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DA ordering Downs to pay

EUGENE (AP) — The Lane County district attorney's office is seeking a court order directing Elizabeth Diane Downs to pay \$302,564 in restitution, should she earn "windfalls of money" from selling her life story.

A document filed last week in Lane County Circuit Court by Assistant District Attorney Fred Hugi lists bills of \$92,055 for medical treatment, foster care and psychotherapy for Downs' children from May 1983 through August of this year.

The bills include \$33,642 at McKenzie-Willamette Hospital in Springfield, where the three Downs children were taken by their mother after being shot May 19, 1983, on Old Mohawk Road north of Springfield. The bill at Sacred Heart General Hospital in Eugene, where the two surviving Downs children received additional treatment, was \$44,258.

The cost of future foster care for the two children until they turn 18 is estimated at \$194,026, not including medical expenses. Also included in the breakdown of costs is \$16,483 for "extraordinary" expenses incurred by the district attorney's office in prosecuting the case.

District Attorney Pat Horton said Tuesday that court approval of the reimbursement request would enable the state to regain some of the costs of the case if Downs eventually earns "windfalls of money" from book, movie or TV royalties. Downs, 29, has said she would like to write a book giving her version of the shooting. A Seattle author already is writing a book about the case.

Downs was convicted in June of murdering Cheryl Lynn Downs, 7, and of attempting to murder Christie Ann Downs and Stephen Daniel "Danny" Downs.

Christie, 9, and Danny, 4, who have been living with a Eugene foster family since they were released from the hospital, will require additional medical care as a result of their injuries. Christie suffered a stroke that left her speech impaired and limited the use of her right arm. Danny is paralyzed from the chest down and is confined to a wheelchair.

Judge Gregory Foote ordered Downs at her sentencing last month to pay restitution in an amount to be set after a review of the expenses and her financial situation. Horton said it "appears likely" a hearing will be held to discuss the cost bill submitted by his office.

If a hearing is scheduled, Downs will have to return temporarily to Lane County from Salem, where she is serving a prison term of life plus 50 years at the Oregon Women's Correctional Center.

Rapist's case to be retried

OLYMPIA (AP) • The Washington Supreme Court on Tuesday ordered the case of Kevin Coe, convicted of four rapes in Spokane's "South Hill Rapist" case, returned to Spokane County for retrial.

The high court on Monday re-

jected Coe's request for acquittal and Spokane County Prosecutor Donald Brockett's motion for reconsideration of the high court's June decision ordering a retrial.

The order returning the case to Spokane will arrive on Wednesday or Thursday by mail, giving the county jurisdiction over Coe and beginning the process that will lead to a new trial within two months, according to Karen Tellevig, an administrative assistant at the Supreme Court.

Coe's attorney, Richard Hansen, said Tuesday he will seek both a change of venue and removal of Brockett as prosecutor in the case. He also will seek Coe's release on bail or personal recognizance, he said.

On June 7, the state high court cited numerous grounds in ruling unanimously to throw out Coe's four rape convictions.

The Supreme Court said the trial court improperly admitted evidence from witnesses who had been hypnotized and improperly allowed evidence of an earlier Coe conviction for shoplifting. It also said Brockett illegally withheld evidence from the defense.

Both sides then asked the Supreme Court to reconsider, but it said Monday the June 7 decision stands.

Coe's attorneys have said Coe fears for his life if sent back to the Spokane jail, and they asked the Spokane County Superior Court to order the state to hold Coe until the issue of his safety is resolved.

That request wasn't acted on previously because the superior court at that time had no jurisdiction over Coe. The Spokane County Superior Court now must decide where Coe will be held or whether he will be released, court officials said.

Judge scolds all at train trial

VANCOUVER, Wash. (AP) — An angry Clark County District Court judge said Tuesday that the misdemeanor trial of 30 anti-nuclear protesters had "gotten completely out of hand" and vowed he would not "have this courtroom turned into a great big discussion on philosophy."

The 30 defendants, all from Oregon, were arrested in Vancouver July 27 after they sat on railroad tracks in an attempt to stop a train that they said was carrying nuclear warheads to the Navy's Trident submarine base at Bangor.

The trains, painted white, originate in a nuclear weapons manufacturing plant in Amarillo, Texas. The U.S. Department of Energy has refused to comment on their contents.

Judge Eugene Harris accused the defendants of making him out to be "the heavy" in the trial, warned defendants who violated court rules, told the deputy prosecutor he was not doing his job and sent one defendant to her seat in tears.

The six-member jury must decide whether the defendants delayed a lawfully operated train. On Monday, Harris said the defendants could not argue that the train was illegal because it violated international treaties that ban preparation for acts of aggression.

The defendants are charged with delaying a train, a misdemeanor. One of them also is charged with obstructing police.

The defendants hope to show that the train was not being operated lawfully because it carried nuclear weapons in

violation of state regulations.

During the first day of testimony Tuesday, Harris allowed the defendants, most of whom are defending themselves, to ask many questions. However, he eventually lost patience.

"I have bent over

backwards," the judge said. "I know you probably think otherwise... This case has gotten completely out of hand."

In an opening statement, defendant Ada Sanchez asked the jury to "act on your heart and your moral consciousness."

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