT WORTH — Two courtroom bailiffs were slightly injured yesterday during a scuffle with a man who became belligerent when a jury sentenced him to 99 years in prison. The incident raised anew the issue of courthouse security.

Kevin White, 19, who was found guilty of murder Monday in the May 1992 shooting death of Marcus Taylor in Arlington, began talking to the jury after his sentence was pronounced yesterday morning, officials and witnesses said.

"He wanted to give the jury a piece of his mind," said Les Johns, White's attorney.

White stood and told the jury, "You all think you've done justice in this case. How many of you were raised in the black ghetto?" according to witness statements taken by the Tarrant County Sheriff's Department.

State District Judge Bill Burdock ordered White to sit down, but White refused, which prompted Burdock to call on the two bailiffs in the courtroom to take White from the room.

"He wasn't ready to go," Johns recalled. "When they grabbed him, he blew."

Hank Pope, a chief deputy sheriff, said witnesses reported that White, who is 6 feet tall and weighs 200 pounds, knocked one bailiff to the floor and knocked another against a wall.

White, who was dressed in street clothes for the trial, was not shackled, witnesses said.

A third bailiff quickly rushed into the court and, along with an investigator from the Tarrant County district attorney's office, restrained White as other bailiffs and security deputies poured into the near-full

(More on COURT on Page 20)

# Court

From Page 19

courtroom.

"I was worried he was going to get someone's gun," said Assistant District Attorney Suzanne Hudson, who ran from the courtroom to summon help. "It was a serious situation."

Once the officers had restrained White, Burdock asked him to remain calm, Pope said. But the convicted man started struggling again and yelled, "You don't care about me at all," according to witnesses' statements.

A team of jailers who specialize in handling unruly prisoners was called in to move White to the jail, Pope said.

One bailiff who restrained White received minor cuts and the other was bruised, Pope said. He said White was unhurt in the incident.

According to court records, White has been in custody since his 1992 arrest in the murder case and had been charged twice with aggravated assault on a peace officer while in jail.

Pope said that further aggravated assault charges will be sought as a result of the courtroom outbreak.

# Rival deputy groups struggle for power

By M.C. MOEWE  
Fort Worth Star-Telegram

FORT WORTH — A statewide law enforcement organization has disaffiliated the 870-member Tarrant County Deputy Sheriff's Association and recognized another group in a move unprecedented since the statewide group's formation in 1976.

On Sept. 22, CLEAT, the Combined Law Enforcement Associations of Texas, announced a new affiliated chapter, the Tarrant County Sheriff's Officers' Association. A CLEAT spokesman said that the group has already received 200 responses from deputies siding with CLEAT and the new local association.

The disaffiliated group is now counting ballots on a referendum on whether to rewrite the portion of its constitution that requires CLEAT affiliation. "Our constitution was written by CLEAT so that you had to have dual membership to belong to the association," said Deputy Mack West, president of the Tarrant County Deputy Sheriff's Association.

The results of the referendum are expected in the next day or so, West said.

At the heart of the power struggle is a question of who will collect fees and provide legal representation for the deputies.

Attorney Leonard Schilling, who worked three years for CLEAT, is acting as attorney for the disaffiliated group and is creating a plan that would allow its members to pay dues for legal services rather than paying CLEAT.

"I'm about to offer a legal plan that [CLEAT] can't compete with," Schilling said.

CLEAT President Ron DeLord says that Schilling is "greedy."

DeLord wrote in a letter to West: "I have witnessed many attempts by lawyers over the last 18 years to gain control of local associations by promising them they [the lawyer] could service the members if only the association would pay the lawyer the dues. . . . I am sorry that the Board of Directors of the Deputy Sheriff's Association decided to pursue this path."

Schilling counters that DeLord is

the one with a paramount concern for money. "I think Mr. DeLord should look at himself and then he'll see a greedy lawyer," Schilling said.

In the middle of the dispute are several hundred deputies who are now being bombarded with accusation-riddled propaganda from both sides. Both groups are established to protect the interests of law officers, including fighting for better job conditions, pay raises and providing legal assistance.

The Tarrant County association was one of about 80 groups that make up the statewide organization, DeLord said.

CLEAT, the largest law enforcement organization in the state, collects \$17 a month from each member. The county association collects \$3 a month.

DeLord says that he kicked the Tarrant group out of his organization because Schilling and others held "secret meetings" plotting to form another statewide deputies association. He said that it is the first time his group has ousted an association.

West said that there have been no secret meetings.

Schilling said: "This whole issue is blown way out of proportion and all it is, is an issue of freedom of choice."

West said that the group needs a full-time attorney and should be able to make its own choice. The constitutional change would allow members to choose whether to belong to the association only, CLEAT only, or both.

Rank-and-file deputies have been hesitant to discuss the issue. Many expressed indecision and others said that they will stay with CLEAT.

"I'm probably going to go with the new association," said deputy D.B. Fleming, who has been with the department three years. "I've talked with the CLEAT lawyers on several occasions and they always find time to help you. I'm happy with them."

Most of the undecided deputies interviewed said that they're going to wait and see what happens. "I think it will all come out in the wash," said one deputy.

Staff writer Jack Douglas Jr. contributed to this report.

TO: ALL TCCC FIRST SHIFT EMPLOYEES  
FROM: FLOYD CLARK, 1491  
DATE: 01 OCTOBER 1993  
SUBJECT: SECOND NON-SUPERVISORY MEETING

AS YOUR REPRESENTATIVE, I WISH TO KEEP YOU INFORMED AS TO THE PROGRESS OF THE SECOND NON-SUPERVISORY MEETING HELD SEPTEMBER 30TH.

ONE TOPIC FROM THE FIRST MEETING THAT IS OF CURRENT INTEREST: CHIEF POPE ADVISED THAT IDENTIFICATION CARDS WILL AGAIN BE ISSUED TO ALL LICENSED PEACE OFFICERS. THIS PROCEDURE WILL BE INSTIGATED AS SOON AS AN APPROPRIATE SCHEDULE CAN BE ARRANGED.

OTHER TOPICS DISCUSSED CONSISTED OF HEALTH CARE INSURANCE, STANDARD OPERATING PROCEDURES, AND A RE-STRUCTURING OF THE PRESENT PROMOTIONAL PROCESS. CHIEF POPE STATED HE IS STUDYING THE ADVANCEMENT PROCEDURES PRESENTLY IN PLACE AT TRAVIS, BEXAR AND HARRIS COUNTIES, TO SEE IF SIMILAR METHODS COULD BE ADAPTED IN TARRANT COUNTY. SUCH A SYSTEM WOULD INCLUDE, BUT NOT LIMITED TO, A POINT SYSTEM BASED ON LONGEVITY, ELIGIBILITY, EDUCATION, AND TALENT; THEREBY, FULFILLING THE CAMPAIGN PROMISE OF SHERIFF WILLIAMS TO SEEK OUT PROVEN AND HIGHLY SKILLED PROFESSIONALS FOR SUPERVISORY POSITIONS.

I WANT EACH OF YOU TO KNOW I APPRECIATE YOUR INDIVIDUAL CONCERNS, SOLICIT ANY AND ALL SUGGESTIONS, AND PROMISE MY UNWAVERING SUPPORT TO INSURE A MORE PRODUCTIVE DEPARTMENT.

FLOYD CLARK, 1491  
RELEASE OFFICER, 1ST SHIFT.



# SOUTHWESTERN LAW

Official Publication of the

Law Enforcement Officers  
Association of Texas



## Key Sheriff Backer Got Gun, Badge

By Max B. Baker

Fort Worth Star-Telegram

A Tarrant County Sheriff David Williams deputized his largest campaign contributor and issued him a pistol-grip shotgun and sheriff's badges, although the contributor did not have the legally required training, according to internal memos and interviews.

Before a sheriff can legally deputized someone, that person must receive state-mandated training and be licensed, state regulators say.

Williams commissioned Ed Max, who with his family

donated \$55,000 to the sheriff's campaign, 10 days after taking office Jan. 1, according to Chief Deputy Hank Pope. Max, 64, has received none of the state-mandated training and is not licensed.

Max said recently that earlier he returned the Sheriff's Department equipment, which included a bulletproof vest, an identification badge and card. He said he will return a portable police radio and keys soon.

Max said recently: "I don't know whether we are

right or wrong. If we are wrong, we're wrong. If we get the determination from [Tarrant County District Attorney] Tim Curry, and he determines we are wrong, we are going to admit it."

"But I didn't go down there and stick [a] gun to anybody's head to give me all that stuff," he said.

Most of the equipment was issued over a six-month period, according to documents and interviews. Max returned it after inquiries by Fort Worth Star-Telegram.

Recently Williams asked Curry if it is legal for Max to have the items.

Curry said his department is reviewing the situation.

"I think Ed Max is a sincere person . . .," Curry said. "They are not lawyers and I don't think they intentionally meant to violate the law."

"In the old days, this used to go on all the time," Curry said.

Revelations about the equipment have raised concerns from a state commission and at least two members of the Tarrant County Commissioners Court.

It is not unusual or improper for a sheriff to have civilian staff members, and it used to be a common practice to deputized freely, said Wayne Green, an investigator for the Texas Law Enforcement Officer Standards-Education Commission.

However, Green said, the state requires 400 hours of training for deputies and 145 hours for reserve deputies to be licensed and commissioned.

Max said, he has not received any of the state-mandated training. There is no record of a commission for Max on file in the Tarrant County clerk's office as required by law. Max said that a commission exists.

The state panel plans to review the case within a few weeks, said Fred Tyler, executive director.

Williams, a former Haltom City detective, said he deputized Max after consulting with his chief deputies.

"I think way too much is being made out of this," Williams said.

But in his July 23 request to Curry, Williams wrote, "There may be legal issues about my right to issue certain items from the Sheriff's Department inventory to Ed Max, who I have assumed was a valid, unpaid deputy."

"Until your opinion is received, Mr. Max will not engage in law enforcement activity," Williams wrote.

Max said he never wore he metal badges, that he kept the shotgun in the trunk of his car, and that he never performed the duties of a peace officer when he rode with Williams or other deputies.

The shotgun given to Max is assigned to Howell wrote in a memo that he believed that Max had on year to be certified. Howell also wrote in the memo that he would provide Max with some firearms training, at no cost to the county.

"Because of his age and lack of knowledge of firearms, I wanted him to become familiar with the shotgun (a confidence-builder) before advancing to a handgun," Howell's memo states.

Max's business interests have included auto salvage yards, real estate and automobile-related firms. He was involved in politics as a young man in the 1940s and 1950s, and he re-entered the arena during the 1992 sheriff's race.

He and his family contributed about 46 percent of Williams' \$120,000 campaign for sheriff.

Through the Ed and Catherine Max Foundation, a nonprofit group, Max has also donated sniffing dogs for a new department canine unit.

Two Tarrant County commissioner expressed concern.

"It certainly is unfortunate that his associates would even put him in a position that was improper or illegal," County commissioner Dionne Bagsby said.

" . . . it is extremely important, if he is going to be an effective law enforcement officer for this county, that he separate his political relationships from his professional duties.

