

Slain man's family files wrongful death lawsuit

By David Matustik

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The family of a man slain at an East Austin convenience store in 1991 filed a \$16 million lawsuit against the store Monday, claiming it didn't do enough to protect its customers.

Ernest Caro, 34, of Bastrop was shot Dec. 19, 1991, as he pumped gas at Charter Food Store, 308 Bastrop Highway. The gunman then stole Caro's car.

The wrongful death lawsuit filed in Travis County claims those connected with the store and the owners of the land leased by the store knew or should have known of criminal activity on the property. A Circle K regional manager also is named as a defendant.

"They can't just say, 'By golly, we didn't know this was going on,'" said attorney Kevin Madison. "It was common knowledge."

The lawsuit cites more than 200 police calls in the five years before Caro's death responding either to the store or adjacent vacant property.

Caro had warned of problems when he was assaulted at the store a year before the shooting, Madison said.

Despite the danger, no security floodlights or fencing were installed, Madison said, and no warnings posted.

Charter Food Store is owned by Circle K Corp. Store manager Augusto Batongbakal referred questions to corporate officials.

"Since we've not been formally notified, it's inappropriate for the company to comment at this time," said Judy States, Circle K Corp.'s spokeswoman in Phoenix, Ariz.

The lawsuit seeks \$12 million in exemplary damages for Caro's wife, Judy; their child, Ernessia; and Caro's mother, Bobbie Gentry. The lawsuit seeks \$1 million for Caro's estate and another \$1 million each for the three survivors for mental anguish and other reasons.

Reginald Eugene Brown, 27, of San Antonio has been charged with capital murder in the case and is scheduled for trial Nov. 10.