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## JURY: WOMAN DRUNK, NOT LIABLE IN DEATH BLACKWELL CONVICTED ON LESSER DUI CHARGE

*SHARON FITZHUGH THE SUN HERALD*

A Coast woman was drunk when she ran over a man in 1994, but a Harrison County jury decided Thursday that the woman was not criminally liable for his death.

The man, Robert Lang, 23, of Carriere, was crouched in the westward right lane of U.S. 90 in Gulfport when Blackwell struck and killed him around 5 a.m. Nov. 8, 1994. Lang, too, was legally drunk, and no one knows why he was in the road. Barbara Blackwell, 29, of Biloxi, was charged with felony driving under the influence of alcohol and causing Lang's death. Blackwell's blood alcohol level, tested from blood taken two hours after the accident, was .16 percent. The legal limit in Mississippi is .10 percent.

The jury Thursday opted to convict Blackwell on a lesser charge, misdemeanor DUI. Circuit Court Judge Robert H. Walker told Blackwell she would be free on a \$1,000 bond until sentencing at a later date. The sentencing date was not set.

Walker also told Blackwell that she is not to drive or to drink alcohol of any kind until after the sentencing. For the misdemeanor, Blackwell faces up to two days in jail and a \$1,000 fine.

If convicted of the felony, she would have faced a maximum of 25 years in jail.

Blackwell left the courthouse in tears. Her parents said they were glad that their daughter was not convicted on the more serious charge.

Lang's family, who sat through the four-day trial, was not in the courtroom when the verdict was read.

Attorney R. **Wayne Woodall**, who defended Blackwell, said the jury made the right choice. "I think it's significant," he said, "that the jury was able to sort out that not every drinking driver who is in a wreck has a criminal culpability."

Assistant District Attorney Rufus Alldredge, who prosecuted the case, said proving Blackwell was negligent, thus causing Lang's death, was the toughest part of the case.

Blackwell was the only witness to what happened, and she did not testify.

"I still reject the notion that this was an accident," Alldredge said, "and our office will continue prosecuting DUIs whether they result in injury or not."

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