

## Court Presentation

I am Michael Capozza, Alex's father.

Alex's death has forever changed our lives. The immediate shock of his death will eventually wear off but the unprecedented loss and emptiness that remain will never change. There will be no holidays for Alex or our family - what exactly should we celebrate this year? College applications sit untouched in his empty bedroom, no need to fill them out now or ever. While we are here to bear witness to a temporary change in Brandon's life, Alex's punishment is permanent and ultimate.

Every waking moment for us is a reminder of his absence, of this senseless loss. Sleep is no easier - every time I close my eyes, I imagine Alex drawing the last agonal breaths into his broken and dying body at the crash site. We hate being in our own home - a place once filled with love and joy has been reduced to a graveyard of memories. If it weren't for our daughter Anika, my wife Vivian and I would simply cease to function - we both often wish that one of us were killed, sparing Alex. As it is, part of us died when Alex was killed - this loss has, in an instant, undone everything we have worked for to provide Alex with the tools and skills for a meaningful and successful life. The fun and happy memories of Alex now end with the finishing thought - there will be no more. Even the future is dim, instead of the pride of watching him graduate from high school, and sharing the joys and milestones of his entry into adulthood, there will be never ending anguish at the thought of what could have been.

People want to be very helpful when there is a death, many want to share things that they hope will make it easier for the bereaved, and others want to confess to facts that they had kept hidden, facts that if acted upon may have altered the outcome of this night.

① Brandon, I can't tell you how many teens, some very good friends of yours, have enlightened us about your drinking and driving history. Some offered anecdotes of the many times they felt it necessary to take your car keys when you were drunk but intending to drive, others were reminded of the times they got in and then immediately out of your car when they realized you were drunk, I was told your reply was, "I drive like this all the time." One was crying when commenting on Alex's death, she shared - "that could have been me, I have been in the car with Brandon like that". Still others noted the fact that you decided to get behind the wheel that night after losing 11 games of beer pong. Last, and worst of all, some have even divulged facts about which responsible adult bought you the alcohol that night. It is only too bad that none of these friends decided to voice their concerns before Alex had to die to make you and others realize the consequences of your behavior.

These confessions paint a disturbing picture about the moral values of our youth. All the individuals mentioned above have refused to come forward and speak the truth to investigators - presumably to protect themselves from liability, but at what cost? Ignoring the underpinnings of this tragedy invites a repeat performance - I highly doubt that any of those friends or you wishes this to happen again.

When all is said and done here, I know you will have learned something about your responsibilities as a driver, a friend, and as an adult. But I hope you will learn something about your responsibilities to yourself as well - the needless risk-taking behavior of recklessly combining high speed driving and alcohol. And I hope you will learn something about personal integrity as well. ② you should have been caring for Alex in his dying moments instead of flagging down other drivers and begging them to say they were driving your car, thereby taking the blame for the death and destruction you caused. Nor do your repeated lies to investigators at the scene paint a picture of an upstanding youth taking responsibility for his actions.

These are hard lessons and Alex has paid with his life for you to learn them. The multitude of warnings and admonitions from driver's education and overall deterrence to driving under the influence has so far fallen on deaf ears in your case.

Now you are facing the final deterrent - state defined consequences as prescribed by this court. The mission of juvenile court system is rehabilitation, which seems appropriate to me as a citizen and as a father. I feel however that is inappropriate to entertain a lenient rehabilitation period in this particularly grave case for the following reasons:

- driving under the influence resulting in death
- wanton and repeated disregard to the dangers of drunk and reckless driving as witnessed by your friends
- begging others at the crime scene to take responsibility for your actions while Alex drew his final breaths
- repeatedly lying to investigators about your role in your friend's death

It is my opinion and I hope it will be the opinion of this court that this crime deserves a formal and lengthy incarcerated rehabilitation along the guidelines prescribed by the parole board, with the opportunity for serious and prolonged reflection on personal responsibility and integrity along with intensive rehabilitation efforts for substance abuse. This will give Brandon time to think about the type of person he is and the type of person he would like to become. Additionally, incarceration sends the appropriate message to the adolescents in our community who continue to take similar risks - that this behavior has grave consequences not only for crash victims but also for the driver and will not be tolerated by this court or this community.

It is my hope that after your rehabilitation is considered complete and you return to mainstream society that you will devote some time to teach your friends by your example that it is not cool to risk your friends' lives and it is not cool to idly stand by while they risk theirs and others. Brandon, this is your second chance, an opportunity that Alex will never receive. You have ended Alex's life, and must now pay the consequences, in so doing, I hope you find the strength to attempt to save the lives of others.

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