

Press Release
Grand Traverse County Prosecuting Attorney
December 30, 2014

GTSO Investigation Report #2014-00014911

On August 18, 2014, Ann Riley was struck and killed by a motor vehicle driven by George Madison outside Riley's home on Peninsula Drive. The Grand Traverse County Sheriff submitted its investigation to this Office for review for possible criminal charges. For the reasons stated below, the evidence is insufficient to charge Madison with any criminal wrong-doing as a result of the incident.

The misdemeanor charge of moving violation causing death was considered. To prove that charge, there must be evidence that the operator of a motor vehicle committed a moving violation and that the violation caused another person's death. In this case, there is good evidence to show that Mr. Madison was traveling in excess of the posted speed limit of 35 mph. The accident investigation concluded that Madison was traveling at 42 mph prior to braking, and this is consistent with eye witness statements including that of Mr. Madison. Nevertheless, the evidence is insufficient to prove that speed was the cause of the death, a necessary element of the crime. The accident investigator concluded that even if Mr. Madison had been traveling at the posted speed limit, his vehicle would have struck Mrs. Riley who had already entered the roadway prior to the crash. In other words, Mrs. Riley had entered the roadway at a time when it was already too late for Mr. Madison to safely bring his vehicle to a stop even if he had been traveling at the posted speed limit. Additional facts supporting this decision are included in the prosecuting attorneys charging form. Mr. Madison will be issued a speeding ticket as a result of the incident.

It should be noted that test results indicate that neither drugs nor alcohol were a factor in the crash. In addition, distracted driving was investigated and ruled out as a possible cause of the crash. Finally, although Mr. Madison is believed to have been speeding at the time of the incident, the speed was not of such a magnitude to evidence wanton and willful disregard of the safety of other persons, and, therefore, the evidence does not support a charge of reckless driving or manslaughter, which would also require evidence of the same causal connection between the driving and the death as moving violation causing death.