

Chapter 15

Alcohol, Other Drugs and Driving

15.1 Effects of Alcohol on Driving Safely

15.2 Other Drugs and Driving

15.3 Traffic Laws on the Use of Alcohol

15.4 Coping with Peer Pressure

THE KELLY LAUGHERY HIT AND RUN IN AMES

- THE HIT AND RUN IN AMES NEAR ISU OCCURRED IN THE EARLY HOURS OF DECEMBER 3, 2005
- SHANDA MUNN WAS CHARGED WITH VEHICULAR HOMICIDE AFTER KILLING KELLY LAUGHERY AND LEAVING THE SCENE. MS. MUNN HAD BEEN DRINKING AT A PARTY IN AMES.

Sentencing brings tears, remorse

DES MOINES REGISTER OCT 7, 2006



RODNEY WHITE/REGISTER PHOTOS

Shanda Munn speaks to relatives of ISU student Kelly Laughery during Munn's sentencing hearing Friday. She was sentenced to 10 years for the death of Laughery, who was killed last December in Ames when she was struck by a vehicle Munn was driving while under the influence of alcohol. Munn had attended a keg party.

'I'm sorry,' driver tells parents of young woman she killed

DM REGISTER 10-7-06

By LISA ROSSI

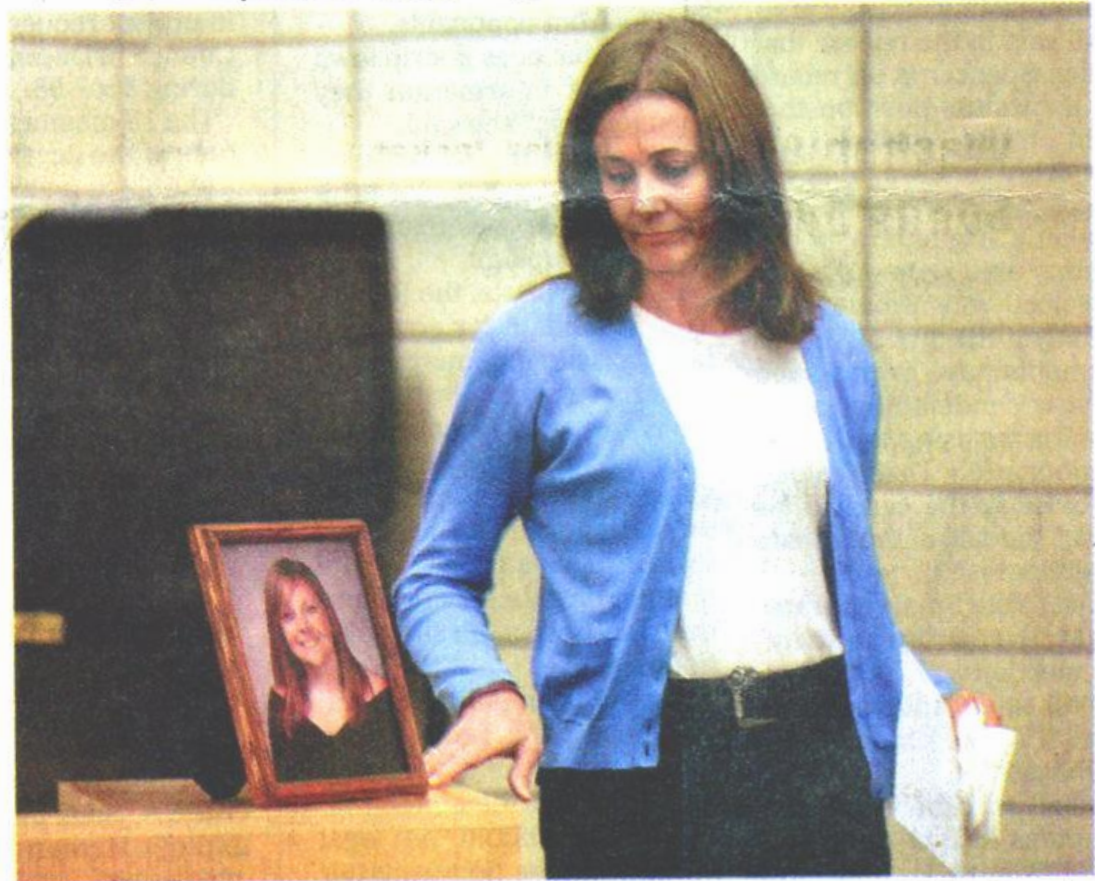
REGISTER AMES BUREAU

Nevada, Ia. — Shortly before Shanda Munn was sentenced to prison Friday, she told the mother and father of the woman she killed while driving under the influence of alcohol that every time she sees something beautiful she thinks about how they will never be able to share moments of beauty with their daughter.

"'I'm sorry' seems to be so inept," Munn said, crying as she looked across the Story County courtroom at the parents of her victim, 20-year-old Kelly Laughery. "I am so deeply sorry for taking Kelly away from you. I think of your family and Kelly every day of my life."

A 21-year old former Iowa State University student, Munn was sentenced moments later to up to 10 years in prison. Last month, she had pleaded guilty to a vehicular homicide charge, admitting that on Dec. 3, 2005, after a west Ames keg party, she struck and killed Laughery, also an ISU student. Munn pleaded guilty of the class C felony

See **SENTENCING**, Page 4B



Pam Laughery looks at a photo of her daughter, ISU student Kelly Laughery, during Friday's sentencing hearing. "We will never be able to talk to Kelly, hug her ... watch her graduate from college," she said.

People in courtroom cry when parents recall their daughter's favorite sayings

DM REGISTER 10-7-06

SENTENCING, from Page 1B

last month after prosecutors agreed to reduce her charge from a more serious form of vehicular homicide, which carries a maximum sentence of 25 years in prison.

Munn's sentence includes restitution and fines. She will serve time at the Iowa Medical and Classification Center in Oakdale. The actual length of her sentence will be determined by the Iowa Board of Parole, Story County District Judge Dale Ruigh said.

The hourlong proceeding took place in a courtroom overflowing with the friends and family of both young women. Some cried before the hearing. Some sobbed openly when Laughery's parents repeated their daughter's two favorite sayings, "You are awesome" and "Peace out."

Russ Schroeder, Munn's attorney from Charles City, said, "In the 33 years I've practiced law, I don't believe I've ever been in a courtroom as sad as it is today."

At one point Friday, Laughery's father, Doug, looked at Munn and referred back to her story of the morning that changed so many lives.

"You spoke of attending a party, driving impaired and running into an object, that object believed to be a mailbox," said Doug Laughery. "Sadly, that object was our daughter, and her name was Kelly."

Laughery was studying busi-

ness at ISU. Her parents said she had a passion for community service, mentoring younger people and spending time with family. She sent a thank-you note after every visit home during college, her mother said.

Laughery was found on the side of Mortensen Road at 4:30 a.m. Dec. 3. Police believe she was hit from behind.

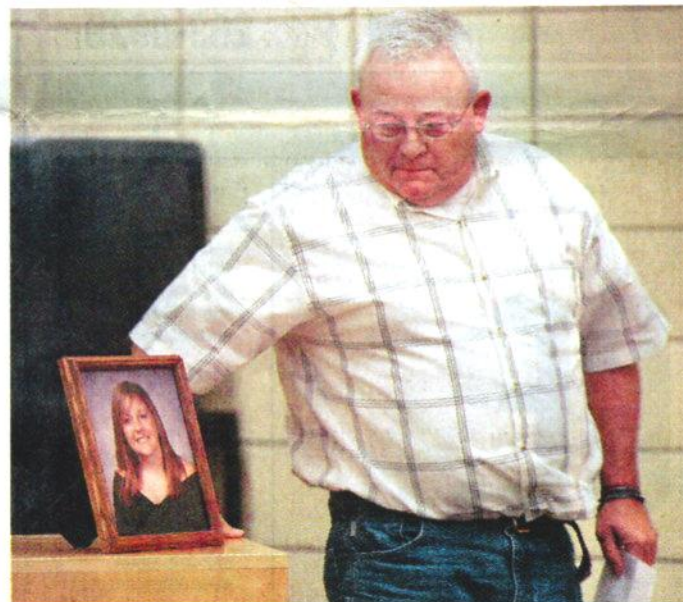
Laughery's parents, who live in Orient, displayed a portrait of their daughter as they poured out their sorrow.

"We will never be able to talk to Kelly, hug her ... watch her graduate from college," said Kelly's mother, Pam Laughery. "Your parents and family still have you in their life."

Story County prosecuting attorneys said they recommended the maximum sentence because **even though Munn didn't intend to kill, she intended to drink and drive.** Munn's attorney has said she had consumed six to eight drinks at the keg party she attended in Ames before driving home.

Judge Ruigh pointed to aggravating circumstances in Munn's past that led to his decision of prison time versus probation. He pointed to the fact that she had been charged with possessing alcohol under the legal age before the accident.

Reporter Lisa Rossi can be reached at (515) 232-2383 or lrossi@dmreg.com



Doug Laughery walks past a photo of his daughter, Kelly Laughery, after his testimony at the sentencing hearing of Shanda Munn. His daughter was found dead Dec. 3.



Pam Laughery, Kelly's mother, takes the stand. She recalled how her daughter would send a note of thanks after every visit home when she was in college.

4 charged with giving driver booze before crash

Shanda Munn was underage when she struck and killed Kelly Laughery.

By **TOM BARTON**
REGISTER STAFF WRITER

Des Moines Register
January 23, 2007

Note in an upcoming slide Galante and Campbell are no longer listed as defendants. They negotiated guilty pleas.

A substance abuse expert at Iowa State University said felony charges against four people who allegedly gave alcohol to a student whose car later struck and killed a pedestrian should serve as a caution to others.

"No one intends to have something like this happen, but they still result in such severe consequences," said Sara Kellogg, ISU's substance abuse and violence prevention coordinator. "It's something everyone, including students, needs to think about before getting into those situations."

Authorities last week charged one current and three former ISU students who they say



George



Tonelli



Galante



Campbell

See **CHARGES**, Page 6B

4 gave young driver booze, police say

CHARGES, from Page 1B

Munn was convicted of a class B felony because she admitted to consuming about 6 to 8 drinks at the party. She pled guilty through a negotiated plea meaning she agreed to accept a class B felony. Her 10 year sentence turned out to be time served.

She was ordered to pay \$150,000 restitution to the estate of Kelly Laughery

provided alcohol to Shanda Munn, 21.

Munn was sentenced last fall to up to 10 years in prison for vehicular homicide in the death of Kelly Laughery, 20, of Orient.

Laughery, a sophomore pre-business major, was killed as she walked to her sorority about 4:30 a.m. on Dec. 3, 2005.

