

# BUS CRASH

CARROLLTON  
KENTUCKY

MAY 14, 1988

The Courier-Journal

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# A SURVIVOR

*Twenty-seven people died  
in the Carrollton bus crash.  
Carey Aurentz lived.  
There were times  
when she wished  
she hadn't.*



RADCLIFF, KY.

# A SURVIVOR

*Carey Aurentz was  
the most severely burned  
victim of the  
Carrollton bus crash  
to live. She never  
doubted she would.  
But there were  
moments when she  
wished she hadn't.*

*By Gideon Gil*



**C**arrying a lunch of pizza and french fries through the cafeteria of North Hardin High School, Carey Aurentz looks much like any other 10th-grader.

After 13 operations and hundreds of hours of taxing physical therapy, Carey no longer sticks out as a maimed survivor of the May 14, 1988, Carrollton bus crash.

The beret that hid her bare scalp for many months has given way to shoulder-length dark-brown hair. The scars from a second-degree burn on her forehead have faded, though blood vessels still show through the delicate skin like varicose veins. Her gait is so natural you can't tell that below midcalf her right leg is plastic, fiberglass and rubber. Only on her arms, where grafted skin has taken on a walled look, are her injuries evident.

The return to near-anonymity pleases Carey, who like any 16-year-old, is preoccupied with her appearance.

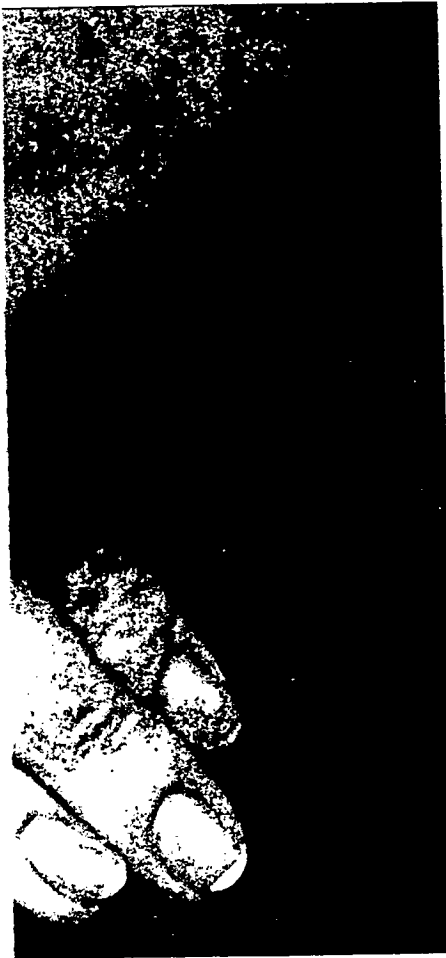
GIDEON GIL

"I always like to blend in with people," she says.

Carey, the most seriously burned survivor of the crash, made an exception to that rule last November, when she testified in the murder trial of the man accused of smashing his pickup truck head-on into the bus while driving drunk. The ensuing fire killed 27 and injured 40.

On the day of her testimony, hiding her wounds was less important than her desire for everybody in the Carroll County Courthouse — the jury, the reporters, the people of Carrollton and Radcliff — to see what Larry Mahoney had done to her. Most of all, she wanted Mahoney to see what he had done.

She had anticipated this day for a long time. In the months after the bus crash, as Carey fought for her life in the burn unit of Humana Hospital-University of Louisville, she had wanted Mahoney to suffer through all the pain she had — the burns, the raw wounds over most of her body, the loss of a limb, the death of a close friend. Over time,



*A gold ring, left, escaped damage in the fiery bus crash that badly burned 55 percent of Carey's body. Now she always wears it as a good-luck charm. Below, Carey with her parents and her younger sister, Cathy, while she was in the hospital.*

*Photographed By Ben Van Hook*



*Carey's long recovery required regular and at times agonizing exercises to restore her flexibility and strength.*

her passionate anger had subsided, and she had decided to trust the criminal justice system to punish Mahoney.

Now, she just wanted to confront him. She wanted him to know that she was more than a statistic. And she hoped that her appearance would force him to recognize the magnitude of what he had done.

Carey hobbled to the witness stand on crutches, her right leg cut short below the knee.

Paul Richwalsky Jr., the assistant attorney general prosecuting Mahoney, began questioning her. Was she awake at the time of the crash? Yes. Where was she sitting? The first row, passenger side, aisle seat.

As she answered in a soft, deliberate voice, Carey looked the jurors straight in the eyes, just as her father, an Army lieutenant colonel at Fort Knox, had always told her to do.

"Where was your friend, Emillie?" Richwalsky asked, referring to Emillie Thompson.

*Continued*



# A SURVIVOR



son, the schoolmate who had invited Carey on the bus trip to the Kings Island amusement park near Cincinnati.

"She was in the second row, on the driver's side, in the aisle seat," Carey said.

Then she was asked to identify photographs of Emillie and two other passengers who had been near her on the bus, and to point to their positions on a seating chart.

"This was Chuck Kytta," Carey said. "This was Emillie Thompson." Suddenly, her voice and her composure cracked. "And this was William Nichols," Carey sobbed softly as she pointed out their seats on the chart.

Richwalsky paused for almost a minute and a half as Carey dabbed the tears with tissues and sipped water. Mahoney sat impassively, alternately looking down and straight ahead.

The prosecutor next asked Carey about

the crash. She had been turned sideways in her seat, she said, talking with Emillie and Billy in the row behind her. The impact threw her into the aisle. She ended up sitting on the floor, facing the rear, with shards of broken glass on her hands.

As she jumped to her feet, she felt the heat and saw the glow from a fire at the right front door. She rushed toward the back of the bus, but was stopped by a jam of people about seven or eight rows back.

"I remember people all coming out to the aisle at once," she said, "and I was trapped and trying to push my way down the aisle. . . . They were all pushing and shoving and practically running over the top of each other trying to get to the back door."

Choking black smoke overcame Carey, and she toppled unconscious onto a seat on the passenger side.

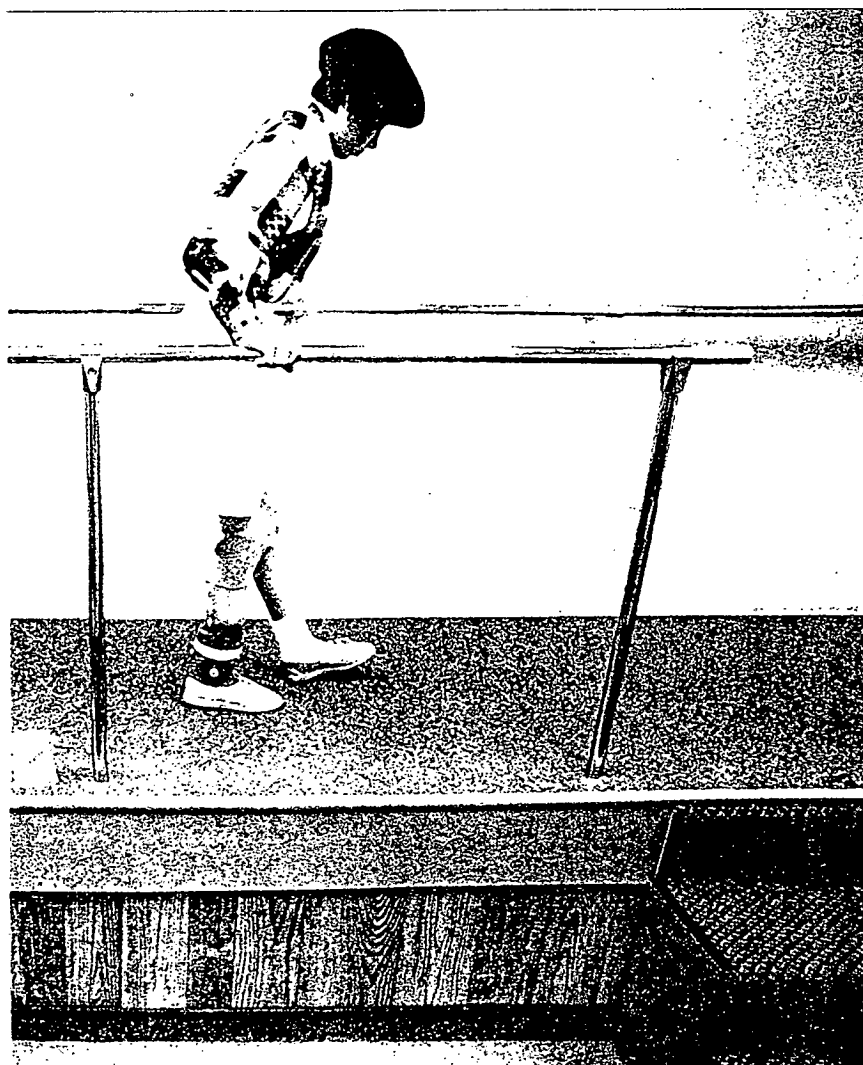
"When I was passed out, I dreamed I was

in a roller coaster, and I was going upside down, and upside down, and I kept thinking to myself, 'Oh God, I'm going to die.' And I thought there was no way I was going to get off. But then I thought real hard, and I woke up, and . . . just started climbing toward the back."

The seat backs were scalding, Carey said, but she climbed over several to reach the back door. She stood in the aisle, by then unobstructed, then fell to the pavement, the second to last person to escape.

She had suffered serious burns everywhere except her abdomen, left leg and scalp, and her right leg was so badly burned that it had to be amputated. She was hospitalized for more than two months.

During her testimony, Carey rested her hands in her lap. With her left thumb and forefinger, she nervously tugged on a heart-



*Six months and two days after the bus crash, Carey walked her first halting steps, left, after being fitted with an artificial leg at a Louisville prosthetics firm.*

chances of survival were barely 50-50.

With second- and third-degree burns over 55 percent of her body, including one that had penetrated to the bone of her right foot, Carey faced an agonizing recovery that one of her doctors compared to the plight of Sisyphus, the king of Greek mythology who was condemned forever to roll a boulder up a steep hill in hell, only to have it roll to the bottom every time he neared the summit.

Unlike Sisyphus, Carey climbed out of her hell.

Carey, who calls herself a "wimp" — she used to become hysterical if she touched a hot frying pan — somehow found the resilience and resolve, the grit and guts she needed to overcome perils that haunted her long recovery.

Her struggle reveals the extraordinary capacity of the human body and mind to withstand physical and emotional trauma, heal and even grow from the experience.

And it charts some of the ways the fabric of a family can be stretched and tested by crisis.

"She's done a remarkable job," said Linda Probus, a grief counselor whom the Hardin County schools hired to work with the survivors, siblings and friends of the deceased. "She's truly one of the exceptions."

Woody Aurentz, Carey's 40-year-old father, compares her ordeal to his experiences at a grueling Army training school:

"You either come out of it a lot stronger or it destroys you — she's come out a lot stronger."

Carey never thought she would die, though there were times those first agonizing weeks when she wished she would.

Curiously, in the emergency room she felt little pain. Third-degree burns destroy nerve endings, initially deadening most sensation. Still, her right leg throbbed — she thought it was broken. Her arms felt as if she had scraped them on concrete.

Carey's breathing was labored. Toxic smoke had irritated and burned her lungs. Doctors inserted a tube to assist her breathing and began pumping gallons of fluids

Continued

shaped 14-karat-gold ring on her right ring finger. She had worn that ring on the bus, and it survived the crash undamaged. Now she wears it all the time as a good-luck charm.

When Judge Charles Satterwhite asked Mahoney's attorney whether he wished to cross-examine, Carey swiveled around to her right and, for the first time, saw Mahoney.

"It was the strangest sensation," she said later. It was the same solemn, emotionless face she had seen on television the day before. "He just seemed like a non-living image."

Carey was disappointed that Mahoney wouldn't look at her. "Is he hearing this?" she wondered. "I hope he is comprehending. I hope he is not just thinking about. 'Oh, I hope I am going to get off.'"

The defense had no questions, and Carey was excused.

As she maneuvered out of the courtroom on her crutches, Mahoney raised his left hand to his face and brushed away tears that had welled in the inside corners of both eyes.

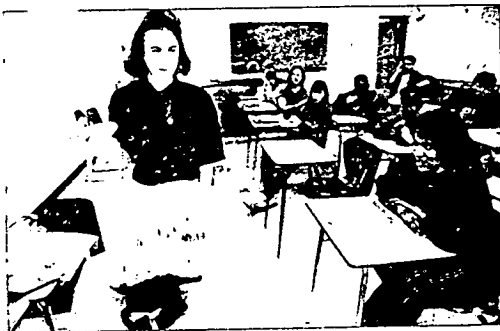
That Carey Aurentz was alive to confront Mahoney was no small feat.

It's hard to understand how Carey, 14 at the time, escaped the blazing bus when her five companions in the front row died.

Carey herself can't explain what caused her to awaken after collapsing about four rows short of the rear emergency exit. "I just felt suffocated, like something was pushing me to get out of there," is the best she can do. "I just knew deep down inside of me that I had to live."

Even after a helicopter flew her to University Hospital in Louisville, her

*Time and Carey's determination have healed many of her wounds. No longer is she so insecure about her appearance or so reluctant to remember.*



into her veins to maintain her blood pressure and stave off shock.

Months later, her strongest memory of that first night would be a sense of helplessness. Asked by a counselor later to depict a meaningful moment from the day of the bus crash, Carey drew herself as a stick figure lying on an emergency-room gurney, surrounded by stick-figure doctors and nurses. She was asking, "What are you doing to me?"

"They really never told you. They just did it," Carey said later, reflecting on her two months in the hospital. "I was like a guinea pig. . . . It's like being a living biology experiment."

On Carey's fifth day in the hospital, surgeons grafted new skin onto her hands and arms, the first of 10 operations she would have over the next two months. Skin does not grow back on its own at the site of third-degree burns, so doctors have to take paper-thin slices of healthy skin from unburned areas. They use a device much like a cheese-slicer, then they staple the slices of skin over the burn sites.

To cover as much area as possible, most of the donor skin is passed through a device that pokes holes into it and stretches it. It ends up looking like a fish net — hence its name, mesh graft. After grafted skin is placed over burns, blood vessels grow into the graft, carrying nutrients and oxygen, and new skin cells fill in the holes in the same way that an ordinary cut heals. The graft retains the mesh-like appearance after healing, so on conspicuous areas, such as Carey's hands, surgeons placed sheet grafts — donor skin that has not been stretched.



Carey had too little skin to cover all her burns right away. Areas that could not be covered by donor skin were grafted first with skin from cadavers. That skin had been donated to a skin bank, just as people donate hearts, kidneys and other organs of the dead.

The cadaver skin served as a temporary cover, keeping in fluids and deterring infection. It rarely takes permanently, because the body rejects it as foreign tissue. But it provided protection for 10 to 14 days, long enough for Carey's donor-skin sites to heal and be harvested again.

By the end of Carey's first week in the hospital, it was clear that her right foot and part of the leg could not be saved. They were amputated May 26, 1988. "It was really overwhelming," she recalled later. She feared that the amputated limb would be unsightly — that even with an artificial leg, she would limp noticeably and be labeled a freak.

She suffered complications, including a bout of pneumonia and infections that destroyed some of the grafts. The bandages on her burns had to be changed up to four times a day. With most of her body raw, exposed flesh, these sessions were so agonizing that morphine did little to dull the pain.

During the bandage changes, Carey was submerged in warm water in a large stainless steel tub called a Hubbard tank. She was scrubbed with a sponge to remove infected or dying skin. Sometimes tweezers, scissors or a knife had to be used. She was washed with antiseptic soap to kill bacteria. The baths came to mark the passage of time in the burn unit for Carey. She lived her days dreading the next one and scheming to put it off.

In the tank, itchy skin crazed Carey. She yelled and cried, ventilating her rage — especially her hatred of Larry Mahoney.

"Sometimes during dressing changes, I want to die because it would take away the pain," Carey said at the time. "You look at yourself and you say, 'This isn't me.'"

Carey's parents, Woody and Janet Aurentz, usually went for lunch during the dressing changes. But one day in early June they returned just as Carey was going into the tank. She asked her father to come into the room and hold her hand. It was his initiation. The nurses pulled staples out of her leg grafts and scrubbed her still-raw back. Carey screamed.

"I couldn't talk when I came out," her father said later. "I just stood and stared out the window."

During the first six weeks, Carey often



Carey also was struggling with her emotions, including feelings of guilt over Emillie's death. Carey had heard a rumor (false) that Emillie died when she climbed back onto the bus looking for her.

Carey once dreamed that Mahoney was driving a school bus toward Emillie, who was standing in the road. Carey tried to warn Emillie but couldn't speak. Then she tried to run to push Emillie to safety, but her leg fell off, and the bus ran over Emillie.

Carey wondered whether she had pushed Emillie or others out of the way in her rush to get off the bus. When Emillie's mother visited her in the hospital, Carey felt bad because she had no recollection of seeing Emillie after the collision, although she had been talking to her moments before.

Janet Aurentz recalls other questions and fears that Carey voiced after she returned home: What did I do to deserve this? Why did God let this happen? Why did I survive? I'll grow up and nobody will ever want to love me. Nobody will ever want to marry me.

Carey's parents arranged for her to see a therapist after she was released from the hospital, but after three or four sessions, Carey refused to go anymore. It wasn't until the following spring that she felt ready to see another therapist, although she did attend group counseling at school.

Two new friends, Ciaran Foran and Debbie Stegmaier, helped Carey break out of her shell.

Ciaran, another survivor of the crash, was in the room next to Carey's in the hospital burn unit. Later, they attended physical and occupational therapy together at Lakeview Rehabilitation Hospital in Elizabethtown.

Before the collision, Carey and Ciaran had been friends of Emillie's, but they hadn't cared much for each other. Ciaran thought Carey was prissy; Carey thought Ciaran was unruly and rude.

At Lakeview, they ate lunch together outside. They talked about the reactions they'd get when they returned to school and about how their interests now differed from those of most teen-age girls. While others worried about what hair spray to use, Carey and Ciaran worried about burn dressings for their arms. They reminisced about Emillie. Sometimes they cried.

*"I have a lot of friends to go to. But sometimes I feel kind of alone, and so I go to people who were in the bus accident. They really understand."*

"I have a lot of friends to go to," Carey said. "But sometimes I feel kind of alone, and so I go to people who were in the bus accident. They really understand."

Debbie Stegmaier, a physical therapist, worked with Carey in the hospital and at Lakeview. She remembers meeting Carey in the burn unit during a dressing change. Stegmaier was cradling Carey's head, trying to console her, and Carey turned her head and said,

"Debbie, don't ever leave me. You're the only one who won't hurt me."

Tears rolled down Stegmaier's cheeks, and she said, "Carey, I won't."

At Lakeview, Stegmaier and Carey talked during much of the four hours a day they spent together. Stegmaier helped Carey develop a more positive outlook. When a visitor referred to Carey's "stump," Stegmaier said, "We don't like to use the word stump."

"I'm not a tree stump," Carey said. "I'm a shorter leg."

Soon after the collision, Carey's parents had begun talking to her about returning to school in the fall, to give her a goal to strive for. On Aug. 22, 1988, she started ninth grade at North Hardin High School.

Carey fretted about how her classmates would react — would they stare or make fun of her? She was still on crutches and had to wear a sweltering, skin-tight body stocking called a pressure garment on her torso, arms and hands. It prevented raised scars from forming at the edges of grafts. She wore a beret to cover her bald head. Because of a chronic infection, she had been hospitalized again just a week earlier to have skin grafted onto her scalp.

The first day went smoothly, except when a boy tried to trip her in the hall. Carey retaliated by swinging a crutch at him. Her friends were supportive, and being in school was a healthy distraction.

Six months and two days after the bus crash, Carey walked her first halting steps while being fitted for an artificial leg at Commonwealth Prosthetics & Orthotics Inc. in Louisville. As usual, Carey was wearing a color-coordinated outfit: a black beret; black-white-and-turquoise embroidered blouse; turquoise-and-white pencil earrings; and turquoise eye shadow.

She continued to be extremely sensitive about her looks. A month earlier, after one of Cathy's friends had stared at her, Carey had refused to get out of the family van to help select a Halloween pumpkin. And at Lakeview, she had balked at doing one of her exercises in front of a mirror.

She watched intently as an employee fitted her right leg into a trial prosthesis that had been molded from a cast of her leg. It was too snug, because her leg was swollen, but after some adjustments, the boot-like device slid on.

She practiced shifting her weight onto the artificial leg, then she stepped forward, first with her left foot and then with the right, while holding on to two metal rails.

"It's just sort of weird," Carey said when someone asked how it felt. She let go of the rails and took several more steps. "I feel like I'm going to fall through," she said.

"You're doing very good," president Don Dixon told her. Carey's lips curled into a smile.

Later, as Dixon wrapped her right leg with an Ace bandage, Carey said it felt as if he were tickling her missing foot. "I feel my foot!" she said excitedly.

Five days later, Carey tried out the finished prosthesis and did well. It appeared she would achieve her goal of walking by Christmas.

But she wasn't able to wear the prosthesis regularly for another nine frustrating months. It rubbed off some of the thin, fragile skin on her leg, and she had to return to her crutches to give it time to heal.

"Sometimes it makes me mad when people say you will be able to do everything [with a prosthesis]," she said the week before Christmas. "I don't think anybody has the right to tell me it will get better. . . . I'm the one who has to wake up every morning with the reality."

She wondered whether getting off the bus alive was worth the price of her foot. "People tell you it could be worse. I could be blind. But things could be better, too."

The leg grew worse, with the skin breaking down in more places. Carey had developed a stubborn fungal infection. In April 1989, she returned to the hospital to have doctors stretch and stitch the remaining good skin over the open areas. But the leg didn't heal fully until early August.

With her efforts to walk thwarted, Carey decided to shed the ugly beige pressure gloves on her hands.

"I was tired of everybody telling me what to do," she said. "I wanted some little part of me to be free and not be ruled by somebody telling me what to do."

Continued on Page 14

# A SURVIVOR

As the new school year approached last August, Carey's leg had finally healed enough for her to learn to walk with a prosthesis. The task was complicated by a curvature of her spine that had developed because deep burns had damaged supporting muscles in her back. She had to concentrate on keeping her hips aligned as she walked. Just when Carey seemed to have hurdled all obstacles, she developed a blister at the bottom of her right leg three days before the start of school, and her therapist told her she wouldn't be able to walk when school started the following Monday. But Carey was determined to go back to school looking normal. She told her mother she was going to walk regardless of what the therapist said.

Almost miraculously, the blister healed by Sunday night. Carey walked on her artificial leg the entire first day of school, though she had never used it more than 15 minutes at a time before then.

When she strolled into typing class, her classmates applauded.

It was just like "show and tell." There was Carey at school last month showing her skin grafts to her biology classmates as part of a presentation on skin regeneration.

"This is what a sheet graft looks like," she said, holding up her soft, unblemished hands while walking around the room. "It looks just like regular skin."

Only between the fingers, along the edges of grafts, is scarring visible. She wore a short-sleeve shirt, which made it easy to display the mesh grafts on her forearms.

No longer was Carey so insecure about her appearance. No longer was she so reluctant to talk openly about her experiences since the bus crash. She was joking about her nightmarish stay in the hospital.

Preparing to staple plastic wrap onto a doll to simulate skin grafting, Carey announced that since she had no anesthesia, she would have to use a "primitive method." Her friend Kiku Gaudioso then rapped a bottle over the doll's head.

Many of Carey's physical and emotional scars have healed.

Not only has she mastered walking with her artificial leg, but she also can do cartwheels and dance, and she is eager to learn to drive.

*"What's really impressed me about the trauma of disaster is that it is not a single isolated event."*

*It goes on and on and on."*

"It doesn't feel like I'm wearing an artificial leg. It just feels like my leg," she said. She doesn't have to think about putting one foot in front of the other. "It's just part of me." In her dreams, she even pictures herself with two feet.

Carey's humor has returned, and the prosthesis has become a source of amusement. At a recent '50s dance at school, another student stepped on her rubber foot and apologized.

"No problem," Carey replied. "I can't feel a thing."

Last month, while she and her family were staying at a motel in Virginia, the lights went out. Using a flashlight, Carey searched the floor for her leg. When the beam shone on it, she screamed in mock horror: "Look at that. That's a leg there."

Stegmaier said Carey has blossomed like "a lotus flower" from the "very meek, introverted, quiet little girl" she was before the collision. "She's opening up really wide."

"She's my crutch, and I'm her crutch," Ciaran said. "She's the most important person in my life right now." Ciaran called Carey on the first day of the Mahoney trial. "I need your shoulder to cry on right now," Ciaran remembered saying. Carey came right over.

The trial concluded a lot of things for Carey and the other survivors, said Probus, the school grief counselor. They relied on it to restore some sense of balance, she said.

"As parents, we teach our children to be good. If you do something wrong, you're supposed to apologize.... You're punished. You're grounded, whatever." That's what the survivors were looking for. "Everybody needed to see him [Mahoney] say, 'I'm sorry,' and in a genuine way."

Although Carey was disappointed with Mahoney's 16-year prison sentence and was unconvinced by his dramatic courtroom apology, the trial's end has allowed her to move forward.

She even has started expressing forgiveness of Mahoney. "I think I have probably forgiven him," she said recently. She no longer feels a "clench-your-teeth" anger toward him.

Probus said she viewed Carey's effort to talk about forgiving as "one of the best signs of emotional health and recovery."

Carey said she has become more empa-

thetic and understanding of others. "I think I'm a better friend now, because I can see further than ... life's little things, like clothes or who's going out with who or who's boyfriend has cheated on her." She is, however, still interested in clothes, boys and "things that a 16-year-old is supposed to think about."

"Since I've seen how the real world is ... before my time, like having to sit up on a stand and testify against somebody that's killed my best friend ... I think it made me grow up more and help me help people."

Carey said the bus crash opened her eyes. "I can appreciate life. I know that it's important to make good the time you have with people, because I know one day my parents won't be around or my grandmother won't be around. I've learned not to take people for granted. You never know what's going to happen tomorrow."

The passage of time: medical care that, so far, has cost \$315,000; and Carey's hard work and determination have healed many of her wounds — but not all. She cannot run with her artificial leg. She has no feeling in the small of her back. And she probably will need to have a 14th operation this summer because the amputated bone is growing through the bottom of her leg.

She is afraid to wear a skirt in public; it would reveal the prosthesis. "It's like I'm unmasked," Carey explained. "When I have pants on and clothes on, it looks like a regular person walking down the street. I think I'm afraid of what's underneath, and what people will think of me underneath. ... I'm afraid that it will turn someone off."

Ciaran said Carey particularly worries about turning off boys. "She thinks if a guy knows about her missing her foot, he'll run."

Carey also has developed a fear of elevators. "I hate getting in elevators now, because it's claustrophobic," she said. "I'm afraid it will stop and I'll be stuck."

She still has an occasional bizarre nightmare. Recently, she dreamed she was back in the hospital and smiling nurses told her they had a surprise for her. Then they pulled off her sheet, and her other foot had been amputated.

And she has been disappointed that the tragedy of the bus crash seems to have had so little impact on attitudes toward drunk driving, especially the attitudes of the state legislators who refused to pass stricter laws against it this year.

"I thought it would make a difference, and it probably has for some people," she said. "But some people are still going out and doing it, because you are still seeing it happen."



"What's really impressed me about the trauma of disaster," said Probus, the grief counselor, "is that it is not a single isolated event. It goes on and on and on."

Among the stuffed animals and posters of cats and the musical group New Kids on the Block that decorate her bedroom, Carey keeps a group picture of her with Emillie, Ciaran and other friends at Kings Island. Every morning when she wakes up and every evening before bed, Carey looks at the photograph, which Allen Tennison, son of the First Assembly of God's pastor, had carried off the bus.

"It reminds me of the fun we had," Carey said. "It wasn't all bad."

When she thinks about the bus trip now, she is more likely to cherish the joy of the amusement park than dwell on the horror of the collision. The smell of a car heater or cotton candy, or the sound of a song on the radio that she had heard on the bus, sometimes brings back memories, albeit faded, of that day.

Without warning, tears sometimes flow when Carey thinks or talks about Emillie's death. But she also smiles at the memory of how she and Emillie compared the size of the wet spots they left when they sat on a curb after being soaked during a water ride.

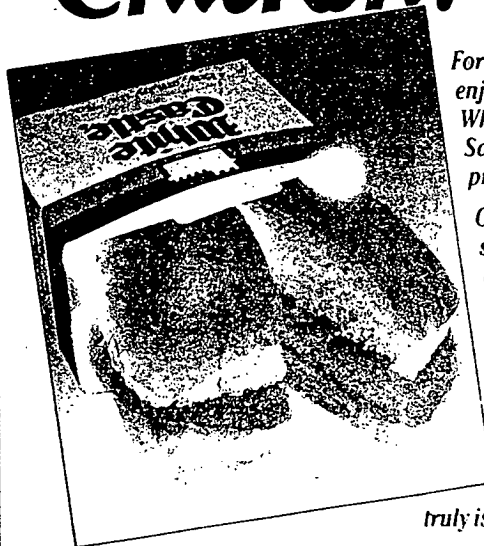
On her bedroom door, Carey has hung a poster she was given in the hospital. It shows a kitten beside a nearly closed door. Its caption reads: "When God closes one door, He opens another."

The saying rings true for Carey. The only doors the bus crash closed for her were superficial ones, she said. "Like my foot's gone. . . . But everything else is still open.

"You make your own limitations," she said. "I don't have any limitations." □

*With a new artificial leg, above, Carey can walk normally. She can even do cartwheels and dance. But she can't run, and she won't wear a skirt in public for fear her leg will turn someone off.*

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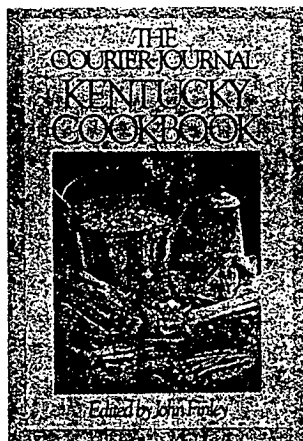
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# Hope rooted in pain

## Radcliff turns to its children

*"As thy days, so shall thy strength be."*

— Deuteronomy 33:25

**By Al Salvato**

Post staff reporter

**RADCLIFF** — Grief is turning to strength in this deeply wounded community.

And young people are leading the way.

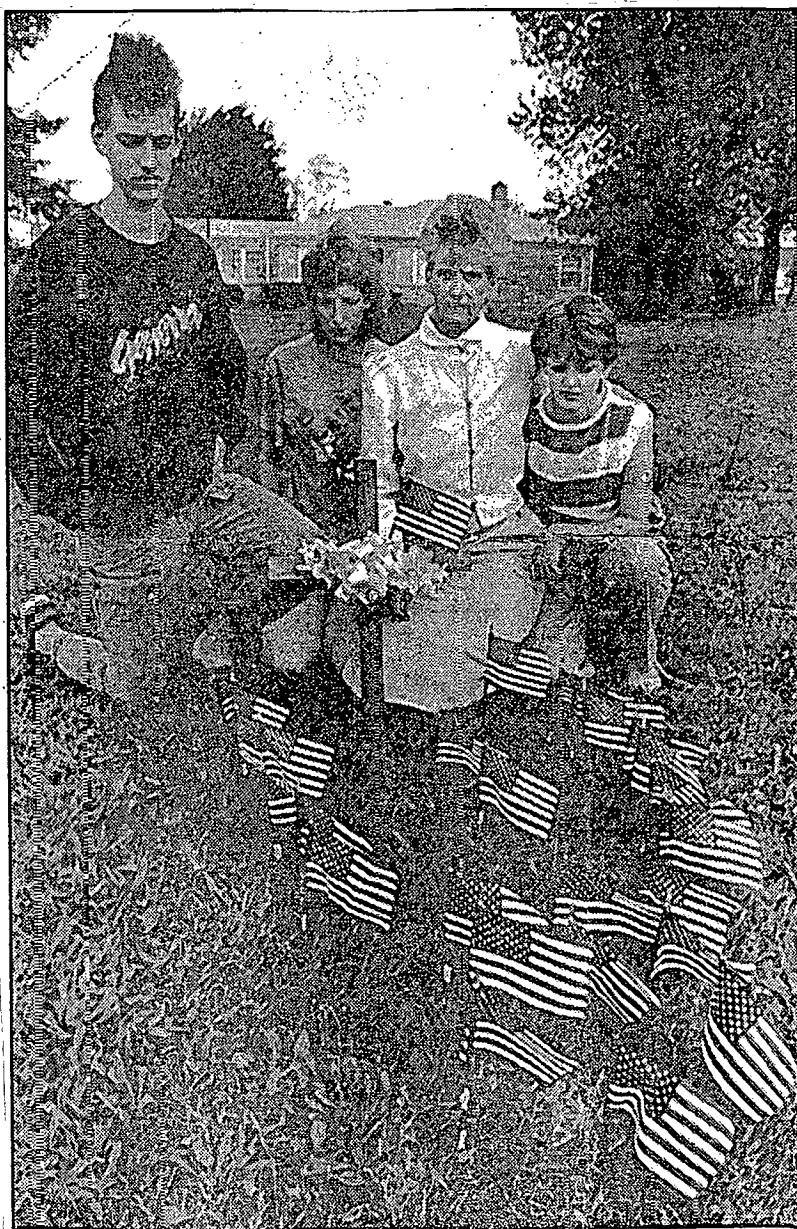
"We're not ready to wipe away our tears," said 15-year-old Jackie Sandford, "but we're praying together and we'll get through this."

Since the loss of 27 people — 19 of them teen-agers and five pre-teens — in a fiery church bus wreck Saturday on Interstate 71 near Carrollton, Radcliff's young people have rallied.

Everywhere in Radcliff, it seems, they have left marks of courage — from lettered message boards along the town's main street to black ribbons on front doors, from heartfelt poems and letters to nearly \$4,000 in contributions to help grieving families.

The young people say they want their outpouring of strength to set the tone for a community service tonight for those killed and injured in the wreck.

Mayor Joseph Hutcherson said the compassion of the young has captured the spirit of this community of about 20,000.



JOE MUNSON/The Kentucky Post

Members of the Coxey family of Vine Grove remember friends they lost in the bus wreck. The Coxey family are, from left, Shane, 16; Tina, 14; Judy, their mother; and Chastity, 13.

He believes the one-hour service, expected to include Gov. Wallace Wilkinson and other state and local officials, will soothe the community's pain.

"Everybody wants it. Everybody needs it. And we expect it," he said.

Flags throughout the state flew at half-staff today to honor

or the memory of those who died when their bus was struck head-on by a pickup truck heading the wrong direction on the interstate.

The young people, most from the First Assembly of God Church in Radcliff, were half-

**Please see RADCLIFF, 2K**



# Radcliff

From Page 1K

way home from an outing at Kings Island amusement park when the accident occurred.

Police say Larry Mahoney, 34, a chemical worker from Worthville in Carroll County, was driving drunk when his pickup slammed into the bus.

The first funerals for crash victims were this morning for four girls who attended Radcliff Middle School: Mary Catherine Daniels, 14; Julie Ann Earnest, 12; Denise Ellen Voglund, 13, and Amy Wheelock, 14.

Fourteen teens — many in critical condition — remain hospitalized, suffering from burns and respiratory damage from smoke inhalation.

At the Wednesday night service at First Assembly of God, Pastor W. Don Tennison said he immediately was struck by the spirit of the community's young people when he drove into Radcliff Wednesday.

"Our Hearts Bleed For Our Town," read one message posted by the youths.

At North Hardin High School, where three of the 27 victims attended, another message read, "Pray For The Students, Families, Community. Pray."

Wednesday afternoon, James Lake, 22, posted a message at one restaurant that read: "A Precious Loss To All Of Us."

"That's how I feel. Everyone wants to do something," Lake said.

"I gained strength from the warmth and love of my young brothers and sisters," Tennison told his congregation Wednesday night.

He waved dozens of letters of hope to the church from youngsters.

The one written by Elisha Belcher of Auburn said: "I hope you all feel better from what I say. I hope you see them (the victims) soon."

At Radcliff Middle School, a weary principal, Charles Jones, said students have inspired him to remain strong. Sixteen of his students died in the wreck.

"We've told them about dying and how we must go on living. They understand," he said. "I know we're all putting on a tremendous facade. Each of us must meet crisis in our own ways."

Outside Jones' office hangs a poem written by student Karl Knight for Mary Catherine Daniels, her best friend. Jones said no student or teacher passed the office without pausing to read the poem, entitled "In Loving Memory Of Mary":

*Mary was my best friend.*

*She was always there and always near.*

*We laughed and cried together for many different reasons.*

*It doesn't seem memories will ever be enough to fill the space Mary left.*

*But everything has changed now, just as with the seasons.*

*And Mary is gone . . . gone to Jesus.*

Less than a mile from the middle school, Chasity Coxey, 13, her sister, Tina, 14, and brother, Shane, 16, placed 27 American flags and a wooden cross Wednesday afternoon on their front lawn.

Each of the teens was a classmate to one or more of those who died last week.

"The flags say we care, and our hearts go out to them," said Shane, who attends North Hardin High.



POOL PHOTO BY ED REINKE

Kentucky State Police Trooper Henry "Sonny" Cease held a picture of the church bus as he testified yesterday in Carrollton. *C-3 12/5/89*

## Mahoney's pickup hit gas tank of church bus, crash investigator says

By BILL WERONKA  
Staff Writer

CARROLLTON, Ky. — Larry Mahoney's pickup actually struck the fuel tank of the church bus that subsequently exploded in flames, an accident reconstructionist testified yesterday during Mahoney's bus-crash murder trial in Carroll Circuit Court.

Kentucky State Police Trooper Henry "Sonny" Cease, who reconstructed the accident for the prosecution, said the initial collision near the front of the bus pushed the leaf-spring assembly — part of the front suspension — into the fuel tank. That caused a 4½-inch gash in the right side of the nearly full 60-gallon tank.

Then, as the pickup began to spin clockwise and tear a 12½-foot gash in

the right side the bus, part of the pickup's steering assembly hit the fuel tank and pushed it backward about 28 inches.

The truck's contact with the fuel tank could "possibly" have contributed to the fire, Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, said after court recessed for the day.

One of Mahoney's attorneys, Jack Hildebrand, said he was surprised by the information.

"It's the first I've heard of it," he said. "I haven't read that anywhere. But our expert has the accident happening differ-

ently than the way Sonny testified."

Mahoney, 36, is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving while intoxicated.

He is accused of driving drunk the wrong way on Interstate 71 on May 14, 1988, and hitting the Radcliff First Assembly of God church bus head-on. Twenty-four children and three adults died and 12 children were seriously injured in the ensuing blaze.

Cease testified for nearly seven hours yesterday, recounting his participation at the crash scene and detailing the methods and evidence he used to reconstruct the accident.

After being called to the scene immediately after the crash, Cease said, he began interviewing those involved and collecting evidence. That included several hundred of the 1,096 photographs taken during the investigation. A videotape of the scene also was made that night and shown to the jury yesterday.

It showed various angles of the bus and pickup, and the loading of the bus onto a flatbed truck with a crane. The bus, with the 27 dead still aboard, was taken to the National Guard Armory in Carrollton.

Once at the armory, Cease said, he assisted the state's medical examiner, Dr.

See TROOPER  
PAGE 3, col. 6, this section

TUESDAY, DECEMBER 5, 1989

B 3

## Trooper says truck hit bus's gas tank

Continued from Page B 1

George Nichols, in counting the dead and marking each body's position aboard the bus as it was removed.

Cease showed the court a chart of the bodies' positions on the bus. Some were only feet from the rear exit; some were piled three-deep on top of each other. The first bodies removed were those of Crystal Uhley and Sandy Brewer. Both were found draped over a seat-back, about three seats from the rear exit, on the right side of the bus.

Last removed was the body of Chuck Kytta, the church's youth leader. He was found lying across the driver's seat.

Cease said it took about nine hours to remove all the bodies.

Victims' family members in the courtroom cringed at some graphic descriptions from Cease, but they could not see the chart because it faced away from them and toward the jury.

Cease testified that the accident occurred as Mahoney traveled north in the passing lane of the two southbound lanes. The bus, also traveling in the passing lane, veered left just before impact and the right front of Mahoney's pickup hit the right front of the bus, Cease said.

As Mahoney's pickup began tearing down the right side of the bus, the truck's rear end began turning clockwise and hit a 1977 Cadillac traveling beside the bus in the slow lane, Cease said. The left rear of Mahoney's pickup left the ground and hit the Cadillac behind the rear door on the driver's side, climbing up and over the Cadillac and knocking out the rear window.

The Cadillac then began turning counterclockwise, spinning in front of the bus, across the median and into the northbound lanes before coming to a stop.

Richwalsky said after the court session that the Cadillac did not collide with the bus.

Cease said the crash was re-created on the Wednesday night after the crash using a similar bus and pickup truck. The two did not collide, but Cease used information from the re-enactment to determine that the pickup could be seen from the bus about 450 feet ahead, and with both traveling between 50 and 55 mph, the bus driver, John Pearman, had only 2.5 seconds to react before the collision.

Pearman applied the brakes, and the bus skidded 120 feet, but there was no evidence that Mahoney ever applied his brakes, Cease said.

The tread on the bus's rear tires was  $\frac{1}{8}$  inch, the minimum required by the state, Cease said. Damage to the front tires was so severe that he could not make a determination about them, he said. Also, the gasoline cap on the fuel tank was not standard, he said, but he did not elaborate.

Overall, Cease said, he felt the mechanical condition of all three vehicles had nothing to do with the crash.

# Scrap older buses, crash probbers urge

## National board completes investigation of Carrollton tragedy

By Adam Condo

Kentucky Post Washington Bureau

WASHINGTON — The National Transportation Safety Board recommends that states phase out school buses built before federal safety standards took effect in 1977.

Some 77,000 school buses nationwide would be affected by the phase-out, 22 percent of those now in use, according to the board's staff. One difference in the older buses is the lack of a cage around fuel tanks to protect against fire.

The recommendation was one of 16 made Tuesday as the safety board ends its 10-month investigation into the

church bus tragedy near Carrollton, Ky., last May 14. The recommendations are aimed at making private and public buses safer and at keeping drunks from driving.

The board recommended that churches and private groups which buy buses from school districts purchase only vehicles built under the 1977 standards.

The church bus that erupted in flames after being struck by a pickup truck in Carroll County was a former school bus built just before the regulations took effect April 1, 1977. Twenty-seven people died in the Carroll County crash.

The board also urged the National

Highway Traffic Safety Administration to stiffen its standards on school bus exits, provide more protection for buses in "severe crash" situations, and upgrade its standards on flammability of school bus interiors.

The National Highway Traffic Safety Administration has not changed its flammability standards for school buses since 1972.

The board urged Kentucky to expand its field sobriety tests to detect drunken drivers, increase its use of breath tests, and expand the use of sobriety checkpoints by state police and local law-enforcement officials.

Please see BUS, 2K

2K The Kentucky Post, Wednesday, M

## Bus

From Page 1K

A youth group from the First Assembly of God Church in Radcliff was returning from Kings Island when its bus was struck by a pickup truck coming the wrong way on Interstate 71 just west of Carrollton.

The bus erupted into flames, and 27 people, most of them teen-agers trapped in the bus, died from smoke inhalation.

The driver of the pickup truck, Larry W. Mahoney, 35, of Worthville, was intoxicated, according to state police. His trial on charges of murder, wanton endangerment, assault, and drunken driving is to begin in November.

James L. Kolstad, acting board chairman, told reporters immediately after the hearing that the Carrollton tragedy was "one of the most influential accidents we've ever investigated."

The fiery crash riveted the nation's attention on school bus safety and drunken driving. Congressional hearings were held on bus safety, Gov. Wallace Wilkinson appointed a commission to examine bus standards and

drunken driving laws in Kentucky and the state Board of Education, which buys buses for public school districts in Kentucky, revised its standards for buses.

Barry M. Sweedler, director of the national safety board's Bureau of Safety Programs, said that while Kentucky had made considerable progress in battling drunken driving, "more needs to be done."

The safety board pointed out that the number of alcohol-related highway fatalities has begun to rise after initially falling off following passage of a tougher law in 1984.

"The continuing high number of fatal alcohol-involved crashes in Kentucky and nationwide points to a need for greater action . . .," said the board.

The national safety board recommended that Kentucky re-

view its drunken driving law to ensure that people charged with alcohol-related offenses are not allowed to plea-bargain to reduce the charge to an offense unrelated to alcohol.

Moreover, the board asked the state to amend its laws to prohibit the reduction or elimination of a license penalty if the convicted offender enrolls in an education or treatment program.

The safety board reiterated an earlier recommendation to the state that it follow the lead of 23 other states and revoke the driver's licenses of those refusing a chemical test for alcohol or who test above the limit.

Wilkinson has submitted a legislative package to the Kentucky General Assembly that includes provisions for suspending the driver's license of someone who fails a blood-alcohol test or who refuses to take such a test. Kentucky law presumes a motorist drunk if he has a blood-alcohol level of 0.10 percent.

Micky Sadoff, national presi-

dent of Mothers Against Drunk Driving, sat in on the safety board meeting and said afterward the board dwelled too much on the safety problems

and not enough on drunken driving.

"In that crash, it was the drunk driver who was the precipitating factor. If he had not

been driving the wrong way, 27 lives would be here today," Ms. Sadoff said of the Carrollton crash.

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## **Safety board recommendations**

### **TO ALL STATES**

- **Propose legislation** setting a date for phasing out use of school buses built prior to 1977, the year new federal safety standards went into effect.
- **Review drunken-driving** legislation and its effect.

### **TO THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

- **Upgrade flammability** standards for school buses to reduce the rate at which fire spreads.
- **Apply the same exit requirements** to school buses that are in effect for other buses.
- **Revise standards** to provide additional protection for school buses in "severe crash" situations.

### **TO THE FEDERAL HIGHWAY ADMINISTRATION**

- **Do a demonstration** project to determine the effectiveness of installing additional "wrong way" signs on interstates.

### **TO KENTUCKY**

- **Expand the use of sobriety checkpoints** by state police and encourage their use by local police.
- **Expand the use of breath tests and field sobriety tests.**
- **Ensure that no one charged with driving under the influence** is allowed to plea-bargain that charge to a non-alcohol offense.
- **Renew state efforts** to encourage citizens to participate in the "Report a Problem Intoxicated Driver" program.
- **Enact legislation** automatically revoking the license of a driver who refuses a chemical test or who tests above the legal blood-alcohol level.

### **TO CHURCHES AND OTHER PRIVATE GROUPS**

- **Purchase only** used school buses that meet the federal school bus standards imposed in 1977.

# Truck driver could face electric chair

By Crystal Harden  
and Omer W. Johnson  
Kentucky Post staff reporters

Carroll County Commonwealth Attorney John Ackman said he will seek the death penalty against Larry Mahoney, the truck driver who crashed into a church bus Saturday night near Carrollton.

Ackman charged Mahoney, 34, of Rt. 1, Worthville, with 27 counts of murder Monday after blood tests showed that Mahoney was drunk at the time of the fiery accident that killed 27 passengers on the bus and injured at least 40.

Carroll County District Judge Stanley Billingsley signed an order for Mahoney's arrest Monday afternoon. State police served Mahoney with the warrants at 4:25 p.m. at Humana Hospital-University of Louisville, where he is in serious condition.

Billingsley denied bond, and ordered a guard posted at his door. Mahoney will be arraigned within 24 hours of release from the hospital, Billingsley said.

Ackman said he filed the capital murder charges because of the aggravating circumstances involved in the wreck.

The victims, mostly teen-a-

Please see CHARGES, EV

## Charges

From Page 1K

gers, were members of the First Assembly of God Church in Radcliff who were returning from a day at Kings Island north of Cincinnati.

"The circumstances surrounding his driving behavior on the evening of the accident, the fact people were killed and the fact that innocent victims were involved" led to the charges, Ackman said.

Ackman said he will present the charges to the Carroll County Grand Jury June 6.

Each of the 27 complaints against Mahoney says he "wantonly operated his vehicle (with) extreme indifference to human life."

Mahoney was driving the wrong way on Interstate 71 when his pickup truck slammed into the church bus about 6

miles south of Carrollton around 11 p.m. Saturday, police said. Tests revealed that Mahoney had a blood-alcohol level of 0.24 percent, police said. Under Kentucky law, a person is presumed intoxicated with a blood-alcohol level of 0.10.

Police are not releasing information about why Mahoney was driving the wrong way or how fast he was going.

Capt. Neal Brittain said state police do not plan to release details about the wreck until the investigation is complete. State police investigators talked to Mahoney Monday, but would not say whether he gave a statement concerning the accident. Police also spent several hours on I-71 measuring skid marks and otherwise examining the accident scene.

The bus burst into flames when fuel from the ruptured gasoline tank ignited shortly after impact with the truck. Police loaded the charred wreckage of the bus — with victims

aboard — onto a flatbed tractor-trailer and took it to the Kentucky National Guard Armory in Carrollton. Dr. George Nichols, Kentucky medical examiner, and a team of doctors spent most of Sunday removing bodies from the wreck and trying to identify victims by dental and medical records.

Nichols said all the people died from smoke inhalation. None had life-threatening injuries, and all burns were suffered after they had died, Nichols said. He said the victims probably would have survived if the bus had not burst into flames.

"I found no evidence of incapacitating injuries — never mind lethal injuries — on any of the bodies," he said.

A team of 10 officials from the National Transportation Safety Board has been working with state police since Sunday investigating the accident.

The truck hit the right front section of the bus. The impact

of the crash pushed the gasoline tank backward about 26 inches and ripped a 3-inch gash in the tank, said Joseph T. Nall, a member of the transportation safety board.

As the wreckage dragged 135 feet down the highway, sparks ignited leaking gas, causing the fire, said Alan M. Pollock, a spokesman for the transportation safety board.

Investigators with the safety board are trying to determine whether installation of a protective cage for the gasoline tank could have prevented the fire. The converted school bus did not have the protective device, Nall said.

Federal regulations, which took effect in 1977, called for, among other safety measures, stronger sheet metal in the buses, stricter window glass standards and additional protection for gas tanks and fuel lines.

The church bus was a 1977 Ford. However, buses manufac-

tured before the standard took effect could still be sold after the standard applied. Nall said officials from the Ford Motor Co. plan to come to Carrollton to help determine exactly when the chassis was built.

The gas tank, on the right side of the bus behind the double doors, was secured by two straps. Upon impact with the truck, the tank moved backward so that it was hanging by only one strap, Nall said. Investigators don't know what ripped the gas tank.

Federal investigators also are looking at conditions of the highway and Mahoney's actions in determining what effect they had on the crash, Nall said. Mahoney refused to talk to federal investigators Monday.

Nall said samples of Mahoney's blood tests will be sent the Center of Toxicology in Utah, along with samples from the bus driver and passengers. Nall said the procedure is routine in

investigations by the transportation safety board.

In other developments Monday:

■ Nall said the site of the impact was about 200 feet long, and that the bus driver tried to brake. After impact with the truck, the bus traveled about 135 feet before stopping. The truck traveled about 80 feet backward.

■ Federal investigators are looking at the capacity of the bus to determine whether the vehicle was overcrowded. The bus was designed for 67 people — three in each of the 22 seats and one bus driver. Authorities have heard that as many as 68 or 69 people were on the bus, he said.

■ Nall said the rear door of the bus was working.

■ The safety board investigation could take as long as 10 months. Investigators may take the bus to Washington, D.C., to continue the investigation.

# Thousands rely on unsafe buses

By William Weathers  
Kentucky Post staff reporter

Thousands of Americans ride daily on buses that lack modern safeguards designed to prevent gasoline fires and explosions.

Children ride such buses to school and many people rely on them for transportation to church every Sunday. Often, the adults in charge of using the vehicles are unaware of the lack of safety features.

Such shortcomings on older buses are coming to light following the fiery wreck Saturday night near Carrollton of a First Assembly of God Church bus from Radcliff. Twenty-seven children and adults perished

aboard the 1977 Ford bus when it was struck head-on by a pickup truck and burned.

The bus, which the Radcliff church had purchased from the Meade County public schools, apparently was one of the last buses manufactured before federal standards required safer fuel systems.

National Transportation Safety Board agents who examined the vehicle said Monday that it did not have the kind of protective cage — in place around the gasoline tank — required on school buses manufactured in the past decade. The

Please see BUSES, 5K

## Buses

From Page 1K

cages must withstand a broadside blow of up to 4,000 pounds at 30 mph and not leak more than one ounce on impact and no more than five ounces each five minutes after that or meet the same requirements if the bus hits a fixed barrier at 30 mph.

Unprotected tanks are simply mounted under the chassis by metal brackets that hold them in place. The protected tanks are surrounded with various types of steel devices, including steel straps and steel frames made of angle-irons, to guard them from rupture.

Ironically, government and business experts on school and church buses agree that Ken-

tucky, where the wreck is focusing attention on bus safety, has school buses among the safest anywhere.

Kentucky schools purchase buses together through the state, buying 400 to 600 at a time and demanding that their buses be built to exacting specifications.

Most buses used daily by Kentucky schools were manufactured after 1977, when more stringent safety standards began to apply. As these buses get older, schools sell them. Church members buying the older buses may have been unaware of the lack of gas tank protection.

Calvary Baptist Church in Covington has a fleet of seven or eight buses, two of which were manufactured before 1977. One of the buses is a 1969 model and the other a 1973, said Bob McConnell, church business administrator. McConnell said he did not know whether those two buses were equipped with safeguards for their gas tanks.

"If it's a problem, it's not a problem we are aware of," McConnell said. "But certainly we would check it and want to see if it is safe."

The buses are used to transport pupils to Calvary Christian School and Calvary Baptist Church. Buses undergo an inspection at the beginning of the school year and are subject to maintenance throughout the year.

"We're real picky about the buses because we're hauling 300 students to school," McConnell said.

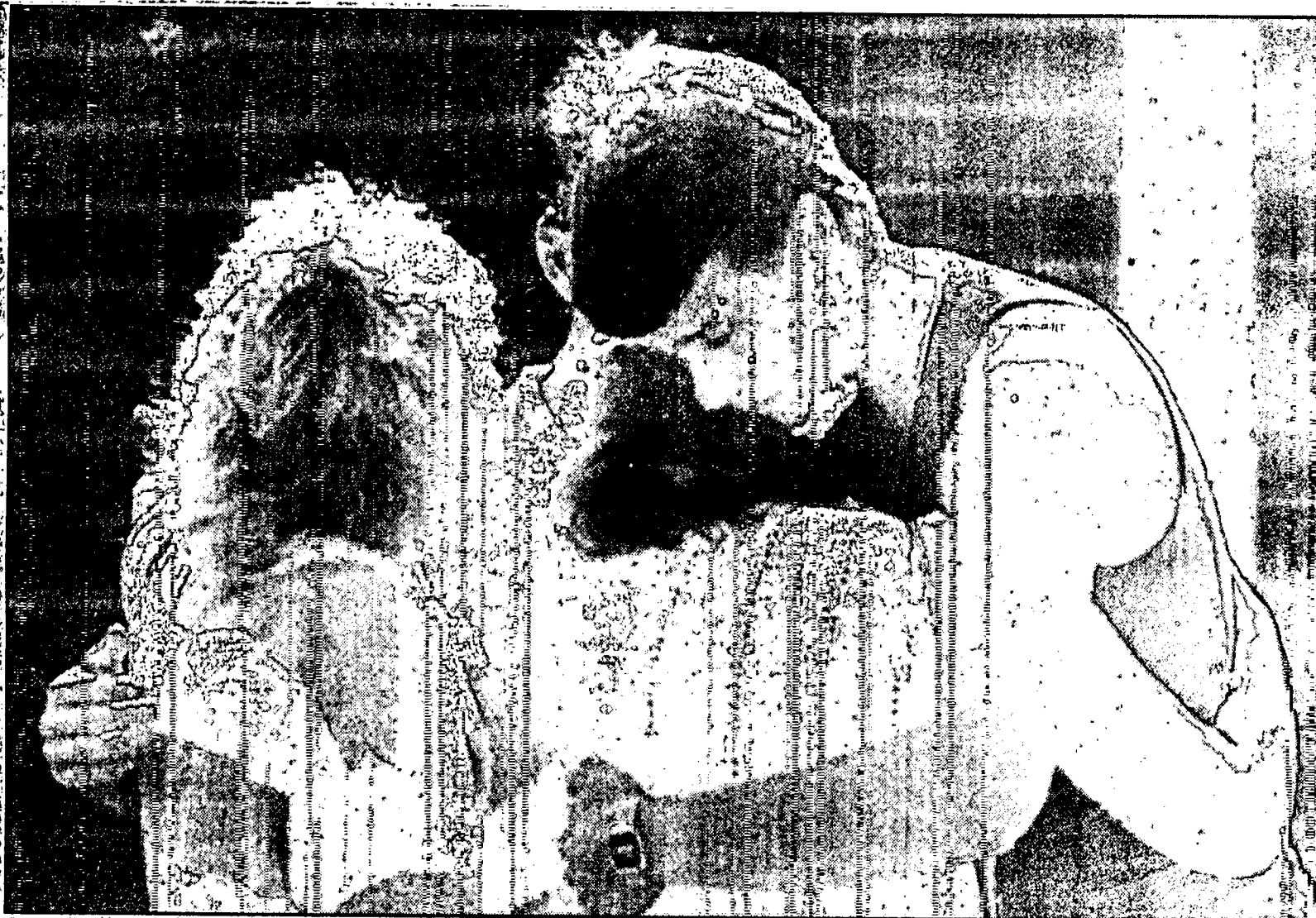
Erlanger Baptist Church bought a 40-passenger bus in 1973, but replaced the chassis 10 years later, said Ruey Newsom, chairman of the church transportation committee. He said the new chassis has a protective device around the gasoline tank.

"It's got every safety feature you would ever want on it," Newsom said. "I don't know what else we could do. We maintain all the safety standards that everybody else requires."

Macedonia Missionary Baptist Church in Covington owned two used school buses several years ago but then bought new vans, said the Rev. Joseph Garr, the church's pastor. Churches often buy used school buses because they are cheaper than purchasing new vans, he said.

That's why about 10 churches each year become customers of Taylor Bus Sales in the Western Kentucky city of Murray. Gary





The Associated Press

Larry Flowers, right, consoles friends at the First Assembly of God Church in Radcliff, Ky., Sunday morning. He was on the church bus that was struck on Interstate 75 near Carrollton, Ky., killing 27 people on the bus.

## Friendship prevailed over fear of death

By Al Salvato  
Post staff reporter

5-16-78

LOUISVILLE, Ky. — Not until he was shoved from death's grasp did Jesse Durrence learn how much his friend and fellow church member, Jaime Hardesty, cared for him.

"He would have died to save my life and a lot of other people in the bus," said the somber Radcliff, Ky., teenager,

pressing his hands together nervously.

Both 16 years old, Jesse and Jaime were together Sunday afternoon at Humana Hospital in Louisville, visiting friends burned in a fiery bus explosion late Saturday night that the two boys escaped. Twenty-seven died in the crash. Among the many who were seriously burned is Jaime's girlfriend, Christy Pearman, 14, of Radcliff.

Jesse and Jaime began attending the First Assembly of God Church in Radcliff as young boys. They spent Saturday together at the church's annual bash at King's Island amusement park 30 miles north of Cincinnati.

On the trip home they rode together in the same seat — five rows from the back emergency door.

Please see HEROES, 5A



# Heroes

From Page 1A

Seconds after the bus burst into flames after a head-on collision on Interstate 71 near Carrollton, Ky., the quiet, lanky Hardesty snatched his friend by the arm.

Jesse remembers seeing other friends inside the bus gasping for air and some with skin singed.

"I remember (youth minister) Chuck Kytta hollering, 'You get out! I can't make it. I'm going home to be with the Lord.'"

Jalme kicked open the back door and pushed Jesse out to safety.

"I didn't want him to die," Hardesty said in a hushed voice. "I just wanted to get him out."

Jalme, who suffered minor burns on both arms, is an active member of the church's teen group called Living In Faith Eternally and the Royal Rangers, a church-run scouting group.

On the ground, Jesse turned to see Hardesty reach for another friend, then another.

*Cincinnati Post 5/11/85*  
Amid the flames, smoke and screams of the terrified and trapped, Jesse saw Jalme, a sophomore at Meade County High School, stand tall.

"Kids were piled up on top of one another," Jesse said.

"Jalme was grabbing them and pushing them out the back. Maybe 15 of them," he said. "I lost count."

"Some of them were unconscious, and some were on fire," said church pastor W. Don Tennon. "He stayed in there for a long time."

Jalme then jumped to safety and ran to one side of the bus to try to help others inside.

He broke out several windows and pulled several friends to safety.

"All we could do was watch him," Jesse said. "He was hollering and trying to get them out."

At the hospital hours later, Jesse thanked his friend for the heroics.

With his hand on Jesse's shoulder, Jalme said, "It's OK."

# School-bus safety questioned again

By SCOTT THURM  
Staff Writer

5/17/88  
CJ

The church bus that burned after a head-on crash in Carroll County Saturday night was among the last built without a protective cage around its fuel tank — and was a model that is still in use in school districts across Kentucky.

The fuel tank ruptured after the 11-year-old bus was hit by a pickup truck, and the 27 people who died were killed by smoke from the resulting fire. The bus apparently was built before federal regulations took effect in 1977 requiring a protective steel cage around fuel tanks of school buses.

The question of the tank is one of many raised by the accident about the design, regulation and operation of school buses, according to industry experts, government

officials and surviving passengers.

Among the other questions:

■ With three people to each of the 22 bench seats, was the bus too crowded?

■ Would seat belts have prevented passengers from being thrown into the aisle upon impact — keeping it clear for an easier escape?

■ With a center aisle less than a foot wide and one emergency exit in the rear, were there adequate ways out for 67 people?

■ Might toxic fumes from burning seat cushions have contributed to the death toll?

The bus, a 1977 Superior with a Ford chassis, was bought by Radcliff's First Assembly of God church from the Meade County school system last year.

State officials said yesterday that there are 376 other 1977 Superiors — all bought through a statewide contract — still used by Kentucky schools. Sixty of those are in Jefferson County, said John Wilhoit, director of transportation for the Jefferson County public schools.

And no one knows how many others might be in use by churches or other groups.

The accident comes amid a national debate over the safety of school buses, including a review by scientists ordered by Congress.

Generally, school buses are "an exceedingly safe form of transportation," said Patricia Waller, associate director of the Highway Research Center at the University of Kentucky.

See ACCIDENT

PAGE 9, col. 1, this section

Continued from Page One

ty of North Carolina.

In fact, more people were killed in Saturday's crash than died in all school buses nationwide in 1986.

No child has died in a Kentucky school bus since a 1958 accident that killed 27 people in Floyd County, said Jim Parks, spokesman for the state Department of Education.

But Waller said many of the factors that account for the safety of school buses — they tend to travel at low speed, during daylight and on weekdays — were not true when the church bus heading south on Interstate 71 collided head-on with a pickup truck.

Here's a look at some of the special factors involved in the crash:

■ Fuel tank. The bus was not equipped with a metal cage surrounding its gas tank, said Joseph Nall, a member of the National Transportation Safety Board, which is investigating the accident.

Federal regulations require school buses with chassis made after April 1, 1977, to have such cages and to use metal — rather than rubber — piping for all fuel lines.

Nall could not say whether the bus involved in Saturday's accident was built before the rules took effect.

The Radcliff bus was registered by the Meade County schools May 12, 1977, suggesting that its chassis was built before April 1 that year.

Neither of the companies that manufactured the bus could say yesterday whether it was built before or after the new rules.

"I couldn't speculate about what specifics might apply to this bus until we know the date of manufacture," said Larry King, corporate counsel for Sheller Globe Corp., Superior's parent company. Superior stopped making buses in 1981.

Survivors of Saturday's crash said the

fire appeared to start on the front right side of the bus, where the fuel tank was located.

Nall said there was a three-inch gash on the front side of the tank. The impact of the crash pushed the tank back 26 inches and off one of the two straps that secured it to the underside of the bus.

The fuel-tank rule was part of the only comprehensive package of regulations ever imposed on school buses. Other rules required stronger roofs and body joints, as well as taller seats with better padding.

The improvements have made buses safer, the National Transportation Safety Board found in a study last year. The study analyzed 43 crashes between 1983 and 1986 involving buses with the extra safety features, and found that less than 4 percent of the passengers were hurt seriously, said Ted Lopatkiewicz, a spokesman for the board.

■ Crowding. It was unclear yesterday whether the bus was carrying more people than permitted. Police reported that there were 66 passengers on the bus, and Wilhoit said the Jefferson County schools consider that figure the bus's capacity.

But survivors told of severe crowding that forced some people to sit partly in the aisle; survivors also told of at least two people who were sleeping in the aisle — which is just under one foot wide — at the time of the accident.

Nall said investigators would examine whether it is realistic to expect three people of high school age or older to sit in one of the bus's seats.

With fire blocking the front door, passengers headed toward the rear emergency exit. That's the only emergency door on Jefferson County's buses of the same model, Wilhoit said.

He said state specifications for the buses

require that the windows and frames push out to provide an emergency escape, but survivors said they couldn't push out the windows Saturday night.

King, the counsel for Sheller Globe, would not discuss the safety features of the bus without knowing its exact model.

■ Seat belts. Conditions on the bus have become part of a national debate over whether school buses ought to have seat belts. One argument is that belts might have kept the passengers from being thrown, allowing a more orderly escape; another says belts might have delayed some children's escape.

The National Highway Traffic Safety Administration, which sets regulations for motor vehicles, has no standard or guideline for how quickly a bus is supposed to be evacuated, said Ralph Hitchcock, director of the office of vehicle safety standards.

■ Seat cushions. Flammable seat cushions may have contributed to the fire and produced toxic fumes that helped kill some passengers, according to critics of federal regulations.

"There would have been nothing to burn if that foam weren't there," said William Bainbridge, a former school superintendent and president of a Columbus, Ohio, research firm.

Federal regulations require school buses to have seat cushions that are as flame-resistant as those required for cars. But Sam Cole, a safety officer with the Center for Auto Safety, said the cushions in cars "burn like a paper towel."

Cole also said the standards for cushions in buses should be higher because it takes longer to evacuate.

Survivors reported seeing burning seats and said the bus filled with smoke that smelled similar to burning rubber.

However, Hitchcock, the federal official, said the flammability standard for bus cushions is "fairly stringent" and has not been a problem in previous accidents. However, he said, "When you get gasoline in-

volved, it's just a different ball game."

Nall said blood from people killed in the crash will be tested for toxic chemicals.

Another issue raised by the accident is the lack of regulation or inspections in Kentucky of old school buses that have passed into private hands. Most states do not have such inspections.

In Kentucky, there are random inspections by state officials, but there is no scheduled inspection program.

"There's never been very much request for it as far as I know," said Steve Reeder, general counsel for the state Transportation Department.

However, Nall said the safety board is concerned about the lack of standards for buses that were built before 1977 and are now privately operated. And he said the board might make recommendations on the subject.

California has been inspecting privately owned, former school buses since 1965, said C.S. Allen, commander of the motor carrier section for the state Highway Patrol. Inspectors check on maintenance and repairs of every old school bus in the state once every 13 months, Allen said.

Although the program is considered primarily educational, he said the Highway Patrol has lodged court cases against several organizations with persistent violations.

California expanded its regulations to cover any bus on which students are transported for a school activity after a 1976 accident killed 29 people near Martinez, Calif.

The maintenance of the Radcliff bus does not appear to have been a factor in the death toll Saturday night.

# Grieving classmates were 'just crying'

By DAVID GOETZ and DAVID CAZARES  
Staff Writers



A pair of Radcliff Middle School students, above, hugged and sobbed in a hallway yesterday.

RADCLIFF, Ky. — Nobody played basketball before class yesterday on the court outside Radcliff Middle School. In the halls, the children were quiet.

A girl sobbed in a stairwell; another, head down, walked down the hall, wrapped in the arm of a counselor.

"Basically, we're not talking," said eighth-grader Anita Ardisson. "We're just crying."

Except for the families of the dead, perhaps no one in Radcliff lost as much in Saturday's fiery crash of a First Assembly of God church bus as the students at Radcliff Middle School.

Sixteen of their friends and classmates left school Friday afternoon and didn't come back Monday morning. Thirteen of them were in the eighth grade.

"Sometimes you have to look to your friends and the Lord for comfort," said Radcliff Principal Charlie Jones, his voice buzzing over the intercom. "We're going to talk about it and use our feelings. Let's make this day as happy and memorable as possible. Our friends are gone; we must work and remember them. But let's make sure, today, we take care of the living."

A few miles away at North Hardin County High School, the toll was four. Among them were some of Johnny Sweet's friends.

"It's sad," said the 18-year-old junior. "So many gone at one time."

His classmates were quiet as they entered the building. A teacher who stood outside said that although classes were scheduled she would do whatever the students wanted to do. "If they want to talk, we'll talk."

Kay Sharon, director of community relations for the Hardin County school system, said administrators decided Sunday that it would be more helpful to the students not to cancel yesterday's classes. "We felt that they needed an opportunity to express their grief and their feelings," she said.

Radcliff seventh-grader Tiffany Bennett agreed with that decision, saying that coming to school means "everybody can face it, rather than keep it inside."

Radcliff teacher Pat McKinney said she would tell her students to abandon their assigned desks and sit where they liked, to fill the empty places in their classroom.

Having lost 16 of their classmates, many children in the school of 700 were crying in classes, students said.

Ten of the dead were in the eighth-grade band, classmate Christie Hill said. "We lost our first chair trumpet, first chair saxophone, first chair clarinet and some of our french horns," the seventh grader said.

She said the rehearsal room seemed empty yesterday and the band director spent the class period sharing his memories of each of the dead students.

Anita Ardisson talked about her friend and eighth-grade classmate, Amy Wheelock, who was one of those believed to have been killed.

"Today we were going to come to school

STAFF PHOTOS BY MICHAEL HAYMAN

in the same outfit, we weren't going to curl our hair, things like that," she said.

Amy, who was a cheerleader, had finally learned the round-off back-tuck, a tumbling maneuver, Anita said.

"I never got to see it. She was always afraid to do it — afraid she'd hurt herself."

Food service director Corine Boyd said she had avoided talking about the accident and the young faces she would no longer see in the Radcliff cafeteria line.

"If I talk about it, I'm afraid I'll lose it, and I don't want to, because of the children," she said. "You try so hard to be brave, then, if you don't watch it ..." She didn't finish the sentence.

Boyd said news of the crash brought back memories of a storm that killed several of her classmates when she was a girl in Leitchfield, Ky., during the 1940s.

"It's strange how your mind can go back and pick up things you think you've forgotten," she said. "There was one little boy that I had forgotten. He was killed. And I can remember the teacher — just standing there crying. He was always so emotional."

North Hardin Principal Ray Story said he was proud of the way his students handled their feelings.

"The first couple of class periods it was very quiet. Maybe we were all in shock," he said. "But as we got further into the school day it appeared we were getting back to normal."

The school system sent counselors and additional staff to both schools. Ten came to Radcliff. Throughout the morning, they walked the halls with children who left their classrooms in tears. Sometimes they strolled outside in the sun.

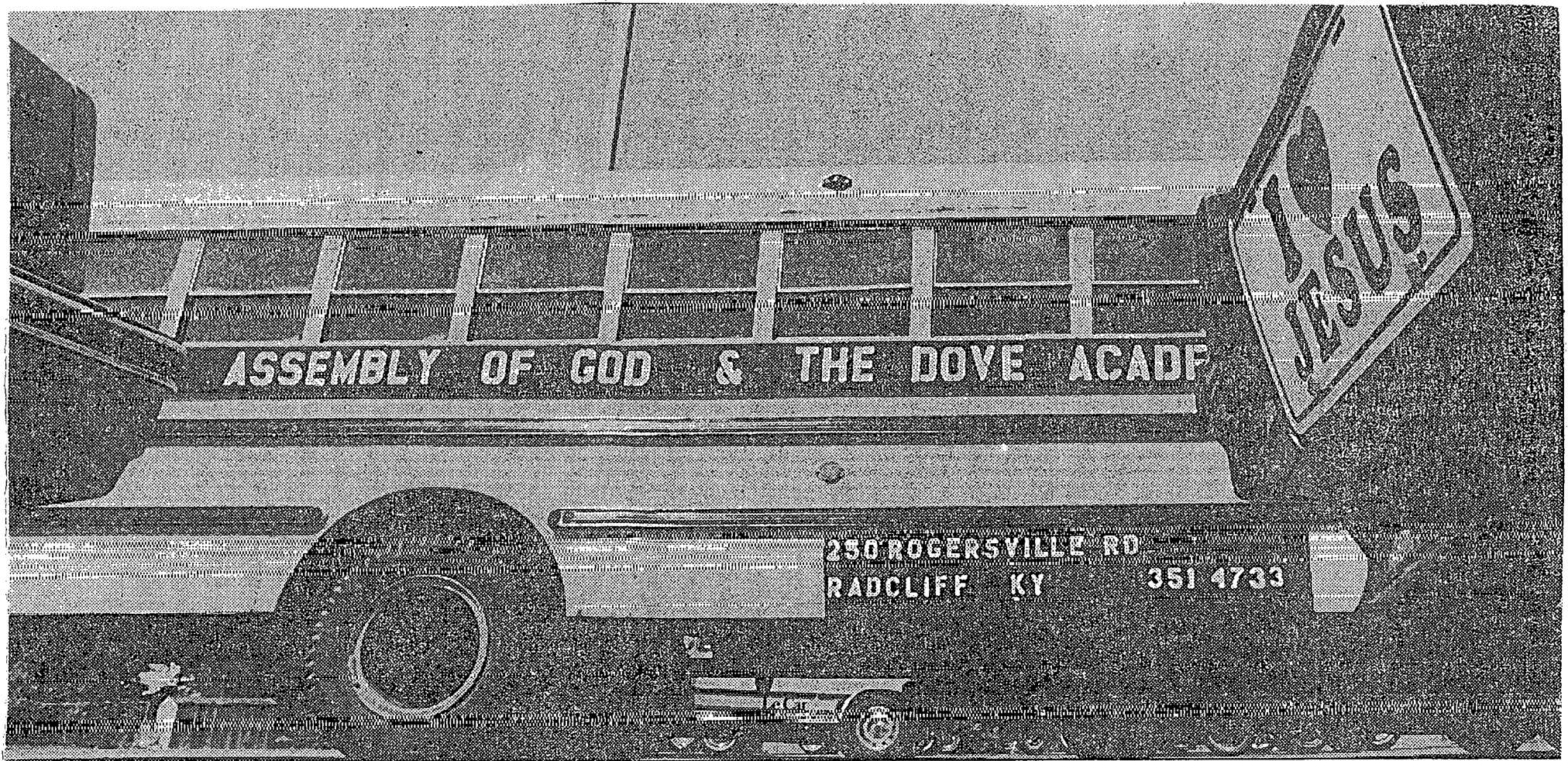
"There were so many of my friends," said Nate Reese, an eighth-grader. "We left school Friday and they were all here. Now it's mostly depend on your friends, cry and get it all out."

counselor Marilyn Ardisson, left, helped Pat McKinney, a teacher of several of the dead students, talk through the tragedy.





May 17, 1988  
CS



STAFF PHOTO BY BILL LUSTER

One of the Assembly of God's buses sat in the parking lot at the Radcliff church yesterday, a stark reminder of Saturday's tragedy.

# Fort Knox, fellow minister help church officials handle flood of news-media requests

By DAVID CAZARES  
Staff Writer

May 17, 1982

RADCLIFF, Ky. — As they tried to counsel and comfort the families who lost loved ones in Saturday night's bus accident, members of the Radcliff First Assembly of God church faced another problem Sunday and yesterday.

More than a dozen reporters from Kentucky and around the country descended on Radcliff, deluging church officials with requests for information on victims and survivors of the crash.

Among the media visitors were television crews from ABC, NBC and Cable News Network and reporters from out-of-state newspapers such as The Wall Street Journal, The Washington Post, the Miami Herald and the Los Angeles Times.

After church officials said they were swamped by news-media requests, they got some help from nearby Fort Knox, which set up a press center at the church.

Maj. John Eagles, a spokesman for the post, said Army officials were "trying to

help out any way we can. It's one less thing for the church to worry about."

Eagles said Fort Knox officials have been in touch with church leaders since the accident and are helping because the post is part of the community. "It's not us and them," he said. "It's just us."

The Rev. Kenneth Damstrom, pastor of the Calvary Assembly of God church in Elizabethtown, also was at the church to talk to reporters. Damstrom said he wanted to help handle the media attention so that ministers of the Radcliff church could counsel their members.

"Those affected haven't spent a whole lot of time thinking about it," he said. "They just want to be alone."

Kay Sharon, director of community relations for the Hardin County school system, said she had expected the television crews but was surprised at the number of newspapers that sent reporters.

Though she said the reporters had been cooperative and had caused no problems for the school system, she added, "It's been quite a day."

## THE VICTIMS

# Soldier was trained to die, not to have his family die

5/17/88  
CJ

By HUNT HELM, LARRY BLEIBERG  
and DEBORAH YETTER  
Staff Writers

RADCLIFF, Ky. — Sgt. Lee Williams, known to his friends as a soldier and a Sunday school teacher, but most of all as a family man, lost everything that was dear to him in Saturday night's bus crash at Carrollton.

He lost his wife, Joy, 34, the childhood sweetheart he married almost two decades ago when they were still high schoolers in Poplar Bluff, Mo.

He lost his daughter Kristen, 14, the sensitive girl who switched last week from clarinet to bass clarinet in the Radcliff Middle School Band.

He lost his daughter Robin, 10, the sports-minded one who played in her first-ever softball game last week.

In the church bus that crashed and burned on Interstate 71, Sgt. Lee Williams

lost his entire family.

"He has no one else," Jean Grimes, his sister-in-law and Joy's identical twin, said yesterday. "Joy and the kids were all he had."

Williams' indescribable loss is one among many. The 27 people who died on the bus were mostly between the ages of 10 and 17; three were adults. Thirteen were members of the First Assembly of God church in Radcliff, 14 were invited friends, mostly from Army families. Sixteen were students at Radcliff Middle.

Williams, a 38-year-old veteran of Vietnam, had learned to live with the possibility that death — his own, in Southeast Asia — might separate him from his family. But he had long since outlived those fears when his wife and children went to Kings Island amusement park on the church outing last weekend.

"As a professional soldier, he was trained to die," Chaplain Michael Tilus said yesterday. "But not to have his family die. He's in the initial stages of shock. He's walking around for 20 minutes looking for his glasses when they are on his face. He's pacing his house at two in the morning."

As Williams grieved for his family yes-

See SOLDIER

PAGE 10, col. 3, this section



# Soldier was trained to die, not to have his entire family die

Continued from Page One

terday, fellow soldiers, students in his Sunday school class, and people who worshiped with him at the church all grieved for Williams.

Sgt. 1st Class Fergus Surgenor, who visited with Williams for five hours on Sunday, said it was "some talking, some listening, mostly listening. Sometimes just being there is important."

"As far as fellow NCOs and friends, we're talking about one of the most highly respected soldiers in our company, loved by all of us," he said. "You get soldiers that run around and party, but when he gets home his family was his life."

Spec. Thaddeus Fura said, "In the barracks, everyone's in shock. He is always fair and looking out for us. He initiated a renovation in our day room, and he didn't have to do that."

"A lot of the guys know he is a true Christian, but now everyone does because he left a phone message with our Charge of Quarters asking people who felt like it to pray for the other survivors."

"And, mister, people did."

Tilus said Williams was planning to retire in six months to spend more time with his family and in the church. He is a first sergeant in the Medical Company at Fort Knox, responsible for the daily operations, duty rosters and discipline at the Ireland Army Hospital, Surgenor said.

Yesterday Williams tried to rest in his little brown brick home on Deering Lane in Radcliff. Seven vehicles were parked in the gravel driveway, friends and family just being there. A delivery man brought two flower arrangements, but nothing to rival the red impatiens his wife potted last week on the carpeted front steps to their home.

Sitting on those steps yesterday after-

noon, his in-laws, Dale and Jean Grimes of Illinois, turned away a steady stream of visitors with thanks, saying Williams was resting.

"Joy was the kind of person you could always go to with anything," Jean Grimes said. "She would always hold you up. She was the solid one in our family, and a strong, Christian woman."

"Jack — his name is Lee, but we call him Jack — can make you feel good. When you're down and out, he'd have a joke for you."

"I just hope people don't forget him. But they won't."

Another family devastated by the accident was the Conyers family of Vine Grove. Joshua, a freshman at North Hardin High School, was killed, and his younger brother Aaron, a seventh-grader at James T. Alton Middle School, was critically injured.

"Aaron's going to be hurt when he hears about Josh. He really relied on his brother a lot," said Chris Windle, a playmate and next-door neighbor.

He said the two brothers played on the same baseball team, took karate classes together, often went fishing and challenged each other in basketball in their backyard.

Amy Wheelock — who played trumpet in the Radcliff Middle School's eighth-grade band, was a cheerleader and competed on the gymnastics and softball teams — also was believed to have died in the crash.

"She was one of those people who had everything going for her," said Michelle Marlow, a seventh-grader.

Michelle said the school bus ride was different yesterday because the driver didn't stop to pick up eighth-grader Shannon Fair, another accident victim. "It was so hard to drive by her house and not stop," she said.

Shannon, who was 14, was a member of Stithon Baptist Church, but had several friends who attended the First Assembly of God, according to Greg Qualls, youth minister at the Baptist church.

He said Shannon had joined the church only recently and was baptized on Easter Sunday. "She was beautiful and very intelligent," Qualls said.

Cynthia Atherton, 13, was also a member of the Baptist church, Qualls said. She was an energetic girl who just recently had her braces removed.

Several of the dead girls had been volunteers at the nursery at the First Assembly of God, said Fort Knox's Tilus.

Tilus said one of the girls, Jennifer Arnett, was his family baby sitter. He said his 6-year-old son had trouble sleeping Sunday

night, because he was afraid he might wake up and find his own family had died too.

The driver of the bus, John Pearman, was ordained an Assemblies of God minister at the Evangel Christian Life Center in Jefferson County just about a month ago, his uncle, Ed Farmer said yesterday.

It was a proud moment for Pearman, 37, his wife, Dot, and their three children, all faithful members of the Pentecostal church in Radcliff, Farmer said.

Now, he said, the family's faith is helping them to cope with grief over Pearman's death and the injuries of his 14-year-old daughter, Christy, who suffered cuts and third-degree burns.

"They're holding up great," said Farmer, also a church member. "But I'd say it's due to their Christian strength."

Pearman was an associate pastor at the church and Hardin Circuit Court clerk. Farmer said the family has heard that Pearman grabbed a fire extinguisher and attempted to fight the blaze while shouting at the youths to get off the bus. "In my opinion, he just gave up his life," he said.

Farmer said Pearman's entire family usually goes on the annual Kings Island trip, but this year, Pearman's son, Robbie, had something else planned, so Dot Pearman stayed home with the two younger children.

Christy was listed in critical condition in the burn unit at Humana Hospital-University of Louisville. Farmer said she is conscious and has been able to communicate with her mother, but may not yet realize her father and many friends are dead.

Farmer's daughter, Kim, 16, also is hospitalized at University in serious condition with first- and second-degree burns on her face and arms. She is conscious, but on a respirator because of lung damage and hasn't been able to talk to her family.

Another relative, Cheryl Pearman, 14, also was injured and is in fair condition at Kosair Children's Hospital. She is the daughter of Jacob Pearman, John Pearman's brother, Farmer said.

Pearman had served on the Radcliff city council and Hardin Fiscal Court before he was elected circuit court clerk last November.

Fiscal Court Magistrate Bill Faulkner said Pearman's death is a major blow. The two families were close and Faulkner said his daughter, Belinda, 15 and Cheryl Pearman played softball together.

"I spent the better part of yesterday crying and watching my wife and daughter cry," he said.

# Mahoney medical records sought

By Jeanne Houck  
Kentucky Post staff reporter

KPN/5/88

Attorneys in the Larry Mahoney murder case are fighting over whether a hospital should be ordered to release records concerning the level of alcohol in his blood after his pickup collided with a church bus near Carrollton.

A hearing is scheduled for Monday before Carroll County Circuit Court Judge Charles Satterwhite.

Police say Mahoney was driving the wrong way on Interstate 71 on May 14 when his pickup truck smashed into a bus from the First Assembly of God church in Radcliff.

The bus, which was being driven back to Radcliff after church members had spent the day at Kings Island amusement

park north of Cincinnati, burst into flames. Three adults and 24 children died.

Mahoney, 35, of Owen County, is scheduled to stand trial Jan. 9 on charges of murder, assault, wanton endangerment and drunken driving. He is free on bond.

Special prosecutor Paul Richwalsky Jr., an assistant state attorney general, has filed a motion asking that Humana Hospital-University in Louisville be ordered to turn over medical records concerning blood work performed on Mahoney after the crash. Mahoney was hospitalized with injuries.

Richwalsky said police got results from the hospital that indicated Mahoney had a blood-alcohol level of 0.24 percent. In Kentucky, a motorist is presumed drunk at 0.10 percent.

But Richwalsky said he wants the complete records concerning the blood work for the prosecution and also to enable him to respond to a motion Mahoney's attorneys filed to gather evidence in the case.

"We've got the basic information but we're moving into the next stage and we want to dot every 'i' and cross every 't,'" Richwalsky said. "We're just trying to pin everything down."

Richwalsky said he considers his motion a perfunctory request and is surprised that defense attorneys William Summers and Russ Baldani oppose it.

But Baldani said, "It's our client's private medical record and we don't feel like he's entitled to it."

# Final word renews sorrow of families

By Debra Ann Vance  
Kentucky Post staff reporter

CARROLLTON — A pair of tennis shoes, a class ring with a name engraved inside and a scar from an operation were instrumental in identifying the 27 people killed in a fiery accident near Carrollton.

Medical examiners officially confirmed Tuesday the names of the 27 people, mostly teen-agers, who died late Saturday when a pickup truck plowed into a church bus on southbound Interstate 71.

The official confirmation "was a little bit more of a shock" to families who gathered at the First Assembly of God church in Radcliff to hear the news, said Rev. Dan Mattingly, minister of Christian education.

"Some began to break out in tears and grief," Mattingly said. "They pretty well knew it, but to actually hear it once and for all — one time, 100 percent sure on the confirmations — it just hit again. It just brought it fresh again in their hearts."

Either a chaplain or minister met with each family group to give them the official notification.

"There was a lot of grief. A lot of sorrow. A lot of comforting. But, too, there was a lot of visible strength," Rev. Mattingly said.

Hearses began removing the bodies about 2:30 p.m. Tuesday from a makeshift morgue at the Kentucky National Guard Armory in Carrollton. The last came before 6 p.m.

The first hearse took April Mills, 14, daughter of an Army sergeant, who will be buried in Fernandina Beach, Fla. Another victim will be buried in Tyler, Texas.

At least eight will be buried in Radcliff. Tiny yellow flags mark their plots in North Hardin Memorial Gardens cemetery near the church.

The cemetery adjoins



The Associated Press

Federal investigators are studying the burned-out hulk of the church bus to determine why it burned.

## List of bus crash victims

These are the 27 people who were killed in the accident near Carrollton Saturday night:

■ Jennifer Arnett, 13, Radcliff.

■ Cynthia Anne Ather-ton, 13, Radcliff.

■ Sandra Brewer, 12, Radcliff.

■ Joshua Conyers, 14, Vine Grove.

■ Mary Catheryn Daniels, 14, Radcliff.

■ Julie A. Earnest, 12, Radcliff.

■ Kashawn Etheredge, 14, Radcliff.

■ Shannon Rae Fair, 14, Radcliff.

■ Dwailea Dawn Fischel, 12, Radcliff.

■ Richard Keith Gohn, 19, Vine Grove.

■ Lori Kathleen Holzer, 11, Radcliff.

■ Charles John Kytta, 34, Elizabethtown.

■ Anthony Marks, 15,

Radcliff.

■ April Mills, 14, Radcliff.

■ Phillip Morgan, 13, Radcliff.

■ Tina M. Mustain, 14, Radcliff.

■ William Joseph Nichols Jr., 17, Ft. Knox.

■ Patricia Susan Nunnalle, 10, Radcliff.

■ John Pearman, 36, Radcliff.

■ Emily Thompson, 13, Vine Grove.

■ Crystal Uhey, 11, Radcliff.

■ Denise E. Voglund, 13, Radcliff.

■ Amy Christine Wheelock, 14, Radcliff.

■ Kristen J. Williams, 14, Radcliff.

■ Robin J. Williams, 10, Radcliff.

■ Marilyn Joy Williams, 35, Radcliff.

■ Chad Witt, 14, Radcliff.

North Hardin High School, where three of the victims were students. It is less than two miles from Radcliff Middle School, which lost 16 pupils in the crash.

The city of Radcliff will conduct a public memorial

service at 7 p.m. Thursday at North Hardin High School stadium. The memorial service is intended "to relieve some of the tension and pain that is in the whole community, especially the families,"

Please see BUS, 2K

# Bus

From Page 1K

said Radcliff Mayor Joseph Hutcherson.

Jim Dunn, Carroll County coroner, released the names of the victims shortly before noon Tuesday. Most were teen-agers from the Hardin County communities of Ft. Knox, Radcliff, Elizabethtown and Vine Grove.

Although the names of the victims were known less than a day after the accident, identification was difficult, said David Jones, administrator of the state medical examiner's office.

The families filled out questionnaires on their children and provided dental and medical records. But "young children don't have as many dental problems as adults," Jones said.

When medical and dental records did not help, medical examiner's turned to personal effects, such as clothing and jewelry. Tennis shoes were instrumental in two of the cases, though examiners relied on more than one factor before identifying a body, Jones said.

The 24 youths ranged from 10 to 19 years old. Dunn, who signed the death certificates, listed the cause as smoke inhalation.

"This is the worst case I've ever been involved in," said Dunn, a coroner for nine years.

Fourteen of the bus riders remained hospitalized with burns today, including eight in critical condition.

"Those youngsters are badly burned," said Rev. Gene Waggoner of Stithton Baptist Church in Radcliff, who visited some of them Monday. "We've got a disaster there, too."

"We must not forget them. We watched them in pain, (some) burned from their shoulders up. There's a lot of grief there, too."

The driver of the pickup truck, Larry W. Mahoney, was in fair condition this morning at Humana Hospital in Louisville.

He was transferred to the prison unit of the hospital Tuesday.

Police say the accident occurred when Mahoney, who was driving the wrong way on Interstate 71 about six miles south of Carrollton, plowed into the right side of the bus. Aboard were 67 people returning from a church-sponsored outing to Kings Island amusement park north of Cincinnati.

State police charged Mahoney, 34, of Worthville in Carroll County, with 27 counts of murder in the accident, one of the deadliest bus crashes in the nation's history. Carroll County Commonwealth Attorney John Ackman said he will seek the death penalty.

Tests showed Mahoney's blood-alcohol level was 0.24 percent, according to police. Under Kentucky law, a person is presumed intoxicated with a blood-alcohol level of 0.10.

State Police Capt. Neal Brittain said investigators believe they know how Mahoney came to be driving on the wrong side of I-71, but would not elaborate. He said all of the survivors of

the crash and at least 15 other witnesses had been interviewed.

"This is a criminal investigation, so we are being conservative in what we release," Brittain said.

Brittain said the Ford Motor Co., local service technicians and national investigators continued their examination of the bus Tuesday. The group looked at the vehicle's brake system, drive shaft and transmission, Brittain said.

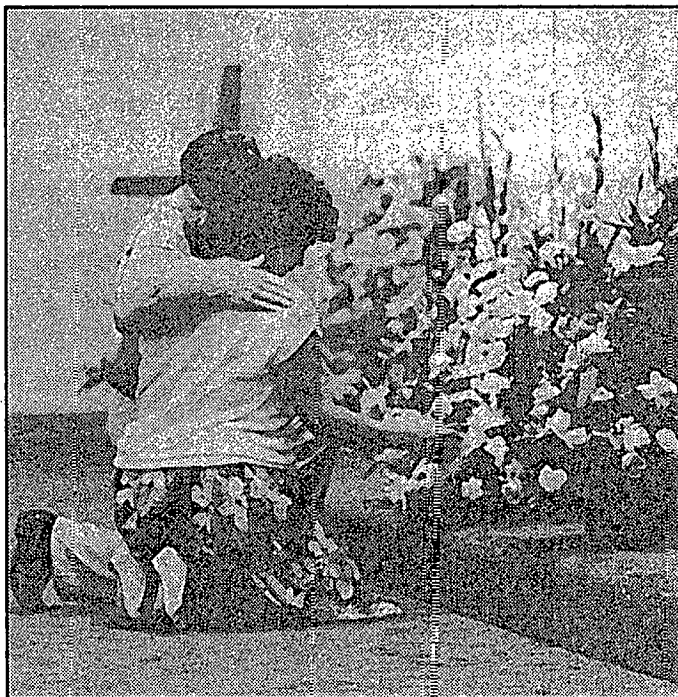
Authorities believe the bus caught fire when its gasoline

tank ruptured and sparks ignited the fuel. The tank was not protected by a metal cage, a requirement on newer models.

Authorities are trying to determine whether a protective cage could have prevented the fire.

Dr. George Nichols, Kentucky medical examiner, has said that the victims probably would have survived if the bus had not burst into flames.

The Associated Press also provided information for this story.



The Associated Press

The mother of one of the victims of the church bus accident wept as she read a card on flowers at the altar of the First Assembly of God Church in Radcliff.

## Church's prayers include Mahoney

Associated Press

RADCLIFF — Many of the grief-stricken members of The First Assembly of God Church are praying for the conversion and recovery of Larry Mahoney, the man accused of killing 27 members of a church group.

"We know that God loves this man and as Christians, as God's people, we have a love for him," said the Rev. Dan Mattingly, minister of Christian education at the church.

"We would like to see him recover from his injuries. We would like to see him come to the Lord. We would like to see his soul changed and (see him) enter into the kingdom of God. We'd like to see him become a Christian," Rev. Mattingly said.

'We would like to see him recover from his injuries. We would like to see him come to the Lord.'

Police say Larry W. Mahoney, 34, was drunk Saturday night when he drove his pickup truck into the church's

Please see PRAYERS, 2K

# Prayers

From Page 1K

bus on Interstate 71 near Carrollton. Mahoney, who was driving in the wrong direction, was charged with 27 counts of murder Monday. The prosecutor said he would seek the death penalty.

The bus was carrying 67 people — members or guests of the Radcliff church — home from a day at the Kings Island amusement park north of Cincinnati.

Despite their prayers, some members of the congregation

feel the death penalty charge is justified.

"I was glad," said Jamie Hardesty, 16, a 10th-grader credited with pulling several of his friends from the burning bus.

"If it (the charge) had been manslaughter, he probably would have been out in a few years."

Rev. Mattingly said he supports the death penalty for crimes that fit it and would not oppose the death sentence if Mahoney is convicted, despite his concern for Mahoney's soul.

"We believe that the law should be enforced," the minister said.

Mahoney's fate is "in the court's hands and, as far as the penalty, whatever they decide, we're just going to go with that," Rev. Mattingly said.

"It's not in our hands as far as what's going to happen to this young man and the penalty he will receive."

The church's pastor, the Rev. W. Don Tennison, agreed:

"I am one who forgives but at the same time, I'm one who believes that the wages of sin have a price. . . . We can find forgiveness from God and thank God for that forgiveness, but that doesn't mean he's going to rip up the roots of sin and (keep) us

from having to pay a price for the sin."

But another of the crash's teen-age survivors said he had "no hard feelings against him (Mahoney)" and did not think Mahoney should be executed.

"He shouldn't get the (electric) chair. I say forgive and forget," said Juan Holt, a sophomore at North Hardin High School in Radcliff.

Juan suggested that Mahoney perhaps should be made to watch videotapes taken at the accident scene "over and over to show him what he did."

"But it's not Christian to make him suffer like that" in the electric chair, Juan said.

# Driver 'playing games'

## U-turns reported before bus crash

By Connie Remlinger  
Kentucky Post staff reporter

Clint Bradley of Southgate first thought the dark-colored pickup that roared out of the grassy median in front of him on Interstate 71 was a police vehicle.

When the vehicle whipped into traffic behind a tractor-trailer, he realized it was a Toyota pickup truck.

Bradley saw the truck do U-turns two other times on the interstate near Carrollton before the truck passed him going the wrong way in the southbound lane. He now believes the pickup may have been the truck that plowed into a church bus about 11 p.m. Saturday, killing 27 people.

Bradley, a Newport real estate agent, was headed for Louisville on a business trip. He believes he first saw the pickup around the 49-mile marker, about 9 miles north of the accident.

"He (pickup truck) was headed north," Bradley said. "He did a U-turn in the median, came around and headed southbound."

The pickup passed Bradley. Bradley stayed behind him.

"He then came up on this tractor-trailer. The tractor-trailer was hitting his brakes. It was sorta like they were playing games — speeding up, slowing down," Bradley said.

Bradley passed the pickup truck and tractor-trailer and got off the interstate at the Carrollton exit.

"I was off just long enough to get some cigarettes and then I got right back on," Bradley said.

He saw the pickup truck again at the 39-mile marker.

"He came out of the grass.

Please see CRASH, 2K

## Crash prompts congressional call for action against drunken driving

Associated Press

WASHINGTON — Kentucky's congressional delegation Tuesday asked President Reagan to step up a drive against drunken driving in the wake of Saturday's fiery bus accident near Carrollton.

The driver of the pickup truck that struck the converted school bus head-on had a blood alcohol level almost 2½ times the legal limit at the time of the accident, police said. Twenty-seven people were killed.

"On May 9, 1988, 99 members of the Senate wrote the surgeon general requesting that drunk driving be declared a 'National Crisis.' The events in Kentucky on Saturday evening dramatically demonstrate the need for your personal intervention and an assist in resolving the national epidemic of drunk driving," said the letter originated by U.S. Sen. Wendell

Ford and signed by the rest of Kentucky's congressmen.

"Twenty-seven innocent victims lost their lives in Carrollton, Ky., as a result of drunken driving.... While the nation's attention is focused on this tragedy, we must seize the opportunity to bring national attention to the causes, and, hopefully, solutions to drunken driving," the letter said.

"Our hearts go out to the families of the victims and the many other families who have lost loved ones to drunk drivers. Now is the time to act and the collective resources of the Executive Branch, state and local governments and the Congress are necessary. Therefore, your immediate action is so important to bring all the groups together to solve the problems of alcohol abuse and drunk driving."

## Crash

From Page 1K

He was in the process of doing a U-turn. He came out at me. He was headed northbound on the southbound lane."

Bradley said the driver of the pickup truck was weaving a little bit, but he wasn't speeding.

He saw the pickup truck do U-turns in the grass median twice.

"The second time he ended up going the wrong direction in the southbound lane. I was the first car he passed head-on."

Bradley said he stopped at the next weight station. No one was there. He couldn't find a telephone.

Bradley got back on the interstate and continued on his way to Louisville. He didn't hear about the accident until the next day.

"I wish I could have done something," he said.

# Carroll Countians raising money to help crash victims, families

By AL CROSS  
Staff Writer

CARROLLTON, Ky. — The people of Carroll County, where 27 people died in Saturday's bus crash, are reaching out to help the victims' families.

In the past two days, individuals, businesses and groups in the county have begun raising money to help pay funeral and medical expenses. Many in the bus suffered severe burns.

"Some families are going to have unbelievable medical expenses and maybe they don't all have sufficient insurance," said Doug Curry, president of the Carroll County Chamber of Commerce, which has started a relief fund.

This weekend, county residents will wash cars, pass church collection plates and put money in jars on store counters.

They say such charity is nothing unusual in this small county of fewer than 10,000 people on the Ohio River halfway between

Cincinnati and Louisville.

But there is added concern this time that the accident and resulting national news coverage may have reflected on the county.

The bus collided with a pickup truck driven by Larry Mahoney, an employee of a Carrollton chemical plant who lives nearby in Owen County. Mahoney was driving north in the southbound lanes of the interstate when he crashed into the bus. A blood test after the crash indicated he was drunk, officials have said, and he has been charged with 27 counts of capital murder.

Although Mahoney apparently was not well-known in Carrollton, the accident may reflect on his neighbors, said M. J. Jackson, leader of one fund-raising effort.

"I want people in Radcliff to know we are decent people and we care," said Jackson, manager of Keystop Food Mart, which is co-sponsoring a car wash Saturday and Sunday.

"It hurts us just like it does them," said Kim Humble, an employee of the store who helped Jackson come up with the idea for

the car wash, which is co-sponsored by the Druther's restaurant next door.

The businesses are directly across KY 227 from the National Guard Amory, which was used as a temporary morgue and has been headquarters for officials investigating the tragedy.

Jackson said a car wash is appropriate because that was one of the ways that children of the First Assembly of God in Radcliff raised money for their bus trip to Kings Island amusement park near Cincinnati.

Jackson and Humble said their church, the Family Worship Center, will take up a special collection Sunday and have a bake sale.

While the car wash is going on, Jackson and others plan to solicit donations from local businesses.

The board of the local American Legion post tentatively plans to donate \$1,000, said John T. Ray, the post commander.

"There's no way you can compensate the families, but we thought it would make it a

little easier on them," he said.

Jackson and John Way, personnel manager at M & T Chemicals, where Mahoney worked, said they had heard that some employees of the plant were collecting donations.

An M & T employee, Wayne Yearly, was a volunteer doorman Sunday at the local Holiday Inn, where the Red Cross had a relief center for the families. He said the chemical company sent people to the accident scene Saturday night without knowing about Mahoney's involvement.

Charles Webster, a Carrollton druggist and former mayor, said the community is taking pride in the way its rescue, hospital and other workers responded to the accident.

Five years ago, they responded to another church-bus accident on I-71, which killed two people and injured 24.

"You do hear some people say, 'Well, here we are on the national news with another disaster,'" Webster said. "I don't be-

lieve the people of Radcliff really feel that way. I don't think we have anything to be ashamed of."

The chamber of commerce, which started its fund with a \$100 contribution, is an image-conscious group, but its directors were not motivated by public relations, said Curry, the president.

"Sure, it could be a negative reflection on the community, but I hope everyone's bigger than that," he said.

"Most of the people I've talked to have been concerned about the horror and tragedy of the whole thing," he said. "Even though we as a community were not responsible, we had an obligation to reach out to the people who were hurt by all this."

Carrollton hurts too, Humble said.

"People are so devastated over this," she said. "My husband is mister macho, but he and I cried all night long for those little kids."

May 19  
1988



25 May 1988

# Official day of mourning set

Associated Press

RADCLIFF, Ky. — Gov. Wallace Wilkinson, saying he wishes "it were possible to turn back the clock," has declared today an official day of mourning, coinciding with the first seven funerals for victims of Saturday's bus crash.

Wilkinson ordered flags flown at half-staff across the state in memory of the 27 people who died in the crash.

"Whatever consolation we can give will never make up for the loss of friends and loved ones," Wilkinson said in a statement released by his office.

A memorial service is planned for 7 tonight in the football stadium at North Hardin High School in Radcliff. The service is sponsored by the North Hardin Ministerial Association, which also set up a central fund to help pay for medical care and funerals.

Five of the victims — Joshua Conyers, 14; Mary Catheryn Daniels, 14; Julie Ann Earnest, 12; Denise Ellen Voglund, 13; and Amy Wheelock, 14, are to be buried in North Hardin Memorial Gardens cemetery at Radcliff today. Another, Chad Anthony Witt, 14, will be buried in Glenwood Cemetery in Liberty, Ky., and a seventh, 14-year-old Tina Michelle Mustain, is to be buried in Tyler, Texas. All attended the middle school.

Eight schools in northern Hardin County will be closed today and tomorrow so teachers and students can attend the funerals: North Hardin High School, James P. Alton Middle School, Radcliff Middle School, and Rineyville, New Highland, Meadowview, Parkway, and Vine Grove elementary schools.

25 May 1988

## Conditions updated on those still hospitalized after crash

Here are the conditions reported yesterday for those hospitalized with injuries from Saturday's bus crash near Carrollton.

Kimberly Farmer and Joseph Pearcefel's conditions improved from serious to fair at Humana Hospital-University of Louisville. Also at University, Darrin Jaques remained in serious condition, and these patients remained in critical condition: Claran Foren, Kristie Pearman and Carey Anrentz.

Jennifer Scoville remained in serious condition at SS. Mary & Elizabeth Hospital in Louisville.

At Kosair Children's Hospital, Aaron Conyers, Harold Dennis and Quentin Higgins remained in critical condition; Kim Dennis and Katrina Mueller were in serious condition; and David Walliser was in fair condition. Mike Jefferson was released.

# Kentucky Academy of Trial Attorneys offering free aid to survivors, estates

By HUNT HELM  
Staff Writer

The Kentucky Academy of Trial Attorneys has offered free legal representation to survivors of the Carroll County bus crash and families of the dead who decide to file lawsuits in the accident.

The statewide lawyers' group — with 1,300 members who practice tort law, including personal-injury, wrongful-death and product-liability cases — "is willing to work for these people for free, however long it takes," executive director Sharon Helton said yesterday.

The accident Saturday on Interstate 71 killed 27 people and injured more than 40.

"Our members realize that any litigation

could be long and protracted," Helton said. "We're not big enough to underwrite costs such as bringing in legal experts, or the huge volume of printing that would be required. But we have enough members who are willing to help these people without charging any legal fees."

Lawyers often take personal-injury cases on a contingency basis, and collect as their fee about one-third of the amount awarded to their clients. Helton said attorneys in the group will not do that.

"And we think we have enough members to represent them individually, and to watch out for their personal interests," she said.

Many of those on the bus were from Army families stationed at Fort Knox, and the Army legal-assistance office there also is eager to advise families.

Maj. John Eagles, a public-relations officer, said the Army knows that outside attorneys might get in touch with the families to try to line them up as clients.

"That has been considered, and the Army is prepared to deal with it," Eagles said.

Capt. Tim Feeley, of the legal-assistance office, said the Army has asked military families "to check with us before signing any retainers or anything."

"There is a good chance litigation will be involved, but there is no hurry, and no reason for these families to rush into anything," Feeley said. "This is not a race to the courthouse, and it would probably be a class-action suit."

Feeley said he hopes "military families will come through our office" before taking legal action.

## National disaster team aids Radcliff

By DAVID CAZARES  
Staff Writer

RADCLIFF, Ky. — Hardin County service agencies trying to aid families affected by Saturday's bus crash got help yesterday from a national disaster-response team.

Representatives of the National Organization for Victim Assistance, of Washington, D.C., are in Radcliff to help officials respond to the mental-health needs of survivors, their families and the community.

Marlene Young, the group's executive director, said its goal is to help the community handle the long-term effects of the crash. "It's clear that these tragedies don't end after the first week," she said.

Yesterday, the team held a training session for about 75 people, including health-

care workers, counselors and teachers.

A public forum on how to deal with the tragedy was held last night at Radcliff Middle School. Another public meeting will be held from 9 to 11 a.m. today at the Colvin Community Center in Radcliff.

Young said Saturday's tragedy is unusual because most of the victims were school-children, murder charges have been filed against the driver of the truck that hit the bus, and the families face long involvement in the criminal-justice system.

Bob Denton, a member of the team, said others in the community also are suffering, even those trying to comfort the survivors and the victims' families.

"We tend to think of professionals as machines: That's their job; they're trained," he said. "But the other half of it is that they're

people."

Janice Lord, another member of the team, said she was impressed by how well the community has handled the accident, but said it is important for area residents — especially children — to express their feelings. "These kids need a place where they can cry," she said.

Meanwhile, the Red Cross has set up an office in the basement of city hall in Radcliff to assess the needs of the families affected by the crash, said Mark Vogedes, area manager for the Red Cross. The center's phone number is 351-8932.

Also, Kosair Shrine Temple has offered free medical treatment for burn victims at its treatment center in Cincinnati. Harlie Sadler, a member of the Louisville chapter, said the group will provide long-term treatment for burn victims 18 or younger.

CJ 19  
may  
1988

## Arrangements are announced for remaining crash victims

Funeral arrangements and obituaries were released, clarified or confirmed yesterday for the remaining victims of Saturday's bus crash near Carrollton.

Sandra Jean Brewer, 12, was born in Stuttgart, West Germany. She was a seventh-grader at Radcliff Middle School.

Survivors include her parents, Stephen and Hella Brewer of Radcliff; a brother, Jerry Miller of Radcliff; and grandparents, Bill and Minnie Brewer of Bardstown and Elli Kowski of Eislingen, West Germany.

Sandra's funeral will be at 11 a.m. tomorrow at St. Monica Catholic Church in Bardstown, with burial later in Stuttgart.

Visitation will be at Northside-Proffitt Funeral Home in Bardstown after 8:30 a.m. tomorrow.

Joshua Michael Conyers, 14, of Vine Grove, was a ninth-grader at North Hardin High School.

Survivors include his parents, Mr. and Mrs. Larry S. Conyers; a brother, Aaron Chaney Conyers of Vine Grove; and grandparents, Mr. and Mrs. James E. Conyers and Mr. and Mrs. Haulie C. Vibbert, all of Louisville.

Joshua's funeral will be at 2 p.m. today at Nelson-Edelen-Bennett Funeral Home in Vine Grove, with burial in North Hardin Memorial Gardens in Radcliff.

Charles "Chuck" Kytta, 36, who organized the bus trip to Kings Island, will be among the nine victims of the bus crash whose funeral will be at 7 p.m. tomorrow at Radcliff First Assembly of God. Visitation will be at the church from 1 to 7 p.m. tomorrow. Kytta will be buried in Hardin Memorial Park in Elizabethtown.

A graveside service for Patricia Susan Nunnallee, 10, a fourth-grader at Meadow View Elementary School in Radcliff, will be at 11 a.m. Monday in Bougainvillea Cemetery in Avon Park, Fla.

The family requests that expressions of sympathy go to the Radcliff Assembly of God Family Fund.

Stephenson-Nelson-Smith Funeral Home in Avon Park is in charge of arrangements.

Marilyn Joy Williams, 34, of Radcliff, a chaperone on the outing to Kings Island, was the former Marilyn Joy Paskel. She was a native of Poplar Bluff, Mo., and was a licensed real-estate agent. She was a member of First Assembly of God in Radcliff, and was assistant pianist there.

Survivors include her husband, Sgt. Jack Lee Williams; her parents, Mr. and Mrs. Bill Paskel of Poplar Bluff; two sisters, Maria J. Grimes of Norris City, Ill., and Jill D. Chilton of Poplar Bluff; a brother, Sgt. Marty D. Paskel of Scott Air Force Base, Ill.; and her grandparents, Mr. and Mrs. Raymond Jones of Williamsville, Mo.

Marilyn Joy Williams and Sgt. Jack Lee Williams are the parents of two daughters who also were killed in the bus crash.

Kristen Joy Williams, 14, was born at Presidio Air Force Base, Calif. She was an eighth-grader at Radcliff Middle School and a member of First Assembly of God.

Robin Jill Williams, 10, was born at Fort Hood, Texas. She was a fourth-grader at Meadow View Elementary School in Radcliff and a member of First Assembly of God.

Kristen and Robin are survived by their father and grandparents.

The funeral for Marilyn Joy, Kristen Joy and Robin Jill Williams will be at 2 p.m. tomorrow at First Baptist Church in Poplar Bluff, with burial in City Cemetery there.

Visitation will be at Fitch Funeral Home in Poplar Bluff after 6 p.m. today.

The funeral for Chad Anthony Witt, 14, an eighth-grader at Radcliff Middle School, will be at noon today at McKinney-Brown Funeral Home in Liberty, with burial in Glenwood Cemetery there. Visitation at the funeral home will be after 11 a.m. today.

# In bus tragedy, stress punishes rescue workers

## 'John Wayne Syndrome' cited

By Michele Day  
and David Mendell  
Kentucky Post staff reporters

"The forgotten victims."

That's how Gary Miller of the Greater Cincinnati Red Cross describes the more than 100 police officers, firefighters and medical personnel at the scene of the fatal bus accident near Carrollton May 14.

They suffer emotional trauma from a catastrophe much the same as the families of victims, he said.

"We all have these feelings," said Miller, the Red Cross' disaster services director. "We're mad. We're angry. We're disappointed. We don't think we've done enough. And we're sure our friend doesn't feel this, too."

For more than a decade, the Greater Cincinnati Red Cross has set up counseling and debriefing sessions for rescue workers involved in major trag-

edies. A session was held last week for rescue workers at the fiery accident on Interstate 71 that claimed the lives of 27 people on the church bus.

Pat Conley, area coordinator for the Bluegrass region for Kentucky Disaster and Emergency Services put the session together. The state agency coordinates activities during disasters.

Termed "Critical Incident Stress Debriefings," the sessions are new to many parts of Kentucky, but are "the standard thing to do in some other areas of the country," Conley said.

Nearly 100 people attended the session in Carrollton. State Trooper Jim Mudd said the debriefing helped him cope with the tragedy.

"The whole thing is beyond words," Mudd said. "It turns your stomach inside out. But

Please see RESCUERS, 2K

was a child," Miller said. "It's never easy for anyone to deal with tragedy on a massive scale. But this was more intense.

"That doesn't stop the professionalism. But later, if the debriefings weren't done, possibly they could have sleep disorders, behavior disorders. Someone who was very cheerful

could become very solemn."

Training takes over at the scene of an accident and "your feelings sort of become numb," said Bettner, the social worker.

"That's a normal reaction. At some point, though, those feel-

ings are going to begin to thaw. If they feel they need to talk, help is available."

A second debriefing session is in the works, said Bill Appleby, Northern Kentucky coordinator for DES. It will be held in the

LaGrange area.

Coordinators hope to draw people who could not attend the first session as well as those who need additional counseling, he said.

## Rescuers

From Page 1K

any time you can get a group of people together to talk, it helps everyone."

Comprehensive Care of Northern Kentucky, an agency that provides mental health, retardation and substance abuse services, is offering free counseling to rescue workers, said Dennis Walsh, manager of adult services.

"Like any other tragic situation, there's a grieving process," said Bill Bettner, a social worker with Comprehensive Care. "If you don't go through the grieving process, it's going to show up. It has an effect on you as a person.

"This was a fairly traumatic and catastrophic situation that's not unlike people being involved in combat.

"Some work through it very

fine by themselves, with the help of a spouse or co-worker. But some need professional help."

Conley said rescue workers sometimes switch to a different line of employment after such a tragedy. Such was the case at the Kansas City Hyatt Regency, where a skywalk collapsed.

"We can't afford to lose these EMTs (emergency medical technicians) and paramedics who have put in so many hours of training," he said.

