



TEXAS STATE TROOPER

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TSTA REPORT ON LAW ENFORCEMENT

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Legislative Agenda 81st Legislative Session

By: TSTA's Legislative Liaison-Deborah Ingersoll,
President, Legislative Solutions

It is that time of year again. The 81st Session of the Texas Legislature will convene January 13, 2009. Former State Senator Carl Parker, TSTA Legislative Liaison; and Don Dickson, TSTA general counsel; and I have had a busy interim representing the members of TSTA on matters of concern to active and retired members of the Association. We have tracked and participated in the Sunset Committee hearings, and various Legislative interim committee hearings.

The TSTA Board of Directors approved the 2009 Legislative agenda for the Association. The Legislative Agenda is a statement of TSTA's legislative priorities and focuses on economic issues and working conditions affecting the members of the Association. In addition to the stated agenda, we will vigorously defend against all perceived threats to existing benefits of our members. The approved Legislative Agenda is as follows:

- Pursue cost-of-living raise or 13th check for retirees.
- Protect the actuarial soundness of the Law Enforcement and Custodial Officers Supplemental retirement fund and defend against attempts to add new categories of state employees to the fund.
- Pursue an across-the-board pay increase for commissioned officers.
- Paid time for maintaining physical fitness.
- Re-engineering of the promotional process.
- Re-engineering of the evaluation and due process for disciplined and discharged employees.

The Public Safety Commission has informed the Legislature that pay raises for Department personnel are its

highest budgetary priority. TSTA's legislative team will aggressively support the Department's appropriations requests for pay raises and equipment upgrades. We are confident that there will be a great deal of support for these appropriations, but we must also bear in mind that unstable economic conditions may impact the entire spectrum of government services. After the Comptroller certifies the state's revenues on the eve of the 81st Session, we will have a better idea of the potential challenges we face.

Welcome to Austin, Texas Lawmakers!



Lots of people, including the troopers and law officers of Texas, are glad you are here!

We are awed by the huge challenges you face in the 81st Legislature. Whether you are a veteran lawmaker or a "first-timer", we know you will meet the problems with vision, courage, good judgment and compassion. We know you care about the people of Texas. Slumping state revenues produced by declining real estate and auto sales and declining consumer purchasing will have the pressure on you. As if that isn't enough, there is the hurricane recovery struggle.

And within all this you have the needs of schools, state agencies, protection for Texans from terrorism, border violence, dangerous drug smuggling and more. But with a healthy diverse mixture of representatives and senators from all parts of our large state, there is this realization: Texas has faced and conquered tough problems before.

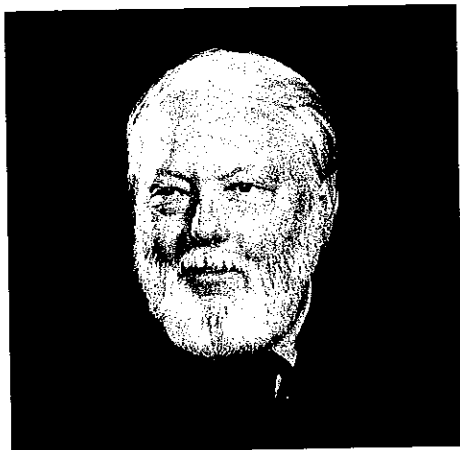
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WE CARE
Texas State Troopers Association

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Court's In Session

By Judge Larry Gist



The Visiting Judge

To the casual observer, it would appear that we have an awful lot of courts in Texas. But we just love to sue each other, get divorced, fight for the kids' custody and prosecute criminals. Then too, we're getting the big business suits where literally billions of dollars are at stake. Ultimately, we have much more litigation that our court system can handle.

All of our courts are established one by one through the legislative process. In days gone by, when a community needed a court, county officials went to Austin and through the help of their local legislative delegation got one created. Since the state has to pay much of the cost of a district court, those days are long long gone. But counties are required to pay the entire cost of a County Court-at-Law, so if one of those is desired in modern times, it usually isn't difficult to get a law passed creating a new or additional court.

The district courts handle the lion's share of serious litigation, both civil and criminal. They have virtually unlimited jurisdiction in civil cases and our Constitution provides that only district courts can handle felony prosecutions.

As procedures get more complex and litigation increases, the backlog of cases begins to swell. Mediation and arbitration have made a dent in the civil caseload but those options are unavailable in criminal proceedings.

Just what is the system supposed to do to deal with delayed justice, so often identical to justice denied? Well, many years ago we started developing a system to use "visiting" judges to take up some of the slack. Where do these creatures come from?

There is sure plenty of controversy over the system of having a visiting judge handle a local case. When a judge retires, they are permitted to notify the Supreme Court of Texas that they desire to remain active in the judiciary. There are particular qualifications to enable a retired judge to hear certain types of cases and special competence in those areas must be maintained. Once qualified, the retired judge can preside in any county to which they are assigned by either the Supreme Court or a Regional Presiding Judge.

Another source of "visiting" judges comes from former judges. Those are judges who either did not run for re-

election or who were defeated. They too are authorized to apply to serve as a visiting judge. This is a very important category since in many of our larger counties, partisan election sweeps have unbench a substantial number of sitting judges often swelling the visiting judge pool.

