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Issues in Broussard case smothered

Fact or Fiction • Prosecution or Politics •

Because publication of information concerning the state of Texas case against Colorado County Sheriff Jim Broussard has sunk to rhetoric by a Columbus paper, instead of factual reporting expected of professional journalists, the Headlight is publishing this week several pieces of information concerning the case.

It is the aim of this newspaper to provide the information to the reader in better separate the wheat from the chaff. In researching the information for this story, the newspaper came across several other pieces of information offered in this issue as well.

The Colorado County Citizen editorialized last week that district attorney Bud Kirkendall and special prosecutor Jim Volles "seem to be trying to see how much extra money they can force the taxpayers to shell out for Sheriff Jim Broussard's trial." By leading this issue of the Headlight, leaders can decide whether the state's case is a waste of money or is proper prosecution of a case. The Headlight still believes in the constitutional rights of a person that proves them innocent until found guilty in a court. The reading of some of the information in the case, however, can show why enough questions were asked to warrant a trial where answers can be given.

For instance, is it rhetoric or defense of the taxpayer that the county is refusing to pay for additional work a special investigator has done on the case; is it rhetoric or politics that the defense is hollering "political vendetta." In case you didn't know, Kirkendall defeated Broussard's defense attorney, Houston Munson, the last time there was an election for district attorney.

What the Headlight set out to reprint was a copy of former county auditor Lee Briscoe's report on the finances of the sheriff's department. Briscoe was asked to make the report after Kirkendall's office began its investigation early last fall. However, because there was no financial information included with Briscoe's report, such as a line-by-line financial report of revenues or expenses in the sheriff's department, the Headlight looked further.

What it found was that the county financial report for the years ending in 1985 and 1986 did not show revenues in the sheriff's department, other than those collected for items such as fines and the sales of used patrol cars. The money collected for selling telephone information and for selling telephone

confiscated when drug-related arrests were made, simply was not reported to the county auditor's office at the courthouse.

There was a report made, which is undated, that purports to show how the funds, received in the sheriff's department from the sales of the confiscated items, were spent. It also is reproduced in this issue. But as you read it, remember while it shows items valued at \$36,087.17 have been purchased with this money, the airplane confiscated by the sheriff was not sold until the spring of 1986. The report heading reads: "During the years of 1984, 1985 and 1986, the Colorado County Sheriff Department has received \$35,000.00 on drug operations, with two trucks yet to be sold and approx. \$25,000.00 in cash yet to be obtained. Distributions of this money is as follows without Colorado County Citizens being charged with one penny." What followed is a list of items, as shown on the actual report, is reproduced in this issue.

While the report is undated, county department heads are required to submit an inventory of county-owned items in their control on the first of each year. Broussard's inventory list dated January 6, 1986, does not include the items on the list mentioned above. He did submit another inventory list, and dated it July 15, 1986. It is subtitled, "This inventory is in addition to the one submitted in January 1986," and for the most part it matches the itemized list with costs. But the question remains that if items on that list were purchased with funds received as long ago as 1984, why were they not included on previous inventory lists? And, if the \$35,000 from the airplane was not received until the spring of 1986, that meant a lot of money was spent between that time and the middle of the year when the additional inventory list was dated. Other questions also have been asked, and probably will be answered during the trial.

A sheriff in a county is one of the two most influential elected officials, sharing that limelight with the position of county judge. It can be expected that those who hold those positions should be of the highest character and standing.

As more information became available, it seems more questions arose. With the information available to it, the grand jury apparently believed there was enough information to warrant a trial. Ask yourself then did the district attorney waste money in hiring an outside auditor, as some

claim, and did he waste money in continuing the investigation in preparation for the trial, or is he seeking to waste money in asking for a change of trial location, as the Citizen "newspaper" in Columbus claims?

Then there is the question of political vendetta. The charge verbalized against Kirkendall is that he pursued the case until he convinced the grand jury to return an indictment. The question is: was Kirkendall's work as district attorney what we would expect of an elected official, or did he use the office to "get at" Munson.