Commissioner Marti Van Ravenswaay said: "Certainly, there is room for concern when the laws are not being complied with."

There are reasons for people to be properly trained and law enforcement personnel knew that. So I'm surprised it was not more carefully thought out before any deputizing was done," she said.

# Lawyers say DWI Arrest of Sheriff's Captain was a Setup

By Kathy Sanders

Fort Worth Star-Telegram

FORT WORTH- A Tarrant County sheriff's captain, suspended recently after being arrested on suspicion of drunk driving, was reinstated after officials were informed that no charges will be filed in the case, authorities said.

But attorneys for George Wendell Campbell, 64, said that they believe the recent arrest by a deputy sheriff was a "setup" by members of Tarrant County Sheriff David Williams' administration in effort to get rid of Campbell.

Williams did not return phone calls seeking comment, but his chief deputy dismissed the allegations against Campbell.

Campbell's attorneys said they are asking the Texas Rangers to investigate the incident.

Campbell was one of three chief deputies from former Sheriff Don Carpenter's administration who were fired by Williams shortly after he took office Jan. 1. After mediation the three were rehired at lower ranks and less pay.

"They took and set up and old-time captain and did a poor job of it," said defense attorney and City Councilman Jim Lane. "I think they're still trying to get rid of these three officers."

Leonard Schilling, a lawyer with the Combined Law Enforcement Associations of Texas and a former police officer, said: "This is scary. This is the scariest thing I've seen in 16 years of being a police officer."

Campbell, 64, said his county-issue car, keys and credentials were returned and he was ordered to return to work at 7:30 the next morning by Chief Deputy of Operations Pat Howell.

Howell said that Campbell's attorneys "can allege all they want to allege. We haven't done anything but follow the letter of the law."

Lane contends that a blood-alcohol test taken at Harris Methodist Fort Worth hospital about three hours after the arrest showed that Campbell's level was .01 percent, far below the .10 percent level at which a person is considered intoxicated under Texas law.

He said the hospital document and test shows that Campbell wasn't intoxicated when he was stopped.

Howell declined to comment on the blood test results, saying he has not seen the test document and knows nothing about it.

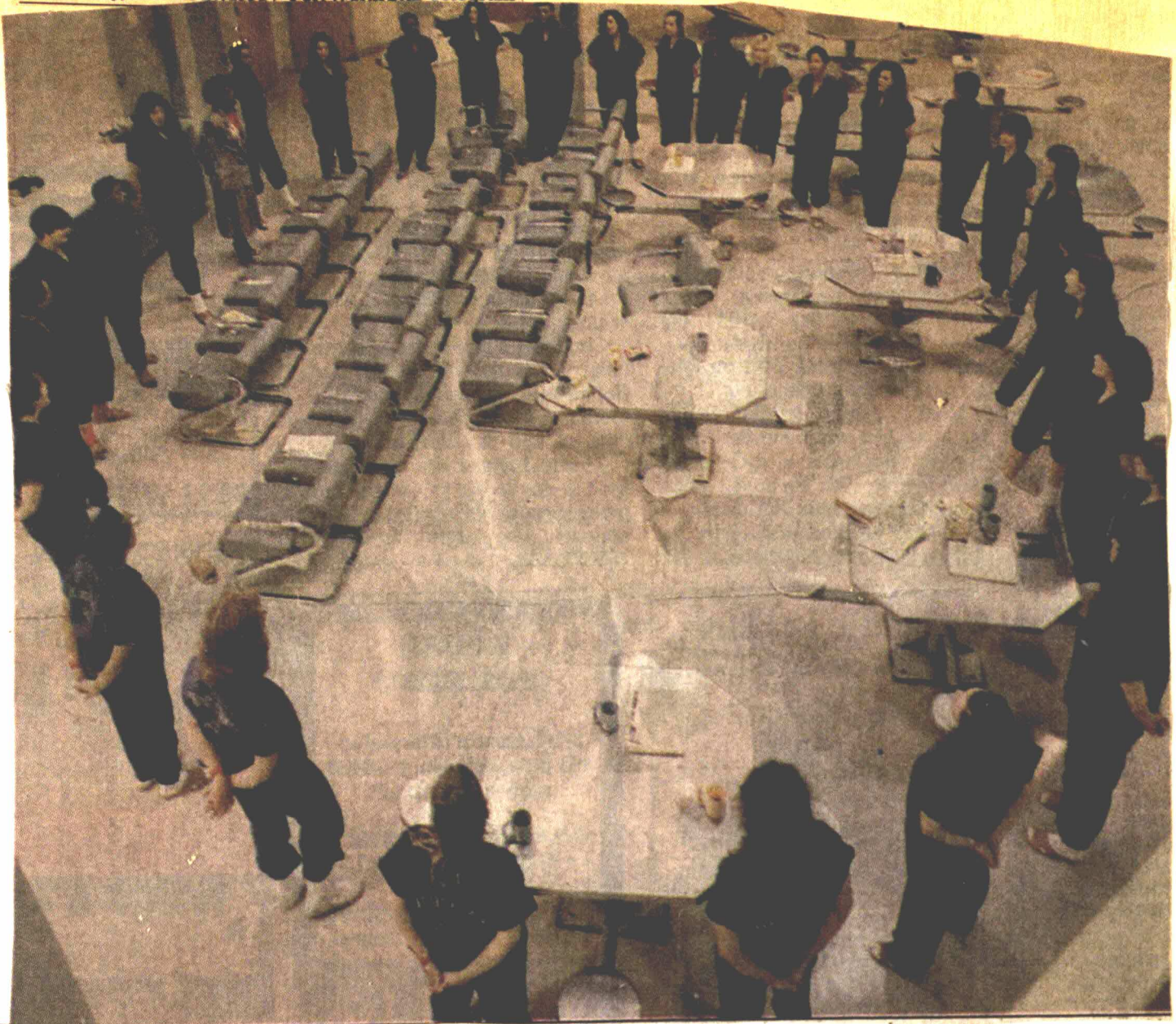
Lane and Schilling contend that Bell had been following Campbell since the captain left the golf tournament.

"I think they were tailing him and they were going to get him," Lane said. "A mistake? I don't think so. I think it was a set-up."

Lane also said that a notice of suspension was signed by Lt. Pat Byrnes at 10:10 p.m. - six minutes before Guthrie said that Campbell was arrested.

Howell said he didn't know the exact times. He said he didn't call Byrnes about the suspension until Campbell declined to take the breath test at the jail.

When asked about the possibility of an outside investigation, Howell replied, "When you haven't done anything, there's no need to be worried. But whenever they start talking about the Texas Rangers, like that isn't going to scare me."



Women in the Tarrant County Corrections Center gather in a family circle in a vast, echoing day room.

Fort Worth Star-Telegram / PAUL MOSELEY

## Seeking freedom from drugs, alcohol

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

FORT WORTH — They recite their lessons, relate their life stories and hope it will do them some good because, as one offender with 25 arrests put it, "we've had enough of jail."

In a vast, echoing day room on the 13th floor of the Tarrant County Corrections Center, 48 women have enlisted in a quiet

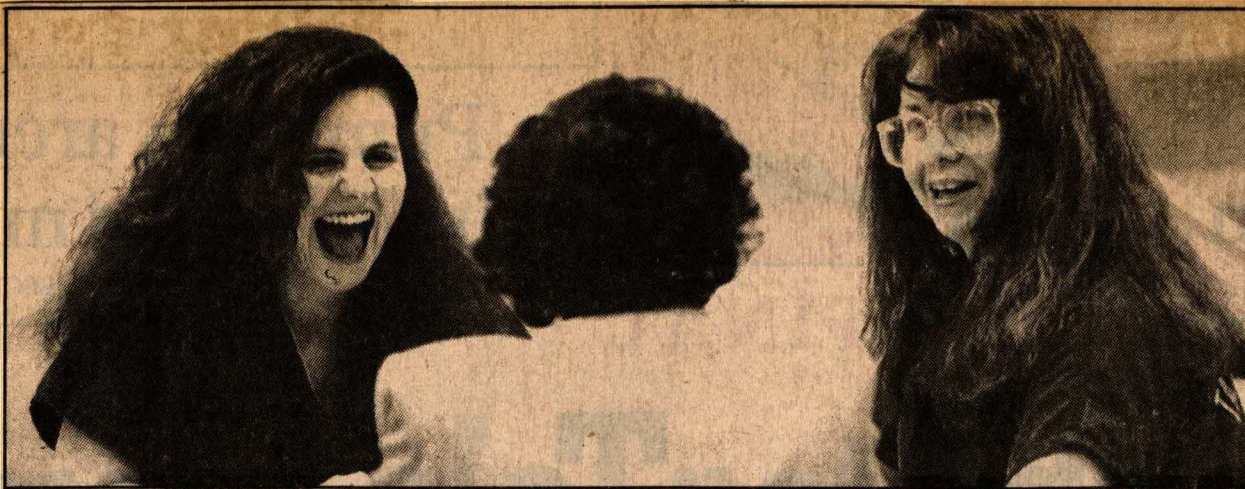
experiment in jail house drug and alcohol treatment.

With the help of a state grant, their 2-story pod of cells has been transformed into what substance abuse specialists call a therapeutic community: a place where treatment is as much a part of daily life as the locked doors, the jail guards and the refracted daylight filtering in from windows above the adjacent exercise room.

"There are a lot of hard-core drug addicts in here, people who have lost everything," said Tracie Davis, 21, who was arrested last year on an armed robbery charge in Arlington and is awaiting trial.

"It's good to know there are other people who have been through it," she said. "It gives you hope that there are ladies who have gotten out of here, are now going

(More on PROGRAM on Page 2)



Fort Worth Star-Telegram / PAUL MOSELEY

**Tarrant County inmates Tracie, left, and Nancy, right, laugh with MHMR counselor Janell Felton.**

to their AA meetings or NA meetings, who are making it."

Lois Hill, 43, who has had 25 theft charges filed against her during the past two decades, tearfully explained that the program has forced her to face her 18-year addiction for the first time.

"I've been to prison," she said bluntly. "There's no rehabilitation in prison."

Tarrant County Sheriff's Department and program officials hope their effort, formally known as the Treatment Alternatives to Incarceration Program, will break the chain of drug or alcohol dependency and reduce recidivism.

"If you look at any statistic in the state, you'll see most crimes are substance abuse-related," said McKinley Knox, director of chemical dependency outpatient programs for Tarrant County Mental Health-Retardation Services.

According to a 1992 study, 46 percent of Texas homicides were found to be alcohol-related, one-quarter of property crimes and 13 percent of violent offenses involve drug use, and 41 percent of state prison inmates and 47 percent of local correction inmates were held for crimes directly related to substance abuse.

Of an estimated \$3.1 billion in expenditures for the criminal justice system in Texas, about \$1.1 bil-

lion is associated with alcohol and drug abuse, the state drug and alcohol commission study found.

Tarrant County's one-year test program, which began in March, is the only one of its kind in the state — a distinction made possible by the unique design of the jail, which groups inmates together with guards in larger housing areas called pods.

Other county jails in the state have various forms of drug treatment, but they do not immerse inmates in a full-time therapeutic community, Knox explained.

