

OAKLAND

WEDNESDAY

MARCH 20 1996

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Truck driver will be charged

By ILENE WOLFF

Of The Oakland Press

ROCHESTER HILLS — Truck driver trainee Richard R. Benson walked toward the passenger side of his rig on the shoulder of Interstate 75 as Timothy Lyon finished changing a flat on the truck.

"I tapped him on the shoulder and told him to be careful," Benson testified Tuesday to Judge James Sheehy in 52nd District Court here. "All he had to do was tighten the lug nuts, take us off the jack, and we were gone."

Benson had just settled himself in the cab and heard the sound of the first lug nut being tightened when a passing oil rig bore down on his truck.

"I could see him coming by and he was right on top of us," Benson testified during preliminary examination for the oil rig driver, Rogulja Dinko. "I looked out and saw Tim flying toward his truck."

Lyon, 19, of Ferndale, died of his injuries the day after the Dec. 22 accident on I-75 near University Drive.

Sheehy ordered Dinko, 45, of

Whitby, Ontario, to be arraigned in Circuit Court on a charge of negligent homicide at the end of the exam. The charge is punishable by a maximum two years in prison on conviction.

He is to appear April 4 before Circuit Judge David Breck.

Defense attorney Stephen Rabaut of St. Clair Shores

argued against sending Dinko for arraignment in the higher court, seizing on Benson's testimony that Dinko told him just after the crash that Lyon stepped in front of him.

Benson's testimony did not make it clear whether Dinko was in the driving lane or on the freeway shoulder at the time.

Circumstantial evidence points to Dinko driving on the shoulder. He smashed emergency triangles that had been placed on the shoulder of the road behind the truck, two feet and three feet off the driving lane, according to testimony.



Lyon

Benson testified that his rig with the flat was parked three feet from the line dividing the driving lane and the shoulder.

And officer Robert Kluwe, of the Auburn Hills police, testified that he found skid marks at the accident site starting on the white separating line.

Denise Lyon, Timothy Lyon's mother, said after court that she was afraid Benson's testimony about her son stepping in front of Dinko's truck would hurt the case.

"I was scared they were going to drop it," she said. "But it's going to Circuit Court so I'm glad about that."

Two passing motorists stopped at the accident, but left before police got there. Detective Tom Hardesty said he would like to talk with them and with anyone else who may have witnessed the accident. Hardesty's phone number at the Auburn Hills Police Department is 370-9460.

In addition to the criminal charge, Dinko is named in a \$2 million wrongful death lawsuit filed on behalf of Timothy Lyon's estate, said the Lyon family's attorney David L. Moffitt, who also is a county commissioner.

Proposed Oakland foundation would improve county, offer tax deductions

By BOB GRITZINGER

Of The Oakland Press

Parks, libraries, youth organizations and senior citizens groups are just some of the potential beneficiaries of a pro-

income taxes.

"Do you want to send your money to Lansing or direct it to your local community?" asked Woloson.

Besides tax benefits, Woloson said the need for a foundation is

Rochester foundation or the Four County Foundation, which covers the Detroit metropolitan area. All tax benefits of a separate foundation would still be available to contributors to the Oakland fund.

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