

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,

PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

CRIMINAL DIVISION

VS

200609597

BRADELY DEMITRAS,

SENTENCING

DEFENDANT.

DATE OF PROCEEDING:

MAY 22, 2007

HEARD BEFORE:

HON. LESTER G. NAUHAUS

REPORTED BY:

MARY SPAGNOLO
OFFICIAL COURT REPORTER

COUNSEL OF RECORD:

FOR THE COMMONWEALTH:

STEFFI KAPOURALES, ESQ.
ASST. DISTRICT ATTORNEY

FOR THE DEFENDANT:

PATRICK THOMASSEY, ESQ.

1 May 22, 2007

2 (Court is in session at 11:00 a.m.)

3 (Witnesses are sworn in.)

4 THE COURT: Now is the time set for the
5 sentencing of Bradley Demitras at 200609507. The
6 defendant appeared before this Court on March 19,
7 2007 and pursuant to a negotiated settlement, pled
8 guilty. He was originally charged in an eight
9 count information. Five motor vehicle violations.
10 Pursuant to the negotiated settlement, the
11 defendant pled guilty to counts four, five, six
12 and seven. Four, five, six, being involuntary
13 manslaughter, graded as misdemeanor ones. Count
14 seven is reckelssly endangering another person, a
15 misdemeanor two. Several of the summary offenses
16 were withdrawn.

17 The defendant pled guilty to the summary
18 offenses which were operation of a motor vehicle
19 without an official certification, speeding.
20 Reckless driving, improper safety chain, unlawful
21 activities.

22 Is that correct, Mr. Thomassey?

23 MR. THOMASSEY: That is correct.

24 MS. KAPOURALES: Yes, Your Honor.

25 THE COURT: The Court ordered a pre-sentence

1 report, which is mandated. That pre-sentence
2 report was reviewed by the Court and I shared it
3 with both defense counsel and the assistant
4 district attorney.

5 Mr. Thomassey, have you reviewed the
6 pre-sentence report with your client?

7 MR. THOMASSEY: We have.

8 THE COURT: Any additions or corrections?

9 MR. THOMASSEY: No, sir.

10 THE COURT: Miss Kapourales, have you
11 reviewed the pre-sentence report?

12 MS. KAPOURALES: Yes.

13 THE COURT: Any additions or corrections?

14 MS. KAPOURALES: No, sir.

15 THE COURT: The Court also reviewed the
16 pre-sentence report. The Court has received a
17 multitude of correspondence in this particular
18 case and before we get into that, I have been
19 informed by both Miss Kapourales and Mr. Thomassey
20 that there are statements and witnesses that they
21 wish to present to the Court in assistance of
22 sentencing.

23 Frankly, I don't know that there is a law on
24 who goes first, but in this particular room I have
25 always had the Commonwealth go first.

1 MS. KAPOURALES: The Commonwealth calls
2 Sherry Digruttolo.

3 THE COURT: We will have all the witnesses
4 sworn in at this time.

5 (All witnesses are sworn in.)

6 THE COURT: State your name and spell your
7 last name, please.

8 MS. DIGRUTTOLO: Sherry D I G R U T T O L O.

9 MS. KAPOURALES: Miss Digruttolo, what was
10 your relationship with Spencer Morrison, Alaina
11 Morrison and Garret Morrison?

12 MS. DIGRUTTOLO: We are friends of the
13 family.

14 MS. KAPOURALES: Do you have a statement you
15 would like to make to the Court?

16 MS. DIGRUTTOLO: Yes.

17 MS. KAPOURALES: Please do so.

18 MS. DIGRUTTOLO: The following is a statement
19 that was written to describe the impact of an
20 indescribable event. I am only too aware that
21 these words are totally inadequate and it is not
22 about me.

23 The tragic deaths of Spencer, Garret and
24 Alaina Morrison on April 13, 2006 have left us
25 heartbroken. I do not have the literary skills to

1 describe the impact of this tragedy on our family.
2 Words only seem to minimize the horror. The loss
3 of Spencer, Garret and Alaina is as present in our
4 daily lives as the air we breathe. The sadness,
5 the longing to see them, the loss of all that was
6 hoped for and the memories of the joy and
7 happiness that was is always just below the
8 surface.

9 Their loss, along with a certain knowledge
10 that it will never, ever be Spencer, Nicole and
11 the trips, Ethan, Garret and Alaina sharing our
12 life permeates daily activities and events.
13 Realizing the impact of their death on us,
14 compared to the personal devastation it has
15 brought to Nicole and Ethan only serves to
16 emphasize its depth.

17 Considering the lives taken and the lives
18 affected, we would request that Bradley Demitras
19 be given the maximum sentence the guidelines will
20 allow.

21 Thank you.

22 THE COURT: Certainly. Thank you.

23 MS. KAPOURALES: The Commonwealth calls
24 Stephanie Bias.

25 THE COURT: Please state your name and spell

1 it.

2 MS. BIAS: Stephanie Bias; B I A S.

3 MS. KAPOURALES: Can you explain your
4 relationship with the Morrison family.

5 MS. BIAS: I am Spencer's sister-in-law, as
6 well as aunt to Garret and Alaina.

7 MS. KAPOURALES: Do you have a statement you
8 would like to make to the Court?

9 MS. BIAS: Yes, I do.

10 Words cannot describe the sorrow and anger
11 that the negligent action of Mr. Bradley Demitras
12 has inflicted on our family. On the evening of
13 April 13, 2006, the careless nature in which Mr.
14 Demitras approached both his life and his
15 occupation tragically ended the lives of our
16 beloved brother-in-law, Spencer Morrison, our
17 niece, Alaina Morrison, and our nephew, Garret
18 Morrison. Alaina and Garret were also my husband
19 and my godchildren.

