

FAMU hazing case will be retried

By Stephanie Lambert
and Brandon D. Oliver
Special to Sentinel-Voice

TALLAHASSEE, Fla. (NNPA) - Judge Kathleen Dekker declared a mistrial recently for the five members of the Alpha Xi chapter of Kappa Alpha Psi Fraternity Inc. accused of hazing.

The case will be tried again, beginning the second week in January, unless the prosecution decides not to retry the case.

The ruling came after jurors were unable to agree on the definition of "serious bodily injury," which was the basis for trial.

The defendants were the first to be tried under the newly-enacted Chad Meredith Act, named after the University of Miami student who died in 2001 as a result of hazing. The act makes distinctions between misdemeanor and felony hazing charges based on bodily harm.

According to an attorney for the defense, Chuck E. Hobbs, during the deliberation, jurors sent out several questions asking for a more definitive statement on what seriously bodily injury was.

"Prior to trial, there were a number of motions to dismiss this case that we filed, based upon the fact that when the Legislature enacted this law back in 2005, they did not define the phrase serious bodily injury," Hobbs said.

"We knew that would cause problems, because whereas the prosecutor argued that people can use their common everyday use of the phrase, you need an objective type of legal standard in a case like this."

Brian Bowman, 23; Corey Gray, 22; Jason Harris, 25; Marcus Hughes, 21; and Michael Morton, 23, were accused of hazing Marcus Jones, a pledge, during the intake process for the fraternity earlier this year.

If convicted of the felony charges, the young men would have faced up to five years in prison.

Medical experts were brought in for both the prosecution and defense.

The state's experts said that Jones' injury was serious, whereas the defense's said otherwise.

Hobbs', who is the attorney for Bowman, Gray, Hughes and Morton, said in his opinion, there was a hung jury because juries tend to need some type of legal standard from which they can

judge what they have heard when there is competing medical testimony.

Hobbs said that at the trial, there were two issues: the identity of who hit Marcus and if he was injured under the definition. During the trial, the defense had a lot of testimony with respect to the second issue, but plan to delve into the first issue more deeply, if the case is retried.

"...As for the first issue, we really were not able to get into all of the testimony that we would have liked that would have seriously discredited the identity as these

young men being the ones who struck Marcus Jones," Hobbs said.

Although the initial trial has ended, students are still considering its implications.

One member of Phi Beta Sigma Fraternity Inc., said before the mistrial was even announced he thought there would be problems regarding the term's definition.

Serge Beaubrun said the act states that "a person must be seriously harmed, but it does not state what serious harm is."

"Personally, I don't think (the five defendants) should

be convicted," said Beaubrun, 22, a member of the Eta Alpha chapter. "The defense attorneys have found some loopholes."

Beaubrun said the "Kappa trial," as the case has come to be known, has shed a negative light onto other organizations.

"Each fraternity and sorority is different, so people cannot say all Greeks practice the same methods," Beaubrun said.

"Not everyone does that," he explained. "We're all Greek, but we have different letters. You can't say because

this one did this, they all do this."

Byron Iszard said if the defendants were guilty, they went over the line while pledging occurred. There is a line organizations must not cross he said.

Iszard is a member of Delta Sigma Pi International Business Fraternity, a co-educational organization at Florida State University. While the fraternity is open to all races, there is a large number of Black students in the Gamma Lambda chapter at FSU, Iszard said.

"It should be in

everybody's mind that you're going over the line," he said about hazing as severe as the kind of which the five defendants are accused.

Since DSP is a business fraternity, Iszard said, it does not allow hazing in any form because the members feel it is important to stay business-like.

"We do not haze; in our bi-laws, it's forbidden to haze," he said. "Since we're a professional fraternity, we promote professionalism."

Iszard's fraternity, like Green and Beaubrun's, has
(See Hazing, Page 8)



The bigger we get, the bigger our dreams get.

As one of the nation's leading employers, McDonald's® provides opportunities for professional growth from our restaurants to our corporate management. Working at McDonald's can also lead to owning your own restaurant, and joining the ranks of the other 1,200 African-American owned restaurants that generate billions of dollars in annual sales. To help our communities grow even further, we sponsor organizations like the United Negro College Fund, which provide millions of dollars in scholarships each year. We think it's safe to say we are truly rooted in the success of our communities.

Deeply rooted in the community 365 days a year.

For information on McDonald's community involvement, visit us at 365Black.com.

