

# THE BROWNFIELD NEWS

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## Farm Bill expires Sunday

With Congress adjourned, fears that a 2012 farm bill wouldn't pass before the Sept. 30 deadline have now become a reality.

Although political wrangling has been at a maximum recently, Shawn Wade, director of policy analysis and research for Plains Cotton Growers, said area producers won't wake up Monday morning to an Agricultural Armageddon.

"They need to pass a farm bill and we want that to happen, but when this one expires Sunday, it won't be the end of the world," he said. "Our cotton and peanut producers on the South Plains probably won't notice much change on Monday morning."

Wade said most of the spending authorized for the 2012 crop is already in place and any new programs that might be in a Farm Bill would not be in play immediately anyway.

"Any payments that growers need to operate that would be affected by a new Farm Bill would not occur until a calendar year away, so there is time for Congress to pass a bill and if needed, make parts of it retroactive," Wade said. "The federal crop insurance program includes its own authorizing statutes, so those programs will be in place in time for planting the 2013 crop."

This situation is not unprecedented.

The 2002 Farm Bill was allowed to expire at the end of 2007 and the 2008 Farm Bill was not enacted until June of that year.

"As we saw in the 2008 bill and its delay, we were able to push through all the sign ups for the programs we needed, but nobody thinks this bill will take until June to get finalized," Wade added. "Most indications are that it will be dealt with in the lame duck session after the November elections."

Although there's no guarantee, lawmakers could still get it done after Election Day, but the bill still could take many different forms.

The current bill could be extended for a year. There could be an entirely new bill.

Another possibility is a hybrid of the two, with passage of a new bill, but an extension of the current legislation to allow time for policy changes.

Typically, if a full farm bill isn't passed before the deadline, Congress has voted in a short-term extension.

That didn't happen this time and Congressman Randy Neugebauer, R-Lubbock, said in an e-mail to constituents this week that he was not happy about that.



Rep. Randy Neugebauer

"The 2008 Farm Bill will expire on September 30, and Congress has left Washington without passing a new policy," he said in the e-mail. "I'm incredibly disappointed that we didn't get this done. The House Agriculture Committee passed a Farm Bill that made real reforms and reduced spending while still ensuring our farmers have a safety net to carry them through bad seasons."

The congressman said he supported that version of the bill, which resulted in \$35 billion in savings, eliminated or consolidated 100 programs, and moved it to a more efficient, market-based system of crop support.

"A number of reforms that I proposed are included in the bill," Neugebauer said. "I'll be the first to admit that it isn't perfect—I'd like to see even more savings from food stamps. But I believe this is our best chance to cut spending and support our farmers and ranchers. When Congress returns in November, I'll continue to push for a long-term Farm Bill to give our producers the certainty they need."

The last time Congress failed to pass a farm bill in a timely fashion was in the early 70s.

Although many consider the current situation a policy error, the real impact of not passing a farm bill doesn't occur until after the first of the year, when it would revert back to the 1949 farm bill.

The versions of the farm bill in the House of Representatives and Senate are extremely different.

About 80 percent of what is collectively, if not misleadingly, called the Farm Bill represents nutrition programs, primarily food stamps, now supporting almost 50 million Americans.

The Senate bill currently proposed could cut food stamp spending by \$4 billion over the next decade — largely by targeting abuses. The Republican-controlled House would like to see a far bigger cut, mainly by tightening eligibility for food stamps.

About \$100 billion of the total package would be devoted to crop subsidies and other farm programs.

The Senate Agriculture, Nutrition and Forestry Committee last month approved a bill that would save \$23 billion over the next decade by ending direct payments and consolidating other programs.

The bill would strengthen the subsidized crop insurance program and create a pro-

gram to compensate farmers for smaller, or "shallow," revenue losses, based on a five-year average for acres actually planted.

Not having a multi-year farm bill in place puts undue burdens on rural communities, said USDA Secretary of Agriculture Tom Vilsack in a Sept. 22 statement.

