

Three Oaks man will face trial in woman's death

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HP Staff Writer

ST. JOSEPH — Derek Loraff showed no visible signs of intoxication and should never have been arrested, his lawyer Kevin Banyon said.

But Berrien County Assistant Prosecutor Cortney O'Malley said the clearest sign that Loraff was intoxicated while driving the afternoon of Aug. 31, 2015, was that he didn't see a woman riding a bicycle alongside the road in broad daylight on a clear day on a straight road with no visible obstructions.

Berrien County Trial Court Judge Gary Bruce agreed, and found probable cause to bind Loraff, 38, of Three Oaks, over for trial on a charge of operating while intoxicated or



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impaired, causing death. Trial was set for April 26-29 on the 15-year felony.

Loraff was driving his sport utility vehicle east on Warren Woods Road near Mill Road in Weesaw Township shortly after 3 p.m. Aug. 31 when he came upon Peggy Hillman, 71, of Indianapolis.

According to testimony at a preliminary hearing, Hillman was riding her bicycle east on Warren Woods when Loraff's SUV hit her from behind. The impact threw her off the bicycle, up onto the hood of the SUV, then back onto the road, where she died.

Witnesses who testified in the three-day hearing included Berrien County Sheriff's Deputy Robert Plane, the arresting officer; Berrien County Sheriff's Lt. Steve Campbell, an accident reconstructionist; and Dr. Benedict Kuslikis, a toxicologist from Spectrum Hospital in Grand

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Rapids.

Plane arrested Loraff at Lakeland Medical Center, St. Joseph, after a blood test showed his blood-alcohol level three hours after the crash to be 0.073. Loraff had blown a 0.08 in a preliminary breath test at the scene, according to testimony. That is the legal limit for driving a vehicle. The PBT results came into play only during the final portion of

the hearing Friday morning.

Kuslikis had testified earlier for the prosecution that, applying a scientific method called retrograde extrapolation to the 0.073 blood test results obtained at the hospital, he would put Loraff's blood alcohol level at the time of the crash at 0.123, well above the legal limit.

But Friday, called this time by the defense, Kuslikis said that using the PBT result of 0.08 taken at 4:30 p.m., he would estimate Loraff's

blood alcohol level at 3:15 p.m. to be lower, between 0.05 and 0.08.

There also was earlier testimony that toxicology results showed methadone and oxycodone, both narcotics, to be in Loraff's system. Kuslikis testified that those drugs, combined with alcohol, would likely impair a driver. He said they should not be taken together.

Plane testified that at the scene, Loraff told him he was addicted to pain medication and had taken

methadone, which is sometimes prescribed to people who are addicted to certain narcotics. He also told Plane he'd had two 12-ounce beers at lunch that day. He did not mention oxycodone, according to testimony.

Banyon said Plane did not conduct a field sobriety test on Loraff and had no reason to detain him in his patrol car.

"I am absolutely challenging the validity of the arrest," he said Friday.

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