

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FRIDAY, JULY 16, 2004

A.M. SESSION

THE CLERK: K1/03-0479(A), State of Rhode Island
versus Marilyn Brownell. Would you please identify
yourself. State your name.

THE DEFENDANT: Marilyn Brownell.

THE CLERK: Date of birth?

THE DEFENDANT: 12/30/54.

THE CLERK: And your address please?

THE DEFENDANT: 178 East Greenwich Avenue, West
Warwick, Rhode Island 02883.

THE CLERK: Will the attorneys please identify
themselves.

MS. KEOUGH: Maureen Keough for the State, your
Honor, along with Steven Regine.

MR. LUTES: Scott Lutes for Mrs. Brownell.

(BEGINNING OF REQUESTED EXCERPT)

THE COURT: Mrs. Andreozzi, will you take the
witness stand. You may be seated or if you want to
remain standing, it's up to you.

MRS. ANDREOZZI: Your Honor, first, I would like to
say thank you to so many people who have helped us, we
have been supported and lifted by a community. They
surrounded us and tried to protect us as much as they
could. The West Warwick Police Department has been a

1 source of strength for us. They have guided us along the
2 way with professionalism and kindness. The EMTs, the
3 firefighters, all there supporting us and helping us in
4 our time of need, but not just that day. They have
5 continued. They have been there for my family.

6 Maureen Keough has been incredibly gentle with us
7 throughout this terrible ordeal we've had to face and has
8 shown us kindness. We would like to thank all of those,
9 so many people we would like to thank, the marshals and
10 the community that has been there for us. And this
11 experience in our life has shown us the very worst that
12 mankind has to offer. On the other side, as we have
13 seen, the very best that mankind has to offer, but at a
14 terrible loss to find that lesson out though.

15 In Science we are taught that for every action,
16 there is a reaction, and on March 26, 2003, the selfish,
17 careless and reckless actions of one individual,
18 devastated and caused a reaction that destroyed a young
19 girl's life, a family and a community. And as you know,
20 that young girl, whose life was destroyed, is my
21 daughter, Tori, my beautiful little baby girl.

22 Tori had it all. Tori's possibilities in life were
23 endless, and she was deserving of the nickname, "Tori
24 Glory." She had a unique way about her, her sense of
25 humor, her smile, her laugh. People were drawn to her.

1 She had a gentle soul and always went out of her way to
2 help those in need. She was a dedicated athlete and a
3 bright student. On March 26th not only Tori, but all of
4 us were struck by this. Her dad is now broken and lost
5 without his little baby girl.

6 This past year had some big events that are part of
7 a 13-year-old girl's life and her friends have never
8 wavered but have stayed by her side. They come and visit
9 us and in every picture they show us, there is a hole, a
10 hole where Tori should be but is not, and they feel that
11 loss, as us. Gone are all of the dreams that we had that
12 any parent takes for granted, as it's our right of
13 passage, of proms and graduations and college and
14 careers. There will be no wedding gown. There will be
15 no father-daughter dance. I'll never be able to hold my
16 daughter's baby in my arms. I will never have the joy of
17 seeing Tori growing into a young woman, her first love,
18 marriage, a child. I will never see that with Tori. She
19 will never know what it is like.

20 The future is filled with uncertainty and pain.
21 The past, though full of memories, is not enough to
22 sustain and fulfill us. All we have is the present, and
23 instead of walking through the house and hearing music
24 coming out of her room, you hear crying. Instead of
25 laughter, you hear the sound of the suction machine.

1 There are days that this child cries and cries, and her
2 brother's room is next to that, and that's what he gets
3 to go to sleep with sometimes hearing.

