

Young Teen Killed by Driver With Multiple Violation History

On November 15, 2005, a West Palm Beach jury awarded \$8.75 million to the parents of a high school student killed by a driver with a suspended license and a record of 22 traffic violations in the previous ten years. Erin Fernandez, 16 years of age and the only child of Darlene and Ramon Fernandez, was killed on June 9, 2003, in a late evening automobile accident caused by Robert McCreery. McCreery ran a red light at Forest Hill Boulevard and Military Trail in West Palm Beach, broad-siding the car in which Erin was a passenger. Erin was killed instantly, and the driver, Joshua Dichkewich, and another passenger, Catherine McGlinchy, were seriously injured. McCreery, 54 years old, was driving an SUV owned jointly by him and McCreery's furniture business, Wilhelm's Rattan, Inc. He was originally charged with driving under the influence but pled guilty to vehicular homicide and two counts of reckless driving. He received a sentence of five years in prison to be followed by five years of probation.

Erin and her two friends had attended Mass on the evening of June 8th, honoring Joshua's father who had died of cancer several months earlier. Because Father's Day was the next week, Erin and Catherine were accompanying Joshua to console him about his loss. They were headed to Joshua's home, a little before 1:00 a.m. the next morning, when the accident occurred.

Erin's parents sued McCreery and his furniture business for the loss of their daughter. McCreery admitted liability and the case went forward to determine damages. In an article by the Palm Beach Post after the verdict, Erin's mother, fighting back tears, said, "It's hard to put a price on a child's death. It helps get some justice, but the bottom line is, we lost our child who we loved." Earl Denney and John Shipley, of Searcy Denney Scarola Barnhart & Shipley, represented Mr. and Mrs. Fernandez. Mr. Denney commented, "This child was probably the most perfect child I've had the privilege to know about. It was difficult making it through. My partner and I constantly had to fight back our emotions – a very moving case." ■

"It's hard to put a price on a child's death...it helps to get some justice, but the bottom line is we lost our child who we loved."

- - Erin's mother



\$8.75 Million Verdict:

VEHICULAR HOMICIDE AND RECKLESS DRIVING RESULTS IN DEATH OF CHILD.