

Pot found in Hinesburg teen in double fatal crash

A Hinesburg teenager was under the influence of marijuana when he was killed in a car crash that also claimed the life of a bicyclist two months ago, the investigative report by Hinesburg Community Police shows.

Toxicology tests for Joseph A. Marshall, 17, determined he had 36 nanograms of THC, the active ingredient in marijuana, in his system during the April 26 crash on Vermont 116 in Hinesburg, the report concluded.

Under Vermont law, drivers are presumed to be under the influence with "any measurable amount" in their systems, Police Chief Frank Koss wrote in his report.

Koss noted "for additional reference" Colorado and Washington, where recreational marijuana is legal, both have set a presumptive limit of 5 nanograms.

That would have placed Marshall more than seven times over the legal limit in the two states that allow people to smoke pot.

It is illegal in Vermont for any amount of Delta-9 THC (cannabis) to be in a driver's system, according to Vermont State Police Lt. Garry Scott, who has studied marijuana use by drivers.

Under the section on the accident report for the cause of the crash, Koss cites the findings of the toxicology report and noted speed was "the associated collision factor."

The Hinesburg police report is the first public indication Marshall had drugs in his system when his speeding 1993 Honda Civic hatchback struck and killed bicyclist Richard Tom, 47, of Hinesburg. The car and bike went down an embankment where the car crashed into a tree.

The Burlington Free Press purchased the accident report after filing a public-records request with the Department of Motor Vehicles in Montpelier.

The report also revealed Marshall failed to use his seatbelt.

Alicia Marshall, mother of Joseph Marshall, said Thursday she was unaware of the final medical report. She said the family had received no reports from the autopsy by the Vermont Chief Medical Examiner's Office.

Marshall said she was not surprised to learn about marijuana in the system of her son, a Champlain Valley Union High School senior.

"I knew my son was smoking pot," she said in a phone interview.

Koss has said previously Marshall's estimated speed was 83-to-88 mph based on the crash reconstruction investigation. The speed limit on Vermont 116 rises from 30 to 40 along the stretch where the crash occurred.

Marshall's southbound car almost struck a northbound vehicle carrying two men, Koss' report states. Mark Bissonette and Josh Place both estimated the car was coming toward them at 100 mph and missed their vehicle by inches, the police report shows.

Scott said current Vermont law says any drug impairment for a driver is unacceptable. He said unlike Colorado and Washington, Vermont has not established an allowable level for nanograms.

"More study needs to be done," Scott told the Burlington Free Press.

The report by Koss also noted Marshall had Delta-9 Carboxy THC at 30 nanograms. Scott said that refers to the portion of the drug that remains in a person's fat system for many weeks after using marijuana.

"It doesn't matter if you have one or 100,000. Our only interest is any sign of impairment," said Lt. Scott, who is commander of the state police's traffic safety division.

Koss said in an interview that the source of the Marshall's drugs remains undetermined.

The police report indicates Marshall was home that Sunday morning about 60-to-90 minutes before the crash. His father, Gary Marshall, told the police his son "left the residence angry because of an argument" between 9:30 and 10 a.m., the crash report states.

Koss said police do not know what the argument was about. Alicia Marshall said the disagreement involved her son's needing to find work. Her son had finished his classes at CVU the previous Friday. He died three days later.

"I have his high-school diploma," she said.

Hinesburg police also don't know where Marshall went before the 11:06 a.m. crash. Koss said there was some belief he stopped at the Aubuchon Hardware store in Hinesburg, but that remains unconfirmed.

The crash site, about a quarter mile south of Hinesburg Elementary School, is within two miles of the Marshall home, Koss said.

The chief said he arrived at the scene within three minutes of the initial police call. He said CPR was in progress on Marshall and on Tom, who was employed by VBT Bicycling and Walking Vacations of Bristol. The men's bodies were about 100 feet apart.

The two-lane highway has a four-foot paved shoulder on the southbound side. Tom was riding on the shoulder.

Marshall was killed by blunt impact head and neck injuries, including multiple skull fractures.

Tom died from major head injuries and also had a severed spine, the report stated. After he was struck, his body hit a tree and continued another 41 feet, police said.

He was wearing a helmet. Tom had no alcohol or drugs in his system, the report stated. He was less than a half mile from his home when killed.

Community discussion

Koss helped spark a major discussion about traffic safety when he wrote a column that appeared in the Hinesburg Record and the Burlington Free Press in May noting that if Marshall had survived, he would likely have faced a murder charge.

The chief, a 33-year police veteran, wrote Marshall was negligent and also was "no stranger to the Hinesburg police." The teenager had ignored repeated warnings from officers to slow down, the chief said.

Marshall's mother, Alicia, took exception to the comments, saying the criminal charge should have been only manslaughter. She said there was no intent to hurt Tom.

"My son was not the type of person to go out and try to murder somebody," she told the Free Press in May after Koss had published his thoughts about the crash.

She and her mother, Kathleen Wood, told the newspaper the teen's need for speed was anything but malicious.

The exchange led to a community forum to discuss reckless driving in Hinesburg and beyond. About 80 people attended the two-hour meeting.

Koss explained that Marshall traveled about the length of a football field every 2.4 seconds.

The wreck was the second of three fatal car-bicycle crashes in nine weeks in Vermont.

Koss also tried to dispel rumors that Marshall attempted to avoid hitting Tom and that an oncoming vehicle forced Marshall off the road. Koss said the investigation showed neither was true.