Drawing operating money from a grant from the Texas Commission on Alcohol and Drug Abuse, the Tarrant County program takes in one pod of women and two pods of men, 144 prisoners in all.

The jail provides the space. Tarrant County MHMR and Family Service, a nonprofit social service

agency, provide the counselors. Rick Barry, an assistant counselor from Tarrant County's probation office, selects the inmates.

Barry, a former policeman, said: "As a cop you cuff 'em and stuff 'em. In this line you have to go in with compassion and work with them."

In both the men's and women's pods, the program seeks volunteers who are expected to be released on probation or, if they have already been sentenced and are awaiting transfer to prison, will be released fairly soon.

Barry said he also tries to pick inmates who will be in the jail for at least 90 days, to give them adequate time in the program. But court dates and prison transfer schedules often conflict.

"Right now I have a waiting list of 75 men," Barry said. "That's at least a two-month waiting list."

Once in the program, the inmates

receive individual counseling, education aimed at helping them stay drug- or alcohol-free and group counseling in which participants are encouraged to confront each other's problems.

"They form the basis of their program and they run it," Barry explained.

Tarrant County MHMR counselor Janell Felton, who oversees the women's pod, said her group members work on building self-esteem and identifying what has happened during their lives.

"We end up talking a lot about sexual abuse, physical abuse, mental abuse, in addition to drug addiction," she said. "The people have a number of problems."

Inmate Nancy Hardy, 43, had her 10-year probation for two drug dealing charges revoked in March.

"A lot of the growth I've had

comes from sharing with other people," said Hardy, who was in jail awaiting transfer to prison. "Just to be able to talk about this is an accomplishment."

Hardy, a well-spoken mother of three children, said drug use for her amounted to little more than smoking marijuana in the '60s and experimenting with cocaine later.

"I was manic and not on medication, so when I started going through a divorce, I lost touch with everything," she said, sitting off from the center of the pod, where the rest of the women gathered at tables littered with playing cards and bags of rolling tobacco.

Hardy said she fell in with other drug abusers and started in on nearly eight years of drug abuse punctuated with five felony arrests and three convictions: two for delivery of controlled substances in 1988 and one for possession of a forged check in 1989.

"When I was out on probation I tried to clean up, but I went back to the same old places and lived with a guy who sold," she said. "We lived in pawnshops; I didn't have anything left."

Farrant County MHMR counselor Micky LaHue said that perhaps one in 10 of those like Hardy, with well-established drug dependencies, will come out of treatment the first time and never use drugs again.

"Another 30 or 40 will relapse but get back into treatment," he said.

"The 'industry average,' if you will, is that we're going to lose about 50 percent of them back to drugs."

Like other officials, LaHue said that even a slim success rate will pay for the program and save money in the long run, considering the cost of keeping inmates locked up.

Officials with the jail program say that, as it is running now, it may be extending the already long odds.

The grant, which was cut back Sept. 1, is paying for only one counselor per pod, with no support staff, Knox explained.

Also, since August, overcrowding has forced jailers to add as many as 10 unscreened inmates in each of the pods, which risks disrupting treatment.

Beyond that, because counselors have no say in when inmates come and go, many spend less time in the program than they need.

"Three or four months honestly isn't enough for many of them, but we try our best to get them hooked up in an outpatient program once they're released," LaHue said.

Despite the problems, the program deserves a chance, LaHue said.

"It's amazing to me that people we work with have been down to prison three or four times and this is the first time they've received treatment," he said. "They didn't even know they had a choice. They may not all leave here and become model citizens, but at least now they know there's a way to live without drugs."

# TARRANT COUNTY SHERIFF'S DEPT.

CONFINEMENT BUREAU  
CORRECTIONS CENTER

DATE: August 23, 1993  
MEMO TO: Correction Center Supervisors  
FROM: Major James White  
SUBJECT: Emergency Notification

1. In the event an emergency situation should arise within the Tarrant County Corrections Center, during other than normal duty hour, the following notifications should be made:

Primary: Captain Edward A. Hulvey  
237-4445 HOME  
794-6042 PAGER (He will notify)

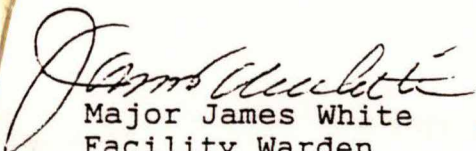
Secondary: Major James White  
536-6358 HOME  
794-9732 Pager

2. Should you be unable to contact either Capt Hulvey or Major White, the following personnel will be notified, and assistance requested:

Primary: Captain Ben Tahmahkera  
293-7692 HOME  
794-9641 PAGER

OR

Secondary: Major John Smedley  
531-3235 HOME  
794-9652 PAGER

  
Major James White  
Facility Warden

# TARRANT COUNTY SHERIFF'S OFFICE



## SPECIAL NOTICE

October 25, 1993

### TO ALL PERSONNEL:

Recently there has been a great deal of confusion regarding the Tarrant County Sheriff's Office 1993 Awards Program and upcoming Awards Banquet. This letter is intended to clarify the entire program and provide information to all concerned personnel. Please take time to read what is presented in this letter regardless of your personal feelings or perception of what the awards program is all about.

The awards program was originally conceived during the latter portion of the Carpenter Administration. However, when the idea of annual awards for Tarrant County Sheriff's Office employees was presented to Sheriff Don Carpenter by Chief Hamp Scruggs, Sheriff Carpenter denied the request. When the same idea was presented to Acting Chief Deputy, J.C. Minter in 1992 during Sheriff Carpenter's Leave of Absence, Chief Minter approved the complete awards program as presented by Chief Scruggs.

The First Annual Awards Banquet became reality in December 1992. The banquet and awards presentation culminated a year of dedicated planning, and a lot of hard work on the part of each and every committee member. As with any "first", a few minor problems were inevitable. Some complaints were noted in the area of food quality, entertainment (or lack thereof), location, and in suggested attire for the banquet. Some complaints were even noted in the realm of too many awards being given to employees of one Tarrant County Sheriff's Office Division. As with most "new and different" ideas, it was easy for many who had nothing to do with the arrangements to be the most critical. Irregardless, the awards and the banquet were accomplished due largely to the tireless dedication of a handful of people who believed in and desired something special for the employees of the Tarrant County Sheriff's Office.

Early in 1993, selection was made once again for members to serve on the Awards Committee. One representative from each Division was chosen in February to meet once a week throughout the year. Emphasis was placed on selecting persons who were not only willing to take on the thankless job of committee member, but who could be as fair and objective as possible in the selection of award recipients.



Week in and week out the members have tabled other duties and responsibilities in order to live up to the commitment made in February to the Awards Program. Throughout the year members have evaluated numerous nominees for awards ranging from the Commendation Bar to the Citizen's Certificate of Recognition. Currently well over 100 awards have already been given to deserving recipients of the Tarrant County Sheriff's Office in 1993 alone! In fairness to all the recipients, the Board agreed to present the award(s) to each recipient shortly after the vote, rather than giving out numerous awards during the banquet. This year, all award recipients will simply have their name and award category read aloud at the banquet as having received a 1993 award. This will substantially reduce award presentation time from that of last year.

One misconception abounding throughout the Department is that these awards are "rigged", or that certain people are being given preferential treatment. These presumptions are ludicrous! If you are in a mind-set that any award is pre-determined, you are very much mistaken! Every request for award consideration is taken very seriously with much discussion prior to the vote. Each committee member has the right to voice an opinion and cast a vote regarding each nomination.

As with last year, every employee of the Sheriff's Office has the right to nominate any co-worker, subordinate or superior for any award throughout the year. A list of awards and the respective criteria for each award has been circulated throughout the entire Department since February of this year. **THESE ARE YOUR AWARDS!!!** The committee is, and always has been, simply a vehicle for putting your nominations into action. As always, the weekly Awards Committee meetings are open to all employees, as are the minutes of all meetings conducted throughout the year.

This year's banquet will show many improvements in the areas of food and entertainment. Spring Creek BBQ will cater the event, followed by live entertainment compliments of numerous talented Sheriff's Office employees. A great deal of thought, programming, and negotiations have gone into providing the best possible product available at an affordable price. Our, or should I say, YOUR entertainment is being provided free of charge, even though many of our folks are customarily paid as professional entertainers. Your meal at \$12.00 per person and \$5.00 per child, is as reasonable as can be provided. Sokol Hall has also been retained at a very modest cost. In short, every effort has been made to provide you with the best possible banquet for the least amount of money.

Keep in mind that your Committee started this year on virtually a \$.00 budget. Every member has made a concerted effort to solicit businesses and individuals for contributions of both money and products. This has been necessary in order to pay for award related expenses (other than ribbons and certificates) and for door prizes to be given away to lucky ticket holders at the banquet. A lot of very generous citizens and organizations have donated a lion's share of money and giveaway items because they care about us. This is their way of thanking those of us in the law enforcement community for what they see as a job well done. If the citizens care so much, shouldn't we care just as much? Shouldn't we try to attend what promises to be a very special event to honor our own employees?

Some of the items already donated for door prizes are extremely impressive!  
For example:

- A redwood gazebo to be constructed on the property of your choice,
  - A set of redwood patio furniture for your backyard,
  - A \$500.00 fur coat (or leather jacket) of your choice,
  - A \$350.00 carved glass sculpture of an Eagle and American flag, and
  - A \$100.00 gift certificate from Ladd's Uniforms.
- There are many more, too numerous to list.

For those who may not have the details of this year's annual Awards Banquet, please note the following:

1. The Date - November 13, 1993
2. The Time - 7:00 P.M.
3. The Place - Sokol Hall, 6500 Boat Club Road  
(Intersection of Boat Club Road (F.M. 1220) and Cromwell Marine Creek, Fort Worth.)
4. The Cost - \$12.00 per adult; \$5.00 per child
5. The Caterer - Spring Creek BBQ
6. The Suggested Attire - After five; i.e. women in dresses, men in coat and tie.  
(However, any attire is acceptable if neat and clean - ironed jeans, western shirts, sport shirt and slacks, etc.) Tarrant County Sheriff's Office uniforms are also appropriate.
7. The Entertainment - Several very talented singers and musicians employed by our Department. Dancing also!! All entertainment follows the Awards Banquet.
8. The Alcoholic Beverage Policy - Alcoholic beverages will be available for purchase after the banquet, during the entertainment phase of the program.
9. The Tickets - Sold by any Awards Committee member. **NO BANQUET TICKETS WILL BE SOLD AT THE DOOR!!** You must be present to win any door prize unless you are on duty at the Tarrant County Sheriff's Office at the time of the drawings. If applicable, documentation from your supervisor of on-duty-status must be presented prior to receipt of any door prize.
10. The Door Prizes - Your banquet ticket automatically entitles you to door-prize eligibility. Extra door-prize chances will be available for purchase at the banquet for banquet attendees. The cost will be \$5.00 per chance or 3 for \$10.00.