If you look to the Lee Briscoe report, you can find the answer, but again it creates more questions. In summary, the report says the information in the sheriff's office about cash bonds, fines and so on, all check out pretty good.

But, about the "funds received from sale of information from teletype," Briscoe wrote, "I was unable to prove the amount of money received here." He said statements from dispatchers say that "at no time was the amount over \$125." Briscoe did not say whether that was a week, a month or some other time period.

He also wrote, "Sheriff Broussard says that he used this money to buy paint and material to make improvements in the jail offices. I do know that a lot of work has been done that has January 1986," and for the most part it matches the itemized list with costs. But the question remains that if items on that list were purchased with funds received as long ago as 1984, why were they not included on previous inventory lists? And, if the \$35,000 from the airplane was not received until the spring of 1986, that meant a lot of money was spent between that time and the middle of the year when the additional inventory list was dated. Other questions also have been asked, and probably will be answered during the trial.

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The Briscoe Report:

LEE BRISCOE
Auditor, Colorado County
Courthouse
COLUMBUS, TEXAS 78934

November 18, 1986

Honorable District Judge B. B. Schraab
Honorable District Judge Gus Strauss
Honorable District Attorney Bud Kirkendall
Honorable County Judge Lester J. Cranek
Commissioners Court of Colorado County, Texas

I have checked the various funds handled by the Colorado County Sheriff's Department and find the following:

I. Cash bonds, fines and so on.

A. I was able to check these funds from the cash receipts to the checks where final disposition of the money was made to County Clerk, District Clerk, various J.P. Courts or refunded to person making bond. The cash receipts had the check numbers on them above receipt numbers and were checked in red when the checks were written. I did not find any questions here. If any cash bonds were forfeited the Sheriff says that the bonds were in the hands of the District, County or Justice of Peace Courts.

II. Funds received from sale of information from teletype.

A. I was unable to prove the amount of money received here. However, I have statements from people who worked as dispatchers and they report that at no time was the amount over \$125.00. Many of the trucking firms are now out of business. Therefore it would be difficult to verify the amounts. Sheriff Broussard says that he used this money to buy paint and material to make improvements in the jail offices. I do know that a lot of work has been done that has January 1986," and for the most part it matches the itemized list with costs. But the question remains that if items on that list were purchased with funds received as long ago as 1984, why were they not included on previous inventory lists? And, if the \$35,000 from the airplane was not received until the spring of 1986, that meant a lot of money was spent between that time and the middle of the year when the additional inventory list was dated. Other questions also have been asked, and probably will be answered during the trial.

III. Money received from the sale of confiscated equipment, sale of trailer \$1,850.00, air craft \$30,000.00, 1983 Ford Mustang \$5,000.00, \$3,595.00 cash seizure.

A. Reimbursement by Sheriff Broussard of \$3,000.00 for office furniture and equipment placed in the various offices of the jail.

I. I have not received any bills as receipts verifying the price of this equipment. However, I have a copy of the equipment and a statement from Sheriff Broussard as to the value of the equipment and he has given a copy to the Commissioners Court and I feel that his reimbursement is irregular but reasonable.

B. Cash funds paid to informants on drug information.

1. \$3,000.00 was held out of the air craft sale for dope information payments and other related expenditures. \$27,000.00 by check and \$3,000.00 cash was received for the air craft. Later a cash check for \$500.00 was written for money to be used for dope information. This money and expenditures are difficult to verify as the Sheriff cannot name his informants.

C. Purchase of 1982 Oldsmobile auto.

1. This car was purchased to replace a wrecked patrol car at a cost of \$7,200.00 from Brasher Motors. It is my feeling that this purchase over \$5,000.00 by competitive bids after advertising in a newspaper that has County wide circulation. However, the Sheriff has information that another Sheriff confiscated an air craft in a drug raid and then traded it for a number of patrol vehicles.

B. 25% of all funds received from confiscated equipment are paid to District Attorney Bud Kirkendall's office for the 25th Judicial District.

