

FREE

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Santa Monica Daily Press

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DNA links convicted felon to 1998 SM murder

BY CAROLYN SACKARIASON
Daily Press Staff Writer

DNA evidence has put the "cold" four-year-old murder case of a Santa Monica woman back under the spotlight.

The Los Angeles County District Attorneys office has charged David Thomas Wright with capital murder in the killing of Aviva Labbe on June 14, 1998 in Santa Monica, said Sandi Gibbons, a spokesman for the DA's office.

Wright, 47, is already in the California state prison system serving a 6-year sentence for battery of a Santa Monica police officer during an unrelated incident, authorities said. In January, a jury found Wright guilty of battery, resisting arrest, and failing to register himself as a sex offender.

Los Angeles County Deputy District Attorney Ellen Aragon last week filed charges against Wright, who was homeless and living on the streets of Santa Monica before being arrested, according to police.

Wright was a twice convicted felon before the murder and has an extensive arrest record, said DA spokeswoman Jane Robinson.

Labbe's murder had been classified as a "cold case" and remained unsolved for nearly four years.

There were no suspects until a sampling of Wright's DNA linked him to the murder through the US Department of Justice database system, police said.

"The DNA evidence we recovered was ultimately

See DNA, page 3

City takes step closer to banning smoking in parks

BY ANDREW H. FIXMER
Daily Press Staff Writer

Some say it's now merely a faux-pas to publicly light up in Santa Monica. It may soon get worse.

Hoping to protect children from the harmful effects of second-hand smoke, the city is moving forward with a plan to ban cigarette smoking entirely in all of its 15 parks.

The Recreation and Parks Committee voted unanimously Thursday night to recommend the city council ban smoking from "curb to curb" in every public park, including the forthcoming Airport Park. The city council is

the only municipal body with the power to enact new ordinances.

Committee member Neil Carrey said the vote was intended to send a strong message to the city council on the importance of the issue.

"I don't know how anyone could defend what the city council and the city itself stands for and then not support this," he said. "If you are going to have a sustainable city it makes sense to help sustain the people living in it."

The committee's chair, Frank Schwengel, at one point during the meeting asked that Palisades Park be spared from the ban because

See SMOKING, page 4

Marathon Marty remembered



Andrew H. Fixmer/Daily Press

Friends of Marty Lipstein, who is known locally as Marathon Marty for running 119 of the races, gathered around the Tree of Life in Palisades Park near the entrance to the Santa Monica Pier Friday to remember his life. Some, like Elani Curtis, sang Lipstein's favorite songs while others, like Gerald Condon (pictured), spoke of running long distances together. Lipstein died June 9, he was 82.

Santa Monica small claims collection a big headache

BY JOHN WOOD
Special to the Daily Press

Despite a \$3,250 judgment in her favor, Amy Ruppert left the Santa Monica Small Claims Court last Monday no richer than when she arrived.

Like dozens of others each week who prevail in small claims court, Ruppert must now pursue the money she is legally owed. It could be a long chase. She is rapidly finding out that winning a judgment may be only half the battle.

Cheryl Noda, the Santa Monica landlord who accepted Ruppert's check as down payment on an apartment for Rupert's June 1 move-in, deposited the check into her mother-in-law's bank account, where it was promptly spent.

However, the apartment is still occupied and Ruppert never moved in. But Noda now claims to be broke and won't refund the deposit.

"There's acrimony here in the court," said Pro Tem

Judge Bonita Churney, an attorney. "But getting payment can become very acrimonious as well. If someone wants to make themselves scarce, it can become very difficult (to collect a small claims judgment)."

Attorney and Pro Tem Judge Norman Axe said just because a plaintiff wins doesn't mean the battle is over.

"Getting the judgment is one thing," he said. "Collecting is the more important and difficult issue."

"Once you get the judgment you're on your own," he added. "First, you contact the defendant and say 'pay.'"

See CLAIMS, page 4

Collection is cumbersome, but not impossible

BY JOHN WOOD
Special to the Daily Press

Sheriff's deputies have an arsenal of tactics they can use to collect cash from those who refuse to pay their debts even after a judge orders it.

Here's what the experts say you

can do if you've won a small claims judgment and the defendant doesn't pay up within 30 days:

Find out where the individual works and lives. Get his license plate and driver's license numbers. Retrieve bank account information from returned checks, if available.

Order a court examination, where the defendant is questioned about his or her assets and earnings under oath.

Armed with this information, one can turn to the sheriff for help.

See TACTICS, page 4

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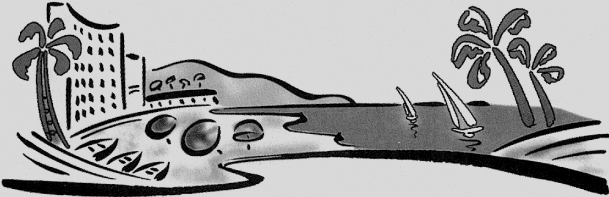
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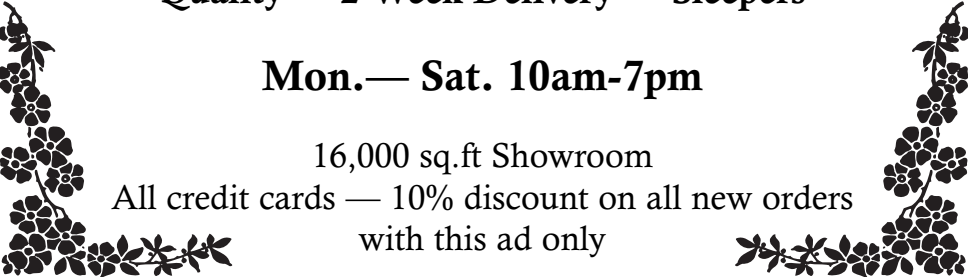
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JACQUELINE BIGAR'S STARS

The stars show the kind of day you'll have:

★★★★★-Dynamic ★★★★★-Positive ★★★-Average
★★-So-so ★-Difficult



ARIES (March 21-April 19)

★★★★ Deal with the unpredictable by detaching. For some, that might be taking a drive. For others, it might be hopping on the computer. Recognize what might be going on here before responding. Avoid a knee-jerk reaction. Tonight: Take in a movie.



TAURUS (April 20-May 20)

★★★★ Reach out for a specific friend or loved one who always gives you another perspective on your problems. Don't worry so much about a controversial situation. You flourish when dealing with another. Confusion surrounds plans. Tonight: Go along with a loved one's desires.



GEMINI (May 21-June 20)

★★★★ Don't misread another's decision. You could cause yourself a lot of unneeded angst otherwise. Consider what another might be saying. Think about your options more carefully. Unexpected developments come your way. Tonight: Be ever playful.



CANCER (June 21-July 22)

★★★ Work with others carefully. You don't need a bad case of the jitters because you or another gets upset. Confirm what you're hearing before leaping to action. Understand what an associate wants through better listening skills. Tonight: Nice and easy works.



LEO (July 23-Aug. 22)

★★★★ Use your creativity to find good solutions. Consider with care an opportunity that surrounds a child or loved one. Confirm all plans. Figure out what is happening right now with a friend. Messages could be confusing, at best. Tonight: Just hang in there.



VIRGO (Aug. 23-Sept. 22)

★★★ Deal with a family member head-on. Don't try to do anything direct in your dealings. Another might not understand your intentions or what you mean. Be careful when choosing your words. Others seem to be slightly feisty or misguided. Tonight: At home.



LIBRA (Sept. 23-Oct. 22)

★★★★ You might have the best of intentions but still find yourself misrepresented. Think carefully about your words. Your cheerfulness helps draw another out of the doldrums. Remain as sensitive as you can with those around you. Tonight: Play away.



SCORPIO (Oct. 23-Nov. 21)

★★★ Finances could color your perspective right now. What might not feel comfortable at present might be a lot different given some time. Be careful with any money arrangements or agreements you make. Stomp out impulsiveness. Tonight: Having fun doesn't have to be expensive.



SAGITTARIUS (Nov. 22-Dec. 21)

★★★★ The Moon spirals into your sign, allowing you many more options. Others could feel easily overwhelmed by what is going on, whereas you seem to be able to play rescuer and succeed. Don't let anything stop you unnecessarily. Tonight: Whatever makes you happy.



CAPRICORN (Dec. 22-Jan. 19)

★★ Step back. Finances might take a downturn if you're not careful right now. Knowing what you want will help you drive a hard bargain. Confusion surrounds the simplest of tasks right now. Keep on smiling. Tonight: Take time for yourself.



AQUARIUS (Jan. 20-Feb. 18)

★★★★ A loved one might have the best intentions, but somehow, he or she messes up. Bring friends together for a spontaneous project or get-together. Be sensitive to another who might covet your attention. Don't push limits. Tonight: Where the action is.



PISCES (Feb. 19-March 20)

★★★ You might need to put in overtime or, perhaps, take responsibility in some other realm of your life. Another trusts you with his or her feelings and what he or she wants. Carefully consider options that surround a parent or older relative. Give this person meaningful feedback. Tonight: A must appearance.



QUOTE of the DAY

“The secret of staying young is to live honestly, eat slowly, and lie about your age.”
— Lucille Ball (1911-1989)

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LOCAL

U.S. team loses to Germany as supportive fans watch

BY DAISY NGUYEN

Associated Press Writer

SANTA MONICA — Dejected fans poured out of bars and restaurants early Friday still waving flags and looking forward to 2006 World Cup play after the U.S. soccer team lost its quarterfinal match to Germany 1-0.

Americans were riding a two-week patriotic wave that came crashing down when the Germans scored off a header in the 39th minute. Hundreds of people packed bars across the state, many of whom stayed up all night waiting for the much-anticipated game.

At Cock n' Bull Pub in Santa Monica, about 200 people huddled around televisions chanting "U-S-A, U-S-A," pondering their team's chances. The U.S. squad had several chances to score, but was unable put the ball in the net.

When U.S. striker Landon Donovan missed a good scoring opportunity in the 17th minute, the crowd let out a collective gasp.

Steve Laubeth, 31, of Los Angeles just returned from Korea where he watched three of four U.S. World Cup matches. Draped in an American flag, Laubeth said the U.S.-Germany game will have a major impact on soccer back at home despite the outcome.

"If we win it's a great day for U.S. soccer," he said. "If we lose, we will lose the momentum we've been building since the beginning of this tournament."

