

Ross lawyers eye her breath test

TUCSON, Ariz. (AP) - Attorneys for Diana Ross argued that a Superior Court judge should review a lower court's ruling that allows the pop diva's breath test results to be used in her upcoming drunken driving trial.

Superior Court Judge Jan Kearney heard oral arguments in a special pretrial action brought by Ross' lawyers, who are trying to head off a Tucson City Court trial scheduled for Jan. 14.

Kearney said she would rule within a week.

Attorneys for the pop singer want to have breath test results from her Dec. 30 arrest tossed out.

A Tucson City Court magistrate has already ruled the results are admissible for the trial.

The test results showed Ross had a blood alcohol concentration of 0.20 percent. Arizona's legal limit is 0.08.

Stephen Paul Barnard, Ross' lawyer, told Kearney that the state's so-called implied consent law was misapplied by the officer who arrested Ross and that the case is of statewide importance.

Arizona's implied consent law means that since the state has granted a person the privilege of operating a motor vehicle, motorists by implication consent to give police a blood, breath or urine sample if the drivers are suspected of a DUI.

Refusal means drivers forfeit their licenses for a year.

Barnard said the law allows for "certain coercive gestures," such as an officer advising suspects they can lose their licenses.

Barnard contended that Ross agreed to take the breath test - after initially declining - but only after the officer told her that by refusing she could lose her driver's license and could be taken to another location, implying a hospital or jail.

By doing so, the officer's action amounted to coercion and went beyond permissible bounds of the implied consent law, Barnard said.

He cited DUI cases in which courts in Hawaii and Texas found that adding language invalidated the consent.

Barnard argued the case is of statewide importance because the same procedure is applied to countless citizens to obtain DUI evidence.

William Mills, a city attorney, countered that the case was neither unique nor unusual and didn't merit a special action review.

In a court document, Mills also said a city magistrate's ruling in Ross' case would set no binding precedent for other cases statewide.

GOP targets blacks via urban radio

NEW YORK (AP) - In an effort to break the Democratic Party's grip on the Black vote, several leading Black Republicans have accepted an offer from one of the nation's largest urban radio networks to deliver a weekly address targeting African-Americans.

Alphonso Jackson, whom President Bush chose to be secretary of the Department of Housing and Urban Development, will present the first address on Saturday at 1:06 p.m., said Jerry Lopes, president of program operations and affiliations at Pittsburgh-based American Urban Radio Networks.

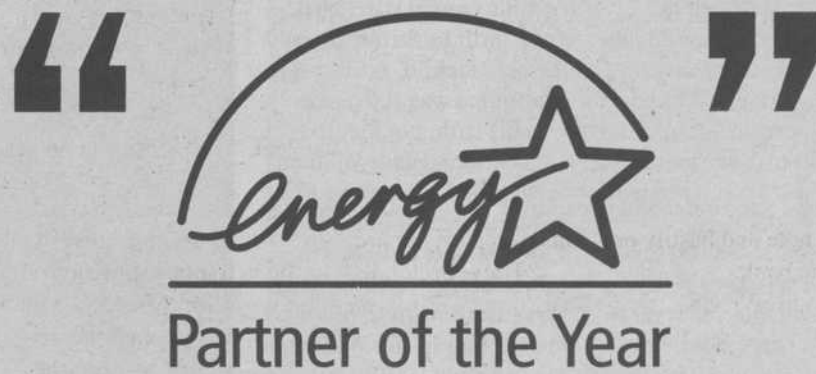
"We welcome the opportunity to speak directly to the African-American community throughout our nation," Ed Gillespie, chairman of Republican National Committee,

said in a statement.

Other scheduled speakers include prominent Black Republicans such as Bush's Education Secretary, Rod Paige, Maryland Lt. Gov. Michael Steele and Hempstead, N.Y., Mayor James Garner.

Lopes said he proposed the idea of having Republicans deliver a weekly address after meeting with Black conservatives during a reception in Washington, D.C., this summer. When he approached the GOP with the idea, they "jumped on the opportunity to have their representatives bring a message to Blacks," Lopes said.

President Bush got just 9 percent support from Blacks who voted in the last presidential election, but is looking to improve his performance next year.



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