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'That was the worst day of my life'

Ambulance driver's sudden decision leaves two Dana Point families forever changed.

By LARRY WELBORN The Orange County Register

With siren blaring and red lights flashing, ambulance driver Matthew Swan sped north up Pacific Coast Highway on a Code 3 call: injury accident near the Festival of Arts in Laguna Beach. The 20-year-old driver came upon a red light and a traffic jam at Monarch Bay Plaza and made a split-second decision. He crossed over a double yellow line and into a lane used by oncoming cars. In less time than it takes to scream, Swan went from Eagle Scout and life-saver to life-taker and criminal defendant. Because at the same time Swan decided to take the merge lane, retired banker Ralph Earl Bellville made the same decision to enter the lane on a green light - from the opposite direction. Swan's ambulance and Bellville's near-new Mercedes Benz collided in the middle of the intersection in a thundering crash.

The momentum of the four-ton ambulance tore into the driver's side door of the Mercedes with ferocity in what accident reconstruction experts call the point of maximum engagement. It means that all the crumpling and crushing of metal that was going to happen had happened. But the wreckage to the lives of the drivers and their families was only beginning. Bellville, who had been married to the love of his life for 49 years, was killed instantly. And his death at age 77 would lead to an even more heart-breaking tragedy for his family in the days to come. Swan, who was on the fast track for a career in emergency medicine, survived, but his back was severely injured. That condition will prevent him from working with patients in the future. And the decision he made on March 23, 2003, could lead to an even more devastating blow to his future. On March 11, 2004 - almost a year after the fatal crash - the Orange County District Attorney's Office charged Swan with felony vehicular manslaughter with gross negligence - the first driver of an emergency vehicle ever charged in Orange County Superior Court with a crime for an accident in the line of duty.

A pre-trial hearing on his case scheduled for Friday was postponed until January. If convicted, Swan would face a maximum of 12 years in prison. Deputy District Attorney Yvette Patko contended that Swan was negligent, reckless and careless when he drove the ambulance at a high rate of speed into opposing traffic. "It's hard not to think about the accident," Swan said in a recent interview. "I just want to help." When Matthew Swan was 5 years old, he rolled his bike out of a neighbor's driveway and was struck by a car driven by a 16-year-old neighbor. He spent several days in the hospital but recovered from his injuries.

It was that incident that spawned his interest in emergency medicine as a career. While his younger brother excelled in team sports, Matthew became interested - or more like dedicated - to individual achievements through the Scouting program. He earned more than 60 merit badges. He accomplished the Arrow of Light, Cub Scouting's highest honor. And then he achieved his goal of becoming an Eagle Scout - the top Boy Scout honor - before he entered high school. As part of his project to become an Eagle Scout, Swan wrote about his ambition: "There are many things I would like to do in my life," the straight-A student wrote. "I do not want to be wealthy. ... I just want to help other people at all times." At Dana Hills High School, Swan ran track, played clarinet in the honor band, played the piano, and continued active participation in Scouting. He was one of those

teens who never gave his parents a reason to worry. When he was out until 2 a.m. on weekends, it was because he was giving free rides to his classmates who partied too much, recalls Jeff Swan, his father. Matthew Swan also volunteered to work in the emergency room at South Coast Hospital, where he sometimes put in 18 to 20 hours a weekend. And when he applied for a job with Doctors Ambulance Service, he was hired on the spot. A year later, Matthew Swan's life intersected with Ralph Bellville's. "That was the worst day of my life," Swan said recently. "Really, my life stopped on that day."

He underwent physical therapy for more than a year trying to recover from the back injuries that he sustained in the crash. He will live the rest of his life with three bulging discs that prevent him from lifting patients or other strenuous physical activity. He is undergoing counseling with a psychiatrist for depression and post-traumatic stress. He split up with his girlfriend of six years and now spends most of his time alone. Although he is suffering from depression, Swan is still interested in pursuing a career helping others in medicine. He has enrolled in the School of Allied Health Professionals at Loma Linda University, and he hopes to have a career as a hospital administrator or a teacher. "He has not lost his passion for a career in the health and medicine field," his father wrote. "We are thankful for that because we know he has much more to contribute."