Conley wants to see debriefings provided as a standard service. He hopes to break the "John Wayne Syndrome" — the tendency to hold in feelings after witnessing an accident.

Red Cross Director Miller said he could feel the tension at the scene in Carrollton as workers tried to save the 67 people on the bus, which was hit head-on by a pickup truck going the wrong way on I-71.

"It was worse in the sense it

## A FIERY TRAGEDY

# Ford Motor to look into Marion County bus fire

## Bus destroyed moments after students got off

By JUDY BRYANT  
Staff Writer

Representatives of the Ford Motor Co. will be in Marion County today or tomorrow to investigate an engine fire that virtually destroyed a school bus Monday, moments after a dozen elementary students got off the stalled vehicle.

No one was injured in the fire, which occurred after the bus had stalled several times and the engine had apparently overheated.

But the blaze — occurring less than two days after 27 people died in a fiery bus collision in Carroll County — is raising concerns in Marion County about 12 other Ford buses the school district purchased in 1980 and 1981.

"We've had problems with ... vapor lock from day one," said Ernest Taylor, the district's transportation supervisor. "I've been concerned ever since we got them. To say I'm concerned is an understatement."

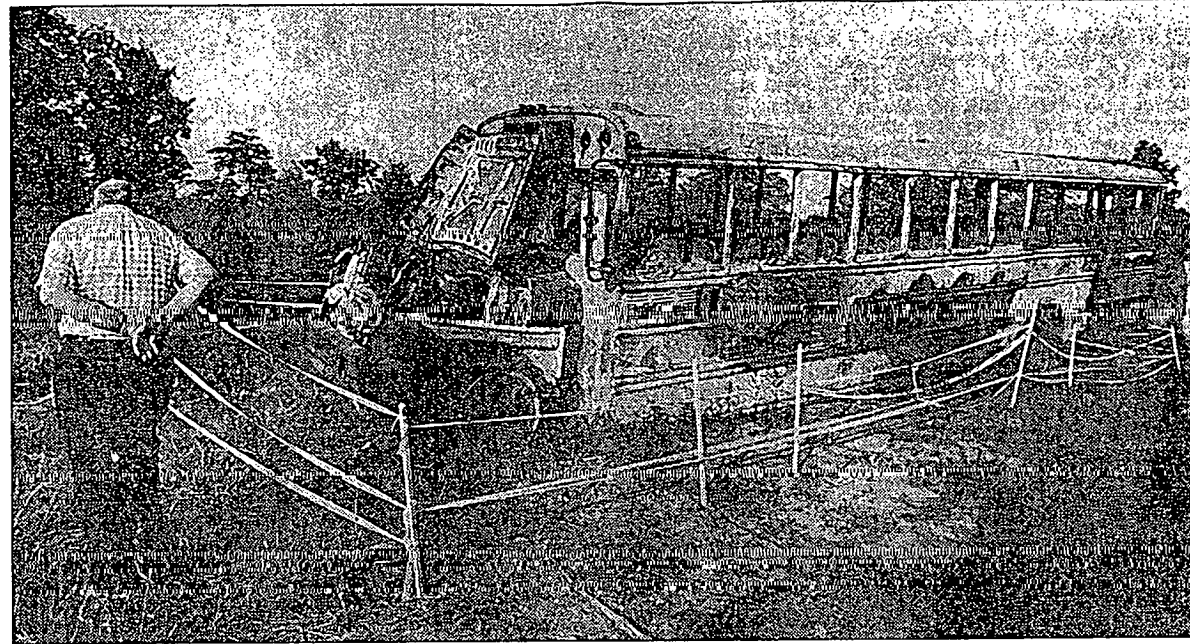
Vapor lock interrupts the engine's fuel system. It occurs when overheated fuel begins to boil, pushing air bubbles through the fuel lines. When those bubbles hit the carburetor, the engine "misses," then surges forward and often backfires or stalls. In most cases, the engine will start again after it cools for five or 10 minutes, Taylor said.

Pat Tucker, the bus driver, said the engine stalled five times as she traveled the 60-mile route to deliver about 70 students to their homes Monday afternoon. The day was unusually hot, which perhaps made the problem worse, she said.

Each time the engine died, Tucker said, she smelled gasoline fumes inside the bus. And as she neared the end of her route on a hill along Reynolds Road at Scott's Ridge near Raywick, the engine died and would not restart.

While Tucker and the students waited with the disabled bus for nearly an hour, two parents who had grown concerned arrived and took the remaining 12 youngsters home.

Tucker stayed with the bus, and moments later she was able to restart it. But she had driven only about a quarter-mile when the



STAFF PHOTO BY BEN VAN HOOK

Preston Hunt, who lives on KY 527 about one mile from the scene of the bus fire, walked around the remains of the school bus. The Marion County school bus caught fire after a dozen elementary students got off the stalled vehicle Monday.

engine began backfiring and stalled again.

This time Tucker walked to a house about 100 yards away and made two telephone calls — to the school district's bus-maintenance staff and to her mother, who was caring for Tucker's youngest child.

She estimated that it took perhaps five minutes.

As she was returning to the bus, Tucker said, she saw flames coming from under the motor and shooting four feet into the air.

Taylor said that the heat was so intense that the vehicle's transmission melted. The fire left a hole in the asphalt road and burned nearby grass and brush.

Tucker notified the local fire department, but she said the entire bus burned in five minutes. "I freaked out," Tucker said. "I knew the bus was gone."

Kentucky State Police arson investigators have begun a "non-criminal" probe of the fire, Taylor said. Ford officials also have been notified and are expected to arrive in Marion County this week. Ford spokesman Bill Peacock yesterday referred questions about the fire to Mike Parris, another com-

pany spokesman. Parris did not return a call to his office.

Tucker, a substitute bus driver with only a week's experience, said mandatory safety training for drivers includes instructions on how to evacuate a school bus. She said she hopes the fire on her bus will prompt an even closer look at bus safety.

"They need to take these old buses off the road," Tucker said. "I know it costs money, but what's money when kids' lives are involved?"

Kentucky education officials say they are aware of vapor-lock problems in gasoline-fueled buses purchased since 1980, the first year that emission-control equipment was required on vehicles.

Jim Parks, a cabinet spokesman, said the emission equipment appears to create extra heat in the bus engine and contributes to stalling. School districts routinely are told how to properly service the buses to minimize such problems, said a statement released yesterday by Arnold Guess, deputy superintendent for administration in the state Education and Humanities Cabinet.

The Ford Motor Co. recalled the 1980 buses for additional work, Taylor said. Electronic fuel pumps were installed and the fuel lines rerouted, he said. Fuel lines also were rerouted in the 1981 models, he said. Warranty and recall work on the buses also included new jets to shoot fuel into the carburetors, but the problems persisted, he said.

In 1981, the state Department of Education began purchasing diesel buses, which have fewer problems with vapor lock than do the gasoline-fueled vehicles. Parks said. Because a gas-fueled bus normally lasts about 10 years, most will have been replaced by diesel models by the early 1990s.

The Marion school bus was built by Ford; the bus that crashed and burned near Carrollton on Saturday was a Superior bus with a Ford chassis.

Authorities say the Carroll County bus fire was fueled by gasoline from a tank that ruptured when the bus was struck by a pickup truck. Experts said diesel fuel, with its higher flash point and non-flammable fumes, would not have burned as quickly.

May 21/88

# Drunken driving laws a priority for Wilkinson

By Bill Straub  
Kentucky Post Frankfort Bureau

FRANKFORT — A solemn Gov. Wallace Wilkinson vowed on Friday to step up Kentucky's enforcement of drunken driving laws and supported the concept of imposing the death sentence on violators responsible for fatal crashes.

"I want to give fair warning to those who would ever entertain the thought of driving under the influence," Wilkinson said during a press conference. "This state is not going to tolerate that. We're not going to be lenient as far as those citations are concerned."

Wilkinson said he has taken on the elimination of drunken driving in Kentucky "as a personal project."

The statements were made in reaction to the bus accident on I-71 near Carrollton Saturday night in which 24 children and three adults people were killed on their way home from Kings Island. A blood-alcohol test showed that Larry Mahoney, the driver of the pickup truck that collided with the bus, was intoxicated.

Wilkinson said his administration is examining Kentucky's drunken driving laws, revised by the 1984 General Assembly, to see if they need to be more stringent.

An offender convicted on a second offense in Kentucky faces jail time, a heavy fine and loss of license. Mahoney has a 1984 DUI conviction.

As a first step in his personal fight against drunken driving, Wilkinson said the state will redouble its efforts to keep intoxicated drivers off the road.

State police, he said, will increase the frequency of road-

blocks and be more attentive of Police also will step up efforts to make sure minors aren't served alcoholic beverages, that closing times are strictly enforced and that obviously drunk patrons aren't served.

The state Water Patrol will be looking for those who become intoxicated during pleasure cruises on lakes and rivers to make sure they don't attempt to drive home.

Wilkinson said he hopes that police in other jurisdictions will follow suit.

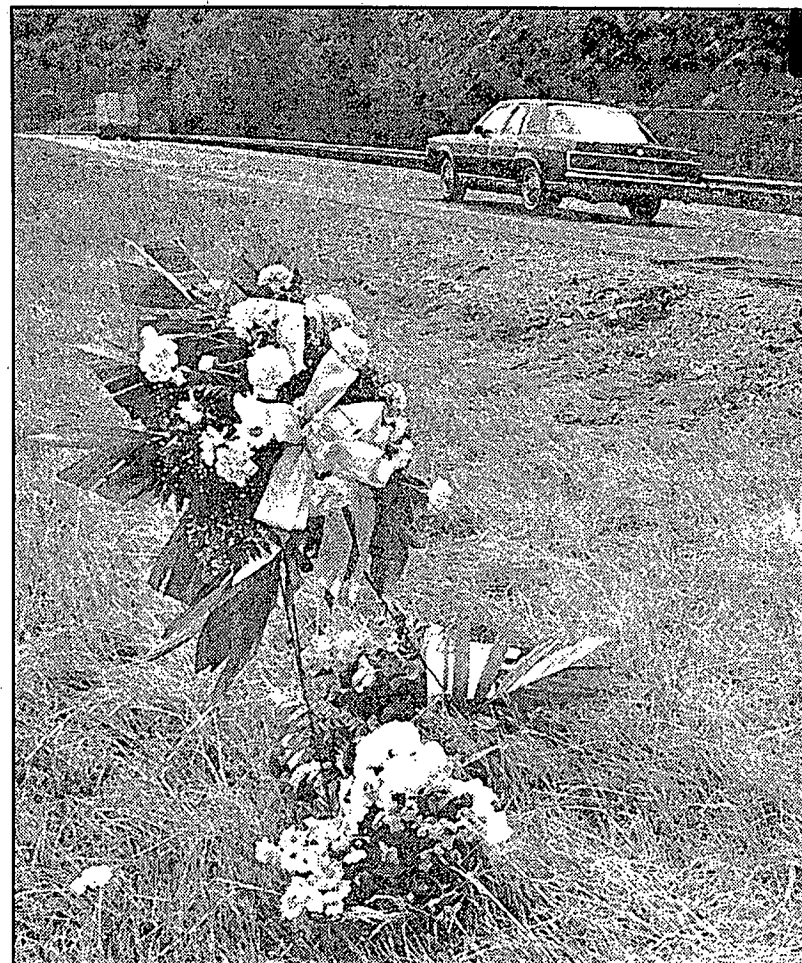
"I have no reason to believe enforcement is not what it should be," Wilkinson said. "I have had people suggest to me that in their opinion enforcement is not what they'd like it to be. Some have told me it seems the courts have been a little too lenient. I have no reason to believe or the facts to show it's not true. It bears investigating."

Steps are being taken, Wilkinson said, to make sure the bus tragedy doesn't occur again.

"Nothing can be done to undo the great tragedies of the families of Radcliff," Wilkinson said. "If I as governor were able to protect children from all types of tragedies or defend them against all cruelties of the world, I would do that. But it's impossible. But we will do all that we can do to get to that ultimate goal as best we can."

The governor said he didn't want to discuss the potential for the death penalty in this particular case. Mahoney has been indicted on 27 counts of murder.

"I don't want to be the judge in this case," he said. "In theory, I would not at all be opposed to seeking the death penalty for



TERRY DUENNES/The Kentucky Post

A small floral remembrance stands at the site of the fatal bus crash on southbound I-71 near Carrollton.

driving irregularities that might be the result of intoxication.

drunk drivers who killed innocent people. He would be as much using a lethal weapon as any other kind of murderer."

Wilkinson also announced plans to establish a free inspection program for private buses to make sure they are safe.

Those inspections will be conducted at county highway garages, he said. Bus manufacturers, including Ford, Navistar and Caterpillar, have agreed to lend assistance so the state knows what to look for.

The governor said he is trying to determine unsafe buses off the road. He will seek legislation empowering the state to do so if the state lacks the authority.

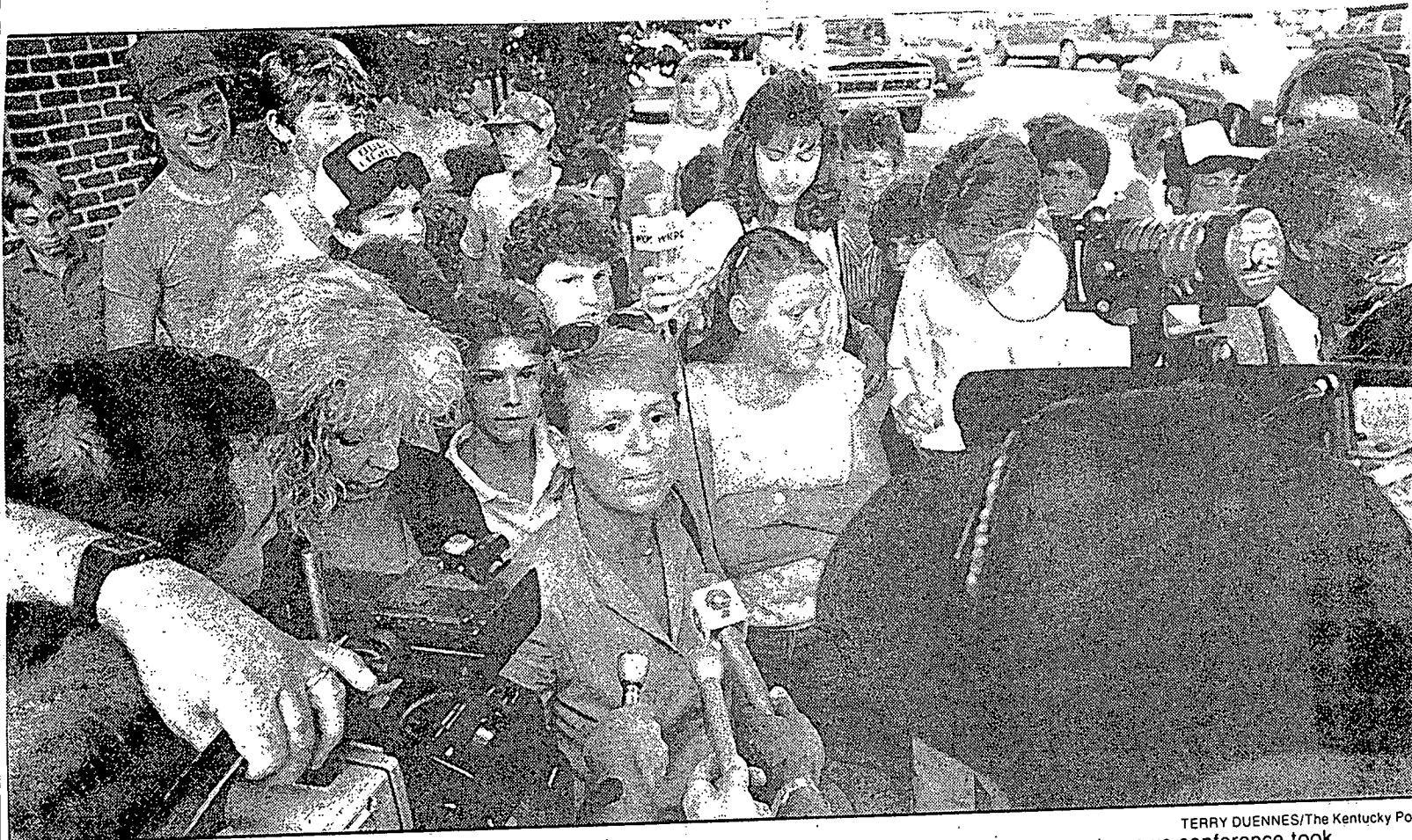
"There ought to be minimal safety standards and minimal qualifications for those driving the buses," Wilkinson said.

Wilkinson attended a memorial service in Radcliff on Thursday for those killed in the fiery crash. He said his thoughts centered on the numerous times his own children have journeyed to Kings Island in a school bus.

"Those families are strong and that community is supportive," Wilkinson said. "They have the courage to pull through this and they have demonstrated that throughout, particularly during that memorial service."

"I hope that community can heal and take solace in the fact that we are not going to forget that tragedy ever."





TERRY DUENNES/The Kentucky Post

Carrollton residents Juanita White, with glasses atop her head, and Jewell Wolfe, with her arms folded, tell reporters that Larry

Mahoney "was a good boy." The impromptu news conference took place Friday after Mahoney's murder arraignment.

May 21/88





○ LARRY WHELOCK

○ DEBORAH BETHUNE

○ DAVID THOMPSON

○ CITY WILLIAMS

○ LORRAINE FLORETT

○ JIMMY PIERCE

○ JIMMY CLAGG

○ JIMMY CLAGG

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## Apologies made

Larry Wayne Mahoney, the Owen County man on trial for 27 counts of murder and drunk driving in Carrollton, took the witness stand yesterday in his own defense and told family members of his victims he was "sorry" for the May 14, 1988 tragedy. (Pool photo by Ed Reinke.)

MC 12/16/89

# • Trial

Continued from Page 1

letter "D."

Following yesterday's proceedings, attorneys in the case reacted to Mahoney's testimony and its possible effect on the victims and their families.

"All the apologies in the world and all the tears in the world won't bring back those (children who died). It won't undo what's been done," said Richwalsky. "The time to do something differently or to be sorry or take some other kind of action was back then, before he got to the stage that he got to and the end result could happen."

"I am sure that many of them appreciate the apology," he continued, referring to the victims and their families. "There's no doubt in my mind it is heart-felt, but it can't erase and it is not an atonement and the question is whether or not it was a crime and whether or not there will be punishment."

Brent Fischel, who lost his daughter Dwailela Dawn in the crash, told reporters after yesterday's proceedings, neither surviving victims nor other victims' family members had any comments on Mahoney's testimony at that time.

Mahoney remained composed while on the stand, a contrast to the emotional breakdowns he has experienced on three occasions earlier during the trial.

"I think it went well," said Summers, who was quick to add he had not yet met with Mahoney in defense chambers following his testimony.

Asked if he thought Mahoney's comments gained sympathy, Summers said, "I hope not," repeating a contention of the defense that Mahoney was owning up to his responsibilities and was not looking for sympathy from anyone.

"I went in there but he didn't have to tell me it was a load off," said Russ Baldani, another one of Mahoney's defense attorneys, who did meet with the defendant. "It was readily apparent."

Mahoney's testimony, which was interrupted for about 10 minutes while the judge, court officials and attorneys went into Satterwhite's chambers to consider some evidence that was never presented, indicated the defendant remembers very little about the night of the bus crash.

He told the jury he remembers drinking at a friend's house and nothing more of the tragedy until he woke up in a Louisville hospital the day after the crash.

Mahoney said he "hadn't drank anything for at least two months to 2½ month" before the day of the crash.

He had worked a 12-hour shift at

anything for at least two months to 2½ month" before the day of the crash.

He had worked a 12-hour shift at Carrollton's M&T Chemicals the night before the crash and had only four hours of sleep before he started a path that led from his trailer in Worthville at 11:30 a.m. on May 14, 1988, to the tragedy at 10:55 p.m. that day. Mahoney remembers that day well up until that evening when he was at the home of Jay Gibson in Worthville, where he remembers doing his last drinking before the crash.

According to Mahoney, he stopped at two Carroll County bars and one Carroll County liquor store to buy and drink beer on the day of the crash.

"I wasn't crazy about drinking," he told the jury while later adding he was "upset about a lot of things" including his inability to borrow money to buy a double-wide trailer for his family due to an earlier bankruptcy.

Mahoney said his bankruptcy dated back to when he and his second wife Betty Davis Mahoney had a child with an open spine. Mahoney, who was tobacco farming on halves at the time, ended up with several hundred thousand dollars worth of medical bills and was forced into bankruptcy.

"I don't remember the figure, but there was no way I could pay it," said Mahoney, noting he had always paid his bills up until then and continues to pay his debts today.

Mahoney said he was also under pressure to revive his relationship with his first wife, Janice Mahoney. He was living with Janice and their son, Tony, 17, at the time of the crash.

"My son wanted us back together," he said. "Evidently we thought a lot of each other. We wanted to get back together."

By 6 p.m. on the day of the crash, Mahoney had already drunk approximately six beers since 1 p.m. and had been to see a former

girl friend, Kim Frederick, of Burlington, Ky. He had planned to see her later that night to talk about his problems and see how she was doing, he said.

In fact, Frederick had realized Mahoney was tired and asked him if he wanted to stay at her apartment until she got off work at 10 p.m. Mahoney said he declined the offer because he "didn't think it was the right thing to do."

Mahoney said he had no romantic intentions concerning his meeting with Frederick. "I really think a lot of her you know," he said. "She's a good person and I worry about her. I wasn't going there to do anything. I know a lot of people probably think that but it wasn't that way. She told me if I ever needed a friend I knew where she'd be."

Mahoney said after leaving Burlington he later visited with his mother in Moxley, a rural community in Owen County, and his friend Dennis Mefford, of Worthville.

According to Mahoney, he drank one beer and started another at Mefford's home and was on his way back to his trailer in the Eagle Creek Campground near Worthville when Taylor Fox, another friend, "flagged me over" and convinced him to stop off at Gibson's home.

"I didn't want to, but I went along," said the defendant adding he "didn't have to go straight on then" to meet Frederick and he "was going to kill just enough time to go to Kim's."

Mahoney said he asked Fox and several other men at Gibson's if they had any beer but they didn't. He said he told Fox he was going to Burlington and asked him if he would drive him because he was tired and had been drinking.

"I had been drinking a little bit and I was tired," said Mahoney on his reasons for the request of Fox. "He told me he would take me if I'd hang around a while."

Mahoney said one of the men, Kelly Osborne, said he had "something better than any beer that you've ever had."

"He left and wasn't gone but a few minutes and came back with a Tupperware glass full of clear liquid that looked just like water," said Mahoney. "All I know was I took a big drink of it and was choked. It took my breath. I could hear someone giggling about it. I guess they thought it was funny."

Mahoney, who claims he never drank hard liquor because he didn't like it and because he had a stomach ulcer, told the jury Osborne poured something into the glass out of a "big half-gallon jug. All I know is you could see plumb

through it."

He said he only drank hard liquor "once in a while." He added those occasions were mainly "when somebody says you're not man enough to take a drink. I'll take a drink, but I never liked it."

After choking on the clear liquid, Mahoney said Osborne gave him another drink that looked like Pepsi. "He was gone just a few minutes. They said it was a mixed drink so I assumed it was some type of alcohol," he testified.

"I do remember drinking some Pepsi," he said. "I had to have something to rinse (the clear liquor) down. It looked like Pepsi."

In the mean time, Mahoney said Fox had taken his keys out of his pickup truck because he had left his radio on.

Mahoney said he does not remember getting his keys back or anything that took place from that point on to when he woke up in a room at Humana Hospital-University of Louisville the day after the crash.

"It's a fact I was involved in an accident, but I don't remember seeing the bus," Mahoney said. "I remember waking up in the hospital."

Mahoney also does not remember how he got the cold cans of beer in a 12-pack Miller Lite case that was found in the cab of his truck after the accident.

He said although "a couple of them were egging me on, nobody forced me" to take the drinks at Gibson's. However, he said he would have never continued to drink if Fox had not agreed to drive for him.

"Taylor Fox told me and this is the God's honest truth, he would drive me if I'd just hang around," Mahoney said. "I would have never drank."

He admitted that he had been

drinking beer throughout the day of the crash, but noted "I had no intention of getting drunk. If I had wanted to get drunk I could have got drunk in two or three hours. We're talking about several hours here."

"Do you know that intent is not part of the trial?" Richwalsky asked Mahoney.

"Yes sir," the defendant responded, noting he doesn't remember being drunk.

"I know it is wrong to drink and drive but I wasn't drunk," Mahoney stated.

Richwalsky asked Mahoney if he thought personal problems were a reason to get drunk.

"I told you I wasn't planning on getting drunk," Mahoney said in a more defensive tone of voice.

Asked if his intentions warranted excusing "what had happened," Mahoney said, "I can't say that excuses what has happened."

"Would you agree that we would not be here but for what you did on that Saturday night?" the prosecutor asked.

"I understand," Mahoney said. "At any time during that day could you have stopped (drinking)?" Richwalsky asked.

"I guess I could have," Mahoney said.

After Mahoney left the stand, the defense called it's final witness in the case.

Dr. Eljorn Don Nelson, a clinical pharmacologist from Cincinnati, testified as an expert witness on the effects of alcohol and whether Mahoney was "voluntarily" or "involuntarily" intoxicated at the time his truck slammed into the bus.

In order to see Mahoney convicted of wanton murder, part of the prosecution's burden of proof in the case is to establish that Mahoney "voluntarily" became intoxicated and therefore acted with extreme indifference to the value of human life by getting drunk and then driving.

Based on his interviews with Mahoney, studies of court records, other testimony in the case and interviews during the investigation, Nelson said Mahoney "is not an alcoholic," but he did consume enough alcohol the night of the accident to affect his memory or cause him to have a "blackout."

According to Nelson, fatigue from his lack of sleep, stress from his personal and financial problems and lack of food consumed during that day may have been a factor in why the alcohol Mahoney drank affected him so severely.

"If an individual is tired or fatigued, one drink might have a greater effect than if a person was bright and chipper and had a good night's sleep the night before," said Nelson, describing the effects of alcohol where other factors are present.

Nelson said alcohol can decrease a person's ability to concentrate, analyze and think complex thoughts. He said a person who has been drinking sometimes "loses the ability to know you're drunk."

Furthermore, Nelson said a person who has been drinking develops a "fatigue" for the taste and smell of alcohol. He said once Mahoney drank the liquid that choked him, his sense of taste may have been impaired so that any other alcohol mixed in the Pepsi would have been indistinguishable.

"Could he have drank a mixed drink and not known what he was getting?" Baldani asked.

"It's possible," Nelson said. "It's a phenomena that has been reported and it's real."

Nelson went on to say Mahoney "would not be aware of the risk" associated with him driving in a state impaired by alcohol when his keys were returned "due to voluntary and involuntary intoxication." The prosecutor questioned Nelson concerning Mahoney's memory

lapse on the night of the collision.

The clinical pharmacologist said memory lapse or "blackouts" are common with alcohol intoxication in high concentrations and Mahoney very well could not remember the events that night.

Richwalsky later asked Nelson if Mahoney would have had the "ability to make a clear and conscious decision" about whether to keep drinking.

Nelson said it would be difficult to determine and described such determinations as a "very slippery slope."

"I believe part of his intoxication was voluntary and I believe part of his intoxication was involuntary," said Nelson indicating Mahoney would have been only partially

case, nor is any case in law, that is supposed to send a message," said Summers. "Messages are sent by education. The legal process says that the merits of this case, the charges against this defendant should be decided by this jury and no one is intimating that if you drink to a point and then get drunk that this is going to excuse everybody in the future."

"This is the facts of this case and this jury will decide this under the law as it is in the state of Kentucky — not to send a message," he added. "Obviously, what it is for and it's proper as anything I can think of, is for the whole world to take an enema of their conscience. As I look out over this room, I wonder how many of you have driven drunk. And now we have one person and we can beat him and scorn him and put him away for life and that's going to cleanse our conscience — that's going to send a message and tell everybody not to do it. This man has been charged, this man has been on trial and this man's facts and his case will be determined by this jury. It will not tell the world that you can get real drunk and get out of it. That is absolutely a hoax."

Summers said the defense has rested its case "in chief," but added he will attempt to introduce evidence Monday about Ford Motor Co. and its communications with the prosecution. Ford manufactured the chassis of the 1977 school bus which was sold as surplus to the Kadcutt First Assembly of God.

According to Summers, a proverbial "pound of flesh has already been paid" by Ford in the tragedy.

The trial has recessed until Monday, when both defense and prosecution will call rebuttal witnesses.

# Portraits of Mahoney

Tears of rage



The Associated Press

Karolyn Nunnallee, whose daughter was killed in the Carrollton bus crash May 14, recovers after making an emotional plea for stiffer drunken driving penalties during a Mothers Against Drunk Driving news conference Tuesday in Louisville. Rob Beck, national chairman of MADD, is in the background.

## A plea for justice

Mother wants drunken drivers put in jail

By Jeanne Houck  
Kentucky Post staff reporter

LOUISVILLE — The mother of the youngest victim of the church bus crash near Carrollton gave an angry and tearful plea for tougher laws against drunken driving Tuesday.

"Automatic suspension of driving privileges and mandatory jail time for first-time offenders may sound harsh to you," said Karolyn Nunnallee, whose 10-year-old daughter, Patty, died in the crash May 14.

"But what sounds even harsher to me is knowing that my daughter died in the most terrifying, painful, and gruesome way imaginable — and it started and ended with a drunken driver. A repeat-offender drunken driver."

Mrs. Nunnallee spoke at a press conference called by Mothers Against Drunk Driving during a break in National Transportation Safety Board hearings on the crash.

Please see MADD, 2K

differ

35 Cents

**From Page 1K**

MADD took advantage of the focus on drunken driving to announce a campaign to enact in every state seven measures to combat the problem.

The measures ranged from allowing police to confiscate driver's licenses from drunken drivers at the time of arrest to lowering the blood-alcohol level standard for drunkenness to 0.08. They also called for providing every police officer with a hand-held device that can measure a motorist's blood-alcohol level in the field and blood-alcohol testing of all drivers involved in fatal and serious injury crashes.

Rob Beck, chairman of MADD's national board, called the measures proven, practical and cost-effective. He said experts from federal government agencies, private institutes and universities helped the organization draft them.

"The judicial system and personnel are in place. We don't need \$400 million and 22 million people more on the payroll of whatever government you want to pick to do this," he said.

Allowing police to seize a drunken driver's license is the cornerstone of the legislative package, Beck said. A motorist would have to petition for a court hearing to get his license back before the drunken driving charge went to trial.

The measure is law in 23

Mothers Against Drunk Driving would like to see every state adopt seven steps to combat drinking and driving:

- **Allow police** to confiscate driver's licenses from drunken drivers at the time of arrest. Kentucky does not.

- **Establish roadside sobriety checkpoints.** Kentucky police periodically do so.

- **Lower the legal blood-alcohol level** of motorists from the widely used 0.10 percent standard to 0.08. Under Kentucky law, a motorist is presumed drunk at 0.10 percent.

- **Provide every police officer** with a hand-held device that can

measure a motorist's blood-alcohol level in the field. Some police officers, including troopers at the state police post at Dry Ridge, have the devices.

- **Require the state** to pay for alcohol-traffic safety programs with fines levied against drunken drivers. Kentucky does.

- **Require blood-alcohol testing** of all drivers involved in fatal and serious injury crashes. Kentucky does not.

- **Allow officials** to confiscate license plates of repeat offenders and motorists convicted of driving on a driver's license suspended or revoked for drunken driving. Kentucky does not.

states and the District of Columbia, but not Kentucky.

Beck also said the roadside sobriety checkpoints are effective as a deterrent. People are less like to drink and drive if they know they may be checked.

Under Kentucky law, a motorist is presumed drunk with a blood-alcohol reading of 0.10. The MADD measure would lower it to 0.08 and "per se" evidence of drunken driving.

"Quite frankly, I'd like to see it at zero, because if you're not drinking and driving, that's where it ought to be," Beck said.

"But this is a progressive-type thing."

Beck said MADD also supports federal legislation before the House and the Senate that would award grants to states that enact some of MADD's suggested measures.

Lois Windhorst, founder of Kentucky MADD, said drunken driving deaths are on the rise in Kentucky. She blamed judges, prosecutors, and legislators for a "lack of leadership."

Drunken driving kills 65 people every day in the United States, according to MADD.



wed. 8/3/88

LOUISVILLE — An expert on drunken driving estimates Larry W. Mahoney drank the equivalent of a case of light beer the night he hit a church bus head-on near Carrollton.

Mahoney would have had to consume that much to register 0.26 on a blood-alcohol test 1½ hours after the accident, Dr. Herbert Moskowitz, president of the Southern California Research Institute, said Tuesday at a federal safety board hearing.

Moskowitz portrayed Mahoney as a problem drinker who probably did not realize he was going the wrong way on Interstate 71 May 14 when he hit the bus.

"Anyone who gets to the level he was at, in my opinion, has got a very serious problem," he said.

His testimony differed sharply from the picture of Mahoney sketched by friends. Taylor Fox and Phil Downey described Mahoney as a moderate drinker who prefers light beer and can hold his alcohol.

Both were drinking with Mahoney an hour before the accident. Neither thought he was drunk.

Eleven witnesses testified on the opening day of fact-finding hearings conducted by the National Transportation Safety Board, which is investigating the fiery accident that killed 24 young people and three adults. The crash was the deadliest in the nation involving drinking and driving, according to the safety board.

Testimony Tuesday focused on Mahoney's drinking habits and enforcement of Kentucky's drunken driving laws. Moskowitz and Dr. Harvey A. Siegal, a certified alcoholism counselor, testified that Mahoney has the characteristics of a problem drinker.

Toxicology tests conducted at a Utah laboratory on blood samples taken from Mahoney 1½ hours after the accident showed a blood-alcohol level of 0.26 percent. That means the level at the time of the accident likely was 0.29 percent, Moskowitz said.

For his blood-alcohol level to have reached 0.29 percent, he said, Mahoney would have had to drink 24 cans of light beer.

The estimates assume Mahoney drank no other type of alcoholic beverages and that he started drinking at 2 p.m., where he first was seen at a bar drinking beer.

Under Kentucky law, anyone with a blood-alcohol level of 0.10 is presumed drunk. In 1984, Mahoney was convicted of drunken driving and completed a state alcohol driver education program. His blood-alcohol level was 0.16

From Page 1K

percent.

Anyone with a blood-alcohol content of 0.16 percent is likely to have a drinking problem, Moskowitz said.

Mahoney's blood-alcohol level when he was arrested in 1984 showed that he was "an experienced drinker," said Siegal, a professor at Wright State University in Dayton, Ohio. Later drinking patterns indicate he occasionally experienced "episodic loss of control in which he would drink larger amounts."

"Mr. Mahoney, in no sense of the word, could be considered a social or normal drinker," Siegal said.

Mahoney's blood-alcohol level of 0.26 percent increased his chance of becoming involved in an accident by 20,000 to 30,000 percent, Moskowitz said.

Moskowitz said a person's driving ability is impaired by as much as 100 to 200 percent when his blood-alcohol level reaches 0.05 percent. The brain slows down, impairing vision and judgment.

"He was insensitive to the fact that he was going the wrong way," Moskowitz said.

Fox and Downey, who were drinking with Mahoney May 14, did not believe he was too drunk to drive when he headed home about an hour before the accident. They said Mahoney

he was inside  
he was going to

drank a few Miller Lites, but not consume any other alcoholic beverages while he was there.

Fox estimated that Mahoney drank about seven or eight beers before he left the truck where they were drinking. Mahoney left around 10 p.m., saying he was going to his truck nearby.

But Downey and Fox said they watched as Mahoney passed the entrance to his truck and drove out of sight.

Mahoney was traveling in the southbound lanes when he drove his pick-up truck into the bus, which belonged to Radcliff First Assembly Church of God.

Mahoney, 35, of Worth, has been indicted on 27 counts of murder, 13 counts of assault, 44 counts of wanton endangerment, and drunken driving.

In other testimony Tuesday, Fayette County Commonwealth's Attorney Ray L. testified that the number of drunken-driving arrests in Lexington-Fayette County increased after the Traffic Alcohol Program was established.

Please see HEARING, 2K

## A FIERY TRAGEDY



STAFF PHOTO BY MICHAEL HAYMAN

North Hardin Principal Ray Story talked with student Allen Tennison, a minister's son who was aboard the wrecked bus.



May 19, 1988 CJ

## Arrangements are announced for remaining crash victims

Funeral arrangements and obituaries were released, clarified or confirmed yesterday for the remaining victims of Saturday's bus crash near Carrollton.

Sandra Jean Brewer, 12, was born in Stuttgart, West Germany. She was a seventh-grader at Radcliff Middle School.

Survivors include her parents, Stephen and Hella Brewer of Radcliff; a brother, Jerry Miller of Radcliff; and grandparents, Bill and Minnie Brewer of Bardstown and Elli Klowksi of Eislingen, West Germany.

Sandra's funeral will be at 11 a.m. tomorrow at St. Monica Catholic Church in Bardstown, with burial later in Stuttgart.

Visitation will be at Northside-Proffitt Funeral Home in Bardstown after 8:30 a.m. tomorrow.

Joshua Michael Conyers, 14, of Vine Grove, was a ninth-grader at North Hardin High School.

Survivors include his parents, Mr. and Mrs. Larry S. Conyers; a brother, Aaron Chaney Conyers of Vine Grove; and grandparents, Mr. and Mrs. James E. Conyers and Mr. and Mrs. Haulie C. Vibbert, all of Louisville.

Joshua's funeral will be at 2 p.m. today at Nelson-Edelen-Bennett Funeral Home in Vine Grove, with burial in North Hardin Memorial Gardens in Radcliff.

Charles "Chuck" Kytta, 36, who organized the bus trip to Kings Island, will be among the nine victims of the bus crash whose funeral will be at 7 p.m. tomorrow at Radcliff First Assembly of God. Visitation will be at the church from 1 to 7 p.m. tomorrow. Kytta will be buried in Hardin Memorial Park in Elizabethtown.

A graveside service for Patricia Susan Nunnallee, 10, a fourth-grader at Meadow View Elementary School in Radcliff, will be at 11 a.m. Monday in Bougainvillea Cemetery in Avon Park, Fla.

The family requests that expressions of sympathy go to the Radcliff Assembly of God Family Fund.

Stephenson-Nelson-Smith Funeral Home in Avon Park is in charge of arrangements.

Marilyn Joy Williams, 34, of Radcliff, a chaperone on the outing to Kings Island, was the former Marilyn Joy Paskel. She was a native of Poplar Bluff, Mo., and was a licensed real-estate agent. She was a member of First Assembly of God in Radcliff, and was assistant pianist there.

Survivors include her husband, Sgt. Jack Lee Williams; her parents, Mr. and Mrs. Bill Paskel of Poplar Bluff; two sisters, Maria J. Grimes of Norris City, Ill., and Jill D. Chilton of Poplar Bluff; a brother, Sgt. Marty D. Paskel of Scott Air Force Base, Ill.; and her grandparents, Mr. and Mrs. Raymond Jones

of Williamsville, Mo.

Marilyn Joy Williams and Sgt. Jack Lee Williams are the parents of two daughters who also were killed in the bus crash.

Kristen Joy Williams, 14, was born at Presidio Air Force Base, Calif. She was an eighth-grader at Radcliff Middle School and a member of First Assembly of God.

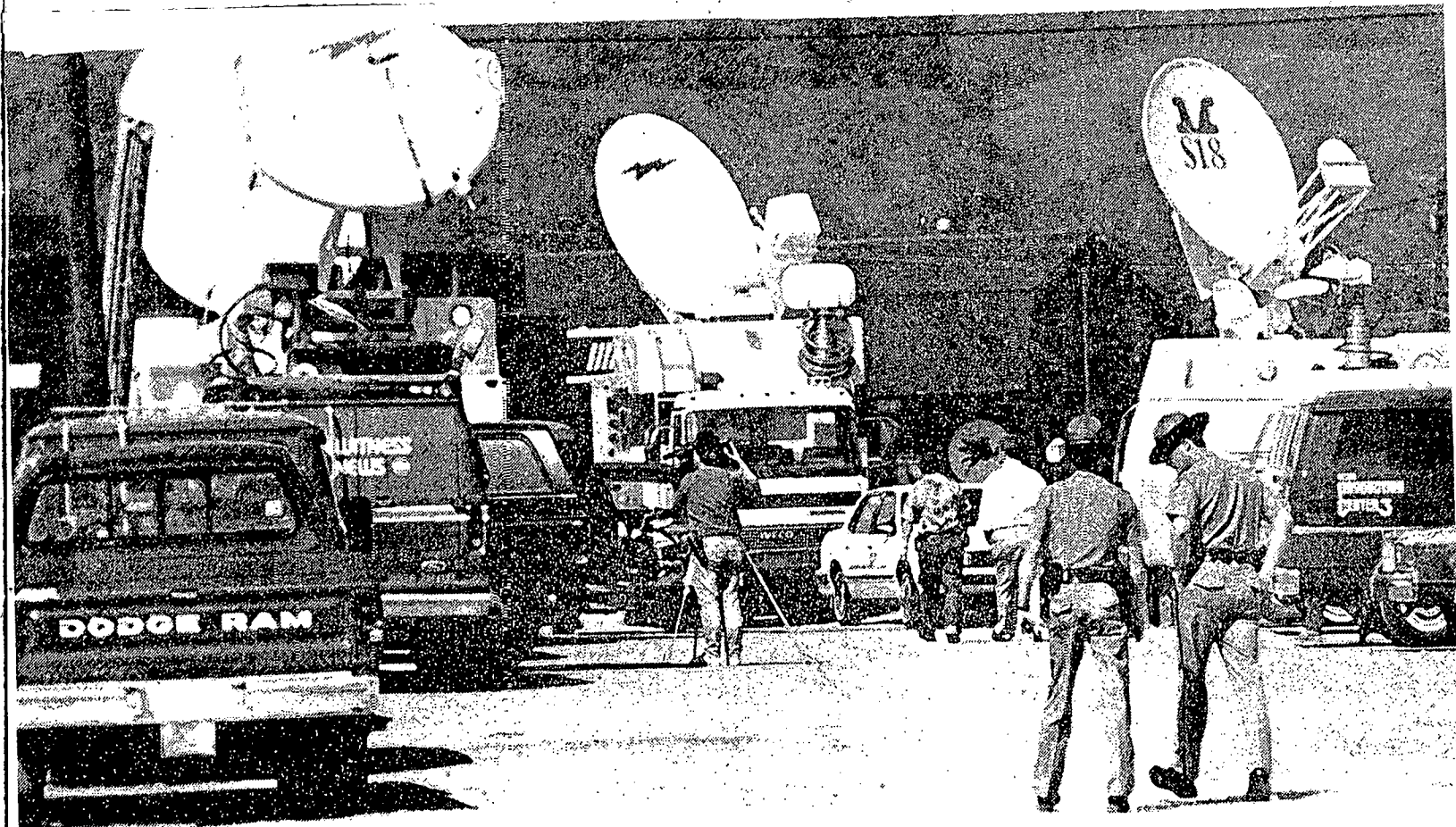
Robin Jill Williams, 10, was born at Fort Hood, Texas. She was a fourth-grader at Meadow View Elementary School in Radcliff and a member of First Assembly of God.

Kristen and Robin are survived by their father and grandparents.

The funeral for Marilyn Joy, Kristen Joy and Robin Jill Williams will be at 2 p.m. tomorrow at First Baptist Church in Poplar Bluff, with burial in City Cemetery there.

Visitation will be at Fitch Funeral Home in Poplar Bluff after 6 p.m. today.

The funeral for Chad Anthony Witt, 14, an eighth-grader at Radcliff Middle School, will be at noon today at McKinney-Brown Funeral Home in Liberty, with burial in Glenwood Cemetery there. Visitation at the funeral home will be after 11 a.m. today.



## Satellite center

The parking lot at the Carrollton Armory was converted into a media center with all types of vehicles from newspapers, television stations and networks. Many TV stations used the area

outside the armory to feed live reports back to their stations via satellite. (Staff photo by Mark Campbell.)

*Mark Campbell Courier 5/25/84*

# Press swarmed to Carrollton

By MARK CAMPBELL  
Courier Staff Writer

Earlier in the day, bagpipe music echoed over the Carroll County hillsides as the sixth annual Kentucky Scottish Weekend was being held at General Butler State Resort Park.

Carroll County and Carrollton was getting the type of exposure officials there like to get. People were visiting the community, seeing its best face and enjoying themselves — the kind of experience that brings tourists back time after time.

Later, however, fate struck like a grim reaper in the night as a pickup truck crashed into a church bus that was returning from an Ohio amusement park on Interstate 71.

Twenty-seven members of a Radcliff, Ky., youth group died after fire swept the bus.

Larry W. Mahoney, 34, an Owen County man employed by a Carrollton industry was arrested for driving under the influence and charged with 27 counts of murder in the crash.

In a matter of seconds, Carroll County transformed from a heritage festival atmosphere to the site of the nation's second worst bus accident since records have been kept on such tragedies. The focus of the nation's television cameras, newspaper reporters and radio broadcasters was centered on Carrollton.

According to Kentucky State Police Trooper Jim Mudd, public information officer for the LaGrange Post No. 5, in the first 24 hours following the accident, nearly 100 reporters from newspapers, television stations and networks and radio gathered in Carrollton to begin reporting the tragedy.

The Kentucky National Guard Armory in Carrollton was converted into a mobile command post for the investigation and a temporary morgue was established with refrigerated trucks at the site.

As soon as the investigation began producing information for release to the media, Mudd and KSP Trooper Gler Walton, of the Frankfort post, began holding hourly press conferences.

In a matter of a few short hours, regional and network television satellite trucks began showing up at the armory like mushrooms popping up after a midnight summer rain.

"There's no comparing this" to the coverage of any tragedy the LaGrange Post 5 has ever had, said Mudd. "This is by far the greatest and biggest coverage we've ever

had. In all honesty, due to advances in technology, there was probably more coverage on this than" any other similar tragedy.

According to Mudd, efforts were made to keep records on how many and which media outlets worked on the story by registering each reporter who arrived at the mobile command post.

Mudd said the media list included 86 names on the day following the crash. He said the press corps was represented not only by television, newspaper and radio reporters from Kentucky, Indiana and Ohio, but also national publications and networks such as ABC, CBS, NBC and CNN television and/or radio networks. People Magazine and the New York Times, Los Angeles Times and Washington Post

newspapers were represented. Also, Mudd noted that the story received bold headlines in London, England, and was carried on British Broadcasting Corporation newscasts.

In fact, there were so many reporters involved in coverage of the story that in some cases, news reporters were a step ahead of the state police investigators in interviewing people about the case.

"You had reporters following the same leads we had," said Mudd. "In some cases a newspaper would send four or five reporters off in different directions and they were getting to some people before we were. I don't know of any (reporters) that actually interfered with the investigation."

According to Mudd, members of the local media — including Louisville and Lexington in Kentucky and Cincinnati in Ohio — were the "most cooperative" to deal with while the national network television reporters were the "hardest to deal with."

"They were demanding," said Mudd of the network affiliates. "They seemed like they were wanting preferential treatment and thinking they should get their stories first and be able to get out before everybody else."

However, Mudd noted that reporters with ABC's "20/20" television news magazine were unlike the other network affiliates and added that "all of their staff was just fantastic."

Mudd said he logged 95½ hours during the past week — most of which came from the time of the crash on Saturday night until things began quieting down on Tuesday

evening when the names of the 27 victims were released and the bodies released for burial.

He said several news agencies with more than one reporter on the case liked to practice "gang tactics" by asking the same question several times supposedly in an attempt to get a different response. He said it was particularly gratifying when other reporters would laugh down such tactics.

Asked if he thought the amount of attention centering around the tragedy could end up as negative publicity for Carrollton and Carrollton County, Mudd said he didn't think so.

He noted that emergency workers in Carroll and surrounding counties did an "excellent" job in handling the tragedy and that their response to the crash and its aftermath should be viewed as a positive act.

"I'll tell you what, as far as I'm concerned, the people may be volunteers but as dedicated as they are to their jobs I hope they will never be left out of any accolades that can be given out on this," said Mudd. "You can practice these (disaster drills), but actually doing it is something else. They've just been superb."

Charles I. Overbey, executive director of the Carroll County Community Development Corporation agreed on that point.

"It was unfortunate that this tragedy happened in this county," said Overbey. "It seems like we've been on a roll of unfortunate situations, but it also seems like the county has banded together each time. In all tragedies there is usually something beneficial."

Overbey noted that the county's ability to pull together and respond to the crash and its aftermath should be viewed as a positive response to a negative situation.

Overbey, who is engaged in attracting tourists and prospective industries to the community said he didn't think the national publicity surrounding the tragedy would result in any less visits to Carroll County by tourists or industrial clients.

On the other hand, the tragedy left other scars on the local community as many of the emergency workers and police who responded to the crash and worked in the morgue were emotionally affected by what they saw in the victims who were transported to hospital and the charred remains of the 27 dead, said Mudd.

"The majority of them were affected in one way or another," said Mudd. "If the average person didn't feel something then there would be something wrong with him."

Mudd noted that while conducting a press conference on May 15, he almost broke down on camera and officers and emergency workers who attended memorial services in Radcliff on May 19 were also emotionally moved.

"There will be a lot of people who will have scars from a long, long time from this," Mudd concluded.

(EDITOR'S NOTE: Courier writer Mark Campbell, who resides near I-71 at Campbellsburg, was the first news reporter on the scene. Campbell was home and heard a report of the accident on a police scanner. He arrived at the accident scene 12 minutes later.)

# Men who drank with Mahoney called to testify

K.P. 8-2-88

By Michael Collins  
Kentucky Post staff reporter

LOUISVILLE — Two men who drank beer with Larry Mahoney the night his pickup truck crashed into a church bus on Interstate 71 will testify before federal panels investigating the crash.

Phil Downey and Taylor Fox are among the first of 20 witnesses scheduled to testify during three days of hearings here before the National Transportation Safety Board.

Drunken-driving experts, bus safety

officials and witnesses of the May 14 accident also will appear at the hearings, which began this morning. Survivors of the bus wreck probably will not testify because the agency doesn't want to traumatize them, NTSB spokesman Allan Pollock said.

The fact-finding hearings will examine the safety of the nation's school buses and the effectiveness of drunken driving laws. Testimony will focus on the performance and capabilities of drivers under the influence of alcohol, the extent of the drunken-driving problem, and the effectiveness of Kentucky's drunken driving laws and alcohol education program, safety board officials said.

Findings and recommendations that evolve from the hearings will be presented to the safety board during a public hearing in Washington, D.C., probably early next year.

"Unfortunately, alcohol-related accidents occur at an outrageously high rate, more than three accidents every minute of the day," said Jim Burnett, safety board chairman. "While many do not involve fatalities, the threat is always there."

"This accident again has shown us how driving under the influence can suddenly turn a pleasure outing into a tragedy. Keeping problem drinkers off the road before they injure or kill someone should remain one of the top priorities of local, state and the federal government."

The Carrollton crash is the worst-

ever drunken driving accident in the United States, Burnett said. Tests showed Mahoney's blood-alcohol level was 2½ times the legal limit when his pickup truck crashed head-on into a church bus carrying 67 people. He was travelling the wrong way on Interstate 71.

Twenty-seven people died when the bus burst into flames. Thirteen others were injured.

The first day of testimony is expected to focus mostly on drunken driving.

A report on the accident released this morning indicates Mahoney stopped for drinks at two bars the day of the accident. He also had at least one beer at two friends' homes. Fox and Downey were drinking with Mahoney a little over an hour before the accident.

Police believe he may have been headed to Burlington to visit a friend, Kimberly K. Frederick, when he got onto I-71.

The safety board reports say Mahoney visited a woman named "Kim" at Scanlon's Drug Store in Burlington between 5 and 5:30 p.m. May 14. Ms. Fred-

Please see HEARING, 2K

## Hearing

From Page 1K

erick works at Scanlon's.

Mahoney visited the woman for about one minute. The woman, identified in the reports as a former girlfriend, told investigators that Mahoney said he needed a friend to talk to and that he was confused.

The report also said the woman could tell Mahoney had been drinking but that he did not appear to be drunk. She said she had never seen him in the kind of mood he was in that day.

The woman made plans to meet Mahoney at the Little Place bar at 10 p.m. according to the reports. When Mahoney never showed up, she left the

bar at 11 p.m. She learned about the accident the next day from one of Mahoney's friends.

Mahoney, 35, of Worthville, has been indicted on 27 counts of murder, 13 counts of assault, 44 counts of wanton endangerment and drunken driving.

The bus, which was owned by the Radcliff First Assembly Church of God, was returning home from Kings Island Amusement Park, north of Cincinnati. All of the passengers survived the initial impact of the crash but a piece of the bus punctured the gasoline tank, causing a fire that blocked the front door.

Frantic passengers jammed the rear emergency exit door, and those who could not escape died of smoke inhalation.

Reports released this morn-

ing before the hearings began said that maintenance records of the Radcliff bus did not reveal any conditions that would have contributed to the accident.

Burnett said the Carrollton tragedy is similar to a fiery bus accident 20 years ago.

Nineteen people died when a drunken driver headed the wrong way on Interstate 15 slammed into a inner-city bus near Baker, Calif. The bus caught fire, and many of the passengers burned to death.

Witnesses said the driver of the car had been drinking off and on for 6½ hours before the collision. His roommate told investigators that he refused to accompany the driver because he was "too drunk to drive," Burnett said.

# Judge won't reduce bond for Mahoney

By Jeanne Houck

Kentucky Post staff reporter

Larry Mahoney's sister believes family and friends can raise his bond, despite a judge's ruling that makes the task more difficult.

Carroll County Circuit Court Judge Charles Satterwhite rejected on Monday a defense request to allow Mahoney to post a \$540,000 property bond that includes debt-free portions of mortgaged property.

The ruling means Mahoney must put up \$270,000 cash or \$540,000 in debt-free property to get out of jail prior to his trial, which Satterwhite scheduled for Jan. 9. Mahoney faces 27 counts of murder and other charges in connection with the May 14 bus accident in which 27 people died.

Mahoney's older sister, Judy O'Donovan, testified during the hearing that family and friends have pledged about \$300,000 in debt-free property and another \$400,000 of equity in property on which they still owe money. She said later the family will continue the fight to win Mahoney's release.

"We will get the bond," she said.

"We called different people and then we had people call us to volunteer their property. Some have offered some money. They've offered to do bake sales — anything to get Larry out.

Please see BOND, 2K

## Bond

From Page 1K

There's been a lot of support in the community."

A widowed neighbor of Mahoney's parents, Lillian Keefe O'Banion of Owen County, said she has agreed to post two of the three farms she owns. She said the farms are paid off and represent \$180,000 in equity.

"I've been with (Mahoney) ever since he was born," she said. "He doesn't have any meanness in him."

Mrs. O'Donovan was disappointed in the judge's ruling. She said Mahoney will not skip bail.

"There is no chance of that and I give you my word," she said. "Larry will not run. He just wants to go back to work. His face is so well known. Where

would he go?"

"We really feel bad about what happened, for the children and everyone involved," she added. "But we want my brother to be treated fair. It is not murder, it was an accident."

Mahoney, 35, of Worthville in Owen County, was indicted on 27 counts of murder, 13 counts of assault, 44 counts of wanton endangerment, and drunken driving. Police say he was going the wrong way on Interstate 71 when his pickup truck plowed head-on into the church bus, which burst into flames.

Satterwhite said the bond was based upon the seriousness of the charges, the fact that so many people died, and the question of whether Mahoney would return for trial if released. He said he felt that allowing Mahoney to post a property bond was lenient.

Defense attorneys William

8/2/88  
Summers and Russ Baldani argued during the hearing that state law allows defendants to post the debt-free portion of property. They contended that the judge is treating Mahoney unfairly.

"No one stands here without remorse, without the heaviest of feelings for the loss of these lives," Summers said. "But, by gosh, that Constitution that sits down there in Washington D.C. ... is supposed to apply equally. Why should the property of Larry Mahoney have to be different?"

Paul Richwalsky Jr., the assistant state attorney prosecuting the case, said state law allows a judge to impose whatever bond conditions he deems appropriate.

Summers said Mahoney's defense lawyers will take the matter to the State Court of Appeals.

## Hearings begin on bus wreck that killed 27

Continued from Page One

such as Mothers Against Drunk Driving, and that has led to a drop during the past decade of 4,000 fatalities a year caused by drunken drivers.

Noting that drunken drivers still kill 23,000 Americans every year, he said the problem "is not going to be whipped unless we maintain that public interest." The NTSB hearings are intended to do just that, he said.

One concern identified by Burnett and several witnesses is that more must be done to punish and treat problem drinkers the first time they are convicted of drunken driving.

"Traditionally we put very little effort into dealing with the first offense," he said, "and that's your best opportunity."

Mahoney pleaded guilty to drunken driving in 1984, and his driver's license was suspended pending completion of an alcohol driver-education course. He was not required to undergo any treatment for a drinking problem.

Such education programs "work extraordinarily well with social drinkers," said Siegel. "However, they have minimal impact with problem drinkers." He said problem drinkers should be identified through testing and interviews with trained personnel, and should be required to attend treatment programs that help them quit drinking.

State officials who testified yester-

day said Kentucky's first-offender program does not include these features. First offenders in the state can reduce their automatic license suspension from six months to 30 days by completing a state-run alcohol driver-education program or similar classes operated by not-for-profit regional mental-health centers and about a dozen for-profit companies. While most offenders, such as Mahoney, take advantage of the classes, they are not required to enroll.

The 9-hour state alcohol driver-education courses consist of identifying the DUI problem, the effects and dangers of driving under the influence, some of the myths about drinking and strategies to prevent drinking and driving, said Debra Mills, program manager. Films are also shown, and students fill out a questionnaire that helps them determine whether they have a drinking problem. Their names do not appear on the survey.

Mills and Ralph Evitts, an instructor who conducted the class Mahoney attended, acknowledged that it is up to the defendants to seek further help if they think they have a drinking problem. However, that is unlikely because denial is common among alcoholics.

"They have to have the initiative (to seek further help)," Mills said after her testimony. "How many people will sign up to get more treatment? It's time and money."

Mills added that she would favor

a program requiring first offenders to be evaluated for a drinking problem and then referred for treatment.

Mills was uncertain when asked whether the first-offender program had been successful. She said students are not monitored after they complete the program.

That is something that concerns the NTSB's Burnett. "One problem is a lot of programs have been carried out without a lot of scrutiny."

Burnett also encouraged Kentucky officials to more widely publicize an existing hot line for citizens to report drunken drivers. Since 1983, the hotline (800-222-5555) has led to 1,097 arrests, state police said.

A number of new details about the accident emerged in testimony yesterday or in four reports prepared by NTSB investigators.

■ Mahoney's whereabouts and activities before the accident were detailed. He was seen drinking beer in two Carrollton bars between 2 and 4 p.m. on May 14, according to an NTSB report.

At 4:30, he drove to a pharmacy in Florence where his girlfriend, identified only as Kim, worked. She told investigators that Mahoney smelled of beer but did not seem drunk. He told her he "needed a friend to talk to and that he was confused." They arranged to meet at 10 p.m. at a bar near Florence.

At 6:30, Mahoney arrived at Dennis Mefford's house near Worthville,

and for the next two hours, they shared a six-pack of beer and a pizza with another friend. At 8:30, Mahoney went to another friend's house, arriving holding a can of beer.

Fox was also there, and when Mahoney said he wanted to drive back to see his girlfriend, Fox took Mahoney's keys from the pickup truck. "I figured he didn't need to be driving," Fox said. While he thought Mahoney could drive safely, Fox worried that Mahoney would be stopped by police. He returned the keys to Mahoney when he promised to drive home, and he left about 9:30 p.m.

■ According to an NTSB report, the bus had filled its 60-gallon gas tank 22 miles before the accident. That would mean it had pulled off Interstate 71 at the Glencoe exit. The investigators estimated that 57 gallons of gas were still in the tank at the time of the crash.

■ In a reconstruction of the accident, NTSB investigators determined that John Pearman, the bus driver, would not have been able to see that the oncoming pickup was in the wrong lane until it was 200 feet in front of him, giving him only seconds to react. Because he was passing a Cadillac at the time, Pearman had nowhere to go. Skid marks on the road indicate Pearman braked 20 feet before impact, according to the report.

■ Contrary to the reports of some survivors, investigators found the pickup's lights were on high beam.



# Bus-wreck hearing focuses on effects of alcohol

By GIDEON GIL  
and GIL LAWSON  
Staff Writers

Taylor Fox described his friend Larry Mahoney as an occasional drinker.

Phil Downey said Mahoney, a longtime pal, "would drink less than a lot of the guys around."

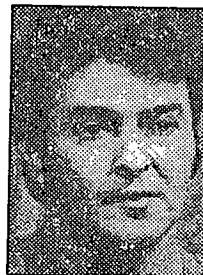
When Fox and Downey saw Mahoney on the evening of May 14, neither man thought their companion was drunk — certainly not enough to keep him from driving safely. "Larry could handle it real well," Fox said.

But experts on drunken driving painted a different picture of Mahoney yesterday during the first day of federal hearings into the May 14 collision between Mahoney's pickup, headed the wrong way on Interstate 71, and a church bus near Carrollton. The bus driver and 26 passengers died in the ensuing fire.

Dr. Herbert Moskowitz, a University of California-Los Angeles authority on the effects of alcohol, calculated that Mahoney would have had to consume a case, or 24 cans, of Miller Lite beer — the beer witnesses said Mahoney drank — to have  $2\frac{1}{2}$  times the legal limit of alcohol in his blood, the amount investigators later found in blood tests.

"You're massively impaired" at that level, Moskowitz said. He said a driver's judgment, vision, perception and ability to pay attention to other vehicles and the road are sharply reduced, which would help explain how Mahoney came to be driving north in the highway's southbound lane.

To drink that much without getting sick,



Testimony by alcohol experts and friends of Larry Mahoney differed on how much drinking is too much.

Moskowitz added, Mahoney would have to be a heavy, regular drinker.

The differing views of Mahoney's drinking habits are "exactly what this whole problem is all about," Harvey Siegal, a Wright State University psychologist who developed a drunken-driving program in Ohio, said in an interview. "We've got a situation here that a culture is supporting them (drunken drivers)."

Eleven witnesses testified before the National Transportation Safety Board yesterday at the Holiday Inn-Hurstbourne in Jefferson County, and they focused almost entirely on the issue of drunken driving. Most of the remaining two days of hearings are expected to examine school-bus safety.

"This accident again has shown us how driving under the influence can suddenly turn a pleasure outing into a tragedy," NTSB chairman Jim Burnett said in opening the hearings. "Keeping problem drinkers off the road before they injure or kill someone should remain one of the top priorities of local, state and the federal government."

In an interview, Burnett said public attitudes toward drunken driving are changing because of the work of citizens' groups

See HEARING  
Back page, col. 1, this section



# Jury-selection proceedings for Mahoney trial going smoothly

By MARK CAMPBELL  
Kentucky News Editor

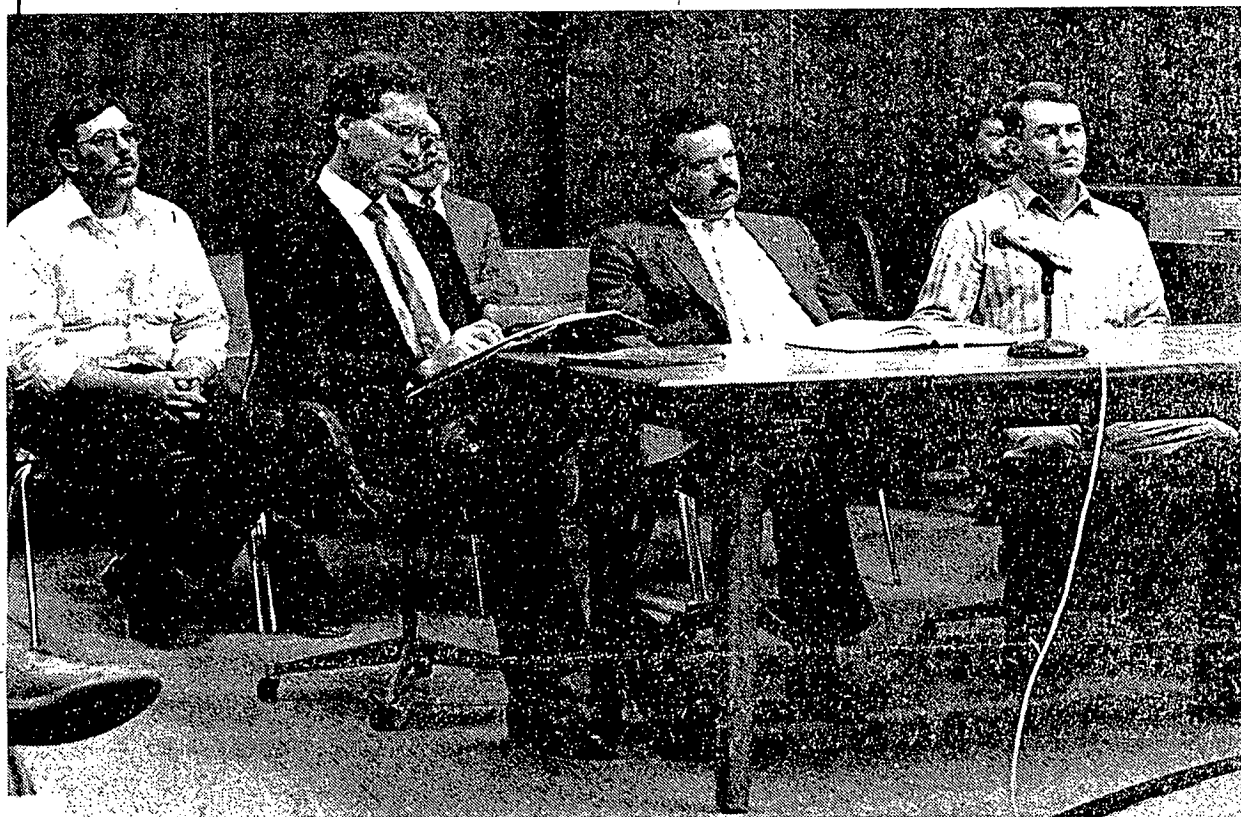
Attorneys in the trial of Larry Wayne Mahoney, the Owen County man facing 27 counts of murder in connection with a 1988 bus crash near Carrollton, described their first day of jury selection as smooth.

Mahoney, 36, faces 82 total charges including 27 counts of murder, 42 counts of first-degree wanton endangerment, 12 counts of first-degree assault and one count of driving under the influence.

State police claim Mahoney's blood-alcohol content was 0.24 percent on May 14, 1988, when he crashed his 1987 Toyota pickup truck head-on into a church bus on interstate 71 just south of Carrollton, killing 24 children and three adults. Police also claim Mahoney was traveling the wrong way on the interstate at the time of the wreck.

Jury selection in the case began at approximately 9:30 a.m. yesterday at the Carroll County Courthouse with Carroll Circuit Judge Charles F. Satterwhite presiding. The first 100 of 300 prospective jurors called for the case were interviewed as a group and by 1:15 p.m. yesterday Satterwhite was assigning the prospective jurors times for more detailed individual interviews beginning Monday, Nov. 13.

"So far everything is going about as smooth as I can imagine it



## Facing charges

Larry W. Mahoney (right) sits with attorneys William Summers (center) and Russell Baldani (left) during a hearing in Carroll District Court yesterday. Mahoney faces 27 counts of murder in a trial that began yesterday. (Staff photo by Mark Campbell.)

going," said defense attorney William Summers, in a press conference with reporters yesterday. "I believe the general voir dire portion that was done today will probably be speeded up a little bit by going through it once. Tomorrow and Friday it looks like it's going to take a half-day ... It seems to be well."

Throughout yesterday's proceedings, Mahoney, who was wearing dress pants, a long sleeve shirt and brown shoes, sat quietly, only speaking to his attorneys or family members who were seated in two rows behind the defense table.

"Exactly what you'd expect," said Summers, when asked the mood of his client. "He's a very pensive person; a very quiet person and I imagine the anticipation of getting it started is a whole different thing for him ... he's a very, very quiet person and there is very little conversation."

According to Summers and special prosecutor Paul Richwalsky interviews with prospective jurors have gone well and the likelihood of finding a fair and impartial jury to hear the case in Carroll County

seems good.

"I believe we're going to get as fair a trial as has ever been done in the United States and I believe that in my heart," said Summers.

Asked to profile the type of jury both the prosecution and defense is seeking to seat in the case, Summers said he felt he could answer for both sides in that both he and Richwalsky are looking for a jury that would be "imminently fair to both sides and that's not trite and that's not kidding."

"I hope we can select a fair and impartial jury," the prosecutor said. "The whole process is devised to illicit exactly that type of information ... the process is designed to find out from those people the responses to the questions, I have for them and Bill (Summers) has for them. You're asking us to look into a crystal ball and forecast what the end results are going to be a week or two or three weeks from now and we can't do that."

During most of yesterday's proceedings, the prospective jurors indicated that they could set aside the pre-trial publicity they have been exposed to and decide the

case based on the evidence presented during the trial.

Attorneys in the case agreed that some of the prospective jurors in the case will be able to do that while others may already have been tainted by pre-trial publicity, a situation they claim is normal in a case as highly publicized as Mahoney's.

Summers noted the influence of pre-trial publicity from the bus crash and its proceedings in court as well as a National Transportation Safety Board hearing on the bus crash in Louisville last fall must be considered when selecting a jury for the case.

"I can't imagine anyone reading it and not beginning to form certain natural biases and prejudices," said Summers on the pre-trial publicity situation. "The question is as you heard it to the jurors, 'As you hear this does it come to mind of such strength that you wish to speak out now.' We will discuss naturally in the course individual voir dire what effect the articles and reporting and certainly the presence of that hearing down in Louisville which neither of us participated in. That's

very important."

However, at one point in yesterday's action, one of the prospective jurors stood and told the judge, "After all the publicity I've seen on television and read in newspapers, I don't think I could convict Mr. Mahoney of anything."

"If you think back to what the very purpose of what the jury selection process is, it's for precisely that," said Richwalsky. "You don't want people to sit there mute or quiet ... I have to speak for myself, but by not being a mind reader or telepathic, I don't know what they're thinking. But if they don't talk we're not going to know anything."

When attorneys begin their individual interviews of prospective jurors on Monday, Summers said the line of questions will be targeted at determining their feelings on several issues that are related to the case. He said attorneys will begin to have a better understanding of how the prospective jurors really feel about the case at that time.

See: TRIAL  
Back Page, Column 3

# •Trial

Continued from Page 1

He said the issues to be discussed will include: the effects of children with injuries causing death, alcohol, alcohol in their own lives, trauma in their own lives and pre-trial publicity and its affects whether negative or positive and their own feelings.

According to both Summers and Richwalsky, the bus crash is one of the most emotional cases that either have ever worked. They said the details of the accident as well as the sheer magnitude of people involved makes it unlike anything they've ever been involved with.

When asked to explain how different the Mahoney case is to any of the other murder cases he's prosecuted in the past, Richwalsky found it hard to describe.

"On the face of this prosecution it seemed to be very straightforward and very simple and very easy, but when you scratch aside the facade it has become a complicated and convoluted and intertwined," said Richwalsky. "It is unlike any case I have ever been involved in before. I think just by the sheer numbers and magnitude and issues involved, unless you could have lived with us the last 18 months and touched it, felt it, breathed it and become a part of it, there is no way I could explain to anybody in this room or anybody that is ever going to listen or read what you all are writing down, what this prosecution's all about. That might not be much of an answer, but it's the best I can do."

Richwalsky said the prosecution had its case mapped out and ready to take to trial two weeks ago. However, some pre-trial decisions made by Satterwhite to include testimony concerning the design and safety of the bus caused the commonwealth to have to "get back together with the families of the homicide victims."

"It's unlike any other type of regular murder case where you meet in (the victims') living room and develop a close rapport with them," he said. "We had to assemble 27 families together in a room. When you stop and think some prosecutors don't try 27 murder cases in their career, but when we walked out of that room that night we had been with 27 separate families that had each lost one or more family members ... that's what I'm trying to convey to you that it is unlike any other type of thing in my own experience."

Summers came to Richwalsky's defense by noting the Mahoney case has been an emotional situa-

tion for all parties involved and that regardless of what those involved say, it is still hard for outsiders to realize how difficult dealing with families on either side of the crash has been.

"If you can necessarily imagine, first of all a lawyer's obligation is to do their best to not be overcome by the emotion of whatever situation they're in," said Summers. "There's emotion on my side and there is emotion on Paul's side. I cannot feel it anywhere near what he can feel for his nor can he feel mine."

"We have got to work as hard as we can to not let that engulf us," the defense attorney continued. "You think that it isn't tearing this man up seeing these faces, seeing these brothers and sisters of deceased people. I can speak for him, it's cutting his guts out but yet he's got to go upstairs and do a job and I really think everybody ought to think about that in some of your questions from now on. This is tough on both of us and something

I'd rather say so he doesn't have to."

In answers to other questions yesterday, both the prosecution and defense admitted that neither side of the case is considering any type of plea agreement at this time to avoid taking the case before a jury — especially considering the likelihood that the projected six-week to two-month trial could be an emotionally difficult ordeal for both the victims' families as well as for Mahoney and his family members.

"There were discussions, as I had anticipated there would be, almost a year ago," said Summers. "I understood where he was coming from, but we're taking it to jury."

"When (Satterwhite) asked us if both parties were ready for trial and we said yes, that should have answered that," Richwalsky added.

In addition to Summers, Mahoney was represented at yesterday's proceedings by defense attorney Russell Baldani and a jury and trial consultant, John C. Johnson, a clinical psychologist from Friday Harbor, Wash. Attorney Jack Hildebrand is expected to join the defense later in the trial.

In addition, Mahoney was supported by nine members of his family yesterday including his mother, a sister, a brother-in-law, a cousin, his ex-wife and his 16-year-old son, Tony.

Summers said Mahoney's father and some other family members were not in court yesterday because they were busy working with the family's tobacco crop. "They got a season in tobacco and part of the

family is doing that," he said.

According to Summers, Mahoney held up emotionally well under the crunch of attention the case received today. "He relates to me and he's the same person I have been representing for 18 months. He's quiet, he's introspective, he's shy, he only answers a question if he's asked unless you're talking about coon hunting. To be very honest with you that's about all he was; just a quiet person and friends and people who have known him all his life will say the same thing."

The second group of 100 prospective jurors was called at 9 a.m. today and a third and final group of 100 is scheduled for Friday before individual interviews begin Monday.

In interviews with prospective jurors this morning, Satterwhite followed the same line of instructions and questions as presented yesterday.

During the first session of court today, three prospective jurors from a group of approximately 60 were excused for medical and personal reasons.

In other questions concerning how many of the prospective jurors had either worked with Mahoney or had family members work with him at M&T Chemicals in Carrollton, 10 out of the group responded.

One man was excused from jury duty after he told Satterwhite that he had worked with Mahoney and was a good friend of the defendant.

Satterwhite excused the man after he told the judge that he had discussed the case with Mahoney.

Mahoney had nine family members with him in court this morning. Mahoney's father, John, who missed the Wednesday session to work on the family's tobacco crop, attended this morning's session.

Attorneys in the case claim it could take as long as two weeks to select the jury and the trial could last from six weeks to two months. The final 100 prospective jurors are scheduled to be called tomorrow.

# Alcohol has role in jury selection

By MARK CAMPBELL  
Kentucky News Editor

11/10/89

As jury selection continued in the murder trial of Larry Wayne Mahoney yesterday, attorneys in the case began to see how alcohol has affected the lives of prospective jurors called for the case and how small and tight-knit residents are in Carroll County.

During the second day of group interviews yesterday, five of the 67 prospective jurors called in the case had experienced family problems related to drunk driving including two people who lost relatives in alcohol-related automobile crashes.

Also, 11 members of the panel called yesterday either worked with Mahoney or had relatives work with the defendant at Carrollton's M&T Chemicals plant.

Mahoney, 36, of rural Owen County, is charged with 82 total counts in connection with a head-on collision between his pickup truck and a Radcliff, Ky., church bus on May 14, 1988.

State police claim he had been drinking on the night his truck crashed into the bus and had a blood-alcohol content of 0.24 percent — almost 2½ times the level considered too intoxicated to drive under Kentucky law.

Police also claim Mahoney was traveling north in the southbound

lane of Interstate 71 just south of Carrollton. The bus his truck hit was owned by the First Assembly of God church and was returning from a daylong trip to King's Island amusement park north of Cincinnati.

Mahoney is currently on trial for 27 counts of murder — including 24 children and three adults — 42 counts of first-degree wanton endangerment, 12 counts of first-degree assault and one count of driving under the influence.

In group interviews conducted yesterday, five prospective jurors told the court they or someone in their family had been involved in an alcohol-related accident.

Two of the five prospective jurors were dismissed by Carroll Circuit Judge Charles F. Satterwhite after telling him they had lost family members in those accidents and that their previous experiences with drunk-driving wrecks would influence their decisions in the case.

According to attorneys for both the prosecution and defense, the number of prospective jurors with alcohol-related problems in their past was not surprising. In fact the attorneys claim similar problems will probably be identified when more detailed interviews of prospective jurors are conducted

beginning Monday.

"Those were the ones who chose to come forward today, we anticipate that that is not all of them or all of the people who have been touched by a drinking driver, alcoholism in their immediate family and friends," said Mahoney's attorney William Summers. "We have identified some, but obviously that's going to be a great topic for individual questioning."

According to state Deputy Attorney General Paul Richwalsky, special prosecutor for the case, attorneys in the trial had no way of knowing how many of the 300 prospective jurors called for the case had alcohol-related tragedies in their lives. He noted the purpose of questioning jury members is to disclose such information.

"We had no idea in the entire pool of potential jurors who has been touched by what," said Richwalsky. "And again that's the whole purpose of the exercise is to find out. Nobody could have responded and then everybody could have responded and whether or not that is what we anticipate, I tried to make it clear yesterday we have no idea what to anticipate. We have questions we would like to get answers to and whether or not we'll be surprised by the answers is not the purpose. (The purpose is not) to

be surprised; it's to find out the information."

In other questions yesterday, 11 of the prospective jurors said they either worked with Mahoney at the Carrollton chemical plant or were related to other people who worked with him at the factory.

The majority of the 11 jurors told Satterwhite their association with Mahoney at work or through family members would not affect their decisions in the case; however, one man was excused when he told the judge he was a friend of Mahoney and did not think he could hear the trial in an impartial manner.

The man was excused after he told Satterwhite he had discussed some aspects of the case with Mahoney at work.

Mahoney, who spent about five months in jail following the crash, was finally released when friends and relatives posted \$540,000 bond in both cash and property in October 1988. At that time he resumed his job at M&T and worked there up until this October when he took a leave of absence to help his attorneys prepare for trial.

Although prospective jurors in the case are scheduled to undergo more thorough interviews Monday, attorneys in the case claim a jury

See: TRIAL  
Back Page, Column 3

# • Trial

11/10/89

Continued from Page 1

may be empaneled before all 300 of the jurors that have been called are interviewed individually next week.

The names of prospective jurors who were not excused during the group interviews have been drawn in groups of six for the individual interviews next week.

According to Richwalsky, once a group of 31 jurors is identified, the individual interviews would end and the prosecution and defense would be allowed to exercise their peremptory strikes before the 15-member jury panel is drawn. After the jury is drawn, the rest of the jury pool would be dismissed and testimony in the trial would then begin.

According to Summers, there have been no discussions on whether the jury should be sequestered during the trial.

In fact, the defense attorney noted that any questions related to jury separation and security would be much like questions on whether there should be a change of venue in the case. He said they will be addressed if the need arises and the facts in the case support that course of action.

"There's been no discussion, and that's just like a change of venue, we'll deal with that later after we see where we're at," Summers said. "There doesn't appear yet to be any need and frankly it depends on the presence of outside influence and I don't say that as a dirty word regarding to the media. But if it appears in any way and the judge feels like ongoing facts can taint them in any way, then he may consider it."

In other action yesterday, Satterwhite overruled a motion by a Louisville television station asking him to quash and set aside an earlier order to prohibit the public and media from next week's individual interviews of prospective jurors.

In responding to a motion filed by the defense and joined by the prosecution, Satterwhite ruled on Nov. 6 to deny access to the public and media during the interviews. He agreed to allow media members to listen to the interviews, but not see them or be present when they are to be conducted.

Attorney Schuyler Olt, Louisville, represented WHAS-TV in a hearing conducted yesterday after-

noon.

Olt argued that WHAS was not given a chance to be heard on last Monday's hearing even though the television station had filed a motion to intervene in the matter.

According to Olt, Satterwhite's decision to close the individual interviews is atypical of the way cases have traditionally been handled in Kentucky and "could have a long-standing impact on other cases in Kentucky."

He went on to add the station he represents was not given prior notice of the hearing by other attorneys in the case or court and that WHAS would "like a brief opportunity to be heard on the aspect of closure and protect our interest in that."

Summers, who was joined by Richwalsky in arguing the case, said he and the prosecutor made no effort "to cut anybody out" of the hearing. He also noted that an attorney representing another Louisville television station and a Louisville newspaper were at the hearing to argue possible First Amendment violations.

Richwalsky argued that no effort

was made to limit the television station from the hearing. He said attorneys for the television station should have been better on top of the situation and explained their absence from the proceedings as a case where "someone got caught with their proverbial pants down" and "now is trying to make us the scapegoats."

"I think on the face it appears the defense and prosecution were aware of an intervening party when in reality they were not and I think that should be borne out by the case file," said Satterwhite, who added that members of the media were on hand at the Nov. 6 hearing and were on notice that any remaining pre-trial business would be dealt with at that time.

In overruling the television station's request, Satterwhite told Olt he could still take the station's request before an appeals judge but noted that the other media outlets had agreed to "take a wait and see attitude to see just how the individual voir dire does go Monday."

The judge noted his decision to close the interviews to the public except for an audio hookup to the proceedings was "plowing new ground for me. I've never used that type of procedure either, but it is one that I saw as a viable alterna-

tive to complete closure and ... I believe there were grounds sufficient enough that had I chosen to do so, I could have closed voir dire altogether. But rather than that, I take this alternative."

Mahoney, who was once again wearing dress pants and a dress shirt, was joined in court yesterday by nine of his family members; however, none of the victims or victims' family members attended the trial for the second consecutive day.

According to Richwalsky, the victims and their family members have not appeared in court at the prosecution's request.

"We asked them," Richwalsky said, explaining their absence. "A lot of the family members are going to be testifying and lot of the children obviously are going to be testifying. During this jury selection process there is really nothing they can do."

"Without knowing the exact outlay of the courtroom yesterday, it wasn't sure that there would even be room for anyone," Richwalsky continued. "I knew the concern by the court was going to be for the jurors and the jury panel initially and I think that I would anticipate to say that they stayed away at our request waiting to hear from us whether it would be appropriate for them to come ... it's just not quite the time yet."

Summers said Mahoney's mood is quiet and tense. He noted the defendant is normally a quiet person and that anyone involved in a case such as his would be tense.

"To be honest with you he is a very quiet man. He speaks when spoken to," Summers said. "I talked with him a little bit this morning before we went in. You have to know Larry and kind of get from his eyes how he's feeling and naturally he's tense as anybody would be."

Group interviews of prospective jurors continued today with the first group of individual jurors scheduled for more intense questions beginning at 9 a.m. Monday.



11/9/89



## Media blitz

Television satellite trucks sprung up like mushrooms yesterday on Main Street in Carrollton as the trial of Larry Mahoney got underway. Dozens of reporters from newspapers as well as television and radio stations are covering the case. (Staff photo by Mark Campbell.)

# Judge refuses to remove prior conviction

By MARK CAMPBELL  
Kentucky News Editor

A Carroll County District Judge has refused to remove a prior drunken driving conviction from Larry Wayne Mahoney's court records.

Only a few hours after jury selection got underway in Carroll Circuit Court, attorneys for Mahoney were trying to get Carroll District Judge Stanley M. Billingsley to vacate a 1984 driving under the influence conviction from Mahoney's records.

Mahoney, 36, of rural Owen County, is charged with 27 counts of murder, 42 counts of first-degree wanton endangerment, 12 counts of first-degree assault and driving under the influence of alcohol in connection with the May 14, 1988, bus crash on Interstate 71 near Car-

rollton that killed 27 members of a Radcliff, Ky., church youth group.

State police claim Mahoney's blood-alcohol level was 0.24 percent and he was driving his pickup truck north in the southbound lane of Interstate 71 when he collided head-on with the bus.

According to Russell Baldani, one of Mahoney's defense attorneys in the case, Mahoney was not properly advised of his rights when he pleaded guilty to drunk driving before Billingsley on April 19, 1984. He asked Billingsley to remove that conviction from Mahoney's record as well as two disorderly conduct convictions in 1980 and 1983.

An effort to remove the prior drunk driving conviction was first made in Carroll Circuit Court, but Circuit Judge Charles F. Sat-

terwhite told the defense the matter should be decided at the district court level.

Baldani said the convictions are all outside the state's five-year limit and cannot be introduced as evidence in the Mahoney's current trial, but if Mahoney is convicted, they may be brought up in the sentencing phase of the case.

Baldani and Special Prosecutor Paul Richwalsky, a deputy state attorney general, each called witnesses and presented evidence in court today supporting whether the convictions should be removed from Mahoney's record.

Richwalsky provided a cassette tape recording of Mahoney entering the guilty plea to the drunk driving charge in 1984 as well as a transcript of those proceedings. He also called attorney William Carter,

the public advocate for Carroll County who represented Mahoney in that 1984 case, to testify on the advice he gave the defendant then.

Carter testified he remembers representing Mahoney in 1984 and Mahoney was advised of his rights prior to entering the guilty plea.

However, in cross examination by Baldani, Carter was challenged on how much he actually remembered about representing Mahoney.

Baldani said Carter's personal records of the case were suspect. Carter presented a file folder on the 1984 Mahoney case that was in a re-used folder and contained a scratched-out name of another client. He testified he had located the folder about an hour before appearing in court yesterday.

Richwalsky objected and noted attorneys are not required to keep

files on their clients of the cases they work. He noted that Carter had testified he advised Mahoney of his rights in 1984 and the defense should not be allowed to put Carter's record-keeping practices on trial.

Baldani later took the witness stand and testified that Carter's testimony in court yesterday differed from a conversation he had with Carter several weeks ago.

"He told me he knew some of Larry's family, but that he didn't know Larry personally and that he had never represented him," Baldani said in answering questions from fellow defense attorney William Summers.

"Did he say anything else at that time?" asked Summers.

See: JUDGE  
Back Page, Column 3

## •Judge

Continued from Page 1

"We discussed his strategy on another criminal case, but nothing else pertaining to this issue," Baldani said.

"Did you discuss possible testimony in this case?" said Summers.

"No, because when he said that he had never represented Larry and didn't know Larry, I didn't have any reason to approach him on the testimony," said Baldani.

Asked by reporters later if he thought Carter's file was manufactured, Summers said, "You bet I do ... the man tells my partner one month ago that he doesn't even remember and has never represen-

ted Larry Mahoney and one month later he comes in with a file that happens to have another name on it that is scratched out, we're going to check the record to see when that case was and we hope it wasn't in 1985."

In closing yesterday's hearing, Billingsley refused to remove the previous convictions from Mahoney's record and advised the attorneys the matter really should be decided in Circuit Court.

Summers said due to the five-year limit on what evidence can be introduced in a case, the issue will not come into play unless Mahoney is convicted and that he would take the matter up again in Circuit Court at that time.



THE COURIER-JOURNAL  
LOUISVILLE, KY.  
TUESDAY,  
DECEMBER 19, 1989.

# KENTUCKY

## Witness says Mahoney not tricked into heavy drinking before bus crash

By BILL WERONKA  
Staff Writer

CARROLLTON, Ky. — The prosecution made one final attempt yesterday to "blow away" the defense's claims of involuntary intoxication and an unsafe bus before turning over Larry Mahoney's bus-crash murder case to the Carroll Circuit Court jury.

Attorneys said the jury may begin deliberations late today.

Mahoney is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving while intoxicated in the May 14, 1988, tragedy. He is accused of driving drunk the wrong way on Interstate 71 and crashing head-on into a bus owned by the Radcliff First Assembly of God church.

As the prosecution's first rebuttal witness, Kelly Osborne testified that the defense was

wrong in contending he slipped an unsuspecting Mahoney the vodka that led to his severe intoxication.

"I think he blew away the involuntary-intoxication argument," said Assistant Attorney General Paul Richwalsky Jr., the special prosecutor in the case.

Osborne testified that Mahoney had arrived with friends at the home of Jay Gibson, a neighbor of Osborne's, and began drinking beer. Then, just before leaving, Mahoney asked Osborne whether he had any beer.

"I said no," Osborne said. "Then he asked me what I was drinking. I said I had a vodka mixed drink."

Mahoney asked for some, said Osborne, who then went into Gibson's house, got a plastic cup and mixed a drink for Mahoney. Richwalsky produced the white plastic cup that Osborne turned over to investigators this past Sunday.

Osborne said he made the drink with what

little vodka he had left in a half-gallon jug and threw the bottle away. He said he gave Mahoney the vodka mixed with Sprite — not straight or with Diet Pepsi as the defense claimed.

"He (Mahoney) picked it up and drank it straight down," Osborne said. "He kind of choked and coughed a couple of times. I thought it was because he drank it so quick."

Osborne said he gave Mahoney some Sprite without alcohol after that.

After that, Osborne said, Mahoney headed to his pickup truck and said, "Whoever got my keys, give 'em to me. I'm going home."

That version directly conflicted with the defense's contention, and Mahoney's testimony, that Osborne gave Mahoney a cup of straight vodka without Mahoney's knowledge. Mahoney

See WITNESS

PAGE 3, col. 6, this section

# Witness denies Mahoney was duped on drink

Continued from Page B 1

said he choked on the clear liquid he drank, then Osborne gave him a glass of what he thought was Diet Pepsi. The defense contends the second liquid was Diet Pepsi mixed with vodka and he could not taste the alcohol because the first drink had affected his ability to taste.

The defense contends, and expert testimony supported it, that such a scenario constitutes involuntary intoxication and voids the 27 counts of wanton murder against Mahoney. The wanton-murder statute says voluntary intoxication constitutes wanton disregard for human life.

Mahoney's lead attorney, William Summers, questioned Osborne intensely, pointing out that Osborne never mentioned drinking vodka, or making a drink for Mahoney in a June 1988 interview, or in any subsequent interviews. He also did not produce the cup until Sunday.

Osborne, who the defense said has a pending DUI case, said he just forgot about the cup and the vodka until an interview in the past several months with Mahoney's brother-in-law, Jim Daugherty, who assisted the defense's investigation. Osborne said Daugherty mentioned something about a glass, which later caused Osborne to remember.

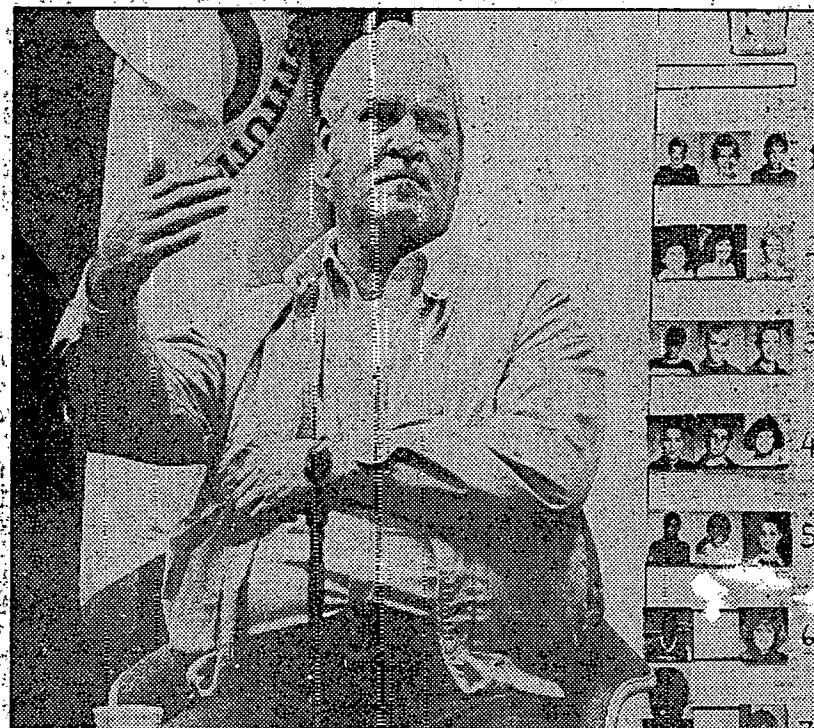
"I think Jim Daugherty ought to be commended for the memory course he has come up with," defense attorney Jack Hildebrand said. "Less than four weeks after the accident, Mr. Osborne couldn't remember anybody drinking there. Then the word 'glass' triggered this whole scheme of events that he remembered."

Richwalsky said Osborne's testimony jibed with others and he did not use him initially because he believed the defense would call him. Then they talked to him over the weekend, "And can't you imagine our surprise when he produced the cup," Richwalsky said.

On the topic of bus safety, Richwalsky called a statistical expert with the National Highway Traffic Safety Administration, who said that, based on national statistics for fatalities per miles traveled, school buses are four times safer than passenger cars.

The expert, William Boehly, also said there has not been a school-bus accident in which anyone died as the result of a fire since such records were first kept in 1975.

Hugh T. Spencer, a professor of



POOL PHOTO BY TODD BUCHANAN

Kelly Osborne said Larry Mahoney asked for a vodka drink.

chemical engineering at the University of Louisville, rebutted the defense's claim that the 27 people who died in the burning bus were killed by toxic gases emitted by the burning seats. He maintained the cyanide gas would itself have burned up before any of the victims could have been poisoned by it.

Richwalsky believed his witnesses refuted the defense's case. But Hildebrand, calling Spencer's testimony confused and illogical, said it did not hurt at all.

The defense suffered a defeat early yesterday when Carroll Circuit Judge Charles Satterwhite denied them access to communications between Ford Motor Co. and the prosecution. Satterwhite said the information was not relevant, while Summers argued that the interests of Ford and the prosecution "are wholly synonymous," and likened Ford to a "private prosecutor" in the case.

Ford and the bus-body maker, Sheller-Globe Corp., face civil suits from families of two of the children who died in the 1988 crash — Shannon Fair and Patty Nunnallee.

Ford has an obvious desire to see Mahoney bear sole responsibility for the crash, Summers said.

The defense will offer one or two rebuttal witnesses today. After that, if there is time, the jury will be instructed on the charges and then hear closing arguments before beginning deliberations.

# Last survivors of bus crash testify in trial of Mahoney

By BILL WERONKA  
Staff Writer

12/1/89

CARROLLTON, Ky. — Relieved parents, family members and attorneys filed out of the courtroom yesterday as a week of compelling and painful testimony in Larry Mahoney's bus-crash murder trial came to an end.

In only three days, a parade of 39 survivors of the fiery bus crash on Interstate 71 that Mahoney is accused of causing filed past the jurors to the witness stand in Carroll Circuit Court.

Some bore visible scars that caused some jurors to turn their heads away.

And their invisible scars were reopened as they relived the collective nightmare of a fun-filled excursion that turned tragic. Not only the witnesses, but also relatives, jurors and the defendant, wept during the testimony.

Mahoney, 36, is accused of driving drunk on the wrong side of I-71 and hitting the Radcliff First Assembly of God church bus head-on. Twenty-four children and three adults — returning from a day at Kings Island amusement park north of Cincinnati — died in the fire that consumed the bus.

He is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving while intoxicated. His trial will resume Monday.

The final six survivors, all among the most seriously injured, testified yesterday, along with three doctors who detailed the extent of the children's injuries.

Sixteen-year-old Ciaran Foran, her head wrapped in a pressure bandage used by burn victims, forced a brief recess when she broke down on the witness stand. She returned to tell of being pushed and kicked aside by panicked children trying to escape the bus after the crash, and how a helium balloon she had used for a pillow blew up in her face.

She also described her extensive injuries and the 19 operations she had undergone.

Carey Aurentz, 15, the only person sitting in the front row of seats on the bus to survive, entered the courtroom on crutches. She had had the lower portion of her severely burned right leg amputated.



POOL PHOTO BY ED REINKE

Christy Pearman, daughter of bus driver John Pearman, was hugged by a friend after testifying yesterday.

She wept briefly as she identified pictures of several children who died, but continued, providing a gripping account of escape.

After falling out of her seat and making her way to the back of the bus, she was stopped by the crowd of people "running on top of each other" and jamming the rear exit.

"Then I passed out on a seat," Aurentz said. "I was kind of floating and I thought I was on a roller coaster upside down. I remember thinking, 'Oh, my God, I'm going to die.' The next thing I remember, I was reaching for the back door with my hands."

There was no one at the door then, she said, adding, "I just stood up and fell out of the bus to the ground."

Also testifying was Christy Pearman, daughter of the bus driver, John Pearman, who died. She grabbed one

last glimpse of her father as she was pushing her way out.

"He was standing up," she said in a voice lowered by the respiratory damage she suffered. "He had one hand up at his face and was doing something with the other one. He was looking at something on the floor."

News accounts after the crash quoted survivors as saying that Pearman tried to quell the blaze with a small fire extinguisher.

"I'm sure they are relieved it's over," Assistant Attorney General Paul Richwalsky Jr. said of the survivors.

"I'm relieved," he said. "You don't know what to expect. Witnesses aren't supposed to perform; it's just a matter of getting up there and telling what they know."



## Last survivors of bus crash testify in Mahoney trial

Continued from Page B 1

"There were some things they omitted, that they told us about in interviews. They either forgot or it slipped their minds, but that's happened to everyone so far."

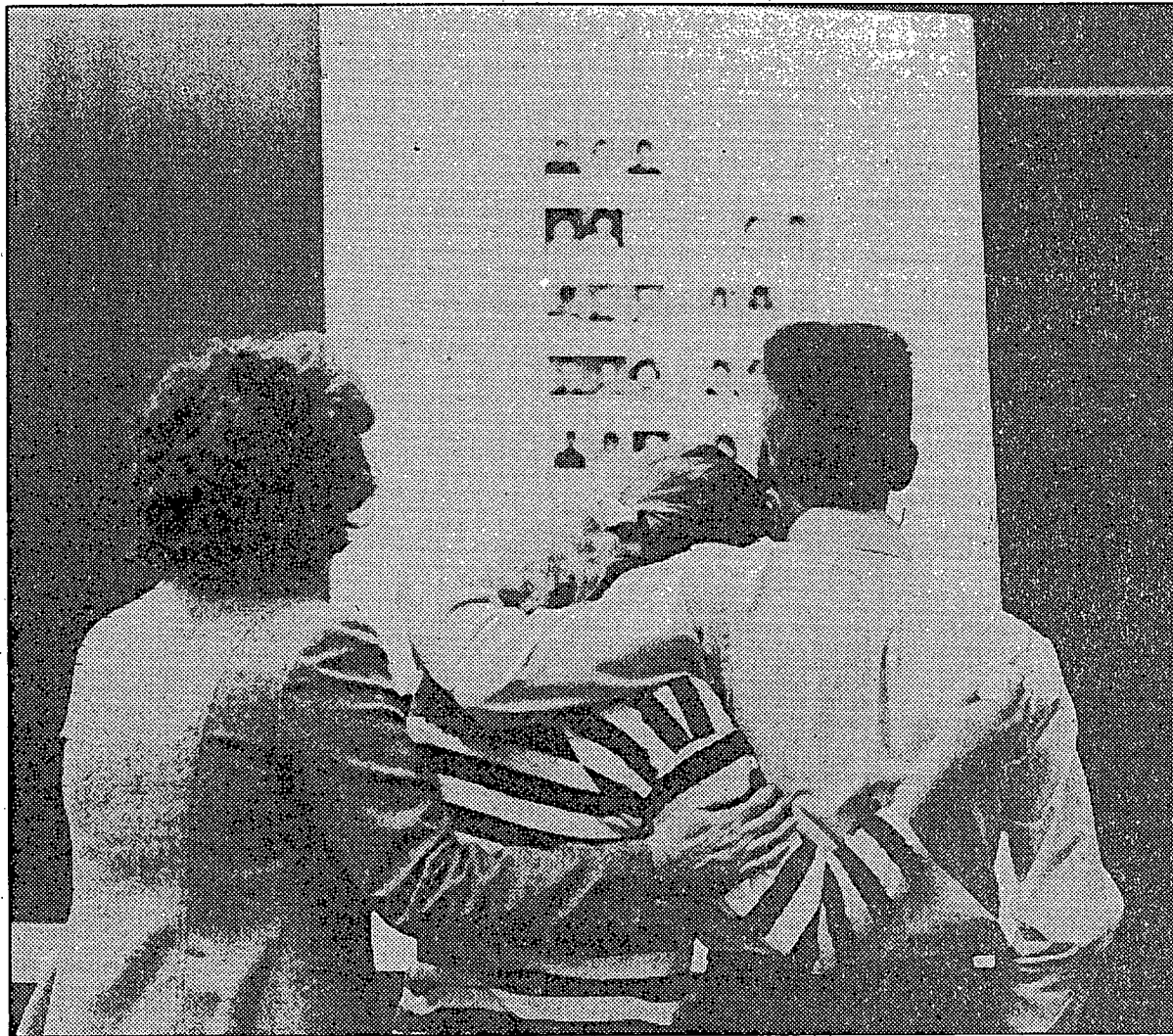
Defense attorneys have contended that some of the details omitted were crucial to their stance that the lack of safety features and the poor condition of the bus contributed to the deaths.

"I want to re-emphasize," Mahoney's lead attorney William Summers said, "from our viewpoint the children had a hard time remembering, without some prodding, anything that added culpability to something other than Larry Mahoney."

Richwalsky, the special prosecutor in the case, had an opposite point of view.

"I think the issues that are important to (the defense) are irrelevant," Richwalsky said. "I think that is what the case is all about. If this jury thinks the bus killed the kids or the First Assembly of God killed the kids or stuffed animals from Kings Island killed the kids, then they will let Larry go. But if they believe he killed the kids, then he'll go to prison. It's as simple as that."

Richwalsky said the state may conclude its case next week after testimony from state police accident-reconstructionists, the state medical examiner, who performed the autopsies, and relatives of those who died.



POOL PHOTO BY ED REINKE

Janey Fair, left, Lisa Daniels and Joe Percefull looked over the bus seating chart during a recess in the Larry Mahoney trial yesterday. Percefull testified about being in the bus during the crash.

CS 11/21/89

# Gloom permeates bus-crash trial

CS 11/21/89

## Blank stares, tears mark first day of testimony

By BILL WERONKA  
Staff Writer

CARROLLTON, Ky. — The atmosphere in the small Carroll County courtroom became extremely uncomfortable yesterday as the prosecutor began reading the 82-count indictment against Larry Mahoney during the first day of testimony in the bus-crash murder trial.

Mahoney hung his head and stared at the table as each of the 27 murder counts, along with the corresponding victim's name, was read. Some members of the victims' families cried softly at the mention of certain names. Others just grimaced and stared blankly ahead.

It lasted for 20 minutes, but it seemed like an eternity as Assistant Attorney General Paul Richwalsky Jr., the special prosecutor, read each of the murder counts, each of the 12 counts of assault and each of the 42 counts of wanton endangerment during his opening statement. To each he attached a name.

To the final count of driving under the influence, he attached Mahoney's name.

"Plain and simple; this is a murder case. It is a case about what occurred and who is responsible. It's about the terrible cost of drinking and driving," Richwalsky said. "It's a simple case with tragic results," he said later.

Russell Baldani, one of Mahoney's three attorneys, countered in

See GLOOM

Back page, col. 1, this section



Assistant Attorney General Paul Richwalsky Jr., the special prosecutor, showed jurors a photograph of the burned church bus yesterday during opening statements in the trial. At left, defendant Larry Mahoney, center, listened to testimony along with attorneys Russell Baldani, left, and William Summers.

AP POOL PHOTOS BY TODD BUCHANAN

## Gloom permeates first day of bus-crash trial

Continued from Page One

the defense's opening statement that the case was not so simple. He admitted it was a "senseless, horrible tragedy," and that Mahoney was partially responsible for the May 14, 1988, collision.

"He was on the wrong side of the road and he was drinking," Baldani told the 16 jurors, including four alternates.

But, Baldani said, an unsafe bus also bears some of the responsibility. Also, he said, Mahoney was particularly vulnerable the day of the wreck because of fatigue and family problems and was misled by would-be friends who urged him to drink. He told the jurors to examine every fact and the honesty of every witness as they search for the truth.

"And the truth is inevitably, inescapably that Larry Mahoney is not a murderer," Baldani said.

Richwalsky began his opening statement by detailing the tragedy as it occurred at 10:59 p.m. when Mahoney, allegedly drunk, inexplicably crossed the median and began driving his pickup north in the southbound lane of Interstate 71 near Carrollton.

The prosecutor told how Mahoney created havoc on the highway, with oncoming cars "flashing lights and honking horns," and finally crashed head-on into the Radcliff First Assembly of God church bus carrying passengers home from an amusement park.

Eyewitness testimony, Richwalsky said, would describe how the bus burst "into an instantaneous fireball on impact," and how 24 children and three adults died, how 12 other children were injured, and how 28 others miraculously escaped.

"It was an event that horrified this small, quiet community (Carrollton) and probably horrified the entire nation," Richwalsky said. Radcliff, he said, was more than horrified. "It was devastating."

He emphasized that the bus was safe, and that only the impact of

the 3,400-pound pickup with the 21,000-pound bus caused the tragedy.

Baldani countered that the fuel tank of the bus was in a vulnerable position and not surrounded by a protective cage, the bus was not mechanically sound, aisles were narrow and blocked, the emergency door was stuck and the windows would not open.

He concluded each point, noting that, had those factors not been present, "more people would have survived."

Baldani characterized the tragedy as a book with chapters on responsibility, vulnerability, villains (the bus manufacturers and the would-be friends that misled Mahoney), and courage (that of the children, rescuers and medical personnel).

But "12 of you jurors will write that final chapter," Baldani said.

Earlier in the day, nine women and seven men were chosen by lot for the jury after the prosecution and defense made their final strikes of potential jurors.

After swearing them in, Carroll Circuit Judge Charles Satterwhite told them they would not be sequestered. He said the jury-selection process convinced him the jurors were trustworthy and would not discuss the case.

The 16 were sworn in and then taken on a tour in vans. First they visited an old concrete warehouse in Carrollton where the gutted bus sits next to the smashed remains of Mahoney's black 1987 pickup.

The jurors entered the warehouse slowly, blinking at the change from sunlight to the portable lights, powered by a noisy generator outside, that illuminated the vehicles. First they circled the soot-covered remains of the bus.

Tears streamed down one juror's face as she completed the circle. Most, however, remained more impassive, only shaking their heads in dismay. Next they looked at the pickup, its front end a mass of twisted metal and shattered glass.

No one spoke during the five minutes they spent in the ware-

house. Most took deep breaths as they exited, climbed into the vans and rode down I-71 to drive by the crash scene. They will return later to see the scene at night.

The jurors returned to Carroll Circuit Court for opening statements, then heard the prosecution's first five witnesses.

Two Carrollton bartenders told how Mahoney drank two beers in one bar and one in the other from 1 p.m. to 4 p.m. that Saturday. Then a liquor store clerk said Mahoney bought three more beers at his store about 4:15 p.m.

Kim Frederick, Mahoney's former girlfriend from Burlington, Ky., told how Mahoney came to visit her about 5:30 p.m. and wanted to talk because he was "confused and needed a friend." She told him to come back when she got off work about 10 p.m.

That is where Mahoney was headed at the time of the crash, Richwalsky said in his opening.

Another Carrollton man, Hubert Layton, said Mahoney stopped at a friend's house, produced a six-pack, drank two and ate some pizza before leaving about 8:30 p.m.

All the witnesses, some who had known him for 14 years, said they had never seen Mahoney drunk.

Richwalsky said today he would wrap up testimony about Mahoney's drinking on the day of the crash and move on to the 17 people who were not on the bus but were endangered by Mahoney on the highway that night.

Mahoney's lead attorney, William Summers, said about 140 witnesses will be called during the trial, which is expected to last six to eight weeks.

Summers added that his client, usually pensive and expressionless, "did seem more ill at ease" than usual during his first contact with the victims' families. Mahoney, with members of his family seated behind him, glanced over his shoulder at the Radcliff families only once.

Mahoney's brother-in-law, Jim Daugherty, said Mahoney "was hurting inside. He had a rough time."



# Compassion bridges emptiness of grief

By Al Salvato  
Post staff reporter

*5/20/88 Cincinnati P.S.*

**RADCLIFF, Ky.** — Thoughts of young Mary Daniels haunted their minds Thursday.

Memories of her smile, her zest, her dreams seemed so vivid to Michelle West and Heather McKenzie.

Mary, an ebullient 14-year-old freshman at North Hardin High School in Radcliff, was the best friend and schoolmate of Michelle, 14, and Heather, 16.

Mary died last Saturday with 26 other people, mostly teen-agers, when their bus was rammed head-on along Interstate 71 and exploded.

For four emotional days, Michelle and Heather have fought a sense of hollowness.

"Until today, I kept waiting for Mary to walk through my front door," said the normally pert Michelle, snapping shut swollen eyes.

Heather reaches to wipe a tear from her friend's cheek and clutches her hand.

Thursday was the day of reckoning for the girls, along with nearly all of Radcliff.

They shuttled from one funeral to another, then to a community service attended by nearly 5,000 mourners.

Michelle and Heather would have it no other way.

**Please see RADCLIFF, 5A**

## Radcliff

From Page 1A

Sharing in this community's grief seemed so necessary.

At Mary's funeral Thursday morning at St. Christopher Catholic Church in Radcliff, the girls played "Amazing Grace" together on their flutes.

In September, Mary would have joined her two friends in the school's marching band.

"Mary's dream has always been to be in band," Michelle said.

In her memory, they plucked along with their schoolmates artificial roses they will save from one of the many bouquets on Mary's grave at North Hardin Memorial Gardens.

Thursday evening, the girls stood alone and solemn, cling-

ing to one another, waiting for the community service. Their hair was perfectly groomed. They wore their newest and prettiest clothes.

"Everything we're doing is for Mary," Michelle said.

"But I couldn't have done this without Michelle," Heather said.

"I'm so glad you're here," Michelle told Heather.

Minutes before addressing the throng, Pastor W. Don Tension of the First Assembly of God Church in Radcliff, where many of the victims were members, said the service would show young people that the community's adults care about them.

"Young people sometimes get a bad rap," he said, "but tonight these adults are saying, 'We love you and care for you.'"

When Mary's name was read

along with the 26 others who died, Michelle and Heather buried their faces in each other's shoulders and clasped hands.

Those hands remained locked through the somber hymn, "Blessed Are They," played by the U.S. Army Band from nearby Ft. Knox.

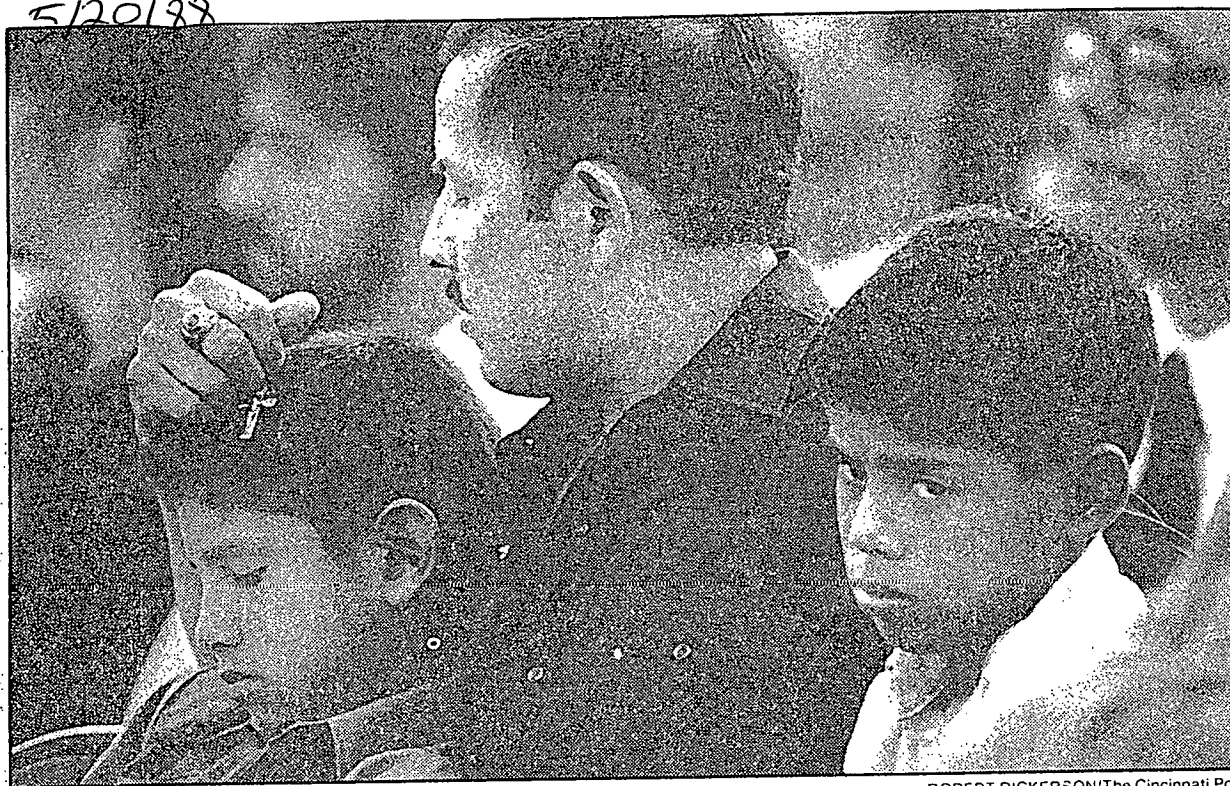
"I feel so good tonight, being in Radcliff," Michelle said. "I never thought of this as a friendly community, but look at this."

"You walk down the street crying," Heather said, "and people come up and say it's OK."

As the service concluded, bands of young people gathered to hug and offer one another words of strength.

Their gestures seemed to say: Radcliff is strong. Life will go on.

