



KYM L. WORTHY
PROSECUTING ATTORNEY

COUNTY OF WAYNE
OFFICE OF THE PROSECUTING ATTORNEY

FRANK MURPHY HALL OF JUSTICE
1441 ST. ANTOINE STREET
DETROIT, MICHIGAN 48226-2302

Press Release
December 15, 2015
Two Pages

Contact: Maria Miller
Wayne County Prosecutor's Office
Assistant Prosecuting Attorney
(313) 224-5817
(313) 213-0457
mmiller@waynecounty.com

For Immediate Release

Warrant Denied in Fatal Traffic Accident Involving St. Clair Shores Officer

On July 22, 2015, at approximately 9:30 p.m. in Harper Woods, James Bush, 20, of St. Clair Shores was operating his motorcycle when he was fatally struck by an on-duty St. Clair Shores officer driving his marked police sport utility vehicle. The officer was driving on Eight Mile Road near eastbound I-94 when a minivan passed him going westbound, without the head lights on. The minivan turned left into a driveway off of Eight Mile. As the officer attempted to make that same left turn, Mr. Bush's motorcycle struck the officer's vehicle at the right front bumper. The lights on the police vehicle activated almost simultaneously with the accident, and the car captured a video of the accident. Mr. Bush died as a result of the accident; the medical examiner ruled that the official cause of death was multiple injuries.

The case was investigated by the Michigan State Police (MSP) and their accident reconstructionists; the case was subsequently turned over to the Wayne County Prosecutor's Office (WCPO) for review. MSP and WCPO interviewed the driver of the mini-van and her passenger. The driver indicated that she knew that the police officer was behind her and was worried because she had a suspended license. She realized her lights were off and she turned them on. She pulled into a driveway and indicated that she did not see the motorcycle. The passenger in her car also indicated she, too, never saw the motorcycle before or after the minivan pulled into the driveway. Another driver of a car between the minivan and the officer's SUV indicated that the motorcycle was not visible. The officer said that he was able to see Eight Mile and that he saw a vehicle some distance down the road and determined that he was able to make a safe left hand turn. He also stated that he did not see the motorcycle at the time of the turn.

-more-

The police car video of the accident supports the police officer and the witnesses' statements regarding the lack of visibility of the motorcycle. The evidence in the case shows that the officer was travelling at an appropriate speed at the time of the accident. The officer consented to toxicology close in time to the accident and the results were negative. A review of his driving record showed that the officer has a clear driving record, including no on-duty traffic accidents in his 14 years as a police officer.

Mr. Bush had a valid license, as well as a valid motorcycle endorsement. He had three citations on his driving record: two speeding tickets and one accident, all in 2013. Mr. Bush's blood, as part of his autopsy, was tested. The results were positive for marijuana in the blood. The medical examiner indicated that though the amount was negligible, Mr. Bush was technically "under the influence" because the marijuana was in his blood, as opposed to being solely in the urine.

The evidence shows that the officer did, in fact, yield and made a reasonable determination that he could safely turn left. It is a tragic fact that the officer simply could not see the motorcycle due to the lighting conditions at dusk, and the fact that the motorcycle's headlight blended with the headlights of the vehicle behind it. The Wayne County Prosecutor's Office has denied the warrant based on insufficient evidence of criminal wrongdoing and in the interests of justice.

#####