

City Neighborhoods

Wounded basketball player sues Duquesne University

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By Jim McKinnon, Pittsburgh Post-Gazette

A Duquesne University basketball player who had dreamed of playing professional basketball before he was wounded in a shooting at a campus dance last fall has filed suit against the university, claiming the school failed to provide security for him and other students at the party.

The result is that Stuard Baldonado's future, which he had hoped included a career in the National Basketball Association, has dimmed, his lawyers said.

"His career choice was to be a basketball player," Joel Magolnick, one of Mr. Baldonado's attorneys in Miami, said in a telephone interview yesterday.

"That's where his heart and soul really were," added lawyer Teresa Toriseva, his attorney in Wheeling, W.Va. "We know that the future is not going to be what it was had the shooting not happened. He has lost opportunities basketball-wise."

Mr. Baldonado, 21, is a 6-foot, 7-inch, 250-pound Colombian who transferred to Duquesne from Miami Dade College. He had been an All-America performer in Florida. He had been considered the centerpiece of the Duquesne basketball team's recruiting class last year.

He was among the five players wounded in the Sept. 17 shooting at the conclusion of a dance sponsored on campus by the Black Student Union at Duquesne University.

His lawyers said he agonized over the decision to sue.

In his lawsuit, Mr. Baldonado said the university was negligent by failing to provide and enforce adequate security.

He had surgery to remove a bullet from his lower back. The slug passed through his arm, severing an artery in his left elbow before lodging near his spine.

"Baldonado has suffered and will continue to suffer injuries including, without limitation, mental and economic loss, pain and suffering, and will continue to experience such injuries indefinitely," the lawsuit said.

The filing calls the injuries "severe" and "permanent."

Brittany Jones, a former Duquesne student who had invited non-student friends to the dance, had cleared the way for her armed companions to enter the party, according to testimony at a preliminary hearing for the suspects.

The shooting occurred outside the Student Union hall around 2 a.m. as the party ended.

Erica Sager, 18, another former student from Wilkinsburg, reportedly instigated the shooting.

The two women and the two suspected gunmen, William Holmes and Derek Lee, both 18 of the North Side, are awaiting trial in connection with the incident.

In addition to Mr. Baldonado, other student-athletes wounded in the shooting were Sam

Ashalou, Shawn James, Kojo Mensah and Aaron Jackson.

Mr. Ashalou was the most seriously injured of the five. He was shot twice in the head.

Mr. Baldonado claims in the lawsuit that he has incurred significant medical expenses that are expected to continue. The suit also said he has suffered loss of earning capacity.

Mr. Magolnick said his client seeks compensation, regardless of his potential as an athlete.

Mr. Baldonado remains a student in good standing at Duquesne, the lawyers said.

However, Ms. Toriseva said, "It's still really hard for him to talk about the shooting."

Mr. Magolnick said Mr. Baldonado's personality has changed. He has become more introverted and nervous.

None of the other injured players has filed similar lawsuits.

The lawsuit is an unfortunate necessity, given the vulnerability of college campuses these days, Ms. Toriseva said.

"We're doing what we can to help improve security at this college and others. We do think there need to be changes in the way things are done regarding security," she said. "There are a lot of lessons to be learned about what went wrong here. The issue of keeping our kids safe on college campuses is certainly one that pervades the nation."

Greg Amodio, Duquesne's athletic director, declined to comment on the advice of the university's legal department.

(Phil Axelrod contributed to this report. Jim McKinnon can be reached at jmckinnon@post-gazette.com or 412-263-1939.)