

Attorney re-enacts events for jury using suspect's cab

• Driver claims self-defense in Akron's first 'road rage' slaying case

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The attorney for Akron cabdriver Russell Dossie had Dossie's taxi brought to the Summit County Courthouse yesterday to demonstrate for jurors how the attorney says Dossie was attacked by Mark Russell on the night of July 4.

Dossie is accused of shooting Russell as Russell's van and Dossie's taxi were pinned in heavy traffic on Tallmadge Avenue after Akron's holiday fireworks show. Police describe the incident as the first death in the city attributed to "road rage."

Attorney Kirk Migdal's demonstration came during questioning of Dr. Lisa Kohler, a deputy county medical examiner who did the autopsy on Russell.

Kohler testified that the single bullet that killed Russell entered just below his right collarbone, went through his right lung, aorta and left lung and came to rest just below Russell's left shoulder blade.

The jury then moved to the courthouse parking lot. With Dossie seated in the driver's seat, Migdal bent down and thrust his right arm inside the cab in a punching motion.

Russell, Migdal said, had to be turned at an angle and bent over in order for the bullet to take the path it took once it struck Russell.

Kohler agreed but said she couldn't determine how far Russell was from Dossie's handgun

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Dr. Alfred Staubus, an associate professor of pharmaceuticals at Ohio State University, testifies yesterday that Mark Russell's 0.17 percent blood alcohol level meant Russell had 6.3 beers in his system at the time of the shooting.



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Witness Dawn Costoff describes events on the night of July 4 with the help of a diagram of the scene yesterday at the Summit County Courthouse. At right is Assistant Prosecutor Becky Doherty.

CAB

• Victim's injuries imply he punched in window

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when the shot was fired.

The gun had to be 18 inches or more away, Kohler said, because there was no gunpowder residue on Russell's chest.

But Kohler said Migdal could be right about Russell throwing a punch that shattered Dossie's window and traveled a distance inside the cab.

Kohler noted that cuts consistent with those made by glass were found on the back of Russell's upper right arm.

Kohler's testimony also included photos and comments about cuts, bruises, and a swollen knuckle on Russell's right hand.

Witnesses to the incident on the Tallmadge Avenue bridge over the state Route 8 expressway testified yesterday that they saw Russell's right arm go inside the taxi.

One said she saw both of Russell's arms inside the cab.

Another said she saw Dossie duck his head to one side after Russell smashed his fist through the taxi window.

A witness yesterday said she saw Russell in the passenger seat of his van waving his arms



Barbara Russell, widow of Mark Russell, waits with family members in the courthouse.

and yelling at Dossie just before the shooting. Russell's wife, Barbara, was driving.

Dossie, 47, is charged with murder, voluntary manslaughter, felonious assault, carrying a concealed weapon, tampering with evidence for hiding the gun in a trash bin and being a felon in possession of a firearm.

Migdal contends that Dossie did nothing more than defend himself after Russell, 35, left his family's van and smashed Dossie's window.

Russell's wife, Barbara, testified last week that as she made a left turn from Dayton Street onto

Tallmadge Avenue, a cab went through the red light "and I had to slam on the brakes to keep from hitting it," she said.

Akron police Detective Steven Geiger, who took two statements from Dossie on the night of the shooting, said Dossie told him he had no idea why Russell was angry.

Kohler testified that Russell had a blood alcohol content at the time of his death of 0.17 percent, well above the 0.10 percent that Ohio has established as legally drunk.

Dr. Alfred Staubus, an associate professor of pharmaceuticals at Ohio State University, testified that Russell's blood alcohol level meant Russell had 6.3 beers in his system when the shooting took place.

If Russell started drinking at 12:30 p.m. that day at a family picnic, he would have had as many as 15 beers to have a 0.17 percent blood alcohol level at 10:30 p.m. when he was shot, Staubus said.

If Russell began drinking later in the day, the number of beers would decrease accordingly, Staubus said.

Staubus then listed behavioral traits that are common with a blood alcohol level of 0.17, including emotional instability, decreased inhibition, loss of critical judgment and longer reaction time.