

2A - The Bay City Times

Jury finds driver guilty of negligent homicide

A Bay County jury acquitted a Midland man of drunken driving causing death, but found him guilty of negligent homicide.

The jury reached the verdict Friday morning after a three days of testimony in the trial Jeffrey W. Brown, 27.

Brown's pickup truck rolled through an intersection on Flajole and Wheeler roads on Aug. 11, 2001, court testimony showed. Karen Bothe of Kawkawlin crashed her motorcycle into the truck and died in the accident.

Brown refused to take a breath test at the scene, and a blood sample drawn at the hospital that night revealed a blood-alcohol

level of 0.15 percent, according to court records. The limit for drunk driving is 0.1 percent in Michigan and anything over 0.07 is considered "impaired."

Brown's attorney, Daniel O'Neil, argued that the blood sample was contaminated by an alcohol-producing bacteria and heat during the three days between the time it was drawn and the time it was tested at the Michigan State Police lab near Lansing.

Negligent homicide is punishable by up to two years in prison. Judge Kenneth W. Schmidt is scheduled to sentence Brown at 1:30 p.m. Feb. 10.