Retired judges usually leave active judicial service with a big send-off, compliments for years of faithful service and a gold watch. But former judges usually don't enjoy that type of status. Those who were defeated go from the judiciary having been rejected by the local voters. Those who quit or did not run for reelection have sometimes given a clear signal that they had little interest in a further judicial career. However, both types are available for appointment and many former judges do excellent and respected work in their visiting judge role. Yet the stigma still lingers. How come is the judge in my case someone who was defeated? Should that person be allowed to continue to serve as a judge? Remember that all of the judges holding office are required to run for reelection every four years.

It's almost essential that the legislature consider the way we currently select judges through partisan elections. That will probably involve a proposed Texas Constitutional amendment and the vote of the people. But the legislature, for partisan reasons, has been reluctant to give much attention to the judicial selection process. Unless something changes, which is unlikely, we will continue to see experienced and qualified judges thrown out of office for reasons that have nothing to do with their ability.

One thing that the legislature did do was to give every party to a civil case the right to "strike" an assigned visiting judge to keep them from hearing the case. But litigants must use that strike wisely, because the second assigned judge may in their mind turnout to be worse than the judge they struck. Strikes are not allowed in criminal cases.

Our current process certainly has resulted in some very unjust decisions. But a majority of lawyers agree that in the main, the fairness, impartiality and competence of most visiting judges is truly outstanding. Most work long and hard to fill in where needed and assist the court system in addressing the backlog of cases.

Sometime back the state made a study of the importance of visiting judges to the total system and discovered that it would take creation of an additional 110 or more new district courts to do the work currently being handled by visiting judges.

For instance, if an elected judge gets involved in a capital murder case, the rest of the docket suffers. So the elected judge might well bring in a visiting judge to handle the regular docket, or to preside over the capital jury selection.

No matter what approach is used, the entire criminal or civil docket is addressed in a timely manner, not denying anyone access to the justice system.

Our legislature, in recent years, has decided to drastically reduce the funding available for visiting judges. Some suggest that the decision was based on a perceived abuse of the system by elected judges. Others say the reduction was driven only by a lack of funds.

In any event, the legislature has limited the system that once existed.

One regional judge recently commented; "I suspect that

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State Retirement Funds Hit Hard

Senators worry that funds are taking on too much risk

The state's biggest retirement funds have taken a beating due to the stock market's plunge in recent months. The numbers are staggeringly big although folks like Ronnie Jung, the executive director of the Teacher Retirement System of Texas, always hastens to add that there's more than enough in the fund to keep paying retirees their benefits.

In testimony before the Senate State Affairs Committee, Jung told lawmakers that the teacher pension fund has lost about a quarter of its value, or about \$25 billion, since Aug. 31. On that date, the fund had \$104 billion. By the end of October, the value of the fund had diminished to \$82 billion. He added that with the losses of this week, the fund is most likely below \$80 billion now.

The state employees pension fund saw similar decreases in fund value. Ann Fuelberg, the executive director of the Employees Retirement System of Texas, told lawmakers that the pension fund has dropped nearly \$5 billion, or 22.5 percent, from its roughly \$23 billion value on Aug. 31.

Given the precipitous nature of those funds' decline in value, Jung warned lawmakers against knee jerk reactions next session to the bad financial news. He said that lawmakers would probably need to increase the state's TRS contribution rate to 7 or 8 percent if it wanted to keep the fund actuarially sound.

Jung reminded lawmakers that the state experienced something similar during the downturn in the markets following the Sept. 11, 2001 terrorist attacks. The teacher pension fund dropped from \$90 billion in value to about \$68 billion. The important thing, Jung said, to remember is that TRS has more than enough to pay out current benefits, about \$2.5 billion net out of the retirement fund.

Sen. Troy Fraser (R-Horseshoe Bay) told Jung and Fuelberg that the market's recent volatility underscored the need for the state's retirement funds to maintain a conservative stance in its investments. He has in the past been highly critical of TRS' intent to invest more in private equity, such as hedge funds and real estates.

He added that presently there are no safe havens in which the state can invest its money. Putting money into treasury notes could backfire because of their low rate of return. If inflation were to heat up in the near future, the state would be stuck with under performing notes or would take a bath when trying to sell them back.

And he cautioned against bailing out of the market too soon. The reason why the state was able to make up lost value so quickly after 2002 was because it held on to many of its equity positions, Jung said. As committee chairman Sen. Robert Duncan (R-Lubbock) pointed out, a more conservative investment strategy would have meant the fund would have been slower to recover.

Excerpts reprinted from article by Harvey Kronberg, Nov. 20, 2008.
www.quorumreport.com

Judge Gist...continued from page 2

we are going to find that judges are not going to be able to keep their dockets as current as they have been and I think we will see an increase in pending cases all over the state. It's going to be really bad."

If an elected judge gets sick for an extended period of time, the docket will overflow without the assistance of a visiting judge.

Yet our legislature sees more abuse than value, it might be of interest to know that the State of Texas spends only 1/3 of 1% of the entire state budget to operate the judicial branch. And now some of that appropriated for visiting judges is gone. It will be something to watch over the next couple of years.

