

Statement of Sabine A. Durden

Mr. Chairman, thank you for the opportunity to testify today.

Last year around this time, my life seemed very normal and ordinary.

Dominic and I were housemates for the past 8 years after his dad and I divorced. We shared bills and responsibilities, spent time together going to movies, riding our motorcycles or just relaxing at home with our dogs. We traveled together and for 30 years I was never apart from him for longer than 3 weeks. We were best friends and confidants, had the utmost respect and love for each other.

Dominic was my only child, my best friend, my rock and support system, the one that I could trust 200%. For 30 years he brought nothing but pure joy into my life and I enjoyed every second of just being DOMSMOM.

He was born on January 22, 1982 in Germany. When I held him for the first time, I knew there was something special about him. He grew up speaking fluent German and English, showed interest in just about everything but most of all, he was a very caring and loving person. He made friends very easily and had a compassion for others and always wanted to help everyone. He had such a zest for life.

It was obvious to everyone that he would do great things and make a difference in this world. It was an adventure and pure joy to watch him grow up.

At the age of 10 we moved to the USA and adapted very well to our new life here. I was a German immigrant myself and became a US citizen.

Dominic was a 4.0 GPA student throughout his school years and we just knew he was on his way to do great things. No matter what Dominic did, where he went or who he talked to, people always knew they could trust and rely on him 100%.

Dominic enjoyed the ROTC program and found his love of planes and later got his pilot's license. He took on an internship with the local TV station and received many awards for editing, producing and creating short films for public television. As if that wasn't enough, he also volunteered with FEMA, the local Emergency

Response Force and worked as a volunteer at different Fire Stations. In 2002 he received the "Volunteer of the Year" award from the City of Moreno Valley, for giving over 1,000 hours of his time.

Dominic accumulated 87 letters of recommendations and 111 school and work award certificates. Some of them from former President Bill Clinton, and US Senators Dianne Feinstein and Barbara Boxer.

Dominic also received the 2013 PRESIDENTIAL AWARD from CPRA (California Public Safety Radio Association) and Riverside Sherriff's Department created the DOMINIC DURDEN TOP 911 DISPATCHER AWARD that will be handed out every year.

Seven years ago he became a 911 Dispatcher for Riverside Sheriff's Department and worked a very tough and stressful job. He loved that challenging task and every time he was on duty, the deputies out in the field, would feel safe and in good hands. They trusted him and called him the best dispatcher around. He studied to become a 911 training officer to help others in this line of work. Dominic also prepared to become a motorcycle cop, but his ultimate goal was to become a helicopter pilot for the Police Department. Law enforcement was his passion.

His coworkers became his friends and he was a huge part of their lives and families. He enjoyed many trips and outings, baby showers and weddings.

He was the ultimate prankster and his laugh and presence would light up a room.

Life was great and so many more awesome things and wonderful events to come.

However, life changed brutally and instantly on July 12, 2012, at 5:45 am.

My world as I knew it was torn into shreds and my heart ripped into pieces. My only child, the love of my life, the reason for being, was taken from me in the blink of an eye.

No words can describe the excruciating, deep and agonizing pain you feel when you get that kind of call to tell you that the precious life you brought into this

world, will not come home anymore. You can't explain how deep you feel that unbearable pain, and how it takes your ability to breathe and move, to think and talk. How can you comprehend that you will NEVER EVER hear that voice and laughter, never feel a touch, hug or kiss from your child.

It's difficult to explain to you, what and how I feel of not having my incredible son around anymore. A home that was filled with joy and laughter is now an empty and quiet house and the pictures, the locket with his ashes around my neck and the precious memories are all I have left.

I have been robbed of having grandchildren and becoming a mother in law, his friends are without their best buddy and my family in Germany and I will never recover from this.

This is enough pain for a lifetime, but it gets much worse.

I was informed that the driver of the truck that killed my son instantly was a 24 year old from Guatemala, illegal, without a license, insurance or a legally registered vehicle, and on probation from a prior DUI. And to add even more pain and grief, this guy had a lengthy arrest record and has been in and out of court and prison prior to this.

Juan Tzun was arrested for grand theft and armed robbery November 2008 and given 3 years probation.

In August, 2010, he was arrested for a DUI and a probation violation and given 3 more years probation.

In May, 2012 he was arrested again on a DUI while on probation from the prior DUI and given probation again. Less than 60 days later he killed my son.

