

COUNTY OF SUFFOLK  
DISTRICT ATTORNEY'S OFFICE



THOMAS J. SPOTA  
DISTRICT ATTORNEY

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## **Babylon man charged with murder for DWI crash that killed teen**

Suffolk County District Attorney Thomas Spota today announced the indictment of a Babylon man on a charge of second degree murder by depraved indifference for driving drunk, speeding, reckless driving, and ignoring a warning his dangerous driving would kill someone minutes before causing a crash on Montauk Highway that killed a Lindenhurst teen on June 24.

Crime lab tests of the defendant Michael Grasing's blood, taken at Good Samaritan Hospital ninety minutes after the fatal crash, established Grasing had a blood alcohol level of .30, nearly four times the legal limit. According to witnesses, Grasing failed to apply his brakes when his 2004 Nissan smashed into the rear of 18 year old Brittney Walsh's car with a force that caused her 1999 KIA SUV to flip over several times into the eastbound lane of traffic and rolling onto a sidewalk where it struck a business storefront window before colliding with a utility pole, her vehicle coming to rest upside down.

"Brittney Walsh never had a chance," District Attorney Spota said, following Grasing's arraignment. "She never had a chance because of the dangerous way Michael Grasing drove that night. Grasing clearly had a total disregard for the value of human life".

It is the first time in the district attorney's eleven year tenure in Suffolk County that a charge of depraved indifference murder has been charged in a drunken driving case. District Attorney Spota said he reviewed the eyewitness accounts, viewed a videotape of the collision, and went to the crime scene to speak to investigating detectives, crime lab analysts, and a Vehicular Crime Unit prosecutor he assigned to the case.

"After careful consideration of the facts, and knowing full well there are differing views in our courts as to what constitutes depraved indifference murder, I made the decision to ask a grand jury to consider charging Michael Grasing with murder for committing this horrific crime," Spota said. "The defendant made a decision to

continue to drive after being warned that his dangerous driving could result in killing someone and he chose to ignore that warning.” An individual witnessed Grasing’s behavior behind the wheel and cautioned him “to pull over or he would kill somebody”, DA Spota said.

In addition to murder in the second degree, Grasing, 31, is charged with aggravated vehicular homicide, second degree manslaughter, leaving the scene of an accident with a fatality as a felony, first-degree reckless endangerment, reckless driving, aggravated driving while intoxicated with a blood alcohol level of .18 or more, driving while intoxicated, failure to stop at a traffic signal, failure to stay in a designated lane and speeding. The defendant pleaded not guilty and is being held in the county jail in lieu of one million dollars cash bail, or two million dollars bond and directed by Justice Mark Cohen to surrender his passport. The top charge of murder in the second degree is punishable by a maximum of 25 years to life in prison.

“Michael Grasing acted with an utter disregard for human life,” District Attorney Spota said. “I stand by my decision. I stand by the decision of the grand jury.”

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Defendants are entitled to a fair trial with the burden on the government to prove guilt beyond a reasonable doubt.