

The following summary has been prepared by Harris Technical Services. It is based upon published news reports and telephone interviews of the prosecuting and defense attorneys.

Massachusetts v. William D. Wilson
Hampden Superior Court, Docket No. 04-1228
Sept. 16, 2005

Wilson was indicted by a Grand Jury on two counts, Motor Vehicle Homicide and Negligent Operation of a Motor Vehicle. At the Grand Jury Hearings, EDR evidence was introduced indicating a speed of 29mph at two seconds before AE. The engine RPMs were reported as zero with no braking applied.

The accident scene was a parking lot where Wilson's vehicle struck a pedestrian. Fifteen feet of skid marks were identified by the police. The EDR was downloaded by the police with a search warrant. The pedestrian died of impact injuries 16 days after the accident.

Wilson was tried in the Hampden Superior Court, Judge Brian McDonald presiding. The count of Negligent Operation of a Motor Vehicle was dismissed by the judge.

The police determined an impact speed of 17 to 19mph independently of the EDR using the Appel pedestrian impact throw formula. The air bags did not deploy. This was a ND file with the ND ignition cycle count at 2 to 3 prior to the data recovery by the police. The trooper opined the EDR record was not related to the pedestrian impact.

The prosecution's desire to enter the EDR evidence was to show the jury the police did a thorough investigation, including downloading the EDR, not to use the data as direct evidence of speed.

The defense objection was that the EDR record, including the speed indication, would confuse the jury as it was not related to the pedestrian collision according to the police.

The court agreed with the defense and the EDR evidence was not entered. The jury returned a verdict of not guilty.