

March 10, 2010

To: Senator Andrew J. McDonald and Representative Michael P. Lawlor, Co-Chairs,
and Members of the Judiciary Committee/State of Connecticut General Assembly

From: Richard M. McGonigal, 5 Swale Road, Norwalk, CT 06855
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Re: RB 336, An Act Concerning Negligent Homicide With a Motor Vehicle

As a resident of Connecticut since 1992, I strongly support passage of RB 336 which will change existing law to make negligent homicide with a motor vehicle a felony offense in Connecticut rather than a misdemeanor. A similar charge in New York is a felony that can carry up to five years in jail.

My spouse, Ellen E. Hausler, age 49 and a managing director at Deutsche Bank AG, was killed on February 15, 2007 by a truck driver who was asleep at the wheel. He was charged by the Connecticut State Troopers with negligent homicide by motor vehicle and ended up walking away with a \$200 fine. In my opinion, the laws in this area show a complete lack of respect for the victim, my deceased spouse, and her family.

My love and my life were taken from me three years ago and to this date all I have witnessed in response are: (1) two years of criminal prosecution that resulted in a \$200 fine and a plea deal allowing the truck driver charged with negligent homicide to plead guilty to a reduced charge of failure to maintain the established lane, and (2) over three years of wrongful death civil litigation with no resolution and a trial recently postponed by the trial judge until late August of this year. There has been no closure or any sense that those responsible for her death (truck driver and trucking company) have been held accountable.

In the criminal prosecution, the prosecutor and the Court accepted the reduced charge plea agreement in the interest of "practical justice", since a jury verdict of guilty on the negligent homicide charge would have resulted in a maximum sentence of six months for a misdemeanor making it unlikely that a first offender would serve any time in jail. If this were a two-year felony, the prosecutor would have had leverage to insist on a more accountable plea arrangement ensuring that the truck driver pleads guilty to a felony, pays a significant fine, and agrees to an extensive period of community service.

I wish to thank Senator Bob Duff for his efforts in bringing forth this legislation.

Thank you for your review and consideration in this matter. The passage of RB 336 would bring honor and respect to the many victims of negligent homicide by motor vehicle in the State of Connecticut as well as to their families.

Dick McGonigal