"In a year that has brought its share of challenges to America's farmers and ranchers, the House Republicans have added new uncertainty for rural America," he said. "Unfortunately, House Republicans left Washington without passing comprehensive, multi-year food, farm and jobs legislation, leaving thousands of farming

families exposed."

President Obama also blamed members of the House in his weekly address on Sept. 22. "Last week, without much fanfare, Members of the House of Representatives banged a gavel, turned out the lights, and rushed home, declaring their work finished for now," he said. "If that frustrates you, it should—because their work isn't finished." Obama pointed to a "whole bunch of proposals" left sitting on the table, including the farm bill.

Wade said whatever form the new bill takes, it will take some adjustment. "There will need to be some bridging

mechanisms so producers can go from what they're doing now to what they will have to do next," he said. "There are a lot of ways it still could go."

Crop producers will feel less of an immediate affect than other producers like livestock and dairies.

The every-five-year agriculture policy bill funds subsidies for dairy farmers, including the Milk Income Loss Program, which compensates farmers for a portion of their loss when prices fall below a certain amount.

Without legislation in tact, they would lose that protection.



Head Coach Charity Welps gave her Lady Cubs a pep talk during a time out in the second game of Tuesday night's match against the Post Lady Antelopes in Cub Gym. The Lady Cubs defeated the Lady 'Lopes in three straight games. See the game wrap-up on Page 11 of this issue. (Photo by Brian Brisendine)

## Jury trial set for accused cops

By JOSIE MUSICO  
Staff Writer

A federal judge refused to dismiss a lawsuit claiming two Brownfield police officers used excessive force while apprehending a suspect in August 2011, meaning a jury will be left to determine whether they exceeded their authority.

If U.S. District Judge Sam Cummings does not grant a motion to dismiss the case submitted Sept. 10 by the defense, Sgts. Matthew Valdonado and Joshua Coronado will face a jury trial Feb. 3, 2014 in Lubbock.

The lawsuit seeks compensatory and punitive damages in an unspecified amount on the allegation that Valdonado and Coronado assaulted 21-year-old Zackary Kegan Cruz while attempting to take him into custody. According to the *Brownfield News* archives, Cruz - who was on probation at the time for an unrelated conviction - was arrested that day for driving while intoxicated, assault/family violence, evading or resisting arrest and escape.

The "excessive use of force" complaint claims that the officers pointed a service weapon at Cruz "for no reason" during a traffic stop, then threw him to the ground and handcuffed him. Still in that position, Coronado kicked Cruz "in the face and head approximately three times," the lawsuit reads. It continues with an allegation that both defendants then lifted Cruz from the ground and slammed him onto the hood of a BPD patrol vehicle.

According to City Hall's response to an open-records request from the *News*, Valdonado is still employed by BPD as a patrol sergeant and Coronado as a Criminal Investigation Division sergeant. Both have worked for BPD since 2007.

As the *News* previously reported, the lawsuit was filed July 19 in the U.S. District Court Northern

District of Texas in Lubbock. Cruz' attorney, David Martinez of Lubbock, said he wished to expose to the higher court certain evidence such as witness testimony that had not been presented during a Feb. 17 Terry County Grand Jury hearing in which neither defendant was indicted.

Matt Matzner, also of Lubbock, represents the city in the suit. His motion to dismiss claims that under the doctrine of sovereign immunity, BPD and other Texas law-enforcement agencies do not have the capacity to be sued, and that municipalities may be held liable for the conduct of their employees under only very limited circumstances. Furthermore, it states that the Eighth Amendment prohibiting cruel and unusual punishment does not apply in this case because Cruz was not incarcerated at the time of his alleged assault.

Martinez did not return multiple calls from the *News* as of press time attempting to question if he planned to amend his complaint in any manner.

City Manager Eldon Jobe told the *News* they were using Matzner's services rather than those of City Attorney Lina Trevino because they were contracted through the Texas Municipal League. The city pays for liability insurance, he said, meaning the legal battle will cost them only the \$5,000 deductible.

