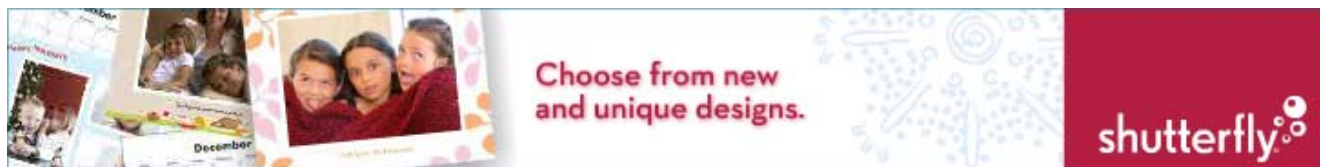


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Concord

## Driver charged in bike accident

Motorist handed two violations

By **MADDIE HANNA**  
Monitor staff

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The police have charged the driver who struck a bicyclist with her car on Clinton Street in October with two violations of failing to exercise due care.

Concord police Lt. Keith Mitchell said the charges against Joyce Myles, 60, of Weare were filed Dec. 29, more than two months after the weekday morning crash that sent 52-year-old Susanne Kibler-Hacker to the hospital with serious injuries.

In the days following the crash, the police gave Myles a warning. How exactly they arrived at the two charges - one for violation of drivers to execute due care and another for drivers to execute due care when approaching bicycle - isn't clear, because the accident report hasn't been made public.

Concord police Chief Robert Barry declined yesterday to answer questions about the circumstances surrounding the accident - how Myles may have been distracted, for example - but said the police had conducted a thorough investigation.

Given the seriousness of the accident, "we had a reconstruction staff conduct a full investigation," Barry said. "They examined physical evidence, spoke to the involved people, examined the scene and the vehicle and bicycle, and talked to any witnesses that may have had information that would help."

Based upon that, he said, "probable cause was developed that there were violations of New Hampshire statute, and we filed charges accordingly."

Kibler-Hacker, of Dunbarton, was hit from behind Oct. 15 while biking east on Clinton Street during her commute to work. Kibler-Hacker, the vice president of development at the Society for the Protection of New Hampshire Forests, served as that office's coordinator for the state's bike-to-work days and was wearing fluorescent clothing and a helmet when she was hit.

The collision happened on the section of Clinton Street west of Silk Farm Road, where the shoulders are narrow and the speed limit is 45 mph. A neighbor who lives on that stretch of road estimated Kibler-Hacker had been thrown 20 feet from her bike.

The police have said speed and alcohol were not factors in the accident. A message left for Myles at NHTI, where she works as an associate vice president of academic affairs, was not returned yesterday.

Kibler-Hacker's husband, Mark Kibler, posted an online comment on the first Monitor report of the collision, saying his wife had broken her hip, two bones in her leg and at least one vertebra and suffered internal bleeding, among other injuries.

The Monitor could not reach Kibler-Hacker or her family yesterday.

Unlike other police reports, accident reports go to the state Division Of Motor Vehicles. That information, Barry said, "can only be released by the DMV. Because this is a criminal charge that's pending, the police report's not available without the prosecutor releasing, due to the right of the defendant to have a fair trial."

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City prosecutors said yesterday they had not yet received paperwork on the case from the police, likely because Myles is not due to appear in Concord District Court until the end of February, according to Mitchell. She faces fines for both violations, he said.

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