

Lesser sentence in fatal crash upsets kin

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A man whose wife was killed while bicycling by a Lake Grove woman driving under the influence of a combination of prescription drugs was angered the judge Monday promised to give her a light sentence under a plea agreement.

"I know she has no remorse," said Kathryn Underdown's husband, Michael Slovitsky, 45, outside the courtroom. "It's a deal, just a deal . . . It's totally an injustice what happened. It's just horrible."

The crash took away his wife of five years and companion of 17 years, he said, and it hurt more that she died riding her bike, something they loved to do together.

Nicole Shellard, 33, pleaded guilty to second-degree manslaughter, second-degree vehicular manslaughter and other charges in the May 2010 death of Underdown, 45, also of Lake Grove. In return for her plea, Suffolk County Court Judge Martin Efman promised to sentence Shellard to 1 1/2 to 4 1/2 years in prison -- a promise that upset Underdown's family.

Efman said he was going to give her 2 to 6 years, but he was impressed that she completed a nine-month inpatient rehabilitation program and enhanced his offer. He called it "fair under the circumstances, notwithstanding that a wonderful person's life was taken."

Efman said a favorable pre-plea report by the county Probation Department led him to change his mind.

Underdown's family, who attended the plea, disagreed that the sentence was fair. They and Assistant District Attorney Ray Varuolo felt Shellard deserved the maximum of 5 to 15 years for the crash on Route 25A in Miller Place.

During questioning by Varuolo, Shellard said she had taken a variety of pills -- including soma, a muscle relaxant; suboxone, a pain reliever; and Xanax, an anti-anxiety drug -- before driving erratically. She bit her finger as she admitted she left the scene without stopping after she hit Underdown.

"She hit another car a half mile down the road," Varuolo said.

Slovitsky said he had no idea what had happened when he got home from work that night and his wife



wasn't home. Soon, a detective called and told him his wife had died.

"My life just died right there," Slovitsky said. "A big chunk of my life just ended."

Shellard's attorney, Michael Brown, of Central Islip, said his client was a good person who had been legally prescribed the medicine for back pain, but decided on her own to increase her dosage that day.

"That put her in a semiconscious state, resulting in the death of this innocent woman," Brown said.

Shellard is an occupational therapist and a mother of two children. Brown said she did well in rehabilitation to wean herself off the pills. "Unfortunately in today's society, there's a pill for everything."

Slovitsky agreed, but said that's an argument for a tougher sentence. "It's going to keep on happening otherwise," he said. "It's not going to stop. The system protects the guilty more than the victims."

Shellard, who remains free on \$100,000 bail, will be sentenced Jan. 18.