

Driver charged with murder after crash kills rider

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By HOLLY EDWARDS
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A Columbia man was charged with first-degree murder yesterday after crack cocaine was found near the scene of a car crash that killed a passenger in his car, Columbia police said.

Tony Dean Kelley, 36, was driving a Honda Accord, and his passenger, Rodney Darnell Frierson, 32, of Columbia, apparently was hanging out of the car when Kelley crashed into a utility pole, Columbia police Lt. Kenny Brady said in a statement.

Frierson's body was found near the crash scene at the corner of West Third and Frierson streets in Columbia, and a small amount of crack was found near the car. The crash occurred about 12:30 a.m. yesterday.

Kelley is being held without bond at the Maury County Jail.

But Nashville attorney David Raybin said a first-degree murder charge was "an odd charging decision" in this case, based upon the released facts.

Intoxicated drivers who kill someone typically are charged with vehicular homicide and the crime is considered reckless rather than intentional, Raybin said. A second-degree murder charge could be filed if Kelley intended to kill his passenger by using his car as a weapon, he said. But a first-degree murder charge would apply only if Kelley's actions were intentional and premeditated.

"The behavior of driving while intoxicated and killing someone has been held by the courts to be a reckless act," he said. "But if you intentionally killed your passenger, the charge could be murder."

If the charge is extreme, Raybin said, it could be changed to a lesser crime by the Maury County district attorney's office.

Raybin litigated several vehicular homicide cases recently and served as the defense attorney for a Williamson County teen who backed a car over her boyfriend last year and killed him. He also defended a Metro police officer convicted this month of two felony charges stemming from a crash that killed a fellow officer.