20 The void that this sudden loss has created in
21 our family is immeasurable. This is compounded
22 by the fact that the accident that stole the lives
23 of our loved ones could have been easily avoided
24 had Mr. Demitras taken simple and routine
25 precautions.

1 Our family is now left with the
2 responsibility of trying to explain to our own two
3 children why they will never see their Uncle
4 Spencer, Cousin Alaina and Cousin Garret again at
5 a much too early age.

6 THE COURT: Take your time.

7 MS. BIAS: We will never again know the joy
8 of a home that is filled with the laughter and
9 excitement of all of our children on a Christmas
10 or Easter morning. Our family is left to comfort
11 and support a mother, Nicole Morriosn, who is
12 trying to cope with the loss of a husband,
13 daughter and son, while caring for her son, Ethan,
14 who is still recovering from both the physical and
15 emotional wounds that he suffered as a result of
16 Mr. Demitras' irresponsible actions.

17 There is no remedy for the emotional wounds
18 that this senseless tragedy has caused our family.
19 There is no adequate sentence that will ever be
20 able to justify our significant loss. We will
21 never know how the lives of Spencer, Garret and
22 Alaina would have played out had they not died so
23 prematurely. We do know, however, that they were
24 and would have been responsible and respectful
25 citizens who would have positively contributed to

1 their communities.

2 Therefore, we ask you, Judge Nauhaus, to
3 sentence Mr. Bradley Demitras to the maximum,
4 consecutive penalties permitted by law.

5 MS. KAPOURALES: Call Mr. Morrison.

6 THE COURT: Please state your name and spell
7 your last name.

8 MR. MORRISON: My name is Eugene Morrison;
9 M O R R I S O N.

10 MS. KAPOURALES: Tell the Court your
11 relationship to Spencer, Garret and Alaina.

12 MR. MORRISON: Spencer's father and Garret
13 and Alaina's grandfather.

14 MS. KAPOURALES: Do you have a statement to
15 make to the Court?

16 MR. MORRISON: Yes, Your Honor. Our son,
17 Spencer Morrison and our two grandchildren, Alaina
18 and Garret were killed as a result of the actions
19 of Mr. Bradley Demitras on April 13, 2006, and I
20 want Your Honor to know how deeply the death of
21 three of our family members has impacted my life.

22 On the day of April 13, I had a busy day at
23 work. I came home and started to cut my lawn.
24 There was a clear, blue sky. Within a few
25 minutes, the sky turned dark and it started to

1 pour and I got soaked. I came into the house.
2 The news was on and they were showing the
3 accident. The first thing that came into my mind
4 was that my family would not be in that area.
5 About ten minutes later, my daughter-in-law,
6 Nicole called and asked if we would come up there
7 because she thought something happened to Spencer
8 and the children. That turned out to be the worst
9 day of my life.

10 Before anyone can contemplate how this has
11 impacted my life, I would like you to know a
12 little about my son and my grandchildren.
13 Spencer's baseball coach from Clarion University
14 was quoted as saying, "He was the type of person a
15 father wants for a son, or the guy you want your
16 daughter to marry."

17 Spencer was not only my son, he was my
18 friend. Growing up, we did so much together;
19 fishing, hunting and baseball. I continued to go
20 to his games even in adulthood. Spencer never had
21 to be told to do anything. He just did it. We
22 continued to do projects together. He would help
23 anyone. As a husband, he devoted his life to
24 Nicole. They were a team. When one was down, the
25 other would carry. I was very proud of both of

1 them for the way they were raising the triplets.

2 As a father, he gave a new meaning to the
3 word. When he wasn't at work, his time was with
4 his family. When he did his projects around the
5 house, the children were either taking a nap or in
6 bed at night. I knew he did this, but one of his
7 neighbors recently told me that one night she woke
8 up around one a.m. in the morning and saw a light
9 coming from Spencer's back yard. There he was
10 working on the retaining wall that he was
11 constructing. That's the way he was when those
12 little ones were up. His time was with them.

13 He was a teacher and he was very
14 conscientious of what he did. I didn't know until
15 after the fact of the many children and students
16 he inspired. I was recently at a March of Dimes
17 Walk and a co-worker told me that the teachers had
18 group meetings and the teachers got together and
19 every teacher would unload on students, but not
20 once did Spencer ever unload on a student. He
21 would come in and they would ask about a certain
22 student and he would give a Spencer smile and
23 shrug his shoulders.

24 Garret was the busy one. He was always doing
25 something. If you called up there to talk to

1 them, you were lucky to get a hello from him. He
2 liked to work, much like his dad did when he was a
3 little boy. Garret asked for a cleaning mop for
4 Christmas. Santa brought him a mop. He used it
5 all over the house. His mom and dad had to make
6 rules of where he could use it. He was such a
7 handsome boy with a cute belly laugh.

8 Alaina was the smallest, but she was the
9 loudest. She was the boss. She thought it was
10 her place to keep the brothers in line. One
11 morning after Spencer and Nicole left for work,
12 Alaina told us that the brodders were bad and
13 there is to be no tv today. If you got her on the
14 phone, she would carry on an adult-like
15 conversation with you.

