

Florida v. Derreza

1st Judicial Circuit, Escambia County, Case No. 2004 CF 003842A (2005)

Florida v. Grayson

1st Judicial Circuit, Escambia County, Case No. 2004 CF 003842B (2005)

The following was provided by Chris Bloomberg, P.E., one of the defense experts in this case.

All of the expert's reconstructions had the speed at impact within 6 mph of each other and these speeds were within 3 to 9 mph of the speed limit. These calculated impact speeds alone were not consistent with the State's allegation of racing. The delta-v from the black box download was consistent with the reconstruction of all three experts. The big discrepancy was pre-impact speed.

The police report stated that there were 68 feet of skids prior to impact. From the homicide photos and their scaled diagram, these skids pointed off to the side of the road prior to the impact area and stopped well prior to the impact area. We did not attribute these skids to this accident for those and other reasons. The State's homicide investigator expert attributed those skids to the accident resulting in a pre-skid speed of 68 mph. The SDM data was around 80 mph for each of the 5 seconds prior to impact even though it indicated braking for the last 2 seconds.

We told the State that there were some discrepancies in the data that was being sent to the SDM. We told them that we were most definitely advocates of the Vetronix technology and that we used it all the time, but that the data must be compared against the accident reconstruction, etc.

The defendant Grayson was driving a heavy duty work pickup truck that he had purchased used. We presented evidence that the PCM had been reprogrammed by the previous owner of this pickup, possibly affecting reliability of the data sent to the SDM. We informed the State that the SDM received the pre-impact data from the PCM and if it was programmed incorrectly the SDM might be receiving incorrect values. We asked the State to obtain the reprogramming specifics for the PCM since it was under their control. All we wanted to do was see if the changes affected the data being sent to the SDM. The State would not agree to do so.

Therefore we testified that we could not rely on that pre-impact data without seeing the PCM reprogramming specifics. We did rely upon all of the SDM data that was not sent from the PCM.

In addition to all of the above there was an eyewitness at a stop directly behind the young driver that pulled out from the side road in front of Grayson. She was very believable and did not have a dog in this fight. She stated that the young driver and RFP were talking and the driver did not look to his left (Grayson's direction) prior to pulling out. She stated that Grayson was not speeding or racing. She stated that it was so shocking to her that the young driver was pulling out without looking and about to cause a serious collision that she was screaming out of her open window for the young driver to stop.

The jury considered all the testimony from both sides relating to the above, where essentially these very believable defendants were on trial for their lives, and returned a not guilty verdict in a short period of time.