





# Conviction in slaying is upheld

HARTFORD (UPI) — The Connecticut Supreme Court today upheld the murder conviction of a man who claimed he fired in self-defense when he shot another man in a dispute over the right to run a dice game in Bridgeport.

The court rejected three instances in which public defenders for William H. Mason claimed errors had been made in the Bridgeport Superior Court trial that ended in his conviction for the death of Wilbert Hill.

Hill died 35 days after he was shot once by Mason on Sept. 1, 1978, in a dispute over the right to operate an outdoor dice game near the intersection of Walter and Pembroke streets in Bridgeport.

Mason claimed he fired in self-defense and presented an eyewitness who testified that Hill was moving quickly toward Mason and reached for something in his pants or jacket at which time Mason fired.

On appeal to the high court, Mason's lawyers argued he was denied effective assistance of counsel at his trial and that the judge erred in rulings on evidence and instructions to the jury.

The court said the record of the case was insufficient for a determination on whether Mason had adequate counsel at the trial, but noted he could take "appropriate collateral action" to pursue the issue.

The court rejected the other two arguments, ruling the trial judge had the right to bar certain evidence and that the judge's instructions to the jury could not have misled the panel on the issue of intent in the shooting.

In another case dealing with instructions given to a jury, the Supreme Court rejected an appeal from a man convicted of charges stemming from the Dec. 15, 1978, robbery of a woman and her daughter in New Haven. Robert Kurvin was convicted of first-degree robbery and carrying weapons in a motor vehicle. On appeal, his attorneys challenged two points concerning the judge's instructions to the jury that returned the conviction.

State witnesses had testified that Kurvin threatened to shoot the woman's daughter if she didn't turn over \$63. Kurvin denied there was a robbery and gave another version of the day's events in testimony at his trial.

The court upheld the conviction by a 4-1 decision, with the majority citing the failure of Kurvin's lawyers to take exception to the issues in question during his trial in New Haven Superior Court.

"We cannot ignore the fact that the defendant saw no reason to take exception to an instruction which he now claims is misleading," said the majority opinion, which also rejected Kurvin's other challenge to the instructions.

In another case, the Supreme Court upheld a New Haven Superior Court ruling involving the dissolution of the Pauner Realty Corp., which owned commercial property on Whitney Avenue in New Haven.

The court's decision upheld the lower court's finding that \$41,000 in loans made to the corporation after 1972 to provide working capital should not be voided even though the loan transactions constituted so-called "self-dealing."

**Court refuses to disqualify prosecutor**

HARTFORD (UPI) — The state Supreme Court refused today to disqualify a state prosecutor from handling the prosecution of two men facing conspiracy charges in a 1978 explosion and fire that destroyed a Shelton factory.

The high court rejected an appeal from attorneys for Lowell Powell and Charles D. Moeller, who sought to have Bridgeport State's Attorney Donald A. Browne and his entire staff disqualified from handling the case.

The appeal was the latest of at least three filed with the Supreme Court as a result of prosecutions stemming from the March 1, 1979, explosion and fire at the Sponge Rubber Products Co. in Shelton.

Powell was principal financial officer of Sponge Rubber's parent firm, Grand Sheet Metal Co., of Spencerville, Ohio. Moeller was president of Grand Sheet Metal at the time of the explosion and fire.

The two sought to have Browne disqualified on the grounds he had a personal interest in the case because he was sued for \$500,000 in a federal court civil rights action brought by Powell.

But the high court said an appeal of a Superior Court judge's refusal to disqualify the prosecutor was premature because the issue could be appealed along with any other disputed bench decisions after the case was tried.

The court listed several points where appeals are allowed as a criminal case makes its way through the court system, concluding a motion to disqualify Browne was not a "final judgement" and thus wasn't one of them.

"Allowance of multiple appeals in a single action would not accord with the sound policy which favors the speedy disposition of actions in court, and particularly of criminal prosecutions," the Supreme Court said.

"The finality requirement underlying our appellate review represents a clear and firm policy against piecemeal appeals," said the court's opinion, which was written by Chief Justice John A. Spziale.

**Probe: shooting was self-defense**

MERIDEN (UPI) — A preliminary police investigation has found an officer who shot and killed a knife-wielding restaurant chef acted in self-defense.

Officials said Monday that Stephen Legere, 26, would remain on a temporary desk assignment while the department and its Internal Affairs unit made a complete investigation.

"If they feel something is wrong, that will be handled by the department," said Detective Lt. Peter Marlow. The department findings will be turned over to the state's attorney's office in New Haven for review, he said.

Marlow said Legere was extremely upset following the weekend shooting of Roger W. Johnson, 36, in the kitchen at the Top Hill Restaurant on East Main Street.

