

PROSECUTOR: GIRL WASN'T TARGET - BUT DRIVE-BY SHOOTING IS MURDER, SHE TELLS JURY

Detroit Free Press (MI) - Tuesday, September 17, 2002

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A Wayne County assistant prosecutor said Monday in court that the man charged with murdering 3-year-old Destinee Thomas had no intention of fatally shooting the child.

But because Julian Key wanted to kill someone he had spotted on Destinee's front porch, he committed first-degree murder, Elizabeth Walker told a Wayne County Circuit Court jury. And because his friend, Cedric Pipes, drove the car while Key shot at Destinee's house, Pipes is guilty of murder, too, Walker said.

"He killed a 3-year-old child who was in her home, in her room, upstairs, doing absolutely nothing," the prosecutor said. "He wanted to kill Eddie Smith, but unfortunately that's not the person he killed."

Walker's comments came during her opening statements in the double murder trial in Wayne County Circuit Court. Police said Destinee was caught in the crossfire of rival drug dealers. A drive-by shooter with an AK47 riddled the girl's home, on the 5600 block of Woodrow, with bullets on March 23. One bullet struck Destinee in the head, killing her instantly.

Walker said Key had a long-standing dispute over drugs with Eddie Smith, who was on Destinee's porch when Key allegedly pumped more than 12 rounds into the home. Smith is expected to testify.

Key, 19, and Pipes, 21, both of Detroit, are charged with first-degree murder and assault with intent to commit murder. If convicted, both men face a mandatory sentence of life in prison with no chance of parole.

Destinee's mother, Deneen Thomas, testified that she was sitting in her bedroom when the shooting started. She said she hit the floor, but soon got up and ran into the room next to hers.

"I went to go look for my kids, and I saw Destinee laying there in a puddle of blood," Thomas said, crying. "I started screaming."

During his opening statement, W. Otis Culpepper, Key's lawyer, said no witness will be able to identify Key as the shooter, and the prosecution is relying on the fact that Key drove a similar Jeep as was involved in the shooting.

Culpepper also said Key's alleged confession is a farce because, in two prior statements, Key denied any involvement. During his last statement, when Key allegedly confessed, the homicide investigator did not type the statement because his computer malfunctioned, Culpepper said. The investigator later reconstructed what Key said, but never showed the document to Key, Culpepper said.

LeRoy Daggs, Pipes' lawyer, reserved the right to give an opening statement to the jury later in the trial. Outside court Monday, Daggs said Pipes denies being with Key during the shooting, but is guilty by association because the two are close friends.

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Caption: Photo

Destinee Thomas

Edition: METRO FINAL

Section: NWS

Page: 3B

Record Number: 0209170173

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