Charged are:

- Jody Robert George, 25, of Ames.
- Nicholas Anthony Tonelli, 24, of Dexter.
- Anthony Louis Galante, 28, of Williamsburg.
- Kelly Ann Campbell, 24, of Colo.

Munn, who was underage at the time of the fatal incident, admitted she had been at an off-campus party in west Ames hosted by the four students. She testified that she had six to eight drinks before she drove home.

Munn surrendered to campus police Feb. 11 after authorities searched a garage in Nevada and matched debris from the scene with Munn's car.

Laughery's parents have filed a wrongful-death lawsuit against Munn and the four students they say are also responsible for their daughter's death. A September court date is set in the lawsuit.

Story County Attorney Stephen Holmes said he hopes a keg registration ordinance passed in August 2005 will help prevent a similar situation.

"We haven't had to use it yet, ... and that, I would assume, says it's having a positive effect," he said. "We're looking to prevent tragedy."

Some ISU students remain skeptical, however, of the impact the four arrests will have on alcohol abuse and underage drinking.

"Tragedies occur on every campus, and no matter how much you want there to be a decrease over the long run, it's not going to happen," said Katherine Lundberg, 21, a junior who studies English. "It's not something that crosses their minds. They're just looking for a good time."

A 2003 Iowa State survey of 2,500 students shows 73 percent drank alcohol and 41 percent reported having five or more drinks in one sitting at least once in two weeks.

The study also showed that students underestimated the number of students who have used alcohol in the past 30 days, which was 80 percent.

"I think it's too early to tell if students' behavior has been affected by this, but I hope students realize that providing alcohol to those under or over 21 has far-reaching effects not only on themselves, but on others," said Andy Alt, the school's assistant director for judicial affairs. "I hope students realize it's irresponsible to provide underage drinkers with alcohol."

Reporter Tom Barton can be reached at (515) 284-8065 or tbarton@dmreg.com

PLAY



5:03

Count 01

Charge

Munn, Shanda

Charge:

707.6A(1)(a)

Description:

VEH. HOMICIDE/OWI (FELB)

Offense Date:

12/03/2005

Arrest Date:

Against Type:

Adjudication

Charge:

707.6A(1)(a)

Description:

VEH. HOMICIDE/OWI (FELB)

Adj.:

GUILTY - NEGOTIATED/VOLUN PLEA

Adj.Date:

10/06/2006

Adj.Judge:

RUIGH, DALE E

Comments:

Sentence

Charge:

707.6A(1)(a)

Description:

VEH. HOMICIDE/OWI (FELB)

Sentence Date:

10/06/2006

Sentence:

PRISON

Appeal:

Sen.Judge:

RUIGH, DALE E

Facility Type:

Attorney:

N

Restitution:

Sentence

Munn, Shanda

Charge:

707.6A(1)(a)

Description:

VEH. HOMICIDE/OWI (FELB)

Sentence Date:

10/06/2006

Sentence:

TIME SERVED

Appeal:

Sen.Judge:

RUIGH, DALE E

Facility Type:

Attorney:

N

Restitution:

Y

Drug:

N

Extradition:

N

Lic.Revoked:

N

DDS:

N

Batterer:

Fine Amount:

Duration:

Comment:

2 can testify about Ames party

Ruling aids prosecutors of 3 men accused of serving alcohol before fatal 2005 crash

By LISA ROSSI
lrossi@dmreg.com

The Iowa Supreme Court on Friday reversed an earlier decision in the case of three Ames men who threw a party that authorities said led to a 2005 car-pedestrian accident in which an Iowa State University student was killed.

At issue was whether the men were part of a conspiracy to serve alcohol to underage people.

Story County prosecutors said

Nicholas Anthony Tonelli, 25, Jody George, 26, and Stephen Nolte, 25, met the legal definition of a conspiracy because they planned the party, promoted it on the Web site Facebook, purchased two kegs of beer and other alcohol, made Jell-O shots, and arranged to collect money at the door and split the proceeds.

All three were charged with providing alcohol to a minor, which authorities said should be



Munn pleaded guilty of vehicular homicide.



Laughery was killed while walking home.

considered a felony because one of the partygoers, ISU student Shanda Munn, 20, left the men's house and struck and killed Kelly

Laughery, 20.

Munn pleaded guilty of vehicular homicide and was sentenced to up to 10 years in prison.

Prosecutors wanted to use testimony from two friends who helped the three men organize the party.

But attorneys for Tonelli argued that the testimony should be barred because the alleged crime is not an aggravated misdemeanor or felony and that Tonelli, George and Nolte "conspired to do something entirely legal, namely, plan

a party."

Friday's ruling said that a crime doesn't have to be an aggravated misdemeanor or felony for testimony of co-conspirators to be used as evidence.

The ruling reverses a Story County court decision and answers a question that no Iowa case has previously addressed, the justices wrote.

A trial date has not been set.

The attorneys for the 3 defendants in pretrial arguments successfully argued before the judge that the testimony of two "friends" of the defendants should not be permitted. The Story County Attorney took the judge's ruling to the Iowa Supreme Court and it was reversed. The "friends" will now become witnesses and probably testify about how the party was planned, how money was collected at the door, how at least one underage person was permitted access to the party, etc. It might be time for these guys to have to face up to the responsibility of hosting a party for money. Another example of the "Law of Unintended Consequences"

■ The story so far

DEC. 3, 2005: Kelly Laughery is struck from behind by a vehicle while walking in southwest Ames. She is later pronounced dead at a hospital.

DEC. 4, 2005: Authorities obtain a search warrant for a residential garage in Nevada. They find a 1992 Buick Century registered to Shanda Munn, with damage consistent with evidence recovered from the accident scene.

DEC. 15, 2005: Police name Munn as the driver of the vehicle. Police say that before the accident, Munn was attending a party where alcohol was served.

FEB. 11, 2006: Munn is arrested on charges of vehicular homicide and failing to stop at the scene of an accident. She later pleads not guilty. TYPO – she pled guilty

JUNE 2, 2006: Laughery's parents file a wrongful death lawsuit against Munn and four others who they claim hosted the party.

SEPT. 1, 2006: Munn pleads guilty to a lesser charge of vehicular homicide.

2007: Authorities charge people alleged to be hosts of the party — including Jody George, Nicholas Tonelli and Stephen Nolte — with providing alcohol to Munn, who was a minor at the time of the accident.

The two friends who can now give testimony are not named in the article but they are likely Campbell and Galante. It is also likely they agreed to testify as part of their plea bargains. In other words, they avoid jail time in exchange for their testimony.

THE JONATHAN BAUGH COLLISION

JONATHAN WAS KILLED OCTOBER 17, 2006 BY A DRIVER WHO WAS DRIVING EAST IN THE WESTBOUND LANE ON HIGHWAY 30 NEAR AMES.

HE MAY HAVE BEEN DRUNK AT THE TIME OF THE COLLISION.

OCTOBER 20, 2006

911 calls reported wrong-way driver

By **JARED STRONG**
REGISTER STAFF WRITER

More than 10 people dialed 911 Tuesday night to alert law enforcement that a man was driving the wrong direction on U.S. Highway 30 before he collided head-on with a Valley High School senior who died in the crash.

The first call was made about 8:15 p.m., when Phillip Ray Stephens, 37, of Boone was seen traveling eastbound in the westbound lanes of the highway toward Ames. About six miles later, he collided with Jonathan Baugh, 17, of West Des Moines.

Baugh was found dead at the scene. Stephens, who has a prior OWI conviction and had an outstanding warrant in Boone County related to a second drunken-driving offense, was taken to Des Moines' Iowa Methodist Medical Center. His condition wasn't released.

Story County Attorney Steve Holmes said investigators be-

Hear the 911 calls

Listen to 911 calls from drivers who saw the crash at DesMoinesRegister.com/audio.

lieve alcohol may have been a factor in the collision.

One 911 caller said: "There's a van going excessively fast in the wrong side. There's about three of us that just about nailed him. ... Whoa. He's going fast."

Another caller who witnessed the crash said: "Oh, he just got hit ... and it's bad."

Baugh was returning from Ames when the three-vehicle crash occurred, friends said.

Passengers of the third vehicle, Jerry and Anna Vincent, 72 and 71, respectively, of Jefferson, were taken to Mary Greeley Medical Center in Ames. Their injuries and conditions were not released.

Reporter Jared Strong can be reached at (515) 284-8075 or jstrong@dmreg.com

Open alcohol bottle found at fatal 3-car crash scene

By **JARED STRONG**
REGISTER STAFF WRITER

The Madrid man accused of causing a three-vehicle collision in Ames last week that left one person dead had an open bottle of alcohol in his van, police reports show.

Phillip Ray Stephens, 37, has been charged with homicide by vehicle, Ames Police Chief Loras Jaeger said. Stephens, according to police reports, was driving the wrong way in the westbound lanes of U.S. Highway 30 on Oct. 17

and collided head-on about 8:20 p.m. with a vehicle driven by Jonathan Baugh, 17, of West Des Moines.

Baugh, a Valley High School senior who was returning home from watching his girlfriend play volleyball in Ames, was found dead at the scene.

Stephens faces up to 25 years in prison if convicted.

The criminal complaint against Stephens says a witness saw the man drinking alcohol and noticed his speech was slurred. The witness also

saw Stephens stagger and throw a beer can out of the van he was driving before the crash, police said.

The complaint says investigators found an open bottle of alcohol in Stephens' vehicle after the crash.

More than 10 people called 911 to report Stephens driving the wrong direction that night. Callers said Stephens was driving recklessly, swerving and hitting traffic cones.

Stephens is being held at the Story County Jail on a

\$100,000 bond. He was released from Iowa Methodist Medical Center on Tuesday and was then taken to the Boone County Jail on a warrant related to a drunken-driving offense. He has previously been convicted of operating a vehicle while intoxicated.

Stephens posted a \$5,000 bond in Boone County and was taken to the Story County Jail Tuesday evening.

Reporter Jared Strong can be reached at (515) 284-8075 or jstrong@dmreg.com

AMES DM REGISTER
1-5-07

Driver pleads guilty in fatal accident

A Madrid man has pleaded guilty of vehicular homicide after he drove the wrong way on U.S. Highway 30 and killed a man in a head-on collision.

Phillip R. Stephens, 39, was driving eastbound in the westbound lane of the highway on Oct. 17 when his van collided with a car driven by Jonathan M. Baugh, 17, of West Des Moines.

Baugh died at the scene.

Stephens' plea was part of an agreement reached Tuesday with Story County prosecutors. He faces up to 25 years in prison.

This should have been a Class B felony because the police could prove the driver was intoxicated.

However, as you will see in the next 2 slides, the driver was able to make a plea bargain and was convicted of a Class C Felony. He will spend 10 years in jail rather the 25 years called for in the Class B felony.

