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**Court upholds \$53 million drunken driving judgment  
 Oakland man's appeal of award in 2000 crash dismissed**

By Kristin Bender, STAFF WRITER

BERKELEY — A court of appeals has upheld a \$53 million judgment against a convicted drunken driver who nearly killed a South Berkeley woman five years ago.

Earlier this year, an Alameda County Superior Court awarded Theresa Johnson a \$53 million verdict for her pain and suffering. Johnson was broadsided by a drunken driver in July 2000 and has undergone four major surgeries following the crash that left her with a crushed pelvis and punctured lungs.

The verdict is one of the largest amounts ever won by a victim of a drunken driver, according to legal experts. It also was called one of the

25 largest cases of 2004 by Verdict-Search, an Internet resource for cases of note in the legal profession.

Tyrone Hazel, then 22, was convicted of drunken driving with great bodily injury and served roughly 10 months in a work furlough program. He also had his driver's license suspended following the crime. Hazel, who lives in Oakland, appealed the judgment, but earlier this month the California Court of Appeal, First Appellate District in San Francisco, dismissed the appeal, said Johnson's Berkeley attorney, Robert Cheasty.

"The courts have delivered a no-nonsense message — drunk drivers will no longer be coddled. Our courts will make them pay for the sorrow and wreckage they cause," Cheasty said.

Contacted at his home Monday, Hazel had no comment. In an October interview, Hazel called the collision "a terrible mistake." He also said he

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would like to pay Johnson but realizes no amount of money will change what happened to her. He said at the time that he did not have a job. For her part, Johnson said she does not expect to see any money but is pleased that the judgment will stand.

"I know I will never see anything," said Johnson, 35. "It's not so much about the money, but he should be accountable in some other way. If nothing — go out and do community service, go out and help somebody. He should be made to pay in some other way because he cannot pay financially."

Johnson's life changed the morning of July 15, 2000. Johnson was headed to work at the Federal Express terminal at Oakland International Airport. Hazel said he was speeding to a family emergency after a night of playing cards and drinking.

Authorities said Hazel was driving an estimated 60 to 80 mph southbound on Market Street in Oakland when he crossed the double-yellow line and drove on the wrong side of the road.

He broadsided Johnson's car as she prepared to turn left onto 52nd Street in front of him.

Even after surgeries, Johnson was so close to dying her family gathered in the intensive care unit to say goodbye.

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