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***ANGELINA JURY AWARDS \$2.7 MILLION TO 6-YEAR OLD BOY***

By Christine S. Diamond - *Lufkin Daily News*

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An Angelina County jury on Thursday night awarded \$2.7 million to the 6-year-old son of a man who died in an automobile accident in December 2000.

Emerson Roy Shaw Sr. died at age 36 on Dec. 26, 2000, when his Ford Aspire collided with a United Parcel Service truck that hydroplaned on state Highway 63 just east of the Zavalla City Hall and crossed the center line, according to former Zavalla Police Chief Josh Parks.

The jury awarded Shaw's son, Emerson Roy Shaw Jr., \$2.65 million for the loss of his father, according to plaintiff's attorney Reich Chandler. Jurors also awarded the man's family \$50,000 for the mental anguish he suffered in the moments after the accident, as well as \$6,000 for burial costs, Chandler said.

UPS attorney Doug Gosda said it was too soon for him to comment on the case or say whether UPS intends to appeal the jury's decision.

Melinda Shaw filed the wrongful death suit as next-of-kin for Shaw Jr., her nephew. She is the boy's current guardian. In addition to caring for the boy, Melinda Shaw is raising two of her own children and the child of a deceased sister, Chandler said.

At nine months old, Emerson Shaw Jr. lost his mother to the same disease that brought him into the world mentally handicapped, Chandler said. Shortly after his father's death, the boy's grandmother also died, the attorney said.

Chandler said UPS's attorneys argued that because the boy's grandmother was raising Shaw Jr. at the time his father was killed, the father's death should be of no economic value to the boy, Chandler said.

"His father regularly visited him," Chandler said. "And (Shaw Jr.) spent every other weekend or so with his dad at his father's home.

"Justice was finally served in this case for this little boy," he said.

Wes Allen Thomason, the 32-year-old driver of the UPS truck, was neither ticketed nor charged with any offense in connection with the traffic accident, Chandler said. UPS initially terminated the Lufkin man, but rehired him after he filed a grievance through his union, Chandler said.

UPS also blamed Texas Department of Transportation in the accident, alleging the road was in poor condition, Chandler said. Parks said the accident was Zavalla's first fatal wreck in many years and the first he had seen in that area.

"It was raining at the time of the wreck and we alleged that the UPS truck — which had a history of hydroplaning, had defective tires and that the driver was driving too fast for the circumstances," Chandler said.

After four days of hearing evidence, the jury deliberated for four hours before announcing their decision about 7 p.m. Thursday, Chandler said. The jury award is the largest this year in Angelina County, he said.

"We didn't ask for a specific amount. They just used their good judgment to determine the proper amount of

this child's loss," Chandler said. "There's no norm in a case like this. It all depends on the evidence."

State District Judge Paul White, who presided over the civil trial, appointed Lufkin attorney Clay Dark as the boy's legal representative, Chandler said.

"This award benefits just the child," Chandler said. "Clay Dark's job is to make sure that any money awarded to the child is properly invested — custodial care, therapy, those types of things."

**[Return to "In the Media" Page](#)**