

*** NEWS RELEASE ***

**NO MANSLAUGHTER CHARGES TO BE FILED IN
FATAL COLLISION**

FOR IMMEDIATE RELEASE

May 9, 2018

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Monterey County District Attorney Dean D. Flippo announced today that manslaughter charges will not be filed against Miriam Smith, age 60, resident of Seaside, for her part in a fatal collision occurring on August 18 in Seaside, but she will be charged with driving without a valid driver's license and no insurance.

On August 29, 2017 at about 11:00a.m., Jesse Lopez, age 23 and a resident of Marina, rode his motorcycle on Fremont Blvd in Seaside, travelling in the number two, slow lane. At that same time and general location, Marian Smith drove her Dodge Van in the number one lane when she decided to change to the number two lane. In doing so, her car collided with Mr. Lopez, knocking him off his motorcycle and causing his death. Seaside Police Department investigated the collision and ultimately arrested Ms. Smith for vehicular manslaughter for failure to yield before the lane change, no driver's license, no insurance, and delaying the investigation.

Further investigation by the Monterey County District Attorney's Office determined that there was insufficient evidence to prosecute Ms. Smith for vehicular manslaughter. A vehicular manslaughter requires proof beyond a reasonable doubt that the defendant was negligent and caused the death of the victim. This means the prosecution must prove that because the defendant did not exercise reasonable care, her fault caused the death of the victim. The speed limit was 30 MPH. No witness could testify that Mr. Lopez was travelling within the speed limit. His injuries, as reported by two doctors who examined his body, indicated he travelled at a high rate of speed, well above the speed limit. The damage to the side of Ms. Smith's vehicle where it collided with the motorcycle corroborated that inference. There was insufficient evidence to prove beyond a reasonable doubt that Ms. Smith had a reasonable opportunity to observe Mr. Lopez on his motorcycle when she changed lanes. Therefore, this office could not demonstrate the accident was a crime.

However, Ms. Smith was driving on an expired license and without insurance. Accordingly, those two charges will be filed.