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VERDICTS & SETTLEMENTS

Drunken driver killed off-duty police officer

Settlement of Policy Limits plus \$14,500



ZYDRON

On July 22, 2017, the plaintiff, a 45-year-old off-duty police officer, and two friends rode their bicycles to a nearby bar and grill for dinner and drinks.

At approximately 10:45 p.m., they headed home walking with their bicycles, crossing Cedar Road in the City of Chesapeake. The defendant, age 73, failed to see plaintiff, striking and knocking him down on his back in the road near the curb. Medics arrived almost immediately thereafter and took over ALS. Plaintiff was pronounced dead at 10:52 p.m.

The defendant stopped at the scene. Officers questioned the defendant who stated he did not see the plaintiff until he hit him with his Ford Escape. An odor of

alcoholic beverages seemed to be emanating from the defendant. The defendant admitted that he was going home after he had dinner and three to four beers at a restaurant. His bar tab showed that the defendant bought six Coors Lights and a vodka tonic with dinner.

Initially, liability was contested. The defense alleged that the plaintiff was contributorily negligent based on evidence that the plaintiff had consumed two "one shot" rum and cokes and two Budweisers prior to the impact. He wore a black shirt and brown shorts and crossed the road before the traffic light turned red, stopping the oncoming traffic.

The defendant was charged

Type of action: Wrongful Death
Special damages: \$14,500 in funeral expenses

Injuries alleged: Death

Name of case: Police Officer v. John Doe

Verdict or settlement: Settlement

Court: Norfolk Circuit Court

Amount: Policy limits

Date resolved: Dec. 20, 2018

Attorney for plaintiff: John E. Zydron, Virginia Beach

with a felony under Virginia Code § 18.2-36-1, unintentionally causing the death of plaintiff as a result of driving while under the influence in violation of Virginia Code § 18.2-266 (driving while intoxicated). The defendant pleaded guilty to involuntary manslaughter.

Pursuant to a plea agreement, the defendant received a five-year suspended penitentiary sentence, on the condition that he be monitored by home electronic device for a year, be on good behavior for five years, complete at least three years of supervised probation, and pay \$14,500 in restitution.

[19-T-018]