4 As a parent, you're used to fixing things, as that's
5 what we do. That's been our job as a parent. I can't
6 fix this. Nobody can fix this. It leaves us with such a
7 sense of hopelessness and helplessness that somehow we
8 failed our daughter, and it makes every decision that we
9 make, every daily decision becomes life or death. We
10 wonder if we are doing the right things. Can it make a
11 difference? What we do know is that Tori is destroyed
12 because of the actions of one person, and while I fully
13 know if this person were to serve one day or a hundred
14 thousand days, that Tori will never be back to the little
15 girl that left for school that day. She will never come
16 back through that door to her family.

17 However, the sentence that's imposed on this woman
18 can serve as some type of closure, not only to our family
19 but to a community. Your Honor, this is a woman whose
20 problems with drinking are well known in the community.
21 It is not simply a matter of the first time she's in
22 trouble, but the first time that she has been caught.
23 This is a woman who had so little regard with the
24 restrictions that the Court had imposed upon her that she
25 has been seen driving numerous times in violation. A

1 light sentence will do little to rehabilitate a woman who
2 asked the Court to restore her license because it was
3 inconvenient.

4 Ask her brother if it was inconvenient for her
5 brother to walk by the spot where his sister was left for
6 dead by a woman that was so unaware that she struck my
7 daughter, that she left her by the side of the road to
8 die but she was aware enough to go to the liquor store to
9 make a selection and pay. Ask her father if it was
10 inconvenient each night to walk by that empty room or if
11 it was inconvenient for me to sit and sleep in a chair at
12 the foot of my daughter's hospital bed.

13 Please, your Honor, give thought to a sentence that
14 befits the level of destruction that was waged against my
15 family. It will not bring back the little girl that left
16 for school the morning of March 26th, but it can allow me
17 each night, as I tuck my daughter in, to look her
18 straight in the eye and let her know that she matters. I
19 long for the comfort of hearing her voice, of feeling her
20 arms around me and of being able to see her actually
21 smile again, and I know, your Honor, that you cannot give
22 those things to me. No one can give those things to me,
23 but your actions today can cause a reaction that gives
24 some comfort and closure to a family and a community.
25 Thank you.

1 THE COURT: Thank you. Go ahead, Mr. Andreozzi.

2 MR. ANDREOZZI: Your Honor, Miss Keough so
3 eloquently spoke of my daughter and there is not much
4 more I can say to expand upon that, but she spoke about
5 the sentence that has been imposed upon my daughter and
6 right now I would like to speak about the sentence that's
7 been imposed upon her mother which is a life-long
8 sentence. And I know Tori's mom doesn't see that as a
9 sentence and accepts that as a way of life, but it has
10 forever changed her life, as it has Tori's life. And as
11 Kathy just said to you, whether it's ten days in jail or
12 ten years in jail, it's not going to change Tori's
13 condition. But I think what I am asking you for is to
14 not look back on what's been done in the past but to
15 please, please impose in your power the full ten years
16 and please send a message to this community so that this
17 will never happen again to another child. That's the
18 only thing I can ask for.

19 THE COURT: Thank you.

20 (END OF REQUESTED EXCERPT)

21 (BEGINNING OF REQUESTED EXCERPT)

22 THE COURT: Go ahead, Mrs. Brownell.

23 THE DEFENDANT: As I stand before you here today, I
24 find that words cannot truly, truly express how sorry I
25 am that I have ruined a beautiful little girl's life and

1 caused unbearable pain to her family and her friends.
2 Through my actions, Tori's life is forever changed, and I
3 know that. Her family and her friends' lives are forever
4 changed. As for that, I am truly sorry.

5 I cannot begin to express the profound sadness and
6 utter shame that I feel. I would give anything to make
7 Tori completely whole again. I would give anything to
8 give back Tori her promising career as a young karate
9 star. I would give anything to see the spirited and
10 gifted young woman live to fulfill her dreams. I would
11 give anything to take back the pain and anguish that I
12 have caused Tori and her loved ones.

13 I want you to know that I was so incapacitated that
14 day, I have no memory of anything, driving my car or
15 hitting Tori with my car. I don't remember anything,
16 nothing, but I would never in my right mind ever, ever
17 leave a child or anyone on the side of the road ever. I
18 didn't learn about anything that happened, that Scott has
19 said, until the next day when I saw everything happening
20 in Court, and then I knew that it had to be true that I
21 was the woman that hit Tori and drove away.

