

Jurors to resume deliberations in fetus case

After convicting Cuellar for the death of an unborn child, the panel could not reach a decision on punishment.

CORPUS CHRISTI, Texas (AP) — Jurors are slated to resume deliberations Monday on the punishment for a drunken driver who crashed into a pregnant woman's car...

The case, one of the first in Texas to test whether a person can be held criminally liable for harming a fetus, faces the possibility of a mistrial after jurors went home for the weekend deadlocked on a sentence.

The same seven-woman, five-man jury took just one hour to convict Frank Flores Cuellar of intoxication manslaughter. But after deliberating 4 1/2 hours Friday on punishment, the panel said it could not reach a decision and was sent home.

Cuellar, 50, faces anywhere from probation to 20 years in prison for the death of Krystal Zuniga, who was delivered shortly after the June 15 accident.

According to testimony, Cuellar was intoxicated at more than twice the legal limit when he collided with a car driven by Jeannie Coronado as she returned from a late-night trip to the grocery store.

Coronado, 7 1/2 months pregnant, gave birth to Krystal by emergency Caesarean section. Weighing just 4 pounds and having suffered extensive brain damage, the infant died 44 hours later.

Cuellar's attorney, Anne Marshall, argued during trial that her client could not be held responsible for the child's death because Krystal was not alive when the accident occurred.

Marshall repeatedly cited the state's legal meaning of person, defined as an individual "who has been born and is alive."

While quickly rejecting that argument, jurors are stuck on the is-

sue of punishment.

District Attorney Carlos Valdez has asked for the maximum sentence, citing three previous convictions Cuellar received for driving while intoxicated.

"You think Mr. Cuellar has learned his lesson? He hasn't," Valdez told jurors. "The only sure way to stop him from driving is to put him away."

However, Marshall asked the jury to consider probation after Cuellar's brother-in-law and stepdaughter-in-law testified that he had a drinking problem and wanted help.

A recovery program, Marshall said, "does not let him escape punishment."

Cuellar also is charged with felony DWI and intoxication assault in connection with the accident. He will be tried on those charges later, and faces a maximum of 10 years in prison for each.

PROGRAM

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"I try to teach stuff they can use throughout their lives," Beckworth said. "I try to teach them that positive is good, and their positives exceed their negatives, and their lives will turn out positive. I'm going to open their eyes and make them see the big picture."

It's something that will give good publicity for IFC and give fraternities a better name," Carothers said. "We're going to be pledges and actives out here to help the kids and let them know college kids are about them. It's a great opportunity to hang out and play. It's like having a hundred little brothers and sisters."

MIDTERM

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"My chemistry class is killing me," she said. "I probably would have gone to the (football) game, but for now I have to buckle down."

Other freshmen agree that their studying habits have changed since they came to college. Marisa Sanez, a freshman zoology major, said she has improved her study habits as the semester has progressed.

"The first test didn't go so well, but the second I feel much stronger about because I've studied more," she said.

Mid-semester grades for all undergraduate students with less than 30 semester credit hours are available at the Pavilion and the Registrar's office in Heaton Hall.

Garcia said she is dreading the grades her parents will be seeing.

"My parents have put a pretty strict GPR (grade-point ratio) requirement on me," she said. "I'm hoping there's a couple of B's on there."

Sanez said tips on telling parents about grades have been given in class. She said she has already told her parents how difficult her classes are.

"I know my parents will understand," she said. "I think by the end of the semester my grades will improve."

Clay Melton, a senior physics major and a hopeful December graduate, said mid-semester progress concerns him "big time."

"Nothing can screw up now," he said. "I've got to get out of here."

Melton said the responsibility is his to succeed so he will graduate in December. "Do I have control over getting an A? No," he said. "I do have control over doing well. It's all up to me."

What's Up?

Monday

call Vincent at 847-0861.

meeting at 7:30 p.m. at St. Mary's Student Center to share and discuss the gospels. For more information call Rick at 696-8775.

Men's Lacrosse Club: There will be a practice session from 4-6 p.m. at the Zachry fields. Everyone is welcome, and no experience is required. For information call Todd Hendreks at 764-8561.

Student Counseling Service-Hispanic Student Group: There will be a meeting for Hispanic students to discuss issues relevant to their personal and academic well-being in a supportive and confidential environment from 5:15-6:30 p.m. in Henderson Hall. For information call Dr. Juan Riker at 845-4427, ext. 134.