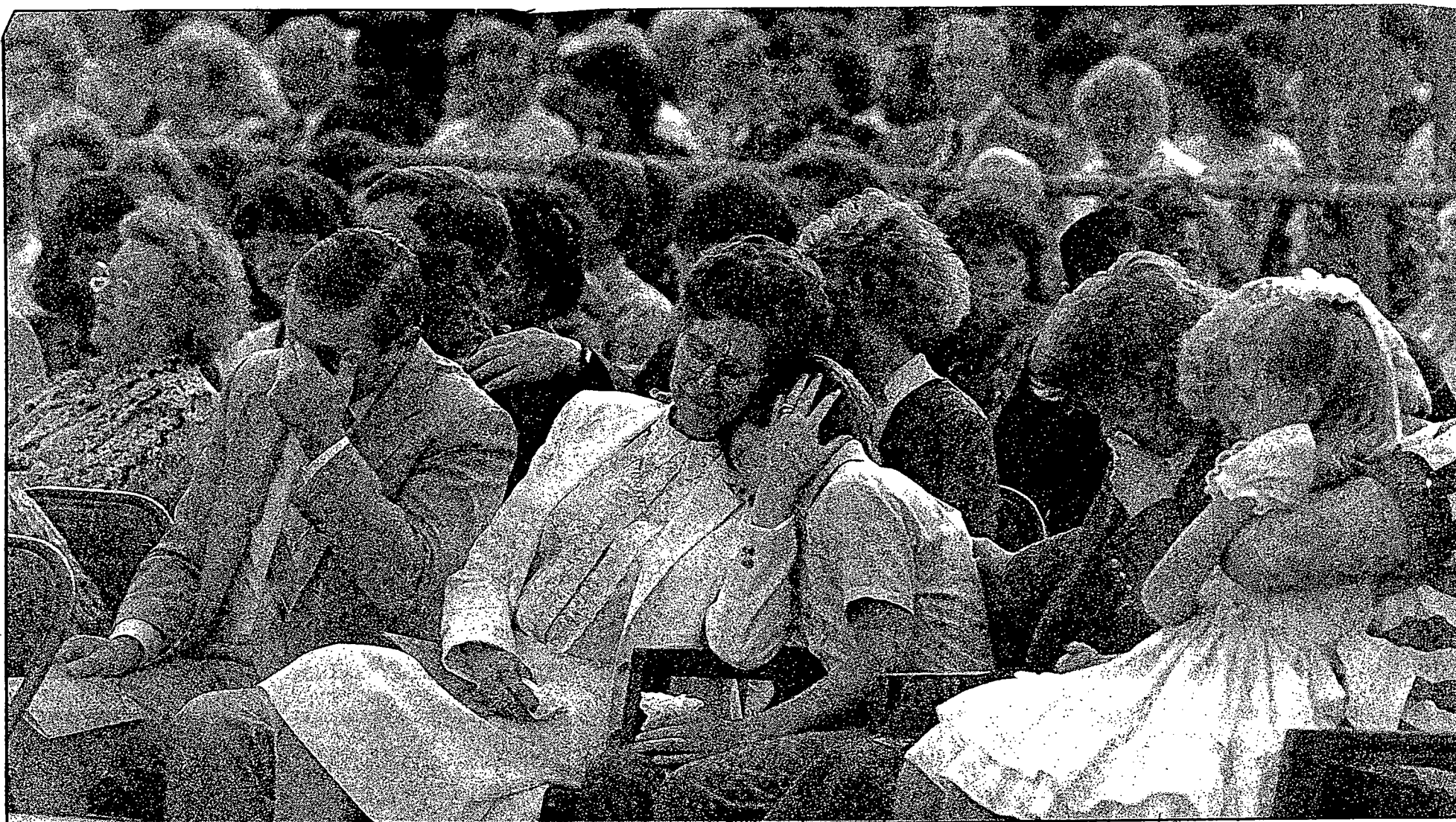
Cincinnati Post  
5/20/88



ROBERT DICKERSON/The Cincinnati Post

A father and his two sons were among those sitting in the section reserved for relatives of bus crash

victims during Thursday's memorial service in the North Hardin High School stadium.



5/20/88

ROBERT DICKERSON/The Cincinnati Post

Relatives and friends comfort each other during a community memorial service Thursday for the 27 victims of Saturday's fiery church-bus crash on Interstate 71

near Carrollton, Ky. The service in the North Hardin High School stadium in Radcliff, Ky., was attended by about 5,000 people.

# MADD members from across country in Radcliff to counsel bus-crash victims

By DAVID CAZARES  
Staff Writer

RADCLIFF, Ky. — MADD representatives from around the country are in Radcliff this weekend to spread a message of hope to victims and survivors of the May 14 church bus crash that killed 27.

The representatives of Mothers Against Drunk Driving, most of whom have suffered losses through incidents involving drunken driving, will share their experiences with groups or individuals upon request.

Janice Lord, director of victim assistance for MADD, said this weekend's sessions are the first in the organization's history.

She said local chapters can usually handle most tragedies, but the bus crash involving Radcliff-area families was the largest MADD has had to deal with.

"We certainly pray that this will not become a permanent project for MADD, but we are grateful that we can come together and help at this time," she said.

Sharon Sikora, a MADD member from Phoenix, Ariz., said she was particularly interested in talking to burn victims.

Sikora said she suffered burns over 80 percent of her body when a drunken driver crashed into the rear of her car in 1981.

"There was a time that I looked so horrible that I couldn't stand to look in the mirror at myself," she said.

Sikora said she wants to assure burn victims that they can eventually recover. "Because I've been there I hope I can answer their questions."

Robert Beck, chairman of the board of the national MADD organization, said that MADD will hold a press conference in Louisville on Tuesday to stress the seriousness of the drunken-driving problem and call for legislation to combat it.

"There ought to be a mechanism for taking away driving licenses on the spot. That's an effective way of dealing with it," said Beck, whose son Michael was killed in a

crash caused by a drunken driver in 1982. Caroline Nunnallee, whose daughter Patty was killed in the May 14 crash, said the families needed the group's assistance.

"You are kind of numb at first ... then reality sets in and you realize that your child is never coming home again. I really think the time is now for a lot of us, because we're finally facing what is ahead of us."

Local health-care experts say families and friends of people killed in the bus crash will need time to recover, particularly because many of the victims were children.

Larry Mahoney, 35, of rural Owen County, was driving the pickup that slammed into the bus, returning from an outing sponsored by the Radcliff First Assembly of God church. He has been charged with driving under the influence of alcohol, 27 counts of murder and 13 counts of first-degree wan-

See MADD  
PAGE 7, col. 2, this section

## MADD to counsel bus victims

Continued from Page A 5

ton endangerment.

Last night at a public meeting at the Colvin Community Center, MADD representatives explained the group's history and purpose to area residents. Several members also shared their experiences. Dorothy Mercer, an assistant professor of psychology at Eastern Kentucky

University, said MADD wanted people in Radcliff to meet others whose lives were affected by tragedies but who had learned to live with their suffering.

Mercer, who was seriously injured in a crash caused by a drunken driver in 1982, has only recently been able to work full time.

"We'll help everybody that wants to be reached," Mercer said.

# Carrollton victim's parents campaign for safer buses



Shannon Fair, 14, died in the Carrollton church bus crash.

By Michael Collins <sup>12/10/88</sup>  
Kentucky Post staff reporter *KP*

**RADCLIFF** — Larry and Janey Fair don't intend to let the world forget why their daughter died.

They have recounted again and again how a panic-stricken group of children died in a bus turned inferno ... on national television, on radio talk shows, in People magazine.

They don't plan to stop until someone makes school buses safer for children like their daughter, Shannon, 14.

"It's hard to do, but public awareness seems to work," Mrs.

Fair said, thumbing through a stack of government documents and newspaper articles on bus safety.

The desire to know more about their daughter's death prompted the Fairs to raise questions about school bus safety. The answers horrified them.

They found the First Assembly of God's converted school bus lacked modern safety features — notably, a protective cage around the gasoline tank. And they found that thousands of other buses like it still travel the highways.

"They don't make improve-

ments on these school buses because the bottom line is economics," said Fair, a lieutenant colonel in the Army. "We don't have the reverence for life that we should have."

Memories of a similar accident 18 years ago deepened the Fairs' sorrow and heightened their concern. Fair and a buddy pulled 30 people from a burning bus in 1970 while stationed in South Korea. They received the Soldier's Medal, the highest award for non-combat heroism.

The irony galvanized the Fairs' resolve.

"It just seemed like bad fic-

tion," Mrs. Fair said. "Nobody would ever write something like that — it was just so unlikely."

"I just felt like, if they could get those kids off the bus, why couldn't they get our kids out?"

Ford Motor Co., which built the bus chassis, offered a monetary settlement to families of the 27 victims and 40 survivors less than six weeks after the accident. But there was a hitch — negotiations were to be private.

The Fairs found the offer galling.

Please see PARENTS, 2K

to happen again?"

The couple will continue to air their concerns in public. Appearances on programs such as "20/20" and "Sally Jessy Raphael" have taught them not to respond to reporters' questions with one-liners. A humorous or entertaining response might grab the spotlight, blur the message.

Fair acknowledges their goal is idealistic, but he figures the family has gained by telling its story to the world.

"We may lose this case in court, but I feel like we've already won," he said.

The Fairs are trying to put their lives back in order. Memories of Shannon keep them going.

Mrs. Fair shows off Shannon's report cards — she was an A student — and reads her daughter's essays for visitors. Shannon's saxophone lies on a bed downstairs in a room that screams reminders of a teenage girl: animal posters on the walls, stuffed animals scattered about.

The needs of their 16-year-old son, Donald, keep the Fairs going, too. They recently bought him a car to drive to school.

They couldn't bear to see him get on a bus.

## Parents

From Page 1K

"We were having trouble with me just getting the uniform on and going to work," Fair said. "We were just barely able to function in the day-to-day decisions — things like getting food on the table."

"We believe very strongly they came down here to buy silence, to settle things down, and to cover up the problems they have on buses."

Ford and Sheller-Globe Corp., which assembled the bus, eventually settled out of court with 64 families, reportedly for less than \$1 million each. They did not admit liability — the bus met federal safety standards when built — but pledged to contribute \$500,000 to efforts to reduce drunken driving and increase highway safety.

The Fairs decided to apply pressure to force manufacturers to make buses safer, an approach they believe Shannon would have approved. They filed suit in July against Ford and Sheller-Globe Corp. as well as the owner of the bar where Larry W. Mahoney drank before hitting the bus.

The Fairs believe the bus safety recommendations drawn up by a state task force will bring significant improvements in Kentucky. But they don't plan to drop their suit.

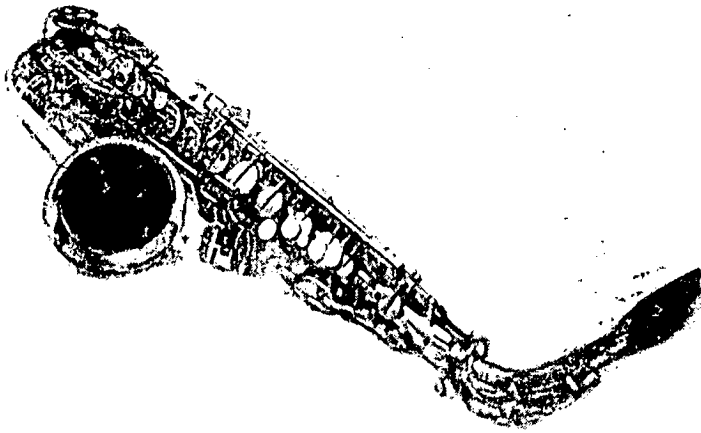
"I would hate to see this happen in 47 other states that don't have the bus safety laws," Mrs. Fair said. "If we just let these people die here in Kentucky and we don't keep the pressure on, who knows when it's going

### Local stocks

52 week		Stock	Sale		High/Low		Chg.
Hi	Lo		100s	100s			
9 1/4	5 3/4	Cornair	33	8 1/2	8 3/4	8 3/4	+ 1/4
60 1/4	32	Della	970	50 1/2	49 1/2	49 1/2	+ 1/4
45 1/2	39 1/4	Fifth Third	730	45 1/4	43 1/4	45	- 1/4
50	33 1/2	First National					



12/10/88



JIM OSBORN/The Kentucky Post

Larry and Janey Fair of Radcliff have left their daughter's room virtually as she left it. Shannon played saxophone:



*Madison Courier 6/21/88*

# Carroll County judge rules on motions made in accident case

Prosecutors in the case against Larry Wayne Mahoney were in Carrollton yesterday to continue presenting evidence to a Carroll County grand jury in connection with the May 14 fatal crash that resulted in the deaths of 27 members of a Radcliff, Ky., church youth group.

According to special prosecutor Paul Richwalsky, evidence presented yesterday probably concluded the first phase of testimony before the grand jury; however, he told reporters that the case is still under investigation and he could be several weeks away from actually going for an indictment.

Mahoney, a 34-year-old chemical worker from rural Owen County, is charged with driving his pickup truck head-on into a First Assembly of God Church bus on Interstate 71 in Carroll County that was returning to Radcliff from King's Island Amusement Park near Cincinnati.

Investigators claim Mahoney was traveling north in the southbound lane of the interstate when the crash happened, and tests conducted at Humana Hospital-University of Louisville following the accident showed that his blood alcohol level was .24 percent — almost 2½ times the level that is recognized as legally

intoxicated in Kentucky.

Mahoney has been charged in Carroll County District Court with 27 counts of murder in connection with the fatal crash and prosecutors are trying to determine if they will seek the death penalty.

In other action yesterday, while hearing motions related to the case, Carroll Circuit Judge Charles F. Satterwhite ruled to deny prosecutors access to Mahoney's psychiatric and medical records and that records Richwalsky had already obtained from Humana Hospital-University of Louisville by subpoena be turned over to the court and sealed with the court records.

Richwalsky argued that information in Mahoney's records is critical to the case and that the prosecution is "looking for anything that might be relative to his state of mind and intent."

Defense attorneys for Mahoney had argued that since they have not indicated that they will pursue a defense of insanity or mental illness that such records should not be released because release of such information could be a violation of Mahoney's right to privacy, to a fair trial and to due process.

Mahoney, who was arrested at the hospital by police while recovering

from injuries he sustained in the crash, is currently being held at the Kentucky Correctional Psychiatric Center near LaGrange.

In other motions yesterday, Satterwhite reduced bond for Jeffrey Gill, the man charged with murder and drunk driving in connection with a fatal accident that claimed the life of Mahoney's 4-year-old cousin on June 4, in Carrollton.

Gill, 28, of Pittsburgh, is charged with running over and killing MaKayla Mahoney, Lockport, on the Kentucky River Bridge on U.S. Highway 42 in Carrollton. Tests taken after the accident showed he had a blood alcohol level of .28 percent.

Gill had been held on \$50,000 cash bond, but Satterwhite reduced that amount to \$10,000 cash bond yesterday with the stipulation that if Gill is released he must live with his parents in Pittsburgh, drive only to and from work, and report each week by telephone to a pretrial release officer for Carroll County.

Gill has been lodged in the Oldham County Jail since the accident. He was indicted by a Carroll County grand jury on June 6 on charges of murder but no trial date has been set in that case.

# Bus driver's death a loss to church, family, county

By Al Salvato  
Post staff reporter

LOUISVILLE, Ky. — Robert Pearman didn't know which way to turn Sunday. For an hour or more he paced the hallway at Humana Hospital in Louisville waiting for word about his 14-year-old granddaughter, Christy Pearman.

Then he hurried over to Norton Kosair Children's Hospital to pace another hallway, this time wondering how his other granddaughter, Cheryl Pearman, 13, was faring.

Both girls were seriously burned after their church bus was struck late Saturday night on Interstate 71 and exploded.

All the while Sunday Pear-

man realized his burden was greater than two granddaughters who were clinging to life.

His son, John — father to Christy, had died in the wreck.

"I just don't know what to do, or what to say," the elder Pearman said.

John Pearman was associate pastor of the First Assembly of God Church in Radcliff and the Hardin County Circuit Court clerk. Pearman said his son was a devoted church-goer who always made time for teen-agers. John Pearman was driving the bus Saturday night.

Pearman said his son, who had been ordained in Febru-



Associated Press

Please see DRIVER, 5A

A grief-stricken relative is consoled by friends in Carrollton, Ky.

## Driver

From Page 1A

ary, was married and has two other children — a boy, 11, and a girl, 7.

John Pearman also was politically active in Hardin County, where he served as president of the local Democratic Committee. The younger Pearman

was elected court clerk last November after the previous clerk was killed in a tractor accident.

Carla Riggs-Hill, a friend of the family, called John Pearman "an extraordinary person with deep beliefs. You could trust him to make the right decisions.

"He's going to be such a loss for the church and the community."

What's going on in the area? You can find out easily by reading Tipsheet in Accent.

5/17/89

# Beer, fatigue factors in crash

Cincinnati Post 5/17/89

## Investigators try to trace driver's trail

By Paul A. Long  
and Randy Ludlow  
Post staff reporters

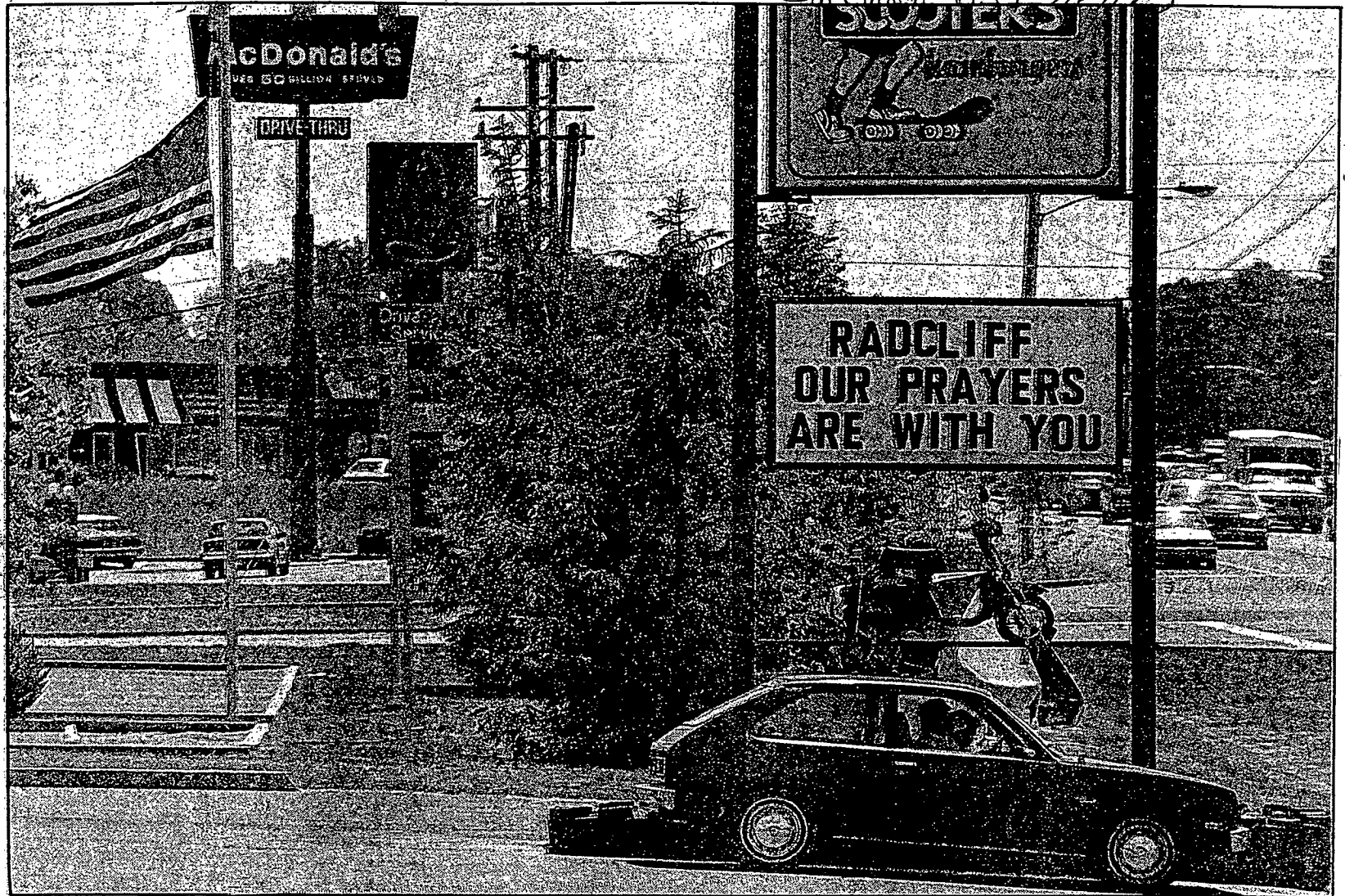
**WORTHVILLE** — When Larry W. Mahoney left Dennis Mefford's house near Worthville about 8:30 p.m. Saturday, he was "tired, but sober," Mefford said.

Some 2½ hours later, Mahoney was extremely drunk when he plowed into a converted school bus while traveling the wrong way on Interstate 71, according to police.

Police charged Mahoney Monday with 27 counts of murder in connection with the accident, which killed 27 people en route to Radcliff from a day at Kings Island north of Cincinnati.

He faces a possible death sentence, and more charges may be filed. He is under police guard while he recovers from his injuries at Humana Hospital-University in Louisville.

On Monday, Mahoney's friends and family tried to figure out what happened. They tried to imagine why a quiet, well-liked factory worker who had just reunited with his first wife would become so intoxi-



LAWRENCE A. LAMBERT/The Cincinnati Post

A sign in front of a business along busy Dixie Highway in Radcliff, Ky., sums up the feelings of the town, which is trying to cope with the

deaths of 27 people in the fiery crash of a church bus on Interstate 71 near Carrollton, Ky., Saturday night.

cated he would roar down the wrong side of the interstate.

"It wasn't like him at all," said Nellie Keel, who lives next door to Mahoney and has known him for about eight years.

Police say Mahoney's blood-alcohol level was 0.24 percent, nearly 2½ times the level at which Kentucky law says a person is intoxicated.

In 1984, he was convicted of drunken driving and paid \$440 in fines and court costs. But "not even drunk could I imagine him doing something like that," said Mefford, who described himself as Mahoney's closest friend.

"He knew this country like the back of his hand — all the roads and off-roads. Something had to happen to the truck. I can't believe he got on the interstate in the wrong lane."

Mahoney, 34, and Mefford,

Please see DRIVER, 4A

## Driver

From Page 1A

40, grew close over the past several years because of a joint interest in hunting raccoons. They would often hunt together, swap notes about 'coon dogs or just joke, Mefford said.

Mahoney lives with his first wife, Janice King Mahoney, and a son, Tony, 14, at the Eagle Creek Campground trailer park along Ky. 227 in Worthville. Mrs. Mahoney said she was working Saturday night and doesn't know where he went — or why.

She declined to talk further.

Mahoney grew up in Moxley, a small town in adjoining Owen County. His father was a farmer.

Those who know Mahoney describe him similarly — friendly but quiet, an avid raccoon hunter, a hard worker. He liked to drink Miller Lite beer, and was on a first-name basis with bartenders in at least two Carrollton taverns.

Norma Jean, a bartender at Tubby's Last Chance Tavern

along Ky. 227 in Carrollton, said Mahoney would stop in often to down a few beers and play pool. Betty, a bartender at Mary Lou's in the city's courthouse square, also knew him as a regular.

Neither woman would give her last name.

"He'd have a couple of beers," Betty said. "I never saw him outstandingly drunk."

On Saturday, Mahoney left work at the M&T Chemical plant in Carrollton at 7 a.m. after working a 12-hour shift.

About 4:30 p.m., he left his trailer. His uncle, Coleman Mahoney, said his nephew honked his horn and gave a friendly wave as he drove his freshly washed four-wheel-drive Toyota pickup truck up the gravel road.

Coleman Mahoney said Larry Mahoney had made arrangements for his son to spend the night at Coleman Mahoney's trailer.

Larry Mahoney stopped off to say hello to Jay Gibson, who lives in the trailer park. Gibson said Mahoney apparently had

drunk a few beers and stayed less than five minutes at his place.

About 7 p.m., Mahoney drove into the parking lot at Tubby's Tavern. He stayed about a half hour and drank one Miller Lite before leaving, said bartender Norma Jean.

While at Mefford's house Saturday night, the pair installed a radio in Mefford's pickup truck, swapped Randy Travis tapes, talked about their raccoon dogs, and sipped beer.

"We drank a couple beers out there while we were putting the radio in," Mefford said. "I'm not even sure a couple is right — it was more like one apiece. It wasn't no party or nothing."

Mefford said he assumed Mahoney was going home.

"He was tired," Mefford said. "I don't think he'd been to bed that day. I presumed he was going home, but he didn't say."

Where Mahoney went after he left Mefford's house, his whereabouts are unknown. Friends and neighbors said they didn't see him. People at bars along Ky. 227 in Carrollton said

he did not show up there.

Between 10 and 10:30 p.m., he dropped off another friend, Taylor Fox, at the trailer park. But Joanie Fox didn't know where Mahoney and her ex-husband, Taylor, had been, how long they had been together, who else they were with or whether they had been drinking.

Taylor Fox, a long-haul trucker, was on the road and unavailable for comment.

State police also are trying to find out what Mahoney was doing before the accident. Trooper Jim Mudd said investigators will try to track Mahoney's trail — from when he left work until he wound up on the wrong lane on I-71, 10 miles away from home.

"That doesn't sound like Larry," said Roxanne Fields, a longtime family friend. "All I've ever known him to do was hunt, fish, play pool and go out with other couples."

"It makes no sense. I guess the only one who knows what happened is Larry."

Cincinnati Post  
5/17/89

# THE MAI

Monday, December 11, 1989

## Defense starts case with attack on bus design and safety

By MARK CAMPBELL  
Kentucky News Editor

Attorneys for Larry Wayne Mahoney began their defense in his trial for murder and drunken driving this morning by attacking the design and safety of the former school bus which burned, killing 27 people in 1988.

Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, rested the commonwealth's case this morning after calling 107 witnesses in 11 days of testimony.

Mahoney, 36, of Owen County, Ky., is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment, and one count of driving under the influence in connection with the May 14, 1988, crash involving Mahoney's pickup truck and a bus carrying a youth group from the First Assembly of God church in Radcliff, Ky. Three adults and 24 children died in the ensuing fire on the bus.

Defense attorney William Summers, lead counsel for Mahoney, began his case by calling Kentucky State Fire Marshal John William Martin to the stand as his first witness.

Martin, who investigated the fire at the scene and has worked with Kentucky Gov. Wallace Wilkinson's task force to study the crash and recommend additional bus safety measures, was questioned and cross-examined for an hour and 20 minutes this morning.

Martin was asked if he thought the type of fuel, the material used for bus seats or the availability of access of emergency access doors contributed to the severity of the victims' injuries or the large number of fatalities.

Martin said he thought the limited number of emergency exits

## • Trial

Continued from Page 1

contributed to the severity of the accident.

He also was asked if he thought the fire would have been as severe if the bus' fuel tank had had a cage on it like later models. The bus involved in the crash was a 1977 former Meade County school bus. The federal government required wire cages surrounding the fuel tanks on buses manufactured after April 1, 1977. The bus involved in the crash had been manufactured prior to the April 1, 1977, date. The fuel tank on it, which was held by two straps, came loose in the accident and was punctured.

Martin said, "In my opinion, it (the cage) would not have prevented the puncture of this bus in this case."

Martin also was asked questions about the study that has been done by the governor's task force. Martin said the goal of the task force was to try to prevent such a thing from happening in the future by making buses safer.

Some of the recommendations from the study include that all new buses purchased for state use be diesel, have window hatches as additional emergency exits on both new and old buses, the gas tank be relocated in a more central location, the state adopt regulations to increase training of bus drivers, and to provide more evacuation drills on both school buses and private buses that are used for transportation purposes.

Martin was asked if the toxicity of the burning seats on the bus could have contributed to the

severity of the accident. He said didn't know, but "I think both flammability and toxicity are issues that need to be addressed."

During cross-examination, Richwalsky questioned Martin on whether a diesel bus would have resulted in a less severe fire. Martin said gasoline burns very rapidly and puts off a lot of heat, but that diesel fuel can react similarly in an accident like that. He said diesel fuel would probably not be as flammable but it still could have resulted in a fire.

Richwalsky also asked Martin if diesel would have made for any worse fire. "I don't know how it could have been any worse. It is possible under exact conditions (diesel) would ignite."

Referring to evacuation drills, Martin said the more evacuation drills there are the more likely there are to be safe exits from a bus, but he said "we couldn't determine" if that was applicable in this case. "All it takes is for one person to fall down and you've got a problem."

He went on to say the evacuation drills used by schools and other groups and organizations don't interject panic, fear and survival.

The defense expects to call 15 to 25 witnesses and could have its case wrapped up this week. Mahoney may take the stand during the defense's presentation, but that is subject to change.

In the courtroom today was the ninth grade civics class of Benny Newell from the Madison Consolidated Junior High School.

See: TRIAL  
Back Page, Column 1

# Mahoney still in Oldham Jail

By MARK CAMPBELL  
Kentucky News Editor

Efforts to expedite the release of Larry Wayne Mahoney from jail this morning proved unsuccessful when Carroll Circuit Judge Charles Satterwhite stood by an earlier decision to only accept unencumbered property toward the defendant's bond.

Mahoney, 35, of rural Owen County, appeared in Carroll Circuit Court this morning with hopes of being released on \$540,000 property bond if Satterwhite would reverse an earlier decision to only except \$270,000 cash or a total twice that amount in property free of all mortgage or lien.

After this morning's hearing before Satterwhite, Mahoney, who faces 27 counts of murder along with several other charges in an 85 count indictment stemming from a May 14 head-on crash between his pickup truck and a church bus, was returned to the Oldham County Jail with any hope for a prompt release on bond still undecided.

What was decided is that Satterwhite will stand by his earlier ruling to only accept unencumbered

property toward the defendant's release and that the case has been sheduled to go to trial in January 1989.

According to Bill Summers, attorney for the defense, Satterwhite's decision concerning bond may violate Mahoney's civil rights in that the judge's conditions are an exception to the treatment given to other defendants who have come before the judge in other murder cases and an exception to state law.

On the other hand, Paul Richwalsky, special prosecutor in the case, is pleased with the judge's ruling concerning bond, but is upset with the January trial date and cited that a trial that soon could pose problems in the commonwealth's efforts to represent the bus crash victims fairly because many of his witnesses may still be undergoing treatment for their injuries at that time.

Mahoney, an employee of a Carrollton chemical manufacturing firm, is charged with 27 counts of murder, 13 counts of assault, 44 counts of wanton endangerment and

See: MAHONEY

Page B3, Column 1



# Mahoney trial date set June 9

Continued from Page 1

one count of driving under the influence of alcohol second offense.

According to state police, Mahoney was driving a 1987 Toyota pickup truck that was traveling the wrong way on Interstate 71 when it crashed head-on into a bus owned by the First Assembly of God church in Radcliff, Ky.

Police said tests conducted after the accident showed that Mahoney's blood alcohol level was .24 percent or almost 2½ times the level considered legally intoxicated in Kentucky.

Upon impact with Mahoney's truck, a leaf spring on the bus was driven into the vehicle's gas tank causing a rupture that led to a fire which killed 24 children and three adults and resulted in burns and other injuries to an additional 17 passengers on the 66-passenger bus, said the National Transportation Safety Board.

"I'm very upset and suprised," said Summers in an interview with reporters after this morning's hearing. "I was told coming into here that I did not have to worry about an in-this-case-exception with Judge Satterwhite."

According to Summers, he was told that Satterwhite had a history of conducting a fair trial, but that his defendant's constitutional rights to a fair trial may have been violated by today's ruling.

According to Summers, Satterwhite's decision to place restrictions on what property will be accepted toward bond and stipulate that such property shall have no liens or mortgages, "in effect would deny bond ... would be excessive bond and would be unfair bond" and in the end would be "clearly the equivalent of no bond at all."

In an effort to present its case and ask Satterwhite to accept the unencumbered equity of mortgaged property toward Mahoney's bond, the defense called two witnesses, Carroll County Circuit Clerk William "Bill" Wheeler and Mahoney's sister, Judy O'Donovan, to testify.

According to Wheeler, in the 10 years that he has been circuit clerk, he cannot recall a case in Carroll Circuit Court where Satterwhite placed such restrictions on bond.

O'Donovan, who has been leading an effort to raise money for her brother's bail, said the group has assembled pledges of over \$300,000 worth of unencumbered property and cash and over \$400,000 in unencumbered equity.

She said efforts to raise money for

Mahoney's bond began soon after capital murder charges were dropped against him and would continue until his release can be won.

"It's not enough yet, but it's real close," she said in court while adding that the property has been pledged by 10-15 people including family members, friends and other people interested in Mahoney's release.

"They are friends, but they are not all relatives," she said, while later adding, "There are people who don't know Larry ... that are supportive of him."

Summers also noted that another case currently pending in Carroll Circuit Court resulted in the release of Jeffrey Gill, of Pittsburgh, on \$10,000 cash bond or \$50,000 property bond.

Gill, 27, is charged with murder in connection with the traffic death of Mahoney's 3-year-old cousin, MaKayla Mahoney of Lockport. Gill was driving the truck that ran over MaKayla in June and tests showed that his blood alcohol level was .28 percent.

According to Richwalsky, Gill's case involves one traffic death instead of 27 and Gill had no prior convictions on drunk driving charges.

Summers countered with the fact that Gill is not a local resident and that the Constitution guarantees Mahoney the same protection as Gill.

"No one stands here without remorse for the victims and their families," said Summers, "but by gosh the Constitution demands equal protection."

He claimed Mahoney would not try to flee from his charges because he has "roots" in the community.

O'Donovan agreed and noted that due to media exposure her brother's face is known all across the United States.

In ruling to stick by his earlier decision, Satterwhite said that the "seriousness" of the case, the fact that there were 27 deaths and the "likelihood for flight being very, very high" prompted him to place additional restrictions on Mahoney's release.

The judge also noted that when he set bond for Mahoney it was done so "reluctantly. The court felt it was being lenient in accepting property bond at all."

In other action, Summers appealed to Satterwhite with a "demand for an immediate trial date."

According to Richwalsky, since many of his witnesses are still undergoing reconstructive skin grafts

and therapy, a trial date sooner than six months to one year would be unfair to the commonwealth.

Satterwhite noted that if Richwalsky's witnesses are unable to testify or appear in court, he would require an affidavit from doctors explaining why the proceedings should be delayed.

Satterwhite set a trial date for 9 a.m. on Jan. 9, 1989 and noted that if either the prosecution or defense requests a continuance, such requests must be made at least three weeks prior to the trial date. He said the last date that he would consider a continuance be Dec. 19.

"I don't think the trial date is reasonable," said Richwalsky in an interview with reporters outside the Carroll County Courthouse. "They're entitled to a fair trial, but the Commonwealth of Kentucky is entitled to a fair trial too. I haven't even been able to sit down and put the case file together yet."

According to Richwalsky, the prosecution could very well ask for a continuance, but any decision concerning that would be made much later.

"This is a difficult case," he said. "This case is a monumental case. While researching the death penalty on this we looked all over the country and the logistics of this case are just monumental."

According to Summers, Mahoney was "very sullen" and "very quiet" after Satterwhite's decision this morning.

"He needs to be out with his family," said Summers on Mahoney's need for release from jail. "He needs to be out with us preparing his defense."

According to Summers, if Satterwhite is going to remain staunch in his standing concerning bond, the defense will "have to take other remedies" in dealing with the ruling.

He added that his firm will file an appeal on Satterwhite's decision with the state Court of Appeals "as soon as we can get the papers drafted."

"I hate to have to do it, but if I'm going to have to do it," he said while noting that he will probably file an "original action suit" asking the Court of Appeals to make Satterwhite abide by a law that says that unencumbered equity may be accepted toward a defendant's property bond.

"Then, if a couple of more (people with property) will come forward, we're home free," said Summers concerning Mahoney's release.

# Driver pleads not guilty amid tight security

By JUDY BRYANT  
Staff Writer

CARROLLTON, Ky. — Less than two hours after he was released from Humana Hospital-University of Louisville yesterday, Larry W. Mahoney pleaded not guilty in Carroll District Court to 27 counts of capital murder.

Looking dazed and unsteady, Mahoney — who was driving the pickup truck that collided with a church bus on Interstate 71 a week ago, killing 27 people — was ushered into the courtroom by Kentucky State Police troopers who brought him to Carrollton directly from the hospital.

The police car in which he was riding drove onto the courthouse lawn to deliver him just outside the building's main door shortly after 3 p.m.

Mahoney, 34, wearing jeans and an open-collared shirt, walked haltingly into the second-floor courtroom. A hospital identification bracelet circled his right wrist, and there was a small gauze bandage on his forearm. He was not wearing shoes in the courtroom.

Mahoney's parents were among a half-dozen of his friends and relatives in the courtroom when he arrived. They seemed surprised at his weakened condition and began crying as he came through the door.

Mahoney had been hospitalized since last Saturday's crash, suffering from head and chest injuries.

Police used metal detectors and searched everyone who came into the courtroom for the 20-minute arraignment before Carroll District Judge Stan Billingsley.

Troopers did a security sweep of the entire courthouse before the hearing, said Trooper Jim Mudd, a state police spokesman.

Billingsley denied bail for Mahoney at the hearing and ordered him held at the Kentucky Correctional Psychiatric Center in La Grange, where he will be examined to see whether he

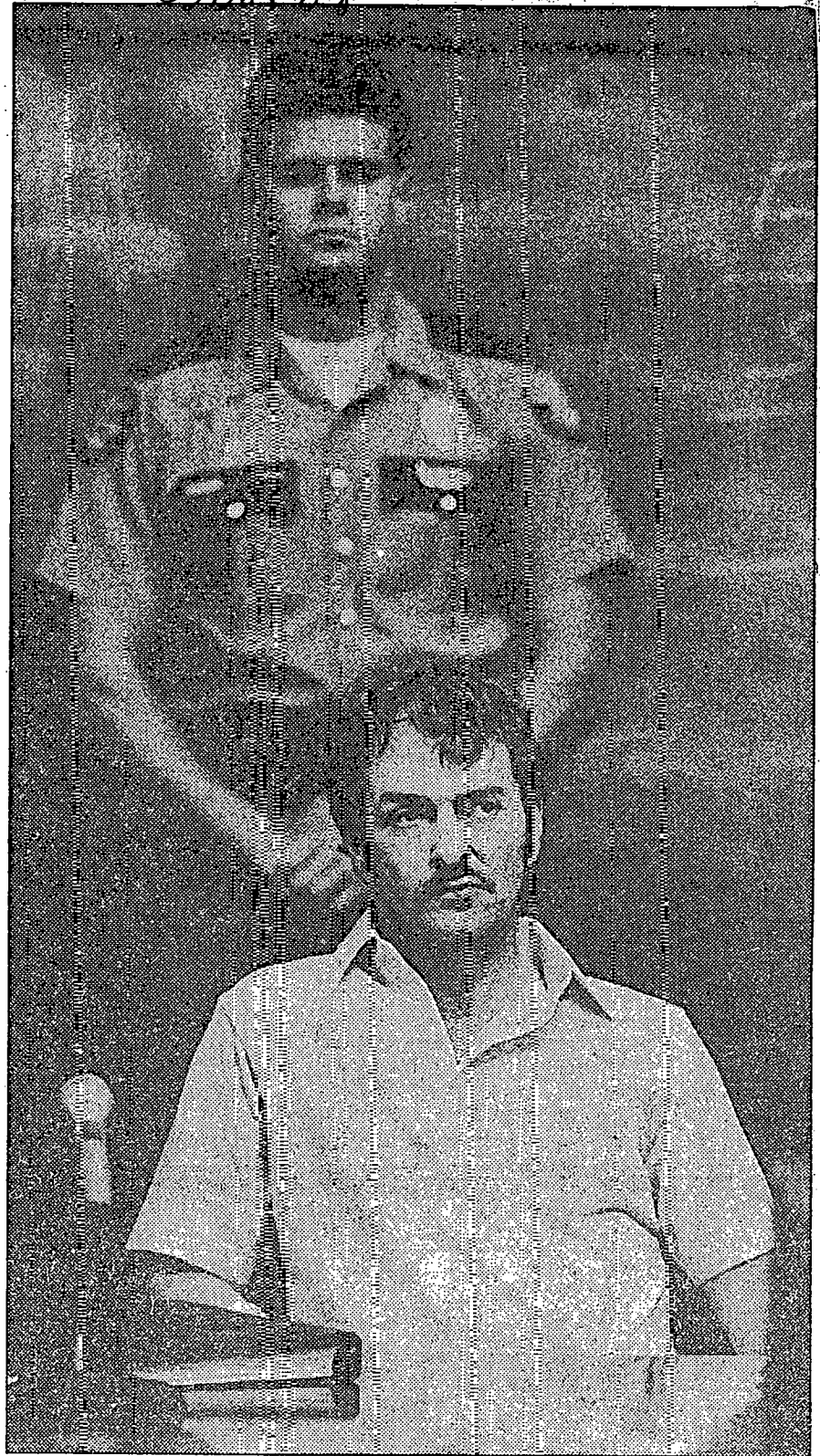
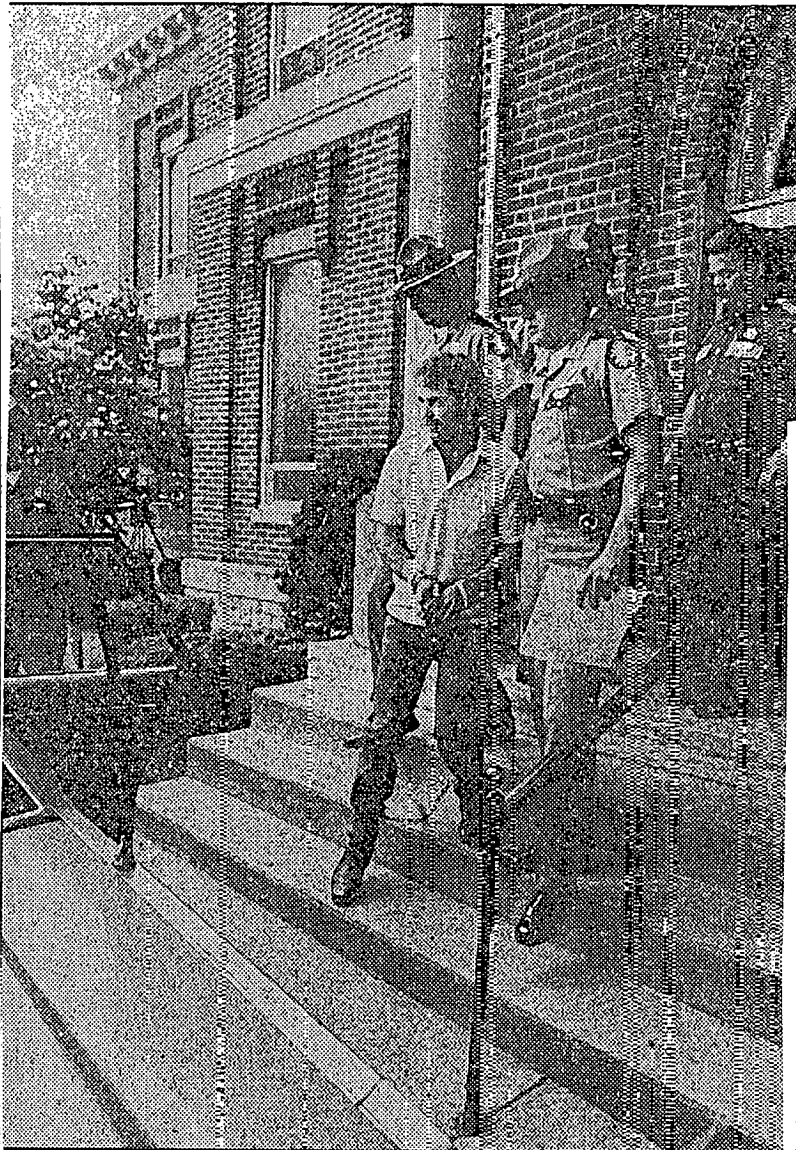


PHOTO BY JOHN L. GOFF

See PICKUP  
Back page, col. 1, this section

Larry W. Mahoney, just released from the hospital, pleaded innocent to 27 counts of murder before Carroll District Judge Stan Billingsley yesterday.



**Larry W. Mahoney was escorted from the Carroll District Court yesterday after his arraignment in the deaths of 27 people in a fiery bus crash last Saturday. Investigators say he was driving drunk.**

PHOTO BY JOHN ... GOI

## Pickup driver pleads not guilty

Continued from Page One

is mentally competent to stand trial.

The judge granted a defense motion for a bond hearing; it is set for Wednesday at 11:30 a.m. A preliminary hearing in the case is set for June 2 at 1:30 p.m.

Mahoney made no statements and remained seated throughout the hearing. He was represented by Covington attorney Gary Sergeant and by Carroll County's acting public defender, Ed Bourne.

At the attorneys' requests, however, Billingsley appointed public defender Bill Carter of Carrollton to represent Mahoney. Sergeant and Bourne said they would not be representing Mahoney after today, although neither explained why.

As police escorted Mahoney from the courthouse, several people on the lawn shouted words of support.

"We're with you, Larry," shouted Carrollton resident Juanita White. "Hang in there."

White said that she met Mahoney through a mutual friend four years ago and that he helped her once when she was having trouble with her son. "He loves kids," she said. "He would never hurt them intentionally."

White said she thinks Mahoney is being treated unfairly by authorities who have asked that he receive the death penalty. She was particularly incensed, she said, that Mahoney might be sentenced to die when Kevin Fitzgerald, who was convicted in Carroll Circuit Court two years ago in the ax slayings of a Carrollton couple, received a lesser sentence.

"Larry has enough to live with as it is," White said. "It was just a freak accident. The people in Radcliff understand," she added. "We understand, too."

Police say Mahoney was driving the wrong way on I-71 when he struck the church bus filled with 67

people — most of them youngsters — from the Radcliff area. The bus' gas tank ruptured and burst into flames. All 27 victims died of smoke inhalation. Tests showed Mahoney's blood-alcohol level was 0.24 percent — more than twice the level at which the law presumes a person drunk.

Carroll Commonwealth's Attorney John Ackman Jr., who filed the initial charges against Mahoney this week, suffered a heart attack at his home on Wednesday.

State Attorney General Fred Cowan and assistant Paul Richwalsky represented the prosecution at yesterday's hearing.

Afterward, Cowan said Richwalsky, who heads the special prosecution division in the attorney general's office, will be lead prosecutor in the case. If Ackman recovers enough to join the prosecution team, he will be welcome, Cowan said.

"The prosecution will continue without interruption, in a professional manner and (with) a high degree of confidence," Cowan said yesterday. He and Richwalsky said they will proceed with prosecuting the case as a capital offense.

Richwalsky said he will oppose setting bond for Mahoney because of the severity of the case. He said "the presumption of guilt is great, and the proof is evident."

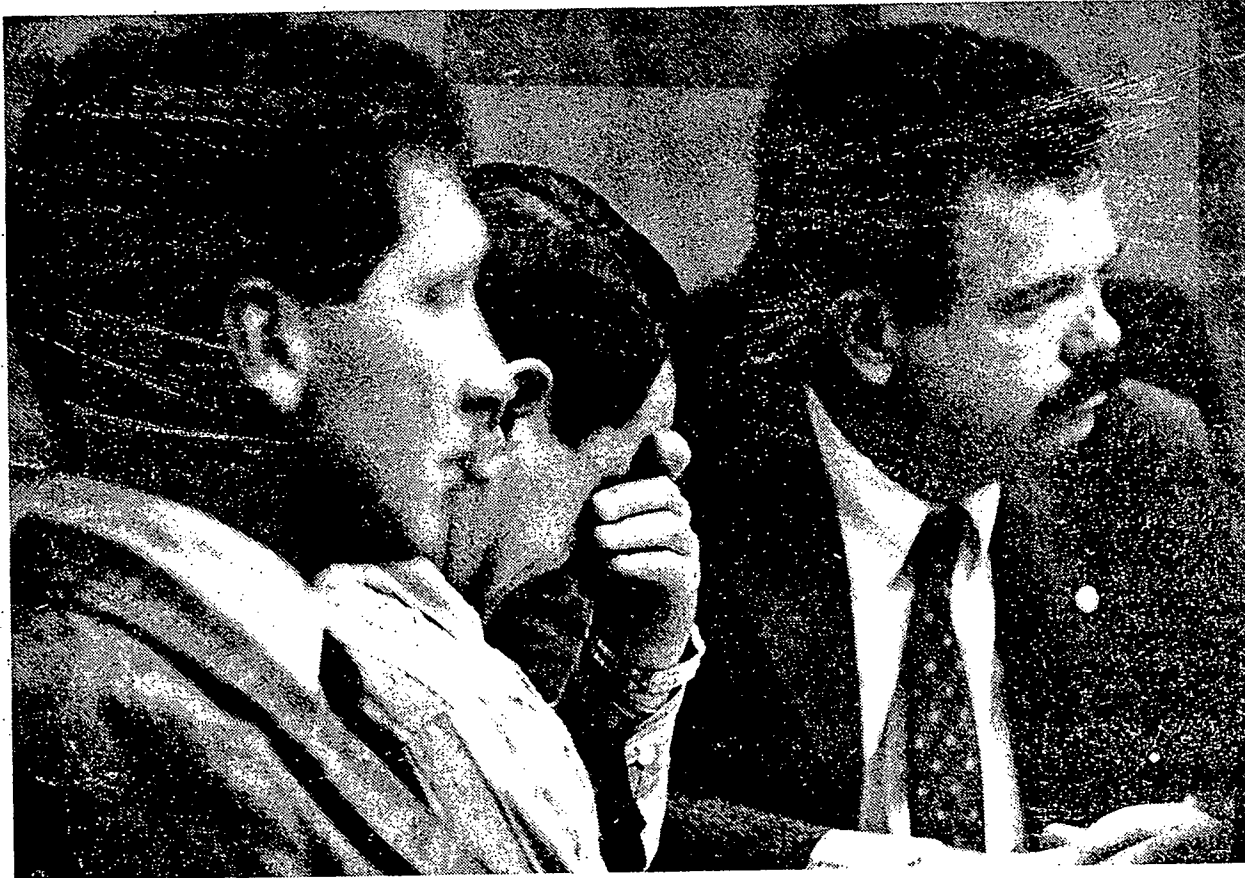
Richwalsky has previously prosecuted about a half-dozen death-penalty cases, he said.

Assistant Attorney General Stuart McCloy, a former assistant commonwealth's attorney in Hardin County, said crash witnesses or those injured in the fire will not be called to appear at the bond hearing or the preliminary hearing. Instead, investigators will present the evidence.

McCloy said, "We want to avoid re-injury to the families" who began burying their loved ones Thursday. "They've been through enough."

# Mahoney sobs as testimony begins

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## Mahoney weeps

Larry Wayne Mahoney (center) broke down and cried near the end of yesterday's testimony in his trial for murder and drunk driving in Carrollton. Mahoney, flanked by his attorneys Russ Baldani (left) and William Summers (right), began sobbing after witnesses told jurors of the fiery scene that claimed 27 lines on Interstate 71 in 1988. (AP pool photo by Ed Reinke.)



# Carroll County trial in recess for holiday

By MARK CAMPBELL  
Kentucky News Editor

After sitting with his head up and eyes straight ahead through nearly two days of testimony in his murder and drunk driving trial, Larry Wayne Mahoney finally lowered his head into his hand and sobbed yesterday afternoon.

Mahoney, who is charged with 27 counts of murder and drunken driving in connection with the fiery bus crash on May 14, 1988, in Carroll County, broke down and cried and was then led sobbing from the courtroom after hearing testimony from a Henry County, Ky., couple who arrived at the scene of the tragedy soon after his 1987 Toyota pickup truck plowed head-on into a First Assembly of God church youth group bus on Interstate 71 south of Carrollton.

The emotional outbreak was just one of several emotional moments that have occurred in the Carroll County Circuit Courtroom since testimony began in the trial Monday. Victims and family members of victims in the crash as well as jurors have fought back tears as the prosecution's case against the man blamed with what some people have described as "the worst drunken driving accident in U.S. history" has begun to unfold.

"It was certainly bound to happen and it happened," said William Summers, lead counsel for the defense, while noting he had not discussed the breakdown with his client but had anticipated that Mahoney would be emotionally moved by the testimony at some point in the proceedings.

As Carroll Circuit Judge Charles F. Sauterwhite instructed the jurors yesterday that they would not be required to return to court until Monday, Nov. 27, after the Thanksgiving break, Mahoney

"As we approached it, there was a tremendous fire," said Weeks. "It was riveting. At first I thought that it was a semi and then my wife said it was a school bus."

Weeks said he raced back toward the flames and had to avoid a collision with a car that was crossing the median after being involved in the tragedy. He said when he finally got stopped in the northbound emergency lane, he could see a lot of activity in the median but "nothing coming from the bus."

Weeks said he and his wife were shocked by the site and didn't immediately render aide to the vic-

lowered his head in his hands and cried. Several of his family members, including his sister, Debbie Daughtery, and mother, Mary, also cried and his mother reached her hand out and patted Mahoney on the shoulder as he shook with emotion. His brother-in-law, Jim Daugherty, handed Mahoney a handkerchief just before he left the courtroom, crying louder as he was escorted out the door by a member of the court security.

The emotional outbreak came after a Henry County, Ky., man and his wife testified they had met a dark-colored pickup truck like Mahoney's traveling the wrong way on Interstate 71 on May 14, 1988. They testified that after avoiding a collision with the pickup, they looked over their shoulder and in the rearview mirror to see flames from the accident scene.

According to Roy Weeks, Pleasureville, Ky., he and his wife had been to see a movie in Carrollton when they met a dark-colored, down-sized pickup truck traveling north in the southbound lanes of the interstate.

Weeks said he "prepared myself to take evasive action" when he met the oncoming pickup.

"I said something to my wife like, 'If he doesn't get back on the other side, he's going to kill someone,'" Weeks recalled in his testimony yesterday. "A half-minute or so later we saw the flames and I asked her if she had seen us pass a fire and she said 'No, he must have hit someone.'"

According to Weeks, he turned around at an emergency cross-over near the Carroll/Trimble County line. He said as he and his wife, Vicki, drove back toward the accident site the initial flames turned to a glow above the hillside.

After consoling his wife and talking with the driver of the car, he walked across the median to see if he could provide the accident victims any help. He said he returned to get a blanket from his Chevy Suburban without knowing that people were still trapped inside the burning bus.

When he returned with the blanket to cover the legs of a burn victim, Weeks said another girl "was calling for her dad and crying."

He said when he returned the second time he saw some people gathered at the rear emergency exit

of the bus and realized that there were children still inside the fully-engulfed vehicle.

"I started to hear some noise coming from out of the bus and someone yelling for help," said Weeks, noting that the flames were all the way back to the rear bumper by then.

Weeks said he remembered seeing two or three more people being pulled from the bus and heard one man yell to a person still inside the burning wreckage, "You're going to have to stick your

See: TRIAL  
Back Page, Column 3

# •Trial

Continued from Page 1

hand out or I can't save you," said Weeks. "A girl put her hand out and a man jerked her to the pavement. Then I didn't hear any more from inside the bus."

As Weeks spoke, many of the relatives of the crash victims began crying. They had been prepared for the testimony of Weeks and his wife, but the moment brought the tragedy home once again.

"I warned them or advised them that these last two witnesses were the first people who had returned to the scene. I told them that at the lunch break," said Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case. "As the trial approached and as we finalized our trial preparations, they have always asked that they not be surprised, that they not be confronted with something in the courtroom that they have not had the opportunity to prepare for. We obviously have prepared them for a lot of things that won't even come up in the trial."

Moments after Weeks and his wife concluded their testimony, Mahoney broke down and at least one reporter claimed to have heard one of the victim's family members mutter, "Well, it's about time."

Several of the jurors appeared moved by the testimony as well as Mahoney's emotional outburst. However, attorneys in the case think that such reactions should be considered normal in the tragedy.

"I wasn't watching Mr. Mahoney, I was trying to concentrate on what I have to do," said Richwalsky. "There's sympathy on both sides, there's emotion on both sides and the jury recognizes they've got it on both sides and they're supposed to put it aside."

"I must say that probably all of us least look forward to actions of stark reality," said William Sum-

mers, lead counsel for the defense. "We're lawyers, we deal with interviewing witnesses and talking with people, but at the same time with close to 40 years between the two of us, you can't overlook it. We've said all along, both of us feel for everyone. (Richwalsky has) had to live with these people and I mean that in all sincerity and candor. I don't know, but I certainly can appreciate how this coming must feel and obviously this minute had to come and this afternoon had to come and it's certainly not over."

Earlier yesterday, several friends and acquaintances of Mahoney said they saw him drink the day of the crash one even described him as "too drunk to drive" and claimed to have taken his keys away earlier that evening.

Taylor Fox, a resident of the Eagle Creek resort where Mahoney lived in May 1988, said he "could tell he'd been drinking. He was feeling good" when he saw Mahoney between 8 -10 p.m. on May 14, 1988.

"He said he had something he wanted to talk to me about at that time," said Fox, who finally recalled Mahoney as being "depressed" that day. "He said maybe he'd been drinking too much to discuss it right now."

Mahoney later asked Fox to drive him to Burlington, Ky., to meet a former girl friend. He said he took Mahoney's keys from his pickup truck because "I thought he was drinking and had no business being on the road because he'd get picked up by the law or get a DUI. I was going to take him to Burlington anyway."

However, Fox did not take Mahoney to Burlington and eventually gave Mahoney's keys back to him around 10 p.m. after the defendant allegedly agreed that it was too late to meet the woman at 10 p.m. and he would instead go on home.

Fox said Mahoney only lived a short distance away and would never have had to enter the paved highway to get home; however, when Mahoney left, his truck tail lights were never seen turning into his driveway and instead faded into the night. The accident happened about 55 minutes later, several miles away on Interstate 71.

During cross examination by Summers, Fox said Mahoney arrived with only one Miller Lite beer — the sixth that witness testified that Mahoney either drank or purchased that day. Fox said he never saw Mahoney drink another beer while with him that day, but he did consume a glass of something that may have been vodka.

According to Fox, Mahoney drank from a glass similar to what a neighbor, Kelly Osborne, drinks vodka from.

"Tell us if you saw Larry given a big glass of what you thought was water," Summers said in his cross examination, while noting vodka is a clear form of liquor.

"Phil Downey said he killed it," said Fox. "I don't know what it was, but I thought it was vodka."

Asked later about the importance of whether Mahoney drank the vodka, Summers said: "The question of what Larry drank is a question that will cut both ways. As a result of that, I guess we all are going to have to wait to see what Kelly Osborne has to say whether (Richwalsky) brings him or I have to bring him."

Fox testified that while Mahoney had not been terribly drunk earlier in the evening and added "he still knew what he was doing. I call drunk not knowing where you're at and falling down. He wasn't drunk."

However, Fox also testified that Mahoney's state of depression had gotten worse as the night went on and that he drank the glass of what was believed to be vodka at about 9:30 — some 30 minutes before he left.

"I told him it was too late to go now and he said 'Well, I'm too drunk to go anyway, so I'll just go home,'" said Fox, when asked why he didn't drive Mahoney to Burlington.

He said Mahoney asked for his keys so he could go home and that he asked Mahoney "If you promise me you'll go home, I'll give your keys back. He said 'Okay.'"



# Mahoney jury told to expect human emotion and drama

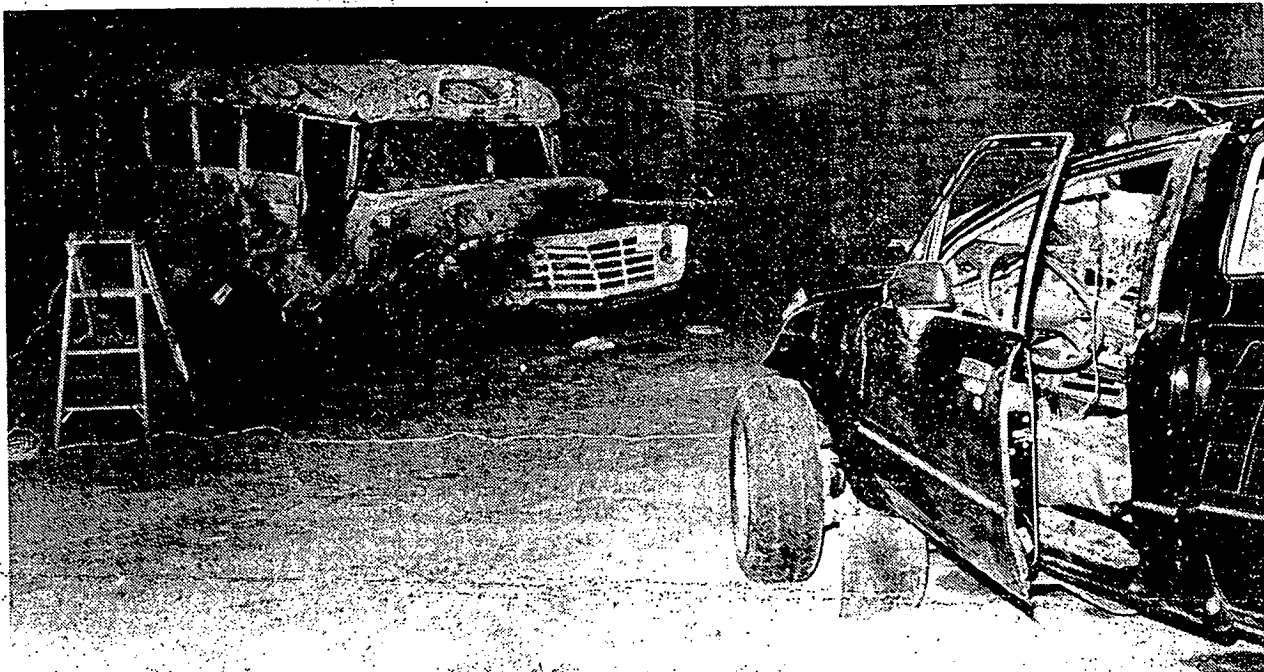
By MARK CAMPBELL  
Kentucky News Editor

*mc 11/2/89*  
In his opening statements yesterday, a defense attorney in the murder and drunken driving trial of Larry Wayne Mahoney told jurors that testimony in the 1988 Carrollton bus crash case will unfold a story with many chapters but only one theme:

"It's a horrible, horrible tragedy. A senseless tragedy," said defense attorney Russ Baldani, describing what that central theme will be.

Opening statements and testimony for the prosecution began yesterday in the murder and drunken driving trial. Mahoney, 36, of rural Owen County, faces up to life in prison if convicted on the murder charges.

He is charged with being drunk and driving north in the southbound lane of Interstate 71 near Carrollton on May 14, 1988, when his pickup truck plowed head-on into a First Assembly of God church bus from Radcliff, Ky. The bus was returning from King's Island Amusement Park north of Cincinnati and 24 children and three adults perished in the ensuing fire.



## Warehouse scene

Jury members in the Larry Mahoney trial visited a Carroll County warehouse yesterday to view the church bus and pickup truck involved in the 1988 crash that claimed 27 lives. (Photo by Pool Photographer Todd Buchanan.)

Carroll  
Journal  
11/21/89

# Victims' families look pain straight in the eye

By JOHN VOSKUHL  
Staff Writer

CARROLLTON, Ky. — Time is widely believed to heal all wounds.

But for William Nichols, time's passing brings pockets of pain, reminders of the tragedy that became part of his life in May 1988.

Once a week, on Saturdays at 10:55 p.m., he remembers how a pickup truck collided with a church bus on Interstate 71, killing his 17-year-old son, William Joseph Nichols Jr., and 26 other people.

Yesterday, during the first day of the murder trial of Larry Mahoney, the driver of that pickup truck, Nichols got another reminder.

He was among 60 people — victims and the family members of victims — who traveled from Radcliff to attend the trial.

Many of them gathered in the courtroom, where they watched Assistant Attorney General Paul Richwalsky Jr., the special prosecutor, recreate the events that led up to 10:55 p.m. Saturday, May 14, 1988.

Others sat in a private room at the Carroll County Library, watching the trial on closed-circuit television.

For many, their attendance was a way to represent their loved ones.

"Mr. Mahoney has his whole family here," Nichols noted.

Mahoney is accused of driving drunk on the wrong side of I-71 when his truck hit the Rad-

See TRIAL  
Back page, col. 1, this section

## Trial renews pain of crash victims' families

Continued from Page One

cliff First Assembly of God church bus head-on. He is charged with 27 counts of murder, 42 counts of wanton endangerment, 12 counts of assault and one count of driving under the influence.

Some of the family members who attended the trial yesterday met briefly with reporters to discuss their views on the case.

Lee Williams, whose wife, Marilyn Joy Williams, and daughters, Kristen and Robin, died in the crash, said:

"I really don't understand why we're even having a trial. Obviously he drove the vehicle. Obviously he hit the bus. And there's 27 cemetery plots out there with 27 people in them."

Quite simply, he said he believes Mahoney is a murderer who should be sentenced to life in prison.

"What's the difference if you murder someone with an AK-47, a bomb or a steering wheel?" Williams said.

He also noted that Mahoney's lawyers have said they hope to show that safety defects on the bus contributed to the deaths.

"Bus safety is not the issue here, folks," he said. "Murder is the issue."

Mickie Muller, whose daughter Katrina was severely burned in the crash, noted that many of the children who survived "are imprisoned ... in bodies that are scarred."

Mahoney should also be imprisoned, she said.

"Why should we have him have anything less?" she said.

The parents said their lives remain painful.

"Lives never get back to normal," Williams said. "How do you put your life back together?"

The Rev. W. Don Ellison, pastor at the Assembly of God church, said the tragedy remains fresh for many of the victims' families because of the number of deaths and injuries caused by drunk driving.

Such events are "one of the things that keeps a wound open."

As their own efforts to deal with the tragedy continue, many of those family members will watch every day of the trial, which is expected to last as long as eight weeks.

"Hopefully," said Williams, "we're going to see justice done."

# Survivors of bus crash testify

By MARK CAMPBELL  
Kentucky News Editor

11/24/89  
Victims of a 1988 church bus crash near Carrollton that killed 27 people described a scene of panic and pandemonium as they testified in the trial of Larry Wayne Mahoney yesterday.

Tuesday's testimony marked the first time children who survived the fiery crash on Interstate 71 have testified in the case. And while taking the witness stand seemed to make each of the 18 victims somewhat uneasy, it proved to be especially difficult emotionally for several.

Mahoney, 36, of Owen County, faces 27 counts of murder, 12 counts of first-degree assault, 42 counts of first-degree wanton endangerment and one count of driving under the influence in the May 14, 1988, tragedy.

Witnesses have testified Mahoney was driving north in the southbound lane of the interstate just south of Carrollton when he rammed his 1987 Toyota pickup truck into a bus owned by the Radcliff First Assembly of God church. The fiery aftermath killed 24 teen-agers and children and three adults out of 67 passengers on the bus and Mahoney could face life in prison if convicted of the charges.

The teen-agers were members of a church youth group and were returning to Radcliff from an outing to King's Island Amusement Park, north of Cincinnati.

About half of the teen-agers who testified in Carroll Circuit Court yesterday said they were asleep at the time Mahoney's truck collided with their bus, rupturing the bus fuel tank and sending flames back through the 11 rows of seats on the former Meade County school bus.

Almost all of the 18 youths who have testified in the trial so far said getting off the burning bus was a struggle for their lives. And while they succeeded and lived, they also saw many of their friends fail and perish.

Jennifer Scoville, 16, of Radcliff, said she was "looking out the window and thinking about things" when it "felt like we ran into a brick wall."

Scoville said she was sitting by the window in the sixth row behind John Pearman, who was driving the

bus and perished in the fire.

She said she looked up and saw fire and Pearman was telling the passengers to get off the bus.

"At first I just sat there and couldn't believe it was happening," said Scoville, choking back tears as she told her story.

She said she finally got up and made it to the rear of the bus where many of the children who were trying to escape the oncoming fire were piled up in the aisle and seats around the rear emergency door. Along the way, as she walked across seat tops, she saw a friend lying on the floor and kicked her with her foot to wake her up.

"The kids in the aisle were screaming, crying, burning," said Scoville. "It looked like everybody had packed themselves into the door."

Scoville said she got to the pile and realized she could go no further. She said she remembered saying to herself "Please God, don't let me die," before passing out.

Scoville was eventually pulled from the burning wreck after suffering first- and third-degree burns on her left finger, nose, lungs, trachea and esophagus.

After finishing her testimony, she could be heard sobbing loudly as she left the courtroom, having relived the tragedy suffered 18 months earlier.

While breakdowns were few in the first day of testimony by the victims of the crash, looks of concern and sorrow were many as family members, witnesses and the defendant and his family all suffered through the most emotional day of the trial so far.

In fact, Carroll Circuit Judge Charles Satterwhite called two recesses during the 5½ hours of testimony — one for the sobbing Mahoney and another for a young female witness after both lost their composure at different points in the proceedings.

Satterwhite took a 15-minute recess yesterday morning after Mahoney broke down sobbing and was led from the courtroom shaken with tears.

"The judge saw him sobbing and saw that he needed a break and of-

See: MAHONEY TRIAL  
Page 3, Column 1

# ●Mahoney trial

Continued from Page 1

ferred a break," said defense attorney Russell Baldani. "It was a good time for him to regain his composure obviously."

"There's been questions as to if he will leave the courtroom," said Baldani, responding to a question whether his client might eventually find it too difficult to remain in the courtroom. "Larry Mahoney's a man. He's going to accept his role in this thing ... my knowledge of that man is that he's going to sit in on this trial."

Baldani said he did not know what effect Mahoney's sobbing would have on the jury.

"I don't know what to think," said Baldani. "Obviously, it's natural. Nothing has been staged. I'm sure they don't think that. Hopefully, they will sympathize with Larry and what he's going through. And that they could empathize with his feeling a little bit."

Mahoney's breakdown came as Carroll County Coroner James B. Dunn testified of the scene he found after arriving at the crash site on the night of the tragedy.

"When I got to the school bus I climbed inside and shined my flashlight around and I couldn't believe what I saw," said Dunn, describing the victims' charred bodies. "There were a lot in the aisle and a lot on the right side on top of the seats. I could tell they were children, but I couldn't tell if they were boys or girls because they were burned beyond recognition."

Dunn went on to say he originally estimated there were 17-19 bodies on the bus at the crash scene and a decision was made to load the bus onto a trailer and haul it, with bodies intact, back to the Kentucky National Guard Armory in Carrollton for removal and identification there.

"We decided if we had to remove all the bodies there on the interstate it was going to take forever — days," said Dunn, who said he had to order extra body-bags to put all the bodies in.

Later yesterday afternoon, Satterwhite once again called a recess when a crash victim who was testifying broke down on the stand and became too emotional to continue.

Tammy Darnell, 17, of Radcliff, was in the process of telling the jury what she saw and heard from her seat on the right side of the 10th row of the bus immediately after the crash.

Darnell, who suffered a broken collarbone while trying to escape the fiery crash, said she heard tires squealing and felt the impact. When she looked up, the front of the bus was on fire and the church youth minister, Chuck Kytta, who had been sitting on the front steps of the bus near the impact area and fuel tank, was standing in the stairwell of the bus.

"I saw our youth minister raise his hands and say, 'Oh Lord, I'm coming home!'" said Darnell, as her voice gave way to sobs. Kytta was one of the three adults who perished in the crash.

Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case asked for a recess and Satterwhite agreed to delay the testimony 10 minutes. After the break when Darnell was ready to resume her testimony, the judge told the girl "If you need to stop, let us know. It's okay."

Darnell continued her testimony and told of how she broke her collarbone and escaped the burning vehicle.

"It was a real bright orange," she said when asked what the front of the bus looked like. "The smoke was real thick. There's hardly any way to describe how the fire was. It was just hot and awful."

When Darnell returned to her earlier testimony concerning Kytta's comments, defense attorney Russell Baldani objected before she could finish her comments and Satterwhite sustained.

In other testimony yesterday, several of the victims said many of the passengers panicked when they heard the fuel tank explode, saw the flames and felt the heat of the fire.

While several of the witnesses testified they were able to leave the bus through the aisle, many of the survivors said the only way they could get to the rear door of the bus and safety was by climbing over seats and other passengers who had either fallen or become piled around the rear exit.

"The aisle was crowded and I tried to kick the window out but it wouldn't pop out so I climbed over the seats," said 17-year-old Jess Durrance of Radcliff, who was sitting on the right side of the bus in the ninth row. "Everybody was piled on top of each other and everybody was trying to push and push their way off."

Durrance, who said he suffered a bruised thigh as well as burned hair, said he looked back toward the front of the bus at one point and the fire "looked like somebody was

standing on the front of the bus with a flame-thrower and the flames were going right down the center of the bus."

Wayne Cox, 15, of Radcliff, said he was under that pile of people at the rear door at one point before someone grabbed his arm and pulled him to safety.

Cox said he was "slouched down" in the right-hand seat of the eighth row of the bus when the collision occurred. He said he heard crunching glass upon impact and when he sat up a "bunch of people were yelling and I saw fire on the bus."

"People were jumping over the seat I was in and I was on the ground in the aisle," said Cox. "I was laid flat out and there was someone underneath me. She was pulled out and I was pulled out. I just remember I reached my hand out and someone grabbed it and I was out on the ground."

Cox was treated that night for smoke inhalation. "The floor of the bus was getting very hot by the time I was pulled from the bus," Cox said. "I remember breathing and feeling sorta smothered. I thought I shouldn't breathe too much anymore."

Other passengers on the bus testified they narrowly escaped the fire that killed many of their friends.

According to Michael Jefferson, 15, of Radcliff, he was sitting in the fourth row of seats behind the driver and while two people sitting in his direct vicinity perished in the flames, he made it off the bus with some burns.

Jefferson said he saw two friends go out windows but that he and another friend made a dash for the rear door by climbing over seats.

However, when he got to the back of the bus, he ran into the same pile of people that many of the other survivors recalled in the area near the door.

"I was pushing my way through and I couldn't breathe," said Jefferson, who said the bus was "real hot and dark" with smoke and he had to breathe through his mouth. "I looked back and saw the whole bus on fire."

Jefferson said he eventually escaped the flames with burns to the side of his face, nose, fingers and arms. "I could feel the skin on the back of my ear peeling while I was going to the back of the bus," he told the jury.

Larry Flowers, 17, of Radcliff, said he was on the 10th row of the bus when the collision occurred but by the time he got off he "could feel heat on my back."

Once Flowers got off the bus he ran 50 feet from the rear door before remembering that a friend

might still be inside. He said he was returning when he saw the friend jump off the bus.

Flowers said he then turned his attention to Pam Uhey, who had just gotten off the bus. "Her foot was burning and she was screaming," Flowers said. "She remembered her sister was on the bus and tried to get back on the bus and I had to restrain her." Uhey's sister, Crystle, 11, never made it off the bus.

In other testimony yesterday, attorneys for Mahoney tried to establish whether the bus was overcrowded and the aisle obstructed as well as whether the victims had seen any other vehicles on the road that night — especially a motorcycle. They also questioned several of the witnesses on whether they had seen the bus seats or flooring catch fire.

While many of the victims claimed drink coolers and other passengers lying in the floor of the bus obstructed their path to the rear emergency door, eight of the 18 victims also claimed to have heard or seen a motorcycle either before or after the crash.

"I saw a light go by and I could have sworn it was a motorcycle," said 18-year-old Juan Holt, Radcliff, who was on the sixth row of the bus.

Holt was not the only teen on the bus to hear or see what he or she thinks was a motorcycle. However, most of the victims could not establish if the sounds or sightings were really a motorcycle or whether the alleged vehicle was seen before, during or after the collision.

"It sounded to me like a motorcycle winding out," said Durrance, who later added "a couple of seconds after we hit I heard an engine (like a motorcycle) winding up."

Flowers said he saw a motorcycle pass the bus on the left side of the southbound lane at some point that night but he could not remember whether it was before or after the crash.

Sandra Glover Stotler, 19, Vine Grove, who has married since the accident, said she heard a "loud" vehicle go by that sounded like a motorcycle.

"I heard a vehicle go by — a loud vehicle that sounded like a motorcycle on the other side of the

highway," said Mrs. Stotler. "At one time I thought it was a motorcycle going through the median. I thought it was a motorcycle because it had one light and was loud like a motorcycle."

Mrs. Stotler's sister, Kim Glover, 16, of Radcliff, said she "heard" a motorcycle but "didn't see it."

According to William Summers, lead counsel for the defense, any cross examinations by defense attorneys concerning the alleged motorcycle or bus safety issues, are in direct response to statements the witnesses made to state police and National Transportation Safety Board investigators soon after the accident.

"It isn't cropping up folks," Summers said. "I mean you have to understand it from a day or two after what we've learned today, there was discussion of a motorcycle ... There's been motorcycle discussion and as you can see a lot of the children saw or heard it. There was no motorcycle driver interviewed. There was no motorcycle driver found. We are in a search for the truth. We'll see where it goes ... from our respective postures we're trying to find the truth."

Summers noted some of the witnesses are testifying differently in court compared to statements they made to investigators only hours or days after the crash.

"I don't impugn anything to the integrity to my colleague," said Summers, referring to Richwalsky. "But it appears very clear that anything whatsoever that takes an aspersion away from Larry Mahoney and puts it on bus seats the people saw burning, the motorcycle that may be involved in the automobile accident, disappeared. Is it human nature? Is it prepped from someone involved in the church? I don't know. The church has been sued ... I don't know whether they have insurance coverage or what. But (Richwalsky) takes his witnesses where he finds them. Everything seems to be forgotten unless it is right around Larry Mahoney."

During one point in the proceedings yesterday, Summers cross-examined 17-year-old Jamie Hardesty, concerning comments he made to NTSB investigators and

state police.

The defense attorney asked the crash victim if he remembered telling investigators the bus was "filled with black smoke so thick you could cut it with a knife" and "the smoke was coming from the plastic on the floor" of the bus.

Richwalsky objected to the line of questions, but Satterwhite allowed the witness to answer.

Summers once again asked the boy if he saw the floor and seats burning and Hardesty said he could not remember seeing that.

"Is it your testimony that you did not see the seats burn?" Summers asked.

"No I didn't," Hardesty said.

Asked later why some of the children were cross-examined to some length while others were excused without any questions by the defense, Summers said the attorneys had decided going into the trial to try to make the victims' time on the stand as easy as possible.

"Wherever possible, and certainly not in the interest of brevity, not to push these children on cross examination we would do so," said Summers, who added that he did very little of the cross examination for that reason. "We're all in a search for the truth ... we want as much as we can get, but at the same time we also want it to be as easy on these kids as possible."

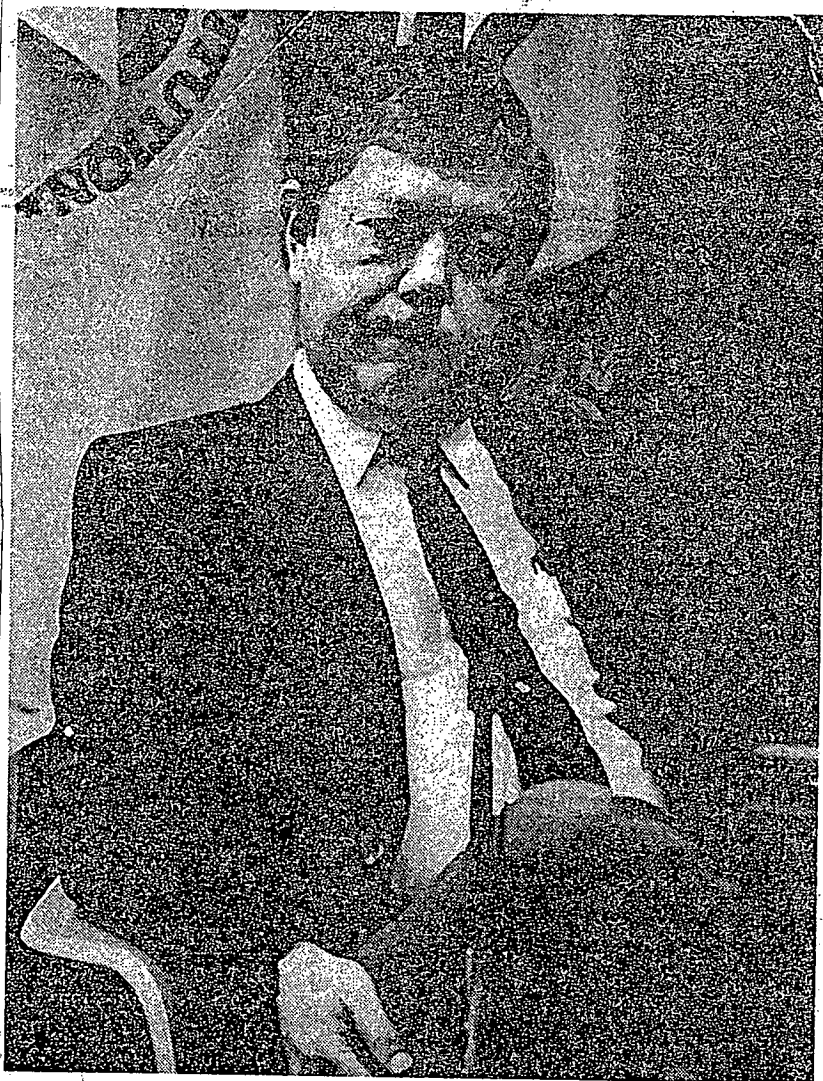
Summers was then asked if he thought he was as "easy on the kids as possible."

"It's awful hard to ask somebody to grade their own exam," he responded.

Richwalsky said he thought the children held up as well as could be expected. "Tears came from a couple I didn't expect," he said, "and others I expected emotions from did not cry on the stand."

The trial continues today with more witnesses who were victims on the bus scheduled to testify.

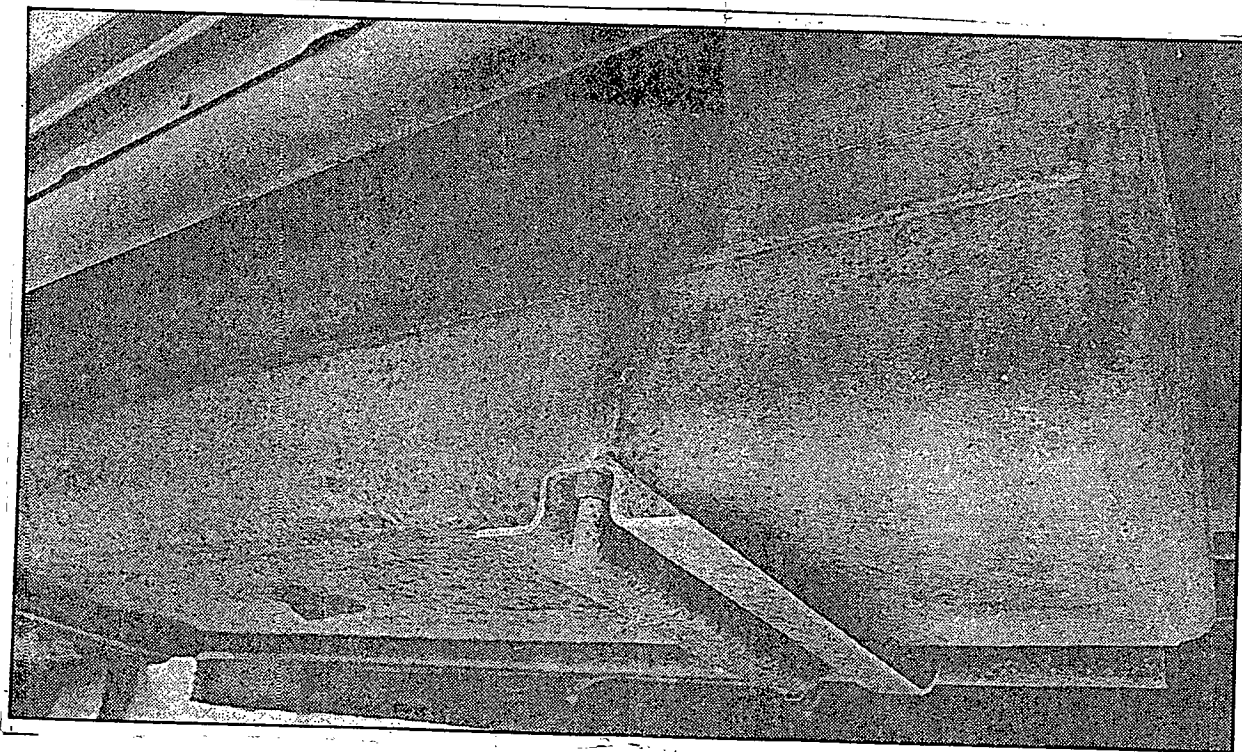
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### **Coroner testifies**

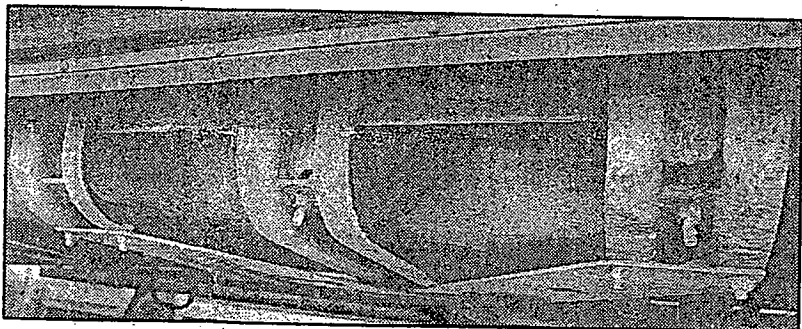
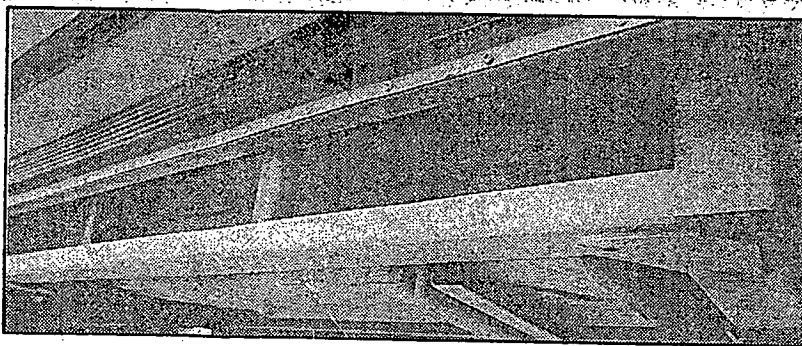
Carroll County Coroner James Dunn testified in the murder and drunken driving trial Larry Mahoney yesterday. While Dunn testified, Mahoney broke down emotionally and was led sobbing from the courtroom. (Pool photo by Todd Buchanan.)





TERRY DUENNES/The Kentucky Post

Three school bus gasoline tanks show how previously unprotected tanks are now enclosed with equipment to safeguard against gasoline explosions and fire upon impact. Above, the unprotected gasoline tank of a 1977 bus is mounted with a simple bolted bracket to hold it in place. In the middle photo, the tank on a 1978 bus is mounted almost identically with a bolt-and-bracket device (bottom center), but also is surrounded with a heavy gauge steel frame or protective cage. In the bottom photo, similar protection has been afforded by surrounding the tank of a 1979 bus with steel straps.



Taylor, a bus trader and son of company owner Tommy Taylor, said most churches he deals with can afford only the older models.

The Taylor company, with 100 used buses on its lot and annual sales of about 250 buses, does business from coast to coast. It is one of perhaps a dozen such used-school-bus-wholesale-retail outfits in the nation, and even sells buses to dealers in Central America, Gary Taylor said.

"We'll sell to anybody that's got the money and wants one, you know," he said Monday.

"I sold an '82 model to a church school over in Eastern Kentucky," Taylor said. "It was a \$15,000 bus. They had some money. Usually they (churches) want one for a thousand dollars."

Most of the buses Taylor sells do not have the safety tank, although he doesn't believe that makes the buses unsafe.

"According to the federal government in 1977, that was a safe bus. And it still is a safe bus. I've driven them a lot of miles myself."

The standard location for school bus fuel tanks is on the right side, away from the normal flow of traffic.

"Years ago it was determined to be the more safe side of the vehicle," said Terry Whitesell, executive director of Wayne Corp., Richmond, Ind., one of the largest manufacturers of school buses. "It was felt the least likely impact area."

Whitesell, whose firm has a

contract with Kentucky for buses, said 25 to 35 percent of the 350,000 school buses in operation nationally do not have protected tanks. He said he did not know the number of church buses without the cages.

About 8,000 buses are in use by Kentucky schools, said Jim Parks, spokesman for the state Department of Education. Parks said 1,219 of the buses were manufactured before the 1977 standards took effect, and most of those are not in regular use.

Kentucky schools are buying 698 new buses this year, and those buses are now being delivered. Parks said the new buses will mean many of the pre-1977 buses will be replaced.

Franklin Adams, a mechanic who works on Harrison County school buses, said he's seen pre-1977 buses hit in the front and not blow up or burn.

"We've had them torn up a whole lot worse than that," Adams said, referring to the Radcliff church bus, "and didn't have anything like that happen."

The Harrison County school district has a fleet of some 40 buses, with older models being sold to churches.

Campbell County has five 1977 Fords used only as spares in its fleet of 65 buses, said Superintendent Dan Sullivan. The spares, which have the gas tank cages, are used when a bus in regular service has a flat tire or breaks down, he said. The cages were installed more than four years ago.

Similarly, Boone County schools uses 1977 and older-model buses as spares and not on interstate highways, said transportation director Carl Howard. The Bellevue school district has two older buses, a 1973 and a 1976. These buses are used to transport students to extracurricular activities, and are driven on highways.

"We've never been told of any danger as to the gas tank," said Bellevue Superintendent William Armstrong.

Although school transportation officials have found the pre-1977 buses to be good buses, an accident in Bourbon County demonstrated the value of the gas tank safety cages on the newer buses.

On Feb. 17, a train of five diesel locomotives struck a 1980 Ford school bus in the Bourbon County fleet as the bus crossed tracks on Tarr Road between Paris and Millersburg. The train was going 25 to 30 miles per hour and hit the bus on the right front fender, Case said.

"It got a piece of the door," he said. The gas tank, which is below and just behind those doors, had the protective cage in place.

"It did not even catch fire," Case said.

Children on board sustained minor injuries and were treated at a hospital and released.

Staff reporters Michael Collins, Debra Vance and Greg Hartel also provided information for this story.



Thursday, August 4, 1988

3



## Impact drives wheels

The front wheels on the First Assembly of God church bus in which 27 people died on May 14 in Carroll County were knocked eight feet rearward under the bus. An adjoining leaf spring ruptured the fuel tank on the bus causing the fatal fire, witnesses said at a National Safety Board hearing in Louisville yesterday. (Staff photo by Mark Campbell.)

5/17/89

# Bus safety law stalled in Washington

By Adam Condo  
Kentucky Post Washington Bureau

WASHINGTON — Nearly nine months ago, an American Bus Association executive went to the halls of Congress to denounce the Federal Highway Administration.

The agency's failure to regulate private passenger motor carriers is "disastrous" and "outrageous," Susan Perry, the bus association official, told a House Transportation subcommittee in September 1987.

"They are the largest group of bus operators on the nation's highways, and in our view, the group most in need of strict safety regulation. Yet they remain unregulated," Ms. Perry said.

In the nine months since, nothing has changed.

Ms. Perry's criticism centered on the kind of privately owned bus that erupted into flames Saturday on Interstate 71 after colliding with a pickup truck that was

going the wrong way. The accident, six miles south of Carrollton, killed 27 people and focused nationwide attention on whether private buses are safe.

The American Bus Association, a lobbying organization for the intercity bus industry, believes private, not-for-hire buses pose significant safety problems.

"Private motor carriers of passengers typically are churches, colleges or universities, or social or civic groups. They generally operate ... second- or third-hand buses previously operated for their original useful life by for-hire operators," Ms. Perry said in her testimony.

The bus association executive said private operators such as churches or civic groups contract for maintenance or assign it to a member of the group with mechanical ability but little training.

"The driver is not likely to be a professional bus operator, and he or she may or may not be properly licensed," said Ms. Perry.

She also said private operators are not certificated by the Interstate Commerce Commission (ICC) and do not need to maintain a federal minimum \$5 million insurance policy.

Monday, the president and chief operating officer for the bus association said the lobbying organization still is seeking action by the Federal Highway Administration to impose safety standards on private, not-for-hire operators.

"The Federal Highway Administration is dragging its feet," said Norman Sherlock, noting that Congress mandated such regulation in a 1984 law.

Last November, the bus association persuaded Rep. James Howard, D-N.J., then chairman of the House Transportation Committee, to introduce a bill that would force the Federal Highway Administration to take such action.

Howard died and the bill has languished in committee. No hearings have

## Safety

From Page 1A

been conducted and the bill appears to have little chance of going anywhere.

A member of the committee's staff explained Monday that the committee leadership has

no real enthusiasm for the bus association's bill, believing it to be loosely worded.

The committee leadership is drafting an alternative bus and truck safety bill.

But the staff member said there is no guarantee a requirement on private, not-for-hire buses would be incorporated into the new legislation.

# Portrayal of crash suspect is unfair, ex-wife says

By TOM LOFTUS  
Staff Writer

52988  
CJ

CARROLLTON, Ky. — Larry W. Mahoney is a caring father who loves his family and is loved in return, his ex-wife said yesterday.

Betty Davis Mahoney said news reports about Mahoney have painted an inaccurate and unfair picture of her former husband.

"They (the media) have painted him so cold, so hard, so very black," she said. "And he's not like that. Larry loves his kids. He loves his kids dearly, and they love him."

Betty Mahoney said she initially turned down requests for interviews about Mahoney, who was driving the pickup truck that collided with a church bus near Carrollton Saturday night. But she asked to speak to The Courier-Journal yesterday.

"I got to thinking, and I know this might sound corny, but our daughter eventually is going to grow up and know what is going on. She may go to the library and get a copy of the papers, and they've painted such a

dark picture of Larry. I don't want her later saying, 'That's not my dad. Why didn't you do something? Why didn't you say something?'"

Larry Mahoney, 34, a production operator for M & T Chemicals in Carrollton, was reportedly driving north on southbound Interstate 71 when the crash occurred. Twenty-seven people died in the fire that engulfed the bus.

Mahoney's blood-alcohol level later tested at 0.24 percent — more than twice the level at which the law presumes a person intoxicated.

"Larry and I were never hostile" about the divorce, which became final last year, said Betty Mahoney, 35. The couple, who married in 1982, had a daughter, now 5. The child lives with her mother and grandparents in Henry County.

Betty Mahoney said she met her ex-husband at a Carrollton bar in 1979, the year he and his first wife, Janice King, were divorced. (Larry Mahoney recently returned to live with his first wife and their son.)

"I met his son back then. He's

crazy about him. Like I said, he loves both of his kids dearly," Betty Mahoney said.

She said Larry Mahoney visits his daughter "as often as he can — about once a week."

Betty Mahoney said she was particularly upset about news accounts that reported that the photograph on Mahoney's driver's license shows him wearing a cap with the inscription "Ride Hard, Die Hard". "That's a little bit far-fetched," she said.

But she is at a loss to explain how Mahoney came to be driving the wrong way down the interstate, apparently intoxicated. "None of it sounds like Larry," she said.

While Mahoney liked to drink beer, she said, he was not an alcoholic and, as far as she knew, he had not drunk any alcohol in about four months because of stomach ulcers.

Mahoney was always a safe driver, she said, and he did not drive particularly fast.

She said she never believed early reports that Mahoney may have

been drag-racing before the accident — a report that investigators have now all but discounted.

"I have known Larry for 10 years and I have never known him to drag-race," she said. "It wouldn't bother me at all to get in and ride with him now."

Betty Mahoney said she learned of her ex-husband's involvement in the crash Sunday morning. "We turned the television on. . . . When I saw the truck, I knew who it was. I knew it was Larry," she said. "It's like a nightmare."

"Don't get me wrong — I sympathize with the people that have lost loved ones in the accident," she said. "But everybody is forgetting that Larry has family, too. He does have family and they love him. And they're going through a very hard time right now."

"I'd like for everybody, when they're saying their prayers for the victims and their families — if they can — to say just a small prayer for Larry's family."

"Because they need it, too."

# Lawyer says men believe pickup hit their car first

By TOM LOFTUS  
Staff Writer

5/22/88 CJ  
FRANKFORT, Ky. — The two men riding in the third vehicle involved in Saturday night's accident on Interstate 71 believe that the pickup truck that slammed head-on into a church bus, killing 27 people, struck their car first, their attorney said yesterday.

Investigators have said that the truck, which was traveling north in the southbound lanes, hit the bus and that the bus then hit the car.

The two men — Fraiselle Eberhardt, 34, the driver, and his brother, John Eberhardt, 41, both of Akron, Ohio — have refused to talk to reporters since the accident.

But in a telephone interview yesterday, Kenneth Davis, their attorney, gave a brief description of what the men had told him.

According to Davis, the Eberhardts said they were driving in the right lane, with the bus in the left lane, and that they did not see the Toyota pickup as it approached their 1977 Cadillac.

They believe they were slightly in front of the bus when the crash took place — not behind or beside it, as reported initially by the state police — and apparently were struck by the pickup before it hit the bus.

However, he said, "They were weak on details because this happened so fast."

He said the Eberhardts initially thought they were hit by the bus because they saw no other vehicle until after the accident.

"They're getting information from the troopers that the pickup hit them," Davis said.

Because they believe they were slightly ahead of the bus, and now

that they've been told their car was hit by the truck, the brothers think that the pickup hit their Cadillac and then the bus, he said.

"Their Cadillac took a glancing blow. They found themselves propelled toward the median strip. ... They crossed the median strip — turning several times — and landed in the northbound lane. They're thankful no one hit them there. A big truck stopped just in time," Davis said.

State Police Capt. Neal Brittain said yesterday that he could not comment on the Eberhardts' account until investigators complete a detailed reconstruction of the accident.

In other developments:

■ The state attorney general's office said it will appoint a special prosecutor to handle the case against Larry W. Mahoney of Owen

County, the driver of the pickup truck, who has been charged with 27 counts of capital murder in the accident. The commonwealth's attorney for Carroll County, John L. Ackman Jr., suffered a heart attack at his Williamstown home Wednesday morning. He was listed in serious condition yesterday at St. Elizabeth Medical Center South in Edgewood.

Phil Miller, a spokesman for Attorney General Fred Cowan, said the special prosecutor was requested yesterday by Carroll Circuit Judge Charles F. Satterwhite.

■ Mahoney has hired Covington attorney Gary Sargent to represent him. Sargent said yesterday that he has spoken to Mahoney, but he declined to comment on his physical and emotional condition.

"The only comment I can have at this time is that his family has the deepest sympathy for the victims of this tragic accident," Sargent said.

Mahoney, 34, who police say was drunk at the time of the accident, was listed in fair condition with head and chest injuries at Humana Hospital-University of Louisville, where he is in a special prison unit.





STAFF PHOTO BY KEITH WILLIAMS

The body of Mary Daniels was taken from the church during services for her, Denise Voglund and Amy Wheelock.

## At first of funerals, the grieving share pain, memories, hope

By DAVID CAZARES  
Staff Writer

5/20/88  
CS

RADCLIFF, Ky. — Radcliff residents shared their grief yesterday at the first funerals for victims of Saturday night's bus crash and at an emotion-filled memorial service.

"The sadness of death gives way to the bright promise of immortality. For faithful people, life is changed, not ended," said the Rev. Leo Craycroft at a funeral Mass at St. Christopher Church for three of the victims — Mary Catheryn Daniels, 14; Denise Ellen Voglund, 13; and Amy Christine Wheelock, 14.

More than 500 people filled the church and overflowed onto the grounds, where loudspeakers had been placed.

St. Christopher's sits on a wooded hill overlooking the Radcliff Middle School, where the three girls had been in the eighth grade.

Twenty-seven people — including 13 oth-

er students at Radcliff Middle — were killed in the fiery crash, which occurred when a pickup truck traveling north in the southbound lanes of Interstate 71 slammed into a bus owned by the First Assembly of God church in Radcliff. No one was at Radcliff Middle School yesterday. It and seven others in northern Hardin County were closed yesterday and today so that teachers and students could attend funerals.

Inside St. Christopher, the white and rose caskets of Denise, Mary and Amy were below the altar, surrounded by flowers. Families had placed more flowers on each casket, along with a picture of their loved one.

After hymns and scripture readings, Craycroft told mourners that the souls of the three girls were "in the hands of God and they're at peace."

Craycroft said that just as Christ had wept "bitter tears" at the death of his friend Lazarus, "We are here this morning to share our pain and our grief." He said the families can take comfort in the promise of

an afterlife.

Craycroft also shared memories of the three girls.

Family members of Denise Voglund told him that she was a "thoughtful child, always thanking her parents and grandparents."

He said Amy Wheelock, who was "sincere and reverent," is now with her grandmother, who died two months ago.

And Mary Daniels often stopped by the church to pray on her way to school, he said. "Mary believed with all her heart that God would be her refuge in life and in death."

Among the mourners were relatives, friends and classmates of the three girls, including several survivors of the crash. But others were there also, including soldiers from nearby Fort Knox.

People connected with the tragedy say it has touched everyone in the community. Many were at the service yesterday just to show they care.

"My condolences and expressions of sym-

pathy, of course, are inadequate," Craycroft said. "But I know I speak for the entire community when I say we're sorry with you and we grieve with you and we pray with you — and that we love you."

He asked for prayers for all those who have been affected by the crash, "especially the children who are in the hospital."

The service ended as "Amazing Grace" was played softly by a piano-and-flute duet. A procession of hearses and mourners made its way to nearby North Hardin Memorial Gardens for the burials.

Services were also held yesterday for four of the other victims — Julie Ann Earnest, 12; Joshua Conyers, 14; Tina Michelle Mustain, 14; and Chad Whit, 14.

Radcliff officials planned the service to help residents of the community of about 20,000 come to terms with the tragedy. The stadium seats about 2,400 people, but more bleachers and chairs were set up to increase its capacity to about 4,000.

5/20/78

# “Where do broken hearts go?”

Courier-Journal

5/20/78

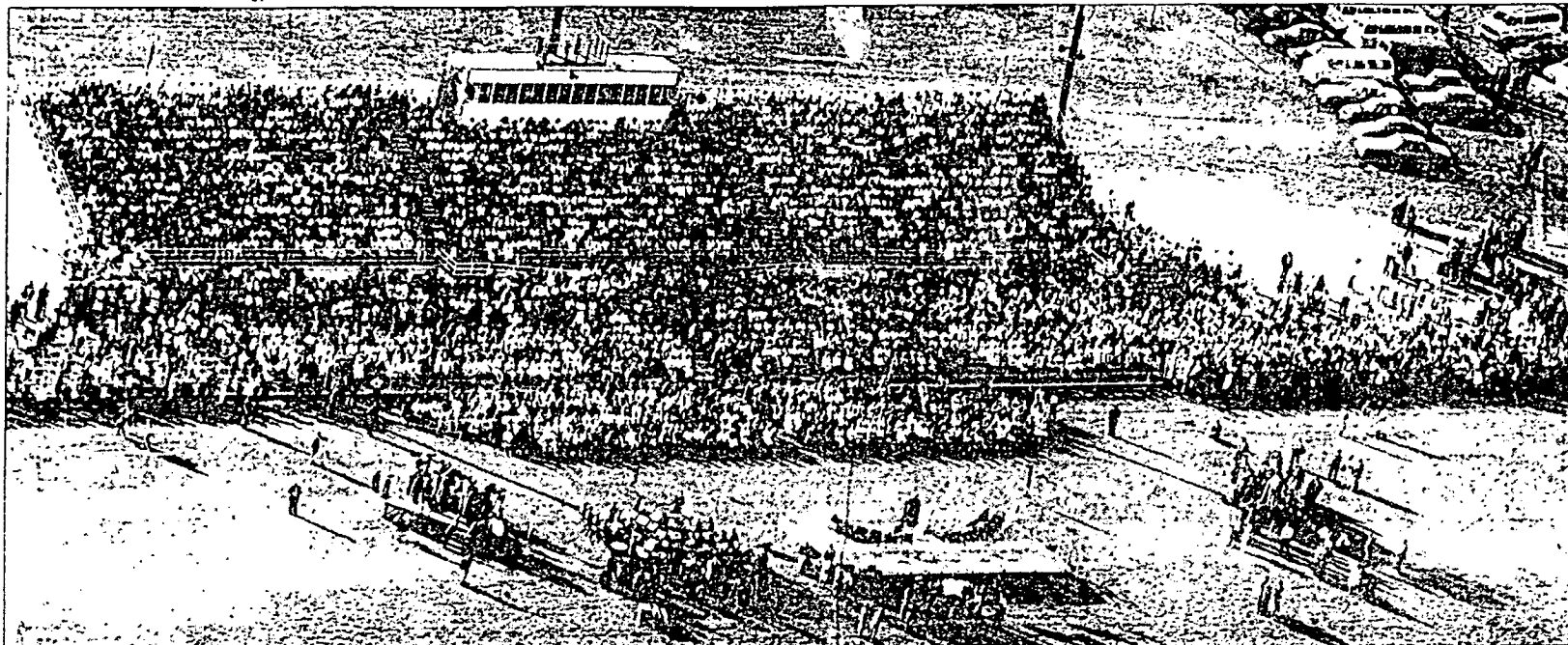


STAFF PHOTO BY EEN VAN HOOK

John Obregon held his father, Juan, of Fort Knox, during the memorial service at the North Hardin County High School football stadium last night. John's brother and sister, Eustacio and Monica, were passengers on the bus and have been released from the hospital. Other stories and photos, Pages A 6 and A 7.



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May  
20/1988



STAFF PHOTO BY PAT McDONOUGH

Approximately 5,000 people filled North Hardin High School's football stadium during last night's memorial service

## A FIERY TRAGEDY



STAFF PHOTO BY TODD BUCHANA

Kentucky State troopers and residents of Radcliff bowed their heads during a prayer by the Rev. W. Don Tennison of the First Assembly of God for the 27 people killed in the bus accident.

# Attorneys file 62 lawsuits in fatal bus crash

By MARK CAMPBELL  
Kentucky News Editor

Attorneys swamped Carroll Circuit Court with paperwork yesterday as 62 lawsuits were filed in connection with a May 14 accident that claimed the lives of 27 people and injured 40 more when a church bus and a pickup truck collided head-on on Interstate 71 near Carrollton.

According to Yolanda Toole, a staff member with the Carroll Circuit Clerk's office, attorneys representing 62 of the 67 victims in the accident were waiting at the Carroll County Courthouse when that office opened yesterday morning and stayed until 2 p.m. EDT to finish filing the suits.

A total of 60 of the 62 suits were filed by the Radcliff law firm of Skeeters and Bennett, 550 W. Lincoln Trail Blvd., while two others were filed by attorney James W. Chambers of 9900 E. Shelbyville Road, Louisville.

Many of the 62 suits, of which 22 represent the estates of teenagers or adults who died in the crash and 40 represent people who were injured in the wreck, list the same four defendants.

Named as defendants in the suits are:

- ✓ Larry Wayne Mahoney, the 34-year-old Owen County man who was allegedly driving the 1987 Toyota pickup truck that crashed head-on into the church bus;

- ✓ Joann Osborne, the Carroll County woman who owns and operates Tubby's Tavern, located on Ky. 227 near Carrollton, where Mahoney allegedly drank beer on the evening prior to the crash;

- ✓ Tubby's Tavern; and

- ✓ Frazelle G. Eberhardt, Akron, Ohio, the man who was driving a 1977 Cadillac that was also involved in the crash.

The 62 suits filed Wednesday brings the total number of suits filed in connection with the crash to 65. Three other suits, also representing three girls who died in the crash, were filed in Carroll Circuit Court Monday.

"That's the most (lawsuits) we've ever had filed in a day," said Toole. "In fact, 15 in a month would be a good month."

The suits charge Osborn and/or operators at Tubby's Tavern with negligence in that they allegedly served Mahoney alcoholic beverages although he was "actually or apparently under the influence of alcoholic beverages" and that they

"knew or should have known that there was a reasonable likelihood that upon leaving Tubby's Tavern that Larry W. Mahoney would operate a motor vehicle."

The suits also charge Eberhardt with negligence in that he allegedly "caused tortious injury by his act of negligent driving in the Commonwealth of Kentucky" through "negligence, gross negligence and wanton conduct."

The suits go on to add that "Mahoney and Eberhardt did drive and operate their respective vehicles, a 1987 Toyota pick-up truck and a 1977 Cadillac automobile, in a negligent, grossly negligent and wanton manner causing their vehicles to collide with a bus owned by Radcliff first Assembly of God Church of Radcliff."

Mahoney, who was injured in the crash and taken to Humana Hospital-University of Louisville, has been charged with driving under the influence of alcohol and 27 counts of murder in connection with the crash. Tests conducted at the hospital after the crash indicated that his blood alcohol level was .24 percent — almost 2½ the level considered legally intoxicated in Kentucky.

Mahoney allegedly drove his pickup truck into the bus head-on while traveling the wrong way on Interstate 71 south of Carrollton.

Some witnesses claim that Eberhardt's vehicle was traveling south in the southbound lane of the Interstate when it collided with Mahoney's truck traveling north in the southbound lane. The Akron man's car was then knocked across

the median and ended up traveling north in the northbound lane.

According to Kentucky State Police Trooper Jim Mudd, public information officer for the LaGrange Post No. 5, Eberhardt was not charged or cited in connection with the crash.

The suits, which represent only one side of a case, seek compensatory and punitive damages and a trial by jury.

Since the suits were filed yesterday, they will get in just under a July 15 change in state law that relieves bar owners of some liability related to the sale of alcoholic beverages to customers who later are involved in drunk driving related accidents.

The law was changed by the 1988 Kentucky General Assembly and the changes go into effect today.

By MARK CAMPBELL  
Kentucky News Editor

After 17 days of testimony and six days of jury selections, attorneys in the murder and drunken driving trial of Larry Wayne Mahoney expect to send that case to the jury as early as this afternoon.

"I think that's it," said Assistant Attorney General Paul Richwalsky, speaking to reporters after calling his third and presumably final rebuttal witness in the case.

Defense attorney Jack Hildebrand said he was prepared to call one or two rebuttal witnesses before closing the defense's case today. Carroll Circuit Judge Charles F. Satterwhite would then in-

struct the jury on the 82-count indictment and the defense and prosecution would be allowed to make their closing arguments.

Mahoney, 36, of Worthville in Owen County, is charged with 27 counts of murder, 12 counts of first-degree assault, 42 counts of first-degree wanton endangerment and one count of driving under the influence of alcohol.

If convicted on the murder charges, he faces up to life in prison on each of the 27 counts stemming from a May 14, 1988, bus crash on Interstate-71 south of Carrollton that killed 24 children and three adults from a Radcliff, Ky., church youth group.

Richwalsky called three rebuttal witnesses yesterday to respond to questions raised during testimony for the defense last week. One of the witnesses was a Worthville man the defendant claims to have given him a large glass of vodka as well as two mixed drinks on the night of the tragedy and the other two witnesses were related to bus safety.

In rebuttal testimony yesterday, the man defense attorneys claim gave Mahoney large amounts of vodka before another friend of the defendant returned Mahoney's pickup truck keys and allowed him to drive off into the night took the stand and told the jury a different account of his alleged role in the tragedy.

Kelly Osborne, Worthville, told

the jury he had given Mahoney one mixed drink of vodka and Sprite in a small coffee cup after the defendant had asked for a beer and accepted the mixed drink instead.

Osborne said he was drinking a beer and mowing his lawn when Mahoney arrived at the home of Jay Gibson, a neighbor of Osborne in the Eagle Creek Campground near Worthville. He said he left his work to go see Gibson.

"He asked if I had any beer," said Osborne of Mahoney while noting that day was the first and only time he could ever remember meeting Mahoney.

Osborne said he told Mahoney and several other men that he was out of beer but that he had a "piece of a bottle of vodka."

According to Osborne, Mahoney told him he would like some of the vodka and Osborne said he went into Gibson's home to get a cup to mix the drink.

"There's the cup I mixed Mr. Mahoney a drink in that night," said Osborne, holding up a small, white plastic coffee cup. "I mixed him one drink."

Osborne said he divided about one-quarter of an inch of alcohol with Mahoney that remained in a half-gallon bottle of Glenmore brand vodka.

"He just picked it up and drank it

See: TRIAL  
Back Page, Column 3

## • Trial

Continued from Page 1

straight down," Osborne said of the defendant. "He kind of choked and coughed a couple of times. I thought it was because he drank it too quick."

Osborne said since Mahoney seemed choked, he gave the defendant some Sprite without alcohol after that. Osborne said Mahoney started toward his pickup truck and he heard him say, "Whoever's got my keys, I want them cause I'm going home."

William Summers, lead counsel for Mahoney, cross-examined Osborne at length. Witnesses who testified earlier had said Osborne gave Mahoney a plastic glass of straight vodka as well as one to two mixed drinks of vodka and Pepsi.

During cross-examination, Osborne said he had failed to remember the vodka and the plastic cup when originally interviewed by state police and defense investigators. He said defense investigator, Jim Daugherty (Mahoney's brother-in-law), had asked him in June 1988 as well as later interviews if he had any beer when he was with Mahoney on the night of the crash and he told him he didn't.

Osborne said he later realized they must have meant the vodka in the coffee cup and he then retrieved the cup from the back end of his pickup truck at that time because "I figured they'd be interviewing me again and I decided to keep the cup."

"I think Jim Daugherty ought to be commended for the memory course he has come up with," said defense attorney Jack Hildebrand. "Less than four weeks after the accident, Mr. Osborne couldn't remember anybody drinking there. Then the word 'glass' triggered this whole scheme of events that he remembered."

Summers, who claims Osborne has a driving under the influence charge pending in Owen County, asked Osborne if he had not in fact given Mahoney several drinks of vodka including two tumblers of half-vodka and half-Pepsi as other witnesses had testified.

"No sir," he said. "If God be my judge, no sir."

Richwalsky told reporters later that Osborne's testimony should end speculation that Mahoney did not know what he was drinking at Gibson's home on the night of the accident. He said yesterday's testimony should also dispel the defense's contention that Mahoney may have been "involuntarily intoxicated" rather than "voluntarily intoxicated."

Under the legal statutes of wanton murder, which Mahoney is charged, a person has to have acted with wanton disregard for human life and voluntary intoxication is one of the provisions under that guideline.

In other testimony yesterday, the prosecution called two expert witnesses in statistical analysis and chemical engineering to address bus safety issues raised during last week's defense testimony.