Since 2008, Tzun had been given a free pass to do what he wants without consequences or actions from our laws. He knew he was unlicensed, he knew he wasn't allowed to drive. But on July 12, 2012 he did what he has been doing all these years....flaunting our laws. He hit and killed my son instantly and all he got charged with was a misdemeanor for "making a unsafe left turn". Manslaughter WITHOUT gross negligence!!!

He was in jail for a short time, posted bail and then taken into ICE custody, where he was granted bail by a Federal Judge and walked out after paying \$10 000. The man who risked everyone's life, unlicensed and illegal, was free to continue to break all of our laws. He ignored all of our laws and rules and is now protected by the same, while my son has no more rights and is dead.

At last month's sentencing the judge read 16 impact letters that cried out for a tough sentence. The judge heard 3 people including me, begging for justice.

Tzun was allowed to speak and took no responsibility, no ownership, showed no remorse or offered any apology. He told us that God takes life, gives life and he was simply on his way to work. He clearly showed all of us and the judge, that he will continue to do what he wants without any regards for anyone else or the law.

And still the judge didn't give him the maximum 365 day jail sentence allowed, but a measly 90 days in jail with 5 years probation.

I felt victimized all over and lost all my trust and faith in the system and the law.

Letters of outrage and disbelief were sent to the judge and the presiding judge. The local newspaper, the Press Enterprise, ran an article about this and I spoke on a radio talk show about this injustice. People are outraged and in disbelief how our system failed in such a huge way.

The judge, during a status hearing, admitted in front of a packed courtroom that he made the mistake of his career and will never do that again.

Nothing will bring my Dominic back, but at least this judge has been moved enough to make a difference from now on.

My son did not have to die on that tragic day if the system and laws had been working. Tzun should have been deported immediately after his first arrest in 2008 but he wasn't. He should have been detained and then deported after his first DUI but he wasn't. He should have been detained and deported after his second DUI but he wasn't.

Why does the Department of Homeland Security protect illegal alien criminals? They must have received a notice of both of Tzun's DUI arrests, because of Secure Communities, and yet they did nothing.

I have learned that my story and how I was treated is not the exception but the rule. This happens over 10 times every day in this country.

I am now begging all of you to please make a huge impact in all of our lives. This nonsense has to stop now; we can't lose anymore loved ones to unlicensed and illegal drivers who kill over 7,200 victims per year of which over 4,000 are killed by illegal aliens.

The SAFE Act would help prevent this from happening to another family, to another fine young person.

In general, the bill would significantly boost immigration law enforcement so that more criminal illegal aliens would be removed from our communities, and fewer would attempt to come in the first place, because it greatly increases the chances that they will be caught, detained, and removed much more promptly than is the case today.

Specifically, it allows ICE to use "expedited removal" to deport criminal aliens, which means they are detained and quickly removed without having to wait months or even years for an immigration judge to give them a hearing and order them removed, which they then appeal, or ignore. With expedited removal, the criminal alien is gone from the U.S. in a matter of days.

The bill makes anyone who is convicted of 2 DUI offenses deportable, so if ICE had missed Tzun on the grand theft, then they could have the DUI offenses as grounds for deporting him.

Under the terms of the bill, ICE would be required to take custody and remove any criminal alien turned over to them by local sheriffs and police. I am quite sure that the Riverside County Sheriff's Department would turn over almost every single criminal alien they arrest, especially the felons.

The bill authorizes more resources for ICE to do its job. This is badly needed, because ICE agents want to do their duty, but they do not have enough officers and enough funding for detention space to deport the huge number of criminal aliens. ICE estimates that there are about 2 million criminal aliens in the country today, either in jail or at large, and they only remove about 200,000 to 250,000 each year from the interior of the country. That's a drop in the bucket. Because illegal aliens currently have no fear of being caught and deported, they behave with a sense of impunity and lack of personal responsibility for their conduct and the safety of others.

Finally, the bill would allow local governments and law enforcement agencies to assist ICE by arresting or taking action against illegal aliens they encounter when doing their daily work. This would be a huge help to ICE, which only has so many agents, many of them are far from the communities with the problem.

If ICE had more funds for detention of criminals, then Tzun would not have to be released on bond while awaiting trial, and would not be a risk to others.

Don't let one of your loved ones become the next victim. Please pass the SAFE Act this year.

Thank you for inviting me to testify today.

Sabine A. Durden
Moreno Valley, California
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