Exchange student Daniela Schuster from Bonn, Germany was the only one at the bar quietly supporting the European



U.S. soccer fans, front left, Eric Johnson, Josh Maxson, a napping Ashley Travis and Nick Waltz express their frustration early Friday morning at Staples Center while watching the last minutes of the televised World Cup quarterfinal match between Germany and USA.

Damian Dovarganes/Associated Press

squad. She liked the U.S. chances to beat Germany but she was keeping the faith in her team.

"I'm keeping a low profile here tonight," said Schuster, 24. "I think the United States stands a good chance of winning, and I'm not just saying that because I'm surrounded by Americans."

Los Angeles Galaxy player Sasha Victorine was among a throng of supporters gathered at Staples Center, where fans

sat at tables festooned with American flags. Victorine said soccer fever was spreading across the nation and would probably hold no matter what the outcome

of the game was.

"With a good showing here — I mean, there's always the kids that are involved in the sport — but with a good showing here it gets the parents wanting to get involved and a lot more people getting involved," he said.

About 400 people, many waving American flags or wearing them, gathered at the Britannia Arms tavern in San Jose to cheer on the U.S. team.

Johnny Moore, general manager of the San Jose Earthquakes professional soccer team, was on hand along with some of his players. Moore said the U.S. had a chance to upset the favored Germans if they took advantage of their high-speed playing style.

"We are at our best when we're attacking," said Moore, whose team includes forward Donovan.

Although the team fell short of its goal, fellow soccer stars such as Alexi Lalas said the overachieving team will be greeted warmly when they return home.

"No matter what happens, these guys come home heroes and they have played well," said Lalas, who has previous experience in World Cup matches for the U.S. "Despite the result, this team played so well and, not necessarily just in terms of results, but in terms of bringing soccer to people."

Homeless murderer suspect has a long history of crime

DNA, from page 1

mately compared to a data bank," said SMPD Lt. Ray Cooper, a homicide detective handling the case.

Wright was officially charged with the murder on June 13, one day before the 4-year anniversary of Labbe's death, who was 20 years old when she was found sodomized and murdered in a walkway of a vacant home in Santa Monica.

Lt. Cooper said Labbe had just moved to Santa Monica shortly before she was murdered. Police did not say where Labbe had moved from or where her family was located.

Had she not been brutally murdered, Labbe would have celebrated her 25th birthday on June 20.

Authorities are not revealing the circumstances surrounding the murder.

"We don't want to compromise the

prosecution of the case or the investigation," Lt. Cooper said.

The murder case against Wright is considered a "special circumstance" because Labbe was sodomized. A panel will review the case against Wright to determine whether the state will seek the death penalty, Robinson said.

Wright's rap sheet goes back to at least 1990 when he pleaded no contest to petty theft. In 1993, he was convicted of possessing a dagger and given probation. In 1994, he was given a two-year prison sentence in an assault case. In 1999, he was acquitted for possessing a deadly weapon.

Earlier this year he was sentenced for assaulting a police officer and failing to register as a sex offender. The charges stemmed from a conviction in another state.

Wright is being held without bail and is scheduled to be arraigned on June 28.



Smaller, wind swell waves show at northwest exposures today. Waves hover around waist high, some inconsistent chest highs on good sets. Expect glassy conditions during the morning. Typical windy afternoon will create blown out conditions. Look for a late, nice glass off at northwest exposures at sunset.

Southwest facing breaks will be the flat.

Water is warm, low 60s, and beach advisories look good, except for Surfrider.

(Information compiled by Jesse Haley)

Location	Saturday	Sunday	Water Quality
County Line	2-3'/Fair	2-3'/Fair	A
Zuma	2-3'/Fair	2-3'/Fair	A
Surfrider	1-2'/Fair	1-2'/Fair	D
Topanga	1-2'/Fair	1-2'/Fair	A
Breakwater	2-3'/Fair	1-3'/Fair	A
El Porto	1-3'/Fair	2-3'/Fair	A
Tides:	12:57am Low / 0.6'	6:48am High / 3.7'	12:13pm High / 3.7'
			6:49pm High / 6.0'

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LOCAL

City attorney says smoke-free parks proposal is legal

SMOKING, from page 1

many of the city's European tourists smoke there. He was also worried the proposal to ban smoking may interfere with the city's tourist-friendly image.

"I think we need to ask ourselves if this will hamper tourism," he said.

But Carrey convinced Schwengel that tourists wouldn't avoid Santa Monica if its only sin was preventing them from lighting up while enjoying the park's ocean views.

"When we banned smoking in bars and restaurants everybody said no one will come to Santa Monica, but they did," he said. "The same will happen when we ban smoking in parks. They'll still come."

City Attorney Marsha Moutrie said creating smoke-free zones in the city's parks would uphold the city's tradition of limiting smoking zones. The city's Consumer Protection Bureau runs stings in local restaurants and bars to enforce the state's current non-smoking laws.

"I have no reason to believe it would be illegal to ban smoking," Moutrie said. "The time is right to consider other spaces where we don't want smoking."

The practice of banning smoking in public areas has

become something of a rage in recent years. Already, smoking has been banned in office buildings, commercial airplanes, and in California, at restaurants and bars.

"I have no reason to believe it would be illegal. The time is right to consider other spaces where we don't want smoking."

— MARSHA MOUTRIE
Santa Monica City Attorney

And the state has enacted legislation that took effect in January which forbids smoking in playgrounds. The law also allows municipalities to extend smoke-free zones to entire parks or just certain areas.

Public officials worry about the effects of second-

hand cigarette smoke on children playing nearby. A recent study suggests second-hand smoke contains far more chemicals that are suspected carcinogens than previously believed.

Two years ago, Beverly Hills banned smoking in its parks entirely. And the Los Angeles City Council is currently considering legislation that would ban smoking within 25 feet of children at play. The Los Angeles ordinance would even forbid smoking at dog runs, public swimming pools and golf courses.

Both cities were convinced of the ban by the Committee for Smoke-free Zones, which broached the issue with Santa Monica's Recreation and Parks Committee. The organization is currently working with 10 other municipalities in Southern California on creating bans in their cities as well.

Robert Berger, a Smoke-free Committee member, said recent polls taken by the committee show that while below 20 percent of the state smokes, 93 percent of the population agrees with more restrictive smoking prohibitions.

"Even the people that smoke tell us they would agree to more restrictions," he said.

Small claims collection continues to be problematic

CLAIMS, from page 1

Now if they don't pay, the big problem you've got is you have to find their assets."

That's when the sheriff's department can step in. For a nominal fee, the department will collect the money the plaintiff is owed. But first, he has to find out where it is.

"State code does not allow the taxpayer to shoulder the burden of collecting a judgment," said Los Angeles County Sheriff's Deputy Gary Gray, who oversees the levy crew in Santa Monica. "The code puts everything on the judgment creditor to do all his own investigation."

By having to pay all fees up front and doing the leg work themselves, many people are deterred from trying to collect at all.

"It's an expensive and cumbersome process," said attorney and Pro Tem Judge Ed Schaffer.

Axe added that even court-ordered

"It's very irritating. It's like I'm financing \$3,000 for a complete stranger. It's ridiculous."

—AMY RUPPERT
Santa Monica small claims plaintiff

examinations, where the defendant is asked about his or her earnings and assets under oath, often fail, although they are available to every small claims victor.

"So someone comes in and says, 'I don't have a job. I don't have a bank account.' What are you going to do? A lot of the time, someone who doesn't want to pay will be one step ahead of you.

"Unfortunately, the average person often can't (gather all the necessary information). But there are always collection agencies. They'll handle everything for a chunk (of the judgment)."

Then there are defendants who are accustomed to losing small claims cases and become experts in making themselves "judgment-proof" — by putting assets in relatives' names or simply hiding them.

Meanwhile, Ruppert is still looking for housing.

Noda said she intends to repay

Ruppert, but she doesn't have any money right now.

Ruppert isn't holding her breath.

"Here she is with a big home in the Marina and three new cars in the driveway," Ruppert said. "It's very irritating. It's like I'm financing \$3,000 for a complete stranger. It's ridiculous."

Ruppert might take heart from a Colorado man who once sued a small commuter airline over some lost baggage. After pointing to a plane waiting to leave the airport there, the man persuaded the local sheriff to padlock it — until the airline paid the \$175 in question.

Sheriff's department can aid in the collection process

TACTICS, from page 1

If the owing party is an individual, the sheriff can demand that his or her employer remit 25 percent of wages until the debt, and the associated \$25 fee, are repaid. The sheriff also can garnish an individual's bank account for a \$30 fee. In some auto-accident related judgments, the creditor can even have the debtor's driving license suspended.

If the debtor is a business, a "keeper," who collects all incoming funds until the debt is paid, can be placed on premises for eight, 12 or 24 hours a day, for up to 10 days. Sheriff's deputies will literally sit in a business and collect money each time a transaction is made and will ensure that the owner does not remove any assets. Keepers cost \$210 for an eight-hour shift.

"At the end of the 10-day period, we have to either release or (if the debt is still outstanding) move the business out and auction it off," said Los Angeles County Sheriff's Deputy Gary Gray, who oversees the levy crew based in the Santa Monica Courthouse.

Another option, called a "till tap," involves having the sheriff take money directly from the business' cash register. This method requires an \$85 deposit.

"With a big corporation, we'll call ahead (to request payment). We know they'll be there tomorrow," Gray said. "With some of the smaller vendors or

with individuals, we just show up."

And then there are auctions. The levy crew can, for a substantial moving, storage and deposit fee (\$850 to \$1500-plus), seize property and sell it to the public.

"We seize tangible personal property, everything from boats, jet skis, motorcycles and vehicles to office equipment," Gray said. The property is then auctioned to the public, and proceeds go towards the judgment.

For a \$10 fee, one also can file a form called an "Abstract of Judgment," which puts a lien on any land, house or other property in the county where the form is filed. The county then requires payment before any escrow can proceed.

"That's what I call the waiting game," Gray said. "Eventually, the abstract rears its ugly head."

The levy team from the sheriff's department is set up specifically to collect on any court-ruled settlement. After a person is awarded a judgment and can provide the necessary information about the owing party, they can go to the sheriff's office in the courthouse and instruct officers on what method they should use for collection.

Crucial to collection, said Gray, is that plaintiffs do research before they sue.

"Look up the sheriff's web site," he said. "Read all the small claims materials. Be sure you know who exactly you're suing and what the rules are."

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STATE



CALIFORNIA BRIEFS

Driver who killed CHP officer sentenced to 11 years

By The Associated Press

VISTA — A man convicted in a drunken driving collision that killed a California Highway Patrol officer was sentenced Friday to 11 years in prison.

