

PUBLIC INFORMATION RELEASE

FROM THE OFFICE OF WASHINGTON COUNTY ATTORNEY DOUG JOHNSON

For immediate release –February 23, 2005

PROSECUTOR ISSUES NEW COMPLAINT

Washington County Attorney Doug Johnson announced today that his office has charged Kyle James Murphy (DOB 9/23/84) by a new complaint alleging two counts of Criminal Vehicular Operation. These new charges were brought in response to an order issued by the Washington County Court on February 18, 2005, granting the defendant's motion to dismiss the previously issued complaint charging Mr. Murphy with Murder in the Third Degree.

Both complaints are related to an offense that occurred on August 28, 2004, when Mr. Murphy allegedly caused the death of Timothy Milton Lavalley (DOB 6/19/87) when he drove his vehicle at a high rate of speed towards Mr. Lavalley and another individual who were standing in the middle of Egg Lake Road in Hugo in Washington County. Mr. Lavalley was a passenger in a car that had been following Mr. Murphy after Mr. Murphy had an argument with his ex-girlfriend. The ex-girlfriend called for help from her friends, which included Mr. Lavalley. Mr. Lavalley and others were in a Ford Explorer driven by Jeromy Vessey, who then followed Mr. Murphy who had driven away in his vehicle. Eventually, Mr. Lavalley and Mr. Vessey exited the Ford Explorer and stood in the road waving their arms to try to get Mr. Murphy to stop his car to see "what his problem was". Mr. Murphy drove his car at a high rate of speed towards these two individuals. When it looked like Mr. Murphy was not going to slow down, Mr. Lavalley and Mr. Vessey began to run and Mr. Lavalley was struck by Mr. Murphy's car. Mr. Murphy stopped and got out of his car. He then checked on Mr. Lavalley, but eventually drove off from the scene, sleeping in a ditch and phoning his parents the next morning. His mother informed the Washington County Sheriff the next day that her son was involved in a hit and run accident the night before. Mr. Lavalley died due to multiple traumatic injuries from the accident.

The original complaint was dismissed by the Court after a probable cause hearing was held on December 22, 2004, upon a motion brought by the defendant. After reviewing evidence submitted by the prosecution and arguments and briefs submitted by both sides, the Court found that there was not substantial evidence that would be admissible at trial to prove beyond a

reasonable doubt that Mr. Murphy's conduct on August 28, 2004, was imminently dangerous to others and evinced a depraved mind as would be required to prove the charge of Murder in the Third Degree.

The fact that the Court dismissed the original complaint does not mean that the County Attorney is precluded from bringing other charges to address Mr. Murphy's driving conduct which resulted in Mr. Lavalley's death. The new complaint, based on the same facts alleged in the first complaint, charges Mr. Murphy with two counts. Count I: operating a motor vehicle in a grossly negligent manner which caused the death of Mr. Lavalley and Count II: causing the death of Mr. Lavalley as a result of operating a motor vehicle and leaving the scene of the accident. Each charge carries a presumptive sentence of a commitment to prison for 48 months.

Johnson said, "While we are disappointed in the dismissal, we understand the reasons for the decision by the judge. The judge did not say Mr. Murphy did not commit a crime but rather that he did not commit Murder in the Third Degree. Therefore, we are continuing to go forward with this case."

Attached is a copy of the complaint. For further information, please contact Doug Johnson or Susan Harris at the Washington County attorney's Office, 651-430-6115.