

Matt's Mom's heartfelt request for Senator Tom Torlakson to sponsor Matt's Law

January 23, 2006

Dear Senator, Torlakson:

My name is Debbie Smith, MM, I am the mother of Matt Carrington, the boy who was killed in the water-hazing incident in Chico last February. I am writing you because back in September you sent a letter to our attorney, Alex Grab, stating that you would consider proposing our bill, Matt's Law, this February. I was hoping that you could make a commitment because I am worried that if we wait to the last minute and you decide not to do so we won't have time to find someone that will.

This Bill is very important because it will let people know that hazing is unacceptable and that those that participate in these heinous acts will be held accountable for their actions. One thing I think you and others should know is that the fraternity members that are in jail for the part they played in my son's death agree that this is important and would go a long way in encouraging others to think twice before they perform these hideous acts against another. They have also offered to participate in any way they can to help get it past.

Matt was born and raised in your District went from preschool through 2 ½ years of Junior College getting his AA at DVC (Diablo Valley College) all right here in Pleasant Hill before transferring to Chico to complete his education. He was a registered Democrat and campaigned for Senator Kerry during the past presidential election.

Ironically enough from 1995 through 1998 I used to run the 4th of July festivities in Concord at Todos Santos Park for the Concord Elks Lodge and every year your assistant, a charming young man whose name escapes me, would call and ask me, on your behalf if you could have some time to address the crowd and I, of course, would always oblige. But what I find more amazing is that every year I put this event on, Matt from the age of 11 through 14 helped me set up the event the day before and volunteered to run the children's games, 3 legged races, water balloon toss, diaper races, pie eating contests, etc. throughout the day. So for four years you and Matt were in the same place on the 4th of July.

I'm not sure what that means it's almost like it is meant to be that you, Senator Torlakson, be the one to author this bill. I hope that you take into consideration that many lives can and will be saved if this bill goes into effect and that is really what we all want. I believe that by passing this law and with the anti-hazing work we are doing it can't help but bring awareness to our young people about the dangers of hazing and the consequences of their actions.

Aside from the unbearable anguish we continue to suffer, let me give you some insight as to what happened from the time our son was killed, February 2nd until October 28th. Right from the start we were told by the police that even though they had the evidence to arrest several fraternity members there was a good chance that no one would be held accountable for killing our son because of the way the current hazing law is written. Back in the Chico Police Department one month later we found out for the first time just minutes before walking into a room filled with media, with several cameras in our faces rolling and snapping picture after picture, what had happened to our son the last 3 torturous days of his life. But this time there were warrants out for the arrest of eight fraternity members for their part in Matt's death. So, we thought okay, they would have to be held accountable for what they did to Matt.

From that day forward everyone suffered not only for our loss of Matt but we were tormented too, and by everyone I don't mean just Matt's loved ones I mean everyone. Everyone that cared about Matt, the fraternity members involved and their families, anyone involved in the case and the state and or county (whoever foots the bill for these cases). Every two weeks (and sometimes more often) from that day forward we (our family and friends) would take the day off from work, meet at our home in Pleasant Hill at 4:45am to make the 2 ½ hour drive to the Oroville County Courthouse and on most occasions listen to the defendants attorneys argue that while their clients were guilty as to what the charges were (their acts against our son) they could not be held accountable because of the way the law is written. Either their client wasn't a student or they would use that the "rogue" fraternity wasn't a student organization. Then we would go into a room with DA Ramsey and he would tell us that on any given day the judge could rule that "the people" did not have a case because of the way the law was written. Of course, these were only the days that weren't continued for one reason or another. We all lived our lives in two-week long spans, less some weeks, for eight months wondering what the next trip to court would bring, whether the judge would just throw the whole thing out and when it would all be over. Would justice ever be served for Matt, his loved ones and for everyone out there that this has or could happen to?

Unless someone has been there, they will never know the pain you go through as the court date approaches, trying desperately to prepare yourself to face not only the people responsible for taking your child's life but trying to get mentally prepared to hear opposing council defend them simply because of the way the law is written (which was their only defense) at the same time freely admitting their guilt almost like it didn't matter that my child was dead.

In the end those responsible couldn't take it any longer the guilt of what they had done and the pain they were causing us, Matt's family and friends, and their families was too much so I was approached by DA Ramsey to speak with one of their attorneys to work out an arrangement for them to change their pleas.

I am very proud of them for taking responsibility for what they did I know that they never intended to kill Matt but are responsible for his death, nonetheless. I have visited them twice in jail so far since their incarceration where, when speaking with them, they agreed that had this law been in place none of us would have suffered through this drawn-out ordeal and had they even know that it was illegal they probably would have thought twice before they did anything so stupid. They are hoping that others will learn by their mistake. We will be working together when they get out of jail and they have offered to work on a documentary with me while they are in jail.

Senator Torlakson this is our chance to not only change the law but to get the word out that these acts are illegal and if you participate in them you will go to jail. We need to strike while the iron is hot, while it is so fresh in people's minds because children are still being coerced into believing that this is okay and allowing themselves to be taken advantage of, the killing and abuse has not stopped. We need to send a message and we need your help to do it. Please help us stop the victimization of our children.

Sincerely,

Debbie Smith, MM

<http://www.wemissyoutmatt.com/>

You can find the original letter and draft of Matt's Law that was sent to you in August 2005 on Matt's site, above.

For your convenience I have attached the proposed law that was sent to you at the end of the year and the redlined lined changes to the existing law.

Redlined Changes To Existing Law

(a) This section shall be known as “Matt’s Law” in memory of Matthew William Carrington, who died on February 2, 2005 as a result of hazing.

(b) A person is guilty of hazing when his or her conduct in the course of another person’s pre-initiation into, initiation into, affiliation with, holding office in, or maintaining membership in, any organization, As used in this article, "hazing" includes any method of initiation or preinitiation into a student organization or any pastime or amusement engaged in with respect to such an organization which causes, or is likely to cause, bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm, to such other person. any student or other person attending any school, community college, college, university or other educational institution in this state; but The term "hazing" does not include customary athletic, fire department, police department, military, or quasi-military events, training, conditioning or other similar contests or competitions activities.

(c) No student, or other person in attendance at any public, private, parochial, or military school, community college, college, or other educational institution, shall conspire to engage in hazing, or participate in hazing, or commit any act that causes or is likely to cause bodily danger, physical harm, or personal degradation or disgrace resulting in physical or mental harm to any fellow student or person attending the institution. The violation of this section is a felony, punishable by imprisonment in the state prison, when a person commits conduct that results in death, great bodily injury, or great psychological injury. The violation of this section is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail, when the conduct is likely to cause bodily or psychological injury.

(d) An organization commits a violation of this section if the organization’s agents, directors, trustees, managers or officers authorized, requested, commanded, encouraged, participated in, ratified, or tolerated the hazing. A violation of this section by an organization is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5000).

(e) The implied or express consent of the person or persons against whom the hazing was directed shall not be a defense in any action brought under this section.

(f) This section does not apply to the person against whom the hazing was directed for the hazing directed against such person.

(g) This section shall not in any manner limit or exclude prosecution or punishment for any other crime or any civil remedy.

(h) Any person who is subjected to hazing, as defined in _____, may commence a civil action for injury or damages, including mental and physical pain and suffering, that results from the hazing. The action may be brought against any participants in the hazing or any organization whose agents, directors, trustees, managers or officers authorized, requested, commanded, encouraged, participated in, ratified, or tolerated the hazing. If the organization is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.