Christopher P. Merrick was returning home from a night of drinking in Tijuana, Mexico on Oct. 28, 2000, when he struck Officer Sean Nava on Interstate 5 near Carlsbad.

"You do not have to look into the eyes of a 4-year-old son and 7-year-old daughter and tell them that their daddy would never be coming home," Nava's wife, Melanie, said in court before Judge Marguerite Wagner handed down her sentence.

Merrick, 22, was convicted last month of gross vehicular manslaughter while intoxicated and felony hit-and-run. He faced a maximum of 16 years in prison.

Merrick and a passenger fled the scene of the accident and then stopped in a residential neighborhood, where they began arguing about the collision. A neighbor overheard them and called police.

More than two hours after the accident, Merrick's blood-alcohol level measured .06 percent. But a prosecution expert testified it was probably higher than the legal .08 percent threshold when the accident occurred.

Jury rejects woman's claims of sex abuse against judge

By The Associated Press

SANTA ANA — Jurors on Friday rejected a woman's claim that she was coerced into having sex with a judge in exchange for a favorable ruling in her ex-husband's criminal case.

The Orange County jury deliberated for two days before deciding against Pifen Lo, 42, of Monrovia, who had filed a civil claim alleging sexual battery and emotional distress.

The jury found the state was not responsible — as the judge's employer — for the alleged actions.

Lo alleged she was sexually abused in 1996 by Los Angeles County Superior Court Judge George W. Trammell III, who was presiding over her ex-husband's money laundering and kidnapping case.

She testified that Trammell told her she would never see her ex-husband out of prison if she didn't have sex with him.

Attorneys for the state told jurors Lo was not coerced. Lo willingly entered into a sexual relationship with the judge in hopes of using his position to help her ex-husband get a lighter sentence, the attorneys said.

"We thought (the sex) was consensual," juror Connie Cura said.

The case was moved to Orange County because Trammell was so well known by judges in Los Angeles.

Trammell, who retired from the bench in 1997, was sentenced in 2000 to more than two years in prison for a federal conviction stemming from his sexual relationship with Lo.

A federal court ruled Trammell abused his power as a judge because Lo was vulnerable as a defendant in his courtroom.

Summer arrives with hint of rainy season that never was

By The Associated Press

LOS ANGELES — June gloom thickened to mist and drizzle on the first day of summer, giving parched Southern California a dose of dampness as the water-year entered its final days with rainfall far below normal.

Friday's rain from a deep marine layer blanketing the south coast did nothing to halt Los Angeles' skid toward its driest season on record, with rainfall more than 10 inches below normal. The season ends June 30.

The clouds, however, did make a wash of the summer solstice — when the sun reaches its highest elevation of the year, the day is at its longest and shadows are at their shortest.

NASA noted on its Web site that 7-foot-1 Lakers center Shaquille O'Neal would have only a 1-foot-4 shadow if he stood in the noon sun in Los Angeles, but the cloud cover kept shadows from being cast.

Martin Scorsese, Kermit get Hollywood stars

By The Associated Press

LOS ANGELES — Martin Scorsese, Etta James, Kevin Bacon, Susan Sarandon, Carmen Zapata and Kermit the Frog are among entertainers who will be enshrined in the Hollywood Walk of Fame next year.

The 2003 Walk of Fame recipients in the film category included Bacon, Robert Duvall, Sarandon and Scorsese. Television honorees included Beau Bridges, Drew Carey, Kermit, Larry McCormick, the Osmond Family, Isabel Sanford and Suzanne Somers.

Michael Bolton, James, Carole King, Israel Lopez "Cachao" and Earl Scruggs will be honored in the recording category and live theater performers included Betty Garrett, Doris Roberts and Zapata. Los Angeles radio personality Gil Stratton was selected in the radio category.

Posthumous stars will be dedicated in honor of Gilda Radner, for television, and Richard Rodgers, for live theater.

"We are especially proud of the criteria that the nominees have made significant contributions to the community. We take that requirement very seriously when choosing a star," Grant said.

Recipients were chosen from hundreds of nominations to the committee at a meeting held June 14 and ratified by the Chamber's Board of Directors.

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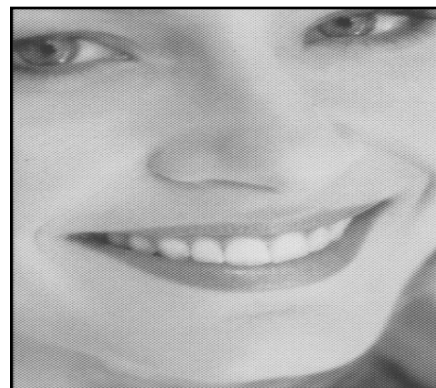
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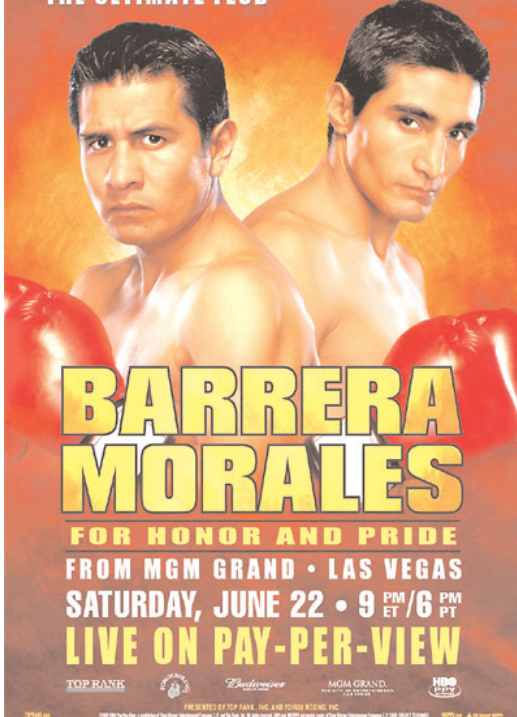
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STATE

Bankruptcy costing nearly \$1M in weekly legal fees

BY DAVID KRAVETS

Associated Press Writer

SAN FRANCISCO — It's payday for the lawyers and consultants in the 14-month-old Pacific Gas and Electric Co. bankruptcy case.

In what is shaping up as one of the most expensive cases in U.S. bankruptcy history, the legal fees are more than a combined \$900,000 per week, or about \$90 per minute, according to court documents.

Ultimately responsible for paying for these services — with some experts billing as much as \$750 an hour — are the utility's 4.6 million California ratepayers. And many of the same lawyers are working on a bankruptcy reorganization plan for the utility that at least one ratepayer watchdog group thinks could ultimately raise electricity rates, a position the utility disputes.

"It's absolutely outrageous that they're spending almost \$1 million a week on lawyers and the ratepayers will pay for it," said Mindy Spatt, a spokeswoman for the watchdog group Utility Reform Network.

A hearing is set in U.S. Bankruptcy Court for July 2 in which a judge is expected to approve the latest round of legal and consulting bills. The court's public watchdog, the U.S. Trustee's office, is urging the court to reduce them by hundreds of thousands of dollars.

The trustee's office squelched a \$10,000 airfare ticket and a \$4,000 computer printer, among other bills, in previous billing cycles.

From April 6 of last year when the case was filed to March 31 of this year, \$46.1 million has been billed in legal and consulting expenses, according to court records. Expenses since March 31 have not been submitted to the court.

The expenses are a fact of life for American corporate bankruptcy, in which company executives, private attorneys and consultants are enriched.

In March, the utility gave about \$64 million in retention bonuses to PG&E managers to keep them from quitting while it works itself out of bankruptcy protection. Now it's time for the private lawyers, accountants and other professionals working on the case to get their piece of the money pie in the ongoing dispute over \$44 billion in debt claimed by thousands of creditors.

"This is an expensive proposition — bankruptcies always are when there is this much at stake," said David Huardo, a president of the international Energy Bar Association.

Even so, the case is expected to be litigated more cheaply than some other big-money bankruptcies. Consider the Enron Corp. bankruptcy. It has generated \$69 million in legal bills but is half as old as the PG&E case.

In the PG&E case, U.S. Trustee Linda Stanley is trying to thwart hundreds of thousands of dollars in new bills, including a \$48,000 postage tab by a research group to mail its invoices.

Other discrepancies include unexplained increases by as much as 62 percent in attorney fees, allegations of unnecessarily prolonging the litigation and billing for too many lawyers at court proceedings, according to Stanley.

The San Francisco firm of Howard, Rice, Nemerovski, Canady, Falk & Rabin, which is PG&E's main counsel, dispatched a total of nine attorneys and staff to two separate court dates and 11 to another.

All told, at the Jan. 25 proceedings before U.S. Bankruptcy Judge Dennis Montali, the Howard Rice firm billed \$17,771 for 11 attorneys and secretaries to attend a hearing and to prepare for it. The 11 billed for a combined 60 hours, an average of nearly \$300 per hour, according to court records.

Howard Rice attorney James Lopes, who bills at \$550 an hour as PG&E's lead counsel, said the attorneys and staff were necessary for the three court days in which the firm was defending dozens of objections to PG&E's bankruptcy payment proposal.

Bankruptcy expert Ivan Kallick defended Howard Rice's decision to send multiple attorneys to bankruptcy hearings.

"If I was sitting as a judge or a client paying the bill, I'd rather have the most knowledgeable lawyers in the courtroom for a couple of hours rather than delay the proceeding for a week," Kallick said.

Stanley also accused the Howard Rice firm for dragging out the legal process and she wants to reduce the firm's nearly \$13 million in total fees, the most in the case billed by any firm, by \$228,000. She called parts of the firm's work "unnecessarily prolonged and too costly."

Parents of boy who drowned in friend's pool sues homeowner

By The Associated Press

LOS ANGELES — The parents of a 7-year-old boy who drowned at a friend's pool party are suing the homeowners, claiming negligence and poor maintenance were responsible for their son's death.

Paolo Ayala, who didn't know how to swim, disappeared June 2 and was missing for about a day before his body was found in the pool.

Police said the pool's water was murky and the floor apparently created an optical illusion that led officers to believe they saw the bottom of the pool when they did not. A housekeeper spotted Paolo's body hours after a pool cleaner had added chemicals to the water.

An autopsy showed the boy drowned.

The lawsuit alleges that Saeed and Kimberly Farkhondehpour were negligent in maintaining the pool and failed to properly supervise Paolo.

Attorney Jack Zakariaie, who represents the Farkhondehpours, said his clients were never told that the boy couldn't swim.

