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News »

Driver's statements tossed in crash that killed teens

Jameson Cook, Macomb Daily Staff Writer

Friday, April 10, 2009

A police detective's "increased level of pressure" on a man accused of causing a triple-fatal car crash caused two of his three written statements being tossed out of the defendant's criminal case.

Circuit Judge Peter J. Maceroni on Thursday tossed out two statements by Stephen J. Davis to Chesterfield Township police Detective Joseph Feld regarding the Gratiot Avenue crash one year ago Wednesday that killed three 17-year-old L'Anse Creuse High School North students.

After Davis wrote out an approximately 150-word statement at the township police station, Feld "required an additional statement based upon interrogation and an increased level of pressure to make a statement that conformed to other witnesses' statements of what transpired prior to the accident," Maceroni says in his opinion. "The second and third written

statements were the result of custodial interrogation."

Davis had described Feld as "argumentative" and standing over him sitting at a table in a small room.

In the much-shorter third statement, Davis virtually admits to cutting off the vehicle driven by his co-defendant, James LaCoursiere. Meanwhile, in the first statement he downplays his involvement, saying his vehicle was "clipped" by a light-blue pickup truck, he "overcorrected" and went "into a spin."

Davis' attorney, Robert Vitale, called the ruling a victory for his client and criminal defendants in general, although the statements ultimately may come back into the case if his client testifies during a trial.

"This calls into question police interrogation techniques," Vitale said. "I think it speaks to the police's conduct in this case."

Assistant Macomb prosecutor William Cataldo, who had argued in two prior hearings all the statements had been taken lawfully, and township Police Chief Bruce Smith declined to comment.

Davis, 23, of Clinton Township, is charged with three counts of vehicular manslaughter in the deaths of Jordan M. Vandeputte, Nicholas R. Noble and Robert J. McGuire, who were in a Dodge Ram pickup truck driven by LaCoursiere that crashed into an oncoming school bus. Davis, who also is charged for carrying a gun in his car, was in a Pontiac Grand Am.

LaCoursiere, 18, of Chesterfield Township, also faces three counts of vehicular manslaughter, which is punishable by up to 15 years in prison.

LaCoursiere faces an April 30 pretrial.

For Davis, Maceroni set a July 21 trial date following a June 25 final pretrial.

According to prior statements, at least three vehicles appeared to be involved in a road rage incident, with passengers of LaCoursiere's teal Dodge Ram and a third vehicle, a green pickup truck, throwing pop bottles at southbound vehicles, including Davis'. LaCoursiere's Dodge Ram had moved into the left-turn lane when Davis' red Grand Am made contact with it, forcing the Dodge Ram into the oncoming lane and to crash into the New Haven Community Schools bus, which only contained the driver, Barry A. Higgins, 55, who suffered a sprained ankle.

Both Davis and LaCoursiere were speeding.

LaCoursiere's attorney, Dan Garon, has said Davis cut off his client's car and that both defendants were at fault.

The driver of the third vehicle, David Doyle, 17, of Chesterfield Township, was charged with reckless driving.

Also injured was a passenger in the Grand Am, Scott Richards, 22, of Warren, Davis' brother-in-law.

Vitale had argued Davis had to be read his Miranda rights before his statement would be considered voluntary. But he was not, although Cataldo had argued it wasn't necessary and that Davis was free to leave the interview with Feld.

Vitale said Maceroni's ruling demonstrates his client's truthfulness.

"It speaks to my client being truthful and honest," he said. "My client will stand on the credibility of the first statement. The second and third statements made it look like my client was changing his story."

If there is a trial, Davis "may" take the stand in his defense, which would mean Davis would give up his right to conceal the removed statements and could be questioned by attorneys about all of them, Vitale said.

On the stand, David would "expound" on his statements to clarify them, Vitale said.

But Vitale said he hopes to avoid a trial, although that can only happen if prosecutors offer a plea deal.

"This is a very triable case but I don't want to go to trial if we can avoid it, not only for the benefit of the defendant but for the families" of the victims, he said.

Maceroni decided that Davis' first statement should remain part of the case because Davis initially appeared cooperative. "The Court is satisfied that Defendant's first statement was voluntary and was made to cooperate with the police investigation," Maceroni says.

But after a period of questioning by Feld, Davis wanted to see his brother-in-law at a hospital, Maceroni notes.

"But Detective Feld would not let him leave until the second statement was made," the judge says.

