

1/24/CRB/7933 WILLIS/DEON
COURT DATE: 08/29/24 AT 1:00 PM SE
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HAMILTON COUNTY MUNICIPAL COURT
HAMILTON COUNTY, OHIO

CITY OF CINCINNATI,

Plaintiff,

vs.

DEON WILLIS,

Defendant.



Case No. 24CRB7933(E)

(Judge Silverstein)

**DEFENDANT'S SENTENCING
MEMORANDUM**

Now comes the Defendant, Deon Willis, through counsel, and he hereby submits his sentencing memorandum to the Court:

PREFACE

An accident, even resulting in a death, caused by simple negligence, should not result in a harsh sentence nor time in jail.

INTRODUCTION

FILED
AUG 29 2024
CLERK OF COURTS
HAMILTON COUNTY, OHIO

Defendant, Deon Willis, appeared before this Court on July 16, 2024, and entered a guilty plea to vehicular homicide in accordance with R.C.

2903.06(A)(3)(a). As a misdemeanor of the first degree, the offense carries a non-mandatory sentence of between 0-180 days in jail, along with a mandatory driver's license suspension of between 1-5 years. Limited privileges are permissible under such a suspension.

FACTS

This is a tragic case.

Deon Willis is 46 years of age, married and living with his wife and their three children. At the time, he had been a Metro bus driver for approximately six years. To the knowledge of defense counsel, he does not appear to have any prior criminal record. Records from the Hamilton County Clerk of Courts indicate the following:

1. Driving Under an FRA Suspension – 99TRD20877(A)
2. Speeding – 08TRD15713
3. Failure to Display Driver's License – 08TRD40057
4. Failure to Display Driver's License – C08TRD52629
5. Violation of Assured Clear Distance – 12TRD19270
6. Failure to Reinstate License – C13TRD9700

It is noteworthy that on September 11, 2023, Mr. Willis was given a citation for speeding in Warren County. Mr. Willis was late paying out the speeding ticket, which remained unpaid until two months later on December 13, 2023, when it was paid in full. Unbeknownst to Mr. Willis, and without receiving a notice from the Bureau of Motor Vehicles, he was assessed an additional \$25.00 reinstatement fee, which he was unaware of initially, but paid it on January 12, 2024.

On January 11, 2024, in the latter part of the afternoon, Mr. Willis was operating a Metro bus on Dana Avenue and turning right onto Duck Creek Road. At that time, a pedestrian, Beverly Kinney, was crossing Duck Creek in a marked crosswalk with the "Walk" signal and having the right-of-way. Mr. Willis did not see Ms. Kinney and struck her with the bus, resulting in her

death. He immediately ran out of the bus to come to Ms. Kinney's assistance, but it was too late.

Sadly, Ms. Kinney, although elderly (87 years old), was extremely healthy physically, mentally, and had a vibrant personality. She was a retired beloved public school teacher and her death has caused great sadness to her family and all of those who were dear to her.

Mr. Willis was clearly at fault. He has fully accepted responsibility and has verbally apologized and conveyed his sincere condolences to Ms. Kinney's husband and son.

ARGUMENT

Deon Willis did not wake up and go off to work on January 11th with the intention of committing a crime or driving his Metro bus carelessly.

He did not consume, nor was he impaired, by alcohol or drugs. His carelessness and negligence by failing to see and yield to Ms. Kinney in a crosswalk resulted in this tragedy.

Under the statute for which he was charged and admitted by way of a guilty plea, his actions were negligent. They were not purposeful, nor were they reckless. Had they been purposeful or reckless, he would have been facing much more serious charges and consequences.

The offense occurred on January 11, 2024, and following an investigation by law enforcement, he was charged on May 17, 2024. He was arrested and released on a significant bail and has been on electronically-

monitored house-arrest for the past 3-1/2 months. His employment at Metro has been terminated.

The family of Ms. Kinney has civil litigation pending against Metro. Future monetary compensation may bring some small recompense to the family for the loss of their precious loved one.

Mr. Willis, as well, will have to live with this tragedy for the rest of his life. Moreover, he has been in counseling himself as a result of this traumatic incident. He is constantly troubled by the event.

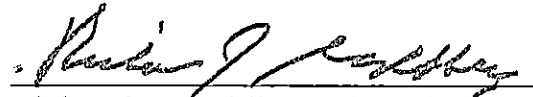
Negligent acts typically do not yield harsh sentences or jail time in the criminal justice system. By way of example, the case of *State of Ohio v. Tyrone Patrick*, Hamilton County Municipal Court Case No. 16CRB8165(B), has striking similarities to this one. In that case, defendant, Patrick, while operating a Metro bus, negligently caused the death of a 73-year old pedestrian in the Hyde Park area of Cincinnati. Mr. Patrick was likewise charged with Vehicular Homicide and his jail sentence of 180 days was fully suspended with conditions, including probation, community service and other terms.

To impose a committed jail sentence upon Mr. Willis would result in an unwarranted disparity among similarly situated defendants.

Despite the tragic circumstances, this case does not cry out for incarceration.


CONCLUSION

For all of the above reasons, and others that will be expressed at the sentencing herein, it is respectfully requested that this Court impose a probationary sentence with whatever conditions this Court deems fair, reasonable and appropriate.


Richard J. Goldberg (0005979)
Attorney for Deon Willis
Schuh & Goldberg, LLP
2368 Victory Parkway, Suite 650
Cincinnati, Ohio 45206
(513) 321-2662
(513) 321-0855 (Fax)
richjgoldberg@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Sentencing Memorandum upon the office of the Cincinnati Prosecuting Attorney on the date same was filed.


Richard J. Goldberg
Attorney for Deon Willis