

# Charges dropped against Douglas County judge

By AP

MINDEN – A criminal charge has been dropped against Douglas County District Judge Michael Gibbons in an August accident that killed a bicyclist.

The vehicular homicide charge was dropped in a civil agreement because the family of victim Joseph Longo of Gardnerville didn't want the judge prosecuted, attorneys for both sides said.

A justice of the peace signed an order approving the settlement Wednesday.

A criminal complaint filed last month alleged Gibbons failed to exercise due care when passing the 61-year-old bicyclist near Gardnerville.

According to the Nevada Highway Patrol, the judge was making a right turn when the rear of his vehicle struck the bike Aug. 20. Gibbons and the bicyclist were heading in the same direction, and Longo was not wearing a helmet.

The NHP investigation concluded Gibbons was at fault in the accident.

But Gibbons' attorneys, David Houston and Kenneth Lyon, said they recreated the accident twice, using a forensic engineer and a former NHP accident reconstruction specialist, and would have presented evidence that Gibbons wasn't to blame.

"We believe that this case is more properly resolved in a civil court because our accident reconstruction has shown that Judge Gibbons did not hit the bicyclist," Houston said.

Houston and Lyon issued a statement saying they were pleased the misdemeanor charge was dismissed.

“No one wants to be personally involved in litigation, especially a judge,” they said. “The judge will continue to work for improved traffic safety and particularly for the use of helmets in all appropriate sports. This tragic incident has affected many people, and the judge wants to make sure positive changes result.”

District Attorney Mark Jackson said he told Moapa Valley Justice of the Peace Lanny Waite that he didn't agree with the settlement, but he didn't have the authority to put that in writing. As district attorney, he was not party to the settlement conference, the results of which are sealed.

Waite issued a stay against further proceedings, and a Jan. 13 court date was vacated. Waite was assigned the case after East Fork Justice of the Peace Tom Perkins disqualified himself.

Gibbons on Monday filed for re-election to a fourth term.