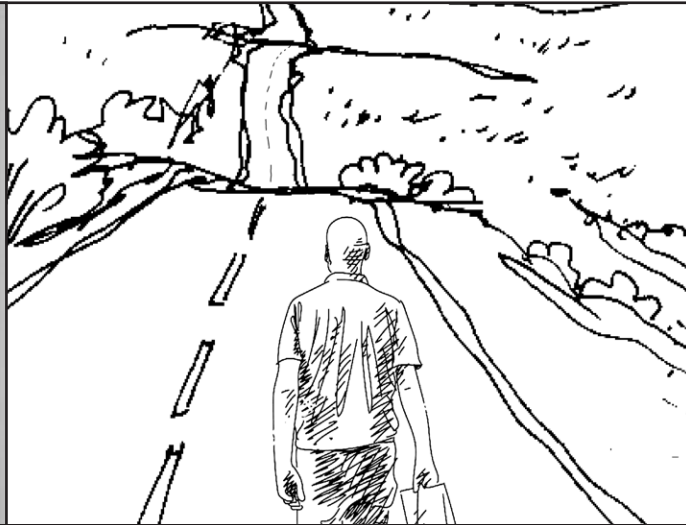


**NOTICE:**

*To cut our costs, RID's going to an online format starting with the Fall 2022 issue. Please send your email address in the enclosed enveloped or to [ridusa@verizon.net](mailto:ridusa@verizon.net) so we can add your name to our mailing list. Those who don't have access to a computer call (518) 729-8187.*

**Looking Down the Road****By William Aiken Jr.****Interview with James Fell**

When it comes to analysis of drunken driving, James Fell's prolific body of work is unmatched. Doris Aiken often praised his research, using it to bolster her arguments and inform her views. I'm honored to have James share his perspective with our readers.

**JAMES C. FELL** is a Principal Research Scientist with NORC (National Opinion Research Center) at the University of Chicago in the Bethesda, Maryland office. His areas of research include traffic safety behavioral programs, alcohol and drug impaired driving, underage drinking and cannabis use, alcohol and cannabis policies. In 2019, Mr. Fell served as a consultant to the United Nations to develop strategies to address the issue of impaired driving for road safety in the Asia-Pacific countries. Mr. Fell worked at the National Highway Traffic Safety Administration (NHTSA) from 1969 to 1999 and has over 50 years of traffic safety and alcohol policy research experience including over 170 publications. He has a Master's degree in Human Factors Engineering from the University of Buffalo. Mr. Fell is currently President-Elect of the International Council on Alcohol, Drugs, and Traffic Safety (ICADTS).

1) *You've been studying the effects of drunken driving for a long time. What drew you to impaired driving research in the first place and why has your career long interest endured? (Mentors, personal event...)*

Right after receiving my Master of Science (MS) degree in Human Factors Engineering from the University at Buffalo, I took a job at Cornell Aeronautical Laboratories (CAL) in Buffalo. It was a crash investigation project. I went to the scene of crashes and interviewed drivers in my attempt to determine the cause of the crashes. My first two investigations involved an alcohol impaired driver. From then on I was hooked on how to prevent impaired driving. My first mentor was Scott Lee, a former State Trooper, who taught me the techniques of crash investigation at CAL and later when we both worked at the National Highway Traffic Safety Administration (NHTSA).

2) *Doris Aiken started the anti-DWI movement. She was effectively censored from appearing on national TV for her tough stand against the alcohol advertising. The hospitality industry has repeatedly opposed any effort to lower the BAC level with red-herring warnings about negative impact of lower BAC levels on alcohol sales, tourism, the restaurant and tavern businesses. Can you respond to those claims?*

**Interview continued on Page 3**

# President's Letter – It's About Time!

By William Aiken Jr.



In the early days of RID, Doris Aiken encouraged volunteers to practice court watching the drunken driving cases as a way to raise awareness of the problem. To hold judges accountable for the sentences they gave out. In this tradition, I recently attended Schenectady County Courthouse to watch the trial of Oscar Lopez to see how the things would unfold.

The defendant waived his right to a jury trial. So the judge would determine the verdict. While the crash itself was absolutely horrific, it was the defendant's behavior leading up to the crash that warranted a charge of 2nd degree murder.

