

Senator Beebe-Center  
Rep Salisbury  
Members of the Joint Standing Committee

My name is Lisa Gabarra. I am a lifelong citizen of Maine, and I reside in Orrington. LD2041 resonates with me.

On June 16, 2019, my life was forever changed due to an OUI fatality which occurred on Streaked Mt. in Oxford County. The vehicle I was driving was T-boned by a drunk driver. My husband of 35 years, John Gabarra, age 64, was killed instantly from blunt force trauma and a broken neck. Jaws of Life were needed to extricate his lifeless body from the car. Multiple serious injuries were sustained by myself and my 86 year old mother. We were lucky to survive.

1. The driver's name is Jarek Boyd. His blood alcohol level was 0.17
2. His speed was recorded at 92 mph on a posted 45 mph country road
3. He sped through the stop sign without engaging the brakes.

Multiple mistakes were made in this case:

1. The on-call Deputy failed to inform his superior of the fatality.
2. No field sobriety testing was conducted even though it was reported the driver appeared intoxicated and the odor of alcohol was noted.
3. The driver was NOT taken to jail and was allowed to return home.
4. Jarek's license was not suspended until 5 months after driving under the influence and causing a fatality.

Justice Thomas McKeon presided over this case at the Oxford County Superior Court.

1. Jarek's defense team provided 58 statements in praise of the drunk driver's character.
2. Case Comparisons currently used in sentencing OUI cases with fatalities set a precedent of leniency for the intoxicated driver.
3. Jarek Boyd, after agreeing to a 10 year sentence, plea bargained by his attorneys, received an 18 month sentence for lawless actions that took a life. He was released from the correctional center after only 11 months!!!!

While circumstances, even in similar cases, are always unique, I can only speculate that had my case been prosecuted in a different county, the outcome may have been more favorable towards the victim and more stringent towards the perpetrator. I firmly believe that our judicial system can do better at being consistent across county lines with how OUI fatality cases are prosecuted. This bill will provide a "best practice" guide to those involved, from occurrence to verdict.

The aftermath of navigating a new life without a loved one is arduous, and it takes a toll physically, emotionally, mentally, and financially. Individuals experiencing this kind of loss should at least have confidence that there will be consistency and equity in the way their case is handled.

Thank you for allowing me the opportunity to testify today in support of LD2041

## Victim Impact Statement of Lisa Gabarra

Thank you, your honor.

I am Lisa Gabarra, the widow of John David Gabarra. I would like to take this time to share with you who John was and the impact that the crash and his death have had on my life.

At an early age, John knew he wanted to become a forester. He studied forestry at the University of Maine. At Duke University he earned a master's degree in Forest Management. After beginning his career at International Paper deep in the Maine woods at Clayton Lake, John spent the next 30 years working for Bangor Hydro/Emera Maine on various land-management issues. John redefined "jack-of-all trades." He was a licensed forester, licensed real estate broker, commercial drone pilot, private pilot, and notary.

John enjoyed summers at our camp where he loved to jet-ski, canoe with his dog Molson, sit by the campfire, and skipper his Boston Whaler, purchased at age 11 from his paper-route earnings. John loved Maine Black Bear football and hockey. He was the down marker operator for the football team; a goal judge for the women and men's hockey teams; a board member of Friends of Maine hockey; and a Maine season ticket holder for three decades. For 28 years, he lived his passion on the ice as a youth hockey referee and mentor to other referees, often officiating 3 games in a row. Though his loyalties remained with the Black Bears, he and I traveled nationwide every April since 1990 to the Frozen Four NCAA Division 1 Men's Hockey

Championships, no matter who was playing or where the playoffs were held.

John was the smartest man I know. He was handsome, funny, and quick-witted. He was a competitive cribbage player. John was kind, always willing to help anyone in need. His smile lit up a room and his infectious laugh was memorable. His hugs always made me feel that everything would be okay.

Many of his co-workers shared the same sentiment with me: "John was not just a wonderful professional, he was a genuinely great person. People gravitated towards him, and he made us want to be better."

A devoted husband of 35 years, we had just returned from celebrating our wedding anniversary on a week-long trip to Las Vegas with friends. As husband and wife, we shared a fun-filled and purpose-driven life together.

Two days before he was killed, John had decided to retire from corporate life and was looking forward to starting his own company as a commercial drone pilot, focusing on forest management and real estate development. This was something the two of us would manage and do together.