"Always together Ralph Bellville was serving his stint in the Army in the early 1950s when he met Krista Ranftl, a brown-haired beauty who became the love of his life. Erika Bloss, 63, of Westlake Village, said her mother met her future husband when she was taking English lessons in her native Austria at the same small language school where Bellville was taking German lessons. Both achieved their goals, although her mom always spoke English with a thick accent while her future stepfather learned to speak German flawlessly." My mother told me that she had noticed this handsome man and she approached him, and they suggested they go out for coffee," Bloss said. Soon the couple were in love. In 1954, they married. "It was unusual for a man to marry a woman with two young children," Bloss said. "But he didn't mind. "The new family lived in Austria for a while, then Spain, then Chicago, where her stepfather was a bank executive, and finally Los Angeles. In 1989 or 1990, Ralph and Krista Bellville retired to Dana Point. The couple also spent six months a year in Krista's native Austria. "They really didn't need anyone else," Bloss said. "They never went anywhere alone. Whenever he went some place, she would go also."When Krista Bellville had a doctor's appointment, Ralph would go along too, for moral support, Bloss said. On the rare occasions when Bellville went to a business meeting as a banking consultant, her mother made it a ritual to walk outside with him and wave goodbye as he drove off.

In 1985, Bellville wrote a message to his fellow graduates in the Class of 1950 from Harvard University, where he said he was fortunate to have had a career that was more than satisfying, and "a wife who has made marriage all that it was ever meant to be." "They were really in love," Bloss said. So it was unusual that Ralph would be alone in his new Mercedes-Benz on a run for errands on the day he died. "My stepfather wanted to go out to buy some vitamins for their trip back to Austria, but my mom wasn't ready to go yet," Bloss said. "So Ralph went alone."Her mother, she said, was so busy with the dishes that she didn't even make it outside to wave her customary goodbye to her husband. Although his trip was only supposed to take a few minutes - time enough to drop off a roll of film, buy some chicken for dinner and the vitamins - Ralph still called home on his cell phone to assure his wife that he would be home soon. "They were always in touch," Bloss said. He called at 3:30 and said he had the vitamins and was on his way. But at 3:42 p.m., Ralph Bellville was dead.

"A few days later, Erika Bloss drove her older brother to the airport for his return trip to Chicago after Ralph's funeral. When Bloss returned to the Dana Point home that her mother had shared with her stepfather for so many years, she found Krista Bellville dead on the kitchen floor. Her mother, 85, had suffered a massive heart attack. "She couldn't handle life without him," Bloss said. "She died of a broken heart." Griletz learned about his mother's sudden death when he landed at O'Hare International Airport in Chicago. He got on another plane the next day and flew back to Orange County - this time for his mother's funeral.

On March 23, 2003, Shane Cantola of Dana Point had a front-row seat for the collision between the ambulance and the Mercedes. He was behind the wheel of his classic 1976 Ford Ranchero pickup sitting at a red light in the southbound lane waiting to turn left into the Monarch Beach shopping center. Cantola testified that he stopped on a yellow light because he saw the ambulance coming at him and he didn't want to race it through the intersection. And then he was mortified to see an elderly driver entering the intersection from his left in a gold Mercedes Benz. The elderly driver had his windows rolled up, and he was talking into a cell phone and looking to his right - away from the oncoming ambulance, Cantola testified. "I saw the ambulance coming up the hill, flashing lights," Cantola said. "I already knew what was going to happen. The ambulance was coming fairly fast. The guy (Bellville) is going to pull right out in front of the ambulance ... and it is going to be all over." Cantola said he desperately tried to get Bellville's attention by beeping his horn and pointing at the oncoming ambulance. "But he just looked beyond me," Cantola said. "I knew by the time he turned that the ambulance was going to hit him. And I knew I was going to be impacted," Cantola said. "All I heard was a crash. I was part of that crash." The Mercedes-Benz was knocked 145 feet down the road by the force of the impact. It rammed into Cantola's Ranchero and kept spinning down the road. Cantola suffered serious head injuries.