**REMEMBER - These are your awards, your banquet, your prizes !!!!**  
A lot of people have worked very hard for a long time to put together something quite special. Show support for your friends, your co-workers, and your Department!  
Please contact Lieutenant Sue Maddock (extension 1273) or any Committee member if you have any questions, comments, suggestions, or are in need of tickets.

**SEE YOU THERE!!**

## JP dismisses case against officer who refused breath test

By STEFANI GAMMAGE KOPENEC  
Fort Worth Star-Telegram

FORT WORTH — A justice of the peace dismissed a case yesterday against a Tarrant County sheriff's captain that could have resulted in a driver's license suspension for his refusal to take a breath test after he was arrested on suspicion of drunken driving.

Pct. 4 Judge Jacquelyn Wright dismissed the case against Capt. George Campbell at the state's request after a five-minute administrative hearing.

Duane Thompson, driver's license examiner with the Texas Department of Public Safety, said the state does not believe the county had probable cause to stop Campbell on June 14 or sufficient evidence to deem him drunk. Campbell was never charged with drunken driving.

Campbell, who has been with the Sheriff's Department 16 years and learned last week that he has inoperable pancreatic cancer, attended the hearing and afterward expressed satisfaction with the state's findings.

But he said he intends to file a civil rights lawsuit against the department over its treatment of him.

"I was arrested and put in my own jail," Campbell said, pausing to regain his composure. "They were

(More on CAMPBELL on Page 27)

## Campbell

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wrong, and they won't get away with it."

Campbell, who is on medical leave, and his attorneys have contended that the arrest was a setup intended to get Campbell out of the department.

Campbell was suspended but reinstated three days later when the Tarrant County district attorney's office declined to charge him with driving while intoxicated.

Sheriff David Williams said yesterday that he disagrees with the state's finding.

"I believe the probable cause existed," he said. "Lt. [Ray] Bell's

statement from what he observed is ample probable cause. For George's sake, I'm glad the matter's over."

Bell followed Campbell's car from a golf tournament and told a deputy to pull him over because he was driving erratically, the arresting deputy said in an affidavit.

Williams sent a letter to DPS officials Oct. 21 asking that in view of Campbell's medical condition "no purpose would be served in pursuing his driver's license suspension." The letter reiterates the department's position that "ample cause existed for Captain Campbell's arrest."

Chuck Karakashian, DPS assistant general counsel, said Williams' letter did not figure into the state's decision.

"I guess the basis for our request is the arresting officer's affidavit that he didn't think there was probable cause to make the arrest," he said of a June 23 affidavit by Deputy Michael Guthrie.

Campbell's attorney, Jim Lane, questioned the timing of Williams' letter to the DPS, saying it came on the heels of a subpoena for yesterday's hearing. He said it appeared Williams didn't want to testify and that department officials could have taken the opportunity to disprove assertions of a setup.

"Now all this does is, in my opinion, put wood on the fire," Lane said.

Williams called Lane's assertion "hogwash" and said he was prepared for the proceeding. Williams said an internal investigation into Campbell's arrest is nearly complete.

# Group makes plans to picket Brosky's conspiracy trial

By THOMAS KOROSEC  
Fort Worth Star-Telegram

FORT WORTH — Leaders of an African-American group said they plan to fill a bus, travel to Galveston and picket the murder conspiracy trial of Christopher William Brosky next week.

The Rev. LeRoy Haynes, pastor of the Carter Metropolitan CME Church and a leader of the African-American Summit for Peace, Justice and Equality, said the group has hired a 47-seat bus to carry people to Galveston on Monday, when jury selection is scheduled to begin in Brosky's trial.

The group will picket, attend proceedings and spread word of the case to black leaders in Galveston and nearby Houston before returning later that day to Fort Worth, Haynes said.

"We expect to pick up African-American support there," he said.

Brosky, 19, of Dallas was convicted of murder in March as an accomplice in the drive-by shotgun slaying of Donald Thomas, a black warehouse worker, in Arlington on June 7, 1991.

The jury's decision to sentence Brosky to 10 years' (More on TRIAL on Page 28)

Telegram / Friday, October 29, 1993 T

## Trial

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probation sparked a public outcry that included a march of 10,000 people through downtown Fort Worth, a march organized by the Summit.

Days after the march, Tarrant County District Attorney Tim Curry announced he was seeking new indictments accusing Brosky of engaging in organized crime and conspiring to commit murder in Thomas' death.

The trial on those charges was moved to Galveston because of extensive pretrial publicity.

"We believe it was the intention of the defense to separate the com-

munity from the trial, so the dynamics would change," Haynes said. "We believe the outcry against the injustice that took place in this horrendous murder should ripple through Texas and the nation."

Haynes said the Summit bus riders will depart at 3 a.m. on Monday from Carter Metropolitan for the one-day trip to Galveston.

Haynes said he wants interest in the trial by Galveston residents to

pick up and continue once the Summit members return to Fort Worth.

"This case reflects the persistency of the community in not forgetting about the issue, in following it

through to the end," Haynes said.

He said he expects support from the Galveston chapter of the NAACP, which he described as "one of the strongest in the state."

# Parallels drawn in King case, Brosky trial

BY THOMAS KOROSK  
Fort Worth Star-Telegram

FORT WORTH — In a Richardson classroom, a group of students was listening to a reading about an African-American girl when one, a boy in combat boots, camouflage pants and close-cropped hair, stormed out of class.

"He wanted to make the point he didn't like blacks," teacher Denise Rooks recalled of Christopher Brosky at age 15. "He was a skinhead and that is what he thought."

Four years later, as he goes to trial a second time for his role in a hate-driven murder, Brosky's name has become synonymous with bigoted beliefs and the

(More on BROSKY on Page 29)



Christopher Brosky

## Brosky

From Page 1

wrenching issue of racial justice in the courts.

It has been so since March, when a Tarrant County jury gave the avowed white supremacist 10 years' probation after finding him guilty as an accomplice in the June 1991 murder of Donald Thomas, a black man, in Arlington.

Reaction to the sentence was immediate and intense.

African-American leaders organized a protest march of 10,000 people up Main Street in downtown Fort Worth. Texas lawmakers passed a state hate crimes law.

And Tarrant County District Attorney Tim Curry, whose office's handling of the case was widely criticized, took the unprecedented step of taking Brosky to trial on a second set of state charges in Thomas' death.

Tomorrow, in a Galveston courtroom, that second round begins.

The north Dallas youth faces charges of engaging in organized crime, a first-degree felony punishable by up to life in prison, and conspiracy to commit murder, a second-degree felony punishable by up to 20 years.

African-American leaders and others have equated the trial to the second Rodney King beating case in Los Angeles — as a chance to right a perceived miscarriage of justice.

"Justice for the death of Donald Thomas, as far as we're concerned, we're still looking for that," said the Rev. Michael Bell, a Baptist minister and head of a group of African-American preachers formed after Brosky's trial.

"A lot is hanging in the balance," said the Rev. LeRoy Haynes of the African American Summit for Peace, Justice and Equality, a group planning to travel by bus to Galveston to picket and draw local attention to the case.

"Probation for the murder of this man was a great injustice," said Haynes. "It must be corrected."

In court, there will be hints of the King case as well.

The 32-page questionnaire for jurors contains questions taken directly from the one used in the federal prosecution this summer of the white police officers who beat King. One question asks: "Do you agree or disagree that the riots in Los Angeles following the verdicts in the Rodney King case are the result of the deep frustrations and anger some African-Americans feel as a result of racial discrimination?"

The trial promises to be a clash of formidable legal talents, with Assistant District Attorney Alan Levy, head of the office's criminal section, leading the prosecution, and Ward Casey, a rough-edged advocate with a string of high-profile successes, heading the defense.

Prosecutors are expected to try to bring in new evidence turned up in their summer-long investigation of the neo-Nazi skinhead movement in North Texas and Brosky's alleged association with skinhead factions such as the Confederate White Vikings, Strike Force and the National Socialist Skinheads of Houston.

"We think we can talk about all of that in a conspiracy case," said Assistant District Attorney Marvin Collins, who along with prosecutor David Escobar will assist Levy. "This will be a different trial."

As in Brosky's murder trial, key testimony is expected to come from the gunman, William "Trey" Roberts III, 19, of Carrollton, who accepted a plea bargain in the spring for a 40-year prison term, and Joshua Hendry, 18, of Arlington, who drove the 1965 Mustang from which the single, fatal shot was fired.

Hendry accepted a plea-bargained 15-year sentence in juvenile court that he is now serving in an adult state prison.

The defense, meanwhile, is expected to try to pry holes in the conspiracy allegations and throw the focus back at the district attorney's office. In a motion pending before state District Judge Bill Burdock, the defense is asking that jurors hear about the first trial and the public outcry, then decide whether prosecutors are pushing a politically motivated case barred by legal protections against being tried twice for the same crime.

So far, Burdock, who will hear the case, and the Texas 2nd Court of Appeals have ruled against those claims.

In the middle of it all is Brosky, now 19, whom his own attorney has called "a spoiled brat" tied up in a group of "idiots with shaved heads and steel-toed boots."

Oddly, the public attention the skinheads attained in 1989 and 1990 during a federal prosecution of five members of the Dallas-based Confederate Hammerskins may have been what ended up attracting Brosky and his immediate associates to the movement, prosecutors say.

"He joined right around that time," said Escobar, who led the first Brosky prosecution.



Fort Worth Star-Telegram File / MILTON ADAMS

### Christopher Brosky confers with attorney Ernie Bates, right, in early August at a court hearing

A middle-class youth with a history of behavioral, drug and emotional problems who drifted away from school in the 10th grade, he was a typical recruit, skinhead experts say.

Born in Toronto, and still a Canadian citizen, Brosky moved to Dallas with his mother in 1986 after his parents divorced, juvenile records show.

His father is an accountant in the Ontario provincial government; his mother, a surgical nurse who took a job in a Dallas hospital and a one-bedroom apartment on the north side of the city.

With an IQ "at the lower end of the superior range," according to his psychological report, Brosky's school record is marked by references to his refusal to attend, his "failure to apply himself" and "his resistance to comply with rules and regulations."

"Chris has been able to pursue his own life from a very early age," juvenile authorities wrote in one report.

At Lake Highland Junior High School he was in a behavioral adjustment program, then moved on to Esperanza Academy, a now-defunct private school for teens

with behavioral problems. When he left there at the start of 10th grade, he left school for good.

Brosky, who has used drugs or alcohol since he was 12, was enrolled by his mother in several drug treatment programs over the years, including the St. Joseph Youth Center, which he attended for about two weeks before running away from the center in early 1989, juvenile records show.

The psychiatrist who evaluated him after his arrest in the Thomas case wrote in his report: "Christopher said he did not do much as a hobby. He said, 'I just drink.'"

It was at St. Joseph that he met Roberts, the gunman in the Thomas killing. Casey described Roberts as "the nicest sociopath you could ever meet."

Brosky had not yet shaved his head then, but he "was already talking the talk, racist stuff," Escobar said.

A few weeks later, the two made plans and met up in Deep Ellum, a section of clubs and all-round youth hangout near downtown Dallas. By then, prosecutors say, both had cropped their hair.

As skinheads, Roberts went in for street fighting, said Layne Harwell, Roberts' attorney, while Brosky

took a more bookish approach.