Sentence

Stephens, Phillip Ray

Charge:	707.6A(2)-3	Description:	VEH. HOMICIDE/RECKLESS OR ELUDE - 1997 (FELC)		
Sentence Date:	02/21/2007	Sentence:	PRISON		
Appeal:		Sen.Judge:	MOON, MICHAEL J		
Facility Type:		Attorney:	Y		
Restitution:	Y	Drug:	N	Extradition:	
Lic.Revoked:	N	DDS:	N	Batterer:	
Fine Amount:		Duration:	10 Year(s)		
Comment:	CONSECUTIVE TO COUNTS II, III, & IV This record taken from Iowa Courts Online				

DATELINE IOWA

From Register staff and news services

WATERLOO

Driver gets 25 years for vehicular homicide

A man who was found guilty of vehicular homicide for a deadly crash last December has been sentenced to 25 years in prison.

Dorray Darnell Cooper, 43, of Waterloo was sentenced Thursday in Black Hawk County District Court. A jury found him guilty in May.

Authorities said Cooper had been drinking with friends when his car slammed into a car driven by 47-year-old Debra Oldenburger Ahles.

Tests showed Cooper had a blood-alcohol level of 0.272, more than three times the legal limit. Police said he was traveling up to 57 mph in a 35-mph zone at the time of the crash.

Class B Felony for driving while intoxicated carries a 25 year sentence.

Note that this case was decided by a jury. It is likely that the county attorney chose not to get involved in a plea bargain based on Mr. Cooper's history with the law as you will see in the next two slides.

.08 is legally drunk in Iowa. This man had more than 3 times the legal limit of alcohol in his bloodstream. Stated another way, this man's blood was a little more than ¼ alcohol.

Case ID	Title	Name	DOB	Role
01071 AGCR035231	ST VS DORRAY D COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT 1992 ASSAULT
01071 AGCR035823	ST VS DORRAY DARNELL COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT 1992 ASSAULT
01071 AGCR043370	ST VS DORRAY DARNELL COOPER (FE)*909*	COOPER DORRAY	07/24/1963	DEFENDANT 1992 ASSAULT
01071 DRCV008046	SXREL VS D COOPER CSC	COOPER DORRAY	07/24/1963	RESPONDENT 2005 CHLD SUPPORT
01071 DRCV008046	SXREL VS D COOPER CSC	COOPER DORRAY	07/24/1963	PRO SE DEFENDANT 2000 CHLD SUPP
01071 EQCV006693	SXREL VS D COOPER CSC*909*	COOPER DORRAY	07/24/1963	RESPONDENT 2006 CHLD SUPP
01071 FECR143664	ST VS DORRAY DARNELL COOPER	COOPER DORRAY	07/24/1963	DEFENDANT 2006 VEH. HOM
01071 FECR143895	ST VS DORRAY DARNELL COOPER	COOPER DORRAY	07/24/1963	DEFENDANT 2006 PAROLE VIOL.
01071 JVJV008972	IN RE COOPER (D)	COOPER DORRAY	07/24/1963	JUVENILE - DISMISSED FATHER OF
01071 JVJV009544	IN RE COOPER (D) (DISMISSED)	COOPER DORRAY	07/24/1963	JUVENILE - DISMISSED FATHER OF
01071 NT00151216	STATE OF IOWA vs COOPER, DORRAY DARNELL	COOPER DORRAY	07/24/1963	DEFENDANT 1993 RECKLESS DR
01071 NT00154313	ST vs COOPER, DORRAY DARNELL	COOPER DORRAY	07/24/1963	DEFENDANT 1993 TRAFFIC VIOL.
01071 OWCR003521	ST V DORRAY DARNELL COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT 0 W 1 SECOND OFF
01071 PCCV074661	DORRAY DARNELL COOPER VS STATE OF IOWA*909*	COOPER DORRAY	07/24/1963	PLAINTIFF GARNISH WAGES
01071 SMCR013048	ST V DORRAY DARNELL COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT 1987 ASSAULT
01071 SMCR013190	ST V DORRAY COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT 1987 ASSAULT
01071 SMCR037151	ST VS DORRAY DARNELL COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT 1992 DISMISSED
01071 SMCR045213	ST VS DORRAY DARNELL COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT 1993 DISMISSED
01071 SMCR045454	ST VS DORRAY DARNELL COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT 1993 DOM ABUSE
01071 SMCR143665	ST VS DORRAY DARNELL COOPER	COOPER DORRAY	07/24/1963	DEFENDANT 2006 DISORDERLY CONDUCT FIGHTING

01071	SPCR006222	ST VS ROSE COOPER/DORRAY COOPER	COOPER DORRAY	07/24/1963	DEFENDANT <i>CLOSED NO CHGS</i>
01071	SRCR011659	ST V DORRAY DARNELL COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT <i>1987 DRIVING WHILE REV.</i>
01071	SRCR029079	ST V DORRAY D. COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT <i>DISMISSED</i>
01071	SRCR037149	ST VS DORRAY DARNELL COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT <i>DISMISSED</i>
01071	SRCR043371	ST VS DORRAY DARNELL COOPER (HOLD)*909*	COOPER DORRAY	07/24/1963	DEFENDANT <i>DISMISSED</i>
01071	SRCR045212	ST VS DORRAY DARNELL COOPER*909*	COOPER DORRAY	07/24/1963	DEFENDANT <i>DISMISSED</i>
01071	STNO134154	STATE OF IOWA vs COOPER	COOPER DORRAY	07/24/1963	DEFENDANT <i>1992 TRAFFIC VIOL</i>
01071	SWCR013394	ST VS DORRAY DARNELL COOPER	COOPER DORRAY	07/24/1963	DEFENDANT <i>NO CHG</i>
01071	SWCR013395	ST VS DORRAY DARNELL COOPER	COOPER DORRAY	07/24/1963	DEFENDANT <i>NO CHG</i>
01071	USUS005603	SXREL VS D COOPER CSC	COOPER DORRAY	07/24/1963	PRO SE <i>2000 DISMISSED</i> DEFENDANT <i>CHILD SUPPORT</i>
01071	USUS005603	SXREL VS D COOPER CSC	COOPER DORRAY	07/24/1963	RESPONDENT <i>DISMISSED</i>
01071	WTNTWF122672	CITY OF WATERLOO vs COOPER, DORRAY DARNELL	COOPER DORRAY	07/24/1963	DEFENDANT <i>1995 TRAFFIC</i>
02941	FECR312875	STATE VS COOPER, DORRAY DC *RV*	COOPER DORRAY	07/24/1963	DEFENDANT <i>1998 ROBBERY</i>
02941	SPCV307362	STATE OF IOWA VS DORRAY DARNELL COOPER	COOPER DORRAY	07/24/1963	PRO SE DEFENDANT <i>DISMISSED</i>
02941	SPCV307362	STATE OF IOWA VS DORRAY DARNELL COOPER	COOPER DORRAY	07/24/1963	DEFENDANT <i>DISMISSED</i>

Cortney Malone Fatality

- Cortney Malone, 13, was a passenger in a vehicle being driven by Lancer Wood, 16, during the early hours of December 9, 2006 when Wood lost control of the vehicle. The vehicle struck a tree killing Malone.
- Wood had been drinking and was driving without headlights at about 12:55 am when he lost control of the car.

Local News

NEWS BRIEFS

Charges pending in crash death

Thirteen-year-old Cortney Malone of Indianola died in a car crash south of Indianola early Saturday morning.

The driver of the car, Lancer Wood, 16, Indianola,

lost control of the car in the 12,000 block of McKinley Trail, went into the ditch and struck some trees.

Katlyen LaPour, 13, and Rebecca Lenguadoro, 14, were taken to Mercy Medical Center in Des Moines. Wood declined treatment for minor injuries.

Warren County Attorney Gary Kendell said he expects there will be charges filed.

Malone was an eighth-

grader at Indianola Middle School where she played volleyball and softball.

Police: Driver, 16, in crash had been drinking

The 16-year-old driver involved in a Dec. 9 crash that took the life of a 13-year-old Indianola girl had been drinking but was not legally drunk, according to police reports obtained by the Record-Herald and Indianola Tribune.

A breath test showed Lancer Wood had a blood alcohol level of .079 percent, just below the legal limit of .08 percent, the Warren County Sheriff's Department report said. Deputies are investigating who supplied the alcohol to Wood, officials said.

Warren County Attorney Gary Kendall said he is waiting for the sheriff's investigation to be completed before filing charges.

Wood lost control of the car he was driving south of Indianola.

The vehicle went into a ditch and struck trees. Courtney Malone, a student at Indianola Middle School, died in the crash.

Malone family sues driver in fatal crash

Parents of 13-year-old girl who died Dec. 9 say driver did not have headlights on

By **SHAWNA DRISH**
Record-Herald Staff Writer

The family of 13-year-old car crash victim Cortney Malone has sued the car's 16-year-old driver for wrongful death and negligence leading to their daughter's death.

The suit alleges Lancer Wood was driving without the vehicle lights on and he failed to maintain control of the vehicle which led to the fatal crash on Dec. 9.



Malone

The lawsuit names Wood, of Indianola, who was driving the 1999 Dodge Stratus and Daniel K. Wood of Des Moines, the vehicle's registered owner.

On Dec. 9, Malone, of Indianola, was killed in a car crash south of Indianola.

According to police, Lancer Wood was driving without headlights at approximately 12:57 a.m., lost control of the car, crossed the roadway and entered the ditch. The car struck two trees before it came to rest.

A breath test revealed Lancer Wood had a blood alcohol level of .079 percent, though alcohol is not mentioned in the lawsuit.

"We believe the facts of the case establish negligence without the addition of alcohol," said Max Burkey, an attorney representing the Malone family.

No criminal charges have been filed by the county attorney's office, but former Warren County Attorney Gary Kendell said he was confident charges would be filed when the investigation was completed, however, he took no action on the case in his final month in office.

Burkey said the Malone family has no criticisms of the county attorney's office handling of the case.

"The Malones are not in the criminal law business and they aren't in the revenge business," Burkey said. "They are confident the county attorney will fulfill the duties of his office."

Current county attorney Bryan Tingle, who took office last week, has not returned phone calls and could not be reached Monday.

Robert Rehkemper, the attorney for the Wood family, declined to comment Monday.

If the driver is certified to be tried as an adult, he will likely face up to 10 years in prison for a class C felony because he was just under The legal limit based on the breath test. In other words, it does not appear that the driver will be prosecuted for an alcohol related offense which is a Class B felony.

Reckless driving is what the state will try to prove in the criminal case.

The Malone family's suit is a civil suit that will go to court after the criminal case has been concluded and will use the criminal conviction, if there is one, as part of the civil case.

