

IN THE COURT OF APPEALS OF MARYLAND

No. 76

September Term, 1997

BRENDA L. SMALLWOOD

v.

HILTON P. BRADFORD

Bell, C.J.
Eldridge
Rodowsky
Chasanow
Raker
Wilner
Cathell
JJ.

Dissenting opinion by Wilner, J.

Filed: November 20, 1998

For the reasons noted in my dissent in *Beynon v. Montgomery Cablevision Limited Partnership*, ___ Md. ___, ___ A.2d ___ (Sept. Term, 1997, No. 86), I respectfully dissent from the conclusions reached in Part I of this Opinion and from the judgment. The Majority's allowance of pre-impact damages is based entirely on the evidence that the decedent accelerated and turned his wheel. This evidence does not speak to the decedent's final thoughts before impact. Indeed, as in *Beynon*, it is very likely that his only thought for those few seconds was averting the crash. Decedent's fright cannot be objectively determined or even reasonably inferred.