"To coin a phrase, he was a basket case," Marlow said. "I might also add, that Johnson was shot. Legere, who is an EMT (emergency medical technician) did try to revive him."



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LEW ROME, ERNEST ABATE ... candidates face economists

# Abate, Rome at odds on tax and spending

HARTFORD (UPI) — House speaker Ernest Abate says the state should take a small chunk of the \$8 billion Connecticut residents and businesses will reap from federal tax cuts and use the money for social service programs.

Abate, a Stamford lawyer challenging Gov. William O'Neill for the Democratic gubernatorial nomination, said more than half the federal tax savings will go to businesses. A fraction of that, he said, could fund needed human service programs.

Abate, one of two speakers Monday at a candidates debate before the Hartford Area Business Economists, also said the state should look at taxing other unearned income. He stopped short of advocating a personal income tax such as the broad-based tax now found in 40 other states.

"Let's not be afraid to look at the tax structure of the state," he said. "Let's do what we have to do."

Lewis Rome, one of four candidates for the Republican gubernatorial nomination, opposes an income tax. He said it would take away one of Connecticut's best calling cards in attracting businesses.

"It really would be an economic backslide for Connecticut," Rome said before the luncheon crowd of 20 at the downtown Hartford Club.

Abate and Rome also disagreed on whether the Democratic administration has been a big spender one.

After taking a careful look at the budget, Abate said, the Legislature found the state hasn't spent enough for some human services. He said the present revenue base can no longer support basic social programs.

"I think we're going to be in a position of constantly rolling over deficits" unless the tax system is changed, he said in predicting more red ink for the state this year.

Rome said the answer was good management by commissioners who should decide what their agency is supposed to do and find the best way of doing it.

The two disagreed about the wisdom of adopting a constitutional amendment to limit state spending to the growth in personal income. Abate said it couldn't be done without an income tax. Rome said the figures can be juggled to allow the state to increase spending beyond the growth in income.

The two agreed on an immediate repeal of the controversial tax on unincorporated businesses, which was instituted in January 1981 and is due to expire in January 1983.

# Lawmakers try to whittle down budget package

HARTFORD (UPI) — Legislators say there is a \$31 million gap between Gov. William O'Neill's standstill budget proposal and the amount of money needed to pay for priority programs in the next fiscal year.

Democratic leaders got together Monday for a meeting called to examine the recommendations from the various subcommittees of the powerful Appropriations Committee, which must approve a budget package by April 9.

The leaders, concerned with federal cutbacks in an election year, said they were reluctant to add any spending to the governor's \$3.17 billion package and sent budget-writing lawmakers back to the drawing board.

There appeared only an outside chance the \$31 million, targeted mostly for human services, transportation and education, would be added to the budget, although a proposal to raise welfare benefits may survive in some form.

Sen. Marcella Fahay, D-East Hartford, co-chairman of the Appropriations Committee, said she believed the proposals would be whittled down to "about \$10 million or less" when the parties meet again sometime next week.

The welfare proposal would provide a 3 percent increase in payments under the Aid to Families with Dependent Children program at a cost of about \$4.5 million for the 1982-83 fiscal year, which begins July 1. If approved, the increase would add \$12 to the monthly payment of \$427 now received by the average welfare family of three.

However, Senate Majority Leader Richard Schelller, D-Essex, said it was next to impossible to expect approval for any additions to the governor's budget plan.

"We told them to go back and look at it again. It's the consensus of the leadership that we simply don't have the resources to add those numbers back," Schelller said of the proposals submitted by the Appropriations Committee.

House Majority Leader John Gruppo, D-Windset, said he hoped to be able to take up the budget measure in the House by April 5.

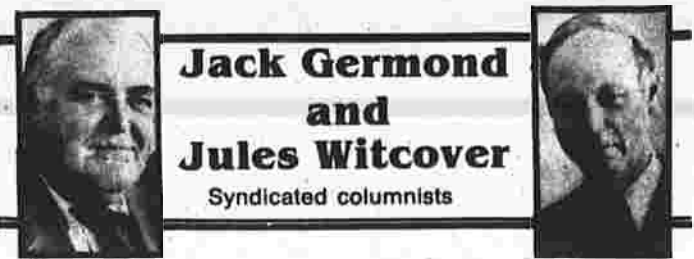
Other costs involved in the \$31 million figure include funding to continue half-way houses and child day care centers and maintain mental, retardation and mental health programs.

30 MARCH 30

OPINION

In many ways, Carter was right

WASHINGTON — Perhaps the Democrats National Committee passed a resolution the other day...



Jack Germond and Jules Witcover Syndicated columnists

harsh it inspired a sympathetic reaction behind Reagan — and against Carter himself.

Similarly, Carter was correct when he suggested that Reagan was not adamant in his insistence that the Social Security system be retained intact.

