

Jackie Lunn

From: Dana McDaniel [teardrop@pld.com]
Sent: Sunday, March 11, 2012 10:33 PM
To: patpatkat@aol.com
Cc: Jackie Lunn
Subject: HB 2771

Hello, My name is Dana McDaniel. I am writing this on behalf of my daughter, Veronika McDaniel (age 15) and niece, Myranda Mason (age 16) and two of their friends, Tori Dowell and Julie Alcala (both age 16). They were victims of a driver who was found guilty of 4 counts of misdemeanor vehicular homicide and 1 count of failure to yield by the magistrate Judge. We were told that we would be able to give a victim impact statements at the sentencing. The District Judge did not wait until the pre-sentencing investigation was completed as well as the actual sentencing before he read the case in his chambers, overturning the conviction. The District Judge decided that she was only guilty of a traffic infraction there for there were no victims in this case. We were not allowed to give victim impact statements due to his decision. The driver was given a fine of \$60 for killing 4 young women. She lost her license for 1 year and got 10 days in juvenile hall, but those were suspended as long as she paid her fine. I do not believe this was appropriate after learning what we did during the court proceedings. In her own statement to the Highway patrol officer she stated that the girls yelled "Semi" but she thought they were only playing and drove through the intersection anyway without looking for herself. This should have been careless driving just by her own words! I do not believe the District Judge got all of the information he needed before his decision was given. If he would have waited until he had all of the pre-sentencing investigation he would have found that just prior to the deaths of our loved ones the driver was ticketed for driving 90 mph in a 65 zone, as well as shoplifting just before our court date began. I believe there might have been other traffic infractions as well. This Judge had no knowledge of the driver of the vehicle, he overturned the conviction without waiting for all of the information needed. He pretty much sent a message to the driver that she did not do anything wrong, even with 4 lovely young women gone. Because of this she has not changed the way she drives or the way she behaves. I believe she would have learned a great deal and grown as a person if she would have been able to take responsibility for her actions on March 27, 2008.

I know these changes will not change the out come of our loved ones, I wish it could. I believe these laws need to be changed so that another family will not be told that the loss of their loved ones do not count in traffic infractions. I really believe that when a fatality occurs, even with a traffic infraction, there are still victims and they should be taken into account. If people are not made to be responsible for their actions they will not learn from their mistakes.

Maybe the fact that the District Judge was new to the bench was a factor in this case. I feel our loved ones did not get justice. The hurt we felt from losing them was tremendously enlarged by the actions of this judge. Most people do not know the complete story because they were not in court during the proceedings (the district judge included). We were not out for vengeance, just justice! Please take the time to view this bill and make the appropriate changes to the laws to help the victims in the future.

Thank you for your time and consideration in this matter.

Dana McDaniel

House Corrections & Juvenile Justice
Committee
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Date 3-14-12
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Please let me know if there is anything I can do to help in this matter.