

Tragedy and a legal battle result from confrontations in an Ocoee field.



FRANK RIVERA/THE ORLANDO SENTINEL

Her son. Jamie McWilliams holds a baseball ring from her son Justin McWilliams as she stands in front of a large collection of pictures of him. Authorities are still looking into his death in April in Ocoee.

Family demands driver be punished in fatality

By ANTHONY COLAROSSO
SENTINEL STAFF WRITER

Nearly six months ago, Jamie McWilliams received the kind of early morning telephone call every parent fears: Emergency-room officials wanted her to identify the body of a young man they thought was her son.

Justin McWilliams, a 20-year-old from Ocoee and a popular baseball player in west Orange, had been run over by a truck. The driver was another young man named Justin.

In fact, 18-year-old Justin Allen was close to graduating from West Orange High School the night his Chevy Silverado struck McWilliams, who had graduated from the same school in 2000.

The force of the impact crushed McWilliams' skull and snapped his brain stem.

But Jamie and Mark McWilliams said they feel they have never learned the true story of their son's death April 7. They knew underage drinking, adolescent machismo and bad judgment had all played a part. And they knew their son had been left face down in a pasture, while the driver of the vehicle that hit him had fled.

Since their son was killed, they have campaigned for "Justice for Justin McWilliams," using e-mails and T-shirts distributed around west Orange County.

"My son wasn't perfect, but he was a pretty damn good kid, and he didn't deserve to die like this," said Jamie McWilliams, who has prodded law enforcement to re-examine the case.

On Sept. 3, authorities charged Justin Allen of Winter Garden with leaving the scene of an



Lawsuit. Justin McWilliams (above) died when struck by a truck driven by Justin Allen (below).



accident involving a death, a felony.

On Sept. 20, the McWilliams family filed a wrongful death lawsuit against Allen, alleging he drove recklessly and with "a conscious disregard" for Justin McWilliams' life. The suit asks for more than \$15,000 in damages.

"This case cries out for a community resolution, and that's what a jury is for," said Russell Troutman, the McWilliams' attorney. "This is going to be a litigation battle in which no prisoners are taken."

But Justin Allen's father and criminal defense attorney insist that what the McWilliams family wants to know so badly may cause even more pain.

Harrison Slaughter, Allen's lawyer, said, "Justin McWilliams is the criminal here."

While the two sides have differing accounts of what happened the early morning of April 7, a Florida Highway Patrol report, statements by witnesses and 911 tapes report the following:

Justin McWilliams and a group of his friends crashed a camping party held by Justin Allen on his father's 1,200-acre property off Winter Garden-Vineland Road.

The teenagers camping out had been drinking, including Justin Allen, investigators learned. McWilliams' friends say they went to the property to retrieve a cell phone dropped there earlier. After finding it, several young men, including McWilliams, decided to walk 1.2 miles to the campsite.

Most of the young men had been drinking as well, including Justin McWilliams, investiga-



FRANK RIVERA/THE ORLANDO SENTINEL

Campaign. Jamie McWilliams wears a T-shirt the family created. The McWilliams family has filed a wrongful death lawsuit.

Driver's attorney claims group attacked his client's campsite

tors were told.

Allen's friends say Justin McWilliams and his buddies went to the campsite to cause trouble. Earlier at the campsite, words had been exchanged between Allen's guests and several uninvited boys from Ocoee. McWilliams was not there then.

Later that night, McWilliams met up with the Ocoee group and they all went to the campsite. In sworn statements, Allen's friends say the Ocoee group attacked them in their tents as they slept, hitting them with tent poles. Nobody was seriously hurt.

Slaughter likened the episode to a "home invasion," saying the group trespassed on private property. During the confrontation, a friend of Justin Allen offered to drive McWilliams and his friends back to the front gate of the property.

"I said, 'Just leave me alone, and I'll give you guys a ride up to the front,'" Matt Murphy told FHP investigators.

McWilliams' friend Joshua George told investigators he asked Murphy to drive them to the edge of the property.

McWilliams and the others got into the truck bed. Allen and his friends soon followed in Allen's Silverado. Burch Allen says his son was making sure his buddy wasn't getting kidnapped.

