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May 27, 2022

Office of State Attorney  
Attn: Bill Respass, Michael Hunt & Ben Fox  
2725 Judge Fran Jamieson Way  
Melbourne, FL 32940  
BY EMAIL ONLY

Re: State v. Suzanna Norris, 2021-CT-055302-A - Toxicology of Passion Lucas

Mr. Respass, Mr. Hunt & Mr. Fox,

Pursuant to our conversation, I understand that the State Attorney's Office (SAO) is declining to enhance the charges against Suzanna Norris from a misdemeanor charge of Driving Under the Influence (DUI) to the felony charge of DUI Manslaughter. I have discussed the SAO's decision with my clients and expert Dr. Kelly Palframan and take this opportunity to give input and again encourage the SAO to file enhanced charges.

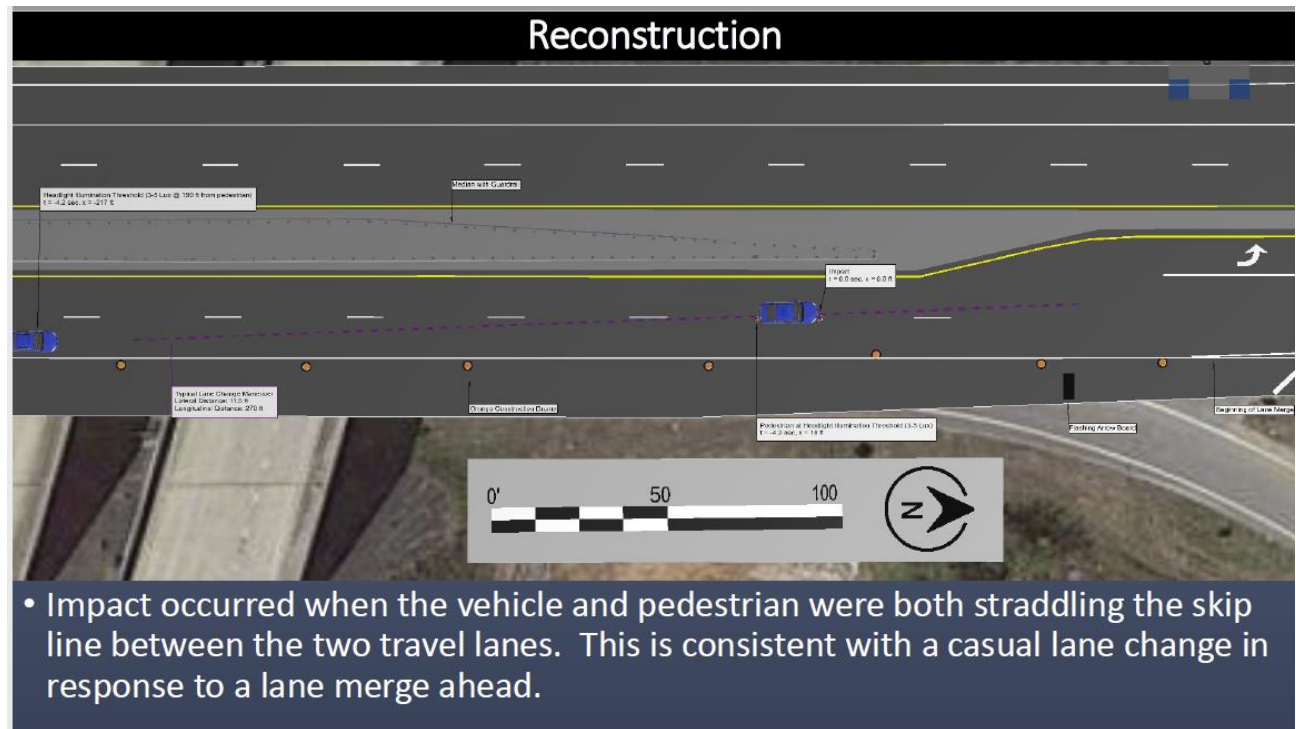
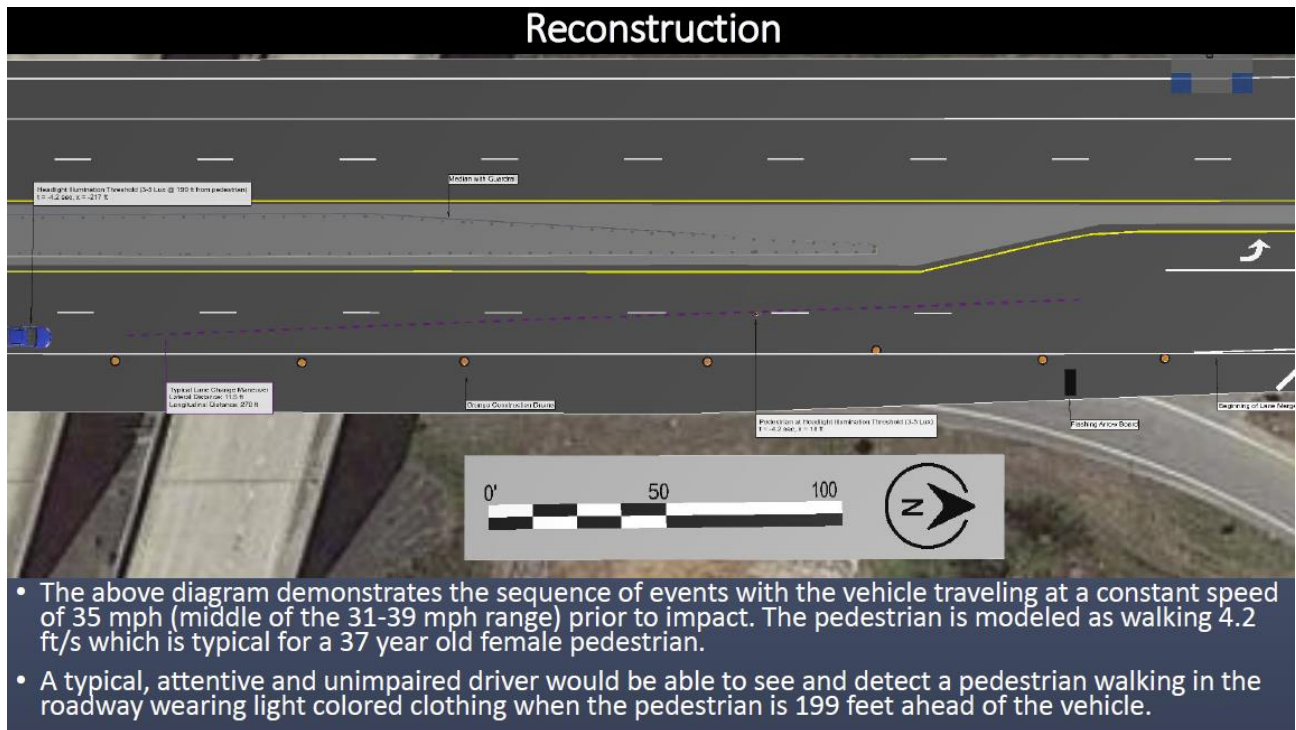
As I understand it from my conversation with Mr. Respass, after receiving different input from two experts, Dr. Srinivas Kadiyala and Dr. Kelly Palframan, Mr. Respass and other SAO employees personally went to the traffic homicide location on the night of May 25, 2022. They conducted several experiments to judge whether a sober driver could see a pedestrian in that area under similar conditions. The sample car was similar to that driven by Suzanna Norris and the sample pedestrian was a black woman dressed in similar clothing. Mr. Respass conveyed to me that initially he was able to clearly see the pedestrian at all speeds. However, when orange construction drums were placed on scene and the pedestrian walked, both parallel and crossing the road, Mr. Respass advised he was not able to see the pedestrian until he was within 100 feet which did not give him enough time to stop. It was concluded that the presence of construction drums interfered with the ability to see a pedestrian. Therefore, the SAO could not conclude that Suzanna Norris should have been able to see and react to Passion Lucas, even had Ms. Norris been sober.

