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GEORGIA ATTORNEY INSPIRES POLICY CHANGES AFTER ONE OF THE LARGEST VERDICTS IN A LANDMARK DRUNK DRIVING CASE WIN

NORCROSS, GA—OCTOBER 22, 2003—

After a jury awarded a \$40 million verdict to the parents of two teenagers killed in a drunk driving accident, attorney Claudine Wilkins insists that the fight has just begun. Wilkins, an attorney in Norcross, pursued a wrongful death suit for three years against a drunk driver, plus a liquor liability case against the bar owners where the 20-year-old driver had been drinking. This decision, reached in the Cobb County Superior Court has been called a "landmark case" as it marked one of the largest verdicts in the country against a drunk driver and the establishment that served him. "Today we finally received a portion of the settlement with Dos Naciones--the bar that served the defendant," Wilkins said.

"While the verdict is large enough to make one sit up and take notice, it is ultimately a symbolic victory for the teen's families," said Wilkins. "This verdict, we hope, sends an important message to those who drink and drive and those who provide or sell alcohol. People who throw parties in their homes are liable under the Liquor Liability laws too," she said.

Last Halloween, a person was sued for serving a noticeably intoxicated person at a costume party. The drunk party attendee later killed someone while attempting to drive home from it. "Because Halloween falls on a Friday this year, it stands to reason that there will be many incidents like this one. People who normally don't drink tend to overindulge at Halloween gatherings and other holiday parties, especially when it falls on a weekend night. Whomever hosts the social party--be it in a home or in a bar or restaurant-- is ultimately liable for their intoxicated guests' acts. If it is a drunk driving homicide, the price to pay can be pretty steep," explains Wilkins, who is considered by many in Atlanta to be the areas expert in DRAM shop or liquor liability law. "This is pretty radical legislation here and many people are unaware of the repercussions," she added.

"This award will perhaps make (bar owners) think twice — that if they allow their customers to terrorize the roadways after they've been drinking, the courts can come after them for everything they've got," said Kenny Shackelford, father of one of the victims, Christopher Shackelford.

Sergio Montelongo Sanchez, an illegal alien, was convicted in July 2001 of vehicular homicide for killing three teenagers and crippling a fourth victim in a car crash that occurred on July 29, 2000. Much of the attention in this case centered not just on the drunk driver, but also the bar where the defendant had been drinking. Sanchez was a minor on the evening he went to Dos Naciones, a Marietta bar that had been cited before for serving underage patrons. Sanchez allegedly had been served 10 to 15 beers that night. He staggered out of the bar and into his large Lincoln Continental around 1 a.m. when he swerved from his own lane and crossed into oncoming traffic. He struck a Honda Civic less than a mile away from Dos Naciones and killed three young passengers: Christopher Shackelford, 19, of Woodstock; Julianne Pascoe, 19, of Kennesaw; and Miehelle "Kelli" Bourgeois, 19, of Woodstock. A fourth victim, Matthew Hunt, was permanently handicapped.

Wilkins interviewed the defendant in jail and learned that he was underage and was never carded by the bouncers, bartenders or any employee at the bar. After her own investigation, Wilkins also discovered that the bar was operating with an expired liquor license and was, therefore, selling drinks illegally. Wilkins hired a private investigator and reported the violations to the police. "I thought the department of revenue should know that Dos Naciones was operating without a valid license, and beer and liquor distributors were also illegally supplying them with alcohol. In this bar, minors were not only being served, the owners were charging them extra and looking the other way," Wilkins said. After Wilkins provided evidence to the police, the police raided Dos Naciones and briefly shut it down. One of the owners, Antonio Ortiz Gonzalaz, was handcuffed and put in jail.

See Verdict on Page 3

COURT OBSERVATIONS



Court Date: April 6th, 2003

Date of Arrest: November 5, 2001



Blood Alcohol Content: .08 - two hours after crash!

Victim: Upon impact, vehicle immediately flipped over, coming to rest on its driver's side, with the 17-year old honor student / athlete trapped. Rescue

personnel cut the roof of the vehicle off in order to remove her from the vehicle. Victim suffered multiple brain contusions, brain injury/hemorrhaging and a fractured elbow. She was unconscious and in a coma for three months, did in-patient rehab at hospital for five weeks and three months of outpatient physical therapy and speech/language therapy. Victim has brain injury for life. She also struggles with anger over the situation as well as short-term memory loss.

