



## Pennsylvania Drunk Driver to Carry Coffin Photo of Victim

Judge George Hancher of Butler County, Penn., has ordered Jennifer Langston, 27, to carry a photograph of the teacher she killed while driving drunk for the next five years, as part of her five-year probation sentence. But Langston objected to the photo chosen, which displays Glenn Clark laid out in his casket.

Hancher told Langston that carrying the photograph "as provided" by Glenn's parents would be part of the terms of her probation stemming from the fatal crash she caused in 2002.

"She put him in that coffin. We had no choice in the matter," said Clark's mother, Rosellen Moller. "Hopefully this will make her remember what she did."

The photograph shows her dead son lying in a casket. Rosellen Moller, 64, hopes the woman who "put him there" is reminded of that every time she opens her wallet. Last year, Langston plead guilty to charges that caused the head-on crash that killed Clark, 38, and left his then-pregnant wife, Annette, 36, in a permanent coma.

**VICTIMS'  
RIGHTS**

AMERICA'S VALUES

**NATIONAL CRIME VICTIMS'  
RIGHTS WEEK  
APRIL 18-24, 2004**

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State police said Langston had been drinking, speeding, and talking on a cell phone June 15, 2002, when she lost control of her pickup truck and collided head-on with the Clarks' pickup. Clark, a popular wrestling coach and teacher, died in a Pittsburgh hospital shortly after the crash. His wife suffered massive injuries and remains in a coma as a result of the crash. She gave birth by Caesarian section five months after the crash to the couple's only child.

She pled guilty in September to vehicular homicide, reckless endangerment, reckless driving and driving at an unsafe speed. Accepting a plea bargain agreement criticized by the families of Glenn and Annette as too lenient, Langston was sentenced to 30 days in county jail, followed by six months of house arrest. She was also ordered to serve five years probation during which, among other conditions, she would have to carry a photo of Glenn in her wallet. Hancher's ruling never stipulated whether the photo must be of Glenn dead or alive.

Moller opted to forward to the county's probation office a photo of her son in his casket. The photo in turn was given to Langston to carry.

"I never thought twice about the photo I chose of Glenn in his coffin. She put him there," Moller said. "This is what she did to him."

But Langston protested the choice of photos. Her attorney, Michael Sherman, at a hearing Jan. 7, 2004, told Hancher that forcing his client to carry the photo was "manifestly unreasonable." He asked instead that Langston be given a new photo - one of Glenn alive.

District Attorney Tim McCune at the hearing seemed to concur with Sherman, telling Hancher that he thought the photograph Langston would have to carry "would have been a picture of Mr. Clark when he was alive."

But Hancher disagreed and ruled the photo given by Glenn's parents was appropriate. Sherman expressed surprise over Hancher's decision.

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## Cover Story Cont.

"This makes no sense to me. Requiring Jennifer to carry a picture like that defeats the whole purpose if the purpose is to look and remember," he said. "Who in their right mind will look at such a picture?"

But Moller, at least for a moment, felt some sense of justice. "It's about time we finally won something," she said. "It seemed like we were getting shot down every time; first with the jail sentence of only 30 days, then with her fighting about the photo and all. This whole thing has been pretty much an inconvenience [to Langston]."

Meanwhile, Hancher still has not ruled on another objection to the sentence raised by Sherman at the same hearing earlier this month. Sherman told the judge that Langston should not have to pay \$20,000 to the state's Crime Victim's Compensation Fund, a condition under the plea bargain, claiming that Glenn and Annette's families have received more than \$400,000 in insurance payments in connection with the crash.

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He argued that under the Crime Victim's Compensation Act, the court has the authority to reduce or eliminate Langston's restitution payment because of the insurance payments already received by the victims' families. The state's Crime Victim's Compensation Fund pays crime victims for such items as funeral and burial expenses and other losses not covered by insurance such as hospital bills and lost earnings. McCune opposed Sherman's request, arguing Langston should still have to pay restitution since the \$400,000 in insurance payments are "woefully inadequate" to compensate the victims' families for loss of support and incurred expenses. Annette Clark is in a nursing home where she could remain for the rest of her life.

Moller said that instead of seeking to overturn the conditions of the plea bargain she earlier accepted, Langston should feel fortunate with her sentence. "She's gotten many gifts - only 30 days for killing two people," Moller said. "She should just shut up and stay out of the news. She brought this up. She doesn't know when to quit."

A note on Victims' Rights in this case:

1. Glenn's parents were given their right to speak at the sentencing.
2. Parents request for Langston to carrying their son's coffin photo was granted.
3. Prosecutor asked for restitution of (out-of-pocket) expenses to surviving family, resulting from the crash



## What is a Victim Impact Statement?

A brief summary of the harm and or trauma suffered by the victim as a result of the crime. An effective statement is approximately 3-5 minutes in length.

A summary of the economic loss or damage suffered by the victim as a result of the crime. This would include requests for restitution for out-of-pocket expenses.

The victim's reactions or objections to the proposed sentence. Jail, prison, work release and community service can be addressed.

A concise statement of what outcome the victim would like and the reasons to support this opinion, including support for or opposition to treatment or community service programs.

Highlights about the victim. Their past accomplishments, hopes for the future, and what the crime has done to curtail these activities.

The overall effect the crime has had on the victim and their family.

