

A WEST ORANGE COUNTY TEENAGER WHO WAS DRIVING:[FINAL Edition]

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Full Text (474 words)

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A west Orange County teenager who was driving a truck that ran over and killed another young man will not face criminal charges, the State Attorney's Office decided Friday.

A year ago Monday, Justin P. Allen, 19, ran over Justin McWilliams with his Silverado pickup on pasture owned by Allen's family, off Winter Garden-Vineland Road.

McWilliams, 20, and some friends had gone onto the land uninvited and had clashed with Allen and his friends.

"We don't believe the evidence will justify bringing a case," Chief Assistant State Attorney Bill Vose said. "We don't feel we could prove he [Allen] did this act maliciously."

The victim's mother was shocked by the decision. Jamie McWilliams has been on a crusade in what she sees as an unpunished crime against her son.

"Oh, my God," McWilliams said when she learned of the decision. "I'm devastated. The state has not done their job. I just want accountability."

Prosecutors had charged Allen, 19, with fleeing the scene of a fatal accident, a felony.

Last week, Circuit Judge Thomas B. Smith dismissed the case because the death occurred on private property.

Allen's lawyer had argued that his client could not be charged with fleeing the scene because the incident was not on a public road.

After that hearing, prosecutors said they would consider filing a vehicular manslaughter or homicide charge against Allen, but they decided against it.

"We are not going to file any more charges," Vose said.

Jamie McWilliams filed a wrongful-death suit against Allen last year, alleging he drove recklessly and in "conscious disregard" of her son's life. The suit asks for more than \$15,000 in damages.

McWilliams had hoped a medical examiner's deposition in the civil case would give prosecutors more evidence to file criminal charges against Allen.

Witnesses said McWilliams had rushed Allen's truck before he was struck, but the deposition made the point that McWilliams had been struck from behind.

"I think he was facing the same direction the truck was" headed when the victim was run over, William R. Anderson told McWilliams' lawyer March 14.

Anderson is a former deputy medical examiner for Orange County.

Vose said 911 tapes that recorded Allen calling for police help just moments before the incident show he did not intend to run over McWilliams. Conflicting accounts by witnesses would weaken any potential case too, Vose said.

Allen's lawyer, Harrison Slaughter, said the family is relieved by Friday's decision. Allen is a freshman at the University of

Alabama.

Slaughter said Allen acted in self-defense and that McWilliams was trespassing. When the victim ran at Allen's truck, he fell in a hole and was run over, he said.

"It was an accident," Slaughter said. "And Justin is going to have to live with this tragedy the rest of his life."

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