In court papers filed this month in the second trial, prosecutors contend that Brosky studied and distributed racist literature, including a publication named WAR, an acronym for White Aryan Resistance, put out by white separatist and former California Ku Klux Klan leader Tom Metzger.

The court papers contend that Brosky espoused beliefs in a white homeland and held a strong contempt for blacks and so-called race traitors — whites who associate with blacks.

At the time of his arrest, Brosky's upper arms were covered with tattoos — a pile of skulls, a bulldog, a Celtic cross, crossed hammers and a fist surrounded by barbed wire and flames.

On the night of Thomas' murder, Brosky wore a jacket decorated with a patch of the three-legged swastika, Roberts testified at the first trial. The emblem, used by white supremacist groups in South Africa, was the symbol of the skinhead group Strike Force, Roberts said, adding that he and Brosky belonged.

Roger Burns, the psychologist who evaluated Brosky after he was

arrested and detained by juvenile authorities, wrote in his report: "Christopher Brosky is an angry and hostile young man. . . . He expects the world to be predatory and he meets it at the same level."

On June 7, 1991, Roberts, Hendry and Brosky were surely predators, prosecutors say.

It began during an all-night session of "slamming beers" in the kitchen of Hendry's mother's Arlington home, authorities say. After more than a dozen beers each, Roberts suggested: "Let's do a drive-by."

The intended victim?

"I assumed it would be a black person . . . because we were all skinheads and we didn't like any non-whites, mainly blacks," Hendry testified at the first trial.

As the crime went forward, the new indictment alleges in step-by-step detail, Brosky played a supporting role:

- He helped carry Roberts' 16-gauge sawed-off shotgun to the car and push the car down the street.

- He confirmed Roberts' sighting of their potential black victim, Thomas, a 32-year-old warehouse worker having a few beers after work with some friends while sitting on the back of a parked flatbed truck.

- He handed the shotgun, which had a skinhead symbol carved in the stock, from the back seat to Roberts and said, "Shoot."

- He helped direct the getaway and hid evidence in a toilet back at the Hendry house.

As prosecutors attempt to prove those acts and convince jurors that Thomas' death was the product of a racially motivated "criminal combination," they readily admit they are facing a tough task.

"This is not a lay-down lawsuit," said Curry, to which Levy added, "It's a tough case, no question."

Casey, who in the first trial attempted to cast his client as a drunk and unwitting back-seat passenger, said that he was reluctant to discuss his defense strategy for the second trial.

"They're looking to haul in the Holocaust Museum," he said wryly. "I think we should at least limit it to hate crimes committed before Chris was born."

Meanwhile, in Arlington, Thomas' widow said that she is anxious for the trial to begin, and hopes it ends with Brosky "having to do some time."

"No matter how things turn out, you have to keep fighting for something you believe in," said Carolyn Thomas. "If you keep fighting, justice will be done, somehow."



Fort Worth Star-Telegram / RODGER MALLISON

**Lori Bible joins Sheriff David Williams at a news conference to urge passage of Proposition 14 on Tuesday's ballot. The proposition would authorize bond sales for more jail cells.**

## Victim's sister stumps for jail bond proposal

**Lori Bible says she believes her sister would be alive today if there had been enough room in prison for Kenneth McDuff.**

**BY MAX B. BAKER**  
Fort Worth Star-Telegram

The sister of a woman believed to have been killed by then-parolee Kenneth McDuff has urged voters to approve a constitutional amendment that authorizes the sale of \$1 billion in bonds to build more cells to hold the state's exploding prison population.

Lori Bible of Austin said she believes her sister, Colleen Reed, would be alive today if McDuff had

**ELECTION '93**

State Amendments

not been released, in part, because of chronic prison overcrowding. He was paroled in 1989 on his conviction in a 1966 Fort Worth murder.

Reed, an Austin accountant, was last seen alive at an Austin carwash in December 1991, and McDuff has been charged with abducting, raping and killing her. Her body has never been found.

"We have to approve these bonds so that Texas can build enough prisons and enough beds to hold these inmates," Bible said. "I don't want to see the people of Texas go

(More on BALLOT on Page 30)



# Ballot

From Page 25

through what my family has gone through."

Bible's news conference at the Tarrant County Jail was sponsored by the National Rifle Association, which is stumping statewide for the passage of Propositions 12 and 14 on Tuesday's ballot.

Early voting ended yesterday, and state officials have predicted as few as 7 percent of eligible voters would cast ballots, partly because there isn't an emotional issue galvanizing them. In Tarrant County, the early turnout was about 2 percent of the 635,000 registered voters.

But Bible was trying to pump passion into voters by linking the state's overcrowded prisons to her sister's death.

She spoke out for Proposition 14, which would allow the bonds to be sold to build state jails, which are cheaper than standard maximum security prisons and will add 12,000 beds for nonviolent offenders.

Bible also urged passage of Proposition 12, which would allow judges to deny bail to people on probation or parole who are charged with violent crimes. Civil liberty groups are concerned that innocent people

may be kept in jail.

"Let's talk about the victims' rights for a change," Bible said. "Maybe we can slow down these folks getting in and out and stop that revolving door."

McDuff has become a symbol to many of what's wrong with the state parole system. He was linked to Reed's disappearance and presumed death during his February capital murder trial in Houston, in which he was convicted and sentenced to die for killing Melissa Northrup, a Waco convenience store clerk.

McDuff committed that crime after being paroled in the 1966 slaying of Robert Brand, his cousin and a friend. McDuff had spent six years on Death Row for Brand's slaying when, in 1972, the U.S. Supreme Court ruled the death penalty unconstitutional. His death sentence was commuted to life in prison, and he was paroled in 1989.

Four years later, he is back on Death Row for killing Northrup.

"How he ever got out of prison is beyond me. Why a parole board member would vote to release him is beyond me," Bible said. "The system has failed us. It continues to fail us."

Tarrant County Sheriff David Williams also spoke for the prison bonds, saying that 2,800 of the inmates in his jail, or more than half

the population, are convicted felons for whom there is no room in state prisons.

"Texas can't win the war on crime if we can't take prisoners," he said.

Proposition 14 bonds would be added to a \$500 million prison bond issue that voters approved in 1987, the \$400 million in bonds that were authorized in 1989 and the \$1.1 billion that voters sanctioned in 1991.

Opponents of the prison bond issues have said that the state is spending too much on prisons and should be investing in alternatives such as drug treatment centers and halfway houses.

As 17 days of early voting ended yesterday, Tarrant election officials said that 11,486 of the county's 635,000 registered voters had cast ballots in person or by mail.

Arlington voters accounted for 2,973 of the early ballots cast in person. Residents of the city are being asked if they'd like to create a mixed form of council district government.

A \$60 million bond issue in Fort Worth is not generating a great deal of interest. At the 12 early voting sites in Cowtown, 3,578 ballots were cast in person. In Bedford and Euless, council elections resulted in 1,231 early ballots.

In Pantego a question about allowing bingo in the city limits attracted 62 ballots.

# D.P.S. said, "No probable cause" in Campbell case

An administrative hearing was held on October 27, in the court of Justice of the Peace Jacqueline Wright to settle the matter of the driver's license suspension of Tarrant County Sheriff's Department Captain George Campbell.

Campbell was stopped by Sheriff Department Patrolman Micheal Guthrie while driving home from County Commissioner J.D. Johnson's golf tournament on the night of June 14, 1993.

Guthrie was ordered to stop Campbell by Assistant Chief Deputy Lt. Ray Bell, who followed Campbell from the golf tournament. Bell claimed to have been watching the Lake Country Club Parking lot for car burglars. He also claimed to have had no knowledge that the car that he ordered to be stopped, belonged to Captain Campbell.

Campbell was arrested for Driving While Intoxicated. Campbell claimed that the arrest was a setup. He subsequently refused to submit to a breathalyzer test.

Once Campbell was released from jail, (two hours following his arrest) he went to Harris Hospital where he obtained his own blood test. The results of the test showed that Campbell was not legally drunk at the time of the test and that it was extremely doubtful that he was legally intoxicated at the time of his arrest.

The hearing was held to set-

tle the matter of whether Campbell's driver's license would be suspended as a result of his refusal to submit to a breathalyzer test.

As a result of the blood test, the Tarrant County District Attorney's Office refused to prosecute Campbell for driving while intoxicated.

and was diagnosed as having inoperable pancreatic cancer.

A subpoena was delivered to Sheriff Williams on October 19.

On October 21, 1993, Sheriff David Williams drafted a letter to Lt. Larry Cuny of the Department of Public Safety. The letter stated that the sher-

"I wanted my name to be cleared and to make sure that this doesn't ever happen to anyone else."

\* Captain George Campbell

Prior to the hearing 12 individuals were subpoenaed by Campbell's attorneys Leonard Schilling, Jim Lane and Bill Ray. They were ordered to attend the hearing and some were ordered to bring their cellular phone records with them. Campbell's attorneys believed that the cellular phone records could prove that Bell was not alone in his decision to have Campbell arrested.

Among those Subpoenaed were Sheriff David Williams, Chief Deputy Pat Howell, Lt. Ray Bell and Ed Max, William's chief campaign contributor.

On Monday, October 18, Campbell underwent surgery

iff requested that the D.P.S. withdraw the proceedings of Campbell's driver's license suspension.

The Driver's License Examiner Duane Thompson of the Department of Public Safety did recommend that the case be dismissed. But the recommendation was not made for humanitarian reasons as recommended by Sheriff Williams. The D.P.S. recommendation was made on the basis that there was insufficient evidence and there was no probable cause.

Campbell was present for the hearing which lasted for a scant six minutes.

Justice of the Peace Wright

## By Marsha Brown

dismissed the case.

Campbell expressed doubt regarding the letter written by Williams. Campbell said, "They didn't feel humane until they were subpoenaed. They didn't show any signs of backing down. I am angry. I was set up. I was arrested. I was put in to my own jail. I was totally humiliated. I came here, today to be exonerated. They were wrong. They should never have set me up. Well, this is not the end of it. It's not over until it's over."

Attorney Jim Lane stated, "I don't think that the D.P.S. wanted any part of what happened on June 14."

Thompson explained the D.P.S.'s request for dismissal, "If the state feels that there was no probable cause, there is no case."

The Department of Public Safety's stand is that Campbell should not have been stopped, that night.

Since the case was dismissed, the subpoenaed witnesses were not present.

Schilling commented, "In my opinion, the sheriff and his boys didn't have the guts to show up. I would say they didn't have the integrity to show up. But they proved that they have no integrity back in June when they set George up."

Tom Wilder (Sheriff's Advisor) invited me to take this issue to court. Well, we did take it to court and his boy didn't show up. Maybe he will show up next time.

Will there be a next time? According to Lane, there will be. "The civil lawsuit will be filed within the next couple of weeks."

There is a possibility that it will be a civil rights suit in which case it will be filed in federal court.

What did the recommendation by the D.P.S. mean? Schilling said, "Insufficient evidence" means that there was no evidence to charge him with committing a crime. "No Probable Cause" means that he

should have never been stopped in the first place."