After reaching the front gate, McWilliams and his friends jumped out of the pickup. Allen's vehicle sat in the distance. Allen's friends say McWilliams then pulled off his shirt and charged Allen's vehicle.

But McWilliams' friends say that after a brief stare-down, Allen's truck suddenly raced toward them and they scattered.

"He floored it, came at us," Joshua George told investigators. "And when I saw Justin [McWilliams], he was trying to get out of the way, and he tripped. And then while he was falling, the truck hit him and ran him over."

George acknowledged in an interview Friday that he thought it was a bad idea to go out to the campsite in the first place.

George said he doesn't think Justin Allen hit Justin McWilliams intentionally; George said he thinks Allen was trying to scare the group.

"[Allen] could have backed up, turned around and went the other way," George said.

Just before McWilliams was hit, Allen dialed 911 on his cell phone



and demanded police be sent to the property.

The taped call does suggest a pending confrontation. Early in the call, Allen told a passenger in his truck, "I'll run — I'll run 'em over."

Seconds later, Allen's truck struck McWilliams.

"Oh, my God," Allen said. "I didn't know he would do that."

Sobbing, Allen told the dispatcher, "He dove out in front of my [expletive] tire."

Shortly after that, a male voice in Allen's car can be heard saying, "Let's go and get rid of the beer is what we need to do."

Allen drove away from the scene, against the dispatcher's demands.

"You need to stay there until the police get there," the dispatcher told him.

"I can't stay there," Allen is heard saying on the tape. "They're going to kill us."

Allen returned to the scene after about 30 minutes, said Slaughter and Allen's father. McWilliams' friends say it took more than an hour.

Investigators tested Allen and McWilliams for alcohol and found both had been drinking. The incident occurred about 3:30 a.m. Allen wasn't given a blood-alcohol test until 7 a.m.

The results showed that Allen probably had a blood-alcohol level of .062 at the time of the incident — lower than Florida's legal limit of .080.

McWilliams' blood-alcohol level was .14. Investigators said the alcohol "would impair his judgment, depth perception, coordination, perception and reaction time."

Slaughter and Allen say the campers think McWilliams tripped and fell in a ditch just before he was struck.

"McWilliams fell in a hole. It was an accident," Slaughter said.

Troutman, the attorney for the McWilliams family, also calls the death an accident, but one "that was caused by negligence."

Butch Allen, 41, told his son at the scene that McWilliams died. Allen said his son was distraught and cried for days.

Justin Allen, who received death threats in the following weeks, wouldn't go to his high school prom out of fear. He went to his graduation with a bodyguard. Today, he is attending his freshman year at the University of Alabama.

No trial date has been set. His attorney advised him not to talk about that night.

"Until this night, I defy you to find one person anywhere who had a problem with my son," Butch Allen said. "Now, he's got a million enemies."

The fallout from McWilliams' death hasn't stopped. At West Orange High School, where both McWilliams' and Allen's younger sisters attend classes, the principal banned students from wearing "Justice for Justin McWilliams" T-shirts.

"There's no sense in making this school a debate point for that," said principal Mike Armbruster. "It's not a neutral statement."

Friends have started dropping quarters and pennies at McWilliams' gravesite, in memory of the number "26" he wore throughout his baseball career, which climaxed when he helped a team from west Orange win the 1999 Big League World Series.

"We want accountability," his mother said. "And I want this boy [Allen] to pay some type of a price for running down my boy and killing him."

She has complained to Gov. Jeb Bush that Justin Allen still has his driver's license. Under state law, drivers under the age of 21 found with a blood alcohol level of .02 or higher have their licenses suspended.

An official with the state Department of Highway Safety and Motor Vehicles confirmed Friday his office located paperwork about Justin Allen's blood-alcohol level and the criminal charge. The official said the department plans to suspend his license for up to a year.

Mark McWilliams says he wants to know the truth about the night his son died — even if it hurts. "As a parent, you would want to know."

Anthony Colarossi can be reached at acolarossi@orlandosentinel.com or 407-420-6218.