

Airport Courthouse  
Dept W80  
11701 S La Cienega Blvd  
Los Angeles, CA 90045

2 October 2015

Re: Case no. SA089094 – Kadri vs Rapley

Karen Scott - Victim Impact Statement

My name is Karen Scott and James Rapley was my boyfriend of 5 years before he was killed in December 2013.

Originally I was not sure if I was going to write or present a victim impact statement. In some ways I argued with myself that it was not worth the emotional turmoil of having to pull myself back into the depths of my grief. It could seem that because a plea deal has been met that it might not be worth travelling alone to LA, a city that is now associated only with negative memories, to read a statement that bears little regarding an outcome.

However the other part of me believed that it was important for all those involved and for the court to hear the type of amazing human being James was and how losing him has impacted my life, his family's lives and the wider community. James deserves that much. The world is worse off without him in it and I wanted to have this on record as it seems like James has been faceless and forgotten during most of the court proceedings.

That fateful day, the 22<sup>nd</sup> of December 2013 changed my life forever. James had been on his way home to Australia for Christmas. He had moved to Chicago in June that year and was eager to go home for the holidays as it had been the longest period of time he had ever been away from Australia. I had moved to Chicago to be with him in September and we had had 3 wonderful months living together in our new home overseas. I was not going home to Australia with James as I had just started a new job and was staying in Chicago for Christmas. On the 22<sup>nd</sup>, James had a day layover in LA before his flight home. He had never been to LA so being an avid bike rider he had decided to hire a bike to explore the city. He never made it to his connecting flight or home for Christmas. He was just 29 years of age when he died alone, in a city he didn't know.

That morning I had been out doing my final Christmas shopping. I had just bought my last present and was walking out of Barnes and Nobel when my mobile rang. It was James calling. However when I answered it was a woman from UCLA hospital. As soon as I heard it was from a hospital I knew something was wrong, panic started to rise. I pleaded for her to tell me what had happened and if he was ok. The words "I have some very bad news. James has been killed. He was hit by a car when he was riding his bike" are etched in my memory forever. I was left hyperventilating, crying and howling for my love on the city side walk. I knew very few people in Chicago and those I did know were out of the country for the holidays. I called my parents in Australia and my mum got on a plane and in 24 hours was with me. Christmas went by in a blur, I couldn't function.

We decided that I would have to go back to Australia to have the support of my family and friends. So within days of losing James and in the midst of my intense grief I had to pack up a home we had only just made, taking down picture frames I had only hung on the wall a few weeks before. Throwing his toothbrush away (as well as his underwear) was the hardest thing to do. Such personal items no longer required.

No one should ever have to get a call from the hospital telling them their love has been killed in such a senseless and avoidable accident. No one should have to identify their boyfriend over the phone. Or have to choose a casket that needs to be equipped to handle an overseas flight. His funeral was the hardest day of my life. At 27 you shouldn't have to write a eulogy for the person you have planned to spend the rest of your life with; or watch as the hearse drove off, knowing that would be the last time I would ever see him. In that moment, I was beside myself, nobody can comfort you when you have lost the most important person to you and the best person you have ever met; the love of your life.

The next 7 months I do not consider part of my life. My life was on hold. I was heartbroken and cried for hours every single day. I developed anxiety and couldn't leave the house or be around groups of people. I lost over 10kgs (20 pounds) as I couldn't eat, how could I eat when James couldn't even live? My grief infiltrated every part of my life, I needed to see a grief counsellor and I developed severe depression which on a number of occasions had me thinking some very dark thoughts of no longer living this life. As I had moved back to Australia I had to quit my dream job in Chicago that I had started 3 weeks prior and due to the debilitating grief I didn't work when I was back in Australia. It wasn't until I moved back to Chicago in August of last year that I started to attempt to live my life again, however, this time it would be without James by my side.

It is hard to imagine a life without him. We had started going out when I was just 22 and he 24. We grew up together and he taught me so much about life and the world. I am the person I am today because of James. One of the smartest people you'd ever meet, he had an insatiable appetite for knowledge and believed that knowledge helps make you a better person, someone who can contribute back to society more meaningfully because of it.

With such a curious mind, he was always eager to read up on new topics to educate himself on what was going on in the world. I miss learning new things from him. He would always have something interesting to tell me or discuss with me and I loved him teaching me so much about anything and everything. He was also such a compassionate, patient and empathetic man. He believed in everyone and encouraged everyone to be the best they could be. He was someone everyone went to for guidance because not only was he rational and so smart, but he never judged you or made you feel uncomfortable, he listened and tried to help in whatever way he could. He just wanted people to be as happy as they could be.