22 To Tori's family, I am certain that my apologies are
23 of little comfort, but I hope in time that you may find a
24 way to believe that my words are sincere. I want you to
25 know that I continue to pray for Tori and beg for God's

1 mercy and ask him to see His good grace fall upon us and
2 send a miracle to heal Tori one day. I feel the cost of
3 this tragedy is never going to end, and it's because of
4 this that I stand before you today and beg for your
5 mercy, and as I stood before God and begged for His
6 mercy. And I want you to all know that I will never,
7 never, never stop praying for Tori and a miracle, and God
8 is the only one that can give that to us. Thank you.

9 THE COURT: Pursuant to the plea agreement that was
10 entered into by the Defendant and the State, the maximum
11 penalty that can be imposed in this case is 16 years, 10
12 of which is to be served at the maximum and the balance
13 suspended, plus whatever statutory sanctions are imposed
14 by law.

15 I think it is evident to everyone present that the
16 penalty provided by statute, by law is wholly inadequate,
17 as far as reflecting on the serious nature of this
18 offense but also every other case of driving under the
19 influence, particularly where there is a serious bodily
20 injury or death resulting. The maximum of 10 years to
21 serve for something which in this case, literally, is a
22 sentence worse than death, is wholly inadequate. In
23 fact, it was only recently that the laws had toughened or
24 strengthened, partly in response to a case also here in
25 Kent County, involving a lawyer by the name of James

1 Souls, who on St. Patrick's Day, drove drunk, left a bar
2 in East Greenwich after being out celebrating St.
3 Patrick's Day, and on his way home, going up Division
4 Road, hit I believe his name was Timothy Lyons. He left
5 young Timothy Lyons for dead in the bushes by the side of
6 the road, left him there, went home. And then
7 apparently, when he woke up in the morning and had
8 sobered up enough, called a lawyer and had the lawyer
9 call the police to say, you might want to check on
10 Division Street, there might be a body there.

11 So his explanation was, or his excuse was he thought
12 he might have hit a deer, but rather, it was young
13 Timothy Lyons lying there dead. In that case, of course,
14 Mr. Souls in the meantime had sobered up so the police
15 were not able to get a DUI or breath sample. In any
16 event, the maximum penalty in that case was 5 years to
17 serve which, of course, was imposed by the Judge, Judge
18 Darigan, as I recall, in Kent County which everyone
19 agreed, obviously, was wholly inadequate, and as I
20 remember, the statute was amended to provide for a
21 penalty of 10 years. Again, something that remains
22 wholly inadequate.

23 Let me also address some comments that were made in
24 the course of the sentencing. There was mention made by
25 Mr. Lutes about the civil case and about the plethora of

1 insurance and that there had been an offer there and
2 apparently rejected, and there was a figure mentioned of
3 \$39.3 million. I think it's safe to say that there is
4 not one person in this room who would take the place of
5 the Andreozzis, whether it's Tori or her brother or her
6 parents, in exchange for \$39.3 million. There is no
7 amount of money on this earth which will ever compensate
8 Tori and/or her family for what happened to her on March
9 26th of 2003.

10 Defense counsel also repeatedly used the expression
11 that the Defendant has no explanation for her actions on
12 March 26, 2003, nor does she offer any explanation either
13 in her statement to the probation officer or her
14 statement here in Court. Rather, it was mentioned and
15 argued, both in the presentence report and by Mr. Lutes,
16 that this was something totally out of character and
17 she's awestruck that she could have done something like
18 this. This is really what troubles me the most about
19 this entire case. This Defendant is a drunk. She's so
20 well known as a drinker that she's on a first-name basis
21 with the personnel at the Cowesett Liquor Store, who
22 identified her as a regular, as well as the liquor store
23 that she went to after she struck Tori that day, leaving
24 her for dead by the side of the road, at the House of
25 Liquors where she bought two 1.5 liter bottles of merlot

1 and was so anxious to get home to consume them, she
2 rear-ended a car stopped at a red light on Route 2 at the
3 corner of East Greenwich Avenue, and when the police
4 arrived on the scene and attempted to get her out of the
5 car, she attempted to flee, struck the car again in the
6 rear end, and when the police had to remove her forcibly,
7 she struggled with them.

