

## RELUCTANT JUDGE REDUCES CHARGES IN CHILD'S DEATH

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In what he called an agonizing decision, a 36th District judge reduced a felony murder charge to negligent homicide against a Detroit man accused of causing an auto accident that killed an 11-year-old boy as he played on a sidewalk near his home.

Judge Jimmylee Gray's decision Thursday rebuffed Wayne County Prosecutor Michael Duggan's get-tough strategy of charging people with first-degree murder -- which carries a sentence of life in prison with no chance of parole -- when the drug trade is involved in the death of a child.

For **Rontae Hill**, 21, who was allegedly driving the car that struck and killed 11-year-old Darrin Marshall, Gray's decision could mean the difference between life behind bars and the maximum 15-year penalty that comes with a negligent homicide conviction.

"I don't think there's anything more devastating to a parent than to lose a child, especially a young child," Gray said before his ruling. "However, the court's analysis does not focus on that loss."

Gray explained he did not see any evidence of malice -- a crucial element in proving felony murder -- on **Hill**'s part.

During a two-day preliminary examination, witnesses testified that **Hill**, an alleged drug dealer, crashed a Ford Taurus at a speed of more than 70 m.p.h. into two other cars at the intersection of Andover and Remington on Oct. 2. Darrin was struck by the Taurus, and died about 40 minutes later at Children's Hospital of Detroit.

Sean Sims, 30, of Mt. Clemens told police he was in Detroit buying crack cocaine and lent his girlfriend's car to **Hill** in exchange for the drugs. Sims was charged with conspiracy, and Thursday was bound over for trial in Wayne County Circuit Court.

Duggan upgraded the charges against **Hill** a week and a half after the accident, saying "Every time drug trafficking kills a kid, I'm going to find a way to charge first-degree murder."

On Thursday, through his spokeswoman, Rebecca Tenorio, Duggan said his office plans to appeal Gray's decision.

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