So until next time, you'll all be careful out there, you hear.

TSTA Membership Advantages

- Free Last Will & Testament • Free AD&D Insurance • Emergency Assistance • Legal Assistance • Recreational Facilities • Legislative Representation • Personal Counsel

Man who killed DPS trooper dies in prison

Melvin Hale, who gunned down a Department of Public Safety trooper in August 2000, has died in a prison hospital.

Texas Department of Criminal Justice spokesman Jason Clark said Hale, 81, died in October, 2008 of natural causes at the Young Medical Facility in Dickinson, where he was transferred in August. Hale had suffered from heart disease and leukemia.

Hale had emerged from his pickup with a rifle and fired two shots at Trooper Randall Vetter, 28, after being pulled over on the Interstate 35 access road near Kyle for a seatbelt violation. One of the bullets hit Vetter, a husband and father of an 8-month-old son, in the head. He died three days later.

Reprint: *San Antonio Express-News*, November, 2008.

www.texasstatetroopers.org

Please visit our web site.

If you have an e-mail address, please send it to

Don Dickson at:

webmaster@texasstatetroopers.org

"God gave my children a chance to live. Twenty minutes before we hit (the other car) was the first time we had ever worn seatbelts."

-Barbara Mandrell

Make-A-Wish Foundation: It's all about giving hope, fun to sick kids, parents

In 1980, 7 year-old Chris Greicius was being treated for leukemia. All of his young life he had dreamed of becoming a police officer. A Border Patrol officer, Tommy Austin, had befriended Chris and his mother, and promised Chris a ride in a helicopter. Working with Ron Cox, an Arizona DPS officer, they made it happen. Austin and caring DPS officers gave Chris a tour of their city in a DPS chopper, which flew him to headquarters. Three police cruisers and a motorcycle officer greeted him before he met with the DPS command staff. There, the 7-year-old was sworn in as the first honorary DPS patrolman in state history.

DPS officer Ron Cox then had a custom-tailored, small uniform made for Chris. His mother had gotten him a small, battery-powered motorcycle, which he rode successfully. A few days later, back in the hospital, he asked to arrange the room so he could always see his trooper uniform, "smokey bear" hat and his motorcycle. A DPS officer presented him with his motorcycle "wings."

Four days later, Chris passed away. He was given a police funeral with full honors by Arizona DPS highway



Chris Greicius: he dreamed of becoming a policeman

patrolmen. But he had seen his lifelong dream come true, experiencing the hope, strength and joy that came from receiving his wish. The Arizona officers had seen how happy Chris was in having his dream of becoming a police officer come true. They saw how it took away pain and anguish from Chris and his mother and replaced them with smiles and laughter. They thought that if one little boy's "wish come true" could create such happiness, maybe they could do the same for other sick children. They talked with others who had helped. Chris' mother endorsed the plan. (One of these was a civilian friend who had given money.) Thus the Make-A-Wish Foundation was born.

The Foundation's first donation was \$15 from a grocery store manager. In November 1980 the Foundation received its tax-exempt status and began fund-raising in earnest. The news media helped. The project caught on, because, you see, there were other children around the country with terminal illnesses. And law officers, especially, were smitten with it. Today, 28 years after the sweet story of Chris, Make-A-Wish Foundation has 67 chapters in the U.S. and its territories. Although now widespread, it maintains its grassroots community approach to children and their families. With donors across the nation and more than 25,000 volunteers, the Make-A-Wish Foundation is now able to grant a "wish" somewhere in the U.S. every 40 minutes. Volunteers serve as Wish Granters and special events assistants.

The Central and South Texas Chapter of the Make-A-Wish Foundation, with a staff of nine, a working budget and more than 350 volunteers, serves children from 40 counties. Last year, 2008, it granted wishes to 228 children. Ages of children served ranged from 2 1/2 - 18.

Six-year-old Reid had Ewing's Sarcoma, a rare bone cancer and had undergone major surgery and chemotherapy. He was learning to walk again when someone told the Make-A-Wish Foundation of Australia about him. Contact was made with Reid's parents. His wish: to fly an Army helicopter. His mother said, "He's always been interested in anything about the Army; the guns, tanks and, of course, the helicopters."

Reid was made an honorary Captain for the day and received his own custom-size Army camouflage uniform. The family was picked up from their home in an Army Land Rover for the drive to the base where Reid was able to fulfill his wish with a flight in a Kiowa light observation helicopter. To Reid's delight, they flew over his school and his classmates were waving at him from below!

While at the base, Reid tried out the Black Hawk and Tiger helicopter simulators and rode in the base's fire engine.

It was a day to remember for the six-year-old, who said,

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Make-A-Wish...continued from page 4

"The helicopter ride was really cool! It was a little bit scary because there weren't any doors. I got to fly it myself; I even got to make these big turns!"

Reid unfortunately passed away soon afterward.

After the death of a child like this, you can imagine what lasting memories were created for the special people who made that wonderful event financially, physically and logistically possible? Did they tell friends, neighbors and relatives about the wish come true? Did they fatten their scrapbook with pictures and newspaper clippings? And did they gain immense peace of mind when they saw terminal pain and fear replaced by the welcome and needed joy of fun and excitement? Yes! Yes! Yes!