THE Record Herald And Indianola Tribune

WEDNESDAY, JANUARY 24, 2007

75 CENTS

www.indianolarecordherald.com

Boy faces vehicular homicide charges

County attorney seeks to try 16-year-old as an adult for role in girl's Dec. 9 death

By **SHAWNA DRISH**
Record-Herald Staff Writer

A 16-year-old Indianola boy faces vehicular homicide charges for his role in a Dec. 9 crash that took the life of a 13-year-old girl.

Lancer Wood was charged with one count of felony vehicular homicide, Warren County Attorney Bryan Tingle announced Monday.

Tingle said he plans to petition the court to charge Wood as an adult but declined to comment beyond the

court filings.

Wood was driving a Dodge Stratus at about 1 a.m. with the headlights turned off last month when he lost control of the car and struck several trees, police say.

A breath-alcohol test showed Wood had a blood-alcohol content of .079 — .001 below the legal definition of



Malone

intoxicated. Cortney Malone, 13, a passenger in the vehicle was killed in the crash.

Wood was “driving a motor vehicle in a reckless manner with willful wanton and disregard for safety of persons or property,” according to documents filed in Warren County District Court.

The car was registered to Wood’s father, Daniel Wood, of Des Moines.

Earlier this month, the Malone family filed a civil lawsuit against Lancer Wood and Daniel Wood.

“The bottom line is we’re going to be looking at the facts and figuring out what’s in Lancer’s best interest from there,” said Robert Rehkemper, the attorney representing the Wood family in both cases.

“There’s not a whole lot I can say now, since we don’t have a lot of the information yet,” Rehkemper said Monday.

If tried and convicted as an adult, Wood faces a maximum of 10 years in prison on the class C felony charge.

THE CASE SO FAR

- On Dec. 9, **Lancer Wood**, 16, was driving without headlights on when he lost control of his car, killing **Cortney Malone**, 13.

- Police reports revealed Wood had a blood-alcohol ratio of .079 percent, .001 below the legal definition of intoxicated.

- Monday, Warren County Attorney Bryan Tingle charged Wood with vehicular homicide and pledged to try the boy as an adult.

No mention of alcohol in the charges against the driver

Wood faces new lawsuits from fatal crash

By **SHAWNA DRISH**
Record-Herald Staff Writer

Two more families have filed civil lawsuits against Lancer Wood, the 16-year-old driver in the Dec. 9 crash that killed 13-year-old Courtney Malone.

The families of two other teenagers who were in the car that night have filed separate lawsuits seeking punitive and compensatory damages. Malone's family filed a civil lawsuit in December.

Shawn and Stacey Lenguadora and Christine Lapour, the parents of Rebecca Lenguadora, 14, and Katelyn Lapour, 13, claim Wood acted negligently, recklessly and "with complete disregard for the rights and safety of his passengers," according to court documents.

Rebecca Lenguadora, Katelyn Lapour, Malone and Bobbi Johnson, 15, were all passengers in a car driven by Wood on Dec. 9.

According to police reports, Wood had a blood alcohol level of .079 and was driving with his lights off just before 1 a.m. when the car veered out of control and struck two trees. The crash killed Malone and injured Lenguadora and Lapour.

The lawsuits also name Daniel Wood, the boy's father, as a defendant. Daniel Wood owns the car involved in the crash.

Matthew Hainfield, defense attorney for the civil cases against Lancer and Daniel Wood, said a trial date wasn't set yet but he expects it to be during the summer 2008.

Warren County Attorney Bryan Tingle filed vehicular homicide charges against Lancer Wood in January and is petitioning to try him as an adult.

If tried and convicted as an adult, Wood could face up to 10 years in prison for the Class C felony charge. If he is tried and convicted as a juvenile, the charge will be a delinquent act and the disposition will be determined by what is considered to be in Wood's best interests.

The waiver hearing to determine which court Wood will be tried in was originally scheduled for last week but has been postponed until May 9 to allow for more preparation time. Tingle said he is confident a decision will come out of the May 9 hearing.

John Breitbach, the Cedar Rapids-based attorney for Lapour and Lenguadora, did not return phone calls for this story.

Now the parents of the surviving passengers are suing the driver and the driver's father.

<u>Case ID</u>	<u>Title</u>	<u>Name</u>	<u>DOB</u>	<u>Role</u>
05771 LACL106229	PROPERTY & CASUALTY INS CO VS DANIEL K WOOD ETAL	WOOD, LANCER AUSTIN		DEFENDANT
05911 LACV029718	ESTATE OF CORTNEY MALONE ETAL VS LANCER & DANIEL WOOD	WOOD, LANCER AUSTIN	05/07/1990	DEFENDANT
05911 LACV029787	CHRISTINE & KATELYN LAPOUR VS LANCER & DANIEL WOOD	WOOD, LANCER AUSTIN	05/07/1990	DEFENDANT
05911 LACV029788	SHAWN, STACEY & REBECCA LENGUADORA VS LANCER & DANIEL WOOD	WOOD, LANCER AUSTIN	05/07/1990	DEFENDANT
05911INST122192	INDIANOLA vs. WOOD, LANCER AUSTIN	WOOD, LANCER AUSTIN	05/07/1990	DEFENDANT

CN=John Q Public,O=JUDICIAL

[Logon](#)

[Register](#)

Certain details of case data are only shown to subscribers. You may logon at this time if you are a subscriber, or you may be become a subscriber by registering at this time. There is a \$25.00 per month subscription fee.

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Lancer Wood's problems are far from over. Note that he is being sued by the parents of all three of his passengers plus an insurance company. He also has problems with the city of Indianola.

If Lancer Wood's father, Daniel, also named in the suits because he is owner of the car, does not have sufficient insurance to cover the damages that will likely be awarded by three jury trials, the families will look to Mr. Wood's personal assets to make up the difference.

Boater gets prison for deadly crash

A South Dakota man was sentenced Thursday to 10 years in prison for a deadly boating accident on West Lake Okoboji in 2005.

Justin Nearman, 31, of Sioux Falls, S.D., was ordered to serve five years of the sentence. He pleaded guilty in November of operating a boat while intoxicated resulting in the death of another person for the Aug. 12, 2005, crash that killed Michael Brosnahan, a Perry dentist.

Nearman faced 25 years in prison, but the length of his sentence was reduced as part of a plea agreement.

Authorities said Nearman was operating a boat on West Lake Okoboji at 2 a.m., when it rammed the rear of the boat that carried Brosnahan, his wife Jill and four others. Nearman's boat vaulted over the other boat and sped away.

The accident resulted in night speed limits on lakes in Dickinson County. The 25 mph limit took effect July 1.

The operator of the boat was charged under Iowa watercraft statutes which are different than motor vehicle statutes. In this case it was Operating a Watercraft While Intoxicated, a Class B felony punishable by up to 25 years in prison. The operator admitted to being intoxicated even though he was not given a sobriety test because he fled the scene.

Through a plea bargain he was sentenced to 10 years in prison but he will only serve 5 years with 5 years deferred as you will see in the next several slides taken from Iowa Courts Online.

NEARMAN, JUSTIN ALLEN

Count
01

Charge

Charge: 462A.14(2)(e) **Description:** OPER MOTORBOAT/SAILBOAT WH INTOXICATED - DEATH (FELB)

Offense Date: 08/12/2005 **Arrest Date:** **Against Type:**

Adjudication

Charge: 462A.14(2)(e) **Description:** OPER MOTORBOAT/SAILBOAT WH INTOXICATED - DEATH (FELB)

Adj.: GUILTY - NEGOTIATED/VOLUN PLEA **Adj.Date:** 01/04/2007

Adj.Judge: CARR, PATRICK

Sentence

Nearman, Justin Allen

Charge: 462A.14(2)(e) **Description:** OPER MOTORBOAT/SAILBOAT WH INTOXICATED - DEATH (FELB)

Sentence Date: 01/04/2007 **Sentence:** PRISON

Appeal: **Sen.Judge:** CARR, PATRICK

Facility Type: P **Attorney:** N

Restitution: Y **Drug:** Y **Extradition:** N

Lic.Revoked: N **DDS:** Y **Batterer:**

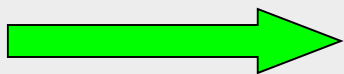
Fine Amount: **Duration:** 10 Year(s)

Comment: DO VICTIM IMPACT TRAINING;PRISON 10 YRS W/5 YRS SUSPD

The operator of the boat is required to pay costs associated with his actions plus restitution to the victim's family

STATE OF IA VS NEARMAN, JUSTIN ALLEN
Case: 03301 FECR015934 (DICKINSON)

<u>Summary</u>	<u>Orig</u>	<u>Paid</u>	<u>Due</u>
COSTS	42330.00	42252.52	77.48
FINE	0.00	0.00	0.00
SURCHARGE	0.00	0.00	0.00
RESTITUTION	168302.91	80.38	168222.53
OTHER	0.00	0.00	0.00



The drunk boater's problems will not be over just because he served his time. He owes the estate of the man he killed lots of money.

\$210632.91 \$42332.90 \$168300.



WHO-TV, CHOPPER 13

This video image from WHO-TV's news helicopter shows the scene of the fatal crash on Sept. 15 on Interstate Highway 35 south of Ames.

Car crashed at 87 mph, state troopers conclude

The State Patrol says alcohol also factored into the crash on I-35 that killed four after the Iowa-ISU football game.

By **WILLIAM PETROSKI**
REGISTER STAFF WRITER

A traffic crash that killed four people south of Ames on Sept. 15 shortly before the end of the Iowa-Iowa State football game was linked to alcohol and speeding, the Iowa State Patrol said Thursday.

Troopers investigating the crash determined that the 2001 Mitsubishi Galant car carrying five people was traveling about 87 mph when it veered off Interstate Highway 35 and struck the rear of a motor home legally parked on the shoulder of I-35, the State Patrol said in a statement.

The Mitsubishi was southbound between Ames and Des Moines when the car swerved and struck the motor home that had broken down, troopers said.

The crash killed the Mitsubishi driver, Zackry Thomas, 21, of Ottumwa.

Three passengers — Gavin Granneman, 29, of Clive;

Steven Atchison, 27, of Des Moines; and Karli Manker, 22, of Iowa City — also died of their injuries.

Another passenger, Eric Hartung, 26, of Johnston, was seriously hurt. Four occupants of the motor home suffered minor injuries.

State Patrol investigators said tests showed that Thomas had been drinking before the accident, although his blood-alcohol level was below .08, the point at which a person is deemed to be legally intoxicated.

"An examination of all of the evidence surrounding this crash has led ... investigators to conclude that alcohol and speed were key factors contributing to the cause and severity of the crash," the State Patrol statement said.

The speed limit on that portion of I-35 is 70 mph.

Because Thomas was killed in the crash, no criminal charges will be filed, the patrol said.

The motor home, which was occupied by an Urbandale couple and two of their grandchildren, had been waiting for a towing service.

