



Genesee County Prosecutor's Office David Leyton, Prosecutor



KELLY ARTHURS TO STAND TRIAL IN THE DRUNK DRIVING DEATH OF HER 8-YEAR OLD DAUGHTER

October 20, 2008

FLINT -- After testimony concluded this afternoon in the preliminary examination of Kelly Marie Arthurs, a 67th District Court Judge ordered her to stand trial in Circuit Court on three felonies related to the drunk driving crash that killed one of her 8-year old twin daughters and seriously injured the surviving twin.

Genesee County Prosecutor David Leyton has charged Arthurs, 41, of Fenton, with second degree murder, which carries a penalty of life or any term of years in prison; operating while intoxicated causing death, which carries a maximum penalty of 15 years in prison; and operating while intoxicated causing serious injury, which carries a maximum penalty of 5 years in prison.

Testimony from the preliminary examination indicated that Arthurs was driving a Jeep Cherokee SUV on Fenton Road near McCall Road in Mundy Township on March 10, 2008 when her vehicle went off the road and struck a utility pole. A witness to the crash called 9-1-1 and police and ambulance personnel arrived on the scene. The SUV was up against a utility pole and a young female appeared unconscious and trapped in the front passenger side of the vehicle. A rapid extraction of the girl was performed and CPR and other medical treatment was given as the girl was taken to Genesys Regional Medical Center where she was pronounced dead after resuscitation efforts were unsuccessful. The girl was later identified as 8-year-old Kelsey Caswell, one of Kelly Arthurs' twin daughters.

Kelsey's twin sister, Kasey Caswell, was also transported to Genesys where she was diagnosed with a closed head injury and transported to Hurley Medical Center in Flint for further care and treatment.

Testimony indicated that Arthurs had been drinking and using drugs earlier in the evening and was impaired from both alcohol and drugs at the time of the crash.

A Circuit Court Arraignment date has been set for November 3rd in the courtroom of Geoffrey Neithercut.

###

FLINT JOURNAL ARTICLE:

Judge orders Kelly Arthurs to stand trial for second-degree murder for crash that killed her daughter, Kelsey Jo Caswell

by Bryn Mickle | The Flint Journal

Monday October 20, 2008, 11:58 PM

FLINT, Michigan -- Zooming along Fenton Road at nearly 70 mph with a mixture of cocaine and booze in her body, a Fenton mother apparently never hit the brakes when she lost control of her Jeep and began a deadly slide off the road, officials said.

The ensuing crash smashed her 8-year-old daughter's skull, battering her so badly that she died a short time later. Her twin sister survived with a closed-head injury.

That scenario -- outlined during two days of court testimony -- was enough for Central District Judge Mark C. McCabe on Monday to rule that Kelly M. Arthurs should stand trial for second-degree murder in the March 10 crash that killed Kelsey Jo Caswell and seriously injured her sister Kasey.



Kelly Arthurs



Kelsey Jo Caswell

Arthurs will be arraigned Nov. 3 in circuit court on the murder charge, as well as charges of drunken driving causing death and serious injury.

Her attorney declined comment on the ruling.

A police investigator on Monday testified that Arthurs was going more than 20 miles over the speed limit on Fenton Road near McCall Road in Mundy Township when she crossed the center line and swerved back across.

There were no signs she tried to brake before the Jeep turned sideways and slid into the poles, hitting them so hard that the Jeep began climbing up the poles, said Flint Township police Sgt. Tim Jones, an investigator with the Genesee County Fatal Alcohol Crash Team.

Police believe Arthurs may have been on her cellphone when she lost control of the car.

Cell phone records for the phone showed a call made about 9:30 p.m. just before the crash, followed by another Arthurs made a minute later to 911.

Prosecutors believe she had also been drinking and doing drugs before the crash, pointing to witness reports that she had four drinks with dinner a short time earlier and later tested positive for cocaine and marijuana.

After the crash, a police officer testified that Arthurs staggered over to him and asked him for a light seemingly oblivious to nearby rescue workers trying to save her daughter's life.

A blood test taken at the hospital showed a blood-alcohol level of 0.07 percent, just under the 0.08 percent limit at which a driver is considered drunk in Michigan.

If convicted of second-degree murder, Arthurs could face life in prison.