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Reporter biographies - Victor Patton
Wednesday, Dec. 08, 2010

Wrong-way DUI driver gets 10 years

Judge hands down maximum sentence.

By VICTOR A. PATTON
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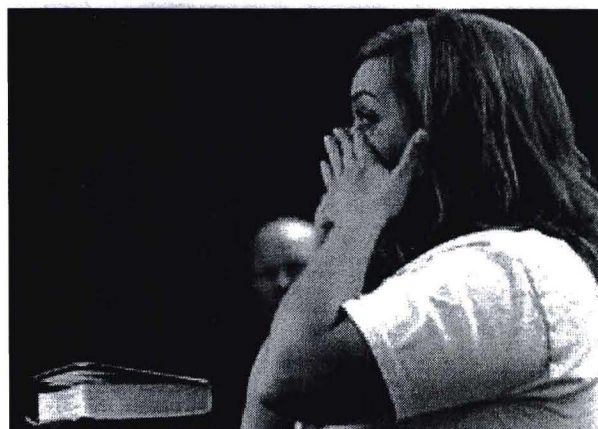
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A young man who "knew better" but still made the fatal decision to drink and drive -- destroying an innocent life, shattering a family and leaving permanent sadness.

That's how a judge viewed the case of 20-year-old Khushdeep Gill, who drove the wrong way on northbound Highway 99 on Feb. 11 and killed 48-year-old Sandra Kay Isbell.

Merced County Superior Court Judge Marc Garcia on Tuesday gave Gill the maximum sentence of 10 years in state prison. Before causing the crash that killed Isbell, Gill had been convicted of DUI at age 17. He'll be eligible for parole in about four years.



Garcia minced no words in sentencing Gill, saying the defendant already had received a break by not being charged with murder.

"I will not show you any more leniency," Garcia declared.

Garcia said sending a young man to prison seldom "leads to a better person," but that Gill should have learned his lesson after receiving his first DUI.



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"There's no doubt in my mind that you knew better and could have made another decision," Garcia said. "Whether you choose to be productive in your life is entirely up to you."

Gill pleaded no contest in October to a charge of gross vehicular manslaughter with negligence. He entered the plea without making an agreement with prosecutors, putting the case's outcome solely in Garcia's hands.

Gill's attorney, John Garcia (no relation to the judge), asked Fresno psychologist Richard Blak to evaluate the defendant. Blak testified that Gill suffered from a schizo-affective disorder and general anxiety, saying he used alcohol to "self-medicate."

Under cross-examination from Deputy District Attorney Steven Slocum, however, Blak said Gill's mental disorders wouldn't make him less criminally culpable. Judge Garcia didn't buy Blak's analysis of Gill, calling it "unconvincing."

Families from both sides filled the courtroom

Tuesday. Isbell's family members and friends shared several stories about their grief, imploring Garcia to provide the maximum sentence. Meanwhile, on the other side of the aisle, Gill's family members hoped for a sentence of probation or local jail time.

Wearing an orange and white jailhouse uniform, Gill unfolded a white piece of binder paper and read an apology to Isbell's family. "I know this will affect me for the rest of my life," he said. "I ask you for mercy and forgiveness for my actions."

Isbell's family members said the apology can't alleviate their pain. Her son, Gary Young Jr., described Isbell as a mother of four who had worked hard "all of her life" with "a lot of life left to live."

Young said his mother was looking forward to watching her children grow and lead productive, fruitful lives. "No matter how much time (Gill) gets, to me it will never be enough," Young said. "I don't deny that he's sorry, but I just feel this is just one of those instances, as Mother would say, where sorry just doesn't cut it."

Isbell's daughter Barbara Young brought a wooden box containing her mother's ashes to the hearing. Young wept steadily as she described how her mother gave her a Bible with a message written inside that included the words: "To my first born ... always remember God loves you and so do I."

Gill's family members said they feel a great deal of sadness about Isbell's death. Still, some of Gill's family members said the 10-year sentence was too harsh.

Mike Benning, one of Gill's cousins who was there for the sentencing, said the judge didn't make the right decision.

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