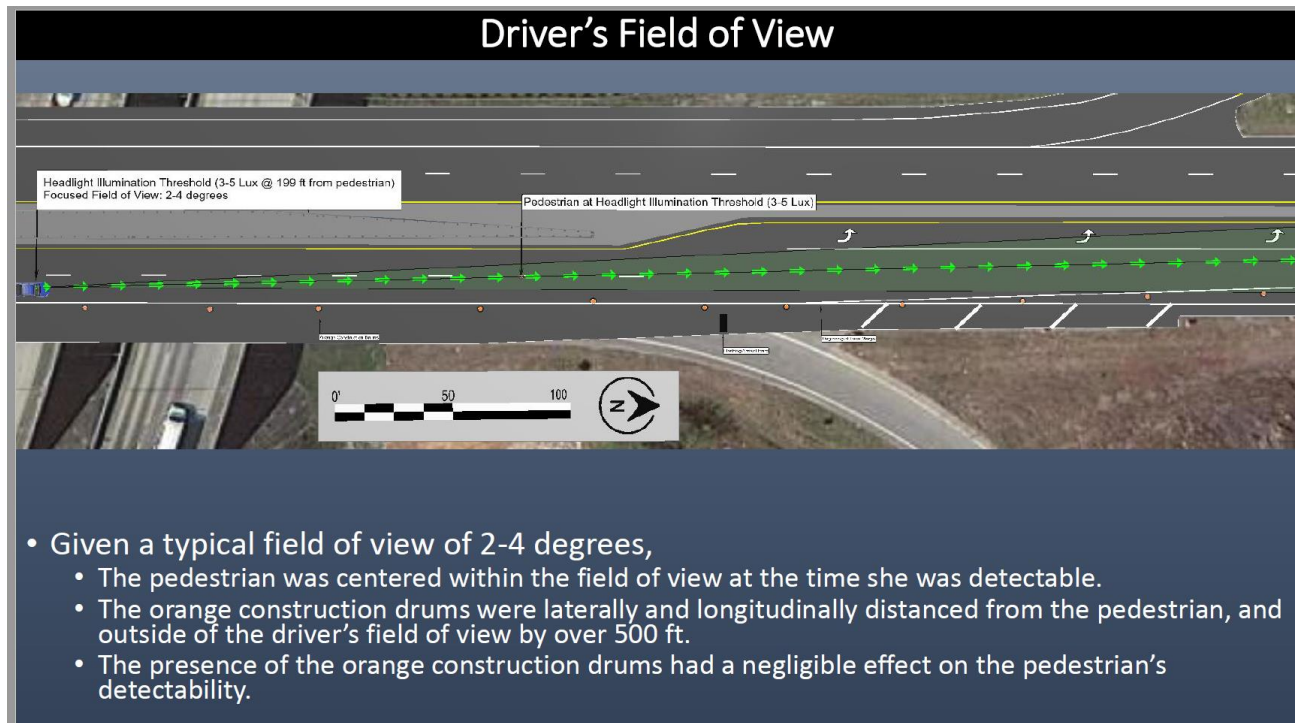
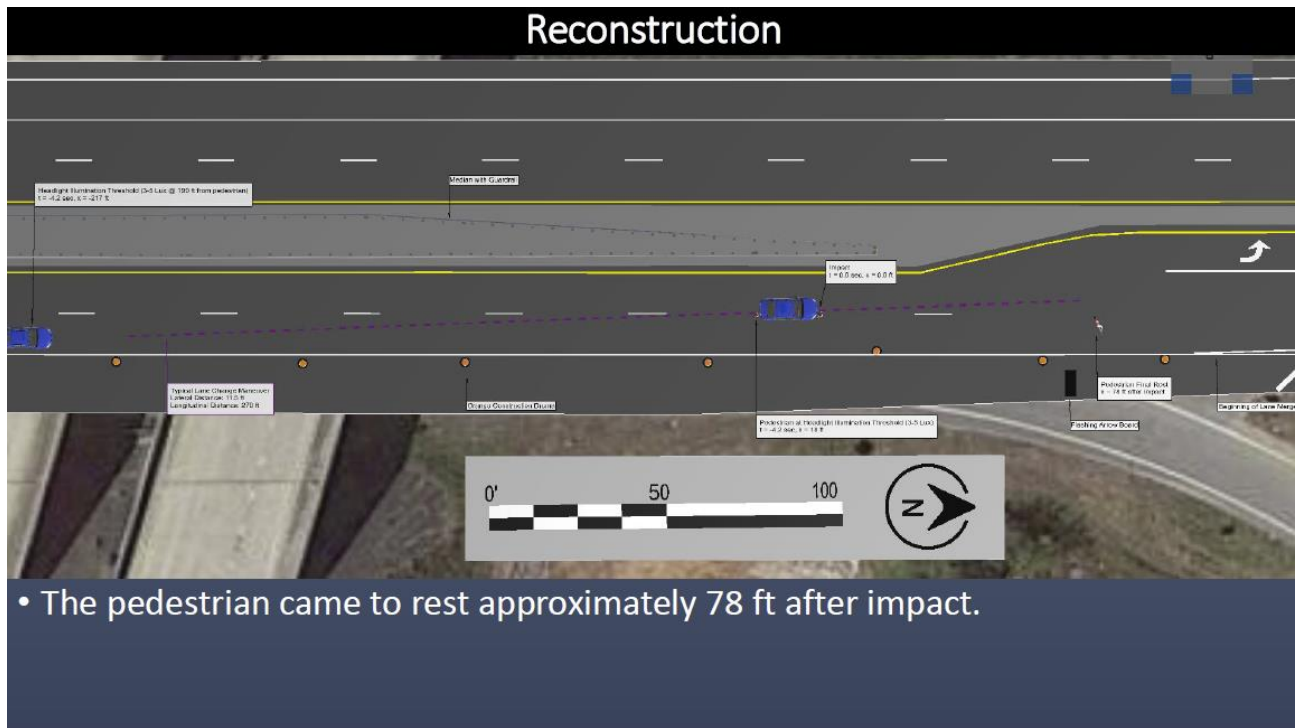
I relayed the above information to traffic accident reconstruction expert Dr. Kelly Palframan. Her immediate reaction was to point out that time has passed and the accident scene has changed, something Mr. Respass admitted to me in conversation but believed he had accounted for. Further, Dr. Palframan noted that the SAO employees are not trained experimental experts and that the procedure above is not scientific or standardized. She indicated she would have been willing to conduct or assist in such experiments had they been requested.

