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NEWS RELEASE

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FOR IMMEDIATE RELEASE:

Duluth man pleads guilty to vehicular homicide

David Andrew Smithson, 27, of Duluth pleaded guilty Monday in State District Court to criminal vehicular homicide for driving under the influence of a controlled substance when his vehicle struck and killed Brian Respler on Dec. 19.

Mr. Respler, 37, of Duluth, was reportedly seen walking on a sidewalk on the 6200 block of Grand Avenue about 4:15 p.m., when Smithson's vehicle left the street and struck the victim, who died at the scene.

The defendant told the court on Monday that he fell asleep at the wheel. He thought that the victim was on the shoulder of the road, and not on the sidewalk, when struck.

Smithson told Duluth police that he had used heroin the day before the accident. He said he had been awake a couple of days and fell asleep at the wheel because of his drug problem. Tests conducted by the Bureau of Criminal Apprehension crime lab revealed that the defendant had morphine, amphetamine, methamphetamine and tetrahydrocannabinol (THC) in his system at the time of the accident.

The defendant testified that he agreed with the BCA report.

At sentencing, scheduled for Sept. 12, St. Louis County prosecutor Vicky Wanta will argue for a guideline prison sentence.

Judge Mark Munger ordered that a pre-sentence investigation of Smithson's background be conducted by Arrowhead Regional Corrections before sentencing.