8 This woman was on a bender. The day before, on
9 March 25, 2003, she was at Cowesett Liquors at 8:55 A.M.,
10 buying a four-pack of chardonnay, dishevelled. The clerk
11 who knew her was shocked at her appearance, saying she
12 was usually well-dressed. In this case she was totally
13 dishevelled, bought a four-pack of chardonnay. She then
14 returned later in the day saying that the four-pack of
15 the chardonnay was lousy, and she bought another bottle
16 of chardonnay and bought another 750 milliliter bottle.
17 That was on March 25th, 2003.

18 Interestingly enough, not only was she -- or at
19 least offered an excuse of having taken Xanax and
20 attributing her condition on March 26th to that, and her
21 husband on the scene whose first response was, "Is she
22 drunk?" knowing what was up and what she had been up to,
23 she then tried to blame it on Vicodin and said it was the
24 doctor's fault for prescribing too many Vicodin, of
25 course. When the police went to search the house, what

1 do the police find, the husband has a quarter pound of
2 marijuana.

3 (UNIDENTIFIED VOICE SPEAKS OUT IN THE COURTROOM)

4 THE COURT: Sir, if you keep it up, you will be
5 removed from this courtroom.

6 UNIDENTIFIED VOICE: It's in the record. It's in
7 the police report. Sorry, your Honor.

8 THE COURT: Take him out. That's it. You've been
9 acting up all morning. Any other outbursts will be met
10 by removal from the Courtroom.

11 So not only was this Defendant drinking, but she was
12 also drugging. The next day, the day of this horrible,
13 horrible crime, not a matter of circumstance, as some
14 have referred to it, or as a matter of fate, but the day
15 that this horrible crime was committed, she was at the
16 liquor store again at 9 A.M., this time with a split lip
17 and a laceration on her forehead which her husband said
18 was the result of her falling in the shower that morning;
19 apparently, she was so unsteady on her feet. Although
20 the clerk, interestingly enough, at the House of Liquors
21 where she went the second time that morning after
22 striking Tori and leaving her by the side of the road for
23 dead, thought she was the victim of domestic violence.
24 So she was at Cowesett Liquor again at 9 a.m., and at
25 that time she bought more wine. I believe at this time

1 she bought two bottles, two 750 milliliters of chardonnay
2 and obviously had consumed those by 2:00 in the afternoon
3 when she left her house and got into her BMW in a
4 heavily-congested area where she has resided for 18
5 years, with narrow roads, knowing that this was the time
6 that children were on the road, having been released from
7 school, the school bus having just let off Tori and her
8 brother and several other children in the neighborhood,
9 and in fact, it would seem to the Court from the timeline
10 that she must have seen this school bus or passed this
11 school bus, but knowing, as anyone would who lived in
12 that neighborhood, that there had to be children about on
13 that road, was driving at a high rate of speed. It's 25
14 miles an hour which is probably generous considering the
15 nature of the road, the twisting, winding, curving nature
16 of the road, driving at a high rate of speed, fish-tailed
17 out of control onto the shoulder of the road, almost
18 striking Robbie, leaving a cloud of dust and grit in his
19 face and then striking Tori, knocking her out of her
20 sneakers several feet away. Her sneakers were found
21 there by the side of the road. She was found near the
22 telephone pole at least ten feet away from her sneakers
23 with the backpack on, covered in blood by her side,
24 continued on a high rate of speed.