The Make-A-Wish Foundation of Central & South Texas staff told TSTA that the wishes of children with life threatening medical conditions usually fall into four general categories.

"I wish to go"...wish kids like to travel to some place they know, love or have dreamed about.

"I wish to be"...many dream of what they want to be when they grow up and wish to experience the dream now. It may be a fireman, a police officer or a famous athlete.

"I wish to meet"...some children wish to meet someone famous or someone they admire, talk with them, and get autographs.

"I wish to have"...often a child's wish is to own something special, like their very own stereo system or a special

toy. Make-A-Wish people ask for specific details to make sure what they produce is magical and accurate.

There are multiple reasons why the work of the Make-A-Wish Foundation has "caught on" nationwide. Foremost is what it does for the children, in a time they need it the most. It gives the joy and excitement that helps replace their fear of their grim medical situation. Second, it gives wonderful peace of mind to the parents as they see the excitement of their child. Doctors like the way it upgrades the mental outlook of their young patients. Sometimes, they use the "granting of the wish" as an incentive for the child to face tough surgery or unpleasant chemotherapy treatments. Timing for granting a wish is an important factor.

Then there are community benefits in the town or community where a child with a life-threatening medical condition is granted his "big" wish, especially if there is publicity. It pulls people together. Last but certainly not least, the total benefits of the granting of the wish sometimes contributes to the total recovery of the child. He gets his wish – and also a lifetime to tell about it.

There may be a seriously ill child or young person in your town or community whose situation might qualify him or her for "Make-A-Wish. Here are some facts about "Make-A-Wish" to be considered: 1) The family does not have to meet financial criteria in order to be eligible to receive a "wish." 2) A child must have a diagnosed life-threatening medical condition and be between the age of 2 1/2 and 18 when referred. 3) Wish costs vary according to the wish requested; when possible, donations are sought to help defer wish expenses. 4) The family does not have to pay for the wish. 5) Any child who is deemed

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To someday be a Texas Ranger: That was the big "wish" of Travis, the little guy at left who was seriously sick with a frightening ailment. With the help of some Rangers, some troopers, a couple of other folks and the Foundation, he got his wish. He got the boots, belt, hat, white shirt...everything! (All tailored to his size.) Plus, a certain DPS director swore him in to make it official. The other big news: Travis survived his illness!



The Side of the Road

"I'm Drunk"

By Trooper Robert Brown
HP-Ingleside

Some drunks are hilarious. We troopers share some great stories among us that many people would just not believe. Alcohol makes some people so completely goofy that they become very entertaining. The funniest one I had was also the happiest. I had been at a new duty station for only a month or two. I was sitting stationary on an Interstate Highway and was watching traffic coming out of a large city. There were very few cars on the road and I was about to call it a night. Just before 3 a.m., I spied a lone pickup coming up the highway.

There were no other cars in sight. I saw the pickup was going really slow. It would go 20-mph, then 40, then back to 20 for no apparent reason. As it got close to me, I saw it was using both lanes and both paved shoulders as it wound its way up a hill. My first thought was that this guy was driving so bad that it surely was somebody messing with me. I thought it might be a fellow trooper who I knew was a practical joker. When the pickup passed me, he suddenly sped up. I mean he pegged it. He went from 20 to 70 real fast. Then I knew somebody was messing with me. Surely he saw me parked on the side of the road.

I caught up to him and saw he was still weaving badly from side to side. I lit him up as he slowed down again. He immediately rocketed from the left lane, across the right lane, and took a very hasty exit down an off-ramp. Just as quickly, he shut it down and jerked to a stop at the end of the ramp. I was very suspicious at this point. If they were messing with me, then ha-ha, very funny. If not, what's up with this guy? As I got out of my patrol car, the driver's side door of the pickup swung open and I got my answer. Out poured a cowboy boot attached to a left leg in worn-out jeans. Then I saw the front tip of a cowboy hat slowly come out. I saw there was this skinny, cowboy looking, middle-aged man with a blank stare on his face, attached to the leg. Then he just sat there.

I asked him, "What's wrong with you?"

To which he very slowly answered, "I'm drunk."

I had to come back with, "Well, how much did you have to drink?"

His very slow drawn out reply was, "Too damn much."

And I believed him. Right away. I told him that I appreciated him turning himself in like that. There was hardly any need to do Field Sobriety tests. He couldn't even stand up. I had to almost carry him to my car. Over the next two hours I spent with him, he just joked and laughed and carried on. I learned that he thought he was in a town that was over 300 miles away. And he thought he was going toward the town he had just driven out of. Lord only knows where he would've ended up that night.

There are no routine stops.

"Those who hammer their guns into plows will plow for those who do not."
- Thomas Jefferson



HEAR YE!
HEAR YE!
HEAR YE!

There's still time
to make a few
**New Years
Resolutions!**

Here are a few suggestions:

Spend quality time with family
Be more frugal
Support our fighting troops
Help a fellow trooper
Go fishing in cold weather
Laugh more
Start an exercise program
Remember your training - always
Remember: TSTA is your friend

Make-A-Wish Foundation: Hope and fun for sick kids...continued from page 5

eligible can receive their wish. 6) To find a Make-A-Wish Foundation chapter near you visit www.wish.org. 7) Average cost of a "wish" vary by chapter. Donations come from corporations, churches and individuals.