C. There are various other expenditures of the money received from these sales and confiscations. However, the records indicate that it has all been spent for law enforcement related expenditures.

IV. Personal funds placed in Sheriff Broussard's account.

1. I have been unable to verify these amounts. However, before receiving money from confiscated equipment and funds the Sheriff was paying some telephone bills for him and Texas Ranger Ray Nutt out of his personal money.

The collection of money from the sale of information from the teletype and its use was not handled in the best accounting procedure. The placing of personal funds in the Sheriff's bank account, the buying of equipment and furniture personally and then reimbursing himself from confiscated equipment money was not handled properly, however, I do not find any evidence that there was any intent to misappropriate any funds. The Sheriff has been very cooperative in supplying information and also in accepting recommendations for a better accounting system and means of handling the various monies I showed you in my office. We have set up a system so that we have better control of these funds.

Yours truly,

Lee Briscoe
County Auditor
Colorado County, Texas

LJB:mh
CC:Sheriff Broussard

The Cranek Letter:

LESTER J. CRANEK, Ph.D.
County Judge, Colorado County
P.O. Box 236
Columbus, Texas 78934
409/732-2504

November 4, 1986

Mr. Jim Broussard
Sheriff
P.O. Box 67
Columbus, Texas 78934

Dear Sheriff:

The Commissioners' Court met in an Executive Session on Monday, 27 October to discuss County personnel matters. While in that Session, I took the liberty of informing the Court about the matter of the questions raised by the District Attorney reference your department. The Commissioners' Court's information is only by hearsay as we have had no correspondence or information personally from the District Attorney.

The Commissioners are certainly aware of the improvements that you made to the various offices at the jail. It is our understanding that the labor involved was all performed by some of the deputies and yourself on their own and your office. If taxpayers money would have been spent for that labor, it certainly would have been in the thousands of dollars. It is our further understanding that materials used were either donated by the business community or purchased with funds by the Sheriff's Department, said funds coming from the small fee charged persons needing auto title verification.

It is the opinion and sense of the Commissioners' Court that any expenditures of those funds were in the best interest of the taxpayers and citizens of Colorado County and certainly feel that nothing illegal was done. The Commissioners' Court encourages you to hang tough, nothing will come of this and please continue doing the excellent job you're doing. The citizens of Colorado County are fortunate to have the fine Sheriff's Department it has, led by an outstanding man.

Yours very truly,

Lester J. Cranek
County Judge

LJC:shr

What I learned in kindergarten

By Robert Fulghum

Most of what I really need to know about how to live, and what to do, and how to be, I learned in kindergarten. Wisdom was not at the top of the graduate school mountain but there in the sandbox at nursery school.

These are the things I learned: Share everything. Play fair. Don't hit people. Put things back where you found them. Clean up your own mess. Don't take things that aren't yours. Say you're sorry when you hurt somebody. Wash your hands before you eat. Flush. Warm cookies and cold milk are good for you. Live a balanced life. Learn some and think some and draw and paint and sing and dance and play and work every day some. Take a nap every afternoon. When you go out into the world, watch for traffic, hold hands and stick together. Be aware of wonder. Remember the little seed in the plastic cup. The roots go down and the plant goes up and nobody really knows how or why, but we are all like that. Goldfish and hamsters and white mice and even the little seed in the plastic cup—they all die. So do we.

And then remember the book about Dick and Jane and the first word you learned, the biggest word of all: LOOK. Everything you need to know is in there, somewhere. The Golden Rule and love and basic sanitation, Ecology and politics and sane living.

Think of what a better world it would be if we all—the whole world—had cookies and milk about 3 o'clock every afternoon and then lay down with our blankets for a nap. Or if we had a basic policy in our nation and other nations to always put things back where we found them and cleaned up our own messes. And it is still true, no matter how old you are, when you go out into the world, it is best to hold hands and stick together. (Marilyn Dannels brought us this clipping and thought it would be enjoyed by everyone.)

