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GRAND JURY TO REVIEW EVIDENCE IN SLAYING

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NEWS 04C

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A grand jury will decide whether a restaurant bouncer is criminally liable for the death of a patron during a struggle, Columbus police said.

The death of Vincent L. Darling, 41, has been ruled a homicide by Franklin County Coroner Brad Lewis, but investigators still are interviewing witnesses to the incident on Dec. 2 at Dick Clark's American Bandstand Grill.

Detectives said Darling's behavior might have contributed to his death so no charges have been filed.

Yesterday, Lewis said Darling died with a blood-alcohol content of 0.27 percent, or nearly three times the legal limit. Earlier, he said Darling died of blunt trauma to the neck.

"The manner of death is final. It's a homicide, but I'm not being any more specific on the cause of death," Lewis said.

Police were called to the restaurant at 100 Hutchinson Ave. on the Far North Side at about 2 a.m.

After they arrived, Darling was taken to Riverside Methodist Hospitals, where he was later pronounced dead.

"He was under restraint when he died. The police department was called because of his aggressive behavior, but he was already unconscious when officers arrived," said Lt. Mary Kerins of the homicide unit.

"We believe one person was responsible, but there were multiple people involved, trying to calm him down."

The restaurant's management reported that its employees became involved because Darling was arguing with his girlfriend at a table, Kerins said.

Police have refused to identify the bouncer until the grand jury convenes.

A spokesman for City Attorney Janet Jackson said there is no statute specifically governing bouncers. However, there is a legal standard that applies to business owners who want to eject someone.

"The use of ejectment principle is generally recognized as an affirmative defense that an agent in control of any establishment may use force, within reason, to eject a trespasser," Scott Varner said.

Darling's family has hired an attorney to investigate a wrongful- death lawsuit based on excessive force by the restaurant staff.

"We've had several witnesses come forward to say this was not provoked," attorney **Keith Karr** said. "Vincent should be here today. He should not have been killed."

Karr said he does not have the names of the bouncer or all the witnesses.

Restaurant managers have refused to discuss the case, except to express sympathy to Darling's family.

Darling, an Army veteran who worked at a lumber company, is survived by two sons and four stepchildren.

An account has been established at Huntington National Bank to accept donations for Darling's children.

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