Make-A-Wish Foundation, which has helped hundreds of dreams come true for sick or suffering children, was started by two Arizona law officers – a Border Patrol guy and a DPS patrolman. Just about anybody can get involved in it. It seems a "natural" for Texas law officers. If you have a youngster's situation you'd like to discuss with Make-A-Wish, you can call 1-800-722-WISH, or click on to their website www.wish.org and enter your zip code and browse for your nearest Foundation chapter.

Welcome Texas Lawmakers...continued from front cover

Yes, with Hurricane Ike's devastating blows and the fallout from the stock market declines, Texas has been hit by a "double-whammy". So legislators, we're double glad to have you at the Capitol now, confronting these problems. We believe in you. We know you appreciate law enforcement and the needs of public safety, and have appreciated your work in the past. We look forward to working with you.

Perhaps we all must take comfort in the old Texas adage: "Tough times don't last...tough people do."

-Editor

Claude A. Hart
Executive Director
Texas State Troopers Association
5540 North Lamar
Austin, TX 78751

Dear Claude,

I wanted to take a moment while renewing my membership to express my thanks to you, Mr. Don Dickson, Sgt. Tom Lambert, and several other individuals who helped out several of us here on the gulf coast during the aftermath of Hurricane Ike.

As you know Hurricane Ike struck the coast on September 13, 2008. The Hurricane caused major devastation to many of our homes and properties as well as the sources of infrastructure that we rely on for day-to-day needs, including electricity.

Two days after the storm I received a phone call (which was a miracle in and of itself-cellular service was spotty at best!) from Don Dickson inquiring into how things were on the coast, and wanted to know what he and the Association could do to help. At the time I was working hurricane relief efforts in Chambers, Liberty, and Harris Counties and knew that there were several members of the DPS family who did not have a generator, or the time to go and purchase one. I relayed this information to Don. Most of us were told that it would be three to six weeks before power could be restored, causing obvious major concerns as to how we could take care of our families while working twelve to sixteen hour shifts.

Within a day of that call Don had contacted Sergeant Tom Lambert, and the two of them arranged for a truckload of generators and gas cans to be sent to our area. I can't even begin to tell you what a relief that was for the families who were struggling through the heat of the day, and the troops who were putting in the long hours to be able to come home to a fan and a hot shower.

I also understand that the Association sent assistance checks to numerous members who were still struggling to get things back to normal after this major storm. Insurance is a great thing, but it is impossible to cover everything. I know that this was a great help to many.

Please pass along to Don, Tom, and the many others who helped those along the coast my sincere appreciation. Without all of your help this would have been a much harder burden to overcome.

R. Brandon Bess

Sgt. Texas Department of Public Safety
December, 2008

WE CARE

TEXAS STATE TROOPERS ASSOCIATION

"If I'm ever arrested for being a Christian, I hope there'll be enough evidence to convict me."

-Johnny Cash

Letter to TSTA from Trooper Gary Hinton,
hurricane survivor, Bridge City.

LEE JOHNSON, ATTY
575 N 74TH ST
BEAUMONT, TEXAS
77702

THANK YOU SO MUCH FOR THE FINANCIAL ASSISTANCE WE RECEIVED FROM YOU DUE TO HURRICANE IKE. YOUR TIMING WAS PERFECT. IT WAS WELL NEEDED. YOU CAME THROUGH WHEN ~~NO~~ NO ONE ELSE DID. WORDS ARE NOT ENOUGH ^{TO} SAY HOW GREATFUL MY

FAMILY AND I WERE TO RECEIVE SUCH A LARGE FINANCIAL GIFT. MAY GOD BLESS YOU + YOUR FAMILY.

Gary Hinton + Family

P.S. FORGIVE ME PLEASE - THIS WAS A LONG TIME COMING.

Gary

I said to the man who stood at the gate of the year: Give me a light that I may tread safely into the unknown. And he replied: Go out into the darkness and put thine hand into the hand of God. That shall be to thee-better than light and safer than a known way.

-M. Louise Haskins

"The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government."

- Thomas Jefferson

There are no routine stops.

The Armed Citizen Fights Back

NRA member David Johnson was returning home from work when he saw something suspicious – the door to his neighbor's recently vacated home was propped open. He found that his front door, too, was ajar, with a bicycle in the driveway and his dog running loose. Fearing a prowler was in the area, Johnson ran upstairs to get his shotgun. According to police, Johnson found a man ransacking his bedroom. He quickly pointed his shotgun at the intruder and ordered him to the floor. Responding officers arrested the intruder, who was carrying a stolen gun and has a lengthy criminal record. "[The intruder is a] poster boy for Project Exile!" Johnson wrote in a letter to the NRA. (*Tidewater News, Franklin, VA, 08/13/08*)

According to police, several people were trying to pry open the front door to a residence and, with his pregnant wife and two children in a back bedroom, the homeowner had just seconds to react. Noting that at least one of the suspects was armed, the homeowner grabbed his shotgun. When the door began to open, the homeowner stuck the barrel of his shotgun into the opening and fired. One suspect fell dead while his accomplices ran from the scene." [The deceased] was wearing a full beanie and gloves," said a neighbor. "Those guys came to kill." (*The Sacramento Bee, Sacramento, CA 09/10/08*)

