

15 MIL FOR TOUGH TEEN

17-year-old crippled at birth wins suit

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Teen won't stop trying

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Carmelo Cruz' South Bronx bedroom could be any teenager's, with posters on the wall and sports equipment scattered on the floor.

But Cruz, 17, in a wheelchair all his life, dependent on others and living with his ailing mother on public assistance, has faced more obstacles than most people will in a lifetime.

He vows to walk, though doctors say he never will. Learning disabilities have kept him two years behind in school, but he plans to become a lawyer because, "I like the fight. I want to put the people who commit crimes behind bars."

His life has been about anger and disappointment, determination and waiting. He waited nine years for the verdict, returned Friday by a Bronx Supreme Court jury, ordering Mount Sinai Medical Center to pay him \$15 million in damages for malpractice that crippled him at birth.

Series of wrongs

A series of mishaps — from inexperienced residents mistaking his buttocks for his head and failing to diagnose his breech position to an attending physician's decision to sleep instead of helping

younger doctors handle the difficult birth — caused critical delays that deprived the newborn Cruz of oxygen April 26, 1974, said his lawyer, Thomas Moore.

This caused severe, permanent brain damage affecting his motor skills and leaving him one functioning limb — his left arm.

"He would have been saved from this tragic fate if the residents did not misdiagnose the position and if the attending physician took action," said Moore.

Nerelda Cruz, then 17, had been "a perfect patient, eating right, not drinking, doing everything right," said Moore. "A baby can be perfect from day one in the mother's womb, then something like this happens at the last moment and destroys a child for life."

Cruz said he was 12 when his mother told him of the problems with his birth. "I was so angry," he said.

"The feelings of 'what if, what if' will always be with me," he said. One of his passions is baseball, and "sometimes when I watch it I think to myself, if I wasn't in this wheelchair, I could have been an ace pitcher or first baseman.

"Sometimes I cry by myself, because it bothers me to always be dependent on others."

At his twice-a-week physical therapy sessions, "I push myself to the limit," Cruz said. This summer, in his wheelchair, he played baseball with neighborhood kids, and "I got a chance to be treated just like any other guy on the team," said Cruz.

"The doctors said I will never walk again, but I made a promise to myself that I will walk again. Nobody is going to stop me."

Mount Sinai lawyers were not immediately available for comment on the suit, filed in 1982. But Moore said Bronx Supreme Court Justice Hansel McGee denied the motion to reduce the award, and Moore expects an appeal that could defer payment.

He has future in mind

Meanwhile, Cruz, a sophomore at a Manhattan high school, says the money will "help me with my future." He plans to use it for college, a house, "a customized van equipped for me that hopefully one day I'll be able to drive myself."

To Moore, Cruz is a "tower of strength" for his mother, who learned when her son was 5 that he would never walk but could not bring herself to tell him until he was 9. She recently contracted Lyme disease, Moore said.