

RODEO BEGINS Star of Texas Fair and Rodeo opens with food, music, livestock, carnival rides and more ■ B2 | **SUPER BOWL FUNDING** State to pony up \$31.2 million to help Arlington host big game next year ■ B3

AUSTIN

Appeals court stands by cafe in city lawsuit

By Marty Tooley
AMERICAN-STATESMAN STAFF

It looks like a jury will decide whether the South Congress Cafe has to tear down its deck.

On Thursday, a state appeals court sided with the cafe's owners, ruling that a lower court did not give South Congress Cafe a proper hearing before siding with the city, which contends the deck was built illegally and should be torn down.

"This means we get our day in court," said Eric Pickle, the operations manager for Trudy's Texas Star Inc., which owns South Congress Cafe. "What we've wanted all along is for a jury to decide this."

Anne Morgan, the city's director of litigation, said that the appeals court erred and that the city is confident it will win at trial.

The ruling could expose the city to hundreds of thousands of dollars in damages if Trudy's See **DECK**, back page



WILLIAMSON COUNTY ■ COURTS

4 deaths, 50 years in prison

Drunken driver sentenced for manslaughter in crash

By Miguel Liscano
AMERICAN-STATESMAN STAFF

GEORGETOWN — After receiving a call that some of her family members had been seriously hurt in a crash, Julia Mendez rushed from her Thrall home to the scene and found chaos: her family's man-

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gled minivan; her son-in-law Clemente Martinez in shock; her granddaughter, Crystal Martinez, being airlifted to a hospital; and her daughter Paula Martinez lying dead face-down on the ground.

"I thought she was just knocked out," Mendez testified Friday during a sentencing hearing for Luke Anthony Looschen,

who was driving drunk on Texas 29 near Jonah on Aug. 10 when he crashed into two other vehicles, killing four people.

Looschen, 48, pleaded guilty in February to four counts of intoxication manslaughter and two counts of intoxication assault in connection with the wreck.

On Friday, state District Judge Burt Carnes sentenced Looschen to 50 years in prison. Because Looschen was found



Luke Anthony Looschen pleaded guilty last month.

See **CRASH**, back page

MILITARY ■ REMEMBRANCE



Andy Sharp photos FOR AMERICAN-STATESMAN

Aurora Flores Fernandez grieves with daughter Stephanie Fernandez at the 1st Cavalry soldiers honored during a memorial rededication ceremony at Fort Hood. Their son and brother, Sgt. Reuben M. Fernandez III, was among Friday. The Abilene native is among the 69 new names on the wall.

BUSINESS INSIDE, B5-7

Green rebates

Texans can get cash for old appliances under U.S. stimulus program next month

PolitiFact Texas
Sorting out the truth in politics



Gretchen Carlson
Statement: Says the State Board of Education considered eliminating references to Christmas and the Constitution in textbooks.

Fox co-anchor mixes up Texas, North Carolina

By Ciara O'Rourke
AMERICAN-STATESMAN STAFF

The State Board of Education's efforts to revise social studies curriculum standards drew plenty of national attention this week, from the Fox News Channel in particular.

On Wednesday morning's broadcast of "Fox & Friends," co-anchor Gretchen Carlson sounded scandalized by what the network dubbed the "Texas Textbook Wars."

"Stage set for a bitter debate — the Texas Board of Education begins hearings today on proposed changes to textbooks that could change what students across the country learn," she said. "About history!"

Addressing Jason Moore, a Texas parent who planned to speak at Wednesday's hearing, Carlson said: "So, one of the proposed changes, Jason, is actually to start history class in the year 1877, which would be a big problem for a lot of people, would it not? And eliminate references to certain holidays, Founding Fathers, the Constitution! I mean, no surprise that Christmas, they want to get rid of that because they've been doing that for the last couple of years, but c'mon, the Constitution?"

Come again — we the people will not study the Constitution in school? Christmas nearly kaput?