Women's Lacrosse: There will be practice from 4-6 p.m. at the Zachry fields. For more information call Heather Stein at 696-6330.

Life Savers Bible Study: Come join us for an evening of praise, worship, and Bible study from 6-8 p.m. For more information call Ericka Walton at 823-3653.

Tuesday

Society of Women Engineers: There will be a general meeting at 7 p.m. in 203 Zachry.

Horseman's Association: There will be a general meeting at 7 p.m. at the Freeman Arena. For details call Shannon Castle at 696-3381.

Career Center: The New Job Market Seminar will be held at 4 p.m. in 510 Rudder.

Career Center: Cooperative Education Orientation will be held at 3:30 p.m. in 410 Rudder.

TAMSCAMS (Texas A&M Meteorology Club): Dr. Orville will speak about lightning and photographing it at 7 p.m. in the O&M observatory. For more information, call Kelly at 846-5896 or e-mail at kfind@nimbus.tamu.edu.

Catholic Students Association: There will be a challenge group

Hispanic Journalists' Association: There will be a general meeting at 5:30 p.m. in the Governance Room of the Bus Building. For more information contact Blake Murden at 845-4427 or e-mail at murden@orca.tamu.edu.

Aggime: There will be a free Japanese animation screening from 7-9:30 p.m. in the LORD, Evans Library. Everyone is welcome. For details call Arthur at 846-7048.

Texas Environmental Action Coalition: There will be a World Rain Forest Week guest lecture at 7 p.m. in 146 Koldus. For details call Ben Scott at 693-0482.

Management Society: Sherwin-Williams will present a speaker at 7:30 p.m. in 128 Wehner. For details call Tasha at 847-2636.

Alaskan Aggies: There will be a general meeting and officer elections at 7:30 p.m. in 212 ENPH. For more details contact Brian Hebert at 693-4647.

National Organization for Women: There will be a general meeting at 7 p.m. in 205 MSC. For more information contact Lara at 694-2004.

Officers' Christian Fellowship: Weekly Bible study will be held in the Da Sheill room of the Sam Houston Corps Center at 8:30 p.m. The focus will be how to be a Christian and in the Corps of Cadets or military. Free refreshments will be served and everyone is welcome. For details call Tara Tripp at 847-1081.

ATM Roadrunners: There will be a 3-4 mile run from the Rec Center at 6 a.m. Also, a 3-4 mile run will begin at G. Rollie White Coliseum at 6 p.m. Different levels of runners are welcome. For more information call Dao at 260-2441.

Catholic Students Association: There will be a challenge group

Aggie Lutherans: Treehouse will be held at 7 p.m. at Our Saviors Church. For details call Heath Abel at 822-3442.

Food Services: There will be a complimentary lunch with the Food Services Director in exchange for your "Piping Hot Ideas." Call Debbie Brantley at 845-3005 for reservations and more information.

Il Circolo Italiano (Italian Club): We will be showing a film, "Tre Fratelli" (Three Brothers) in Italian with English subtitles at 7 p.m. in Lab 1 in the Academic building. For more information contact Rachel at 847-2457 or rgrasso@tamu.edu.

MSC Literary Arts: Dr. Mary Ann O'Farrell will speak at 7:30 p.m. in 226 MSC. There will be a free screening of Clueless afterwards. For more information, call Literary Arts in SPO 845-1515.

Aggie Global Nomads: Come meet and talk with the biochemistry faculty in a casual atmosphere from 7-9 p.m. at the Copacetic Cafe.

Kappa Alpha Psi Fraternity, Inc.: A panel consisting of Greeks, athletes and students answer questions about the tension that exists between them all beginning at 8:30 p.m. in 301 Rudder. For more information, call John at 696-4943.

Circle K International: There will be a general meeting at 7 p.m. in 144 Koldus. Everyone is welcome. For more information call Amy at 847-5783

What's Up is a Battalion service that lists non-profit student and faculty events and activities. Items should be submitted no later than three days in advance of the desired run date. Application deadlines and notices are not events and will not be run in What's Up. If you have any questions, please call the newsroom at 845-3313. Additional What's Up submissions can be viewed on The Battalion web page at http://bat-web.tamu.edu.

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