

Can murder victim's statements be used at trial?

WASHINGTON (AP) — Dwayne Giles complains that his former girlfriend's statements should not have been used against him at his murder trial because the woman couldn't be cross-examined.

Her absence wasn't a result of a scheduling conflict. She was dead. And Giles killed her.

Three California courts that have considered Giles' claim have said, in effect, "You must be kidding."

Now, though, the Supreme Court, in arguments Tuesday, heard Giles' case to see whether the use during his trial of statements the girlfriend made to a Los Angeles police officer violated his

constitutional right to confront witnesses against him.

The issue the court has agreed to resolve is when defendants forfeit that right. It is already clear that a defendant who kills someone to prevent him from testifying may not come into court and seek to exclude prior statements by the dead person.

But this case is one in which there were no charges pending against Giles when he shot Brenda Avie dead with a 9-millimeter handgun outside his grandmother's house in September 2002.

A few weeks earlier, Avie told a police officer that Giles assaulted and threatened to kill her. The officer testified

about the conversation at Giles' trial, over his lawyer's objection.

Giles claimed he acted in self-defense, fearing that Avie was armed. She wasn't. Giles also testified that Avie behaved erratically and threatened to kill both him and his new girlfriend on the night she died.

Giles was convicted of first-degree murder and sentenced to at least 50 years in prison.

California courts upheld the conviction, saying that when a witness is unavailable because of the defendant's actions, it doesn't matter whether there was an intent to prevent testimony.

President

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lagging in home ownership rates — still much more likely than other groups to have sub-prime mortgages; and the worldwide scientific community predicting that "global climate change will bring more intense and more frequent weather events in the not-too-distant future." He asked, "Why should Black people care about that? Two-words: Remember Katrina," he told the energetic audience.

Having served as president only about a year, Everett also vowed to address media-led stereotypes and misinformation about Black people, as well as the lack of racial minority ownership and "access to the new digital world."

Concluding, he said, "In other words, we cannot and will not stand idle while our youth, our communities, our people stand at the crossroads."

Among the crowd were at least two dozen members of the Congressional Black Caucus, including Chairwoman Carolyn Cheeks Kilpatrick, civil rights leader Rev. Jesse Jackson Sr. and two former Joint Center leaders Eddie Williams and former Army Secretary Togo West, immediate past president. The audience cheered at the April 8 event when Everett announced that the center had raised a record-breaking \$1.6 million with this year's dinner — "and we're still counting."

U.S. Rep. Jim Clyburn, (D-S.C.), House majority whip, received the center's top honor, the Louis E. Martin Great American Award, named for its founder. Clyburn said his colleagues in Congress as well as the next president must work hard to close the disparities pointed out by Everett. "I am determined that we will not be the first generation of Americans to leave their children with fewer opportunities than we had," Clyburn said.

AARP CEO William D. Novelli was the recipient of the center's first Partnership Award, pledging to continue giving to the cause of research, and policy analyzing. "Americans fear that their children's generation will end up worse off than they are," Novelli said.

"If that happens, it would be the first time in American history... a big step backwards. We can't let it happen. And that's why our partnership with the Joint Center is so important — it plays a critical role in helping our nation's leaders understand how key issues impact the African-American community."

The recording of Black political and economic thought and progress has been the hallmark of the center since its founding in 1970. A recent Joint Center survey of likely Black voters in the Democratic Primaries found that the war, healthcare, jobs/economy and education, were foremost on the minds of African-Americans going to the polls.

Everett pledged to focus the Joint Center's work on improving the prospects of young people of color, whom he described as "a generation at the crossroads."

I firmly believe that America needs the Joint Center now more than ever. We are going to deliver for America, through research, partnerships and policy reform recommendations. That's what my presidency at the Joint Center is going to be about. And I welcome and thank you for joining in these efforts.

Everett said he sees the massive financial support as a sign of readiness by the community.

"It is a clear signal that America is ready to confront the difficult social and economic challenges that face our nation and our communities. And they want strong policy institutions to step up and focus on solutions," Everett said. "We accept and embrace our responsibility to increase the Joint Center's innovation and effectiveness in putting the concerns of communities of color and solutions to their problems at the very top of the nation's policy agenda."

Raines

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disputed the charges and pegged them as politically motivated. Raines' attorney called Lockhart "a fatally biased regulator" and asked a federal appeals court to remove him from the case.

Spencer "was recognized as an outstanding controller for Fannie Mae where she conducted her duties with the highest integrity," her attorney, David Krakoff, said in a statement. "Ms. Spencer maintained throughout this action that the OFHEO reports and allegations had no merit."