"This case should scare anyone who even drives through Tarrant County. I feel like the Sheriff can't run his own department but uses a paid political hack and an auto parts salesman to run it for him. One thing that we can be grateful for is that Williams is obviously a one term sheriff, if people will just think before they pull that lever the next time."

Wilder said, "Lane rigged this whole thing out there, today. He is taking something that David did just to be a nice guy and twisting it for his own sleazy purposes. They are claiming that Campbell's arrest was a set-up, which it was not. If there was (a setup) it is not even illegal. But there was no set-up."

Wilder was also very critical of Justice of the Peace, Wright, he stated, "She has been in cahoots with Lane anyway. Nobody issues these kinds of subpoenas for an administrative hearing. I have talked to several J.P.s and it is just unheard of. This is just another dog and pony show that Lane has cooked up, just another one of their sleazy tricks to gain publicity. This is a taxpayer's issue. All this harassment is costing the taxpayer's money."

Schilling said, "If this wasn't a set-up, what was it? We have Bell, an administrative assistant, out there watching for car burglars. He is claiming that he was out there because there were so many car burglaries last year. The reality is that there were no car burglaries out there at that golf tournament last year. If Bell was watching the parking lot, how could he have not known that it was George Campbell who was driving the car that he ordered to be pulled over? Bell has known Campbell for almost 20 years. There are a lot of questions surrounding this and the people of Tarrant County deserve some answers to them. These guys are like keystone cops gone mean."

The dismissal of the Campbell case was a disappointment to Campbell and his attorneys.

Schilling said, "We were disappointed. We wanted the truth to come out, today."

What did Campbell expect from the hearing that barely materialized?

Campbell answered, "I wanted my name to be cleared and I want to make sure that this doesn't ever happen to anyone else."

# Divergent legal styles to face off

## Brosky trial will be their first meeting in court

BY THOMAS KOROSEK  
Fort Worth Star-Telegram

GALVESTON — The conspiracy trial of Christopher Brosky beginning today will revolve around the skills of two highly experienced lawyers who have never faced off in court although they have practiced in the same Tarrant County courthouse for more than a decade.

Across the courtroom aisle there could hardly be a wider gap in styles.

Ward Casey, a colorful country lawyer whom one judge described as "deceptively smart," will lead the defense, with Earl "Ernie" Bates in the second chair.

Alan Levy, an eloquent debater with a reputation as one of the best prosecutors in Texas, will lead a team of three — including Marvin Collins, formerly U.S. attorney in Dallas, and David Escobar — in pressing one of the more extraordinary cases in the recent history of the Tarrant County District Attorney's Office.

Brosky, 19, of Dallas, is charged with engaging in organized crime and conspiracy to commit murder in the death of Donald Thomas, a black Arlington resident, who was killed by a shotgun blast in the early morning hours of June 7, 1991.

After two others pleaded guilty to murder and accepted 15-year and 40-year sentences respectively, Brosky rejected an offer of 35 years, according to Casey, and took his chances at trial in March.

An all-white jury — which took the jury box after the defense struck two blacks from the jury pool — found Brosky guilty of murder for his accomplice role but sentenced him to 10 years' probation.

The resulting public uproar, which included a march of 10,000 people, mostly African-Americans, through downtown Fort Worth, had not died down when District Attorney Tim Curry announced he was

(More on BROSKY on Page 16)

seeking new charges.

Arguments over pretrial motions in that trial and the start of what could be a contentious jury selection in the racially charged case are expected to begin this morning before state District Judge Bill Burdock.

"Brosky is well represented," Curry said of the team that Brosky's family hired for the first trial. The court has appointed that team to continue Brosky's defense.

The 55-year-old Casey, whose usual courtroom attire includes cowboy boots and a yoked jacket,

*"Brosky is well represented."*

— Tim Curry  
district attorney

kidded last week that the case comes down to "Levy and his office full of henchmen picking on a poor old — with white hair and ears that stay clogged up."

In court papers and pretrial appearances, he has lightly chided Levy, calling him "Doctor Levy," the county's "primo prosecutor."

"Levy's calling us extremists; it's terrible," Casey drawled in jest.

They are the types of comments referred to around the courthouse as "typical Ward."

Behind the self-deprecating wit, verbal sparring and salty humor is a lawyer whom criminal District Judge Don Leonard describes as "a lot smarter than he acts . . . and he has bulldog tenacity."

Assistant District Attorney Steve Chaney, the office's senior staff attorney, in one breath calls Casey "pretty obnoxious" and in the next, "very good in a law library."

The probation that Casey and Bates won for Brosky during his first trial was just the most recent of a string of high-profile defense triumphs for Casey over the past two years.

In that time he has had one murder trial end in an acquittal, one end with a hung jury and another case dismissed. On top of that, working with Bates, he saved Servando Pachecano Jr., a particularly brutal murderer, from the death penalty almost a year ago. The jury gave Pachecano a life sentence for the 1990 capital murder of an optical store clerk during a spree of kidnappings and rapes.

Levy, a lanky 44-year-old who peppers his closing arguments with snippets of Shakespeare, has been on a winning streak, too.

Since 1985, when he became a Tarrant County prosecutor, he has asked juries to deliver death penalties 10 times and won them all.

"His reputation as maybe the best in the state is well deserved," said Robert Dawson, a criminal law professor at the University of Texas at Austin. "The last time he had a case in Austin, I sent my students to watch."

Doug Mulder, the Dallas attorney who successfully defended former

*"His [Levy's] reputation as maybe the best in the state is well deserved.*

*The last time he had a case in Austin, I sent my students to watch."*

— Robert Dawson  
criminal law professor

Dallas minister Walker Railey this year on charges that he attempted to strangle his wife, said of Levy, "He's thoroughly prepared, bright, articulate, polished."

"There won't be anybody in the courtroom except the judge who is better prepared on the law, and there won't be anybody better prepared on the facts," Mulder said.

Levy, whose polish is at times interpreted as arrogance, heads his office's criminal section and as such gets to pick and choose his cases.

He did not choose to prosecute the first Brosky case. The second case, which he concedes is a difficult one for the state, is one of the rare times that Curry has assigned a case to him.

In his eight years with the office, he has suffered only one loss. In early 1992, a jury acquitted a North Richland Hills man of setting a fire that killed his wife and severely burned his 17-month-old triplet daughters.

Asked at the time what he would have done differently, Levy said: "I would have won."

Peers say that if Levy and Casey share anything — besides the mutual respect and liking they have developed through six months of pre-trial sparring — it is that intense drive to win.

# Jury selection gets under way in Brosky trial

By THOMAS E. KROSEC  
Fort Worth Star-Telegram

**GALVESTON** — The Christopher Brosky conspiracy trial began here yesterday with potential jurors filling in a 32-page form thick with questions about their racial attitudes and lawyers reaching a pre-trial agreement about an issue they have battled over for months.

Outside the Galveston County Courthouse, between six and eight picketers carried signs reading "Brosky — A Double Standard of

murder in connection with the June 1991 death of Donald Thomas, a black warehouse worker, in Arlington.

The trial, which was moved to Galveston because of extensive pre-trial publicity, comes seven months after a Tarrant County jury found Brosky guilty as an accomplice in Thomas' murder, but sentenced him to 10 years' probation.

The sentence, which sparked an outpouring of protest, compelled the Tarrant County District Attorney's Office to prosecute again on state charges.

The unprecedented second case has been met with defense claims on a number of legal fronts that the trial violates Brosky's right not be tried twice for the same crime, the protection against being placed in double jeopardy.

Yesterday afternoon, in negotiations carried out in the judge's chambers between defense lawyers and prosecutors, the defense agreed to drop its claim that Texas law allows them to have the jury in the case decide whether Brosky is being placed in double jeopardy, state District Judge Bill Burdock announced after the closed-door session.

In return, prosecutors agreed not to pursue the case as one in which Brosky could be found to have used a deadly weapon.

Justice" or "Can a black man get justice in America?"

Inside, 167 potential jurors out of the 440 summoned arrived for the start of a jury-selection process in the racially heated case. The process is expected to last through at least Wednesday.

Brosky, a 19-year-old Dallas youth once affiliated with the neo-Nazi skinhead movement, is charged with engaging in organized crime and conspiracy to commit

(More on BROSKY on Page 12)

Levy said that he did not want jurors deciding what is in his opinion an issue of law. At the same time, the defense gives up the right to appeal the issue later, he said.

Prosecutors turned to the negotiations after Burdock ruled that attorneys could begin questioning potential jurors on the double jeopardy issue.

Although Burdock did not rule how he would finally decide the issue, it appeared to be enough to get prosecutors in a position to compromise.

"I don't care what the attorneys tell you, the law goes like this on this issue," said Burdock later, pointing his arms in opposite directions to illustrate his point. He called the double jeopardy debate surrounding the trial the most difficult legal issue he has faced.

Meanwhile, in another room, a group of about 140 jurors set themselves to work on what Burdock called "a little assignment:" a 105-question form designed to help attorneys assess their attitudes and backgrounds.

The form includes a number of questions taken directly from one used in the federal trial earlier this year of the Los Angeles police officers who beat drunken driving suspect Rodney King during an arrest.

Attorneys are expected to analyze the responses this morning and continue jury selection this afternoon.

Along the palm-lined street in front of the courthouse, the Rev. LeRoy Haynes, pastor of the Carter Metropolitan CME Church in Fort Worth, and a handful of pickets talked with reporters about what they want to see in the case.

"We'd like to see some African-Americans and Hispanics and others who can bring some sensitivity to this on the jury," said Haynes, noting that the jury that gave Brosky probation was all-white.

Defense attorney Ward Casey, whose client showed up yesterday in the same tennis sweater he wore during his first trial, told reporters that his defense will center around testimony at the first trial that Brosky did not agree to do the drive-by shooting. "He was just there," Casey said.

Levy said his side has a tough case ahead.

"Conspiracies by their very nature tend to be A, secretive, and B, not in writing."

He continued: "We are going to present the jury this in the context in which it occurred. This was not just a one-day event. These individuals were hard-core extremists . . . This was part and parcel of their theme and agenda."

# Racially mixed jury seated in supremacist's 2nd trial

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

## Two blacks, Hispanic part of panel chosen to decide conspiracy case against Brosky in Galveston court

GALVESTON — A racially mixed jury that includes two African-Americans and one Hispanic was picked and seated yesterday in the conspiracy trial of avowed white supremacist Christopher Brosky.

Defense attorney Ward Casey, whose striking of black jurors in Brosky's first trial this year resulted in an all-white jury, said he struggled this time over his decision not to fight the seating of minorities.

"It wasn't an easy decision but I felt like I made the right decision," Casey said. "I think they will take the high road."

Tarrant County prosecutor David Escobar said he was "very happy" with the jury's composition. Of the minority jurors, he said, "I think the level of consciousness in this jury will be higher than the last one . . . just because of their presence."

Escobar said he was surprised by the defense team's choice not to fight the seating of minorities.

Especially surprising was that one of the two blacks seated was the focus of a defense attempt to have the man struck "for cause" Tuesday because he said he considered skinheads his enemy.