"This kid had no place being at a pool party when he didn't know how to swim," Zakariaie said. "I'm not sure if the water wasn't murky, it would have made a difference in this case."

Franklin and Eduina Ayala are seeking punitive and special damages, including compensation for emotional distress and loss of future income, as well as reimbursement of funeral and burial fees.

STATE



Research vessel marks 40 years of sinking for science

BY ANDREW BRIDGES
AP Science Writer

ABOARD THE RESEARCH PLATFORM FLIP — Nine miles off San Diego, in water 500 feet deep, it's hard to avoid that sinking feeling as you watch the stern dip down, down, down into the deep blue ocean.

You're going down, but that's OK: You're aboard Flip, a unique vessel that's been sinking, safely, for science for 40 years.

On a recent cruise, Flip took 20 minutes for its bow to slowly rise out of the water as 700 tons of ocean water swamped tanks in the stern. As it lay cocked at a 45-degree angle, air, pushed from the sinking tanks, rushed out with a deafening screech.

It paused and then, in just seconds, Flip lurched forward, flipping completely vertical.

The screech stopped and Flip performed a delicate pirouette. The dozen aboard stood on decks that had been bulkheads, like extras in a nautical remake of the 1951 musical "Royal Wedding," in which Fred Astaire danced his way onto the ceiling.

Just 55 feet of the baseball bat-of-a-vessel remained poking above the waves. Below, 300 feet more pointed straight down to Davy Jones' locker.

It's a process the vessel has done — and undone — 355 times since it was launched 40 years ago Saturday.

"All right! That's cool," said Scripps Institution of Oceanography professor William Hodgkiss, a veteran of 20 previous cruises, as Flip completed a pirouette after flipping.

"What's that?" said fellow professor Ken Melville, a first-timer.

"It's just cool," replied Hodgkiss with a grin.

Once vertical, Flip — short for Floating Instrument Platform — becomes a base for science experiments, primarily on the propagation of sound in water.

While ships bob on the waves, Flip remains stable, the bulk of its mass hidden beneath the waves, iceberglike. The enormous spar buoy can survive 80-foot waves.

"It's like a landmass sitting in the ocean, which means it doesn't ride up and down in the waves; they wash over it," said Capt. Bill Gaines, assistant director of

the Scripps Marine Physical Laboratory in San Diego. Scripps operates Flip on behalf of the Navy.

That stability is key for experiments on sound's behavior in water, something influenced by temperature, salinity and the shape of the ocean floor.

Navies have been keenly interested in tracing sounds back to their source since the British first used sonar in the 1920s to track noisy enemy submarines.

Scientists now routinely deploy arrays of hydrophones from Flip, allowing them to study the sounds produced not only by submarines, but whales and dolphins as well. Flip scientists also study waves and the exchange of heat between the water and atmosphere.

The idea for Flip came from Allyn Vine, a Woods Hole Oceanographic Institution scientist who observed the stability of an upright mop floating in choppy water.

The first proposal was to sink a submarine on end. When that proved undoable, work on Flip began.

Since its maiden voyage from the Portland, Ore., shipyard where it was built for \$440,000, the unpowered Flip has been towed throughout the Pacific and Atlantic oceans. It was overhauled for the first and only time in 1995 for \$2 million. There are no plans to retire Flip; replacing it would cost \$30 million, Gaines said.

Flipping and unflipping involves nothing more than swapping air for water and vice versa.

"It's a breeze. Gravity tells you what to do," said Fred Fisher, an emeritus research oceanographer who helped develop Flip with fellow Scripps scientist Fred Spiess.

On average, Flip spends 60 to 90 days at sea each year, where it often draws gawkers, as well as the odd distress call from sailors who think they've spied a ship sinking for good.

Its interior is simply odd, with doors on the deck and portholes on the ceiling. Twin sinks, one horizontal, one vertical, crowd the head. The toilet bowl rotates, as do bunks, the washer and dryer and the entire galley. Narrow rooms with strangely high ceilings become spacious labs once flipped on side.

"It's a sort of different shape than most ships," Spiess said.

Parents jailed for refusing to testify against son

By The Associated Press

SANTA ANA — The parents of a man accused of murdering a college student 13 years ago have been jailed for refusing to testify against their son.

Orange County Superior Court Judge Frank F. Fasel ordered Lorenzo and Loretta Morales held on contempt of court charges after refusing Thursday to take the witness stand.

The couple's 35-year-old son, Mark Glen Morales, has been charged with killing Steven Merritt, 21, following a fight over music at a party at Saddleback College on Feb. 26, 1989.

Fasel ordered the couple held until they agree to take the stand and answer all questions or until the end of the murder trial.

"What do you expect them to do, help put this son in prison for the rest of his

life?" asked the couple's attorney, Victor Sherman.

Deputy District Attorney Carolyn Carlisle-Raines and their son's defense attorney Donald Re refused comment.

Morales, a high school math teacher, was arrested two years ago after sheriff's investigators reopened the case. Authorities have said Morales was always a suspect in the killing but left the country before investigators could make an arrest.

Prosecutors believe Morales' parents could testify to alleged incriminating statements made by their son after Merritt's death.

Morales' parents were given immunity from prosecution last year when they first refused to testify at a preliminary hearing in the case. That time, they were found in contempt of court and jailed for one day.

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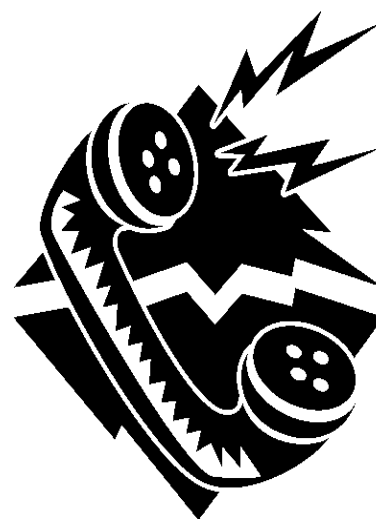
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What do Shaq and Lenny Krayzelberg have in common?

as quoted in USA Today



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SPORTS

USA team loses this years chance for World Cup title

BY RONALD BLUM

AP Sports Writer

ULSAN, South Korea — The best United States soccer team in 72 years finally met its match.

After rousing fans back home to get up in the middle of the night to watch their inspired play, the Americans lost to Germany 1-0 on Friday in the quarterfinals of the World Cup, although they outplayed their taller, stronger opponents for much of the night.

"I think we demonstrated to the world that the United States belonged here," U.S. coach Bruce Arena said.

"We expected to be the best team tonight. We weren't surprised at our performance."

Unlike four years ago, when Germany manhandled the Americans during a 2-0 first-round victory in Paris, the U.S. players shoved back.

The United States dominated for much of the first half and had numerous scoring chances, with Landon Donovan leading the way. But in the 39th minute, German midfielder Michael Ballack scored on a header, rising between two American defenders.

German goalkeeper Oliver Kahn twice came up with diving saves in the first half to deny Donovan, and the Americans nearly tied the score four minutes into the second half.

A shot by Eddie Lewis bounced off Kahn and hit the left hand of defender Torsten Frings, who was standing on the goal line. The ball almost crossed the line before bouncing back to Kahn, who smothered it.

Scottish referee Hugh Dallas didn't call a penalty, awarding Germany a goal kick.

Then, with only minutes left in the game, the United States had another great chance, but defender Tony Sanneh just missed a goal on a header. He hit the side of the net off a cross from Clint Mathis, who had entered early in the second half.

Moments later, Mathis' hard shot in the penalty box was blocked by German midfielder Jens Jeremies as the Americans tried desperately to score the tying goal.

At the end of the game, half a dozen players from each team collapsed to the ground, exhausted.

The fans gave the Americans a standing ovation, and captain Claudio Reyna held up a U.S. flag, saluting the crowd that was chanting "U-S-A! U-S-A!"

"We have had a great ride," U.S. goalkeeper Brad Friedel said. "The satisfying thing is we can go home knowing we could have gone a little further. We never once got played off the park here, and we can go home with our heads held high."

It was a stellar showing for an American team expected to struggle just to get out of its first-round group. Four



Christof Stache/Associated Press

USA's Gregg Berhalter, left, and Germany's Miroslav Klose fight for a header during the World Cup quarterfinals soccer match at the Munsu Football Stadium in Ulsan, South Korea on Friday. Germany won 1-0 to advance to the semifinals.

years ago, it lost all three of its games and finished last in the 32-nation field.

This World Cup started better right away for the Americans. They opened with a 3-2 win over heavily favored Portugal, then tied 1-1 against South Korea — which hasn't lost yet. While they lost 3-1 to Poland, they backed into the second round and upset Mexico 2-0.

But instead of the Americans advancing to the semifinals for the first time since the first World Cup in 1930, the Germans will go there for the 10th time — their first since winning their last championship in 1990.

Germany will play the winner of Saturday's quarterfinal between Spain and South Korea.

Coach Rudi Voeller acknowledged his team did not play its best against the United States.

"America put a lot of pressure on us," he said, "and we just didn't get the combination play going as I would have liked to."

Before Germany scored, the Americans dominated the three-time champions, outshooting them 5-1.

Germany twice had open headers but couldn't connect. And four minutes after the Germans took the lead, they nearly got another goal when Miroslav Klose hit the post off a cross from Oliver Neuville.

The goal came after Lewis fouled Torsten Frings about 25 yards out on the right side. Christian Ziege crossed the ball and Ballack got between Tony Sanneh and Gregg Berhalter, outjumped them and headed the ball past a diving Friedel.

Donovan had the best U.S. scoring chance in the 17th minute, going around Thomas Linke and sending a low shot that Kahn, one of the world's top goalies, deflected wide with his fingertips.

Kahn stopped Donovan again in the 30th minute, getting his right hand on a shot by the 20-year forward, who was isolated 1-on-1.

Neuville had the most artistic shot of the first half, a bicycle kick from the middle of the penalty area — and it bounced right off the head of Lewis, who was only a few yards away.

Lewis had a good shot from the center in the 36th minute, but Kahn again came up with the save.

The fast-paced game also featured a lot of physical play, with hard tackles from both teams.

Reyna even got some payback on Jeremies, who kneed him in the back early in the teams' World Cup game four years ago.

Jeremies entered as a substitute in the 60th minute, and eight minutes later he and Reyna pushed each other as the Americans prepared to take a free kick near the German goal. Both tumbled and Reyna stomped on Jeremies' left leg as they got up, earning a yellow card.

The Germans were a 5-1 favorite coming in, and had 51 World Cup victories to the Americans' six. The United States has never won a World Cup game in which it trailed.