Raines and Howard were swept out of office in December 2004 in the accounting fiasco at Fannie Mae. Two years later, the company announced a restatement for 2001 through June 30, 2004, that erased \$6.3 billion in previously reported profit.

Raines' total compensation from 1998 through 2004 was \$91.1 million, including some \$52.6 million in bonuses, according to OFHEO. Howard earned \$30.8 million dur-

ing the period, including \$16.8 million in bonuses; Spencer received \$7.3 million, of which some \$3.5 million was bonus money.

Fannie Mae paid a record \$400 million civil fine in a settlement with OFHEO and the Securities and Exchange Commission in May 2006. It also agreed to make top-to-bottom changes in its corporate culture, accounting procedures and ways of managing risk.

Last November, Freddie Mac's former chief executive, Leland Brendsel, agreed in a settlement with OFHEO to pay \$2.5 million in fines to the government, give back \$10.5 million in salary and bonuses to the company and waive claims against the company for compensation worth \$3.4 million. Freddie's accounting scandal erupted in June 2003 when the McLean, Va.-based company said it had misstated earnings by \$5 billion between 2000 and 2002 — artificially inflating results in some periods, while reducing them in others.

Your Horoscope Says... April 24-30

ARIES

You'll have lots of contact with folks you wanted to hear from this week. Your telephone is your best tool, and you'll enjoy talking and listening to many supportive and loving friends. A letter may arrive with an invitation.

Soul Affirmation: I smile and trust in the powers beyond myself.

Lucky Numbers: 6, 10, 14

TAURUS

You are too kind this week, and it's a wonderful thing. By doing things for others without thought of a reward, you're racking up beneficial vibrations for your future! Take personal pleasure in what you do for others this week.

Soul Affirmation: Moving slowly is often the fastest way to get there.

Lucky Numbers: 7, 49, 55

GEMINI

Change your routine this week. Even a minor change in the way you approach your week will enable you to feel happier and more adventurous. Try something new, and you'll be happy with the outcome.

Soul Affirmation: I know that my life is full of good things. I enjoy!

Lucky Numbers: 18, 28, 46

CANCER

Create a map in your mind to chart a course through unfamiliar waters. You'll be as happy as you make up your mind to be. Because you are so wise, you'll be at peace with all outcomes.

Soul Affirmation: I give thanks for who I am this week.

Lucky Numbers: 11, 52, 53

LEO

It's a good week to reflect on your personal network of friends and co-workers. You are surrounded by supportive vibrations, and you'll be counting your blessings by the end of this busy week!

Soul Affirmation: It's bad only if I see it that way.

Lucky Numbers: 1, 6, 29

VIRGO

Find a way to love the work you do this week. Use your creativity and wonderful sense of humor, and you'll be finished with chores early enough to relax. Use your energy wisely.

Soul Affirmation: I let worry fly away.

Lucky Numbers: 3, 12, 21

LIBRA

A romantic partner returns and wants to pick up the past and start over. Friends are good to have, but this particular friend will be best kept as just that...a friend! Enjoy your ability to choose what's best for you.

Soul Affirmation: My spirit gives me limitless possibilities.

Lucky Numbers: 2, 18, 42

SCORPIO

This week is a week to let your diplomatic side work for you. Forcing will get you nowhere. No man or woman is an island. Focus on togetherness even if you are annoyed with people.

Soul Affirmation: Charm is my middle name this week.

Lucky Numbers: 6, 8, 19

SAGITTARIUS

You have wonderful ideas about interior decorating. Be ready to accept a great opportunity at work. Money

doesn't matter this week. Don't make finances more important than they need to be.

Soul Affirmation: I appear to others what I know myself to be.

Lucky Numbers: 21, 29, 36

CAPRICORN

Keep all your ducks in a row this week. No mixing work with fun or business with pleasure. Save your affection for the home front and stay focused on the work in front of you on the job. Things are working out perfectly.

Soul Affirmation: This week I find joy in the gifts that life has already given me.

Lucky Numbers: 11, 18, 54

AQUARIUS

Why not take each perfect moment as it comes? You are struggling to find a solution that time can and will provide. Perform your tasks cheerfully this week, and let the future take care of itself. Give yourself the opportunity to enjoy each new moment.

Soul Affirmation: Worry will only create more worry. I stop all worry.

Lucky Numbers: 31, 40, 51

PISCES

Your anxiety about an important issue can now be seen as needless. You don't have to worry! Have faith that things are working out perfectly and they will! This week especially, consider all options before you make decisions.

Soul Affirmation: I am uplifted by the presence of friends.

Lucky Numbers: 12, 17, 28