16 Last fall she started ballet lessons. For
17 months I would aks her to show me what she had
18 learned. She ignored me. A few weeks before the
19 tragedy, we were up there watching them and I
20 asked her to show me some dance steps. She got up
21 on her toes and danced around the room. She was
22 so proud of herself as I was of her. I will never
23 forget that dance and that smile.

24 Ethan is the thinker. He wll pick up a toy
25 and analyze it to see how it works. He could find

1 things on the computer his father taught him.
2 Ethan was showing his brother and sister how to
3 use the computer. He loves music. Santa brought
4 him a guitar for Christmas and he will learn how
5 to play it. Ethan was always the compassionate
6 one. The year my wife watched them, she had to
7 have surgery. Two or three weeks had past and we
8 were up there eating breakfast. Ethan looked up
9 at her and said, "How is your boo boo, grandma."
10 How many three year olds would remember?

11 People say it will get easier as times goes
12 by. Some days are tolerable, but there are a lot
13 of days that the waves of grief hit you and just
14 hold you down. There are a lot of sleepless
15 nights. My heart is broken. I miss my son, our
16 talks, doing projects together. I miss Garret and
17 Alaina. I miss playing with them. I miss their
18 love. My heart breaks for Nicole and Ethan for
19 what they have lost. I fear what my lie ahead for
20 them in the future. I worry about Ethan and what
21 he may face in the future as a result of the
22 injuries, the physical and mental scars.

23 I lost my father in 1975. My mother passed
24 away a couple years ago. I could accept this.
25 They both had serious health problems. But this

1 is like having your heart ripped out, to lose your
2 son and two grandchildren. There are not enough
3 words to explain how terrible I feel and how this
4 will impact me for the rest of my life.

5 Little things trigger my emotions. This is
6 the time of year when my son would say, "Dad, do
7 you have a couple hours so we can go hunting?" Or
8 when I see children playing and doing things with
9 their parents, I think that should be my son with
10 his children.

11 A neighbor asked me one day why do
12 responsible people have to suffer and for the most
13 part the irresponsible go through life untouched.
14 Spencer was a very responsible person. Before the
15 triplets were born, he researched to find one of
16 the safest mini-vans for the family to be in.
17 Nothing could have saved them from what hit their
18 vehicle.

19 I can't say that I hate Mr. Bradley Demitras.
20 However, I hate what he did. Because of his
21 condition and pure negligence, three special and
22 beautiful people are gone from this earth. Ethan
23 was left in critical condition and left with
24 permanent scars. Does this man have any remorse?
25 Is he sorry for what he has done? There is so

1 much of this carelessness on the highways and the
2 workplace. Everyone is in a hurry and does not
3 take the time to think of the possible
4 consequences of what may happen from their actions
5 or inactions. People need to be held accountable
6 for causing such a tragedy, whether it is
7 intentional or unintentional. In an error of
8 judgment, three lives are gone. If he would have
9 just taken a couple of seconds to do things right,
10 they, Spencer, Alaina and Garret would still be
11 with us today.

12 THE COURT: Your son was a teacher?

13 MR. MORRISON: Yes.

14 THE COURT: What grade?

15 MR. MORRISON: Middle school, seventh and
16 eighth at Beaver Middle School.

17 THE COURT: Thank you.

18 MS. KAPOURALES: Call Jason Morrison, the
19 brother of Spencer Morrison. Jason is going to
20 read the statement of their mother, who is Mrs.
21 Morrison and will add something additional on
22 behalf of himself.

23 THE COURT: Very well. Please state your
24 name.

25 MR. JASON MORRISON: Jason Morrison.

1 MS. KAPOURALES: You are going to read a
2 statement from your mother, is that correct?

3 MR. JASON MORRISON: Yes, I am.

4 MS. KAPOURALES: Tell the Court her name.

5 MR. JASON MORRISON: Kathy Morrison.

6 MR. JASON MORRISON: Your Honor, at the
7 request of my mother, I am going to read her
8 statement for her in regard to the sentencing of
9 Mr. Bradley Demitras.

10 Honorable Lester Nauhaus, my son, Spencer
11 Morrison and our two grandchildren, Alaina and
12 Garret Morrison were killed as a result of the
13 actions of Mr. Bradley Demitras on April 13, 2006.
14 I want Your Honor to know how deeply the death of
15 three of our family members has impacted my life.

16 On April 13, 2006, my son, Spencer Morrison,
17 my grandson, Garret, and granddaughter, Alaina
18 were killed in the tragedy caused by Mr. Bradley
19 Demitras. My grandson, Ethan Morrison was also
20 critically injured. I am Spencer's mom and gram
21 to Garret, Alaina and Ethan. Even though three of
22 these family members are gone, I bear that burden
23 on my heart for the rest of my life.

24 April 12, the night before the incident was
25 my birthday. It also was the last time I heard

1 those beautiful voices singing to me, happy
2 birthday and telling me they loved me on my
3 answering machine. My birthday will never, ever
4 be just another day.

5 I spoke to Spencer the morning of the
6 incident, not knowing it would be the last
7 conversation we would have. He was cleaning his
8 garage and enjoying his week off with the
9 children. We made plans for Easter Dinner and the
10 egg hunt I had each year for the children. I
11 still have my Easter ham in the freezer. I can't
12 cook it, but neither can I throw it away. Spencer
13 would think that was wasteful.

