



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

PRESS RELEASE

10/16/19

PORTERVILLE MAN SENTENCED TO LIFE IN PRISON FOR DUI MURDER

Today in Department 17 of the Tulare County Superior Court, South County Justice Center, Judge Michael Sheltzer sentenced Timothy McDarment, age 51, to life in prison for DUI murder that took the life of a one-year-old child and injured two adult women. On September 17, 2019, a jury found McDarment guilty of second-degree murder, gross vehicular manslaughter while intoxicated, felony hit and run resulting in death or injury, and misdemeanor driving on a suspended license. The jury also found true special allegations that McDarment fled the scene of the crime and that he caused injury to more than one victim.

McDarment possesses three prior DUI convictions from 2000, 2010, and 2015, with the last two convictions handed down in Inyo County. McDarment was still on probation from his most recent conviction when the crime occurred.

Just after 5 pm on June 19, 2017, McDarment was driving at a high rate of speed in the area of Springville Ave. and Doyle St. east of Porterville when he attempted to pass the victims' car on the left by crossing over the solid double yellow lines. As the victims were beginning a legal left hand turn into a private driveway, McDarment's Jeep struck the smaller car, crushing it and sending it spinning. McDarment fled the scene on foot but was followed by bystanders and taken into custody by the California Highway Patrol. All three victims were transported to Sierra View District Hospital where the one-year-old was pronounced deceased. Two adult females also sustained injuries, one of which required extensive surgery and recovery. Investigation showed that McDarment had a .13% BAC two hours after the crash.

"The victim impact statement read in this case is one of the most powerful indictments of driving under the influence I have ever read," said District Attorney Tim Ward. "Please, be responsible on the road."

Under current California law, McDarment will be eligible for parole after 22 years.

The case was prosecuted by Deputy District Attorney Sean Sangree of the Crimes against Children Division and was investigated by Officer Jacob Paschall of the California Highway Patrol.

*Media inquiries can be directed to the Office of the District Attorney, County of Tulare
Chief Deputy District Attorney Dan Underwood (559) 636-5494*

The following victim impact statement was written by the victim's mother and read to the court during McDarment's sentencing. The victim has permitted the Office of the District Attorney to release the statement in full.

My name is Angelica Davila; My sons name was Ezriyan Soto. He was only a year nine months and four days old when his life was taken. He meant more than the world to me. Ezriyan was my happiness, my comfort, my patience, and my reason for being. I don't know why I had to lose him and losing him has been the worst ongoing pain that I have ever felt in my life. Nobody can fathom the pain that I feel unless they have lost a child themselves. It is an unexplainable pain, but my best description of it is as an empty heartache. When the accident happened my world was shattered. It was so traumatic that I could not feel my injuries until the next day. My mind was in chaos and in fight mode. I was upset that I let the paramedics take my baby because they could not save him and they left his hand hanging on the hot pavement as they worked on him with the AED. As much as I want to, I can't forget that day... It pains me that with time my memory fades of all the moments me and my son had together. There's a quote that I identify with that says "It's not the memories inside my head that drive me crazy, it's the new memories without you that push me over the edge..." There was so much we never got to do and it kills me. My son never got to go to school or do any projects to bring home to me. I didn't get to take him to the zoo or to the beach. I didn't get to put him in any sports or witness him receive any awards or special achievements. He started talking at 15 months. He was learning to form sentences and two weeks before the accident is when he started telling me "I love you," to hear him say that made my heart melt and just gave me extreme joy as his mother. He was all I had and I was with him every minute of his life. I was so attached to him just as much as he was to me. I don't know how long I was in shock after losing him but it was a while. I couldn't sleep, I couldn't eat, I couldn't shower.. because I did all those things with him at my side. The first night I tried to sleep I woke up looking for him. My brain couldn't make sense of what my heart wouldn't accept. That he was actually gone. Then I cried and cried. I've broken down many times for many different reasons. A lot of different things have triggered me to feel this overwhelming sadness. To miss him all over again, and to question why God took him, what did I do wrong? All I ever wanted was a chance to give my son a better life. A chance for him to grow into whatever he wanted to be with my full support. I'm not the same me I was before when he was here. Now I have anxiety and I have felt guilty to feel happy. I don't like to be around people and am still very introverted. I have been jealous of the people who have their kids and get to watch them grow. I'm angry at the people who take their kids for granted and mistreat them. I'm scared of people that don't have regards to human life like Timothy McDarment. I have thought about forgiveness, but I cannot ever forgive this so called man because he has no remorse for his actions and worse he has not taken responsibility for his actions. I've looked into his eyes and all I see is cowardice motive. He has not said he was sorry and just to look at him makes my blood boil. He took my sons life for what reason. Because the car that we were in was in his way; I will never understand his actions or that anyone could ever believe it is okay to get drunk out of their mind and then go operate a motor vehicle. There is no amount of money or time that can bring my son back to life. I can't hug him anymore or hold his hand. I can't have anymore of his kisses. I don't get to see his beautiful smile or feel his pretty curly hair. I'll never get to hear his voice again and all these things just make it hard to continue with life, but I know my baby would want me to try to be happy. That's why I'm still here. He was so innocent and happy. My poor baby didn't deserve to be murdered; in his casket he didn't look himself anymore, his head was swollen and there was a time limit on his viewing because of how severe he was injured. After we arrived at the cemetery, they let me say one last goodbye to him and give him a kiss and that's

when I realized why they had a time limit because blood was starting to drip from his nose after only an hour. It hurt so bad to see him like that and to let him go forever. I try to remember him as he was before then. He used to grab my face and give me a kiss and just looking at his face would make me happy...I hope that this monster will get all the time in prison that is permitted. Maybe then he will actually feel sorry for what he has done. My grief will not end. I will miss my son until the day I stop breathing. Losing him will always be the worst thing that has happened to me and all I can look forward to now is to one day meet with him in heaven... Thank you for your time and consideration.

In all Sincerity,

Angelica