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Elgin slapped with law suit in DWI death

Driver enters plea of guilty

By E. Perez Jr.
Special to the Advertiser

The City of Elgin was named as a defendant in a negligent death suit over the highway death of Donna Gail Jones in Bastrop last December.

Attorneys for Wayne W. Jones of Elgin filed the suit for unspecified damages naming the city, former City of Elgin employee Alan D. Middaugh and Elgin Director of Public Works Gary N. Cooke as defendants.

The civil suit was filed last week in state district court in Bastrop.

Jones' wife, Donna Gail Jones, died in a head-on collision December 27 on Texas 95. The driver of the other car, Middaugh, was subsequently indicted for involuntary manslaughter.

The suit alleges that Middaugh and Cooke drank alcoholic

beverages and became intoxicated while working in the city garage prior to the accident and that this type of behavior was not uncommon and known to the city manager, mayor and members of the city council.

The suit also charges that Middaugh frequently became intoxicated and had a reputation for being frequently intoxicated while on the job.

The suit alleges that on the day of the accident, Middaugh became intoxicated at the city garage and that Cooke assisted Middaugh to his car and sent him on his way.

Middaugh, according to the suit, traveled south on Texas 95 and crossed into the wrong lane near the Bastrop city limit, colliding head on with the car driven

by Mrs. Jones.

Former City of Elgin employee Alan D. Middaugh of Smithville pleaded guilty Thursday to a charge of involuntary manslaughter stemming from the December traffic death of an Elgin woman in Bastrop.

Middaugh of Rt. 2 Box 152A Smithville, was charged with driving while intoxicated and causing the head-on collision death of Donna Gail Jones on December 27.

Leaning heavily on a crutch in front of 21st District Judge John Placke, Middaugh waived his right to a jury trial and said he has no plea-bargaining agreement with prosecutors. He faces up to 10 years in prison and a \$10,000 fine.

In a sworn statement Middaugh said he has never been convicted of a felony and asked the judge to place him on probation.

After finding Middaugh guilty, Placke ordered a pre-sentence investigation by the district probation department.

The judge did not set a date for sentencing but said it will be scheduled in about 30 days.

Involuntary manslaughter is a third degree felony.

Middaugh remains free on bail.

Elgin City Manager Jack Harzke declined comment on the suit Friday.

Jones' attorney, Doran Williams of Elgin, was not immediately available for comment.