

OFFICE OF THE DISTRICT ATTORNEY
BLUE RIDGE JUDICIAL CIRCUIT



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FOR IMMEDIATE RELEASE

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**Cherokee County man pleads guilty to vehicular homicide, DUI, and reckless driving,
Receives 10-year sentence, with 90-120 days to serve**

State vs. Allen McIntire

December 4, 2019 – District Attorney Shannon Wallace announces that Allen McIntire, 63, entered a non-negotiated guilty plea and was sentenced for homicide by vehicle in the first degree, driving under the influence, reckless driving, speeding, and failure to maintain lane. McIntire was taken into custody on December 3 to begin serving his sentence in the state probation detention center.

The incident occurred on the afternoon of January 10, 2018 in White, GA, near the Bartow County line. That afternoon, Barry McMahon, 73, climbed into the passenger seat of McIntire’s vintage Chevrolet Nova. McIntire then drove the car at an excessive speed on White Road, a narrow, winding road, where he failed to maintain his lane of travel, left the roadway, and crashed into a tree. The crash fatally injured Mr. McMahon.

The investigation of this case by the Cherokee Sheriff’s Office determined that McIntire’s car was traveling at approximately 83.8 mph on a road with a 35 mph posted speed limit. A blood sample showed McIntire had a blood alcohol level of .123, an amount greatly in excess of the legal limit. He had also taken diphenhydramine, a non-prescription antihistamine, which is known to intensify the effects of alcohol.

During the plea hearing on October 31, Assistant District Attorney David Holmes, who prosecuted the case on behalf of the State, recommended a sentence of 15 years, with 10 years to be served in confinement.

“The defendant’s actions in this case were completely senseless,” said ADA Holmes. “He chose to drive in an extremely impaired state and his actions caused the needless death of a man who was much loved by family and friends.”

Seven members of McMahon’s family provided victim impact statements to the Court. They described Mr. McMahon as the type of man who would do anything for anyone, someone they could trust and go to for advice, and a loved one who is deeply missed.

Judge David Cannon Jr. sentenced the defendant to 10 years of probation with the first 90-120 days to be served in a state probation detention center. Additional conditions of his sentence include completing 240 hours of community service, a DUI risk reduction program, the Mothers Against Drunk Driving victim impact panel, suspension of his driver’s license, no alcohol or illegal drug use, and no contact with the victim’s family.

“A man of Mr. McIntire’s age should be well aware of the dangers of drinking and driving. His actions are indefensible. He consumed alcohol while taking an antihistamine, invited a friend to take a ride with him in a 600-horsepower muscle car, and then drove at a high rate of speed on a narrow country road,” said District Attorney Shannon Wallace. “Alcohol impairs judgment, motor coordination, and reaction speed. Had Mr. McIntire not been drinking and driving, this tragedy would likely have never occurred.”

The Office of the District Attorney for the Blue Ridge Judicial Circuit is committed to seeking justice, acting with integrity, and collaborating with partner agencies in the criminal justice system in order to protect the citizens of Cherokee County and the State of Georgia.

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