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From the Baltimore Sun

Trucker acquitted in fatal crash

Civil cases are pending in accident that killed two teenagers in Columbia last year

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sun reporter

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Despite admitting that he knew a traffic light wasn't working when he drove his tractor-trailer through a Columbia intersection and slammed it into a car, killing two teens, Gary L. Dicks, 24, of Stephens City, Va., was acquitted yesterday on a pair of traffic charges.

The ruling by Howard County District Court Judge Pamela J. Brown appears to spare Dicks of any criminal liability in the Jan. 6, 2006, crash at westbound Route 175 and the southbound ramp off Interstate 95. Three civil cases are pending against Dicks in Howard County Circuit Court.

The light at the intersection was not working because of a power outage. Dicks' vehicle crashed into the right side of a 1996 Volvo 850 traveling west on Route 175, killing passengers Scott E. Caplan, 19, of Columbia and Theresa E. Howard, 18, of Eldersburg. The Volvo's driver, Meghan E. St. Martin, 18, of Marriottsville, was treated at a hospital and released.

Maryland State police charged Dicks with negligent driving and failure to stop at a through highway entrance and yield right of way. The Howard County's state's attorney's office filed only those violations, stating that Dicks' actions did not warrant prosecution on more serious charges such as vehicular manslaughter.

Brown disagreed with prosecutors that Dicks should have stopped at the intersection, even though he told investigators that he noticed the light was not working.

"Obviously, we were arguing that someone driving a semi on an exit ramp and approaching a traffic signal they see is not functioning should stop before entering the intersection. ... But Judge Brown did not see it from that perspective," said Howard County State's Attorney Timothy J. McCrone.

The accident resulted in changes made by local and state policymakers in traffic light safety. Police are now required to put up temporary signs or flares at a traffic light that is not working. Before the accident, a Howard County police officer left the nonworking traffic signal before putting up a warning device.

Also, county and state agencies have installed backup batteries on some traffic signals, including the one at the intersection where the accident occurred.

Moments after yesterday's verdict, teary-eyed relatives and friends of the crash victims were visibly upset with Brown's decision.

"The verdict will not bring Scott back, but it was devastating at the least," said Shannon M. Chilcoate, an attorney who spoke for the Caplan family.

Dicks' defense attorney, Timothy S. Mitchell, said the accident was a tragedy and that Brown's decision points the blame at others.

"The judge's decision shows that the accident could have been avoided if police secured the intersection and if [St. Martin had] slowed down," he said.

Dicks is accused of wrongful death and negligence in the civil cases against him. The parents of Caplan and Howard have filed separate \$5 million wrongful-death lawsuits against Dicks. St. Martin has filed a \$300,000 negligence lawsuit against him.

Also named in the suits are the Virginia-based trucking company that Dicks worked for, the state of Maryland, Maryland State Police and the Howard County police officer who left the nonworking traffic signal before putting up a warning device. That officer is no longer a member of the force.

The parents of Caplan and Howard are also claiming that St. Martin was at fault in the death of their children.

Attorneys yesterday declined to discuss the impact of Dicks' acquittal on the civil cases.

A legal expert predicted Dicks' acquittal will have no impact on the cases.

"The burden of proof in a criminal case is higher than in a civil case, and the fact of an acquittal does not have an effect on a wrongful death of negligence lawsuit," said Peter Holland, an Annapolis attorney and adjunct professor at University of Maryland School of Law.

Dicks told police that he noticed the traffic light at the Route 175 intersection was not working, "slowed down" to look for oncoming traffic and continued driving. St. Martin told investigators that she saw the tractor-trailer approaching, but she thought "[the truck] was slowing down," so she continued driving.

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