

Grieving mom fights to fix law



DENNIS WALL/ORLANDO SENTINEL

Jamie McWilliams' license plate promotes a Web site where she pushes for a change in law. Because her son was run over and killed on private property, a criminal case was dismissed.

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Jamie McWilliams will never get over the death of her son Justin, who was struck by a pickup truck, run over and killed in a west Orange field nearly three years ago.

But the Ocoee mother believes something positive may emerge from personal tragedy. In her son's memory, she is hoping to change and clarify state law that she says contributed to an injustice in the handling of her son's case.

"Enacting a law in my son's memory, it will prevent another family from having to deal with this devastation," Jamie McWilliams said.

The McWilliams family was frustrated that



McWILLIAMS

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prosecutors could not pursue a criminal charge against the young man who hit Justin McWilliams, 20, and then left the scene on April 7, 2002. Due to a legal technicality — the incident occurred on private property — a judge in Orange County dismissed the charge of fleeing the scene of a fatal accident initially filed against Justin Allen, the pickup's driver.

Now Jamie McWilliams is looking to get state law changed so that criminal traffic charges can be applied on private property.

The change wouldn't have any impact on the McWilliams-Allen case, but McWilliams said it might prevent future criminal cases from falling apart in the same way.

State Rep. Dennis A. Ross, R-Lakeland, is drafting the language that would change the state statute's "legislative intent." "I think the system failed miserably," McWilliams said. "I don't think you should be able to run someone over and walk away from it without some accountability."

Ross said the proposed legislative change is at a "very preliminary" stage, and he plans to research the matter before the upcoming session.

The representative said he wants to see "if there's anything we can do legislatively to see that this doesn't happen again." But Ross also wants to know all the consequences of changing the law's intent. He plans to speak with law enforcement.

Orange Circuit Judge Thomas B. Smith dismissed the case against Allen in 2003

due to lack of jurisdiction because "the property on which the incident occurred was on private property which was fenced, gated and locked."

Ross's proposed change would be added to the jurisdiction section of the state's motor-vehicles statutes. The change states that nothing in the section should be "construed to remove or limit" the authority to prosecute or enforce criminal traffic offenses occurring "on public or private property."

Exactly where and how Justin McWilliams died became elements of an emotionally charged case from the start.

McWilliams and his friends had a heated argument with Justin Allen and his friends on an early April night in 2002. The two groups of teens confronted each other during a camping party on a 1,200-acre property off Winter Garden-Vineland Road that was owned by Allen's father.

Witnesses said members of both groups had been drinking. And Allen's friends said the other group came to their remote campsite looking for trouble.

Eventually, McWilliams and his friends were driven to the edge of the Allen property by one of Allen's friends. Allen, driving a Silverado, followed them to the gate.

At that point, the stories diverge. Allen's friends said McWilliams charged the truck. McWilliams' friends say after a brief stare-down, Allen's truck raced toward them.

Before McWilliams was hit, Allen called 911 and asked for police because he felt threat-

ened. On the 911 tape, Allen was heard saying, "I'll run — I'll run 'em over."

After McWilliams was hit, the 911 dispatcher urged Allen to remain at the scene, but he said, "I can't stay there. They're going to kill us."

Allen left the property and then returned to the scene about 20 minutes later.

A Florida Highway Patrol trooper investigating the case said under oath that he thought Justin Allen left the scene for his own safety. Prosecutors initially charged Allen with fleeing the scene of a fatal accident, a felony, but his lawyer, Harrison Slaughter, argued that Allen could not be charged because authorities had no jurisdiction.

Judge Smith agreed and dismissed the case. Prosecutors later decided not to pursue a vehicular homicide charge, saying the evidence did not support the charge.

If prosecutors felt they had sufficient evidence, Slaughter said they could have charged Allen with battery or even murder by avoiding the motor vehicle statutes altogether.

"They don't need any special legislation to do that," said Slaughter.

He added that Florida has many private landowners who might not appreciate being pulled over by police on their land for failing to signal.

Commenting on McWilliams' push to get the statute changed, Slaughter said, "Does that mean they're going to enforce traffic laws at Daytona Speedway?"

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