The defendant made three stops on Halloween night 2020, each time people pleaded with him not drive. Lopez's license had been revoked. Yet, he was determined to continue to drive after he had consumed cocaine, pot & alcohol. This persistence exhibited by Lopez was depraved indifference to human life, where you know your actions could injure or kill someone. You just don't care.



*Amanda M. Slavin  
Dec. 15th 1986 – Nov. 1st, 2020*

DA Robert Carney laid out the gruesome timeline; I thought that there have been many DWI cases over the years where the convicted drunken driver had displayed depraved indifference. However, their guilty verdict turned to be a slap on the wrist. Justice for the victim starts in the charging process. DA Carney did a thorough job in connecting Rivera's conduct to meet the statute of depraved indifference.

Lopez's attorney, Adam Eggleston faced an impossible task. He first cited that the victim, Amanda Slavin was impaired on amphetamines at the time of the crash. A fact, even if proven true, seemed irrelevant as it was Lopez, who sped 94 mph when his Chevrolet Silverado truck plowed into Slavin's Honda head on. He then pivoted to a state of mind defense. His client was so wasted that he was too impaired to have depraved indifference. This defense was his only shot. Lopez is facing 8 charges. I think Eggleston's first objective is for his client to avoid being convicted of the most severe charge, of 2nd degree murder. Being convicted of a lesser charge of manslaughter would be a victory as the charge of 2nd degree murder carries a 25 to life sentence.

Fast forward to closing arguments two weeks later. The defense went first. Eggleston used video that was shot from a distance and difficult to decipher. He had to tell the judge what he was seeing since the images weren't clear. Sometimes the video seemed to contradict his own narrative. Yet, he closed on a strong note. He used video and still pictures to tell a story how his client tried to evade the crash. The video appeared to show the victim was at fault, not yielding the right of way.

DA Carney wasted no time dispelling all of Eggleston's points. He used more extensive video angles to demonstrate the victim obeyed the traffic laws, the defendant didn't try to evade the crash and his driving was reckless that night. Now it felt like Lopez's defense attorney had used smoke and mirrors. Carney cited 13 witnesses who explicitly told the defendant not to drive. To prove that the defendant exhibited depraved indifference, the basis for the 2nd degree murder charge, was the DA's finest moment of the trial.

Carney displayed on a large computer screen, a chart of 4 other DWI cases along side the facts of Lopez's case. These other cases had a 2nd degree murder charge upheld on appeal. He meticulously went through each case, citing all the relevant factors (BAC, car speed before each crash, warnings not to drive, traffic violations, etc). Carney demonstrated through a comparative analysis that it was Lopez's conduct that night, which was the most egregious among all of these cases. It was the most powerful piece of evidence I've ever seen in a trial. The courtroom was mesmerized by Carney's precision and clarity.

During Carney's closing, the defendant, Oscar Lopez, sat at his table, his head tilted down, looking dejected. He appeared overwhelmed listening to this condemnation of that fateful night. Carney ended his summation on an emotional tone.

As photos of the victim were shown on the screen, Carney lamented how the life of Amanda Slavin was so senselessly cut short. How her grief-stricken family including her nine year old son would never see her again. All because Oscar Lopez could have cared less whom he harmed that night. His only care that night was to drive. Nothing will bring Amanda back. Carney noted. But Lopez can be held accountable for his actions.

**Your donation helps RID save lives.**

## President's Letter...

*Continued From Page 2*

### THE VERDICT:

Oscar Lopez, 31, was found not guilty of second degree murder with depraved indifference by Schenectady County Court Judge Matthew Sypniewski, but was convicted on seven other charges, including three counts of aggravated vehicular homicide, for his role in the Nov. 1, 2020 crash that killed 33-year-old Amanda Slaven of Rotterdam. (1)

Sypniewski did not explain his not guilty verdict for the top murder charge, which would have carried a sentence of 25 years to life in prison, according to the release. Lopez faces between 8 1/3 to 25 years in prison for the three charges of aggravated vehicular homicide. (1)

He is scheduled to be sentenced on May 31.

### CONCLUSION:

Convincing a Judge of a 2nd murder charge is a very high bar for DWI cases. Even though Lopez wasn't convicted on the most severe charge, he will still be held accountable for the other seven convictions at his sentencing. History has shown that when judges don't convict on the most severe charge, they aren't lenient on the lesser charges in the sentencing phase.