William Boehley, director of the National Highway Traffic Safety



Administration's National Center for Statistics and Analysis, testified that since 1975 — two years prior to when the bus involved in the Carrollton crash was manufactured — only two fire-related traffic fatalities have been recorded involving school buses.

Boehley said based on statistical information compiled on traffic fatalities, school buses are four times safer than automobiles.

In addition to the Carrollton crash, fire was involved in a school bus accident that claimed nine lives in Essex, Mont., in 1984 but the casualties in that crash were caused by the severity of the crash impact, said Boehley.

Boehley was asked during cross-examination to read a 35-page report by the National Transportation Safety Board on a fiery February 1972 school bus crash in Reston, Va., and give his conclusions.

Boehley said although the Virginia crash involved a fire caused when a fuel tank was ripped away from the bus on impact, much like the Carrollton crash, his center would not have kept statistics on it because there were no casualties.

Summers also questioned Boehley why there had been a six-month delay in the enactment of stricter safety regulations based on studies conducted on the Virginia crash and why his agency did not more closely pursue manufacturer's recalls on leaf spring assemblies and fuel tanks.

The former Meade County school bus involved in the First Assembly of God church youth group trip in the Carrollton tragedy was manufactured only a few days after stricter regulations on fuel tanks were implemented and the front right leaf spring on the Radcliff bus punctured the fuel tank on impact.

In other rebuttal testimony, Dr. Hugh T. Spencer, a professor of chemical engineering from the University of Louisville, explained why traces of cyanide gas was found in only one and not all 27 of the victims who died in the crash.

Spencer said cyanide gas will burn at temperatures in excess of 1,000 degrees Fahrenheit and that estimates on temperatures on the bus that night would range from 2,500 degrees near the front of the bus where fuel from the gas tank burned to 1,000 to 1,200 degrees at the rear emergency exit where most of the 40 survivors escaped the burning bus.

He said earlier testimony that as little as two breaths of the smoke on the bus would produce lethal cyanide levels was rebutted by the fact that many people who had to have inhaled much more than two breaths of the smoke-laden air escaped the fire.

Hildebrand later told reporters Spencer's testimony was confusing and probably did not hurt the defense's case.

Earlier yesterday, the defense was denied access to communications from Ford Motor Company pertaining to the prosecution's case dealing with vehicle regulations, engineering drawings and specifications, memos from Ford pertaining to product recalls, background information on a former Ford employee who testified for the defense and other reports.

Satterwhite reviewed the material before agreeing to seal it and have it placed in case documents for possible review at the appellate level.

In other action yesterday, Satterwhite denied a defense motion for a directed verdict to acquit Mahoney on all charges prior to the opening of rebuttal witnesses.

In filing the motion, defense attorney Russell Baldani said Mahoney was "unaware of the risk he was creating" and was "involuntarily intoxicated in part" so the burden of proof for wanton murder by the prosecution had not been met.

# Third witness reported pickup on wrong side before fatal bus crash

By JUDY BRYANT  
Staff Writer

LA GRANGE, Ky. — A third witness who was traveling south on Interstate 71 near Carrollton the night of May 14 has told police he saw Larry Mahoney's pickup truck weaving and swerving on the wrong side of the divided highway just before the truck slammed into a church bus, killing 27 people.

James A. Thom, 41, of St. Charles, Ill., said he looked in his rear-view mirror after the truck passed him and saw the fiery explosion as the truck struck the bus.

Thom's account — and that of a Patriot, Ind., couple traveling north on I-71 when the accident occurred — were released yesterday in a traffic-accident report prepared by state police Trooper Sonny Cease, who is investigating the case.

But the report gives little new information on what happened and offers no scenario to explain why Mahoney was driving the wrong way.

State police Capt. Neal Brittain said those details will be explored in a supplemental accident report that won't be completed for at least two weeks. That report will contain an accident reconstruction, indicating the paths of each of the vehicles from impact to final rest, Brittain said.

"The investigation is continuing, even

Continued from Page A 7

about 55 miles per hour, and stayed 300 feet behind the truck to give Mahoney room to cross over into the northbound lanes, the report says.

Instead, the report says, the Armstrongs saw the truck hit the bus and saw the bus erupt in flames.

Thom told police he was traveling south on I-71 and noticed headlights coming toward him. Thom said the pickup "appeared to be weaving and swerving in the roadway," the report says. Thom said he looked in his rear-view mirror and saw "a fiery explosion" as the truck, which was about 400 yards behind Thom, struck the bus head-on.

Their accounts appear to jibe with that of a fourth witness, Clint Bradley of Southgate, Ky. Bradley told investigators that he was on his way to Louisville on May 14 when he saw a southbound Toyota pickup pull into the grass median on I-71,

*Courier-Journal 5/28/88*  
as we speak," he said yesterday.

The Kentucky Post, quoting an unnamed source, reported yesterday that the reconstruction indicates the bus driver turned to the left to avoid the pickup, and the truck hit near the door of the bus.

The paper reported that, because a left-hand curve was just ahead of the bus, the bus driver was probably not aware of the pickup until the vehicles were about 350 feet apart. Because each vehicle was traveling about 60 mph, the newspaper said, the drivers would have had about two seconds to react.

The source also said that the gasoline tank of the bus was ruptured by a piece of the bus's leaf-spring assembly, a shock absorber built of curved strips of metal.

Cease has not been available for interviews since the accident, and Brittain, Cease's supervisor, said yesterday that the trooper will not meet with the media to discuss his report.

Thom could not be reached for comment.

Joan Armstrong, who with her husband, Nelson, also witnessed the crash, did not want to talk about the incident.

The report says the Armstrongs were traveling north on I-71 and saw the dark-colored pickup traveling north in the southbound lanes. Their car was going

make a U-turn and head north in the southbound lanes.

Bradley said he had seen the same truck driving erratically earlier just a few miles north on I-71, and that he had gotten off the interstate at Carrollton in part to get away from the truck.

Occupants of a third vehicle involved in the wreck, Frazelle Eberhardt and John Eberhardt Jr. of Akron, Ohio, were traveling southbound on I-71 to the right side of the school bus. Frazelle Eberhardt told police he felt an impact on the left side of their Cadillac.

He said he struggled to gain control of his vehicle and "felt as if (his) vehicle went airborne across the median." The Cadillac came to rest in the northbound lanes, facing east, according to the report.

Mahoney's car and the bus came to rest in the southbound lanes, the report says.

The bus belonged to the First Assembly of God in Radcliff and was returning from a church-sponsored outing at Kings Island amusement park north of Cincinnati.

Mahoney's attorney, William Summers, also is attempting to reconstruct the events of the accident. But, Summers said yesterday, his experts were told Thursday by state police to leave the accident scene on I-71 as they were attempting to videotape the area.

Lt. J. R. Hill, assistant commander of the La Grange post, said state police advised them that it is against state law to park a vehicle or to stand on the interstate.

Summers, a Cleveland attorney who took over Mahoney's defense when Mahoney was arraigned on May 20, has complained that his investigation is being hampered because he has been unable to examine the bus, Mahoney's car and other evidence.

Later yesterday in Lexington during taping of WLEX-TV's "Your Government" program, which will air Sunday, Summers said, "We are totally shut out from any of the evidence that the commonwealth has."

Summers acknowledged that the law does not allow for the sharing of such evidence until an indictment has been handed up and a plea or response to that indictment is entered in court records. (The Carroll

County grand jury is scheduled to meet June 6.)

"I felt in this instance — since Ford Motor Co. and all their insurance carriers and the people that built the seats and everything and the chassis were able to go look at it — certainly a man that they want to put in the electric chair for this ought to have an opportunity to take a look at the evidence too," he said.

Asked if he thought his investigation

was being "thwarted," Summers replied:

"It's not being thwarted, but I wouldn't accuse it of being helped. But it's not their job to help me. I'm not very happy about doors being closed, but I'll get them open one way or another within the law."

Information for this story was also gathered by staff writer John Voskuhl.

*Courier-Journal 6/17/88*

# Mahoney would 'give anything' if bus crash hadn't happened

Associated Press

Larry W. Mahoney, the driver of the pickup involved in the collision that killed 27 people near Carrollton on May 14, says he "would just give anything if it hadn't" happened, according to People magazine.

"I hate it, I really hate it," People quoted him as saying. "I think about the accident and I just don't know how to say it. I would never have meant for it to happen.

"And it's sure that I'm going to

have to live with it the rest of my life."

Mahoney's comments, believed to be his first concerning the crash since it happened, are in the magazine's June 13 issue.

Mahoney was asked what he would say were he to meet the families of the victims. After a pause, he replied: "It would be hard for me to face them. Maybe in time."

Mahoney, 34, has pleaded not guilty to 27 counts of capital murder. Prosecutors have said they will seek the death penalty.

"I've never had a problem with anybody," Mahoney told the magazine. "And I never had any problem with drinking. I was not an alcoholic or nothing like that."

Mahoney is undergoing psychiatric counseling at the Kentucky Correctional Psychiatric Center in La Grange. He was denied bond.

He said incarceration "bothers" him. "I've always been an outside person. But I kind of more or less stay in my room now."

He talked, too, about life before the accident and about his coon hounds.

"I don't know how to explain it. But I have a love for those dogs," he said. "I like to just sit back there and pet on 'em. Just sit with 'em and talk to 'em. I love being around 'em."

## Mahoney's appeal is not granted

Larry Wayne Mahoney will have to take his case through the traditional court system in the appeals process.

Last Thursday the Kentucky Supreme Court ruled that Mahoney's case must start at the state Court of Appeals rather than immediately hearing an appeal in the case stemming from the May 14, 1988 bus crash on Interstate 71.

Mahoney, now housed at the Eastern Kentucky Correctional Complex in Morgan County, was convicted of 27 counts of second-degree manslaughter, 27 counts of first-degree wanton endangerment, 12 counts of first-degree assault, 14 counts of second-degree wanton endangerment and one count of drunken driving.

Twenty-seven people, mostly children, died in the crash involving a church bus from Radcliff. Mahoney's attorneys cited several discrepancies in the verdict which came after a seven-week trial in Carroll County.

Mahoney received a sentence of 16 years in prison.

# Mahoney's friends testify for defense

By MARK CAMPBELL  
Kentucky News Editor

11C  
12/12/88  
A defense witness testified yesterday Larry Mahoney may have consumed as many as two glasses of Diet Pepsi mixed with vodka on the night he crashed his pickup truck head-on into a church bus, killing 27 in the fiery aftermath.

Mahoney, 36, of rural Owen County, is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and driving under the influence in the crash.

Witnesses have testified he was drunk and driving the wrong way on Interstate-71 near Carrollton when his truck collided with the bus owned by the Radcliff First Assembly of God church. The impact ruptured the bus fuel tank and 24 children and three adults died and a dozen other passengers were seriously injured as fire swept through the vehicle.

As the defense began its case yesterday, the 15-member jury

heard testimony from six witnesses including two of Mahoney's friends, his son and mother, and the Kentucky State Fire Marshal.

In testimony yesterday, Phil Downey, Worthville, told the jury he had seen Mahoney at the home of Jay Gibson, also of Worthville, earlier in the evening of the May 14, 1988, accident.

Downey, who said he has been a friend of Mahoney for 10-15 years, said he could tell Mahoney had been drinking, but the defendant was not drunk when he arrived at Gibson's home early that evening.

According to Downey, Mahoney was drinking a beer when he arrived at Gibson's. Downey said Gibson, Taylor Fox, also of Worthville, and some other friends were working on Gibson's bus and the men talked and drank for some time that evening.

According to Downey, Mahoney wasn't drunk when he arrived at Gibson's.

"Well, I've seen him pretty well on his way and I've seen him sober,

but as far as real drunk, I don't know what you call drunk," said Downey later explaining "to me if they're drunk, they're staggering or falling around."

However, Downey said Mahoney was intoxicated by the time he left shortly after 10 p.m. — so intoxicated that Fox at one point told Mahoney he would drive for him.

"He was worse than when he came there," said Downey, who said in addition to the beer he thought Mahoney had drunk as many as two glasses of Diet Pepsi and vodka during the course of the evening.

According to Downey, another acquaintance of Mahoney, Kelly Osborne, gave Mahoney two, large glasses of what he, Downey, thought was Diet Pepsi mixed with vodka.

Downey said he wasn't sure if both glasses contained vodka. "The only thing I heard was Kelly said, 'This is better for you than any old beer you've ever drank.'"

According to Downey, vodka is difficult to taste when mixed 50/50 with Pepsi. Mahoney first drank one plastic tumbler of what Downey believed was vodka and Pepsi and then downed a re-fill — both given to the defendant by Osborne, said the witness.

"He drank that what was in it and he set the glass back up on the hood or fender of the bus," said Downey on the initial glass Osborne allegedly gave the defendant. "Kelly got it and went back to his



## Showing the size

Phil Downey, Worthville, held his hands apart to indicate the size glass of Diet Pepsi and vodka Larry Mahoney allegedly drank in 1988 on the night his pickup truck crashed into a church bus killing 27. Downey, a friend of the defendant, testified yesterday in Carrollton. (Pool photo by Todd Buchanan.)

See: TRIAL  
Back Page, Column 3

# •Trial

Continued from Page 1

pickup truck ... and mixed, I guess, another drink. I saw him pouring Pepsi in the glass and he brought it back over and set it on the bus."

Answering questions from William Summers, lead counsel for the defense, Downey said Mahoney's state of intoxication became worse after he drank the glasses given to him by Osborne. "I guess that's what did it," he added.

In cross-examination by Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, Downey said nobody forced, dared or bet Mahoney into drinking the vodka, but that by the time the defendant left Gibson's house that night many of his friends were concerned that he might be intoxicated enough to be arrested if he was stopped by police.

In fact, Downey said Fox told Mahoney at one point during the evening that he would drive him, but later allowed the defendant to drive himself.

"I think I heard (Mahoney) say something to Taylor about going somewhere or something," said Downey. "Taylor said, 'If you wait around a little while I'll take you. If you wait around a little while, I'll drive you.'"

However, Fox never drove Mahoney — a situation defense attorneys claim was a factor in the crash. Summers has said Mahoney would not have continued to drink if he had not thought someone else would drive for him. He also said Mahoney was unaware that the drinks Osborne gave him contained vodka.

According to Summers, the question of Mahoney's drinking centers on whether he voluntarily drank the vodka. The wanton murder charges Mahoney faces are based on the defendant voluntarily becoming intoxicated and then acting with extreme indifference to the value of human life by driving while drunk.

"I've never had a glass of half vodka and half Diet Pepsi," said Summers while talking with reporters following yesterday's recess and stating his claim that Mahoney may have not recognized that the drink contained alcohol. "Maybe you have. Can you tell me if you can readily tell the taste? I don't know honestly."

According to Richwalsky, three cold beers were found in Mahoney's pickup truck following the collision and the exact nature of what Mahoney drank to become intoxicated is irrelevant in the case.

He added Downey testified under oath before a Carroll County grand jury last year saying the only thing Mahoney had to drink was beer but noted even Downey said he "doesn't have a real good memory."

"It doesn't matter to us whether he had two beers or whether he had 22 beers," the prosecutor said. "We've just tried from day one to find out how many he had ... all we had ever been told under oath was all that he drank was beer. Now we come up with vodka, which to me doesn't seem to make any difference. I respectfully disagree with Bill (Summers) about the voluntary intoxication issue. It's a question of fact to argue for the jury as far as what you do with it."

Richwalsky also noted a blood toxicology expert testified for the prosecution last week and said Mahoney's 0.21 percent blood-alcohol concentration was tested reliably but suspect based on the number of beers state police were able to establish that Mahoney had consumed on the day of the crash.

"The detectives from the Kentucky State Police, I can assure you, have gone to every liquor store in every contiguous county and would you be surprised to learn that they've not found who sold it to him?" said Richwalsky on investigators' efforts to piece together an accurate drinking history on Mahoney on the day of the tragedy. "So you take that and apply it to the rest of the testimony and that gives you the answer. And I don't think it matters. It's irrelevant."

In earlier testimony yesterday, Dennis Mefford, a long-time friend of Mahoney and fellow worker at M&T Chemical in Carrollton, told the jury Mahoney had been concerned with financial problems in the weeks leading up to the accident.

Mefford, who described the defendant as his "best friend," said Mahoney was trying to get his family back together and was concerned that he could not get a loan to buy the family a better home.

According to Mefford, Mahoney was having trouble getting bank financing for a home because he had declared bankruptcy at one point when he was unable to pay several hundred thousand dollars in medical bills related to medical care for his 7-year-old daughter

who was born with an open spine.

Mefford said Mahoney always paid his other debts, but the medical costs were just too high to pay off.

According to Mefford, he saw Mahoney when the defendant stopped by his home near Worthville on the day of the crash. He said Mahoney had beer with him and he could tell he had been drinking because he was "a little more talkative."

"I could tell he had been drinking for a while but I didn't know how much," Mefford said, noting his friend was sober enough to

drive when he arrived and after eating some pizza, drinking a beer and making plans to go hunting the following Sunday, was still sober enough to drive when he left.

"Do you think problems are an excuse for going out and getting drunk?" Richwalsky asked Mefford during his cross-examination.

The question drew an objection from the defense and was never answered.

In other action yesterday, Mahoney's son, Anthony, 17, and mother, Mary, testified that they saw the defendant on the day of the crash and he did not appear to be drinking or seem intoxicated.

Mahoney's son told the jury he woke his dad at 11:30 a.m. on the day of the accident and that Mahoney had received about four hours sleep after getting off work from his swing shift at M&T.

Mahoney's mother told the jury she saw her son between 4-5 p.m. when he came to pick up his mail and check on his hunting dogs. She said he didn't have any beer and did not appear to be drinking.

"No, I never saw him take a drink ever," said Mrs. Mahoney. "He never brought it into my house because he knew I didn't drink ... He wasn't drunk. No sir."

In other testimony yesterday, an Erlanger, Ky., man testified that testimony presented by a South Gate, Ky., man earlier in the trial conflicted with what he saw on the night of the wreck.

Earlier in the trial, Clint Bradley, one of the people involved in the wanton endangerment charges against Mahoney, testified he had seen a pickup truck like Mahoney's flip-flopping on the Interstate north of Carrollton. He said he became so shaken by the incident that he left the interstate at Carrollton to buy soda and cigarettes.

However, Charles Arnold, Erlanger, testified yesterday that he was at Ski Slope Liquors when Bradley stopped at the store at about 10:30 p.m. on May 14, 1988, but that



Trial

Bradley bought beer when he stopped.

"I was standing at the counter ready to leave and Mr. Bradley came in the door and said, 'I need a drink real bad' and ran over to the beer case and got out a six-pack or 12-pack of beer, I don't know which it was, and set it down on the counter," said Arnold, who told the jury he was talking to the store's clerk and drinking a beer when Bradley arrived.

Arnold said Bradley told them, "Man, you ain't going to believe what just happened to me. I just met a car up on the expressway, about 10 miles up the expressway, on the wrong side of the road."

According to Summers, since Bradley denied specifically he had purchased beer when he stopped in Carrollton, his testimony should be questioned in general. Summers noted he asked Bradley specifically if he had been drinking or bought beer at the stop and the witness had denied each question under oath.

According to Richwalsky, Arnold's testimony should not impugn Bradley's testimony because whether or not he bought beer has nothing to do with whether he was surprised and shocked to see the vehicle flip-flopping at the inter-

state median north of Carrollton.

Richwalsky said the possibility that Bradley may have been drinking "was a separate issue" of what he had to say and what he had seen earlier on the interstate.

According to Summers, the defense was to call a mechanical expert this morning and a fire expert this afternoon. He said a clinical pharmacologist is scheduled to testify Wednesday afternoon.

The decision on whether Mahoney will testify has still not been made; however, Summers said if he had to rest his case yesterday, he would ask the defendant to take the stand.

"The final decision will be made at the conclusion of all our other evidence," he said. "I would say there's a (chance) but that could change ... Usually, you make (that decision) firmly and finally at the end."

According to Summers, the end of the prosecution's case and the beginning of the defense testimony has brought little change to his client.

"I spent a lot of time with him this weekend and I can't say that he is relieved or enlightened or excited that his defense is starting or relieved that the state's presentation in chief is over," said Summers. "This is a period of the unknown, It's a period of the unknown for the families from Radcliff, it's a period of unknown for the Mahoney family and this is a period of the unknown for the people in Carrollton ... by the end of the verdict — regardless of the verdict — the period of unknown will be over for an awful lot of very fine people."

At the conclusion of the prosecution's case, the defense requested a directed verdict for acquittal on each of the 27 counts of murder and six of the 12 assault charges. The motion was denied by Carroll Circuit Judge Charles F. Satterwhite.

# Rebuttal witnesses are called in Mahoney trial

By MARK CAMPBELL *MC*  
Kentucky News Editor

12/18/89  
With the case of both the prosecution and defense completed in chief, the murder and drunken driving trial of Larry Wayne Mahoney continued this morning in Carroll Circuit Court in Carrollton with the prosecution expected to call on rebuttal witnesses.

The witnesses, which will be used to challenge testimony by defense witnesses last week, had not been identified by assistant attorney general Paul Richwalsky Jr., special prosecutor in the case, but at least three rebuttal witnesses are expected to take the stand.

Mahoney, 36, a factory worker from rural Owen County, is charged with 27 counts of murder and drunken driving in connection with the May 14, 1988, bus crash that killed 24 children and three adults on Interstate 71 south of Carrollton.

The victims, all members or guests of a youth group outing from the First Assembly of God Church in Radcliff, Ky., died when Mahoney's truck hit their bus head-on and the bus gas tank ruptured sending fire sweeping through the vehicle.

However, testimony by rebuttal witnesses was delayed this morning when attorneys for Mahoney requested an evidentiary hearing concerning information provided to the prosecution by the Ford Motor Company.

The defense subpoenaed the information Thursday and requested Carroll Circuit Judge Charles Satterwhite to review that information today to see if it should be made available to the defense and allowed as admissible for evidence in court.

Satterwhite went into chambers at about 9:30 this morning for a 30-minute recess to consider the defense request.

Prior to any discussion concerning the evidence, the 15-member jury that is hearing the case was

sent into chambers.

Attorneys for the Ford Motor Company said they no longer had in their possession copies of the information the defense sought but that the prosecution had the original copies of this information in its possession.

The information, which includes four spiral binders, was turned over to the judge prior to this morning's recess.

Richwalsky said the defense's efforts to gain that information amounted to nothing more than an eleventh-hour "fishing expedition."

According to defense attorney Jack Hildebrand, "The defense did not realize the important part Ford was playing in the prosecution of the case." He cited that as the main reason the defense requested the information.

William Summers, lead counsel for Mahoney, said last week the defense will also call rebuttal witnesses. One witness he plans to call is Kentucky State Police Trooper Henry "Sonny" Cease, the accident reconstructionist who investigated the crash.

Summers said he would recall Cease after testimony by the defense accident reconstructionist Wilbur R. Meredith III contained several inconsistencies compared with the prosecution's account of how the accident unfolded.

The defense witness testified that Mahoney's 1987 Toyota pickup truck careened into the bus after sideswiping a car driven by an Akron, Ohio, man, while the prosecution said Mahoney's truck hit the bus, then spun around and collided with the car.

Richwalsky cross-examined Meredith last week, but later said the order in which the defendant's truck hit the bus was irrelevant because Mahoney was drunk and driving the wrong way on the interstate when the crash occurred.

"I don't think it makes any dif-

ference at all, but what we're trying to do is probe the believability of this particular witness' explanation of the accident," Richwalsky told reporters Thursday. "And I think if you follow it to the end result, a person could say that an attempt is being made to minimize the defendant's responsibility — that one could say as a result of that, he didn't really strike the bus directly head-on. It's an attempt, I think, to make (Mahoney) one step removed, that he did not hit the bus head-on but was deflected into the Cadillac...we question his version."

At that time, Richwalsky said he was not sure if he would recall Cease. However, Summers said: "If they don't, we will."

"You have heard it day in and day out," Summers said. "There is multiple responsibility for the deaths. Paul's version is very narrow — it's only Larry. My version, it's Larry and others — those of you who have been here since the very beginning, search your own conscience."

Later in his testimony, Meredith told the jury that bus driver John Pearman, who died in the crash, could have also been partially responsible for the crash.

Meredith said, based on his investigation, Pearman could have lessened the severity of the crash by braking sooner and swerving the bus out of the path of the oncoming pickup truck.

The comment drew a quiet but angry response from family members of the victims.

At the conclusion of the presentation of the defense and prosecution's cases in chief, 107 witnesses had been called by Richwalsky and 14 for the defense — including Mahoney.

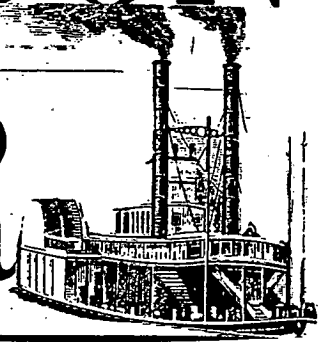
After the rebuttal witnesses have finished, the attorneys will make their closing arguments. The jury will then be instructed on the 82-count indictment and deliberations will begin.

Thursday, December 21, 1989

# THE MADISON

35¢

## COURIER



### Jury begins deliberations in Mahoney trial

By MARK CAMPBELL  
Kentucky News Editor

The fate of the man charged with 27 counts of murder in the worst alcohol-related traffic accident in U.S. history is now in the hands of the jury.

Closing arguments were heard in the trial of Larry Wayne Mahoney yesterday morning in Carrollton and the jury began deliberations on the 82 charges against him yesterday afternoon.

Mahoney, 36, a factory worker from rural Owen County, is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving under the influence in connection with a May 14, 1988, head-on collision with a church bus on

Interstate-71 south of Carrollton.

After 17 days of testimony and 24 days of court, attorneys in the case made their closing arguments and the case was turned over to the jury yesterday.

In 2:15 minutes of closing arguments yesterday morning, the jury heard statements ranging from an emotional appeal by the defense to a plea for justice by the prosecution.

William Summers, lead counsel for the defense, told the jurors they can punish Mahoney however they want, but nothing anyone can do can be any worse than the defendant having to live with the burden of the tragedy on his conscience the rest of his life.

"Larry has the rest of his life,

every waking minute, to remember this," said Summers, leading up to the emotional climax to his half-hour segment of the defense's two-part closing argument. "Whatever punishment or penalty you should choose, remember there's no way for anybody, any government, any citizen to do anything whatsoever to punish him worse. Nobody can do it.

"We've all been taught that we must forgive ... This tragedy needs to be put behind the people. Everyone needs to begin to rebuild their lives and certainly the very loving families from Radcliff need to begin to rebuild their lives and have this behind them ...

"Ladies and gentlemen, the world has to start anew," Summers

continued, his voice rising and beginning to crack with emotion. "The world has got to say finally, 'We've taken this dog and for 18 months we've stoned him. We can't kill him, but it's got to stop. It has to stop.'

"How much more does he have to endure?" Summers asked while Mahoney dabbed at his eyes with a tissue and many of his family members sobbed loudly. "We don't do that to a cur dog found homeless on the street. We might put him to sleep, but we don't stone him for 18 months. We don't make him live with pain the rest of his life which none of us can remove. We can't kill him, but whatever you choose to punish him, he'll live with because the punishment in his heart

will never, never go away.

"I respect you and I thank you for hearing me," Summers said, wiping tears from his cheeks. "This is my argument and this is my heart, because I really care for that man."

Meanwhile, Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, told the jury the burden of the case was now off his shoulders and on theirs. He said the jury should serve justice in the case by showing Mahoney is responsible for the tragedy and making him pay for his crime.

Richwalsky said although Mahoney was drinking and driving on the wrong side of the interstate when he crashed his pickup truck

head-on into a church youth group bus from the First Assembly of God in Radcliff, he and his attorneys have since tried to blame the tragedy on acquaintances who gave him alcohol to drink, friends who allowed him to drive although he was already drunk and the design and safety features of a former school bus that would "still be on the highway" if not for Mahoney's actions that night.

Richwalsky told the jury he does not "hate" Mahoney and he "can appreciate the situation he's in ... but based on his testimony in court I feel a little differently about him now."

The prosecutor said he thought

See: TRIAL  
Back Page, Column 3

# •Trial

Continued from Page 1

Mahoney had become "argumentative and aggressive" during his cross-examination. He later noted the jury should ask itself if the real Larry Mahoney was the quiet, transfixed person they had seen in court for most of the trial or the person he uncovered during his questions.

"I saw a different defendant; or could it have been the defendant in this picture," Richwalsky said, holding up a driver's license photo of Mahoney with a beard and a Harley-Davidson motorcycle hat imprinted on the front with the words "Ride hard, die hard."

"Ride hard, die hard — it's kind of prophetic," the prosecutor said.

"All that Saturday night he rode hard and those people died hard," Richwalsky said, referring to a nearby chart that listed the names of the 27 victims who died in the fiery crash.

"Is this the real Larry Mahoney?" he asked the jury, pointing to the driver's license. "You tell me when you come back."

According to Jim Daugherty, Mahoney's brother-in-law, the Mahoney he and others knew was not the "hell-raiser" depicted in the old license photo but was instead a "quiet family man."

Daugherty spoke to reporters after yesterday's closing arguments and said the hat Mahoney was wearing in the old photo was "just a crazy hat much like any other crazy hat." He said his brother-in-law had worn a beard and had owned a motorcycle a few years ago but got rid of it after a friend died in a motorcycle accident.

"It's not fair to build a stereotype out of what type of hat a person's wearing and whether or not they shaved that morning," he said.

In other comments to the jury, Richwalsky noted Mahoney "drank all day and drove all day and he drove all up and down these highways."

"No one forced him to drink. He drank all day and he admitted he could have stopped at any time. He admitted that he knew it was not right to drink and drive."

According to Jack Hildebrand, another of Mahoney's defense attorneys who made closing comments, "We know Larry was there and we know Larry was drunk. But how did he get there? We don't know. Causation, those are important issues."

Hildebrand reminded the jury of testimony that Mahoney had been unknowingly slipped liquor in a mixed drink prepared by Kelly Osborne late on the evening of the crash.

"KO, cola," Hildebrand said of the drink witnesses say Osborne made for Mahoney. "KO for Kelly Osborne and KO for knock out, because that's what it does."

Hildebrand followed that with the fact that other witnesses testified that a friend had agreed to drive for Mahoney and then reneged on the promise.

According to Hildebrand, based on testimony of the drinks slipped to Mahoney and testimony that he had thought he would not be driving until he was already too drunk to make such decisions, the prosecution never proved the defendant was aware of the risk he presented by getting in his truck and taking to the highways that night.

Richwalsky later countered that by noting the designated driver, Taylor Fox, the defendant put faith in prior to continuing to drink on the night of the tragedy "had been drinking half the day himself."

Hildebrand also said the commonwealth could not prove Mahoney was voluntarily intoxicated and acted with extreme indifference to the value of human life, one of the provisions under the wanton murder charge.

Hildebrand then attacked the design and safety of the bus and Ford Motor Co., the manufacturer of its chassis.

"Even if he had been sober, on the wrong side of the highway, he had no idea whatsoever that the bus was going to explode," Hildebrand told the jury. "Larry caused the accident, but he did not cause the explosion, the deaths, the injuries."

Hildebrand then told the jury of Ford's past problems with gas tanks of Pintos and noted Richwalsky had told the jury his opening statement would be a road map showing where the trial would go.

"I submit to you this road map should have gone to Dearborn Mich., Ford Motor Co.'s home office, before it ever started with Larry Mahoney," Hildebrand said.

According to Richwalsky, the defense has used the bus design and safety questions, Mahoney's personal problems and promises that a friend would drive for the defendant on the night of the crash as a mask to hide the real issues of the case — whether the defendant should be held accountable for his actions.

"The smoke in this courtroom

has almost been as thick as the smoke on that bus," Richwalsky said, later comparing the defense's efforts to acquit Mahoney to that of an octopus making its escape after clouding the sea with ink.

Richwalsky then went on to say the 27 victims who lost their lives in the crash had been murdered as sure as if Mahoney had used a gun.

Richwalsky said the victims did not receive the same chance Mahoney has been allowed — that of a fair trial before an impartial jury.

"They got the death penalty, and for what?" the prosecutor asked. "For being on the way home, for spending the day at an amusement park. They were murdered. This defendant unfortunately killed them as sure as if he had used a gun. These people never got a chance to say goodbye."

The prosecutor then told the jurors they would never forget the role they are playing in the case. However, he said they will be able to live with that role if they serve justice with their decision.

"You'll never forget this case, but you'll be able to deal with it if you do justice," Richwalsky continued. "Justice in this case would be a finding of murder, assault in the first degree, wanton endangerment and driving under the influence."

In other related matters yesterday, the defense won a battle before special judge William R. Dunn, to have three of Mahoney's previous convictions suppressed.

Dunn, who heard the matter in a separate courtroom after the jury had already begun their deliberations, ruled that Mahoney's 1984 conviction for driving under the influence as well as a 1983 and a 1980 conviction for disorderly conduct are not admissible as evidence in the sentencing phase of his current trial because he did not "intelligently" plead guilty to those earlier charges.

After over four hours of testimony on the three previous misdemeanor charges, Dunn ruled that while Mahoney knowingly pleaded guilty to the charges, he did not fully understand that they could later be used against him.

The ruling will only come into play if Mahoney is convicted on one or more of the felony charges he now faces.

The final 12-member jury panel that is deliberating Mahoney's fate — six men and six women — met for over six hours yesterday before being sequestered at a local hotel. The panel went back into deliberations at 8:30 a.m. today and considered the case for about three hours before breaking for lunch.

During yesterday's deliberations, the jury made only one request — to re-hear Mahoney's own testimony.

However, by the time court officials had brought a video tape of the testimony to the jury's chambers, the panel had decided that it no longer wanted to review that testimony.

The jury will be sequestered until it reaches a verdict on all 82 counts facing Mahoney. Carroll Circuit Judge Charles F. Satterwhite said if the jury finds Mahoney guilty on any of the charges, he will begin the sentencing phase of the trial immediately.

# Preliminary ruling to allow for capital case

5/24/88  
Madison  
Courier

By MARK CAMPBELL  
Kentucky News Editor

Authorities who responded to and investigated the May 14 crash involving a pickup truck and a church bus said they were left "numb" and "dazed" by what they found when they arrived at the scene of that tragedy.

Testimony of police, an emergency medical technician and the county coroner were entered as evidence at a bond hearing yesterday for Larry W. Mahoney, 34, of Owen County.

Mahoney, who is charged with 27 counts of murder in connection with the fiery crash, was before Carroll District Judge Stanley Billingsley yesterday in Carrollton.

Billingsley refused to set bail for Mahoney while ruling in what he called an "extremely preliminary" and "extremely limited" decision that there is sufficient evidence to seek the death penalty against Mahoney.

In Kentucky, a defendant in a death penalty case can be held without bail if the proof against him is evident and the presumption of guilt is great.

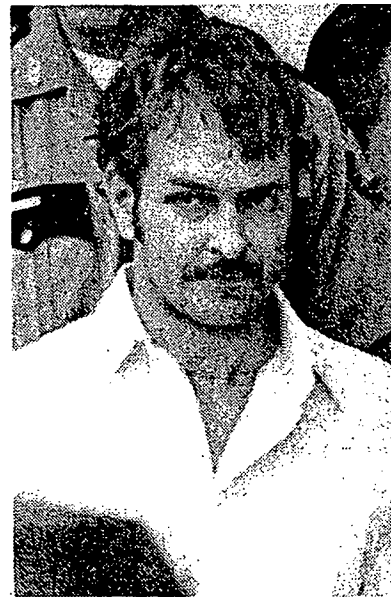
Billingsley noted that although the case is very young, evidence presented by Special Prosecutor Paul Richwalsky yesterday was sufficient to warrant his decision to deny bail in the case.

In his final argument for denial of bail, Richwalsky said he had presented "more than ample evidence of the defendant striking the (church) bus" as well as evidence that the man extricated from the pickup truck was Mahoney and there were no other passengers present in the truck.

Meanwhile, defense attorney Bill Summers of Lexington contended that bail was less of an issue than whether Billingsley was going to allow the case to be prosecuted as a capital murder case in which the death penalty can be sought.

Summers noted that in deciding the bail issue, Billingsley was being asked to decide if the case is a death sentence case because bail can only be denied in capital offense murder cases.

"While you might sit there and



LARRY MAHONEY



PAUL RICHWALSKY

feel you don't have to make these rulings," Summers told the judge, "I think you have to go one step further and prove this is a capital offense."

Summers added that "people across the United States want to see if (Mahoney) is going to get the death penalty" and said he was "sorry" Billingsley was faced with having to interpret the law.

"I'm sorry you are going to have to make that determination," he told the judge. "You're going to have to make that determination right now and that's putting a lot of burden on you to decide if it will be a death case. They are putting the jacket on you to make decisions that are going to go across the country and I wouldn't want your job, judge."

In explaining his decision, Billingsley said he was ruling that the case could be tried as a capital case, but that "proof without reasonable doubt must come in court."

He noted that while the case is "extremely preliminary," the "proof is evident and the presumption is great" that Mahoney was driving the truck and that 27 people died in the wreck so he would allow the case to continue as a capital murder case in which the death penalty could be sought.

Following the hearing, Summers told members of the media he was "very upset" over the decision to deny bail and noted that he intends to pursue the matter again when the case reaches circuit court.

He added that the provision in Kentucky law that prosecutors are using as reason to call the case a death penalty case was not meant for that purpose and that if it had been meant to be interpreted that way there would have been similar death penalty cases in fatal auto crashes "all over the country."

The law Summers noted allows capital murder charges to be filed when someone uses a device to kill many people in a public place. He noted that the law was written for cases involving bombs or such destructive devices rather than vehicles.

"Sensationalism (by the media) has caused this and I think that's improper," said Summers. "What they are doing is going through the back door of the courthouse to change the law. You don't change things like this. You change them by changing the laws."

Richwalsky used the testimony of four people at the accident scene, photographs, blood alcohol test

See: BAIL

Page 3, Column 1

# Bail denied, case to proceed with death penalty possible

Continued from Page 1

results and a previous conviction for drunk driving in 1984 as the basis of his argument against releasing Mahoney on bail.

Mahoney, an employee of a Carrollton chemical company, is charged with driving his Toyota pickup truck head-on into a bus owned by the First Assembly of God Church in Radcliff, on May 14. The accident occurred as Mahoney was reportedly traveling north in the southbound lane of Interstate 71.

The collision ruptured the bus' gas tank, sending flames sweeping back through the vehicle killing 27 of its 66 passengers. Tests conducted at Humana Hospital-University of Louisville indicated that Mahoney's blood alcohol level was .24 percent — almost 2½ times the level that is considered legally intoxicated in Kentucky following the accident.

According to Kentucky State Police Trooper Donald Mullikin, when he arrived at the accident scene there were injured victims "lying everywhere," victims were reportedly still on the bus and the bus was "engulfed in flames."

"Basically numb," said Mullikin, when asked to describe his initial reaction to the scene. "I couldn't believe what I had seen. I walked around in a daze."

Mullikin, who has been with the state police about five years, noted that while observing the scene he later came upon an injured victim that rescue workers said was the driver of the pickup truck that apparently hit the bus head-on.

"I just bent over to look at the subject and I could smell alcohol on the subject," said Mullikin, who later picked Mahoney out of the crowd in the courtroom and identified him as the man he saw at the crash scene.

While being questioned by defense attorney Bill Summers, Mullikin added that when he arrived at the scene firefighters were trying to bring the burning bus under control.

Asked if the firefighters used chemicals to fight the fire and if he had smelled chemicals burning,

Mullikin said, "I smelled some burnt flesh and burnt bodies."

In other testimony, KSP Trooper John Thorpe said when he arrived at the accident scene emergency workers and firefighters seemed to be functioning smoothly so he began photographing the accident to preserve evidence. He later began taking statements from witnesses to the crash.

"I was somewhat overwhelmed by the situation," he noted as his first response to the crash.

Thorpe later added that among the people he interviewed at the scene were witnesses who claim they saw the pickup truck traveling north in the southbound lane and other witnesses who also saw the truck traveling north in the southbound lane of Interstate 71 and watched it through their rearview mirror as it passed them and hit the bus causing the explosion.

While answering questions from Summers, Thorpe also confirmed that he interviewed the driver of a light blue Cadillac who was also involved in the crash. Mahoney's truck reportedly struck the Cadillac before striking the bus head-on.

According to Tommy Webb, an emergency medical technician and firefighter from Campbellsburg, when he arrived at the scene the bus was "totally involved in fire."

He said a person approached him as soon as he arrived and told him there were injured children in the median, a man in the pickup truck and children still on the burning bus. "At that time I asked for all the backup systems I could get," said Webb, while noting that all available firefighters, ambulances and medical helicopters were called to the scene.

He said as he moved through the injured victims prioritizing them for transfer to area hospitals, he eventually came to the driver in the pickup truck which he said was approximately 25 feet from the bus.

"I observed the driver still breathing and checked for pulse," said Webb, who added that he con-

sidered Mahoney to be "unconscious" and that once he saw his injuries he rated him as a "number one priority to get out."

Asked by Richwalsky to identify the driver if he was in the courtroom, Webb pointed out Mahoney.

The request prompted Summers to exclaim, "Do you want the man in prison clothes to stand up so you can get a better look at him?"

"I was not aware they were prison clothes," responded Webb.

Summers was referring to the way Mahoney was dressed for yesterday's hearing. He was wearing a pair of tan-colored, khaki, prison-issue pants and a matching shirt. He also wore a pair of white, patent leather-like shoes. Missing was the limp he had when he appeared in Court on May 20 — the same day he was released from the hospital.

In other testimony, Webb told the court that no one other than Mahoney was inside the truck when he arrived. He said that the impact of the collision on the passenger side of the truck "drove the dash back so that I had to push the dash away from the victim's chest to have room to work on him." He added that the "passenger side door was torn up" and there was "no way anybody could have gotten out of that vehicle from that side."

Webb said in an effort to learn the man's name for communication purposes, he later identified Mahoney with a check stub found in the victim's billfold. He said he used the name "Larry" when talking to victim and the response was positive.

In other testimony, Webb also said that while freeing Mahoney from the truck and putting the victim on a back support board he came across a package of cold, Miller Lite beer.

"I had trouble getting under the victim so I pushed the dash back away from him and when I reached under him I encountered a box in my way," said Webb. "I found it to be an open package of beer. I touched a cold can — a Miller Lite can."

Ragwalsky then presented as evidence a photograph taken at the



accident scene which pictured the damaged box of beer.

While responding to questions from the defense, Webb said Mahoney was "unresponsive" when he arrived at the scene. He said he tried to talk to him, but was unable to do so and "assumed he was unconscious."

Webb added that while later extricating Mahoney from the pickup truck wreckage, the victim "showed pain and became somewhat unruly. He said Mahoney seemed to be 'wanting to flail' his free left arm while his right arm was pinned in the floorboard area of the truck. He added that Mahoney tried to remove a 'neck collar' medical technicians had applied before his left arm was eventually subdued by another emergency worker.

Asked if Mahoney said anything at the accident scene, Webb said: "The only four words I heard while taking

him out of the truck were 'Got to wake up. Got to wake up.'"

In other testimony, Carroll County Coroner James Dunn was called by the prosecution to read the names of the 27 victims who died in the crash; however, Summers asked that a copy of the names be entered as testimony in the case but not read out loud in court in the interest of brevity. The prosecution also entered documents including the blood alcohol test results and a certified record of Mahoney's prior driving under the influence conviction in Carroll County in 1984.

In other motions yesterday, Billingsley granted a motion by defense to prevent any interrogation of Mahoney by "any person adverse to (his) interests."

Billingsley also took under advisement a motion by the defense to preserve all evidence in the case for

independent testing. Billingsley advised Summers to file a more specific motion concerning what evidence the defense wants to review and noted that the motion could be addressed when the case reaches Carroll Circuit Court.

The case will now be sent to the Carroll County grand jury on June 6.

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# Survivors

## Didn't know what happened

By KRISTI SPENCER  
Associated Press Writer

RADCLIFF, Ky. — Most of the survivors of a fatal church bus crash were asleep in the back of the bus when the accident occurred and awakened to a nightmare of "bodies on top of bodies and orange everywhere," a passenger said.

"I didn't know what had happened until I was out of the bus and I saw it blow up," Allen Tennison, 15, the son of the pastor of the First Assembly Church of God at Radcliff, said from his home.

"I chased after some of my friends to find out what had happened. I thought it was a dream; I asked one of my friends if I was dreaming."

Tennison said the fire that engulfed the converted school bus after the accident Saturday night that left 27 people dead and about 30 injured was "like a fireball shooting straight through the bus."

He said most of those in the back of the bus were pushed out the emergency exit.

"I felt it (crash) but it didn't wake me up. I heard a scream

and I remember seeing bodies on top of bodies and orange everywhere. I was pushed out the back door; most were pushed out," he said Sunday.

Tennison said the mood at the scene was one of relative calm. He said John Pearman, a church official who is missing and believed to be among the dead, had hollered for everyone to get out of the bus before the explosion.

"There's one thing I'm proud of. Everyone was helping someone else," he said. "They didn't panic. They remained clam. Everyone was a hero in their own way."

"It freaked me out to see them (friends) coal black but I knew they needed someone to help them. I'm lucky because few people escaped with no injuries."

"We knew we were in God's hands and it calmed people to pray."

Most of those aboard the bus were from the Radcliff church. Some church members had brought friends from other  
See: SURVIVORS  
Back Page, Column 3

## •Survivors

Continued from Page 1

congregations in the area on the outing to Kings Island amusement park north of Cincinnati.

The bus was struck head-on by a pickup truck traveling in the wrong lane of Interstate 71 near Carrollton.

"Some of us started jumping out of windows," said Eric Thompson, 15, of Vine Grove. "You couldn't get out the front because it was all on fire."

"Everybody was scared to death," said Larry Flowers, 16, of Radcliff. "I thought I was going to die."

"I just heard a crash, felt the impact of the car (truck) and looked up and saw flames," said 14-year-old Wayne Cox, a Radcliff Middle School eighth-grader. "They spread pretty fast. ... I was pinned. Everything was pretty wild. I was under a lot of people. That's probably what saved me from getting burned."

Jason Booher, 13, also an eighth-grade student at Radcliff Middle School, said he and another youth helped pull people out of the bus.

Booher said he assisted survivors on the ground outside the back door, while a Meade County High School sophomore, Jamie Hardesty, stood just inside the door and pushed people out.

"Jamie, he pushed everyone out," Booher said. "He was up in the bus and I was out the back door of the bus, helping those who were hurt."

Booher said Hardesty played "a big part. He saved a lot."

Tennison also credited Hardesty with directing medical personnel to the more seriously injured survivors.

Hardesty said the passengers "started to climb over each other. There were people just stacked on top of each other."

Hardesty said he grabbed a lead pipe that he spotted on the ground near the crash site and began to smash the windows of the bus.

"It wasn't the fire that burned us, it was the heat," Hardesty said. "I thought maybe if I broke out the windows I could help some of them get out or at least let some of the smoke out."

# Ford to study recall plan from parents of bus victim

By GIDEON GIL  
Staff Writer

Ford Motor Co. has agreed to study a proposal by the parents of a child killed in the May 14 bus crash near Carrollton that they won't sue Ford if the manufacturer of the bus's chassis agrees to recall and modify all school buses it built before April 1977. That's when the federal government began requiring stricter safety measures on the buses.

James Nunnallee, whose 10-year-old daughter Patricia was one of 27 who died when an allegedly drunken driver collided head-on with a church-owned school bus, said he was encouraged after an hour-long meeting with two Ford lawyers yesterday.

"I trust their sincerity in wanting to do some good things also," said Nunnallee. "I guess it's obvious that I was very pleased with the meeting."

Ford spokesman Robert Waite said, "It's my understanding that the parties have agreed to work together."

The Ford attorneys, Proctor D. Robison of its general counsel's office and Louisville lawyer William Grubbs, said Ford did not believe its product was responsible for the accident, said Michael Hance, who is representing Nunnallee and his wife, Carolyn, along with Larry Franklin. Regardless of

Continued from Page One

who is to blame, the Ford lawyers said, "something like this would be the right thing to do and they would like to try to do it."

The sides agreed that Ford would take 30 days to evaluate the feasibility of the Nunnallees' proposal. "Hopefully, within that time we will have come up with something that's agreeable to both of us," said Nunnallee.

Ford and Sheller Globe Corp., which made the bus's body, have reached out-of-court settlements with 64 of the 67 families whose relatives were killed or injured in the accident. Lawyers familiar with the case have said the agreements include payments of \$700,000 to the estates of each of the 24 children who died.

But the Nunnallees rejected the settlement offer last week, telling Ford that they would take a single dollar if the automaker agreed to modify the gas tanks on thousands of its older buses. "Our goal is to do

whatever we can to prevent this type of thing from recurring," Nunnallee said.

The Radcliff First Assembly of God bus involved in the Carrollton crash was built in March 1977, weeks before the federal government began requiring manufacturers to protect gas tanks from the impact of crashes. Its gas tank was punctured in the crash, leading to a fire that the state medical examiner has ruled as the cause of all 27 deaths.

After April 1977, most bus manufacturers began shielding fuel tanks with metal cages, but there was no requirement that older buses be modified to protect the tanks.

That's what the Nunnallees now want done, although authorities have questioned whether a cage would have prevented the fatal fire in the May accident. As an alternative, the Nunnallees have suggested remounting the gas tanks on older buses inside the chassis, where it would be shielded by the frame. Safety experts estimate that such

changes would cost between \$100 and \$1,000 per bus.

Ford made the chassis for 51,520 buses before the April 1977 standard and estimates that 19,200 are still on the road, said Waite.

In Kentucky, Ford made about one-fourth of the 842 buses built in 1977 or earlier that are currently registered to churches, private schools or individuals. Another 1,219 public school buses in Kentucky were built in 1977 or earlier, but the portion made by Ford could not be determined.

The Ford lawyers raised some possible problems with the Nunnallees' plan, Hance said. They said it would be difficult to locate the buses no longer owned by schools and that performing repairs might give owners a false sense of security, encouraging them to keep the buses on the road after they should be retired.

Nunnallee responded that he is open to suggestions of other ways to achieve the goal of making older buses safer. For example, he proposed that Ford could buy all the older buses still on the road. Most are now valued at less than \$1,000.

See FORD  
Back page, col. 4, this section

# Group jury selection starts for Carroll trial

Group jury selection got underway about 9:35 a.m. today in Carroll Circuit Court in the trial of Larry Mahoney stemming from a 1988 bus crash that killed 27 people.

Mahoney is charged with 27 counts of murder, 42 counts of wanton endangerment, 12 counts of first-degree assault, and one count of driving under the influence in connection with the May 14, 1988, crash near Carrollton.

Mahoney's pickup truck was traveling the wrong way on I-71 outside Carrollton when it slammed into the school bus carrying members of the First Assembly of God returning home to Radcliff, Ky., from an outing in Cincinnati.

Approximately 300 people have been called as prospective jurors in the case, and the first 100 were to be questioned as a group today, the next 100 tomorrow and the last group on Friday.

Individual jury selection is set to begin on Monday. The names of six jurors will be drawn to be questioned on Monday, and that process will continue until 31 prospective jurors have been selected. All of the jurors have been assigned numbers and they will be referred to by number instead of a name. During the individual jury selection, the public and the media will not be allowed in the courtroom, but they will be able to hear responses.

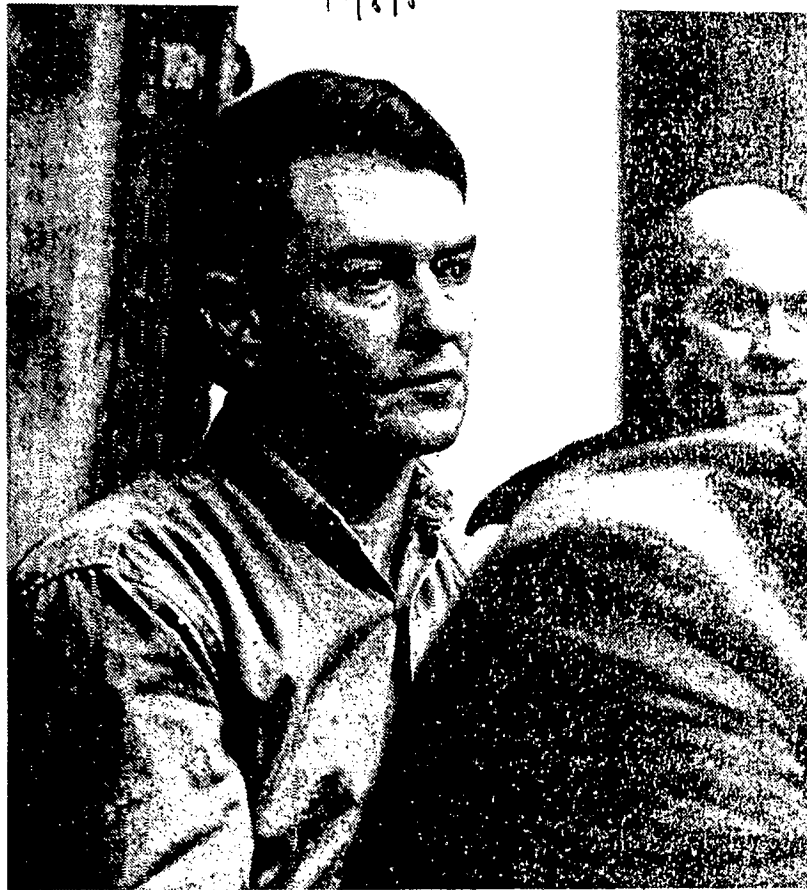
After 31 prospective jurors have been chosen, the defense will be allowed up to 10 strikes, and the prosecution six. Of those left over, 15 will be selected to stay with the case and hear the testimony until deliberation begins. At that point, twelve will be selected from the 15 for the deliberation on a verdict.

Carroll Circuit Judge Charles Satterwhite assured the people called for jury duty that there would be no pictures of them taken by television cameras or newspaper photographers.

"We are trying to the extent that is possible to insulate those who participate in this case and to keep them from being exposed to the public," the judge said.

Satterwhite estimated the jury selection would take several days and the trial itself would last from six weeks to two months.

The courtroom was packed and



## Trial begins

Jury selection started today to hear the Larry Mahoney trial in Carroll Circuit Court in Carrollton. Mahoney is pictured here at a recent hearing. (Staff photo by Mark Campbell.)

only nine members of the media were allowed into the courtroom. One of those was *The Madison Courier's* Kentucky Editor Mark Campbell.

Nine members of Mahoney's family attended this morning's session, including his mother, sister, brother-in-law, cousin, ex-wife, and son Tony, 16.

Mahoney was dressed in dress pants and a long-sleeved shirt. He sat quietly and talked with family members prior to the start of the proceedings. He seemed nervous and ill at ease. When the group jury selection was ready to begin, Mahoney moved to the table in the front of the courtroom with his attorneys, and his family sat in two rows behind him.

Satterwhite explained at the start that the reason for the group jury selection in phases was because of the limited space in the courtroom

and he wanted people to be as comfortable as possible.

He also dealt with some rumors, one of which was why the trial was not moved to another county. The judge said that one side in a case must request a change of venue and that neither side in this case had filed for a change of venue.

"Both have expressed to me on numerous occasions the confidence each has in you (the citizens of Carroll County) to hear this case," Satterwhite said.

Regarding the pre-trial publicity on the case, the judge said to the prospective jurors, "Obviously all of you have read something about this case or heard something about this case. Anybody who is literate in the United States has heard something about this case, but that

See: JURY  
Back Page, Column 3

July

Continued from Page 1

does not prohibit you from serving on this case."

He also said, "I think it's safe to say this trial has already received more publicity than Hurricane Hugo and the San Francisco earthquake altogether. This case has gained national attention, and maybe rightfully so."

He said it would be a long trial and that it will be a big sacrifice for some to sit on the jury. "It is obvious this trial is going to be an extreme inconvenience to everybody who serves, but it's your responsibility. I don't think anyone ever thought this case would be this long."

He told them the only thing they would receive would be \$12.50 a day compensation and lunch.

A total of eight jurors in the first group asked to be dismissed for various reasons, and about 10:15

a.m. five were dismissed as prospective jurors. Of those, two cited personal medical reasons, one had two family members expected to testify in the trial, and another had a sick mother she takes care of.

One man who was not dismissed in the first group, said, "After all the publicity I've seen on television and read in newspapers, I don't think I could convict Mr. Mahoney of anything."

The judge also assured the prospective jurors of the security measures that have been taken and will be taken to ensure the trial is heard the right way.

"The last thing anybody wants involved in this case...is to have to try this case more than once. We want to do it once and do it right," Satterwhite said.

The list of potential witnesses for the trial also was read this morning, and the list contained 149 names.

# Bus crash put safety in focus

4/13/89

By Michael Collins  
Kentucky Post staff reporter

KP

The Carrollton bus tragedy may prompt the most significant safety measures of any accident investigated by the National Transportation Safety Board, the agency's acting chairman said.

The accident riveted the nation's attention on drunken driving and bus safety at a time when the public had started to lose interest in those issues, Jim Kolstad, the safety board's top official, said.

A number of drunken driving and bus safety proposals have resulted from that concern.

"If we don't learn from our past, we are doomed to repeat it," Kolstad told more than 1,300 highway safety officials in Cincinnati Wednesday for their annual convention.

Organizers say the Lifesavers/7 convention — sponsored by more than 20 organizations — is the largest grassroots gathering of highway safety officials. The three-day convention ended Wednesday.

Larry W. Mahoney, 35, of Worthville, was heading the wrong way on Interstate 71 when he drove his pickup truck into a church bus returning to Radcliff May 14, 1988, police say. The bus erupted in flames, killing 24 children and

Please see SAFETY, 2K

## Safety

From Page 1K

three adults.

Mahoney's blood-alcohol content was more than 2½ times the legal limit, police say. As a result, the Carrollton wreck ranks as the nation's worst drunken driving accident, Kolstad said.

Kolstad told the group the Carrollton tragedy demonstrated that laws enacted in the early 1980s have not eliminated drinking and driving. He called for states to adopt more stringent measures, such as laws that would automatically suspend the driver's license of any motorist who failed a blood-alcohol test.

"If drunken driving is to be reduced significantly, motorists must be convinced there is a strong possibility they will be arrested and penalized if they drive drunk," Kolstad said.

The so-called "administrative revocation law" would force drivers to appear before an administrative judge within 30 days instead of waiting for their cases to go before a criminal-law

judge, he said.

Many of the 24 states with such laws adopted them early in the 1980s. Only three states have enacted them since 1984, Kolstad said.

"We need to refocus our efforts if we are to progress," he said.

Kolstad said he is "fairly optimistic" the Carrollton tragedy will bring more safety improvements for school buses.

The safety board, an independent agency that investigated the crash, recommended in March that 77,000 school buses be taken off the road. The buses were built before federal safety standards took effect in 1977 and do not include many modern safety features.

The safety board also recommended that the federal government upgrade school bus flammability and exit standards. Several other recommendations are aimed at reducing drunken driving.

Kolstad said he hopes the public will continue to associate the Carrollton tragedy with drunken driving.



# Bus wreckage off limits for now

## Court case precludes safety check

By Jeanne Houck  
Kentucky Post staff reporter

A circuit judge signed an order today that temporarily will prevent the National Transportation Safety Board from examining vehicles involved in the fatal church bus crash near Carrollton.

Carroll County Judge Charles Satterwhite signed the order this morning after a joint request from special prosecutor Paul Richwalsky Jr. and defense attorney William Summers.

The order will prohibit anyone from inspecting the bus and the pickup truck until Richwalsky and Summers have completed their examination for the criminal case involving Larry W. Mahoney.

The 35-year-old Worthville man is scheduled to stand trial in January in Carroll County Circuit Court on charges of murder, assault, wanton endangerment, and drunken driving.

Twenty-seven people, mostly youths, died May 14 when a pickup truck driven by Mahoney slammed head-on into a bus from the First Assembly of God church in Radcliff. The

bus burst into flames.

Police say Mahoney's blood-alcohol level was more than twice the legal limit, and that he was traveling the wrong direction on southbound Interstate 71.

Richwalsky, an assistant state attorney general, said repeated requests by the National Transportation Safety Board to examine the bus prompted the joint motion.

"They don't seem to realize or recognize the priority of the criminal prosecution," Richwalsky said.

Several other parties, including insurance companies, have asked to examine the bus and pickup, Richwalsky said. He advised them that the criminal case took priority and that he would consider their requests when appropriate.

However, the safety board has been persistent.

"I haven't been hassled by anybody else like I have been by the NTSB," he said.

He said the board sent him a "notice of inspection" on Aug. 15, saying it

2K The Kentucky Post, Monday, August 29, 1988

## Bus

From Page 1K

wanted to inspect the bus wreckage. He said he asked them to be more specific.

He was appalled at the letter returned by the board's lawyer, John Stuhldreher.

"They were talking about using ropes and chains and hoisting the bus and attempting to to recreate some of the dynamics of the wreck," he said.

"The potential for damage is there. It's unconscionable. We don't want that evidence to change from the way it exists now or the way it existed since the time of the wreck.

"They're not under any time constraint like we are. Their interest is secondary, at best."

Summers readily agreed to join in the motion.

"We're doing everything we can in our power to keep the outside influences — the NTSB, the insurance companies, the Ford Motor Co. — or anybody else from hampering or destroying the due process rights of both the commonwealth and Larry Mahoney," Summers said.

Ford built the bus chassis and is a defendant in a civil lawsuit.

The motion marks the second time Richwalsky and Summers publicly have questioned actions by the safety board. After the board conducted public hearings on the crash earlier

this month in Louisville, the attorneys complained that the board showed little concern for the pending criminal case.

They questioned why the board didn't wait until after Mahoney's trial to conduct the hearing. Alan Pollock, spokes-

man for the board, said the board must find the cause of accidents and make recommendations as quickly as possible to avoid similar accidents in the future.

He said this morning he did not know whether the NTSB

would challenge the order.

Summers said it is not surprising that he and Richwalsky, who are adversaries in the criminal case, have joined in this motion.

"It's never unusual for expe-

rienced advocates. To the contrary, it is normal for us to want to preserve the credibility of the justice system," Summers said.

Said Richwalsky: "My position is whenever the commonwealth of Kentucky completes

their testing and review and whenever the defense completes everything they want to do and depending upon where we are in terms of the trial, then and only then can we entertain any other requests to have access to those vehicles."

Please see BUS, 2K

*Kentucky Post Monday August 29, 1988*

# Group studies strict bus safety measures

Associated Press

FRANKFORT — The Governor's Task Force on School Bus Safety is considering a range of measures that could make Kentucky a national leader in bus safety, officials say.

Transportation Secretary Milo D. Bryant said the state would "be targeted for years in the area of bus safety" because of the fiery church bus crash on Interstate 71 near Carrollton that killed 27 people on May 14, according to the minutes of the task force's first meeting.

The task force, which Gov. Wallace Wilkinson appointed to make recommendations by Nov. 1, had its second meeting Friday.

The panel is chaired by Bryant. The other members are Justice Secretary W. Michael Troop, Superintendent of Public Instruction John Brock and state Fire Marshal William Martin.

The task-force members and their aides have discussed possible laws, regulations and voluntary actions that

would:

- Provide more protection for gasoline tanks. The fire in the I-71 crash is believed to have started after the bus's gas tank was punctured.

- Go beyond new state Board of Education specifications for safety features.

- Regulate or monitor the sale of used school buses. The bus that crashed on I-71 was sold by the Meade County Board of Education to the First Assembly of God Church in Radcliff.

- Require training of private bus drivers and installation of emergency-exit windows on the buses.

- Recall gasoline-powered buses with fuel systems that may pose fire hazards.

The task force plans to discuss that suggestion with representatives of Ford Motor Co., which made most of the school buses being used in Kentucky, at its next meeting.

Troop, who suggested the possibility of asking Ford for a recall, said the

company also could offer guidance on several other matters, including a new proposal for protecting gasoline tanks.

Deputy Transportation Secretary Jerry Lentz said a Georgia firm makes a molded plastic cover to protect helicopter fuel tanks from being punctured by bullets and exploding. He said the company is interested in testing the cover's feasibility on buses.

Bryant aide Marjorie Lee said, "On our first look, it seems like it would be easier to install, and cheaper," than protective metal cages. The task force agreed other companies need to be consulted.

The bus that crashed on I-71 was made before a 1977 federal regulation required metal cages, but some investigators have said a cage probably wouldn't have kept the Radcliff bus's tank from rupturing.

Ford said this week that installing cages on buses built before August 1976 — it estimates that they number 15,000 to 17,000 — would be much more complicated than on later-model buses and

could pose safety hazards if not done properly.

Ford has estimated that refitting each of those buses could cost up to \$2,000. Most of the buses are worth less than \$1,000, said Wendell Bruce, pupil-transportation director for the state Department of Education.

The task force also discussed how to deal with used buses sold by school boards.

Bruce said most of the gasoline-powered buses sold for private use "are probably better fitted for tobacco wagons or something than to be on the road."

Bruce said the buyer of a bus that school officials deem substandard is told that the vehicle is being sold "where it is, as is," with no guarantee that it will even leave the parking lot.

Bryant asked whether the task force should consider recommending that passengers be banned from such buses.

A 8 THE COURIER-JOURNAL, TUESDAY, MAY 17, 1988

## A FIERY TRAGEDY



A community's mourning was signified by a flag at half-staff at the Hardin County Courthouse in Elizabethtown. Bus driver John Pearman worked in the building as Hardin Circuit Court clerk.

CT  
May 17, 1988

# Panic, jammed seating may have doomed many, some bus survivors say

By GIDEON GIL  
and TIM ROBERTS  
Staff Writers

RADCLIFF, Ky. — Teen-agers panicked after their church bus crashed Saturday night, and their mad dash for the only exit may have blocked many from escaping, survivors said yesterday.

They also said that most of the windows were closed because many children were wearing clothes that had gotten wet in a ride at Kings Island.

Some youngsters managed to climb out windows. But others said they didn't believe they could fit through the windows, which ordinarily open only halfway, and didn't know how to push them all the way open.

As the bus headed south on Interstate 71, many teen-agers went to sleep, including at least two lying in the aisle and a third seated on a cooler in the aisle near the back of the bus, survivors said.

"There were too many people on that bus," said Conrad Garcia, 14, who said he was sitting on a girl's lap in the back row because the bench wasn't wide enough for three people.

The bus had 11 rows of two benches, with three to a bench.

Garcia said he rides to Walker Middle School in Fort Knox on a similar bus, which has a sign in front that says it can hold 40 people.

Thomas Hertz, 15, said a girl seated next to him was hanging halfway into the aisle because seating was so tight. She fell into the aisle on impact, he said.

But another passenger, 16-year-old Tammy Darnell of Radcliff, said the bus was not overcrowded.

Hertz, an eighth-grader at Radcliff Middle School, dozed in the third or fourth row on the left side. He was awakened by the sound of a motorcycle racing the wrong way by the right side of the bus.

As he turned his head forward, Hertz heard the bus brakes screech and saw the oncoming pickup illuminated in the bus's headlights. They collided before he could react, throwing his head into the back of the seat in front of him.

Authorities have been asked repeatedly about accounts from some of the bus passengers that the pickup truck was racing a motorcycle just before the crash.

State police Capt. Neal Brittain and Trooper Jim Mudd said yesterday that their investigation so far has not found evidence of a motorcycle at the scene. But Brittain said each of the witnesses will be interviewed more than once and that police are not ruling out the possibility that a motorcycle was involved.

Garcia said that after he jumped out of the bus, he saw a large person push a motorcycle out of a ditch at the side of the road. He said the bike was black or dark blue and the rider was wearing a helmet.

Garcia and other passengers who saw the

motorcyclist gave conflicting reports on which direction he rode off.

Garcia said the crash threw him forward, bruising his ribs.

Seconds after the collision, he saw flames at the front of the bus. Hertz said flames engulfed the front right corner of the bus, shooting to the ceiling and blocking the front door.

Garcia said John Pearman, the bus driver, turned to the back of the bus and yelled, "Open the door and get them out of here."

"I stood up and I picked up the emergency-door handle, and I couldn't get it all the way open, so I kicked it and it flew open," Garcia said.

The aisle quickly filled as people rushed the back door. "People were stomping each other," Garcia said. "They were throwing each other to the ground. They were pushing to get out. They were panicking."

Darnell said she was shaken awake by a friend in her seat, two or three rows from the back. She turned and walked to the rear door, and said she didn't recall the cooler blocking her way. As she reached the exit, Darnell was thrown against the side of the bus by the onrushing mob. She pushed her way back to the door, only to be squeezed against the door hinge, fracturing her collarbone, before jumping out.

"A lot of people were running around pushing everybody out," she said. "A lot of people had reason to be pushing."

Up front, Hertz looked to the aisle and found it already jammed. So he lay on his back, pivoted toward the closed window and tried kicking it out. The window didn't budge, he said, and he didn't think he could have squeezed out.

He cradled Mike Jefferson against his right hip and grabbed the hand of Kristin Williams, who had slipped into the aisle on impact, and climbed over seat backs toward the back, dragging the two with him.

Some people remained in their seats, including a boy and a girl who were hugging, he said.

As Hertz reached the back, he began having trouble breathing, and was forced to let go of Jefferson and Williams.

He said the smoke smelled something like burning rubber, but with a strong chemical odor too. Before lunging for the door, he looked forward, noticing that the flames had advanced to between the third and fifth rows.

By this time, panicked teen-agers were piled up inside the rear exit, leaving only about a foot and a half of space to get out. Hertz dove through the gap, but somebody in the pile grabbed his leg trying to get up, leaving Hertz hanging upside down from the top of the pile. After a few seconds, he tumbled free, and ran from the bus.

"If we had been told what emergency procedures were before we started the trip, it might have made it easier," he said.

Information for this story also was gathered by staff writer Judy Bryant.



Courier  
Journal  
May 17, 1988



STAFF PHOTO BY BILL LUSTER  
A wreath hung at Pearman and Sons Lumber and Hardware, owned by relatives of bus driver John Pearman.

# Confused drivers often find themselves on wrong side of state expressways

By ROBIN GARR  
Staff Writer

Despite the best efforts of police and highway engineers to guide motorists onto expressways in the right direction, wrong-way drivers are a frightening and all-too-frequent phenomenon, state troopers and local police say.

Jefferson County police are called to help errant drivers reverse direction on county expressways about a half-dozen times a year, Capt. Michael Schnell estimated.

It happens perhaps weekly on Interstate 64 near Frankfort, Trooper Glenn Walton said.

The reasons? "Drunk driving and drugs would top the list," Walton said.

Confused or disoriented by factors such as alcohol and drug abuse, bad weather, old age or simply being lost, drivers ignore multiple signs and painted pavement, and take exit ramps onto the wrong side of the highway.

For a few, the mistake is fatal.

Before Saturday's bus disaster near Carrollton, in which 27 died, about a dozen highway deaths in Kentucky and Southern Indiana since 1980 had been blamed on collisions involving cars going the wrong way on expressways, according to newspaper files and police.

Many drivers quickly realize their error and correct it, usually backing off the ramp before reaching the expressway's driving lanes, said Capt. John Lile, a spokesman for the state police.

All Kentucky expressway interchanges are thoroughly marked in accordance with the Manual of Uniform Traffic Control Devices, said Bill Monhollon, Louisville district engineer with the state Department of Transportation.

Monhollon said the I-71 exit ramps at Campbellsburg and Pendleton — the next interchanges south of Carrollton, where he believes Larry W. Mahoney probably got on heading in the wrong direction Saturday night — are correctly marked with six signs each: two each reading "One Way," "Do Not Enter" and "Wrong Way."

Mahoney, of Owen County, drove his pickup into the church bus, and has been charged with murder.

Monhollon said both interchanges are the simple "diamond" type customary outside urban areas, with relatively straight, separate entrance and exit ramps in each direction.

He acknowledged that this type of interchange, in which ramps to and from the expressway meet the intersecting road at roughly a right angle, is potentially more confusing than the urban "cloverleaf," which requires an extremely sharp turn to enter in the wrong direction.

However, he said the manual's recommendations for signs are adequate and are

observed in all 50 states.

Here are some tips from police on staying out of trouble on the expressway:

■ If you see someone coming at you on the wrong side, slow down, pull into the emergency lane if possible, and stop.

Put on your flashers and tap your brake lights to warn drivers behind you.

If you can't get off the road, take whatever evasive action is possible. Swerve to the right, hoping the oncoming driver — thinking he is on a two-lane highway — will veer the opposite way.

If an accident is inevitable, consider driving off the road rather than facing a head-on collision. Head-on crashes often are fatal.

"That's the absolute worst," Schnell said. "Take the median, take the guardrail, take the creek bank; whatever you have to do."

■ To make sure you're headed in the right direction, check the yellow stripe on the road, which separates opposing lanes; it always should be on your left. If there's a yellow line to your right, you're in trouble.

■ If you realize you're headed the wrong way, stop and get out of the way of traffic immediately. If you're closer to the median than the emergency lane, pull into the median. Turn on your headlights and emergency flashers.

In rural areas, state police advise that you wait until the road is clear — with no vehicle in sight, no matter how distant — then quickly turn back on the side you're on. Don't try to cross the median.

On busy urban highways, Schnell advises waiting for the police. "You want those blue lights and flares while you're turning," he said.

## HOW TO HELP

### Bank establishes fund for families

An Elizabethtown-bank has established a fund to help the families of those who died or were injured in Saturday's bus crash.

Renee Young, manager of Republic Savings Bank, said the bank started the fund yesterday with \$500 and is seeking more donations.

She said people who wish to contribute should send checks to the bank at 502 W. Dixie Ave., Elizabethtown, Ky., 42701. Checks should be made payable to the First Assembly of God.

## Mahoney's 0.24 level: 'very drunk'

By Paul Clark  
Post-staff reporter

May 17  
1988

The driver of the pickup truck involved in the weekend crash near Carrollton had a blood-alcohol level that would leave most people unable to drive, a Cincinnati expert on alcoholism said Monday.

Larry Mahoney was charged with 27 counts of murder Monday after blood tests showed he had a 0.24 percent blood-alcohol level. Under Kentucky law, a level of 0.10 percent is sufficient for a conviction of driving under the influence.

Howard Rahtz, president of the Council on Alcoholism in Cincinnati, said that Mahoney's reported blood-alcohol level

Please see MAHONEY, 5K

## Mahoney

From Page 1K

would prevent most people from being able to start an automobile.

"Most people would be unconscious at that point," Rahtz said. "He had to have a high tolerance for alcohol to be able to walk to the car at all."

Rahtz said a number of factors affect alcohol tolerance, including weight, metabolism and amount of food consumed. But he said 0.24 percent is inarguably "very drunk."

"In general, for an average man of 160 pounds to reach 0.20, we're assuming an equivalent of 11 or 12 drinks over a two-hour period. By 'drink,' we mean an equivalent of a 12-ounce beer, or

a five- to six-ounce glass of wine, or one mixed drink," Rahtz said.

Some studies have found driving skills impaired at half the legal limit, Rahtz said.

Ed Kentrup, co-president of the Northern Kentucky chapter of Mothers Against Drunk Driving, said he hoped the tragedy would increase awareness of alcohol abuse.

"Our heart goes out to the victims and their families," Kentrup said Monday. "We hate to some extent to see the news media focusing on the safety of the bus instead of the issue of alcohol abuse."

He also said he approved of the decision by Carroll County Commonwealth's Attorney John Ackman to seek the death penalty for Mahoney.



# Test of faith

## Army town used to tragedy searches for courage

By Sarah Sturmon  
Post staff reporter

RADCLIFF — Green fatigues are more common than blue jeans in this hardened military town at the gates of Fort Knox.

On Monday, residents closed ranks to mourn the 27 people killed in the fiery weekend bus crash on Interstate 71.

The gigantic American flag at Tom Linker's Chevrolet dealership flapped slowly at half-staff, barely clearing car tops on the lot.

Farther down Dixie Highway, Radcliff's main thoroughfare, customers in the Mini-Mart dropped spare change into a plastic jar to help families of the dead.

Elsewhere, town activities ground to a halt.

The North Hardin High School band banquet was postponed a week. Tonight's academic awards ceremony also was called off.

And next week, members of the senior class at the 1,800-stu-

dent North Hardin High will graduate without one class member.

Senior Richard Gohn died in the crash. Two other schoolmates, Anthony Marks and Joshua Conyers, both freshmen, also were killed.

The head-on collision claimed the lives of 13 eighth-graders, one seventh-grader and two sixth-graders from Radcliff Middle School, officials said. Two students from the James T.

Please see RADCLIFF, 5K

## Radcliff

From Page 1K

Alton Middle School and two students from Meadowview Elementary also were among the dead.

Also killed in the crash were the four adult supervisors on the trip. Three of the adults were employed by the church: John Pearman, assistant pastor; Chuck Kytta, youth pastor; and Joy Williams, assistant pianist. Mrs. Williams' two daughters were also killed.

"This is a community in which tragic situations are a reality," said North Hardin High School principal Ray Story. "It is a military community where heartache is not unheard of. But this, this massive community heartache, doesn't compare to anything we've had before. This is a test of our faith."

At Radcliff schools, the day began with a moment of silence for each of the three students killed from the high school and a roll call of those injured.

At the middle school, principal Charlie Jones said the school staff had armed itself for dealing with the aftermath of guilt and grief — bringing in 10 counselors to help the three regular counselors. Additional counselors also were at the high school.

"I'm glad I didn't go, but I also feel some guilt," said Anita Ardisson, 14, an eighth-grader at the middle school. "Maybe they wouldn't have been killed if I had been there to throw them off."

Seventh-grader Tiffany Bennett said of her friend Cynthia Atherton: "We were going to do a lot of things this summer and now we won't be able to. She won't be here to have fun."



LAWRENCE A. LAMBERT/The Cincinnati Post

A flag is raised to half staff in memory of bus crash victims outside Radcliff Middle School.

# Hearings open tomorrow on Carrollton bus crash

By GIDEON GIL  
Staff Writer

Drunken driving and school-bus safety will share the spotlight during hearings on the Carrollton bus crash that begin tomorrow in Louisville before the National Transportation Safety Board.

The board has developed a list of six issues to be covered during the three days of public hearings, said spokesman Alan Pollock, and five involve drunken driving. The sixth concerns bus safety.

But Pollock said the list does not necessarily reflect the amount of time that will be devoted to each subject.

The safety board asked the National Highway Traffic Safety Administration to provide authorities to testify on both topics, said spokeswoman Betsy Tyson. The traffic-safety administration is sending the director of its drunken-driving program and the director of its office of vehicle-safety standards, she said.

For the national group Mothers Against Drunk Driving, however, drunken driving is the key issue. The group has scheduled a news conference tomorrow to emphasize the role of alleged drunken driving in the

CS 8/1/80  
■ Ex-employee says Ford delayed on use of plastic fuel tanks. Page B 1.

accident and to launch a campaign to strengthen drunken-driving laws in all 50 states.

"Despite any claims of safety standards, it wouldn't have happened if a drunk driver hadn't hit the bus," said Vicki Smith, a MADD spokeswoman.

Twenty-seven people died May 14 when a pickup driver, who police say was drunk, slammed into a Radcliff First Assembly of God church bus while going the wrong way on Interstate 71. If the driver is convicted of drunken driving, it will be the worst drunken-driving accident in U.S. history, according to the safety board and MADD.

Pollock said witnesses at the hearing will testify and answer questions about five aspects of drunken driving: the performance and capabilities of drivers under the influence of alcohol; the extent of the drunken-driving problem; the effectiveness of alcohol education and treatment programs; the adequacy of sanctions imposed by Ken-

See BUS HEARINGS  
Back page, col. 2, this section

# Bus hearings open tomorrow

Continued from Page One

tucky's courts on drunken-driving offenders; and the development of effective alcohol countermeasure programs, such as jail terms, fines and license revocation.

The accident also has raised questions about bus safety, because all 67 passengers on the Assembly of God bus survived the impact. The victims died when the bus's gas tank was punctured, causing a fire that quickly engulfed the vehicle. The fire blocked the front door, leaving the rear emergency door as the only escape route.

Pollock said the safety board has invited witnesses to discuss the need for tighter safety standards for school buses. The safety issues to be discussed include emergency exits; the upgrading of buses built before April 1977, when stricter federal safety rules became effective; the flammability of seats; and the placement and protection of the fuel tank.

The safety board will not disclose the identity of the witnesses until just before the hearing, Pollock said. But he said about 20 speakers have been invited, including witnesses to the accident, bus-design experts, government officials and authorities on drunken driving.

Survivors of the accident probably will not testify, Pollock said, because the agency doesn't want to traumatize them unnecessarily. Safety board investigators already have interviewed some of them.

The initial phase of the board's inquiry into the crash involved more than a half-dozen investigators who visited Kentucky, Pollock said.

The hearing will delve deeper into issues explored during the field investigation, and the board will draft a report on the probable causes of the crash and will make recommendations for avoiding similar accidents. The recommendations could be directed to federal, state and local officials, as well as bus manufacturers, but the safety board has no power to require that any of them be implemented.

Pollock said the draft probably will come before the full board early next year.

The hearings, which are open to the public, will begin at 9 a.m. tomorrow, Wednesday and Thursday in the grand ballroom of the Holiday Inn on Hurstbourne Lane at Interstate 64.

A board of inquiry, composed of safety board chairman Jim Burnett; Bernard Loeb, deputy director of the agency's accident investigation bureau; and Jay Golden, chief of the safety board's Atlanta regional office, will preside over the hearings. Claude Harris, chief of the highway accident division of the Bureau of Accident Investigation, will be the hearing officer.


In addition, a panel of safety board technical experts and representatives of the traffic-safety administration, the Kentucky Transportation Cabinet, Radcliff First Assembly of God and Ford Motor Co., which manufactured the chassis of the church bus, will question witnesses.

Smith, the MADD spokeswoman, said that at tomorrow's press conference, her group will announce a legislative package placing top priority on immediate suspension of suspected drunken drivers' licenses on arrest.

She said 23 states, but not Kentucky, have laws calling for license suspension.

The group also will push for laws requiring drunken-driving-education programs to be funded by offenders' fines; mandatory drug and alcohol testing of all drivers involved in crashes where someone dies or suffers serious injuries; lowering the limit of alcohol allowed in the blood of drivers; establishing sobriety checkpoints on the roads; and confiscating license plates of people driving with suspended licenses.

Speakers at the news conference will include Wayne Cox, 14, one of the survivors of the Carrollton crash; Carolyn Nunnallee, mother of accident victim Patricia Nunnallee, 10; and Paul Richwalsky, the assistant state attorney general prosecuting Larry Mahoney, who was driving the pickup that hit the bus, on 27 counts of murder.



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11/13/89

# Selection of jury is underway

By MARK CAMPBELL  
Kentucky News Editor

Individual jury selection got underway this morning in Carrollton in the trial of Larry Wayne Mahoney who is charged with 27 counts of murder in connection with the 1988 bus crash near Carrollton.

Attorneys in the case questioned prospective jurors at length on issues ranging from pre-trial publicity to bus safety as well as drunk driving and the effects the tragedy has had on their personal lives and community.

Mahoney, 36, of rural Owen County, is charged with 82 total counts, including 27 counts of murder, 12 counts of first-degree assault, 42 counts of first-degree wanton endangerment, and one count of driving under the influence.

In detailed interviews conducted this morning, attorneys were given a better idea of how the case has affected the lives of many of the people who may serve as jurors in the trial.

One man said he thought Mahoney has suffered enough and he couldn't convict him of anything, while one woman said she becomes emotional every time she thinks about the case. Both jurors were excused from hearing the case.

According to the man, the amount of pre-trial publicity as well as the ordeal Mahoney has gone through since his arrest in May 1988 has led him to believe the defendant has "suffered enough."

"I can't sit back and judge this man over here for what's happened over a year ago," said the prospective juror. "He's got to live with that."

The juror, as well as other jurors interviewed this morning, was asked if he could set aside his feelings and base a decision in the case on the evidence that will be presented. While some jurors said

See: TRIAL

Back Page, Column 4

# •Trial

Continued from Page 1.

they could, the man who was excused said it "would probably be a Mexican standoff. I said I really couldn't convict him."

A total of eight prospective jurors were interviewed by approximately 11:30 this morning. Six of the jurors were excused for cause while two others were kept to potentially hear the trial.

Another juror who was excused from service told the attorneys that she has had emotional thoughts for some time due to the fact that she has grandchildren similar to the victims' ages.

"When children are involved, I get too involved and get too emotional," she said.

Special Prosecutor Paul Richwalsky noted that the children who died in the crash ranged from the youngest being 10 years old to the oldest being 19. He asked the woman if she could hear the case knowing that victims' family members were in the same courtroom witnessing the proceedings.

"The people, if I see them, I don't know how I could take it," she said.

Meanwhile, Carroll Circuit Judge Charles Satterwhite ruled to keep two of the prospective jurors interviewed over motions by the defense that they should be excused.

One of the jurors worked with Mahoney at M&T Chemical Company and had a family member who responded to the accident scene.

The juror was questioned for about 40 minutes and told the judge and attorneys he could listen to the evidence and base his decision on what was presented in court.

The juror was also kept even though he told the judge and attorneys that he didn't think people should drink and drive. However, he said the most negative aspect of the case to him was coverage of the tragedy by members of the media.

State Police claim Mahoney's blood-alcohol level was 0.24 percent at the time of the crash — almost 2½ times the level considered

too drunk to drive in Kentucky.

When asked what effect the crash had had on the community, the juror said, "It's a sad situation all the way around." When referring to the media coverage of the tragedy, the juror said, "This news media to me is a lot of gossip. They've run everything into the ground. This news media has a tendency to override things."

Asked if they could consider sentencing Mahoney to up to life in prison if convicted or if they could let him go free if evidence proves him innocent, most of the jurors interviewed today said they could consider both situations.

Several of the jurors said they could live with the idea that any verdict in the case could possibly be looked on unfavorably by one or more of the parties involved.

One man who works at M&T with Mahoney said he could deal with any pressures applied by fellow workers concerning his decision in the case. "Some people would say it's too hard a punishment; some would say it's not hard

enough," the man said. "I think that's the same way countywide, the same way statewide, the same way nationwide, and the same way worldwide."

One juror said he has family members who have talked with Mahoney and his family members about the case. He said they told him Mahoney "didn't think he was drinking that much or too much to drive."

At one point during the interviews this morning, Satterwhite admonished the attorneys for taking too long on interview questions that could have been dealt with in group interviews or on the expanded questionnaire each of the prospective jurors responded to. He told them if they persisted spending so much time in those areas he would be forced to set a time limit on the individual interviews.

Jury selection is scheduled to continue through at least Thursday or until a pool of 31 jurors remains from the 134 prospective jurors left following last week's group interviews.



Kentucky Post 5/26/88

# Mahoney had beer

## Open 12-pack found in truck

By Jeanne Houck  
Kentucky Post staff reporter

CARROLLTON — Rescue workers found a cold, 12-pack of beer in Larry Mahoney's pickup truck after he collided head-on with a church bus, court testimony revealed Wednesday.

Tommy Webb, a Campbellsburg emergency medical technician, testified in Carroll County District Court that he found an open package of Miller Lite while administering aid to Mahoney.

Webb said the only thing he heard Mahoney say was: "Gotta

wake up. Gotta wake up."

Webb was one of four prosecution witnesses during a combination preliminary hearing and bond review for Mahoney, a 34-year-old chemical plant worker from Carroll County. Mahoney is charged with 27 counts of murder, one for each of the 24 children and three adults who died when the bus burst into flames.

Carroll County District Court Judge Stan Billingsley ordered the case bound over to the grand jury, which meets June 6. He also denied a defense motion to set bond for Mahoney.

The judge ordered Mahoney returned to the psychiatric unit at the LaGrange Reformatory. Mahoney was taken to the center last Friday, where he is undergoing evaluation of his mental condition and competence to stand trial.

Billingsley based his decision on bond on a rule of criminal procedure that says a defendant may be held if the death penalty is a possible punishment and evidence of guilt is strong. The judge emphasized that the standard of proof in a hearing is far less than that necessary for conviction at trial, which is "beyond a reasonable doubt."

Defense attorney William Summers argued unsuccessfully that the prosecution must spec-

Please see MAHONEY, 2K

# Mahoney

From Page 1K

ify plans to seek the death penalty for the judge to deny bond.

Special prosecutor Paul Richwalsky, an assistant attorney general, said authorities have not decided whether to seek the death penalty. State law says they do not have to announce that decision until sometime prior to trial.

Richwalsky said after the court session that he needs time to investigate the wreck and study the law before he can announce any decision on the death penalty.

"We're being as totally objective as we can," he said. "We're being really as open as we can in attempting to explore every possibility.

"That decision, whether or not to specifically seek the death penalty, is going to be made by the attorney general and his staff and the state police and not by defense counsel, and not by anybody saying the death penalty doesn't apply."

Richwalsky was appointed to prosecute the case after Carroll County Commonwealth Attorney John Ackman suffered a heart attack last week. Ackman announced after the fatal wreck that he would seek the death penalty against Mahoney.

Ackman was discharged from St. Elizabeth Medical Center South Wednesday, according to a hospital spokesman. He could not be reached for comment.

Richwalsky said Attorney General Fred Cowan has he would discuss whether Ackman wanted to resume prosecution of the case when he got out of the hospital.

"It was left open-ended," said Richwalsky, noting that he hasn't spoken to Ackman.

State police say Mahoney was driving in the wrong direction on southbound Interstate 71

when his pickup truck plowed head-on into a bus from the First Assembly of God church in Radcliff. The bus was carrying 67 people, mostly teen-agers.

Kentucky State Police Trooper Don Mullikin, a five-year veteran, testified Wednesday that he was shocked by what he found at the scene.

There were "people lying everywhere," he said.

Fire officials were fighting the blaze in the bus and medical personnel were attempting to assist the injured, Mullikin said.

"I was basically numb. I couldn't believe what I saw."

Mullikin testified that the right side of the church bus and the right side of Mahoney's pickup truck were heavily damaged.

He said Mahoney was lying on the ground. "I just bent over to look at the subject and I could smell alcohol on the subject," he said.

Trooper John Thorpe testified that other motorists driving in the southbound lane of Interstate 71 that night said a vehicle passed them going in the wrong direction. Thorpe said two truck drivers and a third vehicle, occupied by a couple, dodged the vehicle.

The couple told police they watched the vehicle in their rear-view mirror and then saw an explosion, Thorpe said.

Under cross-examination by Summers, Trooper Mullikin said he didn't see whether Mahoney was alone in his pickup truck or whether he was driving.

But Webb, the emergency medical technician, said he was the first person to assist Mahoney. He said Mahoney was alone and in the driver's seat. He found the beer when he moved the dashboard away from Mahoney.

There was "no way anybody could have gotten out of that vehicle from that side, he said."

# Group seeking 60% of voters for petition

By DEBBIE WRIGHT  
Editor

Concerned Citizens for Better life, the group petitioning for the wet/dry election, anticipate little problem in getting enough signatures for a local option election.

About 60 members of the group met last Thursday night at a

At the polls		
Precinct, year	yes	no
Carrollton, 1973		
By drink, 520		507
Ghent, 1979		
wet, 200		141
Carrollton, 1973		
alcohol by drink, 500		563

shelter house at Gen. Butler State Resort Park to hear comments from the Temperance League and set July 11 as their date to have collected not just the 509 needed signatures---but 60 percent of the total number of registered voters in the county.

According to Temperance League officials, 60 percent of the total voting population would almost guarantee the county would be voted dry.

The Rev. Walter House, former director of the League, explained strategies with the group which opened and closed their meeting with prayer for guidance in petitioning the citizens of the county to say "yes" for an election.

The Rev. House said the group must believe President Abraham Lincoln's quote that "alcohol has many defenders but no defense," and must realize there will be

strong opposition.

Trudy Mahoney, spokesperson for the group, said she does not think the petitioning and election will be violent like others believe.

"To me it's a matter of choice and the freedom to vote on the issue," she said.

An executive committeeman for the group said other members of the group want to have their names excluded and Mahoney to be their spokesperson so they can show a community effort and also to protect private citizens against any violence.

However, Mahoney petitioned last year against extending hours at liquor by the drink establishments to 2 a.m. and does not believe there will be violence. "There was none last year," she said.

Sixty percent of the 5,500 registered to vote in Carroll

Please see GROUP, page 18

## Group will count names next Monday

Continued from page one

County will mean 3,800 signatures, but only 25 percent of the number voting in the last general election are needed to put the issue before the voters.

Group members expect to meet the 509 goal easily and will file their petition by July 29 in hopes of a Sept. 28 election---possibly the first election in Kentucky after new election reform laws are passed.

The group will meet Monday, July 11, at 8 p.m. at Faith Community Baptist Church on Highland Avenue.

However, the county's 37 establishments which can sell alcohol say they may also join together to keep the county wet.

Greg Ray, Carrollton night club owner, said he had been in touch with local distributors and businesspeople who are awaiting national statistics before having

their first meeting---he doesn't expect to have a meeting before tonight.

In an earlier interview, Ray said education has been the key to increased awareness about the hazards of drinking and driving, and already Carrollton's midnight cutoff for selling liquor poses many threats---especially since alcohol is available in Madison, Ind., until 3 a.m. (4 a.m. Kentucky time).

He said stopping the sale of alcohol in Carrollton will only cause more drinking and driving.

The May 14 bus crash has been cited as the tragedy which could possibly vote the county dry---if so, it will be three years before another election can be held. However, if voters are in favor of a wet county, the entire county will be wet, including those districts now dry, since the election is county-wide.

# Bus crash probe looks at flammability mark

By Adam Condo

Kentucky Post Washington Bureau

WASHINGTON — A House subcommittee will question the adequacy of a 16-year-old flammability standard for school buses Wednesday during a probe of the May 14 bus tragedy near Carrollton.

Rep. Thomas Luken, D-Cincinnati, has scheduled two fire safety experts to testify at the hearing.

National Highway Traffic Safety Administration Administrator Diane K. Steed will respond to allegations that the 1972 safety administration flammability standard is not adequate, said Ben Cohen, staff counsel for the transportation, tourism and hazardous materials subcommittee.

Twenty seven people died when the church bus exploded in flames on In-

terstate 71.

Another fire safety expert slated to testify, Gus Sarkos, of the Federal Aviation Administration technical center in Atlantic City, N.J., said the aviation administration flammability standard on seat cushions is more stringent than standards for highway traffic.

The highway safety administration standard, established in 1972, applies to all newly manufactured vehicles, including school buses. There is no separate standard for buses.

Sarkos refused to speculate on whether more stringent standards would have saved lives in the May 14 Kentucky church bus tragedy.

But the fire resistant seats required by the FAA can delay the rapid spread of a localized fire, said Sarkos.

Those FAA standards were a direct

outcome of the fiery deaths aboard the Air Canada jetliner that exploded in flames at Greater Cincinnati International in 1983.

A spokesman for the highway safety administration conceded that his agency's flammability standards are not as stringent as the aviation administration's.

The same individual noted that the Kentucky church bus accident has caused the highway safety administration to review those standards to see if they need to be improved.

Also testifying Wednesday will be Dr. Jack Snell, director of the center for fire research for the National Bureau of Standards.

Cohen said that Snell has been asked to testify because the standards bureau has performed flammability tests on buses, including a transit bus

owned by the Washington, D.C., Metropolitan Transit Authority.

The standards bureau ignited the bus in 1975. That test caused the transit operator to upgrade its own flammability standards, said Cohen.

Luken will also hear testimony from James and Carolyn Nunnallee of Radcliff, parents of Patricia, 10, who died in the accident.

The Nunnallees have refused a \$700,000 settlement from Ford Motor Co. Instead, the family has requested that Ford take action of "make the buses safer."

"That money will never bring my daughter back. It's hard to turn down that amount of money, but if one other child was killed in an unsafe bus, we could not live with ourselves," said Mrs. Nunnallee in a telephone interview from her home.

## Carroll group succeeds in getting wet/dry issue on October ballot

A Carroll County group presented a petition with 1076 signatures to the Carroll County Clerk on Monday which calls for a vote on banning liquor sales in the county.

The group, which calls itself Concerned Citizens for Better Life, gathered more than twice the 509 signatures needed to call the special election. Bob Searcy is the group's chairman. He said the petition calls for a special election to be held on October 4th.

In 1985 a vote in the city of Carrollton that allowed businesses to served mixed drinks was passed by just 13 votes, 520 to 507. This time with the whole county voting, the outcome may be different. However, even if the dry forces prevail in October, alcohol sales could still be

allowed in Carrollton proper because it is a fourth-class city, according to a spokesman for the Attorney General.

Dry forces in Carroll County are saying that the fiery May 14th church bus crash on I-71 in Carroll County which killed 27 persons has "woken people up" to problems caused by alcohol. Larry Mahoney, 25, of Owen County, whose pickup truck ran into the bus, was driving under the influence of alcohol, according to the police report.

Bob Rice, who owns the Carrollton Inn, has organized a citizens' group called Citizens for Controlled Sales of Alcoholic Beverages that will work to defeat the push to make Carroll County dry. Rice said a dry vote would only hurt the businesses in the

county and do nothing to stop drunk driving. He added a dry vote would put more drunk drivers on the road because of the distances they would have to travel to buy liquor.

Tom Handorf, whose businesses in Warsaw sell beer, wine, and distilled spirits, does not like the prospect of a dry Carroll County despite the fact that it would mean more sales for him.

"We live in a free country where people should be able to make their own decisions about what kind of lifestyle they wish to pursue," said Handorf. "Besides, if a vocal group can do something like that in Carroll County, next they will be trying to push through similar legislation in Gallatin County."

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7-26-88

# Access to jury selection to be limited in Mahoney trial, Carroll judge rules

By BILL WERONKA  
Staff Writer

11/1/89

CARROLLTON, Ky. — Public and media access to jury selection in the trial of Larry Mahoney will be restricted to protect the privacy of the would-be jurors and enhance their openness to questions, a Carroll County judge ruled yesterday.

Over the objections of attorneys for The Courier-Journal, the Kentucky Post and WAVE-TV, Carroll Circuit Judge Charles Satterwhite granted a defense motion to restrict access during questioning of individ-

ual jurors. The motion was made with the agreement of the special prosecutor, Assistant Attorney General Paul Richwalsky Jr.

Jon Fleischaker, who represented The Courier-Journal and WAVE-TV, said no decision on an appeal has been made. Jury selection is scheduled to begin tomorrow.

Satterwhite said he believes the facts are sufficient to support closing jury selection to the public and media altogether. But he decided to "consider other alternatives," using a 1984 U.S. Supreme Court decision as the basis for his ruling.

Satterwhite quoted Justice Thurgood Mar-

shall, who concurred in the ruling to allow public and media access with narrow limitations.

As part of his opinion, Marshall said that if closing the jury-selection process was necessary to ensure a fair and impartial trial, a transcript showing the substance of the prospective jurors' responses should be provided to the media.

The method of providing that transcript in the Mahoney trial is something Flei-

See ACCESS

PAGE 7, col. 1, this section

## Access to jury selection to be limited

Continued from Page B 1

schaker said he has not encountered.

When the prospective jurors are questioned as a group — a pool of 300 has been called — the courtroom will be open to the public and media. But when the prospective jurors are questioned individually, the courtroom will be closed — with the questions and answers broadcast to a media room in the courthouse so reporters can hear the process.

Satterwhite also ruled that prospective jurors will not be called by name, but referred to by number. "This way the jurors can retain their anonymity, but the meat will be provided."

Satterwhite said the process should help the jurors respond more candidly and help the selection process. He noted that Carroll County is a "small community where everybody knows everybody's businesses and business."

"This will make it less likely that someone will give incomplete, if not inaccurate, information," he said.

He said the high-profile case, in which Mahoney is charged with 27 counts of murder in connection with the May 14, 1988, bus crash near Carrollton, has created much publicity and forced a heated wet-dry vote in the county.

"I don't think someone will give his opinion about the wet-dry election easily in an open environment," Satterwhite said. "They are more

likely to admit information about themselves or a family member in a private environment."

Mahoney's attorney, William Summers, based his motion on that contention, and offered an expert witness, clinical psychologist John C. Johnson of Friday Harbor, Wash. Johnson testified that, based on interviews he has conducted with jurors, a private environment enhances openness.

Ironically, Fleischaker based his objection on the same 1984 Supreme Court decision that Satterwhite used to justify his decision. The decision, based on a rape-murder trial in Riverside, Calif., allowed would-be jurors to request privacy if answering a particular question in public bothered them. Fleischaker argued that those parameters should be enough to satisfy the qualms of the defense, but Satterwhite took a different view.

In other developments yesterday, Richwalsky dismissed two of the 85 charges against Mahoney. Both were charges of wanton endangerment.

In one case, a survivor of the crash, Greg Burlem, has moved out of state, and Richwalsky said Burlem's mother felt it would not be beneficial for him to testify. In the other case, Laura Batts, who was driving a car involved in the accident, has moved to Boston and would find it inconvenient to attend the trial, Richwalsky said.

# Bus tragedy 'fresh again'

By CHARLES WOLFE  
Associated Press Writer

RADCLIFF, Ky. -- The names of the dead were known less than a day after a fiery bus crash killed 27 people, but official confirmation of the deaths "just brought it fresh again" to the victims' families, a

minister says.

Hearses began removing the bodies Tuesday afternoon from a National Guard armory in Carrollton, 100 miles northeast of here, that served as a morgue.

There was "a lot of grief" inside Radcliff First Assembly of God

church, where most of the victims' families gathered Tuesday morning to be told that the last of the burned bodies had been identified, said the Rev. Dan Mattingly, minister of Christian education at the church, which owned the bus.

"Some began to break out in tears and grief," Mattingly said. "They pretty well knew it, but to actually hear it once and for all, one time, 100 percent sure on the confirmations, it just hit again. It just brought it fresh again in their hearts."

The city of Radcliff scheduled a memorial service for Thursday evening at a high school football field.

Meanwhile, offers of money and donations of time have poured in for survivors and their families, hospital officials said.

Scores of people have called Humana Hospital-University of Louisville, 30 miles northeast of Radcliff, offering food, babysitting, and even rooms in their homes to families of hospitalized victims, said spokeswoman Taylor Rice.

Callers wishing to donate cash are being referred to one of four funds set up to aid the victims and their families, she said.

One survivor, 14-year-old David Walliser, offered thanks from his bed at Kosair Children's Hospital.

"Thanks to all the doctors, thanks to all the nurses, thanks to everyone who cares. Thanks for all the love and thanks for all the prayers," he said through his mother.

The bus collided head-on Saturday night with a pickup truck being driven north in the southbound lanes of Interstate 71 near Carrollton. The fuel tank on the bus ruptured and burst into flames, authorities said.

The bus was returning from a day at an amusement park north of Cincinnati. Autopsies showed the 27 died of smoke inhalation.

Fourteen of the bus riders remained hospitalized today with burns, including eight in critical con-

dition.

Local, state and federal authorities were continuing the investigation, but few details of their work were released. State Police Capt. Neal Brittain said investigators believed they knew how the pickup truck driver, Larry W. Mahoney, came to be driving on the wrong side of I-71, but would not elaborate.

Mahoney, 34, of Worthville was charged Monday with 27 counts of murder. Tests showed his blood contained nearly 2½ times the amount of alcohol needed to be declared intoxicated, authorities said. He was in fair condition at the prison unit of Humana Hospital-University of Louisville, Ms. Rice said.

The first victim to be taken from the armory Tuesday was April Mills, 14, daughter of an Army sergeant, who was to be buried in Fernandina Beach, Fla. Another victim was to be buried in Tyler, Texas. The process continued throughout the afternoon.

At least eight were to be buried in this town of 14,000 people.

Here is the list of victims, with ages and hometowns, from the bus-truck crash on Interstate 71 in Carroll County that killed 27 people Saturday night:

1. Jennifer Arnett, 13, Radcliff.
2. Cynthia Anne Atherton, 13, Radcliff.
3. Sandra Brewer, 12, Radcliff.
4. Joshua Conyers, 14, Vine Grove.
5. Mary Catheryn Daniels, 14, Radcliff.
6. Julie A. Earnest, 12, Radcliff.
7. Kashawn Etheredge, 14, Radcliff.
8. Shannon Rae Fair, 14, Radcliff.
9. Dwaileea Dawn Fischel, 12, Radcliff.
10. Richard Keith Gohn, 19, Vine Grove.
11. Lori Kathleen Holzer, 11, Radcliff.
12. Charles John Kytta, 34, Elizabethtown.
13. Anthony Marks, 15, Radcliff.
14. April Mills, 14, Radcliff.
15. Phillip Morgan, 13, Radcliff.
16. Tina M. Mustain, 14, Radcliff.
17. William Joseph Nichols Jr., 17, Fort Knox.
18. Patricia Susan Nunnalle, 10, Radcliff.
19. John Pearman, 36, Radcliff.
20. Emily Thompson, 13, Vine Grove.
21. Crystal Uhey, 11, Radcliff.
22. Denise E. Voglund, 13, Radcliff.
23. Amy Christine Wheelock, 14, Radcliff.
24. Kristen J. Williams, 14, Radcliff.
25. Robin J. Williams, 10, Radcliff.
26. Marilyn Joy Williams, 35, Radcliff.
27. Chad Witt, 14, Radcliff.



# Attorneys are ready for second phase of jury selection in trial

By MARK CAMPBELL  
Kentucky News Editor

After three days of group interviews with prospective jurors, attorneys in the trial of Larry Mahoney are now ready to go into the second phase of jury selection, beginning next week.

Mahoney, 36, of rural Owen County, is charged with 27 counts of murder in connection with an alleged drunk driving accident which involved his pickup truck and a Radcliff church bus.

State police claim Mahoney was drunk when he crashed his 1987 Toyota pickup into a bus owned by the First Assembly of God Church.

The accident occurred when Mahoney hit the bus head-on while traveling north in the southbound lane of Interstate 71 just south of Carrollton. The bus became engulfed in flames when its fuel tank exploded, sending a ball of fire back into the passenger compartment and killing 24 children and three

adults who succumbed to smoke inhalation.

Carroll Circuit Court Judge Charles F. Satterwhite will allow attorneys for the prosecution and defense to begin detailed interviews of the 134 prospective jurors left in the case at 9 a.m. Monday.

The session will be closed to the public except for a live audio feed

to a room where media will be located.

The judge said Thursday the interviews will end when a group of 31 jurors is selected. He said the defense will then be allowed 10 peremptory strikes and the prosecution six.

Satterwhite had anticipated keeping 15 jurors to hear the trial, which

is expected to last from six weeks to two months, and later narrow the panel down to 12 for deliberations.

However, attorneys for both sides of the case said Friday jury selection may take longer than Wednesday and more jurors may need to be retained to hear the case.

"Anything is possible," said Mahoney attorney William Summers of the trial's timetable. "I'm not quite as optimistic, especially after this morning. What we're going to do is just start and finish very honestly when we get whatever number he (Satterwhite) wants. We may increase the alternates."

"I share the same feelings as Bill," said special prosecutor Paul Richwalsky, who is an assistant to state Attorney General Fred Cowan. "I wouldn't be optimistic about having a jury by Wednesday."

## Fate took deadly turn for pastor

By Paul Clark  
Post staff reporter

Last November, John Pearman was elected clerk of the Hardin County circuit court after completing the unexpired term of a man killed in a violent accident.



John Pearman

"It's kind of a strange thing," said Pearman's uncle, Kentucky state Sen. Virgil Pearman, D-Radcliff.

"A good friend of ours, Dave Owsley, got killed in a tractor accident on the farm. John was appointed to take his place, and now we've had two circuit court clerks killed in unusual accidents."

John Pearman, associate pastor of the First Assembly of God, was driving the church bus home from an outing at Kings Island when a pickup truck plowed into it on Interstate 71. Pearman apparently perished while attempting to help children off the bus.

His 13-year-old daughter, Christy, remains hospitalized with serious burns. Pearman had two other children, a son, 12, and a daughter, 7.

"It's been very tough on the family," Virgil Pearman said Monday. "They were very close. John spent most of his time working at the church school, and it's just a terrible, terrible thing."

Sen. Pearman said the family was partially consoled by his nephew's heroic actions aboard the bus.

## Professionals help Radcliff work through grief process

By Charles Wolfe  
Associated Press Writer

**RADCLIFF** — The numbing shock of a fiery church bus crash that killed 27 of their friends slowly has given way to the "normal grieving process" for some of the children who survived, a psychiatrist said.

"We'd rather see that than complete withdrawal," said Lt. Col. Fred Llewellyn, a psychiatrist who examined one of the young survivors at Fort Knox's Ireland Army Hospital.

Llewellyn said youths who give their grief free rein will be better off, adding he believed almost all were already at that point.

The hospital's psychiatric section was mobilized after the crash Saturday night of the bus from Radcliff First Assembly of God church on Interstate 71.

Seventeen of the 27 victims were spouses or children of Army personnel and five were dependents of Fort Knox civilian employees, said Major John Eagles.

At least three people had been taken to the hospital's emergency room for psychiatric help, including a 13-year-old boy whom Llewellyn examined, he said.

Llewellyn said doctors "want to distinguish normal grief from possible pathological or self-harmful ways of handling severe trauma" in such cases.

"The child was in a normal grieving process. He was able to be in touch with his feelings and was able to express those feelings quite appropriately," Llewellyn said.

Erica Jefferson said her 14-year-old son, Mike, hospitalized

in serious condition at Kosair Children's Hospital in Louisville, has been told that his friends were killed.

"Oh yes, and does he blame himself that he was trying to get out and couldn't help the others," Mrs. Jefferson said. "He says he hates to go back to sleep because all the time he sees that blaze in his sleep."

The victims included the wife and two children of one of Fort Knox's highest-ranking enlisted men, 1st Sgt. Lee Williams of the post's medical company.

"He has no one else," said Jean Grimes, Joy Williams' twin.

The task of comforting Williams and his wife's family fell to one of the senior non-commissioned officers under him.

## Memory still burns in survivor's heart

By Sarah Sturmon  
Post staff reporter

**RADCLIFF** — Allen Tensionson awoke to a nightmare.

"I felt a bump, heard some screams and then there was an explosion," the teen-ager recalled Monday, still shaken by the horror of the weekend bus crash that killed 27 people.

Allen, 15, a sophomore at North Hardin High School, was one of 67 people on the First Assembly of God Church bus as it was returning Saturday night to Radcliff from Kings Island.

Like most of the others on the bus, Allen was dozing when a pickup truck traveling the wrong way on Interstate 71 slammed into the

church bus.

"When I jumped up, I was knocked through the emergency door at the back of the bus," he recalled.

Allen said the most vivid memory is the silhouette of his fellow congregants against fierce orange flames.

"They looked like shadows with orange glowing in the background," he said.

More stark, however, was the ghastly picture of his friends lying at the roadside.

Allen said many of his friends went back inside the bus to rescue brothers, sisters and friends.

"A lot of them who died were heroes," he said.

## School buses earn vote of confidence

By George Lecky  
Post staff reporter

Glenn Bullock is the bus mechanic for Landmark Baptist Temple in Evendale and he gives the vehicles his highest seal of approval:

"My kids ride every Sunday."

Bullock, father of three sons, said the 60 buses used by the church must pass an annual inspection by the Ohio Highway Patrol.

Landmark's 60 buses are older models manufactured in the 1970s and sold by school districts for between \$1,700 and \$2,500, he said.

Bullock said Landmark's buses are not used for long trips such as the fateful Kings Island outing that ended in the deaths of 27 people aboard a church bus Saturday in Kentucky.

"As a rule we don't run on the expressway," Bullock said.

Because the buses have older engines, expressway driving could put strain on some of the vehicles, he said.

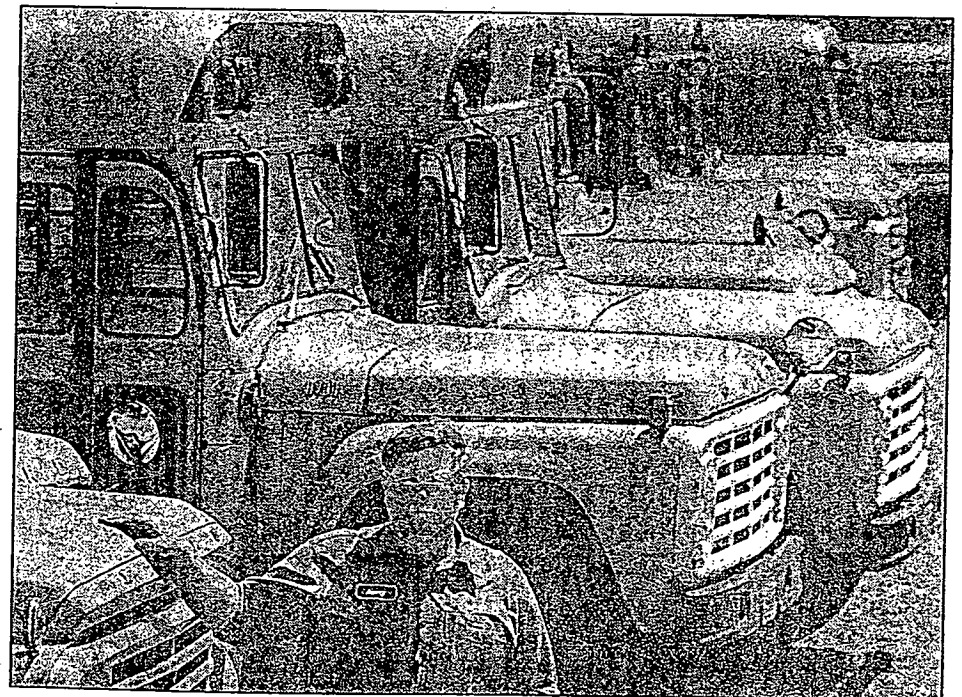
"A lot of the buses are geared for rural roads and (others) are geared for highways, according to where they come from," Bullock said.

School officials contacted Monday agree on the safety of school buses for travel, helped by annual and spot inspections by the highway patrol. Many school districts are converting to buses powered by less-explosive diesel fuel.

Eric Campbell, of the Fairfield City School District, said state regulations prohibit school buses from going 100 miles beyond the state border.

The district uses chartered buses for longer trips, such as one this summer when Fairfield band members will participate in a camp near Louisville, Ky.

"Our experience has been (school buses) are the safest mode of transportation," said Dennis Devine, of the Forest Hills School District.



PATRICK REDDY/The Cincinnati Post

Harry Wolf is maintenance supervisor at the Landmark Baptist Temple, which operates a fleet of 60

buses, most of them manufactured in the 1970s. Wolf reports few problems with the vehicles.

