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## SEX OFFENDER REGISTRATION

# Governor Perry missed an opportunity to help Texas youths

**Perry used bad information in deciding to veto of "teen lovers" bill.**

By **TODD SMITH**  
 Special to the Star-Telegram

Gov. Rick Perry vetoed one of the most morally compelling bills I have ever filed in the Texas House.

I authored the bill because of heartbreaking letters received from parents and grandparents describing how their son or grandson has been permanently scarred because of a consensual teenage relationship. All the bill would have done was to give a judge discretion to not place a teen on the sex offender registry for having consensual sex with someone who was at least 14 and not more than four years younger than the defendant.

Perry apparently believes

that every teenager who has a consensual relationship with someone more than three years, but less than four years younger should be labeled for life as a sex offender.

The purpose of sex offender registration is to protect children from child molesters. The monitoring and supervision of nonthreatening people wastes law enforcement resources and detracts law enforcement from closer scrutiny of the sex offender for whom registration was intended — those who are dangerous to children.

HB 3148 was passed by a vote of 131-12 in the House and unanimously in the Senate. Sixteen witnesses testified in committee in favor of the bill. There was no opposition.

In his veto statement, Perry said that "sex offenders would

be eligible to petition a court for an exemption from sex offender registration, regardless of the age of the victim." That is simply not true.

The bill expressly stated that the victim must be at least 14 years old with the perpetrator less than four years older. He said he feared this bill would not protect young victims, but it only would allow a judge to grant an exemption when it is in the best interest of the victim. Some of these "victims" are now married to the "perpetrators."

The bill wouldn't change the criminality of the offense of statutory rape, which is a punishable crime. It only gave certain teens in consensual relationships an opportunity to ask a judge for an exemption from lifetime registration as a sex offender.

Every step was taken to ensure that no dangerous predator would be eligible to petition for exemption. Even if an offender met all the requirements set forth, (i.e., consensual relationship, victim at least 14, less than a four-year age difference) a judge would still have discretion — if circumstances warranted — to keep the offender on the list.

I believe teens involved in these relationships have committed a sin, but I don't believe — in most cases — that that sin should put them on a list that will literally ruin the rest of their lives.

Brandon M.'s case is a perfect example. Brandon was in high school when he met a 14-year-old girl on a church youth trip. He was less than four years older than she was. With her parents' blessing, they be-

gan to date and openly saw each other romantically for almost a year.

When it was disclosed that consensual sexual contact had occurred, her parents pressed charges against Brandon, and he was convicted of sexual assault (which includes consensual sex with a minor who is more than three years younger than the defendant) and placed forever on the sex offender registry in his state.

As a result, Brandon was fired from his job. He will be on the registry and publicly branded as a sex offender for the rest of his life.

People in Brandon's situation can't be anywhere near a school, a church or a park. These people can't attend their own child's elementary school. They can't hold certain jobs that may place them

around children. They have difficulty getting any job. They can't attend family functions that may be attended by someone under the age of 17.

In Brandon's mother's words, "I break down in tears several times a week. I know there are violent sexual predators that need to be punished, but this seems like punishment far beyond reasonable for what my son did."

Perry has made it clear he wishes to protect the youth of Texas. He has missed a golden opportunity to do so. I will continue to fight for this important legislation that, simply put, delivers people who are of no threat to anyone from a living hell.

**TODD SMITH OF EULESS REPRESENTS DISTRICT 92 IN THE TEXAS HOUSE.**

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# LETTERS

## Veto explanation

State Rep. Todd Smith's June 29 column about House Bill 4138 was missing important information that all Texans deserve to know before forming their opinion about my veto of the bill.

Teenagers who enter into a consensual relationship with a younger individual that violates the law must be held accountable for their actions. However, I agree with Smith that in certain circumstances such offenders do not deserve to be labeled sex offenders for the rest of their lives. From the beginning, I was supportive of his intentions in crafting HB 4138.

Given adequate legal protections and limits, it would have been appropriate. However, at some point in the legislative process, the wording of the bill was altered for the worse and, in good conscience, I could not allow it to pass my desk.

