

The Case of the Raucous Rolling Stones Concert

By Judge Mark Davidson

Many readers of this column may not remember, if they were alive, where they were and what they were doing on the night of October 21, 1981. The author does. He was at the Astrodome with a hitherto unused and never again used cigarette lighter watching Mick Jagger and the Rolling Stones. The Dome was packed. The acoustical system was, well, everything that concertgoers at the Dome remember it to be. What I and most people present that night did not know was that there was a killing amongst the attendees that would lead to a criminal prosecution and a civil case. When I did find out, I was "Shattered."

The Stones came to the Dome in a "Black Limousine," but deciding that "Time was on their Side," opted to leave the crowd "Waiting for a Friend," starting the concert a few minutes late. Since this concert took place in the era before security checks, it is possible that a few of the attendees had smuggled in alcohol or other products whose legality was suspect.

There were two recorded incidents from the evening. One of them was when a sixteen year old boy decided that another concert goer should be "Under My Thumb."

Things quickly got out of hand. After a short and bloody fight, a twenty-two year old man, E. S. S., would lay dead on the hall of the Mezzanine of the Astrodome.

The sister, wife, and child of the deceased would bring a lawsuit against Astrodome lease holders, the Houston Sports Association; event promotor Pace Concerts, Inc; and Harry M. Stevens, Inc, who sold beer to thirsty concertgoers. The lawsuit went on to sue the Rolling Stones and each member of the group that played that night: Mick Jagger, Keith Richards, Bill Wyman, Ron Woods, and Charlie

Watts. Proving that some things can be put into pleadings that are Just My Imagination, the allegations were that the group set the mood of the concert and brought its attendees to an uncontrollable frenzy. The file, which is cause Number 83-33425, contains no mention of any discovery battles. If there were, it is certain that Judge Hugo A. Touchy, the Judge of the 129th District Court, would have ruled that "You Can't Always Get What you Want," but if you try sometimes, you just might find, you get what you need.



A program (above) from the Astrodome concert.

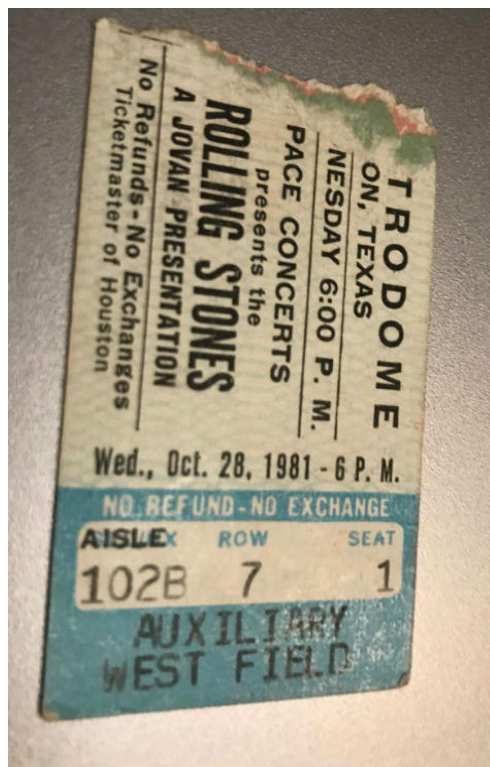
Mr. Jagger's deposition was taken. A participant in the deposition has said that he showed up dressed in an exquisitely tailored three piece suit, and testified about his education at the London School of Economics. The identity of the court reporter that took Mr. Jagger's deposition is today unknown, but it could well have been a "Honky Tonk Woman."

The Case of the Raucous Rolling Stones Concert, cont.

In 1982, the District Courts of Harris County were still operating a central docket system, which usually meant that it could take years to go to trial. Defendants usually thought that “Time is on my Side.” During these interminable delays, plaintiffs would often claim that “I Can’t Get No Satisfaction.”

The result was often a compromise settlement. That is what happened here. On August 22, 1986, almost five years after the concert, the parties reached a settlement. An annuity was purchased for the deceased’s son.

A ticket (below) from the night of the concert.



Judge Touchy and Judge James Scanlan of Probate Court No. 3 both approved the settlement.

1. There were twenty-five songs played that night. I have inserted nine of them in this article.

2. I have declined to name either the name of the deceased or the perpetrator for privacy grounds.

An avid legal history buff, the Honorable Judge Mark Davidson has been instrumental in the development of the Harris County District Court Historical Document Project.