Investigators said a dispatcher received a 911 call reporting the crash at 2:44 p.m. Troopers who responded said the impact of the crash had flipped the 1991 Tioga motor home onto its right side, with the vehicle blocking the west lane of southbound I-35 once it came

to rest. The Mitsubishi wreckage was found in the west ditch.

The crash closed a stretch of the southbound lanes of I-35 south of Ames for nearly three hours. Football fans leaving Jack Trice Stadium were directed to alternate routes.

Friends of Hartung said earlier this week that they are trying to raise money for their friend, who has no health insurance. Hartung suffered severe chest injuries in the crash.

The Eric Hartung Benefit Fund has been created at Community State Bank, P.O. Box 127, Ankeny, IA 50021.

Reporter William Petroski can be reached at (515) 284-8547 or bpetroski@dmreg.com



Thomas



Granneman



Manker



Atchison

Sometimes a combination of irresponsible choices, in this case speed and alcohol together can have fatal consequences.

AND WHEN OFFSPRING BREAK THE
RULES, THERE ARE PARENTS WHO ARE
NOT AFRAID TO HOLD THEM ACCOUNT-
ABLE.

THIS MOM BACKED UP HER WORDS
WITH ACTION

Booze in car brings 'meanest mom' ad

By **ABBY SIMONS**

REGISTER STAFF WRITER

It was early last month when Jane Hambleton of Fort Dodge found the bottle under the front seat of her 19-year-old son's pride and joy.

Her next move was a call to The Des Moines Register's classified advertising department:

OLDS 1999 Intrigue

"Totally uncool parents who obviously don't love teenage son, selling his car. Only driven for 3 weeks before snoopy mom who needs to get a life found booze under front seat. \$3,700/offer. Call meanest

Des Moines Register
January 9, 2008

See **AD**, Page 10A

'Meanest mom' reacts with car sale ad

AD, from Page 1A

mom on the planet."

The son soon found himself on foot. And the meanest mom on the planet became the target of accolades from across Iowa and beyond.

Hambleton, 48, a disc jockey, said she has fielded more than 70 telephone calls from emergency room technicians, nurses, school counselors and even a Georgia man, who wanted to congratulate her.

"The ad cost a fortune, but you know what? I'm telling people what happened here. I'm not just going to put the car for resale when there's nothing wrong with it, except the driver made a dumb decision," Hambleton said. "It's overwhelming, the number of

calls I've gotten from people saying, 'Thank you, it's nice to see a responsible parent.' So far, there are no calls from anyone saying, 'You're really strict. You're real overboard, lady.'"

Steven Hambleton, a freshman business major at Briar Cliff University in Sioux City, obviously was not one of the callers. And he didn't feel much like talking when contacted Tuesday.

"I don't think you can print" his response to the ad, his mother said. "He's very, very unhappy."

Jane Hambleton described her son as a great kid who does excellently in college and is active in church. But she'll stick to her guns, even though Steven Hambleton said that

the bottle of alcohol wasn't his, and that someone else had left it in his (former) car.

For the record, Mom believes him.

But she and her husband set two rules when they bought the car at Thanksgiving: No booze, and always keep the car locked. The car sold within two weeks, but Hambleton said she will continue the ad for another week — just for the feedback.

"A couple in Hubbard bought it for their 19-year-old son," she said. "I told the kid when they were leaving, 'Do not have any booze in that car. And if you do, don't hide it under the front seat.'"

Reporter Abby Simons can be reached at (515) 284-8136 or asimons@dmreg.com

moonroof, cast aluminum wheels, low miles, \$6900, 515-276-8288

OLDS 1999 Intrigue, Totally uncool parents who obviously don't love teenage son, selling his car. Only driven for 3 weeks before snooty mom who needs to get a life found booze under front seat. \$3,700/offer. Call meanest mom on the planet.

OLDS 1993 Cutlass Convertible, new top \$2,500 515-984-7928 www.mightygoodcars.com

OLDSMOBILE

The classified advertisement that appeared in The Des Moines Register purchased by the "meanest mom on the planet." The Register has intentionally blurred the phone number.

Des Moines Register
January 9, 2008

Remember from Chapter 1 the motorcyclist killed on Highway 330 by an impaired driver who failed to stop for a stop sign?

Bondurant man charged in accident on Highway 330

By **KEN BLACK**

TIMES-REPUBLICAN

RHODES — A man authorities say is responsible for an accident on Highway 330 in southern Marshall County has been charged with vehicular homicide.

The Iowa State Patrol says Johnathan Dowd, 21, of Bondurant, failed to yield at a stop sign and was crossing the highway when his vehicle was struck by two motorcycles near The Harvester golf course April 28.

The full accident report released by the Iowa State Patrol lists Dowd as under the influence of drugs or alcohol at the time of the accident.

Gregory Teasley, 47, of Omaha, Neb., was killed

because of the impact.

Also injured was another man on a different motorcycle, Horace Bethea, 55, of Bellevue, Neb. He was taken to Marshalltown Medical & Surgical Center, where he was treated and released. Both men were wearing helmets at the time of the accident.

Dowd and a passenger in his vehicle, John Kimberley, 30, of Collins, were also listed as injured on the state patrol's accident report, but neither was transported to a hospital.

The Marshall County Sheriff's Office assisted at the scene, but the investigation and scene was under the jurisdiction of the state patrol.

Contact Ken Black at 641-753-6611 or kblack@timesrepublican.com

Marshalltown
Times Republican
Tuesday, May 6, 2008

Note how the word "accident" is used about 6 times but it is hard to tell the family of the dead motorcyclist that their loved one was killed in an accident when the Iowa State Patrol determined the driver was under the influence of drugs or alcohol when he drove through a stop sign.

Defendant: DOWD, JOHNATHAN JAMES

Count 01

Charge: 707.6A(1)(a) **Description:** VEH. HOMICIDE/OWI (FELB)

Offense Date: 04/27/2008

From Iowa Courts Online. Note that Dowd is charged with a Class B felony, Vehicular Homicide While Under the Influence of Drugs or Alcohol. This charge could lead to a 25 year prison term if Dowd is found guilty.

The next slide shows the other charges against the driver.

Defendant: DOWD, JOHNATHAN JAMES

Count 01

Charge

Charge: 321.174

Description:

FAILURE TO HAVE VALID LICENSE/PERMIT
WHILE OPER. MOTOR VEH.

Offense Date: 04/27/2008

Arrest Date:

Against Type:

Defendant: DOWD, JOHNATHAN JAMES

Count 01

Charge

Charge: 719.1(1)A

Description:

INTERFERENCE W/OFFICIAL ACTS
(SMMS)

Offense Date: 04/27/2008

Arrest Date:

Against Type:

Defendant: DOWD, JOHNATHAN JAMES

Dowd tried to run away

Count 01

Charge

Charge: 321.284

Description:

OPEN CONTAINER - DRIVER

Offense Date: 04/27/2008

Arrest Date:

Against Type:

Defendant: DOWD, JOHNATHAN JAMES

Count 01

Charge

Charge: 321.322

Description:

FAIL TO OBEY STOP OR YIELD
SIGN -

Offense Date: 04/27/2008

Arrest Date:

Against Type:

Defendant: DOWD, JOHNATHAN JAMES

Count 01

Charge

Charge: 321.322

Description:

FAIL TO OBEY STOP OR YIELD
SIGN -

Offense Date: 04/27/2008

Arrest Date:

Against Type:

DUI/DWI LAWS

All 50 states and the District of Columbia have per se laws defining it as a crime to drive with a blood alcohol concentration (BAC) at or above a proscribed level, 0.08 percent.

License suspension or revocation traditionally follows conviction for alcohol-impaired driving. Under a procedure called administrative license suspension, licenses are taken before conviction when a driver fails or refuses to take a chemical test. Because administrative license suspension laws are independent of criminal procedures and are invoked right after arrest, they've been found to be more effective than traditional post-conviction sanctions. Forty-one states and the District of Columbia have administrative license suspension laws.

Forty-five states permit some offenders to drive only if their vehicles have been equipped with ignition interlocks. These devices analyze a driver's breath and disable the ignition if the driver has been drinking.

In 30 states, multiple offenders may forfeit vehicles that are driven while impaired by alcohol.

Forty-three states and Washington D.C. have laws prohibiting the driver, passengers or both from possessing an open container of alcohol in the passenger compartment of a vehicle.

Constitution of the United States of America

Amendment X

Ratified December 15, 1791

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

If the Constitution gives the States, and the people residing in those States, the right to make their own laws, how does the Federal government force the states to adopt blood alcohol limits for drivers of motor vehicles?

Federal Highway Funds
also known as
The Power of the Purse

Alcohol is the most commonly used drug in our society today. It is by far the most frequently found drug in fatally injured drivers.

Young people in their teens are among those in our society who use and abuse alcohol. Even though it is illegal for teens to drink, a significant percentage of them do drink. This segment of young people who drink alcohol present a major problem for highway safety when they mix drinking with driving.

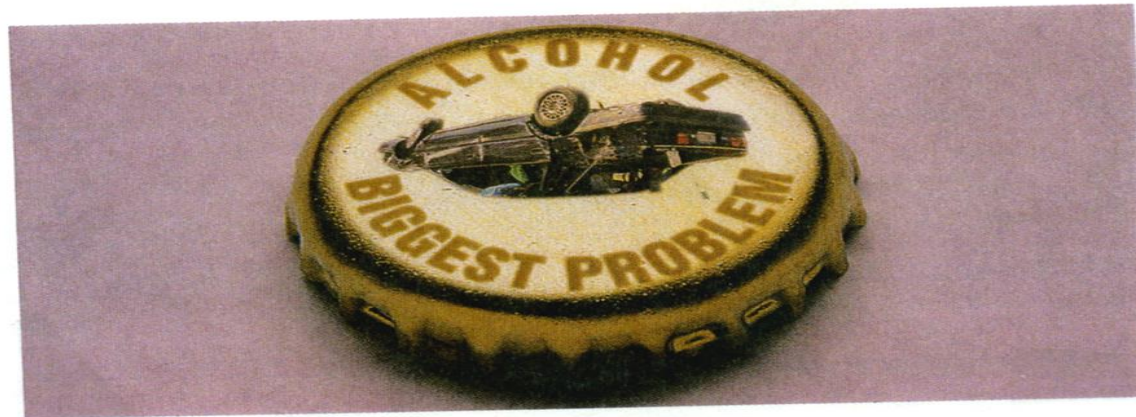
All states now enforce a minimum drinking age of 21. Laws against underage drinking and driving are more strictly and more vigorously enforced now than ever. Alcohol-related educational programs within schools, homes, and communities have increased. Nevertheless, alcohol-related collisions are still a major safety problem.