His barking dog awakened a Baptist minister early one morning. Deciding to investigate, he grabbed his .454 Casull revolver and slid open the front door. What he found was quite alarming – a man high on narcotics was holding a brick in the air, pounding on the side of the house and shouting. The minister retreated inside, but the crazed man forced his way through the door. Fearing for his safety, the minister pointed his big-bore revolver at the suspect, ordered him to the floor and held him for police. A responding deputy had to use a Taser on the suspect before taking him into custody. (*Troup County News, LaGrange, GA, 08/15/08*)

Joshua Eastman was loading groceries into his vehicle in a store parking lot when a man wearing a bandana and carrying a gun approached. Police said the man announced a robbery. Eastman tried to stall him, hoping onlookers would notice and call police, but the robber grew impatient and started shooting. Eastman wasn't struck by the gunfire, but shattered glass ripped through his legs. That's when Eastman, a concealed-carry permit holder, drew his handgun and opened fire on the assailant, wounding him. Eastman fled to safety inside the store. Police found the suspect hiding nearby. (*The Morning Call, Allentown, PA, 08/28/08*)

"It's a kind of a blur," recalls Robert Smotherman of his life's most terrifying moment. As he pulled into his driveway, two men wearing ski masks and carrying rifles ran around the corner and demanded his valuables. "I had a gun on me," recalls Smotherman, a concealed-carry permit holder. "[They] hesitated, and I took the opportunity." Police said Smotherman fired eight shots from his .45-caliber pistol, striking at least one of the suspects several times and causing both to flee. "I just took my gut reaction and

went with my first instinct," he explained. The wounded suspect was apprehended; his accomplice is being sought. (*Bradenton Herald, Bradenton, FL, 09/14/08*)

Studies indicate that firearms are used over 2 million times a year for personal protection, and that the presence of a firearm, without a shot being fired, prevents crime in many instances. Shooting usually can be justified only where crime constitutes an immediate, imminent threat to life, limb, or, in some cases, property.

Reprint: *The American Rifleman* (Dec. 2008)

OOPS! Did you forget to renew your TSTA membership before the December 31 deadline? All is not lost, you can still renew, but you must wait six months for TSTA's free legal assistance. All other TSTA benefits will be restored immediately upon receipt of your renewal form and your \$25 annual dues. Renew now! For your family's sake - regain your TSTA member benefits.

Health tips

Taking the stairs: Even small habit changes improves health

If you're like most people, there are many small opportunities throughout the day in which you can choose to move your body – or let a machine do it for you. It's probably no surprise that walking or bicycling to the corner store instead of driving – or taking the stairs instead of the elevator – is better for your health. In fact, there's a scientific name for this type of activity – non-exercise activity thermogenesis (NEAT). A recent study from Switzerland has shown just how much these small, frequent bouts of activity can add up to benefit your health.

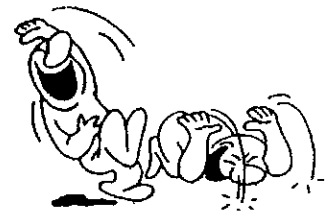
The study, presented at the European Society of Cardiology conference in August 2008, involved 69 sedentary adults who worked at the University of Geneva in Switzerland. Study participants were instructed to exclusively use the stairs at work for 12 weeks. When the study began, the mean daily number of floors ascended or descended by each participant jumped from about five a day to 23 a day.

At study end, participants were found to have increased their capacity for aerobic exercise by over 8 percent. Weight, waistlines and body fat each declined by about 1 to 2 percent. In addition, diastolic blood pressure – the second number in a blood pressure reading – declined by about 2 percent and low-density lipoprotein (LDL, or "bad" cholesterol) levels declined by nearly 4 percent.

Mayo Clinic experts say the results are hopeful, though not conclusive. Still, it's likely there are significant health benefits to be gained from moving in moderately intense ways at least 30 minutes daily.

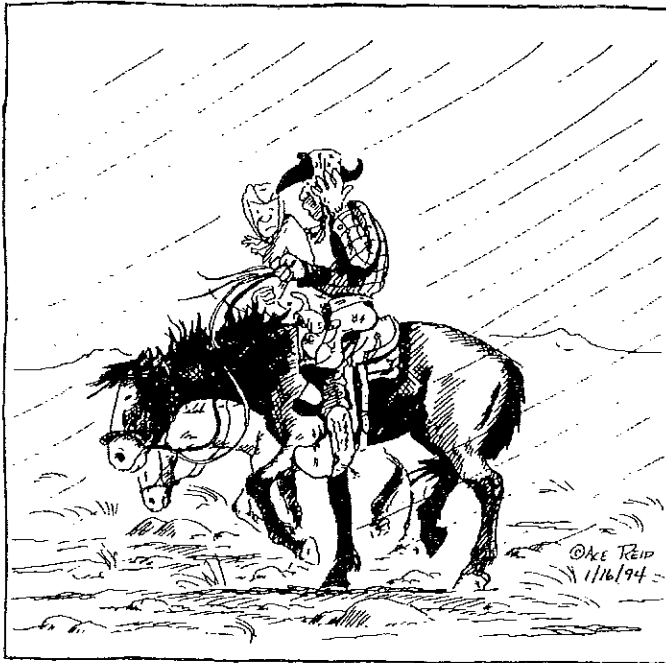
Reprint *Mayo Clinic Health Letter*, December 2008.