Cincinnati Post 5/7/88

# Investigating bus wreck and trying Mahoney cost state \$260,000

By BILL WERONKA  
Staff Writer

Kentucky spent more than a quarter of a million dollars investigating and prosecuting the worst drunken-driving wreck in the nation's history.

On May 14, 1988, Larry Mahoney, driving on the wrong side of Interstate 71 near Carrollton, ran head-on into a church bus. Twenty-seven people died in the fiery tragedy.

After 18 months of investigation and a two-month trial, Mahoney was convicted and jailed. He had been charged with murder, but the jury convicted him on 27 counts of second-degree manslaughter, 12 counts of first-degree assault, 41 counts of first-degree wanton endangerment and one count of driving under the influence of alcohol.

The jury recommended a 16-year sentence. Carroll Circuit Judge Charles Satterwhite, who will hand down the official sentence Feb. 23, can reduce the sentence but not increase it.

Attorney General Fred Cowan called it "probably the biggest criminal trial in the commonwealth's history." And according to the records of nine state and local agencies, it cost about \$260,277 to investigate the wreck and to prosecute Mahoney.

"We did everything we could and bent over backwards to save money," said Assistant Attorney General Paul Richwalsky Jr., the special prosecutor. "But with a case of this magnitude, we had to be as thorough as possible. If we had blown it, no one would have cared about the cost.

"But I never put a price tag on someone's life. You can't say I'm only going to spend 10 grand to prosecute this guy."

The largest amounts were spent on salaries for Richwalsky and his staff, \$36,100, and for the state police, \$132,000. Those figures were based on estimates of the time spent on the case by the five state police officers primarily involved in the investigation and the troopers involved in the events surrounding the accident and trial.

Those salaries would have been paid even if there had been no accident. However, overtime collected by the state police and Richwalsky could not be calculated, nor could the miles put on state vehicles by the state police during the investigation.

An animated reconstruction of the crash, a first in a U.S. criminal trial, would have cost up to \$30,000 if it had been prepared by a private firm. But the state police, working with Minnesota State Police, did it for \$2,345. Troopers Henry "Sonny" Cease and David Stevenson spent two weeks putting the production together. The only cost was for equipment and materials.

Mahoney's defense cost the state only about \$7,900. His two main attorneys, William Summers and Russell Baldani, were paid \$2,500 each as appointed attorneys. Expert witnesses and other expenses were paid by Mahoney's family.

A plea agreement obviously would have saved money. Summers said the defense might have agreed to plead guilty to murder if other charges had been dropped.

But Richwalsky said he would not amend or dismiss any charge for the purpose of a plea agreement.

But, Richwalsky added, he indicated he might have been open to an agreement that would have given Mahoney a sentence of 20 years, the minimum for murder, if he had pleaded guilty to all the charges.

"I think I could have sold the families on that and saved a lot of time and money," Richwalsky said. "Plus, I told them to bring me a counteroffer and I would present it to the victims' families regardless of my feelings. It never happened."

Richwalsky said he felt he had a responsibility to the families involved to prosecute if they wanted him to. "I told them if anyone did not want to go through it, I would dismiss. And I did in a couple of cases."

Finally, however, Richwalsky said, the costs were immaterial. "We just did what we had to do."

# Carrollton folks continue to give

By Michael Collins  
and Tim Stein

Kentucky Post staff reporters

*Shure.  
May 19  
1988*

CARROLLTON — Businessmen and residents feel they unfairly are cast as villains in supporting roles in the tragedy played out here this week.

M.J. Jackson, manager of the Keystop Food Mart on Ky. 227, heard that a reporter suggested the city's only claim to fame may be a fiery bus accident that killed 27 people. "I hope everybody doesn't think we're all bad," she said.

A woman walked into Webster Drug in downtown Carrollton Wednesday and said, "Let me get my medicine and get out of this town," druggist Charles Webster said.

"I didn't press the issue," said Webster, the former mayor. "It doesn't make sense. It's unfortunate the accident happened, and it's certainly not our fault. The thing to be proud of is the way everybody responded.

"Our rescue workers, hospital personnel, the people at the Holiday Inn performed well with all the energy that their hearts can give. There are some people who say it has really tarnished our image, and I don't make any sense of that really."

Two bus accidents have occurred on Interstate 71 near Carrollton in the past five years. A bus carrying family members home to Memphis from a reunion in Cleveland went over an embankment in July 1983, killing two people and injuring 24. Twenty-seven people died Saturday night when a pickup truck collided head-on with a church bus headed to its home base in Radcliff from Kings Island.

The latest crash put Carrollton in the national headlines. Rescue workers, hospital personnel and volunteer workers played roles as heroes Saturday night. But townspeople fear the enormity of the tragedy since has overshadowed the outpouring of support from residents of this community of 4,000.

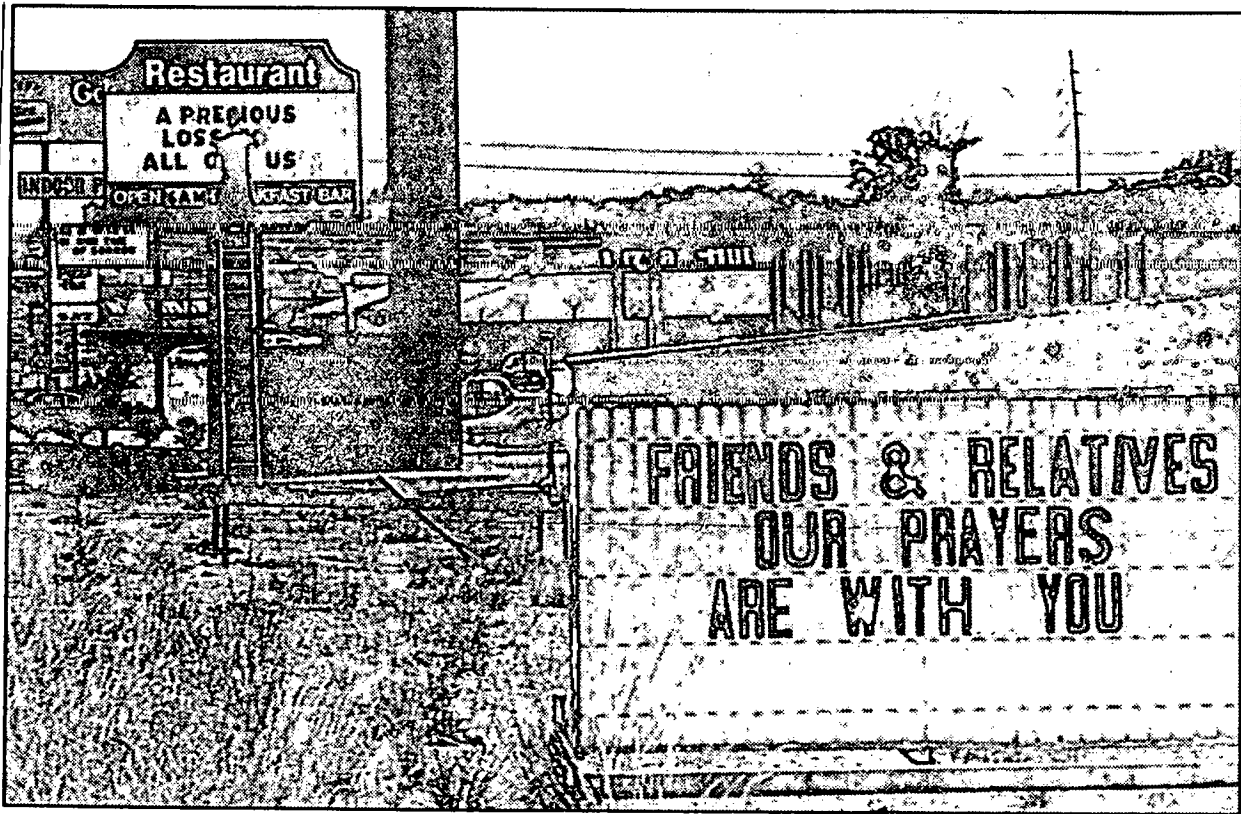
"I feel very sad that it happened at all; I feel very sad that it happened here," said Nancy Jo Grobmyer, a member of the city council. "I hope it isn't a reflection on Carroll County because it certainly was accidental that it happened this way and it's a shame."

Residents and businesses are continuing to give of their hearts and their energy. The Carroll County Chamber of Commerce set up a relief fund through Kentucky National Bank in Carrollton.

The chamber has contributed \$100 to the fund, which officially will open today. Contributions can be made to the bank at 416 Highland Ave., Carrollton. The money will go to the victims' families for funeral and medical expenses.

Keystop Food Mart and Druther's restaurant will sponsor a car wash Saturday and Sunday. Both businesses are directly across Ky. 227 from the Kentucky National Guard Armory, which was used as a temporary morgue.

The Family Worship Center will conduct a bake sale in conjunction with car wash. Employees at M&T Chemicals have taken up donations for the victims' families, a spokesman said.



JOE MUNSON/The Kentucky Post

James Lake hangs letters in a message of sympathy on a Shoney's restaurant sign along U.S. 31W in Radcliff, where similar signs reflect the city's loss.

May 19, 1988

# Investigators to recreate crash events

By Omer W. Johnson  
Kentucky Post staff reporter

*Given May 19, 1988*

CARROLLTON — State police expect to spend at least another month interviewing people and assembling evidence as they try to figure out what happened in Saturday night's tragic crash on Interstate 71 near Carrollton.

Investigators will try to re-create the events leading up to the crash, which killed 27 passengers on a church bus that collided head-on with a pickup truck driven by Larry Mahoney of Worthville, said Capt. Neal Brittain, commander of the LaGrange state police post.

And it could be nine months before the federal government completes its probe, Jean Fasone, National Transportation Safety Board investigator in charge, said at a press conference in Carrollton Wednesday.

Investigators closed the section of I-71 for 45 minutes Wednesday night to conduct night vision tests — trying to determine how well the bus and truck drivers could have seen.

Earlier in the day, a Craig Construction Co. tractor-trailer hauled the charred bus to a sand and gravel pit near Milton, where transportation safety board personnel went over it inch by inch to determine its mechanical condition at the time it and the Toyota truck collided 4 miles south of the I-71-Ky. 227 interchange at Carrollton.

The busload of children and their chaperons from the First Assembly of God

church in Radcliff was returning Saturday from Kings Island north of Cincinnati. The truck the bus collided with was heading north in the southbound lanes of I-71.

Investigators estimate the bus was going 45 mph, but haven't determined the speed of the truck.

The driver of the truck, Mahoney, 34, of Rt. 1, Worthville, was in fair condition this morning at Humana Hospital-University of Louisville, where is under 24-hour state police guard. He has been charged with 27 counts of murder and could face the death penalty. A blood test after the wreck showed that Mahoney had a blood-alcohol content of 0.24 percent, nearly 2½ times the level at which a person is presumed intoxicated under Kentucky law.

Today, federal investigators were to check the mechanical condition of the pickup truck.

"One thing that will be checked is the transmission to determine what gear the truck was in at the time of the crash," Ms. Fasone said. "Then we can determine a range of speeds the truck could have been going."

She said that and other calculations will help determine the speed of both vehicles at the time of impact.

"There were no pre-impact skid marks," she said.

Capt. Brittain said a witness has been found who saw a truck similar to the one involved in the crash driving erratically north in the northbound lanes and then

doing a U-turn through the median and heading south in the southbound lanes.

Brittain wouldn't identify the witness. But the story he related is the same as Clint Bradley of Southgate told reporters.

Brittain said the witness did not see the crash.

"But another witness was driving north in the northbound lane and saw the pickup truck northbound in the southbound lanes and saw the crash," Brittain said.

"The witness stopped and helped people off the bus and assisted the injured," Brittain said. He would not give the witness' name.

Wednesday, two investigators were flown by private plane to Akron, Ohio, to interview Fraizelle Eberhardt, the driver of a southbound Cadillac that also was involved in the wreck, and his passenger, John D. Eberhardt Jr. Police did know the family relationship between the Eberhardts, and would not release information about the interview.

Ms. Fasone said samples of Mahoney's blood will be tested for a wide range of drugs at Center for Human Toxicology in Salt Lake City, Utah. But those tests may take months.

"They are really backed up. They do a lot of testing," Ms. Fasone said.

Ms. Fasone said many passengers on the bus still must be interviewed, "but their conditions now won't permit it."



- **Vapor locks** can cause a bus to stall and, sometimes, to catch fire.
- **The problem** is common in 1980 and 1981 Ford gasoline-fueled buses, school officials say. Ford says a wider range of models is involved.
- **The fires have** not caused injuries. The number of fires is not known.
- **The problem** diminished after the fuel systems were modified, but remains a concern.

es manufactured during the last 10 years. The tank ruptured in the collision.

Although the vapor-lock problem is unrelated to the tragedy Saturday, it also causes fires.

In Marion County, parents and school district employees expressed gratitude that children had been taken off the malfunctioning bus before the

church bus that was struck by a pickup truck traveling the wrong way on I-71 near Carrollton.

The 1977 Ford bus, which had been purchased from the Meade County schools, had an outmoded, although legal, gasoline tank. The tank lacked a protective cage required of school bus-

# Vapor lock blamed in latest blaze

cials interviewed said the problem is with Ford gasoline buses, primarily 1980 and 1981 models. But a Ford Motor Co. spokesman said a wider range of model-years is involved.

Public attention has focused on school bus safety since 24 children and 3 adults died Saturday night in a burning-

# Danger rides buses

**By William Weathers**  
Kentucky Post staff reporter

A potentially dangerous problem occurs almost daily on Kentucky's roads as thousands of school buses transport children during the warm weather of late spring and early fall.

The problem, which mechanics call "vapor lock," apparently caused a fire Monday that destroyed a Marion County school bus shortly after about a dozen children got off the bus.

More typically, the problem causes buses to stall, sometimes in traffic.

A state school official said Wednesday that more than 4,000 buses, worth more than \$100 million and representing half of Kentucky's school buses, have the problem.

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that occurs is that fuel vaporizes and the bus won't run," Guess said. "I guess what we are you going to tell people?"

# Danger rides buses

By William Weathers  
Kentucky Post staff reporter

A potentially dangerous problem occurs almost daily on Kentucky's roads as thousands of school buses transport children during the warm weather of late spring and early fall.

The problem, which mechanics call "vapor lock," apparently caused a fire Monday that destroyed a Marion County school bus shortly after about a dozen children got off the bus.

## Vapor lock blamed in latest blaze

More typically, the problem causes buses to stall, sometimes in traffic.

A state school official said Wednesday that more than 4,000 buses, worth more than \$100 million and representing half of Kentucky's school buses, have the problem.

School mechanics and offi-

cials interviewed said the problem is with Ford gasoline buses, primarily 1980 and 1981 models. But a Ford Motor Co. spokesman said a wider range of model-years is involved.

Public attention has focused on school bus safety since 24 children and 3 adults died Saturday night in a burning-

church bus that was struck by a pickup truck traveling the wrong way on I-71 near Carrollton.

The 1977 Ford bus, which had been purchased from the Meade County schools, had an outmoded, although legal, gasoline tank. The tank lacked a protective cage required of school bus-

es manufactured during the last 10 years. The tank ruptured in the collision.

Although the vapor-lock problem is unrelated to the tragedy Saturday, it also causes fires.

In Marion County, parents and school district employees expressed gratitude that children had been taken off the malfunctioning bus before the

Please see BUSES, 2K

### Bus safety

■ Vapor locks can cause a bus to stall and, sometimes, to catch fire.

■ The problem is common in 1980 and 1981 Ford gasoline-fueled buses, school officials say. Ford says a wider range of models is involved.

■ The fires have not caused injuries. The number of fires is not known.

■ The problem diminished after the fuel systems were modified, but remains a concern.

# Buses

From Page 1K

fire started. Marion County is about 40 miles southwest of Lexington.

Substitute bus driver Patricia Tucker was near the end of her route on Reynolds Road about 16 miles west of Lebanon Monday when the 1981 Ford bus she was driving began "running bad," said Marion schools transportation director Ernest Taylor.

When the bus died, Ms. Tucker let the engine cool, as drivers are instructed to do, Taylor said. Parents, alarmed because their children had not come home, found the disabled bus and took all the children home.

Ms. Tucker restarted the bus, but after driving about a quarter-mile problems forced her to stop again. As she walked to a telephone, the bus caught fire. Flames shot more than 3 feet into the air.

"We've been having trouble with the '80 and '81 Fords. On hot days, we've had trouble with them vapor-locking," said bus service manager Ricky Courtwright.

"I'm going to say that that's what happened to this one. The same thing happened Friday afternoon to the same bus."

Arnold Guess, deputy state superintendent of public instruction, said the Department of Education became aware of vapor-lock problems on gasoline-fueled buses in 1980.

Vapor lock occurs when heat turns gasoline, a liquid, into a vapor, and the vapor blocks the flow of fuel. Guess said a hot day, heat from emission-control systems and the use of fuels with higher volatility cause the problem.

The department's staff and manufacturers' representatives began tests to determine how to correct the problem, and modifications were made. The problem diminished, but remains a concern. Guess said the department has advised local school districts on proper maintenance procedures.

Mechanics who work with the buses say serious fires are rare. But they say smoking fires — bad enough to require a driver to raise the hood and remove the air filter before the fire spreads throughout the engine and possibly the entire bus — are common.

"I've got one we're working on today," Trigg County schools bus garage foreman Robert Cannon said Wednesday. "And I guess it's caught on fire five, six, seven times, the same bus, a 1981 Ford."

He said experienced drivers know that "when you see that smoke rolling, you've got to get out and get that (air) breather out of there."

State officials said they are sure no one has been injured by these fires. But schools are not required to report the fires to the department, so state officials don't know how many fires there have been.

"The most common thing that occurs is that fuel vaporizes and the bus won't run," Guess said. "I guess what we

consider it is a pretty high-level maintenance problem. I don't know that we've ever considered it to be life-threatening or anything like that."

If not life-threatening, the problem poses danger, said many local officials who work with the buses. Ohio County schools director of transportation Ed Martin said that when a vapor lock occurs, "the bus just stops. Any time a bus goes down on the road, unexpected, you're blocking a lane of traffic, and that's a safety factor."

Marion County schools transportation director Taylor said he has expressed his concern about the problem.

"But the way that we have to purchase the buses with the state, we don't have the choice. Therefore we have to deal with what we have," Taylor said.

The state buys buses for school districts.

Taylor said he'd like to get rid of the Fords that have such problems, but "you're talking about a half-million dollars to get rid of 13 buses" and replace them, he said.

Unable to replace them, the local school districts owning the buses have tried virtually everything they and state bus experts can think of — often with the help of Ford Motor Co.

Mike Parris, a Ford spokesman in Dearborn, Mich., said the company examined 124,500 buses nationwide for the vapor-lock problem. Parris said the problem is found on 1979 through 1982 models of the series of chassis designated F, C, L and B, all made at the company's Lima, Ohio, plant.

Parris said Ford "feels responsible for fixing (the problem) but it's not safety-related," he said.

Owner notifications allowed school districts to take the buses to a Ford dealership garage nearby for repair.

"The biggest thing they actually did was get rid of the mechanical fuel pump, which was located on the engine, and they moved an electrical fuel pump back by the fuel tank," Parris said.

Parris said Ford will investigate the Marion County bus fire to see if changes were made on that bus.

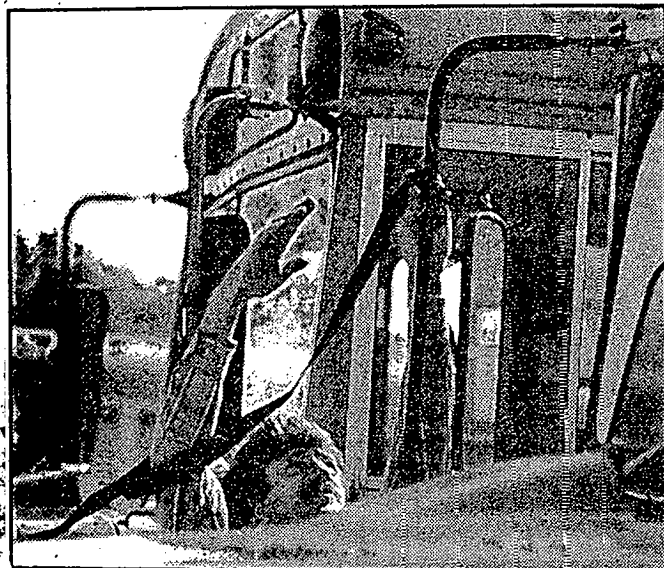
Some mechanics and others familiar with the problems said that, while the new electrical fuel pump does not get as hot because it is away from the engine, it can cause worse problems by continuing to fuel a fire.

State and local officials said the vapor-lock problem, as well as the higher cost of fuel and maintenance with gasoline engines, has spurred the state's move toward purchasing diesel buses. All the nearly 700 new buses purchased this year by Kentucky are diesel, Guess said.

Mechanics continue to do what they can with the older buses.

"You have to do something," said Trigg County bus shop foreman Cannon. "If a bus catches on fire, and some kids get hurt or something, and you knew it was catching on fire and didn't do something, what are you going to tell people?"

Thurs. 19, 1988  
May



The Associated Press

Dale Saltsman, a North Hardin High School maintenance worker, ties black ribbons to the mirrors of the school's buses as a symbol of mourning.

# Crash case sidetracked

## County attorney stricken

Carroll County Commonwealth Attorney John Ackman, a key figure in the investigation of the church bus wreck, was hospitalized Wednesday after experiencing heart trouble.

Ackman, 38, apparently suffered a heart attack at 8 a.m. in his Williamstown home, said Marcella Brown, a legal secretary at Ackman's law firm.

"He went to the doctor's office on his own and the doctor did an EKG ... and decided to admit him," Ms. Brown said.

Please see CRASH, 2K

## Crash

From Page 1K

Ackman was in serious but stable condition in St. Elizabeth Medical Center South this morning, said Ed Lorenz, his law partner. "He was resting comfortably last night," Lorenz said.

Ackman has been investigat-

ing the collision Saturday night between a pickup truck and a Radcliff church bus returning from Kings Island amusement park north of Cincinnati.

Mark Cobb, Ackman's assistant in Owen County, may now be assigned to the case, but no final decision has been made, Lorenz said.

Ackman does not have a history of heart problems, but has high blood pressure.

"He's doing all right," Lorenz said.

"I haven't seen him since Saturday — he's been in Carrollton — but as I understand it, his health had been fine."

Joyce Macke, Ackman's mother-in-law, said speculation that the bus tragedy, in which 27 people died, caused the attack is premature. But, she said, Ackman has been affected by it.

"I know that he's a very sen-

sitive man and I know that's been hurting him a great deal to see what the parents (of the teen-age victims) are going through," Mrs. Macke said.

"To say what caused it, I don't know. We're not even sure what brought it on. We just really feel fortunate that he's up at the hospital and resting."

Ackman is a partner in the law firm of Ackman, Ackman, Purcell and Lorenz in Williamstown.

News  
May 19, 1988

## In memory: those who died



Jennifer Ann Arnett, 13, 8th grade, Radcliff Middle School, a trumpeter in the school band, member of First Assembly of God Church in Radcliff.



Cynthia Anne Atherton, 13, 8th grade, Radcliff Middle School, member of Stithton Baptist Church in Radcliff.



Sandy Brewer, 12, 7th grade, Radcliff Middle School, played in youth baseball league, member of First Assembly of God Church in Radcliff.



Joshua Conyers, 14, 5th grade, North Hardin High School, member of First Assembly of God Church, Radcliff, took karate lessons.



Mary Catheryn Daniels, 14, 8th grade, Radcliff Middle School, honor student, member of St. Christopher Catholic Church, Radcliff.



Kashawn Etheredge, 14, 8th grade, Radcliff Middle School, on girl's basketball team at school, member of First Baptist Church of Elizabethtown.



Shannon Rae Fair, 14, 8th grade, Radcliff Middle School, honor student, member of Stithton Baptist Church.



Richard Keith Cohn, 19, senior, North Hardin High School, college-bound, member of First Assembly of God Church, Radcliff.



Lori Kathleen Holzer, 11, 6th grade, Radcliff Middle School, member of children's ballet group, member of First Assembly of God Church.



Anthony Marks, 15, 9th grade, North Hardin High School, manager of freshman basketball team, member of First Assembly of God Church.



April Mills, 15, 8th grade, Radcliff Middle School, member of First Baptist Church, Radcliff.



Phillip Lee Morgan, 13, 7th grade, James Alton Junior High in Vine Grove, concert musician, member of First Assembly of God Church, Radcliff.



Tina Michelle Mustain, 14, 8th grade, Radcliff Middle School, school band member, played on girl's softball team.



Emillie S. Thompson, 13, 8th grade, James Alton Junior High School in Vine Grove, member of First Assembly of God Church, Radcliff.



Crystal Erin Uhey, 13, 6th grade, Radcliff Middle School, performed in music and drama productions, member of First Assembly of God Church.



Denise Ellen Voglund, 13, 8th grade, Radcliff Middle School, enjoyed playing softball, member of St. Christopher Catholic Church, Radcliff.



Amy Christine Wheelock, 14, 8th grade, Radcliff Middle School, honor student, school band, member of St. Christopher Catholic Church, Radcliff.



Kristen Williams, 1-, daughter of Joy Williams, who also died, and Army Sgt. Lee Williams, 8th grade, Radcliff Middle School, school band.



Chad Anthony Witt, 14, 8th grade, Radcliff Middle School, school band, member of First Assembly of God Church, Radcliff.

## Not pictured

Patricia Susan Nunnallee, 10, 4th grade, Meadow View Elementary, Radcliff, enjoyed speech contests.

John R. Pearman, 36, associate pastor of First Assembly of God Church, Radcliff, Hardin County Circuit Court clerk, had served on Radcliff city council and county fiscal court.

Joy Williams, 34, of Radcliff, real estate broker, died in crash with her two children, member of First Assembly of God Church, Radcliff.

Robin Williams, 10, 4th grade, Meadow View Elementary, Radcliff, daughter of Joy and Army Sgt. Lee Williams, honor student, member of First Assembly of God Church, Radcliff.

Julie Ann Earnest, 12, 7th grade, Radcliff Middle School, moved to Radcliff this year from Germany, honor student, member of First Assembly of God Church, Radcliff.

Dwaila Fischer, 12, 7th grade, Radcliff Middle School, honor student, member of First Assembly of God Church, Radcliff.

Charles (Chuck) Kyta, 34, of Elizabethtown, youth and music director at First Assembly of God Church, Radcliff, loan officer at Citizen's Fidelity Bank & Trust in Elizabethtown, served in Viet Nam war.

William J. Nichols Jr., 17, sophomore at Ft. Knox High School, member of First Assembly of God Church.

# Mahoney's trial date set for January

## Mahoney lodged at Oldham Co.

By DEBBIE WRIGHT  
Editor

Larry Mahoney may go to trial in Carroll County on Jan. 9, 1989 for the 85 counts connected with the May 14 bus crash.

Mahoney, 35, appeared in Carrollton Monday for another bond hearing to discuss motions by the defense for encumbered property to be allowed toward the \$540,000 property bond.

However, Circuit Judge Charles Satterwhite said his order would stand—either \$270,000 cash or \$540,000 property for Mahoney to get out of the Oldham County Jail.

Bill Summers, public defender for Mahoney, said the ruling was totally unfair and is making a "this case exception" with Mahoney who lived in Owen County and worked at M&T Chemicals.

Summers said, after the hearing, Mahoney needs the support of his family and friends and needs to go back to his job which he has been guaranteed and his family has filed

Please see MAHONEY, page 3



Larry Mahoney was again greeted by a crowd of media people Monday morning at the Courthouse. His bond remains as previously set, and his trial date has been set for Jan. 9, 1989. (Photo by Debbie Wright)

The News-Democrat, Wednesday, Aug. 3, 1988, Page 3

## Mahoney's trial date set for Jan. 9

### Continued from page one

about \$250,000 of unencumbered property of six persons in Carroll and Owen counties in the Circuit Clerk's office.

Judy O'Donovan, Mahoney's sister, testified during the hearing that the family has received many calls from friends, relatives and even strangers wanting to help get Mahoney out of jail.

"Some offer cash, others say they'll do anything to help," she said following the hearing.

"We're going to do it (get Mahoney out)...we have the Lord on our side," she said.

Special Prosecutor Paul Richwalsky asked for \$1 million

bond and has said Mahoney is a high risk case because of the magnitude of the charges which include 27 counts of murder.

However, O'Donovan said her brother will not run.

"He needs to be with his family. He has a job and two children to take care of," Summers said.

Trial date was set for Jan. 9 at 9 a.m.; however, Richwalsky said the magnitude of the case will make that date difficult for the prosecution.

Although all the children have now been released from the hospitals, several have made return trips for more operations and one child's case which was

thought to be minor has worsened.

Richwalsky said it will be difficult to have the children make depositions and court appearances because of the conditions of some of those injured.

Summers asked for the case to be held in December following a death penalty case he is working with in Lexington.

He said he was surprised by the judge's ruling and will seek a review on the bond issue through the State Court of Appeals.

About 22 people, besides media, were present for the hearing.

This week, the National Safety Transportation Board is holding hearings in Louisville on the crash and factors contributing to the deaths of the 24 children and 3 adults.

Safety experts have said a shield around the gas tank would not have kept it from exploding.

After Mahoney's truck hit the bus, the bus continued about 138 feet with brakes locked before it caught fire.

Mothers Against Drunk Driving will also be making statements this week as to reducing the number of DUIs nationwide.

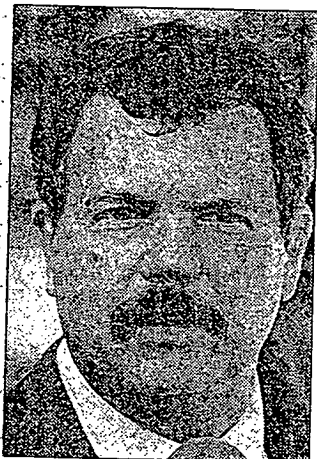


# KENTUCKY

## PROFILE: WILLIAM SUMMERS

### Mahoney's lawyer likes David-against-Goliath role

By BILL WERONKA  
Staff Writer



William Summers

LEXINGTON, Ky. — The law has always been part of William Summers' life.

His father, mother, aunt and uncle were all lawyers. He spent long hours in Ohio courtrooms as a child — watching, listening, taking notes and asking his father questions, lots of questions.

"But I was lucky," Summers said. "There was no such thing as a dumb question. Anything I asked was taken seriously, and I learned a lot."

That knowledge led Summers to a law degree and the Ohio bar in 1969 and, this year,

to the defense of Larry Mahoney, who is charged with 27 counts of murder in the May 14 Carroll County bus wreck.

In between, Summers' spirit of individualism caused him to shun an offer to take over his father's law firm.

"I wanted to make it on my own," he said. "If I made it, it was mine."

Summers dived into criminal law and began building a reputation and a successful practice in Cleveland.

"You can't beat going in in handcuffs as David and whipping Goliath," Summers said. "Every now and then you're going to do it and it's a feeling you can't imagine. Those of us who do what we do, that's why we like it."

Summers' decision to defend Mahoney was not a sudden jump. He owns race horses and last year began planning to open a branch office in the Lexington area. He was admitted to the Kentucky bar in February and began searching for Kentucky associates.

For a recommendation, Summers, co-chairman of the Death Penalty Committee of the National Association of Criminal Defense Lawyers, contacted Kentucky public defender Kevin McNally, who had taught some death-penalty classes with Summers for the national group. McNally recommended Russell Baldani.

The 30-year-old Baldani, a state public de-

fender, was looking for a change and accepted an offer to join Summers.

Once Mahoney — whom the original prosecutor said should get the death penalty — was declared indigent, the case was sent to the state public defender's office and ended up on McNally's desk.

"My staff was snowed under with death-penalty cases," said McNally, whose job was to find outside attorneys to handle such cases when necessary. "I knew because of all the publicity and the extreme nature of the charges, there was no way the public

See MAHONEY'S  
PAGE 4, col. 5, this section

### Mahoney's attorney relishes David-against-Goliath roles

Continued from Page B 1

defender's office could handle it.

"I also knew it was almost impossible to find an attorney to handle a death-penalty case for \$2,500, much less one that involved 27 counts of murder."

McNally thought of Summers, who had defended many indigents accused of capital crimes and, through the years, had developed a strong belief that constitutional rights applied to everyone and that the death penalty was abhorrent.

McNally contacted Baldani on vacation in Rhode Island and through him reached Summers.

"He agreed, but I think he thought I was kidding about the compensation," McNally said, referring to the \$2,500 plus reasonable expenses that the state pays lawyers handling indigent cases.

"He (Summers) told me the other day that the case was going to cost him a fortune."

Summers' firm is handling another case for the state, the defense of a man who could be sentenced to death if he is convicted in a robbery-murder case. The trial is set for Nov. 14 in Lexington.

"Everyone's been trying to make out like I'm doing this for the publicity," Summers said. "Basically, I'm doing it because Kevin McNally called me."

"I respect him because I don't think anyone in the state of Kentucky has more concern for the plight of the everyday criminal attorney. I see a guy like that and he asks me, 'Will you please take this case?' after he's been to a couple of lawyers trying to get them to take a case that is a nightmare, and I'm going to do it."

"It was as simple as that — nothing sexy."

Summers admitted it is an interesting case. "But it's more than that," he said. "Every now and then you have to put something back, and I've defended people in disastrous situations before."

That was the case in 1980 after 33 people were killed in an uprising at the Penitentiary of New Mexico near Santa Fe. The NACDL asked Summers to lead a group of lawyers defending those who were charged in 166 indictments and who faced the death penalty if convicted.

The case took three years and there were numerous convictions, but none of the defendants received the death penalty.

Counting that case, Summers estimates he has handled nearly 60 death-penalty cases through the years.

"So this is not my first high-visibility case, and after 20 years I don't need a high-profile case."

He became convinced he had made the correct decision in accepting Mahoney's case when he met his client's family.

"I had yet to meet with the client, but all you had to do was meet that family," Summers said. "After I met with them I told them that part of our fee was that we could work for such a wonderful group of people. They are real nice people."

Summers views part of his job as battling the public perception of Mahoney, whom he calls "a genuinely nice man."

He said Mahoney is not the "town drunk," as he has been portrayed, but a good man who has worked hard all his life.

"That's why you've got 16, 17 families out there willing to support him, because they know what kind of man he is," Summers said, referring to the people who posted Mahoney's \$540,000 bond two weeks ago.

He said Mahoney's driver's license photo was displayed a lot in the various media and made him look as though "he just came off the set of 'Deliverance.'"

"I've never seen this kind of case get this kind of publicity — never," Summers said.

Because of the publicity, Summers feels there might be attempts to abridge Mahoney's individual rights, such as the requirement that property posted for his bond be unencumbered by debt. Summers termed that requirement ludicrous.

"And everyone talks about victims' rights. Well, victims don't have any rights," Summers said, noting there are victim-compensation funds around the country to handle that. "People are always ready to repeal someone else's individual rights as long as they can keep theirs. It doesn't work that way."

Summers will not discuss his planned defense for Mahoney. But he does say he is preparing for the battle.

He admits that after growing up in the business, he knows most of the tricks and uses what is necessary to combat a system he believes is heavily weighted in the prosecution's favor.

"Criminal lawyers, we're all rebels," Summers said. "We love it. We love what we're doing. I've got Larry Mahoney and Larry Mahoney's family, Paul Richwalsky (the assistant attorney general prosecuting the case) has the world. Anything I win is a belated victory."

In the Mahoney case, Summers again is David battling Goliath and relishing it.

Baldani calls him a man with "a sincere passion" to protect the individual rights of those he defends. McNally says Summers is a man committed to criminal law.

Terry Gilbert of Cleveland is a member of the Cuyahoga County Criminal Defense Lawyers Association, a group to which Summers still belongs and once headed as president.

"My experience is (that) he is a good guy and a real fighter for his clients," Gilbert said.

He added that Summers has been thrown into controversial situations, but nothing that other lawyers do not experience from time to time.

Both the Cleveland and Cuyahoga County bar associations confirmed that Summers is a well-respected attorney in the area.

As for Summers himself, he says he is a man who "loves to get an excuse to make the Constitution work."

## Lawyers offer to work for free on bus case

The Kentucky Academy of Trial Attorneys is offering free representation to survivors and to relatives of those who died in a church bus crash near Carrollton.

Sharon Helton, executive director of the attorney group, said attorneys are willing to represent people who want to file lawsuits, insurance claims, and probate matters.

Normally, attorneys who file personal injury, wrongful death, or product liability lawsuits receive about one-third of the amount awarded their client, Ms. Helton said. But she said the attorneys will work for free.

Ms. Helton said the 1,300-member group agreed to do-

nate its help "because we're as much a part of the community as the other groups, like the Howard Johnson that gave free rooms."

Ms. Helton said the attorneys will not pay court costs such as fees for experts. For more information, call Ms. Helton at (502) 244-1320.

Twenty-four children and three adults died May 14 when a pickup truck slammed into the bus they were in.

Police say Larry W. Mahoney, 34, of Worthville, was drunk and driving the wrong way on southbound Interstate 71 when the accident occurred.

He is charged with 27 counts of murder.

MONDAY, MAY 14, 1990

# Bus trial overwhelmed jurors

By Jeanne Houck  
Kentucky Post staff reporter

CARROLLTON — A member of the jury that convicted Larry Mahoney overheard a conversation last week about a high school group going to Kings Island.

The conversation unleashed a flood of unwelcome memories about the seven weeks he spent last fall in a small Carroll County courtroom, listening to testimony about an outing to the

amusement park that ended in tragedy for a youth group from a Radcliff church. Twenty-four youngsters and three adults died when Mahoney drove into their church bus near Carrollton two years ago today.

"It's something you just don't wash out of your mind," said the juror, who spoke on the condition he not be identified. "I don't like to think about it. I don't even like to talk about it. It does bother me."

**'A lot of people thought we didn't do right, but they just don't know what we had to go through and what rules we had to an hv.'**

But the juror agreed to talk on the second anniversary of the crash to explain why jurors made the decisions they did, and how difficult the job was. This is the first time any mem-

the complicated jury instructions.

"A lot of people thought we didn't do right, but they just don't know what we had to go through and what rules we had to an hv."

## Carrollton bus crash: 2 years later

### Jurors

From Page 1K

were told later, a lot of lawyers couldn't even explain differences in the charges we considered. How were plain old country folks like us going to understand it?"

Nevertheless, "I do not regret anything as far as what we did," the juror said. "I regret having to serve, but I don't regret the decisions we made. I felt that we did the best we could and if anybody else could have done it better, they should have been in there."

The circuit court jury convicted Mahoney of 27 counts of second-degree manslaughter. The juror said the panel of six men and six women rejected murder charges for a number of reasons.

The juror said the panel understood that Mahoney was charged with wanton murder. But he said the fact that Mahoney did not mean to kill was important to the jury.

"To me, murder is something somebody does and has to have a little intent of doing," he said. "He has to kind of know what he was doing."

"I know the man was drunk and he was on the wrong side of the road and he did hit the bus. But that's not something he set out to do."

Another important factor was the condition of the bus owned by the First Assembly of God and the way it was used, he said.

"If that bus had been safer, there's no doubt in anybody's mind that more lives would have been saved," he said.

"It was built for one purpose, and that was to haul kids to school on. And this was just a totally different thing. It had a whole load of kids on an interstate and it was overcrowded."

"Even the kids themselves said they were lying on the floor and many of them said they got as far as the door and couldn't get out the back. They admitted they had to

crawl over the top of people. It was just the stronger of the bunch that survived. The weaker ones, they just couldn't make it out."

The juror said the panel was not as moved by defense contentions that the design of the bus was unsafe and the materials inside too flammable.

He noted that Ford Motor Co., which made the bus chassis, and the Sheller-Globe Corp., which made the bus body, built the bus to standards in place when it rolled off the assembly line in 1977.

He also said the flammability of materials in the bus probably was inconsequential because of the massiveness of the fire.

"In a fire like that, a seat of any kind, unless it's completely fire retardant, it's going to burn. And a gasoline fire will spread fast."

Mahoney testified that he was drinking beer the day of the wreck and that he secured a promise from a friend to drive him. But the friend said he gave Mahoney his keys after the defendant said he was going directly home. Mahoney also said he was unknowingly given what was apparently a vodka drink by another man.

The juror said the panel found Mahoney's account plausible.

"I would say there was probably some truth to it," he said. "There was a point there where supposedly one of his friends had said he would take him home or take him where he wanted to go. I mean, I've seen instances where a person has been drinking and stuff where if you know you're not going to be driving, then that just kind of takes the load off your mind. You're depending on someone else."

"And it's very possible (Mahoney) could have been slipped something that he didn't know he was drinking because you can drink vodka in a beverage and not know you're drinking it."

During deliberations, the jury also decided to convict Mahoney of 12 counts of first-degree assault, 27 counts of first-degree wanton endangerment, 14 counts of second-degree wanton endangerment and one count of drunken driving.

He said the jury knew it was in for criticism when it subsequently learned that Mahoney faced a stiffer penalty for first-degree assault than for second-degree manslaughter.

He said they thought the maximum 10-year sentence facing Mahoney on each manslaughter charge was too light.

He said he cannot remember how they agreed upon 16 years for each first-degree assault charge, each of which carried a maximum of 20 years.

But he said they decided that all the sentences should be served concurrently, for a total of 16 years, because they didn't feel Mahoney should be locked up forever.

"We could have sent him away for life. I mean, the man could have never gotten out," the juror said.

"He did wrong and he had to pay for it, but we didn't think the man needed to serve the rest of the time in the penitentiary. He's going to pay for it every day of his life."

The juror said the panel felt some sympathy for Mahoney, who wept several times during his trial. "That's just human nature," he said.

But he said the panel also hurt for the youngsters who survived the crash and the parents of the children killed.

Despite his problems with the trial, the juror had nothing but praise for the court officials.

"I think the defense and the prosecution did a good job," he said. "They both presented a good case."

"And I think Judge (Charles) Satterwhite did a wonderful job. He was the first judge I've ever in my life been involved with and I think he did a wonderful job keeping the court under control."

Over

The juror said the panel knew going in that they couldn't make everybody happy.

"Let's face it, any way we walked out of that courtroom, we were damned. We were damned on one side if we found him guilty, we were damned on the other side if we found him innocent.

"We just had to go with what we felt was right, and to me, that's what you're supposed to do when you're selected for a jury."

# Family says Mahoney has found religion

*Courier-Journal 5/27/88*  
Associated Press

CARROLLTON, Ky. — Larry Mahoney, who is charged with 27 counts of murder in a truck-bus accident, has become a born-again Christian and been baptized while recuperating from his injuries, his family says.

Mahoney has been devastated by the May 14 collision between his pickup and a church bus returning to Radcliff from an outing at Kings Island, his family said Wednesday.

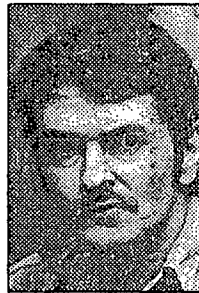
The family did not deny that Mahoney caused the accident, which killed 24 children and three young adults.

"Larry's a broke man now. He's simply broke. The only way he's got to go now is up," said his oldest sister, Judy O'Donovan.

His first wife, Janice King Mahoney, said the couple had reunited recently and had hoped to become a family again with their 15-year-old son, Anthony.

"I love my dad," the teen-ager said. "If God can forgive him, anybody else can."

Mahoney also has a daughter, Shawna Rae, 6, who must use a wheelchair because she was born with spina bifida, a birth de-



**Mahoney**

## Family reports Mahoney has found religion

Continued from Page C 1

fect also known as open spine.

"I'm totally devastated. I feel numb," Janice Mahoney said. "I wake up every morning and roll over and hope he'll be laying there and it will all be a dream. But then reality sets in."

The family was interviewed Wednesday after a hearing in which Mahoney, 34, was denied bond. They said they agreed to the interview because Mahoney has been incorrectly portrayed as a drunk and a murderer.

State police said tests of Mahoney's blood taken after the accident showed it contained 0.24 percent alcohol, more than two times the level at which a person is considered intoxicated in Kentucky.

Janice Mahoney said her former husband has no recollection of the accident, and was stunned when told by a doctor what had happened.

"The doctors said he might not ever remember," she said.

Family members portrayed Mahoney as a quiet, hard-working country boy who loved hunting and fishing and who wouldn't smoke in front of his mother.

"I love him better than anything,"

Mahoney's mother, Mary Mahoney, said through tears.

Perhaps above all else, Mahoney loved children, they said.

"If there had been a way to avoid hitting that bus, I know he would have taken his own life to do it," Janice Mahoney said.

See FAMILY  
PAGE 7, col. 3, this section

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# Bus crash probe looks at flammability mark

By Adam Condo

Kentucky Post Washington Bureau

WASHINGTON — A House subcommittee will question the adequacy of a 16-year-old flammability standard for school buses Wednesday during a probe of the May 14 bus tragedy near Carrollton.

Rep. Thomas Luken, D-Cincinnati, has scheduled two fire safety experts to testify at the hearing.

National Highway Traffic Safety Administration Administrator Diane K. Steed will respond to allegations that the 1972 safety administration flammability standard is not adequate, said Ben Cohen, staff counsel for the transportation, tourism and hazardous materials subcommittee.

Twenty seven people died when the church bus exploded in flames on In-

terstate 71.

Another fire safety expert slated to testify, Gus Sarkos, of the Federal Aviation Administration technical center in Atlantic City, N.J., said the aviation administration flammability standard on seat cushions is more stringent than standards for highway traffic.

The highway safety administration standard, established in 1972, applies to all newly manufactured vehicles, including school buses. There is no separate standard for buses.

Sarkos refused to speculate on whether more stringent standards would have saved lives in the May 14 Kentucky church bus tragedy.

But the fire resistant seats required by the FAA can delay the rapid spread of a localized fire, said Sarkos.

Those FAA standards were a direct

outcome of the fiery deaths aboard the Air Canada jetliner that exploded in flames at Greater Cincinnati International in 1983.

A spokesman for the highway safety administration conceded that his agency's flammability standards are not as stringent as the aviation administration's.

The same individual noted that the Kentucky church bus accident has caused the highway safety administration to review those standards to see if they need to be improved.

Also testifying Wednesday will be Dr. Jack Snell, director of the center for fire research for the National Bureau of Standards.

Cohen said that Snell has been asked to testify because the standards bureau has performed flammability tests on buses, including a transit bus

owned by the Washington, D.C., Metropolitan Transit Authority.

The standards bureau ignited the bus in 1975. That test caused the transit operator to upgrade its own flammability standards, said Cohen.

Luken will also hear testimony from James and Carolyn Nunnallee of Radcliff, parents of Patricia, 10, who died in the accident.

The Nunnallees have refused a \$700,000 settlement from Ford Motor Co. Instead, the family has requested that Ford take action of "make the buses safer."

"That money will never bring my daughter back. It's hard to turn down that amount of money, but if one other child was killed in an unsafe bus, we could not live with ourselves," said Mrs. Nunnallee in a telephone interview from her home.

# Mahoney to testify

By MARK CAMPBELL  
Kentucky News Editor

Defense attorneys for Larry Wayne Mahoney — the Owen County man facing 27 counts of murder in connection with the the worst alcohol-related traffic accident in U.S. history — confirmed yesterday the defendant will take the witness stand to tell his side of tragedy before the case goes to a Carroll County jury.

"I can tell you now, Larry will definitely testify before the end of the defense's case in chief," said William Summers, lead counsel for Mahoney, in a meeting with reporters yesterday afternoon.

"Our advice to Larry since May 22, 1988, (when Summers and his partners began representing Mahoney) and still is Larry's decision to testify is (the defendant's) decision ultimately. A person who happens to be a citizen has a Fifth Amendment right. That Fifth Amendment right is his to use or his to extinguish.

"He knows that," Summers added. "He understood it and all along he has been very emphatic that he wants to testify.

"In conversations last evening and today with (defense attorneys) Russ (Baldani) and Jack (Hildebrand) and I, it was just 'Bill, I've got to make the decision,'" said Summers.

"He's been a great a client to represent in that respect, but he wants to tell his story — he will tell

See: TESTIFY

Back Page, Column 1

## •Testify—

Continued from Page 1

his story," Summers added. "Obviously, he feels bad for all the people involved in this tragedy and the people of Carrollton.

"On our advice there was obviously nothing he could say until it was time for him to climb on that witness stand and I just always feel comfortable making that decision basically at the end of the case."

Summers said the defense will finish up with expert defense witness William Meredith today and then call several character witnesses before Mahoney takes the stand.

# Mahoney's lawyers shift case's focus to bus safety

By BILL WERONKA  
Staff Writer

2/12/89

CARROLLTON, Ky. — After losing a bid for a directed verdict of acquittal, the defense in Larry Mahoney's bus-crash murder trial began presenting its case yesterday, focusing as expected on bus safety and involuntary intoxication.

Defense attorney Russell Baldani had asked Carroll Circuit Judge Charles Satterwhite to dismiss all 82 counts but specifically noted the 27 murder charges and six of the 12 assault charges.

Baldani said the prosecution had not proven "extreme indifference to human life" to support murder charges, and that

the injuries sustained by six of the 12 children were not severe enough to warrant the assault charges. (Mahoney also is charged with 42 counts of wanton endangerment and one count of driving while intoxicated.)

In requesting the directed verdict, a fairly common defense tactic, Baldani was contending that the prosecution had failed to prove its case as required. But Satterwhite ruled that the jury should decide on all 82 counts when they get the case, probably next week.

Mahoney, 36, is accused of driving drunk the wrong way on Interstate 71 and crashing

See DEFENSE

Back page, col. 4, this section

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## Defense opens at Mahoney trial

Continued from Page One

head-on into the Radcliff First Assembly of God church bus. In the May 14, 1988, tragedy, 24 children and three adults died, and 12 children were seriously injured when the bus erupted into flames after the crash.

Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, called 107 witnesses and spent 11 days presenting the state's case from numerous angles. But he said yesterday that he had a very narrow focus on what he had to prove: that Mahoney was legally drunk and drove his pickup into the bus.

While Richwalsky said he felt he had succeeded, the defense obviously feels the issues are much more complicated. While Mahoney's attorneys do not argue that Mahoney was drunk and hit the bus, they contend that the lack of safety features on the bus contributed to the deaths and that their client was not wholly responsible for being on the highway drunk that Saturday night.

Bus safety was the first issue attacked during the testimony of state Fire Marshal John William Martin.

Martin acknowledged that the vinyl and polyurethane material on the bus seats was "very combustible" and contributed to the fire and the toxicity of the smoke, the two elements that caused the deaths. He also said more people would have survived if most of the bus's windows had not been jammed shut, if pop-out safety windows had been available or if the occupants had been better drilled in correct evacuation procedure.

But a cage around the fuel tank — required in the years after the 1977 bus was manufactured — would not have prevented the bus' leaf-spring assembly from puncturing the gasoline tank in this case, Martin said.

While saying he could not pinpoint exactly how the fire began, Martin seemingly nullified a defense argument that two girls who used lighters to light their way inside the bus after the crash contributed to the fire.

Martin said the fire had already begun and that the gasoline vapor had already been consumed before the lighters were used. The effect of the lighters, he said, would be similar to throwing a second match on a burning charcoal grill.

"If all the people on the bus lit lighters, it wouldn't matter?" Richwalsky asked, and Martin replied, "Probably not."

Mahoney's lead attorney, William Summers, also pointed out that the gasoline cap on the fuel tank was not a standard one and did not have a vent. Martin confirmed that such a cap would increase the pressure inside the tank, making the gasoline more volatile and forcing it out the puncture more readily.

Richwalsky attempted to counter a defense argument that the fire might not have occurred if the bus was using diesel fuel, which Martin had recommended in his report. While diesel fuel does not burn as readily, Richwalsky likened it to "napalm" and Martin agreed during questioning that once it begins burning, it may be worse than gasoline.

Summers also questioned two of Mahoney's friends.

Dennis Mefford, characterized as Mahoney's best friend, testified that Mahoney had been depressed about his poor credit rating just before the crash. The credit problem came after Mahoney declared bankruptcy because he couldn't pay "six-figure"

medical bills for his 7-year-old daughter, who was born with spinal bifida and is unable to walk.

The problem particularly bothered Mahoney, Mefford said, because it interfered with his attempt to reconcile with his former wife.

Mefford and another friend, Phil Downey, testified that Mahoney was not a heavy drinker. But Downey said Mahoney was extremely impaired when he left a friend's house late that night after drinking two glasses of vodka mixed with Diet Pepsi. Downey said Mahoney should not have been driving but that no one offered to take him home.

During Downey's testimony, Summers attempted to show that Mahoney was not sure what he was drinking because he was not told and because the Diet Pepsi concealed the flavor.

Summers said after court that Downey's testimony was used to support the defense's claim of involuntary intoxication.

Richwalsky debated the point, then said it did not matter whether it was beer or vodka. What matters, he said, is that the prosecution's expert had testified that Mahoney had



**Phil  
Downey**

Testified that  
Mahoney wasn't  
a heavy drinker

a blood-alcohol reading of .21 percent, twice the legal limit, at the time of the crash.

Summers admitted that the evidence was "unimpeachable," but said the case is based on "perfect science and imperfect science — what people are saying and doing."

Summers also called a witness who said that one of the prosecution witnesses who told of seeing a truck heading the wrong way on the interstate that night had been drinking.

Also testifying was Mahoney's 17-year-old son, Tony, and his mother, Mary. Both told of seeing Mahoney that Saturday, and Larry Mahoney's mother said he was not drunk when he stopped by her house that evening.

"I never saw him take a drink or bring it in the house," Mary Mahoney said.

# Crash victims struggle with pain-filled days

'It's hurting everywhere at once,' says mother

By Michele Day  
Kentucky Post staff reporter

LOUISVILLE — The pain 14-year-old David Walliser feels is mind-boggling.

His left arm and right hand are covered with third-degree burns he suffered when a church bus burst into flames in an accident near Carrollton. Less severe burns cover his ears, nose, face and throat.

"It's hurting everywhere at once," said David's mother, Kathy Walliser.

"They are not able to give any of the children enough medication that they don't feel it. They try to give them enough so they can cope."

Emotionally, David is coping with the pain of losing 27 friends, the

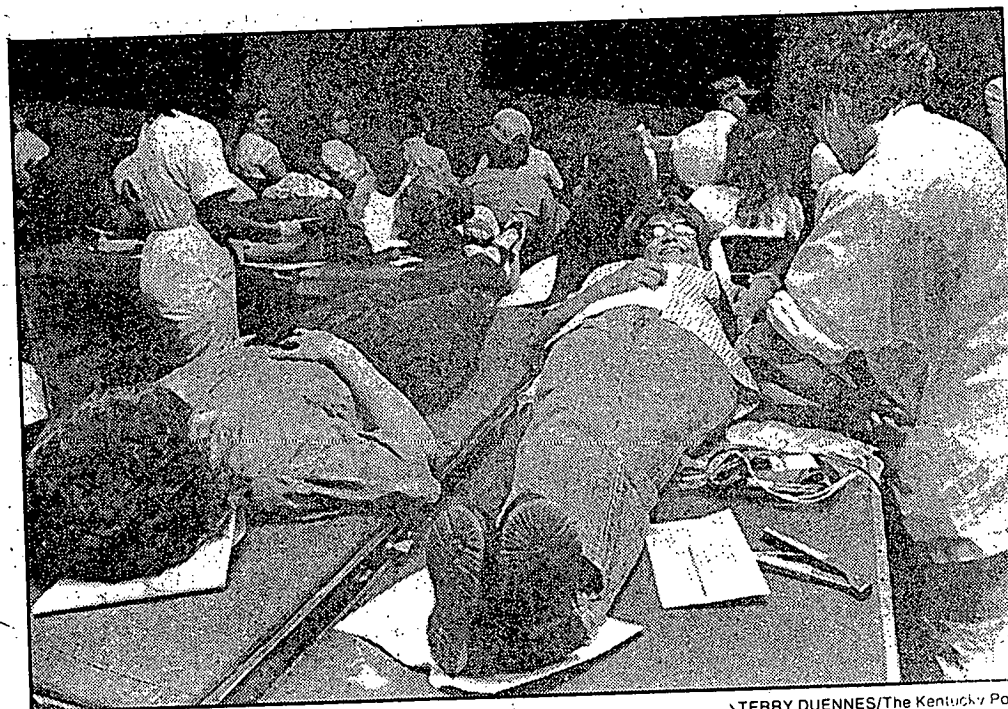
crash that scarred his body, but spared his life.

"In the beginning, he was in shock," Mrs. Walliser said from Kosair Children's Hospital in Louisville. "He just assumed the other bodies he saw were unconscious as he was for a while."

When he saw a news broadcast that said 18 had died, he asked his mother about John Pearman, Hardin County Circuit Court clerk and the bus driver. She nodded yes. Then David asked about assistant pastor Chuck Kytta. She nodded yes again.

"He closed his eyes and turned away. It was his way of signaling me that was all he could deal with at that point," Mrs. Walliser said. "It was just

Please see PAIN, 14K



TERRY DUENNES/The Kentucky Post

Donors lined up at the Prichard Community Center in Elizabethtown, just south of Radcliff, to give blood for victims of the bus crash that killed 24 children and three

# Pain

From Page 1K

this morning he found out about Emily Thompson. Basically, he's dealing with it person by person.

"Twenty-seven is too large of a number. It's overwhelming."

Doctors at Kosair Children's Hospital and Humana Hospital University in Louisville are still treating the physical and emotional wounds of 12 of the 40 survivors of the bus accident. Their injuries range from smoke inhalation to burns that cover from 2 to 60 percent of their bodies, said Dr. Frank Miller, a surgeon at Humana Hospital.

The severe burn victims like David face years of recovery.

Doctors must peel away the dead skin. They loosen it with ointments, scrub away loose skin with cotton gauze or scrape it off with a metal tool, Mrs. Walliser said.

David underwent his first skin graft Friday.

Surgeons removed a fine layer of skin from another part of his body, then sliced it into tiny pieces, perforated it like a fish net and graft it to the burned areas.

Doctors weren't able to start the grafts immediately after the wreck.

"Many of them, we had to delay grafting until we were sure their inhalation injuries were significantly improved," said Dr. Mary Fallat, a pediatric surgeon at Kosair Children's Hospital.

Inflammation in David's burns, a high fever and a racing pulse delayed his surgery, Mrs. Walliser said. He started physical therapy Thursday — flexing, extending, pulling each joint back and forth to assure he will have a full range of motion, she said.

Doctors fight infection by constantly redressing the wounds. The decaying dead skin can cause infection as much as outside germs, she said.

At first, the primary concern was smoke inhalation.

"For the first 24 hours, he was spitting up huge globs of black mucous," Mrs. Walliser said. "Since then his lungs are functioning exactly as they should be. He's off the respirator. He's breathing on his own."

Other survivors are recovering similarly.

"For the most part, we're pleased that the inhalation injuries are all getting better," Dr. Fallat said. She doesn't expect long-term injuries to the lungs.

But it's the emotional after-effects — for both the injured and their families — that may take longer to overcome.

"It's a shaky thing," Mrs. Walliser said. "Four of David's friends came up while he was in the tub (undergoing a skin peel). We were down the hall and I heard this screaming and I just flinched. I said, 'That's David.' He screamed again, and I said, 'We've got to get out of here.'"

"I didn't want to panic, but we just couldn't see him like that."

Three of the friends were on the bus with David. "I in no way want to add to those boys' fear or trauma," she said.

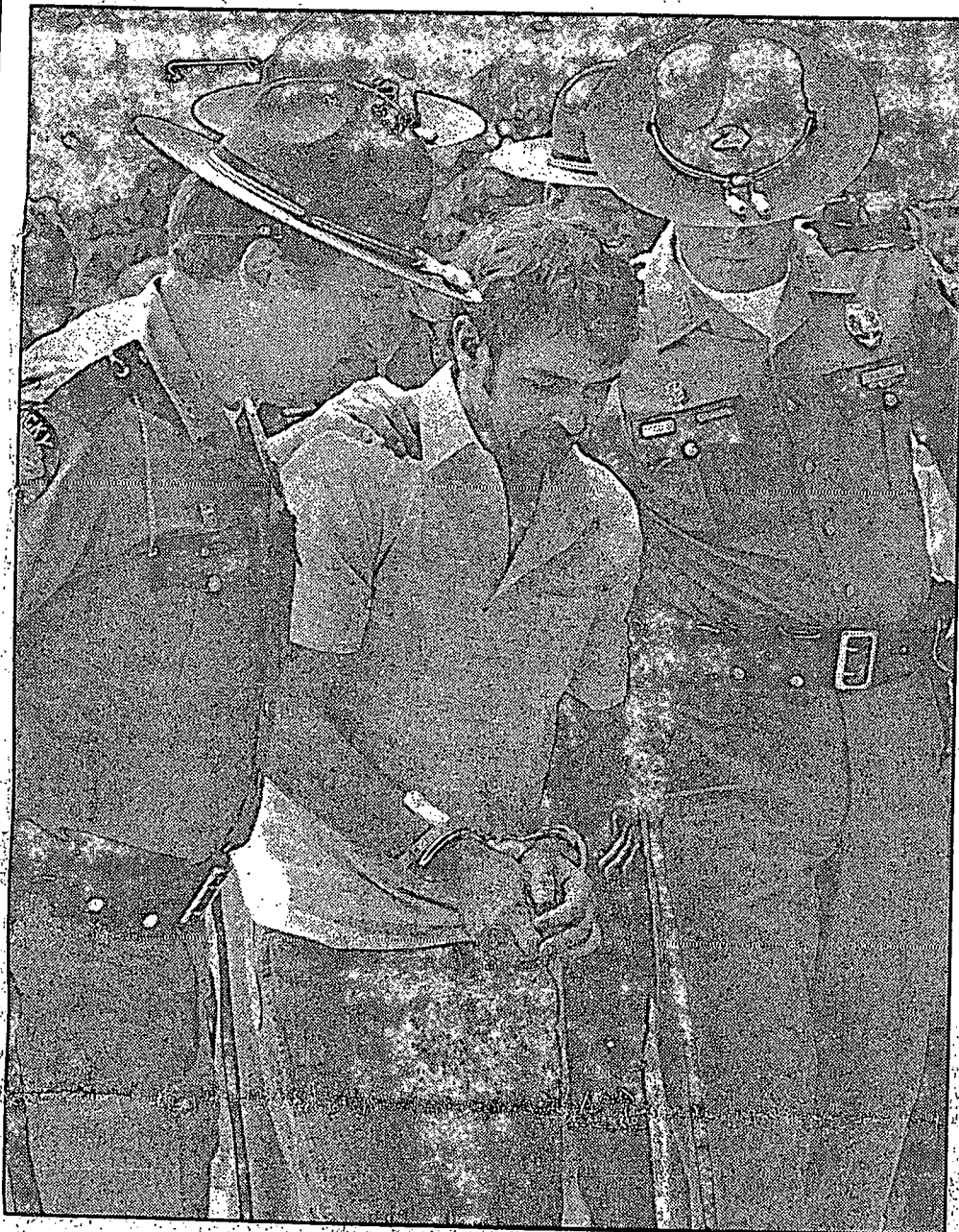
The survivors' parents cope by supporting each other, she said.

"In the beginning we couldn't talk. We'd look into each other's eyes and we'd hug

each other and all we could do was cry. I've seen real live anguish and tears. Sometimes, tears really are the only thing you can say.

"There was no pretense. There were no smiles. The parents have a very thorough understanding of what each of us is going through."





Larry Mahoney arrives heavily guarded for his arraignment on murder charges in Carroll County District Court.

TERRY DUENNES/The Kentucky Post

# Mahoney: 'Not guilty'

Kentucky Post 5/21/87

By William Weathers  
Kentucky Post staff reporter

**CARROLLTON** — Kentucky's chief law-enforcement officer sat facing Larry W. Mahoney as the commonwealth called Mahoney before a judge Friday afternoon to answer charges that he murdered 27 people.

Mahoney pleaded not guilty to all counts. He is accused of killing 24 children and three adults last Saturday night when he drove his pickup truck the wrong way on I-71 and crashed into the church bus in which they were riding. The bus was from First Assembly of God church in Radcliff.

Not guilty pleas are virtually always entered in murder cases at arraignments in Kentucky because of the seriousness of the charge and the presumption that the defendant is not prepared enough to competently plead guilty.

Attorney General Fred Cowan was seated at the prosecutors' table during the arraignment of Mahoney, a 34-year-old production operator for M&T Chemicals Co. here. With Cowan were Paul Richwalsky, whom Cowan had just appointed special prosecutor in the case, and Jim Monk, Carroll County attorney.

Cowan appointed Richwalsky, a former commonwealth's attorney in Jefferson County, because John L. Ackman Jr., Carroll County commonwealth attorney, suffered a heart attack this week.

Police have said Mahoney's blood-

alcohol level was 0.24 percent after the wreck. State law presumes a person with a level of 0.10 is drunk. Ackman has asked that Mahoney be electrocuted if found guilty, and Cowan and Richwalsky said the state will continue to ask for the death penalty.

Mahoney was released from Humana Hospital-University of Louisville just after 2 p.m. Friday. He arrived at the Carroll County Courthouse in a state police cruiser with four troopers at 3 p.m.

Hobbled by a leg injury and shackled at the wrists and ankles, Mahoney slowly made his way up the steps of the courthouse. He was dressed in a light blue and white striped knit shirt and blue jeans and wore only white socks on his feet. He was bruised around his right eye, and he was wearing a bandage on the inside of his right forearm.

Mahoney rose slowly, with others in the courtroom, as Carroll County District Judge Stan Billingsley entered. Gary Sergeant, a Covington attorney who said he was representing Mahoney for the arraignment only, waived the reading of all 27 charges of murder against his client. Monk, representing the prosecution, therefore read only one.

Kentucky State Police Capt. Neal Brittain said a detail of 10 troopers was

Please see **ARRAIGN, 14K**

**14K / Governor vows tough stance on drunken driving.**

# Arraign

From Page 1K

there to provide security. Everyone entering the courtroom was examined with a metal detector by a state trooper, while the trooper patted trouser legs and pockets of men and looked in the purses of women.

Three troopers stood directly behind Mahoney as he sat at the defense table with Sergeant and Ed Bourne. Bourne is a public defender from Owen County who was filling in for William Carter, a public defender from Carroll County who has been appointed to represent Mahoney. Members of Mahoney's family sat together a few yards from the defense table.

More troopers stood along the back wall of the courtroom as other armed officers stood outside.

Billingsley denied bail for Mahoney, saying, "The court finds that death is a possible punishment for the crimes alleged, and the presumption is great that he committed (the) crimes."

On a motion by the prosecution, Billingsley ordered that officers take Mahoney to the Kentucky Correctional Psychiatric Center in LaGrange for observation and evaluation to determine whether he is competent to stand trial.

Billingsley's order included a provision that Mahoney "shall not be permitted out of the sight or control of medical personnel or a guard, who shall take all necessary steps to prevent (Mahoney) or any other person from causing (Mahoney) harm or injury."

Monk declined to comment on whether authorities fear Mahoney might try to harm himself. Brittain said no threats against Mahoney have been reported to state police.

The judge ordered the Carroll County sheriff and state police to take Mahoney to LaGrange. Mahoney, again shackled, left the courthouse amid shouts of "Larry, we're with you" and "Hang in there, brother" from members of a group of more than a dozen friends and well-wishers.

Juanita White, a 35-year-old Carrollton woman, said she has known Mahoney as a kind friend for four years. Ms. White said she is praying for him.

"I had a problem with my son, and he (Mahoney) held my hand and let me cry," Ms. White said. She described Mahoney as a "very quiet, nice, loving person. He loves kids. He loves everybody."

Ms. White's sister, Jewell Wolfe, 39, said she has known Mahoney for at least 10 years



**Fred Cowan**  
Ensuring professional case



**Paul Richwalsky**  
Special prosecutor

"off and on. He's always been a shy type of boy. He never went out here and got in these hard fights on purpose."

After the arraignment, Attorney General Cowan said he offered Ackman assistance with the case before Ackman suffered the heart attack. Cowan said this is not unusual under Kentucky's system of prosecution. Cowan said Ackman might come back into the case after recovering from the heart attack, but added that this decision is up to Ackman.

Cowan said he, as an individual, is not prosecuting the case. He said his role "is to make sure it's done as professionally and competently as possible," as well as "dealing with victims" under the victims' advocacy division of his office.

Billingsley set a preliminary hearing for Mahoney for 1:30 p.m. June 2 in Carroll County District Court. A bond hearing is set for 11:30 a.m. Wednesday.

# Quest ends in tragedy for mother

## Ministers share in grieving with families of crash victims

By William Weathers  
Kentucky Post staff reporter

CARROLLTON — A telephone call just before midnight brought hours of terror for Debra Dame and other Radcliff parents.

Mrs. Dame's 11-year-old daughter, Lori Holzer, had spent the night with a friend so she could go to Kings Island with a church group Saturday. The church bus was expected back between 10 p.m. and midnight.

Not long before midnight, a member of the First Assembly of God Church in Radcliff called Mrs. Dame to tell her the bus had crashed. Mrs. Dame, a physical therapy aide in the Ft. Knox school system, quickly arranged for a friend from work to stay with her 14-year-old son and went to look for Lori.

She and other parents rushed the 35 miles to Humana Hospital University in Louisville, one of several medical centers treating the injured. Hospital personnel told her Lori wasn't there.

"They tried locating her in all the area hospitals," said Mrs. Dame, whose husband, Glenn, is an Army sergeant stationed at Ft. Knox. Lori's father, Franz Holzer, also is stationed at the Army base.

As the night wore on with no sign of Lori, Mrs. Dame's hope

flagged. It evaporated when she learned that two children who survived had seen Lori in the front of the bus, where the gasoline tank apparently exploded.

"I felt... I knew," Mrs. Dame said wearily during an interview here Sunday afternoon.

She returned to Radcliff after hospital personnel were unable to locate Lori by 5 a.m.

The church and the Army command at Ft. Knox arranged transportation to Carrollton later Sunday morning for families of children presumed dead. The families clustered in a special room at the Holiday Inn while a team of doctors tried to identify 27 bodies in the charred hull of the bus in the Kentucky National Guard Armory.

Dr. George Nichols, state medical examiner, met with about 60 family members about noon. He said he did not want them to view the bodies.

"The picture... of their children in that room is not what they have in their memories or wallets," he said.

As Nichols' team confirmed identities, army chaplains and local ministers notified next of kin, State Trooper Glenn Walton said.

U.S. Army Chaplain Jerry Weaver, who is stationed at Ft. Knox, said not knowing "who

survived, who was injured and to what extent" was excruciating for family members.

"We've just been, pretty much, talking with the people, allowing them to express their grief," he said.

"Some of them just like to sit and weep."

The Rev. Mike Sawalich, pastor of Mt. Sterling Baptist Church in Vevay, Ind., said the tragedy "does affect us all, especially within your Christian family."

Rev. Sawalich and Chaplain Weaver were among many clergymen who ministered to the families of victims. Seven of the clergymen were military chaplains.

The ministers, state police, Red Cross and others kept the families up to date and consoled them, Mrs. Dame said. Families began to return to Radcliff in mid-afternoon after they learned identification of all the bodies would not be completed Sunday.

## Teen's luck feels hollow in her heart

LOUISVILLE — Tracy Carney was a day late and \$50 short. It may have saved her life.

Even though she had to forgo an amusement park outing that turned into one the nation's worst bus tragedies, she could find only cold comfort in her personal good fortune.

"I guess I feel lucky," Tracy said Sunday. "But I've lost people I call my church family. These are people we've prayed with and cried with."

Hours after learning of the fatal crash, Miss Carney, 16, and William Darnell, 19, were at Norton Kosair Children's Hospital to comfort friends who lay burned in the hospital's wards.

"I was going with them," Tracy said. "But the \$50 my dad sent didn't get here until Saturday. It was too late."

Without the money, the dejected Tracy had to stay home.

William, who has attended five trips to Kings Island, was called into work unexpectedly.

William said he hurried to the hospital Sunday because he heard his sister was there. She suffered a broken collarbone and was treated and released.

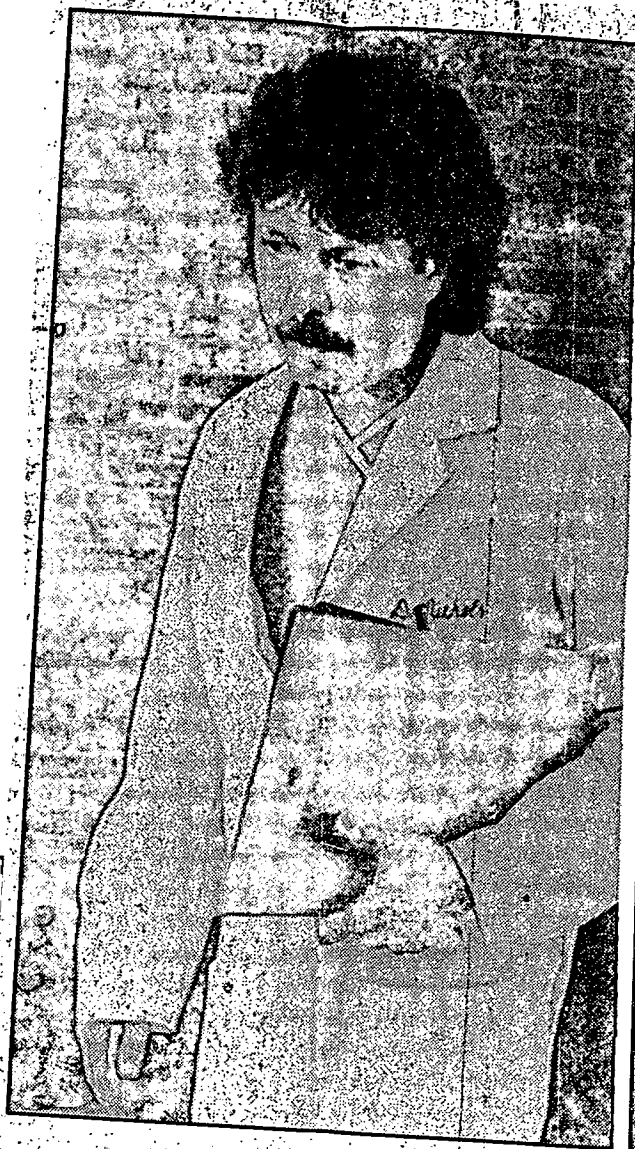
But William stayed at Norton Kosair to see injured friends and to learn the fate of others.

"I just pray to God to let them be OK," he said. "People tell you that someone is dead, but you can't accept it."

As Mrs. Dame telephoned relatives in the Poughkeepsie, N.Y., area and prepared to return home to Radcliff, she said the time of not knowing about Lori was over.

"I know that she's not with us any longer — that she's at peace."

Staff Reporter Crystal Hard-en also provided information for this story.



Kentucky State Medical Examiner Dr. George Nichols, left, and Capt. Neal Brittain of the Kentucky State Police leave a Carrollton motel after talking with the

The Associated Press

families of the 27 people who were killed Saturday night when a church bus from Radcliff was struck by a pickup truck on I-71.



# Jury instructed in Mahoney trial

By CHARLES WOLFE *mc 12/18/89*  
Associated Press Writer

Jurors deciding the fate of Larry Mahoney must find "extreme indifference" to human life in order to find him guilty of murder in a church bus crash that killed 27 people, according to a judge's instructions.

Instructions were given Tuesday to the panel, which was to begin its deliberations today about whether Mahoney, admittedly driving drunk and on the wrong side of the road when he crashed into the loaded bus, is a mass murderer.

Jurors were scheduled to receive the case after closing arguments from special prosecutor Paul Richwalsky and defense attorneys William Summers and Jack Hildebrand in Carroll Circuit Court.

Mahoney, 36, is charged with 27 counts of murder, 12 of first-degree assault, 42 of wanton endangerment and one of drunken-driving.

Twenty-four children and three adults died in the fire that engulfed the former school bus after Mahoney's pickup rammed it on Interstate 71, five miles south of Carrollton, on May 14, 1988.

Judge Charles Satterwhite told jurors they were "close to the end of a very long journey" as he delivered his instructions. They had sat through 17 days of testimony, which ended Tuesday afternoon.

Satterwhite gave the jury two alternatives to the 27 murder charges

— second-degree manslaughter, a Class C felony punishable by five to 10 years in prison, and reckless homicide, a Class D felony punishable by one to five years. In each case, a fine of up to \$10,000 can be imposed if a prison sentence is probated.

To convict Mahoney of murder, the jury would have to find that he had acted with "extreme indifference to the value of human life," under Satterwhite's instructions.

Richwalsky contended that Mahoney's actions — driving drunk and on the wrong side of an interstate highway — fit that description.

His lawyers conceded that Mahoney was intoxicated and driving north in the southbound lanes of the divided highway but contended that he did not deliberately get drunk. They also said the 1977 model bus was unsafe and that it was ultimately responsible for the deaths and injuries.

Murder is punishable by 20 years to life in prison.

On the other counts, jurors also would have options of second- or fourth-degree assault and second-degree wanton endangerment.

The lesser assault charges are a Class C felony and Class A misdemeanor, respectively. The lesser endangerment charge also is a

See: TRIAL  
Back Page, Column 5

Continued from Page 1

Class A misdemeanor, punishable by up to a year in jail and a \$500 fine.

Satterwhite told jurors they would be sequestered, spending nights in a motel under sheriff's guard, until reaching a verdict. In the event of convictions, a hearing to set Mahoney's punishment would begin immediately.

Once sequestered, jurors could not be released, even for Christmas, Richwalsky said.

No one could predict how long jury deliberations would last, said Richwalsky and another of Mahoney's attorneys, Russell Baldani.

Meanwhile, a consultant who says Ford Motor Co. sacrificed bus safety for profits was barred from conveying those allegations to Mahoney's jury.

But an appeals court may get to decide whether the exclusion Tuesday was proper.

The consultant, Byron Bloch of Potomac, Md., was to take the witness stand in an empty courtroom today — the jury will already be deliberating the case — to give testimony that Carroll Circuit Judge Charles Satterwhite excluded.

Bloch's comments would then become part of Mahoney's trial record and his exclusion likely would be raised as an issue on appeal if there is a conviction, said Baldani, one of Mahoney's attorneys.

A new trial could be ordered if an appeals court thought Bloch's testimony could have changed the outcome of the trial.

Bloch, who said he was an auto safety design consultant, told reporters he would testify that automakers "trade off burn deaths and burn injuries so as to increase their profits."

Automakers will estimate the number of burn deaths and injuries in a year, "then calculate out what the solution is to get rid of the fire hazard," Bloch said. "Oftentimes that is in the range of just a few dollars (per vehicle). In the case of the school bus, \$86."

Eighty-six dollars was what Ford, which made the bus chassis, charged to install a protective metal cage around bus fuel tanks, Bloch said. Cages became mandatory shortly after the Radcliff bus was manufactured in 1977.

Bloch was permitted to give brief rebuttal testimony for the defense on Tuesday, limited to the subject of bus safety statistics. Special prosecutor Paul Richwalsky objected to Bloch's testifying at all and sharply questioned his credentials.

Bloch said he is currently a con-



## Bench conference

Defense attorney Jack Hildebrand (left) meets with the court reporter, special prosecutor Paul Richwalsky and Carroll Circuit

Judge Charles Satterwhite during a bench conference Tuesday in the Larry Mahoney trial. (Pool photo by Todd Buchanan.)

sultant for the families of two crash victims — Shannon Fair and Patty Nunnallee — in a civil suit against Ford. The two families were alone in refusing to settle out of court.

Bloch said he voluntarily came to Carrollton "to shed enlightenment about the role of the school bus itself in what happened in this accident."

He was not subpoenaed, "nor am I being paid," Bloch said.

Richwalsky later described Bloch as an "activist," not an expert.

"Not only do I have a problem with his credentials and his background, I've got a problem with his ethics and the way he's conducted himself throughout the investigation of this tragedy," Richwalsky said.

Last March, all parties to the civil suit and their expert witnesses, Bloch included, inspected the wreckage of the bus and Mahoney's pickup, which have been kept in a warehouse in Carrollton.

Richwalsky said the inspections took "10 to 12 hours." Before Bloch left, "he had his picture taken, standing in front of the school bus, smiling — posing in front of a burned-out hulk of a bus," Richwalsky said.

The sight was "burned into my memory forever," he added.

Baldani said he had no reason to question Bloch's ethics, expertise or his concern for bus safety.

Satterwhite excluded most of Bloch's testimony because Bloch came forward late in the trial, offering testimony for which neither side had hired him, and the prosecution objected.

"My concern was that we not open this up to anybody in the world who may or may not know something about it," Richwalsky said. "This is not an open forum."

Baldani said he did not think the timeliness of Bloch's appearance should be an issue.

"The issue to me is relevance," Baldani said. "I don't think that it matters whether they were retained, or whether they offered their services."



# 16 years recommended for Mahoney

Continued from Page One

must serve at least eight years — minus the 5½ months he spent in jail before being released on \$540,000 bond — before becoming eligible for parole.

The jury recommended 16 years for each of the convictions for assault, which ironically carries a more severe penalty than second-degree manslaughter and labels Mahoney a violent offender. He must serve at least half that sentence.

The jury, which suggested all sentences run concurrently, recommended 10 years for each manslaughter conviction, five years for each first-degree wanton endangerment conviction, one year for each second-degree wanton endangerment conviction and 30 days for the drunken-driving conviction.

The recommended sentence, like the verdict, satisfied no one. It was less than the prosecution recommended and harsher than the defense's request.

The families of the victims expressed dismay at the weak message they said it sent to drunken drivers.

The tragic events leading up to the trial were set in motion on a Saturday night more than 19 months ago — May 14, 1988 — when a heavily intoxicated Mahoney drove his pickup on the wrong side of Interstate 71 and crashed head-on into a Radcliff First Assembly of God church bus. Flames erupted, and 24 children and three adults perished.

Twelve children were seriously injured; 27 escaped with minor injuries.

Mahoney's long-awaited trial began seven weeks ago. High drama and emotion drained the participants and observers during each of the 27 days it dragged on, as 126 witnesses testified and more than 150 pieces of evidence were presented.

It finally ended yesterday morning, no less emotional than when it began, as Mahoney heard the sentence that the jury of six men and

six women recommended after two hours of deliberation.

His friends and family, already weak from the trial's final emotional days, broke down once again as the recommended sentence was announced.

The victims' families were solemn and obviously upset yesterday. Ten of the jurors, plus one alternate who returned, accepted Satterwhite's offer of psychiatric counseling to help them cope with any problems they might have after the long ordeal.

Through a state police spokesman, they said they would not comment on their verdict.

The verdicts prompted no celebrations by anyone. Physically exhausted and emotionally drained, attorneys and families on both sides admitted to some minor victories but said there were no real winners — only losers.

"We started out facing the death penalty, and now we're facing eight years until a parole hearing. Sure we're pleased with the verdict. We beat 27 murder charges," Mahoney's lead attorney, William Summers, said. He was referring to the initial capital-murder charges against Mahoney.

But he said was not pleased with the verdict that involved a more severe penalty for the injuries than for the deaths. He said that would be the basis of an appeal he would file after Mahoney is formally sentenced.

Summers said he believed the jury realized their mistake and went above the minimum sentence of 10 years they could have recommended in order to cover that mistake.

Some of the victims' relatives agreed with Summers about the verdict's inconsistency — but from an opposite viewpoint. They desperately wanted a murder conviction and said the verdict's message almost gives drunken drivers permission to kill.

Assistant Attorney General Paul Richwalsky Jr., the special prosecutor for the case, also said he was disappointed with the recommended

sentence. He had asked for a 35-year term that would have made Mahoney eligible for parole after 13 years.

"I think all that carnage and devastation was worth more," Richwalsky said.

But his larger disappointment was not getting the murder conviction. Richwalsky said he would have felt more confident that justice was served and that the correct message had been sent out even if Mahoney had been convicted of murder but given the minimum sentence of 20 years.

"It would have been a more effective statement," Richwalsky said, adding that it would have made only two years difference in Mahoney's eligibility for parole — in 10 years instead of eight. "But in that sense, maybe it's not that significant a loss."

Richwalsky added, though, that not being able to get a murder conviction in such a horrible, high-profile case demonstrates how difficult it is to prosecute murder in a vehicular homicide.

Richwalsky's boss, Attorney General Fred Cowan, was on hand and commended him and the state police for the job they did in handling "probably the biggest criminal trial in the commonwealth's history."

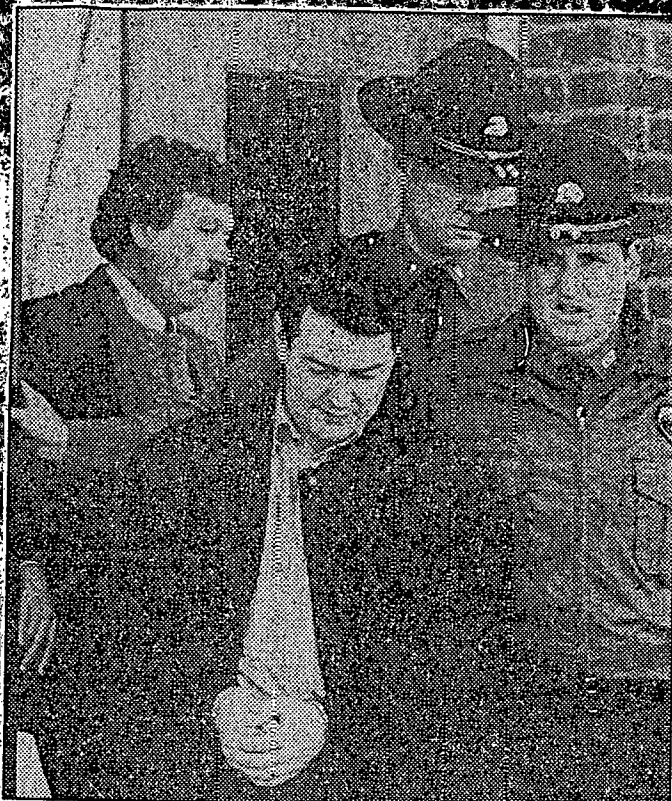
Cowan said he would continue to lead the "arduous fight" against drunken driving.

State police Detective Tony Moffit, one of the investigators in the case, said he had hoped for a murder conviction, especially during the holiday season when it is certain more people will be killed by drunken drivers.

Russell Baldani, another of Mahoney's attorneys, disagreed, saying he felt it would have been more effective to have Mahoney talk to children about the dangers of drunken driving than to lock him up.

Summers, who said he was too drained by the experience to comprehend the impact, said he would hold a news conference Thursday.

## THE SENTENCING



ASSOCIATED PRESS

Larry Mahoney was led, handcuffed, from the Carroll County Courthouse after yesterday's sentencing.

## 16 years proposed for Mahoney's term

By BILL WERONKA  
Staff Writer

CARROLLTON, Ky. — Larry Mahoney went to jail for Christmas yesterday, after the Carroll Circuit Court jury that convicted him of manslaughter instead of murder recommended that he serve 16 years in prison for causing 27 deaths in the nation's worst drunken-driving accident.

A pale and red-eyed Mahoney, who had spent Thursday night with his family, was obviously shaken by the recommended sentence. He was taken off to jail almost immediately after Carroll Circuit Judge Charles Satterwhite officially declared him guilty of 27 counts of second-degree manslaughter, 12 counts of first-degree assault, 27 counts of first-degree wanton endangerment, 14 counts of second-degree wanton endangerment and one count of driving while intoxicated — the verdict handed down by the jury Thursday.

Mahoney, 36, will be held in a local jail through Christmas, then be transferred to a regional facility to await formal sentencing by Satterwhite on Feb. 23. The judge can reduce but not increase the sentence.

If Satterwhite accepts the jury's recommendation, Mahoney

# 11 prospective jurors tapped as Mahoney case advances

By BILL WERONKA  
Staff Writer

11/14/89

CARROLLTON, Ky. — Jury selection in Larry Mahoney's trial moved along unexpectedly well yesterday afternoon after an ominously slow start beset by confusion and strong opinions earlier in the day.

Day four of selecting jurors to hear the case against Mahoney — who is charged with 27 counts of murder in the collision of a church bus and his truck that killed 27 people — began extremely slowly. Eleven of the first 16 prospective jurors were rejected during individual questioning.

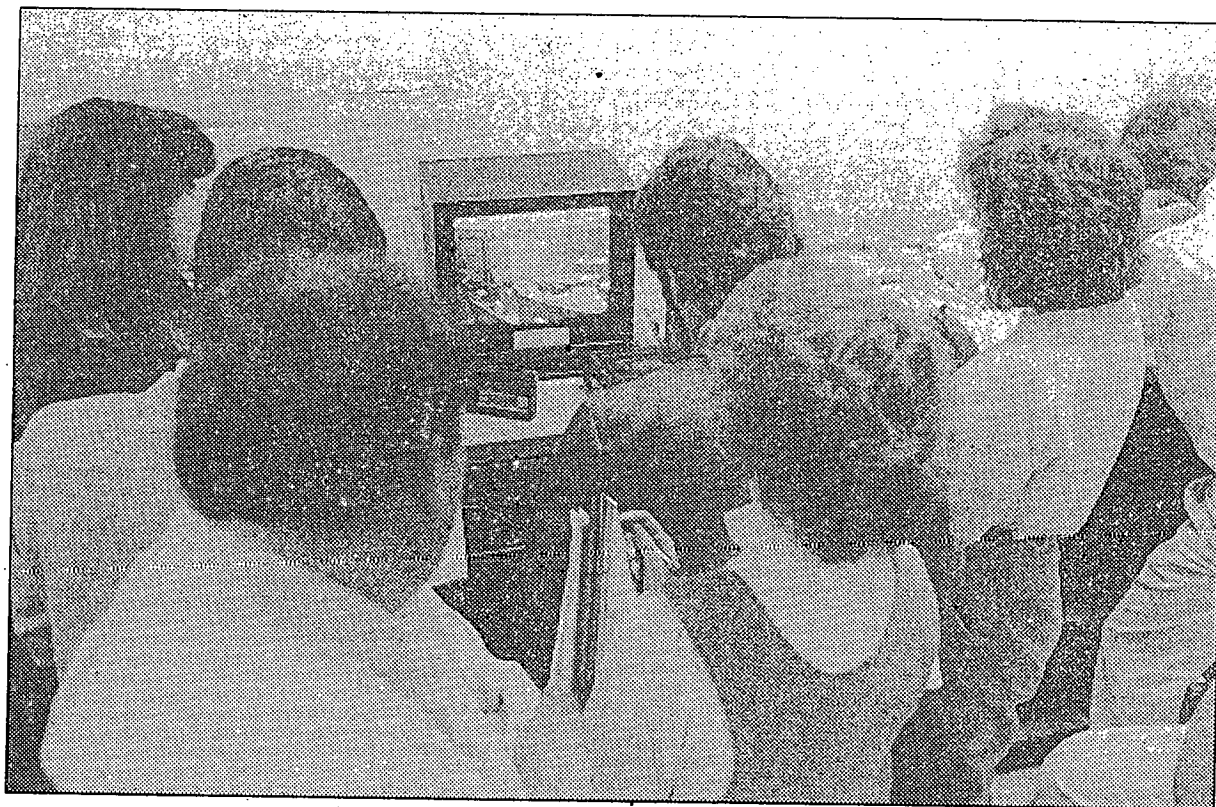
But things speeded up during the course of the 10-hour day, with six of the next eight chosen. In the end, which came about 7 p.m., 11 of the 24 interviewed had passed the second of three hurdles in the selection process.

"Frankly, I'm surprised. I didn't think we'd have this many today," said Assistant Attorney General Paul Richwalsky Jr., the special prosecutor for the trial. "It's going a little quicker than I thought. Like I said, it runs in streaks."

And those streaks can turn against the process, Richwalsky said, tempering his optimism.

"We could hit a dry spell and be sitting on this same number two days from now," he said.

Jack Hildebrand, one of Mahoney's three attorneys, was optimistic despite the fact that a majority of the potential jurors were accepted over defense objections.



ASSOCIATED PRESS PHOTO BY ED REINKE

**Reporters barred from viewing the individual questioning of potential jurors in the Larry Mahoney trial listened to the proceedings on television monitor that showed only an empty courtroom.**

"Obviously the two parties have different feelings about people," Hildebrand said. "It's difficult to say what will happen at the peremptory stage."

That will be the final step in the process that began last week in Carroll Circuit Court. For three days potential jurors were questioned as a group in open court.

The individual interviews that began yesterday are being held privately in a separate room. A television camera is focused on the empty courtroom while the sound from the TV set transmits the testimony for the media. That process will continue until about 31 people are accepted.

In the final stage, the defense will be allowed to

strike 10 potential jurors and the prosecution, six. At least 15 jurors, including three alternates, will be selected. Carroll Circuit Judge Charles Satterwhite is still considering having additional alternates because the trial is expected to take six to eight weeks.

The charges — which also include 42 counts of wanton endangerment, 12 counts of assault and one count of driving under the influence — were filed after a pickup truck that Mahoney was driving the wrong way on Interstate 71 near Carrollton hit the front of a bus used by the First Assembly of God

See 11 PROSPECTIVE  
PAGE 3, col. 5, this section.

## 11 prospective jurors are selected

Continued from Page B 1

church in Radcliff. The collision, on May 14, 1988, resulted in a blaze that gutted the bus.

More than half of the people interviewed yesterday said they were confused by the type of murder charges Mahoney faces or simply were opposed to those charges. Others expressed strong feelings for or against Mahoney that placed their impartiality into question.

Questioning over both issues slowed the process considerably, causing the interviews to run two hours longer than expected, even though only 24 of the 30 people called yesterday were interviewed.

The charge in question is wanton murder. It says that, when a person "manifests an extreme indifference to human life," including driving drunk, a person can be charged with murder and the prosecution does not have to prove intent.

One man said bluntly that he did not believe the law was just and that even a "bottle of Listerine" would cause some people to register legally drunk on a Breathalyzer test. In Kentucky, a blood-alcohol level of .10 is considered legally drunk. Mahoney allegedly had a blood-alcohol level  $2\frac{1}{2}$  times that.

A number of would-be jurors, some of whom were retained, required lengthy explanations before they said they understood the ramifications of the law.

"You're calling in people and confronting them cold about the law," Richwalsky said. "How many people sit around in their living rooms and think, 'Wanton murder. I wonder what that means?'"

The day started with a neighbor of Mahoney stating categorically that he could not find him guilty.

"He's done suffered enough," the man said. "Why keep dragging it

out? I can't sit back and judge this man about what happened a year ago. He's got to live with it, too. I'm not God."

He was excused, along with a member of Mothers Against Drunk Driving who said she would have a hard time not finding Mahoney guilty of something.

Two men who had been convicted of driving under the influence were interviewed. One was accepted, the other rejected.

Richwalsky said the man who was accepted "had all the right answers," along with openly admitting he had pleaded guilty to the charge.

"There's a school of thought that those people are a lot harder on subsequent DUI offenders than non-drinkers," Richwalsky said.

During the long day, people were questioned about their feelings on pretrial publicity, bus safety, drinking and driving, sympathy for the victims and the effects of the tragedy on Carrollton. On the latter, nearly all felt the impact had been negative and, when asked specifically about a sign that marks the spot of the crash, no one felt it was proper.

"Lots of people die on the highways," one woman said. "Who wants to be reminded by signs? One life is just as much a tragedy as 27."

People were dismissed for a number of reasons, ranging from medical problems to a "teetotaler" who had had five deaths in her family in the past year. One young woman, who got teary-eyed and broke out in a rash during questioning, was excused because she was too nervous.

Thirty more people are scheduled to be interviewed today and another 30 tomorrow. Satterwhite said all remaining potential jurors — those who have qualified and those who have not — will return Thursday morning and "we will decide where we go from there."

Courier Journal 5/21/85

# Bus crash splits public on drunken driving

By LESLIE SCANLON  
and KAY STEWART  
Staff Writers

## Finding the punishment to fit the crime proves no easy task

Jim Wooldridge suspects that prosecutors "are going to make an example" out of Larry Mahoney, the 34-year-old drunken driver who was traveling the wrong way on Interstate 71 when his pickup collided with a busload of Radcliff teenagers, killing 27 people.

By seeking the death penalty against Mahoney, the government is trying to "send out a message that we can't tolerate this," said Wooldridge, who works at the University of Louisville.

But the problem with that approach, said Louisville Patrick

Welsh, is past leniency for drunken drivers. "Society hasn't sent a message out that this is something we won't tolerate. And now we're going to the extreme" — the death penalty.

For much of the last two weeks, the May 14 bus crash near Carrollton has prompted discussions at lunch tables and on radio call-in shows on what can be done to prevent drunken driving and how drunken drivers should be punished.

In the early 1980s — when Mothers Against Drunk Driving became active in the state and the General Assembly passed the "slammer bill" imposing tougher penalties for drunken-driving convictions — the number of fatal traffic accidents involving alcohol dropped, from 365 in 1983 to 289 in 1985.

In recent years, however, the number of deaths caused by drunken drivers began climbing again — last year's fatalities were up to 359.

While there's widespread agreement that intoxicated people should not drive, public opinion appears divided over how harshly to treat drunken drivers involved in fatal accidents — and how to stop people from drinking and driving.

Lois Windhorst of Jefferson County, a founder of Mothers Against Drunk Driving in Kentucky, said she is angry that it took a tragedy like the bus crash to draw attention to the problem.

"We have been telling people about crashes that happen every day," Windhorst said. "But it took ... 27 lives snuffed out in a second"

See DRUNKEN-DRIVING  
Back page, col. 1, this section

# Drunken-driving problem divides the public

Continued from Page One

for people to become outraged. "We are losing people today still because of drunken driving. That bus crash didn't stop it."

Sandi LeMaster, president of the Boyd County MADD chapter, wants judges to enforce the penalties in the slammer bill consistently.

If people know they're going to get a tough fine and maybe jail time for a conviction, "They're going to think twice" before they drink and drive, said LeMaster, whose 2-year-old grandson was killed by a drunken driver in 1985.

Some lawyers in Jefferson County, however, say juries won't be fair to drunken-driving defendants because of the emotional impact of the bus crash. They point to a case decided six days after the accident. In what Jefferson District Judge William Knopf called "the toughest jury verdict I've ever seen," jurors recommended the maximum sentence — a year in jail and a \$1,000 fine — for a man convicted for the third time of drunken driving.

Sterling Neal, who represented the defendant, said the crash contributed to an "atmosphere of hysteria" that led the jury to recommend the maximum penalty.

But the jury foreman, Walter Cronin, said the bus crash wasn't an influence. He said the maximum penalty was appropriate because the defendant — Henry Owens III, 46, of the 1200 block of South 26th Street — apparently didn't get the message from his previous convictions.

After that verdict, attorney Elgin Crull asked Knopf to reschedule a trial against a man facing his first drunken-driving charge.

"I don't believe any defendant can get a fair and impartial jury trial," Crull said, asking that the trial be delayed "at least a month until things die down."

Knopf said he couldn't reschedule all drunken-driving cases, because of a clogged court docket. He told Crull he could question jurors to determine if any were prejudiced by the bus crash, adding, "I believe your client can get a fair trial."

Attorney Murray Porath said he won't take a drunken-driving case to a jury in the aftermath of the accident. "There's no way anyone wasn't affected by that accident," he said.

At Louisville's Phoenix Hill Tavern Thursday night, a group of co-workers had gathered for a drink after work. One of them, Tom Sparks, said the crash reinforced the message: "Don't get bombed and drive."

His co-workers said that roadblocks and the Traffic Alcohol Patrol (TAP) program help deter drunken driving, but they added that bartenders and many drinkers also have become more cautious and responsible.

Earlier in the day, several people eating lunch at the Galleria in downtown Louisville expressed doubt that the bus crash will permanently change Kentuckians' attitudes towards drinking and driving. When media coverage of the crash "starts

to die down," said bank employee Laura Doucette, accidents involving alcohol will "start picking up again."

Opinions also are sharply divided on whether drunken drivers involved in fatal accidents should be prosecuted for capital murder.

When WVEZ-FM disc jockey Joe Fedele asked listeners on May 19 to express their views, about half the callers thought prosecutors should seek the death penalty against Mahoney and half believed "we ought to have sympathy for him because he has a family, too, and he's a human being," Fedele said.

On WHAS radio, Milton Metz fielded three hours of calls on the subject May 18 and said he "had every kind of opinion imaginable."

"There was a lot of anti-drinking" sentiment, and only a few people saying that Mahoney "wasn't such a bad guy."

But several people said in interviews that they were uncomfortable with the prosecutors' decision.

"I don't see it (the bus crash) as a premeditated murder," said bank worker Bruce Flannery.

Tom Spalding, a computer operator for Brown-Forman distillers, pointed out that a Carroll County man who killed two people with an ax in 1985 was convicted only of first-degree manslaughter.

Spalding's co-worker, Harry Mudd, agreed. "To me, the death penalty applies to someone with malice and full intent to kill somebody, which this guy didn't have. He just acted with extreme irresponsibility."



# Chief says tragedy worst he had seen in 20 years

By William Weathers  
Kentucky Post staff reporter

CARROLLTON — Campbellsburg Fire Chief Dennis Brown discovered the full horror of the tragedy here when firefighters opened the back door of the long, yellow church bus.

In the aisle in the center of the bus were bodies of children, three to four deep for a length of about two bodies.

Some were on seats.

Some were piled on top of others.

All were charred black.

"It was bad," Brown said, worse than anything he'd seen in 20 years as a firefighter.

The Campbellsburg Volunteer Fire Department arrived at the scene about 11:10 p.m. Saturday — 15 to 20 minutes after a Toyota pickup slammed head-on into the bus.

Flames ran along the full length of the bus on both sides, leaping 3 to 4 feet from the windows, Brown said.

As Brown approached, he could see injured children scattered behind the bus for about 100 feet.

At the edge of the median, he saw six to eight teen-agers whose faces showed clearly the blisters of third-degree burns.

"There were victims all over the highway that had been burnt," he said.

"I could see these kids lying up and down in the median."

Charlie Main of the Eminence Fire and Rescue Service

'The children were hurting and frightened and in shock because of their friends.'

— Charlie Main,  
Eminence Fire  
and Rescue Service

already was on the scene.

"Everything was happening all at once. A helicopter was coming in. There was quite a lot of hysteria," he said.

"The children were hurting and frightened and in shock because of their friends."

Passersby stopped to help, said Ed Webb, director of the Carroll County Ambulance Service.

"You had people down on their hands and knees, holding people that were hurt, trying to comfort them," he said.

"There was a lot of confusion."

Injured children were in the emergency lane, slow lane and median of the highway, Webb said.

Most were teen-agers — between 12 and 17.

Many were crying.

Webb and other rescue personnel tended to the most criti-

cally injured first.

"We tried to get the patient on sterile burn sheets, and if they had a respiratory problem, give them oxygen," he said.

The driver of the pickup truck, Larry W. Mahoney, was trapped in the wreckage briefly, Brown said.

Rescue personnel had to pry the truck apart to remove him.

The Campbellsburg firefighters virtually extinguished the flames on the bus within 10 minutes, according to Brown.

He believes the fire started when the pickup rammed the front axle of the bus a full six feet into the body of the bus.

The truck sheared off most of the right front fender, then struck the double passenger doors at the front, he said.

The gasoline tank of the bus was just below and behind those doors.

The passengers in the rear of the bus probably were the ones who escaped, Brown said.

"It was a terrible experience. It was a bad situation."

Brown recalled one of the more emotional moments of the experience.

"One of the little girls talked to one of my officers and said the only reason she made it was Jesus was with her."

Staff reporters Crystal Harden and Connie Remlinger also provided information for this story.

# Rural hospital schooled in disaster

Carroll County facility 'just off the expressway; we get a lot of trauma'

By Peggy Kreimer

Kentucky Post staff reporter

CARROLLTON — Lab technician Dennis Green grabbed his green hospital gown and headed for Carroll County Memorial Hospital when he heard emergency calls crackling on his radio scanner.

Admitting clerk Jean McAllister got to the parking lot 10 minutes after a disaster call awakened her late Saturday.

Nurses and other hospital workers heading home from the second shift turned around and went back to work when they heard of the fiery church bus accident.

"Within the first few minutes, we started filling up," said Dr. Jeff Campbell, medical director of the hospital. "It seems everybody and his brother has a scanner around here."

"We're just off the expressway. We get a lot of trauma."

Another church bus accident on Interstate 71 in July 1983 honed the rural, 44-bed hospital staff's disaster response plan. Hospital personnel treated 18 patients after a charter bus ran off Interstate 71 two miles north of Carrollton and plunged down a 350-foot embankment.

Each new tractor-trailer collision, van crash or other vehicle accident refines the response, said nursing director Jan Woods.

Just about everyone in Carrollton knew the first stop for the teen-agers injured in the fiery collision between a pickup truck and a busload of teen-agers returning to Radcliff from Kings Island Saturday would be the Carroll County hospital.

"It was a quiet situation. There was an air of reverence. You'd hear the moans and cries of the children. And it was just everyone in the hospital doing their job."

— Joe Marlette, X-ray technologist

The hospital immediately mobilized a phone tree. Hospital personnel alerted department heads, who called their workers. The tree keeps the hospital phone lines free for emergency calls.

Doctors, nurses, therapists, billing clerks and kitchen workers quickly converged on the hospital. Within minutes the cafeteria, respiratory and physical therapy rooms and the emergency room were set up as treatment centers with doctors and nurses assigned.

Shortly before 11:30 p.m., the double doors of the emergency room burst open and ambulances started unloading. Within minutes, the hospital staff was treating 24 patients — some badly burned, some with broken bones, many suffering from smoke and heat inhalation.

"They just kept bringing them in in wheelchairs and stretchers," said Joe Marlette, chief X-ray technologist.

Volunteers notified parents and helped children who were able talk with them by phone. The hospital halls were a blur of movement.

"It was a quiet situation," Marlette said. "There was an air of reverence. You'd hear the moans and cries of the children. And it was just everyone in the hospital doing their job."

Green, the lab technician, helped in the emergency room. He was impressed by how well the teen-agers handled the disaster.

"I didn't see any hysteria," he said. "In the cafeteria there was a small group holding hands with their heads bowed. I think they were praying."

"I worked with one girl. Her arms and her face were burned up. And she was apologizing for crying."

By 3 a.m., eight of the most critical patients had been stabilized and transferred to hospitals in Louisville. The rest were released to their parents by 5 a.m.

In less than six hours, the emergency was over.

"We haven't quite settled down yet," Mrs. Woods said late Sunday afternoon. "After it's over, you don't sleep."

## Carrollton collision among nation's deadliest bus

Associated Press

Here is a list, drawn from Associated Press files, of the worst recent domestic bus accidents.

■ A speeding Starline Sight

## Victims' names withheld until all identified

Associated Press

# Carrollton collision among nation's deadliest bus wrecks

Associated Press

Here is a list, drawn from Associated Press files, of the worst recent domestic bus accidents.

■ A speeding Starline Sightseeing Tours coach wrecked in a California canyon on May 30, 1986, killing 21 passengers. The driver was sentenced to four years in prison.

■ A tour bus carrying mostly senior citizens from Dallas to Branson, Mo., plunged into a 40-foot ravine near Jasper, Ark., on June 5, 1980, killing 20 people and injuring 13.

■ A commuter bus crashed through a guardrail near Quantico, Va., and down an 80-foot embankment into a creek on Feb. 18, 1981, killing 11 people and injuring 13.

■ Raging floodwaters of the Guadalupe River in Texas carried away a bus and a van carrying 43 people on July 17, 1987, killing 10 teen-agers from a church camp.

■ A high school wrestling

## Victims' names withheld until all identified

Associated Press

CARROLLTON — A list of victims in the church bus accident that claimed 27 lives Saturday night will not be released until all victims have been identified, according to officials.

An autopsy team headed by Dr. George Nichols, state medical examiner, was expected to resume work this morning, said Glenn Walton, a state police spokesman.

"We're not releasing a list until we have all the names and next of kin have been notified," he said.

Bodies will be kept in a portable morgue — a

refrigerated tractor-trailer — before and after autopsies, Walton said.

Nichols said his crew is using dental records to match names and victims. The bodies were too charred to check identifications any other way, he said.

"No one is positively identified," Nichols said in the afternoon. "I don't know how long it will take."

Preliminary autopsies on 22 victims indicated that each died from smoke inhalation, Nichols said.

"It's been a very draining experience, physically and mentally," said Walton.

team's bus collided with a tanker truck near West Glacier, Mont., on Jan. 21, 1984, killing nine people aboard the bus and injuring 19.

■ A bus carrying school children to a state convention left a rural road near Uno, Ark., and overturned on March 25, 1983,

killing four students and five teachers.

■ A bus carrying worshippers to a Christmas revival collided with a truck near Devers, Texas, on Dec. 24, 1983, killing nine people and injuring 14.

■ A Continental Trailways bus

rammed the rear of a truck near Livingston, Texas, and plunged 40 feet into a creek on Nov. 30, 1983, killing six passengers and injuring the driver and five others.

A tractor-trailer and a bus carrying mentally retarded and handicapped adults crashed

near New Berlin, N.Y., on April 5, 1983, killing five passengers and injuring 16 others.

■ A truck crossed a center line and slammed into a school bus near Snow Hill, N.C., on May 31, 1985, killing five children and injuring 20.

The worst bus accident recorded in the Guinness Book of World Records occurred in 1973 in Egypt, when a bus plunged into a canal, killing 127 people.

What is believed to be the worst bus accident in U.S. history occurred on Sept. 17, 1963, when a bus collided with a train near Salinas, Calif., killing 32 farm workers.

On May 21, 1976, a school bus carrying 53 Yuba City, Calif., High School students plunged off a freeway ramp near Martinez. Twenty-eight students and a teacher were killed.

Thirty years ago, a school bus from Prestonsburg plunged into the Levisa Fork of the Big Sandy River on Feb. 28, 1958, killing 26 students and the bus driver.

# Carrollton

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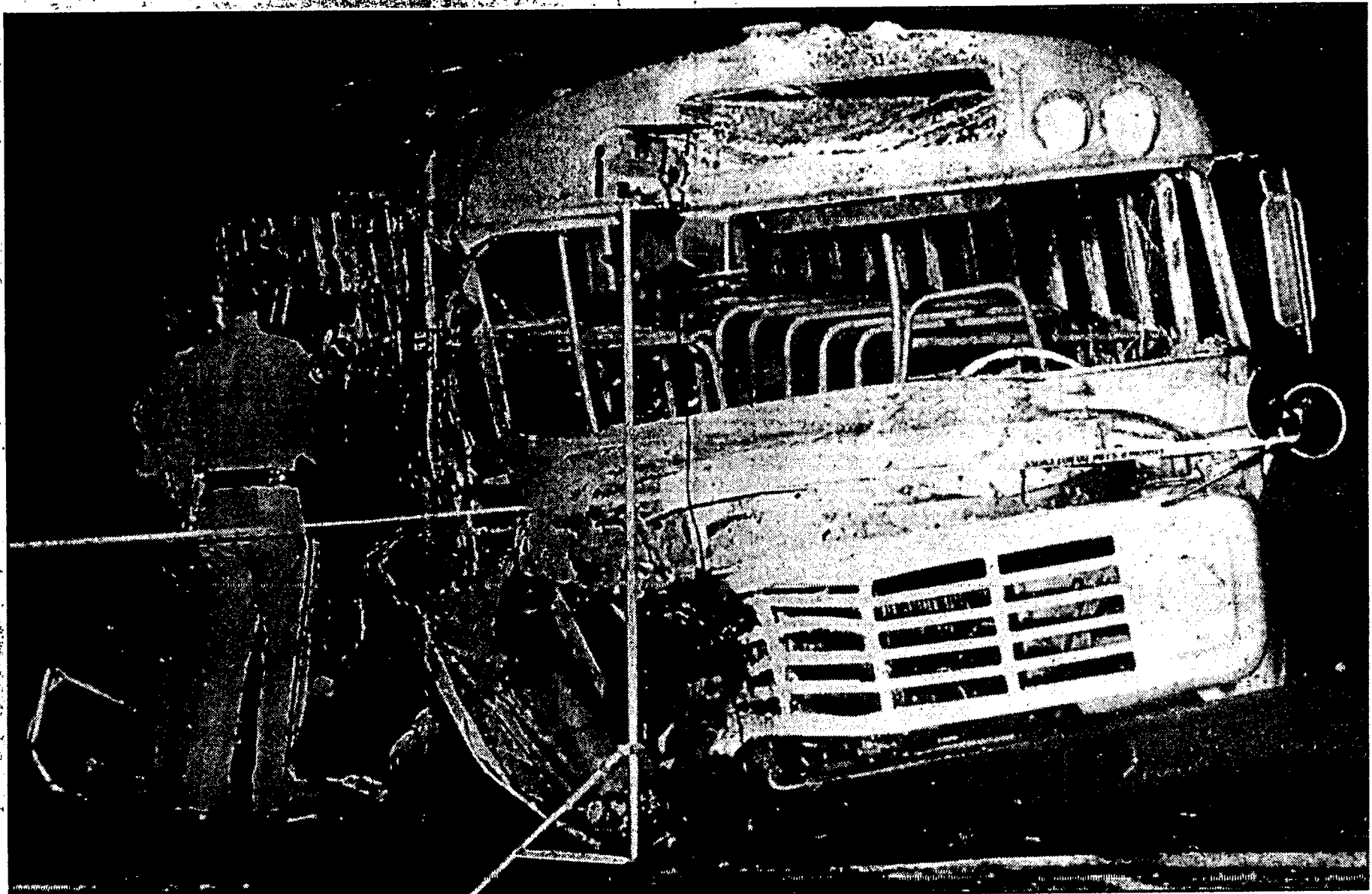
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The Associated Pr

A police officer videotapes the charred wreckage of a church bus that was struck by a pickup truck heading the wrong way on I-71 near Carrollton Saturday night.

The bus burst into flames, killing 27 people. Investigators Sunday discovered the fuel tank of the 1977 Ford bus had ruptured on impact.

## Buses

fuel system.

"As a matter of fact, the gas tank by the '77

ble size.

Guess disputed assertions that school bus

## MAHONEY'S 'NIGHTMARE'



**"I think about it, not every minute, but every second. I think about those children, those families."**

By BILL WERONKA  
Staff Writer

WORTHVILLE, Ky. — Larry Mahoney is very familiar with imprisonment.

The country boy from Owen County — labeled a mass murderer for his role in the fiery

church-bus tragedy that claimed 27 lives on May 14, 1988 — has been locked up ever since, a prisoner of his own mind.