Alcohol Facts

Some people are not aware that alcohol is a drug. After all, it can be purchased legally. And commercial advertising depicts alcoholic beverage consumption as harmless fun.

The word *alcohol* is the commonly used term for the chemical substance ethanol, grain alcohol, or ethyl alcohol. Alcohol is the product of the fermentation of fruits, grains, or other plants. Alcohol is classified as a drug because of its effects on the body's central nervous system.

The effects of alcohol vary from person to person. However, everyone who uses alcohol is affected by it to some degree. One of the most serious problems of alcohol is the problem of the drinking driver. Drivers cannot afford to increase the risks of driving by having their abilities diminished by alcohol.



Alcohol is the most commonly found drug in fatally injured drivers.

Consider these facts about alcohol and driving:

- Young drinking drivers are involved in fatal crashes at twice the rate of drivers aged 21 and older.
 - Drivers aged 16 through 20 are more likely to be alcohol-impaired than any other age group.
 - Nearly half of those killed in alcohol-related collisions had not been drinking but were victims of drunk drivers.
 - More than half of all fatalities during holidays are alcohol related.
-

Effects of Alcohol on Behavior

Number of drinks in one hour

BAC

Effects

1 serving



.02–.03%

Inhibitions are lessened. Judgment and reasoning begin to be affected.

3 servings



.05–.09%

Unable to think clearly. Judgment and reasoning are not reliable. Muscular coordination is impaired.

4 servings



.10–.12%

After four drinks, hearing, speech, vision, and balance are affected. Most behaviors are affected.

Three drinks in an hour in all states will put most people at least in the DUI category and maybe even DWI

DUI = .05

DWI = .08

Iowa does not prosecute cases under DUI. They use reckless, etc.




How Alcohol Affects Behavior

As soon as alcohol from a drink reaches the brain, it affects the way people think and behave. Just one drink can affect a person's behavior, both mentally and physically, regardless of the type of alcoholic drink. The same amount of alcohol does not affect all people the same way. Alcohol does not even affect the same person in the same way in all situations. The best way to avoid changes in behavior is to abstain from drinking.

Mental Abilities and Alcohol

Alcohol acts on the central nervous system like an anesthetic, slowing the activity of the brain. Alcohol is not digested. It is absorbed directly and quickly into the bloodstream through the walls and linings of the entire digestive tract.

Once alcohol enters the bloodstream, it quickly flows to the brain. Alcohol has the greatest effect on the parts of the brain that control judgment and reasoning—the two most critical mental skills needed by drivers. Physical abilities become impaired soon afterward.

Effects of Alcohol on Behavior		
Number of drinks in one hour	BAC	Effects
1 serving 	.02–.03%	Inhibitions are lessened. Judgment and reasoning begin to be affected.
3 servings 	.05–.09%	Unable to think clearly. Judgment and reasoning are not reliable. Muscular coordination is impaired.
4 servings 	.10–.12%	After four drinks, hearing, speech, vision, and balance are affected. Most behaviors are affected.

Judgment and Reasoning A driver affected by alcohol has a decreased ability to reason clearly and make sound judgments. At the same time, the driver actually feels as though thinking and judging abilities are sharper, quicker, and more accurate than usual. In a way, alcohol puts sound judgment on hold.

A person in this condition can develop a false feeling of well-being. This feeling is known as **euphoria**. People in a euphoric state of mind may take chances they normally would not take. This behavior can be deadly when behind the wheel of a vehicle.

Physical Abilities and Alcohol

As alcohol enters the bloodstream, the area of the brain that controls muscular movements, reflexes, and balance begins to slow down. The driver may recognize a dangerous situation, but the brain takes longer to process the information and react to the danger.

Reaction Time and Coordination

Alcohol slows reflexes and reaction time. Muscular coordination becomes slow and clumsy. A driver might oversteer, brake late, or accelerate suddenly. Alcohol especially affects the reflexes and reactions of beginning drivers.

Seeing and Speaking Abilities One of the most dangerous effects of alcohol is impaired vision. Impairment occurs in visual acuity, peripheral vision, night vision, color vision, and depth perception. Impaired vision combined with diminished judgment and slow reaction time can cause a driver who has been drinking to be in a conflict. For example, the driver in the picture might not identify the pedestrian in time to stop safely.



A driver who has been drinking would have difficulty seeing this pedestrian and reacting soon enough to stop.

After only a few alcoholic drinks, the driver's visual acuity can become impaired. A person's ability to focus becomes fuzzy and unclear.

Alcohol also affects the reflex action of the eyes. At night, this impairment can be critical. As headlights of oncoming vehicles come

closer, the pupils of the eyes normally become smaller to shut out excess light. This reflex keeps you from being blinded by the glare of the headlights. When the lights have passed, the pupils enlarge again to let in all available light. The ability of your eyes to make this change is extremely important.

Alcohol also impairs depth perception. The drinking driver may misjudge the distance of oncoming or cross-traffic vehicles. A vehicle is perceived as being farther away than it actually is. In addition, drinking drivers cannot accurately determine the speed or distance of approaching vehicles.

After only a few drinks, this reflex action is impaired. The pupils do not become small rapidly as the bright lights approach, and they are slow to open after the bright lights pass. As a result, the driver can be blinded temporarily and may continue to have blurred vision for some time after meeting each vehicle.

After excessive drinking, a person might see multiple images. Each eye normally picks up a separate image of an object. These two images are coordinated by the brain so that the person sees only one image. After several drinks, however, coordination of the images becomes impaired. When driving, the person might see numerous images of a roadway center line, or of traffic signs, as the picture shows.



After several drinks, a driver may see multiple images of roadway signs.

Amount of Alcohol in Standard Drinks

Drink volume

Percentage of alcohol

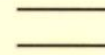
Amount of alcohol



12 ounces beer



5%



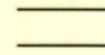
.60 ounces



5 ounces wine



12%



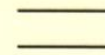
.60 ounces



1½ ounces whiskey
(80 proof)



40%



.60 ounces

Alcohol in the Body

The percentage of alcohol in a person's bloodstream can be determined by chemical tests. The amount of alcohol in the blood is called **blood-alcohol concentration (BAC)**.










The level of intoxication is determined by the percent of alcohol in the bloodstream. Each drink adds about 0.02 to 0.03 percent to the person's BAC. The greater the BAC, the more dangerous driving becomes.

Amount of Alcohol in a Drink

Beer, wine, and liquor can all be thought of as "drinks." In standard sizes, drinks all have about the same amount of alcohol, as the chart shows.

The term "proof" describes the strength of liquor. Divide a liquor's proof number by two to determine its approximate percentage of alcohol. The chart shows that 80-proof whiskey is about 40 percent alcohol. A 100-proof liquor is about 50 percent alcohol.

Amount of Alcohol in Standard Drinks

	Drink volume		Percentage of alcohol		Amount of alcohol
	12 ounces beer	×	 5%	≡	 .60 ounces
	5 ounces wine	×	 12%	≡	 .60 ounces
	1½ ounces whiskey (80 proof)	×	 40%	≡	 .60 ounces

Blood alcohol content

From Wikipedia, the free encyclopedia

(Redirected from [Blood alcohol limit](#))

Jump to: [navigation](#), [search](#)

Blood alcohol content (BAC) or **blood alcohol concentration** is the concentration of [alcohol](#) in [blood](#). It is measured either as a percentage by mass, by mass per volume, or a combination. For example, a BAC of 0.20% (2.0 ‰) can mean 2 grams of alcohol per 1000 grams of an individual's blood, or it can mean 0.2 grams of alcohol per 100 millilitres (also called a decilitre) of blood.

In the example above, a blood alcohol content (BAC) of .20% means the person's blood is 2 percent alcohol. By law, **IN ALL STATES**, a BAC of .08 means that a person's blood is 8 percent alcohol and the person is legally drunk

BAC (Blood Alcohol Content) Levels of Drinking Drivers In Alcohol-Related Fatal Crashes

BAC Levels of .01 to .09

BAC Level	1998		1999	
	Drivers	% of Total	Drivers	% of Total
0.01	5	22.7%	9	28.1%
0.02	2	9.1%	4	12.5%
0.03	3	13.6%	3	9.4%
0.04	2	9.1%	3	9.4%
0.05	0	0.0%	3	9.4%
0.06	2	9.1%	1	3.1%
0.07	1	4.6%	3	9.4%
0.08	3	13.6%	1	3.1%
0.09	4	18.2%	5	15.6%
Total	22	100.0%	32	100.0%

Note where in the blood alcohol range of .01 to .09 where the highest percentage of deaths occur.

What conclusion can you draw from these statistics?

All BAC Levels

BAC Level	1998		1999	
	Drivers	% of Total	Drivers	% of Total
.01-.09	22	21.6%	32	27.8%
.10-.19	50	49.0%	53	46.1%
.20-.29	23	22.5%	28	24.3%
.30-.39	7	6.9%	1	0.9%
.40-.49	0	0.0%	0	0.0%
.50+	0	0.0%	1	0.9%
Total	102	100.0%	115	100.0%

Note where the highest percentage of deaths occur in the overall blood alcohol range.

What conclusion can you draw from these statistics?





Factors Affecting BAC The percentage of alcohol in the bloodstream depends on the following factors:

- **Amount of alcohol consumed**
The more a person drinks, the higher the BAC.
- **Amount of time over which a given amount of alcohol is consumed** A person's BAC rises more rapidly if only short periods of time elapse between drinks.
- **Person's body weight** If other factors are equal, a heavier person may be affected less by the same amount of alcohol than a lighter person would be.

To a lesser degree, some types of food in the stomach may make a difference in the rate the alcohol is absorbed. However, even with food in the stomach, the absorption rate of alcohol into the bloodstream is rapid. When alcohol is mixed with carbonated beverages, the rate of absorption is even faster.

Some people may decide they want to drink. Responsible friends can encourage them to limit their drinking by taking the following actions:

- Get them involved in other activities.
- Encourage them to decide on a limit of drinks in advance and stick to it.
- Ask them to avoid drinks with a high concentration of alcohol.
- Encourage them to sip a drink slowly. Suggest that they not drink more than one alcoholic beverage in an hour.
- Make them aware of their mental and physical behavior.

The Time It Takes for the Body to Rid Itself of Alcohol*		
Number of Drinks	BAC Range	Approximate Time to Eliminate Alcohol
	.02-.03	1½ hours
	.04-.06	3 hours
	.06-.09	4 to 5 hours
	.08-.12	5 to 7 hours





*The number will vary depending on the alcohol content of the drinks and rate of consumption.

Controlling Impairment Alcohol is absorbed into the brain and the rest of the body very quickly, but it is very slow to leave. Alcohol continues to circulate throughout the body until it is oxidized and removed by the liver. The body rids itself of alcohol at a rate of about three-fourths of a standard drink an hour.