Cantola said. "At the time I thought it was the Mercedes' fault because the sirens were going and the lights were flashing and he should have been able to see it." Orange County Deputy Sheriff Kent Boots disagrees. Boots, a sheriff's deputy for more than 18 years, has completed more than 1,000 hours of accident investigation and reconstruction training. He testified in September at Swan's preliminary hearing that he did damage profiles of both vehicles, measured skid marks and gouge marks, and took an inventory of debris at the accident site. Boots testified that after compiling that data, he determined that a millisecond before the point of maximum engagement, Swan was driving the ambulance at a speed in excess of 60 mph. Any ambulance driver racing through the intersection on a red light at that speed was not showing proper legal concern for the safety of other drivers, Boots testified.

Jennifer Keller, Swan's attorney, said Boot's conclusion is erroneous. It would have been impossible for Matt to be going 60 mph under those circumstances because of the configuration of the road, Keller insists. Other witnesses, she added, guessed his speed at 40 to 45 miles per hour before the intersection, and then he slowed down even further as he came upon the traffic. "He slowed way down, looked carefully at the intersection, thought it was clear, and then he gunned it," Keller said, "And then almost instantaneously, he saw the Mercedes and it was too late." Swan, she said, "was doing what ambulance drivers do. When they come up on a wall of cars, they slow down and go around the wall as best as they can, so they can get down the road and save someone's life." She argued in September at Swan's preliminary hearing that Bellville didn't hear the sirens or see the flashing lights because he was driving with his windows rolled up while talking on his cell phone. "He was preoccupied," Keller told Judge Everett Dickey. "That's what caused the accident." Keller declined to let Swan talk about the accident while his criminal case is pending.

But he told sheriff's deputies on the day of the accident that it was his understanding that Doctors Ambulance company policy permitted him to go through an intersection against a red light at 15 to 20 mph as long as it was safe. And he admitted that he might have been going faster than that - perhaps 30 to 35 mph when he first saw Bellville's Mercedes coming at him. But he still insisted that he was driving safely, with regard to fellow drivers on Pacific Coast Highway. Garden Grove Fire Marshal David Bertka, a 25-year veteran firefighter, said no one in his department can remember any other incident where an emergency driver was accused of a crime. "I feel for the kid," Bertka said. "He was trying to get to somebody in the ambulance to render aid and he has this horrible accident. But even though you want to hurry to be able save someone's life, you still have to abide by the safety precautions, and you still have to use common sense.

"Ambulance drivers - like firefighters, police and paramedics - are given an exemption to traffic laws when they are on legitimate emergency calls. They are permitted to drive faster than the speed limit, for example, when it is safe to do so. Intersections are the tricky parts for emergency vehicles, especially when the light is red and traffic is backed up, Bertka said. "We require our drivers to come to a stop or at least a near stop," the fire marshal said. "They are supposed to look both ways, and they should try to make eye contact with any other drivers before proceeding." And then the driver is supposed to inch into the intersection cautiously. Emergency drivers are also allowed to cross into opposing traffic to get around traffic, "but only when it is safe," Bertka said. "We can only request the right-of-way, not demand it," he said. "If a pass cannot be made safely, we shut down. We do not want to force other drivers into the intersection so we can get through. We do not want other drivers to get hurt."

The medical aid call that Swan was rushing to with sirens blaring and lights flashing on Laguna Canyon Road turned out to be a non-injury fender bender. So in that minor collision on Laguna Canyon Road, the drivers exchanged insurance information and went on their way. But six miles down the road on Pacific Coast Highway, Bellville was taken away in a coroner's van. In Dana Point, Matthew Swan studies emergency medicine and hospital procedures and worries about his future. But he does not think he should be facing criminal charges. "I was just doing my job, going on an emergency call, and we were involved in an accident," he said. "I am just so very sorry that this situation occurred. I send my apologies and condolences to Mr. Bellville's family. "In Westlake Village, Erika Bloss still mourns her mother and stepfather. She believes that it is right that Swan is being prosecuted. "He was going way too fast," she said. "He was careless " But in Buffalo Grove, Ill., her brother feels differently. Klaus Griletz does not think Swan should face a jury. "No, no, I don't blame him for speeding. He was trying to help somebody else," Griletz said. "Accidents happen. Unfortunately this one happened to us."

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