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A legal duty to call 911 Man's death leads to push for legislative bill

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When Christopher Stamper died of a prescription drug overdose in 2005, his grandfather asked local authorities to charge the people who were with Stamper that night for failing to call for help.

But there is no law in Michigan to hold people accountable for not calling 911. So, John Mercer has spent the past 20 months lobbying state legislators to adopt such a law in memory of his grandson, who was 27 years old when he died.

"He was my boy," Mercer said recently at his home in Ypsilanti Township. "I raised him since he was 6 months old."

Mercer's efforts could pay off this summer.

State Rep. Alma Wheeler Smith, D-Salem Township, plans to introduce a "duty to assist" bill in the Legislature this month that would require people to call 911 in case of an emergency. Violation of the law would be a misdemeanor punishable by six months in jail or a \$500 fine. The idea is to encourage people to provide reasonable help, Smith said. The law would protect them from liabilities, she said.

Mercer, a retired auto-manufacturing supervisor, said although the proposed law can't bring Stamper back, it could save lives. "I'm doing this for others," he said.

Mercer said he has talked to every member of the Legislature and has found broad support for the bill.

"I got nothing but time," Mercer said. "I miss my boy and this keeps my mind busy."

Mercer, 62, said he began raising Stamper after his stepdaughter gave him up and moved to Florida. He raised him, taught him how to fish and how to play baseball. Stamper's parents died a few years ago, Mercer said.

Stamper developed a drug addiction and Mercer sought help for him. Stamper became disabled after a car accident in 1997. After that he lived on Social Security benefits and stayed with Mercer.

One day in October 2005, Stamper left Mercer's house in the early evening. Mercer said Stamper went to visit a woman in the neighborhood he had befriended a month earlier. He was pronounced dead at St. Joseph Mercy Hospital the next morning.

The drug that was found in Stamper's body was twice prescribed to one of the two women who were with him that night, according to information Mercer obtained from the Washtenaw County Sheriff's Department.

One of the women told police that Stamper had taken some pills, and around 1 a.m. the two women moved Stamper from a couch to the floor because he looked uncomfortable, Mercer said the Sheriff's Department report indicated.

Around 5 a.m., one of the women tried to wake up Stamper and saw that his lips were blue, the report Mercer obtained said. At that point, someone called 911, and Stamper was taken to St. Joseph Mercy Hospital. He was pronounced dead about 7 a.m.

Washtenaw County Sheriff's Cmdr. Dave Egeler said detectives investigated the incident and the county prosecutor did not authorize charges. Detectives investigated new evidence that Mercer provided, and the case is pending at the prosecutor's office, Egeler said.

Washtenaw County Prosecuting Attorney Brian Mackie said Mercer believes that one of the women gave Stamper the drugs and asked Mackie to authorize homicide charges against her, but there wasn't enough evidence to do that. Also the county could not charge anyone for failing to assist because there are no laws on the books to do that, he said. The new evidence is under review and a decision could be released soon, he said.

The push to establish duty-to-assist laws took off nationwide in the late 1990s after a case in Nevada, where a young man stood by while a child was murdered. But it did not result in any new laws in Michigan. Nevada and five other states have since adopted similar laws, Mercer said.

Mackie said he could not comment on the proposed law because he has not seen it.

Mercer said he still visits Stamper's grave several times a week. "I'm going to continue pushing for justice for Chris until the day I die," he said.

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