25 There was another girl in front of Tori who saw her,

1 saw Mrs. Brownell fish-tailing. She was going so fast,
2 crossed the yellow line into oncoming traffic. There but
3 for the grace of God would be another poor innocent soul
4 who would be the victim of Mrs. Brownell's drunk, and
5 continued, obviously, at a high rate of speed because
6 this happened -- I think there was a police dispatch at
7 2:08. She completed her purchases at the House of Liquor
8 by 2:11. She had gone in, selected her purchases, two
9 750 milliliter bottles of merlot on the seat beside her
10 and was on her way back, on the way back by 2:11. There
11 is a receipt to verify that.

12 She was in such a rush to get back to keep the
13 drinking spree up or bender going, as I said, she came
14 into contact and she struck this other vehicle in the
15 rear. Those people got out of the vehicle, immediately
16 observed that Mrs. Brownell was under the influence,
17 slurred speech, and, as I say, she said something to them
18 to the effect of when they said to her, you hit us or
19 rear-ended us, she said to them, I don't see any damage.
20 And then when the police arrived, as I say, she tried to
21 flee and then they had to forcibly -- I think one of the
22 police officers jumped in the vehicle to get the keys out
23 of the ignition to shut the engine off. And when she was
24 removed, she struggled with the police, put up a fight.

25 The husband, mysteriously, in this Court's

1 opinion -- the prosecutor referred to it as fortuitously,
2 but something about this just says that -- just leaves
3 this Court with some question in its own mind, but he
4 appears on the scene almost instantaneously, supposedly
5 just driving by, gets out of his car and says, "What is
6 she, drunk? Has she been drinking?" and then started
7 yelling advice to her, "Don't take the blood test." "Get
8 a lawyer." "Don't take the breathalyzer." And then
9 later, when she was brought to Kent County Hospital he
10 shows up in the emergency room screaming, creating a
11 scene at the emergency room, "Get a lawyer." "Don't take
12 the blood test." "Say no."

13 And the letter submitted by the husband also shows
14 not only that he has issues but also he has supported
15 Mrs. Brownell in denying that there is any kind of a
16 problem, specifically, that she's an alcoholic. So this
17 happened in the middle, or I should say at the
18 culmination of it. It would have continued but for the
19 police arriving on the scene of this bender that she was
20 on.

21 So when people say, this is out of character and
22 that she has no explanation for this and that she is
23 awestruck that she could have done something like this,
24 it says to this Court that she still doesn't understand
25 that she's an alcoholic and she has a problem and that

1 this problem has not been addressed. She's still in
2 denial. Talk about going for treatment, court-ordered
3 treatment, anyone, anyone who had done this would have
4 immediately gone into an intensive alcoholic, substance
5 abuse, in-patient treatment program, immediately, not
6 continued with some counselor who had been seeing her for
7 the past three years, and then finally, finally when this
8 Court raised the issue when it was represented to me that
9 she had been in a program and when the Court questioned
10 whether that kind of counseling constituted a program,
11 apparently she signed up at Kent House. But still, as
12 good as Kent House is and as hard as they try, to this
13 day, by everything said to me in this Court, she still
14 doesn't understand. She still doesn't get it.

15 The statement, the statement that she submitted, the
16 written statement to the probation officer also exhibits,
17 in this Court's opinion, a strange disconnect, if you
18 would, between Mrs. Brownell and "the woman," as she puts
19 it, who hit Tori. The first statement is, "My name is
20 Marilyn Brownell, and I am the woman who drove the
21 vehicle." Not that, "I drove the vehicle." "I am the
22 woman that drove the vehicle." Then she goes on to say,
23 "I was driving the vehicle that left the scene of that
24 accident." This is no accident. "And I continued to
25 drive until stopped in traffic after striking another

1 vehicle. The second accident caused no viable injuries
2 or automobile damage." Very clinical. "I will not
3 continue talking about this accident except to say that I
4 was removed from my vehicle and placed under arrest for
5 suspicion of DUI." That's it. That's all she wants to
6 say. And then from there on out, it's all about Marilyn
7 Brownell and what a devastating impact this has had on
8 her and how she was restricted in her activities. But
9 she quickly got back to life. "I went back to my work.
10 I went back to my daily work-out at the gym. I went back
11 to society and started to rebuild my life that I had
12 shattered," including her boating.