Davis Love III grabs his share of lead at the Greater Hartford Open

BY JOHN NICHOLSON

AP Sports Writer

CROMWELL, Conn. — Davis Love III put his U.S. Open preparation to good use Thursday in the Greater Hartford Open.

Love shot a bogey-free 6-under-par 64 in breezy afternoon conditions for a share of the second-round lead with Briny Baird and Jonathan Kaye at 8-under 132.

"I spent three or four weeks getting ready for the U.S. Open," said Love, coming off a 24th-place tie

last week at Bethpage Black. "I'm tournament sharp and tough ... and a little bit mad."

He holed a 27-foot birdie putt on the short par-4 15th after a poor chip from the swale in front of the green, and made four other birdies putts from 12-to-15 feet.

He has 14 PGA Tour titles, but only one in the last four years — the 2001 Pebble Beach National Pro-Am.

Baird and Kay, both winless on the tour, shot 67s on the TPC at

River Highlands. Scott Hoch (66) and Kaname Yokoo (68) were a stroke back at 7-under, and Len Mattiace (64), David Peoples (65), Peter Lonard (68) and Hidemichi Tanaka (70) were 6-under.

Defending champion Phil Mickelson and Sergio Garcia shot 67s to reach 4-under and Ernie Els was 1-under after a 70.

Kaye, playing in the morning session before the wind picked up, was 9-under after 11 holes, but bogeyed No. 4 — his 13th of the day — and missed an 8-foot birdie putt on No. 8.



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NATIONAL



Electronics giant phasing out movie videos for DVDs

BY LARRY O'DELL
Associated Press Writer

RICHMOND, Va. — Circuit City Stores, the nation's second-biggest electronics chain, is phasing out movies on videotape altogether in favor of DVDs. "The people who are buying movie titles these days want to buy them on DVD," Circuit City spokesman Jim Babb said Friday. "People have embraced the technology in a big way, and we're responding to that by increasing the space given to DVD titles."

Some of the chain's stores already have cleared their shelves of all VHS movies. The Richmond-based company will continue to sell VHS movies on its Web site and stock blank tapes and videocassette recorders in its more than 600 stores, Babb said.

Circuit City has no timetable for eliminating VHS tapes from all of its stores, Babb said.

Similarly, Borders is largely phasing out VHS tapes except for sports and exercise videos, said Ann Binkley, a spokesman for the Ann Arbor, Mich.-based music, movies and book retailer.

"For a big title, like

'Harry Potter,' we'll bring a limited amount of VHS along with the DVD," Binkley said.

Charles Van Horn, president of the International Recording Media Association, a trade association based in Princeton, N.J., said Circuit City's move is premature. He noted that about 90 percent of U.S. households have at least one VCR, while only about 30 percent have a DVD player.

"Circuit City will discontinue the 60 percent of consumers who have a VCR but no DVD," Van Horn said.

He said that while the

DVD player is "the fastest-growing video product ever," it will take time to catch up with the VCRs. And even after it does, the two products will coexist in most homes for years to come, he said.

Van Horn said other retailers are trimming their VHS movie inventory to make room for more DVDs, just as music stores cut back on music cassettes to expand their CD selection. However, he said he does not expect other retailers to phase out VHS tapes any time soon.



Wayne Scarberry/Associated Press

Mike Colvin of Chesterfield, Va., browses through the DVD section of the Circuit City store at Chesterfield Town Center near Richmond, Va. on Friday. Richmond-based Circuit City, the nation's second-largest electronics chain, announced it would no longer stock movies in VHS format, opting instead for the digital format of DVDs.

Horse-and-buggy accident kills two Amish children

By The Associated Press

LEACOCK, Pa. — Two Amish children were killed after the horse-drawn buggy in which they were riding was struck by a sport utility vehicle, police said.

The buggy was equipped with a reflective triangle as required on all vehicles that travel at night and that don't exceed 25 mph. The buggy also had lights which are not required, police said.

The accident came weeks after a judge ruled that the ultraconservative Swartzentruber Amish sect must use the orange-and-red reflective triangles on their buggies. The group had argued in court that the gaudy decorations were offensive and violated their beliefs.

It was not clear to which sect the victims in Wednesday's crash belonged.

Mark Anthony Tomassetti, 22, of Gap, fled the scene, but was arrested about seven hours after the accident while trying to make calls from a pay telephone outside a restaurant. He was being held on \$100,000 bail at the Lancaster County prison.

Authorities say his license was suspended for 60 days on May 10.

Tomassetti was charged with felony counts of causing an accident involving death or personal injury and causing an accident while not properly licensed, as well as other offenses, police said. He was not charged with fleeing the scene,

but other charges could be filed later, police said.

Nine-month-old Rebecca Sue Ebersole, of Bird-in-Hand, was found dead at the scene of the crash, police said. Her 12-year-old aunt, Rachel Anne Stoltzfus, of Kinzers, was pronounced dead at Lancaster General Hospital about 90 minutes later.

"It's tragic, especially when you consider the driver had no right to be on the roadway," Lancaster County District Attorney Donald Totaro said.

Both vehicles were traveling west on state Route 340 when the SUV struck the back of the buggy and then hit a utility pole, police said. All four occupants of the buggy were ejected, police said.

Rebecca Ebersole's parents were hospitalized. Samuel S. Ebersole, 31, was listed in fair condition, and Anna Mary Ebersole, 26, was in serious condition Thursday. Police said Rachel was the sister of Anna Ebersole.

Jack Meyer, of Leacock Township, drove up to the accident scene minutes after the collision.

"It was horrific," Meyer said. "It looked like someone had set off an explosive inside the buggy. There were pieces everywhere."

State police said the horse also was killed.



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NATIONAL

Bush boosts fund-raising tally over \$100 million

BY SANDRA SOBIERAJ
Associated Press Writer

ORLANDO, Fla. — President Bush put the 2002 fund-raising tally for himself and Vice President Dick Cheney over the \$100 million mark Friday with a Florida dinner boosting brother Jeb Bush's gubernatorial re-election.

The president, told by a reporter that his White House team has far outpaced Bill Clinton in the money chase, replied: "Thank you. I appreciate that compliment."

He said his younger brother, the incumbent governor being challenged by Clinton's attorney general, Janet Reno, is "one of the great candidates in the history of Florida."

Bush made the trip, his 10th to Florida since the state's disputed 2000 ballots gave him the presidency, under the official banner of a national physical-fitness initiative. His brief stop at a senior citizens' recreation center, where he dropped in on a cycling class, was the day's "official business" and allowed the Florida state Republican Party to split the cost of Bush's travel with taxpayers.

In a business suit, Bush nodded his approval at a dozen seniors pedaling stationary bikes. One of the exercisers, Julian Washington, boasted it was his 86th birthday.

"You gotta be kidding me," said Bush, shaking his head. "Well, you make my point that if you exercise, you stay young and healthy."

Nearly 70 percent of Americans between the ages of 65 and 74 do not engage in regular physical activity, Bush said on the second of a four-day campaign highlighting fitness and nutrition.

Fresh off Air Force One, where the lunch menu offered corned beef, steak fries and cheesecake, Bush warned the nation against "loading up with fatty foods all the time."

He joked that he's nagging his own family, too, including the famously broccoli-averse former President Bush: "I've been working on Dad for a while on the broccoli issue."

Jeb Bush teased that brother George wasn't always the fittest in the Bush family.

Back in Washington, Democratic National Committee chairman Terry McAuliffe called Bush's recreation center drop-by a sham.

"From the \$100 million man comes the \$150,000 workout," McAuliffe said. "Today, President Bush flew 800 miles, to raise (more than) \$2 million, and expects the taxpayers to pick up the \$150,000 tab because he watched an eight-minute workout."

"Today, President Bush flew 800 miles, to raise (more than) \$2 million, and expects the taxpayers to pick up the \$150,000 tab because he watched an eight-minute workout."

— TERRY MCAULIFFE
Democratic National Committee chairman

Bush and his brother headlined the fund-raising dinner at a Universal Studios theme park hotel. The Florida GOP, which is doing plenty to promote Jeb Bush's individual campaign, was the beneficiary of Friday's appearance by the president.

Its take marked the \$100 million milestone in campaign fund raising by Bush and Cheney this year alone. The total includes money raised not only for the Republican Party but also for individual candidates. By contrast, it took Clinton 10 years — from 1992 to the present — to bring his Democratic Party total to \$113 million.

Florida's Sen. Bob Graham, the Democrat leading a congressional inquiry into the Bush administration's intelligence failures pre-Sept. 11, accompanied Bush from Washington but only as far as the Marks Street Senior Recreation Complex.

Graham faces re-election here in 2004, the same time Bush will be counting on Florida to fulfill any hopes he has for a second term in the White House.

Noting that the president has been to the Sunshine State five times already this year, Graham quipped: "I think he's going to have to start paying property taxes."

Florida is Bush's second-most visited state as president, after Pennsylvania, which has seen him 11 times in the past 18 months.

Judge throws out conviction of youth who confessed to murder

By The Associated Press

CHICAGO — A federal judge threw out a teenager's murder conviction in the killing of an elderly neighbor, saying the boy's confession, made when he was 11 years old, was coerced by authorities.

U.S. District Court Judge Rebecca Pallmeyer ruled Wednesday that the boy's arrest was illegal and that his confession should have been thrown out.

The boy was referred to only by initials A.M. because of his age when 84-year-old Anna Gilvis was killed in 1993. He was sentenced to five years' probation, which he has completed. He is now 19.

In her ruling, Pallmeyer said authorities didn't question the boy in the presence of his parents or a youth officer and there were inconsistencies between his statement and the evidence. The victim's throat had been slashed, and she had been bound with telephone cord and apparently dragged through the apartment, yet no fingerprints at the scene matched the boy's.

At a hearing two years ago, the boy said he broke down during a police interview because a detective was yelling at him. He has otherwise maintained his innocence, said his lawyer, Steven Drizin.

Drizin said his client was ecstatic about the ruling.

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INTERNATIONAL

Israel admits error in deaths of four Palestinians

BY MOHAMMED DARAGHMEH
Associated Press Writer

NABLUS, West Bank — Israel said its forces erred Friday in firing tank shells on curfew violators in the West Bank, killing three children and a teacher. Angry Jewish settlers also killed a Palestinian during a rampage after a funeral for an Israeli family slain by infiltrators.

Four days of Palestinian suicide bombings, settlement infiltrations, Israeli military retaliation and other violence has left 33 Israelis and 12 Palestinians dead. It also has delayed plans by President Bush to deliver a speech outlining U.S. recommendations for Mideast peacemaking, now expected Monday.