AS CARTER said, President Reagan has been more willing to be tough on the "big boys" and less willing to try to negotiate nuclear weapons control.

And Carter certainly can take some satisfaction in his description of the Kemp-Roth tax reduction Reagan adopted as "this ridiculous proposal."

An editorial

'Little old ladies' often are right

The environmental movement has made impressive gains in America, but its advocates have had to put up with a lot of name-calling and other abuse along the way.

The environmental backlash has capitalized on controversies like that of the small darter, in which a rare fish was used by opponents of a dam to delay its construction.

The National Centers for Disease Control said earlier this month that a survey done between 1976 and 1980 had shown that the reduced use of leaded gasoline in American automobiles had led to a dramatic drop in the amount of lead turning up in people's bloodstream.

The national population had experienced at 36.7 percent reduction in its blood-lead level, the CDC said. And, said the CDC, its survey had shown that cleaner air was the reason for this happy finding.

Some 200,000 tons of lead were added to the environment in the 1976. In 1980, that figure had

A vote for condos

To the Editor: I support the construction of condominiums in Bolton for the following reasons: • Condominiums would provide affordable housing for single and married professionals, the single parent and, in particular, retirees.

The increasing mill rate and escalating property taxes are my prime concern. Currently the condominium concept offers the most immediate relief to our tax burden.

On the contrary, what the Democratic professionals and party activists remember most about Carter is that he compounded whatever political sins he committed in the White House with a campaign that was so

On the contrary, what the Democratic professionals and party activists remember most about Carter is that he compounded whatever political sins he committed in the White House with a campaign that was so

Open forum / Readers' views

Send letters to: The Manchester Herald, Herald Square, Manchester, CT 06040

Stop eyesore

To the Editor:

Here ye, hear ye, people of Bolton! As South Road residents, we urge you to attend tonight's hearing on the proposed zone change in town.

Meanwhile, the Interior Department has revealed that many other birds relatively high on the food chain, particularly ospreys and hawks, are on the rise, the department said.

Eagles, the national bird, are back to a strong comeback, and many other birds relatively high on the food chain, particularly ospreys and hawks, are on the rise, the department said.

The recent town meetings at which many townspeople have been quite vociferous in their opinions for and against housing in Bolton are of real concern.

Plan needed

To the Editor:

The issue has broad ramifications for the entire town of Bolton, not just the immediate neighborhood involved. There is a great deal of open land in Bolton, and with the extension of Route 84, much more rapid town growth can be expected.

Approval would make other spot zoning changes difficult to prevent in the future. Requests for such changes anywhere in town are likely to increase once a process is approved.

For all intents and purposes, the town's zoning map and master development plan could be made obsolete, with the direction of future town development passing from the hands of town residents into those of the developers.

Cecil J. England Bolton

Carter was correct, too, when he suggested that Reagan there would be a polarization of black and white, rich and poor in this country. The opinion polls make it obvious that this has happened; blacks are supporting Democrats in proportions unmatched since the Republicans ran Barry Goldwater for president 18 years ago.

When Carter made his point, a valid one, on nuclear proliferation in the debate at Cleveland, he quickly compromised himself with that infamous little story about how his daughter Amy was so concerned about nuclear weapons.

When, earlier, he raised what became known as the war-and-peace issue, he did it in terms that were patently extreme. The election outcome, he said, would "help decide whether we have war or peace."

On the question of Reagan's attitude on domestic concerns, Carter suggested he was racist.

"If I lose the election, whether Americans might be separated black from white, Jew from Christian, North from South, rural from urban."

"THE SUM" of all this, as every political scholar now understands, the destruction of Carter's own image as "a nice guy" even if one out of his depth in the White House. That reputation for decency was Carter's one prime asset entering the campaign of 1980, and he gradually frittered it away.

Indeed, by the end of the campaign, many of the Democrats who supported the resolution of "gratitude" the other day were just as hostile to Jimmy Carter as many of his Republican critics. They blamed him, with considerable justification, for their loss of not only the White House but the Senate and more percent, the loss of the House.

Richard M. Diamond, Publisher Dan Fitts, Editor Alex Giarelli, City Editor

Commentary

'Northeast' a step backward

Editor's note: Lou Sampliner, a former resident of Manchester, wrote this article for the Farmington Valley Herald, from which it is reprinted.

Two Sundays ago we staggered out of bed, stumbled to the front door, caught our toe on the ledge and flopped atop The Hartford Courant.

We should've stood in bed. This was the debut of "Northeast," the effluent and expensively printed successor to The Courant's traditional Sunday magazine.

We remember the Sunday section from its halcyon days, when it was edited by the late H. Viggo Andersen, a gentleman to the core, and the late John J. Massaro, a University of Hartford evening graduate.

