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DUI driver owes \$2.1 Million

Victim unable to stand, work

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NEW ORLEANS (AP) — A drunk driver must pay \$1.9 million — including a record \$1.3 million in punitive damages — to a construction worker left unable to stand for more than brief periods, a jury has ruled.

Interest will bring the total to \$2.1 million for Carl Spicer, 42, of Lacombe.

The punitive damages ordered after a trial this month are nine times larger than the apparent previous record in Louisiana — \$150,000 imposed against a drunken driver after a crash in 1986.

That crash, like the one which injured Spicer, was in St. Tammany Parish.

The federal court verdict was returned against Humberto Guerrero, an attorney from Dallas, and State Farm Mutual Automobile Insurance Co., which had insured him for \$1.1 million.

Guerrero, 29, testified that he had drunk between five and 10 rum-and-cola drinks at a Mandeville bar about six or seven hours before the July 12, 1995 accident which occurred on U.S. Highway 190 near Lacombe.

Spicer's attorney, George W. Healy IV, said a toxicologist testified that Guerrero had a blood alcohol level 2.4 times higher than Louisiana's threshold for being legally drunk.

"I asked the jury to send a message to all who would recklessly endanger people's lives on the highway," Healy said.

He requested that the jury multiply the compensatory damages by that 2.4 factor in determining the punitive damages.

Guerrero said he passed out at the wheel before veering into the

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George W. Healy IV
attorney

oncoming lane and colliding with Spicer, who was driving to his construction job with Spartan Building Corp.

The collision caused injuries to Spicer's back, neck and knees. He said he can no longer stand up for any length of time and has not been able to find work since the accident.

After 19 years in kitchen and custodial work at Southeast Louisiana Hospital, he had enjoyed the heavy construction job he landed two years before the crash.

He is a husband and father of seven.

Spicer said he probably will use the money to add a wing to his three-acre house so the children can get rid of their bunk beds.

Guerrero pleaded no contest Jan. 16 to state criminal charges of driving while intoxicated, negligent injury and improper use of a highway lane.

Judge John W. Greene imposed a suspended jail term of more than 100 days, fines totaling a few hundred dollars, and two years' probation.

For a first DWI conviction, state law calls for a fine of between \$125 and \$500 and a jail sentence of between 10 days and six months.

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