



MADD
Activism | Victim Services | Education®

MOTHERS AGAINST DRUNK DRIVING
Lane County Chapter
c/o Lane County VIP, 125 Ea. 8th Ave. Rm 400
Eugene, OR 97401
Phone (541) 343-8115
www.maddeugene.org
Eugene.pacificnw@madd.org

DATE: April 5, 2013

To: Public Safety Committee

From: Mothers Against Drunk Driving

SUBJECT: House Bill 3194- OPPOSED

Dear Co-Chairs and members of the Committee,

Mothers Against Drunk Driving (MADD) urges your opposition to House Bill 3194 which significantly reduces incarceration periods of DUII offenders.

MADD specifically opposes reducing the Mandatory Measure 11 sentence for those DUII offenders who are convicted of Assault II, from 70 months to a 34-36 month presumptive sentence. MADD favors confinement which cannot be suspended or probated for those convicted of this violent crime.

Drunk and drugged driving is a crime, and the incidence of such offenses warrants the punitive effect of a certain jail or prison sentence. Making the sentence mandatory removes the uncertainty and increases deterrent value of the sanction.

MADD also specifically opposes permanently increasing "earned time" for presumptive sentences from 20% to 30% for DUII offenders who are convicted of a DUII, and in the same incident, Criminally Negligent Homicide, Assault III or and Hit & Run; also Felony DUII. MADD opposes any type of reduction in sentences, early release and Alternative Incarceration programs as a substitute for appropriate traditional penalties and sanctions for drunk and drugged driving crimes.

Oregon is a National leader and has made great strides in reducing the instances of Drunk Driving, DUII Fatalities and serious injuries in the past decade. In 1998 when my son was killed by a drunk driver, Oregon had 280 DUII fatalities and in 2009 we had just 139 DUII fatalities. The drunk driver who killed my son only served 20 months for taking 50-60 years of my son's life. I did not feel that was justice. These offenders need to be held appropriately accountable.

HB 3194 would release these dangerous criminals back into our communities early, and possibly at our expense. According NHTSA, the cost of just one additional DUII fatality is approximately \$3.6 million; the cost of one additional serious injury is approximately \$108,000, plus the lifelong emotional toll on the victims of these heartbreaking crimes. As a victim and a victim advocate, and having sat in many courtrooms in several counties, I can tell you that life for these victims doesn't just go on, and time does not heal all wounds.

House Bill 3194 is not worth the risk of increasing recidivism and creating more victims of crime. Thank you for allowing MADD the opportunity to voice our concerns with House Bill 3194.

Anne Pratt - MADD Public Policy Liaison

OREGON CRIMINAL CASES:

Robin Jensen, 18 – 2004 Benton County. Robin was struck by a car while riding her bike home from work and left in the ditch to die. **Amy Stack** turned herself in several days later/ the state could not prove she was intoxicated and that she knew she struck a person, even though there was long red hair embedded in the windshield. Stack was convicted of **Hit & Run**, and in a separate ruling, “extreme indifference to the value of human life”. Stack was Sentenced to 24 months....**entered AIP and served only 9 months.**

Katie Lovelace, 12. Lane Co. 2000 - Struck by a drinking driver; died at the scene; driver fled, but was turned in by an auto mechanic after he tried to repair the company van saying he hit a deer; **Lee Russell Stubbs** pasted deer fur on the vehicle. He was convicted of **Hit & Run and Criminally Negligent Homicide- 43 months.**

Heather Mulgrave, Nima Gibba, Connie and Jaziah Vermilea; Lane County 2009; Bertleson Rd. & 11th; 4 people were killed (two children) and a fifth critically injured by a drunk driver traveling at a high rate of speed & collided with their vehicle. **Jacobi Mulgrave** (child) survived. **Matthew Ellmers** was arrested and convicted of 4 counts of Manslaughter; DUII; **Assault II**; he was sentenced to 20 years; appealing his sentence.

