

Although I was asked to email this in when we got home, I'm not a good speaker in front of people so I am emailing this statement to all of the members of this committee. I hope it is clearer than I was as I was testifying in front of all of you. Thank you, thank you for your time.

First of all I want to thank everyone for their time in considering HB 2017. I would like to share our story behind this bill.

On March 27, 2008 five teenage girls were out on their lunch hour from school. They had went to a quick shop to get something to eat and then were headed to a park. On their way there, the driver pulled out in front of a semi-trailer, getting broadsided by the semi, killing 3 of her riders instantly and 1 a short time later at the hospital. The driver was the only survivor. Her statement to the Highway Patrol was that they were at an intersection and the girls tried to tell her that a semi was coming but she thought they were playing a game so she did not look and pulled out into the intersection. The Highway Patrol took approximately the next nine months doing a reconstruction of what took place. The State of Kansas then pressed charges of 4 counts of misdemeanor vehicular homicide and 1 count of failure to yield to oncoming traffic.

My daughter, 16 year old Myranda Mason, was one of the victims along with my niece, 15 year old Veronika McDaniel. Their two friends were 16 year old Tori Dowell and 16 year old Julie Alcalá. In January of 2009 the driver went to court in front of District Magistrate Margaret Alford. She found her guilty of all charges. Because it was such an emotional day, she set a date one month later for sentencing, a presentence investigation to get her record, and requested that all the victims families prepare their victim impact statements so they could be heard at that time. As we were waiting for that date to arrive, we received phone calls telling us that the district judge, Clint Peterson, had taken the case and done the appeal. He did not wait for the sentencing date so that he would have all the information from the first court hearings. We were told at the time that there was a loophole in the code that allowed him to do this. In his decision he overturned the guilty verdicts of 4 counts of misdemeanor vehicular homicide but remained with the guilty verdict of failure to yield. We were told also at this time that according to the current laws, if a person is found guilty of only a traffic infraction, there is no longer anyone considered 'victims'. Well this has been very difficult for all of the VICTIM'S families because we have 4 dead girls, buried here at the cemetery. District judge Clint Peterson then gave his sentencing of a fine of \$60, revocation of her drivers' license for one year and 10 days in the juvenile detention but those 10 days were suspended as long as she paid that 'large' fine in 60 days. When you think about that, she was fined \$15 for each girl... very frustrating to us, the families.

We do realize that this bill will not change anything for our case but we hope to make it where if this happens to anyone else, they won't only just lose their family members but also get slapped in the face by the court system.

So what this bill will do are these things:

1. Stop an appeal from taking place before the first court is finished with sentencing.
2. Continue to recognize victims even though it is 'only' a traffic infraction situation.
3. Raise fines when there are deaths involved in traffic infractions.

I believe that the appeal should never have taken place until that judge had ALL the information from the first court, my daughter, niece & the other two girls along with their families are and continue to be victims in this incident, and the \$60 fine was intended for incidents where a person 'dented someone's fender' or situations like that, not killing someone, let alone 4 people. The district attorney had the opportunity to appeal in 10 days but she didn't think she could win because of the statutes so decided not to do that.

I would like to add a couple things to be considered here...

This appeal took place about a month before the 1st anniversary of the girls being killed. The next month near the anniversary, my son who was 20 1/2 years old at the time was very frustrated and of course didn't know how to deal with any of this any more than we did. He made a decision to drink beer. He was caught drinking and charged with minor in consumption. He was NOT driving. He was sentenced to loss of his driver's license for one month and a \$250 DOLLAR FINE! Now that is very very hard for me to consider...

\$250 fine when you're old enough to go to war and get killed for this country but have a beer OR play a game with a semi, kill 4 people and get fined \$60. I just DOES NOT compute! Plus he lost his license for 11 months less than the person who killed 4 people! This has all just been UNBELIEVABLE!

The second thing I would like you to consider in this situation. All four families had more underinsured insurance than the driver. Our insurance would not pay anything until her insurance did. Her insurance would pay NOTHING until every one of us parents went in front of a judge, testifying that we would not do a civil suit against her or them. Well I can understand about the insurance company but not the driver. So in essence...

we trusted the justice system in this tragedy and it failed us.. BADLY!

The third thing I would like you to consider is about the way this process took place. The district attorney pressed charges because of the case of 'State vs. Krovvidi', (it's on the internet, anyone can read it, and I did).

The gentleman in this case was found not guilty because of this sentence and other things listed in the case but this sentence is crucial. "UNLIKE the case we consider, the defendant in Burrell ignored his passenger's warning"

Well the driver here also ignored her passengers' warnings. We don't know this because of their statements, we know this from the driver's own statement. Well, then Clint Peterson also used this same case to turn the verdict over. He totally ignored this statement in his findings but he said that there was no way to prove if the girls' warned her in time to stop the car. I kind of figure it this way... they were alive at the time of the warnings, that would have given her enough time to push the brakes but the highway patrol proved in their investigation that she never touched her brakes, she kept going. I tell you this information to share of our frustration with this district judge. I have no idea why he did what he did (maybe he just felt sorry for her because she'll have to live with this...

but so do we), and I have no idea why the driver did what she did. We are each finding our own ways of coping with the deaths of our daughters, but I have not been able to cope with the injustices that took place in the courts. The only thing that I can do... is try to make it where this doesn't happen to someone else, it's too horrifying.

I hope and pray that you really consider what actually can and does happen in real life as you consider this bill. These laws need changed.

Susan Mason, Ulysses, KS