"I think about it, not every minute, but every second. I think about those children, those families. They're always there; they're never going to leave." For five hours Tuesday night, Mahoney retraced his physical and psychic journey into this nightmare. He traveled the same dark country

■ Deliberations start. Page B 1.

See 'I THINK'

Back page, col. 1, this section

## 'I think about it, not every minute, but every second'

Continued from Page One

roads where it began, pointing out his stops and describing the people he met along the way that Saturday night.

Interviewed at a close friend's house, one of the few places he still feels comfortable, Mahoney painfully bared his soul, attempting to explain how he has been irrevocably changed, how he copes and how he will survive whatever the future holds.

The jury in Mahoney's murder trial began deliberating his fate yesterday. He is accused of driving drunk the wrong way on Interstate 71 and crashing head-on into the Radcliff First Assembly of God church bus.

Since he was released from jail five months after the accident, Mahoney hasn't gone out in public often. There is always the fear, he said, that someone will come up and call him a murderer. And when he is out, he knows people stare and it makes him uneasy.

All his feelings have been amplified since the trial began.

"I don't even hear what they're saying part of the time because I know I'm sitting there with the people from Radcliff and the children.

"They said they hate me, that I'm a murderer. I would feel the same way, I guess. I don't move around because I know they're staring at me. I can feel it, and I'm thinking about what they're thinking."

Knowing that he eventually would testify and apologize to the families, he said he tried to think about what to say and came up with something new each day.

"I waited 18 months to do it," he said. "I don't know if the people believe it, but I told the truth. I don't lie. You can't make me lie, no matter what it means for me. I won't lie to get out of something."

"The apology didn't come out like I planned. The night before I asked for God's help and then it just came out the way it did."

Some aspects of the trial have bothered him. He said he felt the families should not have been subjected to hearing the details of the tragedy "over and over and over."

He also said he went into the trial thinking everybody would just tell the truth, but feels Assistant Attorney General Paul Richwalsky Jr., the special prosecutor, did not "do some things because he was afraid what he would find."

"Plain and simple, he's defending Ford Motor Co.," Mahoney said of the church bus's manufacturer. "I know he's got a job to do, but, to me, I think the prosecutor and the state has set me up."

"Before this trial I didn't know much about buses and or any of this stuff. But I feel the public should know about the buses their children ride on. He (Richwalsky) wouldn't let that come out."

"I know I was drunk and I caused the accident, but I thought the trial would bring all the truth out in this case. But he (Richwalsky) just doesn't want all the truth out."

Richwalsky has argued that the issue of bus safety was not in question in the trial, as the defense had contended.

Now looming in front of Mahoney is the prospect of prison.

"It's in my mind that I might go to jail, but another part of my mind says everything will come out all right," Mahoney said. "If I have to go to prison, I'll have to deal with it. I don't want to, but there's nothing I can do about it."

"I spent five months in jail. By the third month I didn't think I would get out and it dawned on me I better get used to it. You don't really get used to it; you learn to live with it, take one day at a time. People say they won't do this or won't do that, but you may have to do a lot of things before you die."

Life in prison is something Mahoney cannot quite grasp, however.

"That would be hard," he said. "I've tried to picture it in my mind but I don't know how I could deal with it, being locked up for years and years."

As he testified last week at his trial, Mahoney said in the interview that he does not remember any of the crash.

"I don't know what happened to me," Mahoney said. "I couldn't tell you I was drunk or how I got drunk. I still don't really know. The blood samples are a fact, though, and that was my black pickup truck."

He remembers his last stop. He remembers drinking and choking or a clear liquid that was given to him and asking for some Pepsi to get rid of the taste. His attorneys say he was given straight vodka, then more vodka mixed with a soft drink.

Mahoney does not know. He has no memory from that point until he awoke in his room at Humana Hospital-University of Louisville the next day, suffering numerous injuries, including a punctured lung, a bruised heart and a severe concussion.

He awoke in pain, knowing something was wrong, but not exactly what. The faces of the people he had been with the previous night "popped into my mind," but that is all he knew.

There was something else, though — an odd feeling he had never experienced.

"I really don't know how to explain it," Mahoney said. "When I woke up in the hospital I felt different, not like I ever felt before. It was a good feeling, like somebody was watching over me. I know now it was God, because they told me later I should have been dead. That's the reason I came through. I got no other explanation."

That sudden realization of faith, Mahoney said, proved to be his salvation during the ordeal that followed because no "good feelings" were forthcoming.

Mahoney's sister, Judy, first told him about the crash and the deaths. But the facts were too unbelievable to grasp and he drifted in and out of a drugged sleep hoping it was a dream, Mahoney said.

"It was like a bad nightmare," he said, "and still is. I felt like it was a nightmare really. I kept telling myself, 'Wake up, I've got to wake up.' But I never did, and still haven't."

Still in his hospital bed, he was charged with murder and confronted with the prospect of the death penalty. After his arraignment he was taken to the Kentucky Correctional Psychiatric Center near La Grange.

Housed in a small room with a concrete bed covered with a thin pad, "All I could do was stand or lay down; that's all the room there was," Mahoney said. "I hurt and that made it worse."

But that was not the worst part. His room was next to a television.

"I was hearing all this stuff about the death penalty," Mahoney said. "People said there was no way I would get it, but I knew about the 27

that died and I had no idea what happened.

"I laid there at night and dreamed about them leading me to the electric chair. I dreamed about the penitentiary. I thought I was going to blow up."

Mahoney went from the center to the Oldham County Jail. Five months after the accident, he was released on bail and went to live with his parents. He returned to his job as a chemical worker at M & T Chemicals in Carrollton and helped his father on the farm.

Despite having time on his hands, he said he never considered suicide, even after watching a fellow prisoner in an adjacent cell in the Oldham jail try to hang himself.

"It never crossed my mind," Mahoney said. "I heard they thought I might try to commit suicide, and I had chances and more than enough reasons. But that's not me. I wouldn't do something like that."

His faith helped through the long months that followed.

"God took me through this; that was the only thing," Mahoney said.

He said he read the Bible for the first time in jail and began praying every night. He began going to church when he got out of jail but then stopped.

"I started thinking about the way the reporters had done me," Mahoney said. "I thought it would just tickle them to show me going to church and make people think I was only doing it to get out of this. So I said I'm not going until this is over."

Other than work, his life has been pretty sterile. He cannot drive. He has not drunk any alcohol and said forcefully, "I'll never drink again as long as I live."

He has stayed at home, mostly sitting and thinking, not sleeping longer than two hours at a stretch.

"It's just hard to sleep," he said. "All this stuff is always there."

Sometimes he would take a break and go 'coon hunting with friends.

"It eases some then, but it never goes away," Mahoney said.

He said the barrage of thoughts about the tragedy has dimmed his short-term memory.

"People talk and five minutes later I can't tell you what they said," Mahoney said. "I've got something else on my mind. People thought something happened to my mind, maybe from the lick on the head I took. I thought so too at first, but I think I just got so much on my mind that I hear you talking but not much is coming in."

Mahoney believes some good can still come of his situation.

If he is freed or receives a light sentence, he has thought about talking to groups about his experience.

"I'm not much at talking but I

think people would listen," Mahoney said. "People don't think it can happen to them. I think a lot of good can come out of this down through the years, save a lot of lives. I believe God has got something very important for me to do. I don't know what, but he saved me for some reason."

As he waits for the verdict, he admits he is scared but says his lawyers did their best. For extra support he refers to a card he has carried throughout the trial:

"Lord, help me remember that nothing is going to happen to me today that You and I together can't handle."

Mahoney said whatever the outcome, he will never be normal again. He'll always carry May 14, 1988, with him "like it was yesterday."



# Driver had DUI on record

## Mahoney pleaded guilty in '84 case

By Paul A. Long  
and Omer Johnson  
Kentucky Post staff reporters

WHEATLEY — Larry Wayne Mahoney, the driver of the pickup truck that collided with the First Assembly of God bus in which 27 people died, had pleaded guilty in 1984 to drunk-driving.

A state trooper stopped Mahoney on Ky. 227 just outside of Carrollton on March 24, 1984, according to Carroll County District Court records. The citation says Mahoney was weaving and had failed to dim his headlights.

Mahoney's blood-alcohol level was .16 percent, court records say. Under Kentucky law, a driver is presumed drunk if his blood-alcohol is .10 percent or above.

District Judge Stan Billingsley fined Mahoney \$300 plus court costs and \$140 for traffic school. Billingsley also suspended Mahoney's license for six months. That could have been reduced to one month if Mahoney completed traffic school, but court records don't say whether it was reduced.

Mahoney's blood was tested for alcohol after the wreck Saturday night, but results had not been released this morning. Commonwealth Attorney John Ackman said he and County Attorney Jim Monk will meet this afternoon to discuss what if any charges will be placed against Mahoney.

Mahoney is a 34-year-old chemical plant worker. He grew up on a farm in Moxley, a community on the border of Henry and Owen counties. His father runs a pool hall in Wheatley.

People who know Mahoney describe him as a hard-working and good-natured, a typical country boy. Mahoney divorced in 1979 and has one child, according to court records.

Rodney Walls of Wheatley said he and Mahoney ran around together when they were kids. Mahoney attended Owen County High School but didn't graduate, Walls said.

"Fishing, hunting, camping out — we did all that together," Walls said. "Cars. ... Just like lots of teen-agers, we had an interest in cars."

Shock over the accident and questions about how it occurred were the topics of discussion Sunday in the small towns around Mahoney's boyhood home in Owen County.

Mahoney mixes and packages chemicals at M&T Chemicals, Carrollton's largest employer with 350 people.

The plant manufactures a variety of chemicals such as paints and solvents for industrial use.

Mahoney performs his job well and seldom misses work, personnel manager John Way said.

"Generally, I think he's been a good employee for us," Way said. "He's a quiet person — that's the way I remember him."

Mahoney works what is called a 3-3 shift — working three 12-hour days, then has three days off.

His most recent shift ended at 7 a.m. Saturday, Way said.

Mahoney had been living with his parents, John and Mary Mahoney.

He moved into Eagle Creek Campground in Worthville about two months ago with his second wife and 14-year-old son, Tony, residents of the trailer park said.

"He's a real likable person," said Nancy Mahoney, a relative by marriage who lives several trailers away.

Marilyn Graves, who lives across the street from the pool hall in Wheatley, said the Mahoneys are "a good family" and Larry is close to his parents.

"I'm sure his mom and dad are terribly upset. They're real nice people. I just can't imagine Larry. It's such a shock."

Besides his DUI arrest, Mahoney also was charged in 1980 with terroristic threatening after his ex-wife, Janice, said he pulled a knife on her at the Carrollton Village Apartments.

He was convicted of disorderly conduct and fined \$50 plus court costs.

On Dec. 2, 1982, Carrollton police were summoned to a fight at a pizza parlor and arrested Mahoney for disorderly conduct.

He pleaded guilty and paid \$100 and court costs, according to court records.

# Chief says tragedy worst he had seen in 20 years

By William Weathers  
Kentucky Post Staff Reporter

CARROLLTON — Campbellsville Fire Chief Dennis Brown discovered the full horror of the tragedy here when firefighters opened the back door of the long, yellow church

bus in the aisle in the center of the bus were bodies of children, three to four deep for a length of about two bodies.

Some were on seats.

Some were piled on top of others.

All were charred black.

"It was bad," Brown said, "worse than anything he'd seen in 20 years as a firefighter."

The Campbellsville Volunteer Fire Department arrived at the scene about 11:10 p.m. Saturday. 15 to 20 minutes after a Toyota pickup slammed head-on into the bus.

Flames ran along the full length of the bus on both sides, leaving 3 to 4 feet from the windows, Brown said.

As Brown approached, he could see injured children scattered behind the bus for about 100 feet.

At the edge of the median, he saw six to eight teen-agers whose faces showed clearly the effects of third-degree burns.

There were victims all over the highway that had been burned, he said.

"I could see these kids lying up and down in the median."

Charlie Main of the Eminence Fire and Rescue Service

‘The children were hurting and frightened and in shock because of their friends.’

— Charlie Main,  
Eminence Fire  
and Rescue Service

already was on the scene.

"Everything was happening all at once. A helicopter was coming in. There was quite a lot of hysteria," he said.

"The children were hurting and frightened and in shock because of their friends."

Passersby stopped to help, said Ed Webb, director of the Carroll County Ambulance Service.

"You had people down on their hands and knees, holding people that were hurt, trying to comfort them," he said.

"There was a lot of confusion."

Injured children were in the emergency lane, slow lane and median of the highway, Webb said.

Most were teen-agers — between 12 and 17.

Many were crying.

Webb and other rescue personnel tended to the most criti-

cally injured first.

"We tried to get the patient on sterile burn sheets, and if they had a respiratory problem, give them oxygen," he said.

The driver of the pickup truck, Larry W. Mahoney, was trapped in the wreckage briefly, Brown said.

Rescue personnel had to pry the truck apart to remove him.

The Campbellsville firefighters virtually extinguished the flames on the bus within 10 minutes, according to Brown.

He believes the fire started when the pickup rammed the front axle of the bus a full six feet into the body of the bus.

The truck sheared off most of the right front fender, then struck the double passenger doors at the front, he said.

The gasoline tank of the bus was just below and behind those doors.

The passengers in the rear of the bus probably were the ones who escaped, Brown said.

"It was a terrible experience. It was a bad situation."

Brown recalled one of the more emotional moments of the experience.

"One of the little girls talked to one of my officers and said the only reason she made it was Jesus was with her."

Staff reporters Crystal Hard-en and Connie Remlinger also provided information for this story.

# 'Typical' man had earlier brushes with the law

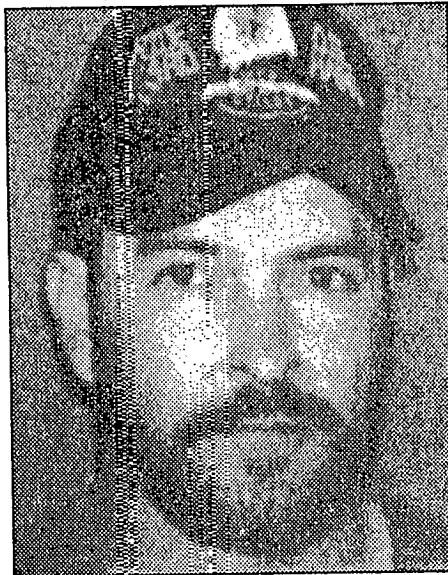
By AL CROSS  
Staff Writer

MOXLEY, Ky. — Larry W. Mahoney, who was charged yesterday with 27 counts of capital murder in Saturday night's collision of his pickup truck with a church bus, has had scrapes with the law before.

But those who know him said yesterday that the 34-year-old Carroll County resident is much like thousands of other young Kentuckians who dropped out of high school and have changed jobs and spouses in search of a better life while staying close to their rural roots.

They described him as a typical but quiet country boy who likes to hunt raccoons, drive pickups and, on occasion, drink.

A blood sample taken from Mahoney after the crash showed an alcohol content of 0.24 percent — more than twice the level at which the law says a person is presumed to be intoxicated.



Larry W. Mahoney

In April 1984, Mahoney paid a fine for drunken driving in Carroll County. A Breathalyzer test at the time of his arrest indicated a blood-alcohol level of 0.16 percent.

"I know the boy drank, but as far as

See 'TYPICAL' MAN  
PAGE 10, col. 1, this section

# Typical' man had previous brushes with the law

Continued from Page One

being a drunk all the time, no — he definitely was not that," said a longtime acquaintance, Dwight Hamilton of Wheatley in neighboring Owen County.

"But he was the type of guy who, when he drank some, he drank quite a bit. ... A lot of people do that," Hamilton said.

Hamilton was one of several people who mentioned the drinking but expressed sympathy for Mahoney, who is expected to survive the injuries he suffered in the wreck.

"I feel sorry for him," said Margie England of Wheatley. "It's just a tragedy all the way around."

"He's done some things he shouldn't have, and so have I," said Tom Butcher, a neighbor and longtime acquaintance who lives between Wheatley and Moxley.

"Let he who is without sin cast the first stone," Butcher said. "As far as saying something bad about him, I'm not going to do it."

Hamilton said he is bewildered by the circumstances of the crash, in which Mahoney's truck was headed north in the southbound lanes of Interstate 71 near Carrollton.

"From what happened, I can't figure it out, because he was just a super-nice guy," Hamilton said.

"You couldn't find a better old boy anywhere," said Wayne Yeary of Worthville, who works with Mahoney at a Carrollton chemical plant.

Larry Wayne Mahoney is the second of four children of John Noble Mahoney and Mary Mahoney both about 60, who live with their younger son, Charlie Mahoney, in a plain aluminum-siding home beside a gravel road.

The Mahoneys also have two daughters, who also live in Owen County. Larry Mahoney lives nearby in Carroll County.

Mahoney dropped out of Owen County High School after his freshman year with poor grades.

After leaving school, he alternated between working in industry and helping his family on their small farm overlooking the Kentucky River valley at Moxley in northwestern Owen County, Charlie Mahoney said.

In July 1972, Larry Mahoney married Janice King of Worthville, a nearby community in Carroll County. That November, she had a child.

The marriage ended in a divorce sought by Larry Mahoney in December 1979.

Less than three months later, Janice Mahoney swore out a warrant for her ex-husband, charging him with terroristic threatening and disorderly conduct.

The criminal complaint charged that he told her he would "use ... on her ... a large pocket knife he was then holding in his hand," that he threatened to "use the knife" on her boyfriend and any police officer who tried to serve him with an arrest warrant, and that he yelled at her after beating on the door of her apartment in Carrollton.

The more serious charge of terroristic threatening was dismissed, but Mahoney pleaded guilty to disorderly conduct and paid a \$50 fine.

He was again charged with disorderly conduct in December 1982, pleaded guilty and paid a \$100 fine.

The complaint charged that Mahoney had been in a fight at a Carrollton pizza parlor and that when a police officer arrived, the fight was over, but Mahoney "was using foul language."

Mahoney's name does not appear in court records in Carroll and Owen counties after the drunk-driving case in 1984, and state Transportation Cabinet records show that he has not been charged with any traffic offenses in Kentucky since.

A few weeks after he paid the drunken-driving fine, Mahoney took a job as a laborer at M & T Chemicals in Carrollton in June 1984, and he was promoted to production operator a year later, according to John Way, personnel manager there.

"He's been a good employee for us," Way said.

Mahoney is in a group of employees who work 12-hour shifts three days in a row and then have three days off. He last worked at the plant from 7 p.m. Friday until 7 a.m. Saturday, about 16 hours before the crash.

Mahoney's close friend, Dennis Mefford of Worthville, said Mahoney, he and another man drank a six-pack of beer and ate a pizza late Saturday afternoon at Mefford's home.

He said Mahoney, who left at about 8:30 p.m., drank no more than two beers.

"I couldn't believe the blood-alcohol level would be that high," Mefford said, adding that his friend had told him that he had stopped drinking for two to three months because of stomach problems.

However, when pressed, he acknowledged, "I've seen him drink quite a bit."

While Mahoney has had a stable employment record for several years, his personal life appears to have become somewhat unsettled.

Sometime after 1979, he married Betty Davis, who bore him a daughter, according to friends and relatives.

But for the last month, Mahoney has lived with his first wife and their son in Carroll County, his brother said.

Asked if his brother had undergone some changes recently, Charlie Mahoney said, "He always seemed the same."

Larry Mahoney's preference in vehicles has not changed.

In April 1987, he traded in a 1984 Dodge Ram pickup with 44,000 miles on the odometer for a 1987 Toyota four-wheel-drive pickup. He paid \$1,000 down on the \$11,500 vehicle and financed the rest, according to records at Owenton Toyota.

Records show Mahoney is licensed to operate a motorcycle. Mefford said Mahoney sold his cycle after Mefford's brother-in-law, with whom the two often rode, was killed in a cycle wreck about two years ago.

Motorcycles figure in the investigation of the crash, because children on the bus have said they saw a cycle headed in the wrong direction pass them just before the collision.

Mahoney's attachment to motorcycles may be indicated by the photograph on his driver's license, which state police displayed yesterday.

In the photo, Mahoney is wearing a baseball-style cap bearing the logo of the Harley-Davidson motorcycle company and the words, "Ride Hard, Die Hard."

Information for this story also was gathered by staff writer Tom Loftus.

CS May 19, 1998

# 4 blood types are sought for donations by Red Cross

The American Red Cross is requesting donations of four specific types of blood to meet possible needs as hospitals treat survivors of Saturday's bus accident near Carrollton.

Fourteen children remain hospitalized. Some will need blood for operations, and the Red Cross has been low on blood for about two weeks, a spokesman said yesterday. The blood types are A negative, B negative, O negative and O positive.

Donors may visit the following locations today:

■ The Red Cross, 510 E. Chestnut St., Louisville, 9:30 a.m. to 5 p.m.

■ Clark County Memorial Hospital, 1220 Missouri Ave., Jeffersonville, Ind., 2 to 7 p.m.

■ Floyd Memorial Hospital, 1850 State St., New Albany, Ind., 10 a.m. to 2 p.m.

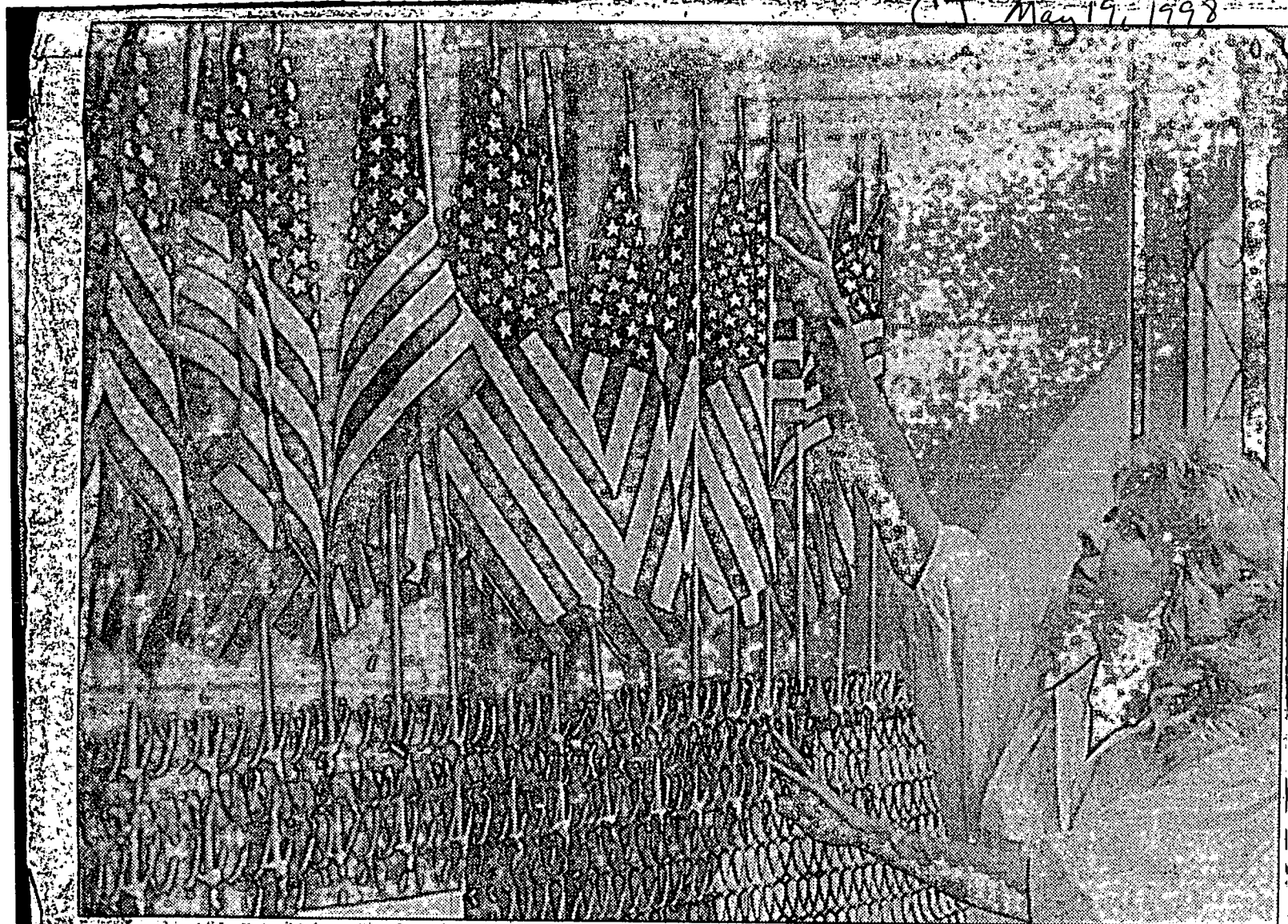
Tomorrow, donations can be made at the Red Cross from 9 a.m. to 4 p.m., or at:

■ Jefferson County Central Government Center, 7200 Outer Loop, 1 to 5 p.m.

■ James R. Pritchard Community Center, 404 South Mulberry, Elizabethtown, 10 a.m. to 3 p.m.

■ SS. Mary & Elizabeth Hospital, 4400 Churchman Ave., Louisville, 11 a.m. to 4 p.m.

The Red Cross also will be open for donations Saturday from 9 a.m. to 1 p.m.



JOY COOK, manager of a day-care center in Radcliff, adjusted one of the 27 flags she placed outside the center yesterday — one for each of the victims of Saturday night's school-bus crash.

ASSOCIATED PRESS



# Second official says more exits would have helped

By SCOTT THURM  
and LARRY BLEIBERG  
Staff Writers

A second official who investigated the bus crash near Carrollton that killed 27 people Saturday night said yesterday that more emergency exits — such as window frames designed to push out under pressure — might have reduced the death toll.

"There's no doubt in my mind that pop-out windows would have helped save lives," said Carroll County Coroner James Dunn, who examined the bodies that were found lying in the narrow center aisle of the bus.

A Kentucky State Police spokesman made a similar remark Tuesday.

Also yesterday, federal investigators said they are exploring the issue of exits and the bus's escape routes.

"That's certainly something we're going to try to figure in," to develop an overall picture of the tragedy, said Alan Pollock, a spokesman for the National Transportation Safety Board.

The issue of emergency exits is one of many the board will explore, but Pollock said, "The evacuation procedure is always documented very carefully."

Like all public-school buses ordered in Kentucky, the bus contained only one emergency exit — the rear door. With fire blocking the front door, many of the 67 people on board clogged the aisle and scrambled over seats in a race to the back of the bus, Dunn said.

Survivors reported trying to knock out windows. But because each window frame contains an upper and lower window, with

the frame dividing the opening horizontally, that left only a 9-inch by 24-inch hole through which passengers could try to squeeze. Several passengers reportedly escaped through broken windows, but safety-board investigators have not confirmed any of those accounts, said chief investigator Jean Fasone. She said the half-windows are considered exits but conceded, "It's kind of hard to get out them."

Six states require more emergency exits on school buses, but a spokesman for the Kentucky Department of Education — which buys buses for the state's public school systems — said Tuesday that such devices would be "counterproductive" because "kids would play with them."

"The evacuation is the key," said Mike Roscoe, director of school transportation for West Virginia, which requires four push-out windows and roof hatches on school buses. He said that if a bus is turned on its side, the roof hatches would provide an escape route for small children who couldn't reach the windows.

Three states — New York, California and Washington — require an additional emergency door on the left side of the bus. "You need to have more ways to get out of the bus," said Don Carnahan, transportation director in Washington state. "In a chain-reaction accident, both front and back exits could be blocked."

Ron Kinney, pupil-transportation director in California, said: "It's proven itself. If you need it, it's there."

However, Tennessee officials, worried about the cost to poor districts, merely encourage school districts to equip buses with roof hatches. "We think they're well worth the money," said Ernest Farmer, the state's director of pupil transportation.

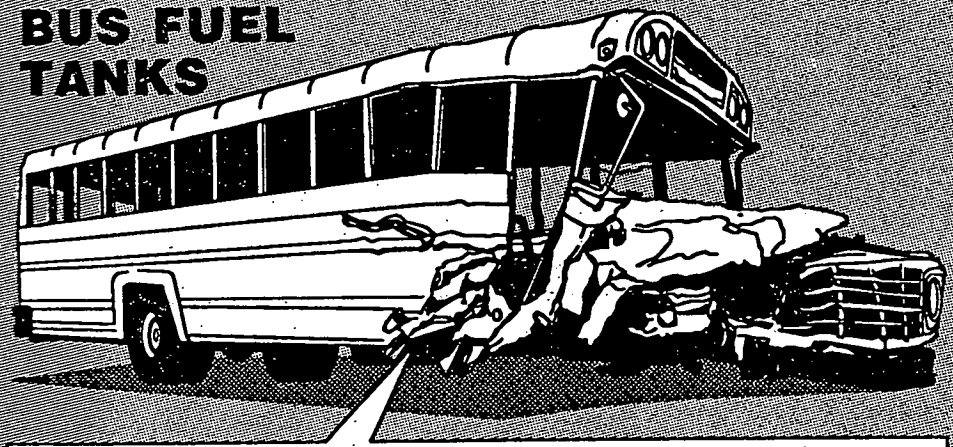
## EMERGENCY EXITS

The following states require more than one emergency exit on school buses.

	Left Side Door	Window Exit	Roof Hatch
California	X		
Indiana		X	
New York	X	X	X
Oregon*	X	X	
Washington	X		
West Virginia		X	X

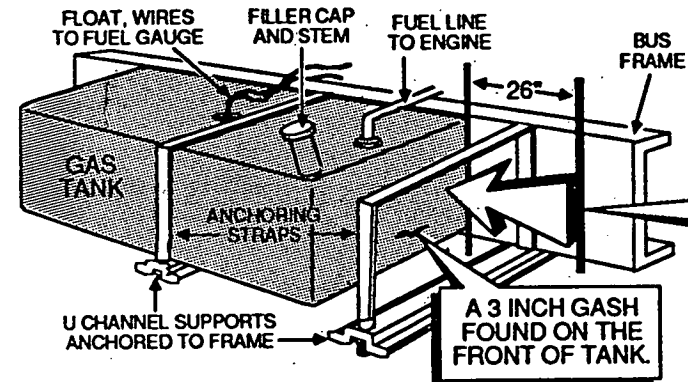
\* Oregon requires either a side exit, window exits or oversized windows.

## BUS FUEL TANKS



## THE ACCIDENT

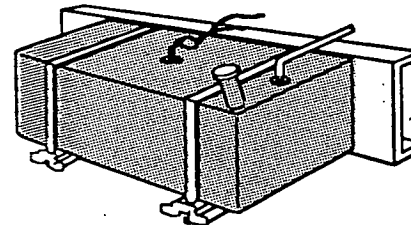
The fuel tank is located under the bus just behind the front door.



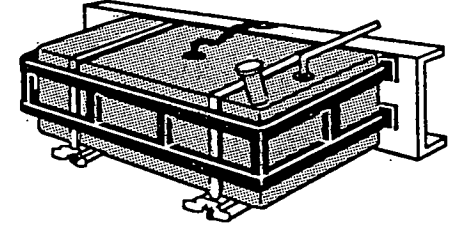
IMPACT OF THE CRASH PUSHED THE FUEL TANK BACK 26 INCHES FROM THE ORIGINAL MOUNTED POSITION.

A 3 INCH GASH FOUND ON THE FRONT OF TANK.

## SAFETY REGULATIONS



Gas tanks on buses built before April 1977 had little or no crash protection. The First Assembly of God church bus that crashed and burned Saturday was a 1977 Superior model with a Ford chassis.



Buses built after April 1, 1977, are required to protect the fuel tank with a steel "crash cage" like this one made of welded rectangular tubing. The cage is fastened securely to the bus frame.



# Thousands mourn victims of bus tragedy

By TODD MURPHY  
Staff Writer

RADCLIFF, Ky. — As she stood among the thousands quietly gathered at a football stadium here last night, Judy Carlton asked the question that the Rev. Gene B. Waggoner would ask again a few minutes later.

Why?

"You just don't know why God did this," Carlton said as she looked toward the rostrum at the center of the field.

"Where was God?" she asked. "Why didn't he intercede?"

Carlton and about 5,000 others came to the North Hardin High School football field last night for a memorial service to honor the 27 area residents — most of them students — killed in a fiery bus crash near Carrollton Saturday night.

Since then, residents have been asking why. Last night, they gathered to ask their questions together — and to comfort one another.

"Why do bad things happen to good people?" Waggoner asked in his memorial message in the middle of the 70-minute service. "None of us can answer that question. And if we could, it wouldn't change what happened. ... If we could, it wouldn't take away the grief."

People started gathering for the 7 p.m. service about 5 p.m. Guided by security officials from the Radcliff Police Department and Fort Knox, they had filled the football bleachers by 6:30, then started quietly filing around the

See THOUSANDS  
PAGE 6, col. 1, this section

## Thousands gather to mourn and search for answers in God

Continued from Page One

edges of the field. Those at the rostrum for the service included Gov. Wallace Wilkinson, his wife, Martha Wilkinson, state school Superintendent John Brock and several area ministers.

At 7 p.m., as the service began, messages of condolence from President and Nancy Reagan, and Vice President George Bush and his wife, Barbara, were read.

Accompanied by the Fort Knox Army band, the crowd sang "A Mighty Fortress Is Our God."

The Rev. Leo Craycroft of St. Christopher Catholic Church read the 23rd Psalm.

The Rev. W. Don Tennison of the First Assembly of God, minister to most of those who were killed, prayed that God would help survivors deal with the grief.

"You know the heartache, Lord. You know the burden. You know the concerns and the love of those that have gathered together. Only you, Lord God, can administer peace to our hearts, comfort to our soul and strength to our bodies."

Then, Chaplain Jerry A. B. Weaver of Fort Knox rose to read the names of the three adults and 24 young people killed.

"Remember the love we share for them," Weaver said before he started. "Remember the loss that we suffer. This is a time of remembering, a time of grieving."

Then, at 7:29, Weaver slowly read the names, starting with 13-year-old Jennifer Arnett, ending with 14-year-old Chad Witt.

Relatives of the victims, who were seated immediately in front of the rostrum, had remained subdued. As the names were read, several sobbed.

"Where do broken hearts go?" Waggoner asked after the names had been read. "Can they ever find their way home again?"

Those close to the victims can find comfort in their faith, said Waggoner, of the Stithton Baptist Church.

"Are you weary, are you heavy-laden? Tell it to Jesus."

And, Waggoner said, those grieving could find comfort in the community, also.

"We're rooting for you," he said. "Our sympathy goes out to you. Our prayers go out to you. ... We want you to make it."

Waggoner said those grieving would have to live through several stages — from shock

to anger to guilt. "Maybe you'll even get mad at God," he said. "That's OK. He understands."

Eventually, Waggoner said, maybe months or years from now, they may accept their loss.

"You must go on. You must go forward," Waggoner said. "They want you to ... they really would."

At the end of the service, relatives were escorted away as the Army band played the postlude.

Before the service, Carlton had said she did not expect the memorial service to answer all her questions — or heal her grief.

"I don't think we'll ever get over a tragedy like this," she said.

But the people who attended did not do so to find all the answers, she said.

They just came to help those so badly hurt.

Said Margaret Ouslan, standing beside her: "You just want to be with them."

5/20/88

# Blood donors turn out by the hundreds

The American Red Cross reported an overwhelming response yesterday to its request for blood donations to meet potential demand for survivors of Saturday's bus accident near Carrollton.

Roy Merritt, director of donor resources for the Red Cross in Louisville, said donors waited in line. "The response has been very heavy. We are very grateful," he said.

On an average day, the Louisville center on Chestnut Street gets about 40 pints of blood. Yesterday it received 230 pints. Donation sites at Clark County Memorial and Floyd Memorial hospitals in Indiana also reported heavy responses.

Floyd Memorial in New Albany usually gets about 15 pints on its collection day, Merritt said. Yesterday it had about 40.

Blood donations at Clark County Memorial in Jeffersonville also were reported heavy. Lunette Ferguson, assistant director of the Clark County Red Cross, said the donor center got approximately 60 pints of blood, more than double the normal collection of about 25 pints. She said the center will be open again Monday from 10 a.m. to 3 p.m.

Merritt said that because of the large number of people waiting to donate blood, the Louisville center at 510 E. Chestnut St. will open at 8

a.m. today, an hour earlier than planned. The center plans to close at 4 p.m. It also will be open from 9 a.m. to 1 p.m. tomorrow.

He described the blood situation as stable thanks to yesterday's donations but said blood is still needed. He noted that 320 pints are required daily to meet the needs of Louisville-area hospitals.

Donations can also be made at the following locations today:

■ Jefferson County Central Government Center, 7200 Outer Loop, 1 to 5 p.m.

■ James R. Pritchard Community Center, 404 S. Mulberry, Elizabethtown, 10 a.m. to 3 p.m.

■ SS. Mary & Elizabeth Hospital, 4400 Churchman Ave., Louisville, 11 a.m. to 4 p.m.

# Marion bus burned despite upgrading

By JUDY BRYANT  
Staff Writer

Although the school bus that burned in Marion County this week was modified in 1982 by the Ford Motor Co., the changes did not prevent the overheating problems they were designed to correct.

The fire virtually destroyed the Ford bus, which had stalled repeatedly Monday afternoon while the driver delivered children to their homes near Raywick.

Near the end of the route — and only minutes after all the children got off the bus — the engine caught fire, apparently because the engine had overheated. School officials say the blaze was so hot it melted the vehicle's transmission, and the bus is a total loss.

Ford Motor Co. spokesmen said yesterday that in 1982 the company notified owners of 124,500 school buses nationwide that fuel-line and

carburetor modifications would improve the "driveability" of their buses. It was not a safety recall, but an "owner notification" designed to solve problems with vapor lock and engine stalling, spokesman Mike Parris said.

The changes included rerouting fuel lines, replacing fuel pumps and, in some cases, moving gas tanks away from the engines to the rear of the buses. The exact repairs varied, depending on the type of bus.

Ernest Taylor, transportation supervisor of the Marion County schools, said the gas tank was not moved in the bus that burned, although the vehicle was taken to a Ford dealership in response to the notification. He said the tanks were moved on some of the system's other Ford buses.

Ford plans to investigate the Marion County bus fire, but a spokesman said yesterday that nothing can be done until the company obtains

details on the vehicle's history and maintenance schedule.

If the investigation finds that additional work is needed on some buses, or that specific maintenance eliminates the threat of fires, Ford will notify school districts that own similar buses — all of which have Ford engines that were manufactured at the company's Lima, Ohio, plant, between 1979 and 1981, according to spokesman Mike Parris.

Jefferson County school officials said yesterday that a 1981 Ford bus was heavily damaged last winter after the engine became overheated and caught fire while stalled on a ramp to the Watterson Expressway.

The district's transportation director, John Wilhoit, said that the time firefighters arrived a few minutes later the engine was destroyed.

Information for this story was also gathered by staff writer Laurie Bleiberg.

# Truck driver charged with murder of 27

Continued from Page One

of them, he said, is engaging in conduct in a public place "at great risk of death to a number of people."

Ackman, who is commonwealth's attorney for a district that includes Grant, Owen and Carroll counties, said he has never tried a capital murder case involving a traffic accident. But he said he believes that capital charges in such cases are not unprecedented.

Assistant Attorney General Penny Warren said no one in recent Kentucky history has been sentenced to death in a vehicular-homicide case.

Mahoney was at Humana Hospital-University of Louisville yesterday with head and chest injuries. His condition was upgraded from critical to serious.

Authorities said his improvement allowed him to be interviewed briefly yesterday morning by the state trooper overseeing the investigation. They would not provide details of the interview.

Mahoney was arrested at the hospital yesterday afternoon, Ackman said, and placed under guard by state police, based on an order from Carroll District Judge Stan Billingsly.

After Mahoney recovers, he will be moved to a prison unit at the hospital, said state police Capt. Neal Brittain.

He said samples of Mahoney's blood — taken about 1 a.m. Sunday, roughly two hours after the accident, showed an alcohol level of 0.24 percent. In Kentucky, a person is legally presumed to be intoxicated with a blood alcohol level of 0.10 percent, Brittain said.

Brittain said authorities have not completed tests to determine whether Mahoney had other drugs in his system.

Neither Brittain nor Ackman would disclose what they know about Mahoney's activities before the crash, or how he came to be driving the wrong way on I-71.

Brittain said no "piecemeal information" would be released until the investigation is complete.

Confusion persisted yesterday over reports that Mahoney had been drag racing with a motorcycle before the accident. At least three teen-agers on the bus have said that they saw a motorcycle traveling the wrong way on the interstate about the time of the crash. But investigators have been unable to substantiate reports of the motorcycle, Brittain said.

Autopsy examinations completed Sunday showed that all 27 victims died of smoke inhalation. He also said all 27 probably would have survived if the bus had not caught fire.

"There's no evidence in any of the 27 examinations that were performed of significant physical injury short of smoke inhalation and post-mortem flame injury," Nichols said.

David Jones, administrator for the state medical examiner's office, said tests will be done to determine the composition of the deadly smoke that choked the 27 victims.

Nichols said most the the interior of the bus — including the padding for the seats — was consumed in the fire. "There was a substantial amount of thermal injury to the interior of the bus ... so much so that the majority of whatever was inside, whether it was clothes, personal effects or a sleeping bag ... was consumed."

However, he said it was too early to say whether the victims inhaled toxic fumes.

Asked whether any of the victims had been sleeping in sleeping bags in the bus aisle, Nichols said, "If there was someone sleeping at the time this happened, they somehow managed to get up and start moving."

Meanwhile, authorities continued the process of identifying the bodies of the crash victims. The bus, with the victims still inside, was moved from the accident scene early Sunday to the National Guard Armory.

The victims, all of whom were severely burned, were removed from the bus Sunday afternoon. Dental records provided by families of those unaccounted for have been used since Sunday to identify the bodies.

Nichols oversaw the operation at the makeshift morgue inside the armory. He said the names of the victims would not be released and the bodies would not be returned to Radcliff until all had been identified. He said he hoped that would happen sometime today.

The bodies were being embalmed by a team of volunteer funeral directors.

Representatives of the National Transportation Safety Board, who arrived in Carrollton Sunday evening, briefed reporters last night on their investigation. Much of the information supports details already released by state police and other authorities, but much remains unknown.

NTSB member Joseph Nall said last night that Mahoney refused yesterday to be interviewed by the agency's investigators "for reasons that are his own." But he said investigators are talking with members of Mahoney's family and his work supervisor. Nall would not disclose information from those interviews. And he said the investigators still haven't concluded why Mahoney was driving down the wrong side of the interstate.

He said investigators also have interviewed some bus passengers, but wouldn't give details.

Nall said their study of the accident scene showed "some shadow marks" on the highway before the point of impact, indicating "some braking" of vehicles, but that it hasn't been determined exactly what happened.

State Fire Marshal Bill Martin, whose office is investigating the cause of the fire on the bus, said yesterday morning that he found "a 2- to 3-inch slice" in the gas tank.

State police trooper Jim Mudd said he thought the tank held 67 gallons, but did not know how much gas was in it at the time of the accident.

"The impact of the vehicles evidently caused it (the tank) to erupt," Mudd said.

George Nichols, the state's chief medical

## Apparent victims of the crash

Authorities have not made positive identifications of any of the 27 people killed in Saturday night's bus crash in Carroll County. Here is a partial list of people who are presumed to have died:

Jennifer Arnett  
Cynthia Atherton  
Joshua Conyers  
Mary Daniels  
Kashawn Etheredge

Shannon Fair  
D. Fische  
Chuck Kyta  
April Mills  
Tina Mustain  
John Pearman  
Amy Wheelock  
Chad Witt  
Joy Williams  
Kristen Williams  
Robin Williams

# Truck driver charged with murder

*Courier-Journal 5/17/80*

## Test indicates he was drunk when he hit bus

By TOM LOFTUS  
and JUDY BRYANT  
Staff Writers

CARROLLTON, Ky. — The driver of the pickup truck that slammed into a church bus Saturday night on Interstate 71 was charged yesterday with 27 counts of capital murder — one for each of the deaths in the fiery crash.

Authorities said test results showed that the driver, Larry W. Mahoney, 34, of rural Carroll County, had nearly 2½ times the legal limit of alcohol in his blood after the accident.

Mahoney's Toyota truck was traveling north in the southbound lanes near Carrollton when it collided with the bus, which burst into flames.

The bus was returning its 67 occupants to the First Assembly of God church in Radcliff after a daylong outing at Kings Island amusement park near Cincinnati. Most of those who died were teen-agers.

State and local officials announced the charges against Mahoney, which were filed in Carroll District Court, at a news conference yesterday afternoon at the Kentucky National Guard Armory.

Carroll County Commonwealth's Attorney John Ackman said he would press for the death penalty in the case, which is to be presented to a Carroll County grand jury June 6.

Ackman said he is seeking the death penalty because of "the circumstances surrounding (Mahoney's) driving behavior ... that people were killed, (and) the fact that innocent victims were involved."

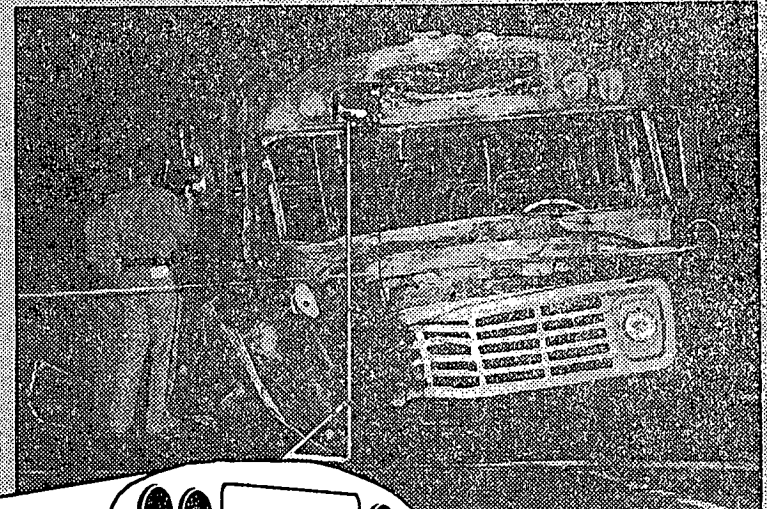
He noted that a person can be charged with capital murder if any of several "aggravating circumstances" are present. One

### SOME FEATURES OF THE BUS

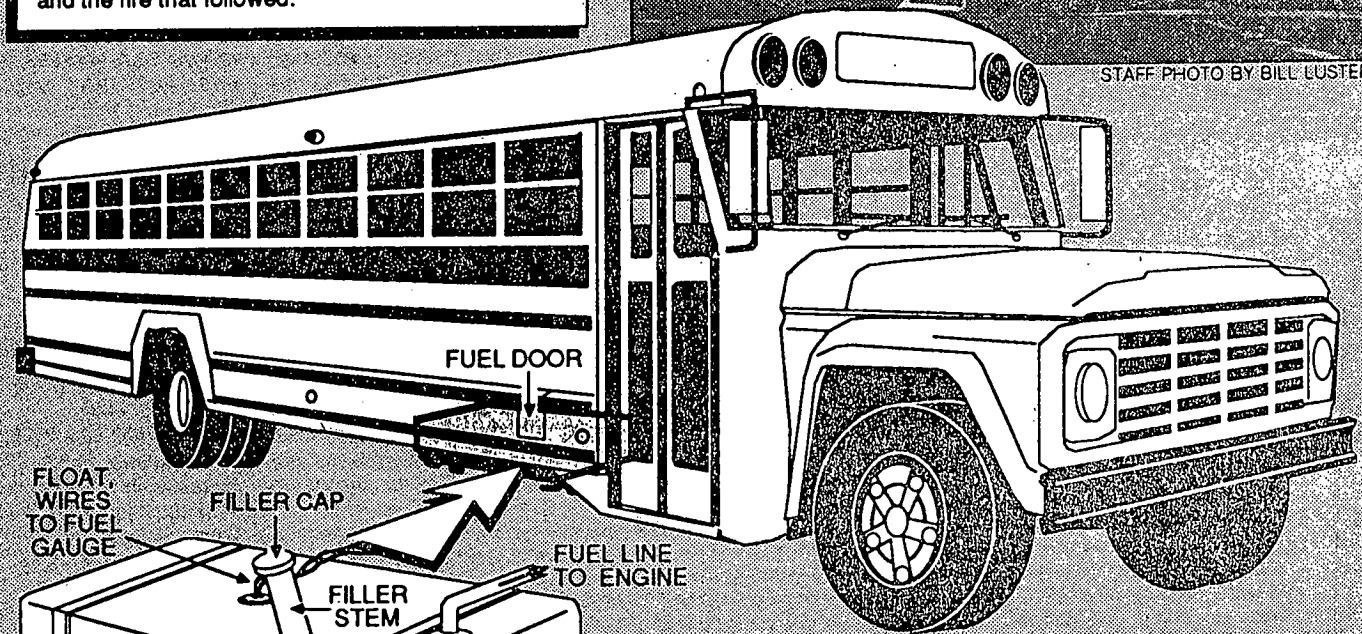
1977 SUPERIOR BUS  
WITH FORD CHASSIS

#### EMERGENCY EXITS

1. Emergency door at the rear of bus allowed most survivors to escape the fire.
2. Windows were designed to be kicked out in case of emergency, but some survivors reported they were unable to kick them out.
3. Front door was blocked by crash impact and the fire that followed.



STAFF PHOTO BY BILL LUSTER



#### FUEL TANK

The gasoline tank was under the bus, behind the front door. It was not enclosed by the safety cage mandated in April 1977 by federal regulations. The cage would offer protection for the tank in a collision. The bus apparently was built before the regulations went into effect. Survivors said the fire started at the right front of the bus where the fuel tank is located.

See TRUCK

PAGE 10, col. 1, this section

STAFF ILLUSTRATION BY STEVE DURBIN

didn't think it had anything to do with the crash.

"When I arrived at the scene, and again this was an hour or an hour and 10 minutes later, there was a motorcycle leaning against the guard rail somewhere in the vicinity of the final resting place of the pickup truck," said Cease. "It was sort of a while before I had a chance to talk with him and by the time I got a free minute he was gone. I do remember seeing it there."

Cease said although he does not think the motorcycle was involved in the crash, the driver of the bike was never identified. He said he thought the vehicle probably belonged to "someone who came up later to offer help."

In other testimony yesterday, Kentucky State Police Trooper David Stevenson testified that he removed a Miller Lite 12-pack beer carton from Mahoney's pickup truck after it had been impounded in a locked garage.

Stevenson also testified that he had found four beer cans including a full can and an empty can of Miller Lite, one partially empty can of Miller Lite that the pull tab had never been opened on and an empty can of Goebel's.

Stevenson also testified that he had recovered a wheel lug nut from the left front wheel of the bus that had been embedded in the area of the front bumper on Mahoney's pickup truck.

In other testimony yesterday, Barbara Wheeler, a forensic scientist specialist for the Kentucky State Police Central Forensics Laboratory in Frankfort, testified on the relationship of several paint samples, vinyl top samples and broken pieces of taillight lens that were recovered following the accident.

Wheeler told the jury the paint, vinyl and broken plastic lenses were from the three vehicles involved in the crash.

In the last 25 minutes of testimony yesterday, Richwalsky called a surviving parent or spouse of 18 of the 27 victims who died in the crash to provide information on the names and ages of the victims as well as how they ended up going on the youth group's trip to King's Island amusement park on May 14, 1988, and whether they returned home.

The testimony was brief, unemotional and the defense declined to cross-examine any of the 18 witnesses who took the stand before court recessed at 3:30 p.m.

According to Richwalsky, many of the victims' family members would probably have liked to say more in their testimony, but case law dictated their comments be short and restrained.

"Obviously, each and everyone could have probably gone on for days in respect to the children or spouses that died on the bus," said Richwalsky. "But as we interpreted the case law authority that gave us the ability to put that type of evidence in ... that is, why by necessity the questions had to be short and just that sketch amount of information."

According to the prosecutor, there was no hesitation among the family members related to taking the witness stand to testify.

"Nobody was reluctant to come," said Richwalsky. "Obviously, there was the whole gamut of those who wanted to appear. We told them it was their option, especially after the defense counsel agreed graciously not to invoke witness separation. We had gone into (the trial) under the impression that (the family members who would testify) would not be allowed to be in the courtroom until this particular time. And I think that was a concern because many of them wanted to be (here). Many of the families expressed to me they wanted to be here for that child — that that was the least that they could do to attend this trial for their dead child."

Richwalsky noted the defense agreement to not separate the witnesses from the trial was "a very kind gesture from the defense counsel because they did not have

Richwalsky noted the defense agreement to not separate the witnesses from the trial was "a very kind gesture from the defense counsel because they did not have to."

According to a defense attorney, testimony by family members also helped the defense to fill in some gaps in the court proceedings.

"A lot of (the family members) we've seen in the courtroom over the past several days," said defense attorney Russell Baldani. "It's interesting to see who is actually the parent of (the different victims). I've wondered, but I wasn't going to go up and introduce myself and ask 'Who are you here on behalf of?'"

Although Mahoney appeared to never look at the family members as they testified, Baldani said his client was affected by their testimony as well as his feelings for the victims.

"He was affected by it," Baldani said of his client. "I mean he has questions ... he wonders if these people forgive him. He wonders if there is anything he can say or do to make them feel better. Obviously, those aren't proper questions for an attorney to ask in court."

The prosecution's case continued today as additional family members were called to testify on the final nine victims who died in the crash. Other testimony is expected to continue with the prosecution completing its case Thursday or Friday.

vehicles finally came to rest.

The tape showed the pickup truck traveling the wrong way, north in the southbound fast-lane of the divided Interstate south of Carrollton, then smashing into the right front section of the bus. The video then showed the bus bouncing along the roadway and the truck spinning and striking the rear of the Cadillac before each skidded to a stop.

Also included were realistic details such as skid marks left by the vehicles and footage of the impact when the bodies of the bus and pickup truck caved in.

Although the recreation did not depict the fire that consumed the bus, a black patch was painted onto the interstate roadway where the bus eventually came to final rest and burned.

"It's a relatively new technique," said Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case. "I think it's been utilized in civil cases primarily. I've never before heard of it used in a criminal prosecution."

According to the prosecutor, the accident animation technique was pioneered by the Minnesota State Patrol for use in vehicular homicides and vehicular investigations.

"I've never seen it used in criminal cases," said defense attorney Jack Hildebrand, one of the attorneys representing Mahoney.

"In our opinion the advantage was that the jury got to see the wreck as it happened," said Richwalsky. "It was as if you suspended this jury with a crane or stuck them up on that hillside — if you somehow had some admonition that this type of event was going to occur and had them sit there waiting for it to happen and in effect see it as it happened. In effect, it puts you in the driver's seat. It puts you in the seat of one of the vehicles. It's almost better than being there because of the ability to slow it down or stop it. You saw the actual time (it took) and you saw the actual time of the wreck."

Hildebrand said he does not think the animation accurately depicts the accident. He also questioned the accuracy of information obtained in the state police reconstruction of the crash.

Cease concluded that the right

See: TRIAL  
Back Page, Column 3

6, 1989

## • Trial

Continued from Page 1

front portion of Mahoney's truck slammed into the right front section of the bus. The truck then struck the gas tank of the bus, the truck rotated and its left rear end struck a Cadillac that was being driven beside the bus. The Cadillac left the highway without striking the bus, he said.

A portion of the front suspension of the bus, the leaf spring assembly, punctured the bus gas tank, which led to the fatal fire.

"I think that the formulas and the theories of Sonny Cease were incorrect, basically," said Hildebrand, speaking at a morning press conference yesterday.

Hildebrand questioned the credibility of the state police accident reconstructionist in a cross-examination yesterday morning that explored the trooper's knowledge of physics, engineering and theories of accident reconstruction.

According to Hildebrand, the defense will present its own expert to reconstruct the accident but will not have an animated videotape to show the jury. He said the defense reconstruction will be aided by computerized evaluations of information related to the crash — a process Cease did not go into.

During cross-examination yesterday, Hildebrand asked Cease why he did not use a computer program to evaluate his data from the crash.

The trooper told the jury he was not trained in that computerized area, but that he was confident of his results gathered through more traditional avenues.

"I feel that being there and having hands on physical evidence is better than plugging numbers in a computer," Cease responded.

In another part of his cross-examination yesterday, Hildebrand asked Cease if a mechanical inspection of the crash vehicles had shown the left front brake on the bus to be "worn excessively."

Cease said he did not recall but that he had been told the brakes were in good shape.

After referring to the inspection reports Cease indicated that an inspector had found the brake to be "worn excessively."

Hildebrand asked if the worn brake had been figured into Cease's reconstruction and video presentation.

Cease said he had not, but that since the front axle and wheels of the bus were knocked off at impact and the vehicle fell to the pavement in the front and skidded on the ground with its undercarriage, the braking times and distances should be no different than with good brakes.

"The wheels came off and it was dragging on the ground," said Cease. "In my opinion, that's better than having brakes."

The defense and prosecution have questioned several witnesses who have been called in the trial to date, concerning the possible connection of a motorcycle to the accident. Cease said yesterday a motorcycle was at the crash scene but he





## Evidence presented *mc 12/6/89*

Kentucky State Police Trooper David A. Stevenson displays a Miller Lite beer carton and several beer cans found in the pickup truck driven by Larry Mahoney on May 14, 1988. Stevenson testified yesterday in Carrollton. (Pool photo by Todd Buchanan.)

# Scale models are used to recreate truck-bus crash

By MARK CAMPBELL  
Kentucky News Editor

Using scale models to recreate a collision that killed 27 people from a Radcliff, Ky., church youth group near Carrollton in 1988, the jury in the trial of Larry Mahoney viewed an eerie video tape of how investigators think the tragedy unfolded.

The video tape and scale models were introduced as evidence yesterday in the murder and drunken driving trial of Mahoney, 36, of rural Owen County.

Mahoney is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving under the influence in connection with a head-on crash with a bus owned by the Radcliff First Assembly of God on May 14, 1988.

The 30-second video tape included approximately seven seconds of the actual crash recreation and showed scale replicas of the church bus, 1987 Toyota pickup Mahoney was driving and a 1977 Cadillac driven by an Akron, Ohio, man. The prosecution claims all three vehicles were involved in the crash, but that Mahoney was driving north in the southbound lanes of the interstate and is responsible for the tragedy.

According to Kentucky State Police Trooper Henry "Sonny" Cease Jr., the video was produced using a scale model of the crash scene south of Carrollton as well as scale models of the crash vehicles depicting them before and after the collision.

Cease said the model vehicles were moved in unison and videotaped to recreate the tragedy based on statistical and physical evidence gathered in the case.

Cease has spent 1,880-hours over the past 18 months to investigate the tragedy, which has since become known as the worst drunken driving accident in U.S. history.

"Through all my investigation, all my comparisons of vehicles, all my examinations of physical evidence I gathered, in my opinion there is no other way this collision could have happened," Cease told the jury as he neared the conclusion of his eight hours of testimony over the past two days.

The video recreation was eerie in that it showed the undamaged vehicles closing in on each other just prior to the crash and included an animated recreation until the

# Some victims killed by fire, state medical examiner says

By MARK CAMPBELL *me*  
Kentucky News Editor *12/9/79*

A state medical examiner testified yesterday that some of the 27 victims who died in a fiery church bus crash in 1988 may have been "burning alive" before they eventually succumbed to smoke inhalation.

Dr. George Nichols, the chief medical examiner for the state of Kentucky, testified yesterday as the 107th and possibly last witnesses for the prosecution in the murder and drunken driving trial of Larry Wayne Mahoney.

Nichols, who coordinated the recovery of the 27 victims' bodies from the gutted former Meade County school bus, supervised the identifications and autopsies in the case.

Nichols also issued final reports on the cause of death in each of the 24 children and three adults who perished in what has been described as the worst alcohol-related accident in U.S. history.

The victims, all passengers on a First Assembly of God church bus from Radcliff, Ky., died after the fuel tank on the bus ruptured in a head-on impact with a pickup truck driven by Mahoney and spread fire throughout the vehicle. Another 40 passengers escaped the fire but many were badly burned before they could exit the crowded school bus through its one remaining door.

Mahoney, a 36-year-old factory worker from rural Owen County, is being tried on 27 counts of murder as well as 12 counts of assault, 42 counts of wanton endangerment and one count of driving under the influence of alcohol. He could be sentenced up to life in prison on each of the murder charges if convicted.

"Obviously a mass disaster," was the way Nichols described the scene he found on Interstate-71 south of Carrollton when he was summoned to the crash site by Carroll County Coroner James Dunn a little over two hours after the

tragedy occurred.

Having served as the state's chief medical examiner since 1977, Nichols has responded to numerous disasters including mine explosions, fires and shootings. When he arrived at the crash site, the highway was a scene of emergency vehicles with "blue lights flashing everywhere," he said.

"When I got there I asked Coroner Dunn how bad things were," Nichols said. "He said they were terrible."

Nichols borrowed a flashlight from a Kentucky State Police trooper, entered the rear emergency door and saw about 15 to 17 people "draped over the backs of seats, people who were co-mingled and stacked on top of each other," he said.

He then recalled leaving the bus and sitting for 15 minutes in a state police cruiser as he tried to assess the scene he had just witnessed. Nichols said after getting into the cruiser he "sat, blinking my eyes hoping what I was seeing would go away."

Nichols decided the bus, with bodies still intact, should be moved to a temporary morgue at the Kentucky National Guard Armory near Carrollton.

Before Nichols could remove any of the bodies from the bus, family members from Radcliff had started to arrive at a nearby Holiday Inn in Carrollton to inquire about their missing family members and identify their remains if necessary.

He said he met with two ministers from the Radcliff area and told them he had determined that a "visual identification of the victims was impossible" because their bodies were too badly burned.

Through the help of state police and American Red Cross workers, the family members were interviewed concerning what personal effects and jewelry the victims might have been wearing to aid in the identification process, he said. Later, dental records of the victims



## Examined testimony

Dr. George Nichols, Kentucky's chief medical examiner, reacts to cross-examination by defense attorney William Summers. Nichols testified yesterday in Carrollton in the murder and drunken driving trial of Larry Wayne Mahoney. (Pool photo by Ed Reinke.)

were flown to Carrollton and that was the method used to positively identify most of the victims.

"Each body was removed and placed in a numbered, zippered disaster bag and placed on a gurney," said Nichols, adding there was eventually a "long line of gurneys with black bags."

Nichols said the autopsies were "ongoing with the operation inside the bus."

"We would remove two, three, four victims and then do the post

mortems — to just get out of the bus for a while," he said, adding the 27 bodies weren't recovered and the autopsies concluded until 9:30 p.m. on that Sunday.

"The condition of bodies displayed extreme burns and partial incineration," Nichols told the jury.

Some parents of the victims sobbed quietly and wiped tears during the the medical examiner's three

See: MAHONEY  
Page 3, Column 1

hours of sometimes graphic testimony.

Nichols testified yesterday that each of the 27 victims died of smoke inhalation as he told family members and reporters and issued in his reports at that time. He added the bodies were too severely burned to detect superficial injuries, but that none of the victims had broken bones or signs of deep cuts or bruises from the impact.

Nichols went through a stack of 27 folders, each of which contained the report of those who died in the bus crash. He said most victims were identified by dental charts, while some were identified by jewelry, personal effects or the process of elimination.

He said he found "soot" in the respiratory tracts of each of the 27 victims and that they had blood carbon monoxide levels of from 18 to 69 percent. A "trace" amount of cyanide was detected in toxicology tests conducted on one of the 27 victims.

However, Nichols also noted yesterday that some of the victims were probably "burning alive" and their direct exposure to the flames could have been a contributing factor in their deaths.

Specifically speaking, Nichols told the jury Chuck Kytta, the church's youth minister who was standing in the front stairwell of the bus at the time of the collision, was "coated with droplets of fuel" when the fuel tank ruptured and he burned when the fuel ignited. He described Kytta as being in the "center of a flash fire that quickly surrounded him."

Nichols noted Kytta had the lowest blood carbon monoxide reading, at 18 percent and probably died from the fire. However, he said smoke inhalation was a contributing factor in Kytta's death.

During cross-examination by William Summers, lead counsel for the defense, Nichols was asked why his final report on Kytta did not indicate the 34-year-old man died from the fire and not the smoke inhalation.

Later, Nichols admitted he may have initially kept family members as well as members of the media in the dark concerning victims who may have burned while alive.

"I may not have spoke the entire truth to the media and to a lesser extent to the families," Nichols said. "At that time I only had a suspicion that one or more had not been rendered unconscious by

smoke. I accepted the burden of trying to inform the media. And since I only had a suspicion until later on ... I did not have clear evidence that there could be more than one person who burned alive. I saw no reason to call a news conference to make that public at that point; however, this is not a news conference; this is a court of law and I have told you the truth."

Summers also asked Nichols why he had not amended his post-mortem reports on the victims he thought may have burned alive and asked if he was trying to "protect the families."

The medical examiner said his reports are accurate in that he said the victims died from smoke in-

halation while also suffering burns while they were near death as well as after death.

Nichols also said earlier testimony in the case supports his claim that some victims were alive when the fire swept through the bus. He said the screams and cries other witnesses heard were "consistent with my opinion."

He said all of the victims except for one — Kytta — had tried to flee the burning bus.

"They were trying to get to the back door," he said. "They clearly were moving toward the back of the bus."

While answering reporter's questions about yesterday's testimony, Summers said the changes in Nichols' account of how the people on the bus died could damage his credibility as a witness.

"When a person issues a document a month later and leaves out any mention it does become a question of credibility," said Summers.

Richwalsky said Nichols may have tempered his original comments to the media and families out of concern for the family members' feelings.

"There's a limit on what anybody can take," Richwalsky said of Nichols' feelings. "Maybe that's the first time he's seen 27 children die like that and had to go face their families."

The prosecutor said the families had been briefed concerning the pathologist's testimony and they knew some of the victims had burned alive going into yesterday's testimony.

"Everyone died from smoke inhalation, but some of the people died from being consumed by fire as well," said Richwalsky, who added "many people think with smoke inhalation you just go to sleep and feel nothing" but it can sometimes result in a more painful death.

"Not at all," said Richwalsky on whether Nichols' credibility had suffered during cross-examination. "If anything, I think it probably enhanced the credibility. I think they (the jurors) understand the human factors ... He did what he did and explained why he did it."

Summers also questioned the validity of the toxicology tests the medical examiner had conducted on the victim's blood specimens at the Kentucky State Police Crime Laboratory in Frankfort. Summers specifically asked about the presence of cyanide and hydrogen chloride.

Nichols testified that tests for cyanide gas found only "trace" amounts in one of the 27 victims while no screening for hydrogen chloride was performed.

Summers said both gases can cause or be contributing factors to a person's death — noting that chlorine gas was used as a weapon by the Germans in World War I and cyanide gas is used in death-penalty case executions in some states.

Cyanide and chlorine gas are both byproducts of certain fires including foam rubber, Styrofoam, wool, some clothing, plastics, vinyl, tennis shoes and human hair.

Summers asked if the burning

foam seat cushions and vinyl seats could have diminished the victims' chances of making it out of the bus. He also asked if the seats made up the majority of the combustible material in the bus.

"Obviously, there was a substantial amount of plastics in the bus," said Nichols.

"The seats?" Summers asked.

"Yes," Nichols replied.

The defense attorney then questioned the sensitivity of the tests used to screen for cyanide and also asked why no efforts were made to test for hydrogen chloride.

Nichols said he didn't think the state crime lab was capable of testing for hydrogen chloride, but while the test used to screen for cyanide may not be as "sensitive" as some others available, it is "more specific" and "reliable."

Nichols said the test used to detect cyanide is sensitive enough to determine if there is enough of the toxin present to cause death.

However, Summers asked if that would also be sensitive enough to determine if there was enough cyanide present to be a contributing factor in a person's death. He noted cyanide causes a person's heart and respiratory rates to increase — possibly causing them to breathe faster and ingest more of the carbon monoxide gas that eventually killed most of the 27 victims.

Given those conditions, Summers asked Nichols if he could say positively that cyanide or chlorine gas had not affected at least 26 of the victims and possibly hindered their ability to flee the burning bus.

The medical examiner answered "No" to each question.

Later, while answering a question re-directed by Richwalsky, Nichols said the victims' bodies were so heavily burned more sensitive tests may not have produced any more reliable results.

Nichols also noted conditions in the temporary morgue as well as the amount of time it took to recover the bodies could have affected the results of any toxicology tests rendering them less meaningful. The autopsies were not completed until 22 hours after the crash.

"The conditions were clearly sub-optimal," he said. "Even if we had tested for these things I don't know what the numbers would have meant."

Summers asked Nichols if the 1977 former school bus had used diesel fuel instead of gasoline and had flame-retardant seats and more emergency exits, would the victims' chances for survival been greater.

"In my opinion it would have," Nichols answered.

Richwalsky later asked Nichols if he realized 99 percent of the buses manufactured in 1977 were gasoline. The medical examiner said he did not know that to be a fact, but it seemed feasible.

As far as the toxicology tests are concerned, Richwalsky said the type of seats that were on the bus are not relevant to the case and that the question the jury must decide is whether Mahoney acted with extreme indifference to the value of human life by drinking and driving.

He said bus safety issues are also irrelevant because the trial is "constrained to the type of vehicle in this case" and that it is Mahoney who is on trial and not the bus.

Summers responded that the "relevancy of bus safety was decided earlier in the case" when Carroll Circuit Judge Charles F. Satterwhite agreed to allow the defense to put on evidence concerning bus design and safety.

"We're just trying to portray and show what has happened," said Summers.

Although Richwalsky did not officially rest the prosecution's case yesterday, he said he has more than likely called his last witness. He said he will "check everything over this weekend" as a "margin for safety" to see if he has left anything uncovered.

The defense is expected to begin its case Monday, and Summers said he will begin with factual witnesses and then later move into testimony by expert witnesses.

He said the defense will need at least a week to present its case.

the crash-worthiness of fuel tanks. That study could include a close look at plastic fuel tanks.

The board also recommended that the highway administration stiffen standards on bus exits and flammability, and require more protection for buses in severe crashes.

Feaheny said after the ruling that the board "was completely wrong."

In March, the safety board also proposed that states phase out school buses built before tougher federal safety requirements went into effect in 1977. The bus involved in the Carrollton crash was built before standards requiring protective cages around fuel tanks were adopted.

The NTSB recommended that Kentucky enact measures designed to keep drunken drivers off the road. Those suggestions include increased use of sobriety checkpoints and tougher penalties for drunken drivers.

Feaheny argued that the broken leaf spring assembly might not have punctured a plastic fuel tank and that even if a plastic tank had ruptured, it would not have "boiled over" with fuel, spraying people like a flame thrower.

Larry W. Mahoney, a 36-year-old Owen County man who drove the pickup truck involved in the wreck, is now standing trial in Carroll Circuit Court on charges including murder and drunken driving.

Loeb told the safety board that the staff turned up no information to support a recommendation that the National Highway Traffic Safety Administration require plastic fuel tanks.

He said the NTSB was aware of no studies comparing steel tanks with plastic ones. Loeb added that performing such tests was "beyond" the capability of the safety board.

Loeb noted that the safety board recommended last March that the traffic safety administration study

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# Surgeon testifies bus wreck was a medical disaster

By MARK CAMPBELL  
Kentucky News Editor

A pediatric surgeon who treated six of the most serious burn victims from the fiery bus crash on Interstate 71 in 1988 testified yesterday many of the children were permanently disfigured by the heat and flames, but the greatest threat to their lives came from smoke inhalation.

Dr. Mary Fallat, a pediatric surgeon at Kosair Children's Hospital in Louisville, said she would qualify the fiery tragedy as a "medical disaster" and that many of the victims' most serious injuries were related to the inhalation of noxious smoke and fumes.

The "medical disaster" Fallat spoke of has also been called the worst drunken driving accident in U.S. history and 36-year-old Larry Wayne Mahoney, Owen County, has been charged with drunken driving and 27 counts of murder in connection with the crash.

Mahoney, who also faces 12 counts of first-degree assault and 42 counts of first-degree wanton endangerment, is accused of driving his pickup truck the wrong way on Interstate 71 near Carrollton and colliding head-on with a church bus from Radcliff, Ky., on May 14, 1988. He faces up to life in prison if convicted on the murder charges. Police have said his blood-alcohol level over an hour after the accident was 0.24 percent — almost 2½ times the level considered legally intoxicated in Kentucky.

Fallat, who testified as an expert witness for the prosecution yesterday, said the six children she treated suffered from first, second- and third-degree burns on anywhere from 3 to 25 percent of their bodies. While none of the burns were considered life-threatening, most of the patients she saw could have died from respiratory complications if not for the specialized treatment they received at Kosair.

"The bronchial tube of every child was lined with soot," said Fallat, referring to the smoke and noxious fumes the six children breathed while escaping from the burning bus. She said smoke inhalation is a situation that can eventually lead to a complete "swelling of the vocal chords" causing the patient to choke to death if not respiration by means of a tube inserted in the throat to keep the passageways open.

Fallat noted the heat caused disfiguring burns to various parts of the children's bodies, the heat and flames did not result in the victim's life-threatening respiratory problems.

"It's not the heat that caused the injuries, it's the byproducts of the fire that cause the injury," Fallat testified during cross-examination by defense attorney Jack Hildebrand.

During his questions, Hildebrand asked Fallat if nature of the toxic fumes the children breathed in the fire could be considered a contributing factor to the seriousness

floor coverings that burned in the fire caused the smoke and fumes to be more toxic.

"Certainly, if you have byproducts of combustion and some are more noxious than others, then the degree of injury could be more serious," Fallat responded, while indicating she had no evidence to indicate the bus crash fire was more noxious than any other, but that a medical examiner's report could provide more information in that area.

After yesterday's testimony concluded, William Summers, lead counsel for the defense, said issues related to the seats on the bus were finally coming to the surface.

"I think it was also significant to note that even from Dr. Fallat we began to learn that the toxicity of the smoke — and we've heard about a very dense, rolling, black smoke," said Summers after court recessed for the day. "What was the toxicity of the burning seat material? I think that was the largest, by volume, material within the bus. We claimed that all along (it) had a significant effect. It's starting to happen.

"No one is attempting to put Larry Mahoney on the right side of the road or to intimate his blood alcohol was not an impairment, but from the defense's posture and from the state's posture, we want the entire truth to come out and as advocates we'll argue our case."

During testimony yesterday afternoon by the six children who were most seriously injured in the tragedy, many said they have very little memory of the crash, fire or their escape from the burning bus.

However, David Walliser, a Radcliff teen who sustained burns on his arms and legs as well as smoke inhalation, said the aisle of the bus was so crowded when he tried to escape the fire it was hard to move.

Later during cross-examination by Hildebrand concerning whether the bus was crowded, Walliser said, "It was full ... There were more people on it than I would really feel comfortable with."

Katrina Muller, who suffered burns to her face, hands and arms and respiratory tract, also said the aisle was packed with children trying to get to the rear emergency door of the bus.

The head-on collision blocked the front exit of the bus and ruptured the vehicle's fuel tank, starting a fire that eventually engulfed the entire passenger compartment.

the entire passenger compartment.

"I was in line the way they teach you to get off a bus," said Muller, who added she finally realized that exiting the bus by the jammed aisle would be too slow and decided to crawl along the backs of the seats.

"I became overcome with smoke and fell down," she said, "I prayed to God my heart was right and I'd go to heaven. When I was laying down it felt like the heat was right there ... there was smoke all around me."

Muller spent 35 days in a Louisville hospital while recovering from her injuries to a point where she

See: MAHONEY TRIAL  
Back Page, Column 4

## • Mahoney trial

Continued from Page 1  
could go home.

During his cross examination, defense attorney Russ Baldani asked Muller about a video tape she had made while still undergoing treatment in the hospital. Muller sent the tape to Mahoney while the defendant was undergoing evaluation at the Kentucky Correctional Psychiatric Center in LaGrange and Baldani asked why.

The girl told Baldani she had made the tape to let Mahoney know she did not hate him and had forgiven him.

"In my church I was raised that you can't go to heaven if you hated somebody," she tearfully said as her voice trembled with emotion. "I forgive him for what he did, but I still think he needs to be punished for it."

In other testimony by children who were seriously injured in the crash, several of the victims had a difficult time speaking loud enough for the jury, attorneys' and court officials to hear them.

According to Richwalsky, many of the victims still have sore throats from smoke inhalation injuries to their throats and respiratory tracts.

Kim Dennis, 18, of Radcliff, suffered burns to her hands and head as well as lung damage.

Dennis said although she does not remember breathing fire or smoke, she spent two weeks in the Kosair Intensive Care Unit with a tube down her throat.

Asked by Hildebrand if her throat was still sore today, Dennis said in a hoarse whisper, "It's not really sore, but my voice has changed a lot."

Harold "Bubba" Dennis, Kim's 15-year-old brother, who suffered burns over 15 percent of his body including his face and upper body as well as severe respiratory damage, remembers very little about the accident, but he spent about two months at Kosair including two weeks on a respirator.

Bubba Dennis, who is permanently disfigured, said he has had surgery "too many times to count" and still must undergo additional surgical procedures in the future.

Aaron Conyers, 14, of Elizabethtown, was one of the more seriously injured victims to survive the crash. He lost his older brother, Joshua, in the tragedy and with second- and third-degree burns over 25 percent of his body, Aaron has had surgery several times already.

Conyers said he remembers much that occurred before, during and after the crash. He said he saw headlights of the vehicle that collided with the bus as well as "stuffed animals" and other items that were blocking the aisle of the bus, making it difficult for the passengers to escape through the rear door.

One line of questions Summers asked Conyers in his cross examination centered on a statement the boy made to state police in July 1988 and discussed in passing while testifying for the prosecution yesterday.

Summers asked Conyers, who was seated on the driver's side of the fifth row of the seats in the bus on the night of the tragedy, if he remembered telling investigators he had seen a couple of girls light disposable cigarette lighters in the moments after the crash.

Conyers said he had seen some lighters but he didn't remember anything about it now.

Summers read from a transcription of a taped interview in which Conyers was quoted as saying the front of the bus was on fire when two girls sitting across the aisle from him lit their cigarette lighters and the flames got worse in that section of the bus.

"When they lit the lighters ... just fire went up in the air," Summers read, quoting Conyer's 1988 interview.

Summers asked Conyers if he thought the lighters ignited gasoline fumes that were possibly in the bus or if they caught the bus seat cushions on fire.

Conyers, who could barely be heard because his voice is still weak and hoarse from injuries suffered in the fire, said he could not remember events pertaining to the lighters.

lighters. He noted the prosecutors could have just as easily decided to overlook the interview and not make that information available.

"I think it shows you the fair level the state police have approached this with and certainly the state police have been guided and directed by their lawyer (Richwalsky) from early on," said Summers.

Richwalsky noted every interview conducted by his investigators has been transcribed to writing and made available to the defense.

In other testimony yesterday, one of the more emotional moments in Wednesday's proceedings came when Linda Jane "Janey" Padgett, Vine Grove, testified.

Padgett was a good friend of Joy Williams, one of the three adults who perished in the fire, and was the only adult chaperon to escape the tragedy.

According to Padgett, the children had had a fun day at King's Island amusement park near Cincinnati on the day of the crash and many were sleeping on their long ride back to Radcliff.

"Quite a few buses left (King's Island) at the same time," said Padgett. "It was like a caravan. Some stopped at McDonald's and the kids begged us to stop."

Padgett said bus driver John Pearman, who died in the crash, did not stop until they filled the bus with gasoline and the kids went to the bathroom and bought snacks and soft drinks at a Chevron station.

She said she remembered one girl getting sick on the ride home some time before the crash, but little else out of the usual until she woke up following the collision with her mouth bleeding and saw Pearman still in his seat, silhouetted by the glow of the fire.

"I remember saying 'Oh my God!' and the next thing I know I was on the ground and I don't know how I got there," Padgett said.



Padgett said she recalled the bus coming to a stop after hearing the "steel dragging on the pavement for what seemed like an eternity. I remember how thankful I was that we had stopped and we would be

okay. The second that came across my mind, I saw an orange glow and I knew we would be in trouble."

According to Padgett, she was sitting beside Williams in the second row behind the driver, and escaped through an open window there. However, she said she does not remember how she got out the window.

"I remember the cold grass touching my legs," Padgett said, becoming more emotional and tearful as she told the jury she ran from the bus into the grassy median. "I remember looking back and hoping and praying somebody was behind me. I looked back and all I saw was flames. I remember screaming for Joy (Williams), but I could not help her."

Padgett said the heat from the bus was intense by then and a "woman ran up to me and she told me 'Honey, you have to run' and I started to run."

She said she stopped, looked back and screamed for Williams again and the woman returned and told her "'Honey, you've got to run, the bus is going to blow.'"

Padgett said as she ran further away from the burning bus she could hear a "stampede of kids" behind her. "We all sat down and thanked God we got off and did the best we could do to console each other."

Some of the children "were burned so badly I couldn't tell who they were," said Padgett, adding "One little girl looked like something had melted on her face."

She said she kept working with the children "as much as I could" and then heard an explosion. "I looked back at the bus," she said. "There was a billow of smoke that was just unreal and that's when I lost all hope for my friends. I knew I couldn't find them."

More testimony from victims who were seriously injured in the crash is expected today as the trial moves into its sixth day of testimony. Richwalsky said he will call his final witnesses who were allegedly assaulted in the crash today and that work to present the commonwealth's case has progressed as planned.



### Trial scenes

Janey Padgett (left) wipes away tears while testifying in the trial of Larry Mahoney yesterday. Dr. Mary Fallat (right), a pediatric surgeon who treated six of the burn victims, indicates the loca-

tion of burns suffered by David Walliser, a victim of the bus crash that claimed the lives of 24 children and three adults in 1988. (Pool photos by Todd Buchanan.)

# Family members of victims show concern

By MARK CAMPBELL  
Kentucky News Editor

After being noticeably absent during the first two weeks of jury selection in the murder and drunken driving trial of Larry Wayne Mahoney, surviving victims and family members from Radcliff packed the Carroll County Circuit Courtroom as testimony began in that case yesterday.

Mahoney, 36, is charged with 27 counts of murder, 12 counts of first-degree assault, 42 counts of first-degree wanton endangerment and one count of driving under the influence in connection with a head-on collision that killed 24 children and three adults on Interstate 71 near Carrollton on May 14, 1988.

Victims who survived the crash and family members of people who perished in the fiery aftermath of the collision had stayed away from the criminal proceedings until yesterday at the request of Special prosecutor Paul Richwalsky Jr., an assistant to state Attorney General Fred Cowan.

However, with opening statements and testimony beginning yesterday, the people from Radcliff turned out in force to see the man accused of being drunk when he crashed into a First Assembly of God church bus that their loved ones were returning to Radcliff on from an annual outing to King's Island Amusement Park near Cincinnati.

According to Rick Uhey, who lost one daughter Crystle, 11, in the crash while another survived the ordeal, residents of Carrollton have treated the victims well. He said residents of both communities have experienced the hardships of dealing with the tragedy and the attention it has gained.

"We are very pleased with the hospitality of the town and what they're doing for us," said Uhey. "They've gone through a lot and we understand the town itself is not responsible for what took place. Unfortunately, this is where it is being held. Under all the circumstances we feel they have done a great job for us."

"I feel, Carrollton is in the same

boat Dallas was when (President John F.) Kennedy was assassinated," said Bill Nichols, who lost his son William Joseph Jr., 17, in the crash.

But while family members of the victims are sympathetic to the people of Carrollton and Carroll County, they are also concerned whether the community is sympathetic to Mahoney and whether a jury will deal out the degree of punishment they feel the case warrants.

"We're putting our faith in the jury that has been selected. There will be no justice that comes out of this," said the Rev. W. Don Tension, pastor of the First Assembly of God in Radcliff. "I will not try to

describe fully what that will be. We're just going to have to trust God and trust this jury to do justice."

"I would prefer that it be held elsewhere but I'm going to put my faith in the people of this county," said Army 1st Sgt. Lee Williams, who lost three family members in the crash. "You can't judge a county by one man. I haven't and I won't. I certainly think the town's been more than outgoing. They've offered a lot to us and I'm not unhappy with the town, it's a nice area. I'm going to put my faith and trust in the jurors that the judge has

See: FAMILY  
Page 3, Column 1

"Mr. Mahoney has his friends and his relatives and I'm here today to represent my wife and my two children and other people who were taken away from us on that bus," said Williams. "I think that we have to show up in court for our cause and our defense and I'm here to do that."

"Seeing Mr. Mahoney in person, I think it's going to be a stressful event for all of us," said William Nichols, whose only child, 17-year-old William Jr., died aboard the bus. "Mr. Mahoney has his whole family" at the courthouse, Nichols added. "My wife and I are representing my son."

While some family members want to see justice served in whatever respect, some of the people who lost children and spouses or saw their children permanently disfigured in the crash think the only way justice can be served is for Mahoney to spend the rest of his life in prison.

According to Mickie Muller, whose daughter Katrina survived with disfiguring burns, Mahoney should be forgiven, but he should also be punished. "We're living in a good country here and surely the deaths of 27 people cannot go unpunished," she said.

"Well, 27 lives were lost and 40 were changed irrevocably," added Muller, when asked what that punishment should be. "I don't think he should be smacked on the hand and sent home."

Continued from Page 1

allowed to sit on this case. I have to."

The family members from Radcliff said their presence at the trial shows that they care and are concerned. However, they also said in putting their trust in Carroll County jury, they know the jurors will make right decision after hearing all the evidence.

At the same time, many of the Radcliff family members noted that one way to let the jury know how important the case is for the victims' family members is for them to show up in court.

Asked if anything less than a life sentence would satisfy the victims. Williams said, "No it won't. I think what Mr. Mahoney needs is life in prison forever. He's taken away 27 precious people. He's taken away my wife and two daughters. I have no brothers and no parents. I have no living relatives. I think he gave up his right to freedom and I really don't understand why we're having the trial. It's obvious he drove the vehicle, it's obvious he hit the bus and there's 27 cemetery plots out there with 27 people in them. To me it's a waste of time. The man is guilty in my opinion and I think life in prison is the minimum of what he should get."

"The people in graves, they don't have a right to get out," added Muller.

During jury selection last week, several of the prospective jurors said they could not convict Mahoney of murder and others said they possibly could but they would find it difficult.

However, family members of victims to the crash think there should be no doubt on the validity of the charges and that Mahoney's vehicle was no different than a weapon.

"I certainly do," Williams said, when asked if he thought Mahoney should be facing murder charges. "There's no question about it. What's the difference whether you murder somebody with an AK-47 (assault rifle), a bomb or a steering wheel. I certainly do believe that."

Another family member said the fact that Mahoney is being tried before a jury is more consideration than the defendant gave their loved ones on the night of May 14, 1988.

"There's a jury here for him and a judge and a victim," said Williams. "Where is our victims' jury. They were tried and convicted out there on that interstate on May 14 in the late hours of the night. That was their trial and that was their jury and they were found murdered by a drunk driver."

One aspect of the crash that all victims from Radcliff agree on is that the crash that killed their family members was no accident, but, instead, a tragedy.

"This wasn't an accident and I think the media can play a big part if they'll quit calling it a bus accident," Muller, told members of the media at a 12:30 p.m. news conference. "An accident is when you inadvertently fall asleep at the wheel or your tire bursts and you run into someone. This was not an accident. This was a man who chose to drink, who chose to get in a car. You can do a lot to further our cause if you please quit calling it a bus accident."

The parents of victims in the crash also said any efforts by the defense to bring bus design and safety into the case should be looked at as a smoke screen to cloud the real picture of what happened that night. The defense has said the vehicle's fuel tank was vulnerable to impacts and other features of the bus led to the severity of the injuries and high death toll.

"That bus was bought by Meade County in March 1977 and that bus had hauled thousands of students from school to concerts, to sports events," said Williams. "The church has used it to haul hundreds of people back and forth and that church bus would still be sitting in the parking lot in Radcliff, Ky., now if it had not been for a drunk driver."

"The gas tank has nothing to do with it and bus safety has nothing to do with this issue. Bus safety is an important factor but not in this trial," Williams added. "We should be talking about the No. 1 issue — murder and drunk driving. We should be talking about it and not bus safety ... bus safety is not the issue here folks, murder is the issue and drunk driving — we need to concentrate on that and that's what we're here for."

"That bus was in good working mechanical condition. We have the records to show it and we will be glad to show those records, but that is not the issue here and I think that

his lawyers are trying to do all they can" to make it an issue, Williams continued. "That is really their only big stand — to prove (it was) bus safety and that's not the issue and I believe when the jurors hear the testimony, when they hear everything they will make that decision."

One parent said although 18 months have passed since the tragedy, the scars are still there and the reminders are still present every time he goes by a McDonald's, a school yard or another place where the youths use to hang out and enjoy themselves.

"You have to deal with it," Williams, who was the chief non-commissioned officer of a medical company at Ireland Army Hospital at Ft. Knox. "I want to go on and I'm going to put my life back together as much as I can and the reason I do that is because Joy, Kristen and Robin would want me to do that. I can't give up and that's one of the reasons I'm down here. I have to see, and I have to see justice done, and we all have to make a stand for those people. Who else is going to do it? If the victims' families do not come down here, who is going to represent them besides the attorneys down here?"

According to Tennon, another thing that makes forgetting the tragedy difficult and reopens the wounds is to continue seeing all the lives continually destroyed by drunken driving. He noted that every year 25,000 people killed by drinking and driving themselves or from hitting other people, yet many perpetrators are "patted on back."

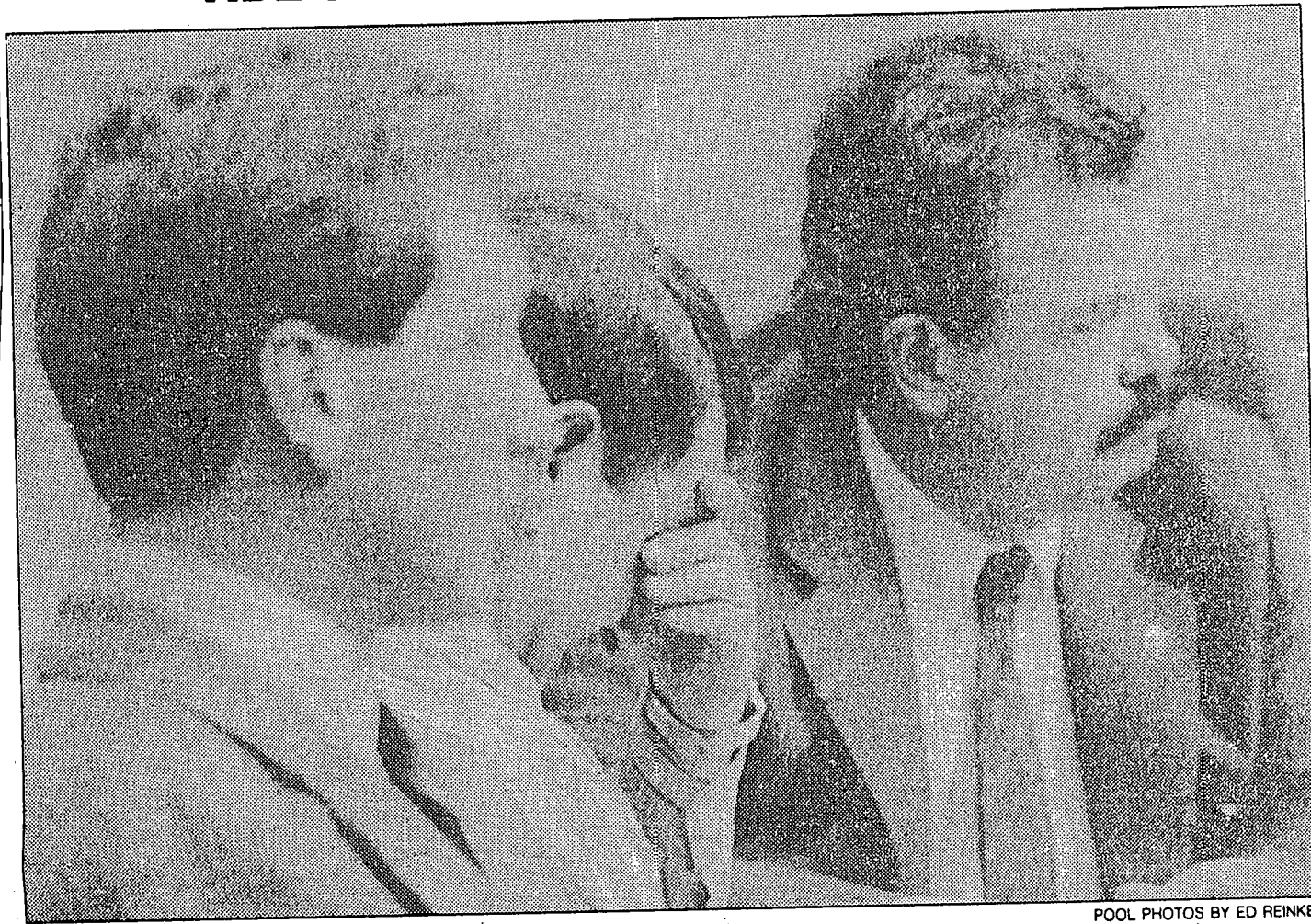
Tennon said he read a local newspaper recently and a man charged with deer poaching got a stiffer penalty than a man charged with driving under the influence and traveling at an excessive speed. "These things are just obnoxious to people who have gone through what these people have gone through," he said. "It is time that America wakes up."

While many of the victims have campaigned against drunken driving since the crash and plan to continue that work, others just want to get back to their lives.

Getting back to a "normal" life may be impossible, but many of the victims are going to try to do just that once the trial is put behind them.

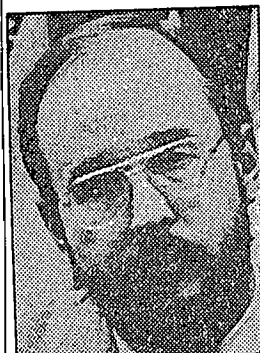
"Hopefully, we're going to see justice done and after that I just want to do as much as I can to put my life back in to normal, but life never goes back to normal," Williams said. "For those of us in this room who have ever lost a loved one, you know what I mean. When I go back home, I can show you the house that I used to live in. How do you put your life back to normal when you have two wonderful children and a wonderful wife and they're not there anymore. They didn't die of a disease and they didn't die of an accident. They were killed on that highway. How do you put your life back together? If somebody in this room has the answer, see me after this news conference, because I'd love to hear the story."

## TIDE OF EMOTION AT BUS-CRASH TRIAL



POOL PHOTOS BY ED REINKE

Larry Mahoney, flanked by attorneys Russell Baldani, left, and William Summers, sobbed during yesterday's testimony.



Roy Weeks and his wife, Vicki, testified about what happened when a pickup passed them in the wrong lane on I-71 and the sky lit up with fire moments later. Weeks turned the car around, and when they approached the accident scene, "We saw a terrible fire. It was riveting."



## Testimony unleashes tears throughout Carroll courtroom

By BILL WERONKA  
Staff Writer

CARROLLTON, Ky. — Larry Mahoney's stoic public image fell apart with sobs yesterday in Carroll Circuit Court as witnesses gave the first graphic descriptions of the fiery bus crash Mahoney is accused of causing.

Relatives of some of the 27 crash victims were the first to begin crying and comforting each other as Roy and Vicki Weeks, passers-by on Interstate 71 the night of the crash, described the flaming bus and the desperate calls for help from inside the inferno.

Then Mahoney's mother, Mary, gave in to tears, followed by his sister and cousin. As jurors began wiping at their eyes, Mahoney, who has publicly remained impassive throughout the 18 months since the May 14, 1988, crash, collapsed into sobs.

As the Weekses' testimony concluded and court was adjourned for Thanksgiving, Mahoney's tear-streaked face was hidden in his hands and he shook with heavy sobs. He was helped from the courtroom by a security officer, still crying and covering his face.

The victims' family members, still shaken from reliving the experience themselves, did not have

much sympathy for him.

"I took a look at him and said, 'At least he's crying today.' ... We've been crying for 18 months," said Steve Brewer, whose 12-year-old daughter, Sandy, died in the crash.

Mahoney's lead attorney, William Summers, said of his client's emotion: "It was bound to happen sooner or later."

Mahoney's brother-in-law, Jim Daugherty, still red-eyed from the experience himself, said he also had known the breaking point would come for Mahoney: "You can only put so much air in a balloon before it bursts."

Mahoney, 36, is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving under the influence in connection with the

crash. He is accused of driving drunk on the wrong side of I-71 near Carrollton and running his pickup head-on into a Radcliff First Assembly of God church bus with 67 people aboard. Twenty-four children and three adults died, and 12 were injured.

Ten people testified yesterday about encountering a driver heading the wrong way on I-71 the

**"I took a look at him and said, 'At least he's crying today.' ... We've been crying for 18 months."**

Steve Brewer, father of a child who died

See TEARS  
Back page, col. 1, this section



## Tears flow freely at bus trial

Continued from Page One

night of the crash. The Weekses were the last, and the most affecting.

Roy Weeks of Pleasureville said he and his wife had left the movies in Carrollton and had been southbound on I-71 for only a few minutes when they encountered a pickup heading toward them in the left lane. Roy Weeks said he moved over to avoid the truck, which was not going fast, weaving or taking any evasive action.

About a half mile after the truck passed, he said he noticed flames in his mirror. He and his wife discussed whether they had passed a fire. "Then I told my wife, it (the truck) must have hit somebody."

He said the flames disappeared and all he could see was a glow in the sky. Vicki Weeks said it reminded her of a campfire.

The couple continued on for about 1½ miles, then turned around in the median and headed back north on I-71 "so we could go back and help if there was an accident," he said.

As he approached the scene "we saw a terrible fire," he said. "It was riveting."

He thought it was a truck before realizing it was a bus, and was so

captivated by the scene that he almost ran into a Cadillac, also involved in the crash, that had crossed the median and blocked both northbound lanes.

"The whole front third (of the bus) was engulfed in flames," Weeks said.

After calming his wife, Weeks said he went over to the scene.

"The fire was spreading slowly ... toward the back of the bus," he said.

Roy Weeks said some children were already outside the bus, and he did not try to help "because I couldn't tell if anyone still needed it." He then noticed the pickup and recognized it as the one that passed him on the highway. Mahoney was still trapped inside.

Roy Weeks said that, while the bus' rear-exit door was closed when he first walked toward it, he heard screams for help a few minutes later.

"That was the first time I realized there were people still inside."

Some man, Weeks said, began yelling for the people inside to push the door open.

"A girl put her hand out and the man jerked her to the pavement," Roy Weeks said. "Then I didn't hear any more from inside the bus."

One young girl was excited, crying for her father, but the other children scattered across the grassy median were quiet and unresponsive as people tried to comfort them, Roy Weeks said.

By the end of the couple's testimony, emotion had flooded the courtroom. As the Radcliff families left, they hugged each other and borrowed tissue to wipe away the ever-increasing tears.

"You're sitting there, trying to be quiet, but there was no way once it was over," said Janey Fair, who lost her 14-year-old daughter, Shannon, in the crash.

"It was like driving a knife in and starting it all over," said the Rev. Don Tennison, pastor of the First Assembly of God church in Radcliff.

"It was like starting it all over," Brewer said, "because a lot of us lost kids and one of the ones they were talking about might have been ours."

Tennison said Assistant Attorney General Paul Richwalsky Jr., the special prosecutor in the case, had warned them about what would be coming in a briefing Monday.

"He said it would be very graphic," Tennison said. "But when people put words to the pictures, it becomes real."

"A warning was not enough," Brewer added. "It really became real because there is still a lot that nobody knows about."

Richwalsky said it was difficult to prepare the families for what they would encounter in the courtroom, but he tried to give them as much information as he could.

Summers said even the lawyers were affected.

"You can't overlook it," he said. "We both feel for everyone. I don't know, but I certainly can appreciate how he (Richwalsky) feels. He knew this minute, this afternoon had to come and it's certainly not over."

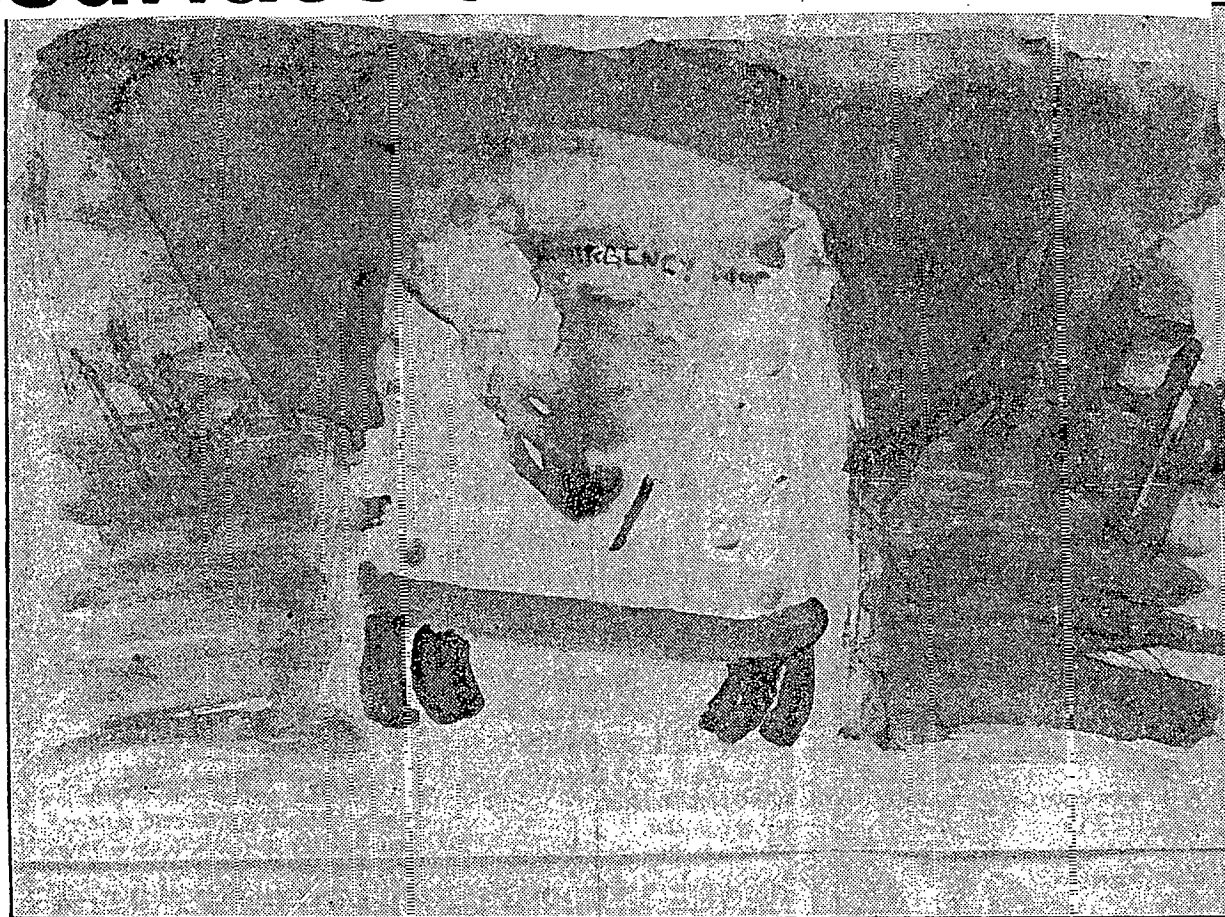
During morning testimony, Richwalsky continued chronicling Mahoney's drinking the day of the crash. Taylor Fox, a neighbor and friend of Mahoney, said he met him about 8:30 p.m. with some friends. While he vacillated about saying Mahoney was drunk, he said his friend only drank one beer in his presence.

But the defense drew out of him and another man present that Mahoney might have also had some vodka just before leaving, about an hour before the accident.

Fox said he took Mahoney's keys at one point after promising to drive him to Burlington to see a former girlfriend. But he did not take him, Fox said, and returned his keys after Mahoney promised to go to his house, about a quarter-mile away.

But, Fox said, Mahoney drove past the turnoff to his house and disappeared into the darkness.

# Memories of bus crash surface in students' art



Staff Photo by Alan Broyles

One student, through a painting, recalls a burning school bus and cries for help

By Lesia Paine

Press Entertainment Writer

Linda Probus never imagined the tragic report that interrupted her routine viewing of *Saturday Night Live* would be her first assignment as a post-traumatic stress therapist.

Ms. Probus had graduated with a master's degree in expressive therapies from the University of Louisville in Kentucky May 18, 1983—the same night of a tragic bus crash in Carrollton, Ky.

That evening, a church bus carrying 67 teenagers and adults was returning from an amusement park outing at King's Island, when the bus was hit head-on by a drunken driver traveling the wrong way on an interstate highway.

The bus burst into flames, killing 27 passengers on the bus, most of them teen-agers.

The wreck was reported as being the worst drunken-driving accident in the history of the United States.

As part of the healing process for the surviving teen-agers and the families of those involved in the crash, Ms. Probus was hired by Kentucky's Hardin County School System to provide therapy as a loss and grief counselor to high school and middle school students.

"It was definitely the toughest assignment I've ever had as a therapist," Ms. Probus said.

"At the time, I didn't know just exactly what I was up against—there were so many feelings there that needed sorting out by these students."

During the two school years Ms. Probus worked with the students, she helped them deal with their fear, anger, and frustration over the tragic loss of

friends and siblings.

One way of doing this involved asking the students to express their feelings through artwork.

An exhibit of these works, entitled "Almost Too Tender To Bear: Art Products from the Carrollton, Ky., Bus Crash" is currently on display in Milligan College's Paxson Communication Center through Feb. 28.

"By asking students to draw their feelings out on paper, you accomplish emotional freedom and client protection simultaneously," Ms. Probus said.

"People experience loss and grief in different ways and to different degrees, and art therapy often helps them express themselves in ways they ordinarily can't by taking away the fears and expectations of verbal communication."

Art therapy allows the client to decide what to share or not to share, eliminating the possibility of being asked to deal with thoughts or feelings the client may find too emotionally painful to face.

For example, when her clients were assigned to draw any event they could remember between the evening of the crash and the next morning, one student drew a picture of the group at King's Island.

"That was as far as he could get in remembering anything about the crash, because he subconsciously chose to block out the events that occurred during and after the crash," Ms. Probus said.

In another drawing, a child wrote May '89 in huge letters and surrounded the date with bright, orange flames, as a vision of what the first anniversary after the crash would be like.

Please see BUS, Page 3

## Bus

Continued from Page 1

The child's sister had sustained serious burns in the crash, and the drawing focused on the child's fear that the sibling would continue to receive more attention from the parents.

In another anniversary drawing, a survivor of the crash drew a picture of students as stick figures in black, and Ms. Probus in yellow, representing the light she had brought into a dark time of their lives.

In one drawing, a child portrays the bus bursting into flames and the victims ascending as angels into a star-filled sky.

Another work illustrates the children fighting to get out of the bus. A rainbow is used to represent children piled on top of each other. The survivor who drew this picture represented himself in blue as being at the top of the pile.

One victim chose to distance himself from the crash by drawing an aerial view of the bus and ambulances.

"This showed that it was necessary for him to remove himself completely from the scene of the accident in order to deal with his feelings," Ms. Probus said.

Anger was a dominant theme in many of the students' illustrations, one work showing the drunken driver being beaten up by the artist and his friends, being sent to prison, and eventually dying there.

Letters to the drunken driver

were also filled with the anger the children felt over their losses.

Ms. Probus' first job as a therapist proved to be very challenging—professionally and personally.

"I found myself hurting and crying for those children, and there were times I became so caught up in their needs, that I let my own life go."

By the end of her assignment, Ms. Probus had helped the survivors and the families of those involved in the crash to better understand and deal with their feelings.

"What those children needed most was as much love and physical, emotional and spiritual support as they could get," Ms. Probus said.

"Even though it was the most difficult assignment I've ever had, I also view it as the opportunity of a lifetime to have been able to offer my help to those who needed me."

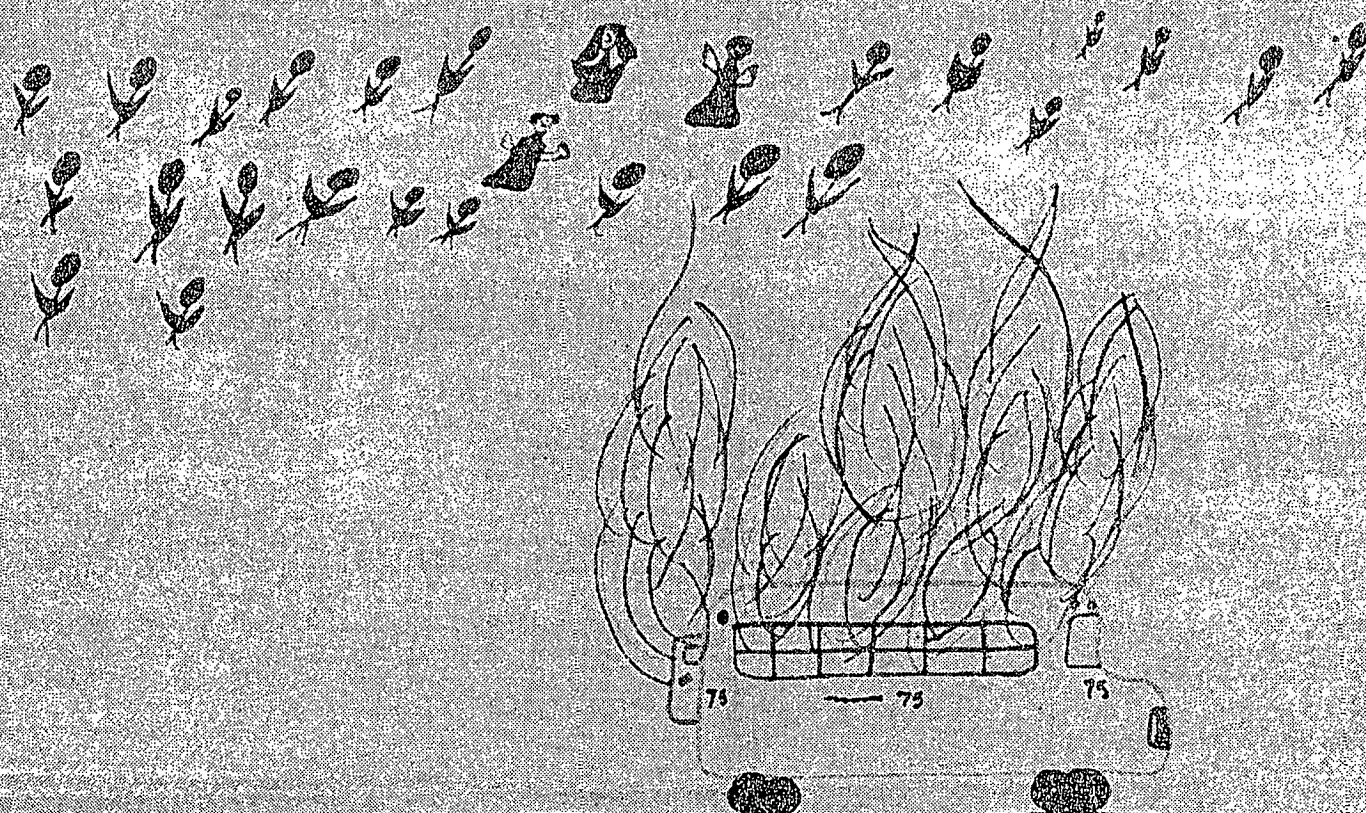
Ms. Probus was also grateful that the school system recognized the need for her presence.

"It was unbelievable the way in which I was openly welcomed with trust into the community and was made to feel like I was really making a positive difference in their lives.

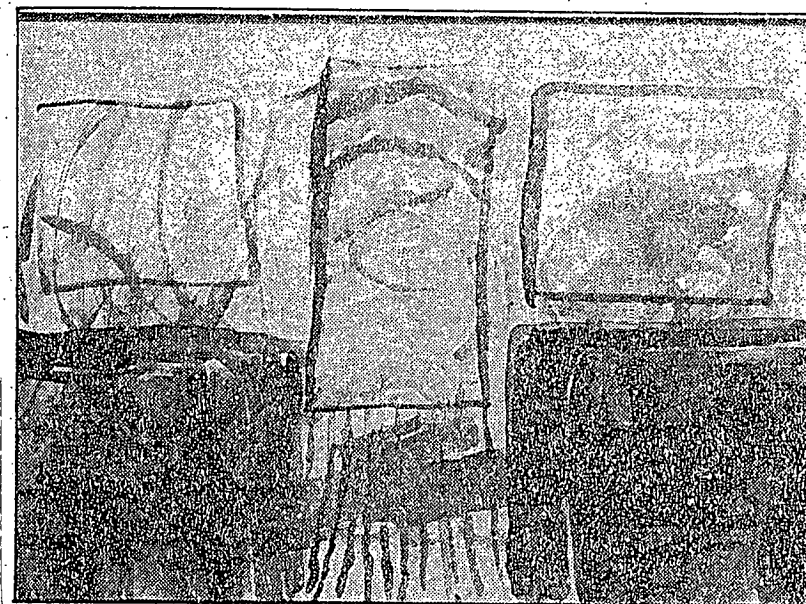
"Hopefully, I did."

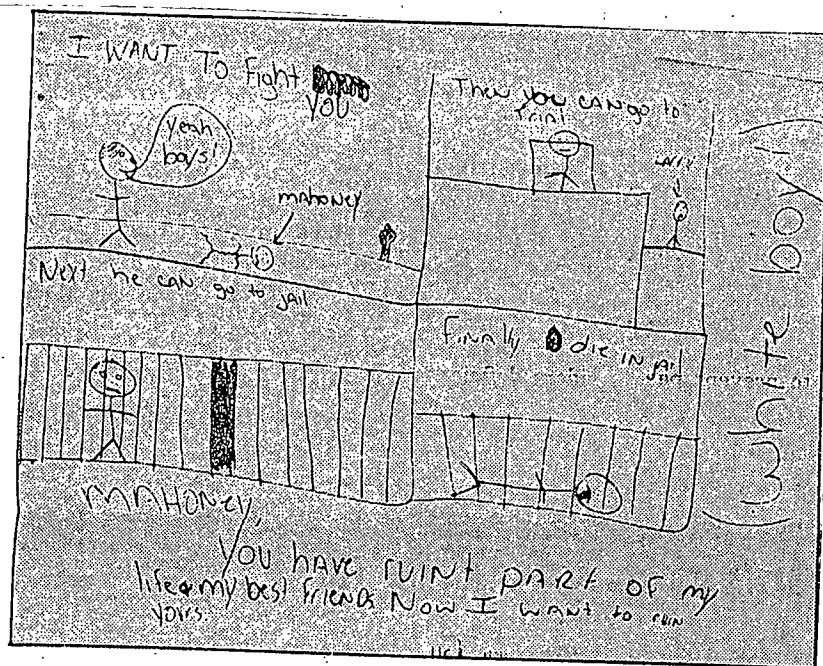
Ms. Probus currently works as an expressive therapist in Johnson City at the Veterans Affairs Medical Center Hospital, Mountain Home.