In recent years, the section kept getting smaller and smaller, and it was obvious something would have to be done. Resuscitated as "Northeast," it's a handsome print job, but the Nutmeg State ain't, nor is it redolent of Boston baked beans or Maine lobsters.

CONNECTIONT, the "land of steady habits," remains Connecticut, even in this traumatic day and age. New York City we're not, nor Los Angeles — cold and impersonal metropolitan centers, loud on brass and low on civility.

People like a publication to which they can relate. Fifty years ago, right up to the end of World War II, America got the bulk of its popular fiction, best-selling magazine, not hardcover books — pulp monthlies, the people's literature.

They were succeeded by the burgeoning paperback-book market — pulp fiction, a bit more sophisticated, dressed up in a slicker format.

Paperbacks are in the doldrums, currently, because they've begun to price themselves out of the market. Part of this is due to the extortionate fees best-selling authors (through their agents) can command.

Still, as we've said, reading goes up during depressed times. So there's no reason a Sunday journal like "Northeast" shouldn't succeed.

BUT THEN, take the March 21 initial issue. The front cover, designed in prehistorical pop art, depicts a bald (and slightly cretinous) character with a thorny eye obviously in need of Bacitracin.

Letters ideally should be typed and should be no longer than two pages, double-spaced.

The Herald reserves the right to edit letters in the interest of clarity and taste.

Court refuses custody case

WASHINGTON (UPI) — The Supreme Court doesn't want to screen a real-life "Kramer vs. Kramer" case involving a divorced father who lost custody of two daughters he claims he mothered more than his ex-wife.

The father had argued he was unjustly denied custody of his daughters — Tara, now 11, and Abigail, 9 — because of his sex. Like actor Dustin Hoffman in the Academy Award-winning movie, Jeff Atkinson of Evanston, Ill., claimed to be the victim of "automatic preference" toward mothers in child custody conflicts.

Janet Atkinson disputed her ex-husband's claims the Illinois court based its custody decision on sex, asserting instead the judge correctly applied state law based on facts presented at trial.

"Giving an automatic preference to mothers in custody cases would present a substantial federal question, but that is not what happened in this case," she said.

Volcano ends quiet century

TUXTLA GUTIERREZ, Mexico (UPI) — A volcano dormant for centuries erupted into life and spit out a 140-mile blanket of rock and ash that killed at least 10 people, injured 200 and forced 20,000 to flee their homes.

"I started out like a hall storm, then it got stronger, rocks were falling, then there was a rain of ashes, like fine sand," said a Red Cross nurse in Pichualco.

The volcano belched out a 140-mile-wide cloud of ash and cinders that closed highways across Chiapas and the neighboring state of Tabasco, local officials said.

Experts inspected wreckage today for evidence that terrorists caused the explosion that ripped open a passenger car on the Paris-Toulouse express train, killing five people and injuring 27.

Police were unsure if the attack, which occurred Monday as the train cruised the French countryside at nearly 100 mph, was sabotage or an accident with illicit explosives.

The explosion ripped apart the first passenger car, after the locomotive and the restaurant car, as the Capitole Express approached Ambazac, a village near Limoges in central France.

Police said the damage indicated the explosives probably had been placed in the luggage racks above passengers' heads.

More than 200 police, firemen and medical personnel from within a 100-mile radius worked nearly five hours to free people trapped in the mass of twisted metal and track.



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I have included \$75,000 of surplus funds as revenue for the 1982 Budget. This is the same amount as adopted in the current budget and in an amount which I am confident will be available.

I have also recommended several expanded sources of revenue to help minimize continued pressure on the property tax. These include: (1) - a \$33,000 increase in general recreation fees and a fully self-sustaining Cultural Arts Program in the Recreation Department; (2) - an increase from \$6.00 to \$8.00 on the \$2.00 \$1000 Building Inspection Fee existing in law with East Hartford; (3) - an inspection fee for hearing hours charging \$600; and (4) - initiation of a Restaurant Inspection fee schedule generating \$9,000 in 1982.

Finally, I would like to remind you that this year is the final year of the five-year phase-in on property evaluation. Our Assessor's records indicate that our residential properties are based on 70% of the 1975-77 assessed value, at 40% of market value. Clearly, total evaluations 1981 will place us on the same imbalanced residential and commercial industrial property evaluation as existed in 1979 before the reevaluation. Therefore, I am recommending that next year's General Fund be prepared on the basis of a computerized interim reevaluation. The computer program is already structured in this. I feel it is not only more equitable in the long run but it brings greater values current but also avoids wide shifts in the reevaluation year.

Copies of the Recommended Budget are available at the General Manager's Office in Town Hall, and are available to the Board of Directors. Copies of the Recommended Budget information will be available at the Public Hearing.

Dated at Manchester, Connecticut this 25th day of March, 1982. 666-63

James R. McCarvagh, Secretary Board of Directors Manchester, Connecticut

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