

LEGAL

4 UT fraternity members charged in 2006 hazing

Allegations center around fall semester, when pledge Tyler Cross fell to his death from balcony.

By [Steven Kreytak](#)

AMERICAN-STATESMAN STAFF

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Accused of a variety of abusive behaviors — including shocking prospective fraternity members with an electric cattle prod and burning the pledges with a hot clothes iron — three former members of a University of Texas fraternity were charged with misdemeanor hazing Friday, according to court documents.

The former members of Sigma Alpha Epsilon's UT chapter also face charges of furnishing alcohol to a minor, the first time that Travis County Attorney David Escamilla's office has levied that charge in a hazing case, Escamilla said. A fourth former member of the fraternity was charged with failure to report hazing, also marking the first time the office has pursued that charge, Escamilla said.

The charges stem from an investigation into the fraternity's activities during the 2006 semester when pledge Tyler Cross, 18, fell to his death off the balcony of an off-campus dormitory. The teen's death sparked the investigation, but none of the charges is directly related to his death. Claire Dawson-Brown, a Travis County assistant district attorney, said a joint investigation into potential felony crimes in Cross' death was conducted in conjunction with Escamilla's but uncovered no crimes.

Charged with hazing and furnishing alcohol to minors are: Chase Bolding, 23, who was fraternity president in 2006 and now lives in New York; Will Evans, 23, who was a "pledge trainer" and now attends the University of St. Thomas in Houston; and Austin Sherrill, 23, also a former pledge trainer and UT student. Furnishing alcohol to a minor is punishable by up to a year in jail and hazing by up to six months. Former Vice President Jimmy Berry, 23, was charged with failure to report hazing, which is punishable by up to six months in jail. He is now living in New York, Escamilla said.

Escamilla said the charges are "raising the ante against hazing." He said the cases are set for pleas Monday but declined to comment any potential plea agreements. Last year, three officers of UT's Lambda Phi Epsilon received probation after an investigation into the death of Phanta "Jack" Phoummarath, a freshman honors student from Houston who was found dead after an off-campus fraternity party Dec. 9, 2005.

Berry's lawyer, Allan Williams, said his client's involvement was minimal and he will receive a sentence

of one year deferred adjudication, a form of probation.

Bolding's lawyer, Wayne Meissner, said his client is going to enter a plea Monday to accept responsibility for his actions but wouldn't say what the sentence is.

Meissner defended the conduct of the fraternity members as "part of the rite of passage of going to college" and said that none of the pledges complained about the hazing.

Lawyers for the other men could not be reached for comment.

The charges came just more than a week after the fraternity struck an agreement with UT that allows it to continue operating in exchange for changes to the process of initiating new members and conducting social activities.

According to affidavits filed by a county attorney's investigator, the hazing included an incident on Sept. 9, 2006, following UT's football game with Ohio State University, when the pledges were gathered in a University Towers dorm room.

Bolding, the president at the time, required a pledge to hold himself on a table on his elbows and toes, a position referred to as "bows and toes," and then turned the table over, sending the pledge falling to the floor, the affidavits said. Also during that meeting, Sherrill touched a hot clothes iron to the face of two pledges, causing minor injuries, and Evans made a pledge put his hand on a dart board while Evans threw darts at it, the affidavits said. The pledges were told not to go to class until the burns healed, they said.

At one event, the pledges were taken to a ranch and made to gather cacti with their bare hands, the affidavit said. There, Evans made three pledges eat Crisco shortening, made two eat cat food, made one pledge sit on a cactus and shocked several pledges with a cattle prod, the affidavit said.

Later in the semester, the fraternity held what members referred to as "jungle week" leading up to an annual party, the affidavit said.

One day, the pledges were required to carry large rocks across the fraternity house yard while members struck their backs and legs with bamboo sticks, the affidavit said. Some were shocked with an electric cattle prod, the affidavit said.

On Nov. 16, 2006, the end of jungle week and the night before Cross died, nine pledges were selected to participate in an activity called "Senior Boo" that began with the pledges being shocked with a cattle prod, the affidavit said. Later, the pledges, who were all under the legal drinking age, were given half-gallon sized bottles of tequila, whiskey and Rumpelintz liquor and encouraged to drink excessive amounts, according to the affidavit.

Bolding again made a pledge get into the "bows and toes" position and then kicked the pledge in the stomach, a blow described as a "field goal kick," the affidavit said.

About 4 a.m. Nov. 17, 2006, a person walking his dog found Cross, a freshman from Marietta, Ga., dead on the front sidewalk of University Towers, police said. He had fallen from a fifth-floor balcony, and an autopsy report said Cross had a blood alcohol level of more than twice the legal limit for driving in Texas.

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