I can't say enough about the leadership shown by DA Carney in his handling of this case. I think of all the fatal DWI trials I've attended where a 2nd murder charge was warranted, yet those defendants were never charged appropriately and ended up getting a slap on the wrist. Carney's masterful closing, using a comparative analysis chart should serve as a blueprint for District Attorneys in future fatal DWI cases.

DA Carney did everything humanly possible to prove 2nd degree murder. I am hopeful other District Attorneys will follow Carney's example. It's about time victims of drunken driving are afforded the opportunity for justice to be served. It's long overdue.



*Footnotes: 1) Dailey Gazette, March 13, 2022*

## Looking Down The Road...

*Continued From Page 1*

The meta-analysis I performed on all the evaluations of .05 BAC in Europe, Australia and Japan did not show any decline in alcohol consumption associated with lowering the BAC limit. A recent study of the effects of .05 in Utah showed a continuous INCREASE in alcohol consumption and in tourism after the law went into effect.

*3.) What is your most compelling argument for lowering the Blood Alcohol Content (BAC)?*

Studies show that when the BAC limit was lowered from .15 to .10 and then to .08 and now to .05, it serves as a general deterrent to drinking and driving and affects all drivers who would drink and drive----those who reach high BACs and those who reach low BACs. In the meta-analysis we conducted it was estimated that if all States lowered the BAC limit to .05, 1790 lives could be saved each year in the US.

*4.) In the late 70s and 80s, the political will to pass better laws followed a groundswell of grass roots activism that generated immense public support for change. Can we recapture that productive outrage today?*

Yes, I believe we can. If we can get States to (1) introduce .05 BAC legislation, (2) persuade law enforcement to conduct highly visible and frequent sobriety checkpoints each week, (3) close the loopholes on alcohol ignition interlock laws so that 90% of convicted offenders are mandated to install an interlock, and (4) mandate appropriate treatment for offenders who are addicted to alcohol, it will create enough controversy to recapture the outrage.

*5.) There will never be enough police to arrest all of the drunk drivers. Yet, in the 80s, targeted public information campaigns followed by high visibility enforcement of DWI laws through routine checkpoints and roving patrols helped generate a general deterrence effect that helped suppress drunk driving. Can that ever be replicated today?*

Yes, but only if impaired driving enforcement is raised in priority by police chiefs. If each law enforcement agency examines the fatalities, injuries and property damage due to impaired driving in their community and compares those numbers with the harms caused by other crime (e.g., assaults, robberies, illegal drugs), that can be compelling. In most communities, the harms due to impaired driving will rank #1, #2 or #3. Impaired driving enforcement can save more lives than almost anything else performed by police.

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# How to Stop Cannabis Impaired Driving

By Renee Barchitta



Almost half of cannabis users believe it's safe to drive when you're high, according to a study by PSB Research. The 60's marijuana was 2% THC, now cannabis potency is 15-40% for marijuana, edibles portion size?, and crystalline-like concentrated dab 99.99% THC.

## CANNABIS USE IMPAIRS DRIVING

- Marijuana is a psychoactive (mind-altering) drug that affects areas of the brain that control, balance, coordination, memory, and judgment. It can impair coordination, distort perception, slow reaction times and reduce the ability to make decisions.” CDC
- The risk of motor vehicle collisions increases by 2-fold after cannabis smoking. Hartman RL, Huestis MA. Cannabis effects on driving skills. IASIC
- Marijuana was the most frequent drug, 31%, found in drivers involved in fatal crashes from 2013-2017. Mass. Executive Office of Public Safety and Security.

## THE PROBLEM WITH IDENTIFYING AND CONVICTING

There is no “per se” threshold for THC impairment like the one in place for alcohol, BAC. Long-Term frequent Users THC accumulates In the Tissues -Impairment is Possible for over 30 Days.

## WHAT CAN YOU DO?

Education is the key. Sharing the facts is important. More important is convincing people that cannabis impaired driving is a problem. Google then check out these sites below, with the painful stories written by family members whose loved ones died in cannabis impaired driving fatalities. The photos and statements let the reader experience the truth about cannabis impaired driving. Share them with your children, grandchildren, students, the media and politicians.

Jennifer's Messengers, DUID Victim Voices, Parents Opposed to Pot (Click on driving), Every Brain Matters, and Moms Strong.

