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# Prosecutors Will Not File Charges In Mother's Day Deadly Crash

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**LOS ANGELES** -- Los Angeles County prosecutors declined Monday to file charges against a 21-year-old man who crashed his car into a South Los Angeles flower stand last month, killing a Riverside woman selling Mother's Day flowers and a man waiting for a bus.

In a one-page statement, Deputy District Attorney Pamela Frohreich referred the case to the Los Angeles City Attorney's Office for consideration of the filing of misdemeanor vehicular manslaughter charges against Harley Darnell Daniels of Los Angeles.

Marilyn Herod, a 57-year-old Riverside grandmother, and Selvin Herrera, a 26-year-old immigrant from Guatemala, were killed in the 7:05 a.m. crash on May 13. Another person was severely injured.

Daniels' 2006 Dodge Charger was westbound on Century Boulevard when it slammed into a wrought-iron fence at Vermont Avenue, where Herod had set up her stand, according to Los Angeles police Capt. Bill Sutton of the South Traffic Division.

Daniels told investigators that he had just finished working a night shift at a soft drink bottling plant, was not feeling well and had taken Nyquil cough syrup several hours before, according to the prosecutor's statement.

"The suspect's blood sample, admittedly obtained two and a half hours following the collision, was thoroughly analyzed for legal drugs, specifically that found in Nyquil. It revealed no residual alcohol and no dextromethorphan, the operative narcotic contained in Nyquil, in the suspect's bloodstream," the prosecutor wrote.

"Accordingly there is no evidence that the suspect was under the influence of anything other than simple fatigue at the time of this incident," she said.

The prosecutor said it "is not reasonable to assert that simply falling asleep at the wheel, after working the night shift, could constitute gross negligence beyond a reasonable doubt. Therefore two counts of vehicular manslaughter at the misdemeanor level are the only appropriate charges in this otherwise tragic case."

Daniels has been free on \$100,000 bail since shortly after the crash.

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