Moore corrected Carlson on one count — he

See **POLITIFACT**, B3

Families grieve anew for Fort Hood's fallen

Ceremony pays tribute to 69 soldiers of 1st Cavalry

By Jeremy Schwartz
AMERICAN-STATESMAN STAFF

FORT HOOD — As a somber announcer read the names of the 69 fallen, soldiers moved quietly among the mothers, grandfathers, sisters, brothers and children, passing out tissues to the grieving.

At the sounding of the last name, the assembled group, many dabbing at tears under sunglasses, rose for a three-volley salute and the playing of Taps. It was time for family members to say goodbye to loved ones killed during the division's recent tour of Iraq.

For the third time since the wars

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in Iraq and Afghanistan began, Fort Hood's 1st Cavalry Division honored its dead soldiers Friday in a ceremony to rededicate the division's black granite memorial. In a reflection of the decreasing violence in Iraq, the 69 names joined the 169 killed during the division's first deployment to Iraq in 2004-05 and the 492 1st Cavalry soldiers who died during the bloody 2007 surge.

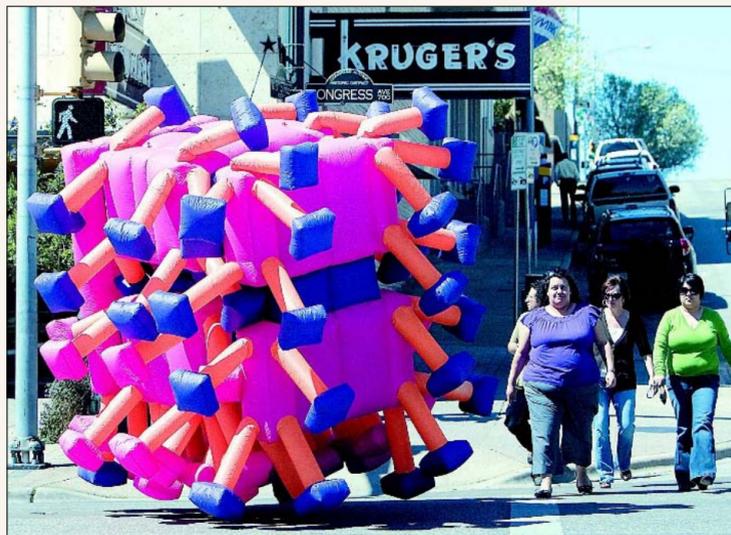
After the ceremony, family members gathered around the memorial, etching names onto rubbing paper and swapping stories with the soldiers who



Sarah Roberge, 18, came to honor her brother Pfc. Jonathan Roberge. Jonathan was 22 when he died in Iraq in February 2009.

See **FALLEN**, B3

AUSTIN ■ ART



Deborah Cannon AMERICAN-STATESMAN

Uh ... a formidable terrestrial anemone?

Nope, just a San Antonio-based artist, Jimmy Kuehnle, keeping Austin weird Friday as he crosses Congress Avenue. Kuehnle is known for his inflatable suits, run by 12-volt blower motors. See more photos of Kuehnle's inflatable suit at statesman.com/multimedia.

PEDERNALES ELECTRIC CO-OP

Request to remove judge in PEC case could delay trial

By Patrick George
AMERICAN-STATESMAN STAFF

JOHNSON CITY — Attorneys for an indicted former Pedernales Electric Cooperative executive and a former co-op lawyer are again seeking to take a state District Court judge in Blanco County off their case, this time by asking for a ruling from the state's highest criminal appeals court.

Attorneys for Bennie Fuelberg and Walter Demond this week filed a petition with the Texas Court of Criminal Appeals seeking to disqualify state District Judge Dan Mills from hearing the case because he is a co-op member, as are most Johnson City residents.

Attorneys for the former PEC officials argued that Mills stands to benefit financially if restitution is ordered in the case.

It's not the first time they've made this argument.

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Dan Mills Presiding state district judge is co-op member.

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www.politifacttexas.com
Twitter: @politifacttexas
Facebook: PolitiFact Texas
E-mail: politifact@statesman.com