Charges: One count Great Bodily Injury by vehicle, (reckless driving); Aggravated DWI; minor in possession of alcohol; no drivers license; no proof of insurance and unlawful use of license plate.

Results: Offender pled guilty to above charges plus entered guilty plea to Auto Burglary and Receiving or Transferring a Stolen Vehicle (Possession) on a different case. The charges for both cases were consolidated (joined together).

Sentence: Four years and 272 days prison, to be served concurrently (at the same time) for both crimes. Offender ordered to pay restitution to victims while incarcerated, 50% of defendant's income shall be set aside for purposes of restitution on all charges. Great Bodily Injury charge was deemed to be a Serious Violent Offense for purposes of calculating good time. Upon release of prison, offender to be placed on two years parole and required to pay parole costs.

Comments: Offender was in court 8/22/03 asking to have his sentence reduced. Victim and family members, friends and public were present to oppose any sentence reduction. Judge denied request.

Court Date: July 18, 2003

Date of Arrest: 12/27/02

Blood Alcohol Content: .15/.16

Victim: No injuries, requested \$250 restitution.

Charges: Aggravated DWI 2nd, reckless driving, driving on revoked drivers license, open container, no insurance and eluding a police officer.

Results: Offender pled guilty to DWI 2nd and eluding a police officer, remaining charges dismissed.

Sentence: 364 days jail (straight time). Prior to the plea agreement, offender spent 66 days in jail and completed the Detox Program.

Comments: Sentencing happened one day after offender's meeting with the probation officer because she came to meeting "high on cocaine", accompanied by her 12 year-old son. The probation officer spent hours trying to figure out who would take custody of her son, as he lives in California. The probation office recommended 364 days jail (straight time) but neglected to include restitution request. This elderly victim lives on a limited income and restitution would have helped but he was glad to hear the judge gave this offender the maximum jail sentence and that the probation officer was quick to spot the offender's drug use. The mandatory \$500 fine was not given, nor were any court cost and fees imposed on this offender.



HAVE A HAPPY AND
SAFE HALLOWEEN

Verdict sends a timely message to Halloween Party Hosts and their guests

From Page 1

The license was renewed for a mere \$500, four months after the teens' deaths and the bar was immediately reopened. The beer distributors were cited for illegally selling to an unlicensed bar and received a nominal fine of \$1,000 each. "That was a slap on the wrist," said Wilkins. "Distributors selling illegally should also be held more accountable."

Wilkins took a special interest in this case after spending time with the victims' families. Now representing other catastrophic injury and liquor liability cases, the former prosecuting attorney aims to raise the roof on more bars, convenience stores and party hosts who allow patrons and/or friends to become lethal weapons behind the wheel.

"When working as a prosecuting attorney, I was surprised at the nonchalant attitude of the defendants, and I am disturbed by how much damage (drunk drivers) are getting away with. My ultimate goal is to see heavier penalties for bar owners and more severe punishments for killers behind the wheel," Wilkins said. "I spent three years with these grieving families, and I want everyone to know that one mistake can take away others' lives and ruin your own. Remember, Sanchez was only 20 years old, did not have a record, or a previous DUI and he had never been in trouble with the law before. He will not resume a normal life until he is in his sixties--old enough to retire. If winning this case sends a message that saves a few lives, then it was worth my time," she said.

Parents of the victims in the Sanchez case banded together to form a non-profit support group called STOP (Stop the Other Person) which is designed to educate and encourage peers to stop friends from drinking and driving. Wilkins, known in the area as an expert in DRAM Shop (Liquor Liability Case) law, has written articles about the specialized laws for providers of alcohol, punitive damages that can be enforced for alcohol related claims, and other controversial issues. Wilkins volunteers to speak for victim's rights groups and conducts free legal educational seminars on the latest and specialized liquor liability laws. "I want to ensure that more cases like this one reach a verdict that holds the offender and the establishments accountable," she said.

Louisiana Considers Making DWI Test Refusal a Crime

Louisiana lawmakers are considering a bill that would make refusing a drunk-driving test a crime, the Associated Press reported May 4.

Under current state law, drivers are required to submit to a blood-alcohol test. Failure to do so could result in lost driving privileges. But as DWI laws get tougher, many drivers are opting to lose their driver's license rather than risk a criminal conviction.

In recent years, the percentage of blood-alcohol test refusals has increased from 29 percent in 1966 to 33 percent last year. Meanwhile, the DWI-conviction rate has dropped from 65 percent in 1966 to 43 percent in 2002.