Smith's column does not accurately convey my reason for vetoing the bill. Just as he referenced — and as I truthfully wrote in my veto statement — under this bill certain sex offenders would be “eligible to petition a court for an exemption from sex offender registration, regardless of the age of the victim.”

It is true that some provisions of the bill, concerning certain sexual offenses, required that the victim must be at least 14 years old and the offender less than four years older. These provisions were appropriate in my mind; however, another provision completely compromised the integrity of this otherwise solid legis-

lation by creating a separate exemption with no minimum age limit for the victim.

Additionally, the bill, when addressing the offense of indecency with a child (punishable as a felony), did not attach any minimum age limit of the victim in allowing an offender to appeal for exemption from sex offender registration. If misapplied by a court, this stipulation would have provided room within the law for offenders to be exempt from sex offender registration if they committed indecency with a child of any age, no matter how young.

As I said in my veto statement, I am not willing to take this gamble with the lives of young Texans. Certain limits in an issue like this must be set to ensure that our most innocent, defenseless and impressionable residents — our children — are protected from those who would do them harm.

Should this legislation be adequately addressed with the proper protections and limits during the next regular legislative session, I will be eager to consider supporting it — just as I was this session, before it was altered with the potential to do more harm than good to the people of Texas.

— Gov. Rick Perry,  
Austin

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ECONOMY

# Texas sees 11.2 percent drop in June sales tax receipts

Tarrant County's July payment, based on May collections, was down nearly 9 percent.

By ANDREA AHLES  
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Texans pulled back on buying and spending in June, as the state reported an 11.2 percent drop in sales tax revenues for the month, by far the largest decline this year.

The state comptroller's office announced Friday that it collected \$1.57 billion in June, compared with \$1.77 billion the same month last year.

"The oil and gas, construction and retail trade sectors showed continued weakness, resulting in a sharp decrease in sales tax collections in June," Comptroller Susan Combs said in a statement. "Contributing to the decrease was not only the weakness in these three sectors, but also the strong level of collections received from them in June 2008."

Sales tax payments to local cities and counties also declined 8.8 percent for July, as the state paid \$426.7 million to local tax entities this month. The July payments were based on May sales taxes collected throughout the state.

The state's sales tax payment to Tarrant County dropped nearly 9 percent, to a July payment of \$26.95 million. One of the hardest-hit cities in the county was Southlake, which had its July payment drop 21.7 percent to \$919,792.

University of North Texas economist Bernard Weinstein said he is not surprised that areas where there are large quantities of upscale retail stores are feeling the economic recession more than other areas.

People are not only spending less, but what they are buying tend to be

items that have been heavily discounted by retailers, so there is a smaller amount to tax, he said.

"Like it or not, we have joined the national recession," Weinstein said. "It's not surprising that people are spending less."

Fort Worth's July tax payment dropped 9 percent to \$7.1 million, but the city is still faring better than its neighbor to the east. The city of Dallas saw its tax payment from the state drop 21.5 percent, and Collin County, home to Stonebriar Centre and many retail centers, had a 19.6 percent drop in its sales tax payment.

One of the few bright spots in North Texas was in Arlington, which had a 2.2 percent increase in its sales tax payment, to \$6 million.

However, as cities plan their budgets for the coming fiscal year, they will have to factor in declining sales tax revenues.

"I'd like to be an optimist, but I think we're looking at another six months of a tough go, probably until the spring of 2010," Weinstein said.

ANDREA AHLES, 817-390-7631

### Sales tax payments for July

Government	July 2009	July 2008	Percent Change
Arlington	\$6,008,818.52	\$5,877,161.53	2.24%
Bedford	\$695,422.64	\$675,602.52	2.93%
Collin County	\$10,396,229.76	\$12,937,047.91	-19.63%
Dallas	\$14,906,587.48	\$18,994,473.95	-21.52%
Dallas County	\$34,281,600.13	\$38,956,902.83	-12.00%
Denton County	\$5,991,097.22	\$6,551,228.60	-8.55%
Euless	\$777,366.05	\$1,070,453.63	-27.37%
Fort Worth	\$7,122,837.92	\$7,828,145.16	-9.00%
Grapevine	\$2,232,590.21	\$2,464,173.64	-9.39%
Hurst	\$990,660.65	\$1,029,631.48	-3.78%
Southlake	\$919,791.77	\$1,175,128.26	-21.72%
Tarrant County	\$26,950,402.39	\$29,608,675.95	-8.97%