Feld was "'coaching'" Davis "on what he wanted him to say."

"Defendant felt he could not leave at any time," the judge says. "He initialed them (third statement) to get out of there."

Most of the first statement follows:

"We saw three vehicles swerving all over the road driving on the shoulder of the road, throwing things from one vehicle to the next and hanging out of the windows."

After "they calmed down for a couple of minutes ... the green truck speed (sic) up again and hit their brakes. I veered off to the left turn lane maybe 2 or 3 feet to avoid rear-ending the green truck. As I veered I believe I was clipped in the rear by the light blue truck/not exactly sure how it happened but when I was hit I overcorrected myself in a sharp turn then (sic) being hit by the black car (I think) getting me into a spin. I believe that is when the bus was hit."

Davis' entire second statement, is, "I was a bit frustrated when I first got here confused at best. After the green truck passed me I was like what the hell. Then he hit his brakes. I saw the blue truck trying to pass me on the right as well. In trying to avoid on (sic) accident we met in left quarter of my car. I tried to move back right as quick as I could but over steered or something and went into a spin."

Davis then initialed the following written by Feld, "When the blue truck attempted to pass you in the left lane, you veered over into that lane to keep the blue truck from passing you. He then hit you in the rear, forcing both of your vehicles to lose control."

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News »

Accident expert blames younger of two drivers

Jameson Cook, Macomb Daily Staff Writer

Wednesday, December 9, 2009

A police accident reconstruction expert blamed the teen driver of a pickup truck more for the deaths of three teen passengers in his vehicle than the driver of another involved vehicle.

Brian McNair of the Chesterfield Township police testified Tuesday that James LaCoursiere was driving "at least" 80 mph and possibly up to 95 mph before he slammed on the brakes of his Dodge Ram, which collided with an oncoming school bus in Chesterfield Township.

Stephen Davis, the driver of a Grand Am involved in the April 2008 crash, was traveling about 64 mph and contributed to the crash but not as much as LaCoursiere, McNair opined.

"I believe Mr. LaCoursiere is more at fault," McNair said on the stand in Macomb County Circuit Court, moments later also blaming Davis. "I believe they're both at fault."

Davis, 24, of Clinton Township, and LaCoursiere, 17, of Chesterfield Township, are charged with three counts of vehicular manslaughter for the deaths of Robert McGuire, Jordan M. Vandeputte and Nicholas R. Noble, all 17 and students at L'Anse Creuse High School North in Macomb Town

ship.

Davis' jury trial in front of Judge Peter J. Maceroni is expected to conclude today, and LaCoursiere awaits his trial.

Both vehicles were illegally traveling in the center lane of southbound Gratiot Avenue between 24 and 25 mile roads shortly after 2 p.m. when they struck the northbound New Haven Community Schools bus.

McNair, who investigated the crash and testified for the prosecution, contradicted some witnesses' testimony earlier in the trial that LaCoursiere's and Davis' Grand Am contacted each other split seconds before both hit the bus.

There is no "transferred paint" from one car to the other and no disturbed dirt on the Ram where some witnesses have said contact was made, McNair said. In addition, there is no change in direction in skid marks, and tire markings overlapped each other.

"There's no way two vehicles could've been in the same spot at the same time," he said.

McNair said witnesses may have been deceived into believing the vehicles touched because they struck the bus one-eighth of a second apart. Davis' vehicle struck the bus with much less force than LaCoursiere's.

LaCoursiere's Ram, traveling at an "excessive speed" in the center turn lane, passed the Grand Am, started skidding, veered left and struck the bus before the Grand Am did, McNair said.

During the Ram's 94-foot skid, LaCoursiere locked up the brakes, lost control of the vehicle and reduced his speed by 43 mph, McNair said. LaCoursiere "could not have taken evasive action," he said.

The Ram "went till it hit another object," he said, emphasizing the loss of control. "You're goin' where you're goin'."

The Ram's right front collided with the bus' right front and spun, ending up on a home's front lawn near the curb.

Meanwhile, Davis who was moving his car into the center lane, apparently noticed the Ram and "overcorrected" to the right, McNair said. Due to the Grand Am's sharp turn, its back end started to spin out left and struck the bus' left front wheel-well area, he said.

Davis "misjudges the speed" of the Ram and "says, 'Uh oh, I better get out of here,'" McNair said.