14 Spencer was a responsible, reliable,
15 respectful and conscientious individual. When
16 this happened, we learned so much more, especially
17 how humble he was, as well as how many people he
18 impacted in so many aspects of his life. For
19 example, there was a boy he helped in baseball in
20 high school who named his son after him. A
21 mentally challenged friend feels the loss of a
22 fishing buddy even though it was years since their
23 last trip.

24 Another example is how the students and
25 teachers at his school were touched by the love he

1 shared with them for Nicole, Ethan, Alaina and
2 Garret. We knew him as our son, but there was so
3 much more to this young man.

4 Nicole and Spencer had high standards and
5 values that they were raising their children by.
6 The results were showing in the triplets even as
7 young as they were. They loved to go to church,
8 always complimented you and graciously thanked you
9 for everything, even if was just having a fun day
10 together.

11 Alaina, Garret and Ethan were learning and
12 accomplishing so much for their early start in
13 life, even to the point of their relationship
14 setting an example for other children and parents
15 without even knowing so. Our son and
16 grandchildren were only beginning to live.
17 Spencer had so much more to give to his students
18 and family.

19 Our grandson, Garret and granddaughter,
20 Alaina would have attained all that life had set
21 before them and more. Alaina and Garret were a
22 part of Ethan and now Ethan is left to face life's
23 challenges without them. He was born part of
24 three and now as he faces his life, it is unknown
25 how as he matures, this loss will have an impact

1 on him in the future.

2 Our son, Spencer was to take care of us as we
3 aged. Now, we will have to take care of ourselves
4 so that we are there for Nicole, Spencer's wife
5 and Ethan. So much has been affected in our
6 lives. It is work now to keep ourselves looking
7 ahead and not to give into the dark moments and
8 days.

9 In regard to the day of the accident, no one
10 can even realize the range of emotions and fears
11 we went through as a family. We were with our
12 daughter-in-law when the police pulled up to the
13 house. It was the most painful experience we have
14 ever been through, watching our daughter in-law's
15 face as she was told that her husband and some of
16 her children have been killed, rushing off to the
17 hospital not knowing which children had survived.
18 These were our grandbabies and trying to deal with
19 who was surviving gave us little time until later
20 to even recognize the impact of the loss of our
21 son.

22 The police were not sure who survived and at
23 the hospital, there was a waiting period for the
24 survivor to stabilize until he could be
25 identified. Watching Ethan struggle day and night

1 to get well and cry for his daddy and ask for his
2 brother and sister was almost too much pain to
3 bear. As he told us he loved us, even with the
4 bones in his face broken and his jaw not even set
5 yet, broke our hearts as we watched, prayed and
6 held his hand. Trying to pray and help Ethan
7 through recovery while grieving for the others was
8 a mental strain.

9 All this and so much more has enveloped our
10 life, such as sleepless nights, anxious days
11 trying to go to work while worrying about how our
12 grandson and daughter-in-law are doing, as well as
13 trying to do our jobs, headaches, irritability,
14 and memory loss, sensing people avoid you because
15 they cannot handle talking to you or people
16 talking to you saying all the wrong things.
17 People doing everything for you because they want
18 to help. Even writing this letter conjures up all
19 of the pain and is very emotionally draining.

20 I am not sure what Mr. Demitras should
21 receive, but I want him to realize what he has
22 done and what he has taken from our family. We
23 will carry this pain and loss for the rest of our
24 lives. We will struggle living with this on and
25 off for the rest of our lives. We will never get

1 over it. We have to deal with each day learning
2 to live with the tremendous losses. However, we
3 will go on and gain courage from all of our
4 struggles and hopefully do some good in our lives
5 in memory of Spencer, Alaina and Garret.

6 The question is, what will Mr. Bradley
7 Demitras do with his life as a result of this
8 tragedy? Whatever punishment he receives, I can
9 accept as long as Mr. Demitras does something
10 positive with his life out of respect for our
11 family.

12 On April 13, we also were hit by a 5,000
13 pound wood chipper that will never lift from us.

14 Respectfully, Kathy Morrison.

15 Your Honor, I myself did not write something
16 down. For some reason, I do speak my mind a lot,
17 but I was not able to do that. I have heard a lot
18 of things since this has happened, since April 13.
19 Being a state police officer, I have some
20 experience with the court system and
21 investigations. As far as people's personal
22 opinions on criminal activity, I know the
23 difference between a negligent act and an
24 intentional act. There was a lot of negligence
25 with this. I do know because I personally have

1 reviewed all the information on everything Mr.
2 Demitras had done that day, which I felt
3 everything he did led up to this.

4 I would just like the Court to consider my
5 opinion on what Mr. Demitras' actions caused that
6 day. I can stand here and talk to you about what
7 a great, wonderful person my brother, Spencer was,
8 what beautiful children he had and how they would
9 have grown up to be fine adults, but I would like
10 something to be considered here. I hear a lot of
11 things about guidelines for sentencing. I would
12 ask that you consider the maximum sentence for Mr.
13 Demitras. I ask respectfully that you do not
14 victimize my family again. I just ask that.

15 Mr. Demitras took it upon himself to not take
16 the measures that he needed to insure this vehicle
17 was going to be operated safely. Forever more,
18 from this day forward, from that day, my family
19 has to deal with the pain and loss of outstanding
20 persons. I would just like you to consider that
21 my brother was just one of those people that you
22 read about. You don't expect him to be as good as
23 he was. He was an outstanding teacher, an
24 outstanding father, son, and brother.