Source: Texas comptroller's office

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## IRAQ

## 30-month sentence in slaying of Eules GI

The sergeant pleaded guilty to involuntary manslaughter in the death of Army Pfc. Sean McCune, 20, early this year.

By CHRIS VAUGHN  
 cvaughn@star-telegram.com

On the six-month anniversary of the fatal shooting of Army Pfc. Sean McCune in Iraq, a sergeant in his unit was sentenced to 30 months in prison after McCune pleading guilty to involuntary manslaughter.



Sgt. Miguel A. Vegaquinones, 33, who had also served in the Marines, admitted to negligently firing a round from his rifle Jan. 11 after he and McCune finished guard duty at their post in Samarra and returned to their barracks.

McCune, 20, of Eules, who was on his first deployment overseas, was killed instantly.

In addition to his prison sentence, Vegaquinones was demoted to private and will receive a dishonorable discharge, the Army announced last weekend in Iraq. As part of his plea deal, the government dismissed a charge of making a false official statement to investigators.

Both soldiers belonged to 2nd Battalion, 35th Infantry Regiment out of Schofield Barracks, Hawaii.

McCune's father, Larry McCune, his mother, Sandra Gibson, and sister, Amber McCune, all testified by phone during the sentencing hearing. They were not allowed, however, to make a victim's statement or address Vegaquinones.

"All they wanted from us was basically what we've lost and what we've gone through," Larry McCune said.

He said he was "pretty dissatisfied"

with the plea deal and sentence, believing that an infantryman with Vegaquinones' "age, maturity and background" deserved a stiffer punishment for his recklessness with a gun.

"You can rob someone and not hurt them and get 30 years in prison," McCune said. "It was not a momentary lapse in judgment. It was a series of things. He did everything wrong that night. If he'd done one thing right in those chain of events, my son would still be alive."

McCune said he intends to voice his concerns to officials in Washington, D.C., that the Army allowed someone "so totally incompetent" to lead soldiers as a sergeant in an infantry company.

Sean McCune, a fourth-generation military man, was born at Carswell Air Force Base and raised in Grapevine, Haltom City and Eules. He also spent time in Alabama, where his mother lives.

Larry McCune said that the end of the criminal proceedings does bring him some relief, and that the felony conviction and dishonorable discharge "is going to remind [Vegaquinones] of what he did for the rest of his life."

The last six months have been very hard on him and his family, McCune said, because "this whole process has kept the wound open and raw."

The case will automatically be reviewed by the Army Court of Criminal Appeals.

CHRIS VAUGHN, 817-390-7547

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## Bragging gets suspect shot at, then arrested

The burglary in Euless had gone off without a hitch and netted \$59,000 in cash.

But, police say, an 18-year-old's bragging about it led to a gunbattle Friday at a Fort Worth apartment that landed him in jail.

On July 2, two men stole jewelry and a safe from a south Euless home. Police identified them as Christopher Norman, 18, of Euless and Keith Black, 21, of Irving.

For the next several days, they went on a spending spree, buying a Nissan — on eBay — and a Cadillac, staying at expensive hotels and buying clothes, jewelry, marijuana and gold teeth grills, police said.

It caught up with Norman when a masked man tried to rob him at the apartment Friday, police said. Norman was holding a baby when he opened the door and a man began shooting. Norman jumped out of the way, but the robber and Norman's brother exchanged at least 10 shots.

The man, whom police did not identify, was shot in the chest and Norman's brother in the arm, police said Monday. Both were hospitalized. Black was in the Euless Jail with bail set at \$20,000; Norman was in the jail with bail set at \$89,000. He was being held on suspicion of four home burglaries in Euless. — Domingo Ramirez Jr.