Davis, who was uninjured in the crash, did not brake. A passenger in his vehicle suffered minor injuries.

Two passengers in the Ram, McGuire and Vandeputte, died instantly or within moments, and Noble died five hours later.

LaCoursiere and his passengers were part of a group of three vehicles occupied by nine L'Anse Creuse North students who were traveling to the school after attending vocational schooling at AIS Construction Equipment Inc. at Gratiot and 30 Mile Road in Richmond Township.

Today, closing arguments are expected following at least two witnesses: a defense expert in accident reconstruction and a prosecution rebuttal witness, a Michigan State Police accident reconstruction expert.

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News »

Jury mulls driver's fate in fatal crash

Jameson Cook, Macomb Daily Staff Writer

Thursday, December 10, 2009

A 24-year-old Clinton Township man in a fit of road rage deliberately forced a pickup truck into another lane and caused it to collide head on with a bus, killing three Chesterfield Township teenagers, an assistant Macomb County prosecutor argued Wednesday.

Defendant Stephen Davis' car "moved into the lane to block (the pickup truck)," assistant prosecutor William Cataldo told a jury during his closing arguments in Davis' trial in Macomb County Circuit Court in downtown Mount Clemens.

"Road rage is an intentional act, and the result is a terrible tragedy," Cataldo said.

The 12-person jury will resume deliberating this morning.

Cataldo said Davis in the moments before the April 2008 crash was speeding, lane changing, "brake checking" and "jockeying" for position with James LaCoursiere's Dodge Ram pickup truck.

LaCoursiere was among three teenage drivers who were

carrying a total of nine L'Anse Creuse High School North students from schooling at 30 Mile Road and Gratiot Avenue. LaCoursiere and one of the other teen drivers performed risky driving moves with each other and Davis' Grand Am, Cataldo said.

Cataldo said Davis should be convicted of three counts of vehicular manslaughter because he contributed to the Gratiot Avenue crash in Chesterfield Township and deaths of Robert McGuire, Jordan M. Vandeputte and Nicholas R. Noble, students at L'Anse Creuse in Macomb Township.

LaCoursiere is charged with the same offenses and awaits trial.

Cataldo said Davis committed gross negligence, which equates to manslaughter, punishable by up to 15 years in prison, not ordinary negligence, the same as negligent homicide, a 2-year offense the jury can also consider.

The 6-day trial featured conflicting testimony from more than one dozen eye witnesses about the positions of Davis' and LaCoursiere's vehicles.

Some witnesses claimed the two cars touched before contact. But others, including accident reconstruction expert Brian McNair, said they didn't. Many said Davis' vehicle first went left, swerved right then began spinning when its left rear also struck the bus, witnesses said. He was uninjured and a passenger suffered minor injuries.

McNair said Davis "overcorrected" and was partially at fault, although less than LaCoursiere.

Some witnesses said Davis was illegally in the center lane but others said he was properly in the left southbound lane.

Cataldo tried to clinch conviction in his rebuttal statement by saying Davis' center lane location is backed up by his car's tire markings found afterward in the northbound lane, where the bus was struck by the two vehicles.

Davis' rage was confirmed by his threatening or intimidating comments to some of the teens in the moments following the accident, Cataldo said.

Davis' defense attorney, Robert Vitale, refuted that allegation, noting the only witnesses making that claim are friends of LaCoursiere.

Vitale argued for Davis' innocence but conceded jurors "at the very most" could find him guilty of the lesser negligent homicide.

"I don't think in any way, shape or form (Davis) rammed or tried to push Mr. LaCoursiere's vehicle," Vitale said. "I think Mr. LaCoursiere tried to pass in oncoming traffic."

In trying to blame LaCoursiere, Vitale noted multiple witnesses who saw LaCoursiere recklessly drive his teal truck on the gravel shoulder north of 26 Mile Road. The crash occurred between 24 and 25 mile roads.

Vitale also pointed to the speed of LaCoursiere's vehicle, estimated by McNair as at least 80 mph but up to 95 mph split seconds before the crash.

"The speed of Mr. LaCoursiere's vehicle is the major contributing factor to this accident," he said. "At 95 mph, you're covering a football field in less than 2 seconds."

Davis' vehicle was estimated to be traveling about 64 mph.

Cataldo pointed out the trial left open some questions, such as how Davis and the teenagers started their interaction.

"We never really found out why, never heard anything between" them, he said.

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