

## Victim Impact Statement of Lincoln Shlensky

Re: Trial of Heather Lea Hulsey—sentencing phase

February 11, 2008

Before speaking about the impact of the loss I have experienced, let me say a few words to recall for the Court the most direct victim of these crimes, my father, Ronald Shlensky. My dad was a nurturer. This might come as a surprise to those who didn't know him well. But the fact is that behind the gruff exterior he sometimes chose to present to the world, at his very core he was a man who aimed to nurture everyone in his life. And this was not merely an idle wish or fantasy that he complacently entertained about himself; he practiced kindness and generosity in myriad different ways and rarely gave himself sufficient credit for it.

Within his own family, he was unstintingly generous, paying for the college tuitions of his children without complaint, and doing everything possible to enhance his children's, and later his grandchildren's, lives. His training as a doctor meant that he was always called upon when family or friends were ailing. Instead of sapping him, serving others in this way seemed to energize him. He was never so present and alive to others as when he was able to help them in a crisis. I wonder if he ever really appreciated how much he had done for so many others by virtue of his manifest caring attitude, by treating and comforting the emotionally and physically unwell, and by showing us that he valued compassion and generosity above all else.

He also cared for those he didn't know. I remember one day as he and I were driving home from Los Angeles, we came upon a terrible auto accident that had just occurred. He pulled over and, unasked, offered his medical expertise. This was so very like him. He would never let someone suffer, if he could help it. That was my dad—and that is the highest praise he would have accepted: let it be said of him that when he was needed, he was always there, and always ready to offer his skills for the benefit of another.

The generosity my dad showed towards others also went well above and beyond basic dutifulness in his profession. This included far-flung volunteer work at various times in his life, including serving as a psychiatric medic in Israel during the 1973 war there, and traveling to Mexico with other doctors on a number of occasions to deliver medical care to remote villages. After Hurricane Andrew hit Florida in 1992, at that time the most devastating natural disaster in US history, my dad flew to the scene of destruction to offer psychological counseling to those facing such tremendous loss. He also volunteered as a psychiatrist on the Navajo reservation in Arizona in the '90s, treating the depressed and mentally ill. But of course, the way in which he helped the greatest number of people was simply by serving as a workaday psychiatrist, doing his best to help untangle the knots of soul and psyche that his patients brought to him.

Sadly, when I think about how my father died, I feel there is great injustice in it. This is not simply the injustice of a life senselessly cut short—my father was 71, not very old by today's standards, and he had been a tremendous health fanatic since he was in his thirties, watching everything he ate, exercising relentlessly. There *is* injustice in his untimely death, certainly, but from my perspective, that is only the least of it. The greater injustice was the pitilessness with

which he was treated by the young woman who ran him down. The defendant had a drinking problem, we are informed, and from what I know about people with drinking problems, their relatives and friends are usually not out of the loop. This young woman surely had been warned, and warned repeatedly, that her drinking put her at risk, and put other innocent bystanders at risk as well. And yet she chose to continue to act in cold-hearted disregard of those, including herself, who stood to lose so much.

My father was a firm believer in individual choice. People must make conscious choices about what they will do, he believed, and often, as he knew, to not decide to do something is also a decision. The defendant did not decide to spare others the pain and loss that was bound to result from her continued misbehavior. She did not decide to face her troubles and her irresponsibility, and so prevent the taking of another's innocent life. She decided instead to act by refusing to act, and so I and my sisters lost a father, my nephews and niece lost a grandfather, my mother lost her husband of 44 years, and all of us lost a man who had done much, and still could have done much more, for himself, his family, and our community.