25 I do not know where I would be if I didn't

1 have my brother. We were two years apart through
2 high school. I had a lot of problems and he was
3 there to guide me through the way. I do not know
4 where I would be if it were not for him. All
5 through my young life and even through my adult
6 life, he was there for me, even though I was not
7 the brother I should have been or the uncle I
8 should have been. The last birthday for the
9 triplets, I did not attend. To this day, I wish I
10 did because it was their last together.

11 I do miss my brother dearly and I would ask
12 you to consider all the contributions my brother
13 gave to the world as a teacher and to his family.
14 The only thing that I know of Mr. Demistras
15 contributing to this world right now is taking the
16 life of my brother and two beautiful children and
17 tearing apart a piece of my family. That is the
18 only contribution I know he has contributed.

19 The real story here is everything that my
20 brother contributed to this world. That is the
21 story here. It is a tremendous loss that I want
22 the Court to take into consideration.

23 THE COURT: Thank you.

24 MS. KAPOURALES: The final witness is Nicole
25 Morrison.

1 THE COURT: Good morning. State your name
2 for the record.

3 MS. MORRISON: Nicole Morrison.

4 MS. KAPOURALES: Can you explain to the Court
5 your relationship to Spencer, Alaina, Garret ad
6 Ethan.

7 MS. MORRISON: Spencer is my husband and
8 Alaina, Garret and Ethan are my children.

9 MS. KAPOURALES: Do you have a statement to
10 make to the Court?

11 MS. MORRISON: Yes, I do.

12 MS. KAPOURALES: Please do.

13 MS. MORRISON: Judge Nauhaus, as I speak to
14 you today, the pain is immeasurable. But I stand
15 before you, as difficult as it may be, and speak
16 to you from my heart. The loves of Ethan and my
17 life are just a sweet memory. Our lives have been
18 impacted in too many ways when three members of a
19 family die so tragically. The loss of a husband,
20 who on our wedding day said, I will love and care
21 for you always, a devoted father who took time off
22 of work to stay at home to care for his children.

23 As Ethan grows and each developmental
24 milestone presents itself, kindergarten, open
25 house, friendships, learning to drive, graduation,

1 college, I think of what might have been for
2 Garret and Alaina. Where other parents will be
3 able to see these stages unfold and cherish them
4 together as a couple, I am left but a single
5 parent not by choice, but by an incident that
6 could have been avoided through proper
7 responsibility. I am now left with the
8 explanation of this to a five-year old child who
9 asks me often, "When are they coming home, mommy?"

10 My husband, Spencer was a social studies
11 teacher. He enjoyed teaching his students to be
12 responsible American citizens and community
13 members. He would ask of you, as I am today, to
14 please sentence Mr. Bradley Demitras to the
15 maximum, consecutive sentence allowed by law.

16 Thank you for your time.

17 MS. KAPOURALES: The Commonwealth rests, Your
18 Honor.

19 THE COURT: Mr. Thomassey.

20 MR. THOMASSEY: I have three witnesses to
21 present to the Court, Your Honor, along with my
22 client.

23 THE COURT: State your name for the record.

24 MR. DEMITRAS: Anthony D E M I T R A S.

25 MR. THOMASSEY: And your relationship to

1 Bradley?

2 MR. DEMITRAS: I am his oldest brother.

3 MR. THOMASSEY: Do you understand today is
4 the time set for his sentencing relative to this
5 situation?

6 MR. DEMITRAS: I do.

7 MR. THOMASSEY: And you asked to address the
8 Court?

9 MR. DEMITRAS: I have. The first thing I
10 would like to do is express my deepest sympathy to
11 the Morrison family. My brother, Bradley did not
12 do this on purpose. My brother, Bradley
13 understands that the Morrisons would have been
14 asking for the maximum sentence, Your Honor. I
15 would be asking for it as well.

16 You don't know my brother, Bradley. He was
17 one of the most giving people I know. You
18 received numerous letters that he was forthright
19 in coming in, against everyone's better advice in
20 this. He went in and spoke to the police without
21 an attorney. He told them everything truthfully.
22 That is the way our family was taught.

23 He does not show emotion. Our house was
24 fairly emotionless because our father did not
25 express emotions. But we do feel emotion. I have

1 four children. I would not understand if I lost
2 them. But in our society today, we are all trying
3 to assign blame. There are accidents and there
4 are tragedies.

5 My brother did not want to put the Morrisons
6 through this in open court so he did agree to
7 plead guilty to a lesser charge. I ask you only
8 one question. What purpose does it serve to take
9 a person who is not a criminal, was only negligent
10 and put him in the penal system? Is that going to
11 improve him?

12 THE COURT: Thank you.

13 MR. THOMASSEY: Jackie.

14 THE COURT: State your name and spell it for
15 the Court.

16 MS. ESSEL: Jackie Essel; E S S E L.

17 MR. THOMASSEY: What is your relationship to
18 Bradley Demitras?

19 MS. ESSEL: I am one of his sisters. I would
20 like to let the Morrisons know that our entire
21 family has deep sympathy for their loss.

22 I first thank the Court for the opportunity
23 to speak on behalf of Brad Demitras. Brad
24 Demitras is my brother. He is the youngest of a
25 family of eight children. Ever since Brad was

1 young, he was a kind, helpful, caring person. His
2 intention in life has always been to leave others
3 with an uplifted spirit and a smile after any
4 encounter.

