

**COMMONWEALTH OF KENTUCKY
SUPREME COURT
APPEAL NO. 2018-SC-000224-DG**

**LUIS J. GONZALEZ, II, Administrator
of the Estate of Luis J. Gonzalez**

APPELLANT

v.

**JEREMY JOHNSON, Individually and in His Official Capacity as
Scott County Deputy Sheriff; and TONY HAMPTON, Individually
and In His Official Capacity as Scott County Sheriff**

APPELLEES

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

PursuitSAFETY respectfully requests leave of this Court to file the attached amicus curiae brief in this appeal, and in support of such motion would show as follows:

1. The nature of PursuitSAFETY's interest in this appeal: In 2002, Kristina "Kristie" Marie Elena Priano a 15-year-old honor student, athlete, and community volunteer, was killed when her family's minivan was hit by an SUV that was being chased by the police. The police were chasing the SUV because the driver -- another 15-year old girl -- had taken it without her mother's permission.

Kristie's mother, Candy Priano, has since dedicated her life to preventing similar tragedies and to support grieving survivors. In 2007, she founded PursuitSAFETY, a 501(c)(3) non-profit dedicated to preventing innocent bystanders and police officers from being needlessly killed or permanently, seriously injured because of unnecessary police chases. Given the widely-recognized public safety issue at the heart of PursuitSAFETY's mission, and the integrity with which that mission is pursued, PursuitSAFETY is supported by an advisory board composed of former law enforcement officers and the nation's leading expert on police chases, and receives contributions toward its efforts from interested citizens and organizations nationwide. The Court is invited to visit

PursuitSAFETY's website – at www.PursuitSAFETY.org -- for additional information about its laudatory mission and public safety goals.

2. PursuitSAFETY's points in the attached brief: The attached amicus curiae brief tendered by PursuitSAFETY makes the following points:

- According to statistics from the National Highway Traffic Safety Administration (NHTSA)'s Fatality Analysis Reporting System (FARS), as many as 400-500 people die every year as a consequence of police pursuits.
- Approximately 90% of police pursuits are initiated not for purposes of apprehending a violent offender, but in response to traffic violations, misdemeanors, or non-violent felonies such as car theft.
- Continuing to absolve police officers from civil liability for the consequences of undertaking an unnecessary police pursuit: (a) discourages promulgation and enforcement of effective pursuit policies; (b) will further attenuate police officers' consideration of public safety in initiating and continuing a pursuit; and (c) will result in the death or serious injury of more innocent bystanders and police officers as a consequence of unnecessary police chases.

3. The relevance of the foregoing points: It is important that the Court hear the voices of the innocent victims of unnecessary police pursuits, and that its decision be informed by scholars who study the issue and available statistics showing what is at stake in this appeal.

4. PursuitSAFETY tenders herewith the filing fee specified in CR 76.42(2)(a).

FOR ALL THE FOREGOING REASONS, PursuitSAFETY respectfully requests that the Court accept its amicus curiae brief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December, 2018, five (5) copies of this motion were served via Federal Express upon Susan Stokley Clary, Clerk of the Supreme Court, State Capitol, Room 209, 700 Capitol Ave., Frankfort, KY 40601, with one (1) copy served upon each of the following: Sam Givens, Clerk, Kentucky Court of Appeals, 360 Democrat Drive, Frankfort, KY 40601; Hon. Kimberly N. Bunnell, Judge, Fayette Circuit Court, 120 North Limestone, Lexington, KY 40507; D. Barry Stilz and Robert C. Stilz, III, Kinkead & Stilz, 301 East Main Street, Suite 800, Lexington, KY 40507; and William Garmer, Jerome Prather, John Norman, Garmer & Prather, PLLC, 141 North Broadway, Lexington, KY 40507.

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