But that is not the only callousness that marked the actions of the woman whose punishment is now under consideration by the court. As we know, my father was still alive for some 18 hours after being hit with such tremendous force that his body was shattered beyond repair. Despite this, Ms. Hulsey did not bother to stop and see what she had done to another human being. Her friends testified in the preliminary hearing that she acknowledged at the moment of the crime, on her cell phone, that she had just hit someone. But she did not stop to help him, let alone to care for him. Instead, she did the very opposite in an attempt to conceal her actions and their consequences. She let him lie there bleeding. She refused to come forward afterwards, as the police tried to piece together what had happened, and she was only revealed as the perpetrator by others. She even tried to remove and conceal evidence of the crime from her car. These were calculating acts, in which she also tried to enlist others. She has prolonged the judicial proceedings as a way to avoid accepting full formal responsibility for her actions, dragging my family through a year and a half of legal maneuvering, sensational news stories of her public drunkenness, and lies she has told about her behavior. Her plea—"no contest," rather than "guilty as charged"—further expresses her ongoing denial of full legal guilt and responsibility for her actions. In short, the woman who killed my father has acted as a deplorable exemplar of everything he stood against. She has demonstrated the very opposite of my father's ethic of care.

As I have said, my father believed in individual choice. One thing I know he would have wanted was for his family to choose the path of life. I am happy to say that we have all understood and attempted to live up to this implicit message to live life well, which stems from the example my father set with his actions. After an initial period of shock and of deep mourning, and then, for me, a lingering sense of anxiety, all of the members of my family have grown even closer to one another. Moving on, as we have tried to do, naturally has been attended with a mixture of relief and ongoing sadness. In my own case, shortly before my father's death, I had accepted a new academic post at the University of Victoria, in British Columbia—an honor which made my father tremendously happy. I was anticipating with excitement his first visit to me in Canada during the summer he was killed. My mom, who came with my sister to visit me soon after his death, cried when she saw my new office on campus. "I wish Dad had been here to see this," she

said. "He would have been so proud of you." I dedicated my first major academic publication, which he shall never read, to his memory.

Six months after my father's death, I proposed marriage to the woman I love. My fiancée and I are now planning our wedding for this coming summer, a process that causes me to think of my father nearly every day. He would have wanted dearly to share in the honor and joy of such an occasion, for his only son. I shall mourn his absence on what promises to be a day of great joy, although I know that he will be there with us in spirit. My future wife and I are hoping to conceive a child soon after we are married. My dad will never be able to meet our children, nor will our children have the immense benefit of knowing him. This saddens me deeply. I knew and loved both of my grandfathers, and that intergenerational connection was profoundly meaningful to me. There are so many other ways I would have wanted my father to be able to participate in my life and in my family's joys. And yet we, his survivors, and heirs to his sense of ethics, strive to live our lives to the fullest, as we must do. We have only our memories of him as a consolation for his untimely loss. Yet living our lives fully is what he meant his love, and his care, to enable.

I want to acknowledge, finally, that I have read the two letters Heather Lea Hulsey wrote to my family in the aftermath of her having hit and killed my father while driving drunk. These letters were delivered to my family last week by the Public Defender's office. The first of Ms. Hulsey's undated letters was apparently written during the course of the trial; the second letter was composed in the presence of her attorney, prior to this sentencing hearing. Both letters speak emotionally of her remorse for her actions. It is not for me to judge the sincerity of Ms. Hulsey's letters, but I truly hope that they are sincere. At the same time, for the record, I want to say that her expressions of remorse, whether or not sincere, should not unduly influence the Court. Ms. Hulsey is being sentenced for her actions, for the crimes she committed in driving drunk, failing to stop to help my father after she had severely injured him, and for the repeated and prolonged lies she told about her responsibility for his death. I would think that, if Ms. Hulsey's feelings of remorse are sincere, she would expect to be punished for her actions, and she would accept her punishment as deserved. What happened to my father should not have happened to any person, whether or not, like my father, highly esteemed in the community. The task of this court today is to dispense justice, and justice will be served by treating Ms. Hulsey as the cognizant adult she was at the time of the crime, able to make her own decisions. She chose, not just to drink to excess, but also to drive while she was drunk, playing Russian roulette with the lives of others. She chose to flee the scene of the crime she had committed, when she should have helped the man she had injured. She chose to lie about her actions, to falsely blame the innocent, and to try to recruit others to help her conceal evidence. These were decisions, and they are grave crimes. Her punishment deserves to be correspondingly severe and enduring, and, I feel strongly, should involve significant prison time. She should certainly not be permitted to drive a car for a very long time, having renounced that privilege by her irresponsible actions. Anything less would be a travesty of the standards of our justice system, and an insult to the victim's family and this community.