"We are rewarding people who refuse the test under current law," says Cathy Childers of Mothers Against Drunk Driving.

The bill introduced by Senator Joel Chaisson (D-Destrehan) would make it a crime to refuse a blood-alcohol test if the person has already refused on two previous traffic stops.

Another bill, approved by the Senate and under consideration in the Louisiana House of Representatives, would make it a crime to refuse a blood-alcohol test following an accident in which there has been a death or serious injury.

Punishment under both bills range from probation to a \$1,000 fine and six months in jail.

Criminal defense lawyers are opposed to the bill, saying they violate constitutional protections against self-incrimination.

"It's not very good public policy to begin prosecuting people for invoking their rights," said George Steimel, representing the Louisiana Association of Criminal Defense Lawyers.



DWI CRASHES YEAR-TO-DATE

NEW MEXICO FATALITIES	AS OF SEPTEMBER 2002	AS OF SEPTEMBER 2003
Total Deaths	340	328
Alcohol Involved Deaths	179	139
Alcohol Unknown	1	24
% Alcohol Involved	53%	42%

EXCESSIVE DRINKING ACCOUNTS FOR HALF OF BEVERAGE INDUSTRY'S SALES & PROFITS

Underage and adult excessive drinking account for one half of the alcohol beverage industry's sales and profits -- \$56.9 billion of the total \$116.2 billion Americans spend on alcohol each year, according to a [new analysis](#) published in the Journal of the American Medical Association. Illegal and problem drinking are by far the nation's number one drug problem, inflicting massive economic, social and health burdens on society. Because the alcohol industry owes an enormous portion of its profits to illegal, dangerous and harmful drinking, it bears a responsibility to help solve these costly and devastating public health problems. Reforms in alcohol advertising and marketing, active cooperation with local law enforcement and community groups, and product excise taxes to fund prevention and treatment programs are just some of the solutions in which the industry can and should play a vital and willing role.



Resources

- [Case Histories in Alcohol Policy](#)
- [The Alcohol Industry: Partner or Foe?](#)
- [Keep Kids Alcohol Free: Strategies for Action](#)
- [Fact Sheet: Beer Consumption and Taxes](#)
- [Increasing Alcohol Taxes to Fund Programs to Prevent and Treat Youth-Related Alcohol Problems](#)
- [Save Lives!: Recommendations to Reduce Underage Access to Alcohol & Action Steps for Your Community](#)
- [Why Raise Alcohol Excise Taxes?](#)
- [Model Ordinances to Reduce the Supply of Alcohol to Youth Under Age 21](#)



News & Features

- [Underage and Adult Excessive Drinking Accounts for Half of U.S. Alcohol Sales](#)
- [Calif. Bill Asks Alcohol Firms to Pay for Prevention](#)
- [WHO Focuses on Alcohol's Impact on Global Health](#)
- [N.Y. Lawmakers Examining Kid Appeal of Alcohol Ads](#)
- [Teens See More TV Ads for Alcohol than Other Products](#)



Take Action

- [Read an action alert from the Center for Science in the Public Interest](#)



Websites

- [AlcoholScreening.org](#)
- [AMA Office of Alcohol and Other Drug Abuse](#)
- [Campaign for Alcohol Free Kids](#)
- [Center for Enforcing Underage Drinking Laws](#)
- [Center for Science in the Public Interest](#)
- [Leadership to Keep Children Alcohol Free](#)
- [Marin Institute](#)
- [Vallejo \(Calif.\) Alcohol Policy Coalition](#)

Mark your calendars

December 10, 2003
11:30 am — 1:00 pm

3rd Annual Awards Banquet and 10 Year Anniversary Celebration

*Join us in celebrating 10 years of
service to New Mexico.*

Cost: \$20 (pay at the door)
RSVP: 881-1084

Correction:

In our last issue, the third "Court Observation" case mentioned states "both sentences were standard, first offender sentences.... That should have read: the first Metro Court conviction was a standard, first offenders sentence. For the 2nd DWI at Metro Court, Judge Walton gave 90 jail days (credit time served for doing the Community Custody Program prior to sentencing). This offender was in "contempt of court" several times for failing to follow his conditions of release, so Judge Walton put him in jail for several days. Thank you Judge Walton.



HELP SUPPORT THE DWI RESOURCE CENTER — DONATE ONLINE!!

<http://www.dwiresourcecenter.org/donations.htm>