"The man looked Chris Brosky in the eye and promised he'd be fair," Casey said. "We took his word for it."

Brosky, 19, of Dallas, was convicted of murder in March as a back-seat accomplice in the drive-by shotgun slaying of Donald Thomas, a black warehouse worker, in Arlington

in June 1991.

The jury's decision to sentence him to 10 years' probation sparked public protests, including a march of 10,000 people through downtown Fort Worth, and led prosecutors to seek further charges.

In Brosky's second trial, in which testimony is expected to begin today, he faces charges of engaging in organized criminal activity, a felony punishable by up to life in prison; and conspiracy to commit murder, a

(More on BROSKY on Page 32)

felony that carries a maximum sentence of 20 years in prison.

With racial hatred an issue "right in the middle of this case," as Casey put it to jurors yesterday, the composition of the jury has been a central issue.

Of the panel of 37 potential jurors from which the 12 were selected, seven potential jurors were black and five were Hispanic.

The defense, exercising its right to eliminate 10 jurors from the panel of prospects, decided not to strike two African-Americans — a man and a woman — at the front of the group.

A middle-age Hispanic man who said during questioning by the lawyers that he was involved in a Hispanic-rights group in the late 1970s also was not struck, although four other Hispanics were.

Overall, the jury comprises nine women and three men.

The Rev. Michael Bell, a Baptist minister from Fort Worth and chairman of a coalition of ministers formed around the case in the spring, said he was pleased with the jury's makeup.

"This is a better jury because it's not a homogeneous jury," he said. "The jury is supposed to be reflective of the cultural composition of the community. I am glad this jury has some minorities on it."

Bell said that although he is pleased with the case thus far, he remains concerned about its outcome. "Hopefully this jury will find justice, but the jury is still out on that," he said.

Bell, who was in the courtroom for the past several days, said he has been attempting to rally clergy members in Tarrant, Harris and Galveston counties around making Tuesday "Justice for All Day" in Galveston.

"I just don't know what kind of animal that will look like yet," he said. "Hopefully we will bring a culturally diverse group down here."

The trial, which was moved to Galveston on a change of venue, is likely to last until late next week.

As they questioned jurors yesterday, lawyers on both side gave hints of their strategies and concerns.

Tarrant County prosecutor Alan Levy lectured jurors extensively about conspiracy law and what the state must prove in the case.

Casey repeatedly asked jurors whether they could look beyond Brosky's affiliation with hate-filled neo-Nazi causes and take an objective view of the facts.

Evidence of hate-mongering and bigotry begin with a racial slur in the indictment, he said. "Then it's going to get worse than that, and worse than that; then it's going to get real bad."

# Sheriff says county has got his number

BY MAX B. BAKER  
Fort Worth Star-Telegram

Sheriff David Williams has taken the unusual step of getting his own criminal identification number in the county electronic courts records.

He says he's not in trouble with the law. He adopted CID No. 0392626 in the interest of efficiency and in the unlikely event that he ever is arrested.

Williams said he did so just in case a judge decided to throw him into jail for contempt of court for any number of reasons, such as having an overcrowded jail.

Up to a dozen other Sheriff's Department staff also have CID num-

## Tarrant Tipoff

bers, Williams said. It's to make going through the booking process "like going through the express lane at the grocery store," he said.

The sheriff said he got the idea after a judge forced his department to take a prisoner to a hospital to be with his wife and newborn baby.

"I thought it was an outrageous request," Williams said, adding that he probably would not have complied if he had been in town at the time.

for the lockup as prisoner No. 0392626.

Maybe this way he gets a window seat and a Sheriff's Happy Meal.

Williams said he signed up for his number when a judge threatened him with contempt-of-court charges in June, and that pre-booking makes an arrest "like going through the express lane at the grocery store." About 12 deputies were also pre-booked, he said.

This might inspire a new way to raise county money: pre-booking vanity numbers. For an extra fee, maybe we could sign up for criminal No. 0400000, or No. 9999999.

Williams' unofficial spokesman, Eules campaign consultant Tom Wilder, called pre-booking "a common process all over the state."

Not anywhere I could find.

In one neighboring county, the booking officer said, "Why, I've never heard of such a thing!"

Another elected law officer asked, "Why would anybody want a criminal number? Why would you plan to go to jail?"

In another county, the jail deputy called it "the craziest thing I've ever heard of."

And the media officer from another Texas urban county conferred with that sheriff, then said, "That's really bizarre."

This would raise a few eyebrows were it not for the unrelated stew over the drunken driving arrest and suspension of a sheriff's captain. Back when Williams took office Jan. 1, he didn't want the guy around. Then on June 14, a lieutenant sees the guy leaving a Democratic political bash and orders him jailed. Trouble is, the arresting deputy and three more deputies say the guy wasn't drunk.

The guy went back to work when the DA's office didn't accept the drunken driving charges and the state wouldn't suspend his driver's license.

And so far, Texas has no law against driving under the influence of Democrats.

But then, this might be another weird week.

Bud Kennedy's column appears Sundays, Mondays, Wednesdays and Saturdays, and in Star Text on Friday. Phone (817) 390-7538, fax (817) 390-7789, StarText ID 120087.

## In other counties the sheriff aims to stay on outside of cell

I know all the news was weird last week.

School principals went on a rampage. They cracked down on everything from trendy shoes in Grapevine and Colleyville to buckaroo cowboy hats in Azle.

On Eagle Mountain Lake, two men fended off a rampaging deer with a fish-fillet knife.

In Arlington, a sellout crowd paid \$150 a ticket to see Wayne Newton.

And Fort Worth's original high school, R.L. Paschal, won its way into the state football playoffs, a

29-year milestone that concurs exactly with the return of *The Beverly Hillbillies*.

But the strangest news of the week must have been Thursday's latest update from the office of Tarrant County's finest, led by the Watauga man who went from suburban community-relations cop to sheriff.

David Williams isn't planning to go to jail, he said.

But in case he ever does, he already pre-booked his own prisoner identification number.

Now, this is not anything like

registering for your wedding gifts at Foley's. Going to jail is something our sheriffs should try to avoid, although in Texas many seem unsuccessful.

David Eugene Williams signed up  
(More on KENNEDY on Page 5)



**Bud Kennedy**

COMMENTARY

Monday, November 8, 1993

# Trigger man testifies target wasn't decided

By THOMAS KOROSEC  
Fort Worth Star-Telegram

**GALVESTON** — The 16-year-old skinhead who pulled the trigger in the slaying of a black Arlington man did not know whom he planned to shoot when he and two other young white supremacists set out to "do a drive-by," the young man testified yesterday in the conspiracy trial of Christopher Brosky.

In testimony that defense attorneys say supports their view that there was no conspiracy to kill a black man, 19-year-old William "Trey" Roberts told jurors that he set out to shoot "a house or person, it don't have to be a minority."

Roberts, who testified that he wanted to kill several people with one blast of his 16-gauge shotgun, was the second of two people accused of being co-conspirators to give an account of the June 7, 1991, shooting of Donald Thomas, a warehouse worker who was sitting by the edge of an Arlington side street when he was killed by a shot fired from a passing car.

Brosky, 19, of Dallas was found guilty in March of murder as an accomplice in Thomas' slaying. But the all-white jury's decision to sentence him to 10 years' probation resulted in a public outcry and prosecution on further criminal charges.

He is on trial facing charges of engaging in organized crime and conspiracy to commit murder.

Tarrant County prosecutor Alan Levy said he found "no surprises" in Roberts' testimony, which paralleled the account he gave in the March trial.

Roberts, now 19, of Carrollton, and the driver, Joshua Hendry, now 18, of Arlington, pleaded guilty to murder in return for sentences of 40 years and 15 years, respectively.

Hendry testified yesterday that it was clear to him that the three were going to shoot a black person after they left his house at 4 a.m. with Roberts' shotgun resting on the floor in the back seat.

But Roberts said there was no dis-

(More on BROSKY on Page 22)

## FORT WORTH

### Williams to speak

Tarrant County Sheriff David Williams will be the guest speaker Nov. 10 at the Minority Leaders and Citizens Council's weekly lunch forum. The group meets at noon Wednesdays at Community Christian Church, 1800 E. Vickery Blvd. The public is invited.

## Brosky

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cussion of their intended victim.

Similarly, Hendry testified Monday that he heard Brosky yell from the back seat, "Shoot!" Roberts made no mention of the command.

A smallish, stocky young man who smiled nervously as he responded to questions from Levy,

because he was there with him," Roberts said.

Levy, who is trying to prove that there was an implicit agreement among the three skinheads to kill a minority, then asked, "So the first thing you said dealt with race?"

Roberts replied, "Yes."

After Hendry turned the car off on a side street, Roberts told the court, he decided to go through with the shooting.

"Yeah — it, is what I said," Roberts said as his mother sobbed

## Brosky



## 2 who rode with Brosky to testify in trial

METRO COVER, PAGE 9A



# Driver recalls Brosky saying 'Shoot!'

## Beer and racist music preceded killing, skinhead testifies

BY THOMAS KOROSEC  
Fort Worth Star-Telegram

GALVESTON — Christopher Brosky said "Shoot!" in the instant before another teen-age white supremacist fired a sawed-off shotgun at a black man on an Arlington side street, a chief prosecution witness testified yesterday in Brosky's conspiracy trial.

Joshua Hendry, 18, of Arlington described how he, Brosky, and William "Trey" Roberts III participated in gunning down Donald Thomas of Arlington. All three have

been convicted of murder, and Brosky, 19, of Dallas, faces further charges of organized crime and conspiracy in the current trial.

During his three hours on the witness stand yesterday, Hendry gave much the same account of the shooting as he did during Brosky's murder trial in March.

Brosky's sentence of 10 years' probation in the earlier trial prompted a public outcry that ultimately led Tarrant County District Attorney Tim Curry to seek further charges.

Hendry testified yesterday that the three were drinking beer and listening to skinhead music into the early morning hours of June 7, 1991, at his mother's house in Arlington. Then Roberts began talking about the decline of the white supremacist skinhead movement, Hendry said.

As the three 16-year-old skinheads sat around a table in Hendry's bedroom, Roberts told them, "In '88, skinheads had a big name but now they aren't known too well."

(More on BROSKY on Page 8)

Hendry said.

Roberts then suggested, "Let's go do a drive-by shooting," Hendry testified.

Under questioning by Tarrant County prosecutor Alan Levy, Hendry testified that their target was never in doubt.

"When Trey Roberts said to you and Chris Brosky did you want to do a drive-by, did he mean do a drive-by on a black?" Levy asked.

"Yes," Hendry answered.

"Did he have to say it?" Levy continued.

"No," Hendry replied.

"You didn't think it would be an Irish person, did you?"

"No," Hendry said.

Hendry reached a plea bargain with Tarrant County prosecutors in July 1991 and was sentenced to 15 years in juvenile and then adult prison. He confessed to driving the 1965 Mustang used in the shooting, a car his father gave him for his 16th birthday, just two days before the murder.

Roberts, the trigger man, plea-bargained for a 40-year sentence this year.

