

44-month sentence for S. Tahoe woman in hit-and-run DUI

By Kathryn Reed

"We are here today because two lives were destroyed, but only one by choice," El Dorado County Assistant District Attorney Hans Uthe told the court Wednesday.

The lives are those of Christine Whalen, who chose to drive drunk, and Adam Rose, who was hit from behind as he rode his bike on Emerald Bay Road.

That bike, now crumpled, rested against a railing just feet from the man who was riding it before it got in that condition.

He may never ride any bike again. For now, he is using crutches to get around.

The woman whose vehicle crushed the bike and did even more damage to the rider sat with her head down throughout much of Wednesday's hourlong sentencing hearing.

Whalen was driving on Highway 89 near 12th Street in South Lake Tahoe on Aug. 21 when her vehicle struck Rose, who was on his bicycle.

Whalen, 54, of South Lake Tahoe was sentenced to three years, eight months in state prison for felony hit-and-run with injury, felony driving under the influence and causing injury, and felony failure to yield with the intent to evade. She had a blood alcohol level of 0.23 – nearly three times the legal limit.

Having spent 163 days in El Dorado County Jail and being given

the same amount of days for good behavior, Whalen has served nearly one year of her term.

The probation department had sought one full year in county jail. The defense wanted her to be sentenced to the local jail, too. The assistant district attorney said based on the gravity of the situation state prison was the best answer.

"I thought it should have been more," Rose told *Lake Tahoe News* of the sentence. "But I don't know if she had more time, what it would do."

Several people spoke on Whalen's behalf, including her daughter who is eight months pregnant. They understood the need for Whalen to be behind bars, but preferred it would be a shorter sentence, and one in county jail.

A restitution hearing is scheduled for March 4. Whalen will be in the county jail until then, so it is possible her grandson will be born in that time.

Rose, 38, was forthright in his testimony to the court on Jan. 30, even saying how he has forgiven Whalen despite the fact his life is nothing like it was and never will be based on his injuries.

"Upon impact you continued down the road 100 feet with me on your hood," Rose said to Whalen. She made a turn, he flew off the hood onto the ground, skidding for about 50 feet, as his skin was ripped off.

"You left me for dead on the side of the road. While you were running, I was dying."

Rose went through the litany of injuries he sustained and what his life is like today.

He reiterated to *LTN* how he is keeping a positive attitude – just like he said in an article published earlier this month.

Prior to rendering the sentence, El Dorado County Superior Court Judge Suzanne Kingsbury said this was probably the worse DUI incident she had seen in her 17 years on the bench.

Kingsbury agreed to recommend alcohol treatment for Whalen, adding that based on the blood alcohol level she doubted this was the first time Whalen had drunk to such excess. However, this is Whalen's first conviction.