A person who has one drink needs about one and a half hours to rid the body of the alcohol in that drink. **After consuming three drinks in an hour, a person needs more than four hours to oxidize and eliminate most of the alcohol.** A person should not drive during those time periods. *Only time can reduce the body's BAC and that person's degree of impairment.* The chart shows the time needed for the body to rid itself of alcohol at the rate of about three-fourths of a drink in an hour.

Three drinks within an hour will put most people at or over Iowa's .08 limit for drivers

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Myths and Truths About Alcohol

The following ideas about alcohol are *not* true. They are only myths.

- **I can sober up by drinking black coffee, taking a cold shower, or doing exercises.** The truth is that these activities do not reduce the BAC. The person may seem more alert, but the BAC is not reduced.
- **One little drink won't hurt me.** The truth is that taking one drink can make it easier to take the second and third drinks.
- **I will not be affected because I am only drinking beer.** The truth is that a 12-ounce can of beer contains as much alcohol as an average cocktail.
- **I can drive better after a few drinks.** The truth is that your driving abilities are diminished, not improved.
- **A young person cannot become a problem drinker.** The truth is that some young people become problem drinkers even as teens.



This man has had several drinks at a party. Which activity would lower his BAC so that he could drive home?

The strong black coffee myth only produces a wide awake drunk. It does not alter the affects of the alcohol.

WATCH THIS VIDEO, *DRIVE IT RIGHT*,
PRODUCED BY ALLSTATE INSURANCE
ABOUT DRINKING AND DRIVING

Types of Drugs

Most drugs are classified according to the effects they have on the central nervous system and bodily functions. Some drugs depress, or slow down, the central nervous system. Others stimulate it, or speed it up.

When legal drugs are taken in the prescribed amounts and for the right reasons, they are relatively safe.

Prescription Medicines

A drug that can be purchased legally only when ordered by a doctor is called a **prescription medicine**. The law requires a prescription because the drug used can have very strong effects on the body.

Depressants

A **depressant** is a drug that can slow down, or depress, the central nervous system. Depressants such as barbiturates, sleeping pills, and tranquilizers are used to relieve tension, calm nerves, and treat high blood pressure.

A driver using depressants can become very relaxed, lose inhibitions, and have difficulty identifying, predicting, deciding, and executing. Alcohol also is a depressant.

Hallucinogens

Hallucinogens are unpredictable mind-altering drugs that can alter personality and cause panic or terror as they distort a person's sense of direction, distance, and time.

Marijuana Marijuana is a powerful mind-altering drug that affects the brain and other parts of the central nervous system. Marijuana can impair judgment, memory, depth perception, and coordination.

MARIJUANA Chemicals in marijuana can remain in the body for weeks. Drivers can be given a test for drugs and can be issued a violation ticket if any trace of marijuana is found in the body. Traces of marijuana can be detected in the bloodstream even weeks after the person uses the drug.

Stimulants

A **stimulant** is a drug that can speed up, or stimulate, the central nervous system. Amphetamines are a type of stimulant. When first taken, the user gets a feeling of high energy and alertness. Some people misuse these drugs to try to stay awake while driving long distances. However, the feeling of alertness soon wears off and the person becomes very tired very quickly, thus increasing driver-related risk.

Over-the-Counter Medicines

Drugs that can be obtained legally without a doctor's prescription are called **over-the-counter medicines**, or OTCs. Many over-the-counter medicines have side effects that can include drowsiness, dizziness, slowed reaction time, and poor judgment.

Combining Drugs

You should not take more than one over-the-counter or prescription medicine without first consulting your doctor or a pharmacist.

Using alcohol while taking medicine is especially dangerous. If a person uses alcohol while taking an antihistamine for a cold, the nervous system can be slowed down much more than by using either drug alone.

All 50 states have become uniform in requiring a person to be 21 years of age to purchase or consume alcoholic beverages.

Alcohol-related vehicle collisions among teenagers dropped after states raised the drinking age to 21.

Implied-Consent Law

Every state has an **implied-consent law** for drivers. Implied consent means that anyone who receives a driver's license automatically consents to be tested for BAC and other drugs if stopped for suspicion of drug use while driving.

If the driver does not cooperate with the officer and refuses to be tested for BAC, that driver's license can be suspended.

Levels of Intoxication

Because there is no "safe" amount of alcohol for drivers, all states have set a BAC level at which drivers could be charged with **driving while intoxicated (DWI)**. In the past, that level in many states was set at 0.10 percent. Research now shows that the vast majority of drinking drivers are significantly impaired at 0.08 percent. The impairment primarily affects judgment and such critical driving tasks as braking, steering, and changing lanes.

In some states, a charge of **driving under the influence (DUI)** can be made if the driver's BAC is 0.05 or more. Other states make no distinction between DWI and DUI.

Penalties for Conviction

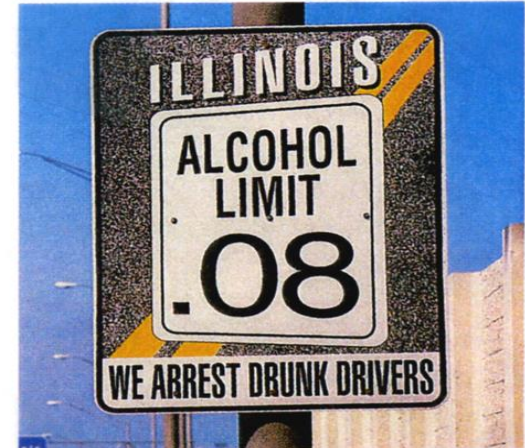
The penalties for conviction of driving while intoxicated and driving under the influence involve one or more of the following:

- suspension or revocation of driver's license
- payment of a fine
- serving a prison term

The most common penalty is suspension of the driver's license for a specified period of time.

Zero-Tolerance Law A **zero-tolerance law** makes it illegal for persons under the age of 21 to drive with any measurable amount of alcohol in the blood. Almost all states have implemented zero-tolerance BAC levels for drivers under the age of 21. States with a graduated-licensing system usually have a zero-tolerance law. Most states have set the zero-tolerance BAC at 0.00 to 0.01 percent.

A National Highways Systems Designation Act requires states to set a 0.02 BAC (or less) for drivers under the age of 21.



Some states post the BAC level for intoxication on highways.

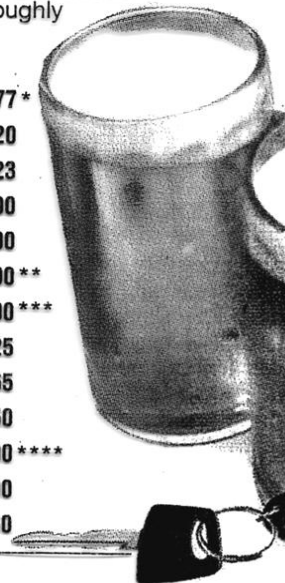
Wednesday, February 1, 2006

In two cities, OWI conviction will include fee for expenses

The cost of an OWI

The cost of a first conviction for operating a vehicle while intoxicated can vary, but here's roughly what one can expect.

Vehicle towing, storage and release from police department	\$77 *
Driver's license reinstatement fee	\$20
New license	\$23
Driver's license civil penalty	\$200
Car insurance premium increase	\$900
Interlock or "blow and go" device	\$390 **
OWI penalty fine	\$1,000 ***
OWI classes	\$325
OWI substance abuse evaluation	\$65
Probation administration fee	\$250
Attorney fees	\$900 ****
Missed wages	\$400
Total	\$4,550



- * Could be significantly more
- ** Not required in most cases
- *** Can be reduced to \$500 if the offender is able to get a temporary work permit
- **** A private attorney could cost as much as \$2,000 to \$3,000 more

Sources: Estimates from state and Polk County officials

THE REGISTER

Tests for Intoxication

Law enforcement agencies place a high priority on enforcing DUI and DWI laws. Several tests can be used to evaluate a person suspected of DUI or DWI. Tests can be given in the police station or on the roadside.

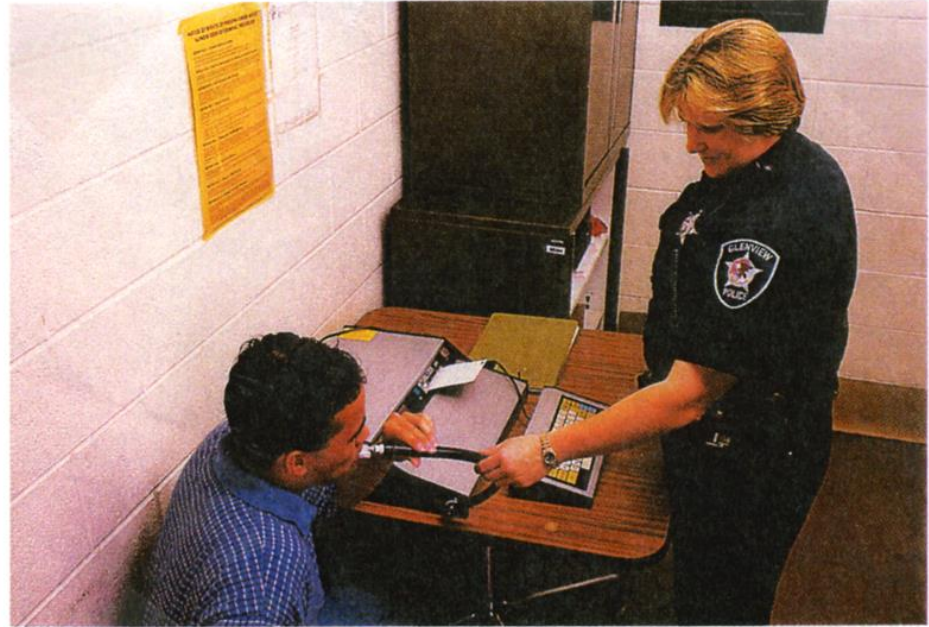
Chemical Testing

Chemical analysis of blood, urine, or breath can accurately determine BAC. The breath test is a widely used and simple analysis.

The breath-test machine most commonly used for determining BAC is an **intoxilyzer**. The person breathes into the intoxilyzer tube, as the man in the picture is doing. The intoxilyzer determines the BAC, which is then indicated on both the intoxilyzer screen and on a paper printout.

Field Sobriety Testing

Law officers in many states can give a **field sobriety test** when they suspect a driver of DUI or DWI. Field sobriety testing includes a series of on-the-spot, roadside tests that help an officer detect driver impairment. A variety of coordination tests and eye checks might be used.



The intoxilyzer can show the person's BAC level.

One such test is the horizontal-gaze nystagmus test. The term **nystagmus** refers to the involuntary jerking of the eyes as the person gazes to the side.

Other roadside tests demonstrate both physical and mental impairment. Balance, coordination, the ability to follow simple instructions, and the ability to perform two tasks at once may be tested. The inability to perform two tasks at once is called *divided-attention impairment*.