Testifying yesterday, Hendry answered prosecutors' questions that aimed to show that Brosky took an active role even though he was a

back-seat passenger during the killing.

He said he had been a skinhead since 1989, attending such gatherings as a Ku Klux Klan rally in Hico in summer 1990.

He had known Roberts as a skinhead in Dallas' Deep Ellum district and had met Brosky several times before the shooting, he testified.

The three had planned to go camping near Athens, Texas, but his father refused to let him take the car, he said.

They drove instead to several city parks, and then back to his mother's house in Arlington for his 11 p.m. curfew, he told the court. After his mother went to bed, he said, they pulled a table into his room, finished off about three cases of beer, talked and listened to music.

That night, they listened to tapes by underground skinhead bands. The tapes included music by No Remorse and the Midtown Boot Boys, a Tulsa, Okla., skinhead band that recorded several hard rock songs with hate-filled lyrics in the early 1990s.

Jurors were played a tape of one three-minute song by the group, titled *Nigger on the End of a Rope*.

Defense attorney Ward Casey strenuously objected to having the song played in court. He said that the cumulative effect of the pamphlets, cartoons and other skinhead materials introduced into evidence has the jury "taking its eye off the ball."

"This amounts to trying this boy

for his associations and beliefs," Casey said.

Levy countered that the song shows the type of racial violence the defendant and his friends were advocating and that it illustrated the motive of the conspiracy.

About 4 a.m. the morning of the shooting, the three youths quietly crawled out a window, bringing with them Roberts' shotgun, Hendry testified. Brosky helped push the car away from the house to avoid waking Hendry's mother, Hendry said.

Hendry said it was his decision to drive to an east Arlington neighborhood where he once lived to look for a possible victim. He picked it because it was a predominantly black neighborhood, he said.

As they drove, Roberts said he had spotted a black man and Brosky confirmed the sighting, Hendry testified.

Thomas, the victim, was sitting on a pickup with a heavy-set white man, Hendry testified. Hendry said he suggested shooting both men so no one could report the license-plate number of his car.

As they approached, Roberts turned around to get the gun out of the back seat, Hendry said. He said he drove the Mustang down the middle of the street, slowing to a crawl as they reached the truck.

"I heard Chris say, 'Shoot!'" Hendry said. "I heard Trey shoot the gun."

During the getaway, Hendry said, Brosky urged him to drive nor-

# Brosky

mally.

Hendry testified that Steve Sloan, the man with Thomas, caught up to them in a car at an intersection. There, Hendry said, he saw Brosky hand the gun to Roberts after they decided to chase and shoot Sloan.

After they had abandoned their chase of Sloan, Brosky hid the spent shell from the shotgun in a toilet tank in his mother's house, Hendry said.

On cross-examination, defense attorney Earl "Ernie" Bates tried to highlight discrepancies between Hendry's testimony yesterday and the six other times he has told his story in court or in writing.

Bates said that Hendry did not mention Brosky's urging Roberts to fire in his first statement to state and federal prosecutors and did not include that detail until he reached his plea-bargain.

"They wanted you to make Chris Brosky more guilty, didn't they?" Bates asked.

"I was just telling the truth," Hendry replied.

Bates' cross-examination of Hendry lasted 90 minutes and is expected to continue today. He said after the session, "He's changed his story every time."

Tarrant County prosecutor David Escobar said of the defense efforts to knock down Hendry's testimony, "I don't think they laid a glove on him."

The trial will resume this morning at 9 a.m.

# Testimony from two others in car expected in Brosky trial

BY THOMAS KOROSEC

Fort Worth Star-Telegram

GALVESTON — Over the next several days, prosecutors in the Christopher Brosky conspiracy case are expected to call to the stand at least two experts on the neo-Nazi skinhead movement and the two teen-agers whose testimony will be central to the trial: his alleged co-conspirators.

As testimony in the racially charged case resumes today, Tarrant County prosecutors have called

just over half of the approximately 30 witnesses they predicted.

Six have testified that Brosky was active in the skinhead movement in Dallas and its northern suburbs.

That testimony has been offered as evidence that Brosky immersed himself in racial hatred and took a leadership role in a youth movement that advocates violence toward minorities, Tarrant County prosecutor David Escobar said.

Prosecutors have attempted to show that hatred motivated Brosky

and two other youths to conspire to kill Donald Thomas, a black man, in Arlington in June 1991.

Thomas, a 32-year-old warehouse worker, was sitting on a flat-bed truck, drinking a beer with friends, when he was struck by a shotgun blast fired from a passing car.

But Brosky's lead attorney, Ward Casey, said, "Our position is he's not on trial for what he thinks. He is on trial for what he has done."

Casey said that the racial hatred  
(More on BROSKY on Page 14)

# Brosky receives 40-year sentence

## Term is same given to killer

BY THOMAS KOROSEK  
Fort Worth Star-Telegram

GALVESTON — A racially diverse jury sentenced Christopher Brosky to 40 years in prison yesterday after finding him guilty of engaging in organized crime in the hate-motivated murder of a black Arlington man.

The jury of nine Anglos, two African-Americans and one Hispanic took just over an hour to honor a Tarrant County prosecutor's request to give Brosky the 40-year sentence. The gunman in the heavily publicized, racially charged case received the same sentence in a previous trial.



Christopher Brosky

Brosky, a 19-year-old whom witnesses described as a hard-core member of a Dallas-area neo-Nazi skinhead group, was also fined \$5,000. He faced felony charges of engaging in organized crime and conspiracy to commit murder, as well as lesser charges in the drive-by shotgun slaying of Donald Thomas, a black warehouse worker. The killing occurred in Arlington on June 7, 1991.

The jury convicted Brosky of the most serious offense, engaging in organized crime with the intent to commit murder, a first-degree felony punishable by up to life in prison.

In March, an all-white Tarrant County jury convicted Brosky of murder as an accomplice in Thomas' slaying and sentenced him to five years in prison and 10 years' probation. The judge was forced to drop the prison term because such a combination sentence is illegal in Texas. That decision engendered cries of injustice, and 10,000 people marched through downtown Fort Worth in protest.

Reactions in the Galveston County Courthouse to yesterday's sentence were phrased mostly in terms of

(More on BROSXY on Page 3)

comparison with the first.

"I was hoping and praying he wouldn't walk out the front door again," the victim's widow, Carolyn Thomas of Arlington, told the jurors after they returned the sentence. "He's just as guilty as the driver, and the shooter also."

She said later that she was "very happy with the verdict" and "glad that it's over."

Tarrant County prosecutor David Escobar, who led the prosecution in the March trial, said: "I feel very happy. It has been sort of a vindication for our efforts last time."

Lead prosecutor Alan Levy said the trial and the efforts of his office demonstrate that "we are going to try these cases; we are going to use all of our resources and make them a priority."

Brosky held his head down and did not move as the sentence was read. Asked for his reaction, he said, "Talk to my lawyers."

Subdued and appearing dejected, lead defense attorney Ward Casey said only that he was unhappy with the outcome. He declined to elaborate.

Casey has called the trial a politically motivated violation of his client's right not to be tried twice for the same crime; he has not prevailed with those arguments in higher court rulings thus far.

Tarrant County prosecutor Marvin Collins said, "This sends a strong message to those who engage in racially motivated violence."

Jurors left the courthouse without comment.

# Brosky

The victim's mother, Ruth Aviles of the Cleveland suburb of Wellington, Ohio, said her son's death has been "a living hell; it doesn't go away."

Still, she said, "This sentence will show that this kind of thing will not be tolerated."

Members of Texas' skinhead movement supported the verdict.

"If he actually did it, then I think he should have got whatever time they gave him," said Brian Hicks, an 18-year-old skinhead from Channelview who said he served 13 months as a juvenile for assault with a deadly weapon as a result of a racially motivated altercation.

"Then if it was in cold blood, it would probably be a good sentence," said Nathan Sample, a 16-year-old skinhead from Houston. "It's bad because what he did looks bad for the whole movement."

A Nov. 1 agreement between prosecution and defense will lessen the time Brosky must serve. Under the agreement, the defense agreed to drop its efforts to complicate the trial with questions of double jeopardy and the prosecution agreed not to seek a finding that a deadly weapon was used.

Attorneys did not say yesterday how much time Brosky must serve before becoming eligible for parole. However, one attorney said that most Texas prisoners receive a year's credit for every month behind bars.

Brosky has been in custody about 18 months.

Two other skinheads, William "Trey" Roberts III, 19, of Carrollton, and Joshua Hendry, 18, of Arlington, pleaded guilty to murder charges in Thomas' death. They testified against Brosky in return for

sentences of 40 years and 15 years, respectively.

In final arguments before jurors began deliberating Brosky's punishment, Levy urged the jury to give Brosky the same sentence as Roberts.

"This deserves 40 years, the same as Trey Roberts," Levy said, referring to the trigger man.

"It is one thing to be a victim of a random act of violence by someone trying to get your purse or wallet," Levy told the jury. "But when you introduce the toxin of racial violence, the poison of political violence, that is another matter."

Casey attempted to compare Brosky's actions during the drive-by shooting with Roberts' and Hendry's, and to steer the jury toward leniency.

Because he had been convicted of a felony, the March murder conviction in the Thomas case, Brosky was not eligible for probation.

"This boy didn't kill Donald Thomas," Casey told the jury, which elected an African-American forewoman.

Some of the jurors who sentenced Brosky in the March trial said last night that they were pleased by the 40-year sentence. They said they meant to give Brosky prison time but were confused by their instructions.

"I think it's great; I think he got what he deserved," former juror Reul Barbee of Fort Worth said by telephone from San Juan, Puerto Rico.

"It probably would have been better to have them all get life," he said. "They knew they were going to do a shooting, and they knew it was going to be a black person."

William Wertz of Fort Worth, another juror in the Tarrant County trial, said he doubts that Brosky will serve much time in prison. Wertz said he expects yesterday's conviction to be thrown out on appeal.

"I don't care what assessment they gave him, he's going to walk, 'cause this is double jeopardy," Wertz said.

Before their first trip to the jury room, the nine women and three men on the panel heard a subdued closing argument from Casey and a trademark thundering finale from Levy.

"Both of these boys that they want you to rely on... both of these boys falsely accused Chris Brosky of killing Donald Thomas," Casey said, working to discredit this week's testimony by Hendry and Roberts. "And they tell you you're not supposed to have any reason to believe their truthfulness."

Levy, in rebuttal, said Brosky was not a meek follower of his friends or of the neo-Nazi movement as the defense attempted to portray him.

"It wasn't Trey Roberts who made him a Nazi," Levy said. "He did that all on his own."

Jurors, who began deliberating Brosky's guilt or innocence about 1 p.m., had a choice of convicting him of one of four charges or clearing him.

The four charges ranged from engaging in organized crime with the intent to commit murder, a felony, to conspiracy to commit aggravated assault, a misdemeanor. The jury never got beyond the first and most serious charge.

Staff writer Jennifer Briggs contributed to this report.

***"The thing speaks for itself. Three Nazis shoot the only black man on the street. Do you think it's a coincidence? To me it's a no-brainer."***

— Alan Levy  
Tarrant County prosecutor

