

# **\* NEWS RELEASE \***

## **SALINAS MAN CONVICTED OF TWO COUNTS OF 2<sup>ND</sup> DEGREE MURDER FOR DRIVING UNDER THE INFLUENCE OF MARIJUANA**

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**FOR IMMEDIATE RELEASE**

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Monterey County District Attorney Dean D. Flippo announced today that Francisco Javier Miranda, age 25, of Salinas was convicted by a jury of two counts of second degree murder, two counts of vehicular manslaughter with gross negligence while intoxicated with two prior convictions of driving under the influence and an enhancement for leaving the scene of the vehicular manslaughter, one count of driving under the influence of a drug with enhancements for infliction of great bodily injury on two different victims, leaving the scene of an accident in which death occurred and driving on a suspended license.

On November 20, 2013, at approximately 7:10 p.m. citizens driving eastbound on East Laurel Drive just before the intersection with Constitution Boulevard encountered a woman, Cynthia Lee Lane, lying in the eastbound #1 lane. Two security Officers from Natividad Medical Center ran out onto East Laurel Drive to help Ms. Lane. Security Officer Linda Rascon Williams knelt over Ms. Lane trying to give her aid. Security Officer Bani Galindo got in front of the women to direct eastbound traffic away from them. People traveling on the roadway slowed, changed lanes, or stopped to avoid striking the women or Mr. Galindo.

Moments later one vehicle advancing in the #1 eastbound lane driven by the defendant, Francisco Miranda, did not heed Mr. Galindo's frantic waving or hand signals to slow down or change lanes. Mr. Galindo screamed at Ms. Williams to get out of the way. Galindo jumped out of the way when the defendant's vehicle was approximately 5 feet in front of him still traveling at approximately 45 mph. He and other motorists saw the vehicle then strike both women. They did not survive.

The jury in this matter heard testimony from several motorists, Mr. Galindo, the Department of Justice Toxicologist Tim Appel, Salinas Police Department and California Highway Patrol Officers, and two of the defendant's friends who were in the car with him. The defendant had marijuana in his blood system. His friends reported that the defendant had smoked marijuana with them 20 to 30 minutes before driving onto East Laurel Drive. One of them related the defendant was "high." That same witness testified that she saw Linda Williams at the level of the defendant's head lights with her hand in front of her face just before the defendant struck her.

Mr. Miranda's defense attorney brought in experts in an attempt to convince the jury that marijuana intoxication could not be proved. Miranda was on two grants of probation for DUI convictions in 2013 when the current crime was committed. On each of those prior DUI cases the Court admonished him that he could be charged with murder should he cause someone's death while driving under the influence.

This case underscores the fact that marijuana like other drugs and alcohol, even if legally used, must be done with caution and not at any time before driving a motor vehicle or engaging in any activity that could result in injury due to impairment of one's mental faculties or alertness.

Sentencing was set by Judge Carrie Panetta who presided over the trial for January 14, 2016. The defendant faces a maximum sentence of 31 years-to-life imprisonment.

District Attorney Flippo commended Deputy District Attorney Angela McNulty for her diligence and commitment to bring justice to the families of the victims.

The Salinas Police Department and the California Highway Patrol investigated this case. Of note were the contributions of Salinas Police Department Officers Ciro Barboza, Richard Diaz, Jeff Munoz, Michael Muscutt, Sergeant Gerry Ross and former Salinas Police Officer Ben Draeger, as well as California Highway Patrol Officers Michael Orta, William Milward, Retired District Attorney Investigator Mark Puskaric and District Attorney Investigator Terri Edwards.