5 Sadly, the unfortunate encounter he was a
6 part of on April 13, 2006 caused the loss of three
7 people and visible injury to a fourth, but
8 devastating injury to a host of others. For this,
9 he continues to feel the deepest and sincerest
10 remorse. He feels this loss so deeply because he
11 likes everyone, and to know that his actions had
12 such a tragic effect is nearly debilitating to
13 him.

14 My brother has helped me through multiple
15 tragedies in my life. The loss of a child due to
16 medical issues. The near loss of a second child
17 who was brutally shot by someone he did not know,
18 whose intent was clearly to kill my son. Brad was
19 a support system I cannot explain. He and I were
20 primary caregivers for our elderly, infirmed
21 parents for better than three years. Our father's
22 fight ended this past October.

23 Through all that Brad has faced, he has
24 requested time to take our mother out regularly.
25 She doesn't understand he has a very small window

1 and cannot stay long. She often treats him
2 angrily because she would like to do more.

3 My brother's intent was never to harm anyone.
4 After a long hard day at work, at a job where he
5 was helping out a friend, tragedy struck. He
6 would trade places in a heartbeat to make this
7 family whole.

8 Thank you for your time today, Your Honor. I
9 appreciate your listening to who my brother, Brad
10 Demitras truly is. No monster who intended to
11 kill and maim, but a warmhearted man who feels
12 deeply the loss that has occurred.

13 THE COURT: Thank you.

14 MS. KAPOURALES: That's all the witnesses we
15 have.

16 THE COURT: Mr. Thomassey.

17 MR. THOMASSEY: Call Ron Maynard.

18 THE COURT: State your name.

19 MR. MAYNARD: Ronald M A Y N A R D. I was
20 not aware I would be allowed to speak, but I am
21 thankful for the opportunity to do so. You all
22 heard a few things about Brad, and they are all
23 true. He is a person I relied on since back in
24 high school to help through anything that come
25 along in my life and with my family. He helped my

1 daughter and mother. In a heartbeat, he would
2 trade places to restore what was done. Nothing
3 that can be said will do that.

4 I ask that everyone take a moment and look to
5 see what's behind this man. He is a deep, caring
6 person who carries the wound every day. I see him
7 every day and I see how this has affected him. I
8 am at a loss for words. I ask you to please take
9 a look. There is a deeper man behind what you see
10 here. He would lay down right now to restore
11 whatever he could.

12 He has showed me through it all you can walk
13 and keep your head up and no matter what anyone
14 comes to him with, he takes it. It is his
15 responsibility.

16 THE COURT: Thank you.

17 MR. THOMASSEY: I have no other witnesses to
18 present other than my client and then I ask the
19 Court for an opportunity to make some remarks.

20 THE COURT: Certainly. Your client has an
21 absolute right of allocution prior to my sentence
22 and my statement. I will give him an opportunity
23 to exercise that right.

24 MR. THOMASSEY: Thank you, Your Honor.

25 THE COURT: I am assuming you told him what

1 the sentencing guidelines are, the maximum
2 sentencing and so forth?

3 MR. THOMASSEY: I have.

4 THE COURT: State your name for the record.

5 THE DEFENDANT: Bradley Demitras. I don't
6 have the words to describe what I feel for the
7 Morrison family. I would gladly lay down my own
8 life to make this not have happened. If there was
9 any way to rectify this situation, I would. I
10 wake up every day knowing that three beautiful
11 people aren't here and that is my responsibility.
12 No matter what I do, that will always be my
13 responsibility. All I can say is I am sorry. I
14 know it sounds like the lowest thing in the world
15 to say, but I am sorry.

16 THE COURT: All right. Thank you.

17 MR. THOMASSEY: The one thing that we all
18 bring to criminal court is our life experience. I
19 have to tell you, Judge, I have represented some
20 of the most despicable human beings who ever
21 walked the face of this earth.

22 THE COURT: In front of me.

23 MR. THOMASSEY: I have been doing this job
24 for 32 years. That Friday morning I was sitting
25 at home. It was a pre-trial day, if I remember

1 correctly, so I didn't have to be in court early.
2 For some reason the news was on and this came on.
3 I remember thinking to myself, what kind of moron,
4 what kind of jerk would do this and cause this
5 tragedy. That is what went through my mind. I
6 assumed it was some guy with a suspended driver's
7 license, all doped up, drunk. All of that stuff.
8 That's what I thought because that is what all of
9 us would think.

10 A couple of weeks later, this guy walks into
11 my office and I honestly can say, Your Honor, that
12 never have I seen a person as remorseful as he
13 was. Never.

14 My job is to try to interpret the law as I
15 understand it. At the risk of not sounding
16 hardhearted, it was my advice in this case to go
17 to trial. It really was. As tragic as this case
18 was, that was my advice because in my opinion, the
19 only negligence here should have been on someone
20 else. As we all know, the Supreme Court has said
21 in all involuntary manslaughter cases such as
22 this, speeding alone is not enough. So when I
23 looked at this case, I said, what else did Bradley
24 Demitras do. He was not under the influence of
25 any drugs or alcohol. He was going over the speed

1 limit. After that, what is there?