On June 16, 2019, John's life and all these dreams suddenly and tragically ended. On that fateful night, a highly intoxicated driver drove on a dark and winding country road at 92 mph (as reported to me by Oxford County officials) with a blatant disregard for human life and the law. In a split second, John was killed. My mother and I were severely

Since my mom was trapped in the car, pinned up against the console by the crushed door, I returned to John. I screamed in agony with every step. The result was the same: shock and disbelief that John was dead.

The driver of the car who hit us so violently – killing my husband, severely injuring my mother, and breaking my body and soul – called 911 to report the crash as a “fender bender.”

Yes, a fender bender.

My cries for help went unaided until a fireman arrived. As I was placed in the ambulance, I heard someone call for Life Flight. I did not know if my mother would survive, and I felt tremendous guilt abandoning her and John both. I would not see my husband again until four days later when I went by ambulance to the funeral home in South Paris to say goodbye.

While recovering in the rehabilitation unit, a member of the Oxford County Sheriff's department informed me no one should have survived the crash. Imagine my horror when John's ashes in a cardboard box. Each day I sobbed uncontrollably while holding the box against my heart. How could John's life be reduced to this?

Survivor's guilt is real. Every day I wish I had died that night. PTSD and panic attacks are a daily occurrence for me. The imprint of our life together is everywhere in our home and in the surrounding communities. Every day I feel like I am drowning and can't catch my

breath. Seeing John's lifeless body is etched on my brain. I wake every morning with that visual and go to bed seeing the same thing.

The sights, sounds, and smells of the crash are constant in my daily life. I freeze with fear...a gut-wrenching, heart pounding emotion every time I hear a siren or see blue lights from a police vehicle. Frequently, the sight of any utility vehicle provokes uncontrollable tears making it necessary to pull off to the side of the road to compose myself. Sometimes the panic attacks cause me to hyperventilate. There is no rhyme or reason to grief and trauma....it just is.

On what would have been John's 65th birthday – August 9, 2019 – 400 family, friends, neighbors, classmates, and coworkers gathered to celebrate his life. As I stood in the receiving line for three hours, sentiments of love, respect, loss, and heartbreak flowed from every single person.

Grief continues to be my constant companion. I struggle to think or plan beyond today. Exactly 31 months later, today the pain of losing John and his companionship crushes my soul. Looking at his empty chair night after night is unbearable. Grief counseling is ongoing, but the agonizing loss of love, companionship, and friendship endures.

The State of Maine takes great pride in being tough on drunk driving and claims to have a zero-tolerance law. This does not represent my experience nor correspond with the events of that night. I struggle to comprehend how a drunk driver, who caused a fatality, remained free until his arraignment on August 23, 2019.

Blood alcohol testing revealed an alcohol level of .17 – more than twice the legal limit – yet the driver continued to drive until November 2019 after I made repeated calls to county and state officials.

After emailing the State of Maine to inquire if license revocation occurred, I was informed that their department did not have the report, and it was the responsibility of the police department in Oxford County to notify them. Another breakdown in communication. My persistence in emailing the State finally resulted in the license suspension.

Two separate individuals assigned to this case informed me that a multitude of mistakes began the night of the crash. My lack of trust and faith are justified.

Non communication, lack of follow-up in addressing my concerns, and personnel turnovers created a system which failed me. Twice I was informed I fell through the cracks. Frustration and anger have been experienced on a continual basis. I should not have to be my own advocate.

My bones may be healed, but my heart remains broken. Thirty one agonizing months later I continue to cry myself to sleep. Every morning I wake to my new reality. Reality of the horror I witnessed. Reality of incredible sadness. Reality of life without my best friend. Grief is unrelenting. I remain in grief counseling and welcome the day when the stronghold of grief finally lessens its grip.

Humanity is caring for and helping others whenever possible. To forget our selfish interests when others need our help. Sadly, no act of humanity was offered by the drunk driver (as we will hear in the 911 call). This highly intoxicated, reckless driver broke the law. He chose to drive drunk, along with a blatant disregard for the law and the lives of others that night. Family and friends may testify to the driver's character, but the fact remains that Jarek Boyd killed my husband, John David Gabarra.

Thank you, your honor, for taking time to learn about John's life and the impact that the crash has had on me, our family, and all those affected by his passing. Above all, I hope that no one ever must suffer the losses that this avoidable tragedy has caused. I trust that you will do everything in your power to ensure that justice is served **to the fullest extent of the law.**