Senior Israeli ministers, meanwhile, decided to act "more intensively, more deeply" in Palestinian areas to root out those behind terror attacks.

Children from both sides in the northern West Bank were victims of the latest violence.

Israeli fire on Palestinians violating a curfew Friday in Jenin killed Ahmed Ghazawi, 6, and his 12-year-old brother Jamil, as well as Sajedah Famahwi, 6, and Helal Shetta, a school teacher who was about 50.

Yusef Ghazawi, father of Ahmed and Jamil, said his children went outside to ride their bicycles after rumors spread — falsely, it turned out — that the curfew had been lifted for a few hours. "I heard an explosion. I didn't think that it was my children and I didn't go out immediately," he said, crying.

Late Thursday, a Palestinian infiltrated a Jewish settlement house in Itamar, killing Rachel Shabo, 40, and her sons Neria, 16, Zvi, 12, and Avishai, 5, as well as the settlement's security chief. Israeli commandos stormed the house and killed the man, identified by the radical Popular Front for the Liberation of Palestine as Iyad Amin Ramaha, 19, of the Bet el-Ein refugee camp in nearby Nablus.

Religious, bearded Jews wearing skullcaps gathered Friday around four open graves of the family. They cried as a prayer of mourning echoed over the hillside cemetery. Soon after, Palestinians in

nearby Hawara said settlers returning from the funeral rampaged through their village, burning cars and a house and shooting randomly. Adnan Odeh, 22, died of a gunshot to the chest, Palestinian hospital officials said.

"I heard an explosion. I didn't think that it was my children and I didn't go out immediately."

— YUSEF GHAZAWI
Father of victims

Israeli police said it appeared a settler was responsible for the shooting, but that the investigation was hampered because Palestinians wouldn't turn over the body. Phones weren't answered at the settlement administrative office.

In line with Israel's new reoccupation policy, about 50 Israeli tanks entered Nablus, the West Bank's largest city, after the Itamar attack. Israeli forces had settled in to Jenin after a suicide bombing Tuesday in Jerusalem, the deadliest there in six years.

Rumors of a brief break in the Jenin curfew sent residents rushing to the market to replenish supplies when tanks fired on them.

The army spokesman's office said an initial inquiry "indicates that the force erred in its action," and that an investigation was continuing.

The army said soldiers conducting house-to-house searches for an explosives laboratory spotted a group of Palestinians who had broken the curfew heading toward them. Soldiers fired two tank shells to deter them, the army said.

Palestinian residents, security and hospital officials said tanks fired shells and Israeli soldiers fired with machine guns in



Associated Press

An unidentified injured boy is carried from an ambulance into a hospital in Jenin, West Bank on Friday. Israeli tanks opened fire Friday on the market in the northern West Bank town of Jenin, killing four Palestinians, including three children, hospital officials said. The Israeli army said soldiers had mistakenly fired on a group of curfew violators. The extent of this boy's injuries is unknown.

three separate areas: two market streets and a nearby neighborhood. As with the deaths, many children were among the 24 people wounded, hospital officials said.

Mohammed Abdullah, 63, said he went to buy medicine for his back after he'd heard the curfew was lifted. Near the market, he saw a tank fire then spin its turret his way. "Just as I moved back, I heard a shell hit the second floor of a nearby house," said Abdullah, who was hit by shrapnel in his leg and hand.

Asked about the shooting in Jenin, Arafat aide Nabil Abu Rdeneh lashed out at Israel's policy of reoccupying Palestinian areas, saying it endangered peace prospects. He urged Washington to step in. "Israel is taking advantage of this American absence and this American green light," Abu Rdeneh said.

Sharon's Security Cabinet upheld a major policy decision made earlier this week to gradually reoccupy Palestinian land until terror stops.

Israel Radio reported the military was planning a "wide offensive, but smaller" than the six-week military campaign that began in March. Then, Israel's army shattered Palestinian infrastructure, kept Palestinian leader Yasser Arafat imprisoned in his battered headquarters and arrested or killed scores of wanted militiamen.

The government also reportedly was looking into the legality of exiling Palestinian militants, families of suicide bombers and members of the Palestinian leadership from the West Bank to the Gaza Strip. Gaza is more isolated, surrounded by a fence, and all of the 71 suicide bombers who attacked Israelis in the past 21 months have come from the West Bank.

Ahmed Abdel Rahman, a senior adviser to Arafat, said trying to force Arafat to go to Gaza would violate signed agreements with the Palestinians.

Abdel Rahman was vague, however, about whether ultimately some Palestinians might end up sent to Gaza.

Large asteroid has a 'close shave' with Earth

By The Associated Press

LONDON — An asteroid the size of a football field hurtled past the Earth a week ago, missing what could have been a catastrophic collision by a mere 75,000 miles — less than a third of the distance to the moon.

The miss was one of the nearest ever recorded for an object of that size, scientists said Thursday. "It was a close shave," said Brian Marsden of the Harvard-Smithsonian Center for Astrophysics in Cambridge, Mass.

The asteroid would have caused "considerable loss of life" if it had struck Earth in a populated area, said Grant Stokes, the principal investigator for the Lincoln Near Earth Asteroid Research Project, whose New Mexico observatory spotted the object last week.

The asteroid was not detected until three days after it sped past Earth on June 14. When such asteroids are detected, they are usually spotted far from Earth, when they are approaching or on their way out.

Light in weight but with a diameter of between 50 and 120 yards, 2002 MN was big enough to have caused the kind of devastation wreaked in Siberia in 1908, when an asteroid that exploded above Tunguska flattened nearly 800 square miles of forest. That asteroid's air blast was believed to have done the damage, since no crater was found.

Such asteroids could theoretically hit Earth every million years, or at longer intervals. Asteroids the size of 2002 MN are estimated to hit the Earth every 100 to several hundred years, causing local damage but no disaster to civilization or the planet's ecosystem.

Bahamian man sentenced 25 years for killing American

BY TOSHEENA ROBINSON-BLAIR
Associated Press Writer

NASSAU, Bahamas — A Bahamian man was sentenced Friday to 25 years in prison for the slaying of vacationing American schoolteacher Lori Fogleman.

Tennel McIntosh, who was convicted of manslaughter last week, hung his head after the judge read the sentence.

"What they made these decisions on, I think it is wrong. Because I didn't do nothing. Because I wasn't here," the 22-year-old told the court moments earlier. "All I can do is throw myself on the mercy of the court."

His lawyer said he would appeal.

Fogleman, 32, from Richmond, Va., disappeared in July 1998. Her decomposed body was found on a Paradise Island beach that August. On the same day, the body of a 24-year-old British

tourist, Joanne Clark, was found on the same beach. Police said Clarke was strangled and raped.

In February 2000, a jury acquitted McIntosh in Clarke's death, despite what prosecutors said was a videotaped confession and DNA evidence showing semen on her clothes that matched McIntosh.

McIntosh's first trial in the Fogleman killing ended in March 2001 with a hung jury. In the second trial, which began April 29, prosecutors were allowed to present evidence in the Clarke case.

Prosecutors showed a videotaped interview with police in which McIntosh admitted to arguing with Fogleman after selling her a coconut. He said she drank half the milk, then refused to pay for it. McIntosh, in the videotape, said he got angry and hit Fogleman with a rock.

The defense argued that police beat and coerced the statements from McIntosh.

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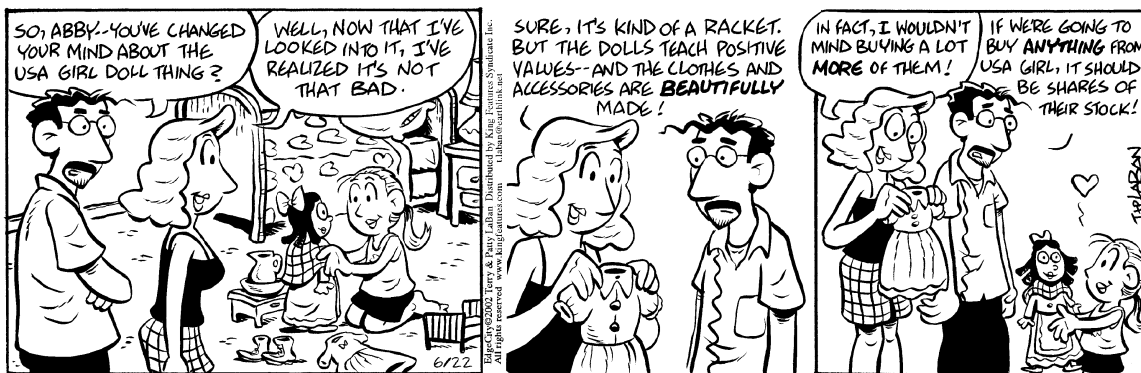
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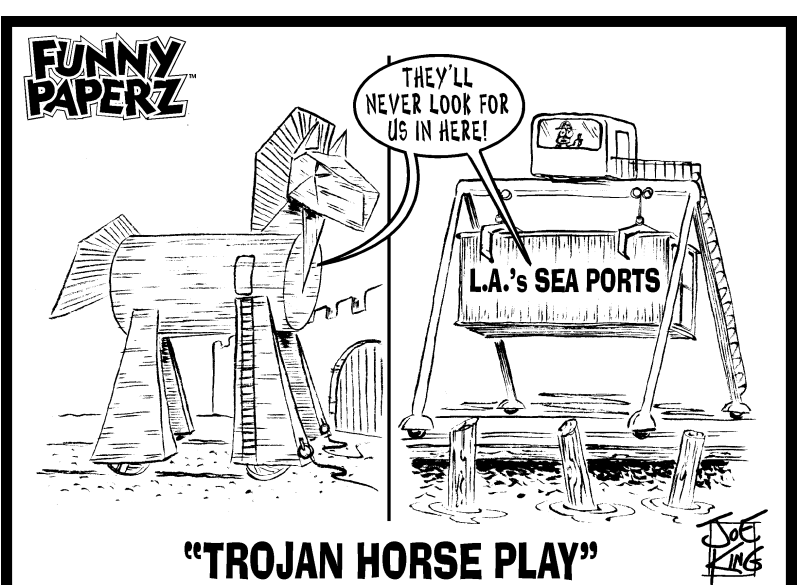
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NEWS OF THE WEIRD by Chuck Shepard

Christian tenants accused of praying too loudly

Born-again-Christian roommates Derrick Mitchell, 38, and Teresa Tafawa, 58, were served eviction notices in May by their landlord in Cornwall, Ontario, because of complaints that they pray loudly and often around the apartment complex. Mitchell says he can't help himself when he receives "visions," especially the holy alerts about local devil worship; he said he is moved to speak in a high, quivering voice that Tafawa calls "the ecstasies" and that the pair may pray and sing for several hours a day, even in the laundry room and the parking lot. Said Tafawa, "We try to walk with the Lord all day."