Drawings and letters Linda Probus, expressive therapist at the Veterans Affairs Medical Center, Mountain Home, collected while working with young victims of a bus crash are being displayed at Milligan College's Paxson Communication Center through Feb. 28. Clockwise from top, the exhibit titled "Almost Too Tender To Bear: Art Products from the Carrollton, Ky., Bus Crash" include drawings of the crash victims ascending from the burning bus to heaven as angels; the flame and smoke-filled interior of the bus; one youth's cartoon portraying what he believes should be Mahoney's fate; and a letter to Mahoney from a victim's sister. (Staff Photos by Alan Broyles)





My name is Tommy and I need to tell you  
 about what you did for what happened. But I want you  
 to pay for what you did to me. I want you to pay  
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 me. I want you to pay for what you did to me.

PS. Don't do it again

Thanks  
 you  
 for  
 your  
 time



## His testimony describes offer of ride, drinks

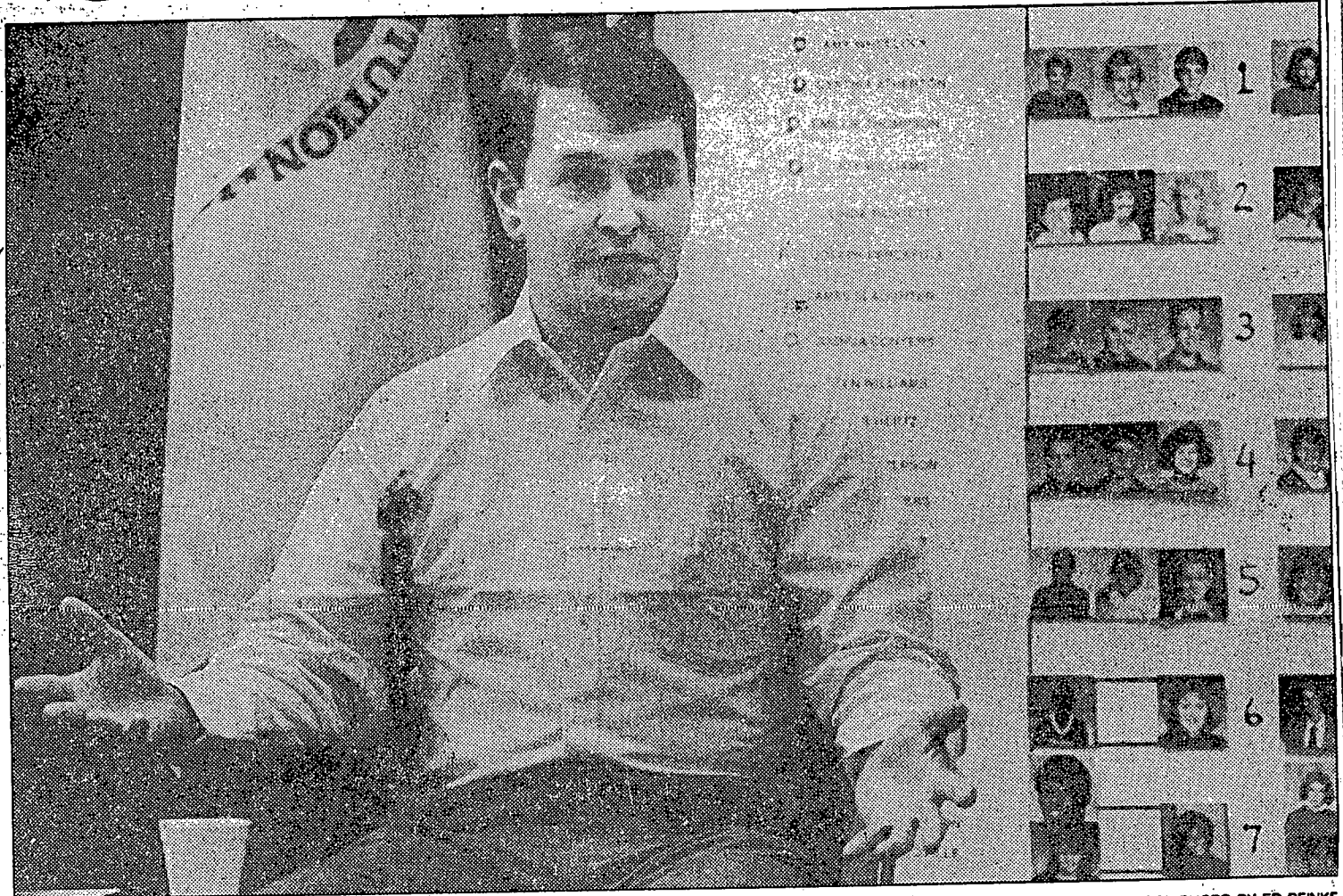
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Slowly and solemnly the man accused of driving drunk and murdering 27 people from the Radcliff area in a fiery bus crash 18 months ago testified about the day he will never forget and the tragic night he cannot remember.

Many of those relatives, along with members of Mahoney's family, cried in the quiet courtroom as he spoke the words that most have waited to hear since May 1988: Mahoney said he had been waiting, too.

"I've been waiting a long time to do this," Mahoney said. "I just want to say something to everyone, especially the families of the people involved in the accident. I know you've been waiting for me to say some-

See FAMILIES  
Back page, col. 1, this section



POOL PHOTO BY ED REINKE

**Larry Mahoney sat in front of the bus seating chart yesterday as he testified during his murder trial in Carrollton.**



# Families hear apology at trial

Continued from Page One

thing, to tell you I'm sorry, and that's what I do want to do. But I was told not to say anything.

"But I want you to know I really am sorry. I mean this. I don't know if there is anything else I can say or something else I can do any differently. Maybe that I would probably feel the same way about me that you do. I understand that.

"That's all I know to say. I don't know anything else to do. For everybody, I just want to tell everybody I'm sorry."

The sobs of Mahoney's mother, Mary, and a young niece broke the quiet as Mahoney finished.

Victims' relatives cried quietly and began comforting each other. They would not comment on their feelings.

Mahoney's brother-in-law, Jim Daugherty, said the apology lifted part of the burden Mahoney carries, but he added, "He is far from having the burden lifted, and won't until he enters Jehovah's gates."

As Mahoney took the stand, lead defense attorney William Summers introduced him: "At this time, on his own behalf, Larry Mahoney takes the stand."

People in the courtroom leaned forward, trying to pick up every word as Mahoney described his two marriages and his crippled daughter, Shauna, whose medical bills drove him to bankruptcy. The financial trouble complicated his attempt to reconcile with his first wife, Janice.

He did not offer much new information during his testimony. He told of drinking seven or eight beers during the day leading up to his stopping at Jay Gibson's house about 9 p.m., after not having drunk anything for more than two months.

He told how his friend, Taylor Fox, told him he would drive him to Burlington, Ky., and took his truck keys.

"This is the God's honest truth," Mahoney said with emotion, raising his voice in response to a question by special prosecutor Paul Richwalsky Jr. "He (Fox) told me he would take me if I hung around."

After that, Mahoney told how he asked for beer and was told there was none. Then a man he had just met, Kelly Osborne, offered him "a mixed drink" and poured a clear liquid from a jug into a glass. The defense maintains the liquid was vodka.

"I took a big swallow and it

choked me, took my breath," Mahoney said. "I heard some people giggling, laughing. Then I asked for a Pepsi."

He got something, which defense attorneys maintain was Diet Pepsi mixed with vodka. Earlier witnesses testified that Mahoney was given two glasses of a dark liquid similar to Pepsi, and said that Osborne always drank vodka mixed with Diet Pepsi.

Whatever it was, Mahoney said he thought it was Pepsi.

A clinical pharmacologist, Eljorn Don Nelson, testified later that Mahoney would have suffered "taste fatigue" after the first gulp of vodka and would not have been able to taste the vodka in the Diet Pepsi.

Nelson testified that what happened to Mahoney constituted involuntary intoxication since Mahoney was under the misconception he would not be driving in addition to not knowing what he was drinking or how much.

That is a key element of the defense's efforts to refute the charges of wanton murder against Mahoney. The statute states that "voluntary intoxication" constitutes wanton disregard for human life. That, in turn, supports the murder charge; the prosecution does not have to prove intent.

Over and over again, Mahoney said he did not go out that day with the "intention" of getting drunk, but he admitted to Richwalsky that he voluntarily drank and drove during the day.

"I just done it, but I had no intention of getting drunk, if that's what you're trying to say," Mahoney said.

Richwalsky pointed out that he has never said Mahoney intentionally did anything, and that was not the issue in the murder charges.

Nelson also supported earlier expert testimony by a prosecution witness that Mahoney's blood-alcohol level at the time of the crash was 0.21 percent, more than twice Kentucky's legal limit for drivers.

He also agreed with the expert that Mahoney's level could have been 0.01 or 0.02 percent when he arrived at Gibson's home. He said Mahoney obviously must have drunk something between then and the 10:55 p.m. crash.

Mahoney testified that he did not remember leaving Gibson's and remembers nothing else until waking up in Humana Hospital-University of Louisville the next day.

"I've never been at that point," Mahoney said. "That's why I don't understand. I've never been like that."

Mahoney said he hardly ever drank liquor — beer was his drink.

"You do it sometimes because somebody says you're not man

enough to take a drink," Mahoney said of drinking liquor. "You just do it to show you can take a drink. But I hate the stuff."

Nelson said alcohol blackouts are not uncommon.

"A person may be awake and operating a motor vehicle and still be unable to remember what he did while intoxicated," Nelson said.

Mahoney, 36, is charged with driving drunk the wrong way on Interstate 71 and crashing head-on into a church bus owned by Radcliff First Assembly of God on May 14, 1988. Three adults and 24 children died, and 12 children were seriously injured when the bus burned.

Earlier yesterday, Richwalsky completed his cross-examination of the defense's expert in accident reconstruction, Wilbur Meredith, who had offered a different version of the accident.

Meredith shocked the Radcliff families and Richwalsky by saying the bus driver, John Pearman, who died in the accident, was also partly responsible for the crash because he had not veered away soon enough. Meredith said Pearman theoretically could have avoided any major damage.

Family members looked as if they had been slapped. Judy Uhey, whose daughter, Pam, died in the crash, closed her eyes and pounded on her arms in obvious dismay.

Richwalsky just sat down, telling Meredith in disbelief: "I just can't believe that."

After court was recessed until Monday, Summers said he felt Mahoney's testimony went well, adding Mahoney's final statement was not an attempt for sympathy.

Richwalsky said he had some problems with Mahoney's memory gaps, such as forgetting that he bought a six-pack of beer earlier in the evening, as friends said. He also said Mahoney was more argumentative than he expected.

Richwalsky acknowledged that Mahoney had family problems, "But when you compare them to the fact that you no longer have a son, or a daughter or to the survivors who will wear the badge of his mistake the rest of their life, it pales in significance."

"I'm sure many of the families appreciate his apology, but it is not an atonement. It's a question of whether it was crime and whether he should pay for it."

Summers said he has subpoenaed Ford Motor Co., the manufacturer of the bus, to produce all communication it has had with the state since the accident. He said a decision will be made by Monday on whether to use it. "If not, we will rest," he said.

Richwalsky will then begin rebuttal.

# 18 survivors, the coroner recount horrors of bus crash, its aftermath

By BILL WERONKA  
Staff Writer



**DUNN:** "I couldn't believe what I was seeing. I got out and closed the door. I thought it was a nightmare."

CARROLLTON, Ky. — The burned-out remains of the Radcliff First Assembly of God church bus are locked in an old warehouse in Carrollton.

But yesterday, using painful memories and the faces of the young passengers, the prosecution in Larry Mahoney's bus-crash murder trial began rebuilding that

Eighteen young survivors of the May 14, 1988, crash that claimed 27 lives took the stand and emotionally recounted their experiences that Saturday night on Interstate 71.

Before each began testifying, Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, had them identify a picture of themselves. A 60-

inch by 40-inch diagram of the bus with a seating chart stood next to the witness stand, and each color photograph was placed in the spot marking where the child sat that night, adding life to the flat diagram.

Some survivors were asked to identify photos of people who died and to show where they sat. Those faces took their place in the diagram, as well. Most of the teenagers smiled or giggled when shown their own picture, but the smiles quickly faded as their stories began.

Tammy Darnell, 17, who suffered a broken collarbone in the crash, was holding up well until Richwalsky asked what she saw that night.

Erupting in tears, she blurted out, "I

See SURVIVORS  
Back page, col. 1, this section

## Survivors describe bus crash

Continued from Page One

saw our youth leader raise his hands and say, 'Lord, I'm coming home.'"

The youth leader, Chuck Kytta, died in the fire that consumed the bus after the crash.

Darnell then collapsed in sobs, forcing Carroll Circuit Judge Charles Satterwhite to call a brief recess so she could regain her composure. The recess also provided relief for the Radcliff families packed into the small courtroom, who reacted strongly as well.

Mahoney, 36, was able to maintain his composure while Darnell and the other youths testified.

But earlier in the day, a recess had to be called when Mahoney began rocking back and forth and sobbing loudly as Carroll County Coroner James Dunn told of entering the smoldering bus and seeing the charred bodies of children piled on top of each other in the aisle.

Dunn's graphic testimony also affected the Radcliff families, who cried and held each other tightly during his descriptions of bodies burned beyond recognition lying on top of seats and in the aisle, looking as if they were still trying to escape.

"I couldn't believe what I was seeing," Dunn said. "I got out and closed the door. I thought it was a nightmare."

Before Dunn's descriptions, Kentucky State Police Sgt. Jim Sharon testified that his quick glance into the bus after the fire was worse than anything he had seen in Vietnam. "It tore me up," he said.

Mahoney is accused of causing the tragedy by driving drunk on the wrong side of I-71 and hitting the bus head-on. He is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving while intoxicated.

Almost hidden in the emotion was some contentiousness. The defense plans to contend that the bus was unsafe and crowded, and that as

such it is to blame for the deaths. Yesterday provided a glimpse of that point of view, when the defense urged the youths to tell of coolers and sleeping children blocking the bus's center aisle during the trip.

And defense attorneys pressed several teen-agers on inconsistencies with previous statements.

For example, Jamie Hardesty, 17, told an investigator with the National Transportation Safety Board that he saw the seats and plastic on the floor burning. Yesterday he acknowledged making the statement but said he had not seen that.

William Summers, Mahoney's lead attorney, was particularly annoyed.

"It seems, then, anything that takes the blame away from Larry Mahoney and puts the blame on bus safety is just not there any longer," Summers said. "There are some civil suits pending. I don't know if it was prompted by anyone in the church, but everything seems to have been forgotten unless it concerns Larry Mahoney."

(The church, which owned the bus, is a defendant in at least one civil suit.)

Many of the children who testified yesterday told how they were jarred from sleep by the collision, then were caught up in the screaming panic that ensued after the bus caught fire.

Conrad Garcia, 15, told how he fought to open the rear emergency door, finally succeeding and escaping unhurt. Others told of being trapped in a massive pileup in the narrow doorway as the smoke and fire moved toward them.

"I was pulled up, then pushed back," said Darnell, who was sitting near the back. "I hit something and broke my clavicle (collarbone), then I was pushed into the emergency-door handle and it broke some more."

Darnell said someone finally pulled her out.

Hardesty said: "I climbed over seats, and then I climbed over all

those people (at the door). Then I fell out." He said he helped pull people out and then began circling the bus, breaking out windows.

Jess Durrance, 17, said that as everyone was screaming and shoving toward the exit, "It looked like someone was standing in front of the bus with a flame thrower. The flames just kept coming back at us."

Wayne Cox, 15, said he was swept into the aisle by the rush of people, then pushed to the floor.

"I was flat on the floor with someone underneath me," Cox said. "Then suddenly they were pulled out, and then I was pulled out. I remember taking a breath and feeling like I was smothering. I remember thinking I should take one big breath and hold it."

After vaulting over seats toward the rear door, Jennifer Scoville, 16, was overcome by smoke and passed out.

"I said, 'Please, Lord, don't let me die,'" Scoville said, fighting tears. "Then an arm reached in and grabbed me. Then, next thing I knew, I was being dragged across the median."

Scoville's hands, face and lungs were burned.

Michael Jefferson, 15, said: "I could feel the skin on the back of my ears peeling as I ran to the back of the bus. It was hot and dark and I couldn't get my breath. I pushed through the people, and then next thing I knew I was hanging on the back of the bus. Then I was running and I turned around and the whole bus was on fire."

Defense attorneys asked only a few, if any, questions of a number of the youngsters.

"We decided going in that whenever possible not to push the children," Summers said. "We wanted as much as we could get, but we wanted to be as easy as possible."

Richwalsky said the children held up as well as could be expected.

"Tears came from a couple I didn't expect," he said, "and others I expected emotion from did not cry on the stand."

# •Bus

Continued from Page 1

Brown while gazing at a spot about a hundred feet north of the wreckage. "We didn't know anybody was still on there. It took us about 15 minutes to bring the fire under control and it was then that we found the bodies.

"I've been on the fire department up there 19 years and it's one of the worst we've ever had — the worst," added Brown. "We've had fires before and we've had wrecks, but never anything like this."

According to Carroll County Coroner Jim Dunn, investigators first thought that approximately 18-20 victims perished in the fire; however, that number grew to 27 after state medical examiners began recovering the bodies one-by-one yesterday morning.

"They're laying on top of each other where they tried to get out," said Dunn who noted that the majority of the 27 bodies were found in two areas. "They're on the floor and they're in the seats. They're on top of each other where they tried to get out the back of the bus."

According to Dunn, it appears that "most of the victims died from smoke inhalation." He noted that the bus, a 1977 Ford, had foam-rubber seat cushions and a rubber floor covering and while tests are inconclusive at this time, it is possible that either could have given off a toxic gas that could have been fatal in a matter of seconds.

The pickup truck, which was smashed into a chunk of mangled metal, hit the bus on the right side of the front bumper and drove the bus' front axle and wheels back under the first row of seats. The collision resulted in heavy damage to the area around the front door of the bus — the same area where the vehicle's fuel tank was located and one of two exits on the vehicle.

Representatives from the National Transportation Safety Council arrived in Carrollton last night and began their own investigation on the accident and why the bus caught fire.

Following the accident, south-bound traffic on Interstate 71 was halted until 7:30 a.m. EDT Sunday. During that time, the Kentucky State Police accident investigation unit combed the scene for evidence and conducted a full investigation of the scene.

Then, at approximately 7 a.m. Sunday, a crane was used to lift the wreckage from the roadway where it was placed on a flatbed trailer for transport to the Kentucky National Guard Armory at the intersection of Kentucky Highway 227 and Airport Road near Carrollton and the highway was re-opened to traffic. During the eight-hour period the road was closed, traffic was routed through Carrollton and onto U.S. Highway 42 and other area highways.

After the wreckage arrived at the Armory, authorities set up a mobile command post and temporary morgue and began the process of recovering and identifying the bodies. Workers from the state medical examiner's office conducted autopsies at the Armory as parents of the victims and a helicopter from Fort Knox military base flew in dental records for identification purposes. Several of the victims were children of military people serving at the fort.

"This is the worst one I've ever seen in my life," said Dunn, after emerging from the temporary morgue at approximately 9 p.m. EDT yesterday. "You've got children involved and I've got children myself and it makes you think. They were stacked like one would fall and another would fall on him. We called for one refrigerated truck for the bodies and it wasn't big enough."

At one point yesterday afternoon, many of the victims' parents and relatives made the 75-mile trip to Carrollton to help identify the dead; however, Dr. George Nichols, Kentucky's chief medical examiner met with them at a nearby Holiday Inn and told them that the bodies were burned beyond identification and urged them to not view their children's remains.

"Visual identification is impossible," said an emotional Nichols while answering questions from the media. "The picture that they want to keep of their children is not in that room, but what is in their wallets and what is in their minds."

Nichols said positive identification of all the victims could take days and added that the identity of none of the victims will be made public until all 27 bodies are positively identified.

# Trip comes to end in Carroll Co.

By MARK CAMPBELL  
Kentucky News Editor

What began as a trip to an amusement park for a group of Kentucky church youths ended in tragedy Saturday when the bus they were riding in crashed with a pickup truck in a head-on collision in Carroll County claiming 27 lives in the fiery aftermath.

Now, over a day after the crash, authorities are calling it the worst accident that has ever occurred on Kentucky's highways and the second worst bus accident in the history of the United States.

The accident occurred on Interstate 71 at approximately 11:05 p.m. EDT Saturday as the group of teenagers and their adult chaperones were returning from Kings Island, an amusement park north of Cincinnati.

The victims ranging in age from 12-50 were all members or guests of the First Assembly of God church in Radcliff, Ky. They apparently died of smoke inhalation after the bus they were riding in collided head-on with a pickup truck that was going the wrong way on Interstate 71, said Kentucky State Police Trooper Jim Mudd, public information officer for the LaGrange Post No. 5.

The truck was driven by Larry W. Mahoney, 34, of Moxley in rural Owen County. He is listed in "very serious" condition at Humana Hospital-University of Louisville. The driver of the bus, believed to be John Pearman, a youth minister of the church and Circuit Court clerk for Hardin County, reportedly died in the crash.

According to Mudd, the bus was traveling southbound on Interstate 71 between the 40- and 41-mile markers when it collided head-on with the pickup truck. He said the truck was apparently traveling northbound in the southbound lane at the time of the crash.

After the collision, several of the bus' 67 passengers escaped the vehicle through the rear emergency door; however, witnesses who came upon the scene claim that the vehicle's fuel tank then caught fire and exploded, sending a mist of flaming gasoline back through the bus. The injured victims were transported to hospitals in Carrollton, LaGrange and Louisville by area ambulances and helicopters. Some were treated and released, but many

May 16  
remain in critical or serious condition.

Witnesses said several of the remaining passengers on the bus were pulled from the burning wreckage by fellow passengers, truck drivers, other motorists and passersby who stopped to render assistance.

According to Troy Davis, a resident of Charlestown, Ind., who was also returning from the Ohio amusement park, he came upon the wreck only moments after it occurred and flames from the burning bus were so high that an "orange glow" could be seen from around a

we got ice from their coolers and blankets for their burns. Then we just tried to keep them from going into shock."

According to Mudd, police have not been able to determine why Mahoney was traveling north in the southbound lane or how far he had driven against the flow of traffic before the accident.

Shortly after the crash witnesses claimed that the pickup truck, a black 1987 Toyota, was seen racing with a motorcycle; however, Mudd noted that authorities have found no evidence supporting that rumor.

He did say the pickup truck

bend in the roadway.

"When we got there we could see the kids jumping out the rear end of the bus and some men trying to break out windows and get at them," said Davis, as he and a friend, Ellen Shuck of Floyds Knobs, Ind., stood with arms around each other gazing at the charred wreckage of the bus.

"It was fully engulfed when we got here and it sounded like it exploded three more times," said Shuck. "The kids were running at us screaming and crying. Some of them were burned pretty badly. We tried to get them to stay away from the bus and as people came up behind us

collided head-on with the bus and that the bus then sideswiped a Cadillac driven by an Akron, Ohio man. The Cadillac was knocked across the roadway and through the median to the northbound side.

Despite other rumors that Mahoney's pick-up truck allegedly contained empty beer cans, police would not confirm or deny such allegations. Mudd did note that in accordance with standard procedures involving traffic fatalities, blood alcohol tests are being run on both drivers.

According to a passenger in the Cadillac, when he first looked back

at the wreckage the front of the bus was on fire including the first few windows back from the front door.

The passenger, who would not give his name, said: "There were some people pulling the kids out but we didn't go over there. It took us a few minutes to recover from the collision. We saw them pulling some kids out and thought they had them all out."

"When we got here we could see injured people all up and down over there," said Campbellsburg Volunteer Fire Department Chief Denny See: BUS

Back Page, Column 3



## Kentucky crash scene

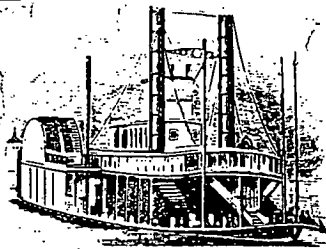
Carroll County Coroner Jim Dunn (right) and other authorities peer into the charred interior of a church bus in which 27 teenagers and adults from Radcliff, Ky., died late Saturday night. The bus was hit head-on by a pickup truck on Interstate 71 in Carroll County before catching fire. (Staff photo by Mark Campbell.)



Monday, May 16, 1988

# THE MADISON

## COURIER



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**27 perish in fiery crash  
of school bus**

# Results of blood tests explained to Mahoney jury

By MARK CAMPBELL  
Kentucky News Editor

Jurors in the murder and drunken driving trial of Larry Wayne Mahoney heard testimony yesterday from four family members of victims who died in a 1988 church bus crash near Carrollton as well as laboratory technicians who tested the defendant's blood for alcohol following the accident.

Mahoney, 36, of Worthville in Owen County, faces 27 counts of murder as well as 54 other related charges for assault, wanton endangerment and driving under the influence.

He is accused of being drunk and driving on the wrong side of the roadway the night his pickup truck crashed head-on into a church bus owned by the First Assembly of God church in Radcliff.

Although blood tests conducted at a Louisville hospital the night of the crash and at the Kentucky State Police crime laboratory in Frankfort four days later showed three separate results and a total range of 0.06 percent, each of the independent tests were still well above the level considered legally intoxicated in Kentucky.

According to the nurse who first treated Mahoney after he was airlifted to Humana Hospital-University of Louisville, Mahoney had a collapsed lung, was unconscious and "minimally responsive" when he arrived there approximately 90 minutes after the May 14, 1988, accident.

Mary Taylor, a nurse in the emergency room of the Louisville hospital, said Mahoney was taken

immediately to Humana's critical trauma room. She said as other victims of the crash started arriving the facility activated its "disaster plan."

Taylor testified yesterday that she drew a blood specimen from an artery in Mahoney's groin area only moments after he arrived as part of the hospital's standard procedures for dealing with emergency victims.

At one point during her testimony, Carroll Circuit Judge Charles F. Satterwhite called a 15-minute recess after a juror became queasy during the nurse's testimony.

According to Kerry Cantrell, the hospital's second shift lab supervisor, he conducted a complete blood count on Mahoney's specimen along with tests for coagulation, various chemistry analyses, and blood-alcohol content.

Cantrell said he received the specimen, which consisted of five tubes of blood at 12:40 a.m. on Sunday, May 15, 1988. Another tube of blood arrived two minutes later.

The lab supervisor conducted tests on Mahoney's blood serum and then released a report at 1:10 a.m. that morning which showed the defendant's blood-alcohol content was 0.24 percent — a level almost 2½ times the 0.10 percent mark considered legally intoxicated in Kentucky. They were then stored unstoppered until a state police trooper requested the specimens the

See: TRIAL  
Back Page, Column 5

## •Trial

Continued from Page 1  
next day.

Kentucky State Police Trooper Henry "Sonny" Cease Jr. later testified he returned to Humana at 3 p.m. Monday, May 16, with a subpoena for the blood samples. He said the specimens were surrendered to him packed in ice in a sealed Styrofoam container.

Cease testified he then took the specimens to the Kentucky National Guard Armory in Carrollton — the site where a temporary morgue had been established to deal with the bodies of the 27 passengers who died in the crash — and placed them in a locked refrigerator until he later took them to the state police crime lab on May 18.

Terry Comstock, a chemist in the toxicology section of the state police crime lab, said he tested the blood specimens for alcohol and drugs.

While the samples showed no signs of drugs, he said two tests he ran using a gas chromatography on whole blood produced readings of 0.20 percent and 0.18 percent.

In cross-examination by defense attorney Russell Baldani, Comstock admitted that the difference in the test results indicated a "clinically significant deviation" but added results of his tests on the blood may have been lower than Humana's because the specimens were left unstoppered and unrefrigerated at the Louisville hospital for some time.

Comstock noted alcohol is a volatile substance and can evaporate if left open and unrefrigerated.

Baldani, who cross-examined all three witnesses, noted the defense had earlier tried to prevent admission of the blood samples as evidence because of the discrepancy among the three tests.

"I'm not saying which one we think is accurate," said Baldani, while noting the defense is making no effort to convince the jury that Mahoney was not drinking that day. "We're just saying there is a significant difference between the two."

"Pick a number," Assistant Attorney General Paul Richwalsky Jr. said, while disagreeing on the significance of the differing test results. He noted all three were well above the legal level of intoxication in Kentucky.

In other testimony earlier yesterday, four more parents and spouses of victims who died in the tragedy told the jury why their family members were on the bus, when they had last seen them and whether they returned home.

"My entire family was on that bus," said Lee Williams, Radcliff, who lost his wife, Joy, and both daughters, Kristen, 14, and Robin, 10, in the fiery crash. He was the last in a series of family members to testify.

"I hugged her good-bye and she told me she loved me and I told her I loved her," said Williams on his daughter Kristen.

Asked by Richwalsky, special prosecutor in the case, if his wife and daughters returned from the church youth group's trip to King's Island on May 14, 1988, Williams trained his eyes on the defense table and Mahoney and said, "No sir, all three of my family members were killed on that bus May 14."

Williams has since remarried to a woman who lost her husband in the crash and saw her daughter survive with disfiguring injuries. The Williamses did not know each other well until after the crash.

Williams' wife, Dotty Pearman Williams, who was then the wife of

bus driver John Pearman, said her husband and a niece were killed while her daughter, Christy, survived with severe burns.

"Christy returned but was severely injured," said Dotty Williams, while testifying in a sad but strong tone. "John was brought back in a cold, black body bag."

Meanwhile, Rebecca Conyers, Meade County, testified that she lost her son, Joshua, 14, while her then-13-year-old son, Aaron, suffered disfiguring burns.

Mrs. Conyers said she drove her sons to meet the church bus that morning and made a walk-through inspection of the bus before it left for the Ohio amusement park.

"She said the bus was crowded but that each passenger had a seat and the aisles were open at that time. She said she checked for a fire extinguisher and walked through the bus and out the rear emergency door."

Asked by Baldani why she exercised such caution, Mrs. Conyers said, "I always look to see if anything is wrong and nothing was out of place. Any time I take my children to any outing I check."

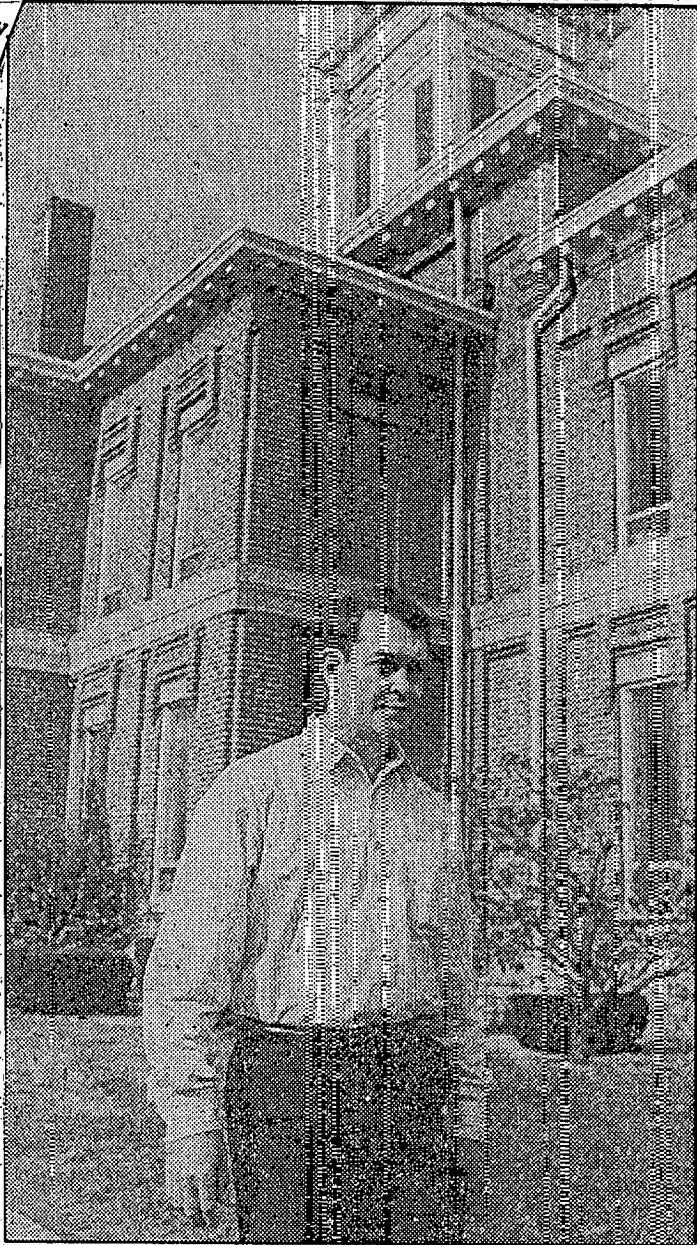
The family of one victim who died in the crash did not testify, a point Richwalsky said was insignificant and asked reporters to "just drop it" and not identify the family.

According to the prosecutor, the family was "so devastated and impacted, they requested not to testify."

# Emotions prove explosive even in jury selection for Mahoney case

By BILL WERONKA  
Staff Writer

11/10/89



Larry Mahoney left the Carroll County Court House yesterday after the second day of jury selection. Eight of 57 jurors called yesterday were released. Below, special prosecutor Paul Richwalsky Jr., front, headed into court.



STAFF PHOTO BY TODD BUCHANAN

CARROLLTON, Ky. — Everyone admits the trial of Larry Mahoney is an emotional time bomb, ready to explode when those involved in the fiery bus crash that claimed 27 lives take the stand and begin talking about the May 14, 1988, incident that changed their lives.

That was the night that Mahoney, 36, allegedly was driving drunk on the wrong side of Interstate 71 when his pickup crashed into the Radcliff Assembly of God church bus.

The clock on that emotional bomb began ticking loudly yesterday during the second day of jury selection in the trial. A prospective juror stood and, with tears streaming down her face, said there was no way she could be impartial because her mother had been killed by a drunken driver 18 years ago.

Carroll Circuit Judge Charles Satterwhite quickly dismissed her, asking for no further explanation. He also dismissed another woman whose brother was killed in an alcohol-related accident. Three others said they had family members who had been charged with drunken driving. Satterwhite did not excuse them but said that would be focused on during private interviews next week.

Mahoney's attorney, William Summers, said he knew the would-be jurors' feelings about alcohol and drunken driving would be a major issue and expected it to become more of one as the process intensifies.

"Those were the ones that chose to come forward today," Summers said. "We anticipate that is not all of them, all that have been touched by a drinking driver and alcoholism in their immediate family and friends. We have identified some, but that is going to be a very great topic of individual questioning."

The special prosecutor in the case, Assistant Attorney General Paul Richwalsky Jr., said it was difficult to assess how that issue would affect jury selection.

"We have no idea yet who has been touched by what," Richwalsky said. "I don't have any idea what to anticipate."

Eight of the 57 jurors called yesterday were dismissed. Other than the two women involved with alcohol-related deaths, Satterwhite dismissed an acquaintance of Mahoney, a man who worked the accident scene and a woman who worked in the hospital emergency room the night of the crash.

The others were dismissed for medical or personal reasons.

Today is the last day of the general orientation and questioning of prospective jurors in groups by Satterwhite. Those remaining from the group of 175 called will return next week for private interviews. By court order, only the audio portion of the individual questioning can be heard by the media.

Once 31 jurors qualify, the defense will strike 10 and the prosecution six. That will leave 15 jurors for the trial, including three alternates, to hear the case against Mahoney. He is charged with 27 counts of murder, 41 counts of wanton endangerment, 12 counts of assault and one count of driving under the influence. A blood test taken shortly after the accident showed Mahoney had a blood-alcohol level nearly 2½ times the legal limit.

The jury selection is expected to last through next week, and perhaps longer.

In a related action yesterday, Satterwhite denied a motion by WHAS-TV of Louisville to quash a ruling he made last week that partially closed jury selection to the public and media. WHAS maintained that it had intervened in the case and was not properly notified of the hearing. WHAS attorney Schuyler Olt said the company was considering an appeal.

Courier Journal 6/1/88

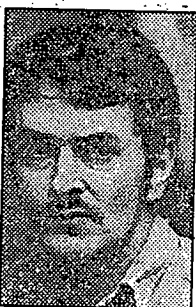
# Lexington law firm to defend driver in Carrollton bus crash

Associated Press

COVINGTON, Ky. — The state has accepted an offer from a Lexington law firm to defend Larry W. Mahoney against 27 capital murder charges arising from the fiery bus crash near Carrollton on May 14.

William Summers' firm took the case for \$2,500 plus "reasonable expenses," said state Public Advocate Paul Isaacs.

"Anytime I can get an attorney to take a capital case for that kind of a fee ... I take them up on it," Isaacs said.



Mahoney

"Obviously they're not going to make money on this case. I'm just appreciative of the fact they're willing to do it, because otherwise I don't know what I would do."

Mahoney was charged after his pickup collided with the bus on Interstate 71, killing 27 members and guests of a Radcliff church group who were returning from a Cincinnati amusement park. Police said Mahoney was drunk and traveling the wrong way on the interstate.

Prosecutors have said they may seek the death penalty for Mahoney, a 34-year-old chemical plant worker.

Michael Davidson, an attorney with Summers' law firm, said the state Department of Public Advocacy asked Summers to take the Mahoney case.

The accident has focused national attention on drunken driving and bus safety, but Davidson said the law firm was not seeking publicity.

Summers took the case because he has extensive experience in death-penalty cases and because he is outraged that prosecutors may seek the death penalty for a traffic accident, Davidson said.

It's often hard to find public defenders for cases that could involve

## Crackdown brings more drunken-driving arrests

The Frankfort Bureau

FRANKFORT, Ky. — Increased state police patrols and roadblocks resulted in a sharp increase in drunken-driving arrests over the Memorial Day weekend.

Gov. Wallace Wilkinson ordered state police to crack down on drunken driving in the wake of the May 14 collision between a bus and a pickup on Interstate 71 near Carrollton that killed 27 people. Police said the driver of the pickup, Larry W. Mahoney, had been drinking.

Last weekend there were fewer deaths from traffic accidents than during the 1987 holiday weekend — though more than in some recent years.

State police issued 396 citations for drunken driving during the holiday weekend, which began at 6 p.m. Friday and ended at mid-

night Monday, said state police Capt. John Lile.

That is a 45 percent increase over the 273 drunken-driving citations issued during the 1987 Memorial Day weekend, Lile said. Police issued 263 citations during the 1986 weekend, and 304 in 1985.

"The big increase is due to the extra enforcement and additional manpower we had on the roads this weekend," Lile said.

Seven people died in traffic accidents during the weekend, Lile said. Investigators have not yet determined how many of the deaths involved intoxicated drivers.

Last year 12 people died on Kentucky highways during the Memorial Day weekend. In 1986 the death toll for the weekend was four; in 1985 the death toll was three.

the death penalty. Capital cases generally demand 400 to 700 hours of preparation and court time. Attorneys who act as public defenders in such cases risk financial suicide, attorneys and state officials say.

Private fees in non-capital murder cases can range up to \$80,000, said Robert Carran, director of the public defender program in Kenton, Boone and Gallatin counties.

"There's no case that requires as high a quality of representation as a case where the result will determine whether someone lives or dies," Carran said.

"It's totally unrealistic — in fact, it's a fraud — to create a system where you demand and expect that level of quality representation but pay \$9 an hour or less. We wouldn't expect that of someone working on

an assembly line in a factory, nor certainly of any other professional such as a doctor, engineer or architect."

Carran said about 60 lawyers in private practice were willing to accept public-defender cases two years ago. Now, he said, only half that number are on the roster — mainly because of low pay.

Public defenders are supposed to earn \$15 an hour for out-of-court work and \$25 an hour for in-court work.

But last quarter, because of a chronic money shortage, public defenders received \$9 an hour for out-of-court work and \$15 an hour for in-court work, he said.





Family members view some of the coffins inside the Radcliff First Assembly of God Church. A funeral service was held Friday night

for eight of the 27 people killed in the bus accident near Carrollton last weekend.

The Associated Press

Ky Post 5/21/88

# Mourning takes toll

## Weariness escapes no one in Radcliff

By Peggy Kreimer  
Kentucky Post staff reporter

RADCLIFF — Florist Anna Winchell walked into her back room and beat on the refrigerator.

She doesn't remember doing it. But co-workers say she did, and Mrs. Winchell believes them.

She has spent nearly a week preparing funeral flowers through a glaze of tears as she and other local florists help bury the 24 children and three adults who died in a fiery bus crash last Saturday near Carrollton.

Funeral services for eight of the dead were held Friday evening at the First Assembly of God Church. A service for another was held at the Ft. Knox Army Base Friday, and two fu-

Please see MOURNING, 15K



# Mourning

From Page 1K

neral services are scheduled for today.

By Sunday, most of the visible signs of mourning will be over in the small community of about 20,000 just south of Louisville. It has been a week of pain that has left townspeople weary.

"There's a lot of stress when it's people you know and care about," Mrs. Winchell said as she prepared flowers for Friday's multiple funeral.

"We come in here and cry, and then go out and take orders," she said, her hand shaking as she sipped strong coffee in the cool, too-sweet air of her florist work room.

"They don't need someone crying when they're taking an order for a casket spray. They need someone to make things easier."

But not much is easy in Radcliff these days.

Mary Miller, beautician at Kathy's Beauty Shop, has trouble driving home at night.

"One of my customers died on the bus," she said. "I have to drive past his house. He had an

appointment yesterday to get his hair cut. I just didn't want to be in here. I had to get outside. And that didn't help."

Marleen Hindman's son, Rocky, had been invited on the bus trip to Kings Island that ended in tragedy. Four children from their neighborhood were on the bus. Three escaped without major injury, one is in the hospital.

"It has affected my children," she said. "And it has affected me. I haven't done much all week. Nothing seems very important."

She said Rocky debated whether he should call home and ask his mother to pick him up from North Hardin High School on Monday. "There were reporters everywhere. He had to step over a camera to get in."

She has been watching the events on television. "That's about all my kids can take," she said.

Motorists in Radcliff have been driving with their lights on in memory of the dead.

"When I see those lights it tears me up," Miss Miller said. "A friend brought me a paper the first day, but it was open to Ricky's (Gohn, her customer)

picture and I couldn't look at it," she said.

"We're worn out," Mrs. Winchell said. "Look at this town. Look at everybody's face. Everybody's the same. We want to help, but there's nothing anyone can do, really."

"We've been up until midnight. Florists from two other towns came in after their shops closed to help us. We go home and watch the news. And then we have to get up early and start all over."

Dolly Schrupp, who also works at Kathy's Beauty Shop, said she watched some of the children of church members as they worked on church services for the funerals.

"They have questions but they don't want to talk to their parents about it," she said. "I had five children on Sunday. They wanted me to show them where it happened. They wanted to know why God took them all."

She turned around from a customer and smiled one of her few smiles of the day.

"I heard kids laughing outside last night. I opened my door and stood outside to listen to the laughter. I sure did."

# Mahoney to testify in bus-crash trial today, lawyers say

12/14/1989

By BILL WERONKA  
Staff Writer

CARROLLTON, Ky. — Frightened and anxious, the man accused of causing the worst drunken-driving accident in the nation's history will take the stand today and tell his yet-unheard account of the May 14, 1988, tragedy, his attorneys said.

After court recessed yesterday afternoon, Larry Mahoney's attorneys took over the Carroll Circuit courtroom and began preparing their client — charged with 27 counts of murder — with a dry run of what he can expect on direct and cross-examination.

"Our advice to Larry from the beginning was, 'It is your decision to testify ultimately,'" said William Summers, Mahoney's lead attorney. "All along he has been emphatic that he wants to testify. We told him not to make the decision right away, but in conversations last night and today, he said, 'Bill, I've got to make the decision.'"

"He wants to tell his story and he will tell his story. He obviously feels bad for all the people involved in this tragedy."

Mahoney's brother-in-law, Jim Daugherty, said Mahoney is "scared to death, anxious, worried, all those things put in the same pot. He's sort of been that way all along, but now it's amplified."

"It's going to be hard for him to express how he feels about all of this — real hard," Daugherty said, adding that he would not be surprised if Mahoney breaks down during his testimony.

Before Mahoney takes the stand, however, the prosecution will take its turn at the defense's accident-reconstruction expert, who spent most

of yesterday offering a different version of how the crash occurred that Saturday on Interstate 71.

The defense's version, offered by independent engineering consultant Wilbur Meredith, had the same result as the prosecution's version: Mahoney's pickup truck, traveling the wrong way on the highway, hit the Radcliff First Assembly of God church bus head-on.

But it differed in the events leading up to the collision.

The prosecution's expert testified earlier that the bus driver, southbound in the passing lane, saw the pickup approaching in the same lane, hit the brakes and began swerving to the left. The pickup, making no attempt to avoid the collision, hit the right front of the bus, then spun clockwise into a Cadillac traveling beside the bus.

The Cadillac spun through the median to the other side of the highway, and the bus burst into flames, killing 24 children and three adults, the prosecution's witness said.

Meredith, the defense witness, theorized that Mahoney thought he was on a two-lane road and saw the bus ahead. From Mahoney's angle just after he crested a hill, he saw only the top half of the bus, which looks the same from the front as from the back, Meredith said. He theorized that Mahoney thought he was approaching a slow bus from the rear and started to pass on the left.

At the same time, the Cadillac was passing the bus on the bus's right, Meredith said. The Cadillac saw the pickup and swerved to its right just as Mahoney hit his brakes



POOL PHOTO BY ED REINKE

See MAHONEY  
PAGE 5, col. 1; this section

Engineering consultant Wilbur Meredith used scale models of the vehicles involved in the bus crash as he re-created it for the jury during Larry Mahoney's murder trial.

# KENTUCKY

## Mahoney to testify in bus-crash trial

Continued from Page C 1

and swerved to his right to get back into what he thought was his lane, Meredith said.

But the pickup and Cadillac side-swiped each other and Mahoney's pickup crashed into the right front of the bus, Meredith said.

He said he arrived at his version after trying 500 simulations on a computer, using a program designed for accident reconstruction. He said the state's version would not compute because, based on where the vehicles finally came to rest, the laws of physics repeatedly denied the scenario.

Meredith said Mahoney did hit his brakes because an FBI report showed the brake lights were on at the time of the crash. The state expert testified that he believed Mahoney's foot may have been on the brake but that he had not applied the brakes.

During his testimony, Meredith was aided by a computer-generated re-creation of the crash as he saw it and as the state portrayed it, shown to the jury on video.

Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, would not comment on the testimony because he has yet to cross-examine him.

Meredith also testified about the safety of the bus, a key element of the defense's case.

"It was a traffic hazard, essentially out there looking to get run over," Meredith said, noting that the 1977 Ford school bus was built for local pickup and delivery, not highway transport.

He said the fuel tank was in the most vulnerable position possible, the front axle was too light, the wheel base was too long, the aisle too narrow and the seats inadequate — all items that could have been corrected by technology and equipment available in 1977.

Also testifying yesterday was William Lilly, chief arson investigator for the Lexington Fire Department. He said the hazardous nature of polyurethane foam, the material used in the bus seats, has been known since he went into the business 20 years ago.

Lilly told of a recent school bus fire in Lexington and how quickly the vehicle burned because of the seat material. No one was hurt in that fire.

A defense expert had testified Tuesday that the toxic smoke generated by the combustible seat material caused the deaths of all 27 people.

# Mahoney called 'accident waiting to happen'

By MARK CAMPBELL *mc 12/8/89*  
Kentucky News Editor

An expert witness told a Carroll County jury yesterday Larry Mahoney was "an accident waiting to happen" at the time his pickup truck crashed into a Radcliff, Ky., church bus in 1988, killing 27 people in the fiery aftermath.

Dr. Kurt Dubowski, Ph.D., a clinical and criminal forensic toxicologist who is also a professor of medicine at the University of Oklahoma in Oklahoma City, testified yesterday as an expert witness in Mahoney's trial for murder and drunken driving.

Mahoney, 36, of Owen County, is charged with driving his pickup head-on into the bus on Interstate

71 near Carrollton on May 14, 1988. Lab technicians have testified his blood-alcohol concentration was as high as 0.24 percent 90 minutes after the wreck. The collision caused the bus fuel tank to explode, killing 24 children and three adults and injuring several others.

Dubowski, who was retained by the state to review blood-alcohol test results, has served as an expert witness in alcohol-related cases before and has over 40 years experience in the field. He said he has spent 100 hours studying the case including visits to the crash site.

The prosecution called Dubowski to compare and interpret what a state police lab technician described Wednesday as a "clin-

cally significant deviation" in test results from the two labs.

Results of independent blood-alcohol tests conducted for patient care purposes at Humana Hospital-University of Louisville and for criminal litigation purposes at the Kentucky State Police crime laboratory in Frankfort, varied by as much as 0.06 percent in concentration.

The hospital's test results, conducted on blood serum 90 minutes after the accident, listed Mahoney's blood-alcohol level at 0.24 percent while tests conducted on the same specimens at the state police lab four days later using whole blood returned 0.18 and 0.20 percent readings.

According to Dubowski, although the three tests had varied results, they are "compatible and consistent with each other."

Dubowski explained that the elapsed time between the test would allow for some of the alcohol to evaporate causing lower readings as would the state lab's method of testing using only whole blood products.

The witness further explained that alcohol in a person's blood stream is concentrated in the water or serum portion of the blood and additional components — such as blood cells — in the whole blood product can result in lower blood-alcohol readings because the level of alcohol retained in the serum is

15 percent higher than the level found in the whole blood.

Dubowski said based on his study of the case, Mahoney's blood alcohol concentration at the 10:55 p.m. crash time would have been 0.21 percent — a situation defined as "acute alcoholic influence and intoxication."

According to Dubowski, part of his study involved replicating the tests conducted by the two Kentucky labs to see if similar results could be obtained under the same controlled conditions.

"I subjected samples to the identical methods presented to me,"

See: TRIAL  
Back Page, Column 3

## • Trial

Continued from Page 1

Dubowski said, adding that based on that study if the three tests had not produced different blood-alcohol levels the "results would have been suspect."

In other testimony, Dubowski explained the adverse influence alcohol can have on a person's decision-making process, reflexes, vision, sensory response and emotional stability.

Dubowski said alcohol's influence can usually be seen at blood concentration levels of 0.4 percent or higher with the person's ability to function deteriorating as the concentration level increases. He said most people are permissibly affected by 0.08 percent and that 0.10 percent is considered the "threshold of being too impaired."

Based on his study, Dubowski used a chart to indicate Mahoney's level of intoxication was somewhere between "excitement," which can occur in the 0.09 to 0.25 percent concentration range to "confusion," which takes place in the 0.18 to 0.30 percent concentration range depending on the individual person.

Dubowski said stress, fatigue, personal health and a person's past history with drinking will not influence the blood-alcohol concentration levels, but those factors can "affect the total impact of alcohol on an individual."

Defense attorneys contend Mahoney had just completed a swing shift at Carrollton's M&T Chemicals company and had not had anything significant to drink several weeks prior to the accident. Dubowski said a person who does not drink could have a more difficult time disposing of alcohol from his system because his liver and metabolism are "not already in a state of readiness to compensate" for the drug. He added that infrequent drinkers sometimes do not know how to compensate for the affects of alcohol.

The witness also told the jury alcohol is a substance that has an affect which can "sneak up on you."

"Alcohol is treacherous; it's subtle; it's unfortunate," Dubowski said, noting most other drugs give a person some warning he or she is consuming too much. "Alcohol sneaks up on you."

Dubowski said it is difficult for a person to know how much alcohol is too large of a dose and it has a delayed effect in that even after a person stops drinking, his blood-alcohol concentration level can continue to rise.

He continued by noting the only way a person's body has to reject alcohol is by regurgitation and that only occurs when a person tries to consume a large quantity in a short amount of time. As long as the intake of alcohol is slow a person's body will continue to accept the drug.

The prosecution claims Mahoney drank at least seven cans of beer from 1 p.m. to 9 p.m. on the day of the crash while the defense added a glass of what was believed to be vodka after cross-examination of one witness.

During cross-examination by defense attorney Jack Hildebrand, Dubowski admitted the seven beers Mahoney allegedly drank over the eight-hour period would not have made him as drunk as the blood-alcohol tests indicate.

Dubowski said if Mahoney's total alcohol consumption was only seven beers, he would have probably had an alcohol concentration of from 0.01 to 0.02 percent at 9 p.m. based on the body's disposal rate of alcohol for a man his size. If no disposal rate was calculated, Mahoney's blood-alcohol level would have been no higher than 0.19 percent.

Dubowski said Mahoney's final 0.21 percent alcohol content would indicate that the investigation has not identified all the drinking the defendant did on the day of the crash.

"That's not all the drinking that someone of Mr. Mahoney's description — height, weight, age, race and sex — would have to consume to reach a blood-alcohol concentration of 0.21," said Dubowski, who added that either the drinking history police have compiled on Mahoney must be incorrect or the blood test results are incorrect or both.

"I find the (blood-alcohol) test results to be valid, reliable and trustworthy to the extent that the drinking history does not fully explain that alcohol concentration, so I have to conclude it is incomplete," Dubowski concluded.

According to Dubowski, Mahoney was "unfit to operate a motor vehicle" with a 0.21 percent blood-alcohol concentration. He added that being "unsafe to operate a motor vehicle does not mean one is incapable of steering the car."

According to the witness, if the disposal rate is calculated based on the investigation's drinking history and Mahoney did not drink anything after 9 p.m., his risk of driving with the 0.01 to 0.02 alcohol concentration "would be the same as having no alcohol at all."

Hildebrand asked Dubowski what influence drinking a large glass of vodka would have on the defendant.

Dubowski said it could make up the discrepancy between Mahoney's drinking history and blood test results.

Hildebrand described a scenario the defense delved into earlier in the trial — a situation where a friend takes Mahoney's keys away from him and tells the defendant he will drive for him, but then later returns the keys for Mahoney to drive home.

Hildebrand asked if Mahoney, knowing earlier in the evening he would not have to drive, might be more likely to continue to drink and become more intoxicated. He also asked if Mahoney would be likely to possess the judgment to know he was too intoxicated to drive when he got the keys back later in the evening.

"Most probably not, but he probably doesn't recognize that at the lower concentrations," said Dubowski. "That's one of the problems — increased self-confidence and decreased inhibitions. The things we learn to be cautious about, those are wiped out."

He added an intoxicated person "does not realize the consequences of his impairment."

According to Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, whether Mahoney realized he was intoxicated or not has "no bearing at all" on the case because the statute he is prosecuting the defendant under "states that voluntary intoxication is wanton conduct."

Mahoney is charged with 27 counts of wanton murder, which includes acting with extreme indifference to the value of human life.

"I think that's what the issue is — voluntary intoxication," said Hildebrand. "But from the doctor there was one particular point — Larry's keys were taken from him."

Taylor Fox, a friend of Mahoney, testified earlier in the trial he had seen Mahoney at Jay Gibson's home in Worthville on the night of the crash and had taken the defendant's keys away earlier that evening and told Mahoney he would drive him.

However, Fox said he later told Mahoney it was too late to make the trip they had planned and gave the keys back to Mahoney on the condition that he drive straight to his nearby home.

"He felt secure and he felt safe," said Hildebrand, noting Mahoney probably thought "I don't have to drive anymore. I have someone

who will drive me where I want to go." They gave him more alcohol or he consumed more alcohol and got to that level of 0.21 and then the guys says, 'I'm not going to drive you. Here are your keys.' At that point he couldn't recognize what was going on. That is the theory of what we are trying to develop.

Richwalsky said Mahoney was given the keys with the understanding that he would go straight home.

However, he said the prosecution knew the situation Hildebrand explained would come up during the trial and tried to address it during jury selection.

"If you think about some of the questions we put to the jury, 'Do you hold somebody responsible in a drunken condition causing this particular result? Our recollection of all the answers was 'Yes.' Then I factored in, 'Even if they drag to the extent that they didn't remember or didn't recall or didn't realize what they were doing, is that an excuse?' And they said 'No.' And that was the reason why we asked the question."

Hildebrand said the defense does not dispute the 0.21 blood-alcohol test results, but Mahoney would not have been that intoxicated if he had known he would have to drive later that evening.

"I think he was reasonably intoxicated when he left Jay Gibson's," said Hildebrand, noting a witness testified Mahoney was given a glass of liquid that came out of a vodka bottle that night. "I don't think he knew what he was drinking."

"I didn't anticipate driving home," said Hildebrand. "He got to Jay Gibson's. Consumed some alcoholic beverages and reached a state where he doesn't know what he's doing."

Richwalsky said yesterday he anticipates concluding the state's case today and state medical examiner Dr. George Nichols is expected to testify. The defense will then begin its case Monday.



# Man who lost family eyes Mahoney for compassion

By MARK CAMPBELL  
Kentucky News Editor

Telling 15 members of a Carroll County jury about the last time he saw his wife and two daughters prior to when they were killed in a fiery bus crash near Carrollton in 1988 was difficult for Army First Sgt. Lee Williams yesterday.

However, it was no harder than dealing with the changes the tragedy has brought to his life over the past 18 months since the nation's worst-ever drunken driving accident took place on Interstate 71 south of Carrollton.

"It was hard keeping my composure up there," Williams told reporters several minutes after he testified in the murder and drunken driving trial of Larry Wayne Mahoney yesterday in Carrollton.

Mahoney, 36, of rural Owen County, could face life in prison if convicted of murder in connection with the fiery, head-on collision that killed 27 members of a youth group from the Radcliff First Assembly of God church. The group was in a former school bus traveling south on Interstate 71 while returning from an outing at King's Island amusement park when Mahoney's pickup, which police claim was going north in the southbound lanes, slammed into it.

Williams and 22 other parents or spouses were called on for brief testimony for the prosecution on Tuesday afternoon and Wednesday morning.

"That was the first time I was looking at the jury, I was looking at the man on trial for the murder of my family and just the mention of their names and to use the word killed, I felt sensations throughout my body," Williams added. "It was really hard to do that. I should have asked the good Lord to give me enough strength to keep my composure because I almost lost it a couple of times."

Williams, who lost his wife, Joy, 34, and daughters, Kristen, 14, and Robin, 10, in the fiery crash, has since remarried to Doty Pearman, who lost her husband, John who was the driver of the bus and assistant minister at the church, in the crash.

"It kind of breaks your heart in so many places to talk about it and as you go up (to testify) the thing that really just hit me is right out of the corner of my eyes I caught a glimpse — I saw Joy, Kristen and Robin on that seating chart and you can't help but see it. I think that thought was on my mind when I was talking about them."

As Williams told the jury what

happened to his wife and two daughters, he stared toward the defense table and Mahoney. He said the look was intentional and that he had hoped the defendant would look back.

"As far as I'm concerned he's the man that killed them and I wanted to be able to look at him and I was wanting him to look at me," Williams said. "We hear a lot of testimony how he is feeling sorry. I've heard a lot of testimony how he would like to say he's sorry. Well, I would like for him to tell me he's sorry. I'd like to see some compassion. I want to know if he's hurting as bad as I am. I want to know if he's as sorry as I am."

"I just wanted to see if he would look at me. I just wanted to see if the man that is sitting over there being tried for the murder of my three girls would have the compassion to look my way when I looked his way and I didn't see that."

During the months leading up to the trial and the days since the trial began, comments have been made on radio and television shows and printed in newspapers concerning sympathy Mahoney and/or his family have received. Mahoney's attorneys have said their client has received cards and letters of sympathy and prayer from Kentucky and as far away as the West Coast and Canada.

However, Williams noted that he and the other victims and victims' families have received a great number of cards of sympathy since the tragedy took place. He said he had no hard feelings for people who sympathize with Mahoney, but pointed out for each card of support Mahoney has received, the victims have received hundreds.

"That's fine," he said. "For every letter Larry Mahoney gets in support I can show you a hundred letters in my office in support of us. There's always going to be some

people, some other people, who are accused of drunk driving, some families and good friends, but for every letter he gets in support of him, I'll show you a hundred letters plus of support for us."

Williams said sympathy or not, people in the United States want to see justice served in this case. He said they want something done to curb the number of lives lost each year on the nation's highways to drunken drivers.

"People in this country want justice. People in this country who have lost people murdered from drunk drivers want this state and this country to do something and they're tired of it," Williams said.

"And for every letter you get, you're going to hear about that. If you want, I can show you letters that come in to the church or to the families that will outweigh his by a lot. People in the country want something out of this — they want justice like we want justice. They are tired of this hand-slapping thing."

"The first day that I was up here for the trial I picked up the paper in this local community and there it was where a guy was fined \$200 for drunk driving and 77 miles per hour speeding," said Williams. "He got a \$200 fine, a \$150 fee and \$57 court costs, but if you look down about six columns here's some poor old guy that's out spotlighting a deer and he got a \$1,000 fine, 30 days in jail, took away his gun, took away his hunting license, took away his light."

"Are we talking deer or are we talking lives here?" Williams asked. "I guarantee, people will think twice before they go spotlighting deer for that kind of penalty. But when we just continue to let people on the first and second and third times for drunk driving (pay) a \$200 fine, go to jail for 30 days to serve on the weekends, what kind of message are we sending to the public? Twenty-five thousand





LEE WILLIAMS

people plus have died since May 14 and I think people in this country — I want it and everybody else — wants justice. That's all I'm asking.

See: CHANGES  
Page 3, Column 1

## •Changes

Continued from Page 1

for, just some type of justice. Just some type of punishment.

"People say the laws are too lenient. Well, in a way I agree but in a way I say we've got good laws but we need judges and we need people who will support the laws and uphold them."

Williams said keeping his composure while testifying in the trial was difficult because glimpses of his past flashed through his mind in the seconds he was on the witness stand.

"Today was a bad day," Williams said. "When the lawyer says, 'When was the last time you saw your family?' for a second or two I honestly saw Kristen walk down the hall to the bedroom. I remember putting my arms around her, I remember kissing her good-bye and telling her I loved her. I did that with my two girls. Every day I told them I loved them."

"I remember for some reason I went back to the back bedroom to get something out of the bathroom and I looked out my window and saw Kristen walking across my backyard heading for her little friend, Jennifer Arnett's house. All of this that I've told you just comes

# KENTUCKY

to my mind while I'm answering that question and I remember in the last few minutes I remembered seeing Joy and Robin pull out of the driveway in our black LTD and I remember the look on their faces — they were happy. And this all happened on the stand today, just quick glimpses of them."

Williams said being close to the seating chart the prosecution has used to show where the 67 passengers on the bus were sitting at the time of the crash was also difficult.

"Until the other day I honest to God never knew where Joy, Kristen and Robin were at on that bus," he said. "I was surprised to find out Robin was sitting on the other side and I was surprised to find she was not sitting with her mother. I honest to God never knew because I never wanted to see. I don't have the courage to look at that. The chart that they showed where the remains were found — I refused to look at

that. That bothers me because every time I see a bus I picture in my mind where Joy and Kristen and Robin were sitting. If I was to view that chart where they found the remains I would wonder a thousand times, 'Why couldn't they have got out? How close were they? Was Joy near Kristen? Was Joy near Robin?'

"I heard on the news where Joy was an arm-length away from one of her daughters. I don't know and in a way I don't want to know. I told Dotty, 'Take the newspapers, cut it out, put it up and someday I think I might want to look at them.'"

"This is the second Christmas I'm going without my two daughters and I've missed them every day," Williams added. "The other day I wasn't here and the reason I wasn't here was it was Robin's birthday. Have you ever spent a birthday at a grave — and you don't even have her sister or her mother to cry with? What do you do? You look right next to them — they're all three laying there. Until you spend a day on your knees crying your heart out at a grave for a little 10-year-old girl who turned 12 — that's tough. Where is the sympathy? Where is the sympathy from the public for us. If he's getting 10 letters, I've got a lot of letters too for Robin's grave."

According to Williams, although he is angry at Mahoney, his anger is more deeply seated with a greater overall cause. He said he has faith in the jury hearing the case and people of Carroll County that his message will be heard across the state and nation.

"I don't hate him," Williams said of Mahoney. "I'm angry. I'm angry because I want justice done. I'm angry because this state and this nation is letting drunk drivers walk away with nothing. And folks the

very same drunk driver that took away my wife and my two little girls, every night there is a drunk driver on the road and what are we doing to them — what? That's something we need to think about."

"I challenge you," Williams added. "Pick up the E-town or Radcliff papers. Look at what Hardin County is doing to the drunk drivers on second offense — nothing. And this is the county where the worst bus wreck happened. What are our own judges doing ... in my opinion we're letting these drunks go and we are going to continue to let them go and people are going to continue to die on these highways until something is done. The next time it could be one of your families. It could be your wife, your husband, your kids that are butchered out on that highway and then your opinion may change on it too. That's why we're angry."

"Everybody says, 'Are you angry against Mahoney?'" Williams noted. "We don't hate him. We are a little angry, but we're more angry at the justice system than we are anything. I've talked among the family members and we want to make sure something happens here. We are concerned, 'Are we going to get justice in this state? Are we going to get justice in the country?'

"I will tell you as I told you the first day I was here, and I mean this with all my heart, for the jury from this county I put all my trust and all my faith in them. I believe they are good people. And I can tell you something, I have talked to several members who live in this town and I have been treated excellent in the town."

"I stopped to get some gas the other day and I'm going to tell you the people are good in this community and I don't think you'll find a better group of Kentuckians in any town than in this town right here. I think it is a wonderful town. I was up at (the General Butler State Resort Park lodge) and I was treated fantastic up there. Nobody knew who I was and I just really appreciate the support, the kindness, and the love that the people in this community have shown me and my family and I just thank them for that."

The message Williams and other family members he has talked to want to send from this trial is that drinking and driving don't mix and that if you are responsible for the death of someone while driving under the influence, you will spend the rest of your life in prison.

"I can only speak for a few of the families that I've talked with," Williams said. "What we want is for Mr. Mahoney to go to prison and stay there for his natural life. Robin was 10 years old, Kristen was 14 and Joy was only 34 years old. The average age on that bus was (a little over 13 years old). These people lost their lives and he needs to lose his natural life from freedom and he needs to sit in prison. That's justice."

"It doesn't bring anybody back, but that sends out a signal to other drunk drivers that there is a penalty to pay and he owes that and he owes that to society. He has lost, in my opinion and that of several others, his right to freedom. For the rest of his life he should stay in jail. I'm sorry he made that choice that day folks to drink and drive. You didn't see where anybody twisted his arm. He was going around from bar to bar drinking. He chose to do that. He chose to get behind the wheel and turn that key. He chose to get out on that freeway. What choice did our 27 people have? They had one choice — to get on the bus and come home. No, he's lost his right to freedom and I believe that's the way most of us feel. We want to see justice done."

Williams said although he still thinks Mahoney should spend the rest of his life in prison, he would personally feel better if he could talk to the defendant in person and hear Mahoney say he is sorry for the tragedy.

"Everybody says he's sorry," said Williams. "I want to see it for myself. I want to look in his eyes. I believe if you look in a person's eyes you can see forgiveness, you can see concern. People see those things. I want to see it ... if you can't look a person in the eyes something is wrong. I want to see the compassion."

"It would help me a lot," Williams added. "I'll tell you what I'd like to do, I'd like to get rid of all the lawyers and I'd like for just me and him to sit down and talk about it. I want him to tell me he's sorry. I've heard he wants to and I'd love for him to tell me. I mean it would help me be a whole lot better. I'd have a lot more compassion. I'd like for just me and him to sit down and have a good honest discussion over a cup of coffee. I want to hear that he is sorry. Get rid of everybody, just me and him."

Williams also questioned whether a couple of emotional breakdowns by the defendant in the first week of the trial were examples of sorrow. He noted the sobbing breakdowns might just as easily be guilt.

"It is an indication that for the first time he is hearing something that he has been protected from all these months," said Williams. "I believe he has led a very protected life." Williams said he believes Mahoney does feel sorry at times, "but I believe it's guilt... He hasn't done anything that we haven't done and I believe it is more of a guilt feeling than it was of a sorry feeling — my personal opinion."

Williams went on to add that like birthdays, the approaching holiday season brings back memories of his life before the tragedy and the loved ones he lost on May 14, 1988.

"Christmas is coming up. This is my second year without my two little girls," said Williams. "I didn't put up a tree last year, but when you dig out a box of ornaments and you see the little cookies that a little nine-year-old made at the time and put her name on there, it hurts to open these things up. Or you see all the little cards that we got or you see those special things that my two little girls did for Christmas because their mother always let them make Christmas ornaments. Try that sometime."

"It is hard to open that up," he added. "And you know one reason it is hard? Some of the other family members can open up a box of Christmas ornaments and if they see something that brings tears to their eyes, they've got a husband or wife and another child to cry with and say, 'Look, this is what so-and-so made.' But when I open up a box of things that came from Christmas, I don't have anybody around now that I can say, 'Look, this is what Robin made, this is what Kristen made, this is what Joy made' because they are all three gone."

"I can share it with Dot, what they made, and she'll sit there and cry with me or the other kids will sit there and cry with me, but it's different. I don't have one of the three to share anything with. Their memories are all gone and this is a heartache and it makes me angry when I think about it. I think it's normal to be angry about it and that's the way I feel about it."

12/5/89  
Madison  
County

# Mahoney jury views video of crash scene

By MARK CAMPBELL  
Kentucky News Editor

The murder and drunken driving trial of Larry Mahoney continued yesterday as the jury viewed a video tape of the crash scene and got a close up look of the fuel tank that exploded, killing 27 people in a tragic 1988 collision between a church bus and a pickup truck near Carrollton.

The tape and fuel tank along with testimony by a Kentucky State Police accident reconstructionist who spent over 1,800 hours investigating the case, were part of the evidence presented in the seventh day of testimony in the trial of Mahoney yesterday.

Mahoney, 36, of rural Owen County, is charged with 27 counts of murder, 42 counts of wanton endangerment, 12 counts of assault and one count of drunken driving in connection with the tragedy.

Police claim he had been drinking when he allegedly drove his 1987 Toyota pickup truck head-on into a bus owned by the First Assembly of God church in Radcliff, Ky., on May 14, 1988. Police also claim Mahoney was driving north in the southbound lanes of Interstate 71 when the accident occurred.

In testimony yesterday, Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case,

spent about five hours interviewing KSP Trooper Henry Paul "Sonny" Cease Jr. Over the past 18 months since the crash, Cease has reconstructed many aspects of the accident and was called as an expert witness for the prosecution yesterday.

According to Cease, his investigation involved 75 hours at the bus crash scene, 300 hours on the vehicles involved in the tragedy and 1,880 total hours on the case.

Part of the testimony presented yesterday included video images of the charred church bus as well as testimony of how the bodies of children were piled on top of one another where they had died trying to flee the burning bus.

Cease said investigators were required to conduct several body counts before finally identifying that 27 people actually perished in the fire. He noted it was not until the bus — with bodies still intact — was removed to the Kentucky National Guard Armory on KY 227 near Carrollton on a flatbed trailer that investigators were able to climb aboard, sort through the remains and finally come up with the final death toll.

After establishing the final count, the long process of removing the bodies from the bus for autopsies and identification then got underway.

"We would take four or five bodies out at a time before we would have to use the jaws of life to come in and cut the seat frames out of the bus," Cease said. "The bodies had dried and were wrapped around, stuck to the metal seat frames. That was the only way we could get them out."

Cease said he kept a chart of the position and location where each body was found and later referred to a chart of the bus interior with the 27 victims mapped out in replica.

As Cease testified concerning the victims' charred remains, many of their family members who were in the courtroom held hands and dabbed at tears. Mahoney, who broke down and sobbed twice during testimony last week, sat quietly, staring forward with his head lowered.

The chart Cease referred to showed that the 27 victims were scattered from the driver's seat at the front of the 67-passenger Ford school bus to the ninth row. Most of the bodies were found between rows six and nine of the 11-row vehicle.

The body of the driver of the bus, John Pearman, was found on the driver's side of the vehicle near the window at row five. The body

See: TRIAL  
Page 3, Column 1

# •Trial

Continued from Page 1

of the church's youth minister, Chuck Kytta, who was standing in the front stairway near the point of impact, was found near the driver's seat at the front of the vehicle.

The bodies of two girls who were originally sitting in row five prior to the impact were found near the rear of the bus — closest to the emergency exit where most of the 40 passengers who escaped the tragedy exited the burning vehicle. Crystle Uhey, 11, and Sandy Brewer, 12, had gone over four seats before succumbing on the back of the passenger side seat in row nine.

In other evidence yesterday, Cease showed the jury about 20 minutes of videotape taken after the crash. The tape showed bright flashing emergency lights illuminating the battered and fire-scarred exterior of the former Meade County school bus. The shadows of fire fighters and other rescue workers could be seen moving around the wreckage.

Scenes showing bodies were not included in the tape, which members of victim's families could not view from their seats. However, many of the family members remained in court following yesterday's final recess to view the tape after the jury had been released.

Cease and state Medical Examiner Dr. George Nickels examined the bodies in detail and it took at least eight hours to photograph and diagram the position of the bodies inside the bus and remove them from the vehicle, Cease said.



According to Cease, in addition to investigating the accident scene and helping remove the bodies, he was also involved in several other aspects of the investigation in the first few days and over the next several months.

In fact, Cease was the officer who obtained blood samples taken from Mahoney at Humana Hospital-University of Louisville. He also attempted to interview Mahoney at the hospital two days after the crash but was unable to contact him and eventually executed an arrest warrant on 27 counts of murder when Mahoney was discharged on May 16, 1988.

The trooper's account of the tragedy also involved a reconstruction of the accident as well as testimony related to the puncturing of the bus fuel tank and physical evidence linking the vehicles involved in the crash.

Cease said the bus fuel tank was ruptured by a piece of the rear assembly on the right leaf spring of the bus. He said the spring and its mounting hardware had been driven rearward on impact with Mahoney's truck.

Cease said the spring assembly punctured a 4½-inch hole in the 60-gallon fuel tank and a secondary collision between the truck and bus also resulted in the steering mechanism on the front of the pickup to hit the fuel tank.

Yesterday's testimony marked the first time anyone connected with the case has said the pickup truck actually collided with the fuel tank. In the past — including a hearing by the National Transportation Safety Board — investigators have only said that the tank was punctured by the leaf spring assembly.

"The rear of the leaf spring assembly made contact with the tank and punctured the hole and moved it rearward slightly, and then within a fraction of a second...the pickup truck itself made contact with the tank and moved it back 28 inches," said Richwalsky at a press conference later yesterday.

Cease also testified that the leaf spring assembly dropped down and began dragging on the roadway some 44 feet after the initial point of impact.

Richwalsky declined to relate what significance or influence the truck hitting the fuel tank had on the accident or the fire. "I'm just presenting the evidence on what happened," he said.

Defense attorneys in the case also said Cease's testimony that Mahoney's truck actually collided with the fuel tank came as a surprise.

"That was the first I've heard of that," said Jack Hildebrand, a defense attorney in the case who said Mahoney's attorneys have retained their own accident experts to study the crash. "The manner in which our expert has the accident occurring is significantly different than the way Sonny testified — I shouldn't say significant, but it's a little different."

Another witness yesterday, Kentucky State Police Detective Tony Moffett, said investigators have been able to determine the 60-gallon fuel tank on the bus was filled only 22 miles prior to the crash when the driver stopped at a Chevron station at the Glencoe exit on Interstate 71 in Owen County.

Testimony by Cease yesterday also included a detailed account of how Mahoney's truck collided with the bus and another automobile in the southbound lanes of the inter-

state as well as physical evidence that link the three vehicles to the accident.

Cease said paint chips, broken tail lights, pieces of vinyl roofing and other parts from the three vehicles have been used to link them to the accident and establish the chain of events that took place.

He said the points of impact between the bus and pickup truck were established by the head-on impact areas on their front bumpers as well as a broken lug nut from the bus that was embedded in the pickup. He said the bottom stairstep at the front door of the bus also left an imprint in the pickup truck and the hood of the bus punctured a head rest on the passenger seat of the pickup.

Cease said the gas tank had been pushed back 28 inches from its original position and was supported by only one of its two original metal support brackets. The trooper also testified the cap on the gas tank was not standard issue for that particular model of bus.

Cease then told the jury the pickup truck careened around in the roadway with its rear bumper striking a 1977 Cadillac driven by Fraizelle Eberhardt, Akron, Ohio.

The rear end of the truck apparently became airborne and struck the car as high as 4½ feet up on the left rear quarter panel, tearing the vinyl top, breaking a rear window and tossing pieces of the truck's broken tail light assembly into the back seat of the car where they were later found by investigators.

In earlier testimony, Cease said his reconstruction has estimated the driver of the bus could have seen the pickup truck coming toward him on the wrong side of the road a little over two seconds before impact.

He said skid marks indicate Pearman, who was driving in the left lane of the southbound lanes, was swerving toward the median and had applied his brakes at the time of impact. However, there were no skid marks from the pickup or Cadillac.

Earlier yesterday, Moffett, who was assigned to document Mahoney's whereabouts on May 14, 1988, testified he could account

for Mahoney for all but one hour and five minutes prior to the 10:55 p.m. EDT crash.

Hildebrand said defense attorneys could "possibly" account for that time lapse, but offered no explanation at a press conference yesterday.

Cease continued his testimony today with cross examinations by defense attorneys.

Richwalsky said he intends to have testimony later this week from spouses and family members of the 24 children and three adults killed in the crash as well as the state medical examiner. He also said he could conclude his case this week.

Hildebrand said if the prosecution completes its case this week -- regardless of the day -- the defense will begin its case on Monday, Dec. 11.

Attorneys for Mahoney said their client has received numerous cards and letters from all over North America.

"We've received an average of about 10 letters a day, prayers, cards and letters of support," said defense attorney Russell Baldani. "Most of them are from Kentucky, but we have them from as far as the West Coast and Canada. (It's) just people saying they are praying for him and they sympathize with him and they sympathize with his family. Obviously, every one's different, but they are coming from all over."

Baldani said a letter received yesterday contained only Mahoney's name and Carrollton, Ky., as an address.

"No address or anything and it got all the way here."

Baldani said Mahoney has received letters since the accident, but that the flow of letters has increased since the trial started.

When asked if the surviving victims or the families of those killed had received similar letters, Richwalsky said, "Not to my knowledge."

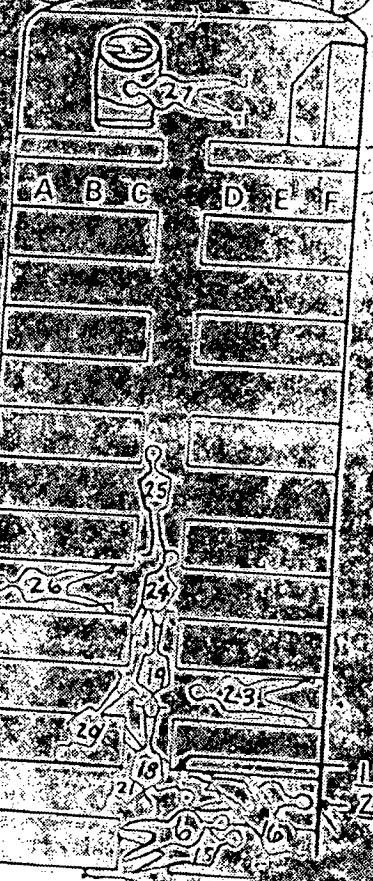
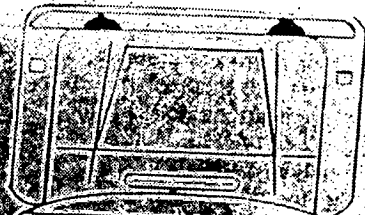




LOCATION:  
CARROLL CO. ARMORY  
LEFT SIDE OF BUS

ROW

1  
2  
3  
4  
5  
6



## Fatal positions

Kentucky State Police Trooper Henry "Sonny" Cease pauses during testimony in the murder and drunken driving trial of Larry Mahoney yesterday in Carrollton. Cease, an accident reconstructionist, gave a detailed explanation of the accident including a diagram of where the bodies of the 27 people who died in the bus crash (chart at right) were found. (Pool photo by Ed Reinke.)

# KENTUCKY

## Factors in bus crash were one in a million

By TED M. NATT Jr.  
Associated Press Writer

LOUISVILLE, Ky. — Federal officials had no reason to believe that the occupants of a church bus hit head-on by a pickup truck would not have had time to escape before the bus became engulfed in flames, according to testimony at a hearing Wednesday.

"Up until May 14 of this year, we were patting ourselves on the back for the good job we had done," said Ralph Hitchcock, director of the office of vehicle safety standards for the National Highway Traffic Safety Administration. "Now we're reviewing all of our standards for bus safety."

Twenty-seven people died of smoke inhalation May 14 when the bus, owned by the First Assembly of God church in Radcliff, burst into flames upon impact with the pickup on Interstate 71 near Carrollton.

The pickup truck driver, Larry Mahoney, 35, of rural Owen County, has pleaded innocent to 27 counts of murder and other charges, including drunken driving.

"We believed that there were sufficient exits to allow the people to get out in a reasonable amount of time and, up until this crash, I don't think we've had any indication that that was not so," Hitchcock said.

Hitchcock's testimony came on the second day of National Transportation Safety Board hearings on the fatal crash. In other testimony, a consultant for Ford Motor Co., which built the bus's chassis, said a cage around the bus's fuel tank may not have prevented the fire.

Hitchcock said results of bus interior-flammability tests had indicated passengers on a school bus would have an adequate amount of time to get out of a bus before it burned.

"We had never had an occurrence where anyone was unable to get out on a timely basis because of flammability problems," Hitchcock said. "There were some close calls, but they were able to get off."

Hitchcock testified that it usually takes 1½ minutes to evacuate a bus and four to five minutes for a bus to become engulfed in flames.

He also said there have been about 2 million bus accidents since 1977, when the federal government imposed new safety standards for school buses.

"In all those accidents, we haven't had a situation like occurred in this particular crash," Hitchcock said. "So we're talking about millions-to-one probability that all of the factors are going to add up here to cause a problem."

"We don't design our requirements to prevent one-of-a-kind accidents."

Hitchcock said some of the safety standards implemented in 1977 would have affected the outcome of the crash.

"The question is, would it have prevented it?" Hitchcock said.

John Habberstad, a consulting engineer specializing in accident reconstruction, testified that a cage may not have stopped the fire.

The fuel tank was punctured by a piece of the bus's leaf spring assembly that broke off shortly after impact, he said.

The front wheels and axle of the bus was knocked rearward some eight feet on impact with the pickup truck.

"It wasn't until some 50 feet down the road (from impact) that a free-flying projectile (the spring assembly) penetrated the tank," Habberstad said. "The tank guard is not designed to prevent penetration by an object such as this. It's meant to protect intrusion from something like the pickup."

However, "If we were fortuitous enough that the spring were to deflect off a portion of the guard, then, yes, it would have been prevented."

In other testimony, the director of the National Center for Statistics and Analysis for the NHTSA said since the new standards were imposed in 1977, there have been just nine fatalities in a fire-related bus crash.

William Boehley said the 1984 crash in Essex, Mont., was different from the Carrollton crash because the nine died as a result of trauma in the wreck, not the fire.

He also testified that in 1987, a

total of 150 people were killed in school bus crashes. But he said only 14 were riding in the buses; the others were either pedestrians or drivers of other vehicles.

Of the 14, ten were 18-years-old or younger, Boehley said. That compared with 6,352 people between the ages of 0-18 who were killed in car, light truck and motorcycle wrecks in 1987, he testified.

Other testimony Wednesday included a discussion of drunken driving.

Dr. James Nichols of the NHTSA testified there must be more sanctions imposed on repeat drunken-driving offenders and said he concurs with a recommendation by Mothers Against Drunk Driving that license plates be confiscated from the first-time offender.

"Driving without a license is an invisible offense ... so if you take the plates away, it becomes a visible offense."

The NTSB's hearings are to end today, when the final three of the 20 scheduled witnesses testify.

# Lack of escape routes cost many young lives

By GIDEON GIL  
and ANDREW WOLFSON  
Staff Writers

Nineteen of the survivors of the May 14 bus crash near Carrollton, Ky., have confirmed in interviews that the lone emergency exit in the rear, the quick spread of fire, cramped conditions and panic combined to increase the loss of life.

"There's no way you'd get 67 people off a bus alive, especially through one door," said David Walliser, 14, one of the survivors. "Fire, panic and all that kind of stuff — it's nearly impossible."

"The problem was mainly that everybody was trying to get out the door at once and falling down on top of one another," said Jamie Hardesty, 16, a passenger who pulled to safety many of those who had fallen.

The wreck occurred as the bus was returning 67 people to the Radcliff First Assembly of God after a day at Kings Island near Cincinnati. Twenty-seven people were killed.

Police say the accident was caused by a drunken driver traveling the wrong way on Interstate 71, but once it happened, the other factors came into play. Of the

40 survivors, 19 consented to interviews with The Courier-Journal, and their accounts of the second-worst bus wreck in U.S. history revealed that:

■ All the victims were seated in the front seven rows, and almost all were in the first five.

■ Although fire broke out in the front of the bus within seconds after impact, seven passengers in the first five rows escaped — some in remarkable fashion.

Carey Aurentz, in the first row, dashed

See LACK

PAGE 14, col. 2, this section

## Congestion, lack of escape routes cost many young lives

Continued from Page One

down the aisle and got out. Janie Padgett climbed out a window from her second-row seat. Tom Hertz and Mike Jefferson, seated in the fourth row, clambered over seats to reach the back door.

■ Nobody suffered more than bruises, bumps or cuts from the impact of the head-on collision with a pickup truck. Although one youth reported being knocked unconscious briefly, he and all the other passengers were mobile within moments after the crash.

■ The fire spread quickly to the back — most estimates put it at about two minutes — but not so fast that people didn't have a chance to get off.

Within seconds of the accident, the front stairwell was in flames, and after about 10 seconds, blinding smoke had reached the rear of the bus. After about two minutes, a strong blast shook the bus.

Investigators believe the heat may have caused the drive shaft, a closed cylinder filled with compressed air, to explode.

Fire spreads rapidly on school buses, even without the leaking gasoline that fueled it in this crash.

In one industry test, when a sack of crumpled newspapers was ignited on a school-bus seat, the ceiling temperature rocketed to 1,845 degrees in 160 seconds — less than three minutes. In another, a bus was consumed in less than four minutes.

Although the rated capacity of the bus in the Carrollton crash was 67 — and that was exactly how many people it was carrying — it was congested, and the sheer numbers contributed to the panic that ensued. Two children were riding in the aisle at the time of the crash, and at least one youngster tripped over a cooler in the aisle on the way out.

Jim Gildea, a National Transportation Safety Board investigator, said the number of people on board did "hinder the evacuation — there's no doubt about it."

A Kentucky Department of Education subcommittee has said it will recommend that middle school and high school buses limit children to two per seat, instead of three, on activity trips outside district boundaries.

The evacuation of the church bus also was slowed because the last row of seats blocked part of the 37-inch-wide back door.

Stephanie Howard, who sat in the last row, described being caught in a logjam as passengers tried to squeeze through the foot-wide space between the two benches in the last row.

New federal rules that went into effect in 1977, a month after the Radcliff church bus was built, require greater access to the rear door. Newer buses have a bench that seats two people, instead of three, on one side at the rear.

Although many of the children had been through bus-evacuation drills at

their schools, they proved of little value in preparing them for this accident, many survivors said. In the drills, children filed off the buses row by row, waiting their turn, and often using just the front door.

The drills bore no resemblance to the real thing, said Cheryl Pearman, 13. "When we got up, we jumped up and piled on top of each other. It wasn't single-file and wait for one another to get off. ... You didn't think about anybody else."

Gildea, of the safety board, said the fact that some people in the front rows escaped suggests that the fire was survivable. He said everyone might have been able to get out had it not been for the logjam.

State Medical Examiner George Nichols said everyone moved after the crash.

"I found no evidence in the examination of (the) 27 people of any significant trauma short of the smoke inhalation and the fire," Nichols said.

Nichols said the 27 bodies on the bus were found in the aisle or in aisle seats and most were facing the rear of the bus, indicating they had tried to flee.

In addition, most of the victims were found at row five or farther back in the bus, Nichols said. Driver John Pearman was found in the aisle even with the second row and he apparently "was herding kids" toward the rear exit.

No children were found closer to the front. Only youth-group leader Chuck

Kytta was found up front, where he had been standing before the crash. A fire extinguisher was at his side.

"It looks to me as if people started to move and didn't get very far," Nichols said.

Once the aisle became clogged, passengers understandably began to push. Some fell, and with vision limited by the smoke, others tripped over them.

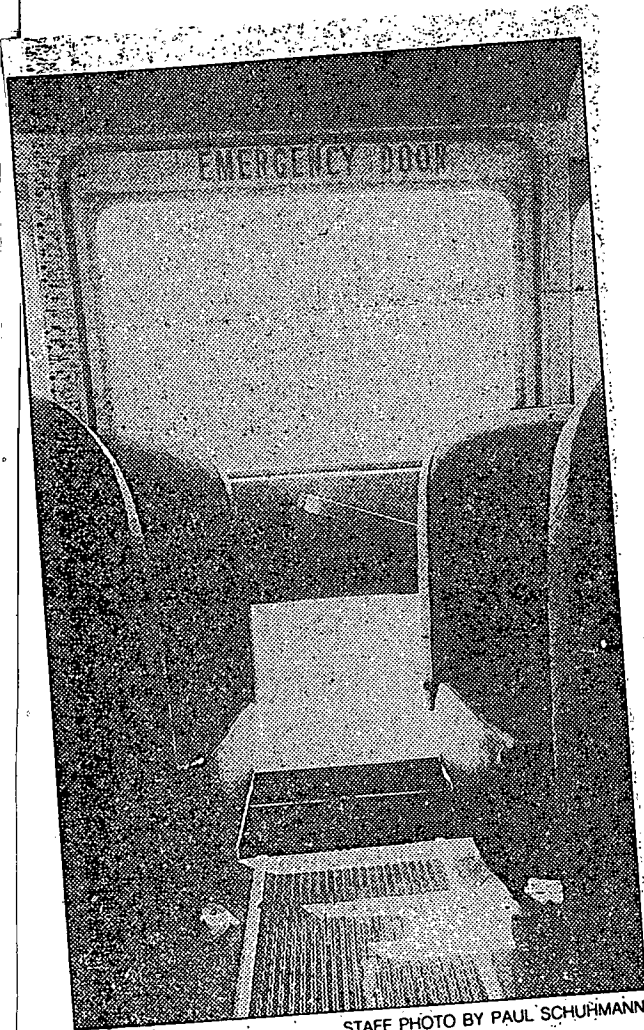
A number of survivors — Kim Farmer, Quinton Higgins, Juan Holt and Darrin Jaquess — were overcome by smoke in the aisle while waiting to get out. They escaped only because their friends pulled them off.

Two slightly built passengers — Padgett and Eric Thompson — went out windows. Others said they didn't think of using the windows, which, at 9 by 24 inches, were not intended as exits.

Many survivors said extra exits would have saved lives — a conclusion also reached by Nichols and Carroll County Coroner James Dunn.

Nichols said, "Anything that would have aided in the evacuation ... obviously would have saved more lives."

The Education Department's subcommittee also has said it will propose that all large buses to be ordered this year for Kentucky schools be equipped with four pop-out windows, two on each side, which would provide a larger opening than on current buses. The state Board of Education must approve the plan for it to take effect.



STAFF PHOTO BY PAUL SCHUFMANN

Most survivors got out through a narrow exit like this, which was quickly jammed in the panic.

THE COURIER-JOURNAL  
LOUISVILLE, KY.  
THURSDAY,  
DECEMBER 21, 1989.

# Jury mulls Mahoney's fate after emotional closing arguments

By BILL WERONKA  
Staff Writer

CARROLLTON, Ky. — After a morning filled with emotionally charged closing arguments, Larry Mahoney's bus-crash murder trial went to the jury.

Mahoney's lead attorney, William Summers, his voice breaking and tears welling in his eyes, told jurors that the tragedy needs to be put in the past and lives need to be rebuilt.

"Ladies and gentlemen, the world has to start anew," Summers said. "The world has got to say finally, 'We've taken this dog and for 18 months we've stoned him. We can't kill him, but it's got to stop. It has to stop. How much more does he have to endure?'"

"We don't do that to a cur dog out homeless on the street. We might put him to sleep, but we don't stone him for 18 months. We don't make him live with pain the rest of his life, which none of us can remove. We can't kill him. Larry has chosen the punishment he will live with, because the punishment in his heart will never, never go away."

As Summers concluded, Mahoney's relatives were all in tears, clutching at one another for support.

In his closing statement, Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, said that, while he initially had empathy for Mahoney, he lost it after the defendant's sometimes-argumentative testimony.

"I saw a different defendant; or could it have been the defendant in his picture," Richwalsky said of Mahoney's driver's license picture, which shows him bearded and wearing a cap emblazoned with the words, "Ride hard, die hard."

"Ride hard, die hard — it's kind of prophetic," Richwalsky said. "All that Saturday night he rode hard, and those people died hard."

"Is this the real Larry Mahoney?" he asked the jurors, pointing to the picture. "You tell me when you come back."

While the victims did not have a chance for a fair trial and an impartial jury, "they

got the death penalty, and for what?" Richwalsky said. "For being on the way home, for spending the day at an amusement park. They were murdered. This defendant unfortunately killed them as surely as if he had used a gun. These people never had a chance to say goodbye."

"You'll never forget this case, but you'll be able to deal with it if you do justice. Justice in this case would be a finding of murder, assault in the first degree, wanton endangerment and driving under the influence."

This time the families of those killed or injured on the Radcliff First Assembly of God church bus wiped at their eyes and reached for support.

Mahoney, 36, is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving under the influence. He is accused of driving drunk the wrong way on Interstate 71 and crashing head-on into the bus on May 14, 1988. Three adults and 24 children died, and 12 children were seriously hurt in the ensuing fire.

The jury, which deliberated until shortly after 10 last night, can consider the lesser counts of manslaughter and reckless homicide instead of murder, along with lesser counts of assault and wanton endangerment. They began deliberating at 1:30 p.m. If they find Mahoney guilty, a penalty phase would begin immediately.

The defense offered two closing arguments yesterday, one by Summers and the other by Jack Hildebrand. Summers focused on the emotional aspects of the case, while Hildebrand pointed out the defense's reasons that Mahoney should be acquitted: involuntary intoxication and bus safety.

"We know Larry was there and we know Larry was drunk," Hildebrand said. "But how did he get there? We don't know. Causation, those are the important issues."

Hildebrand said Mahoney unknowingly drank liquor slipped to him by Kelly Os-

See JURORS

PAGE 5, col. 4, this section

## Jurors begin deliberating Mahoney case

Continued from Page B 1

orne. "KO Cola," Hildebrand said. KO for Kelly Osborne and KO for knock out, because that's what it does."

He said Mahoney's friends were here and had told him they would drive him, and even if he drank voluntarily, "He had a designated driver."

But the friends reneged on the offer. "They threw him the keys and said, 'Here pal, promise me you'll go right home.'"

Hildebrand said the prosecution never proved that Mahoney exhibited extreme indifference to human life or wanton conduct, or that he was aware of the risk.

"Even if he had been sober, on the wrong side of the highway, he had no idea that bus was going to explode," Hildebrand said. "Larry caused the accident, but he did not cause the fire, the deaths, the injuries."

Hildebrand then pointed a finger at the bus and more directly at its

manufacturer, Ford Motor Co.

He said somebody should be blamed for what happened. "But Larry Mahoney should not have to pay for something Ford Motor Co. did and did not do. Ford Motor Co. put that bus on the road and Ford Motor Co. knew it was a hazard when they put it on the road and they didn't do anything to stop it."

After telling of Ford's problems with the fuel tanks on Pintos, Hildebrand concluded: "Mr. Richwalsky said in his opening that it was a road map and he was going to show you where we were going to go. I submit to you this road map should go to Dearborn, Mich., Ford Motor Co.'s home office, before it ever started with Larry Mahoney."

Richwalsky, contending the case was "murder, pure and simple," told the jury that questions about whether the bus was safe were irrelevant. It did not matter what the victims were riding in, only that Mahoney was drunk, on the wrong side of the road and hit the bus, Richwalsky said.

He said the argument of involuntary intoxication is bogus because Mahoney admitted he had been drinking all day and Kelly Osborne said he did not slip Mahoney a drink.

"Buy that involuntary intoxication if you want — then let him go," Richwalsky said. But, he added,

"drunks" are responsible for their actions even if they don't think they're intoxicated.

He said Mahoney's apology to the families was not enough, even though Richwalsky said he believes Mahoney is sorry and would do things differently if he could.

"But he can't and now it's time to pay," Richwalsky said.

Richwalsky, who asked the jurors not to let the spirit of Christmas affect their decision, told them that the Radcliff families came every day to see justice done.

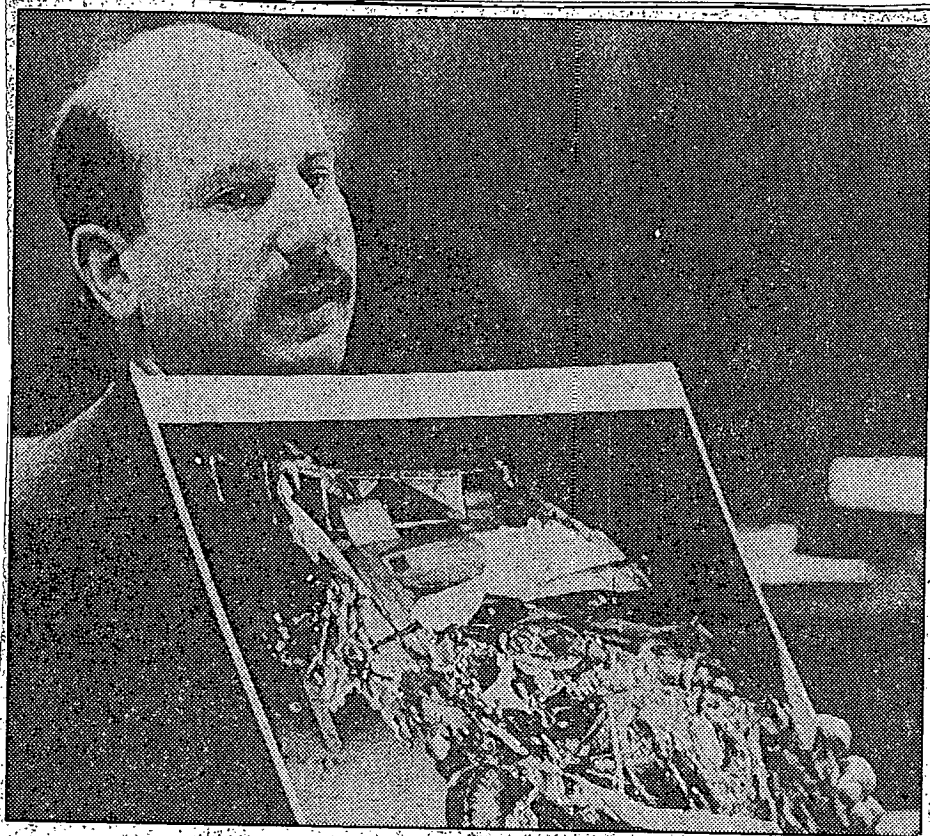
"They turn to you to see if this was a crime," Richwalsky said, pointing to a picture of the burned bus. "If it is, what are you going to do about it?"

In a separate hearing yesterday, Special Circuit Judge William Dunn ruled that Mahoney's previous DUI and two previous disorderly conduct convictions could not be mentioned during the penalty phase if Mahoney is convicted. If admissible, those convictions could have resulted in a stiffer sentence.

Dunn suppressed those convictions because Mahoney had not been adequately advised of his rights when he pleaded guilty to each of the charges.

Information for this story was also gathered by staff member Todd Buchanan.





POOL PHOTOS BY ED REINKE

**Special prosecutor Paul Richwalsky held a photo of Larry Mahoney's smashed pickup truck during his closing arguments yesterday. Below, Mahoney, center, sat between his mother, Mary, and sister Deb Daugherty, top, during a break in the proceedings.**



He said the heroes are the people who responded to the crash to render aid and try to save their fellow passengers on the bus. The villains are the bus manufacturer and so-called friends who did not stop Larry from driving.

"This story has no final chapter," Baldani said, concluding his opening statement. "It hasn't been written yet. Twelve of you folks will write the final chapter" and the defense will "lead you to the conclusion that Larry Mahoney is not a murderer. The eyes of the world are upon us. We've all got a job to do."

In concluding his statement, Richwalsky told the jury it would hear the crash described in two ways — as an accident and as a tragedy.

The prosecutor said an accident is described as a "by chance, unforeseen and undesirable" event while a tragedy is a "fatal or mortal event with human life sacrificed. A murderous deed." Richwalsky concluded that only the latter definition provides an accurate description of what really took place on Interstate 71 in May 1988.

After a short recess following the opening statements, the prosecution called five witnesses to establish

the whereabouts and actions of Mahoney on May 14, 1988. The witnesses included two bartenders, a package liquor store clerk who was a friend of Mahoney, a friend of the defendant who drank beer and ate pizza with Mahoney that day and a former girlfriend who works at a package liquor store in Burlington, Ky.

According to Virginia "Jinkey" Simpson, a bartender at Drifters' Tavern, and Jean Chandler, a bartender at Tubby's Tavern, Mahoney drank at least one Miller Lite beer in each of those establishments between 1 p.m. and 3:30 p.m. on the day of the crash, but was not drunk and was not in the habit of getting drunk when he visited the bars.

Ronald Howard, a clerk at Ski Slope Liquors, cashed a personal check for Mahoney and sold him three loose cans of beer at 4:15 to 4:30 p.m. that day, but was not drunk when he left the store, located at the intersection of Interstate 71 and KY 227.

Kim Frederick, a former girlfriend of the defendant and clerk at Scanlon's Drive-In Liquor Store in Burlington, said Mahoney visited her at about 5:30 p.m. and complained about being tired from work, confused about life and in need of a friend to talk to.

She said she talked with him a couple of minutes and asked him to go back to her place and get some sleep before making arrangements to meet him at 10 p.m. at the Little Place bar in Owenton that day.

According to Frederick, she dated Mahoney for four years until their relationship ended in January 1988 when he said he was going to get back together with his ex-wife, Janice Mahoney.

Frederick said Mahoney smelled of beer when she saw him but did not appear drunk and although he drank beer at times during their relationship, he never drank hard liquor or got drunk.

Hubert Layton, a friend of Mahoney and brother-in-law of one of Mahoney's best friend, Dennis Mefford, said he saw Mahoney at Mefford's house at about 7 p.m. on May 14, 1988, and he and Mefford helped drink a six-pack of Miller Lite beer Mahoney had in his truck.

Layton said he noticed nothing unusual about Mahoney's condition initially "but later after he'd been

there a while I thought he might have had a few" beers.

He said they drank beer and ate pizza before Mahoney left about 90 minutes later.

Testimony in the case is expected to continue today through Wednesday afternoon when the trial will take a long recess for the Thanksgiving holiday. Testimony will then begin on Monday, Nov. 27.

Summers said, the prosecution and defense combined, are expected to call as many as 140 witnesses to testify in the case, which could last six weeks to two months.

Although testimony was scheduled to last until 5 p.m. yesterday, the attorneys were finished with their witnesses by 4:30 p.m. Summers said one reason for the early conclusion of yesterday's proceedings was because the prosecutor is doing a good job of questioning his witnesses and there is very little need for follow-up questions.

"Paul is very well organized," said Summers. "It is right down the line when it comes out. Not a whole lot of cross examination of a very large proportion of these witnesses is going to be necessary."

# Carroll County bus crash trial begins

MC 11/23/89

Carrollton's Courthouse was jammed Monday with members of the news media, police officers and families of those who died in the fiery 1988 Carroll county bus crash as the trial of Larry Mahoney got underway.

Mahoney is indicted on 82 felony charges including 27 counts of murder. He is accused by police of driving his Toyota pickup the wrong way on I-71 the night of May 14th and crashing head-on into a church bus from Radcliff, Ky. The bus' gas tank ruptured in the collision and the resulting fire killed 24 Hardin County children and three adults who became trapped on the bus. Many of the 40 who survived the accident suffered serious injuries. Police also say the defendant was driving drunk at the time.

On Monday morning Mahoney's jury of seven men and nine women were seated by Circuit Judge Charles Satterwhite. They then boarded vans to take a look at the charred remains of the bus and Mahoney's truck. They

also drove by the crash site.

In his opening statements Special Prosecutor Paul Richwalsky told the jury the case was "about the terrible cost of drunken driving," and that "plain and simple, this is a murder case."

Mahoney's lead defense lawyer, Russell Baldani, admitted that his client had been drinking that night and agreed that it was a "senseless, horrible tragedy."

However, he pointed out the church bus was unsafe, not mechanically sound, its aisles were blocked, the emergency door was stuck and the windows would not open. He said the condition of the bus was responsible for many of the deaths.

Baldani also said his client was not a murderer.

Witnesses called Monday by the prosecution told the court they saw Mahoney drink at least five beers the day of the accident.

Mahoney's trial is expected to last from six to eight weeks.



Ackman

FILE PHOTO

Cowan, ed. 5/19/89

## Prosecutor in crash deaths is stricken by heart attack

By TOM LOFTUS  
Staff Writer

CARROLLTON, Ky. — The prosecution of the capital-murder case against Larry W. Mahoney was complicated yesterday when the prosecutor, Commonwealth's Attorney John L. Ackman Jr., suffered a heart attack at his home.

Ackman, 38, was in serious condition yesterday afternoon at St. Elizabeth Medical Center South in Edgewood.

"He's holding his own," his wife, Melissa Ackman, said yesterday afternoon from the hospital.

Melissa Ackman said her husband "broke out in a sweat and began feeling ill" when he came out of the shower at their home in Williamstown early yesterday. The couple drove to the office of their doctor, Michael Goodman, where Ackman was examined. He was later moved to St. Elizabeth South.

"They're calling it a heart attack," said Ed Lorenz, one of Ackman's law partners. "I'm told he's in serious — but stable — condition."

On Monday, Ackman announced that he and Carroll County Attorney James Monk had brought 27

## 38-year-old Carroll prosecutor hospitalized after heart attack

Continued from Page One

counts of capital murder against Mahoney stemming from Saturday night's bus crash.

As commonwealth's attorney, Ackman would be responsible for presenting the case to the grand jury and prosecuting Mahoney if he were indicted.

Mahoney was driving a pickup truck the wrong way on Interstate 71 when it slammed into the front of a church bus returning to Radcliff, killing 27 people. A blood test indicated that Mahoney was drunk, investigators have said.

Melissa Ackman said she did not know whether stress from the case had contributed to the heart attack. "There's no way of telling. He's handled big cases before."

Lorenz said: "You can make your own assumption on whether stress was a factor. John's worked long hours the past few days. I haven't seen him since the bus crash."

Lorenz estimated that Ackman, who smokes cigarettes, would need "several weeks, maybe a couple months" to recover.

It's unclear how Ackman's illness will affect the Mahoney's prosecution, or who will prosecute the case if Ackman cannot.

"Certainly it's a disconcerting thing for people involved," said Capt. Neal Brittain, commander of the La Grange state police post. "We're going to have to coordinate with the man that's going to be responsible for what John had been doing previously. However, I can't see it slowing the work."

Lorenz noted that Ackman has one assistant commonwealth's attorney, Mark Cobb of Owenton. Cobb could not be reached by phone at his home or office yesterday.

Monk said last night: "Until I know of

John's status I couldn't speculate on what will happen. I assume Mark Cobb or someone designated by the attorney general's office would handle the case."

Phil Miller, a spokesman for Attorney General Fred Cowan, said yesterday that state law allows assistants to act in the absence of the commonwealth's attorney. Miller added that a special prosecutor can be appointed if Ackman asks for one.

Miller said Cowan's office had not received such a request and had not even heard of Ackman's illness until late yesterday.

Ackman is a 1978 graduate of Salmon P. Chase College of Law at Northern Kentucky University. On June 19, 1984, he was appointed by then-Gov. Martha Layne Collins as commonwealth's attorney for the 15th judicial circuit, which encompasses Grant, Owen and Carroll counties. He replaced Otis Lanter, who had resigned.

Ackman ran unopposed that November to fill the rest of Lanter's term. He was re-elected last year — again without opposition — to a six-year term.

Perhaps the best-known case Ackman has prosecuted as commonwealth's attorney was that of Kevin Fitzgerald, who was convicted in 1986 of first-degree manslaughter in the ax slayings of Roy and Ruby Bickers. The Bickerses were friends of Fitzgerald's who had loaned him money to repay drug-related debts. Fitzgerald was sentenced to 40 years in prison.

Ackman had sought a murder conviction, calling the slayings "one of the most horrible crimes" in Carroll County history.

Officials had charged the wrong man in the deaths before arresting Fitzgerald.

See 38-YEAR-OLD  
PAGE 8, col. 4, this section

# 'I really am sorry'

## Larry Mahoney testifies in trial

By MARK CAMPBELL  
Kentucky News Editor

Nineteen months to the day after his pickup truck crashed into a Radcliff, Ky., church bus killing 24 children and three adults, Larry Wayne Mahoney took the witness stand and told the victims of that tragedy he is sorry.

Mahoney, 36, a factory worker from rural Owen County, testified in Carroll Circuit Court yesterday as the next to last witness in his defense for 27 counts of murder and drunken driving.

On May 14, 1988, prosecutors say Mahoney was drunk and driving on the wrong side of Interstate 71 when he crashed his Toyota pickup truck into a First Assembly of God church youth group bus occupied by 63 children and four adults who were returning from an outing at King's Island amusement park just north of Cincinnati.

The head-on collision ruptured the gas tank of the bus, killing 27 and seriously injuring 12 others as fire swept through the passenger compartment claiming the victims before they could escape through the rear emergency door.

Mahoney could face a prison sentence of from 20 years to life on each count of murder if a Carroll County jury finds him guilty in the case. In addition to the murder charges, he also faces 12 counts of assault, 42 counts of wanton endangerment and one count of driv-

ing under the influence.

After five weeks of jury selection and testimony by 119 witnesses for the prosecution and defense, Mahoney took the stand yesterday afternoon to tell the 15-member jury what he remembers about the tragedy that has since been called the worst alcohol-related traffic accident in U.S. history.

After more than an hour of direct examination by William Summers, lead counsel for the defense, and cross-examination by Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, Summers asked his client if he had anything else to say before leaving the stand.

"Larry, would you look at the jury, would you look at the families here, would you look at your own family," said Summers. "Is there anything else you want to tell them?"

"Yes," Mahoney said, lifting his head, looking at the victims' family members and speaking softly. "I've been waiting a long time to do this."

"I just want everybody — especially the families that were in the accident and their families — I know that you all have been wanting me to say something and tell you I'm sorry, and that's what I've been wanting to do but I've been told not to say anything."

"I want you to know that I really am sorry. I mean this," he con-

tinued as several of the victims' family members as well as members of his own family began to weep. "I don't know of anything else that I can say to you."

"I know it's not going to make you feel any different toward me and I would probably feel the same way that you feel about me. I can understand that, but that's all I know to say. I don't know anything else to do. For everybody just to have to go through this, I just want to tell everybody I'm sorry."

The defendant's statement brought to an end 70 minutes of testimony by Mahoney.

At the conclusion of Mahoney's testimony, Carroll Circuit Judge Charles F. Satterwhite called a 15-minute recess. Mahoney's family members consoled each other and cried on one side of the courtroom while members of the victims' families as well as children who survived the tragedy held hands, hugged each other and wept on the other side of the crowded courtroom.

Located behind Mahoney as he testified was a large seating chart of the church bus that has been in the courtroom for much of the trial. The chart included photographs and names of the 67 passengers on the bus with the names of those killed in the crash designated with a black

See: TRIAL  
Back Page, Column 1

# Material used in bus seats described as a known hazard

By BILL WERONKA  
Staff Writer

C 5 12/13/89

CARROLLTON, Ky. — The defense put the church bus and its manufacturer on trial yesterday in Larry Mahoney's bus-crash murder case through an expert witness who said the seat material on the bus had been recognized as a "severe fire hazard" for 25 years and caused all 27 deaths in the May 14, 1988, tragedy.

"Ford Motor Co. went on trial today for the billions of miles they have transported our most precious possessions in their lethal gas chambers," Mahoney's lead attorney William Summers said after yesterday's proceedings.

"Larry caused the wreck, but the seats caused the deaths," Summers added. "All along there is responsibility."

Mahoney, 36, is accused of driving drunk the wrong way on Interstate 71 and crashing head-on into the Radcliff First Assembly of God church bus. Twenty-four children and three adults died and 12 children were seriously injured in the ensuing fire.

Aided by a video showing a similar bus being burned, Eugene Sober, a fire-and-safety engineer with the National Aeronautics and Space Administration, said that without the combustible seat materials, "there would not have been any deaths."

At the urging of special prosecutor Paul Richwalsky Jr., Sober did admit, "If there had been no collision there would have been no fire."

That was the only point in Sober's testimony that supported Richwalsky's argument that anything that happened after the crash is irrelevant toward proving or disproving the 27 murder charges against Mahoney.

Sober said the seat padding was made of flexible polyurethane foam, untreated by a flame retardant that was readily available years before the bus rolled off the assembly line on March 23, 1977. He added that 570 million pounds of treated foam were manufactured in 1975 alone.

Sober also testified that in 1974 the Federal Trade Commission issued a complaint against the plastics industry, pointing out that the untreated foam burned much more intensely and caused fire to spread more quickly than other material. In 1983, Sober added, the U.S. Center for Fire Research issued a report that stated that the untreated foam was the "single largest fuel connected to fatal fires."

"It releases heat with such intensity, that it has the propensity to explosively ignite," Sober said, adding that all the seats would have burst

See DEFENSE  
PAGE 2, col 1, this section



# Defense witness describes bus seats as a fire hazard

Continued from Page One

into flames after one started burning.

The dangers of the untreated foam, Sober said, were first reported in the late 1960s and involved more than just its rapid burn rate. He said the smoke generated by the burning material creates hydrogen cyanide gas, along with soot, carbon monoxide and carbon dioxide — a combination that would have rendered anyone inside the bus unconscious or dead within two minutes.

In addition, the seat covers, made of polyvinyl chloride, release toxic chlorine gas when burned. That would have made the environment on the bus more toxic.

The tests the state conducted on the victims' blood showed cyanide gas was present in only one victim. Sober said he found that "incredible and inconsistent," based on his experience, adding he was "suspicious" of the tests' validity.

