

Heat hangs on

Miami stays alive
in East semifinal
with 96-81 victory

Sports/1C

**Trash and flash**

May ratings war brings
out the worst in some
local TV newscasts

Jeanne Jakle/5F

**Perfect fit**

Swimsuit tips
for all body types

S.A. Life/1F



San Antonio Express-News

Serving South Texas since 1865

THURSDAY, May 15, 1997

Alamo Edition 50¢

DWI-death jury rules club liable in \$2 million verdict

By MATT FLORES
EXPRESS-NEWS STAFF WRITER

A jury in a civil trial found a defunct San Antonio nightclub partly to blame for the deaths of a couple killed by a motorist who had been drinking at the club.

The jury awarded nearly \$2 million to the parents of the couple, who were run over by the drunken driver in 1994.

In its verdict reached late Tues-

day in 37th District Judge David Berchermann's court, the jury held that the former San Antonio nightclub Hippodrome was partly responsible for the deaths of the South Side couple because the establishment kept serving the driver after he was drunk.

It was unclear Wednesday how much the former owners of the club might be expected to pay for their share of the damages.

Nevertheless, the verdict was

welcomed by the president of the local chapter of Mothers Against Drunk Driving as a warning to drinking establishments.

"I think bars need to step back and look at this. ... They need to know how not to serve their patrons to excess or they will be held accountable," said Bette Berns, president of the Greater Alamo Area Chapter of Mothers Against Drunk Driving.

"There really aren't any winners

in this," Berns said. "No amount of money will bring back the people that were killed."

Killed in the March 21, 1994, accident were Ruben Tijerina, 17, and Alisha Martin, 18. Martin was five months pregnant with the couple's baby. They were planning a June wedding that year.

According to a police report, the two were walking near the access

■ See JURY/17A

Jury decides nightclub shares blame for DWI death

■ Continued from 1A

road of Southwest Loop 410 near Pillar Street when a car struck them.

The driver, Sam Selman III, 25, swerved across several lanes before striking the couple and overturning his car. Selman was hospitalized, but recovered.

Several months later, he was convicted on two counts of involuntary manslaughter and sentenced to two concurrent 10-year terms.

He was granted probation by 175th District Judge Mary Roman, which resulted in his release after serving six months in prison.

Selman, who did not testify during the weeklong civil lawsuit, was held liable for 65 percent of the \$1.89 million award while the

nightclub's parent company, Perseus Inc., was found to be responsible for 35 percent.

Selman, however, settled his side of the lawsuit before the trial started. Details of his settlement are unknown. The jury's Tuesday verdict was made without consideration of that settlement.

The settlement with Selman has clouded the issue of how much Perseus may have to pay. Attorneys for both sides agree that the amount Perseus is actually liable for is headed for further litigation, and the verdict is open to appeal.

Perseus owned Hippodrome, which was located at Central Park Mall. The nightclub occupying that space, Park Place, is not owned by Perseus.

A lawyer representing Martin's family said while the outcome of the case was not unprecedented, it was infrequent at best. Similar cases in which drinking establish-

"There really aren't any winners in this. No amount of money will bring back the people that were killed."

■ BETTE BERNS,
local Mothers Against Drunk Driving president

ments are said to be liable for the conduct of their patrons are difficult to try because of legislation that favors those who serve alcohol, he said.

The Texas Legislature in 1987 passed the so-called "dram shop law" limiting recovery of damages. Under the law, plaintiffs must show that drinkers are obviously dangerous. Under the old standard, establishments had to show that they took "ordinary care" in serving alcohol to its patrons.

The new statute required bars and restaurants to teach their em-

ployees how to recognize individuals who have reached dangerous levels of intoxication.

In the Perseus lawsuit, the parents maintained that employees of the Hippodrome continued to serve alcohol to Selman after he became inebriated.

"They had served him alcohol to the point that he was intoxicated and a danger to himself and to San Antonio," said attorney Tom Hall, who represented Martin's mother, Debbie Canody. She couldn't be reached for comment.

"We had testimony from two of his friends that said he was intoxi-

cated and that he kept on drinking," Hall continued.

But defense attorney Bruce Anderson argued there were no employees who could testify to the amount of alcohol Selman had consumed. Moreover, he said, several experts testified that Selman's blood alcohol was at a level low enough that he could have masked his intoxicated state.

At the time he was tested, Selman's blood-alcohol level was .14, close to 1.5 times the legal limit.

"The key question, in my opinion, never was answered: Was it apparent to anyone serving him that he was drunk?" Anderson said.

He and Hall agreed somewhat, however, that trends in public opinion about drunken drivers could have fostered the jury award.

"Certainly, with the size of the award, this could be considered as a message from the jury," Anderson said. "I think attitudes toward liquor liability definitely played a role in this."

For his part, Hall said the jury's verdict demonstrates an intolerance toward drunken driving.

"I think it shows an evolving consciousness that San Antonians are not going to be tolerant of drunk drivers," Hall said.