He believed in me whole heartedly in everything that I did. He taught me to believe in myself and when I would start to doubt myself (which I often did) he helped me to always put things into perspective. No one can replace what we had. And now he is not here to help me and support me like he always did. Instead I now have to try to remember the lessons he gave me when we were together to try to help me keep moving forward and continue to live this life for both of us.

It has been 21 months since I lost James and I am finally coming to terms with the fact I will never get to see him again. I will never get to hold his hand, watch our favourite TV shows together, ask him for

advice, hug him or kiss him again, and it breaks my heart. I do not get to live the life and future I had planned with the man I love. Even now, every time I get a letter addressed to him in the mail, my heart is ripped open. Every time someone asks me why I moved to Chicago I have to swallow the real reason (of James' job offer) and pretend it is because I got a job over here. Each road safety advertisement has me fighting back tears. His birthday, our anniversary, the anniversary of his death, Christmas are all days in the calendar that will be marred for the rest of my life.

A Victim's Impact Statement is supposed to be about how I have been impacted by this tragedy, and although I have spoken about my suffering, which has been immense, it is not comparable to what James has lost – his life. James is no longer here and he does not get to experience the joy of a long life. He will never be able to marry or have children with me (he would have been an amazing father). He will not be able to travel the world, a passion of his, or experience any new adventures. He will not be able to be the big brother and mentor that he'd always been to his brother and sister. He will never be able to call his parents to tell them all his stories of what he's been doing or tell them that he loves them; and he will not be able to share a beer or a laugh with his friends ever again.

And not only are the lives of those close to him irrevocably changed forever because we cannot share this life with him; it is also the wider community that has lost so much. James had an immense social conscience. He wanted to make the world a better place. He volunteered significant amounts of hours and donated money throughout his life to many not for profits. For example he helped refugees learn computer skills when he was at university and most recently he was working with the Red Cross to develop an app to help them manage disaster relief resources better. Additionally, James was also conscious of his great privilege in this world - not only that he was incredibly gifted, but also that was blessed in his family, his opportunities to study and to live a safe and fortunate life. It was because of this social conscience and awareness of his blessings that James dedicated himself to so much social service and to using his talents for what he believed to be worthy causes.

We moved to Chicago together because James had accepted a role as a software engineer at Groupon while turning down an offer at Google, as he thought Groupon had a more promising chance of making a direct impact to the community. What I often think about was that after a couple of years, he planned to utilize the value of the shares associated with his position to start his own business. What this business was going to be - we will never know - but I do know it was going to be something that gave back to society and that James' talent would have ensured its success.

James is no longer here and his potential, talent and dedication have been lost. There are few people who are as brilliant as he was, who also have the want and will to use their skills for good like he did, particularly in the Silicon Valley world. I truly believe that it is not only myself, his family and friends that have suffered a great loss, but also that society has lost someone great who was going to make a real positive impact on the world.

It is in part because of the man that James was that myself and James' family suggested we would rather the outcome for Kadri be community service instead of jail. We feel that community service would be what James would rather see and that this would provide the best outcome in this extremely difficult situation. We believe that spending a significant amount of time with the less fortunate and helping to make a change to the community will at least bring some kind of positive outcome from this awful tragedy. I can only hope that Kadri will grow from the work that he does in the community and that he

may think of the man James was during each of his hours of service. I volunteer at a number of organizations, including the Greater Chicago Food Depository and recently I have seen firsthand a court ordered DUI volunteer change her life for the positive through the work that she has done at the organization and I can only hope that the same will be the case for Mr Kadri.

Surprisingly I have not held a lot of anger against Kadri. I have just felt immense, overwhelming sadness and pain for the loss of my dear James and for the impact it has had on everyone close to him. But having heard the details of that ill-fated day, I know that Kadri chose to get behind the wheel when he shouldn't have, and I know that if a different decision was made that morning that James would still be here. I can only hope that Kadri is remorseful for his actions and I am sure that having to live with the knowledge that he has killed such an amazing man will be a prison sentence in itself.

Myself, James family, friends and everyone close to him miss him every day. There are so many small things that remind me of him. Often these memories will bring a smile to my face for a second, before it is followed by a blanket of sadness from the realization that all I have of my love is past memories. I will never get to see his beautiful face and smile ever again. The pain is incomprehensible to those who have never lost a loved one, but I hope my words today have detailed at least some of the impact this senseless and avoidable tragedy has had on James and his loved ones.

As the celebrant said at James' funeral... "Grief is the price we pay for love. It cannot and does not exist except where there has been love." My grief journey has been so hard and continues to be; because I loved him so much.

He will be forever loved and forever missed by all those close to him.