Presenting a Victim Impact Statement is a RIGHT of all crime victims that should be enforced and encouraged by all parties involved in the criminal justice system.

# Is DWI Victim Impact Panel (VIP) Effective?

## DWI Resource Center VIP Summary

- There were 1,141 attendees at the DWIRC Victim Impact Panel between December 7, 1999 and January 2004.
- Of these, 584 matched to the MVD DWI citation file by name and either date of birth or Social Security Number.
- Of these 584, 87 (15%) received at least one DWI citation between the time they attended the panel and January 2004.
- The attendees at VIPs near the end of 2003 had very little opportunity to be arrested before the January 2004 date of the data.

Source: Motor Vehicle Division's DWI database as of January 2004.

## In the News



## Supreme Court to Hear DWI Case

February 2004

The New Mexico Supreme Court has agreed to review an appellate court decision on tougher penalties for repeat DWI offenders. Although Governor Richardson approved legislation mandating tougher DWI penalties last year, in January 2004 the state Court of Appeals ruled that the stricter penalties are nullified due to a conflict with existing legislation.

The appellate court ruling means that the previous law remains in place. Under the old law, fourth and subsequent DWI convictions are treated the same – with a maximum of 18 months in prison.

However, law makers are not waiting for the Supreme Court decision to correct the legislative error. State lawmakers have forwarded a bill to Governor Richardson for approval that both fixes the legislative conflict and reinstates tougher DWI penalties.

The bill makes a fifth conviction for DWI punishable by one to two years in prison, a sixth by 18 months to 30 months, and requires mandatory treatment for repeat offenders. A seventh or subsequent conviction would be punished by two to three years in prison. In addition, a separate alcohol-to-minors bill makes supplying minors with alcohol a fourth-degree felony, punishable by up to 18 months in prison.

### DWI Statistics Year to Date

NM Fatalities	Jan. 2003	Jan. 2004
Total Deaths	39	23
Alcohol involved deaths	20	8
Alcohol unknown	1	2
% Alcohol involved	45%	35%

Source: NM Traffic Safety Bureau

### Victim Impact Panels

March 9<sup>th</sup> and April 13<sup>th</sup>, 7:00 – 8:30 PM  
UNM Continuing Education Building  
1634 University Blvd. N.E.

Instantaneous Spanish Translation Provided  
Public is welcome!

### National Victims' Rights Week

The impact of crime and victimization in America affects not only its victims and survivors, but also their families, friends, co-workers, neighbors and our communities and nation as a whole.

April 18<sup>th</sup> through the 24<sup>th</sup> is National Crimes Victims Rights Week. Crime victims and survivors, victim service providers, criminal and juvenile justice and allied professionals, and community volunteers will join together across America to reflect on the needs and rights of victims of crime.

If you have been the victim of a drunk driver, the DWI Resource Center will help guide you to resources available to assist with the financial, emotional and physical losses. We can also help you understand your rights as a victim under the law, and explain the criminal justice system as your case moves along. Call us at (505) 881-1084 for more information!

# Court Observations

**Court Date:** January 9, 2004

**Date of Arrest:** May 15, 2003

**Blood Alcohol Content:** .15

**Victims:** Sustained minor injuries, vehicle totaled, wants restitution for car insurance deductible.

**Charges:** DWI 1st offense.

**Results:** Offender enters guilty plea to DWI 1<sup>st</sup>.

**Sentence:** First offenders program, 1-year probation, DWI school and attend victim impact panel.

**Comments:** Victim was unable to attend sentencing; but the prosecutor had been informed several months earlier about the restitution. Our victim's advocate spoke with the prosecutor and asked if she would request a "motion hearing" on restitution. The advocate also spoke to the judge about the requested restitution, explaining this was a victim case, involving a crash. This information was not given to the judge earlier. The motion hearing was granted for a later date. Both victim and advocate attended this hearing, but the offender failed to appear. A bench warrant was issued for the offender's arrest. The motion hearing was reset and the offender was ordered to pay the \$500 restitution (through the probation department). Thank you Judge Gomez, for granting this motion hearing on restitution and for upholding this Victim's Right! We hope other judges will also take the lead in upholding victim rights. Victim and advocate will be following up with the offender's probation officer.



**Court Date:** January 15, 2004

**Date of Arrest:** August 2002

**Blood Alcohol Content:** .15

**Victims:** 8 year-old Danielle Romero was killed in this crash. At the time of her death, she had just graduated from Bernalillo High School and was working for a medical center in Rio Rancho.

**Charges:** DWI homicide by vehicle, aggravated DWI to maintain a traffic lane.

**Results:** September 2003, offender pled guilty to vehicular homicide, all other charges were dismissed on a plea agreement.

**Sentence:** District Judge Kenneth Brown handed down a six-year prison term with two years of parole. Offender was also ordered to pay restitution to the victim's family, as she is able. "Even if it's only a dollar a month to remind her of what she's done."

**Comments:** Before Judge Brown handed down his sentence; he upheld Danielle's parents' rights, as victims, to address the court. It was refreshing to see a judge order the offender to pay restitution without making excuses for why they can't pay it! It was also remarkable to see the judge hold a convicted DWI offender accountable, to the highest standard, without thinking he needed a long list of prior convictions before he could impose the maximum sentence. Thank you Judge Brown.

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