13 So, as I say, whether it's a defense mechanism or
14 whether it's Mrs. Brownell's way of dealing with this, it
15 demonstrates to this Court that this Defendant has not
16 accepted responsibility and is not truly sorry.

17 Taking the factors into account that this Court must
18 in imposing sentence as dictated by our Supreme Court in
19 cases such as State vs. Gordon 539 A.2d 528, the first
20 factor is the gravity of the crime. Well, this Court
21 cannot add anything more than what has, not only been
22 said so eloquently by Mr. and Mrs. Andreozzi who exhibit
23 extraordinary grace and courage, but also by the
24 photograph that is exhibited here on this screen. Mrs.
25 Brownell made a conscious decision to drink to a point of

1 extreme intoxication, .18 alcohol level and gets behind
2 the wheel of an automobile, which is a lethal weapon and
3 gets on the road at a time when this road is heavily
4 traveled, road narrows, twisting, winding road where
5 caution needs to be exercised in any event, just by the
6 nature of the road and the amount of traffic on it, but
7 when kids are on there, getting off the school bus, as I
8 said, and committed this most heinous, heinous crime, and
9 I am not going to reiterate the facts that I have just
10 made mention of and which have been, as I say, put on the
11 record here today. To say that Tori Andreozzi suffered
12 catastrophic injuries would be an understatement. The
13 brother, who apparently bears the guilt of a survivor,
14 was a witness to this. One can only imagine the horror
15 that he experienced. I might also say one must think of
16 the horror and the fright and the shock that Tori must
17 have experienced when she was struck.

18 Well, she may have no recollection of it now, but we
19 may rest assured that, if only for an instant, she knew
20 that her life, as she knew it, was over, to hear the
21 screeching tires, the gravel being chewed up and spit
22 back, a cloud of dust, and then the collision which threw
23 her, as I say, up in the air and caused some serious,
24 serious property damage to the front of the vehicle, the
25 BMW station wagon, and then rolled off and came to rest

1 some feet away, with what would be really almost fatal
2 injuries. It's almost a testimony to modern medicine,
3 having been coded on two occasions, having been without a
4 heartbeat for ten minutes, having caused serious brain
5 injury, multiple fractures, serious lacerations, leaving
6 her, as I say, a prisoner in her own body.

7 You, Mrs. Brownell, passed the sentence that day to
8 Tori Andreozzi and her family of life imprisonment
9 without parole. Poor Robbie had to leave his sister
10 there dying, if not already dead, to be resuscitated
11 later, to go get his parents. And this was a day, as any
12 parent would send their children off to school in the
13 morning, looking forward to them coming home at the end
14 of the day to talk about their plans or what happened in
15 school or on this particular day, the excitement of going
16 to pick up a new car, to have that shattered by one of
17 the children running in the house to say that his sister
18 had been hit by a car and then to come upon that
19 immediately thereafter, it's just beyond description to
20 me. It's beyond comprehension. It's beyond a parent's
21 worst nightmare. It's absolutely incomprehensible. To
22 see her lying there is just too sad for words, too tragic
23 for words.

24 And as I say, the second factor, the possibility for
25 rehabilitation, as I said, in this Court's opinion,

1 despite statements that she finally now, apparently, as a
2 result of this proceeding, has some recognition that she
3 caused or committed this horrible crime and caused these
4 horrible consequences. As I say, a sense of remorse, I
5 feel there is none. The sorrow expressed is for herself,
6 that this was just an accident, a twist of fate, an
7 inconvenience. She states in her probation report that
8 home confinement would be more convenient for her with
9 her job. "What was there for me to do?"

