

Murder conviction for drunken driver reduced

11/02/98

The Associated Press

NASHVILLE -- A man believed to be the only person in Tennessee history convicted of murder for a drunken-driving accident had his conviction reduced to vehicular homicide by the state Court of Criminal Appeals.

The court said George Blake Kelly's "callous indifference for the well-being of others" did not amount to murder because he did not mean to harm anyone.

The court decision, along with tougher penalties for drunken drivers, makes it less likely Tennessee prosecutors will go after a murder conviction in a drunken-driving case, said Kelly's lawyer, David Raybin.

The Legislature has made longer sentences for vehicular homicide available and created a new offense -- aggravated vehicular homicide -- for drivers with high blood-alcohol content or bad records.

"Now the punishment for vehicular homicide is high enough that prosecutors won't have to go for second-degree murder anymore," Raybin said.

Kelly, 47, had a blood-alcohol content of 0.28 when he crossed a double line in 1995 and slammed into a vehicle carrying Ginny Prince, 18, and her fiance, David Bryan Miller, 20. Prince was killed and Miller was seriously injured.

He was convicted of second-degree murder, vehicular assault, reckless driving, drunken driving and driving on a revoked license when tried in McMinnville in October 1995.

In addition to reducing the conviction to vehicular homicide, the court dismissed the reckless driving and DUI charges, saying they merged with his other convictions. The court also cut his sentence from 31 years to 10 1/2 years.

Prosecutors may ask the state Supreme Court to reinstate the murder charge.