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Rippy avoids jail time with plea deal

Vehicular homicide, DUI dropped in plea agreement

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Harley "Dow" Rippy was not drinking at a wedding before driving his Jeep in a ride that resulted in his friend's death, according to Rippy's attorney.

Denver-based attorney Dan Recht said Rippy is scheduled to plead guilty Thursday to careless driving resulting in death with an agreement for no jail or prison. Rippy signed a plea agreement in which a vehicular homicide charge was dropped, he added.

"It's a big victory for him," Recht said. "He was charged with a very serious felony and now he's pleading to a very serious traffic offense. ... The whole thing has been devastating to him because Tim died, and Tim was a friend."

Authorities accused Rippy, 50 at the time, of driving his 2006 Jeep Wrangler drunk off County Road 344 about 14 miles south of Silt around 1 a.m. on Aug. 20, 2006. The Jeep went off the left side of the road, continued down an embankment and rolled onto its side. Timothy Curtiss, 41, was partially ejected from the back seat as the Jeep rolled. He was pinned beneath it and pronounced dead at the scene, authorities said. Rippy was arrested on suspicion of DUI and vehicular homicide.

But Recht said people at the Rippy family wedding would testify that Rippy was sober and hadn't been drinking when he drove people back to the house from a knoll where the wedding and reception were held a half-mile away.

Curtiss was drunk, standing in the back of the Jeep and shaking the roll bar, Recht said, which caused Rippy to drive off the road. After the accident, Rippy walked to his nearby home and called authorities. It wasn't until then that Rippy had a glass of gin, Recht said.

Deputy District Attorney Amy Fitch said, "That's the defense theory of what happened and there's really no evidence to prove otherwise."

She said there was a blood draw from about three hours after the accident proving Rippy was intoxicated, but it didn't prove he was intoxicated at the time of the accident. Investigators speaking with as many people as they could find who attended the wedding also didn't produce anyone who said Rippy was intoxicated at the wedding, Fitch added. She wouldn't disclose Rippy's blood-alcohol content.

Fitch noted there were also some viable suppression of evidence issues that came up in a previous hearing, and said Curtiss' family didn't want a harsh punishment.

"His parents said, 'Dow was a friend of our son and therefore he was a friend of our family, and we don't want anything bad to happen to him,'" Fitch said.

Recht said Rippy didn't wish to comment at this time.

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