

### 3 CHARGED WITH FIRING FATAL SHOTS INTO PARTY

Detroit Free Press (MI) - Friday, August 29, 1986

Author: PATRICIA MONTEMURRI Free Press Staff Writer

Because they were shot at by some unidentified "guys," Cooley High School students **Damion Todd** and Vernard Carter went looking for a gun and found it at classmate Derrick McClure's house, a witness testified Thursday.

As they drove toward a house on Sunderland Street where they had been earlier that night and where 16-year-old Melody Rucker and her friends were having a party, McClure showed **Todd** how to use the shotgun.

"Derrick said it's already loaded, just pump it and it will shoot," testified Dewayne Smiley, a Cooley High student, before 36th District Judge Robert Sattler.

Smiley was in court for the preliminary examination of those accused in the death of Rucker, slain Aug. 16 as she stood outside the Sunderland home with her friends from Benedictine High School.

Smiley testified that he was in the car with **Todd**, Carter and McClure when shots from the car sprayed a crowd of teenagers in front of the Sunderland house.

As the car cruised past the house, Smiley testified, " **Damion Todd** started leaning out the side window and started shooting into a crowd."

Smiley's testimony Thursday preceded Sattler's decision to bind over **Todd**, Carter and McClure on charges of first-degree murder, assault with intent to murder in the wounding of another party-goer, Vinita Smith, and felony use of a firearm. The three were remanded to jail without bond.

THE HEARING turned on the testimony of Smiley, 17, who said he was a longtime friend of the defendants. The shooting spree at the party attended by Rucker, Smiley's testimony suggested, was sparked when some unidentified people in a red Chevrolet Cavalier stopped on a nearby street and shot at the Mercury Cougar driven by Carter with **Todd** and Smiley inside.

The Smiley family has received anonymous, threatening telephone calls, assistant Wayne County Prosecutor Thomas Bahen told the judge. Smiley's family was led from the building by court security officers after the hearing.

Smiley said his friends, Carter and **Todd**, picked him up on the corner of Mansfield and Outer Drive that Saturday night, asking him if he wanted to go to a party.

Smiley said the trio, driven by Carter, went to the party on Sunderland. But Smiley said the party was over and that there was "a group of guys wanting to fight" at the gathering.

Bahen said after the hearing Thursday that some sort of disturbance had erupted at the party earlier, and a gun was displayed. But he said it was not clear whether any of the teenagers in custody were involved.

ON A NEARBY STREET a short while later, Smiley said, a Cavalier passed their car and then "two guys got out of the backseat and started shooting at Bernard Carter."

After that incident, Smiley said Carter wanted to "go to Monk's (McClure's) house," and that McClure got into the car with the shotgun.

Smiley said that as the car approached the Sunderland Street house, someone yelled that "the guys in the red car" who had shot at them earlier were at the party.

**Todd**'s attorney, Cornelius Pitts, portrayed Smiley as a willing accomplice to the shooting spree, and suggested Smiley was the one who showed **Todd** how to use the shotgun.

"You know you ain't shooting at birds, and you know you got a gun for no good purpose," said Pitts, asking Smiley why he didn't go home after they were shot at.

\*\*\*\*

Memo: SHORTER VERSION IN METRO FINAL EDITION PAGE 3A

Edition: STATE EDITION

Section: NWS

Page: 3A;

Index Terms: SHOOTING ; COURT ; BIOGRAPHY ; DAMION TODD

Record Number: 8602080545

Copyright (c) 1986 Detroit Free Press