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Prosecutor Charges Michigan State Police Trooper With Murder 2 in the Shooting Death of Homeless Man

Today, Wayne County Prosecutor Kym L. Worthy announced charges in connection with the April 14, 2005 fatal shooting death of Eric Williams, 40 of Detroit by on-duty Michigan State Trooper Jay Morningstar at East Fort and Beaubian in the City of Detroit.

Trooper Morningstar has been charged with Murder Second Degree (MCL 750.317), a felony with a maximum penalty of life in prison. The Wayne County Prosecutor is also charging Manslaughter: Intentionally Aiming Without Malice, Death Resulting (MCL 750.329) a felony that carries a maximum penalty of 15 years in prison and/or a \$7,500 fine.

The reason the Wayne County Prosecutor is charging Manslaughter: Intentionally Aiming Without Malice, Death Resulting is because it is a specific kind of manslaughter, and can *only* be committed with a firearm.

An offense cannot be considered included within a greater or more serious offense if it has some element that must be proven that is *not* an element of the greater or more serious offense. People v Cornell, 466 MICH 335 (2002).

Prosecutor Worthy stated, "The jury should have the option of considering Manslaughter and thus we *must* charge it specifically.

“It requires proof of use of a firearm and murder does not. The judge may not instruct a jury on it unless it is charged specifically.

“After a thorough investigation we are charging Trooper Morningstar with Second Degree Murder. When I took the oath of office I swore I would uphold the law. No one is above the law, not even an on-duty police officer.”

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