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Charles County, Maryland

Biker found not guilty of manslaughter

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A Charles County Circuit Court judge last week found a Waldorf man accused of negligent manslaughter stemming from a May 2002 multi-vehicle crash on U.S. 301 in Bel Alton not guilty.

Jermame Lamont Gartrell, 32, was acquitted after a weeklong trial that ran late into Friday night.

"The evidence in the case was just so thin," said Andrew Alpert of Upper Marlboro, Gartrell's defense attorney. He said that his client was unfairly charged in the death of Tommy Renard Marsh, 37, of Temple Hills under a quirk of Maryland law that allows a participant in a street race to be charged in the death of a fellow participant or specta-

tor, even if his actions have not directly contributed to the death.

The state argued that Gartrell and Marsh were racing at high speeds while returning from a racing event in Budds Creek when they collided with a 1987 Oldsmobile Cutlass Ciera driven by James Robert Gillespie, 49, of Oxon Hill, who was pulling out of the parking lot of Apehangers Tavern.

Marsh, who was thrown the length of a football field due to the high-speed impact of the wreck, according to prosecutors, was killed instantly. A passing sport-utility vehicle then hit his body. Seconds later, Gartrell's motorcycle hit the Oldsmobile, which had spun into the left lane. Gartrell and Gillespie were both injured in the crash.

According to Alpert and his theory of the case, the bikers were simply driving down U.S. 301 at acceptable speeds, and authorities should have charged Gillespie with manslaughter for pulling out in front of them. Alpert produced two witnesses who testified that Gillespie was intoxicated on the day of the crash, and he presented records showing that Gillespie pleaded guilty to a charge of driving under the influence in connection with the incident.

"You've got a drunk driver who pulls out ... but because [Gartrell and Marsh] are motorcyclists, there's a prejudice," Alpert said Monday. "Gillespie is the guy who should have been charged."

"It would be inappropriate to charge the driver of the car, since the state's investigation that his driving behavior was not a cause of the accident," said Leonard Collins, Charles County state's attorney.

Collins said that the bikers were going so fast that Gillespie's impairment was not a factor. "He did not cause the accident. A sober person would not have seen these motorcycles coming."

When Alpert began presenting his defense last week, he called Clarence Brooks, a Met-

ropolitan Police investigator from Fort Washington, to the stand. Brooks testified that he was riding with Gartrell and Marsh on the day of the crash. According to Brooks, Marsh was riding "20 to 30 yards" ahead of Gartrell in the right lane at approximately 65 mph when Gillespie pulled out into the right lane. This contradicted the state's expert testimony that estimated the bikes' speed at 135 mph or more.

Marsh then sped up and switched to the left lane to avoid Gillespie, Brooks said. He said that Gillespie then suddenly made a hard left toward a median crossover, cutting Marsh off.

"It just shot across 301 ... a real sharp left turn," Brooks said. He said he saw Marsh's bike impact in a burst of smoke and felt liquid antifreeze splatter across his body. "[U.S.] 301 was just covered in smoke."

When Brooks dismounted and approached the crash scene, he said he saw Marsh "laying face down and [he] wasn't moving at all." He then said he approached the Oldsmobile and witnessed Gillespie trying to switch seats with his passenger.

The state vigorously objected to Brooks' testimony, arguing that it did not absolve

Gartrell of all responsibility for the accident and that Gillespie was not on trial. Judge Steven Chappelle overruled the objection.

Alpert then called Maryland State Police Trooper Fuentes Bouknight to testify.

Bouknight said he arrived at a crash scene in a state of chaos. He ordered his troopers to secure the scene and then interviewed Gillespie.

"I noticed Mr. Gillespie was impaired; I detected the smell of alcohol," Bouknight said, noting Gillespie's "slurred speech."

Bouknight placed Gillespie in his cruiser after observing that "the crowd that had gathered was hostile toward Mr. Gillespie."

The defense presented evidence that Gillespie's blood alcohol level registered at .09, above the .08 legal limit.

The state reiterated its running objection to the testimony, but was overruled.