

N.J. woman whose mother was killed by driver on cell phone vows to prevent future tragedies

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[Enlarge Patti Sapone/The Star-Ledger](#) Joyce Vence's mother, Helen Kulesh, was killed as she crossed an Elizabeth intersection five years ago on February 1st. Vence holds a photo of her late mother as she stands at the intersection where she was killed in Elizabeth. Patti Sapone/The Star-Ledger [N.J. woman whose mother was killed vows to prevent similar tragedy gallery](#) (4 photos)

ELIZABETH — Joyce Vence holds the oval image, hanging from one of the many necklaces she wears, between her thumb and index finger. It's her smiling, white-haired mother — an 89-year-old woman who was killed five years ago.

"When I look in a mirror, she looks back at me," Vence says.

The death of her mother, Helen Kulesh, still stings not just because Vence lost her, but also because of how Vence lost her.

Kulesh was crossing Grove Street in Elizabeth on Feb. 1, 2006, when she was hit and killed by a driver talking on her cell phone, Vence and her husband, John Guslavage, said. Phone records the couple provided show the woman's cell was in use for 21 seconds at 10:45 a.m., the time of death listed by the medical examiner.

Vence said the driver spent a day-and-a-half in jail for a few traffic violations.

Since then, Vence has been on a mission to prevent similar tragedies. Her biggest success to date, the creation of a bill that would allow prison sentences for drivers who kill or seriously injure someone while using a phone, has sat in committee for the better part of a year, never coming up for discussion — until now.

A hearing on the measure is tentatively scheduled before the Assembly's Law and Public Safety committee on March 3. The delay had nothing to do with politics, just logistics, said Phil Meisner, the chief of staff to Assemblyman Gordon Johnson (D-Bergen), the committee chair. Johnson said he supports the legislation and believe it would "give a little more teeth to the prosecution."

The measure, introduced last June as Kulesh and Kubert's Law, would add violations of New Jersey's hands-free cell phone law to a list of things considered reckless, like drinking or drug use. That means a driver who kills someone while talking or texting could be charged with vehicular homicide, or a driver who seriously injures someone might face an assault by auto charge.

"It seems to me that we have to send some kind of broad-based message, especially to younger drivers, that texting or being on the phone is simply out of bounds," said Assemblyman Michael Patrick Carroll (R-Morris), one of the bill's six sponsors.

The bill seems like a no-brainer to David and Linda Kubert, who share the legislation's name with Kulesh. They're among the thousands of New Jersey residents injured in cell-related crashes since 2006.

The Morris County couple each lost a leg when a teen driver, who they say was texting on his cell phone, drove his pickup truck into their Harley-Davidson motorcycle as they rode through Mine Hill in 2009. While the driver denies actually using the phone, records show his phone in use at the time of the crash, said the couple's attorney, Stephen "Skippy" Weinstein.

"I feel very comfortable with that position," said Weinstein, who declined to release the documents due to a pending lawsuit against the man. "It's an issue that a jury will have to decide."

David Kubert, who endured several surgeries and still feels pain every day, said what's most frustrating is seeing so many people who are still talking on their phones while driving. He believes the bill could change that.

"I think they'd think twice before they pick up their phone," he said.

So does Sen. Raymond Lesniak (D-Union), the bill's primary sponsor in the Senate. Some may say existing law allows for similar charges, but the new bill, if enacted, "makes it clearer and will make prosecutions easier," he said.

Assemblywoman Annette Quijano (D-Union), a primary sponsor, said she drives past the intersection where Helen Kulesh was killed every day. It's clear to her that tickets — even with the high fines proposed in a bill by Sen. Richard Codey (D-Essex) — aren't enough.

"I don't think people really understand how dangerous it is to be on their phones," she said.

Crashes related to cell phone use killed 24 people and injured 3,076 others between 2006 and 2009, State Police data show. The statistics are similar across the country.

"Every day I talk to a new family who has lost someone" to a cell-related crash, said Jennifer Smith, the founder of FocusDriven, a national advocacy group for cell-free driving. Smith, like Vence, lost her mother in the same way. The two, who have spoken, share a drive to stop future deaths.

"I keep busy with this, and that's my therapy," she said of her group. "And I notice that with a lot of the families. That's all we can do, is try to prevent this from happening to other families. It's the only way we get by from day to day