

MISTRIAL DECLARED IN KILLING OF GIRL , 3

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A **mistrial** was **declared** Monday **in** the first-degree murder case **of** two men accused **of** fatally shooting **3** -year-old Destinee Thomas as she played **in** her bedroom last spring.

Wayne County Circuit Judge Brian Sullivan **declared** the **mistrial** after a homicide investigator told the jury during testimony that one **of** the suspects had failed a polygraph test. Polygraphs are not admissible evidence

"It's just very, very unfortunate," Wayne County Assistant Prosecutor Elizabeth Walker said **of** the **mistrial** ,which came after four days **of** testimony. Julian Key and Cedric Pipes will now face a new jury and trial.

As he made the **mistrial** motion, Key's defense attorney, W. Otis Culpepper, said the seated jury could have been prejudiced when investigator Derrick Thomas testified that Key failed a lie-detector test.

Meanwhile, Destinee's family was angry and tearful.

"They have enough evidence against these guys," said Destinee's stepfather, Terrell Brown. "I think the justice system is a joke."

Police said Destinee was caught **in** the crossfire **of** rival drug dealers. On March 23, a drive-by shooter with an AK47 sprayed bullets at the **girl** 's home **in** the 5600 block **of** Woodrow. One bullet struck Destinee **in** the head, **killing** her instantly.

Key, 19, and Pipes, 21, both **of** Detroit, are charged with first-degree murder and assault with intent to commit murder. Police say Key fired the assault rifle more than a dozen times while Pipes drove the car. If convicted, both men would face a mandatory sentence **of** life **in** prison with no chance **of** parole.

A pretrial conference is scheduled Friday **in** Sullivan's courtroom. A new trial date will be determined.

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