

Jackie Lunn

From: bnsmason@pld.com
Sent: Thursday, March 08, 2012 8:15 PM
To: patpatkat@aol.com
Cc: Jackie Lunn
Subject: HB 2771

Good evening,

My name is Susan Mason and I've been working with Lance Kinzer for a while on HB 2771. I live in far SW Kansas so it's a bit far or else I would be in to talk to you personally.

I would like to tell you our story that is the reason HB 2771 has been introduced.

During their lunch hour from school, my daughter (16 years old), niece (15 years old) and 3 (16 year olds) of their friends went to a quick shop to get something to eat and then they were heading to a park. The 16 year old driver failed to yield at a stop sign and drove right out in front of a semi. The crash killed 3 passengers instantly and 1 a little while later at the hospital. The driver survived; her statement to the highway patrolman was, in effect, the girls seen it coming and tried to tell her but she thought they were playing a game so she didn't look and drove out into the intersection. This happened March 27, 2008. The state then pressed charges of 4 counts of misdemeanor vehicular homicide and 1 count of failure to yield. We went to court in February, 2009 in front of the Magistrate Judge who found the driver guilty of all charges. Because it was such an emotional trial, the judge set a date a month later for sentencing, getting the presentence investigation and asked us to prepare victim impact statements. Meanwhile the defense would appeal.

As we were waiting for this date to come we received a phone call from the District Attorney who informed us that the District Judge had read the case and made his decision before the sentencing date came. He overturned the case without seeing the court ordered presentence investigation (which would have shown a 90 mph speeding ticket in a 65 mph zone, one week before the crash) or the victim impact statements. We were stunned to say the least! I didn't know that this EVER could happen, appeal done before the first court was finished, and we never got to do victim impact statements. He only found her guilty of failure to yield, fining her \$60, losing her license for one year, & 10 days in juvenile hall but those 10 days were suspended as long as she paid the fine in 60 days which of course was paid in time. According to what we were told, he didn't have to contact any victims that he was doing this because when there are "only" traffic infractions, there are NO VICTIMS. Meanwhile 4 girls were still dead with 4 families grieving. The District Attorney decided not to appeal. She told us that she didn't think she could win but I've heard from other sources that she didn't want to set a bad precedent as he was a new judge. Never mind all the grieving families I guess.

On top of all this I have to tell you another story that happened at that time. My 20 1/2 year old son was drinking beer about a week after the District Judge did what he did and it was about a week until the one year anniversary of his sister and cousin dying. I'm telling you a beer would have been great about that time and I hate beer and don't drink. Because he was not yet 21, he had to go to court for this. He was fined \$250 and lost his license for a month, and he wasn't driving. Now it's 4 years since the crash and 3 years since this court stuff happened and I can tell you, I've never been able to reconcile those two. Kill 4 people while playing a game, pay \$60 & lose your license for a year OR just be 20 years old and have a beer, get fined \$250 and lose your license for a month. It just doesn't make sense that this is the law, does it?

We could NOT do a civil suit either. Not long after the crash we had to go to court to say we would not file a civil suit so we could get our OWN vehicle insurance. Ours would not pay anything until hers paid and hers would not pay unless we said we wouldn't file. We were not in a good state of mind at the time nor did we know that the court would go so badly or we probably would not have done that.

So... we know that none of this bill will change anything with our court, although we really wish it could, but we would like to make it where no other parents have to go through what we've been through; losing our girls and then feeling like the District Judge just slapped us in the face on top of it. This is why we are asking that it be considered to change some of the laws.

I hope you consider this bill as seriously as we do, I sure don't want anyone else going through what we've been through. And please, you can share this email with whoever you deem necessary.

Thank you for your time!
Susan Mason

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Please contact me if there's ANYTHING I can do to help!