Richwalsky said the way the bodies were handled might account for that, and added that state Medical Examiner George Nichols testified he was surprised by the results as well. Richwalsky said some of the blood used as samples was in solid, not liquid, form.

Summers challenged that, noting that Nichols testified he had obtained liquid blood from all the victims' hearts.

Summers also used Sober's testimony to challenge Nichols', noting that Nichols testified that he had previously withheld that some of the victims may have burned to death, rather than dying of smoke inhalation. (Richwalsky defended Nichols, saying that was a "noble" effort to protect the families.)



POOL PHOTO BY TODD BUCHANAN

**Eugene Sober, a fire-and-safety engineer for the National Aeronautics and Space Administration, testified.**

But Sober said deaths by burning would be inconsistent with the evidence and reports he had read and, in his opinion, "Anyone in that smoke environment would have been unconscious and probably dead before they could have burned to death."

The video shown was of a test performed by Dr. Richard Custer of Worcester Polytechnic Institute on a bus in Boston. The bus had no engine, and the gas tank was filled with water. A brown paper bag stuffed with newspaper was ignited on one seat. Within 40 seconds the seat was burning and the bus was filling with smoke. In three minutes, other seats were on fire and smoke

was at seat level.

"Anyone standing at that point would lose consciousness within several breaths," Sober said.

At four minutes, the windows had been blown out and black smoke and flames were pouring out of the bus.

Sober said that if the gas tank had contained gasoline, as the church bus' tank did, the fire would have been accelerated appreciably.

At Richwalsky's urging, Sober said the seats met federal standards and it was understandable that states like Kentucky would use those standards.

"But it would not be wise or smart," Sober said, adding that he understood the federal government's "misguided" methods for setting "archaic" standards.

Sober's testimony turned the day around for the defense. During earlier testimony, it appeared Carroll Circuit Judge Charles Satterwhite would gut the bus-safety defense by ruling much of it inadmissible.

It took 1½ hours for the defense to qualify Thomas Feaheny, a former vice president with Ford Motor Co., as an expert witness, and then only on a limited basis.

Richwalsky pointed out that Feaheny was fired by Ford and still has an active \$30 million lawsuit against six Ford executives.

But Feaheny denied he had "an ax to grind" and said he was testifying only because he thought the deaths could have been avoided.

He said a gas tank cage, installed on buses built after 1977, would not have prevented the leaf-spring assembly from puncturing the fuel tank, and the fire would have started anyway. But he could not de-

scribe his recommendation for avoiding the fire, even though it had been given to the National Transportation and Safety Board.

Satterwhite ruled it inadmissible, and Richwalsky said later that that was because Feaheny's recommendation was based on current technology that wasn't available when the bus was manufactured.

Much of his other testimony was not allowed because, Richwalsky pointed out, Feaheny's expertise was limited to passenger cars, not buses, and "the bus-safety issue has to be limited to this bus."

After court Feaheny said he recommended replacing the steel tank with one made of high-density plastic. That material would not have punctured, he said, and so there would have been no fire.

After adjournment, Richwalsky characterized the bus-safety issue as the "magic bus" defense. "They want to construct a bus based on 'what if this was done' and 'what if that was done,'" he said. "Bus safety has nothing to do with this case."

"They (the defense) think it's relevant and I don't. But for the action of the defendant, there would have been no fire, no deaths."

Defense attorney Russell Baldani said the issue is important because, "We think some of the parties responsible have not been indicted." He characterized Mahoney as a "whipping boy and scapegoat" in the tragedy.

For the second straight day, court began behind closed doors. Monday, defense attorneys asked in vain for a directed verdict of acquittal while in Satterwhite's chambers. Two more motions were argued in chambers yesterday.

# Witnesses fill in details of crash, say pickup made U-turn into traffic

By TOM LOFTUS  
and AL CROSS  
Staff Writers

CARROLLTON, Ky. — With accounts from eyewitnesses and others, investigators are getting a clearer picture of the events that led to the collision of a church bus and a pickup truck that killed 27 people near Carrollton Saturday night.

One witness saw the collision, and another saw the truck make a U-turn into oncoming traffic on southbound Interstate 71, investigators for the state police and the National Transportation Safety Board said yesterday.

Neither witness saw a motorcycle, said Capt. Neal Brittain, commander of the state police post at La Grange. Investigators appear to have discounted reports that the truck may have been racing with a motorcycle. Children on the bus said they saw a motorcycle traveling north in the southbound lanes just before the collision.

The bus was returning from Kings Island amusement park near Cincinnati with members of the First Assembly of God in Radcliff and their friends.

Brittain would not reveal the names of any witnesses, but one appears to be Clint Bradley, a real-estate agent from Southgate, Ky. The account that Bradley has given reporters is almost exactly the same as that of a key witness mentioned yesterday by investigators.

When he learned about the crash Sunday, Bradley said, he called the state police to report what he saw.

"I'd heard the reports of a motorcycle, but I never saw one," he said. "One of the reasons I called the police was to tell them that."

Bradley said investigators interviewed him Monday morning. He said he was told that he would be an important witness in explaining how the truck came to be on the wrong side of the interstate.

Bradley said he was driving to Louisville on business Saturday night when he saw a southbound Toyota pickup truck pull into the grass median on I-71 then make a U-turn and head north on the southbound lanes.

The truck that hit the bus was a 1987 Toyota 4x4 driven by Larry W. Mahoney, 34, of Owen County, who has been charged with 27 counts of capital murder.

"I was the first car he passed going the

Continued from Page One

wrong way. I flashed my lights and blew my horn," Bradley told The Courier-Journal.

Bradley said he had seen the same truck driving erratically earlier just a few miles north on I-71, and that he had gotten off the interstate at Carrollton in part to get away from the truck.

The first time he noticed the pickup, Bradley said, was a few miles north of Carrollton.

"It was coming out of the northbound lanes and made a U-turn across the grass and started going south," Bradley said. "He pulled around behind me with his bright lights on and just about blinded me."

The truck passed him, but was not going exceedingly fast, Bradley said. "He got behind a tractor-trailer in the right lane and pulled up real close behind it. The tractor-trailer put on its brakes, apparently trying to tell this pickup truck to pull around and pass. But it didn't."

"I decided to drive around them. I got off at the Carrollton exit to buy cigarettes and to just let that pickup truck get down the road," Bradley said.

Bradley said he got back onto southbound I-71. "It was not very long before I saw a Toyota pickup truck, apparently the same truck, pull out of the median and start driving north on the southbound lanes. It really shocked me."

He said he drove south and got off at a weigh station, but it was closed. He said he then drove south to a rest area.

"I was looking for a policeman, but found no one. I decided to drive on. I wish I could have done something, but by then many

minutes had passed and I figured if this truck had done any damage it was already over. I guess I was right," Bradley said.

Brittain said the witness unsuccessfully tried to find a truck driver to get an emergency call on citizens' band radio.

Brittain would not speculate on how long the truck was headed the wrong way before the collision.

Brittain and Jean Fasone, the safety board's chief investigator on the case, said the other key witness was driving north, saw the truck traveling north in the southbound lanes, and saw the collision.

This witness pulled off the interstate to help the victims of the crash.

For the first time yesterday, police brought potential witnesses in for interviews. The scene was the National Guard Armory in Carrollton, where the bus and investigators have been since Sunday.

The first two witnesses brought in for questioning were Taylor Fox and Phil Downey, friends of Mahoney who have told reporters they saw him drinking perhaps as little as an hour before the crash.

They were spotted by a state police detective yesterday morning as they stopped at a convenience store across from the armory to get gas and cigarettes.

They willingly went across the street, where they were interviewed separately, officials said. Fasone said she knew of no other interviews conducted yesterday.

Fox's nephew, Jimmy Fox of Carrollton, told The Courier-Journal that his uncle told him Mahoney was so drunk Saturday night that he had offered to drive him home.

Taylor Fox would not comment on that Tuesday, and was ambivalent about it yes-

See WITNESSES FILL  
PAGE 8, col. 1, this section.

terday during an interview.

He first said that he thought he probably did offer to drive Mahoney home. But when asked whether he made the offer because Mahoney was drunk, he said he didn't know whether he had made the offer after all.

Brittain said investigators have talked with about 10 of Mahoney's friends and associates, plus many other witnesses or potential witnesses.

"If you count everybody we talked to, it's enormous," he said.

Friends and acquaintances of Mahoney have said they saw him drinking beer several times in the hours before the crash. A blood sample taken after the accident showed an alcohol level of 0.24 percent, more than twice the legal level of intoxication.

Janice Mahoney, the ex-wife with whom Mahoney has been living, told The Courier-Journal yesterday that the last time she saw him before the accident was Friday morning, when she left for work.

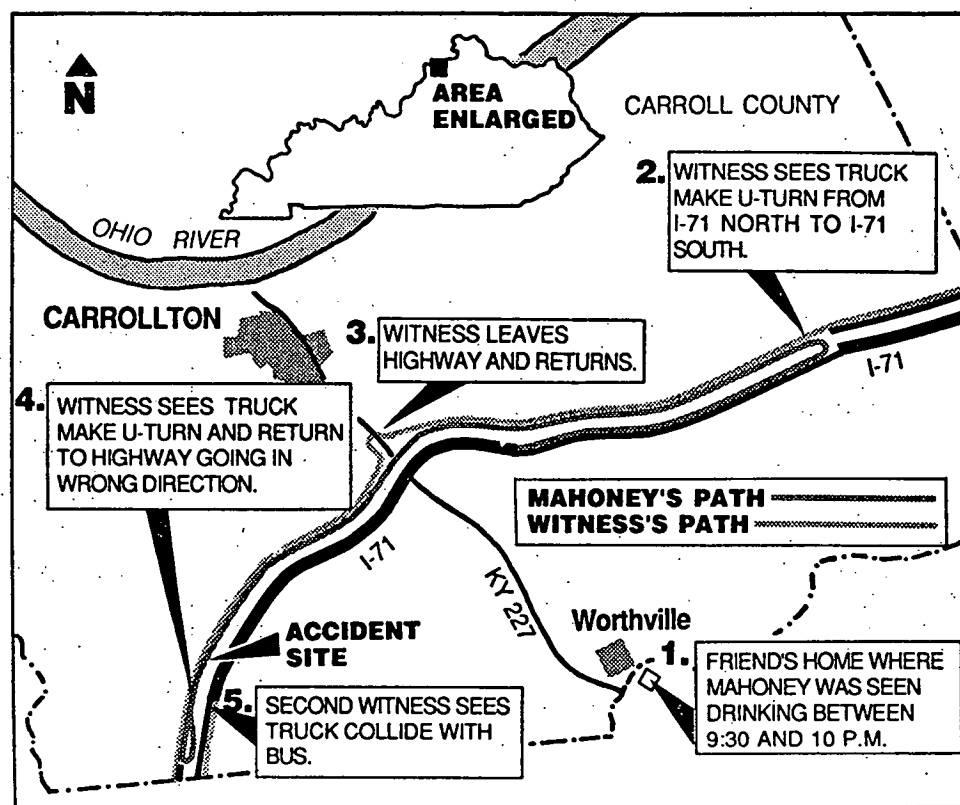
Mahoney worked from 7 p.m. Friday until 7 a.m. Saturday at M & T Chemicals in Carrollton, company officials said.

The official state police report of the accident may take some time to complete, Brittain said.

He said state police regulations require such reports to be filed in Frankfort within 10 days of an accident, but that reports can be "substantially incomplete" and amended later.

"That's probably what we're going to be looking at in this case," he said.

Fasone said safety-board investigators plan to leave Carrollton tomorrow, but that their investigation is expected to take about



STAFF ILLUSTRATION BY ANDREW DAVIS

This chart shows the path that investigators believe Larry W. Mahoney traveled before hitting a Radcliff church bus, based on accounts from witnesses.

nine months.

Fasone gave few new details to the NTSB investigation. She did say that one surviving passenger told investigators that 10 seconds elapsed between the time of the collision and when the bus erupted in flames. Fasone cautioned that it was only one account and said she did not know what other survivors said.

She said part of the NTSB probe will in-

clude extra-sensitive tests of Mahoney's blood sample at the Center for Human Toxicology in Salt Lake City, Utah. Those tests, and some to be done by state police, will examine the blood for a wide variety of substances, including drugs.

The charred hulk of the bus was moved to a storage site in nearby Milton yesterday. It will remain under guard, Fasone said.

# May 14, 1988



## As survivors remember it

STAFF PHOTO BY BILL LUSTER

*This account of the collision involving the bus from the Radcliff First Assembly of God is based on the recollections of 26 people. Nineteen of the 40 survivors consented to interviews, as did seven people who stopped to render aid.*

By GIDEON GIL  
and ANDREW WOLFSON  
Staff Writers

**C**limbing aboard their bus at Kings Island for the long ride home, the 66 members and guests of the youth group LIFE selected their seats, not knowing their choices would prove the most important of their lives.

Kristen Williams, 14, had sat in the back that morning on the ride from the Radcliff First Assembly of God, which sponsored the outing to the amusement park north of Cincinnati. But she moved up to the fourth row on the return trip to be near her mother, Joy.

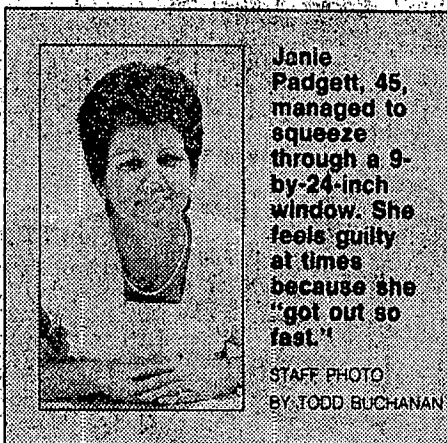
Juan Holt, 17, had ridden in the third row in the morning because "I get in trouble when I sit in the back." When he boarded for the return trip, he saw three girls in his seat, so he found space in the sixth of the bus's 11 rows.

On several of the 39-inch-wide benches,

four children squeezed into space meant for three. And even with three to a seat, feet and legs and stuffed animals spilled into the foot-wide aisle.

With the bus at its capacity, there were seats for all. Yet the close quarters unnerved Janie Padgett, a friend of Joy Williams and one of four adults on the trip. "I felt uneasy," she recalled. "I kept saying to myself, 'What if...?'"

Everyone was on board shortly before 9 p.m. Brother Chuck Kytta, the youth-group leader whose charges fondly called him "Banana" because his name sounded like "Chiquita," stood at the front and began to lead a prayer.



Janie Padgett, 45, managed to squeeze through a 9-by-24-inch window. She feels guilty at times because she "got out so fast."

STAFF PHOTO  
BY TODD BUCHANAN

The youthful chatter stilled as he spoke.

"Please grant us a safe trip," said the 34-year-old bank loan officer. "May God have his hand on this bus."

**A**s John Pearman, the 37-year-old associate pastor and the driver of the bus, prepared to leave Radcliff that Saturday morning, May 14, he grabbed an ax and a fire extinguisher from a second church bus and put them on board. "We never had a need for them," he told a knot of parents, "but I always like to be prepared in case we do."

Because of the large turnout, some children suggested taking both buses, and older teenagers offered to drive their own cars. But Kytta vetoed both suggestions, saying splitting up would make it impossible to supervise everyone.

The bus's aisle was so difficult to negotiate that when Kytta asked Stephanie Howard, 15, to move from a cramped first-row seat to the rear, he told her to get off, go behind the bus and climb in through the emergency door.

The youngest children on board were 10 years old; the oldest youth was 19. There were 67 in all, including Pearman.

See MAY 14, 1988  
PAGE 14, col. 1, this section



Continued from Page One

— 35 girls, 28 boys and the four adults.

Many were active in the church's youth group LIFE, an acronym for Life Is For Everyone.

They lived in Radcliff and Vine Grove and Rineyville and Fort Knox and Elizabethtown and Ekron.

Cynthia Anne Atherton, 13, in the first row, had just had her braces removed. Patricia Susan Nunnallee, 10, in the second row, had recently placed third in an Optimists Club speech contest.

Tammy Darnell, 16, was making her seventh church trip to Kings Island, even though at 4 feet 9, she was too short for many rides.

Chaperone Janie Padgett, 45, had been to the park only once before, in 1976, and the trip was miserable: The family car was nearly ruined in a hailstorm, and her son almost drowned in a motel pool.

By some measures, this day at Kings Island also was miserable.

The wait for some rides was as long as four hours; the line for the spine-tingling Vortex roller coaster stretched three-quarters of the way across the park.

Indeed, a recorded announcement at the park's front gate droned: "For your com-

fort, convenience and enjoyment, may we suggest you visit another day?"

"Everyone laughed," said David Walliser, 14.

But most of the children had fun, drenching themselves on the Amazon Falls water ride, thrilling themselves on others.

At the end of the day, as they stopped to buy pretzels on their way to the bus, Joy Williams, 34, pointed to a penny and told Padgett to pick it up.

It seemed a little silly to Padgett, but Williams insisted. "See a penny, pick it up," she said. "The rest of the day you'll have good luck."

Padgett put the penny in her pocket.

The bus was supposed to leave at 8:30 p.m. sharp, but several boys, including Chad Witt, 14, were late; they had gone back into the park to win stuffed animals for their girlfriends.

Witt returned with a 2-foot crayon for April Mills, 15.

Some children asked if they could stay even later, to watch the fireworks at 11. But Kytta said no. He didn't want them to sleep late the next morning and miss church.

Besides, many of the children, like Tammy Darnell, had only one thought in mind: "I wanted to get home and crawl into bed."

A clock on a billboard read 9:02 as Pearman wheeled the bus out of the parking lot.

At some point, Pearman pulled off the highway for gas, and most of the children took advantage of the pit stop, filing off the bus through the front and rear doors.

Katrina McNickle, 12, bought Reese's Pieces, and Darrin Jaquess, 15, got some "Nutty Bars." Darnell bought so much candy it overflowed her Kings Island souvenir cup.

Returning from the restroom, Christy Pearman, 14, bumped into her father, who kidded her about sitting with her boyfriend in the back, instead of up front near him.

"Oh Dad, I love you," she responded.

"Are you sure about that, kid?"

"Yeah," she said. Pearman then ran his hand through his daughter's hair.

The group quickly reboarded.

McNickle — in a move that may well have saved her life — gave her front-row seat to 14-year-old Kashawn Etheredge because Etheredge had become ill. She moved to row eight.

The Obregons — E. J., 13, and Monica, 15 — listened to music on their headphones, as did Sandy Glover, 17, and her sister, Kim, 14.

Jason Booher, 13, and Chad Witt chatted about how school was almost over — only nine more days.

Joy Williams complained that she had a stomachache because she'd eaten too much.

Kytta stood beside the driver, on the steps by the front door.

Katrina Mueller, 13, sat in David Walliser's lap in the eighth row, while Conrad Garcia, 14, sat on Stephanie Howard's lap in the back row.

Monica Obregon perched on a small cooler in the aisle one row from the back, while Eric Thompson, 15, lay down in the aisle. Wet from rides, and with the day's heat giving way to cool night air, the children closed most of the windows.

But Padgett, who was dry and cramped in her second-row seat, was hot. It took four people to open her window, but after it was lowered, she recalled, "I felt ... sort of a relief."

Most of the children were sleeping, or at least trying to doze off.

It was 10:55 p.m. The bus was in the passing lane, climbing out of the Kentucky River valley along a curving section of Interstate 71 six miles south of Carrollton.

Pearman briefly flicked on the interior lights and glanced in his rear-view mirror as others tended to Kashawn Etheredge in the front row, who was still ill. Then he returned his gaze to the highway and cried: "Oh, no!"

Tom Hertz, 15, in the fourth row on the driver's side, saw a pickup truck coming at the bus and thought, "No, we won't get in a wreck; that never happens to me."

Pearman slammed on his brakes and jerked the bus to the left, trying to dodge disaster.

"I could hear the skidding," Padgett said. "I'll never forget the skidding, the skidding."

Stephanie Howard thought Brother John was just playing — that he'd hit the brakes just to get the children's attention, as he did sometimes "when we get real rowdy."

Jamie Hardesty, 16, thought Pearman was just trying to avoid a deer.

A four-wheel-drive Toyota pickup hurtled into the right front corner of the bus, ripping a 3-inch gash in the bus's fuel tank, which was just behind the front door.

Purchased in 1987 from the Meade County public schools, the 1977 Superior bus was one of the last manufactured before a federal rule requiring additional crash protection for fuel tanks. Tanks on buses built since then have been surrounded by a metal cage.

On the seat beside the pickup's driver — Larry W. Mahoney, a 34-year-old chemical worker from Owen County — sat an open package of Miller Lite beer, the cans still cold. A test would later show his blood had nearly 2½ times the alcohol necessary for a driver to be presumed drunk under the law.

Larry Flowers, 16, in the next-to-last row, shot forward on impact, cutting his chin on the metal bar on the seat in front of him — "a straight, clean cut, like somebody took a razor blade to it."

Tom Hertz also was thrown into a seat back and briefly knocked cold, and beside him, Kristen Williams tumbled into the aisle.

Carey Aurentz, 14, was thrown to the floor from her front-row aisle seat.

But Tammy Darnell, who can "sleep through anything," dozed through the crash. And several passengers barely felt a jolt.

For a moment, there was silence. The children were stunned, puzzled.

Then Stephanie Howard, looking out the window at the bottom of the rear door, saw a narrow trail of fire on the road.

And Jamie Hardesty saw a line of flames shoot out 10 feet from the right side of the bus.

Within seconds, the flames were inside the stairwell, leaping from floor to ceiling.

They lit the bus like a floodlight. From the back, children saw their friends' heads silhouetted in a strange glow.

Pearman seemed dazed, shaken. But he turned around and holed, "Open the door and get 'em out!"

Conrad Garcia, his ribs bruised from hit-

ting the seat in front of him, jumped into the aisle, fumbled with the emergency-door handle, then kicked the door open. "This bus is going to blow up," he thought.

He kicked a cooler from the aisle and jumped out, leaving behind his comb, a pair of socks and his Bible. "I just wanted to get myself off the bus," he said. "I didn't want to die."

He was the first passenger to make it to safety.

Howard tried to follow him. But with the 37-inch-wide doorway partially blocked by the rear benches, and with other children trying to squeeze through too, she found herself in a human logjam.

In the front stairwell, where he was licked by flames, Chuck Kytta raised his hands and shouted, "Lord, I'm coming home!"

Two seats behind the driver, Padgett stared in horror at the growing inferno. In seconds, the flames outside the bus reached halfway up the windows. And inside, "The flames moved back so fast, I remember thinking, 'Oh God! We're in trouble!' I thought we were all doomed."

"Then I felt the heat."

It brought back a childhood memory, of the times her father would burn his tobacco beds. "The second Dad lit the flames, the heat hit you."

The next Padgett knew, she was lying on the pavement outside the bus, her hair and eyelashes singed. The 5-foot-2½-inch woman had managed to squeeze through the 9-by-24-inch frame of the window beside her.

In the sixth row, the buckle on one of 16-year-old Pam Uhey's sandals seemed as if it were melting into her foot.

With most windows closed, Jamie Hardesty, in row nine, felt as though he'd been shut inside an oven.

Thick black smoke billowed back to Hardesty's seat in 10 seconds. It smelled like burning tires, he thought, like burning Styrofoam. In the seventh row, Cheryl Pearman, John Pearman's 13-year-old niece, couldn't see beyond her nose.

Eric Thompson, who was lying in the aisle, his head a few rows from the back door, jumped up, but found his path to the rear blocked.

of him, but he grew impatient.

Earlier, he had felt a breeze through an open window. In an instant, he bounded over three rows of seats toward that window — actually moving toward the fire. Then he lunged out headfirst.

Caught in the aisle, Katrina McNickle began to choke on the thick smoke. "It felt like there was no more air left." Pressed forward by the mass of people, she tripped over a cooler, then was thrust out the back.

Two seats from the back, Tammy Darnell stepped into the aisle and instantly was shoved into the last row, then into a window post, then into the door's hinges. Her collarbone broken, she fell to the floor and someone dragged her off the bus.

Hardesty, a Meade County farm boy, dashed over seats to the back exit, where he found a pile of children blocking the way. Like a fullback at the goal line, he dived over the heap, landing on the pavement.

Kim Farmer, 16, a French-horn player in the North Hardin High School marching band, stumbled into the aisle from her seat next to Hardesty.

"I remember getting to the back seat, and I was pushing on people in front of me," she said. "Then the smoke, it got real black and I passed out. And I just quit. It was like just drifting off."

Juan Holt, in the sixth row, pushed and pried his way through the aisle to within an arm's reach of the rear exit. There he fell and was buried under a cascade of falling children. "Get off me! Get off me!" he yelled before losing consciousness and being pulled off the bus.

Carey Aurentz picked herself up off the floor in the front row and started up the aisle. She got only a short distance before being stopped by the pushing, clawing crowd. She became disoriented, then passed out.

From her seat in row eight, Christy Pearman couldn't squeeze into the aisle. "I wasn't too sure I was going to make it out."

Desperate, she climbed over a row of seats so hot it "kind of melted" the palm of her right hand.

Lurching into the aisle, she turned to find her father, and saw him up front, a fire extinguisher in one hand.

"C'mon, Dad, c'mon, Dad," she yelled. "Get off the bus." She tried to move up the aisle to help him, but someone grabbed her leg and she fell to her knees.

Tom Hertz saw flames spreading toward his fourth-row seat.

"I've seen those signs that say, 'If Jesus calls, will you answer?' I guess he had the wrong phone number for me because I knew I was going to get out of there. I just wasn't going to die."

Hertz first tried to kick out the window, to no avail. Then he grabbed the hands of his seatmates, Mike Jefferson, 14, and Kristen Williams, and together they began jumping over seats.

Hertz passed Pam Uhey in the sixth row, who was just sitting, looking at the fire. "I sort of nudged her on the shoulder with my foot and said, 'Come on!' But she did not move, so I kept on going."

Across the aisle, he saw Chad Witt and April Mills hugging. "They wouldn't move. Everyone was yelling at them, 'Come on; get out!'"

In the aisle, children were falling atop one another. "One person would trip and everyone behind him would start falling down into the seats, falling and tripping and trying to get out and everything like that." Some panicked. Others seemed to have

Continued on next page

Continued from previous page

been overcome by the smoke.

The smoke felt like it "was eating your lungs apart," Hertz said. At the rear, he looked back and saw that the flames, fed by the seats and clothes and stuffed animals, had reached the fifth or sixth row.

Unable to take another breath, "I just saw an opening in the door and decided to go."

Standing outside the bus in the highway median, Janie Padgett forced herself to turn and look at the window through which she had escaped.

"And at that instant, I gave up all hope for my friend Joy and Robin, her daughter. And I'll never forget the helplessness I felt."

"The bus looked 40 stories high."

**W**eary after 12 hours on the road, student Geoffrey Pinkerton, driving from Hamilton College in Clinton, N. Y., almost had made it to his family's Shelbyville home. Then he came over a rise and saw the orange glow.

He stopped his car and ran toward the burning bus, seeing figures moving inside, many in flames. Fire raged from the seats to the ceiling.

"Help me!" some children cried out.

Others called for their mothers.

Despite shouts that the bus was about to blow, Jamie Hardesty picked himself up off the pavement behind the bus and began pulling his friends out. An explosion "was something that I just wasn't worrying about."

First he pulled off Jess Durrance, 16, then Christy Pearman; her arms already blistered. Some children cried out for him by name. Every one was blackened by soot.

It was about a minute after the crash, and the flames had worked their way halfway back. And Hardesty kept pulling "until there was nobody left in the door."

Still, he could hear screaming from further inside.

Grabbing a pipe that had broken off the bus, he smashed windows on both sides, but all he saw were flames.

A short distance behind the bus, Larry Flowers, who stands 6 feet 3 inches tall, grabbed Pam Uhey, whose younger sister Crystal, 13, was still on board.



Pam Uhey struggled to break free, to race back onto the bus, and it took all of Flowers' strength to restrain her.

"I want my sister!" she screamed. "I want my sister!"

His hair singed, his eye blackened and a huge knot forming on his head, Hertz searched for his seatmates, Mike Jefferson and Kristen Williams. Jefferson he found, his arms and face burned. Williams he did not.

Cheryl Pearman searched frantically for her cousin Christy Pearman. She finally found her, her face and arms badly burned, in a ditch.

Eric Thompson couldn't find his sister Emillie, 13. "I thought that she had just run off somewhere in shock or something."

Jason Booher and Cheryl Pearman grabbed one of the last children who managed to stumble off the bus. Jason held the girl by the arms, and Cheryl grabbed her legs. But Cheryl had to drop her — the girl's skin was too hot to touch.

Tammy Darnell lay on the ground at the back of the bus, her collarbone broken, thinking one thing: "I want my mom."

Within two minutes, by most accounts, flames were shooting out the rear exit.

There were several small explosions that some children believed

came from hair-spray cans or tires.

By the time Geoffrey Pinkerton got from his car to the back of the bus, it was filled with fire.

Carey Aurentz dreamed she was riding an upside-down roller coaster, which was making her sick. "I've got to get off this roller coaster," she said to herself. "I've got to get off this roller coaster." Almost in a trance, and struggling to breathe, she climbed over seatbacks to the rear door and fell to the ground.

Katrina Mueller, severely burned, fell in the aisle, stood again, and then stumbled out.

Ciaran Foran, 14, screaming at the top of her lungs, her hair and shirt aflame, also crawled out. A trucker picked her up and patted flames out with his hands.

With that, everybody who would escape was out of the bus.

Through one window four rows from the back, a child's arm emerged.

"It just seemed like the child was exhausted," said Edward Weyer, who had been driving a busload of students from Marian Heights Academy in Ferdinand, Ind. "When I was ready to reach up there, then the explosion came."

A huge blast seemed to lift up what was left of the bus — with a force that knocked the glasses off Pinkerton's head.

After the blast, Weyer said, "There was just muffled sounds in there for a few seconds, and then it was all over."

**T**hirty-nine children and one adult had escaped.

Scattered on the highway, they screamed and cried and hugged one another.

Motorists stopped to comfort them. Pinkerton knelt by Ciaran Foran, who was burned on her face and arms. "She called out for her mother. I said, 'Your mother is on her way; she is coming.'"

Sister Anita Lowe, who was chaperoning the Marian Heights Academy group, offered pillows and blankets and ice.

Some children stared off into space, she remembers, while others simply prayed, including one boy, who repeated, "Dear Lord, forgive me for all my sins."

At first, rescuers discussed taking 18 of the less seriously injured children to the hospital on one of the Marian Heights buses.

"We all said, 'No you're not!'" Stephanie Howard said. "We'll walk if we have to, but we're not going on a bus."

**T**wenty-four children and three adults had perished. Eighteen of the children were girls; six were boys.

The youngest — Robin Williams and her friend Patricia Susan Nunallee — were 10; both were fourth-graders at Radcliff's Meadow View Elementary School.

Sixteen were students at another school — Radcliff Middle.

One Fort Knox soldier, Sgt. Lee Williams, lost his entire family: his wife Joy, and his daughters, Kristen and Robin.

Aaron Conyers, 13, got out, but his brother, Joshua, 14, did not. Eric Thompson survived, but his younger sister, Emillie, did not. Pam Uhey lived, but her younger sister, Crystal, did not.

**T**he survivors are still haunted by their ordeal.

Tom Hertz returned to school for two days but could not stand walking past the lockers of his 16 missing classmates. "So I came home. I haven't been back to school since."

Stephanie Howard could no longer sleep in the water bed that she had shared the night before the accident with her sleep-over guest, Kristen Williams. Her father had to buy her a new one.

Christy Pearman is terrified of fire. To help her burns heal in the hospital, she had to sleep with her arms in splints tied to the bed — something she said scared her immensely because she feared the hospital might burn.

Larry Flowers can't bear the thought of riding on a school bus again — ever.

Padgett can't help feeling guilty at times. "I felt selfish, because I got out so fast, because I didn't help."

Many children say the tragedy has increased their faith in the Lord, whom they credit with saving them and their friends.

But Tom Hertz also said he has repeatedly asked himself one simple question: "Why did God create people so young and take them back again?"

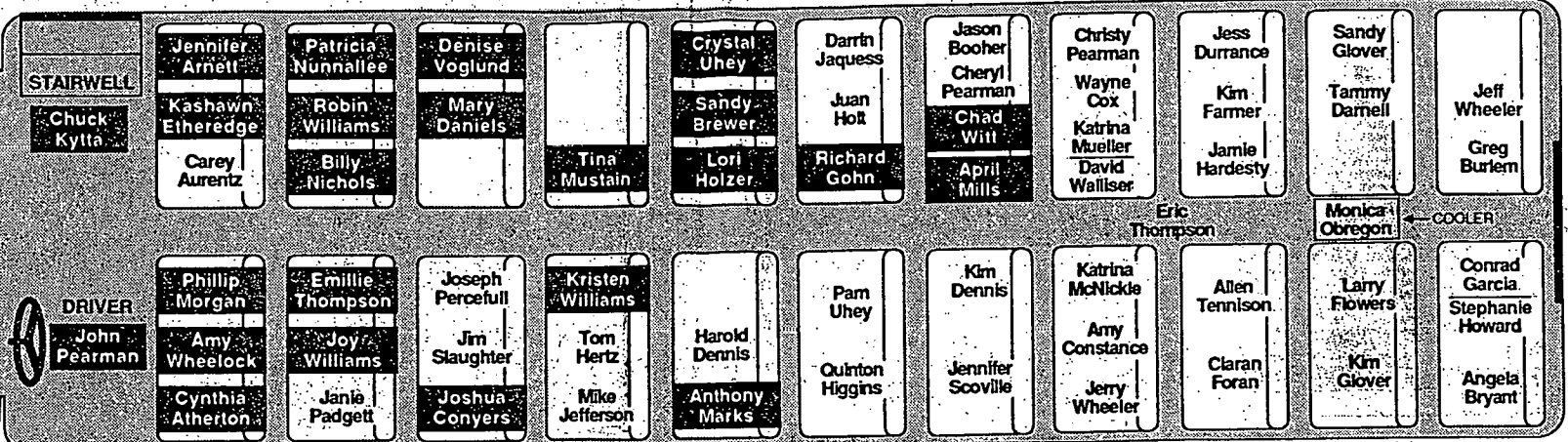
THE COURIER-JOURNAL, SUNDAY, JUNE 19, 1988

**May 14, 1988**

This chart shows where 62 of the 67 passengers were at the moment the Raddcliff First Assembly of God bus crashed May 14. It reflects the recollection of the 19 survivors who agreed to be interviewed.

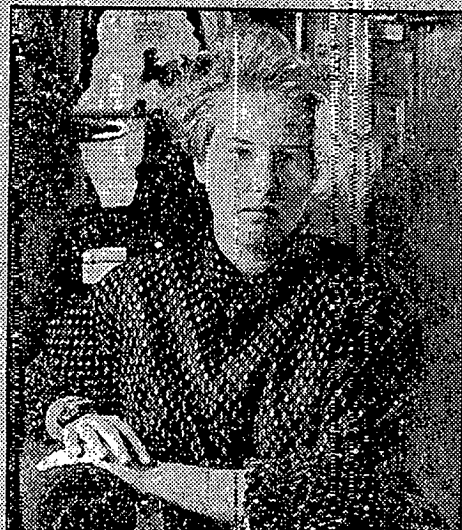
Those in white letters on black backgrounds died.

Witnesses were unable to place two survivors, Aaron Conyers and E. J. Obregon, and three who died, Julie Earnest, Dwayne Fischel and Shannon Fair.



STAFF ILLUSTRATION BY STEVE DURBIN

May 14, 1988



Stephanie Howard, 15, thought driver John Pearman was just trying to get the children's attention when he hit the brakes — as he did sometimes "when we get real rowdy."

STAFF PHOTO BY KEITH WILLIAMS



STAFF PHOTO BY TODD BUCHANAN

Katrina McNickle, 12, gave up her front-row bus seat to a sick child. A gymnast, she is rehabilitating the leg hurt in the wreck.



STAFF PHOTO BY TODD BUCHANAN

Conrad Garcia, 14, kicked open the emergency door, cleared the aisle and was the first to make it to safety. "I didn't want to die."



STAFF PHOTO BY KEITH WILLIAMS

Tammy Darnell, 16, slept through the crash. The 4-foot-9 teen-ager suffered a broken collarbone in the press to escape.



STAFF PHOTO BY TODD BUCHANAN

Tom Hertz, 15, saw the pickup heading toward the bus and thought, "No, we won't get in a wreck; that never happens to me."



# The Courier-Journal

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LATE KENTUCKY EDITION, 52 PAGES, ★★★★★

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## Mahoney guilty of manslaughter in confusing verdict

By BILL WERONKA  
Staff Writer

CARROLLTON, Ky. — Visibly sagging as a list of 82 sometimes-confusing verdicts was read, Larry Mahoney was convicted yesterday of 27 counts of second-degree manslaughter — instead of the murder convictions demanded by the prosecution for causing the nation's worst drunken-driving accident.

Some of the verdicts, accompanied by tears of jurors and families on both sides, satisfied no one.

The penalty phase of the trial began shortly after the verdicts were announced. The jury again heard Mahoney testify and attorneys argue their cases, then the jury returned to their room only to break for the night before reaching a decision on what punishment to recommend.

Mahoney, 36, was found guilty of 27 counts of second-degree manslaughter for the 24 children and three adults that died on the bus. It is a charge that carries a penalty of five to 10 years in prison on each count. The jury was not allowed to consider first-degree manslaughter because intent is required, and that is not a consideration in

a vehicular homicide.

But he also was found guilty of first-degree assault for the 12 children seriously injured in the crash. The charge carries a penalty of 10 to 20 years and labels Mahoney as a violent offender.

He also was found guilty of 27 counts of first-degree wanton endangerment for the 27 children on the bus who were not seriously injured.

Those were the convictions that do not appear consistent. The language of first-degree assault and first-degree wanton endangerment are consistent with the murder charge, but not the manslaughter conviction.

The key phrase in the instructions to the jury was Mahoney must have engaged in "conduct which created a grave risk of death to another ... under circumstances manifesting an extreme indifference to human life."

That phrase is missing in second-degree manslaughter, which still stipulates the necessity for wanton conduct and matches the instruction for second-degree assault and

Larry Mahoney was kissed by his sister Judy O'Donovan after the verdicts were read in his trial yesterday afternoon in Carrollton.

POOL PHOTO BY ED REINKE

See MAHONEY  
Back page, col. 1, this section

# Mahoney guilty of manslaughter

Continued from Page One

second-degree wanton endangerment.

After the verdicts were announced, defense attorneys lost a bid for a new trial or a reduction of some of the convictions after arguing that verdict was inconsistent and "just did not make sense."

Mahoney's lead attorney, William Summers, said the inconsistencies will become the basis for an appeal.

"They found him to have wanton conduct in the manslaughter, and then found him to have grossly wanton conduct because of extreme indifference to life in the assaults and the wanton endangerments on the bus. It's all the same conduct," he said.

"Did they read the instructions?" Summers said of the jury. "They were very clear."

Assistant Attorney General Paul Richwalsky Jr., special prosecutor, was disappointed and said he had never encountered such a verdict. However, the jury has that leeway despite the apparent inconsistencies, he said, and he argued successfully to let the verdict stand.

The confusion added more drama to a very dramatic day.

Just as Carroll Circuit Judge Charles Satterwhite began to read the verdicts, the expressions of Mahoney and his three attorneys went from concerned to hopeful when the judge read that Mahoney had been found not guilty of driving under the influence.

But that pronouncement proved to be only a confusion in the jury form. The verdict was indeed guilty, and their expressions again grew concerned.

Mahoney was immediately sentenced to 30 days in jail and a \$500 fine, the maximum for the DUI charge.

Then as guilty verdicts on 80 of the remaining 81 counts were read, Mahoney's family began sobbing behind him. Two female jurors were crying as well, stealing glances at Mahoney and his family while they dabbed their eyes with tissue.

Several members of the victims' families also wiped their eyes but



POOL PHOTO BY ED REINKE

Rosemary Martinez, the mother of Richard Gohn who was killed in the 1988 church bus crash near Carrollton, covered her face as she listened to the reading of the verdicts during the trial yesterday.

refused comment until after Mahoney is sentenced.

Even after jurors returned to their room for a break before the penalty phase began, loud sobs could be heard from within the room.

Mahoney's brother-in-law, Jim Daugherty, said Mahoney was having a rough time facing a minimum sentence of 10 years and a maximum of many times his lifespan. "You can be prepared, think you are," Daugherty said, "but when the reality sets in, it's a whole different matter."

In addition to the other convictions, Mahoney also was charged with 15 additional counts of first-degree wanton endangerment for people he encountered on Interstate 71 the night of May 14, 1988, when he was driving drunk on the wrong side of the road before crashing head-on into the Radcliff First Assembly of God bus.

He was found guilty of 14 counts of second-degree wanton endangerment, a class A misdemeanor. He was found not guilty on the one count involving Clint Bradley, who one witness testified may have been drinking at the time. The maximum sentence on each count is a year in prison; by law, the sentence on each count must run concurrently.

The six-man, six-woman jury announced it had a verdict at 3:20 p.m., after 11 hours of deliberations over two days. It came after a confusing few hours when it appeared a mistrial might be imminent because a woman juror had become ill about 1:45 p.m.

A doctor's attention was required, and Satterwhite was unsure what would happen if she could not return; the defense indicated they would move for a mistrial.

But the doctor said it was only a cold, and the juror did return with the other 11 jurors at 3 p.m.

The verdict came 20 minutes later, on the 26th day of the trial and the 19th day since testimony began.

The penalty phase raised the drama that has invaded the courtroom since the beginning to another level. A drained-looking Mahoney took the stand and told the jury he accepted the verdict, and when he got out of prison he would go to schools and convince them not to drink and drive.

He said he felt God had saved him for something and "if I save one life, at least I save one life," he said.

"I want you to know I knew what you have done is very hard for you and I have no hard feelings."

# Fatal crash shows bus safety guards could be improved

By TED M. NATT Jr.  
Associated Press Writer

LOUISVILLE, Ky. — Several aspects of school-bus design are likely to come under federal scrutiny as a result of testimony during hearings on a fiery church bus crash that killed 27 people near Carrollton on May 14.

The flammability of interior materials, the number of required exits and the location of the fuel tank will get the most attention, said James Burnett, chairman of the National Transportation Safety Board, which conducted the hearings at Holiday Inn-Hurstbourne in Louisville.

Burnett said the hearings pointed to the need to explore the safety of the nation's school bus fleet, even though school buses have an excellent safety record.

"We have to maintain the confidence of the nation's people who send their children out there to ride these buses on a daily basis," he said Thursday.

The NTSB will report on the crash's probable causes and recommend how to avoid similar accidents, but it has no power to require implementation.

Burnett said he did not know when the board would issue its findings on the accident, which occurred on Interstate 71 south of Carrollton.

Twenty-seven people died that night when a school bus owned by the First Assembly of God church in Radcliff burst into flames upon impact with a pickup truck. All survived the crash but died of smoke inhalation. The impact blocked the front door of the bus, leaving a rear emergency exit as the only way out of the burning vehicle.

The pickup truck driver, Larry Mahoney, 35, of rural Owen County, has pleaded innocent to 27 counts of murder as well as other charges, including drunken driving.

In testimony Thursday, Ford Motor Co. officials said a protective cage was available for the fuel tank on the 11-year-old bus but was not requested by the state of Kentucky.

State officials, however, claimed those involved in the 1976 order decision were either not aware of the cage's availability or did not fully understand its safety benefits.

The revelation came to light during the final day of testimony.

The federal government imposed new safety standards for school buses, including the fuel tank cage, on April 1, 1977, but Ford made the devices a "regular production option" in mid-July 1976, said Keith Lewis, an engineer for Ford, which built the bus's chassis.

"That means you would have had to select it," said Lewis, adding that the 1976 order from the state of Kentucky "did not designate to add the cage. I don't know why."

Sam Jackson, assistant director of pupil transportation for the state Department of Education, said state officials wrote their safety specifications with Ford's assistance before placing the October 1976 order, but was unsure if the cage option was addressed.

"I don't remember anyone discussing the possibility of the fuel cage, but I cannot say definitely that some discussion did not take place

with regard to it," Jackson said during a break in testimony.

Jackson said state officials were aware that cages would be required in 1977, but "I'm not sure anyone at that point knew what the benefits would be."

Earlier testimony indicated that the question of whether a cage would have prevented a portion of the bus's leaf spring assembly from puncturing the fuel tank cannot be answered with 100 percent certainty.

The board also addressed the drunken driving issue during the hearings.

"I think it's been very important for this country to be reminded of the tragedy of drunken driving ... and that there are remedies to that," Burnett said. "But despite the progress we've made, much remains to be done."

Burnett said he would like to see every state adopt what is known as a "per se" law, which would make driving with a blood-alcohol concentration of .10 percent or more automatically illegal. Such a law, which is in effect in 45 states, gives more weight to a Breathalyzer test and would place the burden on the defendant to prove his innocence.

He also endorsed a recommendation that allows police officers to take a drivers license when a person fails or refuses the Breathalyzer. Twenty-three states have such laws.

Kentucky, however, has neither law.



# Man who lost family in bus crash rekindles anguish in testimony

By BILL WERONKA  
Staff Writer

CS  
12/7/89

CARROLLTON, Ky. — Lee Williams spent only three minutes on the witness stand yesterday during Larry Mahoney's bus-crash murder trial, but it rekindled a heart full of memories and torrents of emotion.

Williams, who lost his wife and two daughters in the May 14, 1988, bus tragedy that claimed 27 lives, was the last of 24 relatives of the victims to testify.

By law, the relatives were limited to identifying the victims and giving their ages, where they attended school or worked, and how they were transported to the Radcliff First Assembly of God church bus for the trip to an Ohio amusement park that Saturday morning. They also noted that their loved ones did not return home as expected.

But Williams, when the law allowed, added poignant details to the simple facts, such as how he hugged his 14-year-old daughter, Kristen, goodbye the Friday before the wreck as she left to spend that night with friends. He also recalled how he watched his wife, Joy, and 10-year-old

daughter, Robin, pull out of the driveway for the last time early Saturday.

Then turning from the jury and staring coldly at Mahoney, Williams said, "All three of my family members, my whole family, was killed on that bus."

Mahoney, his head bowed during the testimony, never looked up. He is accused of causing the crash by driving drunk the wrong way on Interstate 71 and hitting the bus head-on, and is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving while intoxicated.

Williams was not alone in recalling emotional details yesterday. Jim Daniels told of the water skiing trip he had planned with his daughter, Mary, 14, for the Sunday after her return. Instead he spent that Sunday driving to Carrollton to learn that his daughter was dead. And Dotty Pearman Williams, who is now married to Lee Williams, told how the body of her first husband, John Pearman, the bus driver, was brought back in "a cold,

See TESTIMONY  
PAGE 4, col. 1, this section



POOL PHOTO BY TODD BUCHANAN

Lee Williams answered questions yesterday during the Larry Mahoney trial. His wife, Joy, and daughters, Kristen and Robin, died in the crash.

## Testimony unleashes flood of emotions

Continued from Page B 1

black body bag."

But Lee Williams had more to say. After court recessed, he held an impromptu news conference and continued his catharsis, recounting more painful memories and voicing anger at Mahoney and the justice system.

"It was hard keeping my composure up there," Williams said, "because for the first time I was looking at the jury and the man on trial for the murder of my family. Just the mention of their names and using the word 'killed,' I felt a sensation go through my body. I almost lost it a couple of times."

He described the difficult moment of glimpsing his family on the bus seating chart near the witness chair, saying he had not known where they were sitting until a few days ago. Williams added that he still cannot bear to look at the chart.

Asked about his stare at Mahoney, Williams said, "As far as I'm concerned he's the man that killed them, and I wanted to be able to look at him and I wanted him to look at me."

"I've heard a lot about how he's feeling sorry and how he'd like to say he's sorry. Well, I'd like for him to tell me he's sorry; I'd like to see some compassion. I want to know if he's hurting as bad as I am. I just wanted to see if he would have enough compassion to look my way."

Williams said he hopes Mahoney testifies because he would like to look in his eyes and see if there is any compassion. Mahoney has broken down three times during the trial, but Williams said he believed that was caused more by guilt than sorrow. "And for the three times he's cried, I've cried 3,000 times."

Williams added that he would like sit down with Mahoney over coffee and discuss the tragedy without lawyers present. Attorneys on both sides would not indicate whether that was a possibility.

Saying that there has been some mention of Mahoney receiving hundreds of letters of sympathy since the trial began, Williams said, "I can show you a hundred letters for every one Larry Mahoney has received, supporting our side."

Williams said that he does not hate Mahoney, but is angry with him. He is more angry, however, at the justice system, he said, noting that people are tired of drunken drivers being coddled.

"People want this state and this country to do something," Williams said. "They want justice just like we want justice. They're tired of this hand-slapping thing."

Williams pointed to a recent case where a man received a greater fine and penalty for illegally hunting deer than another man got for his second DUI conviction.

"Are we talking deer or are we talking lives?" Williams asked.

There must be punishment to fit the crime, Williams said, adding that his idea of justice in Mahoney's case is "spending the rest of his natural life in prison."

Williams went on to tell of flashbacks he had while testifying, including spending Kristen's recent birthday crying at her grave.

In other testimony yesterday, medical experts and a state chemist testified that Mahoney's blood-alcohol level was well above the legal limit of .10 percent. Initial tests at Humana Hospital-University of Louisville, performed within two hours of the accident, produced a .24 percent level. Subsequent tests at the Kentucky State Police crime lab in Frankfort produced levels of .20 and .18.

Experts said evaporation, as well as differing testing methods, accounted for the varying levels. The evaporation apparently took place while the blood sat in unopened tubes.

The prosecution expects to conclude its case tomorrow.

## THE REACTION *CS 12/23/88*



ASSOCIATED PRESS

Karen Morgan, left, and Bill and Madeline Nichols criticized the sentence yesterday. Morgan's brother, Phillip, and the Nichols' son, Bill Jr., were killed in the 1988 church-bus crash near Carrollton.

## Victims' relatives are angry, frustrated

By LARRY BLEIBERG  
Staff Writer

CARROLLTON, Ky. — Janet Kytta hoped her husband's death would be acknowledged with a charge of murder.

Bill Nichols thought the nation would get a stern message about the dangers of drinking and driving.

Diana Voglund just wanted a personal apology.

None of the relatives of the victims of the May 14, 1988, church bus crash who were interviewed were satisfied yesterday with a Carroll Circuit Court jury's recommendation of a 16-year prison sentence for Larry Mahoney.

If the sentence isn't reduced at a formal sentencing hearing in February, he will be eligible for parole less than eight years from now.

The trial's end left emotions, which had been battered since a warm spring night 19 months ago, raw on a frigid December

## Relatives of victims voice bitterness

Continued from Page One

afternoon.

"We are deeply, grievously disappointed with the verdict," said Janey Fair, mother of victim Shannon Fair. The president of Hardin County's Mothers Against Drunk Driving chapter, she said the jury's decision was not likely to deter others from drinking and driving.

"We have lost," she said.

Carrollton residents, by contrast, said they thought the verdict was fair. Nine out of 10 Carrollton juries would have come to the same decision, Mayor-elect Charlie Webster said. The sentence indicated that the jury thought the crime was serious and warranted time in prison, he said.

Webster and others said Carrollton-area residents, who could follow the trial on cable television, became aware of the horror of the crash as scarred victims and grieving parents — most of them from Hardin County — testified.

"Anyone who wasn't moved by that doesn't have a soul," said Shelby Shelman, a Carrollton pharmacist. "It's been an ordeal for many."

For relatives of crash victims, the seven-week trial ended in angry frustration. Several said they felt cheated when the Carroll Circuit Court jury declined to convict Mahoney of murder, instead finding him guilty of manslaughter, assault and wanton endangerment. The jury recommended 16 years for each assault conviction, 10 years for each

manslaughter conviction and five years for each count of first-degree wanton endangerment.

Kytta, whose husband was youth director for Radcliff First Assembly of God, said just hearing "the word murder" in the jury's conviction would have made her feel better.

"It wasn't manslaughter," she said.

Wendy Atherton, whose sister, Cynthia, died in the crash, agreed.

"Everybody in that courtroom knew it was (murder), including Larry Mahoney, but he was too cowardly to admit it," the Western Kentucky University freshman said.

Ronald Earnest, who lost his daughter, Julie, in the crash, said that although he disagrees with the verdict, he understands the jury's reluctance to convict Mahoney on the harsher charge.

"Murder is really a hard word. We associate it with someone who is shot or stabbed," he said.

The jury's inconsistent conviction, which gave Mahoney a longer prison sentence for injuring people than killing them, was especially frustrating for parents.

"What we're telling people is: If you maim someone you're going to serve more time, so you better kill them," said Nichols, who lost his son, Bill Jr., in the crash.

He said Mahoney's sentence was too short considering he was responsible for the death of 27 people.

"I don't think the jury sat in our seats," he said. "We were a family

one day and became a couple the next day because of a man who did not own up to his responsibility."

Like many victims' relatives, Nichols said he wasn't swayed by Mahoney's apology during testimony.

"I don't think it was meant for us, but for pity from the jury."

Nichols' wife, Madeline, agreed: "I don't think he really understands what he's done to our lives."

Deborah Atherton was one of many relatives who hoped the trial would convince her that Mahoney understood their sorrow. She said she would have felt better if, during the trial, the defendant had once turned to look at the chart of the school bus, which included pictures of all those aboard the church bus on its trip to Kings Island amusement park.

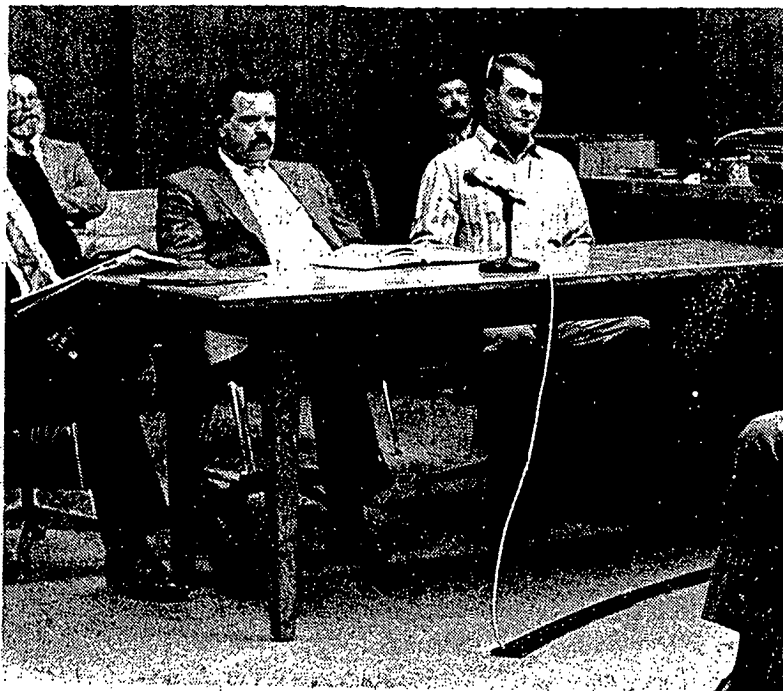
"I would have liked him to turn around and look at the pictures and realize the impact of what he's done," she said.

Others also wanted to be convinced that Mahoney understood their pain.

"I'd like him to say, 'I'm sorry,' ... to come up to me and know me by name and know my daughter was on that bus," said Voglund, who lost her daughter Denise.

But that alone wouldn't be enough, she said.

"He killed my daughter and he should pay. Eight years is not paying. I will do my best to see he serves 16."



12/4/89

## Trial scene

Larry Mahoney is pictured here with attorney William Summers during Mahoney's trial in Carroll Circuit Court. After a recess following last Thursday's session, the trial resumed this morning in Carrollton. (Pool file photo.)

# Accident scene to be reconstructed

By ROB WELLS  
Associated Press Writer

CARROLLTON, Ky. — A detailed reconstruction of a fiery bus crash that killed 27 people began today in the murder and drunken driving trial of Larry Mahoney.

Kentucky State Trooper Henry Sonny Cease Jr., an accident reconstruction specialist, took the stand to describe his investigation of the May 14, 1988, collision between the crowded bus and a small pickup truck Mahoney is alleged to have been driving the wrong way on Interstate 71 south of Carrollton.

Testimony from Cease, who spent 1,880 hours investigating the wreck, was expected to last throughout the day. Also testifying this morning was Kentucky State Police Detective Tony Moffett, who tried to determine where Mahoney had been on the day of the crash.

Moffett said he could account for Mahoney's whereabouts for all but one hour and five minutes before the 10:55 p.m. EDT crash.

Mahoney, 36, of rural Owen County, is charged with 27 counts of murder, 42 counts of wanton endangerment, 12 counts of assault and a count of drunken driving following the wreck near this small

northern Kentucky city.

So far in the trial, which began with jury selection on Nov. 8, the jury has seen the charred remains of the church bus, viewed the accident scene, heard from people who claimed they were nearly run off the road by Mahoney and heard accounts from the rescue workers and police officers who responded to the crash.

And last week, in the most dramatic testimony so far, the jury heard explicit details of the panic and horror felt by 39 survivors as they scrambled to escape the burning bus.

The powerful testimony placed jurors inside the bus, row by row, seat by seat, as it returned from a Cincinnati-area amusement park. They were told of teen-agers dozing in wet clothes after enjoying a water ride in the park.

Some boys had girls sitting in their laps; a few had stretched out in the aisle, sleeping on their way home to Radcliff, according to testimony. There were stuffed animals from the amusement park aboard and coolers filled with soda pop.

Then, about 2.3 miles south of Carrollton, the bus was struck by a wrong-way driver. Soon after, the teen-agers noticed an orange glow coming from the front of the bus,

and the interior quickly filled with thick smoke and blazing heat.

Calamity ensued.

Aisles filled with screaming boys and girls. Several survivors testified they tried in vain to kick out windows. Some escaped the flames by diving over a pile of bodies at the rear emergency exit.

Defense and prosecution attorneys offered differing assessments of the testimony by 39 of the 40 survivors.

"From our viewpoint ... the children seemed to have a hard time remembering without some minor prodding certain things that perhaps added some culpability ... to things other than Larry Mahoney," said William Summers, Mahoney's lead attorney.

Assistant Attorney General Paul Richwalsky Jr., the special prosecutor, said he felt the issues and facts important to the defense "are immaterial or irrelevant."



THE COURIER-JOURNAL  
LOUISVILLE, KY.  
THURSDAY,  
NOVEMBER 30, 1989.

# KENTUCKY

## More victims tell of narrow escapes from burning bus

By BILL WERONKA  
Staff Writer

CARROLLTON, Ky. — Two girls used lighters to find their way in the darkness aboard a burning church bus where 27 people lost their lives, a crash survivor testified yesterday in Larry Mahoney's trial in Carroll Circuit Court.

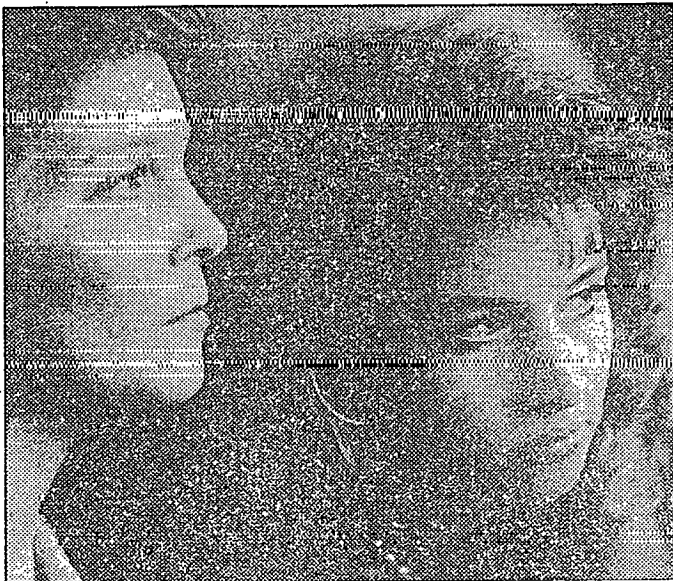
Fifteen survivors, including six of the most seriously injured children, testified yesterday. They recounted painful memories of May 14, 1988, on Interstate 71 when Mahoney, allegedly drunk and driving north in the southbound lanes, crashed into the bus head-on. Of the 67 passengers, 24 children and three adults died, and 12 children were seriously hurt in the ensuing blaze.

Fifteen-year-old Aaron Conyers, seriously burned in the crash, testified that after the fire began at the front of the bus just after impact, two girls lit lighters that may have ignited either the fume-laden air, the bus seat, or both. They apparently used the lighters in an attempt to see inside the dark bus.



Linda Jane Padgett cried on the witness stand yesterday as she testified during the Larry Mahoney trial. Padgett was a chaperon on the church bus. The bus seating diagram is at right.

POOL PHOTOS BY TODD BUCHANAN



Cheryl Pearman, right, talked with her mother, Pat, as they looked over the diagram. Cheryl was the niece of bus driver John Pearman, who died in the crash.

While defense attorneys did little questioning of the survivors yesterday, Conyers was an exception. Mahoney's lead attorney, William Summers, spent 20 minutes cross-examining Conyers, who could speak only in whispers because of respiratory damage.

Conyers said he saw youth director Chuck Kyta catch fire and collapse in the initial fire. Then he saw the girls light the lighters. But his memory was sketchy about the effect of the lighters, and Summers referred to a statement he made to officials in July 1988 to refresh his memory.

"It (the fire) wasn't as bad until they did that," Conyers' statement read. "That made it worse."

Summers continued reading the statement: "It, like, went up when they lit up — the fire just went up in the air. It was the seat; it had to be the seat."

But yesterday Conyers was uncertain whether it was a seat or the air that exploded. "I'm not sure."

Summers said the information about the lighters is another "piece of the puzzle" and said the confusion about detail was understandable. It was painful, he said, for Conyers or any of the survivors to "ascribe any blame at all to anyone or anything but Larry Mahoney."

Mahoney's lawyers maintain that the lack of safety devices and poor condition of the bus, plus other contributing factors, bear some of the responsibility for the deaths.

Mahoney is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving while intoxicated.

Assistant Attorney General Paul Richwalsky Jr., special prosecutor in the case, felt that Conyers' information was not significant.

"It was something we were aware of," Richwalsky said. "It goes back to responsibility. If not for the accident, it wouldn't matter if all of them were lighting blow torches."

But Conyers also told of fighting to escape the bus and encountering obstacles — stuffed animals and people — in the aisles. He remembered finally getting to the back, and then being stuck in the crowd of people jamming the emergency exit.

"A man said, 'Oh my God,' and pulled me out," Conyers said. "Then I fell out and hit the pavement."

Conyers was in a hospital for two months and still faces more surgery.

Another prosecution witness, Dr. Mary Fallat, a pediatric surgeon at Kosair Children's Hospital in Louisville, treated the six seriously injured children who testified yesterday.

Fallat said the burns did not threaten the children's lives.

See VICTIMS  
PAGE 7, col. 1, this section

## Victims tell of escapes after fiery bus crash

Continued from Page B 1

Rather, it was the respiratory damage they suffered from breathing smoke.

Richwalsky must prove that Mahoney's actions threatened the children's lives to support the assault charges, and

Fallat said the children would have died without respiratory therapy because their airways were lined with soot. The airways would have swelled and the children would have suffocated.

But at defense attorneys' urgings, Fallat said it was not the smoke itself that caused the damage, but rather "the noxious elements" in the smoke, presumably from burning bus materials.

"We learned today about toxicity," Summers said after court recessed for the day. "What was the

toxicity of the burning seat material? We claimed all along that had a significant effect. It's starting to happen."

The emotion has permeated the trial was there again yesterday, as it has been from the beginning. The effect of survivors, some scarred and disfigured, reliving their collective nightmare was obvious in the courtroom.

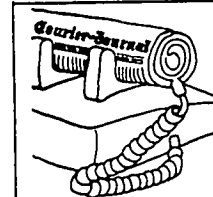
Katrina Muller, 15, told of her escape and the injuries she suffered. Then, when asked by defense attorney Russell Baldani why she sent a tape to Mahoney offering forgiveness, she broke into tears and was joined by the families in the courtroom.

"In my church, I was raised that you couldn't go to heaven if you hate someone," she said between sobs. "I forgive him for what he did but I still feel he needs to be pun-

ished for it."

There were other painful moments throughout the day, but Mahoney, 36, was able to hold his composure despite the parade of children and confrontation. He has broken down the previous three days of the trial. He stared down, never turning his head up or side to side.

"Larry's focus is on that table," brother-in-law Jim Daugherty said. "But he hears everything. He knows what's going on and it affects him."



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**The Courier-Journal**



# Bus-crash testimony paints pictures of agony, heroics

By BILL WERONKA  
Staff Writer

C.S. 11/28/89

CARROLLTON, Ky. — Tales of courage, horror, forgiveness and questionable behavior unfolded yesterday as the emotional tension that has permeated Larry Mahoney's bus-crash murder trial intensified in Carroll Circuit Court.

Witnesses to the May 14, 1988, tragedy that claimed 27 lives described in painful detail the flaming bus, the holploo screams of dying and burned children, and heroic rescue efforts.

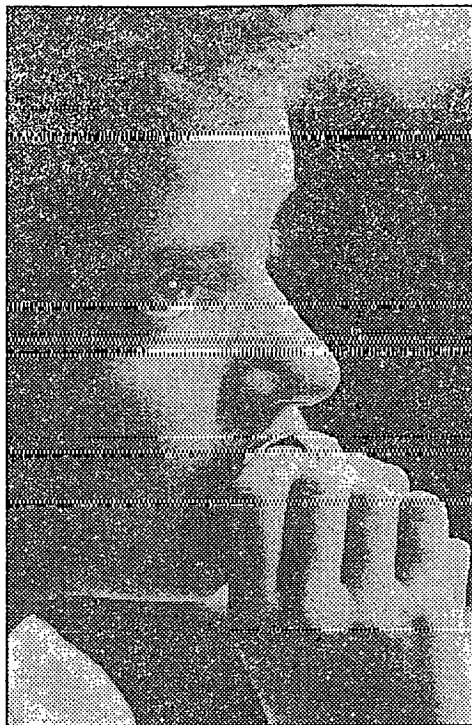
Some witnesses broke down as they relived their experiences, and they were quickly joined by many of the victims' relatives watching in the courtroom. Mahoney also collapsed in tears for the second time as he again was confronted by the details of the tragedy.

Mahoney, 36, is charged with 27 counts of murder, 12 counts of assault, 42 counts of wanton endangerment and one count of driving under the influence.

The prosecution says he was drunk and driving the wrong way on Interstate 71 near Carrollton when his pickup ran head-on into the Radcliff First Assembly of God church bus. Twenty-four children and three adults

See CRASH

Back page, col. 1, this section



POOL PHOTO BY ED REINKE

Tammy Darnell wept yesterday as a witness told how she proclaimed her faith while she lay on the grass after the bus crash. She suffered a broken collarbone in the accident.



POOL PHOTO BY ED REINKE

Jack Armstrong gestured as he testified yesterday about how he and his wife rescued children from the burning church bus.

# Crash testimony paints pictures of agony, heroics

Continued from Page One

died in the ensuing fire.

"The sounds I heard? Do you really want me to tell you?" witness Geoffrey Pinkerton asked, his voice beginning to crack, as Assistant Attorney General Paul Richwalsky Jr., the special prosecutor, urged him to detail his experience.

"The screams were the kind you hear only once in a lifetime," Pinkerton said, describing the sounds from inside the burning bus. "They were calling for their mothers, their parents, for God, anything. And the moans, it was like they knew there was no chance and they were just sitting in those flames, dying."

In tears, he continued telling how he comforted burn victim Ciaran Foran and how he heard Tammy Darnell, then 16, proclaim her faith as she lay on the grass with a broken collarbone. Darnell, watching in the courtroom, collapsed in sobs as he told the story.

Katrina Muller, 15, who was badly burned, also was in the courtroom and heard for the first time how she was rescued from the inferno by Jack Armstrong, the Indiana farmer who was first on the scene and helped pull about 30 children from the bus. Some he rescued by crawling on the floor of the smoke-filled bus, feeling for bodies.

"One girl was laying across a seat and I climbed in and dragged her out," he said. "She had two cuts across her knees. She was bleeding bad. I thought she was dead."

Katrina's mother, Mickie Muller, said the description fit her daughter, and "she was really affected by Mr. Armstrong's testimony."

"Her knees were cut and she had passed out over a seat," Mickie

Muller said. "We just put one and one together. She believed a young man got her out for 18 months but wasn't sure. It was really hard to hear because she could easily have been one that was still on the bus."

After court recessed, Katrina Muller was smiling and kidding around like any 15-year-old, with only a few traces of her scars showing. But her mother said how Katrina slept last night would better indicate how she dealt with reliving the tragedy.

The testimony of Armstrong and his wife, Joan, of Patriot in Switzerland County, was particularly affecting because of the detail.

He told how, driving in the northbound lanes, he followed Mahoney's truck, which was heading north in the southbound lanes, and watched it slam into the bus, which exploded into flames almost immediately. After avoiding another car involved in the crash that crossed the median, Jack Armstrong pulled over and ran to the bus.

He said a few children were already out but the rest were jammed in the back door, piled on top of each other and unable to get out.

"I tried to pull them out and couldn't," he said, adding that he climbed up over the children and began pushing some back to unclog the doorway. "Then I began grabbing them and dropping them out, and my wife dragged them away."

After he cleared the doorway, he said he went into the bus after others who were trapped.

"I got one little girl, and she wrapped her arms around my neck and wouldn't let go," he said. "She was crying for her mother and saying she couldn't see."

"He had to crawl in and feel

around to find kids," Joan Armstrong said. "The smoke was just too strong to see."

Jack Armstrong said he went into the bus four times, almost overcome by smoke the last time. "After about five minutes there was nothing nobody could do," he said.

He and his wife also voiced some anger toward bystanders who would not help, particularly two men who were in the Cadillac involved in the crash but were not injured. Although brothers Fraizelle and John Everhardt denied it, some witnesses said they sat on the hood of their car while Jack Armstrong rescued the children.

"No one helped," Jack Armstrong said. "I screamed and begged for them to come help get some of the kids out. Nobody came; that was the response."

Fraizelle Everhardt, who was the driver of the Cadillac and who became involved in a combative cross-examination with defense attorney William Summers, explained his lack of assistance by saying he was in "semi-shock" after the crash.

Other people did help, however, after Jack Armstrong's initial efforts. James Carl Lucas, who lives nearby, ran to the scene after hearing the explosion. He helped people after they were taken out of the bus.

"The last I remember was a young lady with her hair on fire," Lucas said.

He described the thick brown smoke rolling out of the bus and said the last thing he heard from inside the bus was a woman's voice screaming: "My baby! My baby!"

Pinkerton, who was returning to Louisville from college in New York, could not get inside the bus,

but he comforted Foran, who was badly burned.

"She was screaming for her mother, father, God," Pinkerton said. "She couldn't see. ... So I talked to her, asked her her name and where she was from."

Also testifying yesterday were emergency medical personnel and police at the scene. Tommy Webb, who pulled Mahoney from his truck, described his condition and the cold beer in the front seat. He also said after Mahoney regained partial consciousness, he kept saying, "Gotta wake up. Gotta wake up."

Yesterday also was a time of reaching out. In the first face-to-face contact between Mahoney's family and the Radcliff families, Mahoney's brother-in-law, Jim Daugherty, spoke with Mickie Muller and asked that she pass his comments on to the other families.

"I told her no matter what the outcome, our prayers are with them," Daugherty said. "I told them I don't know how they are holding up so well in the courtroom and to hang in there."

Daugherty said Muller accepted his gesture compassionately. Muller and her daughter had sent a tape to Mahoney in June 1988, offering understanding and forgiveness. Daugherty said he and his family had wanted to communicate their feelings to the families before but did not have an opportunity.

Asked about Mahoney's emotional state, Summers said he was concerned, particularly because the survivors of the crash begin testifying today.

"But I'm concerned about the emotional state of everyone in the courtroom."

# Town gives its blood to show that it cares

By Peggy Kreimer  
Kentucky Post staff reporter

RADCLIFF — Christine Smith lay on a table squeezing a small red rubber ball in her left hand, pumping her blood through a thin tube.

It was the first time she had ever donated blood. She was doing it for youngsters injured in last Saturday's fiery bus accident near Carrollton.

"I don't know any of them personally," said Mrs. Smith, who lives in Radcliff, the home of most of the injured and dead in the crash. "But I thought

good than anything else I could do."

It was shortly after noon. Mrs. Smith had waited two hours to give blood in a Red Cross drive designed to meet a shortage of blood in regional hospital blood banks.

"When the accident first occurred, we were OK on blood," said Ann Finley, who was running the drive for the Red Cross at the Prichard Commu-

Please see DONORS, 7A

1B / Funerals continue for victims.

## Donors

From Page 1A

nity Center in Elizabethtown, just south of Radcliff.

"But when the victims started having operations, our supply went down," she said. Burn treatment requires large amounts of blood.

And the donors turned out to give it.

"We have a monthly draw, and we normally have 150 donors a day," Ms. Finley said. "We had 103 donors in the first hour today (Friday)."

Donors lined the hall and were three deep inside the donor room. Most waited more than two hours to participate in the 10-minute procedure. Some

were donating for specific children who were injured in the crash. More didn't know the victim who would benefit.

"This is about the only thing I can do. I didn't want to keep going up and saying, 'I'm sorry,'"

Roxie Perkins had a day off work at the Elizabethtown Sportswear factory, and spent it giving blood.

"This is something you can do and not expect anything for it," she said.

"I didn't know anyone on the bus, but I have two boys of my own. I think any mother can relate to what those people are going through."

Marilyn Read of Hodgenville and Roxanne Quade of Ft. Knox used to work with Janet Kytta, whose husband, Chuck,

died in the crash.

"This is a way of saying I care," Mrs. Read said.

They work at Hess' department store and came on their lunch hour. They called in when they learned they would have a two-hour wait.

"They said stay there, there's more coming," Mrs. Read said. "They're paying us by the hour to be here."

It's the kind of gesture that has carried families and friends of the crash victims through what must be the most painful week of their lives, said Martha Tennison, wife of the pastor of the First Assembly of God Church, which sponsored the youth bus trip to Kings Island. It has been a week of funerals, burials, memorial services and press interviews.

# Not guilty plea entered in bus deaths

By William Weathers  
Kentucky Post staff reporter

CARROLLTON, Ky. — Larry W. Mahoney, shackled at the wrists and ankles and hobbled from the bus-truck collision in which 27 people were killed last Saturday, walked into the Carroll County Courthouse Friday afternoon to answer murder charges.

Mahoney — accused of killing 24 children and three adults when he drove his pick-up truck the wrong way on I-71 and crashed into the church bus in which they were riding — pleaded not guilty to all counts.

Not guilty pleas are the rule in Kentucky murder cases at the arraignment level.

Kentucky Attorney General

Fred Cowan was at the prosecutors' table during the arraignment for Mahoney, a 34-year-old production operator for M&T Chemicals Co. in Carrollton.

Police have said Mahoney's blood-alcohol level was 0.24 percent after the wreck. State law presumes a person with a level of 0.10 is drunk.

Mahoney, who was injured in the wreck, was released from Humana Hospital-University of Louisville about an hour before the arraignment.

He was dressed in a light blue-and-white-striped knit shirt and blue jeans and wore only white socks on his feet.

He was bruised around his right eye, and he was wearing

Please see MAHONEY, 7A

The Cincinnati Post, Saturday, May 21, 1988 7A

## Mahoney

From Page 1A

a bandage on the inside of his right forearm.

Mahoney, freed of the shackles, rose slowly as Carroll County District Judge Stan Billingsley entered. Gary Sergeant, a Covington attorney, said he was representing Mahoney for the arraignment only.

Security was heavy; a Kentucky State Police captain said 10 troopers were there.

Everyone entering the courtroom was examined with a metal detector and had clothing patted down by a trooper.

Three troopers stood behind Mahoney as he sat at the defense table with Sergeant and Ed Bourne, a public defender from Owen County.

Members of Mahoney's family sat together a few yards from the defense table.

Billingsley denied bail for Mahoney, saying, "The court finds that death is a possible punishment for the crimes alleged, and the presumption is great that he committed (the) crimes."

Billingsley ordered Mahoney taken to the Kentucky Correctional Psychiatric Center in LaGrange for evaluation to determine whether he is competent to stand trial.

Mahoney, again shackled, left the courthouse amid shouts of "Larry, we're with you" and "Hang in there, brother" from members of a group of more than a dozen friends and well-wishers.

Juanita White, a 35-year-old Carrollton woman, said she has known Mahoney for four years.

"I had a problem with my son, and he (Mahoney) held my hand and let me cry," Ms. White said.

She described Mahoney as a "very quiet, nice, loving person. He loves kids. He loves everybody."

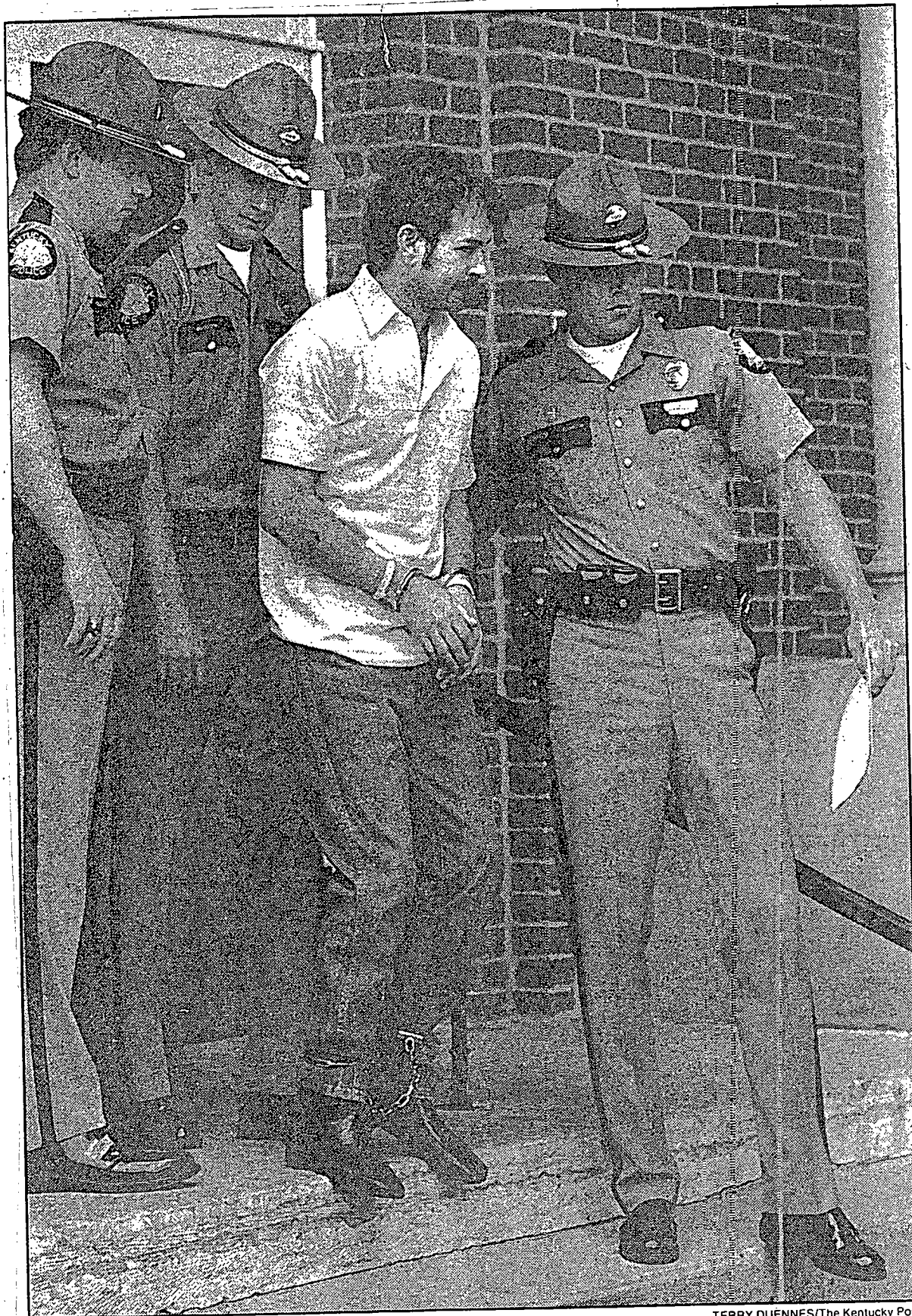
Ms. White's sister, Jewell Wolfe, 39, said she has known Mahoney for at least 10 years "off and on."

She added, "He's always been a shy type of boy. He never went out here and got in these hard fights on purpose."

Billingsley scheduled a preliminary hearing for Mahoney for 1:30 p.m. June 2 in Carroll County District Court.

A bond hearing has been scheduled for 11:30 a.m. Wednesday.





TERRY DUENNES/The Kentucky Post

Kentucky State Police officers escort Larry Mahoney from the Carroll County Courthouse.

# Jury to hear Mahoney trial possible this week

By MARK CAMPBELL  
Kentucky News Editor

Attorneys in the murder and drunk driving trial of Larry Wayne Mahoney began the arduous task of conducting detailed interviews with prospective jurors Monday in an attempt to narrow a 134-member pool down to the 15 jurors who will eventually decide his fate in the case.

The interviews, conducted in the private chambers of Carroll Circuit Judge Charles F. Satterwhite in order to protect the jurors' identity and give them every opportunity to be honest and open about their feelings in the case, were extensive in nature and emotional at times.

After narrowing the 300 people called for jury duty down to 134 prospective candidates in three days of group interviews last week, 24 people from that group were interviewed Monday with 13 excluded for cause and 11 retained to possibly hear the trial.

According to defense attorney Jack Hildebrand, one of three attorneys who will represent Mahoney

in the case, he is "pretty optimistic" that a jury can be found in the case this week — especially after 11 of the 24 prospective jurors interviewed Monday were retained for the case.

However, special prosecutor Paul Richwalsky, an assistant to Kentucky Attorney General Fred Cowan, said it is still too early to tell if the jury selection process can be completed by later this week.

Based on the number of jurors retained yesterday, Richwalsky was asked if he thought a jury could be empaneled by Friday. "I don't know, I'm frankly surprised. I didn't think it would have this many."

Richwalsky said Monday's interviews do little to provide an accurate gauge of the way jury selection will continue Tuesday and Wednesday.

However, the prosecutor did ask Satterwhite at the conclusion of yesterday's interviews, if opening arguments and the beginning of testimony for the commonwealth would begin as soon as the jury is

set. Richwalsky said he had witnesses scheduled to fly in for the trial and he needed to let them know ahead when they are supposed to appear.

Satterwhite told the prosecutor he would be in "a better position to know about that" at the conclusion of today's interviews.

The 13 candidates who were dismissed from jury duty in the case were excused for various personal reasons that led attorneys and Satterwhite to question their ability to hear the case fairly.

Mahoney, 36, of rural Owen County, is charged with 7 counts of murder, 42 counts of first-degree wanton endangerment, 12 counts of first-degree assault and the count of driving under the influence.

State police claim he was drunk and driving on the wrong side of Interstate 71 near Carrollton when he crashed his 1987 Tota pickup truck into a bus owned by the First Assembly of God church in Radcliff, Ky. The impact of the

See: TRIAL  
Back Page, Column 3



**Huddled around**

Reporters covering the murder and drunk driving trial of Larry Wayne Mahoney huddled around a monitor in a media room on the first floor of the Carroll County Courthouse to hear comments from individual jury interviews conducted in the second floor judge's chambers yesterday. In interviews that ended at 7 p.m., 24 prospective jurors were questioned with 11 of that group being retained to possibly hear the trial. (Staff photo by Mark Campbell.)



# Trial

Continued from Page 1

crash ruptured the fuel tank on the bus and blocked one of the vehicle's two exits. The victims who died in the crash succumbed to smoke inhalation after they were unable to exit the rear emergency door in time to save their lives.

After three days of group interviews with the jury pool in the case, attorneys began their more detailed cross examinations of the prospective jurors Monday morning and had interviewed 24 of the remaining jurors by the time court recessed at 7 p.m. yesterday.

Satterwhite had scheduled 30 jurors for questioning Monday but the process soon fell behind schedule when some of the interviews lasted 45 minutes or longer. At one point the judge admonished the attorneys for being repetitious in their line of questioning and delaying the proceedings.

Questions concentrated on by the prosecution ranged from whether the prospective jurors would be able to consider sentencing Mahoney to life in prison if convicted to whether they realized that a person can be both intentionally and wantonly murdered under Kentucky law.

Questions raised by the defense ranged from how the jury candidates personally felt about alcohol and driving to what prior knowledge they knew about the case and whether pre-trial publicity had influenced the way they feel about the tragedy.

Some of the prospective jurors who were dismissed from the case were eliminated after they expressed deep-seated opinions ranging from drunk driving is a problem and Mahoney should be made an example in the case to the tragedy was merely an accident and the murder charges brought against Mahoney were too severe and the accident could have happened to anyone.

"I think that everyone has some responsibility on this — all of society and everyone who has ever watched a TV program with alcohol on it," said one woman who admitted to being an active participant in Mothers Against Drunk Drivers and in favor of tougher penalties on first offender drunk drivers. "People have done this and gotten away with it. A lot of people drink and drive and get away with a slap on the wrist. Now people are finally seeing the DUI problem is serious."

The woman, who was dismissed from jury selection, later said "to be honest, I think there is going to be enough evidence to convict (Mahoney) from what I've heard."

Another man said he could not

convict Mahoney on the murder charges even if the evidence supported that result; however, he noted he might be able to consider manslaughter.

"In an automobile accident, I can't see a murder charge brought against someone," said the man who has previously had family members convicted of drunk driving.

When later asked if he could hear the case and consider the murder charges if instructed by the judge on how they may apply to the case, the man, who was later dismissed for cause, responded: "No sir, I don't think he should be charged with 27 counts of murder or whatever it is."

Another man told the attorneys and Satterwhite he didn't think Mahoney had done anything that a lot of other people haven't done and gotten away with.

"It's nothing but an accident and it could happen to anyone," the man said before being dismissed from jury service. "I think too much has been made of the whole thing ... with all the information I've heard I'd say it'd be hard for me to convict Mr. Mahoney."

On the other hand, several prospective jurors were excluded from the case after it was learned that it would be too emotional of an experience for them to serve on the jury.

"I was hoping I'd get thrown off (the jury) right away," said one woman, while later adding, "I don't think my nerves would let me

(serve on the jury). Just seeing all those kids and parents out there would be enough (to make her break down and be unable to hear the case). I couldn't do it, no doubt in my heart."

Richwalsky noted the woman's "eyes were teary" and her "faced was blushed" during her interview in asking for and receiving her dismissal from jury duty.

One area that many of the jurors had equally strong feeling about was pre-trial publicity. Many of the prospective jurors noted media attention on the crash has been unfair to Carroll County and Carroll Countians and some added that a sign erected at the crash site by the federal highway department only added to the negative publicity the community has received.

"I don't believe the marker should have been put up there, there are lots of highway accidents and you can't put a marker up every time somebody dies," one woman who was accepted by Sat-

terwhite as a possible juror said. "It was a tragedy but I don't believe a marker should have been put up there."

Another woman who was retained for jury duty said the sign "disgusts me and I don't think it needs to be publicized."

At least one of the potential jurors who may qualify to hear the case has pleaded guilty in the past to the drunk driving.

The man said he pleaded guilty to driving under the influence in Madison, Ind. in April 1987.

However, the man said his prior exposure to drunk driving would not influence his decision in the case and he would base his decision on the evidence presented in the trial.

"With regard to that individual, even though he had the DUI, he had all the right answers to all the right questions," said Richwalsky on why the man could make a fair and good juror. "You know, there's a school of thought that a lot of those people are a lot harder on subsequent DUI defendants than non-drinkers. In my recollection, he pled guilty, got caught and admitted his guilt. I've talked to a lot of prosecutors who have tried DUI cases and they say that's a real good prosecuting juror."

Although several of the 11 jurors retained in the case were kept over the objection of the defense, Hildebrand said it was not a negative situation for the defense.

"I wouldn't necessarily say it is foreboding or even negative," he said. "I think everybody has different feelings toward the people as they sit there. I know it's difficult to predict what's going to happen when we get in the primary aspect of this."

Another 30 prospective jurors are scheduled to be called for interviews Tuesday as the attorneys continue the task of finding at least 31 jurors who can hear the case. The defense will then be allowed 10 peremptory strikes and the prosecution six before the 12 jurors and three alternates who will hear the case are empaneled.

At the beginning of today's proceedings, Satterwhite issued an order that no voice recordings of prospective jurors being interviewed may be broadcast over radio or television.

Satterwhite, who had denied access to the individual interviews to both the public and media, set up an audio monitor Monday so reporters could hear the proceedings from a media room on another floor of the Carroll County Courthouse.

The judge said today's order prohibiting any broadcast of jurors comments was part of a continuing effort to protect the jurors' anonymity and insure that they will answer the attorneys' questions openly and honestly. He added juror's comments may be reported but not in the form of tape recordings of the actual interviews.

One of the jurors excused today said she had strong feelings about drinking and driving and could not objectively serve on the jury.

"It's just the way I feel about drinking and driving, there's just no excuse (for it) at all," the woman said. "I honestly feel the evidence presented would not change my mind. I don't think there's any way he could be innocent."

After being told that she was excused from serving on the case, the juror told the judge and attorneys she was sorry she felt that way.

"Don't be sorry," Satterwhite told her, while adding that he and the attorneys respect her honesty. "There's no reason to be sorry."

Another juror was excused from the case after he told the court that serving on the trial would be a financial hardship on his family because his employer would not compensate him during the case and the \$12.50 per day jury fee would be insufficient to pay his bills.

"If this lasts a month or so, my bills won't be paid and my electric won't be paid," the man said. He said he would probably be forced to work nights and hear the trial during the day.

The man added he would not be able to give full attention to testimony in the case because he would be "paying more attention to thoughts of how to make money" and his financial problems.

# Jury in Mahoney trial in recess until Monday

By MARK CAMPBELL  
Kentucky News Editor

The murder and drunken driving trial of Larry Mahoney has been recessed until Monday after jurors heard testimony from the final six severely injured survivors of a fiery 1988 church bus crash yesterday.

Yesterday's testimony brought to a close a week of graphic testimony that was emotionally wrenching to the defendant as well as the victims and their family members. In fact, court was recessed three times when either Mahoney or the young witnesses broke down in sobs and left the Carroll County Circuit Courtroom in tears.

Before recessing yesterday, the jury heard testimony from the final six passengers of the 67 children and adults who were on the Radcliff First Assembly of God church bus when Mahoney's 1987 Toyota pickup truck crashed head-on into the group on Interstate 71 just south of Carrollton. The bus was returning from a trip to King's Island amusement park north of Cincinnati.

The six teen-agers were severely burned and each suffered life-threatening injuries from either smoke inhalation or burns caused by the intense heat on the former Meade County school bus. Doctors testified yesterday that all six of the victims could have died from their injuries if they had not received prompt medical attention.

While the six victims were the last to leave the bus, 24 children and three adults from their church youth group — many of which were either friends or family members — remained on the burning vehicle and perished in the tragedy that has since been labeled the worst drunken driving accident in U.S. history.

Mahoney, 36, of rural Owen County, faces 27 counts of murder as well as 12 counts of first-degree assault, 42 counts of first-degree

wanton endangerment and driving under the influence charges.

State police claim Mahoney's blood-alcohol level was 0.24 percent after the crash — almost 2½ times the level considered too intoxicated to drive in Kentucky and that he was driving north in the southbound lanes of the interstate at the time of the collision. He could be sentenced to life in prison if convicted on the murder charges.

During testimony yesterday, many of the victims the prosecution called bore visible scars that caused some jurors to turn their heads away.

Dr. Mark Malangoni, a professor at the University of Louisville and pediatric surgeon specializing in trauma and burn cases at Humana Hospital-University of Louisville, testified that the six victims received burns over 5 to 60 percent of their bodies.

Malangoni said each of the six children he treated suffered smoke and heat inhalation injuries that necessitated they have tubes inserted in their throats to eliminate the possibility of suffocation due to swelling. He said each of the victims were placed on a respirator to assist their breathing.

Prior to Malangoni's testimony yesterday afternoon, each of the six children took the stand yesterday morning to tell what they remembered of the tragedy, how they escaped or were rescued from the burning bus and how the tragedy has changed their lives.

One girl, 16-year-old Ciaran Foran of Radcliff, broke down in tears on the witness stand and Carroll Circuit Judge Charles F. Satterwhite called a 15-minute recess to allow her to regain her composure.

The breakdown came when the already nervous Foran was asked to describe what she had seen seconds after the collision by Assistant Attorney General Paul Richwalsky Jr.,

special prosecutor in the case.

Some jurors turned their eyes away from Foran, who was wearing a tan pressure garment to assist healing of severe burns on her neck, face and shoulder.

After the unscheduled break, Foran testified she thought she had been blinded by the smoke and intense heat following the crash. She said she was sitting in the ninth row of the 11-row vehicle and that no one would let her out and that she had been kicked several times when other children panicked in their efforts to flee the smoke and fire and exit the bus.

Foran said a "big helium balloon" that she got at King's Island and was using as a pillow, burst into her face at one time due to the intense heat. She spent about six weeks in a Louisville hospital for treatment of burns and inhalation injuries and has undergone 19 surgeries since the crash.

While most of the children's burns were caused by the intense heat that developed on the bus during the fire, Malangoni said that at least one of the children probably had actual exposure to flames.

He said Carey Aurentz, 15, also of Radcliff, suffered fourth-degree burns to her right foot and leg as well as burns to 55-60 percent of her entire body area. The foot later had to be amputated just below the girl's knee and she walked into court yesterday on crutches.

Fourth-degree burns, according to Malangoni, occur when the burn extends through the victim's skin and into the fat and muscle.

"Obviously, she had to have her foot in the flames itself at some time," said Malangoni, explaining that burns of that severity are "usually the result of a direct amount of heat such as a flame burn ... her body part would have

See: TRIAL  
Back Page, Column 3

# Trial

Continued from Page 1

been immersed in the flame."

Aurentz was sitting in the aisle seat of the first row on the left side of the bus — a location very near the fuel tank of the bus and close to where the fire first started. She said the impact knocked her further back into the bus and that she struggled to get close to the rear door before passing out at about row eight.

"When I passed out I dreamed I was on a roller coaster ... I kept thinking to myself, 'Oh God, I'm going to die,'" said Aurentz, who noted she finally forced herself to wake up. "When I woke up I started climbing toward the back ... When I got to the back of the bus I stood up and then I just fell out of the bus onto the ground."

In other testimony, 15-year-old Christy Pearman of Radcliff, said when she tried to escape the bus, a seat had become so hot that it "melted my right palm."

Pearman, whose father John, was the driver of the bus and died in the crash, said when the fire started children on the bus panicked and started yelling and running for the back emergency exit.

"They were all yelling and just heading for the back," said Pearman, who was in the eighth row. "(Passengers were) jumping over everybody, pushing each other so that they could get out sooner (and saying) 'I want to get out, please help!'"

She said she finally climbed over a seat and got back out into the aisle, but by then there was nobody behind her.

Pearman said at one point she screamed for her father and the heat was so intense in the bus that it "melted" her vocal cords together. She had to have surgery to correct the injury and could not talk for two months.

"I was afraid of losing my voice," she said. "It's still not back to normal. I've got it. It's deep, but thank God I've got it."

She had four relatives on the stand including her father and mother. Only she and two

told the jury. Farmer spent six days in the hospital including three on a respirator.

A chart of the bus used by the prosecution to show the location of the passengers on the bus prior to the crash also proved to be emotional for witnesses as well as family members.

Aurentz sobbed as she held small color pictures of Kashawn Etheredge, Jennifer Arnett and Emillie Thompson, all friends who died in the wreck.

The pictures were placed on the chart, which began as a diagram of the bus interior and eventually contained the photos and names of 39 children and one adult who survived the tragedy and all 27 victims who perished in the fire.

The chart, 40 inches by 60 inches and located between the witness stand and the 16-member jury panel, has also served as another memorial to those who died in the tragedy.

While the jury was out of the courtroom during yesterday's recess to allow Foran to regain her composure, a few of the survivors and some family members walked up to the chart, hugged each other and cried.

Richwalsky said yesterday's testimony concluded testimony in the 42 wanton endangerment and 12 assault charges. He noted the proceedings have been emotionally difficult for the teen-agers and that it is a relief to get that phase of the trial behind the victims as well as himself.

"I'm sure they're relieved that it's over with," Richwalsky said of the teen-agers who testified. Several left the stand this week in tears. "I'm relieved."

William Summers, Mahoney's lead defense attorney, said he was proud of the cooperation among prosecution, defense and Satterwhite "to make it as easy on the children as we possibly could and still do our jobs."

Carroll Circuit Judge Charles Satterwhite continued the case until Monday to allow a full day for a state police investigator to present a reconstruction of the accident scene. Only a half-day of testimony had been planned for Friday.

Richwalsky said the state may conclude its case next week after testimony from the state medical examiner, who conducted autopsies, and relatives of the victims who died.

(Information in this story was also gathered by The Associated Press.)

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## A FIERY TRAGEDY

# Teens burned in bus crash face months of painful hurdles

By GIDEON GIL  
Staff Writer

*Courier  
Journal  
5-23-88*

Early last week, a rumor circulated among Kimberly Farmer's friends that the 16-year-old was in a coma at Humana Hospital-University of Louisville.

Kimberly, whose face was burned when a pickup crashed into a school bus May 14, refused to open her eyes. She lay motionless; movement was too painful.

"I just told her, 'You get those eyes open and start blinking them,'" Kimberly's mother, Gloria Farmer, said. "I just told her, 'You're going to have to fight to get better. You can't just give in to pain.'"

The pep talk worked.

Kimberly began blinking her eyes, puckering her lips and performing other facial exercises to prevent scars. On Friday, she went home to tiny Rineyville, in Hardin County.

But medical personnel who work with burn patients say many hurdles — physical and psychological — await Kimberly and the 14 other teen-agers seriously burned in the crash, which killed 27 people on Interstate 71 near Carrollton.



Nurses Willena Finley, left, Michelle Clapp and Deborah Williams of Humana Hospital-University of Louisville looked over cards and letters sent to victims of the bus crash near Carrollton. They are part of the burn-unit team caring for the children.

STAFF PHOTO BY BEN VAN HOOK

In severe burn cases, "the rehabilitation process and follow-up is at least a year," said Dr. Mary E. Fallat, a pediatric surgeon who tended nine of the crash victims at Kosair Children's Hospital in Louisville.

"We can't forget them," said Jackie Ward, a University hospital chaplain. "In seven or eight months we'll remember the dead. We need to remember the living."

When Kimberly and others on the bus were rushed to University and Kosair, most were connected to respirators because they

had suffered smoke inhalation. Their burns were cleaned, and they were given fluids intravenously to prevent shock. Burn victims lose tremendous amounts of fluid, which must be replenished with five to seven gallons of salt-water solution each day, said Dr. Frank Miller, a surgeon at University, where six survivors have been treated.

Because skin protects the body from infectious organisms, burn victims are especially susceptible to infections. To guard against these, the burned areas are washed

every eight hours with soap and water, dead skin is scraped off, and the wounds are dressed with gauze and an antibiotic cream that helps keep the wound moist, encouraging healing.

Although patients with deep second- or third-degree burns don't feel pain early, the changing of dressings and removal of skin can be excruciating, even with pain medica-

See TEENS  
Back-page, col. 1, this section

# Teens burned in bus crash face painful hurdles

Continued from Page One

tion, Miller said.

Seven of the crash patients have received skin grafts for third-degree burns. Their quarter-inch-deep burns destroyed the cells that produce new skin, so new cells had to be transplanted. Slices of new tissue were taken from unburned areas of the patients' bodies with a device that acts much like a cheese slicer.

In some cases, when too much skin has been burned, patients must get skin from cadavers. One bus-crash victim burned over 60 percent of her body got such skin.

The cadaver skin protects the burn wound for two or three weeks until it is rejected. By that time, the patient's unburned cells have generated more skin, which can be grafted onto the burns.

Therapists began working with the bus-crash patients the day after the accident, teaching and cajoling them to flex their joints, wiggle their fingers, pucker their lips and blink their eyes.

Between exercise sessions, the patients' limbs were put in customized splints — or sometimes suspended — to keep them from losing ground while they rested. Without exercise, burned limbs can lose the ability to move within days, said Sharon Ann Calandrino, assistant physical therapist in University's burn unit. Dead tissue hardens and thickens, restricting movement of joints and muscles. Later, the skin tightens as it heals, with much the same effect.

"If they spend one day without moving or doing their (exercise) program, they can hardly move the next day," Calandrino said.

Initially, when burn patients are in pain, depressed and denying their injuries, many prefer to sleep much of the day and move as little as possible.

"The thing in the favor of all these children is their families have been here egging them on," Fallat said.

If parental encouragement fails, Calandrino steps in, sometimes motivating her charges with grotesque pictures of patients who did not exercise.

"It's hard when the families come

in here," Calandrino said. "The first thing the families say is 'Let me feed you.' I say no." It's important for the burn victims to feed and dress themselves and perform other activities of daily living. "If it takes you an hour to get your shoe on, you can get it on," she said.

People who have been burned seriously also suffer psychologically.

They go through the typical grief pattern of denial, then anger, depression and ultimately acceptance, said Pat Lacefield, a University of Louisville psychiatric nurse who works with burn patients.

"There's a lot of powerlessness. People are doing things to them," said Lacefield, who works with patients to overcome such feelings. Self-motivation helps speed recovery, she said.

Appearance is generally the chief concern of burn victims, and that concern is likely to be magnified among the young bus-crash survivors. "Looks are very important to teen-agers," Lacefield said.

Because burn units require large staffs — up to one nurse per patient plus therapists and psychiatrists, among others — treatment is costly. Miller estimates that hospital charges, excluding doctors' fees, run \$3,000 a day. Rachel Bell, the unit's nurse coordinator, noted that one patient's bill for a three-month stay reached \$500,000.

The hard work does not end with discharge from the hospital. Fallat said a patient's ultimate appearance and mobility can be influenced for up to a year by various techniques.

Bryan Gordon, 20, a painter who was burned over 60 percent of his body in an explosion and fire at Norton Hospital last January, knows what that means.

After his discharge, he went for physical therapy every day for two months. Even now — four months after he was burned — Gordon wears arm splints to bed, making sleep difficult.

Except when he swims and showers, he also must wear a skin-tight suit similar to panty hose that covers all of his body except his head and neck. The pressure garment prevents areas of raised skin from forming at the edges of skin grafts.

Such areas restrict movements and are unsightly.

Despite all this, Gordon said the hardest part of his recovery has been "just accepting that your body's not the same as it used to be." Because of numbness in his fingers, for example, he has had to forgo button-fly jeans.

Kimberly Farmer fears she won't be able to practice this summer with the award-winning North Hardin High School band, her mother said. The teen-ager's face may be too sensitive to march in the summer sun, and her burned lips may hinder her on the French horn.

Eventually, Kimberly and the others are going to have to wrestle with the question of "Why?" said chaplain Ward, and some may need to see a psychiatrist or pastoral counselor.

Added Bell, "When these kids go back to school next year, there are going to be a lot of empty desks, and it may be tougher then."

When he visited the crash victims in University's burn unit last week, Gordon told them to "just hang in there, because thank God you're alive."

## Patient update

Associated Press

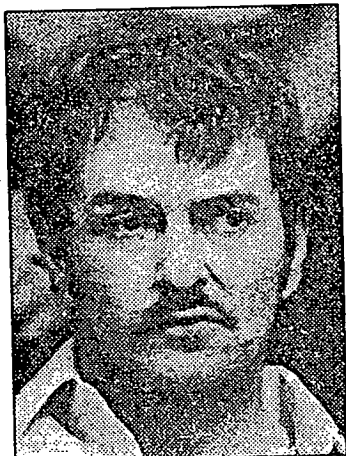
An update on the conditions of those injured in the May 14 bus wreck:

At Kosair Children's Hospital, the conditions of Aaron Conyers and Harold Dennis were upgraded from critical to serious. Katrina Muller's condition was upgraded from serious to fair. David Walliser, Kim Dennis and Quentin Higgins remained in good condition.

At Humana Hospital-University of Louisville, Carey Aurentz, Ciaran Foren and Kristie Pearman remained in critical condition. Darrin Jacques remained in fair condition.



Courier-Journal 5/25/88



Mahoney

## Mahoney's remorse is 'tremendous'

By TODD MURPHY  
and JUDY BRYANT  
Staff Writers

LEXINGTON, Ky. — Larry Mahoney is "very confused" and has "tremendous remorse" for his actions in the crash that killed 27 people near Carrollton on May 14, his lawyer said yesterday.

"He does not ask any of you that have any concern for this to feel sorry or to have compassion for him," Lexington

A 12 THE COURIER-JOURNAL, WEDNESDAY, MAY 25, 1988

# Lawyer says Mahoney is remorseful

Continued from Page One

lawyer Bill Summers said at an afternoon press conference. "But he just asks you to understand that this is something that he will live with all of his life. His life was ruined on that evening also."

Mahoney, a chemical-plant worker from Owen County, is accused of driving his pickup on the wrong side of Interstate 71 on the night of May 14 and colliding head-on with a church bus returning from the Kings Island amusement park near Cincinnati.

A test found that Mahoney's blood-alcohol content was 0.24 percent two hours after the accident — more than twice the 0.10 percent at which the law presumes a person to be drunk.

Summers was hired by the Kentucky Department of Public Advocacy to defend Mahoney.

At the 45-minute press conference at his Lexington apartment complex, Summers talked about the case, his discussions with Mahoney and the prosecution's plan to seek the death penalty.

Summers said he talked to Mahoney on Monday at the Kentucky Correctional Psychiatric Center

near La Grange, where he is being held. Summers described Mahoney's state of mind as "very confused at this time. He's extremely confused."

Summers also said, "We feel that obviously it is not a death-penalty case."

He said the statute governing whether a crime can be punishable by death speaks of explosive-type devices. He said a vehicle should not be considered such a device.

Summers also said he believes the prosecution's statements that it would ask for the death penalty were intended for political gain. "Show me another reason," he said.

But Summers said he thinks Mahoney can receive a fair trial in Carrollton.

Mahoney is scheduled to appear in Carroll District Court in Carrollton this morning for a hearing on a request that bond be set. Summers said he expects the prosecution to ask that Mahoney not be allowed to post bond. He said he will argue that Mahoney would not be a danger to the community — and that Mahoney could be released on bond with the stipulation that he not drive.

Summers, who is a partner in a law firm in Cleveland and who start-

ed a branch in Lexington earlier this year, said he became involved in the case Friday.

He said the state may have asked him to represent Mahoney because of Summers' past involvement in death-penalty cases. Summers was involved in the death-penalty cases in 1980 of prison inmates who had rioted in New Mexico.

Summers started the press conference by saying the Mahoney family wanted to offer "feelings of deep, deep sympathy and very great remorse for the ... families who suffered this tragedy."

Summers said later that Mahoney is not the monster who is being portrayed across the nation.

"This man ... he held a job for four years. Before that he farmed. I'm not saying: 'Give him the governor's medal for good conduct.' But he had an excellent work record. He's not known in the area to be the town drunk or the town idiot."

In an affidavit to determine Mahoney's assets that was filed in district court, Mahoney said he nets \$330 a week or \$420 a week, depending on whether he works weekly shifts totaling 36 or 48 hours. He is employed at M&T Chemical Inc. in Carrollton, and earns \$11.92 an

hour, the affidavit said.

His only personal property is his 1987 Toyota pickup, which is not fully paid for. He pays \$250 a month in rent, and he listed other unspecified debts in the affidavit.

Mahoney, who is divorced, supports two children under age 18, according to the affidavit.

After Friday's arraignment, Mahoney was taken to the psychiatric center, where he is under 24-hour "close" supervision.

The court ordered Mahoney to remain at the center for evaluation of his mental condition and competency to stand trial.

Summers has filed two motions in court. The first asks Judge Stanley Billingsley to prevent any interrogation of Mahoney by "any person adverse to (his) interests."

That would include state police and personnel from the offices of the state attorney general, the Carroll County sheriff, the Carroll County commonwealth's attorney and the Carroll County attorney.

The second motion asks the court to preserve all evidence related to the case — including all original notes, reports and memoranda concerning several aspects of the case — so that independent tests can be done.

Billingsley is expected to rule on the motions today.

See LAWYER  
Back page, col. 1, this section

# '72 report foretold fiery bus wreck linked to gas tank

By SCOTT THURM  
Staff Writer

## 1972 report said location of tanks was hazardous

Continued from Page One

A 1972 federal report called the location of school-bus fuel tanks "an unnecessary hazard," and foretold in haunting detail a fiery crash like the one that killed 27 people May 14 near Carrollton, Ky.

In the report, the National Transportation Safety Board recommended that fuel tanks on school buses be relocated. But regulators never acted on the suggestion, and the safety board considered its concerns satisfied by 1977 rules requiring tanks to be protected against collisions.

The recommendation may get a second look during the investigation of the fatal wreck on Interstate 71 in which the fuel tank was ruptured. The resulting fire blocked the front door and has been blamed for all 27 deaths.

Today, as 16 years ago, fuel tanks are placed on the right side of school buses, behind the front door. It's unclear exactly why that's so, although the practice apparently dates back more than four decades. One leading bus manufacturer says that's the safest place.

But in its 1972 report, the safety board disagreed.

The report followed a safety-board investigation of a wreck in Reston, Va., in which a car ran a stop sign and struck the right side of a school bus. The fuel tank of the bus fell off and caught fire, injuring the driver of the car. The bus rolled away from the fire and did not burn.

Although the four children on the bus were injured only slightly, the safety board questioned why fuel tanks were located so close to the

front door, where a fire would block one of the exits.

"A large-scale tragedy could easily have followed," the safety board's report said. "Speculation as to such tragic results cannot be brushed aside."

"The scene was set. It should not be necessary to wait until such a tragedy has in fact occurred to appreciate how closely this event missed being such an example, and to remove the elements which brought it to the brink."

Discussing that report this week, Alan Pollock, a spokesman for the safety board, said, "Here we are 16 years later, and that's exactly what happened."

The board recommended in its 1972 report that the National Highway Traffic Safety Administration, which regulates vehicle design and construction, develop rules to protect fuel tanks in wrecks and to determine the safest location for them.

Five years later, regulations took effect that required fuel tanks to be protected from leaking in crashes up to 30 miles per hour — a standard most manufacturers have met by surrounding the tanks with steel cages.

But yesterday an official of the traffic-safety agency could not immediately explain what had happened to the recommendation that the fuel tank be moved.

The official, who said he could not be identified because of agency policy, said the safety board frequently made suggestions that the other agency did not follow, and the fuel-tank proposal may have been caught in a "continuing running battle" between the two government bodies.

The safety board did not press its call for the fuel tank to be moved, and it appears to have been satisfied by the 1977 regulation protecting tanks against collisions, said Suzanne Siack of the safety-board staff.

In the crash near Carrollton, a truck going the wrong way on I-71 collided with the right front side of the bus.

The former school bus — a 1977 Superior — was owned by the First Assembly of God church in Radcliff.

The collision opened a 3-inch hole in the gasoline tank.

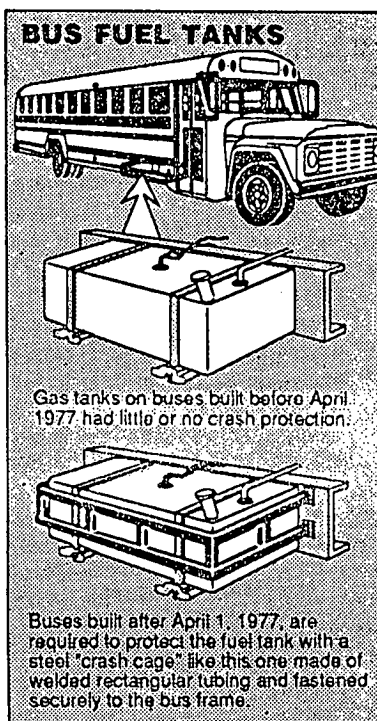
State police and the Carroll County coroner have said that the lack of exits from the burning bus — there was only one emergency exit, the rear door — contributed to the death toll.

The safety board is investigating the accident, and Pollock, the board's spokesman, said the probe may lead to new recommendations for safety standards in school buses, including protection for fuel tanks.

The church bus did not have crash protection around the gas tank and was one of the last built without it.

However, state Fire Marshal Bill Martin has questioned whether the metal cage would have prevented the rupture of the tank.

It was unclear yesterday why school-bus fuel tanks are placed on the right side of the bus, outside the chassis.



STAFF ILLUSTRATION

See 1972 REPORT  
Back page, col. 5, this section

Paul Glaske, president of Blue Bird Body Co. of Fort Valley, Ga., said the placement has been standard at least since 1945, when a national conference of school officials issued standards for school-bus design.

Glaske said he did not know whether the fuel-tank location had been reviewed recently.

"Either it evolved, or it just hasn't been looked at" in many years, Glaske said.

John McDonald, a spokesman for Navistar Corp., the nation's largest builder of school-bus chassis, said the tank is placed on the right side to minimize the chance of a collision with oncoming traffic. McDonald said the tank has to be mounted to the outside of the chassis because the drive train takes up most of the space between the chassis rails.

However, McDonald was not aware of any studies showing school buses are more likely to be hit on the left side than the right side. Others have questioned that assumption.

In its report on the 1972 accident, the safety board quoted chassis manufacturers as saying that they placed the tanks on the right side because of specifications by school groups, "although some manufacturers do not agree that this is the safest location."

In addition, the safety-board reported that officials of the Fairfax County, Va., schools, which served Reston, preferred that the tank be placed either on the right side at the back of the bus or on the left side. The Fairfax County officials said they feared a fire that would block the front door.

The board report quoted manufacturers as saying that the cost of relocating the tanks would be "negligible" and probably not increase the cost of the buses.

In a 1987 report, the safety board analyzed 43 bus accidents between 1983 and 1986, including eight in which a bus had been struck from the side.

In four cases, the blow was on the right, and in four cases, on the left.

# SITE OF FATAL BUS CRASH MAY 14, 1988

This marker on I-71 reminds travelers of the largest alcohol-related crash in the country. It's a scar for many in the county, who would like to see it removed.

SHARON GRAVES/The  
News-Democrat