2 There is a strict liability in his not
3 checking this rig to make sure it was hooked up
4 properly, but he didn't even hook it up. He
5 didn't. We all have that responsibility and he
6 didn't do it. That is what led to this tragedy.
7 That is all he did. Something that quite honestly
8 I have done before. I used to have a boat and if
9 I was at work all day, my wife would hook it up so
10 when I got home we could be ready to go. We would
11 jump in the car and go. I never looked at it. My
12 responsibility? Yes.

13 I say that so that everybody understands that
14 this is not a monster. He's not. Ironically, 30
15 or 60 days after this happened, the District
16 Attorney, through Mr. Zappala, went out and did a
17 random check on people who were hauling things and
18 65 percent of the people had it hooked up
19 improperly. That is not an excuse, but that is a
20 fact of life. There are people out there making
21 mistakes the same way that Mr. Demitras did. The
22 stars were just aligned the wrong way, Judge.

23 I have grandchildren the ages of these
24 children. I cannot imagine. I can't. I cannot
25 imagine getting a call that this occurred. There

1 is nothing, nothing that Bradley Demitras can say
2 or I can say to console this family. There just
3 isn't. But I want it to be clear to everybody
4 that this kid is not a monster. He's not a drunk.
5 He's not a drug addict. He's just a kid that goes
6 to work every day in an \$8 an hour job.

7 There were 53 letters I submitted to the
8 Court. They were from police officers,
9 firefighters. The one thing we get when we go
10 through life is a reputation. Some of us get a
11 good one and some get a bad one. This reputation
12 is there for a reason. What causes a good
13 reputation are the good things that people do in
14 their lives. People can be a doctor, a lawyer, an
15 indian chief or landscaper. It doesn't matter
16 what your profession is. It matters if you are a
17 good person.

18 Bradley Demitras is not like the people we
19 see that come through here day after day, time
20 after time after time. He's a good man. He gets
21 up and goes to work. If he can re-live that day,
22 I am sure when he backed out of there with the
23 wood chipper he would have gone out and checked it
24 like he is supposed to instead of looking to the
25 guy who said okay and he believed that the chipper

1 was hooked up. That wood chipper was hooked up
2 and unhooked three times that day. That is what
3 working people do.

4 The guidelines are there for a reason. The
5 guidelines are there because the legislature has
6 recognized, I would suggest to you, that these
7 cases are the toughest cases in terms of our
8 criminal justice system that we have because you
9 are drawing a fine line between what is a tragic,
10 horrible accident and what is criminal conduct.
11 Sometimes that line becomes very broad, Your
12 Honor, and I think that is the reason that the
13 guidelines are as they are when it comes to
14 involuntary manslaughter and why it's a
15 misdemeanor of the first degree.

16 The legislature has looked at all of these
17 cases, not just one particular case, and said this
18 is what they believe the punishment should be when
19 someone finds themselves committing this crime as
20 opposed to voluntary manslaughter or murder or
21 where we have an intentional act. I ask the Court
22 to sentence within the standard range.

23 I don't know who it was, but in one of the
24 letters I submitted to the Court, one of the
25 people who has known Bradley Demitras for a long

1 time said that smiling and laughing to him these
2 days comes with guilt. That is what I have found
3 with him also, Judge.

4 It has always been said that the true measure
5 of any system of justice is the quality of its
6 mercy, and I truly beleive that. If he was
7 sitting here today having been convicted of two or
8 three DUIs and having been convicted of dealing in
9 drugs, things like that, then I would say, he was
10 an accident looking to happen going through life,
11 Your Honor. But that hasn't been this guy. It
12 has not been.

13 I respectfully urge the Court to sentence him
14 within the guidelines, Your Honor. Thank you.

15 THE COURT: Miss Kapourales, do you wish to
16 address the Court?

17 MS. KAPOURALES: No, Your Honor.

18 THE COURT: I have been in this building for
19 almost 40 years and this absolutely is the worst
20 decision I ever had to make. For lots of reasons,
21 not the least of which I know that whatever I do,
22 no matter what I do, it will not satisfy at least
23 50 percent of the people in this room. I also
24 know that no matter what I do, I cannot bring
25 these people back to this room. Because truth be

1 told, if I could do that, I would do that and I
2 would take up Mr. Thomassey's offer to have the
3 defendant lay down his life and at least for those
4 three people to get back to this earth. But I
5 cannot do that.

6 I also know I cannot act on my own personal
7 beliefs or my own personal feelings. Truth be
8 told, when Mr. Morrison's father was talking, it
9 broke my heart. My son is a teacher. It broke my
10 heart. I am sworn to uphold the laws of the
11 Commonwealth of Pennsylvania and because of that,
12 I have to do what it is I think is right under the
13 law.

14 There is no question that what we had here
15 was a perfect storm. If any one of the factors in
16 this particular situation had moved one way or the
17 other for a split second, than this never would
18 have happened. It never would have happened. But
19 like most perfect storms, everything came together
20 to this unbelievable tragedy.

21 Our system of justice, the Anglo American
22 system of justice in its purest form says that the
23 result of any activity is handled in the Civil
24 Division and the means to that activity is handled
25 here. What that basically means is if something

1 happens, you look to the actors in those
2 particular situations and take care of it in
3 Criminal Court and whatever the results are, you
4 take care of in Civil Court.

5 That is real easy to say, but we have a
6 situation here where there is a horror beyond any
7 of our expectations and beyond any of our
8 experience. I cannot imagine. I cannot imagine
9 the horror that the Morrison family has had to go
10 through in this situation. Just like I said, I
11 have my own children and I have my own
12 grandchildren.