* Kuempel's Korner *



COW POKES

By Ace Reid



"I shore wish them characters bellyachin' about global warmin' could share this little experience with us."

Do yourself into feeling, instead of feeling yourself into doing.

Take action, not cover.

Things you never say to a HP trooper:

- 1) I pay your salary.
- 2) Sorry officer, I didn't realize my radar detector wasn't plugged in.
- 3) I thought you had to be in good physical condition to be a trooper.

Many folks want to serve God, but only as advisors.

Opportunity only knocks once, but temptation bangs on it constantly.

Don't wait for six strong men to take you to church.

Fear; trace it, face it, and erase it.

Be careful not to test the water with both feet.

Barking dogs don't bite...as long as they're barking.

To remove a fly from the forehead of a friend, do not use an axe.

He that's born to be hung need not fear water.

Doctors say that if you eat slowly, you will eat less. Anyone raised in a large family will tell you this.

After a big victory, tighten your helmet strap.

All angels are girls because they gotta wear dresses and boys didn't go for it.
— Antonio, age 9

Criminals love gun control; it makes their jobs safer.

Save Money on Quality Double-H TROOPER BOOTS!

• soft, durable leather • cushion insole • high abrasion, oil-resistant sole and heel • long-wearing • meet DPS uniform requirements!

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8-inch
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Prices include
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This is a special members' benefit purchase through TSTA arrangements with Richland Shoe Company. To order, call TSTA at 1-800-289-8782



Remember candy and flowers at Valentines...

Speak of them often. She likes to hear about them.

Words to Remember

- Do illiterate people get the full benefit of alphabet soup?
- Don't take life too seriously. Your not going to get out alive anyway.
- Church bulletin announcement: At the evening service tonight, the sermon topic will be "What is Hell?" Come early and listen to our choir practice.
- Then there was the blonde who was trapped on the escalator because the power went out.
- The second mouse gets the cheese.
- Since its the early worm that gets eaten by the bird, sleep late.
- The lions in our path are often chained.
- Excellence is never an accident.
- Imagination is more important than knowledge.

Cancer is Limited

It cannot cripple love.
 It cannot corrode faith.
 It cannot eat away peace.
 It cannot destroy confidence.
 It cannot kill a friendship.
 It cannot shut out memories.
 It cannot silence courage.
 It cannot invade the soul.
 It cannot reduce eternal life.
 It cannot quench the spirit.
 It cannot lessen the power of the resurrection.

Charles Swindoll, The Finishing Touch



When the need is great, TSTA is there.

Want to help the DPS fallen officers' MEMORIAL MONUMENT PROGRAM?

If so, send your contribution (check) to:

Don Metcalf
P.O. Box 6003
Katy, TX 77491-6003

He's the guy who makes the plans, hauls the stones, usually burns his own gasoline and does the heavy work - all on his own time. He loves the troops and their families.

Facts about angels...from children

It's not easy to become an angel! First you die. Then you go to heaven, and then there's still the flight training to go through. And then you got to agree to wear those angel clothes. - Matthew, 9

Angels talk all the way while they're flying you up to heaven. The main subject is where you went wrong before you got dead. - Daniel, 9

When an angel gets mad, he takes a deep breath and counts to ten. And when he lets out his breath, somewhere there's a tornado. - Reagan, 10

Angels have a lot to do and they keep very busy. If you lose a tooth, an angel comes in through your window and leaves money under your pillow. Then when it gets cold, angels go north for the winter. - Sara, 6

TSTA MEMBERSHIP ADVANTAGES



- Free Last Will & Testament
- Free AD&D Insurance
- Emergency Assistance
- Legal Assistance
- Recreational Facilities
- Legislative Representation
- Personal Counsel

A word about the future

"God is our refuge and strength, an ever-present help in trouble. Therefore we will not fear, though the earth give way and the mountains fall into the heart of the sea, though its waters roar and foam and the mountains quake with their surging."

Psalm 46

Inscribed on the University of Texas main building: "You shall know the truth, and the truth shall make you free."

Statement of Purpose

Texas State Trooper is an official publication of the Texas State Troopers Association. Should you have news you would like published, mail it to:

Texas State Troopers Association
 5540 North Lamar
 Austin, TX 78751
 E-mail us at TSTAMAIL@aol.com
 Website: www.texasstatetroopers.org

The Texas State Troopers Association is open to all first-line commissioned members of the Department of Public Safety, both current and former.

TSTA intends no indictment of those of supervisory rank through their exclusion as members of this organization. We do understand, however, that no association can be all things to all people. Therefore, we have chosen to represent those who need our services more: first-line troopers. This policy negates the probability of conflict of interest that stems from multi-class representation.

TSTA will work hard for the betterment of life for every member of the department.