- Watch how a field sobriety test is conducted on one young man.
- Decide, after you see the video clip, if he passed the test administered by the officer
- Note how casually the officer reacts to the young man's dilemma.

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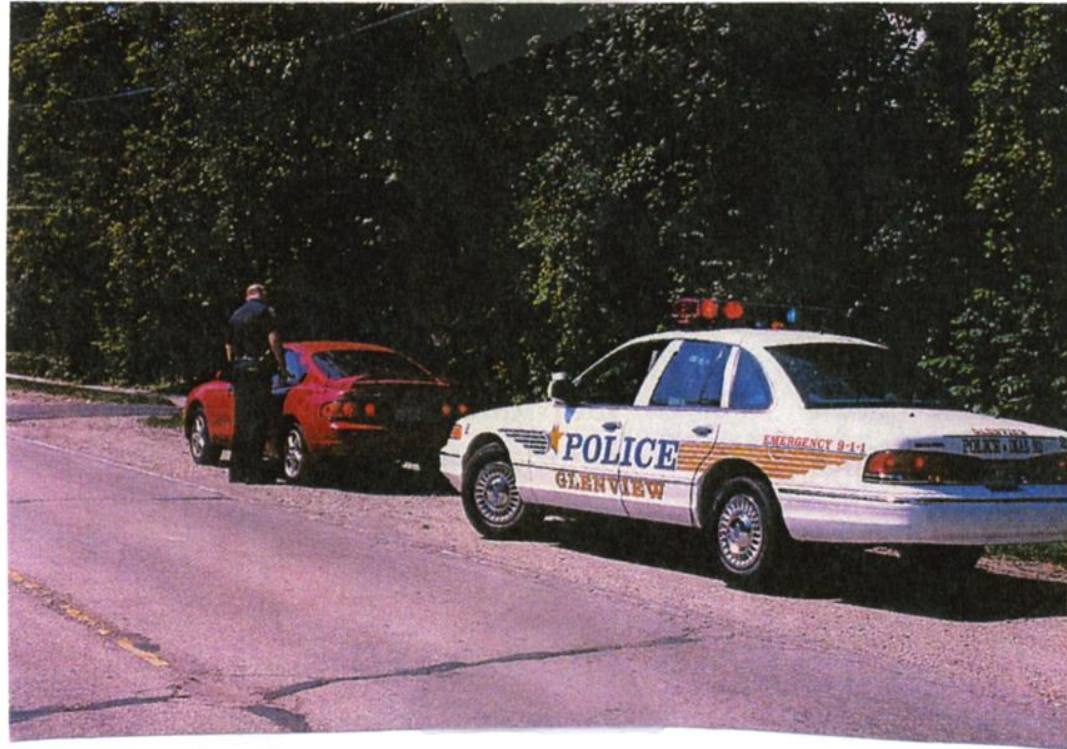


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If You Are Stopped by a Police Officer

When a driver sees the flashing lights of a police vehicle in the rearview mirrors, it is usually a signal to pull over and stop. If you see such a signal, slow your vehicle until you are sure the officer is signaling for you. Pull over to the right and stop in a safe place, as the driver in the picture is doing. You might need to pull into a parking lot or a side street to be out of the way of moving traffic. Keep your hands visible as the officer approaches.

Stay in your vehicle and follow the instructions the officer gives you. You will be required to show your driver's license, and in states with mandatory insurance laws, you will need to show your certificate of insurance.



Understanding Peer Pressure

The influence of others of a similar age is called **peer pressure**. Peers greatly influence each other because people naturally tend to want to belong to a group.

Positive Peer Pressure

When peers exert a pressure on you in a positive way, they want to be helpful and encouraging.

Talking a friend out of drinking alcoholic beverages at a party or refusing to ride with someone who has been drinking are other examples of positive peer pressure. Exerting positive peer pressure on friends also can help strengthen positive decisions in young people, as they search for their own identity and struggle to fit in.

Negative Peer Pressure

Negative peer pressure occurs when others encourage you to do something that you believe is wrong or dangerous. When peers exert negative pressure, they do not have your best interests in mind. Because some people worry a great deal about what others think of them, negative pressure might result in them doing things that are against their beliefs and values.

Making Responsible Decisions

Learning how to make responsible decisions can help you be more in control of your life. Following the five steps listed in the decision-making chart will help you make responsible decisions.

Deciding About Drinking Each person must make his or her own decision whether or not to drink. The best decision a person can make is not to drink. Individuals who decide not to drink alcoholic beverages never need to worry about alcohol impairing their driving performance. However, nondrinkers must share general concern and care about people who do drink and then drive.

Steps for Making Responsible Decisions

1. Know when a decision is needed.
2. Consider the choices.
3. Consider the consequences and ask yourself these questions:
 - Is it legal?
 - Is it safe?
 - What would my parents and other family members think?
 - Does it show respect for myself and others?
4. Decide which choice is best.
5. Evaluate your decision to know if it was a responsible decision.

Responsibility to Others

When people are in situations where alcoholic drinks are served, their first responsibility is for their own actions. However, a person's responsibility increases when the situation involves drinking and driving.

To what extent should a person take responsibility for the actions of others? Some people hesitate to interfere in other people's lives. However, most people wisely realize that they are being caring friends when they prevent friends from driving after drinking. Just as the sign says, *Friends Don't Let Friends Drive Drunk*.

The drinker has the responsibility of not driving after drinking. However, everyone should accept the responsibility of trying to keep a drinker from driving. In some states, a person who serves alcohol is legally responsible if someone is injured or killed as a result of the actions of the drinking driver.



You must be able to recognize the signs of too much drinking in order to share the responsibility of friends who drink. If friends are drinking, look for these signs of impairment:

- walking unsteadily or stumbling
 - demonstrating poor judgment in behavior
 - slurred, unclear speech
 - talking loudly
 - losing track of time or day of week
-

Methamphetamine (TIK)



How is it made ?

- **Anhydrous nitrate**
- **Ephedrine**
- **Red Phosphorous**
- **Lithium**
- **Antifreeze**
- **Lantern fuel**



Methods of use



Scott Houston / Corbis Sygma

Stages of a TIK use

- **Rush (20 – 40 minutes)**
- **High (3 days)**
- **Binge**
- **Crash**

Short term effects

- **anxiousness and nervousness**
- **incessant talking**
- **extreme moodiness and irritability**
- **purposeless, repetitious behavior, such as picking at skin or pulling out hair**
- **sleep disturbances**
- **false sense of confidence and power; aggressive or violent behavior**

Dilated pupil - stimulant intoxication



Longer term signs of abuse

- **disinterest in previously enjoyed activities; and severe depression.**
- **Dry mouth, sores in and around the mouth**
- **Weight loss**
- **Irritability, temper outbursts, aggression**

Effects of TIK Abuse



1998



2002

What are the medical complications ?

- **rapid heart rate, irregular heartbeat,**
- **increased blood pressure**
- **convulsions**
- **damaged blood vessels and skin abscesses**
- **Acute lead poisoning**
- **50 % of the dopamine producing cells in the brain can be damaged**

Tik : not a great injectable drug



Dental problems caused by Meth



Abscesses caused by “cranking” (injecting Meth intravenously)



Meth needle marks



TIK Psychosis

- **intense paranoia**
- **confusion, anxiety**
- **visual and auditory hallucinations**
- **Out-of-control rages**
- **delusions**

How long does TIK stay in the system ?

- **Approximately 5 days**

Realities to prepare for if you're dealing with TK in your home

- **Tik cravings are long lasting and repetitive**
- **Small valuables start disappearing**
- **As addiction progresses, aggression will set in**
- **Use of downers may follow**



Before



After

The following poem was written by a young girl who was in jail for drug charges, and was addicted to crystal meth (TIC). She wrote this while in jail. As you will soon read, she fully grasped the horrors of the drug, as she tells in this simple, yet profound poem. She was released from jail, but true to her story, the drug owned her.

My Name: "Is TIK"

I destroy homes, I tear families apart,
take your children, and that's just the start.
I'm more costly than diamonds, more precious than gold,
The sorrow I bring is a sight to behold.

If you need me, remember! I'm easily found,
I live all around you - in schools and in town.
I live with the rich; I live with the poor,
I live down the street, and maybe next door.

I'm made in a lab, but not like you think,
I can be made under the kitchen sink.
In your child's closet, and even in the woods,
If this scares you to death, well it certainly should.

I have many names, but there's one you know best,
I'm sure you've heard of me, my name is crystal meth.
My power is awesome; try me you'll see,
But if you do, you may never break free.

Just try me once and I might let you go,
But try me twice, and I'll own your soul.
When I possess you, you'll steal and you'll lie,
You do what you have to -- just to get high.
The crimes you'll commit for my narcotic charms
Will be worth the pleasure you'll feel in your arms,
(your lungs, and your nose).

You'll lie to your mother; you'll steal from your dad,
When you see their tears, you should feel sad.

But you'll forget your morals and how you were raised,
I'll be your conscience, I'll teach you my ways.

I take kids from parents, and parents from kids,
I turn people from God, and separate friends.

I'll take everything from you, your looks and your pride,
I'll be with you always -- right by your side.

You'll give up everything - your family, your home,
Your friends, your money, then you'll be alone.

I'll take and take, till you have nothing more to give,
When I'm finished with you, you'll be lucky to live.

If you try me be warned - this is no game,
If given the chance, I'll drive you insane.

I'll ravish your body, I'll control your mind,
I'll own you completely; your soul will be mine.

The nightmares I'll give you while lying in bed,
The voices you'll hear, from inside your head.

The sweats, the shakes, the visions you'll see,
I want you to know, these are all gifts from me.

But then it's too late, and you'll know in your heart,
That you are mine, and we shall not part.

You'll regret that you tried me, they always do,
But you came to me, not I to you.

You knew this is would happen, many times you were told,
But you challenged my power, and chose to be bold.

You could have said no, and just walked away,
If you could live that day over, now what would you say?
I'll be your master; you will be my slave,
I'll even go with you, when you go to your grave.

Now that you have met me, what will you do?
Will you try me or not? It's all up to you.

I can bring you more misery than words can tell,
Come take my hand, let me lead you to hell.

Decision Making



1. This driver stopped for an hour on his way home from work. During that time he drank three beers. What effects might the beer have on the driver's abilities to drive safely?



2. This girl is about to purchase over-the-counter medicine to treat her cold. Why is it important that she read the label on the medicine bottle?



3. This driver has been stopped by police for suspicion of driving while intoxicated. What types of tests might he be requested to take? What can the tests detect and measure? What could happen if the driver refuses to take the tests?



4. These students are soliciting support from community officials in an effort to combat the problem of underage drinking in their community. What type of activities might the students and community leaders pursue in their endeavor?