10 As I say, another factor is the attitude toward
11 society, whether -- obviously, it's antisocial. To get
12 behind the wheel of a car and drive drunk is antisocial.
13 If for no other purpose, punishment. In this case
14 incarceration is appropriate to get her off the road.
15 And to leave someone -- Tori, not someone, Tori, who we
16 see here in Court today, for dead is beyond, as I say,
17 beyond antisocial. It's criminal. And as I said, the
18 attitude in the presentence report seems to be, Why is
19 everyone picking on me? Why is everyone blaming me?
20 What happened that day is an accident, although she would
21 not discuss it.

22 As far as the other factor, her inclination and
23 capacity to take her place as an honest and lawful member
24 of society, true, Mrs. Brownell has good qualities that
25 were exhibited in the past. Some of her problems, as she

1 put it, were attributed to being depressed over 9/11.
2 Well, 9/11 was a long time before March of 2003. On
3 closer review, what she was upset about is that her
4 \$400,000 income had been reduced to \$30,000 which had,
5 well, fallen off so drastically after 9/11.

6 I feel that she has no capacity to take her place as
7 an honest and useful member of society as long as she's
8 in denial that she's an alcoholic, that she abuses
9 alcohol and other substances. And until she gets
10 treatment -- she only stopped drinking as a condition of
11 bail and because of weekly urine screens. And as I say,
12 her husband supports her in this denial. Not only was
13 the house filled with liquor and beer but also drugs
14 prescribed and pot. At no time, even though according to
15 Mr. Lutes, the Brownells had been neighbors of the
16 Andreozzis for 18 years, at no time did Mrs. Brownell
17 ever do anything, ever do anything to help the Andreozzis
18 or Tori.

19 Now as far as the other factors are concerned, the
20 deterrence to others, as I say, Mr. Lutes has cited these
21 statistics at length, and I can say the only case I
22 remember, the case of Mr. Ramos, is because what the
23 State said would be a difficult time of proving leaving
24 the scene of the accident that a plea bargain was entered
25 into, and despite the fact there was no alcohol involved

1 and Mr. Ramos had stopped at the scene and then left and
2 was not English speaking and was, in fact, an illegal
3 immigrant, the Court imposed a 15-year or 16-year
4 sentence, 6 years to serve. And as I say, the penalty in
5 the past for these crimes was lenient, beyond lenient.

6 When you drink and you drive, you go to jail. A car
7 is a lethal weapon. A license is a privilege, not a
8 right. Everyone is at risk in this case. Unfortunately
9 and tragically, it was Tori and her family when the drunk
10 driver was on the road. And while these types of crimes
11 may have been reduced because of the toughened laws, they
12 are still all too common an occurrence. One only has to
13 read the paper almost every week and there is another
14 case of either serious bodily injury or death involving
15 drugs or alcohol. They say that everyone at 2:00 in the
16 morning, almost everyone on the road is under the
17 influence. Most recently, a young man in Bristol, his
18 name was Lombardi, there with other friends, racing on
19 the highway, went off the highway, two friends dead,
20 sentenced to 12 years to serve. I can't speak for other
21 judges, although I'm sure my colleagues -- and I know my
22 colleagues take these types of offenses just as seriously
23 as I do, but anyone who appears before me for this type
24 of an offense will be treated seriously because this is
25 the most serious of crimes.

1 As far as the other factor, one of the other factors
2 to be concerned, the appropriateness of punishment, 10
3 years, it seems to me, to be the minimum for this kind of
4 a crime. As I said, Mrs. Brownell already imposed a
5 sentence, a life sentence, on Tori Andreozzi and her
6 family, life with no parole. There also seems to be an
7 undercurrent in the presentence report, as well as the
8 letters submitted on behalf of Mrs. Brownell, that
9 because she's the daughter of a doctor and has lived and
10 had success in business and she is very secure
11 financially and lives in a nice house and has a nice boat
12 and likes to boat and fish, because she's a child or
13 daughter of privilege, she somehow doesn't belong in jail
14 with those other people, those other bad people, those
15 other convicted felons, those other people, whomever they
16 may be, many of whom have had the most tragic and
17 difficult of upbringings, without parents, exposed to
18 drugs and alcohol and violence as a way of life from the
19 time they are born.