FOR MEMBERSHIP: Complete the application below. Mail it and a check for \$25 payable to the Texas State Troopers Association to the address at the top of the application. Include your jacket size: M, L, XL, XXL or XXXL. Your cap and jacket will be mailed to you.

WILLS: Members are reminded that one of your benefits from TSTA is the free preparation of a last will and testament. This service is performed by Lee Johnson. He may be contacted at:

Lee Johnson
 Attorney-at-Law
 575 N. 7th Street
 Beaumont, TX 77702
 Telephone: 409/833-8911

Moving?

For fastest service, attach old mailing label in this space. If label is not available, print your old address in the box. Be sure to include your ZIP CODE.

Print your new address here.

 Name

 Address

 City State Zip

Mail to: TSTA
 5540 N. Lamar
 Austin, TX 78751

2009

Date _____

Jacket Size _____

Application for Membership
TEXAS STATE TROOPERS ASSOCIATION
 5540 NORTH LAMAR
 AUSTIN, TEXAS 78751

Dues \$25

for office use only

LRE _____

Payment _____

NAME (Last)	(First)	(M.)	Date of Birth	Rank Service
HOME ADDRESS	(street, city, zip code)		HOME PHONE NUMBER (include area code)	
OFFICE ADDRESS	(street, city, zip code)		OFFICE PHONE NUMBER (include area code)	
DATE EMPLOYED	DATE OF COMMISSION	DATE OF TERMINATION (if no longer with DPS)		

Membership dues paid to TSTA are not deductible as gifts or charitable contributions but may be deductible under an IRC Section other than Section 170 (c).

I, _____, request membership into the Texas State Troopers Association, and if accepted agree to abide by the Constitution and Bylaws of the Association, the rules and decisions of its officers. I also agree to pay annual dues of twenty-five (25) dollars for all of a calendar year or any part thereof.

I understand that any unreasonable failure to assist a fellow member of the Texas State Troopers Association will result in this membership being cancelled by the board of directors at their option.

I also understand this membership will terminate immediately if I am promoted to any supervisory rank of sergeant or above.

 Signature of applicant Date

TSTA MEMBERS! Your TCLEOSE Hours Can Become College Credits, Enhance Your DPS Career

TSTA has been contacted by Mountain State University asking for our help in advising our members about their degrees in Criminal Justice through their distance learning program.

Obtaining your degree from a respected, nationally accredited institution is the key to advancing your criminal justice career. Earning a degree can boost your earning potential and increase your chances of getting a promotion. Employment for Criminal Justice professionals is expected to increase 36% or more through 2008. As more qualified candidates enter the field, the best opportunities will go to those with advanced degrees.

Finding time to study while maintaining your professional and personal obligations can, at times, be difficult. Mountain State University recognizes this challenge and has created their distance learning program specifically for busy criminal justice professionals like you. At MSU there is no wasted time with required in-class room meetings. Everything you need to complete your coursework is either delivered to your door or available anytime, anywhere through their online virtual classroom and live chat sessions.

There are several degrees to choose from. One undergraduate degree, a Bachelors of Science in Administration of Criminal Justice, allows students to transfer up to 54 TCLEOSE credits into the program so as to hasten progress towards a degree. Additionally, Mountain States also accepts certain TCLEOSE courses as substitutes for General Education requirements. For instance, a TCLEOSE instructor can substitute for speech. A certified accident investigator need not take college business math. Forty-eight hours of TCLEOSE Spanish can replace one course in humanities as can a 40-hour HazMat course replace a science course.

We have spoken with the Houston Police Officer's Union which has a significant relationship with Mountain State University and speaks highly of their program.

If you are interested, contact TSTA and we will mail you an information packet. For specific questions please contact Mountain State University as follows:

Mountain State Univ. /CJ-Direct, 1-866-312-9595
sbarnette-admissions@adcj.com

To our friends at TSTA, the DPS and other law enforcement agencies: best wishes for a healthy, happy and safe New Year...



Another year has passed and it is with humbling gratitude that I express my thanks to all the men and women in the DPS and other Texas law enforcement agencies for their work in keeping the public safe. It is my high honor to serve you with the Memorial Monument program and to be considered a part of the DPS family.

Although Richard Metcalf, founder of the monument program (We The People) passed away more than ten years ago, we have continued his legacy and have been on the road this past year setting up monuments to your fallen heroes. Many thanks to all who had a hand in helping us. Special thanks go to Paul Luckey and his sisters Linda and Carol of Rockdale Memorial Company in Rockdale Texas for providing the monuments **free of cost**. Special thanks go to TSTA for continued support and fuel costs and for providing Jack Lawler for on site news coverage. Special thanks to Sgt Josh Mason of the Marshall DPS office for coordinating the ceremony in Jefferson. Special thanks also to retired Sgt. Bryan Barnhart and Sgt. Bob Shields of the Athens DPS office for all their recent help. Special thanks go to my son-in-law Tim Elliott for his help.

So again, thank you and may God bless each one of you and keep you safe in this new year. Keep up your great work. Remember, the civilian world appreciates you.

-Don Metcalf

GOD BLESS AMERICA!

**...and protect our fighting men and law
officers who protect our way of life.**



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