

## Advocacy group points to Estero death in call for harsher penalties for striking motorcycles

By KELLY FARRELL

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ESTERO — They had only recently begun dating, but Doug McGill had visions of spending the rest of his life with the woman he went for a motorcycle ride with in August.

As they sat on McGill's bike at a stop light near Coconut Point mall in south Lee County, a driver barreled into the back of the motorcycle.

Janine Becker, 57, of Estero, died.

The driver of the car received a careless driving citation and a \$1,500 fine.

Meanwhile, McGill said he still faces tens of thousands of dollars in medical bills beyond losing the new love of his life.

"We'd have been together the rest of our lives," McGill, 50, of San Carlos Park, said of Becker. "I never met anyone who changed my life like she did."

Pointing to this example, an advocacy group for motorcyclists wants the Florida Legislature to change the law. ABATE of Florida wants stiffer penalties passed in the 2012 legislative session for anyone who kills or seriously injures someone in a crash, members said.

ABATE is a motorcyclists' rights organization with a mission to make the roads safer for everyone and has been pushing for years for stiffer penalties in crashes that cause injury or death — particularly to motorcyclists, pedestrians or bicyclists. ABATE representatives brought the issue to the attention of the Collier County legislative delegation during its meetings this summer.

"We're continuing to see cases like this all across the state where a vehicle driver will break a traffic law and hit a motorcyclist, either killing them or causing them serious injury, getting cited for something like failure to yield, and paying a \$162 fine when they've killed a person," said Darrin Brooks, ABATE's legislative trustee. "That same day a veteran catches a red fish and his fine is over \$300. It's just ironic that a human's life is worth less than the value of a fish."

A stricter law could possibly lead to jail time for a driver in such an accident as the one that occurred in Estero, said ABATE spokesman David Rich of Naples.

McGill said he suffered injuries from which he may never fully recover. Becker's family was left paying for a funeral while the driver is forced to pay nothing toward helping

the victims.

"He needs to pay for (Becker's) funeral. She deserves better than this. He needs to be held accountable at least for that," McGill said.

Stephen Alexander Brown, 40, of Fort Myers, was cited for careless driving and failure to properly maintain his tires and brakes. Lee County Judge H. Andrew Swett in October imposed a \$1,000 fine for careless driving, a \$500 fine for operating a vehicle with unsafe equipment, a six-month license suspension and ordered Brown to take 12 hours of driver's education.

"That's pretty lightweight, I think, for taking a life," Rich said.

Other motorcyclists and ABATE members agreed.

"I appreciate the judge did all he could in this case," said Mark Williams, president of ABATE's Estero River Chapter.

However, with legislation, tougher penalties also could include more community service, such as volunteer hours at the victim's trauma center of Lee Memorial Hospital in Fort Myers.

"So he could just be out there and see what happens, see what this kind of thing does to people," Williams said.

Judges' hands often are tied by the maximum penalties for specific traffic violations established by law, Brooks said.

ABATE is looking for judges to have the ability to use their discretion to impose greater penalties when a person's failure to drive responsibly leads to the loss of life or the loss of quality of life.

"Restitution would have been the only way to do the right thing," he said.

Brown's insurance company reported that Brown's coverage was canceled for failure to pay and McGill said he didn't have uninsured motorist's coverage, so he was left to pick up the pieces and the bills alone.

McGill had 13 staples in his head, road rash all over his torso, dislocated his right knee and ankle, and suffered whiplash, leaving him with about a quarter of the mobility he once had in his neck. He may not be able to ride again.

"I've been riding since I was 15. I'm 50. I've been across the U.S. ... across Canada. I've literally worn out 18 motorcycles. This one was my 20th motorcycle," he said. "I just wish someone could jump on board with me ... and get some money for the family. Not that I think they're wanting for it. It's the principle. She (Becker) deserved better than that."

ABATE is his only form of support right now, he said.

"What they did was unbelievable. Five chapters of ABATE came to the hearing with me. A person (from ABATE) got a baby sitter on the spot one day ... dropped everything to come and help me," McGill said.

While McGill appreciates that help, if people understood how important it is to pay complete attention while driving, he might still have the love of his life, he said.

"We're not looking for retribution. We're not trying to get people in jail. We're looking for the re-education of Florida drivers," Rich said. "Stiffer penalties are deterrents."



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