

The Tyler Courier-Times  
THURSDAY, FEBRUARY 6, 1992 Sec. 1

### Board Won't Commute Nun-Killer's Sentence

HOUSTON (AP) — Attorneys for James Frank Garrett have lost a chance for an appeal before the U.S. Supreme Court after the Texas Board of Pardons and Pardon received a recommendation of Garrett's death sentence, scheduled to be carried out next week.

The board Wednesday took just 15 minutes before making a non-unanimous recommendation that Gov. Ann Richards not halt the execution of Garrett, convicted of raping and killing a nun in Austin 10 years ago.

Garrett faces lethal injection before dawn next Tuesday.

The board considered two hours of testimony from 16 witnesses called by Garrett's attorney, Warren Clark, who tried to show Garrett was the victim of abuse and was mentally incompetent.

"Not every case deserves this hearing. I know that. This case is different. James Frank Garrett is unique. He has to die," Clark said.

But Pritzer County District Attorney Thayer Hill said only about 15 minutes of the almost two hours to tell the board that Garrett deserved to be put to death.

The board voted 17-0 with one abstention. None of the board members would comment after the decision on the advice of board Chairman Jack Rice.

Garrett was convicted of raping and strangling 16-year-old Sister Tadesa Stone, a Franciscan nun, after breaking into her St. Francis convent near the home in Austin on Halloween night in 1981. He was 17 at the time.

"I don't think you feel good about somebody being executed," Hill said after the board announced its decision. "But you do feel that justice is served."

"My position is that he didn't have any mental defect except that he isn't normal. He cannot process what would control that act. He attacked her with such violence. He bent the knife in her. The death penalty is proper in this case," Hill said.

Last month, Garrett came within an hour of being put to death when Richards stopped the execution, citing a competency report from Pope John Paul II.

Garrett supporters had suggested the board recommend to Richards that the death sentence be commuted to life without parole.

Clark said he would not take the case to the U.S. Supreme Court, where the appeal was pending at the time Richards halted the scheduled lethal injection.

"There's no last appeal," he said. Added: "I think he's simply too crazy to kill," Clark said.

Three psychiatrists and two Catholic priests, including the Bishop of Austin, along with one of Garrett's former teachers testified before the board and more than 100 people who attended the packed hearing in the courtroom at the Criminal Justice Institute in San Houston State University.

In addition, one of the psychiatrists showed a 30-minute excerpt of a 2 1/2-hour taped interview made last month in which she said Garrett displayed symptoms of multiple personality disorder.

On the tape, Garrett, who called himself Aaron, said that Garrett did not know he had Aaron.

"I think he's simply too crazy to kill," Clark said.

Clark said he wanted to bring Garrett, 26, before the board, but board officials worried about security in transferring the inmate the 15 miles from death row to the hearing site at San Houston University.

"They won't bring him," Clark said. "I wanted him here to just show them they're wrong."

Dorothy Lewis, a New York University psychiatrist watching the Garrett, described his wrecked childhood, detailing beatings, solitary, rape and forced participation in pornographic films.

### EPA Halts Shipments Of Contaminated Soil

MINOR, La. (AP) — Shipments of lead-contaminated soil from Dallas to a north Louisiana landfill have been temporarily halted by the Environmental Protection Agency after two truckloads were found to be contaminated.

Two more truckloads will be sampled today at the rural Magnolia Landfill, but EPA's Regional Administrator J.L. "Bud" Wynne said he believes that his agency's regional office should not allow any more trucks from the first two are sampled by the state Department of Environmental Quality.

The latest EPA shipment by members of Louisiana's congressional delegation, Gov. Edwin Edwards and local people that they would reject those shipments from a West Dallas Superfund site and the impact of soil-lead levels in ground.

Many area residents and Oklahoma Parish officials opposed town meetings to vent their anger.

Felix John Ben Maxwell, 64, had said Tuesday that some residents were talking about "trying to block the interstate," but nothing of the sort occurred Wednesday.

The first two of about 1,800 truckloads of contaminated soil EPA intended to send to Magnolia Landfill arrived shortly after 3 p.m. Wednesday and were placed in a landfill.

Environmental manager Bill Hay (DQ) employees, clad in protective clothing and masks, took samples from the trucks, and the results themselves intimidated some citizens.

"DQ people were in motes," said Wynne, one of the congressional delegates of tonight's town meeting. "They were telling us this stuff is not hazardous. If it's not — then why isn't it sitting in the ground?"

While EDQ routinely monitors some shipments to landfills, the sampling Wednesday was in response to local concerns. The next test results may not be available for at least three or four business days, officials said.

"I certainly think it is a wise, prudent thing to do on the spot, send them," said U.S. Rep. Jerry Fluker, D-Singola, noting public concern.

He said he and U.S. Sena John Bennett and Bennett Johnson asked Wynne to delay shipments while awaiting test results. He said shipments probably will be suspended until after a town meeting next

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### Austin Mourns Death Of Four Girls Murdered At Yogurt Shop

AUSTIN (AP) — A silver-and-red "Happy Birthday" balloon bounced from the door handle of the window-paned shop where four teenage girls were shot to death.

Four memorial candles burn at the top of the chandelier under the sign which the girls' killer had set up for helping to destroy the evidence of an unsolved crime that still shocks the city two months later.

Stores of inspirational messages — "I will love you soon in heaven," tracks one — are carved in the door and written on nearby walls.

Across the city, signs on taxi signs urge to please police with information; billboards are being erected with photos of the slain girls; a citizen group hands out white memorial balloons and operates one of three toll-free hot lines.

But police continue hunting what they believe to be two local people — one who "who tied up the girls, put a gun to their heads and pulled the trigger."

"We're in the toughest part — trying to develop enough probable cause to charge the right people in this case," said Lt. Andrew Waters, head of a police task force investigating the killings. "Every day, everybody has."

The bodies of Jennifer Hartman, 17; her sister, Sarah Hartman, 16; Erin Thomas, 17; and Amy Ayres, 22, were found early the morning of

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