

The Rockies

Justices may take state cases

Associated Press
Several cases from Colorado were among those awaiting possible review when the U.S. Supreme Court began its new term Monday. Many of them won't get a hearing by the nation's highest court, which will allow lower courts' decisions to stand. Others will be put on the high court's calendar.

Questions raised in the Colorado cases before the U.S. Supreme Court include:

- Are a prosecutor's actions in performing his duties immune from a civil lawsuit by a criminal defendant?
- Can a professor who lives and works in Nebraska be sued in Colorado if his only contact with the state was mailing a letter to a Denver hospital?

High court may act on oil shale

Can the state be required to act on an oil shale exploration permit request if the state does not have the title to the land involved? Or did a furniture manufacturer and a retail store conspire to control a market?

The nation's high court also will be asked to review Colorado decisions involving branch banking and whether the federal government must reimburse hospitals for malpractice insurance costs associated with Medicare patients.

The 10th U.S. Circuit Court of Appeals last January reviewed a federal judge's dismissal of a civil rights lawsuit filed by Randall K. Rex against Donald Johnson of the district attorney's office in Fort Collins.

Rex claims the prosecutor violated his civil rights by allowing police to interrogate him at a hospital while he was in a confused mental state. He had been taken to the hospital after attempting suicide. The case involved the abduction of a second-grade girl as she walked to classes in Loveland on Sept. 6, 1977.

In Occidental Oil Shale Inc. vs. State Board of Land Commissioners of Colorado, the oil company asked state permission to explore for oil shale on 6,940 acres to which the state doesn't hold legal title.

Wire check

Denver
Owners must register snowmobiles

Colorado snowmobile owners must register their machines before taking them out for the 1986 season. Karen Tokunaga, registration supervisor for the state Division of Parks and Outdoor Recreation, said Monday.

State law requires that all recreational snowmobiles be registered with the department and registrations are valid from Oct. 1 through Sept. 30 of the following year.

Tokunaga said the process requires only a completed application with proof of ownership and a \$10 registration fee.

"All of the money from snowmobile registrations is earmarked, by law, to fund Colorado's snowmobile program," she said.

Prosecutor's against Brown probation

The Denver Probation Department is recommending that former District Attorney Nolan Brown receive four years' unsupervised probation and a fine, but the prosecutor in the case will argue for a harsher sentence.

"I find the recommendation offensive," said Denver Deputy District Attorney Dave Hockenbach.

Brown, convicted in August of a misdemeanor and two felonies for having his driving record altered, is to be sentenced Tuesday in district court.

"I think that the nature of the position that was used to obtain the favor and the abuse of the public trust, requires, at least, that he be required to perform a significant number of hours of public service," Hockenbach said.

Insurance firm's AIDS plan attacked

State officials and civil libertarians are up in arms over an Indiana insurance company's proposal to ask single men in the 20-40 age group for medical information showing whether they have been exposed to AIDS.

"It's outright discrimination of the worst sort," James Joy, executive director of the Colorado American Civil Liberties Union, said of the plan advanced by Lincoln National Life Insurance Co. Lincoln National has two branches in Denver and sells policies through independent agents statewide.

John Koser, state insurance commissioner, shared Joy's concerns and said he would look for a way to bring Lincoln National to a hearing under state insurance laws.

Renegade Pierce worried leaders

Associated Press
SEATTLE — Bruce Pierce, accused killer of Denver radio host Alan Berg, was a renegade member of the Naziklike group called The Order who caused concern over his independent nation activities, former member has testified.

Robert Merki, testifying in the federal racketeering trial of 10 alleged Order members, told Monday of conversations with other Order members in which defendants Pierce and Jean Craig were mentioned as participants in the Berg killing.

Berg was slain with a machine gun in his driveway on June 18, 1984.

The defendants and 13 others are accused in a racketeering indictment of two murders, including Berg's, robberies that netted more than \$4 million and counterfeiting intended to finance a war on Jews, minorities and the U.S. government.

The government claims Pierce was the triggerman in the slaying of Berg, while Order founder Robert Matthews and fugitive Richard Sco-

Arson fire chars sofa at CSU frat

Associated Press
FORT COLLINS — An early-morning fire at a Colorado State University fraternity Monday was blamed on arson. It was the fourth such blaze at fraternities along Colorado's Front Range over the last three weeks.

Some 45 members of Sigma Alpha Epsilon were evacuated at CSU early Monday when fire erupted in a couch filling the building with smoke.

Roger Frantz, battalion chief of the Powder Fire Authority, said Patrick Weichold, 19, of Pueblo was treated at Powder Valley Hospital for smoke inhalation. Three others were treated at the scene, but did not require hospitalization.

The fire was confined to a couch and damage was estimated at about \$1,000, Frantz said.

Later in the day, Powder investigator Gil Faber said arson was suspected as the fire's cause. Authorities are not sure that the Sig Epsilon is linked to earlier fraternity arsons in Denver and Boulder, but the timing and location appear similar, he said.

Alan Berg

Fred Leatherman, attorney for defendant Randolph Dyer, began cross-examination Monday by noting that if Merki had been convicted of all the crimes in which his testimony implicated him, he could have faced up to 245 years in prison.

Instead, Merki pleaded guilty to racketeering and three counts of counterfeiting, in exchange for his testimony and a 10-year prison sentence.

Leatherman also noted that Merki had his 16-year-old son pretend to play basketball while watching armored cars in Boise, Idaho, in preparation for a possible robbery.



Alan Berg

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