13 Our system of justice has several reasons for
14 having punishments. The first reason is
15 incapacitation. Incapacitation is something that
16 the Courts do when they have people that come
17 before them that need to be away from society. I
18 see my share of those people. Right now I am in
19 the process of preparing for a seminar in June. I
20 have to read all the criminal court cases and
21 there are people on this earth that do things that
22 make you wonder about humanity. Disgusting awful,
23 terrible things. They need to be incapacitated.
24 I don't believe that the defendant in this
25 situation is one of those people.

1 Mr. Thomassey indicated that he submitted to
2 me about 50 some letters. I read those letters.
3 This defendant is not one of those people. He
4 does not need to be incarcerated to be
5 incapacitated.

6 Another reason that we punish people is for
7 rehabilitation. Again, I don't think that the
8 defendant needs rehabilitation. I see an awful
9 lot of people that need rehabilitation and I will
10 take care of those. I don't believe this
11 defendant is one of them.

12 Then there is retribution. The one thing
13 that our system of justice does not recognize is
14 vengeance. It is the reason for the criminal
15 justice system that we live with because of the
16 fact that we do not recognize the concept of
17 general vengeance. It is the reason that this
18 defendant is before the Court instead of standing
19 before the tribunal of the Morrisons. This system
20 of justice that we have existed in as an
21 alternative to vengeance.

22 To be honest with you, one of the things that
23 struck me the most was the letter that I received
24 from Mrs. Morrison, the mother and grandmother of
25 these children when she said and I quote, "The

1 question is what will Bradley Demitras do with his
2 life as a result of this tragedy. Whatever
3 punishment he receives, I can accept as long as
4 Mr. Demitras does something positive with his life
5 out of respect for our family." I am sad that
6 this woman was not here.

7 The Commonwealth and the legislature of
8 Pennsylvania have mandated sentencing guidelines.
9 The mitigated range in these sentences is straight
10 probation, which I absolutely will not do, even
11 though in most situations the fact that a
12 defendant appears before the Court and pleads
13 guilty is a mitigating circumstance, wherein most
14 situations would require a sentence in the
15 mitigated range.

16 Mr. Demitras needs to go to jail for several
17 reasons, not the least of which because there
18 needs to be punishment. I don't know whether or
19 not he needs to go to jail for his own well-being.
20 He strikes me, at least insofar as the letters I
21 received on his behalf, as a decent human being.
22 It is hard for me to live with this. I don't know
23 whether Mr. Demitras will ever be able to live
24 with this, but I think he needs some kind of
25 punishment in the way of jail.

1 That all being said, bring your client
2 forward, Mr. Thomassey.

3 Mr. Demitras, your punishment is the fact
4 that you know what you have done and you have to
5 live with this. It would be punishment enough to
6 see children playing in the playground and seeing
7 families that are happy. That would be punishment
8 enough. As I said before, you need to go to jail.
9 I think you recognize that. I think your attorney
10 does. I don't think you need to go to jail for
11 the maximum period involved here for lots of
12 reasons, not the least of which are the fact that
13 I don't think you need to be incapacitated. I
14 just think you need to be punished.

15 That being said, I sentence the defendant to
16 the following, at 200609507, count four, a period
17 of incarceration of not less than three nor more
18 than six months. In addition, a period of
19 probation of two years. And I will get to the
20 term of that probation momentarily.

21 At count five, a period of incarceration of
22 not less than three nor more than six months to
23 run consecutive to count four. These are all
24 standard guidelines.

25 And count six, a period of incarceration of

1 not less than three nor more than six months to
2 run consecutive to the sentences at count four and
3 count five.

4 In addition to all of these sentences, there
5 is a reckelssly endangering another person, which
6 is two years probation. At each one of the
7 counts, four, five and six, three to six months
8 plus two years probation and everything running
9 consecutively to one other.

10 What I want is nine to eighteen months plus
11 six years probation. Count seven is two years
12 probation to run concurrent with probation at
13 count four. Pay the costs of prosecution.

14 Also, I want the Department of Probation to
15 find a program wherein the defendant will be
16 responsible for going to trucking companies and
17 making sure that the trucking companies are
18 following the law.

19 I am also ordering that one of the
20 photographs, and I will find the one, be framed
21 and placed in Mr. Demitras' house. That would be
22 a photograph of the demolition of these cars. I
23 want it permanently placed in his house for the
24 period of his probation.

25 Do you understand your sentence?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: When you were before the Court,
3 you filled out this nine-page document entitled
4 Guilty Plea Explanation of Defendant's Rights.
5 Remember that document?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: In that document, your
8 post-sentencing rights were explained. Do you
9 remember reading about them?

10 THE DEFENDANT: Yes, Your Honor.

11 THE COURT: Do you have any questions?

12 THE DEFENDANT: No.

13 THE COURT: If you wish to file
14 post-sentencing motions and cannot afford them,
15 counsel will be provided for you. The Supreme
16 Court of the United States has indicated that it
17 is the obligation of defense counsel to discuss
18 the defendant's desire insofar as post-sentencing
19 rights are concerned.

20 Insofar as the sentence, Mr. Demitras, you
21 are ordered to report for imposition of this
22 sentence on June 18.

23 This Court stands in recess.

24 (Hearing concludes at 11:59 a.m.)

25 * * * * *