

# Trucker acquitted in fatal accident

BY MIKE SANTA RITA

A Howard County District Court judge last week acquitted a Virginia truck driver on traffic citations in connection with a January 2006 accident at a non-working traffic light in Jessup that killed two Howard teenagers.

On Feb. 1, Judge Pamila Brown found Gary Lee Dicks, 24, of Stephens City, Va., not guilty of negligent driving and failure to stop at a through highway and yield the right of way, said Wayne Kirwan, a spokesman for Howard County State's Attorney Timothy McCrone.

Theresa E. Howard, 18, of Sykesville, and Scott Caplan, 19, of Columbia, were killed Jan. 6, 2006, at about 10:45 p.m. at the intersection of Route 175 and Interstate 95, in Jessup, when a tractor-trailer driven by Dicks exited southbound I-95 and struck the Volvo in which Howard and Caplan were traveling.

The Volvo was westbound on Route 175, according to Howard police. At the time of the accident, the traffic light at the intersection had been out for 90 minutes and was neither marked nor manned by state or county police.

After investigating the incident, former Howard Police Chief Wayne Livesay said a series of missteps and incorrect assumptions led county police to fail to properly staff and mark with safety devices the non-working traffic light in Jessup in the hour or so before the crash that killed Howard and Kaplan.

As a result, Livesay ordered his officers to never again leave the scene of a non-working traffic light.

## Defendant remembers teens

During Dicks' trial, prosecutors attempted unsuccessfully to show that Route 175 was a through highway or "preferred highway" that required Dicks to stop, Kirwan said.

"We feel we made a reasonable argument that someone operating a large tractor-trailer along an exit ramp, and who observes a traffic signal is not functioning, should have made a complete stop before entering that intersection," McCrone said in a statement following the trial. "Judge Brown did not see it from that perspective."

Dicks' attorney, Timothy S. Mitchell, said his client was pleased with the result.

"Certainly my client is relieved that this is behind him, but that in no way changes the fact that two young kids, Theresa Howard and Scott Caplan, lost their lives in the accident," Mitchell said. "We're very pleased that Judge Brown made the right decision based on the law and the facts."

Dicks also is a defendant in separate lawsuits filed by the parents of Caplan and Howard.

The suits, each of which seeks \$5 million in damages, also name as defendants Maryland State Police, a former Howard County

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police officer, a state trooper, five transportation companies who subcontracted work to Dicks and the driver of the Volvo in which Caplan and Howard were traveling.

Douglas Furlong, an attorney for Caplan's parents, said Feb. 5 that the family would continue its civil case against Dicks.

"The Caplans continued to be devastated by the loss of their son," he said. "What makes this loss even more tragic was that it was completely preventable."

Paul Sandler, the lawyer who is representing Howard's parents, did not return a telephone call seeking comment.

David Durbin, Dicks' attorney in the civil case, declined to comment.

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