

Passenger states he warned driver of stop sign

THE ASSOCIATED PRESS

EDINBURG — The passenger in a soft-drink truck told a jury Monday that he warned truck driver Ruben Perez of a stop sign about 300 feet before the truck slammed into a school bus, killing 21 school children.

Ruben Pena, in the first day of testimony at Perez's manslaughter trial, fought back tears when he recalled his horror to learn that the crowded bus had plunged over a 40-foot ledge into a water-filled pit.

"I noticed that the bus was in the caliche pit," said Pena, the first prosecution witness. "At that moment I got stunned by what I saw. It crossed my mind several times that I should jump in the water to help some kids."

But Pena, who had been in the Dr Pepper tractor-trailer cab with Perez, said he didn't jump in because he felt a gash on his head might cause him to pass out. Nineteen junior and senior high school students drowned and two

Witness recounts school bus collision details during manslaughter testimony

others died later. Sixty students were injured.

Perez, 28, is charged with 21 counts of involuntary manslaughter in the September 1989 accident, the state's worst involving a school bus.

Defense attorney Joseph Connors opted not to make his opening statement or cross-examine state witnesses until after the prosecution rests.

Connors has said the defense will contend the truck's brakes failed. But after the day's session, Connors hinted to reporters that the defense might rely on other strategies.

Pena testified that he noticed nothing wrong with the truck's brakes during several stops before the accident. He said Perez was driving about 45 mph some 300 feet from the rural intersection in Alton when he told Perez a stop sign was coming up.

Perez applied the foot brake, downshifted from fifth to fourth gear and manually hit the trailer brake, Pena testified.

"The only thing that I could feel was that he was going to make the stop sign," said Pena.

Pena said that about 50 to 60 feet from the intersection with Mile Five Line Road, he first noticed a yellow flash of the oncoming Mission Independent School District bus.

Hidalgo County District Attorney Rene Guerra asked Pena whether Perez yielded to the bus, which had the right of way.

"From my point of view, he was trying to," Pena said.

"But did he do it?" Guerra said.

"No," Pena responded.

Miguel Lopez, who lived across the road from the caliche pit, testified that Perez used his phone after the accident to call

work while students were still yelling for help.

Thomas Rosales, a Department of Public Safety trooper who inspected the truck, told the jury that gauges indicated that the truck's air brakes still had pressure after the wreck.

Before testimony began, Judge Fidencio M. Guerra Jr. of the 370th District Court told media representatives to use his name in their daily reports.

"If you don't mention my name, that will be the last time you come into this courtroom," the judge said from the bench.

Later, the judge said he simply was ensuring accountability with the public.

"By knowing the judge, they'll know what judge to blame if they think the judge is working or isn't working," said Judge Guerra, no relation to the prosecutor.

Perez faces two to 10 years in prison for each count of involuntary manslaughter. If convicted, he has opted to have Judge Guerra decide his punishment, instead of the jury.

Residents charge company with hiding toxic seepage

THE ASSOCIATED PRESS

AMARILLO — Railroad workers and residents of a tiny farming community are accusing a giant chemical plant of criminal fraud and conspiracy to hide toxic seepage into the Ogallala Aquifer.

Amarillo attorney Tom Upchurch filed court papers Friday that accuse Hoechst Celanese Corp. of deceiving state and federal regulators about emissions from the plant near Pampa.

The court papers, filed in 32nd District Court in Sweetwater, are an amended pleading to a lawsuit seeking nearly \$100 million from Celanese. Seventy-nine residents of Kingsmill — a community across from the plant, about six miles southwest of Pampa — filed the lawsuit last August.

Defendants include Frankfurt, Germany-based Hoechst Corp. and Atchison, Topeka & Santa Fe Railway Co.

The plaintiffs contend Celanese disposed of more than one million gallons a day of toxic wastewater into a 42-acre solar evaporation pond built in 1958. But the pond could evaporate no more than 65,000 gallons per day, according to the lawsuit.

"Quite obviously the defendants not only intended that there would be seepage, but indeed they were dependent upon seeping more than one million gallons a day into the subsurface areas of the plant which overlay the regional Ogallala Aquifer," the amended pleading says.

"Ridiculous," said Celanese spokesman Herb Reed in Dallas. "We think this whole thing of criminal fraud is outrageous."

Reed said the truth will emerge during the trial, set for June 21. "We strongly refute the claims," he said Monday.

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