

I appear before this court today understanding that the defendant will receive a stipulated sentence and that nothing I say here is likely to change the outcome of this proceeding. I nevertheless felt it was important to speak here so that the full impact of this crime would be entered into the formal record.

I am now a very different person than I was on July 20, 2019, when this dangerous and irresponsible driver hit me with his vehicle and nearly killed me. That crash caused massive blood loss, damage to my spinal cord, 35 broken bones, two collapsed lungs, internal bleeding, and a concussion. I was very fortunate to survive thanks to my own will, the keen eyes of an attentive motorist, the Lafayette fire department, and the Emergency Department at Boulder Community Health, which rendered my first emergent care.

Following my initial, life-saving care, I spent a month in the Level 1 trauma center at Denver Health, where I underwent 10 surgeries to stop the internal bleeding, fuse my spine, and repair my many broken bones. I was in a coma for much of that time, intubated and eventually given a tracheostomy. I still live with the drug-induced hallucinations from that period and my loved ones live with the trauma of wondering if I would live. During my early care, it was also determined that the damage to my spinal cord was permanent and would have long-term consequences to my mobility and health. However, the diagnosis of a spinal cord injury is not a simple matter and it took some time for the complete symptoms to become known.

After discharge from Denver Health, I spent another two months in rehabilitation hospitals, where it became clear that while my spinal cord was not completely severed, it was severely damaged. The effect of that damage is far greater than it might seem as I stand before you today. My left leg is partially paralyzed to my knee, and completely paralyzed below. To walk, I require a system of bracing that goes from under my foot to my thigh. This bracing has to be custom made, it is costly, and it is something that I will need to rely on for the rest of my life. Sensation in my leg is also greatly reduced, which requires me to take special care of my leg – and especially my foot – to prevent the kind of injuries that would be trivial to most but could cause me serious illness or even death. Something like a blister that I didn't notice could make me very ill should it become infected. Without sensation, I may not immediately realize the presence of that kind of wound.

I am fortunate that my right leg was not affected by this assault, but because I have one strong leg and one weak leg, my left and right sides are continually out of balance, resulting in severe and chronic pain throughout my body.

My bowels, bladder, and sexual function have also been affected. I am a healthy 36-year-old, but because my penis now also has reduced sensation, I require medication to engage in intimate activities. Spinal Cord Injury patients often experience decreased fertility, and mine is not yet known, calling into question whether or not I will be able to become a natural father.

Because my bladder is also paralyzed, I am only able to urinate by using catheters, which I insert into my urethra several times a day. These catheters are also costly, and ensuring that I have enough on hand is a source of continual stress.

I currently take numerous medications on a daily basis to manage all these symptoms, and ensuring that I always have enough on hand and am taking the correct dosage is another stressor, as well as a drain on my time and money.

Of course, the paralysis of my leg has the greatest effect on my daily activities. When I was assaulted, I was a high-level athlete who had recently returned home to Boulder after competing at the US Elite National Championships for track cycling, an Olympic-qualifying event. Besides competition, I enjoyed many of the activities that Colorado is known for: skiing, hiking, and walking easily into our many breweries and restaurants. I am now permanently disabled and unable to engage in any activity of daily living without assistive devices and support, let alone engage in high-level athletic competition.

While the symptoms of my spinal cord injury may slowly improve over time, they will never heal fully, and I have therefore been counseled to anticipate a lifelong disability that will also cause my body to age faster than it should.

All the initial injuries that I suffered in the crash, as well as the ongoing effect of my spinal cord injury, require extensive ongoing medical care. In order to be able to stand before you today, and to have walked into this building with only my cane for support, I

have engaged in as many as nine physical therapy sessions a week for the last two and a half years. Those ongoing therapies are in addition to other medical appointments to manage chronic pain, the health of my bladder, my mental health, and to ensure that the hardware currently holding many of my bones together -- especially the implants in my spine -- remain in place.

The time required by extensive medical care leaves me challenged to live a full life that includes a career, family, and friends. Though I am still coming to understand the full ramifications of this assault, I know the impact is enormous.

The financial burden imposed on me by this man is much more clear: His actions have cost me tens of thousands of dollars in the last two and a half years. Assuming I'm able to maintain private insurance, this injury will continue to cost me tens of thousands of dollars each year for the rest of my life. If I am not able to maintain insurance for any reason, my out-of-pocket burden will quickly go into the millions and I will become bankrupt. One figure that I think about often is the initial care I received at Boulder Community Health in the first few hours. That cost more than \$100,000 by itself. This financial burden will greatly impact the kind of life I can hope to achieve and potentially offer to a family.

This driver has demonstrated a wanton disregard for those around him and the utmost callousness toward me as a survivor of his violence by leaving the scene of the crash. Because he fled, we will never know if he was drunk or high when he hit me, if he was distracted, if he was simply careless, or if he decided he hated me enough to drive into me. Regardless, he demonstrated

that he is not fit to operate a vehicle and has also demonstrated a lack of interest in abiding by the laws that exist for our common safety by driving without insurance.

For all those reasons and others, I feel strongly that the only fitting punishment would be for him to bear full financial responsibility for the harm he caused, and to never again operate a motor vehicle. But in this country we give such priority to cars and their drivers that punishment of that nature is deemed so severe as to be almost unthinkable, even in consideration of the grave injuries I will now live with.

The best solution our society does have is to put him in jail. The stipulated sentence means that he will have served his time and likely be back on the road long before I reach the conclusion of my life sentence. I do feel that the punishment agreed to today is warranted and appropriate, but it is also not adequate to help me, while also doing little to prevent him from inflicting further harm on others.

I can only hope that incarceration helps him become a better driver and a better person.

I am slightly more hopeful that others hearing about this case will remember their duty to be responsible on the road, and to look out for others on the road. Given that the sentence fails to truly and fairly mete out justice for me, I hope that it at least keeps someone else from suffering as I have.