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SANTA MONICA \$800.00 Studio, R/S, carpets, parking, utilities included. Westside Rentals 395-RENT.

SANTA MONICA 1 bedroom, north of Wilshire, secluded cottage/bungalow. Wood floors, No pets. \$1,150. (310)395-2601

WESTWOOD \$1650.00 2 bedroom/1 bath, upper. Everything new! Bright and airy. 1626 Veleran. (310)479-5235

Guest Houses

MARKET YOUR Guest House in the only comprehensive, local guide that is FREE to renters. For a buck a day, you can't afford not to! Call (310)458-7737 to place your classified ad today.

SANTA MONICA \$895.00 Guest house, R/S, carpets, laundry, parking, utilities included. Westside Rentals 395-RENT.

Houses For Rent

MARKET YOUR rental house in the only comprehensive, local guide that is FREE to renters. For a buck a day, you can't afford not to! Call (310)458-7737 to place your classified ad today.

SANTA MONICA \$1000.00 Cottage, stove, great location, parking included. Westside Rentals 395-RENT.

SANTA MONICA \$1050.00 Duplex, pet ok, hardwood floors, yard, parking. Westside Rentals 395-RENT.

SANTA MONICA \$1400.00 2 bdrm triplex, R/S, hardwood floors, fireplace, W/D, yard, garage. Westside Rentals 395-RENT.

SANTA MONICA \$1600.00 2 bdrm house, pet ok, R/S, carpets, yard, parking included. Westside Rentals 395-RENT.

SANTA MONICA \$2700.00 House N. of Wilshire. 3 bdrm/1.5bath. Walk to Franklin Elementary and Lincoln Middle School. No pets. (310)854-5048.

VENICE WALK St. House near Abbot Kinney. 1bdrm plus bonus. Newly renovated 1923 original. Quiet, light, cheery. Hardwood floors, large closet, W/D, patio, yard, storage, pets negotiable. All utilities. Gardner. \$2500.00. 903 Nowita Place. (310)827-0222.

Roommates

PALISADES \$525.00 Large furnished private bedroom/studio. Laundry privileges. Near town/beach. Share full bath. Female only! Student welcome. (310)454-1282.

ROOMMATE WANTED, Beverly Hills, \$450, utilities included. Own room, female preferred, excellent location. (310)489-8199.

SANTA MONICA House. \$800.00 Private bedroom plus share house. Yard, storage, parking. 1/2 utilities. (310)450-0910.

Commercial Lease

COMMERCIAL SPACE can be leased quickly if you market to the right crowd. Reach local business owners by running your listing in the Daily Press. Call (310)458-7737 to place your listing for only a buck a day.

OFFICE SUBLEASE, 1 office available, seconds to 10 and 405. \$600/month, avail. immediately, (310)392-6100.

Real Estate

HORSE, BIRD, Hatching, Animal Ranch. 3bdrm plus trailer home. \$429,000 OBO. Owner. Divorced, ill health. (909)738-8700.

Vehicles for sale

70 GRAND Torino. Runs good. New 2003 tags. \$1600.00 (310)313-0848.

WANTED

FIRST Car! Good Condition. \$1000 - \$3000 range. Call Lee (310)678-7886.

Massage

FIRM YET soothing Swedish/Sports massage by very fit therapist. Non-sexual. First visit only \$35/hr. Paul: 310.741.1901.

MASSAGE CARING, soothing, relaxing full body therapeutic, Swedish / back walking. You will melt in my magic hands! Home/hotel/office/outdoors ok. 1-4 hours. Non sexual out call. Anytime or day. Page Doris (310)551-2121.

MASSAGE ENJOY a really great, amazing and wonderful full body massage. Swedish, deep-tissue and Tantra. (Platonic only!) No time limit. Will come to you. 24/7 Cute, slim, fit, petite mature chocolate. 14 years experience. Dolly's pager (310)236-9627.

THE BEST solution to low cost advertising. Fill your appointment book by running your ad in the Daily Press. Only a buck a day, call (310)458-7737 to place your ad today.

THERAPEUTIC MASSAGE, Swedish, Accupressure, Deep-tissue, Sports Massage, Reflexology. For apt call Tracy at (310)435-0657.

TRADE MESSAGE? Looking for a female with or w/o formal training to trade massage with. Non-sexual. Paul: 310.741.1901.

VIBRATIONAL MASSAGE. I've been told this is better than sex. Outcall, non-sexual. \$20 for 30 minutes. Robert, (310)394-1533.

Announcements

GET YOUR message out! For only a buck a day, call (310)458-7737 to run your announcement to over 15,000 interested readers daily.

HAVING A hair moment? Models needed, any service, upscale salon (Santa Monica). Call Q, (323)691-3563.

JERRY RUBIN You ARE a win-win kind of guy. If I was you I'd punch me in the nose. Remember, I'm only "jo-king." WWW.FUNNYPAPERZ.COM

PRO SE of Neighborhood Project needs volunteers for events that honor our heroes. (310) 899-3888 pro.se@adelphia.net.

CLASSIFIEDS



Announcements

SANTA MONICA Children's Theatre Company. Professional training in singing, acting and dancing. Musical productions. (310)995-9636.

VOTE FOR Pro Se Santa Monica City Council! Our Residents, Businesses, Schools must come first!

WOMEN'S EMPOWERMENT Group. Heal emotional wounds, relationships, abuse, self-image issues. Call (310)450-8256. Lee; life coach.

Services

A COMPASSIONATE Companion drives and accompanies you. Medical/Musical/Business/Travel events. \$18/hour (310)280-0695

GUITAR LESSONS IN YOUR HOME. Learn guitar & have fun! Pete (818)563-2021.

Services

HOUSE CLEANING - Available 6 a.m. to 2 p.m. Windows, laundry, general house cleaning. References available. Responsible. Reasonable prices. Call Lalo (310) 313-0848.

INTRODUCTORY OFFER \$99.95! A weeks worth of food (10 meals) professionally prepared, dropped off at your home or office. Save time, eat healthier. Call Eat The Bread at (310)458-1617.

MEDICAL/DENTAL BENEFITS \$49.99/month for the entire family. (310)281-1920.

REMEDIES BY ROTH Carpentry, Handyman Services. Reasonable rates. Contact Michael: (310)829-1316 MSG. (323)610-1217 Cell.

Services

TALENTED, DECORATIVE Painter. Walls, cabinets, furniture, moldings...glazing, antiquing, refinishing and much more! Call for estimate. (310)612-6042.

WOMEN'S EMPOWERMENT Group. Heal emotional wounds, relationships, abuse, self-image issues. Call (310)450-8256. Lee; life coach.

PROFESSIONAL ASSISTANT! Responsible/organized/energetic/punctual. Here to help keep your business organized and stress free. Brenda (310)450-3829.

QUICK AND Dirty (if the newspaper rubs off on your hands). Market your small business in our services section for a buck a day. Call (310)458-7737.

ELECTRICAL WORK all types. Reasonable rates. \$35.00 Service Call. 25 years experience.

(310) 722-2644

Computer Services

COMPUTER & Networking Services Home or Office. PC & MAC. Honest & reliable w/ best rates. Includes 30 days Telephone Support & Warranty. 12 years exp. w/ References. Call Skye, Your Local Computer Guru @ 310-395-3939 anytime.

DURING THE day I work in High Technology Management. Everyone in the company relies on me for my computer expertise. I would rather work on my own. Digital Duchess 799-4929.

COMPUTER TUTOR for beginners. E-mail, basic word processing, personal assistant. Judy, (310)451-1319. Very patient, \$20/hr.

Lost & Found

LOST: AT corner, 7th & Montana, Friday June 14. Roven Dino Chronograph watch, stainless. My 40th birthday present. Reward. Call David (310)699-3219.

Classified Advertising Conditions

DOLLAR-A-DAY NON COMMERCIAL: Ad must run a minimum of 12 consecutive days. Ads over 15 words add 20¢ per word per day. **REGULAR RATE:** \$2.50 a day. Ads over 15 words add 20¢ per word per day. Ad must run a minimum of twelve consecutive days. **PREMIUMS:** First two words caps no charge. Bold words, italics, centered lines, etc. cost extra. Please call for rates. **TYPOS:** Check your ad the first day of publication. Sorry, we do not issue credit after an ad has run more than once. **DEADLINES:** 4:00 p.m. prior the day of publication except for Monday's paper when the deadline is Friday at 4:00 p.m. **PAYMENT:** All private party ads must be pre-paid. We accept checks, credit cards, and of course cash. **CORRESPONDENCE:** To place your ad call our offices 9 a.m. to 5 p.m., Monday through Friday, (310)458-7737; send a check or money order with ad copy to The Santa Monica Daily Press, P.O. Box 1380, Santa Monica, CA 90406 or stop in at our office located at 530 Wilshire Blvd, Ste. 200. **OTHER RATES:** For information about the professional services directory or classified display ads, please call our office at (310)458-7737.

WE ARE THE CLASSIEST GIG IN TOWN!

Call Angela at the Santa Monica Daily Press
310.458.7737 ext.101

The Calendar

Saturday, June 22, 2002

movies

Loews Broadway Cinema
1441 Third St. at Broadway
About a Boy (PG-13) 12:15, 2:45, 5:15, 7:45, 10:15
The Sum of all Fears (PG-13) 1:00, 4:00, 7:00, 10:00
The Bourne Identity (PG-13) 12:30, 1:30, 3:30, 4:30, 6:30, 7:30, 9:30, 10:30.

Mann Criterion
1313 Third St.
Windtalkers (NR) 12:40, 4:00, 7:20, 10:40
Divine Secrets of the Ya-Ya Sisterhood (PG-13) 11:10, 2:00, 4:45, 7:30, 10:15
Bad Company (PG-13) 11:15, 2:10, 5:00, 7:45, 10:45
Insomnia (R) 11:00, 1:50, 4:50, 7:40, 10:45
My Big Fat Greek Wedding (PG) 11:20, 1:45, 4:30, 7:10, 9:40.