Marilyn 58 & Dallas Vance 72; 2007; North Bend; killed after leaving a movie; driver fled and was later caught; was convicted of 2 counts of **Hit & Run**; sentenced to 6 years. “Lacked remorse” said a R.G. story

Jessie Cline 29, Michelle Sawyer 29, William Johnson 24, Fred Young Jr 31- 2009; Umatilla County; struck & killed by a 4 time repeat offender; slammed into the back of their parked car on roadside; .219 BAC; was drinking in the vehicle; **John Carlgren** was convicted of Manslaughter I x 4 & sentenced to 43 years.

Yvonne Smith 47; Portland 2007; had been swimming at Columbia Pool; was loading towels into trunk of her car; was struck by a parked car which was hit by another vehicle; driver fled; capture & admitted he had a mix of drugs in his system. Yvonne Smith’s legs had to be amputated above the knees. **Timothy Sauer** was indicted on **Assault II, Assault III, Reckless endangerment II, DUII, Reckless driving and tampering with a witness.**

Dennis Jay Durham 45; Lane County 1991; Struck by a Hit & Run driver as he walked along McVay HWY/& 30th Ave; **Mark Allen Powell** served time for **Hit & Run** and **Assault II** in the 90’s. Dennis Durham suffered severe head injuries and lingered in a semi-conscious state for 10 years while his mother cared for him, then died from his injuries in 2001. In 2003 Powell, who was located in a Federal prison in California on a drug case, was then convicted of Manslaughter for Dennis Durham’s death; a 15 month sentence under 1991 laws.

Sara Edwards 19, Chance Friedhoff 20; 1996 Lane County; struck by a drunk driver; Chance Friedhoff was killed on impact; Sara Edwards survived, but suffered severe brainstem injury; many broken bones; internal injuries; suffered a stroke; survived; hospitalized for 9 months. Sara survived, but with major disabilities; Sara now is in her mid-thirties, but lost control of her right side; speech problems and functions mentally at a 10-12 yr old level. She has been dependent on the State of Oregon for her ongoing speech therapy & physical therapy; multiple ongoing surgeries; Sara is and will be dependent on the state for all her needs for the rest of her life; medical; housing; food; everything...she is a ward of the state. **Timothy Hendricks** pled to **Assault III & Criminally Negligent Homicide**; received 90 days in jail.

Kjersten Oquist, Angela Svendsen and Kelli Grommli; Eugene Symphony members. Linn County; 2007 Angela, Kjersten & Kelli were struck on the freeway by an intoxicated driver traveling the wrong way. Angela & Kjersten were killed at the scene; Kelli survived with serious injuries. The Drunk Driver was charged and convicted of Manslaughter I x2 and **Assault II**; sentenced to 17 years in prison; **Fivea Sharipoff** showed no remorse and stated at sentencing that she took no responsibility.

Public Safety Committee Members:

Re: HB3194

I am the mother of an Oregon victim of a serious dui that resulted in the deaths of two young women and injury to a third. Although this tragedy occurred six years ago, it is still very fresh in the minds and hearts of family and friends. Each time we hear of another similar tragedy, we cry and also thank God that Oregon laws were stringent enough to prevent this driver from repeating (for a third time) the behavior that led to our daughter's death.

Unfortunately, in the State of Washington where we reside, we recently learned that our less stringent (and apparently loosely enforced) laws allowed a five-time dui driver to kill two people and critically injure their daughter-in-law and 10-day old child, both of whom remain in a coma here. There has been an enormous outrage over this most recent event. How could such a thing happen? It happened because of legal loopholes that allowed the driver to ignore the orders of two judges to have an ignition interlock device installed in his vehicle and the fact that some of the five prior duis were beyond the time limit for consideration.

Please consider very carefully the consequences of HB 3194. Removing Assault II, Sexual Assault I, and Robbery II from Measure 11 might shave some money from the prison budget, but the potential costs to public safety would likely be far greater. Consider that each arrest and conviction has an enormous cost in terms of police and state patrol man-hours, emergency responders, public prosecutors and defenders, court personnel, etc., etc. Repeat offenders mean more costs and possibly more lives lost or permanently impacted by serious injury. Assault II is the more common result of dui injuries, but the ongoing costs probably surpass those of a dui homicide.

Reducing sentences, earned time, and possible probation just don't cut it. Please, please, don't let Oregon become another Washington.

Sincerely,



Art and Joan Oquist
7527 229th St SE
Woodinville WA 98072

