

Defense attorney requests change of venue in Cruz trial

By JULIE NASH
Collegian Staff Writer

Saying it would be impossible for James R. Cruz to have a fair trial in Centre County, First Assistant Public Defender Deborah Lux requested a change of venue or venire at a pretrial hearing yesterday.

Cruz, 36, of New Waterford, Ohio, is accused of kidnapping 17-year-old Dawn Marie Birnbaum, raping and killing her and then dumping her body in a snowbank near state Route 26 in Spring Township.

A change of venue would allow the case to be tried in a different county, and a

change of venire would allow jurors to be brought in from another county.

Lux said Cruz's prior criminal record — including speculation that he could be linked to a series of killings — has circulated throughout local newspapers, television news programs and radio broadcasts, resulting in a prejudiced jury pool.

"To try Mr. Cruz in Centre County would not give him the right to a fair trial," Lux said. In order to select jurors, the county looks at driver's license records and voter registration, she said. About 60,300 Centre County residents — includ-

ing students — are registered to vote.

Because of the nature of the case and its publicity, Lux said a change of venue would be necessary for Cruz to get a fair trial in Centre County. She submitted articles and scripts from local news media, noting that the Centre Daily Times named Cruz's arrest the top local news event of 1993.

Rockview State Police Trooper William Madden also testified that he discussed publicized information on the case with about 100 students in criminal justice classes.

But Centre County District Attorney

Ray Gricar said because the case is about two months away, he doesn't see the need for a change of venue or venire. In the next few weeks, Lux will file her briefs for the judge to review, Gricar said, adding that he will file his briefs after Lux.

Lux also called for a gag order to be placed on "all parties involved" in order to limit case discussion. Gricar objected and the motion was overruled. Jury selection is scheduled to begin March 14.

Lux asked the court to suppress evidence, including the search warrant for Cruz's blood and hair, as well as an interview conducted by Madden and State

College FBI Agent Randy Cohick prior to Cruz's arrest.

Cohick said he did not force Cruz to speak to him but asked if he could question him at Century Industries, the trucking company where Cruz was employed at the time.

After the interview, Cohick, Madden and FBI Agent Gordon Johnson of Youngstown, Ohio, took Cruz to a local hospital for blood samples, Cohick said. He added that because Cruz was not taken into custody, he was allowed to walk around "at his own free will" and was not read his rights.

Casey back but Singel still busy

By JULIE NASH
Collegian Staff Writer

With Gov. Robert P. Casey back on the job, it would seem as if Lt. Gov. Mark Singel would have plenty of free time — but that isn't the case.

While Singel was acting governor, he was also fulfilling his role as lieutenant governor, said Susan Woods, Singel's press secretary. The only difference now is that Singel is concentrating all of his time on lieutenant governor responsibilities.

"So now he is not super, super busy — but still busy," Woods said. In addition to chairing the state Board of Pardons, Singel is pushing to get a comprehensive 13-bill package calling for local tax reform through the state Congress. The package would cause

"Governor Casey has basically been closeting himself with the budget secretary and advisers."

— Vince Carocci
Casey press secretary

changes to be made in areas ranging from income and sales taxes replacing property taxes to changing the assessment law.

Singel has been busy this week helping with storm recovery in Central Pennsylvania. In regards to Singel's potential gubernatorial campaign, Woods would not comment and Ed Pavy, Singel's campaign manager, could not be reached for comment.

Since Casey's return to office on Dec. 21, Casey has spent much of his office time in budget meetings, said Vince Carocci, press secre-

tary. Casey is now in the process of working on the 1993-94 state budget.

"Governor Casey has basically been closeting himself with the budget secretary and advisers," Carocci said. Casey will give his State of the Commonwealth address on Jan. 26, he said.

Along the lines of health care, Casey met with the Breast Cancer Coalition to determine what efforts are being made to treat women with breast cancer. He has also been briefed about the child health insurance program's success.

Groups sue state over new Medicaid law

By LEE LINDER
Associated Press Writer

PHILADELPHIA — Health care providers sued Pennsylvania yesterday to force the state to comply with a new federal Medicaid law that allows abortions for poor women who are victims of rape or incest or have life-threatening pregnancies.

Under Pennsylvania's current Abortion Control Act, Medicaid will only cover abortions when a rape or incest victim has reported the crime to the police and named the assailant, or when two doctors certify the pregnant woman will die without an abortion.

"For many women, Pennsylvania's onerous and unnecessary restrictions for receiving Medi-

caid coverage for abortion represents a ban on abortion," said Kathryn Kolbert, vice president of the Center for Reproductive Law & Policy and co-counsel in the federal lawsuit.

"This law jeopardizes the lives of very sick women and forces women who have already been subjected to a vicious crime to endure an unwanted pregnancy against their will," she said.

The lawsuit, which names Gov. Robert P. Casey and Public Welfare Secretary Karen Snider and other state officials as defendants, charges that the constitutional rights of poor women are violated "by imposing conditions on Medicaid coverage for lifesaving abortions, conditions that will likely result in women's deaths or serious

deterioration of their medical condition."

Casey spokesman Vince Carocci said he had not seen the lawsuit, but said the governor "would be very vehemently opposed to any notion that a bureaucrat of the federal government can effectively render parts of state law null and void by federal edict."

In October, Congress changed the law, which since 1985 had banned such abortions, and President Clinton directed that all states use medical assistance funds for abortions to save the life of the pregnant women who survive rape or incest.

Kolbert called the lawsuit "part of a national strategy to ensure that every state obeys it, Pennsylvania included."

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