Dr. Palframan further noted, as she has pointed out in prior meetings and communications with the SAO, that there is no literature based on scientific experiments that conclude that presence orange construction drums have any meaningful impact on a driver's vision acuity. In other words, the professional literature does not support a conclusion that the construction drums would have interfered with Suzanna Norris' ability to see Passion Lucas.

Additionally, Dr. Palframan conducted, at the SAO's request, a specific analysis on whether or not the presence of construction drums would have reduced Suzanna Norris' ability to detect Passion Lucas. In the area of the crash, construction drums were positioned along the white fog line to gradually delineate the closure of the right-hand travel lane. Dr. Palframan concluded, within a reasonable degree of scientific certainty, that given the known position of the driver and pedestrian leading up to the time of the crash (which was scientifically determined based on the location of the impact in the road, damage on the vehicle and ultimate final rest of the body) that Passion Lucas would have been directly in Suzanna Norris' focused field of view at the time she was able to be detected. The construction drums were laterally displaced to the right of Suzanna Norris' focused field of view for at least 500 ft (this is more than twice the distance between Ms. Norris and Ms. Lucas). In other words, from Suzanna Norris' perspective the construction drums were further behind Passion Lucas and were not directly in line with her. The placement of the orange construction drums at this location relative to Ms. Norris' and Ms. Lucas' positions would not have impaired a typical (unimpaired) driver's ability to detect Passion Lucas within the roadway.

In the following slides, previously provided to the SAO, best summarizes Dr. Palframan's conclusions:





Dr. Palframan's diagrams show that if Suzanna Norris was gazing in her direction of travel, she would have been looking ahead and to the left - away from the drums located to the right and directly at Passion Lucas.

As you can expect, the family is concerned that the presence of construction barrels is just another excuse for Suzanna Norris' drunk driving.

Initially, Norris and her counsel claimed that Passion was under the influence of drugs. The SAO's own records indicate that the drug found in Passion's blood was barely over the detection level. I have provided the SAO the findings of expert toxicologist Dr. Susan Skolly-Danziger that explain that such a low level of drug would not cause impairment or intoxication and was consistent with someone who had entered a residential recovery house three days prior, which Passion had done.

Suzanna Norris' drunk driving was also excused or minimized by Dr. Kadiyala's report that concluded Suzanna Norris would not have had time to see Passion Lucas, even if sober. That report was full of errors and inaccuracies.

Now, Suzanna Norris' drunk driving is excused by the presence of orange construction drums. It is important to note that construction drums were not a factor in the State's expert's report. Dr. Kadiyala's did not say that Suzanna Norris' failure to see Passion Lucas was excused by orange construction drums. He did not mention orange construction drums in his report at all.

The Lucas family and I assert that Dr. Kelly Palframan's analysis and reports, all of which have been given to and discussed with the SAO, are accurate and scientific. Her conclusions are based on empirical studies and scientific community standards. Her conclusions would survive a *Daubert* reliability challenge, while Dr. Kadiyala's and the SAO's experiments would not.

Dr. Palframan concludes that Suzanna Norris had plenty of time to completely stop and/ or swerve to avoid Passion Lucas. The fact that Suzanna Norris did not do so, indicates that her impairment, caused by blood alcohol level more than double the legal limited, 'caused or contributed to' the death of Passion Lucas.

Dr. Palframan's conclusion is consistent with what I was told by the 911 caller, the first person on the scene. He said that he was able to see Passion Lucas on the ground as he approached the location. Specifically, he said he looked in the roadway and could see Passion on the ground "plain as day." At this particular moment in time, Passion had landed to the right - closer to the orange construction drums. Since he was able to see Passion - even as she was lower on the ground and near the drums - so too should Suzanna Norris been able to see Passion Lucas.

While I understand that the State Attorney's Office does not wish to file charges that they cannot prove, scientific and lay testimony exists that establishes probable cause that Suzanna Norris committed DUI Manslaughter and that would cause a jury to find beyond a reasonable doubt that Suzanna Norris is guilty of DUI Manslaughter. For all these reasons, the Lucas family believes the only objective conclusion is that Phil Archer and the Office of the State Attorney must file DUI Manslaughter charges against Suzanna Norris.

**Let a jury decide.**

Sincerely,

A handwritten signature in blue ink that reads "Jessica J. Trujillo". The signature is fluid and cursive, with the first name "Jessica" and last name "Trujillo" clearly legible.

Attorney for family of Passion Lucas

c:

- Sylvia and Makita Lucas, confidential address