

Jury finds two guilty of killings in Conroe

United Press International
CONROE — A jury convicted two Houston men of capital murder in the death of a young girl killed in an incident that also left her father dead and her mother wounded.

Ermin P. Hernandez, 38, and Harry D. Carter, 48, were convicted Monday of killing

Karen Weicht, 8, on Oct. 26, 1981.

The prosecutors are seeking the death penalty in the punishment stage of the trial which began Tuesday. The minimum sentence is life imprisonment.

Prosecutors contend the men killed the girl after they attempted to collect an

\$11,000 debt from her father, Craig Weicht.

Charges pending against the two men also accuse them of killing Mr. Weicht in the incident and wounding his wife, Carolyn.

Mrs. Weicht testified last week that Hernandez forced his way into the family's home.

Deaf child given right to sue for being born

United Press International
SAN FRANCISCO — In an unprecedented decision allowing a child to sue for having been born, the California Supreme Court gave a child the right to seek damages from the doctor who misdiagnosed a genetic disorder that caused her deafness.

The court ruled Monday Joy

Turpin, 4, could sue Dr. Adam J. Sortini of Fresno, Calif., because, before she was born he told her parents her older sister Hope's deafness was not genetic and they would not likely produce another deaf child.

With Sortini's assurance, Dr. James Turpin and his wife, Don-

na, now living in Chapel Hill, N.C., had Joy. She was born totally deaf. Later, both Hope and Joy were correctly diagnosed as suffering from a genetic hearing defect.

The Turpins, contacted at their home in North Carolina, said they were "elated" and

"drained" by the ruling. But they said their lives would have been different if they had known Joy stood a one-in-four chance of being born deaf.

"I would never would have had a second child. Never," Mrs. Turpin said. "But I had already conceived her at the time I found out. I would not have taken any chances."

"A child deserves to be born whole," Turpin said.

The opinion overturns a decision by the intermediate state court of appeal, which said it could not grant damages because it could not draw a distinction between life with a handicap and no life at all.

While courts have given parents the right to sue for damages stemming from negligent advice, the Supreme Court's 4-2 decision in the Turpin case is the first highcourt decision nationwide giving a child the right to sue for being born.

The court refused to say whether its decision would set a standard for similar cases.

Sortini and other staff members at the Leon S. Peters Rehabilitation Center at the Fresno Community Hospital told the Turpins that Hope could hear within normal limits when, in reality, she was "stone deaf," the court said.

The court ruled the doctor's misdiagnosis harmed both "the potential child as well as the parents" by depriving the mother and father of information that could be necessary to determine "whether it was in the child's own interests to be born with defects or not to be born at all."

Joy does not suffer from a totally debilitating deformity and "it seems quite unlikely a jury would ever conclude life with such a condition is worse than not being born at all," the court added.

The court rejected claims from the Turpins that they should be awarded general damages because Joy was negligently brought into the world, but upheld their argument they should receive special damages for the "extraordinary expenses for specialized teaching, training and hearing equipment" the child needs.

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