Colorado County Courthouse Report

MARRIAGE LICENSES

Louis Wayne Meeks, 33, and Monica Carol Nicks, 25, both of Houston, Texas, were married by Judge J. B. Schraab, 1018 acres. Patrick Reels Survey, 6-18-87.

Ret Bryan Johnston, 28, and Paula Lucille Kibuka, 25, both of Houston, Texas, were married by Judge J. B. Schraab, 1018 acres. Patrick Reels Survey, 6-18-87.

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OBITUARIES

Aubrey Denton Sr.

Aubrey Denton Sr., 60, died on Sunday, July 5 at the Phoenix Baptist Hospital in Phoenix, Arizona after a brief illness. He was born on April 25, 1927 in Glen Flora, a son of Joseph R. Sr. and Mary Pearl Horn Denton. He and his family later moved to Chester, Texas where he grew up and attended Eagle Lake schools. He has lived in Houston for many years where he worked as an engineer for Tennessee Gas Transmission for 20 years and had been an engineer for the Project Research Company in Phoenix for almost six years. He had served with the U.S. Navy during World War II and was a past member, with his family, of the Alameda Methodist Church in Houston. He married Marjorie Joyce Rayburn Denton on June 24, 1949 at the Methodist Parsonage in Luling while enroute to San Antonio.

Funeral services will be held at 2 p.m. on Thursday, July 9 from the Dulany Funeral Home Chapel in Eagle Lake with Rev. Charles Runk, pastor of United Methodist Church of Eagle Lake, officiating. Burial will follow in the Lakeside Cemetery in Eagle Lake.

He was preceded in death by his parents; and three brothers, Millard, Clem and Mace Denton.

Survivors include his wife, Marjorie Joyce Rayburn Denton; three daughters, Patti Ann Brucher of Rosenberg, Debra Arlene Apple of Houston and Lynelle Lois Tyler of Tucson, Arizona; a son, Aubrey Denton Jr., of Lake Charles, Louisiana; a sister, Irene Ingram of Old Ocean; four brothers, Joe Denton Jr. of Rosenberg, Glen Denton of El Campo, Irving Denton of Brenham and Virgil Denton of Sour Lake; 11 grandchildren, and numerous nieces, nephews and other relatives and friends.

Palbearers will be Henry Burger, David Gayle Rayburn, Walter Evans, Roland Cassman, Leon Ingram and Roland Ingram.

Sympathy is extended to the family in their loss.

Mrs. Esther Irene Green

Mrs. Esther Irene Green, 78, of Eagle Lake, died on Thursday, July 2 at 5:08 a.m. at the Eagle Lake Community Hospital. She was born on January 18, 1909 in Council Grove, Kansas, a daughter of John W. and Frankie E. Williams McGlothlin. She had been an Eagle Lake resident since 1946 and was a member of the First Baptist Church of Eagle Lake.

Funeral services were held at 1 p.m. on Saturday, July 4 from the Dulany Funeral Home Chapel with Rev. Melburn Sibbey, pastor of First Baptist Church of Eagle Lake, officiating. Burial followed on the family lot at Lakeside Cemetery in Eagle Lake.

She was preceded in death by her parents; two husbands, Earl Roscoe Thrasher in 1949 and William Frank Green in 1966; three sons, Donald Thrasher in 1936, Vernon Thrasher in 1937, and two sisters, Veda Pickett in 1967 and Viola Bales in 1976.

Survivors include four daughters, Joyce Hodges of Jacksonville, Ruth Baird of Katy, Betty Hohlbaugh of Guy and Mary Lutz of Needville; a son, Charles Thrasher of Katy; two brothers, John L. McGlothlin of Garwood and Earl W. McGlothlin of Corpus Christi; 30 grandchildren; 19 great grandchildren, and numerous nieces, nephews and other relatives and friends.

Palbearers were Lee Roy Thrasher, David Thrasher, Tylon Lutz, Tommy Aylas, Donald Melton, Buddy Baird, Leroy Zichur, Michael Lutz. Honorary palbearers were Michael Thrasher, Vaughn Rick Smith and Paul Hohlbaugh Jr.

Sympathy is extended to the