AMC Theatre SM 7
1310 3rd Street
Spider-Man (PG-13) 11:15, 2:00, 4:50, 8:00, 10:45
Star Wars: Episode II - Attack of the Clones (PG) 10:30, 1:30, 4:40, 7:45, 10:50
Scooby Doo (PG) 10:35, 12:45, 3:00, 5:20, 7:35, 10:00
Undercover Brother (PG-13) 1:00, 3:15, 5:40, 8:05, 10:30
Lilo & Stich (PG) 10:30, 12:20, 2:40, 5:00, 7:10, 9:20
Insomnia (R) 11:00, 1:45, 4:30, 7:20, 10:15
Juwanne Mann 11:30, 1:55, 4:20, 7:00, 9:30.

Landmark Nu-Wilshire
1314 Wilshire Blvd.
Thirteen Conversations About One Thing (R) 11:00, 1:30, 4:15, 7:00, 9:30
The Fast Runner: Atanarjuat (NR) 11:30, 3:15, 7:30.

Laemmle Monica
1332 2nd St.
Y Tu Mama Tambien (NR) 12:00, 2:35, 5:10, 7:45, 10:15
Dogtown and Z-Boys (PG-13) 12:45, 3:00, 5:15, 7:30, 9:55
The Importance of Being Earnest (PG) 12:00, 2:25, 4:50, 7:15, 9:45
Sunshine State (PG-13) 12:30, 3:45, 7:00, 10:10.

Saturday

Community

Santa Monica Street Party! 12 noon to 7 p.m. Fun, food, entertainment and four stages. Downtown Santa Monica. For more information please call (310)710-3671.

Arts / Theatre

Santa Monica Playhouse is proud to present Picon Pie! The World Premiere of a joyous and poignant musical play about the life and loves of legendary Molly Picon. Admission is \$23.50. Show starts at 8:00 p.m. 1211 4th Street, Santa Monica. For more information please call (310)394-9779 or visit www.santamonicaplayhouse.com.

Classes

Santa Monica Children's Theatre Co. presents a newly forming musical theatre company for children. Every Saturday from 10:15 a.m. - 2:15 p.m., Quest Studios, 19th & Broadway in Santa Monica. Tuition is \$325 per month - covers cost of all classes and productions. Contact Janet Stegman at (310)995-9636.

Take One Film & Theatre Bookstore will host a FREE lecture! Topic - Writing The Killer Treatment: Selling your story without a script. 11516 Santa Monica Blvd., W. Los Angeles. For more information please call (310)445-4050.

Entertainment

Anastasia's Asylum, 1028 Wilshire Blvd., Santa Monica. Board games, cushiony sofas, a full veggie menu, juices, teas, and coffee that grows hair on your chest. No cover. (310)394-7113.

Rusty's Surf Ranch, 256 Santa Monica Pier. Walls and ceilings are lined with one of the

area's largest collections of pre-1970's surfboards. Cover varies. Full bar. All ages. (310)393-7386.

LUSH 2020 Wilshire Blvd., Santa Monica. Three bars, plenty of booths, sofas, leopard-print carpet and a sunken dance floor. Mexican grill serves dinner after 5 p.m. Full bar. Over 21. Cover \$5 - Free. (310)829-1933.

The Joint, 8771 W. Pico Blvd., W. LA. One of the most exotic rooms in the local rock-facility pantheon. Pizza. Cover \$10 - \$5. Full bar. Over 21. (310)275-2619.

14 Below, 1348 14th St., Santa Monica. If the band stinks, take advantage of commodious booths, pool tables, and fireplace. Full Bar. Over 21. (310)451-5040.

Music Showcase. UnUrban Coffeehouse. 3301 Pico Blvd., Santa Monica, (310)315-0056.

Tom Freund and special guest Scott Miller, 8 pm, \$12.50. McCabe's Guitar Shop. Pico at 31st. (310)828-4403.

Sunday

Community

Santa Monica Antiques Show and Sale will be held today at the Santa Monica Civic Auditorium located at 1855 Main Street, Santa Monica. 12 p.m. To 5 p.m. Admission is \$6.00. Senior Citizens \$3.00. For more information please call (310)458-8551.

Entertainment

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The Rhythm Room-DJ Sets By: DJ Haul, Fisher P & Mason. Orgone, 9:00pm, Boujoubumbastic, 10:00pm, DJ & The Jammers, 11:00pm Temple Bar, 1026 Wilshire Blvd., (310)393-6611.

Almost Vaudville. 2 pm and 5 pm. UnUrban Coffeehouse. 3301 Pico Blvd., Santa Monica, (310)315-0056.

Monday

Community

Senior Suppers - Discounted meals for people AGE 55 or older are served daily, from 3:30 p.m. To 7 p.m., in the cafeteria at Santa Monica-UCLA Medical Center, 1250 16th Street in Santa Monica. \$3.69 Info only: (310)319-4837.

Santa Monica Strutters, a FREE program sponsored by UCLA Healthcare's 50-Plus Program! Walking programs for adults 50 or older looking for safe, low-impact exercise in a comfortable

environment. The Santa Monica Strutters meet Mondays, Wednesdays, and Fridays, from 8 a.m. To 10 a.m., at Santa Monica Place, Fourth St. and Broadway Ave. in Santa Monica.

Classes

Los Angeles Arts Academy, Summer Art Camp in Santa Monica & Westchester. Ages 5 to 13 years old. Lots of fun: art, acting, singing, karaoke, drawing, sculpture, drum circles, field trips & more! June 24 through August 16, M-F. 9 a.m. To 3 p.m. (except field trip days). Now enrolling! laarts@earthlink.net.

Entertainment

Anastasia's Asylum, 1028 Wilshire Blvd., Santa Monica. Board games, cushiony sofas, a full veggie menu, juices, teas, and coffee that grows hair on your chest. No cover. (310)394-7113.

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The Joint, 8771 W. Pico Blvd., W. LA. One of the most exotic rooms in the local rock-facility pantheon. Pizza. Cover \$10 - \$5. Full bar. Over 21. (310)275-2619.

Open Discussion/ Political Debate. UnUrban Coffeehouse. 3301 Pico Blvd., Santa Monica, (310)315-0056.

Patrick Ney makes with the ha-has, at Flint's. 3321 Pico Blvd., Santa Monica. FREE! 9 p.m. (310)453-1331.

KEEP YOUR DATE STRAIGHT

Promote your event in the Santa Monica Daily Press Calendar section.
Fax all information to our Calendar Editor: Attention Angela @ 310.576.9913

Calendar items are printed free of charge as a service to our readers. Please submit your items to todaypaper@smdp.com for consideration. Calendar events are limited by space, and will be run at the discretion of the Calendar Editor. The Daily Press cannot be held responsible for errors.



BACK PAGE

ODDS & ENDS

Juror's snoring leads to mistrial

By The Associated Press

KANSAS CITY, Kan. — A juror's loud snores proved too much for a judge, who declared a mistrial in a first-degree murder case.

Wyandotte County District Judge John J. McNally questioned the female juror before dismissing her Wednesday, on the third day of the trial. Typically, the judge would have seated the alternate juror, but that juror was being used already.

With only 11 jurors left, the judge had no choice but to halt the trial. He rescheduled it for Aug. 19.

"It was pitiful," said Dorothy Holst, a jury member. "I just feel so sorry for the family."

McNally questioned the dozing juror after he and several others noticed that she slept continually, sometimes emitting loud snorts, as witnesses testified. The juror said she had a medical condition.

Melvin Harris, 23, of Kansas City, Kan., is on trial for first-degree murder, theft and forgery in the Jan. 19 slaying of Shane Knudtson, 27, of Independence, Mo.

A neighborhood mixer

By The Associated Press

WORTHINGTON, Ohio — Officials in this Columbus suburb want neighbors to be more neighborly.

So they declared Friday and Saturday nights "Hi Neighbor" nights.

The City Community Relations Commission posted fliers urging residents to take part in the icebreaker this weekend.

The rules are simple: Residents whose addresses are odd numbers are to sit in their front yards from 6 to 7:30

p.m. Friday. Everyone on the other side of the street is to come over and say hello.

Then, on Saturday, everybody is to switch sides and reverse roles.

Ken Ewing, 83, said his neighbors usually just wave when they see each other and go inside.

"This isn't what you'd consider the friendliest neighborhood in the world," Ewing said. "And that's OK. People are just busy with their lives."

Another resident, Margaret Real, found it odd that city officials would try to intervene.

"I think people should meet under more normal circumstances," she said.

Mermaid sues over exposure arrest

By The Associated Press

NEW YORK — A woman who wore nothing but a thong and body paint at last year's Mermaid Parade in Coney Island has sued the city, charging police wrongfully arrested her for exposing her chest.

Amy Gunderson, a 30-year-old model, filed the lawsuit on Wednesday in Manhattan federal court alleging police violated her First Amendment rights when they arrested her last June 29.

The 19-year-old parade, which will be held again this Saturday, traditionally features floats with topless women dressed as surf-tossed sea creatures.

But last year, police issued Gunderson a criminal summons for exposure, and other topless women quickly covered up with seashells, beads and Band-Aids, said Gunderson's lawyer, Ron Kuby.

The charges against Gunderson were eventually dismissed by a judge.

Kuby, a longtime judge at the parade, accused then-Mayor Rudolph Giuliani of overreacting to the free-

spirited festival.

"I think (current Mayor Michael Bloomberg) has a different view of bare breasts than Mayor Giuliani," Kuby said.

They didn't lose their marbles

By The Associated Press

WILDWOOD, N.J. — The marbles kingdom has a new king — and queen.

Jonathan Hulse, 14, of Washington County, Md., and Morgan Kellman, 13, of Middletown, Md., were crowned Thursday after outlasting 57 other contestants in the 79th annual National Marbles Tournament.

In doing so, each won a \$2,000 college scholarship — and a permanent place in the Marbles Hall of Fame here.

Hulse defeated Christopher Miller, 13, of Pittsburgh, 8-6 in the boys' final and Kellman posted an 8-3 victory over Carly Miller, 10, of Allegheny County, Pa., in the girls' final.

The tournament, held on the beach in Wildwood since 1960, features children 10 to 14 years old who have conquered local competitions to win the right to play here.

They play on 10-foot square concrete pads that have been permanently installed on the beach, as family members and boardwalk passers-by look on.

The game is called "ringer," in which a player takes his shooter marble between the thumb and forefinger and flicks it across the ring at an object marble, hoping to knock it out of the ring.

If the shooter marble stays in the ring, the player shoots again. If not, it's the other player's turn. The first player to knock out seven of the 13 marbles in the rack wins the game.

The Haircutters

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