## Renee' Barchitta, MPA

*Renee' was a former Delaware County STOP-DWI Coordinator and Educator, NYS Governor's Traffic Safety Committee Highway Safety Rep, retired and RID member for over 30 years.*

**Your donation helps RID save lives.**



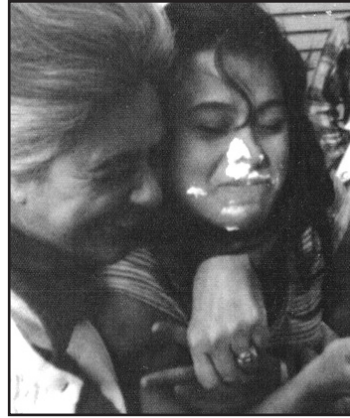
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# Take Possession of Your Grief

By Elizabeth Martin



*Betty lost her daughter, Michele,  
to a drunk driver*



*Betty's Sister and Michele*

As a family whose lives have forever been shattered by an impaired driver, we have unique stories to tell; tender stories, angry stories, stories that tell of our grief and loss. Stories as violent as the ocean waves smashing against the rocks, pulling us out to the depth of the ocean.

Stories that express the immobilization of our ability to deal with simple tasks. Stories that absorb all of our hopes and dreams into a dark hole that snuffs out all light. Stories leaving us in a swirling abyss of darkness. Stories pleading to be listened to and be understood.

The last week of April 2022 crime victims across the country raised their voices to ensure justice and to fight for legislation not only for victim rights but for legislation to prevent crime.

The first crime victims' rights week was held on the steps of the NYS capital. That was forty years ago in memory of a young life snuffed out by a drunk driver. Her story was heard and through the years her story has been joined by victims of rape, domestic violence, murder and more.

As survivors we need to take possession of our grief. Do not let your grief take possession of you. Tell your story again and again, in classrooms, assemblies, at conferences and in churches. Write it in letters to the editor, in victim impact statements, in poetry or artworks.

Tell your story until as an ancient lawmaker wrote: *"There can be no justice until those who have NOT been injured by crime are as outraged as those who are."* Much has been achieved. In taking possession of our grief we can become the force for change that will save lives and give honor to those we have loved and lost.

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## TO OUR SUPPORTERS

**RID is grateful for those of you who have supported our mission over the years. We couldn't do the important work on lowering the BAC without your donations. Doris never accepted funding from the alcohol industry and paid a heavy price for her position. I know she'd be quite pleased that the organization she started continues to advocate for victims rights and fight for laws that save lives. I tip my hat to our members for their devotion in support of RID.**

**Your donation helps RID save lives.**

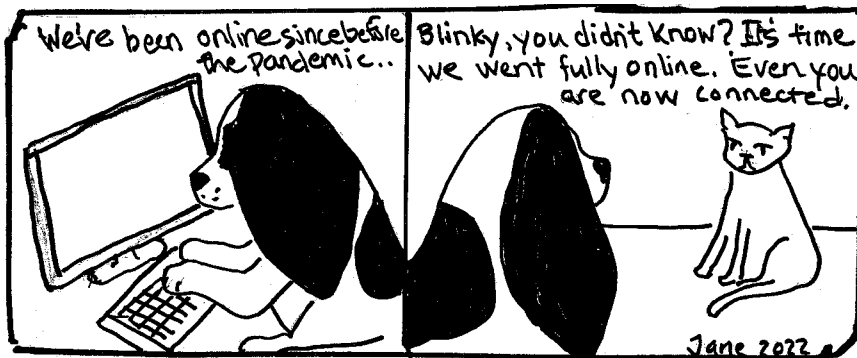
## A CITIZEN'S PROJECT TO REMOVE INTOXICATED DRIVERS

P.O. Box 520, Schenectady, New York 12301

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### RIDley to the Rescue



**RID**

**Victim's Hotline**  
**TOLL FREE**  
**888-283-5144**  
**ridusa@verizon.net**



**Join or Renew**

### ...and Help RIDley curb DUI/DWI.

\$35.00 Join as a National Member and enjoy a book, My Life As A Pitbull or Without Warning. (Fill out coupon or write information).

\$25.00 Newsletter only.

\$25.00 Doris Aiken Tribute DVD

\$75.00 "Without Warning" Video on Binge Drinking.

\$ \_\_\_\_\_ Tax-deductible donation.

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