"Any lawsuit like this, we turn over to TML," he said.

Charles Miller, a Washington, D.C.-based media spokesman for the U.S. Department of Justice, told the *News* that a lawsuit being filed in federal court does not necessarily mean the plaintiff has a stronger case than if it were filed in state court. Rather, federal suits represent different types of cases, a common example of which are civil rights violations such as those alleged by Cruz.

"Anybody can file suit," he said. "...The statue under which a law-

suit is brought is the primary difference. Allegations against police departments are almost always in federal court."

Miller continued that after a plaintiff issues a complaint, the defendant has a limited time period in which to respond. A federal judge then reviews the case, and has the opportunity to dismiss it at that point if he or she determines it lacks merit to proceed. The fact that a jury trial has been scheduled for a particular case signifies that it must have passed that stage of judicial review, he said.

Visible wounds in Cruz' original jail-booking photo - which the *News* did not publish due to its graphic nature - indicate he was certainly assaulted the night he was arrested, but by whom remains under investigation. Chief of Police Tony Serbantez said the Department of Public Safety's Texas Rangers have since assumed the case.

Ranger Todd Snyder did not release details about what his ongoing investigation had so far determined.

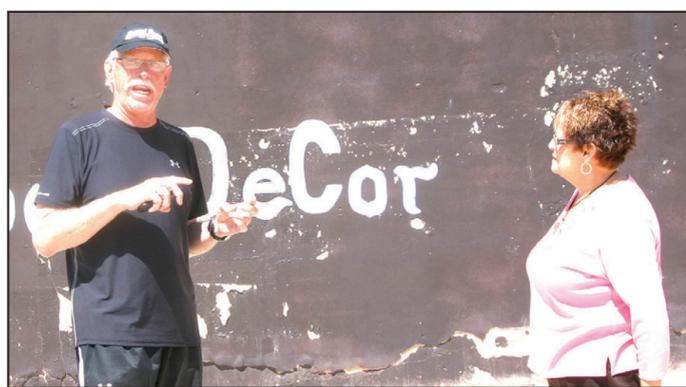
"It's still pending," he said.

Serbantez declined to comment to the *News* about the lawsuit, citing city policy regarding pending legal issues, but denied any wrongdoing on behalf of the department a few months earlier after the grand jury returned the no-bill vote.

"The officers were doing their job," he said previously.

Cruz, meanwhile, is scheduled for a probation-revocation hearing Oct. 19. His new charges from the night he was assaulted remain pending, prosecuting attorney Bill Helwig told the *News*.

Helwig declined to comment in response to Martinez' accusation that certain witnesses were unfairly prohibited from testifying during the officers' February grand jury hearing, to which he was specially assigned because County Attorney Ramon Gallegos had a conflict.



Buzz Timmons, left, and Cathy Marrow brainstorm ideas for the tentatively named Memorial Park. Timmons, Marrow and other local activists are working to transform the downtown area at the intersection of Sixth and Main Streets as a community park dedicated to the lives of deceased family and friends. The project will be funded largely through the currently-developing Property Improvement Program.

## New program aims to beautify Brownfield

By JOSIE MUSICO  
Staff Writer

The Property Improvement Program won't receive BIDCorp. funding, but certainly isn't scratched off the list of city projects.

The Property Improvement Program was originally established a few months ago as part of the Brownfield Industrial Development Corporation's Business Retention Program as a way to promote local businesses through infrastructure updates. One of its anticipated uses was the to-be-constructed Memorial Park, aka Pocket Park, in which a committee of local activists planned to transform the downtown area at the intersection of

Sixth and Main Streets as a community park dedicated to the lives of deceased family and friends.

"It's going to beautify the worst corner, appearance-wise, in Brownfield," co-organizer Buzz Timmons told the *News*. "It's going to give people who drive through Brownfield a different view of Brownfield."

Director of Economic Development David Partlow and BIDCorp.'s board of directors later determined, though, that the PIP did not meet their criteria to grant incentive funding, and instead gave the reigns to City Hall.

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