20 If anything, your upbringing, your status, if you
21 would, in the community makes your crimes worse. You
22 should know better. And of course, you, Mrs. Brownell,
23 consciously made the decision to get drunk and get behind
24 the wheel of the car to get more booze to keep drinking
25 and get even more drunk, and now Tori Andreozzi lies, as

1 I said, trapped in her own body and her parents, as I
2 say, have exhibited the most grace and courage and have
3 really, I think, served as an example to others in the
4 community with the way they care for and love their
5 daughter and their family. And Tori's friends have
6 chosen -- and I'm not sure, I don't say this or maybe
7 it's the wrong choice of words, but apparently, their
8 mission now is to not only love and care for their
9 daughter, but to serve as an example to others in the
10 community as to really what true love and caring is. And
11 as I said, no amount of money, no assistance, will ever,
12 ever, ever make up for being deprived and robbed of the
13 love of their daughter and the shattering of their
14 family. So you made your choice, Mrs. Brownell, and now
15 it's time to face the consequences.

16 On Count 1, this Court hereby sentences the
17 Defendant to 10 years at the Adult Correctional
18 Institutions. In addition, the Court -- and I must say
19 and I will say that despite the guidelines, which are
20 just that, this upward departure is more than justified
21 by the circumstances in the commission of the crime, the
22 Defendant's motivation which was to get more alcohol, the
23 attitude toward society, as I said, the attitude and
24 feeling of the crime and the lack of remorse. As I said,
25 on Count 1, the Defendant is hereby sentenced to serve 10

1 years at the Adult Correctional Institutions. In
2 addition, she's fined \$5,000. Her license, upon her
3 release, shall be suspended for a period of two years and
4 pursuant to the statute, will not be reinstated until the
5 administrator of the Division of Motor Vehicles is
6 satisfied that no grounds exist which would authorize
7 refusal to issue a license.

8 In addition, as provided by law, the Defendant will
9 be required to successfully complete alcohol and drug
10 treatment at her own expense in a program established by
11 the director of the Department of Corrections.

12 On Count 2, that was dismissed pursuant to 48(a) by
13 the State.

14 As to Count 3, the Defendant is hereby sentenced to
15 5 years at the Adult Correctional Institutions,
16 consecutive. These sentences are consecutive to Count 1.
17 That sentence is suspended. Defendant is placed on
18 probation for a period of 5 years. A condition of that
19 probation shall be continued alcohol and drug treatment,
20 including weekly urine screenings. There is an
21 additional fine of \$10,000, and the Defendant's license
22 to operate a motor vehicle shall be revoked for an
23 additional period of 3 years. Another condition of
24 probation is 1,000 hours of community service.

25 As to Count 4, the Defendant is hereby sentenced

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

KENT, Sc.

SUPERIOR COURT

STATE OF RHODE ISLAND

)
)
)
)
)
)
)

VS.

K1/03-0479A

MARILYN BROWNELL

HEARD BEFORE

THE HONORABLE STEPHEN P. NUGENT

ASSOCIATE JUSTICE, RHODE ISLAND SUPERIOR COURT

ON JULY 16, 2004

APPEARANCES:

DEPARTMENT OF ATTORNEY GENERAL

MAUREEN KEOUGH, ESQ. FOR THE STATE

SCOTT LUTES, ESQ. FOR THE DEFENDANT

LISA M. THACKER
COURT REPORTER

C E R T I F I C A T I O N

I, Lisa M. Thacker, hereby certify that the succeeding pages 1 through 56, inclusive, are a true and accurate transcript of my stenographic notes taken on July 16, 2004.

LISA M. THACKER
COURT REPORTER