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Section: COAST & STATE

Page: C1

SECOND TRIAL BEGINS ON DUI CHARGE IN FATALITY

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THE SUN HERALD

Eighteen-year-old Roy James Fiveash Jr. of Gulfport died on Tegarden Road 2 1/2 years ago on the day he and friends were celebrating his girlfriend's birthday.

He and a friend had motorcycles and were heading to Fiveash's apartment to get helmets to take the girlfriends, waiting elsewhere, for a ride. A white Nissan truck backed onto Tegarden Road in front of Fiveash. He lost control and hit a pole, and the blow to his chest and body killed him.

Stephen Edward Holloway of Gulfport was charged with causing the accident. Holloway, now 42, was indicted in October 1993 for causing a death while driving under the influence of alcohol, a felony. A trial in February ended in a mistrial when a report from the Mississippi Crime Laboratory was not available.

Holloway's second trial began Tuesday in Circuit Court and resumes at 9 this morning.

His blood alcohol level, tested seven hours after the accident, was .19 percent, nearly twice the legal limit.

Two bartenders testified Tuesday that Holloway had spent most of the day April 25, 1993, at a lounge on Victory Street in Gulfport, but they could not determine how much of the four or five beers they served him that he drank.

However, they did say that Holloway refused an offer of a ride home.

But he did get on the road, the prosecution argued, and recklessly caused Fiveash's death when he ran his truck into a fence at the end of Victory on Tegarden, backed up and struck Fiveash. He also drove off to his apartment a few blocks away, where police arrested him.

Holloway's attorney, R. **Wayne Woodall**, who specializes in DUI defenses, said in his opening statement Tuesday that Holloway had gone home to call a lawyer.

But David King, a motorist who saw the accident and who testified Tuesday, said he followed Holloway to a corner on Pass Road, where Holloway pulled over and was looking at the back of his truck.

King said he pulled up next to Holloway. "I believe I said something like, 'You hurt somebody down there. You better go back.'"

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