



# The Red Light Alert

## MADD Life Saver Award Given to APA Mehalco

Mark Omo and Christopher Pollet had just let off their dates August 6 when a drunken Jason Booth sped his Saab through a red light, killing the young men.

On the day after Thanksgiving, an Osseo family dined in Jackson and was headed to Menard's when Dale Arendsen committed his second drunken-driving crash of the night, killing 64-year-old Beverly Allion.

Driving and the Office of Highway Safety Planning.

He is among two prosecutors statewide to receive the award at the 79th annual conference of the Prosecuting Attorneys Association of Michigan at the Grand Hotel.

"We are very pleased Nick's efforts have been recognized by the two pre-eminent traffic-safety organizations in Michigan," county Prosecutor Hank Zavislak said. "It is a credit not only to Nick but to the county and our police agencies."

The prosecution's game plan starts with the belief that a drunk driving victim is not because of a random act.

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**Award Winner Nick Mehalco (right) with Jason Hamblen from the Office of Highway Safety Planning**

In both cases, Jackson County Assistant Prosecutor Nick Mehalco Jr. won convictions for second-degree murder — the toughest drunken-driving charge.

Mehalco was honored on Mackinac Island at the PAAM Annual Conference with the Life Saver Award from Mothers Against Drunk

## Fewer Traffic Fatalities During July 4th Holiday Weekend

The Michigan State Police (MSP) confirmed today that fewer people died in traffic crashes this July 4<sup>th</sup> holiday weekend, compared to last year. Preliminary reports indicate three people lost their lives in three separate traffic crashes this year. In comparison, 18 people died in traffic crashes during the 2005 July 4<sup>th</sup> holiday weekend.



Of the three victims, one was known to have been restrained by a safety belt, and alcohol was a known factor in one of the three fatal crashes.

"These numbers are still preliminary because they only reflect those fatalities

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## Fewer Fatalities during the 4th of July Holiday Weekend

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reported to the Michigan State Police as of 2 p.m. today," stated Captain Daniel Atkinson, commander of the MSP Field Operations Division. "This reduction in fatalities is a significant accomplishment when you factor in the longer July 4<sup>th</sup> holiday period this year as compared to 2005. This positive trend is proof the hard work and dedication of law enforcement around the state is paying off."

The 2006 July 4<sup>th</sup> holiday weekend ran from 6 p.m. on Friday, June 30, through midnight on Tuesday, July 4, 2006.

*Editor's Note: MSP Press Release, July 2006.*

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"We don't treat these as accidents," Mehalco said of crashes involving drunken drivers. At the same time, not all drunken drivers who cause death are considered murderers.

"Second-degree murder is reserved for the most egregious drunken drivers causing death," said Mehalco, 45, a career prosecutor with seven years in Jackson County and previous stints in Miami and Muskegon.

Drunken drivers in fatal crashes generally are charged with lesser counts of negligent homicide or operating under the influence of liquor causing death. The difference is maximum 15-year prison terms versus potential life sentences.

No hard figures are available, but Jackson County appears to be more aggressive than most in pushing murder in drunken-driving cases.

"It is very, very unusual for a county to successfully prosecute one, let alone two, second-degree murder cases involving drunken driving," county Chief Assistant Prosecutor Mark Blumer said.

Proving murder requires convincing a jury of malice. The first two elements — intent to kill or intent to cause harm — are generally disregarded for lack of proof.

"The third element is that the driver acted in a wanton and willful disregard of the likelihood the natural tendency of drunken

driving will cause death or injury," Mehalco said.

Saying the driver was too drunk to know better doesn't cut it with juries.

"Drunken-driving injuries and death have touched just about every family, and MADD has done a good job of spreading the word about drinking and driving," Mehalco said. "Juries are educated."

Ruth Stressman, victims' rights coordinator for Zavislak, nominated Mehalco for the award for his trial work and for his attention to grieving families.

*Editor's Note: From the Jackson Patriot, July 28, 2006*